

Chapter 9: Guidance on answering the self-test questions

Question 1: Your client is concerned that his wife (the respondent) may not cooperate with the proceedings. Describe the different methods of service that can be used to prove service of proceedings.

Service can be effected by bailiff or enquiry agent (which is personal service), deemed service, substituted service, or service can be dispensed with altogether.

Question 2: Your client wishes to have an overview of the proceedings. Describe the procedure to him as briefly as you can. List the documents required to issue proceedings in a privately funded divorce with no children involved.

It is worth working out a simple explanation for a client incorporating the timescales, potential delays or hiccups, and the likely cost of divorce proceedings.

My suggestion is that a client understands the role of the divorce petition and the need not to inflame the situation further by making unnecessarily emotive statements and not citing a co-respondent in adultery cases. If applicable, the statement of arrangements should be similarly explained. Service on the respondent is often a point of delay within proceedings and it is a good idea to ask the client at the start of the case if they think that there will be any problems with service.

It is also important to stress to a client that a divorce petition is not a forum for resolving perceived grievances against the other person. The content of a divorce petition should be restricted to the amount of facts required to establish to ground for divorce.

Question 3: Will your client have to attend court at any stage?

It is extremely rare for a client to attend court in divorce proceedings and generally occurs in the rare circumstance that a divorce becomes defended.