

FORM F1 (RULE 2-2 (2))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant 1:

Claimant 2:

NOTICE OF JOINT FAMILY CLAIM

[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]

1 Relationship history *[Check the correct box(es) and complete the required information.]*

<p>Claimant 1 and Claimant 2:</p> <p><input type="checkbox"/> began to live together in a marriage-like relationship on[<i>date</i>].....</p> <p><input type="checkbox"/> were married on[<i>date</i>]..... at[<i>city or town; province or state; country</i>]</p> <p><input type="checkbox"/> separated on[<i>date</i>].....</p> <p><input type="checkbox"/> were divorced from each other by order made on[<i>date</i>].....</p> <p><input type="checkbox"/> were never married</p>

2 Divorce *[Complete if you are asking for a divorce order.]*

<input type="checkbox"/> Claimant 1 and Claimant 2 are asking for a divorce order.		
A Personal information:		
	Claimant 1	Claimant 2
Birthdate: [<i>date</i>]		
Habitually resident in British Columbia since: [<i>date</i>]		
Surname at birth:		
Surname immediately before marriage:		

Marital status immediately before marriage:	<input type="checkbox"/> never married <input type="checkbox"/> divorced <input type="checkbox"/> widowed	<input type="checkbox"/> never married <input type="checkbox"/> divorced <input type="checkbox"/> widowed
Place of marriage: [<i>city or town; province or state; country</i>]		
Official language choice for <i>Divorce Act</i> proceeding: (See Notice to Claimants below)	<input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> English and French (bilingual)	<input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> English and French (bilingual)
<p>B Grounds for claim for divorce:</p> <p>[<i>If divorce is claimed as a result of having lived separate and apart, complete paragraph (i).</i>]</p> <p>(i) <input type="checkbox"/> Claimant 1 and Claimant 2 have lived separate and apart since[<i>date</i>].....</p> <p>AND</p> <p>[<i>Check whichever one of the following boxes is correct and complete any required information.</i>]</p> <p><input type="checkbox"/> Claimant 1 and Claimant 2 have not lived together since then</p> <p><input type="checkbox"/> Claimant 1 and Claimant 2 have lived together again during the following period(s), in an unsuccessful attempt to reconcile:[<i>give dates of period(s)</i>].....</p> <p>[<i>If divorce is claimed on grounds other than having lived separate and apart, complete paragraph (ii) by checking both of the following boxes and completing the required information.</i>]</p> <p>(ii) <input type="checkbox"/> Other grounds, under section 8 (2) (b) of the <i>Divorce Act</i> (Canada):</p> <p><input type="checkbox"/> Adultery (the respondent has committed adultery)</p> <p><input type="checkbox"/> Cruelty (the respondent has treated the applicant with physical or mental cruelty of such a kind as to make continued cohabitation intolerable)</p> <p>AND</p> <p><input type="checkbox"/> There has been no condonation of any act relied on under section 8 (2) (b) of the <i>Divorce Act</i> (Canada) as a ground for divorce.</p>		
<p>C Claimant 1 and Claimant 2 confirm that: [<i>Check both of the following boxes.</i>]</p> <p><input type="checkbox"/> There is no possibility of reconciliation.</p> <p><input type="checkbox"/> I do not know about and I am not involved in any arrangement to make up or to hide evidence or to deceive the court to obtain a divorce.</p>		
<p>D Proof of marriage: [<i>Check whichever one of the following boxes is correct and complete any required information.</i>]</p> <p><input type="checkbox"/> A certificate of marriage or registration of marriage has been filed.</p>		

A certificate of marriage or registration of marriage is not being filed with this notice of joint family claim because[state the reasons]..... and the certificate will be filed before this claim is set down for trial or an application is made for an order of divorce.

It is impossible to obtain a certificate of marriage or registration of marriage because:[state the reasons]..... .

3 Information concerning children [Check whichever one of the following boxes is correct and complete any required information.]

Children:

There are no children of the marriage, as defined by the *Divorce Act* (Canada), or children of whom Claimant 1 and Claimant 2 are parents within the meaning of the *Family Law Act*.

[OR]

There are children of the marriage, as defined by the *Divorce Act* (Canada), or children of whom Claimant 1 and Claimant 2 are parents within the meaning of the *Family Law Act*, and those children are:

Full name:

Birth date: [date]

Resides with:

4 Orders asked for in relation to children [Complete section 4 for those children in relation to whom you are asking for an order.]

A Claimant 1 and Claimant 2 are asking for the following order respecting arrangements for parenting or contact:[set out terms of proposed order].....

B Claimant 1 and Claimant 2 are asking for an order for child support as follows:[set out terms of proposed order].....

C Claimant 1 and Claimant 2 are asking for the orders under paragraphs A and B of this section under the following statute(s): [Check one or both of the following boxes, as applicable.]

the *Divorce Act* (Canada) the *Family Law Act*

5 Spousal support [Complete section 5 if you are asking for an order for spousal support.]

Claimant 1 and Claimant 2 are asking for an order for spousal support as follows:
.....[set out terms of proposed order].....

Claimant 1 and Claimant 2 are asking for an order for spousal support under [Check one or both of the following boxes, as applicable.]

the *Divorce Act* (Canada) the *Family Law Act*

6 Property and debt [Complete section 6 if you are asking for an order in relation to property or debt.]

A Property claims under the *Family Law Act*

Claimant 1 and Claimant 2 are asking for an order for:

[Check whichever one of the following boxes is correct and complete any required information in relation to family property and family debt, as those terms are defined in the *Family Law Act*.]

an equal division of family property and family debt

an unequal division of family property and family debt as follows:[set out details of proposed division].....

B Other property claims

Claimant 1 and Claimant 2 ask for an order respecting an interest in property or for compensation instead of an interest in that property, as follows:
.....

7 Other [Complete section 7 if you are asking for any other order.]

Claimant 1 and Claimant 2 are asking for an order in the following terms:
.....[set out terms of proposed order]

8 Claimants' addresses for service [Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Claimant 1:	Claimant 2:
Fax (optional) E-mail (optional)	Fax (optional) E-mail (optional)

Date:
 Signature of
 Claimant 1 lawyer for Claimant 1
[type or print name].....

Date:
 Signature of
 Claimant 2 lawyer for Claimant 2
[type or print name].....

Notice to Claimants: under **section 23.2 of the *Divorce Act***, you may choose to file pleadings or other documents, including this form, give evidence or make submissions in any ***Divorce Act*** proceeding in either of the two official languages of Canada (English or French).

Rule 1-1(1) of the Supreme Court Family Rules defines "*Divorce Act* proceeding" as follows:

"*Divorce Act* proceeding" means a family law case in which an order is sought under the *Divorce Act*.

If in this family law case a claim is made under the Family Law Act and one or both of the parties is represented by a lawyer, each of the lawyers must complete a certificate in the following form.

LAWYER'S CERTIFICATE (FAMILY LAW ACT, s. 8 (2))

I,, lawyer for[name of party]..... certify that, in accordance with section 8 (2) of the *Family Law Act*, I have

- (a) discussed with the party the advisability of using various types of family dispute resolution to resolve the matter, and

(b) informed the party of the facilities and other resources, known to me, that may be available to assist in resolving the dispute.

Date:

.....

Signature of lawyer

.....[type or print name].....

The following certificate must be completed by each party to a divorce claim.

PARTY'S CERTIFICATE (*DIVORCE ACT (CANADA)*, s. 7.6)

[] By checking this box, I,[name of party]....., certify that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act* (Canada), which say:

- 7.1** A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2** A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3** To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4** A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5** For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

The following certificate must be completed for each party to a divorce claim who is represented by a legal adviser.

LEGAL ADVISER'S CERTIFICATE (*DIVORCE ACT (CANADA)*, s. 7.7 (3))

[] By checking this box, I,, legal adviser for[name of party]....., certify that I have complied with section 7.7 of the *Divorce Act* (Canada), which says:

- 7.7** (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding
- (a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and
- (b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to

the legal adviser that might be able to assist the spouses to achieve a reconciliation.

- (2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act
 - (a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;
 - (b) to inform the person of the family justice services known to the legal adviser that might assist the person
 - (i) in resolving the matters that may be the subject of an order under this Act, and
 - (ii) in complying with any order or decision made under this Act; and
 - (c) to inform the person of the parties' duties under this Act.