

Statement in support of a request to dispense with service of the divorce/dissolution/nullity/ (judicial) separation petition on the Respondent

To be completed by the Petitioner	
Name of court	Case No.
Name of Petitioner	
Name of Respondent	
Name of Co-Respondent	

Read the notes for guidance carefully before answering the questions and exhibit to your statement all correspondence relating to the Respondent's whereabouts.

All questions must be answered

1. On what date and at what address did you and the Respondent last live together?

Date //

Address

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Postcode

2. Where did the Respondent live after the parting?

State the address (or addresses) and the results of enquiries made at that address (or those addresses).

Address(es)	Results of enquiries

3. When was the Respondent last seen or heard of?

Date //

State the circumstances, including brief details of all enquiries made to trace the Respondent as a result of this information.

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4. What relatives or friends of the Respondent are known to you?

State their names, addresses and relationship and the enquiries you have made of each of them and with what result.

5. If there are any children of the family, does the Respondent, to your knowledge, have contact with any of them?

If so, please give details; if not, please state when the Respondent, to your knowledge has had any contact with them.

6. Was the Respondent in employment at or after the date of parting?

State the name and address of the Respondent's last known employer, the Respondent's occupation and the result of your enquiry of the employer.

7. (a) Had the Respondent to your knowledge, a bank or building society account? Yes No
(b) Was the Respondent a member of a trade union or professional organisation? Yes No

If Yes, state the details of the results of any enquiries that you have made of these bodies.

8. Is there a magistrates' court order for maintenance in force? Yes No

If Yes, state the result of any enquiry you have made of that court relating to the Respondent's whereabouts.

9. Is there a Child Support Agency calculation for child maintenance in force? Yes No

If Yes, state the result of any enquiries made to the Respondent's whereabouts.

10. What other enquiries have you made, or information do you have concerning the whereabouts of the Respondent?

State brief details.

continued over the page ⇨

Statement of Truth

*delete as appropriate

*[I believe] [the Petitioner believes] that the facts stated in this statement are true and say that:

- I am the Petitioner in this application.
- The answers to the questions 1 - 10 above are true.
- I produce the documents referred to in paragraphs
 2, 3, 4, 5, 6, 7, 8, 9, 10
and marked:

- I know of no other enquiry that can be made which might lead to the Respondent being traced.
- I ask the Court to make an order dispensing with service of the petition on the Respondent or other such order as the District Judge thinks fit.

Print full name

Address for service

Postcode

Name of Petitioner's
solicitor's firm

Signed

Dated

D	D	/	M	M	/	Y	Y	Y	Y
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*(Petitioner) (Litigation friend) (Petitioner's solicitor)

Position or office held
(if signing on behalf of
firm or company)

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.

Statement in support of a request to dispense with service of the divorce/ dissolution/nullity/(judicial) separation petition on the Respondent (form D13B)

Notes for Guidance

General

If you do not know the present whereabouts of the Respondent, then, before you can proceed with your case, you will need to make an application to the Court for an order dispensing with service of the petition on them. Such an order will only be made where you are able to satisfy the Court that you have made all reasonable enquiries to trace them.

What is reasonable will vary from case to case according to the particular circumstances. In general, you will have to show that you have made the enquiries set out below.

Completing questions

The following numbered paragraphs relate to the corresponding question numbers in form D13B.

1. You should state the date on and address at which you and the Respondent last lived together. If the Respondent on parting indicated where he was going to, you should give details.
2. You should give all the information that you have to show that the Respondent is no longer living at the stated address(es). This should include any letters addressed to the Respondent that have been returned "not known at that address" or "gone away" and any enquiries that have been made of the neighbours.
3. You should describe the last time that you saw (or heard of) the Respondent, giving the source of your information and the enquiries you have made of that source.
4. You should contact known relatives (including children) and friends of the Respondent, explaining that you have commenced an application for divorce/dissolution/nullity/(judicial) separation and need to know the Respondent's address in order that the Court may send him/her a copy of the petition and so inform the Respondent of his/her rights.
5. and
6. You should make enquiries of the Respondent's last known employer enquiring whether the Respondent is still employed there and whether the employer can assist you in tracing him/her or would be willing to forward to him/her a stamped envelope and to let you know when this has been done.

If the employer is willing to forward a letter, you should enclose in the envelope a copy application and accompanying documents which the Court will supply to you on request. You need not tell the employer about the enclosures.

7. If, to your knowledge, the Respondent had a bank or building society account, or was a member of a trade union or any other organisation or club, you should make enquiries of these bodies as in paragraph 5 above.
8. If a maintenance order has been made by a magistrates' court an enquiry and request (as in paragraph 5 above) should be made to the Clerk to the Justices of that Court.
9. If an assessment for Child Support maintenance is pending or has already been made by the Child Support Agency, an enquiry and request should be made to the Child Support Agency Centre dealing with your case.

10. All other enquiries that you have made, or information that you have, concerning the whereabouts of the Respondent should be listed. In appropriate cases (e.g. where the Respondent has not been heard of for 2 years or more) you should have a search made in the decree absolute/final order index record maintained in the Principal Registry in London to ensure that the Respondent has not already divorced/ended the civil partnership with you. To do this you should contact the Principal Registry of the Family Division (PRFD), First Avenue House, 42-49 High Holborn, London WC1V 6NP (020 7947 6000). You may have to pay a court fee. Please check with PRFD to determine the fee payable. You should, when making any such enquiry, give your full name, the Respondent's full name, your date of marriage/civil partnership, the date or approximate date of separation, and your address at the time of separation.

Statement of Truth

Having answered the listed questions in the form, you must then complete the statement of truth by writing your name, address and occupation in the space provided.

After you have completed your statement of truth you should send or take it to the court office together with the exhibits (which should have been marked as such by you or your solicitor) and the court fee.

If he think it is necessary, the District Judge may, on considering your application, require your personal attendance. In any event, the court office will notify you of the result of your application.

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.