



SEPARATION FACTSHEET

What is judicial separation?

A judicial, or legal, separation is a way of formally separating without divorcing or dissolving your civil partnership. A judicial separation might be appropriate if you:

- have religious reasons for not divorcing or dissolving your civil partnership
- were married or entered into your civil partnership less than 12 months ago
- need time to consider whether divorce or dissolution is the right decision for you

You can only apply for a judicial separation in England & Wales if either you or your spouse or civil partner meet certain residence conditions or are domiciled here. Speak to your family lawyer about this if you are in any doubt.

The Divorce, Dissolution and Separation Act 2020

The Divorce, Dissolution and Separation Act 2020 (DDSA 2020) came into force on 06 April 2022. DDSA 2020 is regarded as the biggest reform of divorce law in England and Wales for 50 years. It has removed the requirement to provide evidence of conduct or separation 'facts' contained in the Matrimonial Causes Act 1973 or the Civil Partnership Act 2004 to establish irretrievable breakdown of the relationship and allows couples to end their unions without assigning blame. The aim of the changes is to reduce the impact that conflict and allegations can have on families, in particular on any children.

Applying for a judicial separation

Under the new law, you can apply for a judicial separation jointly or individually. Although joint applications are encouraged, there are some circumstances where it might not be appropriate to do so e.g., where one party has experienced domestic abuse from the other party. You can make a sole application if your spouse or civil partner does not agree that you should get a judicial separation or if you have reason to believe that your spouse or civil partner will not respond to notifications from the court. When completing the application, both parties can keep their contact details confidential if required.



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Judicial separation application forms

Judicial separation is a two-stage process. Unlike divorce and dissolution applications, which can be made online, applications for judicial separation still rely on paper forms. The initial application is made using form D8S: application for a judicial separation. The second step involves the completion of form D84: application for a judicial separation order. Form D8S requires the applicant(s) to provide a statement that they wish to be judicially separated from the other party to the marriage or civil partnership.

Which documents do I need to apply for a judicial separation?

To apply for your judicial separation, you will need your original marriage/civil partnership certificate or a certified copy (a photocopy will not be accepted). If your certificate is not written in English, an approved translation is required.

Three copies of your application, plus your certificate, should be sent to: Bury St Edmunds Regional Divorce Unit Triton House St Andrew's Street North Bury St Edmunds IP33 1TR.

Disputing the application

In a sole application, the respondent can dispute the application in certain situations. Respondents are not able to dispute whether their relationship has broken down. They can only dispute the application because:

- they dispute the jurisdiction of the court in England and Wales to conduct the proceedings
- they dispute the validity of the civil partnership or marriage
- the civil partnership or marriage has already been legally ended

It is also possible to challenge proceedings for reasons such as fraud and procedural compliance.



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Switching from a joint to sole application

In joint applications, both parties apply for their dissolution together and parties are equally responsible for the application. The two parties are known as applicant one and applicant two, rather than applicant and respondent as in sole applications. If applicants who have started a joint application for a judicial separation order find themselves in a situation where they are unable to continue with it, perhaps because of further deterioration of the relationship with the other party, or where the other party is not taking the necessary action to progress the application, it is possible to 'switch' the application from joint to sole. This can only happen during the application for a judicial separation order.

How much does it cost to apply for a judicial separation?

A court fee is payable at the point of applying for a judicial separation. Details of court fees and information about help with fees can be found on the [government website](#). As of March 2022, the fee for filing an application for judicial separation is £365.

Joint applicants agree between themselves how they are going to pay the fee for the application and either applicant can insert their details on the court fee page.

Sole applicants can apply for help with fees where they have little or no savings and are in receipt of certain benefits or have a low income. In the case of joint applications, both parties must be eligible for help with fees to qualify.

Applying for financial orders

When completing form D8S, applicant(s) need to confirm whether they wish to apply for a financial order for themselves or their children. If you agree with your spouse or civil partner about how your property, money, and other assets (except pensions), will be split, you can apply for a financial order to be made by consent. If you and your spouse or civil partner disagree over your financial arrangements, then you can ask the court to decide for you.



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How long does the judicial separation process take?

The judicial separation process takes a minimum of 20 weeks. Other arrangements in relation to finances and children may take longer to resolve.

Will implications

When you separate, certain provisions in your will might not work as you previously intended them to. You need to make a new will as soon as possible after you receive the judicial separation order to ensure your wishes are carried out in the event of your death.