



In the Royal Court of Jersey Family Division

www.gov.je/familycourt

NOTES ON THE PROCEDURE FOR GETTING DIVORCED

Read these notes when filling in your divorce papers or if you have been served with divorce papers

- Provide your address, mobile number email or any other contact details to the Court as documents will need to be sent to you
- If you change address you **MUST** inform the Court by email or in writing. If you do not do so, and a document is sent to your old address, you will be charged for any replacement
- If you are unsure how to apply for your divorce, or what orders, if any, you should be asking for, get legal advice

Court staff can only assist with certain procedural matters and CANNOT give you any legal advice

These notes will give you:

- general information about the Jersey court divorce process
- more information about applying for a divorce

Also see www.gov.je/familycourt or go to the Family Division, Royal Court Building in the Royal Square for further information

For the Law and procedural Rules see [Matrimonial Causes \(Jersey\) Law 1949](#) and [Matrimonial Causes Rules 2005](#) or find on www.jerseylaw.je or visit the States Greffe Book Shop at Morier House

Starting the proceedings

- Complete the divorce petition with the help of the notes. See [Divorce Petition Form](#).
- Your original divorce petition will be handed into the Court but not returned to you. Make at least 2 copies of the petition before you hand it into the Court (1 copy to be served on your spouse and 1 copy to be retained for your records).
- **Other Documents required** to be given to the Court with the divorce petition (see [Divorce forms and applications](#) on webpage:

<p>Original or certified copy of marriage certificate</p>	<p>This will not be returned to you. If your marriage certificate is not in English or French, you MUST provide an official translation. If you have lost your marriage certificate, get a certified copy from the Office of the Superintendent Registrar, 10 Royal Square, St Helier if you were married in Jersey. A fee will be payable</p>
<p>Form 3 - Notice of Proceedings Form (F3)</p>	<p>This form explains to your spouse what he/she needs to do when he/she receives the divorce petition. The heading must be exactly the same as the heading in your petition. Sign and date the form at the bottom and give your address in Jersey. If you have a lawyer acting for you provide the details in the box provided. For an adultery divorce, you need to provide 2 x F3</p>
<p>Form 4 - Acknowledgment of Service Form (F4)</p>	<p>This form is for your spouse to fill in and return to the Court as proof that he/she has received the petition. You only need to fill in the heading which must be exactly the same as the heading in the petition. For an adultery divorce you need to provide 2 x F4s</p>
<p>Form 5 - Statement of Arrangements for Children Form (F5)</p>	<p>Complete if you have children under 18 born to you and your spouse, or any child[ren] treated by you as though they were yours (known as “children of the family”). These include adopted children, but not foster children. The heading must be exactly the same as the heading in the petition. Fill in the form and then sign and date it. Keep a copy for your records. See guidance notes Divorce – Arrangements for children</p>

Fee for divorce petition	Take the petition and the above documents to the Judicial Greffe with the required fee. The fee is not refundable. See Fees at www.gov.je/familycourt Fees are currently paid in the form of a receipt which can be obtained from the Treasury Department at Customer and Local Services, Philip Le Feuvre House, La Motte Street, St Helier. Your financial circumstances may be such that you are not required to pay. Further information can be obtained on request from the Viscount's Department

What happens next?

- The Family Court Proceedings Officer (“FCPO”) is the administrator who deals with the paperwork. The FCPO will allocate a case reference number which is exclusive to your application. **You must put this case reference number on all documents which you subsequently file with the court.**
- The Court will send back the F3 and F4 (and F5 if applicable) for you to serve on your spouse (and the Co-Respondent if applicable). This means that you have to provide your spouse with copies of the documents.

Serving the documents

- The divorce petition, F3 and F4 need to be served on the respondent (and on the co-respondent if applicable). F5 is also served but not on the co-respondent.
- You may serve the papers on the respondent (and co-respondent if applicable) by post. However, if the F4 is not completed and returned to the Court by your spouse, you may need to prove service.
- If you do need proof of service check at the Post office how you may obtain proof that your documents have been received by your spouse.
- If you do need proof of service the Viscount's Department can serve documents and provide a statement of service. Contact 441440 or viscount@gov.je to find out the fee and procedure.
- If you do not know where your spouse (or the co-respondent) live or work you may have to ask the Court for permission to serve the papers on someone who might

know where he/she is or for the Court to order that you do not need to serve the documents.

Time limits

The time limit for the return of the F4 to the Court is on F3. The time limits are as follows:

Jersey – 8 days	NOTE - the date on which the petition is received is not counted. The final day needs to be up before you can apply for the Greffier's Certificate, Form 20 eg an application received on 10th (local - 8 day limit) time up is on 19th
UK, Guernsey and Northern Ireland – 12 days	
Europe – 15 days	
Rest of the World – 25 days	

These time limits are important as this is the time that has to pass before the next step in your divorce can take place. Make a note of the time limit as you will need to put this on your Form 20 - F20 (Application for the Greffier's Certificate) in the next stage of the process.

Procedure

- Your spouse needs to complete the Form 4. He/she needs to confirm receipt of the divorce petition, state the date when the documents were received and sign and date the form. If the F4 (and F5 if applicable) are completed and returned to the Court, copies will then be sent by the Court to you (or to your lawyer).
- In the case of adultery, adultery must be admitted.
- In the case of a 1 year consent to a divorce, the respondent **MUST CONSENT** and **the signature has to be witnessed by a person as set out in the Rules.**
- **If your spouse answers in F4 "No" to defending the divorce** - This is known as an **undefended** petition. See below how to proceed.
- **If your spouse answers in F4 "Yes" to defending the divorce** - wait to see if you get sent an answer, setting out why the petition is defended. The answer must be provided within 14 days after the time limit for giving notice of intention to defend has

expired eg 8 days + 14 days = 22. If you do receive an answer, you may need a lawyer to help you. This is known as a **defended** petition.

Applying for a Greffier's Certificate if undefended

- When the time limit set out in F3 for the return of the F4 has passed, you can then complete F20 (Application for Greffier's Certificate). Complete whichever is appropriate of affidavits Form 8, 9, 10 or 11. Do not send the papers to the Court until the affidavit is sworn and witnessed. If the petitioner is in Jersey, the affidavit must be sworn and witnessed by a Jersey solicitor, advocate or notary. Make sure you also sign and date your affidavit.
- If the Registrar is satisfied with the paperwork, the Registrar will issue the Greffier's Certificate and set a date for the pronouncement of the Decree Nisi.

Decree Nisi

The Decree Nisi does not finalise your divorce. You do not need to attend Court on the date the decree is to be pronounced, but may attend if there is a dispute about costs. The Decree Nisi will be sent to you.

Statement of Arrangements for children

If the Court is satisfied about the arrangements for each child, a Certificate of Satisfaction will be sent to you along with your Decree Nisi.

Decree Absolute

- 6 weeks and a day after the pronouncement of the Decree Nisi, you as the petitioner can apply to the Registrar for the divorce to be made absolute. Use Form 12 (F12). 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 divorce will not be made absolute 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 divorce absolute without delay. There are other reasons why the Registrar may not make the divorce absolute. If the Registrar is satisfied, a decree absolute will then be sent to you.

- A Decree Absolute of divorce ends your marriage. It has consequences depending on your particular circumstances. If you are unsure about the consequences, consult an advocate or solicitor.

PLEASE REMEMBER

YOU CANNOT REMARRY UNTIL YOU HAVE YOUR DECREE ABSOLUTE. THE DECREE ABSOLUTE IS AN IMPORTANT DOCUMENT. YOU MAY BE REQUIRED TO PRODUCE IT ON FUTURE OCCASIONS SO KEEP IT SAFE.

TO GET COPIES OF YOUR DECREE ABSOLUTE YOU WILL NEED TO PAY A FEE.

Finances

It is in your interests to get financial matters sorted out and a Court order made. If not, it could/may lead to a future claim being made against you for a share of the wealth you may have acquired after the divorce. If you reach agreement about finances, you and your spouse may send a draft order signed and dated by both of you (called a draft Consent Order) to the Court once the Decree Nisi has been issued. You are likely to need legal advice. Also send a completed **Statement of Information for a Consent Order Form**, signed and dated by both of you. See [Practice Direction FD12/07](#) or pick up a copy from the Court. There is a fee for filing a draft Consent Order with the Court. See [Fees](#) or pick up the information from the Court. A Registrar will then decide whether to make an order in the terms you want.

See [Divorce Proceedings - Financial Orders](#) within the Divorce, separation and relationship breakdown guidance section within www.gov.je/familycourt or pick up a copy from the Court.

Contact details of the Court

Family Division, Judicial Greffe, Royal Court House, Royal Square, St Helier JE1 1JG.
Tel 01534 441300. Email jgreffe@gov.je

Links to the **Law** and **Rules, Guidance** relating to divorce applications and Forms can be found/downloaded from www.gov.je/familycourt or obtained from the Family Division or from the Citizens Advice Bureau.

