

## Types of Divorce Applications

You know you want to divorce your spouse but you're not quite sure which types of Divorce Application to use since there are 3 to choose from. Here's how you decide:

### Simple Divorce Application

You need to start your divorce by filing a Simple Divorce Application when:

- you want to file for a divorce in Ontario;
- you and your spouse both want to obtain a divorce and your spouse will not be disputing your Simple Divorce Application;
- you and/or your spouse have lived in Ontario for at least one year before starting the Simple Divorce Application;
- you and your spouse have resolved all the issues between you such as the division of assets, child and spousal support, and custody and access of children by means of a Separation Agreement, Minutes of Settlement, or Consent and do not want a Court Order reflecting your resolution; and
- the only thing being requested from the court is a divorce.

### Joint Divorce Application

You need to start your divorce by filing a Joint Divorce Application when:

- you and your spouse have separated;
- you want to file for a divorce in Ontario;
- your spouse also wants to file for a divorce in Ontario;
- you and your spouse want to ask the court for a divorce together;
- you and/or your spouse have lived in Ontario for at least one year before starting the Joint Divorce Application; and
- you and your spouse have resolved all the issues between you such as the division of assets, child and spousal support, and custody and access of children by means of a

Separation Agreement, Minutes of Settlement, or Consent and both want a Court Order reflecting your resolution.

### **Contested Divorce Application**

You need to start your divorce by filing a Contested Divorce Application when:

- you and your spouse have separated;
- you want to file for a divorce in Ontario based on one year's separation, adultery, or cruelty;
- your spouse does not want to get divorced;
- you and/or your spouse have lived in Ontario for at least one year before starting your Contested Divorce Application; and
- you and your spouse have not been able to resolve issues such as custody and access, child and spousal support, and the division of assets, and you want to make a claim in court with respect to these unresolved issues.