



# I want to get a divorce/dissolution

What do I do?

## What should I do before I start a divorce/dissolution application?

Read leaflet number **D183 – About divorce/dissolution**. If you have children you should also read leaflet **CB7 Guide for separated parents: children and the family courts**.

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

If you still want to start an application, read this leaflet carefully. Make sure you have the information and forms it says you will need and a copy of your marriage/dissolution certificate which is not a photocopy.

## Where do I start my divorce/civil partnership application?

You should make your application to the nearest court that deals with divorce/civil partnership matters.

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

## When are divorce/dissolution courts open?

You can obtain information about the courts and their facilities at [courtribunalfinder.service.gov.uk](http://courtribunalfinder.service.gov.uk)

## How much will the divorce/dissolution cost?

A court fee is payable for the following:

- when you submit your application for divorce/dissolution to the court, and
- if you submit any applications for financial support or regarding any children in the marriage/civil partnership.

**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.

For more information about fees, please refer to booklet **EX50 – Civil and Family Court Fees**.

This booklet lists the most common family fees. You can get a copy from any family court office or from our website at [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

## 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)

## What information and documents do I need?

- Your own full name and address.
- Your spouse/civil partner's full name and address.
- A copy of your marriage/civil partnership certificate which is not a photocopy.
- The dates of birth of any living children you have, no matter how old they are.

## Which forms will I need?

You will need three copies of form D8 (divorce/dissolution/(judicial) separation petition).

One copy of these forms is for you to keep, one copy is for the court, and one copy is for the court to send to your spouse/civil partner.

A copy of the form D8 notes to help you fill in your petition.

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

## **Will I be able to fill in the forms myself?**

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

In cases involving domestic violence or child abuse, you may be able to get free legal help. Go online at [www.gov.uk/legal-aid](http://www.gov.uk/legal-aid) for further information.

## **What will happen when I have sent or given the forms to the court?**

You will be sent a form D9H (notice of issue of petition and postal service). It will tell you when the petition was sent to the respondent. It will be a receipt for your fee (if you have paid one) and will tell you your divorce/dissolution case number. It also tells you what to do if the respondent (or any co-respondent) does not reply to your petition.

The court will post a copy of your petition with form D10/D510 (acknowledgement of service) to the respondent and any named co-respondent.

The respondent (and any co-respondent) have seven days to return the acknowledgement of service. The seven days start on the day after the petition was served.

## **How will I know when the respondent (and any co-respondent) gets the petition?**

They will return their acknowledgement of service to the court. The court will send you a copy.

## **What will happen if the respondent (or co-respondent) does not receive the petition?**

If the address you gave for the respondent (or co-respondent) is wrong, or they have moved, the Post Office will return the petition and other forms to the court.

The court will tell you if this happens. They will send you form D9A (notice of non-service of petition).

If you want to carry on with your divorce/dissolution you must find out the correct address (or addresses) and write and let the court know. The court will post the petition and other forms to the new address.

<p>The time for returning the acknowledgement of service will be longer if the respondent (or any co-respondent) lives outside England and Wales.</p>
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## What will the respondent (or any co-respondent) do when they get the petition?

They may do one of three things:

- ignore the petition and not bother to return the acknowledgement of service to the court
- fill in the acknowledgement of service saying that they intend to defend your petition and/or the court's jurisdiction and return it to the court, or
- fill in the acknowledgement of service saying that they agree with the petition and return it to the court.

If the acknowledgement of service is returned to the court by the respondent, or any co-respondent, the court will send you a copy. Leaflet **D186 – The respondent has replied to my petition – what must I do?** will tell you what to do next.

## What will happen if the respondent (or any co-respondent) does not return the acknowledgement of service to the court?

When eight days have passed since the petition was sent, you should contact the court to obtain two copies of form D89 (request for personal service by a court bailiff) or you can download a copy online from [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

Fill in the forms D89 and return them to the court. Send them with a photograph or written description of the respondent (and any co-respondent) and a fee for each person being served. The court staff will tell you how much it is.

The court bailiff will be asked to deliver the petition and other documents to the respondent (or co-respondent) personally.

If you have been sent copies of the respondent's (and any co-respondent's) acknowledgement of service, read leaflet **D186 – The respondent has replied to my petition – what must I do?** It will tell you what to do next.