



## **I have a decree nisi/conditional order**

What must I do next?

### **What will happen when the Judge has pronounced my decree nisi/conditional order?**

The court will send you and the respondent (and any named co-respondent) form D29 (decree nisi) or D529 (conditional order).

Form D29/D529 tells you that this is not the decree absolute/final order. It also tells you when you can apply for your decree absolute/final order.

If you asked that the respondent (or any named co-respondent) pay the cost of your divorce/dissolution and the court agreed, this will be shown on a separate order. A copy will also be sent to the respondent (and any named co-respondent).

You may be able to get free legal advice. Go online at [www.gov.uk/legal-aid](http://www.gov.uk/legal-aid) for further information.

### **What must I do before I apply for my decree absolute/final order?**

Check that six weeks have passed since your decree nisi/conditional order was pronounced.

continued 

The first date you can apply for your decree absolute/final order is six weeks and one day from the date your decree nisi/conditional order was pronounced.

Date when the decree nisi/  
conditional order was pronounced

SEPTEMBER						
M	T	W	T	F	S	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
OCTOBER						
NOVEMBER						
M	T	W	T	F	S	S
			1	2	3	4
5	6	7	8	9	10	11

The first date to apply for a  
decree absolute/final order

If you are the respondent and the petitioner has not applied for the decree absolute/final order after three months six weeks and one day from the date your decree nisi/conditional order was pronounced, you can make an application to the court requesting that the decree nisi/conditional order be made absolute or final. The matter will be considered by the judge at a hearing. A court fee is payable.

If the application for the decree nisi/conditional order to be made absolute/final is lodged more than 12 months after the decree nisi/conditional order, an explanation in writing must be lodged with the application for the decree nisi/conditional order to be made final containing the following information:

- a) why the application was not made earlier
- b) a statement as to whether the parties have lived together (including any dates) since the decree nisi/conditional order
- c) a statement to confirm whether or not any child(ren) have been born to the petitioner/respondent spouse since the decree nisi/conditional order was made.

You should check with the court dealing with the divorce/dissolution to find out if you will also need verify this with a statement of truth.

## How much will it cost?

If you filed your original application for divorce, nullity or civil partnership dissolution before 1st July 2013 then you will have to pay a court fee. For cases started on or after the 1st July there is no further fee to pay as you will have paid this when you started your case.

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 [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 pay 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 **EX160 Apply for help with fees** 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)

## Do I need a form to make my decree nisi/conditional order?

Yes. Get form D36 (notice of application for decree nisi to be made absolute or conditional order to be made final) from the family court office.

Fill it in and take or send it to the family court office.

## What will the court do with form D36?

From your file the court will check the following:

- there are no exceptional circumstances affecting the decree absolute/final order
- six weeks have passed since your decree nisi/conditional order was pronounced
- there is no other reason why your decree nisi/conditional order cannot be made absolute/final.

If everything is in order the court will send you and the respondent a form D37 (decree absolute) or D537 (final order).

Form D37/D537 is your decree absolute/final order. It is proof that you are no longer in a marriage/civil partnership and are free to re-marry/enter into another civil partnership.

**Please note: the D37/D537 is an important document and should be kept securely as it may be required at a later date.**