

Application for a Separation Order

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

Date of Issue:

FAM 20 /

Sole Applicant/Applicant 1:

Respondent/Applicant 2:

Whilst completing this form please read the guidance notes and questions carefully as you work through the form.

Important information to note:

- This form enables both Sole Applicants and Joint Applicants to make the application for a separation order. Please be careful to ensure you complete the appropriate parts.

Documents you will need:

- Your original **marriage certificate** or a certified copy of the certificate from where you got married (a photocopy will **not** be accepted).
- A **translation** of your marriage certificate that has been certified by a notary public or authenticated by a statement of truth by the person who did the translation. This should be provided if your marriage certificate (or similar document issued under the law in the country you registered your marriage) is not in English.
- **Statement of Arrangements for Children** if applicable.

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

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

Guidance Notes

For marriages in the Isle of Man you can order a copy of the certificate at <https://services.gov.im/births-deaths-marriages/certified-copy-certificates/> you will need to pay for each copy.

You are encouraged to agree making child arrangements if you divorce or 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-mediation/>

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/>

How you divide your money and property is dealt with separately. You may wish to consider taking legal advice. It should not affect your decision on whether to do a sole or joint application.

You can find the current fees at www.courts.im/fees in the current Court Services Fees Order.

Relationship support and child arrangements Where it may be helpful (and safe) to receive relationship support, you can find information at <https://www.relate.im/>

Section 1 – Your Application**1.** What application are you making? (please tick)**A sole application** (I am applying on my own)

You will complete this application on your own before you submit it to the Court. The Court will then send a copy of your application to your spouse. You will be referred to as the 'Sole Applicant' and your spouse will be referred to as the 'Respondent' in this application.

A joint application (we are applying together)

You and your spouse will complete this application jointly before you submit it to the Court. You will be referred to as 'Applicant 1' and your spouse will be referred to as Applicant 2' in this application. Applicant 2 must complete section 3 and the statement of truth.

Section 2 – About you (the Sole Applicant or Applicant 1)**2.** Full name of the Sole Applicant or Applicant 1

First Name(s):

Middle Name(s):

Surname:

3. Your address and contact details

Building and street:

Second line of address:

Town or city:

Country:

Postcode:

Phone number:

Email address:

Guidance Notes**Note 2**

This can be your last name, your spouse's last name or a double-barrelled last name that combines the two. If you have changed your name, other than through your marriage, since you got married you must attach a copy of your change of name deed.

Note 3

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.

4. Your occupation:

5. Do you have an advocate on record? (please tick)

Yes (**complete the following questions 6 - 10**)

No (**go to section 3**)

6. The advocate's name:

7. The advocate's reference:

8. Name of the advocate's law firm:

9. The advocates telephone number:

10. The advocates email address:

Guidance Notes

Note 5

If you have an advocate on record all correspondence will be sent to them rather than you.

Section 3 – About the Respondent or Applicant 2

Sole application

If you are applying as a Sole Applicant, complete this section with the Respondent's details.

Joint application

If you are applying jointly, Applicant 2 must complete this section. Applicant 1 should continue to complete this form at Section 4.

11. Full name of the Respondent or Applicant 2:

First Name(s):

Middle Name(s):

Surname:

Guidance Notes

Note 11

This can be your last name, your spouse's last name or a double-barrelled last name that combines the two.

12. The address and contact details of the Respondent or Applicant 2:
Building and street:

Second line of address:

Town or city:

Country:

Postcode:

Phone number:

Email address:

I confirm that to the best of my knowledge only the Respondent has access to the above email account (please tick box).

13. The Respondent's/Applicant 2's occupation:

14. Has the Respondent provided an advocate's address for the Court documents to be sent to? (please tick)

Yes (**please complete the address details below**)

No (**go to section 4**)

15. Name of the Respondent/Applicant 2's advocate

16. The advocate's reference:

17. Name of the advocate's law firm:

If you have changed your name, other than through your marriage you must attach a copy of your change of name deed.

Guidance Notes

Note 12

The email address should not be the same as the one given for the Sole Applicant/Applicant 1.

Note 14

If you have answered 'yes' to question 14, the Court will send documents to the advocate stated.

18. The advocates telephone number:

19. The advocates email address:

Section 4 – Details of marriage

You must attach your marriage certificate to this application, together with a certified translation in English if necessary.

20. Date of marriage:

21. Place of marriage (as identified on marriage certificate):

22. The Sole Applicant/Applicant 1’s full name as shown on your marriage certificate:

23. The Respondent/Applicant 2’s full name as shown on your marriage certificate:

24. The last address at which the parties to the marriage have lived together as spouses:

Guidance Notes

Section 5 – Why this Court can deal with your case (Jurisdiction)

The Court needs to understand why you think it has the legal power (jurisdiction) to deal with your application.

Please complete question **25** or if that section does not apply to you then complete question **26**.

Important: if you need help deciding which reasons apply to you then you should consider seeking legal advice, particularly if you live outside the Isle of Man.

Habitual Residence	Domicile
<p>Your habitual residence is the place in which your life is mainly based. You must be settled there and intend to stay settled there. Some of the following may apply: you work there, own property, have your children in school there, and your main daily life takes place there.</p>	<p>Your domicile is the place of your permanent home in which you live, or to which you intend to return.</p> <p>When you were born you will have acquired your parents' domicile (for example, your father's if they were married, or your mother's if they weren't married or if your father died before you were born). If you have since moved to another country and made that your permanent home, then your domicile may have moved there.</p>

If you were born in the Isle of Man, lived your entire life here, and intend to stay here, then it is very likely that you'll be **both habitually resident and domiciled here**.

As the Court will need to know the reasons(s) for why you think it has jurisdiction to deal with the application, please tick the reason(s) from the list over the page.

25. Please tick the reason(s) apply:

Sole Applicant/Applicant 1

Has been habitually resident in the Isle of Man throughout the period of one year ending with the date of this application

At the date of this application is domiciled in the Isle of Man

Applicant 2/Respondent

Has been habitually resident in the Isle of Man throughout the period of one year ending with the date of this application

At the date of this application is domiciled in the Isle of Man

26. OR for same sex marriage only

If the options in question 25 do not apply to you, please consider if below is applicable:

In the case of a same sex couple, married each other under the law of the Isle of Man and it would be in the interests of justice for the Court to assume jurisdiction in this case.

Section 6 – Statement of separation (the legal reason for your separation)

27. You must state that you seek to be separated from the other party to the marriage in order for the Court to make an Order.

If a joint application, Applicant 1 and Applicant 2 must each make a statement by ticking the box that applies to them.

Sole Applicant or Applicant 1

I confirm that I seek to be separated from the other party to the marriage

Applicant 2 (if a joint application)

I confirm that I seek to be separated from the other party to the marriage

Section 7 – Existing or previous Court cases

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

Yes

No

Court Reference:

Summary of the existing or previous Court proceedings:

Guidance Notes

If you have a Court reference number but are unable to locate it, the Court staff can complete a search of the Court Indices. The fee for this can be found at <https://www.courts.im/fees/>

Joint applicants are to complete the details necessary together in the same box provided.

Section 8 – Dividing your money and property – Orders which are sought

You can apply to the Court about how your money, property, pensions and other assets are to be split. These are called financial orders and may include:

- An order for maintenance pending suit/outcome
- Periodical payments order
- Secured provision order
- Lump sum order
- Property adjustment order
- Pension sharing/attachment order

You can apply for orders for yourself, and/or, if appropriate for your children.

If you agree with your spouse about how your property, money, pensions and other assets will be split, and want it to be legally binding, you can apply for a financial order to be made by consent.

If you disagree with your spouse about how your property, money, pensions and other assets will be split, then you can ask the Court to decide for you.

29. Do you want to apply for a financial order?

Sole Applicant or Applicant 1

Yes, I want to apply for a financial order for (select all that apply):

Myself

The children

No

Applicant 2

Yes, I want to apply for a financial order for (select all that apply):

Myself

The children

No

Guidance Notes

Money and property when you divorce or separate you may be able to solve your financial and other arrangements outside of Court, for example through mediation. You can find more information on mediation at: <https://www.Courts.im/Court-procedures/mediation/family-meditation/>

If you are unsure what to do here it is recommended that you seek legal advice.

Please note that decisions regarding child maintenance are best made by agreement.

Note 29

If you answer 'Yes' to question 29 the Court will take no action at this stage. To formally start financial proceedings, you will also need to complete a separate application and pay another Court fee.

The Court will not be able to make a financial order until a divorce provisional order/separation order is made save an order for maintenance pending suit or interim maintenance. You may wish to see the forms section here: www.courts.im/no-fault-divorce/forms

If you answer 'No' to question 29 you can still apply for a financial order in the future, **but only** until you remarry. This restriction **does not** apply to pension sharing orders.

Section 9 – Summary of orders sought (see notes 31 and 32)

30. The Sole Applicant / Joint Applicants apply for separation

31. The Sole Applicant or Applicant 1 wants to apply for the following:

A financial order for the:
Sole Applicant or Applicant 1
children

An order in respect of the child of the family under Part 1 or Part 2 of the Children and Young Persons Act 2001

32. Applicant 2 wishes to apply for the following:

A financial order for:
Applicant 2
the children

An order in respect of the child of the family under Part 1 or Part 2 of the Children and Young Persons Act 2001

Note 31 and 32

To formally start proceedings in respect of children and /or finances, you will also need to complete a separate application and pay another Court fee.

See Section 8 for information in respect of financial matters.

You may wish to consider taking legal advice.

In respect of children you may wish to see further information at:
<https://www.Courts.im/Court-procedures/childrens-matters/>

Section 10 – Statement of truth

33. Sole Applicant or Applicant 1

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 are true.

The applicant believes that the facts stated in this form are true. **I am authorised** by the applicant to sign this statement.

Signature

Sole Applicant/Applicant 1

Advocate for the Sole Applicant /Applicant 1

Date:

Full name:

Name of Applicant's advocate's firm:

34. Applicant 2 (if joint application)

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 are true.

Applicant 2 believes that the facts stated in this form are true. **I am authorised** by the applicant to sign this statement.

Signature

Applicant 2

Advocate for applicant

Date:

Full name:

Name of Applicant 2's advocate's firm:

Checklist to complete before returning your form (please check off if you have included):

The **original or certified copy of your marriage certificate** or a similar document issued under the law in force in the country where the marriage registration took place (photocopies will not be accepted). The Court will take copies of your marriage certificate (and translation if applicable) and return the originals back to your address.

If your certificate is not in English then a **certified translation** must also be provided.

The **Court fee**. You can find the current fee on www.courts.im/fees this page also provides details of how to seek remission or reduction of the fees.

Statement of Arrangements for Children **if applicable**.

Application and Statement of Arrangements for children, if applicable, should be submitted to the Court in triplicate.

Please send your application and the required documents listed above to:

Isle of Man Courts of Justice (General Registry)
Deemsters Walk
Bucks Road
Douglas
Isle of Man
IM1 3AR

The opening hours for the Court office and public counter are:

9.30am to 4.30pm Monday to Thursday

9.30am to 4.00pm on Friday

Isle of Man Courts Public counter telephone number: (01624) **685265**

You can pay via cheque (made payable to the Isle of Man Government), cash or card at the public counter or you can pay over the telephone on the dedicated payments line on (01624) **686423**.