



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. Both parties are encouraged, ***but not required***, to exchange completed Family Law Rules Form 13s. See <https://ezdivorce.ca/form13>.
6. When you are finished with the form, re-save it and then e-mail the file to us at forms@ezdivorce.ca.
7. 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	Do you want the agreement to state that there is no spousal support or that spousal support is waived?	<input type="checkbox"/> No Support right now, but not waived forever <input type="checkbox"/> Support waived forever
5.	If yes, who is the spouse that will be paying the support?	<input type="checkbox"/> Spouse 1 <input type="checkbox"/> 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 <input type="checkbox"/> month <input type="checkbox"/> week <input type="checkbox"/> two weeks

8.	Do you want spousal support to be 'indexed'? (Go up every year based on a set formula?)	<input type="checkbox"/> Yes <input type="checkbox"/> No
9.	Under what circumstances will spousal support end?	<input type="checkbox"/> Upon the remarriage of the receiving spouse <input type="checkbox"/> Upon the receiving spouse living with someone else for more than months <input type="checkbox"/> On a fixed date: <input type="checkbox"/> Upon the receiving spouse making per year (gross salary before taxes) <input type="checkbox"/> 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.)	<input type="checkbox"/> No children <i>Skip down to #34</i> <input type="checkbox"/> Both parents <input type="checkbox"/> Spouse 1 Only <input type="checkbox"/> Spouse 2 Only <input type="checkbox"/> Other: Name:
11.	If the children will live full time with one person, please state who:	<input type="checkbox"/> No children <input type="checkbox"/> Spouse 1 <input type="checkbox"/> Spouse 2 <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
15.	Do you want a clause that states that neither parent will seek to change the children's last name?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
17.	Does either spouse have a child from a previous marriage?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>YOU NEED TO REVIEW THE CHILD SUPPORT INFORMATION AT: https://www.justice.gc.ca/eng/fl-df/child-enfant/index.html</p>		
18.	Who pays <u>child</u> support?	Spouse 1 <input type="checkbox"/> Spouse 2 <input type="checkbox"/> Neither <input type="checkbox"/>
19.	What is Spouse 1's annual pre-tax income? (Usually what would go on Line 150000 of your tax return)	
20.	What is Spouse 2's annual pre-tax income? (Usually what would go on Line 150000 of your tax return)	
21.	Go to https://tinyurl.com/rudnszy8 and indicated the base (Table) amount that should be paid according to the Federal Child Support Guidelines	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.	<p>Will the paying spouse also pay his/her proportionate share of “special or extraordinary expenses” as defined in the Child Support Guidelines? <input type="checkbox"/> Yes <input type="checkbox"/> No*</p> <p>See https://www.justice.gc.ca/eng/rp-pr/fl-lf/child-enfant/guide/step7-etap7.html#h9</p> <p><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></p>	

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?	<input type="checkbox"/> Spouse 1 <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> the child ceases to be a "child" as defined in the <i>Divorce Act</i> (see http://goo.gl/2c4xpH) <input type="checkbox"/> the child no longer resides with the custodial parent, ("resides" includes the child living away from home for school, summer employment or vacation) <input type="checkbox"/> 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 <input type="checkbox"/> the child becomes self-supporting <input type="checkbox"/> the child obtains (one, two, etc) post-secondary degree(s) or diploma(s) <input type="checkbox"/> 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> <input type="checkbox"/> the child marries <input type="checkbox"/> Other:

29.	Do you have one or more RESPs?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, additional questions will be emailed)
33.	Do you want a clause that calls for the splitting of an RRSP?	<input type="checkbox"/> Yes <input type="checkbox"/> 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> <input type="checkbox"/> Yes <input type="checkbox"/> No	
35.	Do either you or your spouse have a pension plan?	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, additional questions will be emailed)
36.	Will each spouse waive any entitlement to a division of the other's pension plans?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Spouse 1 <input type="checkbox"/> Spouse 2 <input type="checkbox"/> Both
42.	Who lives there now?	<input type="checkbox"/> Spouse 1 <input type="checkbox"/> Spouse 2 <input type="checkbox"/> Both
43.	Is one spouse planning to transfer his/her share of the house to the other?	<input type="checkbox"/> Yes <input type="checkbox"/> No
44.	If yes, who is transferring his/her share?	<input type="checkbox"/> Spouse 1 to Spouse 2 <input type="checkbox"/> 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 house?	<input type="checkbox"/> Yes <input type="checkbox"/> No
48.	Is the house already listed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
49.	If the house is not listed, by when will it be listed:	
50.	Who will live in the house until closing?	<input type="checkbox"/> Spouse 1 <input type="checkbox"/> Spouse 2 <input type="checkbox"/> Both
51.	Who will be responsible for mortgage payments until the sale is completed?	<input type="checkbox"/> Spouse 1 <input type="checkbox"/> Spouse 2 <input type="checkbox"/> Both
52.	Who will be responsible for major repairs until closing?	<input type="checkbox"/> Spouse 1 <input type="checkbox"/> Spouse 2 <input type="checkbox"/> Both

53.	Is there a mortgage?	<input type="checkbox"/> No <input type="checkbox"/> Yes
54.	How will you split the net sale proceeds?	<div style="display: flex; justify-content: space-around;"> % Spouse 1 % Spouse 2 </div> 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)?	<input type="checkbox"/> Yes <input type="checkbox"/> 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.