

Divorce Procedure Flowchart

This leaflet explains how a divorce progresses from issue to conclusion at decree absolute. It is important to point out that it only deals with undefended proceedings. Please see our leaflet on legal jargon explained or visit our website www.warners-solicitors.co.uk for explanations of the legal terms used.

	Step	Party Responsible	Timing
1	File Petition at Court (along with the fee, original marriage certificate, Statement of Arrangements for children, Certificate with regards to reconciliation and certified copies of any Court orders where applicable.	Petitioner	
2	Serve Petition on the Respondent (and any co-Respondent/'s) along with Notice of Proceedings, form for Acknowledgement of Service and Statement of Arrangements for children if applicable. The petition is usually served by post by the court. In some cases personal service of the paperwork by process server may be advised.	Court	
3	Return of Acknowledgement of Service	Respondent	Seven days after Respondent received the divorce papers
4	Written application for directions File form of application for directions for trial and an Affidavit by the Petitioner	Petitioner	
5	<p>Directions: Enter cause in special procedure list</p> <p>The Judge considers the evidence, i.e. 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 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 to be concerned. If it is not happy with the children's arrangements, a hearing will be fixed before a Judge (again this is very rare).</p> <p><i>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. As such it is not "special" as most cases use it!</i></p>	Court	

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Step	Party Responsible	Timing
<p>6 Pronouncement of Decree Nisi in open Court. The parties need not attend in most cases.</p> <p>A District Judge reads out a list of names of people whose Decree Nisi's being pronounced that day. Occasionally if there is a dispute over the costs of the proceedings the judge will direct that the parties or their lawyers attend so that submissions on the point may be heard.</p>	Court	Date fixed by District Judge at the directions.
<p>7 Apply for Decree Absolute</p> <p>(A petitioner may be advised to delay the application for absolute until the financial aspects of the case are resolved for reasons that will be advised by your solicitor)</p>	Petitioner	From six weeks from Decree Nisi. If left for more than 12 months, the Court will require a written explanation, which they may require to be verified by an Affidavit.
<p>8 The Respondent can apply for Decree Absolute if the Petitioner does not. The application is "on notice" and will be listed for a hearing</p> <p>Serve issued application notice on Petitioner</p> <p>Hearing to decide whether Decree Absolute should be pronounced</p>	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.
<p>9 Pronouncement of Decree Absolute. This means that the marriage is over and the divorce is final. An Absolute also makes any existing, approved financial order final.</p>	Court	