**Form 59.44**

20 No.

Supreme Court of Nova Scotia

(Family Division)

Between: [copy standard heading]

[name] Petitioner

and

[name] Respondent

**Uncontested Motion for Divorce**

**Motion**

[*The petitioner/The respondent* under Rule 59.44(2) ] moves for a divorce order.

[*The petitioner/The respondent* under Rule 59.44(2) ] also moves for a corollary relief order for relief under the following legislation [delete if no corollary relief is claimed] :

*Divorce Act* for the following:

decision-making responsibility (s. 16)

parenting time (s. 16) [choose one]

* primary care (time in excess of 60%)
* shared parenting (time between 40-60%)
* other

child support (s. 15.1)

administrative recalculation of child support (s. 25.1)

spousal support (s. 15.2)

*Matrimonial Property Act* for the following:

exclusive possession of matrimonial home (s. 11)

division of assets (s. 12)

other [give specifics, i.e. s. 13, s. 18] .

*Pension Benefits Act*, *Pension Benefits Division Act*, or other legislation to enable a division of pension, for a division of pension

*Change of Name Act* (s. 7) for a change of registered name

Other: [describe] .

[*The petitioner/The respondent* under Rule 59.44(2) ] requests that a judge determine the motion without a hearing.

**Information and evidence in support**

The evidence in support of the motion is as follows:

marriage certificate [if marriage certificate cannot be produced, an affidavit must be filed proving the marriage and providing sufficient reasons for not proving it by certificate]

sworn affidavit in support of this motion filed on , 20 proving the required facts and claims

written agreement between the parties filed as an exhibit attached to the affidavit in support of this motion

affidavit proving the other party was notified of the proceeding

parenting statement filed on , 20

statement of contact time and interaction filed on , 20

statement of income filed on , 20

statement of special or extraordinary expenses filed on , 20

statement of undue hardship circumstances filed on , 20

statement of expenses filed on , 20

statement of property filed on , 20

draft divorce order

draft corollary relief order

other required statements or documents [specify]

[*the other party’s required statements and information* Specify documents from above list  */affidavit evidence showing that the other party fails to produce a required statement or information and showing production cannot reasonably be compelled*]

two stamped envelopes with the designated address of the party making this motion and two stamped envelopes with the designated address of the other party, or the ordinary address of the other party who has not designated an address

**Non parties**

Are there other persons *with* contact time, interaction, or parenting time with the child/children?

Yes, details in the Affidavit.

No

Are there other persons *looking for* contact time, interaction, or parenting time with the child/children?

Yes, details in the Affidavit.

No

**Reason motion is *ex parte*** [delete if responding party is notified]

[*The respondent has not filed an answer although the deadline for doing so has expired./The petitioner and respondent settled all issues in this proceeding*, *and the written agreement is filed with this motion./The respondent filed a notice of withdrawal of answer on , 20 ./The petitioner has become disentitled to notice.*]

**Responding party being notified** [delete if *ex parte*]

The responding party is immediately being notified of this motion by delivery of a copy of it to the address designated in that party’s [*Demand for Notice/Answer/Designation of Address for Delivery*] *.*

**Signature**

Signed , 20

Signature of [*the petitioner/the respondent* under Rule 59.44(2)]

Print name:

[or]

Signature of counsel

[name] as counsel for [name of party]