



Fact Sheet

DIVORCE

This Fact Sheet provides general information about getting a divorce in Canada under the federal [Divorce Act](#). This Act applies when at least one spouse has resided in a Canadian province or territory for at least one year before they apply for a divorce.

If neither you nor your spouse lives in Canada, you cannot get a divorce under the *Divorce Act*. However, in limited circumstances, you may be able to end your marriage under the [Civil Marriage Act](#) if you meet certain criteria.

What is divorce?

Divorce is the legal process that a married couple must go through to end a marriage. Only married couples can get a divorce, and only a court can grant a divorce. Once the process is finished, a court will issue a divorce certificate proving that you are no longer married.

What laws apply to divorce?

The [Divorce Act](#) is the federal law that applies when a married couple has requested a divorce or has already divorced in Canada. In addition to setting out conditions for getting a divorce, it addresses issues such as child support, spousal support and parenting arrangements for children in divorce cases. Provincial or territorial laws may also apply to some issues, such as the division of marital property.

Provincial or territorial laws apply to married couples who separate but do not apply for a divorce, and to unmarried couples who separate. These laws are generally similar to the rules under the *Divorce Act*, with some differences. Information on these laws is available from [your provincial or territorial Ministry of Justice or Attorney General](#).

How do I get a divorce in Canada?

To get a divorce, you need to submit an application to a court in the province or territory where you or your spouse resides. Divorce application forms and procedures vary from one province and territory to another. Information on how to apply for a divorce in your province or territory is available from [your provincial or territorial Ministry of Justice or Attorney General](#).

Do I need a reason to get a divorce?

To get a divorce, you have to show that your marriage has broken down in one of three ways:

- you and your spouse have separated and have lived apart for at least one year; **or**
- your spouse has been physically or mentally cruel to you, making it intolerable to continue living together; **or**
- your spouse has committed adultery.

Do I have to wait before I apply?

If you are claiming your marriage has broken down because you and your spouse are separated, you do not have to wait to apply, as long as you and your spouse are living apart when you apply. However, you and your spouse must have been living apart for at least one year before your divorce can be granted.

You can apply at any time if you are claiming your marriage has broken down because of physical and/or mental cruelty or because of adultery.

What happens if we try living together again after living apart?

If you have applied for a divorce based on a one-year separation, you can live together again for up to 90 days in an effort to reconcile. If things don't work out, you can continue your action for a divorce as if you had never spent that time together.

What if we have children?

It is best if parents can agree on [child support](#) and [parenting arrangements](#). Upon request, however, the court can make orders on these issues as part of the divorce proceeding.

A court can only grant a divorce if it is satisfied that reasonable [child support arrangements](#) have been made for any children of the marriage.

I can't afford a lawyer. Where can I get help with my divorce?

Your province or territory may have [family justice services](#) such as mediation that can help you and your spouse work out some or all of these issues before you go to court.

Can I represent myself in court?

Family law can be complicated. Not only do you need to understand the different laws that apply to your situation, but you also need to understand court procedures in your province or territory. Before deciding on whether to represent yourself, it is a good idea

to consult a lawyer to get help with your family law issues, even if you only have one meeting. Your province or territory may have a [lawyer referral service](#) that can refer you to a family law lawyer who may offer a brief consultation for free or at a reduced rate.

When does a divorce take effect?

In most cases, a divorce takes effect 31 days after the judge grants the divorce. After the court grants the divorce, the ex-spouses can request a divorce certificate confirming the divorce and the date it took effect.

How do I get a copy of my divorce certificate?

To get a copy of your divorce certificate, or other information about your divorce, you need to contact the court that processed the divorce.

If you are not sure which court processed your divorce, you may find out by contacting the Central Registry of Divorce Proceedings. The Registry cannot give you detailed information about a divorce or a copy of your divorce certificate. The Registry may be able to give you the address of the court which processed the divorce and a reference number to help the court find your record.

To contact the Registry:

- call 613-957-4519 or, for the hearing impaired only 1-800-267-7676; or
- complete a [Search Request Form](#) and send it to the address on the form.

Please make sure you have the following information at hand when you call:

- the full name and date of birth for both you and your former spouse; and,
- the date you married.

Learn more about the free information about divorce and separation available from Justice Canada in this short [video](#), or visit our website:

[Canada.ca/family-law](https://www.canada.ca/family-law)

Disclaimer: This is not a legal text and does not provide legal advice. As family law can be complex, it is usually best for individuals to get advice about their situation from a family law lawyer. These lawyers are in the best position to give legal advice about rights and obligations. Most of the provincial and territorial bar associations offer [Lawyer Referral Services](#). Some lawyers may give an initial consultation for free or at a reduced rate, or individuals may decide to consult a lawyer just a few times to help with certain aspects of their specific situation.