



SUPREME COURT
(MATRIMONIAL JURISDICTION)
FALKLAND ISLANDS

D8

DIVORCE/DISSOLUTION/JUDICIAL SEPARATION PETITION

Case Reference:	SC/CIV/	<i>Always quote this reference</i>
Date Issued:		

Notes to Petitioners:

- You can only make an application for divorce or dissolution if you have been in your marriage or civil partnership for **at least one year**. This does not apply to judicial separation applications.
- This form should be used if you are making an application to the court for a divorce, dissolution or judicial separation from your spouse.
- 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.
- The information you give will be used as evidence by the court to decide if you are entitled to legally end your marriage or civil partnership or to get a judicial separation order from your partner. A copy of this form will be sent to your spouse/civil partner by the court.
- If there is not enough room on this form, you may continue on a separate sheet. Please put your name, the Respondent's (your spouse's) 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 CAPITALS and tick the boxes that apply.

I, *(Please state your current full name)*

apply for a:

- DIVORCE** on the ground that the marriage has broken down irretrievably
- DISSOLUTION** on the ground that the civil partnership has broken down irretrievably
- JUDICIAL SEPARATION**

And in support of my application I include:

- My marriage or civil partnership certificate or a certified copy of the certificate from where I got married or entered into a civil partnership

[**note:** a photocopy will not be accepted by the court]

- A translation that has been certified by a notary public or authenticated by a statement of truth by the person who did the translation

[**note:** this should be provided if your marriage or civil partnership certificate (or similar document issued under the law in the country your registered your marriage or civil partnership) is not in English.]

At times in this form you will be referred to as the Petitioner and your spouse/civil partner will be referred to as the Respondent. These are technical terms used in law.

For marriages/civil partnerships in the Falkland Islands you can request a copy of the certificate by emailing registrargeneral@townhall.gov.fk You will need to pay a fee.

If you entered into a **religious marriage** as well a civil marriage, these proceedings may not dissolve the religious part of your marriage. It is important that you contact the relevant religious authority and seek further guidance if you are unsure.

PART 1: ABOUT YOU (THE PETITIONER)

Petitioner

My current full name is:

First name(s) in full:

Last name:

Is this either your married name or the name shown on your marriage/civil partnership certificate?

YES

NO

[**note:** please attach your change of name deed/statutory declaration or if this is not applicable, explain why your name has changed]

My address is (including postcode)

My date of birth is: (dd/mm/yyyy)

My occupation is:

I am:

Male

Female

Do you have a Legal Practitioner acting for you?

NO

YES [**note:** give details below]

My Legal Practitioner's name is:

My Legal Practitioner's firm is:

My Legal Practitioner's address is (including postcode)

My Legal Practitioner's reference number is:

This can be different to the one on your marriage or civil partnership certificate. This can be your last name, your spouse's/civil partner's last name or a double barrelled last name that combines the two.

If you have changed your name, other than through your marriage, since you got married, you must attach a copy of your change of name deed or otherwise explain why your name has changed.

You should give your home address. If you have a Legal Practitioner acting for you, the court will send all papers to their address.

PART 2: ABOUT YOUR SPOUSE/CIVIL PARTNER (THE RESPONDENT)

Respondent

The Respondent's current full name is:

First name(s) in full:

Last name:

Is this their married name or the name shown on your marriage/civil partnership certificate?

YES

NO [note: if known, please explain why their name has changed]

The Respondent's address is (including postcode)

The Respondent's date of birth is: (dd/mm/yyyy)

The Respondent's occupation is:

The Respondent is :

Male Female

Do they have a Legal Practitioner acting for them?

NO

YES [note: give details below if known]

Their Legal Practitioner's name is:

Their Legal Practitioner's firm is:

Their Legal Practitioner's address is (including postcode)

Their Legal Practitioner's reference number is:

Unless an address for a Legal Practitioner is given, the court will send papers to the respondent's home address.

If your spouse/civil partner has a Legal Practitioner action for them you should complete their details below.

If your spouse/civil partner has not given you an address for service (home or Legal Practitioner) the court papers will be sent to their last known address or usual address provided in this section.

If the addresses you provide are outside of the Falkland Islands then different rules about sending papers to them may apply. You may wish to seek further legal advice.

PART 3: DETAILS OF MARRIAGE

Note: You should attach your marriage or civil partnership certificate to this application, together with a certified translation in English if necessary (the court will usually keep your documents and not return them).

If you do not have the original certificate and cannot obtain a copy of it, you will have to make a separate application, alongside this application, to issue this form without it.

On the day of

(insert your name exactly as it appears on your certificate)

married/entered into civil partnership with

(insert the Respondent's name exactly as it appears on your certificate)

at

(insert the place where the marriage or civil partnership took place exactly as it appears on your certificate)

I AM AM NOT making a separate application to issue with my marriage or civil partnership certificate.

The details set out in my marriage or civil partnership certificate ARE correct. ARE NOT correct because:

If you are applying without your marriage/civil partnership certificate you will need to make a separate application on form D11 (application notice). It is recommended that you seek legal advice if you are unsure how to do this.

You can only apply for a divorce/dissolution if you have been in your marriage/civil partnership for at least one year.

PART 4: JURISDICTION

The Respondent and I last lived together as spouses/civil partners at *(insert full address)*

The court needs to understand why you think it has the legal power (jurisdiction) to deal with your application.

The court has jurisdiction to hear this case under section 3 of the Matrimonial Causes Ordinance 1979 on the following grounds:

(please tick as applicable)

- | | |
|--------------------------|--|
| <input type="checkbox"/> | 1) I am domiciled (have my permanent home) in the Falkland Islands |
| <input type="checkbox"/> | 2) The Respondent is domiciled (has his/her permanent home) in the Falkland Islands |
| <input type="checkbox"/> | 3) We are both domiciled (both have our permanent homes) in the Falklands Islands |
| <input type="checkbox"/> | 4) I have been habitually resident (had my usual home) in the Falklands Islands for one year immediately before beginning proceedings |
| <input type="checkbox"/> | 5) The Respondent has been habitually resident (had his/her usual home) in the Falkland Islands for one year immediately before these proceedings were begun |
| <input type="checkbox"/> | 6) We have both been habitually resident (both had our usual homes) in the Falkland Islands for one year immediately before these proceedings were begun |

PART 4: JURISDICTION (CONTINUED)

If you have ticked 4, 5 or 6 please provide your, or the Respondent's, address (including country) and state length of time at that address.

My address: (including postcode)

The Respondent's address: (including postcode)

Length of time at this address:

Length of time at this address:

PART 5: OTHER PROCEEDINGS OR ARRANGEMENTS

(please tick as applicable)

There have not been any court cases about my marriage or any of the children

in any court in the Falkland Islands

in any court in any other country

There have been court cases about my marriage or any of the children

in any court in the Falkland Islands

in a court in: *(please specify country)*

The case was about: *(please give details)*

You should indicate if there have been proceedings in the Falkland Islands, or elsewhere, concerning:

- Your marriage/civil partnership
- Any child of the family
- Any property belonging to either you or the respondent.

This includes proceedings relating to the marriage/civil partnership, or to any child of the family even if the proceedings have now finished or were abandoned without a final decision being made.

An Order was made on *(insert date)*:

The Order states:

No Order was made.

PART 5: OTHER PROCEEDINGS OR ARRANGEMENTS (CONTINUED)

- I HAVE co-habited with my husband/wife since a decree or order was made by a court
- I HAVE NOT co-habited with my husband/wife since a decree or order was made by a court
- There ARE NOT any ongoing court cases or formal disputes relating to my marriage
- There ARE ongoing court cases or formal disputes relating to my marriage

Please give details including the date the case began, name of parties and expected trial date (if applicable)

(please tick as applicable)

This is an application based on three 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 or the family

or

No agreement has been made or is proposed to be made

PART 6: THE FACT(S)

Note: If your application is for divorce or dissolution you must chose one or more of the following reasons to support the fact that your marriage or civil partnership has broken down irretrievably (it can't be saved).

If your application is for judicial separation you must chose one or more of the following reasons to support your application.

(please tick as applicable)

and in support I rely upon the following fact(s):

- The Respondent has committed **adultery** and I find it intolerable to live with the Respondent
- The Respondent has **behaved** in such a way that I cannot reasonably be expected to live with the Respondent
- The Respondent has **deserted** me for a continuous period of at least one year immediately preceding the presentation of this petition
- The Respondent and I have lived apart for a continuous period of **at least one year** immediately preceding the presentation of this petition and the Respondent **consents** to a decree being granted
- The Respondent and I have lived apart for a continuous period of **at least three years** immediately preceding the presentation of the petition.

You cannot use **adultery** if, once you became aware of it, you lived together as a couple for a period, or combination of periods, exceeding 6 months.

Behaviour cannot be used if you lived as a couple for a period, or periods, totalling more than 6 months after the date of last incident you want to rely on as evidence.

For **1 and 3 years' separation** please make sure you have been separated the right amount of time.

If you have lived together as a couple after separating, you cannot use the 1 year separation with consent, 3 years' separation and desertion facts if it was for more than 6 months, during or after separation period. This 6 month timescale can have been either in a single period or over several periods.

PART 7: STATEMENT OF CASE (SUPPORTING INFORMATION)

I am using 1 years' separation and consent or 3 years' separation.

I reached the conclusion that my marriage/civil partnership was at an end on:

Date:

And either:

We have lived together since this time for the below period:

or:

We have NOT lived together since this date.

Note: If you're using adultery, behaviour or desertion you must give brief details to support the reasons for your application below.

Adultery - Please give the date you first became aware of the adultery and, if known, dates and place where the adultery happened.

It is not normally necessary to name the person your partner committed adultery with; you should only consider doing so if the petition is likely to be disputed.

If you include them you must provide their address in section 8 and the court will send them a copy of your petition to give them a chance to respond.

Your petition could be delayed if they do not respond and it could cost you more money.

Behaviour - you should include examples of your partner's behaviour which affected you the most, and the most recent incidents.

You can describe how they have behaved over a period of time or use particular incidents. Include dates if relevant. Provide enough detail to satisfy the court that you cannot reasonably be expected to live with them. Please remember that they will be sent a copy of this application.

Desertion - You should include the date when your partner left (deserted you) without your consent and describe why and how this came about. You should also confirm that you have lived separately since the date of desertion.

PART 8: ADULTERY CASES ONLY

Note: People do not generally name the person their partner committed adultery with. However, if you have named them in Section 7 then you must give their details below so a copy of this petition can be sent to them. If you did not name them, you do not need to fill in these details.

My partner committed adultery with: *(please insert full name)*

And their address for service is:

If the other person is named, then they will usually become a party to the court case and be sent copies of the petition.

Your petition could be delayed if they do not respond and it could cost you more money to resolve that issue.

PART 9: DETAILS OF THE CHILDREN OF THE FAMILY

(please tick as applicable)

There are no children of the family now living

There are _____ children of the family now living, namely:

Full name:	Date of Birth (dd/mm/yyyy)	Are they over the age of 18?	Over 15 receiving instruction at an educational institution or undergoing training for trade, profession or vocation?
		Yes	Yes
		No	No
		Yes	Yes
		No	No
		Yes	Yes
		No	No
		Yes	Yes
		No	No

In the case of a **petition by a male**, has any other child now living been born to the Respondent during the marriage so far as is known to you?

No

Yes *(please give details below)*

Full name:	Date of Birth (if under 18) (dd/mm/yyyy)	Are they over the age of 18?
		Yes
		No
		Yes
		No

In the case of a **petition by a female**, have you, during your marriage, given birth to any other child now living who is a Child of the Family?

No

Yes *(please give details above)*

Is there any dispute as to whether any child is a child of the family?

No

Yes

PART 9: PRAYER

I therefore ask for: *(please tick as applicable)*

- The dissolution of my marriage to the Respondent
- The dissolution of my civil partnership to the Respondent
- Judicial separation from the Respondent

I ask for an order that the costs of this petition are to be paid by:

- The Respondent
- The Respondent and Co-Respondent

I ask for the following financial order(s):

- Maintenance during the divorce/dissolution/judicial separation proceedings
- A periodical payments order
- A secured periodical payments order
- A lump sum order
- A property adjustment order
- A pension sharing order

I ask for the following financial order(s) for the children of the family:

- Maintenance during the divorce/dissolution/judicial separation proceedings
- A periodical payments order
- A secured periodical payments order
- A lump sum order
- A property adjustment order

STATEMENT OF TRUTH:

[I believe]* [The Petitioner/Applicant believes]* that the facts stated in this application for a divorce/dissolution/judicial separation are true. **delete as applicable*

*[I am duly authorised by the Petitioner/Applicant to sign this statement]

Statement of truth must be completed by the person making this application, or by the legal practitioner acting for them

Signed: Dated:

(dd/mm/yyyy)

Petitioner / Petitioner's Legal Practitioner

Legal Practitioner's firm:

Proceedings for contempt of court may be brought against a person who makes or causes to be made a false statement in a document verified by a statement of truth.

PART 10: SERVICE DETAILS

I am not represented by a legal practitioner in these proceedings

I am not represented by a legal practitioner in these proceedings but am receiving advice from a legal practitioner

I am represented by a legal practitioner in these proceedings, who has signed Part 8, and all documents for my attention should be sent to my legal practitioner whose details are below.

Petitioner's Legal Practitioner's details:

Name of Legal Practitioner:

Name of Firm:

Address for service (including postcode & telephone number)

Respondent's details:

Address for service (including postcode & telephone number)

Petitioner's details:

Address for service (including postcode & telephone number)

If I attend court I shall need the following special facilities:

Co-Respondent's details:

There is no Co-Respondent

There is a Co-Respondent who details are below.

First name(s) in full:

Last name:

Address for service (including postcode & telephone number)