



What is the legal process for a divorce?

Individual circumstances surrounding divorces can differ greatly and every case we work on is as unique as the people it concerns. However, the timeline below is designed to give an indication of the process of a divorce from start to finish.

The process, which is relatively straightforward, takes approximately eight months if the divorce is undefended.

Where do we start?



1

The petitioner sends a divorce petition (a form D8) to the court. This is accompanied by an original marriage certificate and a statement of reconciliation.



The court fee is currently £550. Alternatively, subject to means testing, you may be eligible for fee remission. This is when the fee is either waived or reduced.

2

The court sends the petition to the respondent.



If the respondent fails to file the acknowledgement of service form, a sealed copy of the divorce petition will be served upon them.

The respondent files an acknowledgement of service form with the court. This is to indicate that they have been informed of the proceedings. A copy of this is then sent to the petitioner.

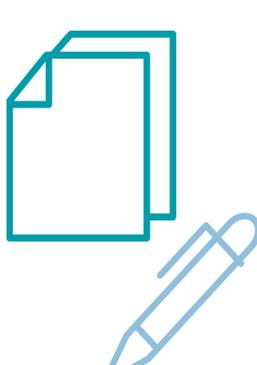


3

The petitioner files their application to the court for a decree nisi (form D84) with a statement of support (form D8oA - E)



A district judge will consider the divorce petition. If the fact relied upon for divorce has been proven, the court issues a certificate of entitlement. The certificate also sets out the date for the decree nisi to be pronounced.



The decree nisi is pronounced.

4

Six weeks and one day after the decree nisi has been pronounced, the petitioner can apply for the decree absolute (form D36).

If the petitioner does not apply for the decree absolute after 12 weeks, i.e. after 18 weeks and one day, the respondent may apply instead.

There is a hearing on the application by the respondent. Other ancillary matters may need to be finalised before the decree absolute is pronounced.

Once the application has been approved, the decree absolute is pronounced.



Glossary

Petitioner (also known as the Applicant)

The person applying for the court order.

Decree Absolute

The final order of the court, which terminates the marriage.

Decree Nisi

The interim decree, or order of divorce, indicating that the marriage has broken down irretrievably.

Respondent

The person who receives the divorce petition or matrimonial order application, or some other application to court, such as financial proceedings.

For more information or advice on marriage and relationships please contact us on 0121 200 3242 or info@anthonycollins.com

Please note that this infographic is intended to give an outline of the process and is in no way indicative of every case.