

# The Divorce Process

There are five main documents that you need to complete:

1. Divorce Petition
2. Statement of Arrangements for Children (if you have children under 16 or in full time education)
3. Application for Decree Nisi
4. Statement in support of petition
5. Application for Decree Absolute

## Procedure Checklist

1. Identify the County Court you wish to use. This will probably be the most local one to you e.g. Reading Basingstoke if you live in the Newbury area. If you are unsure check on the Court's website <http://hmctscourtfinder.direct.gov.uk/HMCTS/>
2. Use divorce online to produce a divorce petition and if you have children under 16 or in full time education, a statement of Arrangements for Children. It is helpful if you agree with your husband/wife who will pay the costs of the divorce and this can be reflected at the end of the petition.
3. Make sure that the documents are signed and dated. Send 2 copies if each to your chosen Court with a cheque made payable to HMCS for £340 and a cover letter explaining that these are new proceedings that you would like to be issues. Alternatively attend at the public counter of the Court office and hand over documents and pay the fee by cash, cheque or card.
4. The court will send a copy of the petitions and if appropriate the Statement of Arrangements for Children to the Respondent. The Respondent should then within 8 days return to the Court the completed "Acknowledgement of Service" form indicating that the proceedings are not contested and whether they agree to contribute to the costs.
5. The Court will send a copy of the Acknowledgement of Service form to you as the Petitioner. You need to check that the Respondent has indicated that he/she doe NOT intend to defend the proceedings and consider any offer that has been made in relation to your applications for costs.
6. You then need to return to divorce online to produce an Application form for Decree Nisi and a statement in Support of your petition. When the document has been finalised, you may need to attach (exhibit) a copy of the Acknowledgement of Service form and Statement of Arrangements for Children is they have been signed by the respondent. You then need to arrange for the statement together with any exhibits to be signed. This can either be done at the Court office who will not make a charge and can take appointment at any firm of solicitors (but not Gardner Leader) who will charge £5 for the main document and £2 per exhibit. You then send or take the signed Application and the signed statement to the Court.

7. The Court will consider whether you are eligible for the a divorce and if so will send you the Respondent a Certificate of Entitlement to a Decree which will tell you when they will pronounce the Decree Nisi of divorce and if any cost order will be made. They will also decide whether any action is needed by the Court in relation to the arrangements for the children (if appropriate) and if not, will issue you a certificate to confirm the decision.
8. The Decree Nisi of divorce will be will be sent to you and the Respondent a few days after it is pronounced.
9. Six weeks and one day from the date of the Decree Nisi, you can apply using the Applications form on Divorce online, for the Decree Absolute and this needs to be sent to you and the Respondent. On the date of the Decree Absolute, your marriage will have been dissolved.