



/guide



Your questions answered

HOW TO: START DIVORCE PROCEEDINGS

[Watch the supporting 'Start divorce proceedings' video](#)

This Stowe talks: How to guide will look at how to start divorce proceedings and navigate the first steps in the process.

It is important to note that this guide only deals with the administrative aspects of ending your marriage. It does not cover how to resolve any financial issues or arrangements for children. It is highly recommended you seek legal advice from a solicitor before starting the divorce process.

Please note that you can only get divorced if you have been married or in a civil partnership for at least one year.

Do I need to provide a reason for my divorce?

You no longer need to provide a reason for your divorce. Before no-fault divorce was implemented in April 2022, you would have to choose one of five reasons for the breakdown of your marriage, including unreasonable behaviour or adultery.

However, the only requirement now is the irretrievable breakdown of the marriage.

Consult a family lawyer

The first thing to do when you and your spouse have decided to divorce is to consult a specialist family lawyer.

A lawyer can give you initial advice on your first steps in the process and guidance on what will be required of you.

What is the first stage of the divorce process?

When you have decided to get divorced, you will need to submit a divorce application. To do this, you need to fill in Form D8, an Application for Divorce or Dissolution.

This form can be submitted by either you, or your spouse, as a sole applicant, or you can do it together as a joint application.

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You will need your and your spouse's full name and address. You will also need a copy of your original marriage certificate and proof of your change of name if you changed it upon getting married.

If you supply your spouse's email address, the divorce application will be sent to them on email. Otherwise, a paper copy will be posted.

Please note that you must have sufficient connection with England and Wales to be able to divorce here and you must select a reason why the court can deal with your case, for example at least one of you lives in England or Wales. You can start a divorce here even if you married abroad, however it is important that your marriage is legally recognised in England and Wales. If you are unsure if your marriage is legally recognised in this jurisdiction, please seek legal advice.

If you have applied for divorce or dissolution as a sole applicant, your spouse becomes the respondent.

They have 14 days to respond to the divorce application. If they do not respond within this time, you can use a court bailiff or process server to serve the divorce application in person, so you are sure your spouse has received it.

When you are sure that the application has been received, you can ask the court to 'deem service' which assumes receipt of the application. The divorce will then proceed. However, you must be able to prove that your spouse has received the application before you can ask the court to do this.

Seek legal advice if your spouse doesn't respond to being served the divorce. A family lawyer can help with what to do.

How much does a divorce application cost?

It costs £612 to apply for a divorce at the time of writing.

If you are a sole applicant, you will need to pay this. If you apply jointly, applicant 1 will pay the fee.

What happens next?

Once the court has processed the divorce application and the respondent's acknowledgement, there is a waiting period of 20-weeks, known as the cooling-off period.

This time is a useful gap for negotiating your financial settlement. When you have reached an agreement, the settlement should be drafted into a financial consent order by

a lawyer to be approved by the family court. You can also use this time to make child arrangements for life post-divorce. The court will notify you as to when you are entitled to apply for a conditional order, previously called the Decree Nisi. The conditional order means that the court will allow you to dissolve your marriage. You apply for the conditional order using Form D84, Application for a conditional order or judicial separation order.

When your conditional order has been granted, you must wait for at least six weeks and one day before you can apply for the final order (previously called the Decree Absolute).

Apply for a Final Order

The period between your conditional order being granted and being able to apply for your final order is six weeks and one day.

To apply for a final order, use Form D36 Notice of application for a conditional order to be made final.

It is recommended that you have your financial consent order finalised and approved by the court before your final order is granted. You can take longer than six weeks and one day to apply for the final order if your finances are not arranged.

Once your final order has been granted, your marriage is legally dissolved. However, without a financial consent order, your finances are still legally tied. It is important to get a consent order to legally break your financial ties to your ex-spouse.

Will I have to go to court?

The process of legally dissolving your marriage can be done entirely online. However, you may need to attend court if there are disputes over finances or children. It is important to seek advice from a family lawyer if this happens.

What if there are delays to the divorce?

If more than 12 months passes between your conditional order being granted and your application for a final order, you will need to submit a form to the court explaining that you and your ex-spouse have not reconciled in this time and you have not had any more children.

Delays may occur for many reasons. Seek advice from an expert family lawyer if you are experiencing delays.

The importance of legal advice

The divorce process can be complicated and sometimes stressful. It is important to seek legal advice if you are unsure of the correct form or how to fill it in. A family lawyer can also advise on your financial and child arrangements.

A family lawyer can be instructed to complete all the forms on your behalf and take on communications with your ex's lawyer. This can help reduce your stress and anxiety.

However, it is important to remember that you may need other forms of support, including practical and emotional support. Divorce coaches, therapists, counsellors, financial advisers and your friends and family are there to help you.

Useful Links

Form D8 Application for Divorce or Civil Partnership Dissolution - https://assets.publishing.service.gov.uk/media/66190bbbc1d297c6ad1dfe39/D8_0324.pdf

Form D84 Application for a conditional order or (judicial) separation order - https://assets.publishing.service.gov.uk/media/65f972ebaa9b760011fbda3d/D84_0324.pdf

Form D36 Notice of application for conditional order to be made final - https://assets.publishing.service.gov.uk/media/634d21ecd3bf7f618aaa306f/D36_web_1114_save.pdf

This information is provided by Judit Kerese, an Associate at Stowe Family Law.

Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit www.stowefamilylaw.co.uk