



I want to get a divorce/dissolution

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 D185 – Children and divorce/dissolution.

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/civil partnership certificate which is not a photocopy.

Where do I start my divorce/dissolution application?

You can start your divorce application in any divorce county court, or in the Principal Registry in London. You can start your dissolution application in any civil partnership county court or in the Principal Registry in London. There is a list of all divorce and civil partnership county courts in leaflet D183.

The addresses and telephone numbers of these are listed in the telephone directory under Courts.

When are divorce/dissolution county courts open?

Monday to Friday, between 10am and 4pm.

The Principal Registry is open Monday to Friday, between 10am and 4.30pm.

How much will it 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 (High Court and County Court)**.

This booklet is available from any county court office or family proceedings centre, or on the internet at: www.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 is dishonoured, the court will take steps to recover the money. Non-payment will result in your case being stayed or even struck out.

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 Fees – Do I have to pay them? gives all the information you need. You can get a copy from any court office or from our website www.justice.gov.uk.

What information and documents do I need?

- Your own full name and address.
- Your husband's/wife's/civil partner's full name and address.
- A copy of your marriage/civil partnership certificate which is not a photocopy.
- The names and 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).

If you have children you will also need three copies of form D8A (statement of arrangements for the children).

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 husband/wife/civil partner.

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

If you think you may not have to pay a fee you will need the combined booklet and application form **EX160A – Court Fees – Do I have to pay them?**

Divorce and civil partnership county courts have all these forms. They will give or send them to you free.

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.

If you are receiving Legal Help from a Solicitor under the Community Legal Service Fund, he or she will help you fill in the forms.

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 (with a copy of the proposed arrangements for any children) 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.

The time for returning the acknowledgement of service will be longer if the respondent (or any co-respondent) lives outside England and Wales.

Respondent served with Petition						
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
Last day for respondent to reply						

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 get two copies of form D89 (request for personal service by a court bailiff), from the court.

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 county 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.