**Form FL‑26** [Rules 12.50(3)(c) and 12.53(1)(b)]

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| --- | --- |
| COURT FILE NUMBER | Clerk’s Stamp |
| COURT | COURT OF KING’S BENCH OF ALBERTA |
| JUDICIAL CENTRE |  |
| PLAINTIFF |  |
| DEFENDANT |  |
| DOCUMENT | **DIVORCE JUDGMENT AND**  **COROLLARY RELIEF ORDER**  **(WITHOUT ORAL EVIDENCE)** |

|  |  |
| --- | --- |
| ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT |  |

DATE ON WHICH JUDGMENT WAS GRANTED:

LOCATION OF ADJUDICATION: **, Alberta**

NAME OF JUDGE WHO GRANTED THIS JUDGMENT AND ORDER:

**THE COURT** has reviewed the Statement of Claim for Divorce and the Affidavit of the Applicant and has been advised of the following:

The Defendant has a guideline income of $     ;

The Plaintiff has a guideline income of $     ;

The name and birthdate of each child of the marriage is as follows:   
 *(Indicate full names and dates of birth for each child of the marriage.)*

|  |  |
| --- | --- |
| **Name** | **Date of Birth** |
|  |  |
|  |  |

*(Use where appropriate and summarize reasons. Delete if not applicable)*

The Parties have agreed to depart from the *Federal Child Support Guidelines* for the following reasons:

*(Use where appropriate. Delete if not applicable)*

There is an agreed upon parenting plan, a copy of which is attached as Schedule “A” to this Order, relating to the parenting time, decision-making responsibility or contact with the child(ren) of the marriage;

*(Use where appropriate. Delete if not applicable)*

The Parties have agreed to waive spousal support, and each party has had independent legal advice with respect to that agreement.

**IT IS ADJUDGED THAT:**

1. The Court grants a Judgment of Divorce between the Plaintiff and the Defendant, who were married on [date] at [city, province and country, if not Canada], the divorce to be effective on the 31st day after the day this Judgment is made, unless this Judgment is appealed before that 31st day.

***(Add corollary relief clauses as appropriate in the circumstances, numbered consecutively - see clauses below. Note: The clauses inserted below are provided as a guide and are variable – choose those which apply, delete those which do not apply, and make any changes that are appropriate in the circumstances.)***

**IT IS ORDERED THAT pursuant to the *Divorce Act* (Canada):**

1. The Plaintiff and the Defendant shall have parenting time with the child(ren) of the marriage as follows:

* 1. [Set out parenting time]

1. The decision-making responsibilities for the child(ren) of the marriage shall be allocated between the Plaintiff and the Defendant as follows:
   1. [Set out allocation of decision-making responsibilities]
2. The Plaintiff and Defendant shall be bound by the following terms of the parenting plan attached as Schedule “A” to this Order:
   1. [List the parenting/contact terms the parties to the parenting plan have agreed to incorporate into a court order]
3. [Name of party to pay child support] shall pay to [Name of party to receive child support] the sum of **$****per month** for the support of the child(ren) of the marriage, payable on the first day of each month, **commencing** **[date]**.
4. [Name of party to pay child support] shall pay to [Name of party to receive child support] the sum of **$****per month** for additional expenses for the child(ren) of the marriage, payable on the first day of each month, **commencing [date]**, allocated as follows:

|  |  |  |
| --- | --- | --- |
| **Name of child** | **Nature of add-on** | **Amount or percentage** |
|  |  |  |
|  |  |  |

1. [Name of applicable party] shall provide medical and dental insurance coverage for the child(ren) of the marriage.
2. [Name of party to pay child support] shall pay to [Name of party to receive child support] the sum of **$****per month** for [Name of child], a child of the marriage over the age of majority, payable on the first day of each month, **commencing [date]**.
3. [Name of party to pay child support], having satisfied the Court that payment of the full amount of child support prescribed in the *Federal Child Support Guidelines* would cause undue hardship to       shall pay to [Name of party to receive child support] for the support of the child(ren) , the sum of **$****per month** payable on the first day of each month **commencing** **[date]**;

**Child support shall be revisited in** **[month] of** **[year], it being determined that the cause of the undue hardship should be eliminated by that date.**

**Commencing on** **[date]**, [Name of party to pay child support] shall pay child support in the amounts prescribed by the Guidelines, namely **$****per month**.

1. [Name of party to pay spousal support] shall pay spousal support to [Name of party to receive spousal support] in the sum of **$****per month**, payable on the first day of each month **commencing [date]**.

1. [Other clauses]

***(The following clause must be included in every support order and should not be changed.)***

1. The amounts owing under this Order shall be paid to the Director of Maintenance Enforcement (“MEP”), 7th Floor North, 10365 ‑ 97 Street, Edmonton, Alberta, T5J 3W7, 780‑422‑5555 (website: www.albertamep.gov.ab.ca) and shall be enforced by MEP on the filing of the Order with MEP by the creditor (recipient of support) or debtor (payor of support). The amounts owing shall continue to be enforced by MEP until the party who filed this Order gives MEP notice in writing withdrawing this Order from filing in accordance with section 9 of the *Maintenance Enforcement Act*.

***(Unless otherwise ordered by the Court, the following clause must be included in every child support order and should not be changed. This clause applies in addition to any financial disclosure requirements of the Alberta Child Support Recalculation Program.)***

1. For as long as there is a “child of the marriage” as defined in the *Divorce Act* (Canada), the parties shall provide the following information on an annual basis:

(a) On or before June 30 of each year, each party must provide the other party with a complete copy of the party’s personal income tax return, any Notice of Assessment or Reassessment from the Canada Revenue Agency for the preceding tax year, and the party’s 2 most recent pay stubs. If the party has not filed an income tax return for the preceding year, then the party must, by June 30, provide the other party with copies of the party’s T4 slips and all other tax slips and information disclosing any and all sources of income for the preceding tax year.

(b) A party that is a shareholder in a corporation, is self-employed, is a partner in a partnership or is a beneficiary under a trust must also provide the information required by paragraphs 21(1)(d), (e), (f) and (g) of the *Federal Child Support Guidelines* (SOR/97-175) for the preceding tax year.

***(One of the following clauses must be included in every child support order and should not be changed.)***

1. This Order may be recalculated by the Alberta Child Support Recalculation Program ("the Recalculation Program") based on its anniversary date if eligible for recalculation and if the Recalculation Program determines recalculation is permissible and appropriate pursuant to the *Family Law Act* and regulations. Either party may apply to register with the Recalculation Program at 8th Floor, 10365-97 Street, Edmonton, Alberta T5J 3W7, telephone 780-401-1111 (website: [www.recalculation.alberta.ca](http://www.recalculation.alberta.ca)). Should either party fail to comply with the income disclosure requirements of the Recalculation Program, then the income of that party may be automatically deemed to have increased as set out in section 55.51 of the *Family Law Act*.
2. This order shall not be recalculated by the Alberta Child Support Recalculation Program.

***(Unless otherwise ordered by the Court, the following two clauses must be included in every parenting order made under the Divorce Act (Canada) and should not be changed.)***

1. Any person who has parenting time or decision‑making responsibility in respect of a child to whom this order applies, and who intends to change their place of residence or the residence of the child, shall notify every other person who has parenting time, decision‑making responsibility or contact with the child under a court order.

This notification must be given by (specify method of notification) and must include the date that the change of residence will occur, the address of the new residence and any change in contact information resulting from the change in residence.

1. Any person who has parenting time or decision‑making responsibility in respect of a child to whom this order applies, and who intends to relocate, shall notify, at least 60 days before the relocation, every other person who has parenting time, decision‑making responsibility or contact with the child under a court order.

This notification must be given in the form prescribed by the regulations to the *Divorce Act* (Canada) by (specify method of notification).

***(Unless otherwise ordered by the Court, the following clause must be included in every contact order made under the Divorce Act (Canada) and should not be changed.)***

1. Any person who has contact in respect of a child to which this order applies shall notify any person with parenting time or decision‑making responsibility for that child of their intention to change their place of residence. The notice must be given in writing by (specify method of notification) and must indicate the date when the change of residence is expected to occur, the address of the new residence and their contact information. If the change is expected to significantly impact the child’s relationship with the person, notice shall be given at least 60 days prior to the change in residence in the form prescribed by the regulations to the *Divorce Act* (Canada).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Justice of the Court of King’s Bench of Alberta

**Consent provided for matter to proceed without**

**oral evidence and consented to as to all matters**

**of corollary relief:**

Plaintiff (Attach Affidavit of Execution) Signature of Witness

Lawyer for the Plaintiff (required if the Plaintiff signs this document)

**Consent provided for matter to proceed without**

**oral evidence and consented to as to all matters**

**of corollary relief:**

Defendant (Attach Affidavit of Execution) Signature of Witness

Lawyer for the Defendant (required if the Defendant signs this document)

**THE SPOUSES ARE NOT FREE TO REMARRY UNTIL THIS JUDGMENT TAKES EFFECT, AT WHICH TIME EITHER SPOUSE MAY OBTAIN A CERTIFICATE OF DIVORCE FROM THIS COURT. IF AN APPEAL IS TAKEN FROM THIS JUDGMENT, IT MAY DELAY THIS JUDGMENT TAKING EFFECT.**

*[Where the judgment and corollary relief order are granted other than under rule 12.50, the heading and preamble must be modified accordingly]*

*[Note: If the parties have made a joint request for divorce in a proceeding commenced under Rule 12.13(1), then references to Plaintiff and Defendant should be changed to Spouse 1 and Spouse 2.]*

**AFFIDAVIT OF EXECUTION**

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Alberta

*(Name of Witness for Plaintiff’s signature) (City / Town)*

SWEAR / AFFIRM AND SAY THAT:

1. I was personally present and did see \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Name of Plaintiff)*

named in the within document,

who is personally known to me to be the person named therein

**OR**

whom I have identified by means of photographic identification

duly sign and execute the same for the purposes named therein.

1. The document was executed at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Alberta, and I am the subscribing witness thereto.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Sworn (OR Affirmed) before me** | | | | |  |  |
| on |  | , 20 |  |  |  |  |
| at |  | , Alberta. | |  |  |
|  | | | |  | *(Signature of witness)* |
| Commissioner for Oaths in and for the Province of Alberta, Justice of the Peace or Notary Public | | | |  | ID Verified \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**AFFIDAVIT OF EXECUTION**

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Alberta

*(Name of Witness for Defendant’s signature) (City / Town)*

SWEAR / AFFIRM AND SAY THAT:

1. I was personally present and did see \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Name of Defendant)*

named in the within document,

who is personally known to me to be the person named therein

**OR**

whom I have identified by means of photographic identification

duly sign and execute the same for the purposes named therein.

1. The document was executed at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Alberta, and I am the subscribing witness thereto.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Sworn (OR Affirmed) before me** | | | | |  |  |
| on |  | , 20 |  |  |  |  |
| at |  | , Alberta. | |  |  |
|  | | | |  | *(Signature of witness)* |
| Commissioner for Oaths in and for the Province of Alberta, Justice of the Peace or Notary Public | | | |  | ID Verified \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |