

Information Sheet

The Divorce Process

The document that starts the divorce is called an application. The law in this country has changed so that one spouse can make the application, or, if both of you agree that there should be a divorce, the application can be made jointly. We will need to have your original (or an official copy) marriage certificate to file the application with the court as well as an approved translation of what it says if it is in a language other than English. There is a court fee payable of £593 to start the process, the payment of which can be agreed between you and your spouse.

To apply for a divorce, you (or I, on your behalf) must file an application at court. The application is a form that gives the court information about you and your spouse, and tells the court that you feel your marriage has irretrievably broken down which can be done by simply checking a box.

The person starting the divorce is called the applicant and the other spouse is called the respondent. If an application has been made jointly, the parties are referred to as applicant 1 and applicant 2.

The court usually sends the application out to ('serves') the respondent together with a form for them to fill in called the acknowledgment of service. In this form the respondent has to say whether or not they intend to dispute the divorce proceedings. The form has to be returned to the court. If the respondent has no intention to dispute the proceedings that may be the end of their part in the divorce process and all further steps are taken by the applicant.

20 weeks from the date of issue of the application, provided the acknowledgement of service was served in time, the applicant can apply for the conditional order. The conditional order is the second-to-last phase of the divorce. It means the court has agreed that you are entitled to a divorce but has not yet made it final. After the court has received your application for a conditional order, a judge will look at your papers to make sure they fulfil the legal criteria and if they do the court will issue a certificate telling you when the conditional order will be pronounced.

The conditional order is pronounced in open court. This means the judge reads out a list of names of people whose divorces have got to this stage, this week. Although anyone can go along if they want to, you do not have to attend court when this happens.

At any time after the conditional order, the court is able to make a binding financial order setting out your arrangements for finances and property on divorce, either by consent or as a result of separate court proceedings. It will not do so unless you or the respondent ask it to or your separate financial court proceedings have come to a conclusion.

Six weeks after the grant of the conditional order, the applicant can apply for the final order, which formally ends the marriage. Not everyone should apply for final order as soon as it is available and you should make sure you have discussed whether you should do so with your family lawyer. It may not be sensible to apply immediately if, for example, financial arrangements are not yet settled. You should discuss your specific

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circumstances with your family lawyer as in some cases the grant of the final order will prevent certain types of financial claims being made. However, if the respondent is keen to end the marriage and the applicant has not applied for the final order, the respondent can ask the court for permission to do so after a certain period of time. The court will usually grant such an application unless there are particularly pressing reasons not to do so. In certain special or exceptional circumstances the court may delay the grant of a final order. You should discuss whether an application to delay the court making the final order is necessary or appropriate.

Divorce may invalidate certain provisions in your Will. It is essential to **make a new Will** quickly after your divorce to ensure that your wishes are carried out in the event of your death.