



Royal Court of Jersey
Family Division

Dissolution of a Civil Partnership
Procedure For Obtaining
Financial Orders (Ancillary
Relief)

Judicial Greffe
Royal Court House
Royal Square
St Helier
JE1 1JG
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Fax: 01534 441399
www.gov.je/familycourt

The Court can make an order if there are financial disputes about money or property. This guide does not give a statement of the law and will not help you to decide what to ask the Court to do if you are in dispute with your spouse about financial matters. You must decide what to do and what order/s you want to ask the Court to make but you are strongly recommended to obtain legal advice.

You may ask the Court staff for information concerning Court procedures, but Court staff are NOT allowed to offer legal advice or advise you about your different legal options.

No application for lump sums, transfer, sale of or settlement of property, secured provision order or variation of settlement order may be made by a respondent who has not filed an answer making financial claims within 2 months of the decree absolute, except with leave of the Court.

The Procedure for contested financial cases

1. Starting an Application

If you are the applicant, you will already have set out in your cause application what orders you are seeking. In order to proceed with your claims, you must file Form CP15. If you are the respondent, you must file a Form CP15. In both cases delete the orders you are not seeking and identify the property or properties over which you are making a claim. The Court will give you a date for a preliminary directions hearing. Form CP15, once it has been processed by the Registrar, will be returned to you so that you can arrange for it to be served on your civil partner. If he or she has an advocate or a solicitor, then it is the advocate or solicitor who must be served instead. Form CP15 can be found within Civil partnership breakdown guidance section at www.gov.je/familycourt.

2. The Preliminary Directions Hearing

This takes place before the Registrar. If you have lawyers acting for you, they will attend and you don't have to. However, if you do not have lawyers acting for you, you **MUST** attend the preliminary directions hearing.

The Registrar will usually make directions as to the filing of evidence about the parties' finances, and fix a date for a Case Review hearing. If either you or your spouse do not comply with the deadlines set by the Registrar, cost orders may be made against the person failing to do so. You will be ordered to file an affidavit of means –. A link to the Family Division practice directions can be found on the Civil partnership breakdown guidance section on www.gov.ie/familycourt for a draft affidavit.

3. The Case Review Hearing

All parties **AND** their lawyers **MUST** attend.

The purpose of the case review hearing, which again is held before the Registrar, is to determine whether anything can be done to sort out the dispute, and find out what outstanding areas of disagreement need to be addressed.

Sometimes, as a result of this process, agreed orders can be made. Even if there is not full agreement, there may be agreement as to certain aspects of the dispute, and interim or full orders may be made.

If agreement cannot be reached, the Registrar may make further orders as the filing of further evidence, and will set a date for a final hearing. The Registrar will normally order that the parties are to set out/confirm in writing what orders are being sought at a specified time before the final hearing. Interim child maintenance orders (periodical payments) may be made.

4. The final hearing

You, your lawyer and the witnesses must attend the final hearing. Difficult or lengthy cases may be referred to the Inferior Number of the Royal Court.

If Agreement is Reached

If agreement is reached before the final hearing, you and your spouse must lodge a draft order for approval by the Registrar, signed by both of you consenting to an order being made in the terms of the draft. You must at the same time send to the Court a Statement of Information for a Consent Order form, giving all the information required by it, and signed and dated by both of you. A link to the Family Division practice directions can be found in the Civil partnership breakdown guidance section on www.gov.je/familycourt for a draft Statement of Information for a Consent Order form.

A final order cannot be made (except for interim maintenance for yourself or child maintenance) until the pronouncement of the decree nisi. The order cannot come into force until the divorce is finalised (made absolute).

USEFUL NUMBERS

Acting Bâtonnier (responsible for the allocation of lawyers to litigants under the Legal Aid Scheme) TEL: 0845 8001066

THE LAW AND RULES

Civil Partnership (Jersey) Law 2012 and the Civil Partners Causes Rules 2012

Links to the Law and Rules can be found within the **Civil partnership breakdown guidance section** within www.gov.je/familycourt.

Other Guidance Notes available from within the Civil partnership breakdown guidance section within www.gov.je/familycourt

Draft cause application

Guidance Notes for applying for dissolution of a civil partnership

Procedural Guide for Dissolution of a civil partnership

Breakdown of civil partnership- Arrangements for Children