

Application for a divorce, dissolution or (judicial) separation

You can only make an application for divorce or dissolution if you have been in your marriage or civil partnership for at least one year. This does not apply to (judicial) separation applications.

The information you give will be used as evidence by the court to decide if you are entitled to legally end your marriage or civil partnership or to get a (judicial) separation order from your partner. A copy of this form will be sent to your spouse/civil partner by the court.

If there are exceptional reasons why your application should be dealt with urgently then please set those reasons out in a covering letter.

| To be completed by the court | |
|------------------------------|--|
| Name of court | |
| Case No. | |
| Date received by the court | |
| Date issued | |
| Time issued | |

There is a court fee for making this application - see notes on page 15

Help with Fees – Ref no. (if applicable) **H W F** - -

If you have to pay a fee indicate how you will pay

- cheque**
- debit/credit card** – The court will call you between 9am – 4pm Monday to Friday, using the contact details you provide later in the form to collect payment.

Section 1

Your application

(known as a petition in divorce and judicial separation)

1.1 What application do you wish to make?

- Divorce** on the ground that the marriage has broken down irretrievably
- Dissolution** on the ground that the civil partnership has broken down irretrievably
- (Judicial) separation**

1.2 What documents are you supplying to support your application?

In cases of urgent applications it may be possible for you to make an application to allow you to deliver the original or a certified copy of the marriage/civil partnership certificate to the court at a later date.

- Your marriage or civil partnership certificate or a certified copy of the certificate from where you got married or entered into a civil partnership (a photocopy will **not** be accepted).
- A translation that has been certified by a notary public or authenticated by a statement of truth by the person who did the translation. This should be provided if your marriage or civil partnership certificate (or a similar document issued under the law in the country you registered your marriage or civil partnership) is not in English.

At times in this form you will be referred to as the Petitioner or Applicant, and your spouse/civil partner will be referred to as the Respondent. These are the technical terms used in law.

There is a separate fee for making an application to issue without your marriage certificate: see www.gov.uk/court-fees-what-they-are

For marriages/civil partnerships in England and Wales you can order a copy of the certificate at www.gro.gov.uk/gro/content/certificates. You will need to pay for each copy.

If you entered into a **religious marriage** as well as a civil marriage, these divorce proceedings may not dissolve the religious part of your marriage. It is important that you contact the relevant religious authority and seek further guidance if you are unsure.

Section 2

About you (the applicant/petitioner)

2.1 Your current name

First name(s)

Last name

Is this either your married name or the name shown on your marriage or civil partnership certificate?

Yes

No, please attach your change of name deed/statutory declaration or if this is not applicable, explain why your name has changed

2.2 Confidentiality

Can your contact details be shared with your spouse/civil partner?

Yes

No, please complete the separate **C8** form with your details in order to do this.

2.3 What is your home address?

If you want to keep your contact details confidential, **do not** complete this question. Please complete **form C8**.

Address

Postcode

Phone no. (if you have one)

Email (if you have one)

This can be different to the one on your marriage or civil partnership certificate. This can be your last name, your spouse/civil partner's last name or a double barrelled last name that combines the two.

If you have changed your name, other than through your marriage, since you got married you must attach a copy of your change of name deed or otherwise explain why your name has changed.

If you do not wish to disclose your contact details to your spouse/civil partner you should leave those details blank and complete **Form C8 Confidential contact details**.

You should give a home address in the UK, if you have one. If you have a solicitor acting for you, the court will send all papers to their address. If you do not have a solicitor, the court will send papers to your home address, or you can provide a business address in the UK in the next section. If you want to supply an address outside of the UK, different rules may apply about documents being sent to you. You may wish to seek legal advice.

Remember a copy of this form will be sent to your spouse/civil partner. If you do not want them to know your current contact details you should not enter them here or provide any details in the form which may give them information on how to contact you.

2.4 Do you have a solicitor acting for you?

- Yes, please give their details below
- No, **go to question 2.9**

If you have a solicitor acting for you, the court will send all papers to their address.

2.5 Your solicitor's name (if applicable)

2.6 Your solicitor's reference number

2.7 Name of solicitor's firm

2.8 Solicitor's address

Address or DX address

Postcode

Phone no.

Email

2.9 If you do not have a solicitor acting for you, do you want the court issued papers sent to your home address?

- Yes, **go to Section 3**
- No, please send them to my business address below

Address

Postcode

If you want your court issued papers sent to a business address rather than your home then that address should also be in the UK. If you want to supply an address outside of the UK, different rules may apply about documents being sent to you. You may wish to seek legal advice.

Section 3

About your spouse/civil partner (the respondent)

3.1 Your spouse/civil partner's current name

First name(s)

Last name

Is this their married name or the name shown on your marriage or civil partnership certificate?

Yes

No, if known, please explain why their name has changed

3.2 Their home address

Address

Postcode

Phone no. (if known)

Email (if known)

Unless a different address is provided at section 3.7 court papers will be sent to the address at section 3.2.

If your spouse/ civil partner has a solicitor acting for them you should complete their details at sections 3.3 to 3.7 and the court papers will be sent to their solicitor.

If they do not have a solicitor but have provided a different address to their home address to send the papers, then please provide the details in sections 3.3 to 3.7.

If your spouse/ civil partner has not given you such an address, then the court papers will be sent to their last known or usual address provided in this section.

If you know that they no longer live at that address, you will need to take all reasonable steps to obtain a current address. Details on how you might do that can be found here: www.gov.uk/divorce-missing-husband-wife

If any of the addresses you provide are outside of the UK then different rules about sending papers to them apply. You may wish to seek further legal advice.

3.3 Has your spouse/civil partner provided a different address for the court documents to be sent to?

Yes, please use the address below

No, go to section 4

3.4 Their solicitor's name (if applicable and if known)

3.5 Their solicitor's reference number (if applicable and if known)

3.6 Name of their solicitor's firm (if applicable and if known)

3.7 Their solicitor's or other address they have provided

Address or DX details

Postcode

The court will send documents to this address.

Section 4

Details of marriage/civil partnership

You should attach your marriage or civil partnership certificate to this application, together with a certified translation in English if necessary (the court will usually keep your documents and not return them). If you do not have the original certificate and cannot get a copy of it, you will have to make a separate application, alongside this application, to issue this form without it.

4.1 Did your marriage take place outside of the UK?

- Yes
 No

4.2 Are you making a separate application to issue without your marriage or civil partnership certificate?

- Yes
 No

If you answered 'Yes' to either question 4.1 or 4.2 above, please give the place where the marriage/civil partnership was formed, as it appears on your marriage/civil partnership certificate (if any)

4.3 Date of marriage or civil partnership

DAY MONTH YEAR

4.4 Your full first name(s) and last name(s) – as shown on your certificate

Your spouse/civil partner's full first name(s) and last name(s) – as shown on your certificate

4.5 Are the details set out in your marriage or civil partnership certificate correct?

- Yes
 No, please explain why

If you are applying without your marriage/civil partnership certificate you will need to make a separate application on **Form D11** (Application notice) and pay another court fee. It is recommended that you seek legal advice if you are unsure of how to do this.

You can only apply for a divorce/dissolution if you have been in your marriage or civil partnership for at least one year.

Section 5

Why this court can deal with your case

(Jurisdiction)

The court needs to understand why you think it has the legal power (jurisdiction) to deal with your application.

Please complete **either** section 5.1 or if that section does not apply to you then complete section 5.2.

5.1 The court has legal power to deal with this application because one of the following applies:

Divorce – **Opposite Sex Couple** – Article 3(1) of Council Regulation (EC) No 2201/2003 of 27 November 2003

Divorce – **Same Sex Couple** – Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014 for matrimonial proceedings involving same sex couples

Civil Partnerships – the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005

Please tick the reasons that apply:

- The Petitioner and the Respondent are habitually resident in England and Wales.
- The Petitioner and Respondent were last habitually resident in England and Wales and the [Petitioner*] [or] [the Respondent*] still resides there (**specify as appropriate*).
- The Respondent is habitually resident in England and Wales.
- The Petitioner is habitually resident in England and Wales and has resided there for at least a year immediately prior to the presentation of the petition.
- The Petitioner is domiciled and habitually resident in England and Wales and has resided there for at least six months immediately prior to the petition.
- (only in the case of a marriage) The Petitioner and Respondent are both domiciled in England and Wales.

OR (see section 5.2 over the page)

Habitual Residence

Your habitual residence is the place in which your life is mainly based. You must be settled there and intend to stay settled there. Some of the following may apply: you work there, own property, have your children in school there, and your main family life takes place there.

Domicile

Your domicile is the main permanent home in which you live, or to which you intend to return. When you were born you will have acquired your parents' domicile (either your father's if they were married, or your mother's if they weren't married or if your father died before you were born). If you have since moved to another country and made that your permanent home then your domicile may have moved there.

If you were born in England or Wales, lived your entire life here, and intend to stay here, then it is very likely that you'll be **both habitually resident and domiciled** here. You should get legal advice if you are not sure which reason(s) apply.

If you need help deciding which reasons apply to you then you should consider seeking legal advice, particularly if you live outside England and Wales.

5.2 If the options in section 5.1 do not apply to you, please consider if any of the below are applicable:

- The court has jurisdiction other than under the Council Regulation on the basis that no court of a EU member state has jurisdiction under the Council Regulation **and** the Petitioner Respondent is domiciled in England and Wales on the date when this application is issued

OR

- The court has jurisdiction other than under the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014 or under the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005 on the basis that no court has, or is recognised as having jurisdiction as set out in these regulations, **and**

either:

- the Petitioner or the Respondent is domiciled in England or Wales

OR

- the Petitioner and Respondent registered as civil partners of each other in England or Wales or, in the case of a same sex couple, married each other under the law of England and Wales and it would be in the interests of justice for the court to assume jurisdiction in this case.

Give the reason for your divorce or dissolution

(the facts)

6.1 If your application is for divorce or dissolution, you must choose one or more of the following reasons to support the fact that your marriage or civil partnership has broken down irretrievably (it can't be saved).

If your application is for (judicial) separation you must choose one or more of the following reasons to support your application.

You will need to provide information (evidence) to support the reason(s) given.

Adultery

The Respondent has committed adultery and the Petitioner finds it intolerable to live with the Respondent.

Behaviour

The Respondent has behaved in such a way that the Petitioner/Applicant cannot reasonably be expected to live with the Respondent.

Desertion

The Respondent has deserted the Petitioner/Applicant for a continuous period of at least two years immediately preceding the presentation of this petition/application.

Separated for 2 years and consent

The parties to the marriage/civil partnership have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition/application and the Respondent consents to a decree/order being granted.

Separated for 5 years

The parties to the marriage/civil partnership have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition or application.

Adultery is only available in relation to marriages and if the adultery was between your spouse and a member of the opposite sex. You cannot use adultery if, once you become aware of it, you lived together as a couple for a period, or combination of periods, exceeding 6 months.

Behaviour cannot be used if you lived together as a couple for a period, or periods, totalling more than 6 months after the date of last incident you want to rely on as evidence.

For 2 and 5 years' separation please make sure that you have been separated the right amount of time in order to make your application.

What if we lived together after we separated?

Living in the same residence while separated
You can still live in the same residence while separated, as long as you are not living together as a couple, for example, you do not eat, sleep or cook together.

Living together as a couple after separating
If you have lived together as a couple after separating, you cannot use the 2 years' separation with consent, 5 years' separation and desertion facts if it was for more than 6 months, during or after the separation period. This 6 month timescale can have been either in a single period or over several periods.

Supporting information (Statement of case)

7.1 If you are using 2 years' separation and consent or 5 years' separation, on what date did you reach the conclusion that your marriage or civil partnership was at an end?

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AND

On what date did you stop living together as a couple?

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(both dates must be at least 2 or 5 years ago, plus any periods you lived together as couple in that time if less than 6 months, before the date you make this application)

AND

Has there been any period or periods during this time that you have lived together as a couple again?

Yes, and the details and dates for those periods are as follows

(if necessary, continue on a separate sheet)

No, we have not been a couple again - go to section 9

7.2 If using adultery, behaviour or desertion you must give brief details to support the reasons for your application.

(please refer to the notes on this page for guidance)

(if necessary, continue on a separate sheet)

If you are relying on adultery/behaviour or desertion you must complete question 7.2

Adultery

Please give the date when you first become aware of the adultery and, if known, dates and places where the adultery happened.

It is not normally necessary to name the person your spouse committed adultery with; you should only consider doing so if the petition is likely to be disputed.

If you include them you must provide their address in section 8 and the court will send them a copy of your petition to give them a chance to respond.

Your petition could be delayed if they do not respond and it could cost you more money.

Behaviour

You should include examples of your spouse's/civil partner's behaviour which affected you the most, and the most recent incidents.

You can describe how they have behaved over a period of time or use particular incidents. Include dates if relevant. Provide enough detail to satisfy the court that you cannot reasonably be expected to live with them. Please remember that they will be sent a copy of this application.

Desertion

You should include the date when your spouse/civil partner left (deserted you) without your consent and describe why and how this came about. You should also confirm that you have lived separately since the date of desertion.

Section 8

Adultery cases only – details of the person your partner committed adultery with (co-respondent)

People do not generally name the person their spouse committed adultery with. However, if you have named them in section 7 then you must give their details below so a copy of this petition can be sent to them. If you did not name them, you do not need to fill in these details.

8.1 Name of the person your spouse committed adultery with (co-respondent)

First name(s)

Last name

8.2 The address to send court papers to them

Address

Postcode

If the other person is named, then they will usually become a party to the court case and be sent copies of the petition.

Your petition could be delayed if they do not respond and it could cost you more money to resolve that issue.

Section 9

Existing court cases

9.1 Are there any existing or previous court proceedings relating to your marriage/civil partnership, property or children?

Yes, please give details below

No

Case number(s)

Summary of the on-going or previous court proceedings

Section 10

Dividing your money and property –

Orders which are sought

If you disagree with your spouse or civil partner about how your property, money, pensions and other assets will be split, then you can ask the court to decide for you. Types of financial order include:

- an order for maintenance pending suit/outcome
- periodical payments order
- secured provision order
- lump sum order
- property adjustment order
- Pension sharing/compensation sharing/attachment order

These decisions are called 'financial orders'. You can apply for orders for yourself, and/or, if appropriate, for your children.

If you agree with your spouse or civil partner on how your money and property will be split, and want it to be legally binding, you can apply for a financial order to be made by consent.

10.1 Do you want to apply for a financial order?

- Yes, I want to apply for a financial order for (select all that apply)
- myself
 - my children
- No

If you answer 'Yes' to question 10.1 the court will take no action at this stage. To formally start financial proceedings, you will also need to complete a separate application form and pay another court fee.

You can find more guidance on financial orders and how to get help agreeing on any issues at www.gov.uk/money-property-when-relationship-ends/apply-for-a-financial-order

If you answer 'No' to question 10.1 you can still apply for a financial order in the future, but only **until you remarry or form another civil partnership**. This restriction does not apply to pension sharing or pension compensation sharing orders.

If you are unsure what to do here it is recommended you seek legal advice.

The court will not start processing your request for a financial order until you submit the separate application and pay the fee. You can do this at the same time you apply for your divorce, dissolution or (judicial) separation or at any time after that. Please note that decisions regarding child maintenance are usually made by agreement or by the Child Maintenance Service and the court can only make these orders under certain circumstances.

Section 11

Summary of what is being applied for (the prayer) and Statement of Truth

11 The Petitioner/Applicant applies for the following:

11.1 The application

That the marriage be dissolved civil partnership be dissolved

or

That the Petitioner/Applicant be (judicially) separated from the Respondent.

11.2 Costs (if you wish to claim costs from the Respondent or Co-Respondent)

That the Respondent Co-Respondent shall be ordered to pay the costs of this application

11.3 Financial Order

(if you ticked 'Yes' to the question at 10.1 and wish to make an application for a Financial Order)

That a financial order may be granted for:

The **Petitioner/Applicant**

For the **children**

You can ask the court to consider making an order that some or all of the costs of this application are paid for by your spouse/civil partner and/or, if applicable, the co-respondent. The court will not normally order costs where the application is based on 5 years' separation.

This **statement of truth** must be completed by the person making this application (referred to as the Petitioner/Applicant), or by a solicitor acting for them.

[I believe]* [The Petitioner/Applicant believes]* that the facts stated in this application for a divorce/dissolution/(judicial) separation are true. *delete as applicable

*[I am duly authorised by the Petitioner/Applicant to sign this statement.]

PRINT full name

Signed

Dated

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Name of solicitor's firm (if applicable)

Proceedings for contempt of court may be brought against a person who makes or causes to be made, a false statement in a document verified by a statement of truth.

When returning your form, you must include:

- **Three copies of your completed application form**

(one will be sent back to you with the court seal and one will be kept on the court file and one will be sent to the Respondent).

- **One original or certified** copy of your marriage/civil partnership certificate or a similar document issued under the law in force in the country where the marriage or civil partnership registration took place (photocopies will not be accepted). If your certificate is not in English then a certified translation must also be provided. The court will keep the documents you send. If you want them back you will need to apply for their return.

- **The court fee**

You can find the current fee in leaflet **EX50 Civil and Family Court Fees** which can be downloaded from:

<https://hmctsformfinder.justice.gov.uk>

If you cannot afford to pay a court fee, you may be eligible for a fee remission or a reduced fee. The form **EX160 Apply for help with fees** and the **EX160A guidance** booklet gives you further information - <https://www.gov.uk/get-help-with-court-fees>

If you are paying by cheque please remember to include it with your application and make it payable to 'HM Courts & Tribunals Service'.

- If applicable, a completed **Form C8 Confidential contact details**
- If applicable, a completed **Form A Notice of [intention to proceed with] an application for a financial order**

Please send the items listed above to the HMCTS Divorce Centre for your area. You can find out your Divorce Centre by using the online HMCTS Courtfinder **<https://courtribunalfinder.service.gov.uk/search/>** or by contacting your local family court.