

I want to get a divorce - What do I do?

What should I do before I start a divorce petition?

Read leaflet number D183 (About divorce). If you have children you should also read leaflet D185 (Children and divorce).

You cannot start a petition for divorce unless you have been married for more than one year.

If you still want to start a petition, read this leaflet carefully. Make sure you have the information and forms it says you will need and a copy of your marriage certificate which is not a photocopy.

Where do I start my divorce petition?

You can start your petition in any divorce county court, or in the Principal Registry in London. There is a list of all divorce county courts in leaflet D183.

The addresses and telephone numbers of these are listed in the telephone directory under Courts.

When are divorce county courts open?

Monday to Friday, between 10am and 4pm.

The Principal Registry is open Monday to Friday, between 10am and 4.30pm.

How much will it cost?

You may have to pay a court fee. Please ask the court staff for a copy of the leaflet **EX50 - County Court Fees**. This lists the most common family fees. It is also available on our website www.hmcourts-service.gov.uk

How can I pay the fee?

By cash, postal order or cheque. Make your cheque or postal order payable to Her Majesty's Courts Service (HMCS). Please note that courts cannot accept payments by debit or credit cards.

Does the fee always have to be paid?

No. Your financial situation may mean you do not have to pay a fee. The combined booklet and application form **EX160A - Court Fees - do I have to pay them?** provides further information on this.

Court staff can provide you with a copy of the EX160A. It is also available on our website at www.hmcourts-service.gov.uk You will have to make a separate application for each fee that you would otherwise have to pay.

What information and documents do I need?

- Your own full name and address.
- Your husband's or wife's full name and address.
- A copy of your marriage certificate which is not a photocopy.
- The names and dates of birth of any living children you have, no matter how old they are.
- The name and address of any person with whom your husband or wife has committed adultery, if you wish to name that person in your petition.

Which forms will I need?

You will need three copies of form D8 (divorce petition).

If you have children you will also need three copies of form D8A (statement of arrangements for the children).

One copy of these forms is for you to keep, one copy is for the court, and one copy is for the court to send to your husband or wife.

If you are divorcing your husband or wife because of their adultery with someone you are naming in your petition, you will also need a copy of the petition for that person.

A copy of the form D8 notes to help you fill in your petition.

If you think you may not have to pay a fee you will need the combined booklet and application form **EX160A - Court Fees - do I have to pay them?** Further information on this is given on page 2.

Divorce county courts have all these forms. They will give them to you free.

Will I be able to fill in the forms myself?

The example in this leaflet and leaflet D185 show what completed forms look like. They will help you fill in your own forms. They also explain the meanings of some of the words used in the forms which may be new to you.

If you do need help filling in the forms, a Citizens Advice Bureau will help.

If you are receiving Legal Help from a Solicitor under the Community Legal Service Fund, he or she will help you fill in the forms.



What will happen when I have left the forms with the court?

You will be sent a form D9H (notice of issue of petition). It will tell you when the petition was sent to the respondent. It will be a receipt for your fee (if you have paid one) and will tell you your divorce case number. It also tells you what to do if the respondent (or any co-respondent) does not reply to your petition.

The court will post a copy of your petition with form D10 (acknowledgement of service) to:

- the respondent (with a copy of the proposed arrangements for any children) and
- any named co-respondent.

The respondent (and any co-respondent) have eight days to return the acknowledgement of service. The eight days start on the day after they receive the petition.

How will I know when the respondent (and any co-respondent) gets the petition?

They will return their D10, (acknowledgement of service) to the court. The court will send you a copy.

The example on page 6 shows what a completed form looks like.

Divorce Petition

Set out here the grounds upon which the court may deal with your petition ('the courts' jurisdiction'). The words to use are shown at paragraph 3 of form D8 (Notes).

D8

Before completing this form, read carefully the attached Notes for Guidance.

In the *Anytown* County Court*
*Delete as appropriate

In the Principal Registry* No.

Introduction

This petition is issued by *Patricia Elizabeth Mann* ("the Petitioner")
 The other party to the marriage is *James David Mann* ("the Respondent").

(1) On the *2* day of *August* [19*85*] [20*07*]
Patricia Elizabeth Mann was lawfully married to
James David Mann at *St. Margaret's Church, in the Parish of Anytown in the County of Anytownshire*

(1a) Since the date of the marriage the name of the petitioner has not changed [~~has changed~~].

(1b) The petitioner believes that since the date of the marriage the name of the respondent has not changed [~~has changed~~].

(2) The petitioner and respondent last lived together as husband and wife at
#1 Eagle Close, Anytown, Anytownshire

(3) The court has jurisdiction under Article 4(1) of the Council Regulation on the following grounds:
The petitioner and the respondent are both domiciled in England and Wales

(4) The petitioner is by occupation a *Secretary* and resides at
#1 Eagle Close, Anytown, Anytownshire, AN1 2RT
 The respondent is by occupation a *Bus driver* and resides at
22a George Street, Anytown, Anytownshire AN1 2SD

(5) There are no children of the family now living ~~except~~
James Elizabeth Mann born on 12 December 1988

(6) No other child, now living, has been born to the petitioner and respondent during the marriage ~~so far as is known to the petitioner~~ ~~except~~

(7) There are or have been no other proceedings in any court in England and Wales or elsewhere with reference to the marriage (or to any child of the family) or between the petitioner and respondent with reference to any property of either or both of them ~~except~~

(8) There are or have been no proceedings in the Child Support Agency with reference to the maintenance of any child of the family ~~except~~

(9) There are no proceedings continuing in any country outside England or Wales which are in respect of the marriage or are capable of affecting its validity or subsistence ~~except~~

(10) (This paragraph should be completed only if the petition is based on five years' separation.)
 No ~~agreement~~ or arrangement has been made or is proposed to be made between the parties for the support of the petitioner/respondent (and any child of the family) ~~except~~

(11) The said marriage has broken down irretrievably.

(12) *The parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition, and the respondent consents to the decree being granted.*

The place of your marriage should be as shown on the top of your marriage certificate

If there are any living children of the marriage you must read leaflet D185 (Children and divorce)

Set out here the grounds for your divorce. The words to use are shown at paragraph 12 of form D8 (notes)

D8
cont.

(13) **Particulars**

On 15 June 1999, the respondent left the matrimonial home after it was agreed we could no longer live together as husband and wife. We have not lived together since that date.

“Particulars” should be brief details which support your grounds for divorce. Paragraph 13 of form D8 (notes) gives examples of what is needed.

Prayer

This tells the court what you are asking for, for example:

- a divorce (“the suit”)
- financial support (“ancillary relief”)

Prayer

The petitioner therefore prays

(1) **The suit**
That the said marriage be dissolved

(2) ~~Costs~~
That the _____ may be ordered to pay the costs of this suit—

(3) **Ancillary relief**
That the petitioner may be granted the following ancillary relief:

(a) an order for maintenance pending suit
~~a periodical payments order~~
~~a secured provision order~~
~~a lump sum order~~
~~a property adjustment order—~~
an order under section 24B, 25B or 25C of the Act of 1973 (Pensic

(b) **For the children**
a periodical payments order
~~a secured provision order~~
~~a lump sum order—~~
~~a property adjustment order—~~

Signed *P.C. Mann*

The names and addresses of the persons to be served with the petition are:

Respondent:
22a George Street, Anytown, Anywhere AV9 1SN

Co-Respondent (adultery cases only):

The Petitioner's address for service is:
41 Eagle Close, Anytown, Anywhere, AV1 2PT

Dated this *3* day of *September* 20 *01*

Address all communications for the court to: The Court Manager, County Court.
The Court office at } *Sanctuary House, 12 Church Road, Anytown, AV2 9DX*
is open from 10 a.m. to 4 p.m. (4.30 p.m. at the Principal Registry of the Family Division) on Mondays to Fridays.

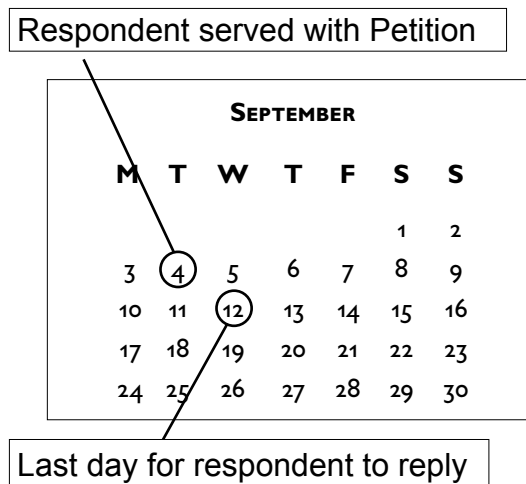
The co-respondent is the person you say has committed adultery with the respondent

What will happen if the respondent (or co-respondent) does not receive the petition?

If the address you gave for the respondent (or co-respondent) is wrong, or they have moved, the Post Office will return the petition and other forms to the court.

The court will tell you if this happens. They will send you form D9A (notice of non-service of petition).

If you want to carry on with your divorce you must find out the correct address (or addresses) and write and let the court know. The court will post the petition and other forms to the new address.



The time for returning the acknowledgement of service will be longer if the respondent (or any co-respondent) lives outside England and Wales.

What will the respondent (or any co-respondent) do when they get the petition?

They may do one of three things:

- ignore the petition and not bother to return the form D10 (acknowledgement of service) to the court;
- fill in the form D10 saying that they intend to contest your petition and /or the court's jurisdiction and return it to the court; or
- fill in the form D10 saying that they agree with the petition and return it to the court.

If form D10 is returned to the court by the respondent, or any co-respondent, the court will send you a copy. Leaflet D186 (The respondent has replied to my petition - what must I do) will tell you what to do next.

What will happen if the respondent (or any co-respondent) does not return the form D10 (acknowledgement of service) to the court?

When eight days have passed since the petition was sent, you should get two copies of form D89 (request for bailiff service), from the court.

Fill in the forms D89 and return them to the court. Send them with a photograph or written description of the respondent (and any co-respondent) and a fee for each person being served. The court staff will tell you how much it is.

The example on page 6 shows what a completed form looks like.

The county court bailiff will be asked to deliver the petition and other documents to the respondent (or co-respondent) personally.

D10

In the Anytown County Court
No. of matter: 01D267

Between Patricia Elizabeth Mann Petitioner
and James David Mann Respondent
and Co-Respondent

● If you intend to instruct a solicitor to act for you, give him this form immediately.
● Read carefully the Notice of Proceedings before answering the following questions.
● Please complete using black ink.

1. Have you received the petition for divorce delivered with this form?	Yes
1A. Are there any proceedings continuing in any country outside England and Wales which relate to the marriage or are capable of affecting its validity or substance? If so, please provide the following information: (a) particulars of the proceedings, including the court in or tribunal or authority before which they were begun, (b) the date when they were begun, (c) the names of the parties, (d) the date or expected date of any trial in the proceedings, and (e) such other facts as may be relevant to the question whether the proceedings on the petition should be stayed under Article 19 of the Council Regulation.	No
1B. In which country are you: (a) habitually resident? (b) domiciled? Of which country are you a national?	(a) England (b) England United Kingdom
1C. Do you agree with the statement of the petitioner as to grounds of jurisdiction set out in the petition? If not, please state the grounds on which you disagree with the statement of the petitioner.	Yes
2. On which date and at what address did you receive the petition?	On the 4th day of September 01 at 22a George Street, Anytown, Anyshire AV6 4SN
3. Are you the person named as the Respondent in the petition?	Yes
4. Do you intend to defend the case?	No
5. (In the case of a petition alleging adultery) Do you admit the adultery alleged in the petition?	
6. Even if you do not intend to defend the case do you object to paying the costs of the proceedings? If so, on what grounds?	No

(Continued on reverse) D10(1)

The county court bailiff will be asked to deliver the petition and other documents to the respondent (or co-respondent) personally.

D89

Request for Service by Court Bailiff
Family Proceedings Rule 2.9

IN THE ANYTOWN COUNTY COURT
No. of Matter 01 D 267

Between PATRICIA ELIZABETH MANN Petitioner
and JAMES DAVID MANN Respondent
and Co-Respondent

I request that the respondent be served by the court bailiff with the petition in this matter.

The full name of the respondent is:- JAMES DAVID MANN
The address (in England and Wales) at which bailiff service should be attempted is:- 22a George Street Anytown, Anyshire AV6 4SN

I enclose (do not have) a recent photograph of the respondent.

Signed: J. D. Mann
(Solicitor for the Petitioner)
Address: 41 Eagle Close, Anytown, Anyshire AV1 2AT

Date: 13.9.01 Telephone:-

D89 - w3 Request for Service by Court Bailiff Family proceedings Rule 2.9 (12.98)



Description:

5ft 10in (1.78m)
Brown eyes
Slim build
Dark hair
Clean shaven

9(a) You must complete this part if

- you answered Yes to Question 5
or
- you answered Yes to Question 7(c)
or
- you do not have a solicitor acting for you

Signed: J. D. Mann Date: 4 September 2001

Address for service: 22a George Street, Anytown, Anyshire AV6 4SN

*Note: If you are acting on your own you should also put your place of residence, or if you do not reside in England or Wales the address of a place in England and Wales to which documents may be sent to you. If you subsequently wish to change your address for service, you must notify the Court.

9 (b) I am / We are acting for the Respondent in this matter.

Signed: Solicitor for the Respondent

Date:

Address for service:

Note: If your client answered Yes to Question 5 or Question 7(c) your client must sign and date at 9(a).

Address all communications to the Court Manager and quote the case number.
The Court Office at Sanctuary House, 12 Church Road, Anytown, Anyshire AN2 4PX is open from 10.00 am to 4.00 pm on Mondays to Fridays only.
Telephone: 0000 000000 Produced by ASHELLEY
Acknowledgment of Service - Respondent Spouse
F.P. Rule 2.9(5) (Form M6)

D10(1)

If you have been sent copies of the respondent's (and any co-respondent's) form D10 (acknowledgement of service), read leaflet D186 (The respondent has replied to my petition - what must I do?). It will tell you what to do next.