

Amended Petition Checklist

- No fee is payable
- Leave has been granted by the Master/Judge to file an Amended Petition
- All amendments are underlined in red
- Original Amended Petition, M5 & M6 lodged with sufficient copies for all parties lodged
- Correct heading stated on petition and accompanying documents, the word Amended to be underlined in red in heading of Petition
- Details of marriage – must match marriage certificate
- Names of parties are correct (if deed poll referred to copy required)
- Court Jurisdiction paragraph correct
- a) The Petitioner and Respondent are both habitually resident in Northern Ireland.
 - b) The Petitioner and Respondent were last habitually resident in Northern Ireland and the (Petitioner) (Respondent) still resides there (Delete as appropriate)
 - c) The Respondent is habitually resident in Northern Ireland.
 - d) The Petitioner is habitually resident in Northern Ireland and has resided there for at least one year immediately prior to the presentation of the Petition. (You should give the address(es) where you lived during that time and the length of time you lived at each address)
 - e) The Petitioner is domiciled and habitually resident in Northern Ireland and has resided there for at least six months immediately prior to the presentation of the Petition. (You should give the address(es) where you lived during that time and the length of time lived at each address)
 - f) The Petitioner and the Respondent are both domiciled in Northern Ireland.
- If none of the 6 grounds of jurisdiction apply but the applicant still alleges that the court has jurisdiction, paragraph 3 of the petition should be replaced with the following:
- "The court has jurisdiction other than under Council Regulation on the basis that no Contracting State has jurisdiction under the Council Regulation and the petitioner/ respondent is domiciled in Northern Ireland on the date when this petition is issued"
- Details of children are correct
- Paragraph 6 refers to children of the female party
- Paragraph 8 must refer to Order granting leave to file amended petition, reference to this order should also be underlined in red
- Ensure any orders made referred to at paragraph 8 – check against Court Orders referred to in paragraph 7 & 10 in M4

Ensure details of child support assessments included – cross check
Against paragraph 7 c of M4

Correct wording for grounds of divorce used

- a) Since the date of the marriage the Respondent has committed adultery with (name the person) (hereinafter called the Co-Respondent)
Or
Since the date of the marriage the Respondent has committed adultery with a man/woman whose name is unknown to the Petitioner.
- b) The Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent.
- c) The Respondent has deserted the Petitioner for a continuous period of at least two years immediately preceding the presentation of the Petition.
- d) The parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation of the Petition and the Respondent consents to a decree being granted.
- a) The parties to the marriage have lived apart for a continuous period of at least five years immediately preceding the presentation of the Petition

Particulars of petition are completed (e.g. if 2yrs or 5 yrs date on which co-habitation ended or which parties began to live separate lives). New particulars should also be underlined in red

Paragraph 11 re agreement/arrangement must be stated if petition based on 5 year grounds

If Petition is for divorce Petition must state marriage has broken down irretrievably

Prayer of petition has been completed

Petition is signed (by Counsel or Solicitor (in his own name or the name of the firm) or by the Petitioner if he sues in person)

Petition is dated (the same date as the original petition)

Petitioner's address of service is complete

Respondent's address for service is completed

M5

Details are relevant to petition grounds

Q2(b) refers to Articles 16,17 & 19 of the Council Regulation

M5 refers to amended petition

M6

- Q1 - 4 must be available
- Q1a(v) refers to Article 19
- All other questions comply with grounds of petition
- Q9 matches petition re costs.
- M6 refers to amended Petition

This Petition has been drafted and checked and complies with the above checklist and Notes for Guidance.

Signed _____
(Solicitor for the Petitioner)