

Here are the main stages of a divorce when the spouses do not agree:

- 1. Motion to Institute Divorce Proceedings:** It's the application in divorce. It can be written by a spouse or his lawyer.
 - How to apply for a divorce – *See question 4*
 - What is included in a *Motion to Institute Divorce Proceedings* - *See question 5*
 - The time required to obtain a divorce - *See question 6*
 - What can be done if one receives a divorce application - *See question 8*
- 2. Other documents that may be drafted at the same time as the *Motion to Institute Divorce Proceedings*:** *See question 7*
- 3. Appearance:** A spouse who receives a *Motion to Institute Divorce Proceedings* "appears", meaning that the spouse officially notifies the other spouse and the Court that she wishes to act in the divorce file.
 - How and why to "appear"? *See question 8*
- 4. Presenting the motion to the Court:** On the day of presentation of the motion to the Court, the spouses must establish the list of things to do before the trial for the divorce, and when these things should be done by each of them. This is officially called the "Timetable".
 - To learn more about this timetable, *see question 10*.
- 5. Defence:** If the spouse who receives the *Motion to Institute Divorce Proceedings* disagrees with some things which are written, she can defend herself in writing. This is referred to as a "**Defence**". Moreover, the spouse can in turn ask the Court for other things. This is referred to as a "**Cross Demand**";
- 6. Answer (or Response):** If the spouse who receives the Defence and Cross Demand does not agree with certain things which are written, he may respond in writing. This is called an "**Answer**".
- 7. Inscription:** When the divorce file is complete, the spouse who has applied for the Divorce (or the one that has made a Cross Demand) must inform the Court in writing and request that a trial date be set. This is called an "Inscription".

At the time of filing the Inscription, the following documents must also be prepared:

Declaration of Complete File: Each spouse must provide certain information to the other spouse and the Court (for example, the expected duration of the trial, the list of evidence, the list of witnesses, the subject about which they will be testifying, the language in which they will speak, the issues on which the spouses do not agree). This is called a "Declaration of

Complete File". It provides useful information so the other spouse knows what to expect, and confirms that the file is ready to be heard by a judge.

- **Declaration of Inscription on the Role for Hearing (often called "Rule 15")**: The *Declaration of Inscription on the Role for Hearing* reiterates a lot of what each spouse has indicated in the *Declaration of Complete File*. However, it also explains the position of each spouse regarding the division of the family property (meaning whether they agree or disagree with how to divide the value of family property, or even if they forego such partition).
- **Statement of the Family Patrimony (Form IV)**: If one spouse states in their *Declaration of Inscription on the Role for Hearing* that he disagrees with what the other spouse is asking for regarding the partition of the value of the family property, he must complete the form "Statement of the Family Patrimony." This form allows the spouse to express clearly how he wants the division of the value of the family property to be done. To learn more about the family property, consult our Infosheet [Family Patrimony](#).

- 8.** Following these steps, a court official communicates with the spouses or their lawyers. If the court official believes that the file is not complete, he can ask them to complete the divorce file by requiring them to send the missing documents. Otherwise, he informs them that the file is complete and indicates the steps to follow to obtain a trial date.