

ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

1998, No. 13

The DIVORCE RULES 1998 made by the Chief Justice under section 19 of the Divorce Act 1997.

1. These Rules may be cited as the Divorce Rules 1998.

Short title.

2. (1) Except where these Rules provide otherwise

Application of
Matrimonial Causes
Rules and Rules of
Civil Procedure.

(a) the Matrimonial Causes Rules; and

(b) all the Rules of Civil Procedure that apply in an action

apply with necessary modifications, in a divorce action under the Divorce Act, 1997.

(2) The Forms prescribed in the Schedule are the Forms to be used for purposes of divorce action under these Rules.

(3) The Forms prescribed in the Schedule may be obtained from the Registrar's Office at the cost of twenty five dollars (\$25) per set.

3. In these Rules,

"Act" means the Divorce Act 1997;

Definitions.

"child of the marriage" has the same meaning as in section 2 of the Act.

4. (1) The originating process for the commencement of a divorce action is a petition for divorce (Form 1 to 2), except as provided by subrule 12 (6) (counterpetition against person not already a party (Form 6).

Petition.

(2) A certificate of the marriage or of the registration of the marriage shall be filed before a petition is issued, unless the petition states that it is impossible to obtain the certificate, or that the

(3) The party commencing the action is called the petitioner and the opposite party is called the respondent.

(4) In a petition in which it is alleged that the respondent spouse has committed adultery, it is not necessary to set out the name of the other person alleged to have been involved.

Joint petition for divorce.

5. (1) Spouses may commence a divorce action jointly without a respondent.

(2) A joint petition for divorce shall not contain a claim for any relief other than a divorce and, if applicable, an order on consent.

Service of petition.

6. (1) A petition shall be served on the respondent personally or in accordance with subrules 15 (3) to (4) (acceptance of service by solicitor, service by mail with acknowledgment of receipt card), unless the court makes an order under Order 50, rule 4 of the Rules of the Supreme Court (substituted service or dispensing with service).

(2) A person who effects personal service of a petition shall ask the respondent to complete and sign the acknowledgment of service on the back of the petition and shall sign as witness to the respondent's signature, or record the fact that the respondent declined to sign the acknowledgment of service, as the case may be.

(3) If a petition sets out the name of a person alleged to have been involved in adultery with the respondent, it shall be served on the person, unless the court orders otherwise, by any method authorized by Order 10 of the Rules of the Supreme Court for service of an originating process, or by mailing a copy of the petition to the person at his or her last known address.

(4) A petition that is served personally shall be served by someone other than the petitioner.

(5) A petition may be served outside Antigua and Barbuda without a court order.

(6) Where substituted service of a petition by advertisement in

7. A petition shall be served within six months after it is issued. Time for service of petition.

8. (1) In a divorce action, pleadings shall consist of the petition (Form 1 or 2), answer (Form 4) and reply (Form 5), if any. Pleadings.

(2) In a counterpetition, pleadings shall consist of the counterpetition (Form 6 or 7), answer to counterpetition (Form 8) and reply to answer to counterpetition (Form 9), if any.

9. Except as provided in rule 15 (2) (counterpetition against petitioner and non-party), a respondent who wishes to oppose a claim made in the petition shall deliver an answer: Time for delivery of answer.

- (a) within twenty days after service of the petition, where the respondent is served in Antigua and Barbuda;
- (b) within forty days after service of the petition, where the respondent is served elsewhere in any of the Caricom countries; or
- (c) within sixty days after service of the petition, where the respondent is served anywhere else.

10. (1) A respondent served with a petition who intends to defend the action may deliver a notice of intent to defend (Form 10) within the time prescribed for delivery of the answer. Notice of intent to defend.

(2) A respondent who delivers a notice of intent to defend within the prescribed time is entitled to ten days, in addition to the time prescribed by subrule (1), within which to deliver an answer.

11. A reply, if any, shall be delivered within ten days after service of the answer. Reply.

12. (1) A respondent who claims any relief against the petitioner, other than dismissal of the action and costs, shall do so by way of counterpetition. Counterpetition.

(2) A respondent who counterpetitions against the petitioner may join as a respondent to the counterpetition any other person, ...

(3) Subrules 4(4) and 6(3) (naming and service of person alleged to have been involved in adultery) apply, with necessary modifications, to a counterpetition.

(4) A respondent shall include the counterpetition (Form 4 or 6) and the answer in a single document entitled an answer and counterpetition.

(5) Where a person who is not already a party to the main action is made a respondent to the counterpetition, the answer and counterpetition,

(a) shall be issued,

(i) within the time prescribed by rule 9 for the delivery of an answer in the main action, or at any time before the respondent is noted in default, or

(ii) subsequently with leave of the court; and

(b) shall contain a second title of proceeding showing who is petitioner by counterpetition and who are respondents to the counterpetition.

(6) A counterpetition may be served outside Antigua and Barbuda without a court order.

Service of answer
and petition.

13. (1) Where a counterpetition is only against the counterpetitioner, or only against the petitioner and another person who is already a party to the main action, the answer and counterpetition shall be delivered within the time prescribed by rule 9 for the delivery of the answer in the main action, or at any time before the respondent has been noted in default.

(2) Where a counterpetition is against the petitioner and a respondent to the counterpetition who is not already a party to the main action, the answer and counterpetition shall be served, after it has been issued, on the parties to the main action and, together with all the pleadings previously delivered in the main action on the respondent to the counterpetition who is not already a party to the

- (a) within thirty days after the answer and counterpetition is issued or at any time before the respondent is noted in default; or
- (b) subsequently with leave of the court.

(3) An answer and counterpetition need not be served personally on any person who is a party to the main action, except where a respondent to the counterpetition is also a respondent in the main action and has failed to deliver a notice of intent to defend or an answer in the main action, in which case the respondent shall be served in the manner prescribed by subrule 6(1), whether or not the respondent has been noted in default in the main action.

14. A respondent who has delivered an answer that does not contain a counterpetition and who wishes to counterpetition only against the petitioner, or only against the petitioner and another person who is already a party to the main action, may amend the answer in accordance with Order 20 in order to add the counterpetition.

Amending answer to add counterpetition.

15. (1) The petitioner and any other respondent to a counterpetition who is already a party to the main action shall deliver an answer to counterpetition (Form 8) within twenty days after service of the counterpetition.

Answer to counterpetition.

(2) Where the petitioner delivers a reply in the main action, the answer to counterpetition and the reply shall be included in a single document entitled a reply to answer to counterpetition (Form 9).

(3) Except as provided in subrule (5) a respondent to a counterpetition who is not already a party to the main action shall deliver an answer to counterpetition (Form 8),

- (a) within twenty days after service of the answer and counterpetition, where the respondent to the counterpetition is served in Antigua and Barbuda;
- (b) within forty days after service of the answer and counterpetition, where the respondent to the counterpetition is served elsewhere in Caricom; or
- (c) within sixty days after service of the answer and

(4) Where a respondent to a counterpetition who is not already a party to the main action is served with a counterpetition and intends to defend one action, he or she may deliver a notice of intent to defend (Form 10) within the time prescribed for delivery of the answer to counterpetition.

(5) A respondent to a counterpetition who delivers a notice of intent to defend within the prescribed time is entitled to ten days, in addition to the time prescribed by subrule (3), within which to deliver an answer to counterpetition.

Reply to answer to counter-petition.

16. A reply to answer to counterpetition (Form 9), if any, shall be delivered within ten days after service of the answer to counterpetition.

Interim relief summons.

17. A summons for interim relief shall set out the precise relief sought, including the amount of support claimed for each dependant.

Failure to comply with interim order.

18. Where a party fails to comply with an order for interim relief and the court is satisfied that the party is able to comply with the order, the court may postpone the trial of the action or strike out any pleading or affidavit of the party in default.

Marriage certificate.

19. No divorce action shall be tried until the registrar has received and attached to the trial record a certificate of the marriage or of the registration of the marriage, unless the petition states that it is impossible to obtain a certificate.

Resumption after adjournment.

20. (1) Where a judge grants an adjournment of the trial under subsection 9 (2) of the Act before hearing any evidence, a motion for resumption of the trial under subsection 9 (3) of the Act may be made to any judge.

(2) Where a judge grants an adjournment of the trial under subsection 9(2) of the Act after commencing the hearing of evidence, a motion for resumption of the trial under subsection 9(3) of the Act may be made only to the same judge.

Notice to Attorney-General.

21. (1) The Judge trying a divorce action may adjourn the trial for any reason to such time and place as are just and, in a proper case, may direct that the registrar forthwith give notice to the Attorney General of the proceedings, its state and the reasons of the judge for

(2) Where notice is given, the Attorney General may appear by counsel on the adjourned trial and make submissions and otherwise participate in the proceeding to the extent that the judge allows.

22. The registrar shall issue a certificate of divorce (Form 12) when, Certificate of divorce.

- (a) the divorce has taken effect;
- (b) a requisition has been filed with the registrar, accompanied by an affidavit sworn after the divorce took effect and stating that,
 - (i) no appeal from the divorce is pending, or any such appeal has been abandoned or dismissed, and
 - (ii) no order has been made extending the time for appealing from the divorce, or if any such order has been made the extended time has expired without an appeal being taken; and
- (c) the registrar has searched the court records and ascertained that there is no indication that the affidavit is incorrect.

23. A person who wishes to vary, suspend or rescind a final order for support, custody or access under section 15 of the Act or to obtain such an order after a divorce shall do so by application by summons. Variation of order for corollary relief.

24. An affidavit in support of the application shall set out, Contents of affidavit in support.

- (a) the place or ordinary residence of the parties and the children of the marriage;
- (b) the current marital status of the parties;
- (c) particulars of the change in circumstances relied on;
- (d) particulars of current custody and access arrangements

- (e) particulars of current support arrangements and any proposed change;
- (f) particulars of any arrears of support under an order or agreement; and
- (g) particulars of any efforts made to mediate the matters in issue or of any assessment made in relation to custody or access.

Costs. **25.** The costs of a divorce action shall be assessed in accordance with Order 62 of the Rules of the Supreme Court, unless a judge orders otherwise.

Support order enforcement. **26.** Orders 65 to 73 of the Rules of the Supreme Court (enforcement rules) apply, with necessary modifications, to a divorce action and to a support order made in a divorce action.

SCHEDULE

NOTE FOR FORMS IN THE SCHEDULE

In Forms 1 to 12, the parties should be identified in the title of the proceeding as “husband” and “wife” in addition to their formal designation as “petitioner”, “applicant” etc. When this is done, the parties may be referred to in the body of the document as “husband” and “wife” alone.

FORM 1

PETITION FOR DIVORCE

(General heading)

(Court seal)

PETITION FOR DIVORCE

TO THE RESPONDENT

A LEGAL PROCEEDING FOR A DIVORCE HAS BEEN COMMENCED AGAINST

FORMS

FORM 1

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an attorney acting for you must prepare an answer in Form 4 prescribed by the Rules, serve it on the petitioner's attorney or, where the petitioner does not have an attorney, serve it on the petitioner, and file it, with proof of service, in the registrar's office, **WITHIN TWENTY DAYS** after this petition is served on you, if you are served in Antigua and Barbuda.

If you are served in a Caricom territory, the period for serving and filing your answer is forty days. If you are served outside Caricom territory, the period is sixty days.

Instead of serving and filing an answer, you may serve and file a notice of intent to defend in Form 10 prescribed by the Rules. This will entitle you to ten more days within which to serve and file your answer.

If this petition for divorce contains a claim for support or a division of property, you must serve and file a financial statement in Form 11 prescribed by the Rules within the time set out above for serving and filing your answer, whether or not you wish to defend this proceeding. If you serve and file an answer, your financial statement must accompany your answer.

IF YOU FAIL TO SERVE AND FILE AN ANSWER, A DIVORCE MAY BE GRANTED IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU, JUDGMENT MAY BE GRANTED AGAINST YOU ON ANY OTHER CLAIM IN THIS PETITION.

NEITHER SPOUSE IS FREE TO REMARRY until a divorce has been granted and has taken effect. Once a divorce has taken effect, you may obtain a certificate of divorce from the registrar's office.

Date..... Issued by.....

Registrar.

Address of the office of the Registrar

.....
.....

FORMS

(Separation)

CLAIM

(State precisely everything you want the court to include in the Judgment. If you claim support or a division of property, set out the nature and amount of relief claimed and the amount of support claimed for each dependant. If you want to include provisions of a separation agreement in the judgment, refer to the specific provisions to be included.)

If relief is claimed under any other Act, refer to the Act in the claim.)

1. The petitioner claims:

- (a) a divorce;
- (b) under the Divorce Act No. 10 of 1997.
 - (i)
 - (ii)
 - (iii)
- (c) under (state law under which the claim is made).
 - (i)
 - (ii)
 - (iii)

GROUND(S) FOR DIVORCE --- SEPARATION

**2. The spouses have lived separate and apart since.....
The spouses have resumed cohabitation during the following
periods in an unsuccessful attempt at reconciliation:**

(If none, state "None.")

Date(s) of Cohabitation

(adultery)

CLAIM

(State precisely everything you want the court to include in the Judgment. If you claim support or a division of property, set out the nature and amount of relief claimed and the amount of support claimed for each dependant. If you

1. The petitioner claims:

- (a) a divorce;
- (b) under the Divorce Act, No. 10 of 1997,
 - (i)
 - (ii)

visions of a separation agreement in the judgment, refer to the specific provisions to be included.)

If relief is claimed under any other Act, refer to the Act in the claim.)

- (c) under (state law under which the claim is made),
 - (i)
 - (ii)
 - (iii)

FORMS

GROUNDS FOR DIVORCE — ADULTERY

2. The respondent spouse has committed adultery. Particulars are as follows: (State the particulars)

(cruelty)

CLAIM

(State precisely everything you want the court to include in the Judgment. If you claim support or a division of property, set out the nature and amount of relief claimed and the amount of support claimed for each dependant. If you want to include provisions of a separation agreement in the judgment, refer to the specific provisions to be included.)

If relief is claimed under any other Act, refer to the Act in the claim.)

1. The petitioner claims:

- (a) a divorce;
- (b) under the Divorce Act, No. 10 of 1997,
 - (i)
 - (ii)
 - (iii)
- (c) under (state law under which the claim is made).
 - (i)
 - (ii)
 - (iii)

GROUNDS FOR DIVORCE — CRUELTY

2. The respondent has treated the petitioner with physical or mental cruelty of such a kind as to render intolerable the

RECONCILIATION

3. There is no possibility of reconciliation of the spouses.
4. The following efforts to reconcile have been made:

(Give details. Where no efforts have been made, state "None.")

.....

.....

DETAILS OF MARRIAGE

(Where possible, copy the information from the marriage certificate.)

5. Date of marriage
6. Place of marriage (municipality and province, state or country)
7. Wife's surname immediately before marriage
8. Wife's surname at birth
9. Husband's surname immediately before marriage
10. Husband's surname at birth
11. Marital status of husband at time of marriage. (never married, divorced or widower)
12. Marital status of wife at time of marriage. (never married, divorced or widow)
13. Wife's birthplace (province, state or country)
14. Wife's birth date
15. Husband's birthplace (province, state or country)

(Check (a), (b) or (c) and complete as required.)

17. (a) A certificate of the marriage
 the registration of the marriage
of the spouses has been filed with the court.

(b) It is impossible to obtain a certificate of the marriage
or its registration because:

.....
.....

(c) A certificate of the marriage or its registration will be
filed before this action is set down for trial or a motion
is made for judgment.

RESIDENCE

18. The petitioner has resided in (municipality and province, state
or country).....
since (date).....

19. The respondent has resided in (municipality and province,
state or country).....
since (date).....

20. The respondent's current address is.....
.....

21. The petitioner has habitually resided in Antigua and Bar-
buda for at least one year

respondent

immediately preceding the commencement of this proceeding.

CHILDREN

Full name	Birth date	School and grade or year	Person with whom child lives and length of time child has lived there
.....

The children ordinarily reside in (municipality and province,
state or country).....

(Be sure that this paragraph agrees with the claim under petition and grounds for divorce.)

23. (a) The petitioner seeks an order for custody or joint custody of the following children on the following terms:

Name of child	Terms of the order
.....

[] agrees

The respondent [] does not agree with the above terms.

(Strike out if not applicable.)

(b) The petitioner is not seeking an order for custody and

[] is content that a previous court order for custody continue in force

[] is attempting to obtain an order for custody in another proceeding full particulars of which are as follows:

(Give name of court, court file no. and particulars of the order or proceeding.)

.....

(Strike out if not applicable.)

(c) The petitioner seeks an order for access (visiting arrangements) and is content that the respondent have an order for custody of the following children on the following terms:

Name of child	Terms of the order
.....

(Give details such as days of the week, hours of visit and place of access.)

24. (a) The following are the existing visiting arrangements (access) for the spouse who does not have the children living with him or her:

.....

[] satisfactory

(b) The existing visiting arrangements (access) are

[] not satisfactory.

(If not satisfactory, give reasons and describe how the arrangements should be changed.)

.....

25. The order sought in paragraph 23 is in the best interest of the children for the following reasons:

.....

26. The following material changes in the circumstances of the spouses are expected to affect the children, their custody and the visiting arrangements (access) in the future:

.....

27. (a) The existing arrangements between the spouses for support for the children are as follows:

Amount paid	Time period (weekly, monthly, etc.)	Paid by (husband or wife)	Paid for (name of child)
.....

[] are being honoured

(b) The existing support arrangements

[] are not being honoured.

(If not being honoured, specify how much is unpaid and for how long. If you seek an order for payment of part or all of the unpaid amount, be sure to include it in the claim made under petition and grounds for divorce.)

(Strike out if not applicable.)

(c) The petitioner proposes that the support arrangements for the children should be as follows:

Amount paid	Time period (weekly, monthly, etc.)	to be paid by (husband or wife)	to be paid for (name of child)
.....

28. The educational needs of the children [] are being met.
 [] are not being met.
 (If not being met, give particulars.)
-

OTHER COURT PROCEEDINGS

29. The following are all other court proceedings with reference to the marriage of any child of the marriage; (Give the name of the court, the court file no., the kind of order the court was asked to make and what order, if any, the court made, if the proceeding is not yet completed, give its current status.)
-

DOMESTIC CONTRACTS AND FINANCIAL ARRANGEMENTS

30. The spouses have entered into the following domestic contracts and other written or oral financial agreements: (indicate whether the contract or arrangement is now in effect, and if support payments are not being paid in full, state the amount that has not been paid.)

Date	Nature of contract or arrangement	Status
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COLLUSION, CONDONATION AND CONNIVANCE

31. There has been no collusion in relation to this divorce proceeding.

(Strike out the paragraphs if the divorce is sought on the ground of separation only.)

32. There has been no condonation of or connivance at the grounds for divorce in this proceeding. (Where there has been condonation or connivance, strike out the previous sentence. Give details and set out the facts relied on to justify a divorce in the circumstances.)

MATTERS OTHER THAN DIVORCE AND CUSTODY

33. The grounds for the relief sought in paragraph 1 other than a divorce or custody, are as follows: (Set out in separate, consecutively numbered paragraphs the material facts relied

TRIAL

34. The petitioner proposes that if there is a trial in this action, it be held at.....

(Where a claim is made for custody of a child who ordinarily resides in Antigua and Barbuda, the place of trial must be in the country where he or she ordinarily resides.)

DECLARATION OF PETITIONER

35. I have read and understand this petition for divorce. The statements in it are true, to the best of my knowledge, information and belief.

Date.....

Signature of petitioner

STATEMENT OF SOLICITOR

(Strike out this paragraph if you do not have an attorney.)

36. I, (name), solicitor for the petitioner, certify to this court that I have complied with the requirements of section 8 of the Divorce Act No. 10 of 1997.

(Where in the circumstances it would clearly not be appropriate to discuss the matters in section 8 with the applicant, set out the circumstances.)

Date.....

Signature of solicitor

(Name, address and telephone number of petitioner's solicitor or petitioner)

(The following is to appear on the backsheet of the petition.)

ACKNOWLEDGMENT OF SERVICE

I,.....am the respondent named in this petition. I acknowledge receipt of a copy of this petition. My address for service of documents in this divorce proceeding is.....

Date..... Signature of respondent.....

I served this petition personally on the respondent.

[] The respondent completed and signed the acknowledgment of service above in my presence and I signed it as witness.

or

[] The respondent declined to complete and sign the acknowledgment of service.

Signature.....

**FORM 2
JOINT PETITION FOR DIVORCE**

(Court file no.)

(Court)

(Name)

Husband

and

(Court Seal)

(Name)

Wife

JOINT PETITION FOR DIVORCE

Date..... Issued by

Registrar

Address of the office of the registrar

(State precisely everything you want the court to include in the Judgment. Everything you want to include must have been agreed to by both spouses. If you want to include provisions of a separation agreement in the judgment, refer to the specific

1. The husband and wife jointly seek:

(a) a divorce;

(b) under the Divorce Act No. 10 of 1997

(i)

(ii)

- (c) under (state which law),
 - (i)
 - (ii)
 - (iii)

GROUND FOR DIVORCE — SEPARATION

2. The spouses have lived separate and apart since.....
 The spouses have resumed cohabitation during the following periods in an unsuccessful attempt at reconciliation:

(If none, state "None.")

Date(s) of Cohabitation

RECONCILIATION

3. There is no possibility of reconciliation of the spouses.

(Give details, where no efforts have been made, state "None".)

4. The following efforts to reconcile have been made:

DETAILS OF MARRIAGE

(Where possible, copy the information from the marriage certificate)

- 5. Date of marriage
- 6. Place of marriage (municipality and province, state or country)
- 7. Wife's surname immediately before marriage
- 8. Wife's surname at birth
- 9. Husband's surname immediately before marriage
- 10. Husband's surname at birth
- 11. Marital status of husband at time of marriage, (never married, divorced or

- 12. Marital status of wife at time of marriage,
(never married, divorced or widow)
- 13. Wife's birthplace (province, state or
country)
- 14. Wife's birth date
- 15. Husband's birthplace (province, state or
country)
- 16. Husband's birth date

(Check (a), (b) or (c) and complete as required.)

- 17. (a) A certificate of the marriage
 the registration of the marriage
of the spouses has been filed with the court.
- (b) It is impossible to obtain a certificate of the marriage
or its registration because:
- (c) A certificate of the marriage or its registration will be
filed before this action is set down for trial or a motion
is made for judgment.

RESIDENCE

- 18. The wife has resided in (municipality and province, state or
country).....
since (date).....
- 19. The husband has resided in (municipality and province, state
or country).....
since (date).....
- 20. The husbands current address is.....
.....
- 21. The husband has habitually resided in Antigua and
Barbuda for at least one year
 wife

CHILDREN

22. The following are all the living children of the marriage as defined by the Divorce Act No. 10 of 1997:

Full name	Birth date	School and grade or year	Person with whom child lives and length of time has lived there
.....

The children ordinarily reside in (municipality and province, state or country).....

(Be sure that this paragraph agrees with the claim made under petition and grounds for divorce.)

23. (a) The spouses seek an order for custody or joint custody of the following children on the following terms:

Name of child	Terms of the order
.....

(Strike out if not applicable.)

(b) The spouses are not seeking an order for custody and
 is content that a previous court order for custody continue in force
 is attempting to obtain an order for custody in another proceeding,

full particulars of which are as follows:

(Give name of court, court file no. and particulars of the order or proceeding.)

.....

(Be sure that this paragraph agrees with the claim made under petition and grounds for divorce.)

(c) The spouses seek an order on consent for access (visiting arrangements to the following children on the following terms:

Name of child	Terms of the order
.....

(Give details such as days of the week hours of visit and place of access.)

24. (a) The following are the existing visiting arrangements (access) for the spouse who does not have the children living with him or her.

(b) The existing visiting arrangements (access) are not satisfactory.

(If not satisfactory, give reasons and describe how the arrangements should be changed.)

25. The order sought in paragraph 23 is in the best interests of the children for the following reasons:

26. The following material changes in the circumstances of the spouses are expected to affect the children, their custody and the visiting arrangements (access) in the future:

27. (a) The existing arrangements between the spouses for support for the children are as follows:

Amount paid	Time period (weekly monthly, etc.)	Paid by (husband or wife)	Paid for (name of child)
.....

are being honoured

(b) The existing support arrangements

are not being honoured.

(If not being honoured, specify how much is unpaid and for how long. If you seek an order for payment of part or all of the unpaid amount, be sure to include it in the claim.)

(c) The spouses propose that the support arrangements for the children should be as follows:

(Be sure that this paragraph agrees with paragraph 1.)

Amount to be paid	Time period (weekly, monthly, etc.)	To be paid by (husband or wife)	To be paid for (name of child)
.....

28. The educational needs of the children are being met.

are not being met.

(If not being met, give particulars.)

OTHER COURT PROCEEDINGS

29. The following are all other court proceedings with reference to the marriage or any child of the marriage: (Give the name of

to make and what order, if any, the court made. If the proceeding is not yet completed, give its current status.)

**DOMESTIC CONTRACTS AND FINANCIAL
ARRANGEMENTS**

- 30. The spouses have entered into the following domestic contracts and other written or oral financial arrangements:
(Indicate whether the contract or arrangement is now in effect, and if support payments are not being paid in full, state the amount that has not been paid.)

Date	Nature of contract or arrangement	Status
------	--------------------------------------	--------

NO COLLUSION

- 31. There has been no collusion in relation to this divorce proceeding.

DECLARATION OF SPOUSES

- 32. (a) I have read and understand this petition for divorce. The statements in it are true, to the best of my knowledge, information and belief.
- (b) I understand that I have the right to seek independent legal advice concerning this proceeding and to retain my own separate counsel.
- (c) I understand that I may lose my right to make a claim for division of property after the divorce if I do not make the claim at this time

Date.....

Signature of husband

Date.....

FORMS

STATEMENT OF WIFE'S SOLICITOR

(Strike out this paragraph if you do not have an attorney.)

33. (a) I, (name), solicitor for the wife, certify to this court that I have complied with the requirements of section 8 of the Divorce Act (No. 10 of 1997). (Where in the circumstances it would clearly not be appropriate to discuss the matters in section 8 with the wife, set out the circumstances.)

I also certify that I have advised the wife that she has the right to have independent legal advice and retain separate counsel in this proceeding.

Date.....
Signature of solicitor

STATEMENT OF HUSBAND'S SOLICITOR

(Strike out this paragraph if you do not have an attorney.)

(b) I, (name) solicitor for the husband, certify to this court that I have complied with the requirements of section 8 of the Divorce Act (No. 10 of 1997). (Where in the circumstances it would clearly not be appropriate to discuss the matters in section 8 with the husband, set out the circumstances.)

I also certify that I have advised the husband that he has the right to have independent legal advice and retain separate counsel in this proceeding.

Date.....
Signature of solicitor

(Name, address and telephone number of solicitor(s).
If no solicitor for either spouses, addresses and tele-

FORM 3
ADVERTISEMENT
(name of court)

NOTICE TO (name)

A legal proceeding for a divorce has been commenced in this court by (name of petitioner). (Where applicable add: The petitioner also claims support, custody of the child (name) or as may be.) You may obtain a copy of the petition by mail from the court office at (address).

If you wish to defend this proceeding or seek other relief from the court, you must do so in accordance with the Rules. If you fail to serve and file an answer, a divorce may be granted and judgment may be given against you in your absence and without further notice to you.

Name and address of solicitor or party)

FORMS
FORM 4
ANSWER
(General heading)
ANSWER

1. The respondent admits the allegations contained in paragraphs.....of the petition.
2. The respondent denies the allegations contained in paragraphs.....of the petition.
3. The respondent has no knowledge in respect of the allegations contained in paragraphs.....of the petition.
4. (Set out in separate, consecutively numbered paragraphs each allegation of material fact relied on by way of answer to the petition.)

(Date)

(Name, address and telephone number of respondent's solicitor or respondent)

FORM 5

REPLY (DIVORCE)

(General heading)

REPLY

1. The petitioner admits the allegations contained in paragraphs.....of the answer.
2. The petitioner denies the allegations contained in paragraphs.....of the answer.
3. The petitioner has no knowledge in respect of the allegations contained in paragraphs.....of the answer.
4. (Set out in separate, consecutively numbered paragraphs each allegation of material fact relied on by way of reply to the answer.)

(Date)

(Name, address and telephone number of petitioner's solicitor or petitioner)

TO (Name and address of respondent's solicitor or respondent)

FORMS

FORM 6

COUNTERPETITION

(AGAINST PARTIES TO MAIN ACTION ONLY)

(Where the counterpetition includes as a respondent to the counterpetition a person who is not already a party to the main action, use Form 7)

(Include the counterpetition in the same document as the answer, and entitle the document ANSWER AND COUNTERPETITION. The counterpetition is to follow

COUNTERPETITION

The respondent (name if more than one respondent) claims:

(State here the precise relief claimed. If the respondent wishes to include provisions of a separation agreement in the judgment, refer to the specific provisions to be included.)

(Then set out in separate, consecutively numbered paragraphs each allegation of material fact relied on to substantiate the counterpetition.)

DECLARATION OF RESPONDENT

I have read and understand this counterpetition. The statements in it are true, to the best of my knowledge, information and belief.

Date.....

Signature of respondent

(Where the respondent acts in person, set out the respondent's address and telephone number and strike out the statement of solicitor appearing below. Where the counterpetition does not include a claim for a divorce, strike out the statement of solicitor appearing below.)

Respondent's address
and telephone number.....
.....
.....

STATEMENT OF SOLICITOR

I, (name), solicitor for the respondent, certify to this court that I have complied with the requirements of section 8 of the Divorce Act. (Where in the circumstances it would clearly not be appropriate to discuss the matters in section 8 with the respondent, set out the circumstances.)

Date.....

Signature of solicitor

(Name, address and telephone number of

FORM 7

COUNTERPETITION

**(AGAINST PETITIONER AND PERSON NOT ALREADY
PARTY TO MAIN ACTION)**

(Where all respondents to the counterpetition are already parties to the main action, use Form 6.)

(General heading)

(Add a second title of proceeding, as follows:)

AND BETWEEN:

(name)

Petitioner by counterpetition

(Court seal)

and

(name)

Respondents to the counterpetition

FORM 7

ANSWER AND COUNTERPETITION

TO THE RESPONDENTS TO THE COUNTERPETITION

A LEGAL PROCEEDING has been commenced against you by way of a counterpetition in a divorce action in this court.

IF YOU WISH TO DEFENCE THIS COUNTERPETITION, you or attorney acting for you must prepare an answer to counterpetition in Form 8 prescribed by the Rules, serve it on the petitioner by counterpetition's attorney or, where the petitioner by counterpetition does not have an attorney, serve it on the petitioner by counterpetition, and file it with proof of service in this court office WITHIN THIRTY DAYS OF THE

If you are not already a party to the main action and you are served in a Caricom territory, the period for serving and filing your answer is forty days. If you are served outside a Caricom territory, the period is sixty days.

If you are not already a party to the main action, instead of serving and filing an answer, you may serve and file a notice of intent to defend in Form 10 prescribed by the Rules. This will entitle you to ten more days within which to serve and file your answer.

If this counterpetition contains a claim against you for support or division of property, you must, if you have not already done so, serve and file a financial statement in Form 11 prescribed by the Rules within the time set out above for serving and filing your answer to counterpetition, whether or not you wish to defend this counterpetition. If you serve and file an answer to counterpetition, your financial statement must accompany it, unless you have already served a financial statement.

IF YOU FAIL TO DEFEND THIS COUNTERPETITION, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date..... Issued by.....

Registrar

Address of

Court office.....

.....

TO (Name and address of respondent to the other than the petitioner)

AND TO (Name and address of petitioner's solicitor or petitioner)

(The counterpetition is to follow the last paragraph of the answer. Number the paragraphs in sequence commencing with the number following the number of the last paragraph of the answer.)

COUNTERPETITION

The respondent (name if more than one respondent) claims:

(State here the precise relief claimed. If the respondent wishes to include provisions of a separation agreement in the decree, refer to the specific provisions to be included.)

(Then set out in separate, consecutively numbered paragraphs each allegation of

DECLARATION OF RESPONDENT

I have read and understand this counterpetition. The statements in it are true, to the best of my knowledge, information and belief.

Date.....

.....
Signature of respondent

(Where the respondent acts in person, set out the respondent's address and telephone number and strike out the statement of solicitor appearing below. Where the counterpetition does not include a claim for a divorce, strike out the statement of solicitor appearing below.)

Respondent's address
and telephone number.....
.....
.....

STATEMENT OF SOLICITOR

I, (name), solicitor for the respondent, certify to this court that I have complied with the requirements of section 8 of the Divorce Act No 10 of 1997. (Where in the circumstances it would clearly not be appropriate to discuss the matters in section 8 with the respondent, set out the circumstances.)

Date.....

.....
Signature of solicitor

(Name, address and telephone number of solicitor)

FORMS

FORM 8

ANSWER TO COUNTERPETITION

(General heading, including second title of proceeding, if required)

(A petitioner who delivers a reply in the main action must include the answer to counterpetition in the same document as the reply, and the document is to be entitled

is to follow immediately after the last paragraph of the reply and the paragraphs are to be numbered in sequence commencing with the number following the number of the last paragraph of the reply.)

ANSWER TO COUNTERPETITION

- 1. The petitioner (or respondent to the counterpetition) admits the allegations contained in paragraphs.....of the counterpetition.
- 2. The petitioner (or respondent to the counterpetition) denies the allegations contained in paragraphs.....of the counterpetition.
- 3. The petitioner (or respondent to the counterpetition) has no knowledge in respect of the allegations contained in paragraphs.....of the counterpetition.
- 4. (Set out in separate, consecutively numbered paragraphs each allegation of material fact relied on by way of answer to the counterpetition.)

(Date)

(Name, address and telephone number of solicitor or party delivering answer)

TO (Name and address of respondent's solicitor or respondent)

FORM 9

REPLY TO ANSWER TO COUNTERPETITION

(General heading, including second title of proceeding, if required)

REPLY TO ANSWER TO COUNTERPETITION

- 1. The respondent (name if more than one respondent) admits the allegations contained in paragraphs.....of the answer to counterpetition.
- 2. The respondent denies the allegations contained in paragraphs.....of the answer to counterpetition.

4. (Set out in separate, consecutively numbered paragraphs each allegation of material fact relied on by way of answer to the counterpetition.)

(Date)

(Name address and telephone number of respondent's solicitor or respondent)

TO (Name and address of solicitor or party to be served)

FORMS

FORM 10

NOTICE OF INTENT TO DEFEND (DIVORCE)

(General heading)

NOTICE OF INTENT TO DEFEND

The respondent (or respondent added by counterpetition) intends to defend this action.

(Name, address and telephone number of solicitor or party serving notice)

TO (Name and address of solicitor or party on whom notice is served)

FORM 11

FINANCIAL STATEMENT

(General heading)

FINANCIAL STATEMENT

I,

(full name of deponent)

of the of in the

(City, Town, etc.)

.....of.....MAKE OATH AND SAY (or AFFIRM):

- 1. Particulars of my financial situation and of all my property are accurately set out below to the best of my knowledge, information and belief.

FORM 12

CERTIFICATE OF DIVORCE

(Court)

(Court seal
no.)

(Court file

CERTIFICATE OF DIVORCE

This is to certify that the marriage of.....and
which was solemnised at
, on.....,
 was dissolved by a judgment of this court which became effective on.....

Date.....

Registrar

at.....

Made this 19th day of March, 1998.

Dennis Byron,
Chief Justice (Ag.).

Printed at the Government Printing Office, Antigua and Barbuda,
 by Rupert Charity, Government Printer
 — By Authority, 1998.

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