

Respond to a divorce application

Acknowledgement of service by the respondent

Applicant: John Doe

Case number: LV17D80100

Respondent: Jane Doe

Reason for divorce: 5 years separation

Return this response to:
Courts and Tribunals Service Centre
c/o HMCTS Digital Divorce
PO Box 12706
Harlow, CM20 9QT
Email: divorcecase@justice.gov.uk
Phone: 0300 303 0642
(Monday to Friday: 8am to 8pm,
Saturday 8am to 2pm)

You need to respond to the divorce application within 7 working days of receiving it

If you live outside of England and Wales, then you may have more days to reply to this divorce. Please refer to this link: https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part06/pd_part06b#7.1

1. Have you read the application for divorce?

☐ Yes

☐ No

You will need to refer to the **divorce application** while you complete this form.

2. When did you receive the application for divorce?

Date

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Please give the date you received the application.

3. How do you want to respond to the divorce application?

☐ I will let the divorce proceed (I don't intend to 'defend' it).

☐ I disagree with the application for divorce (I intend to 'defend' it).

If you are **defending**, are you doing so on the basis that it will cause you severe hardship?

☐ Yes

☐ No

If you defend the divorce

You'll need to submit another form (known as the 'answer') with your reason for defending the divorce.

Go to www.gov.uk and search for form **'D8B: Answer a divorce, dissolution, (judicial) separation or nullity petition or application'**.

You'll also have to pay a £245 fee.

You have 21 days to submit your answer from the date you received the divorce application.

If you don't submit the answer by the deadline, your spouse will usually be able to continue with the divorce as if you didn't defend it.

Defending on the basis it will cause you severe hardship
You can defend the divorce on the basis that it will cause you severe hardship.

The hardship could be financial (for example, you'll lose your rights to a widow's pension) or another type of hardship (for example, you'll be stigmatised for cultural or religious reasons).

You'll need to convince the court that the hardship will be severe.

The court will take you and your spouse's individual circumstances and interests into account. It will also take into account the needs of any children if you have any, and anyone else who would be affected by a divorce.

Severe hardship is rarely used as a defence against divorce, and it's even rarer for the court to reject a divorce application because of it.

You'll need to make your case for hardship in your 'answer'.

4. Do you intend to ask the court to delay the divorce until it's satisfied with your financial situation?

☐ Yes

☐ No

If you ask the court to do this, the court won't finalise the divorce (make the decree absolute) unless it's satisfied that your spouse either:

- has made or will make financial provision for you that is reasonable and fair or the best that they can do under the circumstances
- shouldn't have to provide for you financially

When making its decision the court will take into account both of your individual circumstances (for example your ages, health, conduct, and earning capacities) and your financial position should your spouse die first.

The court may decide not to delay the divorce if there are circumstances under which it shouldn't be delayed and the court is satisfied that your spouse will make appropriate financial provision for you.

If you respond Yes, you'll need to also download and submit another form. The court will need to receive it before the decree absolute is granted. Go to www.gov.uk and search for '**Form B – Notice of an application to consider the financial position of the respondent after the divorce.**'

5. Do you agree that the courts of England and Wales have jurisdiction (the legal power) to grant you a divorce?

Check the part of the divorce application called **Why the court can deal with the case (jurisdiction)** to answer this question.

- ☐ Yes, I agree that the court has jurisdiction
- ☐ No, I don't agree that the court has jurisdiction

If No provide details:

- why the court doesn't have jurisdiction
- which country your life is mainly based in

Habitual residence

If your life is mainly based in England or Wales then you're what is legally known as 'habitually resident'. This may include working, owning property, having children in school, and your main family life taking place in England or Wales.

This isn't a complete list of what makes up habitual residence, and just because some of them apply to you doesn't mean you're habitually resident.

Domicile

Your domicile is usually the place in which you were born, regard as your permanent home and to which you have the closest ties. However, domicile can be more complex if you or your parents have moved countries in the past.

When you're born, you acquire a domicile of origin. This is usually:

- the country your father considered his permanent home if your parents were married
- the country your mother considered her permanent home if your parents were unmarried, or your father had died

If you leave your domicile of origin and settle in another country as an adult, the new country may become your domicile of choice.

Residual jurisdiction

You should get legal advice if your spouse has used residual jurisdiction.

Usually to be eligible for residual jurisdiction, you or your spouse must be domiciled in England or Wales, and neither of you must be nationals of, or habitually resident in, another country in the EU (except Denmark)

6. Are there any other legal proceedings the court needs to know about?

☐ Yes, provide further details and try to include:

- case numbers
- what they are about
- names of those involved
- name of the court, the tribunal, and/or the authority
- country it's in
- date that the proceedings began and of any future hearings
- anything else that might affect the application for divorce

☐ No

Provide details of any ongoing legal proceedings in a court, tribunal or other authority which are either:

- related to the marriage
- may affect its validity (how legal the marriage is)

As part of the divorce application your spouse is allowed to ask to claim the costs of the divorce from you.

This could include all the fees during the divorce, such as the £550 application fee, solicitor fees, and any extra court fees.

If you don't want to pay these costs, you must provide a reason why. If you don't have an agreement in place with your spouse for the costs the court will decide for you. You may also need to go to a hearing to explain your objection

7. If your spouse has claimed their divorce costs from you, do you agree to pay them?

Check the part of the divorce application called **costs orders** to answer this question.

☐ I agree to pay some or all of the divorce costs (give details below)

☐ I should not pay any costs, and will give my reasons (give details below)

Further details:

Financial orders

The divorce application states whether or not your spouse is applying for a financial order. They will need to submit another form to proceed with that application. If they do proceed with it, you'll be given an opportunity to respond to it at a future date.

To respond, you'll need to complete a form with the details of your property and income. You'll then go to a hearing where a judge will make a decision.

You can also apply for a financial order yourself.

You can find out more about financial orders on www.gov.uk.

If you're responding to the divorce application yourself, complete this part

Statement of truth

- I confirm that:
- I am the person named as the respondent in this application for divorce.
 - I believe that the facts stated in this application are true.

Signed

Date

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Contact details

Home address

The statement of truth must only be completed by the person named as the respondent in the divorce application. You could be fined or imprisoned for contempt of court if you deliberately submit false information.

You only need to enter a new home address if it isn't correct in the divorce application.

You can also ask that your new address is kept confidential if you wish.

Correspondence address

Provide a correspondence address if you want your divorce papers sent to an address other than your home address.

Email address (optional):

Phone number (optional):

If the court needs to contact you, it will be able to do so more quickly if you provide your email address and phone number. These will not be shared with your spouse.

If you're a solicitor responding on behalf of a client, complete this part

The respondent believes that the facts stated in this application are true.

I am/We are acting for the respondent in this matter.

Signed

Solicitor for the Respondent

Date

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Service address

Email address

Phone number