

Difficulties with Service

One of the requirements when filing for Divorce or Dissolution is that the Respondent is notified of the application. This notification is called 'Service'.

Usually, once the Divorce petition has been processed by the Court, the Court will arrange to send the paperwork to the Respondent directly. The Respondent is then given 7 days to complete and return the acknowledgement of service form. Difficulties arise if the Respondent fails to return the acknowledgement of service or their whereabouts are unknown

Options for Service

Deemed Service

If the Respondent fails to return the acknowledgement of service, you will need to take steps to demonstrate to the Court that nonetheless he or she has received the petition. The following are the options available:




- Statement - If you know that the Respondent has received the divorce papers because he/she has told you or you have seen them in his/her possession, you may file a short statement as evidence of service.
- Court Bailiff - you may apply for the Court Bailiff to hand deliver the papers
- Process server - you may instruct a professional Process Server to hand deliver the papers.
- Personal service - you may arrange for someone else to hand deliver the papers, for example a family member, friend or your solicitor. Unfortunately, you yourself may not personally serve the Respondent.
- Alternative service (otherwise known as 'substituted service') - you may apply for an Order from the Court that service should take place by an alternative method, such as by email, social media or sending the papers to someone other than the Respondent.

Dispense with Service

As a last resort, the Court may dispense with service of the papers where it is impracticable to serve the papers by any other method. The Court must be satisfied that full enquiries as to the Respondent's whereabouts have been made and all methods of service have been exhausted.

All the options above will result in additional costs. You may in some instances be able to recover these costs from the Respondent.

To find out more, please refer to the information sheets which can be found on our website under Resources.

-  How to fill out a Petition
-  The 5 Steps for Divorce or Dissolution
-  Procedure for Financial Remedy