

## DISSOLUTION OF A CIVIL PARTNERSHIP

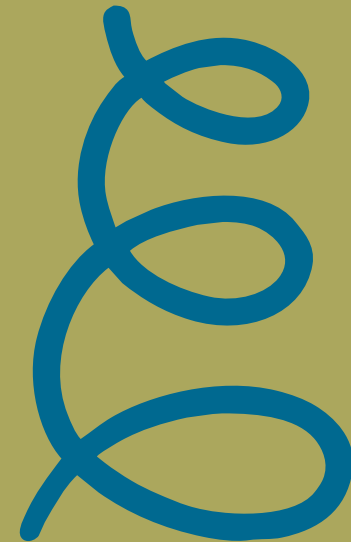
We hope that the following information will assist you in trying to understand the technicalities of dissolving a civil partnership.

You may like to know that in most cases it is unnecessary for either spouse to attend court in connection with the main dissolution. However, if there are problems concerning either children or money matters it may be necessary for you to attend court at a later stage.

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# Dissolution of a Civil Partnership



Throughout this fact sheet, the person who starts the dissolution is called the 'petitioner' and their civil partner is called the 'respondent'.

### Statement of Arrangements - Children

Where there are children who have been treated as "children of the family" and are either under sixteen or still in full time education or training, a document called a "statement of arrangements" is submitted to the court with the dissolution petition (please see the next section). The statement covers such matters as:

- where the children are to live and with whom;
- how often they are to see the other party;
- who will financially support the children;
- details of schooling; and
- any health issues.

This document is prepared by the petitioner's solicitors who will often invite the respondent to agree to the contents. If the arrangements for the children are:

- **Agreed** - then the court is unlikely to interfere with them. Within the dissolution, the judge will confirm that the arrangements for the children are acceptable to the court and will not make any orders relating to the children.
- **Not Agreed** - the respondent will have the opportunity to file a statement setting out their own proposals for the children. It may be necessary for both partners to attend at the court to discuss the problems or provide extra information. If this situation arises we will discuss this with you, as the dissolution may not be ended by the grant of a final order until the court is satisfied with the arrangements for the children.

### The Dissolution

Either party may initiate the dissolution based on one of the four specified facts to support the alleged irretrievable breakdown of the civil partnership, these are:

- unreasonable behaviour;
- desertion for a period of more than two years;

- two years' separation (and consent to a dissolution); or
- five years' separation.

A dissolution petition and, if children are involved, a statement of arrangements (please see the previous section) is sent to the court with a court fee.

Once the court has received all the papers, a copy of the petition, statement of arrangements (if applicable) and a document called an "acknowledgement of service" will be sent to the respondent. In some cases the papers can be sent to the respondent's solicitors but only if they have agreed to this.

The respondent should return the completed acknowledgement of service to the court within eight days. The respondent has to answer questions as to whether or not they consent to the dissolution, object to any claim for costs and agrees or disputes the proposed arrangements for the children.

The dissolution can proceed no further until either the acknowledgement of service has been returned to the court or the court is satisfied that the respondent has received the papers. Any difficulty at this stage will be discussed with you in detail.

### Defended Petitions

These are rare. A respondent wishing to defend a petition must file a defence (called "an answer") within 29 days of receiving the divorce papers. A court fee is payable. If this is not done the petition can usually proceed. If, however, an answer is filed, we will then explain to you what happens next.

### Undefended Petitions

In general once the respondent has returned the acknowledgement of service confirming the petition is not defended, the petitioner can proceed to the next stage.

The petitioner's solicitor will prepare a statement to be made by the petitioner on oath (an affidavit) confirming that the contents of the petition are true and detailing

any changes from the original papers. This will be sent to the court with a document requesting that the judge consider the dissolution petition.

### Conditional Order

If the judge is satisfied with the papers, he or she will grant a certificate of entitlement to the first stage of dissolution, which is called the Conditional Order. A date will be given for the pronouncement of the Conditional Order which will be a few weeks later. There is usually no need for anyone to attend court on that date. At the same time, the judge will indicate whether or not the proposed arrangements for the children are satisfactory.

If the judge is not satisfied with the contents of the affidavit then further information will be requested from the petitioner, which his or her solicitor will help them to supply. The Conditional Order will certainly be delayed if this happens.

### Final Order

Six weeks and one day after the Conditional Order the petitioner may apply for the Final Order. This step is not automatic and the petitioner may well be advised not to apply for the Final Order immediately if financial matters are still outstanding.

If the petitioner does not apply for the Final Order then the respondent can apply for this nineteen weeks and one day after the Conditional Order was pronounced. This involves a formal application to the court supported by an affidavit and a hearing where the petitioner can oppose the application.

The Final Order of dissolution formally ends the civil partnership leaving both parties free to enter another civil partnership if they choose. It also ends the legal 'next of kin' relationship, which exists between a civil partnership; for this reason it is very important to consider making a new will once the Final Order has been granted.