THE DIVORCE PROCESS

Thornton Jones SOLICITORS

The only ground for divorce is where the marriage has broken down irretrievably and either yourself or your spouse (or both of you) are habitually resident or domiciled in England or Wales. If you are of the opinion that your marriage has irretrievably broken down and wish to divorce then the following steps should be taken.

Have you been married for at least 1 year?

No → You cannot commence divorce proceedings until you have been married for 1 year.

Yes → Do you wish to proceed solely or jointly with your spouse?

Solely

Draft and file the divorce application - a copy will be provided to your spouse and then filed with the Family Court via the portal for issuing with the £628 Court fee (help with fees is available if you are in receipt of a low income). Your spouse's consent is <u>not required</u>. You will be required to provide your marriage certificate.

Issued divorce application - once issued, the Court will formally serve the application on your spouse and will provide the date that the Conditional Order (formerly known as Decree Nisi) can be applied for (20 weeks).

Response to divorce application - your spouse will need to respond to the divorce application via the Court portal and will be given a certain date to respond by.

Apply for Conditional Order - If proceedings are not disputed by your spouse, once 20 weeks has passed, the Conditional Order can be applied for.

Certificate of Entitlement - the Court will consider the application for Conditional Order and produce a Certificate of Entitlement which will contain a date that your Conditional Order is to be formally pronounced by the Court.

Conditional Order - the Court will pronounce and distribute the Conditional Order.

Apply for Final Order - six weeks and one day after the Conditional Order was pronounced, the Final Order (previously called Decree Absolute) can be applied for. A Statement will also be required if it has been more than 12 months since the Conditional Order was pronounced. **The Final Order should only be applied for once matrimonial finances are resolved (in most cases). Your solicitor will guide you in this regard.**

Jointly

Draft and file the divorce application - the application will be filed with the Family Court via the portal for issuing with the £628 Court fee (help with fees is available if you are in receipt of a low income). Your spouse will then be invited to approve and submit the same. You will be required to provide your marriage certificate.

Issued divorce application - once issued, the Court will provide the date that the Conditional Order (formerly known as Decree Nisi) can be applied for (20 weeks).

Apply for Conditional Order - you both will make the application for the Conditional Order.

Certificate of Entitlement - the Court will consider the application for Conditional Order and produce a Certificate of Entitlement which will contain a date that your Conditional Order is to be formally pronounced by the Court.

Conditional Order - the Court will pronounce and distribute the Conditional Order.

Apply for Final Order - six weeks and one day after the Conditional Order was pronounced, the Final Order (previously called Decree Absolute) can be applied for by both of you. A Statement will also be required if it has been more than 12 months since the Conditional Order was pronounced. **The Final Order should only be applied for once matrimonial finances are resolved (in most cases). Your solicitor will guide you in this regard.**

Final Order - the Court will make the Conditional Order final and distribute the Final Order - **legally dissolving the marriage**.