

STEPS IN AN UNCONTESTED DIVORCE PROCEEDING

Prepared by DeRusha Law Firm

Background

In order to explain the tasks to be completed we have set them out below.

The Tasks

1. Executing Retainer Agreement (which is the document confirming the arrangement with DeRusha Law Firm).
2. Completing the matrimonial questionnaire (which is background information used to complete the Application for Divorce).
3. Receiving from the client photographs of the spouse (which may be helpful or necessary in the service of documents by the Process Servers when they attempt to serve).
4. Preparing the Application (which is a document that has to be signed by the client and filed with the court).
5. Complying with Section 9 of the Divorce Act (which the lawyer must confirm has been completed. A memo is provided to the client explaining the obligations of the lawyer to talk to the client about reconciliation processes that might be available if the parties want to reconcile).
6. Issuing the Application from the court (which involves a Process Server attending at the court with the document and paying the court filing fee).
7. Obtaining the Marriage Certificate or marriage documents (which must be filed with the court as part of the process and the client must either have these or they must be obtained through a Registrar of the Province where the parties were married).
8. Obtaining any previous Divorce Judgments of either spouse (which the court wants to be filed with the court to prove that any previous marriages were ended by way of Divorce, or if a spouse died a Death Certificate so it can be proven that the marriage came to end because of this reason).
9. Preparing a covering letter and arranging for service of the Application on the other spouse (which would involve a Process Server attending to give the document or sometimes it can be arranged that the other spouse will pick it up at our firm or have their own lawyer and it can be forwarded to their lawyer).

10. Preparing the Affidavit of Service (which must be filed with the court to prove that the Application was served on the other spouse).
11. Preparing the Affidavit of the client to obtain the Divorce (which sets out particulars of the grounds for Divorce, references the Marriage Certificate which is also filed with court).
12. Preparing the Divorce Order (which is the document which would be filed with the court, along with the appropriate court filing fee).
13. Arranging for the Process Server to file the documents to obtain the Divorce Order.
14. Receiving back from the court the Divorce Order and waiting for the time period to apply for the Certificate for Divorce.
15. Preparing the Affidavit confirming that no appeal has been made of the Divorce Order and that the time has passed allowing for the Certificate of Divorce to be granted.
16. Preparing the Certificate of Divorce Document
17. Arranging for the Process Server to take the Affidavit, and Certificate of Divorce and court filing fees to the court to obtain the Certificate of Divorce.
18. Receiving the Certificate of Divorce, and if necessary forwarding an additional copy of it to the other spouse if those are the arrangements that have been made.
19. Preparing the reporting letter to the client and putting the file into our dead file system.