

How to

---

Get a divorce  
or end a civil  
partnership  
without the help  
of a lawyer

---

**advice**now

Making sense of the law and your rights



## Who is this guide for?

This guide is for you if you:

- are married or in a civil partnership, and
- want to end your marriage or civil partnership.

It is not for you if you:

- want a religious divorce, or
- live with someone but are not married or in a civil partnership

It is also for people supporting others in this situation, for example Personal Support Unit volunteers, CAB volunteers, housing support workers, advice workers and court staff as well as relatives and friends.

## What does this guide do?

We know that this is one of the most stressful, confusing and painful times people go through. We want to help you find your way through the maze.

The guide assumes that you will be applying for a divorce or to end your civil partnership yourself, without the help of a lawyer. We help you do this by explaining what you need to do and how to do it.

If you represent yourself in any court proceedings without the help of a solicitor or barrister, then the law calls you a 'litigant in person'. It may be that you and your ex are both litigants in person. You may also hear people talk about 'self-representing'. This means the same.

We try to explain any legal language as we go along, but there is also a jargon buster at the end for quick reference, see **What does it mean?**

### Divorce

is the legal ending of a marriage. You must have been married for at least 12 months before you can start divorce proceedings.

### Dissolution

is the legal ending of a civil partnership. You must have been in a civil partnership for at least 12 months before you can start proceedings to end it.

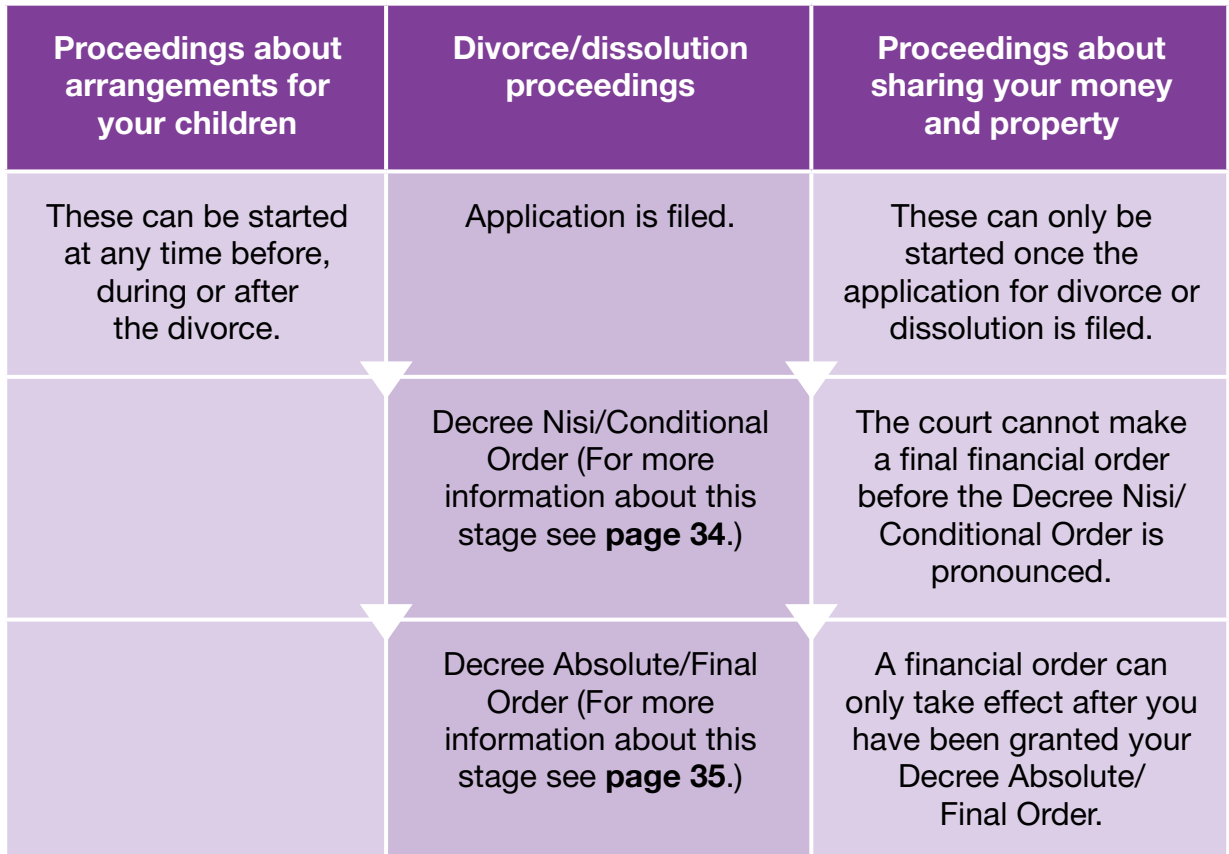
## Contents

How divorce works	4
The process in pictures	5
Things you need to know	11
The basics – courts, forms, fees, cost and more	12
Top tips!	15
Starting proceedings	16
The application: jurisdiction	18
The application: ground and facts	19
Amending an application	26
The application: financial orders	27
Dealing with the acknowledgement of service form	30
The respondent has not returned the acknowledgment of service form: what do I do now?	33
Applying for a decree nisi or conditional order	34
Applying for a decree absolute or final order	35
The effect of a decree absolute or a final order	36
What happens if I remarry or register a new civil partnership?	37
Can I still end my marriage or civil partnership if my husband or wife or civil partner is missing or presumed dead?	38
What does it mean?	39
More help and advice	42

# How divorce works

Many people think of divorce or dissolution as a single process. And sometimes it is. If you can agree what arrangements you are going to make for your children, for example, who they are going to live with and when they are going to see the parent who isn't looking after them day to day, then there is no reason for separate proceedings about your children. If you have no finances to sort out, then your divorce or dissolution will not involve financial proceedings either.

But there can be three bits to what we usually think of as a divorce – the bit that actually ends the marriage or civil partnership, the bit that sorts out how you will share out your money and home and the bit that helps you make arrangements for your children if you cannot do this yourself. They are all dealt with separately but in many cases the divorce or dissolution runs parallel with the other bits. At some stages, how far you have got with one bit affects the others.



The proceedings to sort out your money and property or make arrangements for your children can be more complicated, take longer and involve having to attend a court hearing. We explain how to apply for a court order about the arrangements for your children without the help of a lawyer here: [www.advicenow.org.uk/guides/](http://www.advicenow.org.uk/guides/)

**how-apply-court-order-about-arrangements-your-children-without-help-lawyer** and how to apply for a financial order without the help of a lawyer here: [www.advicenow.org.uk/guides/how-apply-financial-order-without-help-lawyer](http://www.advicenow.org.uk/guides/how-apply-financial-order-without-help-lawyer)

# The process in pictures

The process  
in pictures

**Have a look at our route map. It is designed to give you an overall picture of what is involved in a typical divorce or dissolution case. Even though your case may be different, we hope it makes the process seem a bit less daunting.**

In it we talk about the court 'doing' things quite a lot. For example, the court may 'send' out a form, 'make' a decision or 'check' something. It sounds a bit odd because most people think of a court as a place, a building. But 'the court' is often used as shorthand to refer to the people working in the court, whether they are a judge or court staff. And that is how we use the term here and how you will probably hear other people use it too.

You will come across lots of new technical words. This is the jargon that lawyers and court staff use. We think

there's no getting around it; you have to understand what it means too.

In the route map, we have put all the jargon in **blue**. We then explain these words the first time they appear. Follow the arrow to find out what they mean. You can also find them in **What does it mean?** on **page 39**.

**The story so far...** Pat and Mo have been married for 8 years. They have 2 children; one is 6 years old and the other is 4. Over the last year Mo and Pat have been arguing a lot, mostly about Pat working very long hours and then spending any free time with friends away from the family home. As a result Mo has been feeling ignored and isolated and become very critical of Pat. Pat moved out of the family home a couple of months ago but still sees the children regularly. Mo decides to divorce Pat. This is a step by step description of how Mo divorces Pat.



**START**

**Mo** is the Petitioner. 'Petitioner' is what the law calls the person who starts a court case to end a marriage or civil partnership.

**Pat** is the Respondent. 'Respondent' is what the law calls the person who has to respond to the Petitioner's case.

**1** Mo gets an official copy of the marriage certificate (the court will not accept a photocopy).



**2** Mo fills in an application for a divorce. Mo makes it clear in her application that she only wants Pat to pay her legal costs if he decides to object to (defend) her application for divorce.



**3** Mo photocopies the completed application. Mo needs one copy for the court, one for the court to send to Pat and one for the court to send back to Mo when it gives her case a case number.



The court that deals with cases involving divorce and the dissolution of civil partnerships.

For information about family court fees, see page 13.

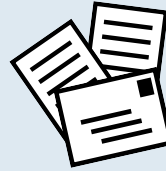
**4** Mo sends the original application plus two copies of it to the **Family Court** that serves as her regional divorce centre together with the marriage certificate and the correct fee or application form asking for help paying the court fee.



Delivery of court documents by hand or post.

The process in pictures

**5** The court **serves** Pat with a copy of Mo's application and an **acknowledgment of service** form by post.



This is the form the Respondent uses to confirm that they have received the application and to tell you whether they are going to object to (defend) it or not. For more information about this form and the options at this point, see page 30-32.

**6** The court sends Mo a **notice of issue of petition and postal service**.



This tells you the case number, when the application was sent to the Respondent and what to do if they don't respond. It is important to write the case number on any letters, documents or forms you send to the court. This way they will get linked up with your case.

**7** Pat has 7 days to complete and return the **acknowledgement of service form**.



**8** Pat does not want to object to (defend) Mo's application. Pat fills in the **acknowledgement of service form**, signs it and returns it to the court.



For information about what to do if the respondent does not return this form, see page 33.

**9** The court sends Mo a copy of the **acknowledgement of service form**.



This is the court's confirmation that you are entitled to a divorce. It is the first of the two decrees you need before you are actually divorced. A decree nisi does not end a marriage. For more information and links to the forms you need, see page 34.

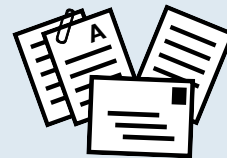
This is the form you use to ask for a decree nisi.

**10** Mo applies for a **decree nisi** by filling in Section A of an **application for a decree nisi/conditional order** and a **statement in support of divorce**.



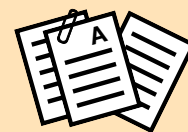
This is the form that allows you to change or add information to your application. It also asks you to confirm that what you say is true. If you give false information you risk being in contempt of court and could face prison or a fine. For more information and links to the forms you need, see page 34.

**11** Mo attaches a copy of the **acknowledgement of service form** (marked 'A' at the top so it is clear this is the form referred to in the statement) to the **statement in support of divorce**. She confirms that Pat's signature on the acknowledgement of service form is his. She sends these forms together with her **application for a decree nisi/conditional order** to the **Family Court** dealing with her case.



**12** A judge looks at Mo's papers including the:

- Application for divorce
- **Statement in support of divorce**
- **Acknowledgement of service form**



and decides that Mo can have a divorce.



**13** The court sends Mo and Pat a **certificate of entitlement to a decree**.



This tells you the date and time when the judge will grant your decree nisi.

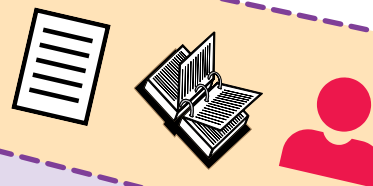
**14** The judge pronounces the **decree nisi**. Mo and Pat do not need to go to the court to hear the judge do this.



**15** The court sends Mo and Pat their **decree nisi**.



**16** The form of **decree nisi** tells Mo when she can apply for her **decree absolute**.



This is the second decree. Once you have it you are finally divorced. You have to wait for 6 weeks and 1 day from the date of your decree nisi before you can apply for it.

**17** Mo fills in a **notice of application for decree nisi to be made absolute or conditional order to be made final**.



This is the form you use to ask the court to make the decree nisi absolute. For more information and links to the form you need, see page 35.

**18** Mo sends the completed **notice of application for decree nisi to be made absolute or conditional order to be made final** to the **Family Court** dealing with her case.



**19** The court checks that:

- **six weeks have passed since Mo's decree nisi was granted**
- **there is no other reason why Mo's decree nisi cannot be made absolute**



(The court may say that the decree nisi should not be made absolute until Pat and Mo's finances have been sorted out. This is particularly so if there are pensions involved because once the court makes their decree nisi absolute, if either Pat or Mo were to die, then the other could lose any pension benefits they originally stood to gain.)

**20** The court makes the **decree absolute**.



The order that proves you are divorced.

For information about the effect of a decree absolute or a final order, see page 36.

**21** The court sends both Mo and Pat a copy of the **decree absolute**.



**FINISH**

# Things you need to know

## Things you need to know

- Divorce is not how it is often shown on the television, online or in newspapers and magazines about celebrity divorces. For a start some things don't exist. Things like 'quickie' divorces, 'no-fault' divorces and 'common law' marriage. The process for legally ending a marriage or civil partnership will only be reasonably quick if you can both cooperate and agree things.
- There is one court called the Family Court, which works in different places across England and Wales. It deals with divorce cases. These are not the same courts where people who are accused of doing something wrong go.
- The process is the same whether you are married or in a civil partnership. The only thing that is different is that some of the court orders have different names. So, for example, what is called a decree nisi in divorce proceedings is called a conditional order in proceedings to end a civil partnership.
- Whether you want to end a marriage or a civil partnership you have to give a reason (the law calls these 'facts'). You cannot just say that you have grown apart and don't love each other any more. For more information about the different 'facts' that you can use, see **page 19**.
- The part of the process that ends the marriage or civil partnership is quite straightforward. These days it is largely a paper based exercise. You are unlikely to have to attend a court hearing if your husband, wife or civil partner agrees to the divorce or dissolution.
- Most applications to end a marriage or a civil partnership are not challenged. Even if your husband or wife or civil partner starts off wanting to object to your application, they will probably change their minds. Trying to prevent it happening is an expensive, time consuming process.
- Sometimes people are tempted to object to (defend) proceedings to end a marriage or a civil partnership for the wrong reasons. For example, they may be hoping a judge will tell their husband or wife or civil partner off – but this doesn't happen. The judge will not shame and blame the 'guilty party'.

# The basics – courts, forms, fees, cost and more

The basics  
– courts,  
forms, fees,  
cost and  
more

## A first check

If you have been separated from your husband, wife or civil partner for a long time, it is possible they have already divorced you or ended your civil partnership and you just don't know it. You can check whether this has happened by asking for a search of the Central Index of Decrees Absolute and Final Orders. You will have to pay a fee to get this done. For further information about this see: <https://formfinder.hmctsformfinder.justice.gov.uk/d440-eng.pdf>

## Which court?

You use the Family Court. You can find the Family Court that serves as your regional divorce centre here: <https://courtribunalfinder.service.gov.uk>



## Forms

Family Courts have the forms you need and should send them to you for free or you can collect them from the court office. Otherwise you can find the forms you need here: <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>

We will try and help by including a link to those forms that are most relevant.

Most court forms can seem a bit intimidating when you first look at them. A large part of most form filling involves giving factual information. Read through each form a couple of times to find out what information it asks for. Then get together the information you need before you start filling it in. Once you have done this, the job may turn out to be a bit easier than you first thought. It is unnecessary to use long words and legal language in what you write. The best thing is to keep it short and simple. Stick to what is relevant and try not to repeat yourself.

## Family Court fees

You usually have to pay a Family Court fee when you start (issue) divorce proceedings or proceedings to end a civil partnership. For information about Family Court fees, when to pay them and how much they are, see court leaflet EX50 at <https://formfinder.hmctsformfinder.justice.gov.uk/ex50-eng.pdf>

In some circumstances you may not have to pay a fee at all or only a reduced fee. For example, you will not pay anything if you can prove that you get Income Support, income-based Jobseeker's Allowance, Pension Credit guarantee credit, Universal Credit with gross annual earnings of less than £6,000 or income-related Employment and Support Allowance and your savings or other capital don't exceed certain limits.

You can ask for help paying court fees by completing form EX160. You can find this form at <https://formfinder.hmctsformfinder.justice.gov.uk/ex160-eng.pdf> and a Welsh/English version at <https://formfinder.hmctsformfinder.justice.gov.uk/ex160-bil.pdf>

There are notes to help you complete the form at <https://formfinder.hmctsformfinder.justice.gov.uk/ex160a-eng.pdf> and a Welsh/English version at <https://formfinder.hmctsformfinder.justice.gov.uk/ex160a-bil.pdf>

You have to complete a separate application for each court fee you want help paying.

If you do have to pay part of or the whole fee, it is possible your husband, wife or civil partner may be willing to share the cost with you.

## How long will it take?

Probably about 4 months, assuming your husband or wife or civil partner does not object (defend it) and everyone involved fills in and returns the forms they have to complete promptly. Otherwise it will take longer. It is usually other proceedings, like applying for a financial order, that take much longer.



## How much will it cost?

As well as any court fees, it will also cost you time, if you are going to deal with all the paperwork yourself. If you employ a solicitor to do it for you then you will have to pay for their time and that can be expensive. Some solicitors will manage an undefended divorce for you for a fixed fee. Try searching the internet using the words 'solicitor divorce fixed fee' and you will find plenty of choice. We suggest you ring around or email several firms of solicitors to check what they are offering for the price they are quoting. What will they do for you? What do they expect you to do?

The basics  
– courts,  
forms, fees,  
cost and  
more

Legal aid is a government scheme to help people who live on a low income, have few savings and meet specific other criteria, pay for legal advice, representation and other help.

Legal aid is only available to pay for a lawyer to help you get a divorce or to end a civil partnership (or to respond to your ex's application for a divorce or dissolution) in very limited circumstances. You may be able to get legal aid but only if you:

- can prove you have suffered domestic violence or abuse or that your child is at risk of abuse from your ex, and
- you are financially eligible.

Domestic violence and abuse is any controlling, coercive, or threatening behaviour, violence or abuse. The abuse may be psychological, physical, sexual, financial or emotional. If you are in this situation there are organisations that can help you, see **More help and advice on page 42**.

To apply for legal aid, you must be able to give your solicitor some evidence that you have suffered domestic violence or that your child is at risk of abuse from your ex. For further information, see: **[www.gov.uk/legal-aid/domestic-abuse-or-violence](https://www.gov.uk/legal-aid/domestic-abuse-or-violence)**

If you are not in this position, then you will have to pay for help or do the job yourself. Our guide is here to help you do that.



Legal aid is still available to pay for family mediation. Eligibility for legal aid depends on your financial circumstances. You can check if you are financially eligible for legal aid here: **<https://www.gov.uk/check-legal-aid>**

You can find information about family mediation here: **[www.advicenow.org.uk/guides/survival-guide-using-family-mediation-after-break](http://www.advicenow.org.uk/guides/survival-guide-using-family-mediation-after-break)**

### **Can I ask my husband or wife or civil partner to pay my costs?**

If you want your husband or wife or civil partner to pay your legal costs including the court fee you must say so in your application. It is quite common for the petitioner to say that they will only ask for their legal costs if the respondent objects to (defends) the application. This is a way of persuading the respondent to agree to the divorce. Most respondents will not want to pay your legal costs as well as their own.

**The basics  
– courts,  
forms, fees,  
cost and  
more**

# Top tips!

- Get organised!
- Write your case number on any letters, documents or forms you send to the court. This way they will get linked up with your case. The case number is how the court is able to identify all the papers in your case. You will find your case number on any letters or documents that you have had from the court.
- Buy a document wallet or folder. Keep copies of any letters you send, emails sent and received and original letters received as well as court papers in date order in it.
- If you are using a computer, create a folder for all the emails, letters and documents relating to your divorce or dissolution. Back it up regularly so you don't lose anything.
- Read Advicenow's publication **A survival guide to divorce or dissolution of civil partnerships**. You can find it at: [www.advicenow.org.uk/guides/survival-guide-divorce-or-dissolution-civil-partnership](http://www.advicenow.org.uk/guides/survival-guide-divorce-or-dissolution-civil-partnership)

Top tips!



# Starting proceedings



## Starting proceedings

### Who starts the proceedings?

Asking for a divorce or to end a civil partnership is not something you can do jointly. Even if you both agree you want to separate permanently, one of you has to start the ball rolling. One of you has to be the person who starts the proceedings (the petitioner) and the other, the person who responds to the proceedings (the respondent).

What you can do together is to try and agree in advance what the petitioner will say in their application. If you can do this (and it is not always possible if people are too angry or upset to discuss this kind of thing) it can be very helpful.

### Reasons to agree what the application says about your relationship

- It includes both of you in the process. ✓
- It can help diffuse some of the hurt the respondent may feel at seeing stuff about them written down on paper. ✓
- It can create more certainty about the outcome. ✓

### How do you start proceedings?

You start proceedings, whether for a divorce or to end a civil partnership, by completing an application for divorce or dissolution and sending it to the Family Court that serves as your regional divorce centre together with:

- your original marriage or civil partnership certificate or an official copy (not a photocopy); and
- the correct court fee or an application asking for help paying the court fee.

An application for a divorce or dissolution has 11 different sections to it. Use this guide and the guidance notes included on the application form to help you fill in each section.



## Marriage or civil partnership certificate

Section 4 of the application begins by asking you whether your marriage took place outside the UK and whether you are applying separately for permission to start your application without attaching your marriage or civil partnership certificate. It then goes on to ask for the date of your marriage or civil partnership and your and your ex's names. What you write here must be identical to the details on your marriage or civil partnership certificate. If not, the court will return your application. Finally section 4 asks you whether the details set out in your marriage or civil partnership certificate are correct. If your answer to this is 'No' you must explain why not.

You must send your original marriage or civil partnership certificate or a certified copy to the court when you start your proceedings. A photocopy is not good enough. You can apply for a certified copy here: [www.gro.gov.uk/gro/content/certificates/default.asp](http://www.gro.gov.uk/gro/content/certificates/default.asp)

If your marriage or civil partnership certificate is not in English, you must get it translated. The person who translates the certificate into English must sign a statement of truth setting out their qualifications to translate it (for example that they are a professional translator or a native French speaker or have a degree in Spanish) and confirming that the translation is true and accurate. You can find companies that offer legal translation services by searching the internet. Ask several for a quote before deciding which one to use.

Alternatively the translation can be certified by a Notary Public. This is usually more expensive. Notaries are qualified lawyers who play a special role in confirming a document is genuine – often for use abroad. For information about notaries and where to find one see [www.thenotariessociety.org.uk](http://www.thenotariessociety.org.uk)

### Forms and guidance notes



You can find a Divorce/dissolution application (Form D8) at <https://formfinder.hmctsformfinder.justice.gov.uk/d8-eng.pdf>  
And a Welsh/English version of Form D8 at <https://formfinder.hmctsformfinder.justice.gov.uk/d8-bil.pdf>

You can find the application form for help paying court fees (Form EX160) at <https://formfinder.hmctsformfinder.justice.gov.uk/ex160-eng.pdf>  
And a Welsh/English version at <https://formfinder.hmctsformfinder.justice.gov.uk/ex160-bil.pdf>

There are notes to help you complete the form at <https://formfinder.hmctsformfinder.justice.gov.uk/ex160a-eng.pdf>  
And a Welsh/English version at <https://formfinder.hmctsformfinder.justice.gov.uk/ex160a-bil.pdf>

Starting proceedings

# The application: jurisdiction

You must be able to show that the Family Court has the right and power to deal with your application. 'Jurisdiction' is the legal word for this right and power.

Section 5.1 gives a list of reasons. If one or more of these reasons apply to you, the court will have the legal power to deal with your application. Read the guidance notes on the side of the page before you decide which reason to tick. The reasons are all about the nature of your connection to England or Wales. For many people this will be that they both usually live in England or Wales and it's where their family life takes place (the law calls this 'habitual residence'). In this situation you tick the box against the words: 'The Petitioner and Respondent are habitually resident in England and Wales'. If you are not

sure which reasons to tick or you think this option does not apply to you, try and get some legal advice, see **More help and advice** on **page 42**.

If section 5.1 doesn't apply to you, have a look at section 5.2 and see whether that applies instead.



The application: jurisdiction

## Section 5

### Why this court can deal with your case

(Jurisdiction)

The court needs to understand why you think it has the legal power (jurisdiction) to deal with your application.

Please complete **either** section 5.1 or if that section does not apply to you then complete section 5.2.

#### 5.1 The court has legal power to deal with this application because one of the following applies:

Divorce – **Opposite Sex Couple** – Article 3(1) of Council Regulation (EC) No 2201/2003 of 27 November 2003

Divorce – **Same Sex Couple** – Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014 for matrimonial proceedings involving same sex couples

**Civil Partnerships** – the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005

#### Please tick the reasons that apply:

- The Petitioner and the Respondent are habitually resident in England and Wales.
- The Petitioner and Respondent were last habitually resident in England and Wales and the [Petitioner\*] [or] [the Respondent\*]

#### Habitual Residence

Your habitual residence is the place in which your life is mainly based. You must be settled there and intend to stay settled there. Some of the following may apply: you work there, own property, have your children in school there, and your main family life takes place there.

#### Domicile

Your domicile is the main permanent home in which you live, or to which you intend to return. When you were born you will have acquired your parents' domicile (either your father's if they were married, or your mother's if they weren't married or if your father died before

# The application: ground and facts

## Ground for divorce or dissolution

You have to prove one thing to get a divorce or end a civil partnership. This is that your marriage or civil partnership has broken down 'irretrievably' - so badly that you think it can't be saved. You do this by explaining why it has broken down using one of the reasons the law allows you to choose from. The law calls these reasons 'facts'.

## Facts

If you are married you have to choose one reason (fact) from five possible ones. If you are in a same sex marriage or a civil partnership you have to choose one from four out of the same five. Not all facts need the other person's agreement.

Only one member of a couple has to explain why the relationship has broken down. This makes it hard to avoid suggesting that it is all to do with what the other person has or has not done when in truth it is rarely just one person's fault. But this is how you have to do it. And it's why it is a good idea to agree the reason and supporting information with your husband or wife



The application: ground and facts

or civil partner if you can. If the other person has some influence over what you say about the breakdown of your relationship it can help maintain good relations with them. This can really help if you also need to make arrangements about your children or sort out your joint finances.

Section 6 of the application asks you to show which fact you are choosing by ticking the relevant box. You then give more detail in Section 7. The information you give in Section 7 must match the fact you choose in Section 6. So for example, if you tick fact 4 (two years separation) but then accuse your ex of adultery (fact 1) in Section 7, the court office will have to return your application to you – which causes delay.

On the following page we set out each of the five facts and give you an example of what the supporting information might look like for each fact.

**Fact 1** – ‘the Respondent has committed adultery and the Petitioner finds it intolerable to live with the Respondent’. This reason is not available to people in a same sex marriage or a civil partnership.

You need to prove that your husband or wife ‘committed adultery’ (had full sexual intercourse with a person of the opposite sex who they were not married to, while they were married to you) and that having found out about the adultery you find it intolerable to live with them. The usual way of proving adultery is either by getting a written confession from your husband or wife, for example in the form of texts, emails or Facebook posts or they admit to it by signing and returning the ‘acknowledgment of service’ form. For more information about acknowledgement of service, see **page 30**.

You don’t have to name the person that your husband or wife had sex with (the law calls this person the ‘co-respondent’). Just because Section 8 asks for details of the person your ex committed adultery with does not mean you have to give this information. You only have to do so if you have already named them in Section 7. In most cases it is better to avoid doing this; it doesn’t get you anywhere and may increase your costs. You can just say the adultery took place with an un-named person.

If you name the co-respondent they will be sent a copy of your application and become involved in the proceedings. This can lead to complications and delays. You should get some legal advice before you do this.

You cannot apply for a divorce on the basis of your own adultery. It is up to your husband or wife to divorce you. If they will not do this, you cannot make them. You will have to wait until you have a reason of your own.

If your husband or wife will not admit the adultery, and so they refuse to sign the acknowledgment of service form or deny the adultery, the case becomes ‘defended’. This means that the court will decide whether the adultery took place based on the evidence at a hearing. If you think this is likely, you are better off choosing a different ‘fact’ because it is difficult to prove adultery. For example, you could use ‘unreasonable behaviour’ and briefly explain that your husband or wife is having or has had a relationship with someone else and why you think this.

If you go on living with your husband or wife for more than 6 months after you find out about their adultery, you cannot divorce them using adultery as the reason. But if they commit adultery again and this time you don’t go on living with them, you can start divorce proceedings based on this new incident of adultery.



The application: ground and facts

## Example of supporting information

The respondent told me on the [insert date here] that he had committed adultery. I was devastated and decided on the [insert date here] to move out of the matrimonial home. I cannot forgive the respondent and believe his adultery has brought our marriage to an end.

**Fact 2** – ‘the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent’.

This is the reason most people use. Your husband or wife or civil partner does not have to admit to the unreasonable behaviour. They can make it clear on the acknowledgement of service form that they do not accept what you say about them but that they will not defend the case.

You must give examples of your husband’s or wife’s or civil partner’s unreasonable behaviour and the impact it has had on you. You might want to describe the first, the worst and end with the most recent example of their unreasonable behaviour. You will not need more than 5 or 6 examples. Include dates if relevant, approximate ones if you cannot be exact. So, for example, you can say: ‘Just before Christmas 2016...’

If you can agree what you are going to say with the other person and you know they will not defend your petition, you can keep what you say to the minimum necessary in the hope this will reduce the possibility of causing offence and encourage their cooperation.

‘Unreasonable behaviour’ covers a wide range of different behaviours. Here are some examples:

- having a relationship with someone else where you cannot prove adultery
- being a workaholic and neglecting you
- refusing to take part in family life
- continually undermining you and putting you down
- causing financial difficulties
- subjecting you to an atmosphere of constant criticism and disapproval
- going out with friends and leaving you on your own night after night
- intimidation, insults, threats, bullying

The application: ground and facts

- physical violence
- drunkenness
- drug taking.

### Example of supporting information

The respondent constantly belittled me in front of my family even though I asked him to stop. I felt embarrassed and ashamed.

On Christmas Day 2016, he told my family I was a useless cook. He scraped the dinner I had cooked for him off the plate and into the bin in front of my parents.

The respondent is financially irresponsible and spent money on himself instead of contributing to household bills. This caused me a lot of anxiety.

The respondent has had numerous affairs and because of his behaviour I moved out of the home on the [insert date here] and have never lived with him since.

The application: ground and facts

**Fact 3** – ‘the Respondent has deserted the Petitioner for a continuous period of at least two years immediately preceding the presentation of this petition/application’.

This reason is rarely used. If you have been living apart for two years and both want a formal end to the relationship, it is easier to use Fact 4 – two year’s separation with consent.

If you decide to use this reason, you must be able to show that your husband or wife or civil partner:

- has left you for a period of at least two years in the past two and a half years,
- that they did not have a good reason to leave you, and
- that you did not agree to them leaving.

It is okay to use this fact even if you have lived together again for a total of up to 6 months since you first separated in this two and a half year period. But you cannot use it if you get back together for more than 6 months. If you live together for more than six months and then your husband or wife or civil partner leaves you again, you will have



to wait another two years before using this fact or choose a different one.

You cannot use this fact if your husband or wife or civil partner has reasonable cause to stop living with you (for example, you behaved unreasonably).

#### Example of supporting information

The respondent told me she was going out to meet some friends on the evening of the [insert date here]. The respondent never returned home and later that night she emailed me to tell me that our relationship was over and she did not intend to come back to me. She has not been home since. We have lived separately since the evening she left.

**Fact 4** – ‘the parties to the marriage/civil partnership have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition/application and the Respondent consents to a decree/order being granted’.

You must have been separated for at least two years and both agree to the divorce or dissolution in writing. If your husband, wife or civil partner won't agree or agrees but then withdraws their agreement later, then you cannot get a divorce or end your civil partnership based on this fact.

You cannot use this reason if you get back together again for more than 6 months anytime after you first separate. In these circumstances, you will have to wait another two years after your husband or wife or civil partner leaves you again before using this fact or choose a different one.

You provide the supporting information for this fact by answering the questions in section 7.1 of the application.

The application:  
ground and facts

The application: ground and facts

## What's a 'continuous' period?

Both Fact 4 and 5 refer to having to live apart for a 'continuous' period. This normally means without any interruption. In practice the law allows people the chance to get back together for a while to see if they can make things work. So if you want to use Fact 4, as long as you have not lived together again for more than 6 months in total, you can still count two years from the date when you first stopped living together. But you cannot include the times when you are back together. So, for example, if you separated on 1st July 2014, but between then and September 2016 lived together again on two separate occasions for a total of 3 months, you would have to wait until October 2nd 2016 before you could start proceedings. Only then have you been separated for two years. If you do not live together again after you separate then the two year period comes around more quickly.

If you want to use Fact 5, as long as you have not lived together again for more than 6 months in total, you can still count your 5 years from the date when you first stopped living together. But you cannot include the times when you are back together. These do not count.

## What counts as 'living apart'?

Whether you are 'living apart' or not depends on whether you are living with each other 'in the same household'. This is not the same thing as living in the same house.

It is possible to be separated and no longer living together as a couple even though you are both living under the same roof – perhaps because neither of you can afford to move out yet. For a court to accept that you are 'living apart' in these circumstances, your communal life together has to end. So no more sleeping or eating together or doing household chores such as cooking, cleaning, washing or ironing for each other. This way even though you may be living in the same building, you will not be living in the same household.

Despite the fact that the system encourages people to co-operate with each other and share the care of any children they have, the more co-operative your living arrangements, the more difficult it may be to use separation as the reason for the irretrievable breakdown of your relationship.

You can be physically separated from each other perhaps because one of you is in prison or working abroad for a few months or on military service abroad, for example, but this does not necessarily mean you are 'living apart'. In these circumstances, if you don't see your marriage or civil partnership as being over then you are not 'living apart' as defined by the law in England and Wales.



**Fact 5** – ‘the parties to the marriage/civil partnership have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition or application’.

You must have lived separately for at least 5 years immediately before you start your proceedings. You do not need your husband’s, wife’s or civil partner’s agreement. There is very little they can do to prevent you divorcing them or ending the civil partnership if you are able to use this fact. They can try objecting to the proceedings by saying that it will result in grave financial or other hardship for them.

You provide the supporting information for this fact by answering the questions in section 7.1 of the application.

The  
application:  
ground and  
facts

# Amending an application for divorce or dissolution

It is possible to change (amend) an application for divorce or dissolution. There are circumstances where you may want to do this to lessen the tension between you which may, in turn, make it easier for you to get your divorce.

For example, your ex may object to a divorce based on unreasonable behaviour. If you have been separated for two years and your ex consents to a divorce based on that fact, then you can ask to amend your application to rely on this other fact instead.

However, to do this, the fact must have existed at the time you issued your original application. So, for example, if you separated on 1 March 2014 and issued an application based on unreasonable behaviour on 1 February 2016, you cannot amend the application to one based on two years separation because on 1 February 2016 (the date you started your divorce proceedings) you had not been separated for 2 years. In this example, if you started your divorce proceedings **after** 1 March 2016, then you would be able to do this.

If you want to rely on facts that did not exist when the application was issued you may need to ask for permission to issue another application.



If your ex has already sent an 'answer' (this is the form your ex completes to tell the court that they wish to defend your application), then you will need the court's permission before you can amend your application.

You can find the court rule about amending an application here:  
[www.justice.gov.uk/courts/procedure-rules/family/practice\\_directions/pd\\_part\\_07a#IDAXE CDC](http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_07a#IDAXE CDC)

Amending  
an  
application  
for divorce or  
dissolution

# The application: financial orders

Section 10 of an application for divorce or dissolution asks you to say whether you want to apply for a financial order. We suggest that you tick the box to show that you do. If you have children, tick the box that applies to them as well. This does not commit you to making an application now or in the future but protects your ability to do so. Importantly it stops you losing your

ability to apply for a financial order because you remarry or register a new civil partnership. Of course, your husband or wife or civil partner can make their own claim for any of these orders too – against you. So a respondent can apply for a financial order in the same way that a petitioner can.

Types of financial order include:

<b>An order for maintenance pending suit</b>	'Maintenance' is money paid to help support you or your ex. 'Pending suit' means that the money is paid in the short term, up until you get your decree absolute or final order. Maintenance is paid regularly at a particular time, for example, monthly. After decree absolute or final order it is called 'interim maintenance' until the court makes a periodical payments order.
<b>A periodical payments order</b>	'Periodical payments' is another term for maintenance. 'Periodical' just means the money is paid regularly at a particular time, for example, monthly. The difference between 'maintenance pending suit' and a 'periodical payments order' is that a 'periodical payments order' provides for maintenance to go on being paid after you get your decree absolute or final order. The amount paid can be the same as or different to the amount paid as maintenance pending suit.
<b>A secured provision order</b>	This is also an order for maintenance but one where the person paying the money has to give some security. A security is a right over something valuable belonging to them, for example an investment property or inheritance. This means that if they do not pay the maintenance, the person who was due to get it has another way of getting the money they are owed. These orders are very rare.

The application: financial orders

(continued)

<p><b>A lump sum order</b></p>	<p>This is an order that you or your ex pay a fixed amount of money, for example £2,000 or £20,000. The court can order you or your ex to pay a lump sum in one go or in instalments. The court can only make this kind of order if you or your ex has the money to pay it.</p>
<p><b>A property adjustment order</b></p>	<p>This order sets out what is to happen to any property you and your ex own separately or together, for example, your home, the contents of your home or a car.</p> <p>The court can make a wide variety of property adjustment orders. For example, it can transfer property from you to your ex or from your ex to you or order the sale of a property and divide the sale proceeds between you equally or in a different way. The court can also transfer a tenancy (including council and housing association tenancies), for example, from your joint names into your sole name or the sole name of your ex.</p> <p>If your ex is the sole owner or sole tenant of the family home, then it is critical you do not formally end your relationship by getting your decree absolute or final order before you transfer the tenancy or ownership of the family home into your name – if that is what you want. In particular, you may want to register your interest in the property with the Land Registry. This is a tricky area. If you are in this position, get some legal advice as soon as possible. See <b>More help and advice</b> on <b>page 42</b>.</p>
<p><b>A pension sharing order</b></p>	<p>This order sets out what percentage, if any, of a pension belonging to you or your ex must be transferred to the other.</p>
<p><b>A pension attachment order</b></p>	<p>This order sets out what proportion of any pension income or lump sum belonging to you or your ex must be paid to the other.</p>



(continued)

<b>A pension compensation sharing order</b>	This is an order stating that any compensation from the Pension Protection Fund must be shared.
<b>A pension compensation attachment order</b>	If you or your ex are due compensation from the Pension Protection Fund, this order sets out what percentage of it must be paid directly to the other.
<b>Payment for legal services order</b>	This is an order that you or your ex pay the other money to help with their legal costs. Legal costs are what you spend on a lawyer. The court will only make this kind of order if you can show that you have no other way of paying for your legal costs, for example, by getting a loan. The court will not make an order if it means that you or your ex would not be able to pay your own legal fees, or if it would cause you or your ex undue hardship.

**The application: financial orders**

# Dealing with the acknowledgement of service form



The respondent (and any co-respondent) responds to the proceedings by completing and returning the acknowledgement of service form to the court. They have 7 days to do this from when they receive the application. If the respondent (or co-respondent) lives outside England and Wales they have more time to get the acknowledgement of service form back to the court. For more information about this see: [www.justice.gov.uk/courts/procedure-rules/family/practice\\_directions/pd\\_part\\_06b](http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_06b)

The court will send you a copy of the acknowledgement of service form. This is how you know that the respondent has received your application.






The acknowledgement of service form asks the respondent to confirm:

- that they have received the application for divorce or dissolution
- the date they received it
- the address where they received it
- that they are the person named as the respondent in the application
- whether they agree the court has the power or right to deal with the case (the law calls this 'jurisdiction')
- whether they intend to defend the case
- whether they accept what the petitioner says about them
- whether they object to paying the cost of the proceedings

Sometimes respondents think that they can stop the divorce happening just by not bothering to return the acknowledgement of service form; but they can't.

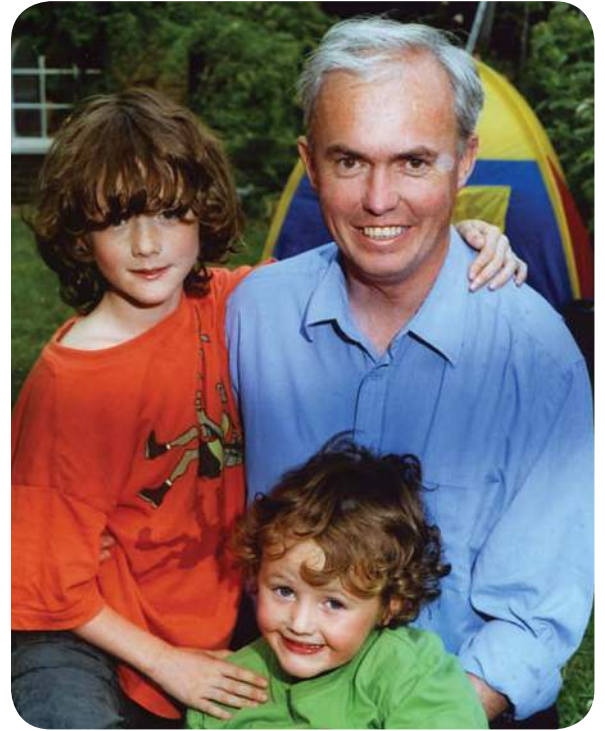
Dealing with the acknowledgement of service form

## Options

The Respondent can:		What you can do next:
... ignore the application and do nothing.		You can ask the court bailiff or a private enquiry agent to serve the application and other papers on the respondent personally and can ask the respondent to pay the extra costs involved. If the application is served successfully this way, the divorce can proceed even if the respondent still chooses to ignore what is happening.
... agree with the application. They do this by filling in the acknowledgement of service form making it clear that they do not intend to defend the application and returning it to the court.		You can apply for a decree nisi or conditional order.
... disagree with the application, but accept that the marriage is over and not defend it. They need to fill in the acknowledgement of service form and return it to the court.		You can apply for a decree nisi or conditional order.
... disagree with the application and defend it. They do this by filling in the acknowledgement of service form making it clear that they intend to defend the application and returning it to the court.  Next they must file an Answer explaining their defence within the relevant time limit (usually 29 days).		If the respondent fails to file an Answer, then you can apply for a decree nisi or conditional order.  An Answer is the name given to the respondent's formal reply to the application. Filing an Answer causes delay and increases costs.  You can find form D8B at <a href="https://formfinder.hmctsformfinder.justice.gov.uk/d8b-eng.pdf">https://formfinder.hmctsformfinder.justice.gov.uk/d8b-eng.pdf</a>
... disagree with the application and file their own. They do this by filling in the acknowledgement of service form making it clear that they intend to defend the application and returning it to the court, and by filing an Answer and their own application in the same case.		You will probably have to attend a court hearing to discuss reaching an agreement about how the case will progress. This may involve you getting a decree based on your application and the respondent getting one based on theirs. The law calls this 'cross decrees'.  This option can cause delay and increase costs.

Dealing with the acknowledgement of service form

It is rare for a respondent to defend an application for divorce or to end a civil partnership. This is partly to do with the expense; courts discourage defended divorces because of the cost. But also if one of you starts proceedings, this suggests the relationship has broken down. Although the respondent may threaten to defend the application, this is usually a negotiating tactic. Typically a respondent will offer to sign and return the acknowledgement of service form as long as the petitioner does not ask them to pay any of their costs. Most petitioners agree to this as a way of making progress quickly.



Dealing  
with the  
acknowledge-  
ment of  
service form



# The respondent has not returned the acknowledgement of service form: what do I do now?

You have to be able to prove that the respondent has received your application. If the respondent does not return the acknowledgement of service form to the court then you must find another way to show that they have had it. For example, you can ask a court bailiff to deliver the application to the respondent personally. You will need to contact the court to find out how to do this and how much it will cost.

Alternatively you can instruct a private enquiry agent (sometimes also called a 'process server') to do this for you but check the cost before you go ahead. Solicitors often prefer to use enquiry agents because unlike court bailiffs (who don't make repeated efforts to serve the petition) an enquiry agent will usually keep searching until they are successful. You should be able to keep the cost down if you use an agent local to where the respondent lives. If you can help the agent by telling them where the respondent will be at a particular time on a particular day then that will also help get the job done quickly and cut down on the cost.

You may be tempted to deliver the application to your ex yourself. This is rarely a good idea and in some cases it could be dangerous. If the respondent denies receiving the application, you may not be able to prove service. This will cause further delay and you will probably end up having to use an enquiry agent anyway.

You can find an enquiry agent through the Association of British Investigators ([www.theabi.org.uk](http://www.theabi.org.uk)) or the Institute of Professional Investigators ([www.ipi.org.uk](http://www.ipi.org.uk)).

## Forms and rules

You can find the form you use to request personal service by a court bailiff (Form D89) at <https://formfinder.hmctsformfinder.justice.gov.uk/d89-eng.pdf> And a Welsh/English version at <https://formfinder.hmctsformfinder.justice.gov.uk/d89-bil.pdf>

Relevant rule:  
[www.justice.gov.uk/courts/procedure-rules/family/parts/part\\_06](http://www.justice.gov.uk/courts/procedure-rules/family/parts/part_06)

### Relevant guidance

Service within the jurisdiction:  
[www.justice.gov.uk/courts/procedure-rules/family/practice\\_directions/pd\\_part\\_06a](http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_06a)

Service out of the jurisdiction:  
[www.justice.gov.uk/courts/procedure-rules/family/practice\\_directions/pd\\_part\\_06b](http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_06b)

Disclosure of addresses by government departments:  
[www.justice.gov.uk/courts/procedure-rules/family/practice\\_directions/pd\\_part\\_06c](http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_06c)

The respondent has not returned the acknowledgement of service form

# Applying for a decree nisi or conditional order

You need to complete two forms to apply for a decree nisi or conditional order.

The first form (D84) is an application form and you can find it at <https://formfinder.hmctsformfinder.justice.gov.uk/d84-eng.pdf>

The second form is a statement in support. There is a different version of this statement for each of the reasons (facts). You need to choose the form that matches the reason you are using in your application for a divorce or dissolution. You can find the different versions here:

Fact	Statement in support
Adultery	Form D80A: <a href="https://formfinder.hmctsformfinder.justice.gov.uk/d80a-eng.pdf">https://formfinder.hmctsformfinder.justice.gov.uk/d80a-eng.pdf</a> And a Welsh/English version at <a href="https://formfinder.hmctsformfinder.justice.gov.uk/d80a-bil.pdf">https://formfinder.hmctsformfinder.justice.gov.uk/d80a-bil.pdf</a>
Unreasonable behaviour	Form D80B: <a href="https://formfinder.hmctsformfinder.justice.gov.uk/d80b-eng.pdf">https://formfinder.hmctsformfinder.justice.gov.uk/d80b-eng.pdf</a> And a Welsh/English version at <a href="https://formfinder.hmctsformfinder.justice.gov.uk/d80b-bil.pdf">https://formfinder.hmctsformfinder.justice.gov.uk/d80b-bil.pdf</a>
Desertion	Form D80C: <a href="https://formfinder.hmctsformfinder.justice.gov.uk/d80c-eng.pdf">https://formfinder.hmctsformfinder.justice.gov.uk/d80c-eng.pdf</a> And a Welsh/English version at <a href="https://formfinder.hmctsformfinder.justice.gov.uk/d80c-bil.pdf">https://formfinder.hmctsformfinder.justice.gov.uk/d80c-bil.pdf</a>
2 years separation with consent	Form D80D: <a href="https://formfinder.hmctsformfinder.justice.gov.uk/d80d-eng.pdf">https://formfinder.hmctsformfinder.justice.gov.uk/d80d-eng.pdf</a> And a Welsh/English version at <a href="https://formfinder.hmctsformfinder.justice.gov.uk/d80d-bil.pdf">https://formfinder.hmctsformfinder.justice.gov.uk/d80d-bil.pdf</a>
5 years separation – no consent required	Form D80E: <a href="https://formfinder.hmctsformfinder.justice.gov.uk/d80e-eng.pdf">https://formfinder.hmctsformfinder.justice.gov.uk/d80e-eng.pdf</a> And a Welsh/English version at <a href="https://formfinder.hmctsformfinder.justice.gov.uk/d80e-bil.pdf">https://formfinder.hmctsformfinder.justice.gov.uk/d80e-bil.pdf</a>

Applying for a decree nisi or conditional order

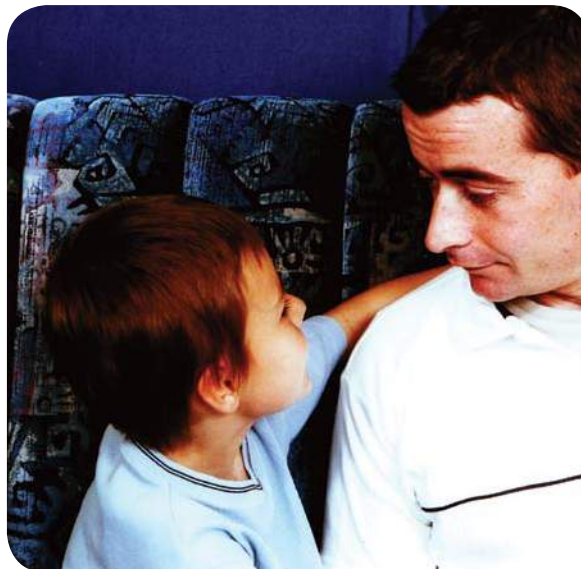
You can find guidance explaining what to do when you have completed these forms at <https://formfinder.hmctsformfinder.justice.gov.uk/d186-eng.pdf>

# Applying for a decree absolute or final order

You have to wait 6 weeks and 1 day from when your decree nisi or conditional order is made before you can apply to make it absolute or final. This gives you a chance to think about whether you are sure about ending your marriage or civil partnership. On very rare occasions official, legal objections can be raised during this time.

Your decree nisi or conditional order will tell you when you can apply. You can find the Notice of application for Decree Nisi/Conditional Order to be made absolute/final (Form D36) at <https://formfinder.hmctsformfinder.justice.gov.uk/d36-eng.pdf> and a Welsh/English version at <https://formfinder.hmctsformfinder.justice.gov.uk/d36-bil.pdf>

If you are the respondent and the petitioner does not apply for their decree nisi/conditional order to be made absolute/final then you can do this – eventually. But you have to wait for another 3 months after the time when the petitioner could have applied. That's on top of the 6 weeks and 1 day that has already passed. There may be a hearing and the judge can require a sworn statement setting out the reasons for the delay. This includes giving information on where you have each lived since the decree nisi and if any children have been born since that time.



Things get more complicated if neither of you apply. Applying anytime after 12 months pass from the date of the decree nisi or conditional order means you will have to write to the court when you send in your application explaining why no one applied earlier, whether you have lived together again and whether any more children of the family have been born. In this situation it is best to contact the court to find out exactly what they want you to do.

Applying for a decree absolute or final order

# The effect of a decree absolute or a final order

- Once you have your decree absolute or final order you can remarry or register a new civil partnership. But find out what this could mean for you first. See: **What happens if I remarry or register a new civil partnership?**
- A decree absolute or final order affects (but does not cancel) any Will you have made.
- The law will treat any reference to your former husband or wife or civil partner in your Will as if they had died on the day that the decree absolute or final order was made. They will no longer benefit from your Will unless you make a new Will specifically saying that you want them to benefit.
- Even if you have not made a Will, a decree absolute or final order will affect who inherits from you. You may want to get legal advice on this.
- If your ex dies you will no longer be married to them and you could find you have lost your right to their pension benefits unless you sort this out before your decree nisi is made absolute.

## Warning!

A decree absolute or final order does not necessarily stop either you or your ex making a financial claim against the other in the future. You should get legal advice about how to prevent this happening or you may face financial proceedings many years after your divorce or dissolution.

If you remarry before you have applied for a financial order you will not be allowed to make a financial claim at all.



The effect of a decree absolute or final order

# What happens if I remarry or register a new civil partnership?

- Any maintenance you get for yourself from your ex will stop immediately.
- Maintenance for children is different: this does not stop if you remarry or register a new civil partnership.
- You can continue with your application for a financial order provided you started it before you remarried or registered a new civil partnership.
- If you have not already applied for financial help for yourself from your ex, it is too late! You cannot apply after you remarry or register a new civil partnership. So it is best to sort your finances out first before you do this.
- For information about the impact of remarriage or registering a new civil partnership on your state pension see: [www.ageuk.org.uk/health-wellbeing/relationships-and-family/financial-and-legal-tips-before-remarrying](http://www.ageuk.org.uk/health-wellbeing/relationships-and-family/financial-and-legal-tips-before-remarrying)



What happens if I remarry or register a new civil partnership?

# Can I still end my marriage or civil partnership if my husband or wife or civil partner is missing or presumed dead?

Yes, this is possible. You can apply for a decree or order of presumption of death and the dissolution of your marriage or civil partnership. If you want to remarry or register a new civil partnership, this will allow you to do so without risking it being void or being charged with the crime of bigamy (marrying or registering a new civil partnership while still married to another person).

You have to explain your reasons for thinking that your husband or wife or civil partner is dead, including the circumstances in which you stopped living together, when they were last heard of and what steps you have taken to find them.

Successfully getting such a decree or order affects inheritance. For more information about the consequences of applying for this kind of decree/order, please read the guidance notes (see **Forms and guidance notes** on this page) or get legal advice, see **More help and advice** on page 42.

Can I still end my marriage or civil partnership if my husband or wife or civil partner is missing or presumed dead?

## Forms and guidance notes

1  
2  
3

You can find a Petition for a presumption of death decree/order and the dissolution of a marriage/civil partnership (Form D8D) at <https://formfinder.hmctsformfinder.justice.gov.uk/d8d-eng.pdf> and a Welsh/English version at <https://formfinder.hmctsformfinder.justice.gov.uk/d8d-bil.pdf>

There are guidance notes to help you complete it at <https://formfinder.hmctsformfinder.justice.gov.uk/d8d-notes-eng.pdf> And a Welsh/English version at <https://formfinder.hmctsformfinder.justice.gov.uk/d8d-nodiadau-d8d-notes-bil.pdf>

You can find the application form for help paying court fees (Form EX160) at <https://formfinder.hmctsformfinder.justice.gov.uk/ex160-eng.pdf> And a Welsh/English version at <https://formfinder.hmctsformfinder.justice.gov.uk/ex160-bil.pdf>

There are notes to help you complete the form at <https://formfinder.hmctsformfinder.justice.gov.uk/ex160a-eng.pdf> And a Welsh/English version of the notes at <https://formfinder.hmctsformfinder.justice.gov.uk/ex160a-bil.pdf>

# What does it mean?

## **Acknowledgement of service form**

This is the form the respondent uses to confirm that they have received the application and to tell the petitioner whether they are going to defend (object to) it or not.

## **Answer**

The name given to the respondent's formal reply to an application for divorce or dissolution.

## **Application**

How you ask a court to do something.

## **Application for a decree nisi/conditional order**

This is the form the petitioner uses to ask for a decree nisi or conditional order.

## **Certificate of entitlement to a decree**

This tells you the date and time when the judge will grant your decree nisi.

## **Co-respondent**

The person named in an application for divorce who the petitioner believes has committed adultery with the respondent.

## **Conditional order**

A court order confirming that you are entitled to the dissolution of your civil partnership. It is the first of the two decrees you need before your civil partnership is at an end. A conditional order is not the final decree and does not end a civil partnership.

## **Decree absolute**

A court order that proves you are divorced and free to remarry.

## **Decree nisi**

A court order confirming that you are entitled to a divorce. It is the first of the two decrees you need before you are actually divorced. A decree nisi is not the final decree and does not end a marriage.

*(continued)*

What does  
it mean?

### **Dissolution**

The legal ending of a civil partnership.

### **Divorce**

The legal ending of a marriage.

### **Facts**

The reason your marriage or civil partnership has broken down irretrievably.

### **Filing**

Submitting or presenting a legal form or document to the court.

### **Final order**

A court order that proves your civil partnership is dissolved and you are free to register a new civil partnership.

### **Judicial separation**

A process that confirms you are separated and enables you to apply for a financial order. It does not end a marriage or civil partnership like divorce or dissolution.

### **Notice**

A notice is a bit like a letter. They are the way courts tell you what is going on and what you need to do next.

### **Notice of application for decree nisi to be made absolute or conditional order to be made final**

This is the form the petitioner uses to ask the court to make a decree nisi, absolute or conditional order, final.

### **Petition**

A 'petition' is an old fashioned way of asking for something. It is also the name previously given to the application form you use to ask for a divorce or the dissolution of a civil partnership.

### **Petitioner**

The name given to the person who starts proceedings to end a marriage or civil partnership.

*(continued)*



### **Proceedings**

Another name for court action. If you 'bring proceedings' you have started a court case to sort out a dispute.

### **Respondent**

The name given to the person who responds to these proceedings.

### **Serve**

Delivery of court documents, usually by hand or post.

### **Statement in support of divorce**

This is a form that allows you to change or add information in your application. It also asks you to confirm that what you say is true. If you give false information you risk being in contempt of court and could face prison or a fine.

### **Statement of case**

Brief, relevant details that support what the petitioner says about the respondent, for example, about their unreasonable behaviour.

What does  
it mean?

# More help and advice

## How to find a family mediator

Ask friends and family for a recommendation or your solicitor if you have one. Or use the family mediator finder service provided at [www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk). It is fine to phone around, ask how much they charge and compare prices.

## How to find a legal advisor

Ask friends and family for a recommendation. You can also search here:

- [find-legal-advice.justice.gov.uk](http://find-legal-advice.justice.gov.uk)
- <http://solicitors.lawsociety.org.uk>
- [www.resolution.org.uk/findamember](http://www.resolution.org.uk/findamember)

The Royal Courts of Justice Advice Bureau [www.rcjadvise.org.uk](http://www.rcjadvise.org.uk) may be able to help you if you:

- live in England or Wales,
- have a case in the Family Court, **and**
- are not already represented by a solicitor or barrister.

To book an appointment please check [www.rcjadvise.org.uk](http://www.rcjadvise.org.uk) for latest appointment details.



## Paying for legal advice

Legal aid is only available to apply for a divorce in very limited circumstances, see **How much will it cost?** on **page 13**.

More and more lawyers are offering a wider range of products and services than in the past. These include:

- **Free or low cost initial telephone consultations**
- **Pay as you go advice** – where you pay for the advice you receive at the time you get it. This can be helpful if you don't mind doing some of the paperwork and admin involved yourself.
- **Fixed fees** – where you agree in advance what you are buying and what you are paying for it.
- **Online services** that let you buy, for example, a basic divorce where someone will complete the petition for you and send it to the court.

It is okay to shop around and compare prices. Look carefully at what is and is not included to make sure you buy the right service for you.

## Help at court

Court staff may be able to explain court procedures or help you find a court form. They are not able to give you legal advice.

The Personal Support Unit (PSU) supports people going through the court process without a lawyer. Volunteers offer a free and confidential service. PSU aims to help you manage your own case yourself. PSU does not give legal advice or act on your behalf, but can offer practical help such as going to your hearing with you and help completing and filing your forms. For more information as well as the location and contact information for your nearest PSU, please visit [www.thepsu.org](http://www.thepsu.org)

## Domestic violence and abuse

For support or to discuss your options you can call the National Domestic Violence Helpline [www.nationaldomesticviolencehelpline.org.uk](http://www.nationaldomesticviolencehelpline.org.uk) on **0808 2000 247** or in Wales, <http://livefearfree.gov.wales/splash?orig=> Live Fear Free on **0808 80 10 800**.

Both help lines are open 24 hours and are for anyone who is experiencing, or has experienced domestic abuse, or for anyone who is worried about domestic abuse happening to a friend, family member or colleague. It is free, confidential and the number will not show up on a BT telephone bill.

If you are a man and you or your children are affected by domestic violence or abuse you can contact the Men's Advice Line [www.mensadvice.org.uk](http://www.mensadvice.org.uk): **0808 801 0327**

**Always dial 999 in an emergency.**

The National Centre for Domestic Violence [www.ncdv.org.uk](http://www.ncdv.org.uk) provides a free, fast emergency injunction service to survivors of domestic violence regardless of their financial circumstances, race, gender or sexual orientation. You can contact them on: **0800 970 2070**. Alternatively you can text: **NCDV** to **60777** and they will call you back.

The DYN project [www.dynwales.org](http://www.dynwales.org) provides support to men who are experiencing Domestic abuse from a partner.

Refuge [www.refuge.org.uk](http://www.refuge.org.uk)

Women's Aid [www.womensaid.org.uk](http://www.womensaid.org.uk)

Welsh Women's Aid  
[www.welshwomensaid.org.uk](http://www.welshwomensaid.org.uk)



## Help and support for single parents

**Gingerbread**  
[www.gingerbread.org.uk](http://www.gingerbread.org.uk)

Gingerbread's Single Parent helpline offers support and expert advice on anything from dealing with a break-up, to going back to work or sorting out maintenance, benefit or tax credit issues. Helpline: **0808 802 0925**. They also provide lots of information and support forums on their website.

More help  
and advice

## Families Need Fathers

[www.fnf.org.uk](http://www.fnf.org.uk)

Families Need Father's helpline offers support and a listening ear to dads, mums, grandparents and other members of the family. Helpline: **0300 0300 363**. They also provide factsheets and online support through forums.

## Both Parents Matter Cymru

[www.fnf-bpm.org.uk](http://www.fnf-bpm.org.uk)

Both Parents Matter Cymru runs monthly support meetings and with Law Works Cymru and support from local solicitors provides free legal clinics across Wales. Helpline: **08456 004446**

## Further information about the law and your rights

### Advicenow

[www.advicenow.org.uk](http://www.advicenow.org.uk)

### Citizens Advice

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### Resolution

[www.resolution.org.uk/information](http://www.resolution.org.uk/information)

### Sorting out separation

[www.sortingoutseparation.org.uk/en/home](http://www.sortingoutseparation.org.uk/en/home)

### Wikivorce

[www.wikivorce.com/divorce](http://www.wikivorce.com/divorce)

## Further reading

Using a divorce lawyer: ten helpful tips: [www.legalombudsman.org.uk/downloads/documents/publications/Using-a-divorce-lawyer-ten-helpful-tips.pdf](http://www.legalombudsman.org.uk/downloads/documents/publications/Using-a-divorce-lawyer-ten-helpful-tips.pdf)

Ten question to ask your lawyer about costs: [www.legalombudsman.org.uk/downloads/documents/publications/Consumer-Guide-Costs-BW.pdf](http://www.legalombudsman.org.uk/downloads/documents/publications/Consumer-Guide-Costs-BW.pdf)

A survival guide to using Family Mediation after a break up: [www.advicenow.org.uk/guides/survival-guide-using-family-mediation-after-break](http://www.advicenow.org.uk/guides/survival-guide-using-family-mediation-after-break)

A survival guide to divorce or the dissolution of a civil partnership: [www.advicenow.org.uk/guides/survival-guide-divorce-or-dissolution-civil-partnership](http://www.advicenow.org.uk/guides/survival-guide-divorce-or-dissolution-civil-partnership)

How to apply for a court order about the arrangements for your children without the help of a lawyer: [www.advicenow.org.uk/guides/how-apply-court-order-about-arrangements-your-children-without-help-lawyer](http://www.advicenow.org.uk/guides/how-apply-court-order-about-arrangements-your-children-without-help-lawyer)

A survival guide to sorting out arrangements for your children: [www.advicenow.org.uk/guides/survival-guide-sorting-out-arrangements-your-children](http://www.advicenow.org.uk/guides/survival-guide-sorting-out-arrangements-your-children)

How to apply for a financial order without the help of a lawyer: [www.advicenow.org.uk/guides/how-apply-financial-order-without-help-lawyer](http://www.advicenow.org.uk/guides/how-apply-financial-order-without-help-lawyer)

A survival guide to sorting out your finances when you get divorced: <http://www.advicenow.org.uk/guides/survival-guide-sorting-out-your-finances-when-you-get-divorced>

A Guide to Representing Yourself in Court: [www.barcouncil.org.uk/media/203109/srl\\_guide\\_final\\_for\\_online\\_use.pdf](http://www.barcouncil.org.uk/media/203109/srl_guide_final_for_online_use.pdf)

The information in this guide applies to England and Wales only. The law may be different if you live in Scotland or Northern Ireland.

The law is complicated. We have simplified things in this guide. Please don't rely on this guide as a complete statement of the law. We recommend you try and get advice from the sources we have suggested.

The cases we refer to are not always real but show a typical situation. We have included them to help you think about how to deal with your own situation.

# advicenow.org.uk

If you would like this guide in another format  
please email [guides@lawforlife.org.uk](mailto:guides@lawforlife.org.uk)

This guide was written and produced by Law for Life's Advicenow project.  
We would like to thank those who helped us update this guide.

Updated by Law for Life – October 2017

## Can you help us?

We hope you found this guide helpful. Can you **make a small donation** to help us keep our guides up-to-date and available? To donate just text the message: **ADV22 £3** (or any amount between £1–10) to **70070**.

We are always trying to make our guides more helpful. If you have any comments on this guide, please go to [www.advicenow.org.uk/know-hows/tell-us-what-you-think](http://www.advicenow.org.uk/know-hows/tell-us-what-you-think) and take part in our survey.



Advicenow is an independent, not for profit website providing helpful information on rights and legal issues ([www.advicenow.org.uk](http://www.advicenow.org.uk)).

Advicenow is part of Law for Life. Law for Life is a charity dedicated to ensuring that people have the knowledge, confidence and skills needed to deal with law-related issues.

Law for Life: the Foundation for Public Legal Education is a company limited by guarantee, registered in England & Wales no. 07695486. Charity no. 1143589. Registered office: Tagwright House, 35–41 Westland Place, London N1 7LP.

