**(THIS FORM IS TO BE USED WHERE THERE IS/ARE RELEVANT CHILD/CHILDREN)**

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR DECREE ABSOLUTE**

FORM MP. 12 [Rule 76.14(8)]

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

**CLAIM NO. M of**

**BETWEEN PETITIONER**

**AND RESPONDENT**

I, [state the name of the Petitioner], being duly sworn, make oath and say as follows:

1. I reside and have my true place of abode and postal address at [state address] in the parish of [state parish]. I am a [state occupation] and the Petitioner herein.
2. On the [state the date that the Decree *Nisi* was granted] the Decree *Nisi* was granted by the Honourable Mr. / Mrs. / Miss Justice [state the name of the Judge]. I exhibit hereto marked **“RIW 1”** for identification a Copy of the Decree *Nisi*.
3. There are two [2] relevant children of the marriage namely [state the name of the child/children] born on the [state the date(s) of birth].
4. At the time of the granting of the Decree *Nisi* the Honourable Mr. / Mrs. / Miss Justice [state the name of the Judge] certified that the arrangements in place for the maintenance, care and upbringing of the child/children were
5. the best that can be devised in the circumstances; or
6. satisfactory

The arrangements remain as follows: -

* 1. RESIDENCE

Example: The relevant child/children [state the name(s)] now reside with me the Petitioner and will continue to do so at [state address] in the parish of [state parish] in a [state number of rooms] bedroom home. The home has the usual amenities consisting of a bathroom, kitchen, and living and dining room. No one else lives at the house [if not state the names of the other persons].

* 1. EDUCATION

State the immediate educational or vocational prospects and/or plans for the

child/children.

Example: The child/children attend(s) [state the name of the school] in the parish of [state the parish] and will continue to attend (name of school) until he/she sits GSAT, where it is expected that he/she will proceed to secondary/high school, then on to a tertiary institution as his/her aptitude will allow.

* 1. RELIGIOUS UPBRINGING

Both children receive their religious instruction at [state the place of worship] in the parish of [state the parish].

* 1. FINANCIAL PROVISION

Example: I earn approximately $80,000 per month and I take care of the children’s needs.

I spend approximately $30,000 per month towards food, clothes and other necessities and I also pay for their school fees and other educational expenses.

* 1. CUSTODY AND ACCESS

Example: The Petitioner has custody of [state the name of the child/children].

The Respondent has access to them at any time he wishes to see them. In this regard the children visit the Respondent approximately three times per month.

* 1. HEALTH

Example: The child is/children is/are generally healthy and happy and suffer from no disabilities or chronic illness or from the effects of any such illness. (Disability or illness to be stated where applicable).

OR

That at the time of the granting of the Decree *Nisi*, the Honourable Mr. / Mrs. / Miss

Justice [state the name of the Judge] did not certify that the arrangements in place for the

maintenance, care and upbringing of the child/children but reserved the matter for hearing

in chambers. That by the order of the Court on the [state the date of the order] the the

Honourable Mr. / Mrs. / Miss Justice [state the name of the Judge] ordered as follos: [set

out the orders]

[Paragraph 5 is to be included only in circumstances where the arrangements have changed]

1. That the current arrangements for the maintenance, care and upbringing of the child are now as follows:
   1. RESIDENCE

Example: The relevant child/children [state the name(s)] resides with me at [state address] in the parish of [state parish] and will continue to do so. The house is a [state number of rooms] bedroom home where each has their own room. The home has the usual amenities consisting of a bathroom, kitchen, and living and dining room. No one else lives at the house [if not state the names of the other persons].

* 1. EDUCATION

Example: The child/children attend(s) [state the name of the school] in the parish of [state the parish], where he or she is in grade [state the grade] (state arrangements for after school care where the child/children is under 12 years of age). The child/children receive(s) religious instructions at [state the place of worship] in the parish of [state parish].

* 1. FINANCIAL PROVISION

Example: I earn approximately $80,000 per month and I take care of the children’s needs.

I spend approximately $30,000 per month towards food, clothes and other necessities and I also pay for their school fees and other educational expenses.

I have no intention to ask for assistance for maintenance from the Respondent.

* 1. CUSTODY AND ACCESS

Example: The Respondent has access to [state the name of the child/children], [state specific date(s), time(s) agreed between the parties or as stipulated or ordered by the Court].

* 1. HEALTH

Example: The said child is/children are generally healthy and happy and suffer from no disabilities or chronic illness or from the effects of any such illness. (Disability or illness to be stated where applicable).

1. If the filing of the notice of application for Decree Absolute is delayed more than 12 months – (That there has been a delay of twelve (12) months or more since the Decree *Nisi* was granted on) [state the date that the Decree *Nisi* was signed] (explain circumstances).
2. I am not aware of any application to set aside the granting of the Decree *Nisi*.
3. That having regard to the above, I humbly pray that this Honourable Court will deem it fit to certify the arrangements which are in place for the maintenance, care and upbringing of the relevant child/children as the best that can be devised in the circumstances, and also to pronounce the Decree *Nisi* herein absolute.

SWORN to at )

)

in the parish of ) ……..…………………………………...

this day of 20 ) [State the Petitioner’s/Respondent’s name]

before me: )

…………………………………………

JUSTICE OF THE PEACE FOR THE

PARISH OF:

**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].