



Separation Agreement Questionnaire Instructions

1. PLEASE READ THE DISCLAIMER AT <https://ezdivorce.ca/disclaimer> **BEFORE** COMPLETING THIS FORM.
2. If you opened this form directly from the website, close it, go back to <https://ezdivorce.ca/intakeform>, right click on the link, then save it to your desktop. Then, open Adobe Reader, then find and open the saved form. It may not save your information properly if you opened it directly from the website.
3. Please do **NOT** use ALL CAPS when filling out this form.
4. If you need assistance, you can reach us at support@ezdivorce.ca or 1 888 393 9123 ext. 2 during regular business hours.
5. When you are finished with the form, re-save it and then e-mail the file to us at forms@ezdivorce.ca.
6. Splitting of **Pension Plans**: Note: *Other than* dividing RSPs, ezDivorce does **NOT** assist with separation agreements where you are dividing pensions.

	Full legal names:	Spouse 1: Spouse 2: Child 1: Birth date: Child 2: Birth date: Child 3: Birth date: Child 4: Birth date:
1.	Details of marriage	Date: City & Province (or country if not in Canada):
2.	Date of Separation	
3.	Will one spouse be paying spousal support (alimony) to the other spouse?	☐ Yes ☐ No *Note: There is an additional fee of \$165 to include clauses for the payment of spousal support
4.	Do you want the agreement to state that there is no spousal support or that spousal support is waived?	☐ No Support right now, but not waived forever ☐ Support waived <u>forever</u>
5.	If yes, who is the spouse that will be paying the support?	☐ Spouse 1 ☐ Spouse 2
6.	If no support is to be paid because the "payor" spouse already or will make one lump-sum payment, enter that amount here:	\$
7.	If spousal support will be paid, how much is to be paid?	\$ every ☐ month ☐ week ☐ two weeks

8.	Do you want spousal support to be 'indexed'? (Go up every year based on a set formula?)	☐ Yes ☐ No
9.	Under what circumstances will spousal support end?	☐ Upon the remarriage of the receiving spouse ☐ Upon the receiving spouse living with someone else for more than months ☐ On a fixed date: ☐ Upon the receiving spouse making per year (gross salary before taxes) ☐ Other:
10.	Who will have <u>legal custody</u> of your children? (This relates to important decision making and is not necessarily who the children live with.)	☐ No children <i>Skip down to #34</i> ☐ Both parents ☐ Spouse 1 Only ☐ Spouse 2 Only ☐ Other: Name:
11.	If the children will live full time with one person, please state who:	☐ No children ☐ Spouse 1 ☐ Spouse 2 ☐ Other: Name:
12.	If the children with split their residence, please set out the details of the split (days, times, holidays, etc.):	With Spouse 1: With Spouse 2:
13.	If the children will live full time with one parent, please set out the details of the other parent's rights to access. (It can be from "open and liberal" to a very detailed schedule. It is up to you.)	<i>If you would like to see suggestions re a precise schedule – send Adam an email adam@ezdivorce.ca and ask for the sample access schedule. It is merely a suggestion/starting point.</i>

14.	Do you want a clause in the agreement that states that if the children live full-time with one parent, that parent may not move a far distance (>10k?) without first seeking the approval of the other parent or a court order?	☐ Yes ☐ No
15.	Do you want a clause that states that neither parent will seek to change the children's last name?	☐ Yes ☐ No
16.	Do you want to put in a clause that allows one parent (the one who the children live with) to obtain passports for the children?	☐ Yes ☐ No
17.	Does either spouse have a child from a previous marriage?	☐ Yes ☐ No
YOU NEED TO REVIEW THE CHILD SUPPORT INFORMATION AT: https://www.justice.gc.ca/eng/fl-df/child-enfant/index.html		
18.	Who pays <u>child</u> support?	Spouse 1 ☐ Spouse 2 ☐ Neither ☐
19.	What is Spouse 1's annual pre-tax income? (Usually the amount from line 15000 of your NOA)	
20.	What is Spouse 2's annual pre-tax income? (Usually the amount from line 15000 of your NOA)	
21.	Go to this webpage to determine the base (Table) amount that should be paid according to the Federal Child Support Guidelines and put that indicated amount here.	If the child(ren) will live with each parent for <i>more than</i> 40% of the time, please read the information at https://ezdivorce.ca/50-50
22.	How much support will actually be paid?	
23.	Will the paying spouse also pay his/her proportionate share of “special or extraordinary expenses” as defined in the Child Support Guidelines? ☐ Yes ☐ No* See https://www.justice.gc.ca/eng/rp-pr/fl-lf/child-enfant/guide/step7-etap7.html#h9 <i>*Note: Any agreement to the contrary may not be honored by a court if challenged in the future. The choice here is to specifically state the affirmative or to be silent on the issue.</i>	

24.	If there are known extraordinary expenses that are already agreed to, please list description of & amount of expense	\$ for \$ for \$ for \$ for
25.	Which spouse will claim the Canada Child Tax Benefit?	☐ Spouse 1 ☐ Spouse 2
26.	Do you want agreement to specifically state that the base amount of child support will change annually based on the paying spouse's then current income? ☐ Yes ☐ No* <i>*Note: While you can agree otherwise, if the support receiving spouse challenges the agreement in court in the future, the court will likely adjust support to reflect the change in income and may even order the paying spouse to pay increased support retroactively. The choice here is to specifically state the affirmative or to be silent on the issue.</i>	
27.		
28.	Under what circumstances will child support end?	☐ the child ceases to be a "child" as defined in the Divorce Act (see http://goo.gl/2c4xpH) ☐ the child no longer resides with the custodial parent, ("resides" includes the child living away from home for school, summer employment or vacation) ☐ the child turns (18, 19, 20, etc.) years of age, <u>unless</u> the child is unable to become self-supporting due to illness, disability, education or other cause ☐ the child becomes self-supporting ☐ the child obtains (one, two, etc) post-secondary degree(s) or diploma(s) ☐ the child turns (18, 19, 20, etc.) years of age <i>(the purpose of this is to prevent paying for a child who is taking the 10-year approach to his/her first degree...)</i> ☐ the child marries ☐ Other:

29.	Do you have one or more RESPs?	☐ Yes ☐ No
30.	What is your plan for future contributions?	
31.	In the event that there is money left in the plan, state whose and, if applicable, what percentage of the remainder should go to his/her RRSP:	Spouse 1 % Spouse 2 %
32.	Do you want a clause that requires one or both spouses to maintain a certain amount of life insurance as long as child or spousal support is owed?	☐ Yes ☐ No (if yes, additional questions will be emailed)
33.	Do you want a clause that calls for the splitting of an RRSP?	☐ Yes ☐ No (if yes, additional questions will be emailed)
34.	Is <u>either party</u> entitled to benefits under any of the following acts: <i>Public Service Superannuation Act (PSSA), Royal Canadian Mounted Police Superannuation Act, Royal Canadian Mounted Police Pension Continuation Act, Canadian Forces Superannuation Act, Defence Services Pension Continuation Act, Diplomatic Service (Special) Superannuation Act, Lieutenant Governors Superannuation Act, Governor General's Act, Members of Parliament Retiring Allowances Act, Special Retirement Arrangements Act.</i> ☐ Yes ☐ No	
35.	Do either you or your spouse have a pension plan?	☐ Yes ☐ No (if yes, additional questions will be emailed)
36.	Will each spouse waive any entitlement to a division of the other's pension plans?	☐ Yes ☐ No* (If no, the agreement will be silent as to pension plans. You may not use ezDivorce to prepare your separation agreement if you want to divide pensions through the agreement.)
37.	Have you already divided all of your assets?	☐ Yes ☐ No

38.	If you have not already divided your assets (<i>not including the matrimonial home</i>), please state what still needs to be divided and your plan for division:	
39.	If you own your (former) matrimonial home, please answer the following questions:	
40.	Address:	
41.	In whose name is the title registered?	☐ Spouse 1 ☐ Spouse 2 ☐ Both
42.	Who lives there now?	☐ Spouse 1 ☐ Spouse 2 ☐ Both
43.	Is one spouse planning to transfer his/her share of the home to the other?	☐ Yes ☐ No
44.	If yes, who is transferring his/her share?	☐ Spouse 1 to Spouse 2 ☐ Spouse 2 to Spouse 1
45.	When is this transfer to take place?	
46.	How much money will be paid to the transferring spouse for his/her share?	
47.	Are you planning to sell the home?	☐ Yes ☐ No
48.	Is the home already listed?	☐ Yes ☐ No
49.	If the home is not listed, by when will it be listed:	
50.	Who will live in the home until closing?	☐ Spouse 1 ☐ Spouse 2 ☐ Both
51.	Who will be responsible for mortgage payments until the sale is completed?	☐ Spouse 1 ☐ Spouse 2 ☐ Both
52.	Who will be responsible for major repairs until closing?	☐ Spouse 1 ☐ Spouse 2 ☐ Both

53.	Is there a mortgage?	☐ No ☐ Yes
54.	How will you split the net sale proceeds?	% Spouse 1 % Spouse 2 Other (describe here):
55.	Are there any anticipated material changes that you know now are like to change either parties right to receive or pay or the amount of support (spousal or child)?	☐ Yes ☐ No If yes, describe:
56.	<i>This intake form covers most issues for most people.</i> Are there any other matters that you would like covered in your agreement?	

PLEASE SAVE THIS FORM TO YOUR HARD DRIVE AND THEN E-MAIL IT TO forms@ezdivorce.ca

Unless you hear otherwise, you should receive a response within 2 business days of receipt of this questionnaire. Please email adam@ezdivorce.ca if you don't hear back within 2 business days.