

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

Petitioner

and

Respondent

AFFIDAVIT OF THE APPLICANT

I, _____, of the _____ of _____, in the _____, MAKE OATH/SOLEMNLY AFFIRM AND SAY AS FOLLOWS:

PARTIES:

- 1. I am the spouse of the _____ (Petitioner/Respondent) whose last known address is:

INFORMATION ABOUT THE MARRIAGE

- 2. I was married to the _____ (Respondent or Petitioner), on _____ (date of marriage) at _____ (place of marriage and include country if outside Canada) and attached to and marked Exhibit "A" is a certified copy of a marriage certificate issued by the _____ (issuing territory, province or other jurisdiction), which accurately sets out the particulars of the marriage.

(Note: *If a marriage certificate cannot be obtained, the marriage must be proved by setting out the circumstances of the marriage: the place and date, the licence, the person who performed the marriage, the witnesses, and the fact that the parties then considered themselves married. A certificate from a religious ceremony may, in addition, be appended as an exhibit. If the marriage took place in Canada, it is expected that a marriage certificate will be obtained.*)

RESIDENCE

3. I (*or the other party*) have been ordinarily resident in the Northwest Territories for a period of at least one year immediately preceding the day the Petition for Divorce was issued in this divorce proceeding.

GROUND

4. There has been a marriage breakdown which is evidenced by the following (*choose one*):

_____ **Separation**

I separated from the Respondent on _____ (*insert date of separation*) and we have lived separate and apart since that date, which is a period in excess of one year.

_____ **Adultery**

- (a) The Respondent has committed adultery as evidenced by (*his/her/their*) affidavit filed in this divorce proceeding; and
- (b) I separated from the Respondent on _____ (*insert date of separation*) and have lived separated and apart from the Respondent since that date.

_____ **Mental or Physical Cruelty**

- (a) The Respondent has treated me with mental or physical cruelty, particulars of which are as follows:
- (*describe the conduct that establishes the mental or physical cruelty.*)
- (b) I separated from the Respondent on _____ (*insert date of separation*) and have lived separate and apart from the Respondent since that date.

BARS TO DIVORCE

5. _____ I have not entered into any agreement or conspiracy, either directly or indirectly, for the purpose of subverting the administration of justice, nor have I entered into any agreement, understanding or arrangement to fabricate or suppress evidence or to deceive the Court in this action.

(Note: Include the following two paragraphs if the grounds are adultery or cruelty)

_____ I have not done anything to encourage the Respondent to commit the acts complained of, nor have I done anything which would have led the Respondent to believe that I would agree or not object to such acts.

_____ I have not forgiven the Respondent for committing the acts described in this affidavit and have not taken *(her/him/them)* back to live with me as my spouse.

INFORMATION ABOUT CHILDREN

6. Choose **one**:

_____ There are no children of the marriage as defined in the *Divorce Act (Canada)*.

_____ The names and dates of birth of all children of the marriage as defined in the *Divorce Act (Canada)* are *(list the full names and dates of birth of all children of the marriage)*:

7. Parenting time and decision-making responsibility arrangements are as follows:

(Note: If there is a written agreement about parenting arrangements you may attach it as an exhibit):

FINANCIAL ARRANGEMENTS

(Note: If you have a written agreement about child and/or spousal support, you may attach it as an exhibit)

Child Support

8. My yearly income pursuant to the *Federal Child Support Guidelines* is: *(insert amount)*.

9. Choose **one**:

_____ My spouse's yearly income pursuant to the *Federal Child Support Guidelines* is: _____(insert amount):

_____ I do not know my spouse's yearly income. I am asking this Court to impute income of (insert amount) to him/her/them. I make this request on the basis of the following information: (provide the information you have to support your request to impute income to your spouse):

10. Choose **one**

_____ Child support will be paid in the amount specified by the *Federal Child Support Guidelines* as follows (state the amount of child support, the date it is to start or started, and the date of the month will be payable):

_____ Child support will be paid in an amount less than what is in the *Federal Child Support Guidelines* because (describe reason for child support being a different amount than what is in the Federal Child Support Guidelines and insert the amount of child support, the date it is to start or started, and the date of the month will be payable. **Note:** The Court may order an amount of child support that is less than what is required under the Federal Child Support Guidelines **only if there are exceptional circumstances to justify it**).

11. The following arrangements for special and/or extraordinary expenses for the child(ren) have been made: (describe the expenses, how they will be divided between the parties and when they are payable):

(**Note:** Other financial information relevant to assets, income and expenses may be included in this section)

12. I believe these are reasonable arrangements for the child(ren)'s financial support as required by paragraph 11(1)(b) of the *Divorce Act (Canada)*.

Spousal Support

13. Choose **one**:

_____ Neither party is seeking spousal support

_____ My spouse and I have made the following arrangements for spousal support (insert information about spousal support, including the date it starts or started, the amount, the duration, and the day of the month it is payable. If you have a written agreement, you may attach it as an exhibit)

_____ I am seeking an order for spousal support as follows: *(insert information about spousal support, including the date it starts, the amount, the duration, and the day of the month it is payable)*

14. If you filed a Financial Statement, choose **one** *(do not include this paragraph if you did not file a Financial Statement)*

_____ My Financial Statement, filed on _____ *(date)* is accurate.

_____ My Financial Statement, filed on _____ *(date)* is no longer accurate. An accurate Financial Statement is attached and marked Exhibit "___".

RECONCILIATION

15. There is no possibility of reconciliation between my spouse and me.

PETITION FOR DIVORCE

16. The information contained in the Petition for Divorce is correct except where otherwise stated in this Affidavit.

RELIEF REQUESTED

17. This Affidavit is made in support of an application for the following relief:

SWORN/AFFIRMED before me at _____)

(community, territory or province) on _____)

(month, day, year) _____)

(Applicant's signature)

Note: This affidavit must be sworn or affirmed before a person authorized to take oaths or affirmations by the Evidence Act.