

Divorce/dissolution/ (judicial) separation petition

To be completed by the Court	
Name of court	Family Court sitting at Bristol
Case No.	BS14D00123
Date received by the court	
Date issued	
Time issued	
Fee charged/Remission ID	

Notes to Petitioners

- This form should be used if you are making an application to the court for divorce/dissolution to end your marriage or civil partnership or (judicial) separation from your spouse or civil partner.
- Before completing this form, please read the supporting notes (D8 Notes) for guidance on completing the form.
- Please answer all questions. If you are unsure of the answer to any question, or you do not think that it applies to you, please indicate this on the form.
- If there is not enough room on the form, you may continue on a separate sheet. Please put your name, the Respondent's (your spouse/civil partner) name, and the number of the Part the information relates to, at the top of your continuation sheet.
- If completing this form by hand, **please use black ink and BLOCK CAPITAL LETTERS** and tick the boxes that apply.

See the supporting notes for guidance on how to complete this section

I, (please state your full name)

apply for a divorce
 dissolution
 (judicial) separation

in respect of my marriage
 civil partnership

and give the following details in support of my application.

Part 1 About you (the Petitioner) and the Respondent (your spouse/civil partner)

See the supporting notes for guidance on how to complete this section

Petitioner

My current name is
First name(s) (in full)

Joan Penny

Last name

Smith

My address is(including postcode)

97 Heather Road
Barking

Postcode BA3 7KL

My date of birth is

17/04/1974

My occupation is

Retail Assistant

I am

male

female

Respondent

The Respondent's current name is
First name(s) (in full)

John Robert

Last name

Smith

The Respondent's address is (including postcode)

24 Cherry Tree Lane
Camden
London

Postcode CM2 5GH

The Respondent's date of birth is

2/05/1975

The Respondent's occupation is

PE Teacher

The Respondent is

male

female

Part 2 Details of marriage or civil partnership

See the supporting notes for guidance on how to complete this section

The wording in this section must be exactly as it is written on your marriage certificate.

On the 4th day of July 1999

(insert your name exactly as it appears on your marriage/civil partnership certificate)

Joan Penny McAdams

married formed a civil partnership with

(insert the name of the Respondent exactly as it appears on your marriage/civil partnership certificate)

John Robert Smith

at

(insert the place where the marriage/civil partnership was formed, exactly as it appears on your marriage/civil partnership certificate)

Buckingham Church, in the Parish of Buckingham, in the County of Buckinghamshire

A certified copy of your marriage/civil partnership certificate must be sent to the court with this completed petition (see supporting notes for guidance).

The location where your marriage took place must be written exactly as it is on your marriage certificate. Do not change anything or leave anything out.

Part 3 Jurisdiction

See the supporting notes for guidance on how to complete this section

The Respondent and I last lived together as spouses civil partners
at

Address 30 Market Street Camden London CM3 9FD
--

The court has jurisdiction to hear this case under

Article 3(1) of the Council Regulation (EC) No 2201/2003 of 27 November 2003

Tick this box for an application to dissolve a marriage between a man and a woman.

or

the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005

Tick this box if you are applying to dissolve a civil partnership.

or

The Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014

Tick this box if you are applying to dissolve a same sex marriage.

on the following grounds

The Petitioner and Respondent are both habitually resident in England and Wales and/or

Other (please state any other connection(s) on which you wish to rely)

--

or

The court has jurisdiction other than under the Council Regulation on the basis that no court of a Contracting State has jurisdiction under the Council Regulation and the Petitioner Respondent is domiciled in England and Wales on the date when this application is issued

or

The court has jurisdiction other than under the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014 or under the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005 on the basis that no court has, or is recognised as having jurisdiction as set out in these Regulations, and either:

the Petitioner or the Respondent is domiciled in England or Wales

or

the Petitioner and Respondent registered as civil partners of each other in England or Wales or, in the case of a same sex couple, married each other under the law of England and Wales and it would be in the interests of justice for the court to assume jurisdiction in this case.

Tick this box if you both live in England or Wales. If not see HMCTS guidance on completing D8 (at <http://hmctsformfinder.justice.gov.uk/courtfinder/forms/d008-notes-eng.pdf>) for what to put in the box below it.

Part 4 Other proceedings or arrangements

See the supporting notes for guidance on how to complete this section

There are and/or have been

proceedings in any court in England and Wales or elsewhere with reference to the

marriage

civil partnership

or to any child of the family

or between the Petitioner and Respondent with reference to any property of either or both of them
(please enter details below)

If any court has ever been involved with your marriage, or with your children, or with property owned by either of you, tick the first box and then the relevant box below it. You will then need to put the court details and case number in the next box.

or

no other proceedings in any court in England and Wales or elsewhere.

This is an application based on five years' separation and

agreement has been made or is proposed to be made between the parties for the support of

the Petitioner the Respondent and any child of the family

(please enter details below)

If no court has ever been involved with your family, tick this box.

or

no agreement has been made or is proposed to be made.

This section is only relevant if the fact you are relying on is 5 years' separation. If this is the fact you are relying on, tick the appropriate box about arrangements for financial support.

Part 5 The fact(s)

See the supporting notes for guidance on how to complete this section

I apply for a

divorce on the ground that the marriage has broken down irretrievably, or

dissolution on the ground that the civil partnership has broken down irretrievably, or

(judicial) separation

and

I rely on the following fact(s) in support of my application:

The Respondent has committed adultery and the Petitioner finds it intolerable to live with the Respondent (this fact is not applicable in relation to a civil partnership) (only conduct between the respondent and a person of the opposite sex may constitute adultery for this purpose)

The Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent

The Respondent has deserted the Petitioner for a continuous period of at least two years immediately preceding the presentation of this petition

The parties to the marriage/civil partnership have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition and the Respondent consents to a decree/order being granted

The parties to the marriage/civil partnership have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition.

Part 6 Statement of case

See the supporting notes for guidance on how to complete this section

(in all cases, please state briefly any relevant details about the fact(s) on which you rely)

On 28th February 2014, at the matrimonial home, 30 Market Street, the respondent admitted to me that he had been having an affair with a woman who is known to me but who I do not wish to name. He told me that he had been having the affair since November 2013.

I therefore find it intolerable to continue living with the Respondent and believe that the marriage has irretrievably broken down.

On that basis, I ask the court to grant a decree dissolving my marriage.

Part 7 Details of the children

See the supporting notes for guidance on how to complete this section

If you cannot agree arrangements for your children, you can make an application under the Children Act 1989. Please see leaflets CB1 Children and the family courts and CB7

Guidance for separated parents: Children and the family courts.

Put a brief summary of the reasons why you want to divorce.

You should try to agree the statement with the other party in advance, to save time later.

You do not have to put everything in here (and often it is better not to, to try to keep things amicable) but you do have to put enough to demonstrate to the judge that your marriage/civil partnership has broken down irretrievably.

Children of the family

	Date of birth (or state if over 18)	Over 16 but under 18 and in education, training or working full time	(a) Child of both parties	(b) Other child of the family
Child 1	4/03/1999	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child 2	1/09/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child 3	20/02/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child 4	10/07/2011	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child 5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child 6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Part 8 Special assistance or facilities if you attend court

See the supporting notes for guidance on how to complete this section

If you are required to attend court during these proceedings will you need any special assistance or facilities?

- Yes (please supply details below)
 No

If you have any special requirements such as access requirements, an interpreter etc tick yes and give details here.

Part 9 Service details

See the supporting notes for guidance on how to complete this section

- I am not represented by a solicitor in these proceedings
 I am not represented by a solicitor in these proceedings but am receiving advice from a solicitor
 I am represented by a solicitor in these proceedings, who has signed Part 10, and all documents for my attention should be sent to my solicitor whose details are as follows:

Box 1 Solicitor's details

Name of solicitor	Not applicable		
Name of firm			
Address to which all documents should be sent for service: Postcode	Telephone no.		
	Fax no.		
	DX no.		
	Your ref.		

E-mail	
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Box 2 Petitioner's address for service

Address (including postcode)

97 Heather Road
Barking

Postcode BA3 7KL

Box 3 Respondent's address for service

Address (including postcode)
24 Cherry Tree Lane
Camden
London

Postcode CM2 5GH

Box 4 Co-Respondent's details, if any

(please see the Guidance Notes for this form on the need to name the correspondent)

There is no Co-Respondent

There is a Co-Respondent whose details are as follows:

First Name	
Last Name	
Address (including postcode)	

The co-respondent is any other person named in the petition, usually the person with whom your ex committed adultery.

Although you can name the co-respondent, it is usually advisable not to do so, and if your ex is likely to admit the adultery there is no need to do so. See HMCTS guidance on completing form D8 (at <http://hmctsformfinder.justice.gov.uk/courtfinder/forms/d008-notes-eng.pdf>)

Bear in mind that naming the co-respondent is likely to make things more difficult for everyone concerned which may, in turn, prevent you being able to reach agreements on other issues with your ex later, which is not in anyone's interests.

If you are alleging adultery and you know the identity of the other person, you should tell the court in Part 6 above that their identity is known to you but you do not wish to name them. Don't say that you do not know who they are if you do, as this is misleading the court.

Part 10

See the supporting notes for guidance on how to complete this section

Prayer

The Petitioner therefore prays

(1) The application

That the marriage civil partnership be dissolved

or

That the Petitioner be (judicially) separated from the Respondent.

(2) Costs (if you wish to claim costs from the Respondent or Co-Respondent)

That the Respondent Co-Respondent shall be ordered to pay the costs of this application if defended or delayed

(3) Financial Order (if you wish to make an application for a Financial Order)

(a) That the Petitioner may be granted the following Financial Order(s):

an order for maintenance pending suit/outcome

periodical payments order

secured provision order

lump sum order

property adjustment order

order under section 24B, 25B or 25C of the Matrimonial Causes Act of 1973/paragraph 15, 25 or 26 of Schedule 5 to the Civil Partnership Act of 2004 (Pension Sharing/Attachment Order) or section 25F or section 21B of the 1973 Act or paragraph 34A of the 2004 Act (Pension Compensation Sharing/Attachment Orders)

(b) For the children

a periodical payments order

a secured provision order

a lump sum order

a property adjustment order

You can ask for an order that your ex pay your costs but remember, as you are representing yourself, your only costs will be the court fee. Remember, you can't ask for a costs order in relation to this petition later if you don't claim it here.

You should tick the boxes here, even if you are hoping to agree arrangements with your ex. This isn't a financial application and doesn't mean you are claiming anything against your ex at this stage, but if you don't tick these boxes now, you may not be able to make any such claim later.

Signed

Petitioner [~~s Solicitor~~]

Dated 18/09/2014

Make sure you remember to sign here and put the date.