



Royal Court of Jersey
Family Division

PROCEDURAL GUIDE FOR
DISSOLUTION OF A CIVIL
PARTNERSHIP

Judicial Greffe
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www.gov.je/familycourt

This booklet is a guide to Court procedures. It is not a statement of the law and will not help you to decide what to ask the Court to do, and what orders, if any, you should ask for in respect of your children and what orders you may need to ask for in respect of financial matters.

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. REMEMBER: Keep copies of all documents filed by you at Court. If you fail to do so, you will be charged for any photocopying (currently £1 per page).

The Law and Rules

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

Links to the Law and Rules can be found within the civil partnership, separation and relationship breakdown guidance section within www.gov.je/familycourt

The form for dissolution of a civil partnership can be downloaded from, www.gov.je/familycourt or obtained from the Family Division, Judicial Greffe, Royal Court, Royal Square, St Helier, or from the Citizens Advice Bureau.

1. Time Limit for Applying for Dissolution of a Civil Partnership

You cannot start proceedings for dissolution of a civil partnership unless 3 years have passed from the date of the formation of your civil partnership, unless there are exceptional circumstances.

2. The Grounds of Dissolution

If you start dissolution proceedings, you will be the applicant, your civil partner will be the respondent.

You must prove to the Court one or more of the following grounds:-

- (a) the respondent has since entering into the civil partnership behaved in such a way that the applicant cannot reasonably be expected to live with the respondent;

- (b) the respondent is incurably of unsound mind and has been continuously under care and treatment for a period of at least 5 years immediately preceding the application;
- (c) the parties to the civil partnership –
 - (i) have lived apart for a continuous period of at least one year immediately preceding the application and the respondent consents to the dissolution of the partnership, or
 - (ii) have lived apart for a continuous period of at least 2 years immediately preceding the application; or
- (d) the respondent has deserted the applicant without cause for a period of at least 2 years immediately preceding the application.

3. The Jurisdiction of the Court

To be able to bring proceedings for dissolution of a civil partnership in Jersey, you must be able to show that:-

- (a) the parties to the civil partnership are domiciled in Jersey on the date when the proceedings are begun; or
- (b) either of the parties to the civil partnership was habitually resident in Jersey throughout the period of one year ending with that date.

4. Documents Required to Start a Cause Application for Dissolution of a Civil Partnership

i. The Cause Application

The cause application is the document in which you must set out all the particulars of your civil partnership, the grounds for dissolution, and the relief that you want. See the Draft Cause application for dissolution and booklet 'Guidance Notes for applying for dissolution of a civil partnership' obtainable from the Family Division, Judicial Greffe, Royal Court, Royal Square, St Helier or from within the Civil partnership, separation and relationship breakdown guidance section within www.gov.je/familycourt.

- ii. **Form CP3** (Notice of Proceedings) to be completed by the applicant and filed with the cause application **Form CP4** (Acknowledgment of Service) the heading to be completed.

iii. **Your Civil Partnership Certificate**

You must provide your original civil partnership certificate. If you have this and the formation of the civil partnership took place in Jersey, you can obtain a certified copy from the Office of the Superintendent Registrar, 10 Royal Square, St Helier, but a fee will be payable.

If your civil partnership certificate is in a foreign language, there must be an official translation.

iv. **Statement of Arrangements Form for children (Form CP5)**

If there are children under 18 you will need to complete a Statement of Arrangements form. The Court will want to know about the child[ren] treated by both of you as children of the family and other children who are not treated as children of the family born to you or the respondent. These include adopted children, but not foster children. See 'Civil Partnership - Arrangements for children within the civil partnership, separation and relationship breakdown guidance section within www.gov.je/familycourt.

5. **Court Fees**

Court fees are payable on the issue of dissolution of civil partnership proceedings. To check on the current fee go to www.gov.je/familycourt - **Family Division - Services and Fees**. The fee is payable by Treasury receipt (available from the Treasury – Customer and Local Services). If litigants have difficulty in obtaining receipts, they should contact the Judicial Greffe to discuss alternative means of payment.

6. **Filing the cause application papers at Court**

Once your cause application is drafted, you will be required to sign and date it. You then send or take the cause application together with the Forms CP3 & CP4, civil partnership certificate, the Form CP5 (if applicable), and the correct amount of Court Fees to the Judicial Greffe. **Don't forget to keep a copy of the cause application and Form CP5 for yourself and you will need a further copy or copies of these documents for service on the respondent.** The Court will

process the papers and will then return to you Form CP3 (Notice of Proceedings) and Form CP4 (Acknowledgment of Service) to serve with the cause application and Form CP5 (if applicable) on the respondent. Remember to take copies of the documents you are going to serve.

7. Serving the Cause application papers

The cause application papers must be served personally on the respondent, effected through the Viscount's office, for which a fee is payable, or by post. The Viscount's Department provide a record of service document which states when service has taken place. Service must be proved, although in certain circumstances it may be necessary to ask for substituted service or for the Court to order service is dispensed with.

There are time limits for the respondent to return the Form CP4 to the Court, depending on whether they are in Jersey or are somewhere else. The time limit is given on the Form CP3.

8. The Return of the Form CP4 and CP5 by the Respondent

If both Forms CP4 and CP5 are then returned signed to the Court, copies are then sent by the Court to you (or to your lawyer).

1. Not Defending

If the respondent states on the Form CP4 that he/she does not intend to defend the cause application, and

in the case of a cause application alleging one year separation coupled with consent to a decree, he/she consents to the divorce, and the signature is witnessed by a person set out in the rules. (Rule 16(3).

then you can apply for directions for trial on an undefended basis.

2. Notice of Intention to Defend and Filing of an Answer

If the respondent states on the Form CP4 that he /she intends to defend the cause application, wait to see if you are sent a copy of the answer, setting out

why the cause application is defended. This must be provided within 14 days after the time limit for giving notice of intention to defend has expired. If you receive an answer, you will need a lawyer to help you.

9. Setting Down the Cause for Hearing (Undefended Cases)

The Court will send you a copy of the Form CP4. Once the time limit set out in Form CP3 for the return Form CP4 has passed, you will then need to complete Form CP19 (application for Greffier's certificate). Complete whichever is appropriate of affidavits Form CP 7, 9, or 10. Do not send the papers to the Court until the affidavit is sworn and witnessed.

If the Registrar is satisfied with the paperwork, the Registrar issues the Greffier's Certificate and sets a date for the pronouncement of the Conditional Order.

You will not normally be required to attend Court on the date the Conditional Order is to be pronounced, but may attend if there is a dispute about costs. The Conditional Order will be pronounced and sent to you. If the Court is satisfied about the arrangements for each child, this is stated in the Court Minutes, and a Certificate of Satisfaction will be issued to you.

10. Final Order for Dissolution

A final order for dissolution of your civil partnership ends your civil partnership and has consequences depending on your particular circumstances. If you are unsure of the consequences you should immediately consult an advocate or solicitor. See also civil partnership – ancillary relief' within the civil partnership, separation and relationship breakdown guidance section within www.gov.ie/familycourt.

Six weeks and a day after the pronouncement of the Conditional Order, you can apply to the Registrar for the final order for dissolution, using Form CP11. A fee is payable. If you do not apply, the respondent may apply three months thereafter by filing a summons. There may be special cases of urgency when an earlier application may be made.

The conditional order will not be made final unless the Registrar is satisfied with the arrangements for each child of the family, unless there are circumstances in which it

may be necessary to make the dissolution final without delay, and there is an undertaking from both parents that the arrangements about the children are to be brought before the Court within a specified time. There are other reasons why the Registrar may not make the dissolution final.

If the Registrar is satisfied, a final order for dissolution will then be sent to you.

**PLEASE REMEMBER
THAT YOU CANNOT ENTER INTO ANOTHER CIVIL PARTNERSHIP OR MARRY
UNTIL YOU HAVE YOUR FINAL ORDER FOR DISSOLUTION.**

Other Guidance Notes available from within the civil partnership, separation and relationship breakdown guidance section within www.gov.je/familycourt

- Guidance Notes for completing a Cause application for dissolution of a civil partnership
- Draft cause application
- Civil partnership- Financial (ancillary relief) orders
- Civil partnership- Arrangements for children