

Affidavit in support of a request to dispense with service of the divorce / dissolution / nullity / (judicial) separation petition on the Respondent (form D13B)

Notes for Guidance

General

If you do not know the present whereabouts of the Respondent, then, before you can proceed with your case, you will need to make an application to the Court for an order dispensing with service of the petition on them. Such an order will only be made where you are able to satisfy the Court that you have made all reasonable enquiries to trace them.

What is reasonable will vary from case to case according to the particular circumstances. In general, you will have to show that you have made the enquiries set out below.

Completing questions

The following numbered paragraphs relate to the corresponding question numbers in form D13B.

1. You should state the date on and address at which you and the Respondent last lived together. If the Respondent on parting indicated where he was going to, you should give details.
2. You should give all the information that you have to show that the Respondent is no longer living at the stated address(es). This should include any letters addressed to the Respondent that have been returned "not known at that address" or "gone away" and any enquiries that have been made of the neighbours.
3. You should describe the last time that you saw (or heard of) the Respondent, giving the source of your information and the enquiries you have made of that source.
4. You should contact known relatives (including children) and friends of the Respondent, explaining that you have commenced an application for divorce / dissolution / nullity / (judicial) separation and need to know the Respondent's address in order that the Court may send him/her a copy of the petition and so inform the Respondent of his/her rights.
5. You should make enquiries of the Respondent's last known employer enquiring whether the Respondent is still employed there and whether the employer can assist you in tracing him/her or would be willing to forward to him/her a stamped envelope and to let you know when this has been done.

If the employer is willing to forward a letter, you should enclose in the envelope a copy application and accompanying documents which the Court will supply to you on request. You need not tell the employer about the enclosures.

6. If, to your knowledge, the Respondent had a bank or building society account, or was a member of a trade union or any other organisation or club, you should make enquiries of these bodies as in paragraph 5 above.
7. If a maintenance order has been made by a magistrates' court an enquiry and request (as in paragraph 5 above) should be made to the Clerk to the Justices of that Court.
8. If an assessment for Child Support maintenance is pending or has already been made by the Child Support Agency, an enquiry and request should be made to the Child Support Agency Centre dealing with your case.