



Checklist & Timeline for Doing Your Own Divorce

www.familylawnb.ca



Family Law Information Line

1-888-236-2444

Contact us for general information and resources on family law matters, family law forms and court procedures.

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Family Law NB is an initiative of
Public Legal Education and Information Service of New Brunswick (PLEIS-NB)



Public Legal Education
and Information Service
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Checklist and Timeline for Doing Your Own Divorce

If you are doing your own, uncontested divorce, you should carefully read PLEIS-NB's self-help guide called "Doing Your Own Divorce in New Brunswick".

STEP 1 Prepare Your Petition for Divorce

Doing a divorce by yourself
- use **Form 72A**.
Petitioning the court together
- use **Form 72B**.

STEP 2 File the Petition (along with attachments and fees) with the Court

Send / take it to: Registrar, Court of Queen's Bench, P.O. Box 6000
427 Queen Street, Room 202
Fredericton, NB E3B 5H1

Wait for the Court to Return the Original Petition to You with a "Court File" number.
This could take 2-3 weeks.

STEP 3 Serve the Divorce Petition and Attachments on Your Spouse - You cannot serve the petition yourself... you must arrange for another adult or a process server to serve, or use registered mail or courier. You must serve your spouse within 6 months.

Visit www.familylawnb.ca for more information on service.
(Skip this step if you are doing a Joint Petition)

Wait for the Respondent (your spouse) to Reply. The time allowed depends on where your spouse lives.

STEP 4 Prepare the Trial Record - this is a "package" of all the relevant documents you need to file with the court to show you followed the steps required in a divorce process (e.g. Index, affidavits, proof of service, original petition, all the attachments).

You will have to decide if you are proceeding by **Affidavit Evidence** or by **Court Hearing**.
Uncontested divorces usually are heard by affidavit evidence.

Wait for your "Clearance Certificate". The Registrar's office will forward it to you.
This could take 2 -3 months.

STEP 5 File the Trial Record - When you get your clearance certificate and have prepared all required documents, you are ready to file. Once you swear your affidavit of evidence before a Commissioner of Oaths, you must file your trial record within 5 days. You have 14 days to file if it is Joint Petition.

Send/take it to:
Court Administrator, Court of Queen's Bench, Family Division in YOUR Judicial District.
Do NOT file without your Clearance Certificate.

Wait for your Divorce Judgment. For an uncontested divorce, this could take 4 – 6 weeks – longer if you have any errors or omissions or you need a court hearing.

STEP 6 Get Your Divorce Judgment – This is an initial ruling approving your divorce. Your divorce becomes effective on the 31st day after the date of the judgment (unless one spouse appeals).

The Divorce Judgment is NOT proof of divorce. It serves as a notice of the date that your divorce will take effect

Wait for the 30 day appeal period to end.

STEP 7 Ask for Your Certificate of Divorce – this is your proof of divorce. You can apply 31 days after the date of the Divorce Judgment - it is not sent to you automatically.

Apply to the Office of the Registrar in Fredericton to get your Certificate of Divorce or at any SNB Office.