

FACT SHEET

How To Guide: Divorce

KEY CONTACT



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The only ground for divorce is that the marriage has irretrievably broken down. It is no longer necessary to claim that the marriage has broken down due to adultery, unreasonable behaviour etc.

It is sensible to agree the content of the divorce application with your spouse before it is sent to the court. As it is also possible for the divorce application to be made jointly (i.e by both spouses together) that should be discussed and agreed, if possible.

The application should be issued online. A copy of the marriage certificate must also be submitted and the court fee paid.

The court will send a copy of the divorce application to your spouse by email and will also notify them by post. Special arrangements may need to be made if your spouse is abroad. If the application has solely been made by you, your spouse will then need to complete an acknowledgment of service form.

The conditional order (previously known as the decree nisi) can be made 20 weeks from the date of the divorce application. This period is to allow the parties time to reflect and to be certain that they wish to proceed to divorce.

As the applicant, you can apply for the final order (previously known as the decree absolute) 6 weeks from the date of the conditional order. Once the final order is made, you and your spouse will no longer be married, and are each free to remarry. It is usually sensible to delay applying for the final order until a financial order has been approved by the court. This is to preserve claims by one spouse against the other's estate in the event of their death before a financial order is made. If a final order is made and no financial order is in place, the survivor's claims against the deceased ex-spouse's estate will be far more limited, and may be non-existent.

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