

## Notes on the Particulars for Divorce and Costs

### Particulars

**For a petition based on adultery**, we will need to know the following:-

- a) date/period when the adultery occurred
- b) whether it is still continuing
- c) whether your spouse has admitted to it and if so when
- d) or if not, how you know that this has occurred
- e) whether you wish to seek a costs order – see below.

**For a petition based on unreasonable behaviour**, we will require:-

- a) 5-6 particulars of your spouse's behaviour that you find unreasonable including dates and examples where appropriate. It is useful to include the 'first, worst and last' incidents of the behaviour ie what made you first think the marriage was not working, the worst incident and the last straw which caused you to separate or start these proceedings.
- b) Please also advise whether you wish to seek a costs order. See below.

**For a petition based on 2 years separation**, we will require:-

- a) the date the separation began
- b) confirmation that you have not lived together since that date, or
- c) if you have, the dates, which show that not including up to 6 months in total that you have lived together, a total period of 2 years have elapsed.
- d) Confirmation that your spouse consents to the divorce
- e) Whether your spouse has agreed to pay half of your fees. See below.

**For a petition based on 5 years separation**, we will require:-

- a) the date the separation began
- b) confirmation that you have not lived together since that date, or
- c) if you have, the dates, which show that not including up to 6 months in total that you have lived together, a total period of 2 years have elapsed.

**For a petition based on desertion**, we will require:-

- a) the date your spouse left
- b) what occurred at the time
- c) confirmation that you have not lived together since that date.

### Costs

There are four different possibilities in terms of the costs in the Petition.

#### **1) A claim for the full costs of the Petition**

For a "fault-based" based divorce ie adultery or behaviour, a request for a costs order can be included in the Petition. The Court will then decide whether or not to make such an order. If made, the costs and court fees can then be sought from the spouse at Decree Absolute. If your spouse has agreed to pay the costs, please confirm this.

**2) A claim that the Respondent pays half the costs of the Petition.**

An alternative to seeking all the costs, is that you seek half. This is often agreed where the divorce is based on a 2 year separation with consent. If the spouse has agreed to pay half of the costs, please confirm.

**3) A claim that the Respondent pays the costs only if they defend the Petition.**

Alternatively, costs can be sought “only if defended” to try to encourage the spouse to cooperate with the divorce and not defend the proceedings.

**4) No Costs**

In this case, each party pays their own costs.