

How long does it take to process a divorce?

by: Jill Giesbrecht, Associate

published 19 June 2023

The end result of the “divorce process” is a Divorce Judgment, a document signed by a judge that confirms that the marriage is terminated. A Certificate of Divorce becomes available from the Court 31 days after the Divorce Judgment has been signed. A Certificate of Divorce confirms that a Divorce Judgment has not been overturned and that the divorce is final. You need a Certificate of Divorce in order to remarry.

In some instances when parenting or financial issues need to be resolved, the end result of the divorce process also includes a Final Order. A Final Order is a document signed by a judge that sets out arrangements for parenting, child support, spousal support, and/or property (asset/debt) division. A Divorce Judgment and/or Final Order can be signed by a judge with the consent of the parties, or by the order of a judge after a trial.

The length of time that it takes to get a divorce varies on a case-by-case basis and is dependent on a number of factors. Generally, the divorce process involves the following steps:

1. Prepare and file initial court documents;
2. Serve initial court documents on other party (this can take some time, depending on their whereabouts);
3. Wait for the court-mandated period of time to see if the other party contests the divorce proceedings. If the other party is served in Manitoba, the wait time is 20 days. If the other party is served elsewhere in Canada, the wait time is 40 days. If the other party is served outside of Canada, the wait time is 60 days;
4. If the other party does not contest the divorce proceedings, then the initiating party can simply file the final divorce documents with the court to obtain the Divorce Judgment and Final Order (if applicable);
5. If the other party does contest the divorce proceedings, the lawyers/parties begin the process of attempting to resolve the issues. This part of the process involves several steps that depend on the nature of the issues and might include a settlement meeting between the parties and lawyers if necessary. It is possible for the parties to reach a resolution at this stage without further engaging in the court process. The parties might resolve issues by way of a separation agreement or a consent Final Order;
6. If the parties cannot reach a resolution, both sides must file further court documents to proceed to the next stage in the court process. The next stage is typically Triage Court, which involves settlement conferences (“case conferences”) with a judge to attempt to resolve the issues, and/or a Reference, which involves meetings with a master to attempt to resolve property related issues.
7. If the parties cannot reach a resolution at the Triage Court and/or Reference stage, a trial is scheduled so that a judge can make a final determination on the outstanding issues.

If both parties wish to be divorced and agree on the arrangements for parenting, support, and property division, they can obtain an “uncontested” Divorce Judgment and/or Final Order. Generally, this takes about four months from start to finish.

If the parties do not agree on the arrangements for parenting, support, and/or property division, this is considered a contested proceeding. The timeline for obtaining a Divorce Judgment and/or Final Order on a contested divorce depends on the complexity of the situation and issues for determination, the cooperation of both parties, the processing times of the lawyers and third parties, court availability, etc. A contested matter could be completed within 4-12 months but could also take much longer to complete, depending on whether any issues are resolved before Triage Court or Reference, at Triage Court or Reference, or at trial. The general timeline for completing a matter at Triage Court or Reference is 1-2 years. It may take 2-4 years to complete a matter by trial, though in some instances it could take even longer. Often matters are resolved before a trial commences.

DISCLAIMER: *This article is written for informational purposes only and does not constitute legal advice. The views expressed are solely the author's and should not be attributed to any other party, including Meighen Haddad LLP. If you want to seek legal advice, please contact the author directly or call our office at (204) 727-8461.*