

The respondent has replied to my petition - What must I do?

If you have children, make sure you read leaflet D185 (Children and divorce) as well as this leaflet.

What do I do with the copy of the respondent's (and any co-respondent's) form D10 (acknowledgement of service)?

Check the answer the respondent (and any co-respondent) has given to the question 'Do you intend to defend the case?'

If the answer is 'No' you can ask the court to consider whether:

- you have grounds for a divorce; and
- if the arrangements you propose for any children are satisfactory.

This is called "applying for directions for trial".

If the respondent answers 'No' to the question 'Do you agree with the statement of the petitioner as to the grounds of jurisdiction set out in the petition?', the court will let you know if it is necessary for you to see the Judge. If you need to come to court, you should ask a solicitor to help you.

What should I do if the respondent (or any co-respondent) says they intend to defend the case?

Wait to see whether you receive a copy of the defence, (known as an 'answer'). The respondent (or co-respondent) must provide the court with the answer within 21 days after the time limit for giving notice of intention to defend expires, which is in turn 7 **working days** after the petition was received by that person. (A 'working day' is any day that is not a Saturday, Sunday, Christmas Day, Good Friday or Bank holiday).

You should therefore wait for 29 days from the date that the respondent (or co-respondent) says they received your petition. However, this time period may be slightly longer if, for example, a bank holiday occurs between the date the petition was served and the end of the following 29 days.

If you do not receive a copy of the defence, (called an 'answer'), within the above period, you can apply for directions for trial.

If you do receive a copy of the respondent's (or any co-respondent's) answer, you should ask a solicitor to help you.

The court may be able to help you calculate the first date on which you may apply for directions for trial.

How do I apply for directions for trial?

You will need copies of form D84 (application for directions for trial) and form D80 (affidavit of evidence) from the court office. They are free. The example below shows what a completed form D84 looks like.

When you ask for form D80, make sure you tell the court the grounds for your divorce. There is a different version of form D80 for each of the five grounds.

Fill in form D84 and form D80, and send or take them to the court office. This is called 'entering your case in the special procedure list'.

You must not return these forms to the court until 9 days have passed since the respondent (and any co-respondent) say they received your petition.

You must answer all the questions on form D80. The example (see page 3) shows what a completed form looks like.

Form D80 is an affidavit. This is a statement you must swear is true in front of a person approved to witness you doing this.

You must not sign form D80 until the person witnessing tells you to. You must not send it to the court unless it has already been sworn and witnessed.

D84

In the	<i>ANYTOWN</i>	County Court
Between	<i>PATRICIA ELIZABETH MANN</i>	No of matter
and	<i>JAMES DAVID MANN</i>	Petitioner
		Respondent
		Co-respondent

Application for directions for trial (Special Procedure) R.P. Rules 2.24

The petitioner *Patricia Elizabeth Mann* applies to the District Judge for directions for the trial of this undefended cause by entering it in the Special Procedure List.

The petitioner's affidavit of evidence is lodged with this application.

Signed *P E Mann* [Solicitor for] the petitioner

Dated *13 March 1995*

If you write to the Court please address your letters to "The Court Manager" and quote the **No. of the matter** at the top of this form.

The Court Office is at *Sanctuary House, 12 Church Road, Anytown AN2 4DX*

and is open from 10am to 4pm on Monday to Friday.

D84

In the Anytown County Court

Between DAIROCHA ELIZABETH MANN
and JAMES DAVID MANN

Petitioner
Respondent

Question	Answer
About the Divorce petition	
1. Have you read the petition filed in this case?	Yes
2. Do you wish to alter or add to any statement in the petition? If so, state the alterations or additions.	No
3. Subject to these alteration and additions (if any), is everything stated in your petition true? If any statement is not within your own knowledge, indicate this and say whether it is true to the best of your knowledge and belief.	Yes
4. State the date on which you and the respondent separated.	15 June 1991
5. State briefly the reason or main reason for the separation.	No interests in common and long periods of separation because of the respondent's work.
6. State the date when, and the circumstances in which, you came to the conclusion that the marriage was in fact at an end.	15 June 1991 when the respondent and I agreed to live apart

D80D

If so, state the addresses and the period or periods, giving dates.

About the children of the family

9. Have you read the Statement of Arrangements filed in this case?	Yes
10. Do you wish to alter anything in the Statement of Arrangements or add to it? If so, state the alterations or additions.	No
11. Subject to these alterations and addition(s) (if any) is everything stated in your petition (and Statement of Arrangements for the child(ren)) true and correct to the best of your knowledge and belief?	Yes

Respondent's address
10 George Street
Anytown
Anyshire AN6 4

You must write the respondent's name as he or she has signed it on the forms referred to, for example:

- if the respondent has signed the forms "J D Mann" you must write "J D Mann"

Anytown, Anyshire Secretary (occupation)

make oath and say as follows:

- I am the petitioner in this cause.
- The answers to Questions 1 to 11 are true.
- I identify the signature J. D. Mann appearing on the copy acknowledgment of service now produced to me and marked "A" as the signature of my husband J. D. Mann, the respondent in this cause.
- I identify the signature J. D. Mann appearing at Part IV of the Statement of Arrangements now produced to me and marked "B" as the signature of the respondent.
-
- I ask the Court to grant a decree dissolving my marriage with the respondent on the grounds stated in my petition and to order the respondent to pay the costs of the proceedings.

Sworn at Anytown County Court in the County of Anyshire this 15 day of March 1995

Before me, G. Gilbert
Officer of a Court appointed by the Judge to take Affidavits.

These parts of the affidavits will be completed by the person who witnesses you swearing it.

Who can witness the swearing of my affidavit?

- an officer of a county court or of the Principal Registry, or
- a solicitor.

Will I have to pay a fee to the witness?

Not if the witness is an officer of the court or the Principal Registry. A solicitor will make a charge.

What documents will I need to exhibit to the affidavit?

You must provide documents which show:

- that the respondent (and any co-respondent) have received the petition;
- that the respondent (and any named co-respondent) admit to having committed adultery if this was a ground;
- that the respondent consents to a divorce where the grounds are that you have lived apart for two years; and
- that the respondent agrees with the arrangements proposed for the children.

In almost all cases a copy of the form D10 (acknowledgement of service) filled in and signed by the respondent will show all of these things. The form D10 should be exhibited to the affidavit.

D10		
<p style="text-align: center;">IN THE ANYTOWN COUNTY COURT</p> <p style="text-align: center;">Number of matter: 01 D 267</p> <p>Between PATRICIA ELIZABETH MANN Petitioner</p> <p>and JAMES DAVID MANN Respondent</p> <p>and Co-Respondent</p> <p>If you intend to instruct a solicitor to act for you, give him this form immediately. Read carefully the Notice of Proceedings before answering the following questions. Please complete using black ink.</p>		<p style="text-align: center;">Seal</p> <p style="text-align: center;">4 September 2001</p> <p>4216 4221</p> <p>at your place of residence, or if you do not</p> <p>Wales to which documents may be sent for service, you must notify the Court.</p> <p>for the Respondent</p> <p>8 (c) your client must sign and date at 10</p>
<p>7. Even if you do not intend to defend the case do you object to paying the costs of the proceedings? If so, on what grounds?</p>		No
<p>8. (a) Have you received a copy of the Statement of Arrangements for the child(ren)?</p> <p>(b) What was the date of the Statement of Arrangements? (the date beside the Petitioner's signature at Part 3)</p> <p>(c) Do you agree with the proposals in that Statement of Arrangements?</p> <p>Notes If No, you may file a written statement of your views on the present and the proposed arrangements for the children. It would help if you sent that statement to the court office with this form. You can get a form from the Court Office.</p>		Yes 3 September 2001 Yes
<p>9. (In the case of proceedings relating to a polygamous marriage) If you have any wife / husband in addition to the Petitioner who is not mentioned in the petition, what is the name and address of each such wife / husband and the date and place of your marriage to her / him?</p>		N/A
<p>1. Have you received the petition for divorce delivered with this form?</p>		Yes
<p>1A. Are there any proceedings continuing in any country outside England and Wales which relate to the marriage or are capable of affecting its validity or substance? If so, please provide the following information:</p> <p>(a) particulars of the proceedings, indicating the court in or tribunal or authority before which they were begun;</p> <p>(b) the date when they were begun;</p> <p>(c) the names of the parties;</p> <p>(d) the date or expected date of any trial in the proceedings, and such other facts as may be relevant to the question whether the proceedings on the petition should be stayed under Article 19 of the Council Regulation.</p>		No
<p>1B. In which country are you:</p> <p>(a) habitually resident?</p> <p>(b) domiciled?</p> <p>Of which country are you a national?</p>		(a) England (b) England United Kingdom
<p>1C. Do you agree with the statement of the Petitioner as to grounds of jurisdiction set out in the petition? If not, please state the grounds on which you disagree with the statement of the Petitioner.</p>		Yes
<p>2. On which date and at what address did you receive the petition?</p>		On the ... 20th ... day of ... September ... 20 01 at ... 21a George Street, Anytown, Anyshire AN16 4221
<p>3. Are you the person named as the Respondent in the petition?</p>		Yes
<p>4. Do you intend to defend the case?</p>		No
<p>*5. Do you consent to a decree being granted?</p>		Yes
<p>6. Do you intend to oppose the grant of a decree on the ground that the divorce will result in grave financial or other hardship to you and that in all circumstances it would be wrong to dissolve the marriage.</p>		No
<p>F.P. Rule 2.6(6) (Form M6)</p>		D10

What will happen if the Judge says I cannot have a divorce?

The court will send you form D79 (notice of refusal of Judge's certificate).

The form will tell you why the Judge has decided your case is not in order. In most cases, the court will need further information. You will be told what extra information is needed.

If the Judge feels your case cannot be decided from the written information supplied, there may have to be a court hearing. This is called 'removing your case from the special procedure list and entering it in the undefended list'. You will have to come to the hearing. The hearing will take place in court.

If your case is entered in the 'undefended list', you should ask a solicitor to help you.

Leaflet D187 (I have a decree nisi - what must I do next?) will tell you how to get your decree absolute.

Leaflet D185 (Children and divorce) will tell you what may happen if the court says you cannot get a decree absolute until satisfactory arrangements are made for the children.