**Form FD 12**

20 No.

**Supreme Court of Nova Scotia**

**(Family Division)**

Between:

Applicant

and

Respondent

**Affidavit supporting an Uncontested Divorce (Application)**

I [*make oath / affirm*] and give evidence as follows:

1. I am [name] the applicant in this proceeding.

2. I filed an application for divorce by agreement on , 20 , and this affidavit provides the required supporting evidence.

3. I have personal knowledge of the evidence [*sworn to* /*affirmed*] in this affidavit except where otherwise stated to be based on information or belief.

4. I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.

**Application, Jurisdiction, and Details of Marriage**

5a. I confirm that all the information contained in the divorce application is true and accurate to the best of my knowledge [. /*except for the following corrections or changes:*  provide details ,] and that [name] lives in [community] , and [name] lives in [community] .

5b. [*The applicant/The respondent*] [name] was habitually resident in Nova Scotia for at least one year before the day this application was signed and, in particular since .

5c. The following are the details of the marriage:

* Date of marriage:
* Place of marriage:
* Surnames and given names on the day before marriage

applicant:

respondent:

* Gender on the day before marriage

applicant: ☐ male ☐ female ☐ another gender

co-applicant: ☐ male ☐ female ☐ another gender

* Marital status when married

applicant: ☐ never married/single ☐divorced

respondent: ☐ never married/single ☐divorced

* Place and date of birth

applicant:

respondent:

**Financial statements**

6. The financial statements filed remain true and accurate, to the best of my knowledge [*. / except for the following corrections or changes:*  provide details .]

**Reconciliation**

7. There is no possibility of reconciliation between the Respondent and me.

**Ground**

8. I am seeking a divorce from the Respondent on the ground that our marriage has permanently broken down and, in particular, that the Respondent and I were living separate and apart since [date] . We were living separate and apart at the commencement of the proceeding and have lived separate and apart for at least one year immediately preceding the determination of the divorce proceeding.

[or]

8. I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent has treated me with [*mental/physical*] cruelty of such a kind as to render intolerable our continued cohabitation. [provide facts in support here] There was no condonation or connivance by me of the conduct which is the basis of that cruelty.

[or]

8. I am seeking a divorce from the respondent on the ground that our marriage has permanently broken down and, in particular, that the respondent has committed adultery by having sexual intercourse with another person during the marriage. [provide facts in support here, and refer to the affidavit, or certified transcript of the examination for discovery, of the admission of the respondent’s adultery] There was no condonation or connivance by me of the adultery.

**Collusion**

9. There was no collusion in relation to these proceedings.

**Written agreement or previous court order**

10. Attached is a true copy of [*the written agreement between the respondent and me dated , 20 ,* */ a true copy of the court order* *dated , 20 ,* / describe combination of written agreement and court order addressing corollary relief ,] in settlement of all corollary matters.

**Children**

11. There are no children of the marriage as described in the *Divorce Act*.

[or]

11a. The full names and birth dates of the children are: [provide details] .

11b. [Set out in general terms the decision-making responsibility, parenting time and parenting arrangements in the agreement.]

11c. There are, and there were, *no* other proceedings or circumstances between the parties or affecting the well-being or safety of the children/parties.

OR

11c. There are, or there were, other proceedings or circumstances between the parties or affecting the well-being or safety of the children/parties, the details of which are set out in the following table:

|  |  |
| --- | --- |
| Type of proceeding(s) & court file number | [provide court file number & describe the type of proceeding, for instance, civil, protection, criminal or other] |
| Order(s) or other measure | [describe any relevant order, including an order to protect a person’s safety, recognizance or undertaking, peace bond, condition, etc.] |
| Circumstance(s) | [describe] |

11d. [Set out in general terms the child support provisions of the agreement, as well as the present employment and annual incomes of the parties. If child support is not to be paid or if the amount differs significantly from the *Guidelines*, explain why.]

11e. [Refer to any benefits being retained or provided for the children, including medical, dental and drug plan coverage, life insurance, etc.]

11f. [Explain the basis upon which the parties conclude that the agreement makes reasonable arrangements for the support of the children.]

11g. [Set out the details of any court order or request for a court order for contact, interaction or parenting arrangements with the child/children of the marriage by a person who is not a party to this proceeding, including party names and court file number] ]

**Spousal Support**

12. No spousal support will be paid by either party to the other.

[or]

12. [Set out in general terms the spousal support provisions of the agreement. If present employment and annual incomes are not provided above under "Children", provide those particulars here.]

**Costs**

13. I am not seeking costs.

[or]

13a. I am seeking costs in the amount of [$ ] .

13b. [State the basis for the claim for costs and the amount]

**Request for Relief**

14a. I request that this Honourable Court grant my application for a divorce order. I also request that the terms and conditions of [*our written agreement dated , 20 /court order dated , 20 / written agreement dated , 20 and court order dated , 20* ] be incorporated in and form part of the corollary relief order.

14b. [Set out any special relief or unusual circumstances affecting relief]

**Change of Name** [may delete this section if it does not apply]

15a. I am seeking an order changing my name from [present full name] to [full name, including middle name(s)] .

15b. Prior to my marriage to the respondent, my name was . . My name at birth was and I was born on [provide particulars for example, full name on birth certificate, including middle name(s)] .

*Sworn to*/*Affirmed* before me)

on , 20 )

at , )

)

)

\_\_\_\_\_\_\_\_\_\_\_ )

Signature of Authority Signature of Applicant

Print Name: Print Name:

Official Capacity: