

# A GUIDE TO DISSOLVING CIVIL PARTNERSHIPS



A civil partnership can only be ended by dissolution or annulment or by the death of one of the partners. As with divorce proceedings, dissolving a civil partnership is done by a court. Coming to the decision that you want to dissolve your civil partnership can be very difficult. If you are not sure about whether your partnership is at an end, there are relationship counselling services which may be useful in helping you to clarify how you feel and support you through your separation.

This information sheet sets out the law and procedure if you wish to dissolve your civil partnership. There may be other issues that need to be resolved such as your joint finances and child residence and contact. Information on these issues can be found in our information sheets on financial arrangements following civil partnership dissolution, residence, contact and lesbian parenting. This information sheet relates only to the legal aspects of dissolving a civil partnership. For practical advice and emotional support see the “Other useful telephone numbers” section at the end of this leaflet.

## The law

You cannot apply for dissolution until you have been in your civil partnership for **one year**.

There is only one “**ground**” or reason for dissolution – that your civil partnership

has **irretrievably broken down**. To satisfy the court that your civil partnership has irretrievably broken down you will have to set out details of one of the following **four “facts”** in your dissolution petition:

- **Your civil partner has behaved in such a way that you cannot reasonably be expected to live with her**

Unreasonable behaviour can include a wide variety of behaviour from unfaithfulness or domestic violence to refusing to help with household chores. You will need to set out details of 4 or 5 incidents or examples of your civil partner's unreasonable behaviour.

If you live with your civil partner as a couple for a period amounting to 6 months after the last incident of her unreasonable behaviour, you may not be able to satisfy the court that you cannot reasonably be expected to live with her (this could be short periods of reconciliation that add up to 6 months).

- **Your civil partner has deserted you for at least two years before you apply for your dissolution**

It is difficult to prove your civil partner has deserted you unless:

- she left you,
- you do not know why, and
- you do not know where she is.

- **You and your civil partner have been separated for a continuous period of two years and both of you agree to the dissolution**

To prove this you do not necessarily have to have lived in separate homes but you do have to have lived **separate lives** i.e: eating and doing chores separately.

- **You and your civil partner have been separated for a continuous period of five years**

This ground can be relied on where your civil partner does not agree to dissolve your partnership (where she

does agree separation for 2 years is enough, see above).

However, your civil partner can oppose the dissolution if she can argue that:

- ending the civil partnership would result in grave financial or other hardship to her, and
- it would be wrong in all the circumstances to end the civil partnership.

## The procedure

First you must complete a **dissolution petition**, a legal document containing details of your civil partnership and the reasons for its breakdown. You can get “**Dissolution Petition Notes for Guidance**” and other helpful leaflets from Her Majesty's Court Service to help you fill in the forms.

If you have children you will also need to fill in a **Statement of Arrangements for Children (SAFC)** form setting out details of your children, who they live with and where they go to school etc. Please note that the court will not make any orders in relation to the children in your dissolution proceedings. If there are issues that need to be resolved, such as child contact, you will need to make a separate application to the court.

You can complete these forms yourself. They are available from your local County Court or from the Court Service website. If you need help filling in the forms you can see a solicitor, seek advice from your local Citizens Advice Bureau or telephone our legal advice line. Once you have completed the forms make two copies of them so that you have one set of forms for

you, one set for the court and one for your civil partner.

To start the dissolution proceedings you must **issue** your dissolution petition by taking or sending it and the SAFC if appropriate (the dissolution papers) to the court together with an original or certified copy of your **civil partnership certificate**. If you cannot find your civil partnership certificate, you can apply for a copy from the Registry Office in the district where you entered into your civil partnership or from the General Register Office. If your civil partnership certificate is in another language you will need to arrange to have it translated and the translation certified by a notary public – please seek legal advice about this. There is a fee of **£300** for issuing your dissolution.

If you apply for the dissolution you are the **Petitioner** and your civil partner will be the **Respondent**.

The dissolution papers will be sent to your civil partner. This is called **service** of the court papers and can be done by post or in person by a court official.

The court must be satisfied that your civil partner has received the dissolution papers and will be asked by the court to sign and return an **Acknowledgement of Service** form. This gives her an opportunity to say whether she agrees with the contents of the dissolution papers and whether she wishes to defend the dissolution or contest the arrangements proposed for the children. If your civil partner wishes to defend the dissolution a court hearing will be listed and you should seek legal advice.

If your civil partner returns her Acknowledgement of Service form and is not defending the dissolution the court will then ask you to confirm the details set out in your dissolution petition are true. You do this by filling in and swearing an **Affidavit** in front of an officer of the court or the Principal Registry or a solicitor and signing an **Application for Directions for Trial**.

The Judge will then consider whether you are entitled to a dissolution. You do not have to attend court for this hearing as the judge makes the decision on the papers. If the Judge is satisfied you are entitled to a dissolution the Court will send you and the respondent a **certificate of entitlement to a decree**. This process is called **making the conditional order**. The certificate of entitlement to a decree is the preliminary stage of the dissolution and **does not** dissolve the civil partnership itself. It means the grounds for dissolution have been proved.

Six weeks and one day from the making of the conditional order, you can apply for your **Final Order**. You will need to fill in and sign an **Application for decree nisi to be made absolute or conditional order to be made final** and pay a **£40** fee. If you do not apply for the final order for three months after you got your conditional order your civil partner can apply for it.

It is only when your conditional order is made final that your civil partnership is formally ended. Once the civil partnership is dissolved you and your former civil

partner are free to enter into new civil partnerships if you wish.

### How long will it take?

Even the most straightforward dissolution will take between 4 and 6 months. If there are difficulties serving your civil partner with the dissolution papers or if your civil partner contests the dissolution or the arrangements proposed for your children it could take longer.

### How much will it cost?

The court fees for an undefended dissolution are £340. If you are on a low income the court may be able to waive the fee(s) if you complete a **Fees Exemption form**.

If you wish to instruct a solicitor to help you with your dissolution you **may** be eligible for free legal advice under the **Legal Help Scheme** (sometimes called “legal aid”). If you are not eligible for Legal Help the cost of instructing a solicitor will depend on your individual solicitor’s charges. You should ask for an estimate at the beginning of your case.

The court may order that the Respondent should pay all or some of your costs or you might be able to agree to share the costs between you.

### Where civil partners live abroad or formed their partnership abroad

If your civil partnership was formed abroad or if you live abroad the courts of England and Wales may have the jurisdiction to dissolve your civil partnership under

certain circumstances, seek legal advice if this is your situation.

### Families and civil partnership dissolution

Following civil partnership dissolution you and your former partner will have to decide who any children of the civil partnership will live with (**residence**) and how often they will see the partner they no longer live with (**contact**). Where you and your civil partner cannot agree on these issues either of you can go to court for a **residence or contact order**.

As a former civil partner you can apply for a residence or contact order for a child of the civil partnership **without** having to seek permission from the court. You may also have to provide reasonable maintenance for any child of your family. Please see our information sheets on **financial arrangements after civil partnership dissolution, residence, child contact and parental responsibility** for further information.

### Domestic Violence

Domestic violence can and does occur in lesbian and gay relationships; it is thought that at least 1 in 4 lesbian, gay, bisexual and transgender people experience domestic violence.

There is no single legal definition of domestic violence; however, it includes any violence or threat of violence that takes place in or outside the home between family, household members or partners in existing or previous relationships. It can

include mental, emotional, financial, physical and sexual violence. This includes harassment, for example persistent letters, telephone calls, text messages or e-mails, and psychological or mental abuse.

If you have experienced domestic violence there are a number of ways in which the law can protect you:

- Call the **Police for emergency assistance. Dial 999 or textphone 0800 112 999.**
- You can apply for an **injunction** from the Court under the **Family Law Act 1996**. An injunction is a type of Court order which **forbids** your abuser from doing certain things, such as being violent and abusive towards you (a **non-molestation order**), or orders

her to do certain things, such as **leave your home (an occupation order)**. If your abuser disobeys the order she can be punished by being fined or sent to prison.

For more detailed information about non-molestation and occupation orders please see our information sheet on **domestic violence**.

**The law relating to civil partnership dissolution can be very complicated. We have provided a very basic overview of the terminology, law, and procedure. We would strongly advise you to seek legal advice by either telephoning our legal advice line or a solicitor.**

**Please note that the law as set out in this information sheet is the law as it stood at the date of publication. The law may have changed since then and accordingly you are advised to take up-to-date legal advice. Rights of Women cannot accept responsibility for any reliance placed on the legal information contained in this information sheet. This information sheet is designed to give general information only.**

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**For free confidential legal advice on family law including civil partnership breakdown, lesbian parenting and domestic violence call the Rights of Women Advice Line on 020 7251 6577 (telephone) or 020 7490 2562 (textphone).**

**Tuesday, Wednesday and Thursday 2pm – 4pm and 7pm – 9pm**

**Friday 12 noon – 2pm**

### **Other useful telephone numbers**

Broken Rainbow (services for LGBT people experiencing domestic violence)	08452 60 44 60	<a href="http://www.broken-rainbow.org.uk">www.broken-rainbow.org.uk</a>
Child Support Agency	08457 133 133	<a href="http://www.csa.gov.uk">www.csa.gov.uk</a>
Community Legal Service (for finding a solicitor)	0845 345 4345	<a href="http://www.clsdirect.org.uk">www.clsdirect.org.uk</a>
Her Majesty's Court Service		<a href="http://www.hmcourts-service.gov.uk">www.hmcourts-service.gov.uk</a>
Land Registry		<a href="http://www.landreg.gov.uk">www.landreg.gov.uk</a>
London Lesbian and Gay Switchboard	020 7837 7324	<a href="http://www.llgs.org.uk">www.llgs.org.uk</a>
One Parent Families	0800 018 5026	<a href="http://www.oneparentfamilies.org.uk">www.oneparentfamilies.org.uk</a>
Pink Parents	08701 273 274	<a href="http://www.pinkparents.org.uk">www.pinkparents.org.uk</a>
Relate	0845 130 40 10	<a href="http://www.relate.org.uk">www.relate.org.uk</a>

**Rights of Women, 52-54 Featherstone Street, London EC1Y 8RT**

**Office/Admin: 020 7251 6575/6**

**Textphone: 020 7490 2562**

**Fax: 020 7490 5377**

**Email: [info@row.org.uk](mailto:info@row.org.uk)**

**Website: [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)**

**Industrial and Provident Society No: 23221R**

