



## About divorce / dissolution

### What is the difference between a divorce and a dissolution?

A divorce is a way to end a marriage. A dissolution is a way to end the civil partnership of a same sex couple.

### How do I get a divorce/dissolution?

By filling in an application form, called a divorce/dissolution/(judicial) separation petition, and sending it to your nearest court that deals with divorce/civil partnership matters.

You can find the full list of courts, their facilities and information about what type of work they do, online at [courtribunalfinder.service.gov.uk](http://courtribunalfinder.service.gov.uk)

### When can I get a divorce/dissolution?

You cannot start an application for divorce/dissolution unless you have been married/in a civil partnership for more than one year.

### Must I explain why I want a divorce/dissolution?

Yes, you must be able to prove to the court that you have reasons (or 'grounds') for saying the marriage/civil partnership is at an end. The expression the court will use is that the marriage/civil partnership has 'irretrievably broken down'.

The court will accept one or more of the following 'facts' as proof:

- that your spouse has committed adultery, with a person of the opposite sex, and that you find it intolerable to live with him or her (divorce only)
- that your spouse/civil partner has behaved in such a way that you cannot reasonably be expected to live with them
- that your spouse/civil partner deserted you at least two years ago

- that you and your spouse/civil partner have lived apart for at least two years and he or she agrees to a divorce/dissolution, or
- that you and your spouse/civil partner have lived apart for at least five years.

## **Do I have to live in this country to get a divorce/dissolution here?**

You and your spouse/civil partner, must both have your permanent homes (known as 'domicile') in England or Wales when the application is started, or

You and your spouse/civil partner must both be living in England or Wales when the application is started, or

You and your spouse/civil partner must both have had your last home in England or Wales and one of you must still be living in either of these countries when the application is started, or

Your spouse/civil partner must be living in England or Wales when the application is started, or

You must have been living in England or Wales for at least a year on the day the application is started, or

You must have your permanent home in England or Wales and have been living in either of these countries for at least six months on the day the application is started.

You may also get a divorce/dissolution in England and Wales in other specific circumstances. You should contact a solicitor, law centre or Citizens Advice Bureau if you need help deciding which statement applies to you.

## **Will I need a solicitor?**

Probably not. But you will find it useful to have some legal advice before starting your application if:

- you do not know whether you have grounds for a divorce/dissolution
- your spouse/civil partner is not likely to agree to a divorce/dissolution
- you have not agreed about any financial support for the children or yourself, or about any property.

All forms and leaflets are available from any family court office or download from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

If you do need help filling in the forms a Citizens Advice Bureau will help.

Court staff cannot give legal advice or answer questions like:

- Should I claim financial support?
- Do I have proper reasons for a divorce/dissolution?
- What will happen to the house I own with my spouse/civil partner?

## **Will I have to attend a court hearing?**

If you can agree with your spouse/civil partner about financial and property arrangements, you may not have to attend a court hearing at all.

You may have to attend a court hearing if you ask the court to make an order for financial support. If you cannot agree with your spouse/civil partner about the arrangements for any children, you can apply to a family court for an order under the Children's Act 1989. Leaflet **CB7 - Guide for separated parents: children and the family courts** provides further information.

You can get a copy from any family court office or from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

## **How much will the divorce cost?**

You may have to pay a court fee. For more information on court fees, please refer to booklet **EX50 - Civil and Family Court Fees**. This booklet is available from any family court office, or from our website at [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

Please note: if you applied for your divorce/dissolution before the 1st of July 2013 then you will have to pay a separate fee when you apply to the court for a decree absolute/final order which shows that you are divorced, or your civil partnership has been dissolved.

## **Methods of payment**

Courts accept payment by debit or credit cards, cash, postal orders or cheques, which should be made payable to 'HM Courts & Tribunals Service'. If you pay by cheque and it bounces, the court will take steps to recover the money. If you do not pay a court fee your case may be stayed (suspended) or even struck out. If your case is struck out it will be permanently removed from the court and you would need to apply again.

## **What if I cannot afford to pay a court fee?**

If you cannot afford to pay a court fee, you may be eligible for a fee remission in full or in part. The booklet **EX160A – Court and Tribunal fees – Do I have to pay them?** gives all the information you need. You can get a copy from any family court office or from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

## **Will I need a copy of my marriage/civil partnership certificate?**

Yes. You will have to give a copy to the court when you start your application. It will be kept on the court file. The copy must not be a photocopy.

## **Where can I get a copy of my marriage/civil partnership certificate if I do not have one?**

If you were married/entered into a civil partnership in England or Wales, you can get a copy from:

- the office of the Registrar of Births, Deaths, Marriages and Civil Partnerships for the district in which you were married/entered into a civil partnership. You can get the address from the phone book. You will have to pay a fee, and they will tell you how much it is.

You can also get a copy from:

Certificates Services Section  
General Register Office  
PO Box 2  
Southport  
PR8 2JD

You cannot attend in person at the General Register Office. You can apply for certificates by phone on 0300 123 1837, lines are open Monday to Friday 8am to 8pm and Saturday 9am to 4pm. Alternatively, you can apply by post to the above address or online at [www.gro.gov.uk/gro/content/certificates](http://www.gro.gov.uk/gro/content/certificates)

There will be a charge for your copy certificate. The office will tell you how much it is.

The office you go to will want to know:

- the date and place of your marriage/civil partnership
- your full name, and
- the full name of your spouse/civil partner.

If you married/entered into a civil partnership abroad, you will need to contact the authorities in the relevant country to obtain a copy of the certificate, and you may need to obtain a certified translation. However, if you married in a British Consul or in an Armed Forces marriage abroad, the certificate will have to be obtained from the General Register Office (at the address above).

If you think you should apply for an annulment or a (judicial) separation rather than a divorce/dissolution please see leaflets **D191 – About Annulment** and **D192 – About (judicial) separation decrees/orders**.

If you decide to go ahead and start an application, read leaflet **D184 – I want to get a divorce/dissolution – what do I do?**

If you have children you should also read leaflet **CB7 – Guide for separated parents: children and the family courts**.