If you are currently legally married and wish to end your marriage, you must apply to the court for a **divorce order.**

If you apply by yourself and your partner does not respond, this is called a **‘uncontested divorce.’** If you apply and your partner responds and disagrees with what you are asking for, this is called a **‘contested divorce.’**

If you both agree to get a divorce, you may both apply together via a **‘joint application’** for divorce.

To get a legal divorce in Ontario, certain conditions must be met. One of these requirements is that there must have been a **marriage ceremony** that had taken place and **proof that the marriage has ended** must be demonstrated. Exceptions may apply.

The court does not give **‘religious divorces’**. A ‘religious divorce’ has to be given by your place of worship or religious organization. For example, in the Jewish religion, a ‘get’ or ‘Jewish religious divorce’ is required to be able to get remarried. This depends on the religion concerned.

Each married partner has an equal right to stay in the matrimonial home and to share value of the home upon separation; ownership does not matter. Moving out **DOES NOT** mean these rights are abandoned. After marriage, if you do not own the home, you can no longer stay in that home; however, you are still entitled to a share in the value of the home.

The **first step** is to determine whether you **solely just want a divorce or you want other things like custody, access, child support, spousal support and/or dividing property** alongside the divorce. Usually couples draft a ‘separation agreement’ upon breakdown of the marriage, which has all the answers to the questions related to the things mentioned above. Often **mediation** is recommended for couples obtaining a divorce in Ontario, so they may resolve their dispute without having to go to court and end things more civilly.

There is **no time limit** for obtaining a divorce; **however,** if you wish to make a claim to divide property, this must be done within 6 years from the date of separation or 2 years from the date of the divorce.

In Ontario, there are **2 family law forms** that may be used for obtaining a divorce. Again, this depends on whether you are applying solely for divorce only or also for other things such as custody, access, child support, spousal support and/or dividing property.

If you are solely seeking a divorce only, you will fill out the **Form 8A or “Application for Divorce”** form. There is a **simple divorce and a joint divorce**. A **Simple divorce** is when you apply by yourself and the only other claim that is permitted to be made alongside a divorce is for costs from your spouse.

**Form 8 is the General Application** which is used to ask for divorce alongside the other things. If you wish to make a claim related to the other things mentioned above, additional forms must be submitted alongside the Form 8 General Application. These may include:

* **Form 35.1** or ‘The Affidavit in Support of a Claim for Custody and Access”
* **Form 13/13.1** or “Financial Statement” & **Form 13A** or “The Certificate of Financial Disclosure”
* Support Deduction Order & Support Deduction Order Information Form

Once all forms are filled out completely and accurately, it is time to file them with the court; you can do this **online** now or the traditional way, which is **in-person.**

Only the **Superior Court of Justice or Family Court of the Superior Court of Justice** can issue a divorce order. The relevant court above is one where: you have been living for at least 1 year, your partner has been living in for at least 1 year or where your children live, if you are asking for child support, custody and/or access.

The **court clerk** issues your application. This means they:

* give your case a court file number and write the number in the box on the top right corner of the form
* sign, date, and place a court seal on the forms
* give you a **Registration of Divorce Proceedings form**, which you must fill out and is sent to the **Department of Justice**, who checks a database to ensure no other divorce applications have been made for you and your spouse in Canada and send a **clearance certificate** to the court; this is required to be granted a legal divorce order.
* A **Continuing Record and Table of Contents** must also be initiated. The Continuing Record includes all documents that you and your spouse want the court to look at and the Table of Contents includes a list of all documents in the Continuing Record.

The court must be given **2 stamped envelopes**; one addressed to yourself and one addressed to your spouse. This is necessary if you wish for the divorce order to be mailed to you. You can also pick it up from the court if you so choose.

The **total court fees** to obtain a divorce order in Ontario include $632.00. When you first file your application for divorce with the court, you will have to pay $212 ($202 court fees + $10 federal Department of Justice fees). The rest of the $420 is paid before the divorce is reviewed by the court.

A **copy of the court issued application and a blank Form 10: Answer form** **must be served via special service on your spouse**. This must be done within 6 months of getting your application issued or else the file may be closed. You cannot directly give the documents to your partner, they can however be given by a family member or friend who is at least 18 years of age or a professional process server. The person who serves must complete a **Form 6B: Affidavit of Service** form. Once served, your spouse has **30 days** to respond; if they live outside of Canada or the US, it is **60 days).**

If you're serving a divorce application and your **partner does not live in Ontario,** the Hague *Convention on the Service Abroad of Judicial and Extra judicial Documents in Civil or Commercial Matters*(the “Hague Service Convention”) may apply. This is an international agreement that applies to countries that have signed the agreement.The [status table](https://stepstojustice.ca/node/113082) on the Convention’s website lists which countries have signed.If the country your partner is living in is on the list, you can serve them through the [Central Authority in Canada(link is external)](https://stepstojustice.ca/node/112934)or by using a method of service that is acceptable under *both* Ontario rules and the rules of the country your partner is living in.If your partner is living in a country that is not on the list, you can serve them using the Ontario rules.You must follow the rules for service. If you don't and your partner does not respond, the judge may refuse to make the orders you are asking for.

In general, if you're applying for only a divorce, the process takes about **4 to 6 months**. If you're applying for a divorce and other claims, it's hard to say how long it takes to get your order.

If your partner doesn't respond within **30 days,** you have to file with the court:

* [**Form 36: Affidavit for Divorce**](https://stepstojustice.ca/node/110356)**, where** you include information about you and your partner, your children, and any arrangements made after separating about custody, access, child support, spousal support, and dividing property. This form must be sworn or affirmed. This means you promise that the information in the document is true. You can be charged for committing a crime if you do not tell the truth when you swear or affirm your form.
* [**Form 25A: Divorce Order**](https://stepstojustice.ca/node/113596)**,** where you write the orders you want the court to make.
* **Original marriage certificate.**

If you can't [get a copy of your marriage certificate](https://stepstojustice.ca/common-question-plus/family-law/i-lost-my-marriage-certificate-how-do-i-get-another-one), you need to explain why you couldn't get it in your **Form 36: Affidavit for Divorce.**

A **judge** reviews your documents to make sure everything is complete and you meet the conditions to get a divorce. The question [Do I have to get a divorce?](https://stepstojustice.ca/common-question-plus/family-law/do-i-have-get-divorce) explains what these conditions are. This is sometimes called an "Uncontested Divorce". Usually, you don't have to go to court or meet with a judge. But, if the judge has questions for you, the court clerk contacts you with a court date or gives you a copy of the judge's endorsement that tells you what you have to do. If the judge doesn't have any questions, you get a divorce order. The court clerk can mail you a certified copy of the signed order in the stamped envelopes you gave or call you to pick it up. The divorce order has a date when it takes **effect**. This is **usually 31 days after** the date of the divorce order. This is the date when you will be legally divorced.

#### **Certificate of divorce**

After you get your divorce order, you can apply for a [**Form 36B: Certificate of Divorce**](https://stepstojustice.ca/node/113154)**.** This certificate confirms the date that you and your partner legally divorced. This is **usually 31 days after** the date of the divorce order. You need a Certificate of Divorce if you want to get married again. To get a Certificate of Divorce, you must go to the same court where you applied for your divorce and take a copy of your divorce order. You have to pay a **court fee of $24**. You can pay by cash, cheque, or money order made payable to the Minister of Finance.

If [your partner responds](https://stepstojustice.ca/common-question-plus/family-law/my-partner-started-family-law-court-case-against-me-how-do-i-respond-0), they fill **out**[**Form 10: Answer**](https://stepstojustice.ca/node/113595) and serve you. This means they give you a copy of their Form 10: Answer and any other documents they need to file. For example:

* [Form 35.1: Affidavit in Support of a Claim for Custody and Access](https://stepstojustice.ca/node/113593), if they're asking for custody or access.
* [Form 13: Financial Statement](https://stepstojustice.ca/node/113778) or [Form 13.1: Financial Statement](https://stepstojustice.ca/node/113779), if they're asking for child support, spousal support, or to divide property.
* [Form 13A: Certificate of Financial Disclosure](https://stepstojustice.ca/node/113295), if they're asking for child support, spousal support, or to divide property.
* [Support Deduction Order](https://stepstojustice.ca/node/112840), if they're asking for support.
* [Support Deduction Order Information Form](https://stepstojustice.ca/node/112841), if they're asking for support.

If your partner doesn't agree with your claim for a divorce, the process becomes more complicated. Your partner might also add new claims of their own or ask for things like support or access. This is sometimes called a **"Contested Divorce".**

Sometimes, partners can agree to get a divorce before they resolve their other issues. This is called "severing" the divorce from the other issues. But, the court [might not give you a divorce](https://stepstojustice.ca/common-question-plus/family-law/do-i-have-get-divorce) if there is no child support or other support arrangements made for the children.

This [family law court process flowchart](https://stepstojustice.ca/node/110160) explains each step in a family law court case. Going to court can be a complicated process and it can take a lot of time. It can be stressful and expensive, but it is sometimes necessary to decide your issues.

You can [talk to a lawyer](https://stepstojustice.ca/common-question-plus/family-law/where-can-i-find-lawyer-help-my-family-law-issue) who can help you with the court process. If you can't afford to hire a lawyer for your whole case, some lawyers will provide ["unbundled services" or "limited scope retainer" services](https://stepstojustice.ca/common-question-plus/family-law/where-can-i-find-lawyer-help-my-family-law-issue#94949). This means you pay them to help you with part of your case.

If you can't afford to hire a lawyer at all, you may be able to [find legal help](https://stepstojustice.ca/common-question-plus/family-law/i-cant-afford-lawyer-where-else-can-i-find-legal-help) in other places.