

## DIVORCE PROCEDURE

1. The Divorce *Petition* and *Statement of Arrangements* (if there are children) are sent to the court for filing. The *Petitioner* is the person who is applying for the divorce and the *Petition* is the legal document which sets out the reasons for the divorce. The *Statement of Arrangements for Children* is the form which tells the court about the children's living arrangements. If possible both husband and wife should sign this in advance.
2. The court then sends a copy *Petition* (plus *Statement of Arrangements*, if applicable) and *Acknowledgement of Service* to the Respondent (and to the Co-Respondent). The *Acknowledgement of Service* is the official form to complete and sign to show that the Respondent has received the *Petition* and whether she/he intends to defend it or not. The Respondent is the person who is being divorced. In the case of adultery, the Co-Respondent is the named person with whom the adultery was committed. (It is usually unnecessary to name a third party, but we can advise you upon this at the commencement of your case.)
3. The Respondent (and Co-Respondent) complete answers to the questions on the *Acknowledgement of Service* and send it back to the court.
4. The court sends a photocopy of the *Acknowledgement(s) of Service* (duly sealed) to the *Petitioner's* solicitors.
5. The *Petitioner's* solicitors prepare an *Affidavit in Support of the Petition* for the *Petitioner* to swear. The *Affidavit in Support of the Petition* is a written statement under oath telling the court that the contents of the *Petition* are true and saying that the *Petitioner* wants to proceed with the divorce.
6. The *Petitioner's* solicitors send the sworn *Affidavit* to the court together with a request for *Directions for Trial*. The request for *Directions for Trial* is a form asking the Court to fix a date for *Decree Nisi* (which is the penultimate stage of the divorce).
7. The court fixes a date for the pronouncement of the *Decree Nisi* and, if there are children, it also considers the arrangements for the children which have been set out by the husband and wife. If the Judge is satisfied she/he will give a certificate stating this and no appointment at court will be required. (In some cases the Judge may want parents to provide further information about the children). The court sends out the notice of the time and date of *Decree Nisi* to both the *Petitioner* and the Respondent or to their respective solicitors. *Decree Nisi* is the first decree of divorce. It is a provisional decree and does not dissolve the marriage finally.
8. *Decree Nisi* is pronounced. Generally no attendance at court is necessary for the *Decree Nisi* hearing unless there is a dispute about costs. We will, of course, advise you prior to the hearing whether it is necessary to attend.

9. Six weeks and one day after Decree Nisi the Petitioner can apply for *Decree Absolute* to be made, by sending a form to the court (provided, if there are children, the Judge is satisfied with the arrangements for them). Decree Absolute is the final decree of divorce. Once it is made, the marriage is at an end and both parties may remarry if they wish to do so. The court does not make the Decree Absolute unless one party requests it. There are sometimes good reasons for delaying the application, mainly in relation to financial issues, which we will discuss with you.
10. If the Petitioner delays applying for the Decree Absolute for more than three months after this date, then the Respondent can apply by requesting the court to fix an appointment before the Judge to consider the matter. The Petitioner can object to this.

**To talk to a family lawyer about your own personal circumstances call:  
01908 577680 for a £85 fixed fee appointment**