

# Application for a (judicial) separation



## Section 1 – Your application

### 1.1 Are you applying as a sole applicant or joint applicants?

- A sole application** – I am applying on my own.

You will complete this application on your own before you submit it to the court. The court will send a copy of your application to your spouse/civil partner.

You will be referred to as the sole applicant, and your spouse/civil partner will be referred to as the respondent in this application.

- A joint application** – We are applying together.

You and your spouse/civil partner will complete this application jointly before you submit to the court.

You will be referred to as applicant 1 and your spouse/civil partner as applicant 2 in this application.

Applicant 2 must complete section 3 and the statement of truth.

### 1.2 What documents are you supplying to support your application?

- Your marriage or civil partnership certificate or a certified copy of the certificate from where you got married or entered into a civil partnership (a photocopy will **not** be accepted).
- A translation that has been certified by a notary public or authenticated by a statement of truth by the person who did the translation. This should be provided if your marriage or civil partnership certificate (or a similar document issued under the law in the country you registered your marriage or civil partnership) is not in English.

### Relationship support and child arrangements

Where it may be helpful (and safe) to receive relationship support, you can find information at: [www.nhs.uk/Service-Search/other-services/Relationship%20counselling/LocationSearch/400](http://www.nhs.uk/Service-Search/other-services/Relationship%20counselling/LocationSearch/400)

You can also find information on making child arrangements if you divorce or separate at: [www.gov.uk/looking-after-children-divorce](http://www.gov.uk/looking-after-children-divorce)

**Note 1.1:** How you divide your money and property is dealt with separately. You may wish to consider taking legal advice.

It should not affect your decision on whether to do a sole or a joint application.

Any application for costs should be made using form D11 application notice. This is available on gov.uk

For marriages/civil partnerships in England and Wales you can order a copy of the certificate at [www.gro.gov.uk/gro/content/certificates](http://www.gro.gov.uk/gro/content/certificates). You will need to pay for each copy.

In cases of urgency it may be possible for you to make an application to allow you to deliver the original or a certified copy of the marriage/civil partnership certificate to the court at a later date, if the document is unavailable.

## Section 2 – About you (the sole applicant or applicant 1)

### 2.1 Full name of the sole applicant or applicant 1

First name(s)

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Middle name(s)

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Last name

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

Yes

No. Attach your change of name deed/statutory declaration or if this is not applicable, explain why your name has changed

**Note 2.1:** This can be different to the one on your marriage or civil partnership certificate. This can be your last name, your spouse/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.

### 2.2 Do you wish to keep your contact details confidential from your spouse or civil partner?

Yes. Complete form **C8** and do not answer question 2.3.

No

**Note 2.2:** If you do not wish to disclose your contact details to the applicant, you should leave these details blank and complete form **C8 Confidential Contact Details**.



## 2.8 Address of solicitor's firm

Building and street

Second line of address

Town or city

County (optional)

Country

Postcode

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DX address (if applicable)

Phone number

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Email




**3.3** What is the address of the respondent or applicant 2?

Building and street

Second line of address

Town or city

County (optional)

Country

Postcode

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Phone number (if there is one)

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Insert the respondent's usual email address or an email address provided by the respondent for service (for example, their solicitor's email address). You should avoid using a work email address, as this may not be confidential.

Email (if there is one)

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For the respondent's email address only – I confirm that to the best of my knowledge only the respondent has access to the above email account

If this is a joint application, go to question 3.7

**3.4** Is the application to be served on the respondent outside England and Wales?

Yes. You must arrange service of this application on the respondent. **Go to question 3.6.**

No

**Note 3.3:** Where the application is to be served by the court this will be served by email with a notice confirming service sent to the respondent's postal address.

**Note:** You should use the email address actively used by the respondent for personal emails. Where the respondent has a solicitor who is instructed to accept service of the application, insert the solicitor's email address here instead.

The email address should not be the same as the one given for the sole applicant/ applicant 1.

**Note 3.4:** If the respondent to a sole application is not in England and Wales the applicant must arrange to serve this application on the respondent. Special rules about service may apply and you may wish to seek legal advice.

**3.5** The court will serve the application on the respondent by email and a notice sent by post unless you tick one of the boxes below

- Serve this application by post only
- I will arrange service on the respondent

**3.6** Has the respondent provided a different address for the court documents to be sent to?

- Yes. Complete the address details below.
- No. **Go to Section 4**

**Note 3.6:** Alternative addresses or solicitor addresses should be provided at question 3.10.

**3.7** The solicitor's name for the respondent or applicant 2 (if applicable and if known)

**3.8** The solicitor's reference number (if applicable and if known)

**3.9** Name of the solicitor's firm (if applicable and if known)

**3.10** The solicitor's or other address they have provided

**Note 3.10:** The court will send documents to this address.

Building and street

Second line of address

Town or city

County (optional)

Country

Postcode

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Phone number

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## Section 4 – Details of marriage/civil partnership

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 get a copy of it, you will have to make a separate application, alongside this application, to issue this form without it.

**4.1** Did your marriage/civil partnership take place outside of the UK?

Yes

No

**4.2** Are you making a separate application to issue without your marriage or civil partnership certificate?

Yes

No

If you answered 'Yes' to either question 4.1 or 4.2 above, give the place where the marriage/civil partnership was formed as it appears on your marriage/civil partnership certificate (if any).

**4.3** Date of marriage or civil partnership

Day

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Month

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Year

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**Note 4.3:** You can only apply for a divorce/dissolution if you have been in your marriage or civil partnership for at least one year.

**4.4** Your full name as shown on your certificate

Your spouse/civil partner's full name as shown on your certificate



**4.5** Are the details set out in your marriage or civil partnership certificate correct?

Yes

No. Explain why

## Section 5 – Why this court can deal with your case (jurisdiction)

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

Complete section 5.1 or if that section does not apply to you then complete section 5.2.

**Important:** If you need help deciding which reasons apply to you then you should consider seeking legal advice, particularly if you live outside England and Wales.

**Note:** If you are applying without your marriage/civil partnership certificate you will need to make a separate application on form **D11** (Application notice) and pay another court fee. It is recommended that you seek legal advice if you are unsure of how to do this.

**5.1** The usual basis for the court to have jurisdiction is where one or both parties are habitually resident in England and Wales.

### Habitual Residence

Your habitual residence is the place in which your life is mainly based. You must be settled there and intend to stay settled there. Some of the following may apply: you work there, own property, have your children in school there, and your main family life takes place there.

### Domicile

Your domicile is the place of your permanent home in which you live, or to which you intend to return.

When you were born you will have acquired your parents' domicile (for example, your father's if they were married, or your mother's if they weren't married or if your father died before you were born). If you have since moved to another country and made that your permanent home then your domicile may have moved there.

If you were born in England or Wales, lived your entire life here, and intend to stay here, then it is very likely that you'll be **both habitually resident and domiciled** here.

**As the court will need to know the reason(s) for why you think it has jurisdiction to deal with the application, tick the reason(s) from the list on the next the page.**

**Tick the reasons that apply:**

- both parties to the marriage/civil partnership are habitually resident in England and Wales;
- both parties to the marriage/civil partnership were last habitually resident in England and Wales and one of them continues to reside there;
- the respondent is habitually resident in England and Wales;
- this is a joint application and either
  - applicant 1

**or**

  - applicant 2

is habitually resident in England and Wales;
- the applicant is habitually resident in England and Wales and has resided there for at least one year immediately before the application was made;
- the applicant is domiciled and habitually resident in England and Wales and has resided there for at least six months immediately before the application was made;
- both parties to the marriage/civil partnership are domiciled in England and Wales; **or**
- only
  - applicant/applicant 1
  - applicant 2
  - respondentis domiciled in England and Wales.

**OR** for civil partnerships or same sex marriages only

**5.2** If the options in section 5.1 do not apply to you, consider if the below is applicable:

- the parties 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.

## Section 6 – Statement of (judicial) separation (the legal reason for your separation)

- 6.1** You must state that you seek to be judicially separated from the other party to the marriage or civil partnership in order for the court to make an order.

If a joint application, applicant 1 and applicant 2 must each make a statement by ticking the box that applies to them.

### Sole applicant or applicant 1

- I confirm that I seek to be (judicially) separated from the other party to the marriage/civil partnership

### Applicant 2 (if a joint application)

- I confirm that I seek to be (judicially) separated from the other party to the marriage/civil partnership

## Section 7 – Existing or previous court cases

- 7.1** Are there any existing or previous court proceedings relating to your marriage/civil partnership or affecting its validity (including any existing or concluded court proceedings overseas)?

- Yes, give details below  
 No

Case number(s)

Summary of the existing or previous court proceedings

**Note 7:** Joint applicants should complete the details necessary together in the same box provided.

## Section 8 – Dividing your money and property – Orders which are sought

You can apply to the court about how your money, property, pensions and other assets should be split. These are called financial orders and may include

- an order for maintenance pending suit/outcome
- periodical payments order
- secured provision order
- lump sum order
- property adjustment order
- pension sharing/compensation sharing/attachment order

You can apply for orders for yourself, and/or, if appropriate for your child(ren).

If you agree with your spouse or civil partner about how your property, money, pensions and other assets will be split, and want it to be legally binding, you can apply for a financial order to be made by consent.

If you disagree with your spouse or civil partner about how your property, money, pensions and other assets will be split, then you can ask the court to decide for you.

### 8.1 Do you want to apply for a financial order?

#### Sole applicant or applicant 1

Yes, I want to apply for a financial order for (select all that apply)

myself

the child(ren)

No

#### Applicant 2

Yes, I want to apply for a financial order for (select all that apply)

myself

the child(ren)

No

### Money and property when you divorce or separate

You may be able to solve your financial and other arrangements outside of court, for example through mediation. You can find more information on mediation at [www.gov.uk/money-property-when-relationship-ends/mediation](http://www.gov.uk/money-property-when-relationship-ends/mediation)

### If you answer 'Yes' to

**question 8.1** the court will take no action at this stage. To formally start financial proceedings, you will also need to complete a separate application Form A or Form A1 and pay another court fee.

You can find more guidance on financial orders and how to get help agreeing on any issues at [www.gov.uk/money-property-when-relationship-ends/apply-for-a-financial-order](http://www.gov.uk/money-property-when-relationship-ends/apply-for-a-financial-order)

### If you answer 'No' to

**question 8.1** you can still apply for a financial order in the future, but only **until you remarry or form another civil partnership.** This restriction does not apply to pension sharing or pension compensation sharing orders.

If you are unsure what to do here it is recommended you seek legal advice.

Please note that decisions regarding child maintenance are usually made by agreement or by the Child Maintenance Service and the court can only make these orders under certain circumstances.

## Section 9 – Summary of what is being applied for (the prayer)

The sole applicant or the joint applicants apply for the following:

### 9.1 The application

That the

- applicant or applicant 1 be (judicially) separated from the respondent or applicant 2

The sole applicant or applicant 1 wishes to apply for the following

### 9.2 Financial Order (if you ticked 'Yes' to the question at 8.1 and wish to make an application for a Financial Order)

That a financial order may be granted for:

- The sole applicant or applicant 1  
 For the child(ren)

Applicant 2 wishes to apply for the following

### 9.3 Financial Order (if you ticked 'Yes' to the question at 8.1 and wish to make an application for a Financial Order)

That a financial order may be granted for:

- Applicant 2  
 For the child(ren)

## Section 10 – Statement of truth

### 10.1 Sole applicant or applicant 1

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

**I believe** that the facts stated in this form and any continuation sheets are true.

**The applicant** believes that the facts stated in this form and any continuation sheets are true. **I am authorised** by the applicant to sign this statement.

#### Your signature

You **must** sign and date the statement of truth.  
If you do not, the court will return your application.

Signed by the

Applicant

Applicant's legal representative (as defined by FPR 2.3(1))

#### Date

Day

Month

Year

Full name of person signing this form

Name of applicant's legal representative's firm

If signing on behalf of firm or company give position or office held

## 10.2 Applicant 2

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

**I believe** that the facts stated in this form and any continuation sheets are true.

**The applicant** believes that the facts stated in this form and any continuation sheets are true. **I am authorised** by the applicant to sign this statement.

### Your signature

You **must** sign and date the statement of truth.  
If you do not, the court will return your application.

Signed by the  
Applicant

Applicant's legal representative (as defined by FPR 2.3(1))

### Date

Day            Month            Year

Full name of person signing this form

Name of applicant's legal representative's firm

If signing on behalf of firm or company give position or office held



# Court fee

## What you need to pay

the court fee is

## How to pay the court fee

### Sole or applicant 1

I have not included payment because

- I have applied for Help with Fees (HWF) online and my reference number is

H	W	F							
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- I am applying for Help with Fees, see attached form **EX160**
- Other – explain why

### Applicant 2

I have not included payment because

- I have applied for Help with Fees (HWF) online and my reference number is

H	W	F							
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- I am applying for Help with Fees, see attached form **EX160**
- Other – explain why

A debit or credit card payment

- I will pay over the phone.
- please email me details on how to pay, my email address is

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- I attach a **cheque or postal order**, made payable to 'HMCTS'

## Court fee

You can find the current fee in leaflet EX50 Civil and Family Court Fees which can be downloaded from: [www.gov.uk/government/collections/court-and-tribunal-forms](http://www.gov.uk/government/collections/court-and-tribunal-forms)

### If you cannot afford the court fee

You may not have to pay a fee, or you may get some money off it if you only have a small amount of savings and investments, receive certain benefits or are on a low income.

You can apply for help with court and tribunal fees online at [www.gov.uk/help-with-court-fees](http://www.gov.uk/help-with-court-fees) or through the 'EX160 Apply for help with fees' form and 'EX160A – How to apply for help with fees' guidance.

**If applying jointly**, both applicant 1 and applicant 2 must qualify for HWF, or the full fee will be payable by one applicant only. You can decide how you wish to share the cost of the fee. Then you must agree who will make the payment to the court.

**A debit or credit card payment.** The court will contact you within **28 days after** you submit the application. If you have not heard from the court within this time, call 0300 303 0642 (Monday to Friday: 10am to 6pm).

## When returning your form, you must include:

- **One original or certified** copy of your marriage/civil partnership certificate or a similar document issued under the law in force in the country where the marriage or civil partnership registration took place (photocopies will not be accepted). If your certificate is not in English then a certified translation must also be provided. The court will keep the documents you send. If you want them back you will need to apply for their return.

- **The court fee**

You can find the current fee in leaflet EX50 Civil and Family Court Fees which can be downloaded from: [www.gov.uk/government/collections/court-and-tribunal-forms](http://www.gov.uk/government/collections/court-and-tribunal-forms)

If you cannot afford to pay a court fee, you may be eligible for a fee remission or a reduced fee. The form **EX160** Apply for help with fees and the EX160A guidance booklet gives you further information – [www.gov.uk/get-help-with-court-fees](http://www.gov.uk/get-help-with-court-fees)

If you are paying by cheque please remember to include it with your application and make it payable to 'HMCTS'.

## Send your application and the items listed above to

HMCTS Divorce and Dissolution service

PO Box 13226

Harlow

CM20 9UG

Phone: 0300 303 0642

Monday to Friday: 10am to 6pm

Email: [contactdivorce@justice.gov.uk](mailto:contactdivorce@justice.gov.uk)