

Glossary of terms used in divorce procedures

<i>Acknowledgement of Service</i>	Document to be completed by the Respondent to confirm receipt of the Petition and whether he/she intends to defend the case.
<i>Affadavit</i>	A statement usually in support of an application to the Court that is sworn to be true by the person making it.
<i>Certificate of Entitlement to a Decree nisi / Conditional Order</i>	Once the District Judge is satisfied that the grounds for a divorce/dissolution have been proved, he/she will certify that the Petitioner is entitled to the 'half-way' divorce/dissolution order.
<i>Certificate for the Purposes of Section 41 of the Matrimonial Causes Act 1973</i>	Before granting a decree of divorce/dissolution of civil partnership the Court must consider whether there are any relevant children and, if there are, whether the Court needs to exercise any of its powers in relation to them. If the Court is happy with the proposed arrangements, the District Judge will grant a certificate confirming this.
<i>Certificate of Reconciliation</i>	A standard form that certifies whether or not the solicitor has discussed with the Petitioner the possibility of reconciliation and/or given the Petitioner the names and addresses of persons qualified to help effect reconciliation, eg. Relate.
<i>Conditional Order</i>	Preliminary order that a civil partnership is being ended by dissolution.
<i>Decree Absolute</i>	Final declaration that a marriage has been ended by divorce.
<i>Decree Nisi</i>	Preliminary declaration that a marriage has been ended by divorce, giving a brief period of time in which anyone can raise objections to the divorce becoming final.
<i>Deemed Service</i>	Where the Respondent has not returned an Acknowledgement of Service form but the Petitioner can satisfy the Court that he/she has received the petition, the Court can grant an order that service be "deemed".
<i>Directions for Trial</i>	A pre-printed form which asks the District Judge for "directions for trial" of the divorce/dissolution by entering it into the special procedure list.
<i>Dispensing with Service</i>	The Court can make an order that service should be dispensed with, but such an order is only granted in exceptional circumstances, for example, where the Petitioner cannot trace the Respondent, despite strenuous efforts.
<i>Dissolution</i>	The legal termination of a civil partnership. The equivalent for married couples is divorce.
<i>Divorce</i>	The legal termination of a marriage. The equivalent for a civil partnership is dissolution.
<i>Personal Service</i>	Effected by a Process Server, Enquiry Agent or by the Petitioner's solicitor himself. Proof of personal service is provided by an affidavit of service, which must be sworn by the individual effecting service, indicating the date, time and place of service.
<i>Petition</i>	The document filed at Court which starts divorce or civil partnership dissolution proceedings.
<i>Petitioner</i>	The person who files the divorce or civil partnership petition.
<i>Respondent</i>	The person who receives the divorce or civil partnership petition.
<i>Service</i>	The method by which the divorce/dissolution petition is formally given to the Respondent, usually first class post.
<i>Special Procedure List</i>	The normal procedure in undefended divorce/dissolution cases, meaning the divorce proceeds without a hearing.
<i>Statement of Arrangements for Children</i>	If the parties have children this form must be completed as part of the documentation to issue proceedings. It gives the Court information regarding, for example, where it is intended the children shall live, where they shall go to school, what contact they shall have with the other parent, details of their health etc.

© Copyright asb law LLP October 2011