



# Information on Civil partnership dissolution

Civil partnerships are available to both same sex and heterosexual couples.

Sadly, some civil partnerships will break down and it may be necessary to apply to court to dissolve the civil partnership.

The information that follows applies solely to Civil Partnerships as distinct from same sex marriages

Firstly, you cannot apply for a dissolution order unless you have been in a civil partnership for over one year. One party to the civil partnership must also either be domiciled or resident in England and Wales.

## **The new civil partnership dissolution law 6<sup>th</sup> April 2022**

Under the previous law the Court had to be satisfied that the civil partnership had broken down because of one of four facts:

- Unreasonable behaviour
- Desertion
- Two years separation (with consent)
- Five years separation (consent not needed)

However under the new law all that is required is for at least one spouse to provide a legal statement to say that the civil partnership has broken down irretrievably.

The aim is reduce the potential for conflict amongst separating couples by removing the ability to make allegations about the conduct of a spouse.

It will also be possible to apply for a dissolution jointly, so parties can file joint applications for the dissolution by agreement.

## **Dissolution**

It will take 26 weeks from the dissolution application (previously known as the Petition) being issued before the final dissolution order (previously known as the Decree Absolute) can be made.

The new law has an inbuilt cooling off period by having a minimum period of 20 weeks between the initial application and a Conditional Order being made, with another six weeks delay until the dissolution can be finalised.

There will still be separate decrees in the process but what was called the Decree Nisi at the 20 weeks' point is now the Conditional Order and then what was the Decree Absolute at a further six weeks and one day is now known as the Final Order.

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**Commonly asked questions**

*Q. How much will it cost and who pays?*

A. Our charges will be based on the time that we spend on your matter. There is therefore no set cost for civil partnership dissolution proceedings. We will give you an estimate of the costs including details of the court fees at your first appointment.

*Q. How long will it take?*

A. Under the previous law where the parties co-operate and the matter proceeds smoothly the dissolution is usually concluded within four to six months.

However, under the new law this is likely to take more than six months, given the built in cooling off period of 20 weeks.

Where there are finances to resolve the Final Order (Decree Absolute) is often not applied for until there has been a financial settlement. This could take up to 12 months or longer depending on the case.

Our family Lawyers at Chafes Hague Lambert can guide you through civil partnership dissolution. To discuss your situation please contact us on:

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