



Royal Court of Jersey  
Family Division

PROCEDURAL GUIDE FOR  
DIVORCE PROCEEDINGS

Judicial Greffe  
Royal Court House  
Royal Square  
St Helier  
JE1 1JG  
Tel: 01534 441300  
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[www.gov.je/familycourt](http://www.gov.je/familycourt)

**This booklet is a guide to Court procedures. It is not a statement of the law and will not help you to decide what to ask the Court to do, and what orders, if any, you should ask for in respect of your children and what orders you may need to ask for in respect of financial matters.**

**You may ask the Court staff for information concerning Court procedures, but Court staff are NOT allowed to offer legal advice or advise you about your different legal options. REMEMBER: Keep copies of all documents filed by you at Court. If you fail to do so, you will be charged for any photocopying (currently £1 per page).**

## **The Law and Rules**

**[Matrimonial Causes \(Jersey\) Law 1949](#) ('the Law') and [Matrimonial Causes Rules 2005](#). ('the Rules').**

Links to the Law and Rules can be found within the Divorce, separation and relationship breakdown guidance section within [www.gov.je/familycourt](http://www.gov.je/familycourt).

The divorce forms can be downloaded from, [www.gov.je/familycourt](http://www.gov.je/familycourt) or obtained from the Family Division, Judicial Greffe, Royal Court, Royal Square, St Helier, or from the Citizens Advice Bureau.

### **1 Time Limit for starting divorce proceedings**

You cannot start divorce proceedings unless 3 years have passed from the date of your marriage, unless there are exceptional circumstances.

### **2. The Grounds of Divorce**

If you start divorce proceedings, you will be the petitioner, your spouse will be the respondent, and if he or she has committed adultery, then the other person will be known as the co-respondent.

You must prove to the Court one or more of the following grounds:-

- (a) The respondent has committed adultery [with (give the name) ..... (called the co-respondent)] and the petitioner finds it intolerable to live with the respondent;

- (b) The respondent has deserted the petitioner without cause for a period of at least two years immediately preceding the presentation of the petition;
- (c) The respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;
- (d) The parties to the marriage have lived apart for a continuous period of at least one year 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 two years immediately preceding the presentation of the petition;
- (f) that the respondent is of unsound mind and has been continuously under care and treatment for a period of at least five years immediately preceding the presentation of the petition;
- (g) the respondent is serving a sentence of imprisonment for life or for a term of not less than fifteen years.

### **3. The Jurisdiction of the Court**

To be able to bring divorce proceedings in Jersey, you must be able to show that:-

- (a) The petitioner and respondent are both domiciled in the Island of Jersey when the proceedings are begun;  
or
- (b) The petitioner was habitually resident in Jersey throughout the period of one year ending with the date of 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.);  
or
- (c) The respondent was habitually resident in Jersey throughout the period of one year ending with the date of the presentation of the petition. (You should give the address(es) where the respondent lived during that time and the length of time lived at each address.).

### **4. Documents required to start Divorce proceedings**

#### **i. The Petition**

The petition is the document in which you must set out all the particulars of your marriage, the grounds for the divorce, and the relief that you want. See the [Draft](#)

[divorce petition](#) and booklet '[Guidance Notes for Completing a Divorce Petition](#)' obtainable from the Family Division, Judicial Greffe, Royal Court, Royal Square, St Helier or from within the Divorce, separation and relationship breakdown guidance section within [www.gov.je/familycourt](http://www.gov.je/familycourt).

ii. **Form 3** (Notice of Proceedings) to be completed by the petitioner and filed with the petition. **Form 4** (Acknowledgment of Service) the heading to be completed.

iii. **Your Marriage certificate**

You must provide your original marriage certificate. If you have mislaid your marriage certificate and were married in Jersey, you can obtain a certified copy from the Office of the Superintendent Registrar, 10 Royal Square, St Helier, but a fee will be payable.

If your marriage certificate is in a foreign language, there must be an official translation.

iv. **Statement of Arrangements Form for children (Form 5)**

If there are children under 18 you will need to complete a Statement of Arrangements form. The Court will want to know about the child[ren] born to you and your spouse, or any child[ren] treated by you as though they were yours (known as “children of the family”). These include adopted children, but not foster children. See '[Divorce – Arrangements for children](#)' within the Divorce, separation and relationship breakdown guidance section within [www.gov.je/familycourt](http://www.gov.je/familycourt).

5. **Court Fees**

Court fees are payable on the issue of divorce proceedings. To check on the current fee go to [www.gov.je/familycourt](http://www.gov.je/familycourt) - **Family Division - Services and Fees**. The fee is payable by Treasury stamp (available from the Treasury – Cyril Le Marquand House). If litigants have difficulty in obtaining stamps, they should contact the Judicial Greffe to discuss alternative means of payment.

## 6. **Filing the divorce papers at Court**

Once your petition is drafted, you will be required to sign and date it. You then send or take the petition, together with the Forms 3 & 4, marriage certificate, the Form 5 (if applicable), and the correct amount of Court Fees to the Judicial Greffe. **Don't forget to keep a copy of the petition, and Form 5 for yourself and you will need a further copy or copies of these documents for service on the respondent.** In adultery cases, you need another copy of the divorce petition for service on the co-respondent.

The Court will process the papers and will then return to you Form 3 (Notice of Proceedings) and Form 4 (Acknowledgment of Service) to serve with the divorce petition and Form 5 (if applicable) on the respondent, and on the co-respondent in adultery cases. Remember to take copies of the documents you are going to serve.

## 7. **Serving the Divorce papers**

The divorce papers must be served personally on the respondent, and co-respondent where applicable, effected through the Viscount's office, for which a fee is payable, or by post. The Viscount's Department provide a record of service document which states when service has taken place. Service must be proved, although in certain circumstances it may be necessary to ask for substituted service or for the Court to order service is dispensed with.

There are time limits for the respondent and co-respondent to return the Form 4 to the Court, depending on whether they are in Jersey or are somewhere else. The time limit is given on the Form 3.

## 8. **The return of the Form 4 and 5 by the petitioner and co-respondent (If applicable)**

If both Forms 4 and 5 are then returned signed to the Court, copies are then sent by the Court to you (or to your lawyer).

### 1. **Not defending**

If the respondent [and co-respondent] states on the Form 4 that he/she does not intend to defend the petition, and

- (a) in the case of adultery, admits the adultery  
  
or
- (b) in the case of a petition alleging one year separation coupled with consent to a decree, he/she consents to the divorce, and the signature is witnessed by a person set out in the rules.

then you can apply for directions for trial on an undefended basis.

## **2. Notice of intention to defend and filing of an answer**

If the respondent states on the Form 4 that he /she intends to defend the petition, wait to see if you are sent a copy of the answer, setting out why the petition is defended. This must be provided within 14 days after the time limit for giving notice of intention to defend has expired. If you receive an answer, you will need a lawyer to help you.

## **9. Setting down the cause for hearing (undefended cases)**

The Court will send you a copy of the Form 4. Once the time limit set out in Form 3 for the return Form 4 has passed, you will then need to complete Form 20 (application for Greffier's certificate). Complete whichever is appropriate of affidavits Form 8, 9, 10 or 11. Do not send the papers to the Court until the affidavit is sworn and witnessed.

If the Registrar is satisfied with the paperwork, the Registrar issues the Greffier's Certificate and sets a date for the pronouncement of the Decree Nisi.

You will not normally be required to attend Court on the date the decree is to be pronounced, but may attend if there is a dispute about costs. The Decree Nisi will be pronounced and sent to you. If the Court is satisfied about the arrangements for each child, this is stated in the Court Minutes, and a Certificate of Satisfaction will be issued to you.

## 10. Decree Absolute

A decree absolute of divorce ends your marriage and has consequences depending on your particular circumstances. If you are unsure of the consequences you should immediately consult an advocate or solicitor. See also '[Divorce Proceedings - Financial Orders](#)' within the Divorce, separation and relationship breakdown guidance section within [www.gov.je/familycourt](http://www.gov.je/familycourt).

Six weeks and a day after the pronouncement of the Decree Nisi, you can apply to the Registrar for the divorce to be made absolute, using Form 12. A fee is payable. If you do not apply, the respondent may apply three months thereafter by filing a summons. There may be special cases of urgency when an earlier application may be made.

The divorce will not be made absolute unless the Registrar is satisfied with the arrangements for each child of the family, unless there are circumstances in which it may be necessary to make the divorce absolute without delay, and there is an undertaking from both parents that the arrangements about the children are to be brought before the Court within a specified time. There are other reasons why the Registrar may not make finalise the divorce.

If the Registrar is satisfied, a decree absolute will then be sent to you.

### **PLEASE REMEMBER**

**THAT YOU CANNOT REMARRY UNTIL YOU HAVE YOUR DECREE ABSOLUTE.**

**Other Matrimonial Guidance Notes available from within the Divorce, separation and relationship breakdown guidance section within [www.gov.je/familycourt](http://www.gov.je/familycourt)**

- **Guidance Notes for completing a Divorce Petition**
- **Draft Divorce Petition**
- **Divorce Proceedings - Financial Orders**
- **Divorce - Arrangements for Children**