

Divorce and Civil Partnership Dissolution Procedure

- One party (the Petitioner) files at court the following:
 - a divorce or dissolution petition
 - the marriage or civil partnership certificate
 - a certificate with regard to reconciliation
 - a fee of £410
- No petition may be filed within the first year of marriage or civil partnership
- Apart from showing that a marriage has “irretrievably broken down” you must show that there are good reasons for bringing the marriage to an end. A divorce must be based on one of five “facts” whilst a dissolution petition must be based upon one of four “facts”:
 - adultery (divorce only)
 - unreasonable behaviour of the other party
 - desertion by the other party
 - two years’ separation with the consent of the other party
 - five years’ separation
- The Petition is served on the other party (the Respondent) and on any Co-Respondent (in divorce proceedings), by the court usually by post
- The Respondent has to return an Acknowledgement of Service form to the court within seven days of receiving the Petition indicating whether or not he/she intends to defend the Petition and whether or not he/she intends to oppose any claim for costs
- If the Respondent indicates an intention to defend (which is unusual, except as a delaying measure or as an attempt to persuade the Petitioner not to claim costs) and the Respondent wishes to pursue that intention, he/she must file an Answer within 28 days of receiving the petition and ultimately (after various other procedural steps) there will be a court hearing at which a judge will decide whether or not to pronounce the Decree Nisi in divorce proceedings or a Conditional Order in dissolution proceedings
- If the Respondent does not intend to defend (which is usual), the Petitioner swears an affidavit in support of his/her petition and applies to the court for the Decree Nisi or Conditional Order

- The District Judge will consider the documents which have been filed and, if satisfied that the ground for divorce or dissolution is substantiated, will certify that the Petitioner is entitled to a decree or order, will decide whether a costs order is to be made and will fix a date for the pronouncement of the Decree Nisi or Conditional Order
- The Decree Nisi or Conditional Order will be pronounced on the date fixed. Neither party need attend at court unless the District Judge has fixed a hearing for costs to be decided
- Six weeks and one day later, the Petitioner may apply for the Decree Absolute or Final Order (the final decree of divorce or order of dissolution)
- If the Petitioner does not apply for the Decree Absolute or Final Order to be made, then the Respondent may do so three months later, having first provided the Petitioner with notice of the intention to do so. This will sometimes involve a brief hearing before a District Judge
- The Decree Nisi is made Absolute or the Final Order is made. There is no court hearing if the Decree Absolute or Final Order is made on the Petitioner's application