

IN THE HIGH COURT OF JUSTICE OF THE ISLE OF MAN
CIVIL DIVISION – FAMILY BUSINESS**For office use only**

FAM 20 /

Sole Applicant/Applicant 1:

Respondent/Applicant 2:

Please ensure this form is **completed clearly, in full, signed and dated** or it will be returned to you for amendments.

1. On what date did you receive the divorce/separation application

Guidance Notes

This form can be completed on paper or electronically on the Courts website at www.courts.im/forms/no-fault-divorce prior to printing and signing.

You need to return this form to the Court within 14 days of you receiving it, setting out your response to the initial divorce/ separation application.

How you divide your money and property is dealt with separately. If you want to apply for a financial order you will need to complete a separate application. If you are unsure what to do it is recommended that you seek legal advice. You may wish to see the forms section here: <https://www.courts.im/forms/divorce-proceedings-and-related-matters/>

2. (i) Have you received a copy of the Statement of Arrangements for Children form with the initial application

Yes. If yes complete (ii) and (iii) below.

No

- (ii) What date was the Statement of Arrangements signed? *(The date beside for the Applicant's signature at Part 3)*

- (iii) Do you agree with the proposals in that Statement of Arrangements for children?

Yes

No

Guidance Notes

You are encouraged to agree making child arrangements if you divorce or formally separate. If you cannot agree on everything you may wish to attempt mediation – see further information here

<https://www.courts.im/court-procedures/mediation/family-meditation/>

You may also wish to make an application for the Court to decide, see further information at:

<https://www.courts.im/court-procedures/childrens-matters/>

Note 2:

If you answer No to question (iii) you may file a written statement of your views on the present and the proposed arrangements for the children and file that with this form.

You can only dispute the divorce/separation if you do not believe the courts have the legal power ('jurisdiction') to deal with it, if you can prove the marriage was never valid or if the marriage has already legally ended.

3. Do you intend to dispute the divorce/separation?

Yes. You will need to complete form – 'Answer to a Divorce / Separation Application'

No.

Guidance Notes

Note 3

If you dispute the divorce/ separation you will need to submit another form (known as the 'answer') with your reason for disputing the divorce or separation.

You have 21 days to submit your answer from the date the acknowledgment of service must be filed (14 days from the date the initial application was served on you).

If you do not submit the answer by the deadline, your spouse will usually be able to continue with the divorce/separation as if you do not dispute it.

Jurisdiction of the courts

Your spouse was asked some questions to find out whether the courts of the Isle of Man have the legal power (jurisdiction) to grant you a divorce/separation.

The usual basis for the court to have jurisdiction is where one or both parties are habitually resident in the Isle of Man

Habitual residence	Domicile
<p>If your life is mainly based in the Isle of Man then you are what is legally known as 'habitually resident'. This may include working, owning property, having children in school, and your main family life taking place in the Isle of Man.</p> <p>This is not a complete list of what makes up habitual residence, and just because some of them apply to you does not mean you are habitually resident.</p>	<p>Your domicile is usually the place in which you were born, regard as your permanent home and to which you have the closest ties. However, domicile can be more complex if you or your parents have moved countries in the past.</p> <p>When you are born, you acquire a domicile of origin. This is usually the country your father considered his permanent home if your parents were married and/ or the country your mother considered her permanent home if your parents were unmarried, or your father had died.</p> <p>If you leave your domicile of origin and settle in another country as an adult, the new country may become your domicile of choice.</p>

Check Section 5 of the initial application called 'Why the court can deal with the case (jurisdiction) to help answer this question.

In the initial application your spouse has said that the courts of the Isle of Man have jurisdiction to grant you a divorce/separation order. If you are not sure if this applies to you, you should get legal advice.

4. Do you agree the Court of the Isle of Man has jurisdiction?

Yes. I agree the Court has jurisdiction

No. I do not agree the Court has jurisdiction because (please provide full details below)

5. Do you intend to ask the Court to delay the divorce until it is satisfied with your financial situation?

Note: A request for delay will only be successful if there is a likelihood of you suffering financial hardship as a result of the making of a final order, e.g. through a loss of spousal pension rights. If you tick yes you must set out the reason for seeking a delay in the box provided below and you will need to file a separate application for a financial order once a provisional order has been issued or, before then, if you require maintenance pending suit.

Yes. Please state the specific reasons below.

No

Note: When making its decision in respect of finance applications the Court will take into account both of your individual circumstances (including your ages, health, conduct, earning capabilities and financial resources and obligations) and your financial position should your spouse die first.

The court may decide not to delay the divorce if there are circumstances under which it should not be delayed and the court is satisfied that your spouse will make appropriate financial provision for you.

The application states whether or not your spouse is applying for a financial order. You can also apply for a financial order yourself.

NOTE 5:

How you divide your money and property is dealt with separately. If you want to apply for a financial order **you will need to complete a separate application.** If you are unsure what to do it is recommended that you seek legal advice. You may wish to see the forms section here: <https://www.courts.im/forms/divorce-proceedings-and-related-matters/>

6. Are there any existing or previous court proceedings relating to your marriage affecting its validity (including any existing or concluded court proceedings overseas)?

Yes. Give further details below and provide a copy of any Court orders

No

Statement of truth

I understand that proceedings for contempt of Court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in this form and any continuation sheets are true.

The Respondent believes that the facts stated in this form and any continuation sheets are true. **I am authorised** by the respondent to sign this statement.

Signature

Respondent

Respondent's advocate

Date:

Full name:

Name of Respondent's advocate's firm:

Address details for service of documents.

If you are not legally represented please provide your address for service and contact details below

Building and Street

Second line of address

Town or city

Country

Postcode

Email (optional)

Phone number (optional)

If the court needs to contact you, it will be able to do so more quickly if you provide your email address and phone number