

Ending a Civil Partnership

The Legal Process

The end of a relationship can be an emotional and difficult time for any couple. This guide provides information on the legal process and some of the issues you will need to consider when separating.

The Procedure

Before proceedings can commence to dissolve the partnership, the parties must have been in a civil partnership for at least one year.

Stage 1 – the Dissolution Petition

A petition is the document which asks the Court for permission to dissolve the partnership, and outlines the reason for wanting to end the relationship.

The reason must fit into one of these four categories:

- Unreasonable behaviour
- Desertion
- Two years separation, with both parties' in agreement
- Five years separation, whether or not the other party agrees

One party, the Petitioner, sends the petition to Court with a fee.

The Court sends the papers to the other party, the Respondent.

Stage 2 – Acknowledging the Petition

- If the Respondent agrees to the dissolution going ahead and the contents of the dissolution papers, the Respondent completes the acknowledgement form and returns this to the Court.
- If the Respondent does not acknowledge the papers, but does not object to the dissolution, the dissolution may still go ahead in certain circumstances, depending on the reason used for ending the relationship. In this case, it will be necessary for the papers to be served personally on the Respondent before the dissolution can proceed.
- If the Respondent does not agree to the dissolution, then the Respondent must state this on the acknowledgement form and complete a document called an answer. There will be a Court hearing and it will be up to the Judge to decide whether the dissolution can proceed.

Stage 3 - Apply for a Conditional Order

If the Respondent agrees to the petition, then the next step is for the Petitioner to apply for a Conditional Order. A Conditional Order is a document that says the Court does not see any reason why the civil partnership should not be granted. An application is made by completing further forms and sending these to Court. Once the Court approves the papers, the parties will be notified of the date when the Conditional Order will be made. There is no need for either party to attend Court on that date. The Court will issue a Conditional Order and send it to both parties.

Stage 4 - Apply for a Final Order

- Six weeks and one day after the date of the Conditional Order the Petitioner can apply for the Final Order. This is the document which legally ends the civil partnership. Again, this is done by sending a form and a fee to Court. . If the Judge is satisfied that the papers are in order, the time limits have been met, and there is no reason not to proceed, a Final Order will be issued and sent to both parties.

- If the Petitioner does not make the application, the Respondent can apply after waiting three months, six weeks and one day. In this case, there will be a hearing before a Judge who will decide if the Final Order can be granted.
- If neither party applies for a Final Order within 12 months from the date of the Conditional Order, it will be necessary to explain the delay to the Court.

It is important to keep the Final Order safe as it will be required should you wish to enter into another civil partnership.

Sometimes, the dissolution process does not run smoothly. In such cases, it is important to seek advice.

Other issues

Finances

Discussions about financial arrangements should take place alongside the dissolution process. When agreement has been reached it is important to ensure that the terms are set out in a Court order so that the agreement is enforceable.

Children

Arrangements for care of the children including financial support should also be discussed during the dissolution process. If agreement cannot be reached, it may be necessary to involve the Court in resolving the issues.

A Will

If you do not have a Will, it is advisable to do one once the civil partnership has ended. If you have a Will, then it is important to review it, as dissolution affects any gift to a former partner made in a Will or the appointment of a former partner as an Executor.

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0161 832 6972



bernard.seymour@lindermyers.co.uk | suzanne.lurie@lindermyers.co.uk



www.lindermyers.co.uk