

This information sheet takes you through the stages of your divorce, from filing the petition at court to start the process to receiving your decree absolute, which ends the process. It sets out clearly who is responsible for what action, and when, and is intended to be a useful reference sheet so you know where you are in the procedure at all times.

The divorce procedure (undefended divorces)

Phase one: to application for directions

Step	Party responsible	Timing
<p>File petition* at court</p> <p>(along with the fee, marriage certificate, statement of arrangements for children on Form M4 if applicable, certificate with regards to reconciliation on Form M3, certified copies of any court orders where applicable and public funding certificate where applicable).</p> <p>*Petition is the document that sets out your reasons for requesting the court to grant you a divorce. There is a certain amount of required information, and therefore it is sensible to use a standard form.</p>	Petitioner	
<p>Serve petition on the respondent* (and any co-respondents**)</p> <p>(along with notice of proceedings – M5, form for acknowledgement of service – M6 – and notice of issue of certificate and statement of arrangements for children if applicable with respondent's petition).</p> <p>*The respondent is the party who is being divorced.</p> <p>**The citing of co-respondents is not encouraged. Although it is legal to name the party with whom your spouse has committed adultery, if you do so you will usually find that the temperature of the proceedings increases substantially, making it more difficult to get anything agreed and therefore more expensive.</p>	Court	
<p>Return of acknowledgement of service.*</p> <p>*This is the form saying that the petition has been received and indicating whether the allegations within it are to be defended.</p>	Respondent	Seven days after respondent received the divorce papers.
<p>Written application for directions.*</p> <p>File form of application for directions for trial and an affidavit by the petitioner M7(a) to (e).</p> <p>*This is the actual request for a divorce on the basis of the facts in the petition.</p>	Petitioner	

Phase two: to decree nisi

Step	Party responsible	Timing
<p>The “directions”:</p> <p>Enter cause in special procedure list.*</p> <p>Consider evidence, ie, all the documents filed. If satisfied that the petitioner has proven the contents of the petition, the court should file a certificate to that effect, fix a date for decree nisi, consider costs and send notice to the parties.</p> <p>If the court is not satisfied, then either the petitioner can be given the chance to file further evidence or the cause should be removed from the special procedure list and a date fixed for a hearing in open court. (This happens very rarely.)</p> <p>At this stage, the court will also consider arrangements for the children as set out in the M4 Statement of Arrangements. It will produce a certificate if it is happy with the children’s arrangements, or if it sees that there are no children with which it needs be concerned. If it is not happy with the children’s arrangements, a hearing will be fixed before a judge (this is moderately rare).</p> <p>*The special procedure is the procedure all undefended divorces go through – it means the facts are considered on paper, and a court hearing is not required.</p>	Court	
<p>Pronouncement of decree nisi in open court. The parties need not attend.</p> <p>(This is simply a district judge reading out a list of names of people whose decrees nisi is being pronounced that day. It is done without ceremony or fuss. The fact that it is in open court means that anyone can go.)</p>	Court	Date fixed by district judge at the directions.

Phase three: to decree absolute

Step	Party responsible	Timing
Apply for decree absolute.	Petitioner	From six weeks from decree nisi (unless apply to expedite). If left for more than 12 months the court will require a written explanation, which they may require to be verified by an affidavit.
The respondent can apply for decree absolute (on payment of the fee) if the petitioner does not. Serve notice on petitioner (FPR 1991 r. 2.50(2)). Hearing (petitioner may be required to explain why they failed to apply for decree absolute).	Respondent	Three months and six weeks after decree nisi if the petitioner has not applied. Notice served four clear days or more before day on which application to be heard.
Pronouncement of decree absolute. This means that the marriage is over and the divorce is final.	Court	

Overall, you can see that divorce is pretty much an administrative procedure. It is predominantly a question of filling in forms and ticking boxes, at least until the court comes to consider the documents. You may find it helpful to have a solicitor to help guide you through the process, but remember you can use your lawyer in any way that is helpful to you. You are entirely within your rights to do your divorce yourself and to retain a lawyer simply for checking that the documents are correct. It is up to you.