

# Dissolution of a Civil Partnership

## What is the process?

There are normally two aspects to dissolving a civil partnership. The first concerns the process of dissolving the civil partnership and the second involves the allocation of financial resources to each of you as a consequence of dissolution.

## Is dissolution the only way?

No. Where relevant, we will explain to you the availability of counselling and mediation services that may help with reconciliation or we will consider how to formalise your separation without court proceedings.

## How much does a dissolution cost?

A fee of £550 must be paid to the court to issue the dissolution petition, this also covers the cost of the Final Order. Solicitors fees vary and also depend of whether you are the petitioner (the person issuing the dissolution petition) or the respondent (the person responding to the petition). We offer a fixed fee dissolution of £500 (plus VAT currently at 20%) plus the £550 court fee. This is a full service for an undefended dissolution.

## When can the civil partnership be dissolved and what do I need to prove?

You cannot dissolve the civil partnership until you have been in a civil partnership for one year and the only ground on which a petition can be issued is that there has been an 'irretrievable breakdown' of the civil partnership. In order to satisfy the court that the civil partnership has irretrievably broken down, it is necessary for the petitioner to prove to the court that one of the following situations exist:

- The respondent has behaved in such a way that it would be unreasonable for the petitioner to continue to live with the respondent; or
- The respondent has deserted the petitioner for a continuous period of at least two years; or
- Both of you have lived separately for a continuous period of over two years and the respondent consents to a dissolution; or
- Both of you have lived separately for a continuous period of over five years. The respondent does not need to consent to a dissolution.

## Do I need the civil partnership certificate to initiate the petition?

Before a petition can be prepared for your approval, you will need to provide us with your original civil partnership certificate. If you cannot locate it, we can apply for a certified copy on your behalf. This must be lodged with the court when the dissolution petition is issued.

## What happens next?

We will send you a draft petition for you to approve. You must check the document carefully and if approved, confirm this to us, or let us know if there are amendments. It is sensible to try to obtain the other partner's consent to the petition and to try to reach an agreement over the contents. Generally, we will write to your partner, or their solicitor, explaining that you are seeking a dissolution and on what basis, to hopefully agree the contents of the petition. The aim is to reduce conflict between you at a later stage.

Having obtained your approval (and hopefully that of your partner) of the petition we will send three copies to the court with your civil partnership certificate and the court fee. The court keeps one copy, sends one back to us and sends the other to your partner, or their solicitor, usually within 10 days. We will be notified when this has taken place.

Your partner has eight days to return an Acknowledgement of Service form to the court to confirm that the petition has been received and state whether the proceedings will be defended. Almost all cases are undefended. In undefended cases, once dissolution proceedings have been acknowledged, the petitioner can prepare a statement in support of the petition and request that the court grant permission for the dissolution to proceed.

If your partner does not return the Acknowledgement of Service form, we will need to prove to the court that they are aware of the proceedings. Should this happen, we will advise you of the appropriate action to be taken. This additional stage will delay the process and increase costs. This is unusual, but we will keep you fully informed if additional work is required.

### What is the Statement in Support?

On receipt of the Acknowledgement of Service, we will draft a Statement in Support of your petition for you to approve. The statement has to be accompanied by a statement of truth. This is your evidence to the court that everything you have declared about your civil partnership is true, so it is vital that you check the documents again to ensure that nothing has changed. Once signed, you should return it to us, so that we may make an application for Conditional Order with the court.

### What happens next?

The District Judge will consider the contents of your petition and Statement in Support carefully. If he is satisfied that you are entitled to a dissolution, a Certificate of Entitlement will be issued confirming the date for the pronouncement of the Conditional Order. On the allotted day, the District Judge will read out a list of names of those seeking dissolution in court and send out a Conditional Order certificate. You are not required to attend court (unless the Conditional Order is opposed). At this stage, you are still civil partners. The law provides two orders to allow your partner the chance to appeal. However, this rarely happens.

### When can I apply for the Final Order?

If you are the petitioner, you must wait six weeks and one day from the date of the pronouncement of the Conditional Order before an application can be made for the Final Order (the formal dissolution of your civil partnership). If you do not make the application, your partner can do so three months after the date on which you could first apply, but you must be informed of their intention to do so. The Final Order will be sent out by the court almost immediately following receipt of the application. When you receive the certificate, you are deemed single and free to enter into a new civil partnership. In many cases, we advise against making an application for the Final Order until a financial settlement is in place.

### Can I stop the proceedings at any point?

You can stop the proceedings at any time before the application is made for Final Order.

### How are the financial provisions decided?

The court's powers to make financial provision fall into three categories:

- Capital: either by awarding a lump sum payment or the transfer of property;
- Income: by awarding spousal periodical payments (also called spousal maintenance). The court also has limited powers to award child maintenance, but generally, this is dealt with by the Child Maintenance Service (CMS);
- Pensions: the court has very broad powers to divide up the pension assets, or the income stream they generate.

There are only two ways to resolve the financial issues: by agreement with your partner or by a Judge reaching a decision after a trial.

If financial matters cannot be reached by agreement, then it will fall to the court to decide the issue. Either of you can make an application to the court following which, a timetable will be laid down, leading to a final hearing when the Judge will impose a settlement that he or she believes to be fair.

Whether the financial issues are resolved by agreement or by the court, a key aspect is financial disclosure. You are both required to provide a full disclosure of your financial circumstances and needs to the other. You have to know what's in the pot and what the parties' needs are before you can begin the process of deciding what would represent a fair settlement. The usual format for this disclosure is the swearing of a financial statement (called a Form E). Properly completed, this document will provide a very comprehensive breakdown of your assets, liabilities, income and financial needs.

Even if you cannot settle matters through agreement at the outset of the dissolution and it is necessary to issue an application for the court to settle the matter, it is still possible to settle the matter by agreement right up to the date of the final hearing. However, the longer the court process goes on, the more this will cost. In almost all cases, you will each pay your own costs.

### What if I have more questions?

We hope this document provides a brief overview of the dissolution process, but we are here to guide you and answer your questions. Please let us know if you need clarification on any of the points raised or if you have any other questions, please get in touch- it is what we are here for.

### Further information and assistance

If we can help you with further information, please contact one of the team listed below:

**Andrew Stynes**

Associate & Head of the Family Team - Solicitor & Collaborative Lawyer  
01202 491718 [astynes@fretten's.co.uk](mailto:astynes@fretten's.co.uk)

**Carole Reynolds**

Personal Assistant- Family Team  
01202 499255 [creynolds@fretten's.co.uk](mailto:creynolds@fretten's.co.uk)

**Simon Immins**

Associate - Family Team - Solicitor & Collaborative Lawyer  
01425 208318 [simmins@fretten's.co.uk](mailto:simmins@fretten's.co.uk)

**Sarah Baron**

Personal Assistant Ringwood  
01425 610100 [sbaron@fretten's.co.uk](mailto:sbaron@fretten's.co.uk)

**Amy Langlois**

Family Solicitor  
01202 491743 [alanglois@fretten's.co.uk](mailto:alanglois@fretten's.co.uk)

**Chele Holmes**

Client Enquiries Team  
01202 499255 [askus@fretten's.co.uk](mailto:askus@fretten's.co.uk)