

Judicial Separation Petition Checklist

- Correct fee is paid
- Long form Marriage Certificate Lodged
(If certificate not in English translation certified by a notary public or authenticated by affidavit also lodged)
- Long form birth certificates for all children under 18 lodged
- Original Petition, M4 (if children), M5 & M6 lodged with sufficient copies for all parties lodged
- Correct heading stated on petition
- Details of marriage – must match marriage certificate
- Names of parties are correct (if deed poll referred to copy required)
- Court Jurisdiction paragraph correct – one of the following should be stated:
- 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.
 - g) Either the Petitioner or the Respondent is domiciled in Northern Ireland.
- Details of children are correct
- Paragraph 6 refers to children of the female party
- 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

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- 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.
 - e) 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 (eg if 2yrs or 5 yrs date on which co-habitation ended or which parties began to live separate lives)

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

Petition must NOT state marriage has broken down irretrievably

Prayer of petition has been completed – refers to decree of Judicial Separation

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

Petitioner's address of service is completed

Respondent's address for service is completed

M4

Details at Q1, Q2 & Q3 match children's birth certificates

Q5 is complete – if b is yes must provide additional information

Q8 – all parts completed and contact arrangements detailed

Q9 – completed – if any medical conditions exist medical report lodged and details completed

Form signed

M5

Details are relevant to petition grounds

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.

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

Signed

(Solicitor for the Petitioner)