



# iGuide To Divorce Proceedings

## Practical Guide to Divorce

In April 2022, divorce law was reformed to introduce no fault divorce.

Divorce will usually be a difficult and challenging time for both parties involved. However, no fault divorce means the removal of blame from the divorce process. This can significantly assist in reducing conflict upon marriage breakdown and enable the parties to focus on co-parenting and reaching a financial agreement regarding their finances in the context of divorce proceedings.

The procedure summarised below also refers to dissolving civil partnerships.

## Application for Divorce

The one ground of divorce is irretrievable breakdown of the marriage, and reasons for that breakdown do not now need to be given (no fault divorce).

The application for divorce can be made by an individual, or by the couple jointly.

If the application is made by one person they are called the **applicant**, and the other party is called the **respondent**. If the application is made jointly the parties are called **applicant 1** and **applicant 2**.

An application can be made to the court online. It must be accompanied by a copy of your original marriage certificate or an official copy and a certified translation, if it is a foreign marriage certificate. A fee is payable to the court. It is sometimes agreed by the parties to share the fee.

## The Reflection Period

After the court formally issues the application for divorce, the court will send the other spouse a copy of the application. They will need to acknowledge / confirm receipt of the application.

Under the current law a divorce or civil partnership dissolution application can only be contested



on the basis of jurisdiction, or on the basis that the parties are already divorced. Solicitors at International Family Law Group have particular expertise to advise on jurisdiction and international aspects of divorce.

There is a minimum 20 week 'reflection' period before a conditional order (which used to be known as a decree nisi) can be applied for.

## **Conditional Order**

The applicant or the couple jointly (in the scenario of a joint divorce application) can apply for the conditional order.

It is usually at this time that the parties will consider, usually on the basis of legal advice from a solicitor, whether to attend mediation or another non court dispute resolution procedure, to reach a financial settlement.

If an out of court resolution is not appropriate, either party may make an application to the court for financial claims, after the divorce application has been issued.

In either situation it is usual that both parties make a full financial disclosure (usually on a pro forma called a Form E) with documentary evidence in support. This is to ensure that both parties have full and up to date information concerning all joint and individually owned financial assets and circumstances. It is usual that this process runs parallel to the divorce proceedings; it is not in itself part of the divorce application.

After the court grants the conditional order, the minimum period of 6 weeks until the final order can be applied for begins.

## **Final Order**

After a minimum period of 6 weeks and 1 day the applicant or the couple jointly (in the scenario of a joint divorce application) can apply for the final order.

Upon grant of the final order, the marriage is dissolved. Neither party is treated as the spouse or widow or widower of the other party. You should keep this document safe as it is evidence of your marital status.



As such it is important to consider making a new will, as divorce affects inheritance under a will, or under or intestacy.

## **Final Order and Financial Settlement**

It is usual to wait until a consent order has been granted by the court in relation to a financial settlement before applying for a final order. You should seek legal advice as to whether the application for a final order should be deferred in your case. Any such deferment is usually agreed with the other party through their solicitors.

The reason for delaying a final order of divorce until a financial consent order is made, is that it can also affect entitlement under a spouses' life insurance or pension, as well as will or intestacy. Appropriate terms of settlement, and a consent order approved by a Judge should be in place before such potential benefits are lost by grant of final order of divorce.

If you do not apply for the final order within a year of the conditional order being made, an explanation for not doing so (usually because finances had not been agreed) and some standard information must be given to the court.

## **Legal Advice**

We hope that you have found the above guide useful. However, all parties' circumstances vary, and it is important that you seek early legal advice on your individual situation, in particular if there are any relevant jurisdiction issues, and in any event with regard to finances.

All lawyers at International Family Law Group are family specialists and can advise and guide you through the divorce process.

The International Family Law Group LLP  
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