



Royal Court of Jersey
Family Division

GUIDANCE NOTES
FOR
APPLYING FOR DISSOLUTION OF A
CIVIL PARTNERSHIP

Judicial Greffe
Royal Court House
Royal Square
St Helier
JE1 1JG
Tel: 01534 441300
Fax: 01534 441399
www.gov.je/familycourt

GUIDANCE NOTES
FOR
APPLYING FOR DISSOLUTION OF A CIVIL PARTNERSHIP

The notes should help you to complete a cause application for dissolution of a civil partnership. Do not cross out any of the paragraphs unless the note says that you should. **If you are unsure about anything in this guide and/or you are unsure what orders, if any, you should be seeking, you are advised to see an advocate or solicitor. Court staff are NOT allowed to offer legal advice or advise you about your different legal options.**

THE HEADING

Full names must be given as set out in the civil partnership certificate, except that a woman's maiden name is always used. If you were a divorced woman or widowed when you entered into a civil partnership, you **MUST** still use your maiden name. You are the applicant and your partner is the respondent.

PARAGRAPH NUMBERS

The numbered notes below relate to the paragraph numbers in the cause application for dissolution

1. You must explain any differences between the names given in your civil partnership certificate and your cause application. If either you or the respondent has changed your name(s) since the civil partnership took place you must explain this, for example by adding:-
 - named changed by deed poll and provide a copy of the Deed Poll
 - now known as

If you are a woman, remember to use your maiden name, and you must use the maiden name of your civil partner.

Please give:

- the date of your civil partnership;
- your full name and the full name of your civil partner;

- status: single/divorced/widow/widower/previous civil partnership dissolved
- the place of the civil partnership.

When stating the place of the civil partnership you should write the words – both printed and hand-written – contained in the civil partnership which come after the phrase “Civil partnership registered at”, for example:

- The Office of the Superintendent Registrar, in the Parish of St Helier, in the Island of Jersey.

2. Please give the last address at which you have lived with the respondent as civil partners.

3 & 4. Please give your occupation and current address and occupation and current address of your civil partner. If you are making an application for ancillary relief (financial orders) you must give a statement in general terms about the respondent’s income and property so far as you know.

5. Please write in, **exactly as set out below**, the following paragraph (or paragraphs) applicable to you upon which you intend to rely to prove that the Court has jurisdiction under Article 27 of the Civil Partnership (Jersey) Law 2012 and therefore may deal with your cause application for dissolution:

(a) The applicant was habitually resident in Jersey throughout the period of one year ending with the date of the presentation of this cause application. (You should give the address(es) where you lived during that time and the length of time lived at each address.)

(b) The respondent was habitually resident in Jersey throughout the period of one year ending with the date of the presentation of this cause application. (You should give the address(es) where you lived during that time and the length of time lived at each address.)

If neither you nor the respondent were habitually resident, you may be able to establish that both you and the respondent are domiciled in

Jersey when the proceedings are begun. However you should obtain legal advice. The wording is as follows:-

(c) The parties to the civil partnership are both domiciled in Jersey.

6. If there are no children of the family cross out the word "EXCEPT". If there are any children of the family give:

- Their full names (including surname),
- Their date of birth, or if over 18, say so,
- If a child is over 16 but under 18, say if he or she is at school, or college, or is training for a trade, profession or vocation.

7. If no other child has been born during civil partnership you should cross out the word "EXCEPT".

If there is a child give the full name (including surname), and the date of birth, or if over 18, say so,

If there is a dispute whether a living child is a child of the family please add a paragraph saying so.

8. If there have NOT been any Court proceedings in Jersey or elsewhere concerning:

- the civil partnership
- any child of the family
- any property belonging to either you or the respondent

cross out the word "EXCEPT".

If there HAVE been proceedings please give:

- the name of the Court in which they took place,
- details of the order(s) which were made
- if the proceedings were about your civil partnership say if you and your civil partner resumed living together after the order was made.

9. If there have been no proceedings in a Court outside Jersey which have affected the civil partnership, or may affect its validity or subsistence, cross out the word "EXCEPT".

If there are or have been proceedings please give:

- the name of the country and the Court in which they are taking/have taken place,
- the date the proceedings were begun and the names of the parties,
- details of the order(s) made,
- if no order has yet been made, the date of any future hearing.

10. Grounds of Dissolution of Civil Partnership, please write in EXACTLY AS BELOW the ground or grounds on which you are relying

- (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 five years immediately preceding the application.
- (c) The parties to the civil partnership 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.
- (d) The parties to the civil partnership have lived apart for a continuous period of at least two years immediately preceding the application.
- (e) the respondent has deserted the applicant without cause for a period of at least two years immediately preceding the application.

11. This space is provided for you to give details of the allegations which you are using to prove the facts given in paragraph 10. In most cases one or two paragraphs will do.

- (a) If you have alleged that your civil partner has behaved unreasonably, give:
 - details of particular incidents, including dates, but it should not be necessary to give more than about half a dozen examples of the more serious incidents, including the most recent.
- (b) Give details of when the treatment started.
- (c)&(d) If you have alleged either one or two years' separation give:
 - the date of separation,
 - brief details of how the separation came about.

- (e) If you have alleged that your civil partner has deserted you, give:
- the date of desertion
 - brief details of how the desertion came about.
12. If your cause application is based on any grounds except one or two years' separation, delete this paragraph. For one or two years separation, if no agreement or arrangement has been made, cross out the word "EXCEPT", otherwise, set out the arrangement or agreement.
13. If your cause application is based on one year with consent or two years separation, delete this paragraph.

PRAYER

The prayer of the cause application is your request to the Court. **You should consider carefully the claims which you wish to make, and if you are unsure or do not understand or do not know what you should be asking for, you should take legal advice. Remember that Court staff are NOT allowed to offer legal advice or advise you about your different legal options.**

You should adapt the prayer to suit your claims.

1. **Dissolution of the civil partnership**

Your request for the civil partnership to be ended.

2. **Children**

Please read the guidance note – ["Civil partnership – Arrangements for children"](http://www.gov.je/familycourt) within the Civil partnership breakdown guidance section within www.gov.je/familycourt.

The Court will ONLY make an order if it considers that an order will be better for the child(ren) than no order.

If you consider that the Court will need to:

- determine where the child(ren) should live (Residence Order),
- determine with whom the child(ren) should have contact (a Contact Order),
- make a Specific Issue Order,
- make a Prohibited Steps Order,

you need to ask the Court for the form C1.

3. Ancillary relief (financial orders)

Delete those orders you do not require.

If you cross out this paragraph, or any part of it, and later change your mind, you will have to ask the Court's permission before any application can be made, and permission may not be granted.

If you wish to apply for an order/s, see [“Civil partnership – financial orders”](#) within the Civil partnership breakdown guidance section within www.gov.je/familycourt. You must complete Form CP15 when you want to proceed with your application.

If you are seeking a property adjustment order, give the address(es) of the property concerned.

4. Costs

If you are not seeking costs delete as appropriate.

It is not possible to claim the costs of the civil partnership after the making of a conditional order.

DON'T FORGET

- to sign and date the cause application
- to give the name(s) and address(es) of the person(s) to be served with the cause application, to provide your civil partnership certificate and fee to the Court, unless you are exempt from paying fees.
- to complete a Statement of Arrangements Form CP5 if there are children of the family.

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

- Draft Cause application
- Procedural Guide for Dissolution of civil partnership
- Civil partnership Proceedings - Financial Orders
- Civil partnership - Arrangements for Children