**WIFE’S PETITION FOR DISSOLUTION OF MARRIAGE**

Form MP. 1 [Rule 76.4(1)]

**IN THE SUPREME COURT OF JUDICATURE OF JAMAICA**

**CLAIM NO. M of**

**BETWEEN PETITIONER**

(Did not take husband’s surname) (if applicable)

**AND RESPONDENT**

The Petition of [state petitioner’s name] *nee* [state maiden name] or [state that you did not take your husband’s name] shows that:

1. On the day of 20 [state date of marriage] the Petitioner [state Petitioner’s name], formerly [state maiden name or surname at the date of the marriage] a [spinster/divorcee/widow] was lawfully married to the Respondent [state Respondent’s name] a [bachelor/divorcee/widower] at [state where the marriage took place] in the parish of [state the parish] by [state the name of marriage officer], a marriage officer of the Island of Jamaica.
2. The Petitioner was born on [state the date of birth] at [state place of birth] in the parish of [state the parish] and the Respondent was born on [state the date of birth] at [state place of birth] in the parish of [state the parish].
3. (a) The Petitioner/the Respondent is domiciled in Jamaica at the date of commencement of the proceedings; or

(b) The Petitioner/the Respondent is resident in Jamaica at the date of commencement of the proceedings and has been ordinarily so resident since [state the date]; or

(c) The Petitioner/the Respondent is a national of Jamaica.

1. (a) The Petitioner and the Respondent have lived as husband and wife in Jamaica at [state place of residence] since [state date of commencement of residence at such place]; or

(b) The Petitioner and the Respondent have lived at the following place(s) for the period of one year immediately prior to the date of presentation of the petition [state place of residence] since [state date of commencement of residence at such place]; or

(c) The Petitioner and the Respondent have lived overseas at [state place of residence] since [state date of commencement of residence at such place].

1. The Petitioner is a [state occupation] and resides at [state place of residence] in the parish of [state parish] and the Respondent is a [state occupation] and resides at [state place of residence] in the parish of [state parish].
2. The child/children of the marriage are [state name(s) and date(s) of birth] and the child/children that is/are relevant to the proceedings is/are as follows: \_\_\_ [state name/names and date/dates of birth]

(CHILDREN BETWEEN AGES 18-23 YEARS MUST BE STATED AS RELEVANT IF MAINTENANCE IS BEING SOUGHT PURSUANT TO SECTION 16(3) OF THE MAINTENANCE ACT)

1. To the knowledge of the Petitioner, there is no child living at the date of the Petition born to the Petitioner/Respondent during the marriage as a result of a union between the Petitioner/Respondent and a person other than the Petitioner/Respondent.

Or

To the knowledge of the Petitioner, there is a child living at the date of the Petition born to the Petitioner/Respondent during the marriage as a result of a union between the Petitioner/Respondent and a person other than the Petitioner/Respondent. The name of the child is [state the name of the child] whose date of birth is [date of birth of child] and who resides at [state the address].

1. There is a dispute between the Petitioner and the Respondent as to whether a child [state name and, if known, the date of birth of the child] is a child of the family. The nature of the dispute is that [briefly state the nature of the dispute].

Or

There is no dispute between the Petitioner and the Respondent as to whether any child is a child of the family.

(Paragraphs 9 and 10 are to be completed, where custody and/or maintenance is/are being sought pursuant to rule 76.4(6) of the Civil Procedure Rules, 2002 as amended).

1. The financial resources of the Petitioner are as follows:

For example: - The Petitioner operates her own business and earns a monthly income of approximately $80,000.

1. The financial resources of the Respondent are as follows:

For example: - The Respondent is a [state occupation] and is employed to [state place of employment] and earns a monthly income of $80,000 each month.

1. There have been no previous proceedings in any Court in Jamaica or elsewhere with reference to the marriage, or to the children of the marriage, or between the Petitioner or the Respondent with reference to any property of either or both of them, and if there have been proceedings state –
2. the nature of the proceedings;
3. the date and effect of any decree or order;
4. in the case of proceedings with reference to the marriage, whether there has been any resumption of cohabitation since the making of the order.
5. The marriage between the Petitioner and the Respondent has broken down irretrievably.
6. The parties separated in [state the date of separation]
7. The following are the circumstances in which the Petitioner considers the marriage to have broken down irretrievably: -

[state the circumstances including any attempts at reconciliation]

1. There is no reasonable likelihood of cohabitation between the parties being resumed.

**THE PETITIONER THEREFORE SEEKS THE FOLLOWING RELIEF: -**

1. the said marriage be dissolved;
2. the custody, care and control of [state the name of the child/children] born on [state the date(s) of birth(s)] is to be granted to the Petitioner;
3. the Respondent pays to the Petitioner the sum of [state the amount] as maintenance for the relevant child/children of [state the name of the child/children] born on [state the date(s) of birth(s)];
4. the Respondent pays to the Petitioner such sums for her maintenance as may be determined by the court;
5. [List any other orders being sought]
6. she may have such further/other relief as may be just.

NOTE:

1. Rule 76.4(5) permits the inclusion in the petition of claims for such matrimonial proceedings relief as is appropriate.
2. An application for a court order is to be filed where a claim for custody and/or maintenance are included in the prayer.

The following is the person to be served with this Petition and who is not under a disability:

THE RESPONDENT

[state the respondent’s name and address]

I certify that I believe the facts stated in this Petition are true.

Dated this day of 20

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Petitioner

**NOTICE TO THE RESPONDENT**

This Petition must be personally served unless otherwise permitted by an order of the Court or permitted by rule 76.8 (service out of the jurisdiction).

Rule 76.11 sets out the procedure for responding to the claim and requires you to file an Acknowledgment of Service within 14 / 28 / 42 / 56 days of being served with the Petition, if you wish to respond to the claim. An Acknowledgement of Service is Form MP 5 in the Matrimonial Proceedings Forms at Part 76 of the Civil Procedure Rules, 2002 as amended.

If you do not complete the form of Acknowledgment of Service and deliver or send it to the Registry (address below) so that it is received within 14 / 28 / 42 / 56 days of being served with the Petition, the Petitioner will be entitled to proceed in default against you. See rule 76.12

The form of Acknowledgment of Service may be completed by you or an Attorney-at-Law acting for you.

You should consider obtaining legal advice with regard to the claim contained in the Petition.

[SEAL]

The Registry is at The Supreme Court, Public Buildings, King Street, Kingston, telephone numbers (876) 922-8300-9, fax (876) 967-0669. The office is open between 9:00 a.m. and 4:00 p.m. Mondays to Thursdays and 9:00 a.m. to 3:00 p.m. on Fridays except on Public Holidays.

The Petitioner’s address for service is (If appearing in person, state the Petitioner’s address) or (If there is an Attorney-at-Law state the attorney’s name, address and telephone number).

**FILED** by [state the name and address of the Petitioner if appearing in person, or where represented, the name address and telephone number of the law firm or the attorney-at-law].