

## Decree Nisi

The judge pronounces the decree nisi and a copy will be sent to you and your partner. You do not need to attend unless a dispute exists about costs.

## Apply for Decree Absolute

You can apply for a decree absolute 6 weeks and one day after the pronouncement of the decree nisi. There is a fee of £30, unless you are exempt.

## Decree Absolute granted

The court checks that there are no reasons why the decree nisi should not be made absolute and copies of the decree absolute are sent to you and your partner.

*For further information contact:*

*Caroline Ryan or Debbie Chetwood (Exeter).*

# A Step by Step Guide to Divorce



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## Are you eligible?

In order to be able to get a divorce in England or Wales, you must:

- i) Have been married for at least 1 year.*
- ii) Prove that your marriage has irretrievably broken down.*

## For your marriage to have irretrievably broken down you have to prove:

- i) Your partner has committed adultery.*
- ii) Your partner has behaved unreasonably and you cannot tolerate living with them.*
- iii) Your partner has deserted you.*
- iv) You have lived apart for at least 2 yrs and your partner consents.*
- v) You have lived apart for at least 5 yrs - you may be able to divorce without your partner's consent.*

## To start divorce proceedings

To start proceedings, you will need a form called a 'divorce petition'. If you have children, you will also require a 'statement of arrangements' form.

## Filing the divorce petition

Once you have completed the divorce petition, send it to the county court, along with:

- i) A copy of the divorce petition for your partner.*
- ii) Your marriage certificate, or a certified copy.*

*iii) A fee of £150 - unless you are exempt.*

*iv) A statement of arrangements form, (if you have children).*

## The Court serves the petition

Your partner will be served the divorce petition and the statement of arrangements (if applicable) along with an 'acknowledgement of service' form.

## 'Acknowledgement of Service'

The acknowledgement of service must be completed by your partner and returned within 8 days of receipt.

## Applying for a Decree Nisi

When the court has received a completed acknowledgement of service form, you will be sent a copy.

If undefended you can then apply for the middle stage of divorce, 'Decree Nisi', by completing an application form, a 'directions for trial' (special procedure) and swearing an affidavit (sworn statement) in support. This is filed at Court and the judge checks the paperwork. If satisfied that the paperwork is in order, the District Judge gives directions for your case to be entered into the Special Procedure list.

## Decree Nisi date set

The court will tell you when the decree nisi is to be announced in court.