

Respondents' Guide to Dissolution of Civil Partnerships

Progressing your dissolution

This factsheet is intended as a step by step guide to the stages of the dissolution of your Civil Partnership, as the Respondent in the proceedings.

The amount of time that your dissolution will take, will depend on several factors. This will include how quickly you and your partner complete documentation and return it to us or the court, and how busy the court is, and the time taken deal with an application for a dissolution will vary and differs according to which court has conduct of the proceedings.

The steps that you must go through to obtain a dissolution

Receiving of the intention to make an application for dissolution.

Your partner's solicitors will usually write to you directly or us, to confirm their intention to commence dissolution proceedings. They will also include information regarding the fact upon which they intend to rely.

To obtain a dissolution, your partner will have to demonstrate to the court that your relationship has irretrievably broken down and refer to one or more of the following facts as proof:

- that you have deserted your partner for at least two years.
- that you and your partner have lived separately and apart for two years and you consent to a dissolution.
- that you and your partner have lived apart for a continuous period of at least five years.
- that you have behaved in a way that your partner cannot reasonably be expected to continue to live with you.

Your partner may be able to make a claim for their legal costs of the dissolution proceedings against you. A claim for costs will usually only be successful based on an unreasonable behaviour petition. If your partner intends to make a claim for costs against you, we will advise you if they are likely to succeed in their claim for costs and attempt to negotiate an agreement on your behalf. We try to agree the costs in most cases, to avoid protracted proceedings. Your partner's costs will also include the payment of the court fee, which is currently £550.



Preparing the dissolution petition

Your partner's petition will confirm the reasons upon which your partner is petitioning and will include details to support those reasons, for example if they rely upon an allegation of desertion, or a period of separation, they will need to give the date of separation and brief details of how the separation came about. If unreasonable behaviour is alleged, they will need to give brief examples of that behaviour.

In accordance with good practice guidelines, we will receive a draft of the petition in most cases, prior to your partner issuing it with the court. If you have an objection to some of the content or there are errors, the petition can be amended by agreement, provided that your partner and their solicitors are prepared to engage with us.

Your partner will send their petition to their local dissolution issuing centre. The court will then issue the petition and they will send it to you in the post, with a document called an acknowledgement of service. In some cases, the court or your partner's solicitors will send the documents directly to us, if we agree to accept service of the papers and inform your partner or their solicitor of this.

The acknowledgment of service form needs to be returned to the court within 8 days from the date it was sent to you or us, confirming your position regarding the petition. Your partner cannot progress with the dissolution until they can prove service of the documents upon you. Therefore, if you do not return the acknowledgement of service form they will have to arrange to personally serve you by either the court bailiff or by a process server. It is important that you file the acknowledgement of service on time, otherwise your partner is likely to claim the additional costs of arranging personal service on you.

On the acknowledgement of service form, we will also confirm your position in relation to the dissolution petition costs, if your partner is making a claim for costs, subject to any agreement reached with them or their solicitor.

If you intend to defend the proceedings, your case will follow a different process, as directions will be needing to be provided by a Judge following your indication on the acknowledgement of service, leading to additional court hearings. Defending a petition will lead to both parties providing evidence to the court at a hearing regarding the breakdown of your relationship. Defended proceedings are rare, but do happen, and we can advise you accordingly if you intend to defend a petition. It is important to note that costs will be considerably more in any defended proceedings.

Application for a conditional order

Once you have completed your acknowledgment of service and it has been sent to court, and provided the proceedings are undefended, your partner can then apply for a conditional order. This is the stage when your partner's petition will be considered by a Judge, and the Judge will confirm if your partner is entitled to the dissolution. To apply for a conditional order, your partner will need to provide a statement to confirm that the contents of their petition are true.

Certificate of Entitlement

If the Judge is content with your partner's petition, the court will provide a Certificate of Entitlement. This certificate will confirm the time and date when the Judge will grant the first order. The Conditional Order is the first of two orders you must have before your partnership is dissolved.

If the Judge decides you are not entitled to a dissolution, we will receive Notice of a Refusal from the Judge. This form will tell us why the Judge has decided you are not entitled to a dissolution. In most cases the court will simply require further information. In some circumstances the Judge may decide you need to attend court, but such cases are not common.

Conditional order

It is not necessary to attend court for the pronouncement of the Conditional Order unless costs are an issue. If costs are an issue then we will discuss with you if you need to attend court, subject to any discussion or agreement with your partner or their solicitor. Any subsequent order for costs will be sent to you with the Conditional Order.

Final order

Your partner can apply for the Final Order any time after the expiry of six weeks and one day since the pronouncement of the Conditional Order. The Final Order dissolves the Civil Partnership.

“Please note that certain potential financial benefits are lost upon granting the Final Order.”

Please note that certain potential financial benefits are lost upon granting the Final Order. Therefore if financial matters have not been agreed by the time your partner can apply for the Final Order, they may be advised to delay the application. We will let you know if this is applicable to your case and depending on your instructions, we can ask your partner to confirm that they will or will not apply for the final order.

As the respondent in the dissolution proceedings, you can apply for the Final Order at any time after the expiry of three months from the earliest date on which your partner could have applied.

Once a final order is obtained, we recommend that you renew your Will or make a Will if you have not already got one. A final order can affect your Will as between former partners and we advise that a new Will should be prepared to reflect your new circumstances, especially after financial orders having been made.

To find out more, please contact our team now on:



+44 (0)161 507 7145



hello@mcalistefamilylaw.co.uk



2nd Floor, Commercial Wharf
6 Commercial Street, Manchester M15 4PZ
+44 (0)161 507 7145

www.mcalisterfamilylaw.co.uk

4 West Street, Alderley Edge
Cheshire SK9 7EG
+44 (0)1625 813100

a BEYOND GROUP company

