

Apply for a divorce



HM Courts &
Tribunals Service

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In this presentation

- 
1. Apply for a divorce or dissolution of a civil partnership
 2. Respond to a divorce or dissolution of a civil partnership
 3. Help with Fees

01

Apply for a
divorce or
dissolution of a
civil partnership





Divorce or dissolution of a civil partnership

How to apply for a divorce (or dissolution of a civil partnership) or respond to an application

Users may want to apply for a divorce using [Apply for a divorce](#) or apply for a dissolution of a civil partnership using End a civil partnership. These people are called the ‘applicant’ or, if the separated couple have agreed to apply together, they are called ‘joint applicants’. Users wanting to end their civil partnership can be reassured that the pages look the same as the divorce pages with just some variation in the terms used.

These slides start by focussing on the journey for the applicant or joint applicants, from application to final divorce or dissolution order.

Later on, we explain how to help support people who are responding to an application for a divorce or dissolution made by their husband/wife or civil partner – they are called the ‘respondent’.



Divorce or dissolution of a civil partnership

How to apply for a divorce (or dissolution of a civil partnership) or respond to an application

If you are supporting a user to respond to a divorce or dissolution application, jump to [How to prepare for the appointment – the respondent.](#)

We Are Group are able to offer support with making or responding to a divorce application over the telephone (only if the user has a device), or if the user doesn't have a device, face-to-face can be offered.

Divorce or dissolution of a civil partnership

Key terms

Applicant – the person who decides to apply for a divorce or dissolution

Civil partner – partner who the user entered into a civil partnership with, and who is now separated from

Conditional order – the first order made by the court if the court is satisfied that the legal requirements have been met for the separated couple to get a final divorce or dissolution order

Final order – final divorce or dissolution order – this order legally ends the marriage or civil partnership

Joint applicant (applicant 1 and applicant 2) – the separated couple who decide to apply together for a divorce or dissolution

Respondent – the person who has to reply or ‘respond’ to the divorce application that has been made by their husband/wife or civil partner they are separated from

Husband/wife – the person who the user is separated but not divorced from

User – person who is accessing help from We Are Group to use an online justice service

Apply for a divorce or dissolution of a civil partnership

Applying for a divorce or dissolution online

Users can apply for a divorce using [Apply for a divorce](#) or a dissolution using End a civil partnership. This service can only be used:

- for a divorce or dissolution taking place in England and Wales (not Scotland or Northern Ireland).
- to apply for a divorce or dissolution for themselves – not on behalf of someone else.
- if the court in England and Wales has the legal power or ‘jurisdiction’ to deal with the divorce – more on this shortly.
- if they have been married or in a civil partnership for at least one year.



Apply for a divorce or dissolution of a civil partnership

Applying for a divorce or dissolution online

Key benefits of using Apply for a divorce

It has been designed for people applying for a divorce themselves, rather than for lawyers. The online service will be faster for the user than the paper one.

At regular intervals, users can click on a link called 'Contact us for more help' which takes them to webchat and helpline details.

The user can log on at any time to check the progress of their case and find related information via [GOV.UK pages](#).

Apply for a divorce or dissolution of a civil partnership

Divorce or dissolution – an overview of the process



Apply for a divorce or dissolution of a civil partnership

How to prepare for the appointment – applicant/joint applicants

They need to decide if they want to apply alone so that their husband/wife or partner is the respondent or, if they can agree to make the application together, as joint applicants.

Before the appointment, suggest that the user read the relevant parts of these useful Advicenow guides on divorce and sorting out finances on divorce.

[A survival guide to divorce or dissolution of a civil partnership](#)

[How to get a divorce or end a civil partnership without a lawyer](#)

[A survival guide to sorting out finances when you get divorced](#)

[A survival guide to family mediation](#)

Mediation can be particularly helpful for working out finances or arrangements for children. If the user tells you there are children who will be affected by the separation and divorce or dissolution you can suggest they read:

[A survival guide to sorting out child arrangements](#)

Apply for a divorce or dissolution of a civil partnership

What to bring with them

Original or certified copy of the marriage certificate (if they don't have either of these they can [order a copy](#) from the General Register Office). They need information from this document to do the application and they need to upload it or send it to the court.

- *Their husband/wife or civil partner's full name and full address and ideally an email address* – if they have one.
- *Proof of their change of name* – if they changed it after they married, for example from their maiden name to their husband/wife or civil partner's name. This proof might be the marriage certificate or a deed poll.
- *An email account in their own name* – so they can engage in this online service and the court can send updates and important information quickly and easily by email.
- *Debit or credit card for the court fee (£612)*. If the user is on a low income or on income related benefits (for example Universal Credit or Pension Credit) they may only have to pay a reduced court fee, or no fee at all. Support them to see if they are entitled to [Help with fees](#) and apply online (see separate training for details of what they will need to bring to the appointment).

Apply for a divorce or dissolution of a civil partnership

The appointment

It is possible that the applicant, or joint applicants, will come to you for help at any point in the online divorce process.

However, for ease, we are going to assume that they will come to you at the start. We will flag up the key steps in the process so that you can easily find other points at which users may have reached when they need help. If they have not already done so, they will need to create an online account to access **Apply for a divorce**.

How do you want to apply for the divorce?

You can apply for the divorce on your own (as a 'sole applicant') or with your husband (in a 'joint application').

Applying as a sole applicant

If you apply as a sole applicant, your husband responds to your divorce application after you have submitted it. You will be applying on your own.

Applying jointly, with your husband

If you apply jointly, your husband joins and reviews this online application before it's submitted. You will be applying together.

How you divide your money and property is dealt with separately. It should not affect your decision on whether to do a sole or a joint application.

- ☐ I want to apply on my own, as a sole applicant
- ☐ I want to apply jointly, with my husband

Continue

Apply for a divorce or dissolution of a civil partnership

The divorce application

This is the first and main application the applicant or joint applicants need to make to the court. To start, the user has to fill in some key details, and most importantly, confirm that the marriage has irretrievably broken down – that is to say it cannot be saved.

The user needs to have decided if they are applying by themselves or with their husband/wife or civil partner. Joint applications are encouraged as this can reduce conflict, but they will only work smoothly if the separated couple are able to communicate and cooperate.

How do you want to apply for the divorce?

You can apply for the divorce on your own (as a 'sole applicant') or with your husband (in a 'joint application').

Applying as a sole applicant

If you apply as a sole applicant, your husband responds to your divorce application after you have submitted it. You will be applying on your own.

Applying jointly, with your husband

If you apply jointly, your husband joins and reviews this online application before it's submitted. You will be applying together.

How you divide your money and property is dealt with separately. It should not affect your decision on whether to do a sole or a joint application.

- ☐ I want to apply on my own, as a sole applicant
- ☐ I want to apply jointly, with my husband

Continue



Apply for a divorce or dissolution of a civil partnership

The divorce application – continued

You can reassure the user that this decision has no impact on whether the court will make a divorce order or on how issues around finances and the family home are dealt with.

If the user has decided to apply by themselves they will be the ‘applicant’. If they are applying together the user who fills out the answers first will be called ‘applicant 1’ and the other person will be ‘applicant 2’. The process for the applicant or applicant 1 is the same except where we explain it is different.

Apply for a divorce or dissolution of a civil partnership

The divorce application – continued

Next, the user (the applicant or applicant 1 in a joint application) needs to answer a few questions so the court can work out if it has the legal power or ‘jurisdiction’ to make orders in relation to the marriage. If the separated couple’s lives are both based in England and Wales – for example, they live here, own property and have the children at school here, this section is not complicated. If this is not the case, more questions will come up for the user to answer. If the user is not clear on their connection to England and Wales, they may need legal advice before they continue.

Where your lives are based

The court needs to know whether you and your husband's or wife's lives are based in England or Wales. This may include working, owning property, having children in school, or your main family life taking place in England or Wales.

Is your life mainly based in England or Wales?



Yes



No

Is your husband's or wife's life mainly based in England or Wales?



Yes



No

[Continue](#)

[Save and sign out](#)

[▶ Contact us for help](#)



Apply for a divorce or dissolution of a civil partnership

The divorce application – continued

It may be that a court in another country should deal with the divorce. If there is a possibility of a disagreement over which country should deal with the divorce, Advicenow's guide [Getting an international divorce](#) is a good place to start for more information.

Apply for a divorce or dissolution of a civil partnership

Contact details for the respondent

For the application to progress the user must provide a postal address for the respondent (for applicant 2 they just need to give an email address). It is also helpful to provide a personal email address for them too so that the court can send updates quickly by email. This is important – without it everything will take longer. If the user does not have the respondent's address, then they may have to apply to be allowed to give or 'serve' the application on the respondent in a different way. This is a separate application with another fee so it is usually better if the user can find another way to get the address, from family or friends etc. If the user cannot provide a postal address, they will get directed to a page on how to apply to send the application in a different way.

You need to get their address

Save your application and try to find their address. It can be their postal address or their solicitor's address. It can be UK or international. If you use their work address, you need to ask their permission.

To find their address you could try contacting their:

- relatives
- friends
- last-known employer
- trade union or professional organisation

If you cannot get their address

If you know you cannot get their address then you can apply to have the divorce papers 'served' (delivered) to them another way. For example by email, text message or social media. This is a separate application which will be decided by a judge and cost an additional £50.

☐

I want to apply to have the papers 'served' (sent to them) another way

Continue

Apply for a divorce or dissolution of a civil partnership

The divorce application – continued

Finances on divorce

When the user gets to this page read it aloud to the user to flag up the content and make sure they understand that they need to start thinking about how to reach an agreement on the division of any property, other capital like savings, pensions, and debts and income/maintenance, now. Explain that this is not an automatic part of the divorce process – they need to do it alongside the divorce process.

It may feel too soon at this point but the process is a slow one and it takes time to get together all the necessary documentation so that they can have productive conversations between themselves, or via mediation or solicitors.

If they can afford it, getting early legal advice is invaluable. A useful starting place to signpost users to is Advicenow's [A survival guide to sorting out finances when you get divorced](#).

Dividing your money and property

It's usually more straightforward and less expensive if you agree with your husband on how to divide your savings, property, pensions and other assets. There are mediation services available to help you come to an agreement. You'll be given links to more information after you have submitted this application.

If you agree about dividing money and property

You can ask the court to make your agreement legally binding. This is known as applying for a 'financial order by consent'. There is an additional fee of £60. You can get legal advice or ask a solicitor to draft a consent order for you. You will be given links to further guidance after you have submitted this application.

If you disagree about dividing money and property

You can ask the court to decide for you. This is known as asking the court to make a 'contested financial order'. This means the court will decide how assets will be split. You can also apply for a financial order for your children, if appropriate. The court can also order maintenance payments to be made.

▶ [Read more about child maintenance](#)

Applying to the court to make a 'contested financial order' is done separately, using another form. It costs an additional £313.

Continue

Apply for a divorce or dissolution of a civil partnership

The divorce application – continued

Finances on divorce

The user needs to decide if they are going to apply for a financial order or not.

They may not know yet if this will be necessary. **Even if they are unclear on this, it is wise to click yes.** This is because doing so does not commit them to applying for a financial order, but it means that they can apply at a later date so long as the other person is still alive. If they choose no at this point, and re-marry or form another civil partnership before starting an application they will not be able to ask the court for a financial order (other than certain pension orders).

The application for a financial order, whether agreed on by the separated couple or ordered by the judge, must be made using a separate form – called Form A. Users get more information on this at the end of the divorce application if

they click yes.

Applying for a financial order

You'll need to apply for a financial order if you:

- agree on dividing your money and property and want to make your agreement legally binding (this is known as a financial order by consent)
- disagree on dividing your money and property and want the court to decide (this is known as a contested financial order)
- have nothing to split but want to make your financial separation final

Applying to the court for a 'financial order by consent' costs an additional £60. Asking the court to decide for you and make a 'contested financial order' costs an additional £313. The court needs to know now if you want to apply for either.

If you select yes:

- you do not have to proceed with the application for a financial order
- you can proceed with the application for a financial order at any time, so long as your husband is still alive

If you select no:

- you'll only be able to apply until you remarry or form a new civil partnership (this does not apply to pension sharing or pension compensation orders, which can be applied at any time)

Apply for a divorce or dissolution of a civil partnership

The divorce application – continued Documents and statement of truth

Next, the user needs to upload their documents. They can scan these or take a photo. You can help them to do this by following the instructions or you can re-assure them that they can post them to the court if needs be.

Upload your documents

You need to upload a colour photo or scan of the following documents:

- your original marriage certificate

! Make sure the photo or scan is in colour and shows all 4 corners of the document. The certificate number (if it has one) and all the text must be readable. Blurred images will be rejected, delaying your application.

► [You can take a picture with your phone and upload it](#)


You should upload at least one clear image which shows the whole document. If you think it will help court staff read the details you can upload more images. If your document has more than one page then you should upload at least one image of each page.

Uploaded files

No files uploaded

Accepted file formats: JPEG, TIFF, PNG, PDF

Maximum file size: 25 MB


[Choose a file](#)
or
Drag and drop files here

☐ I cannot upload my original marriage certificate

Continue

Apply for a divorce or dissolution of a civil partnership

The divorce application – continued Documents and statement of truth

After uploading their documents, the user is asked to carefully check their answers – explain to the user how important it is to make sure everything recorded is correct. If anything needs changing at a later date it will cause delay.

The user must confirm what they are applying for and then ‘sign’ a statement of truth. The user will need to have physical access to the device (either on their own or at the centre with a trainer) to sign this. Highlight to the user that this is serious – if they are found to have knowingly stated something is true when it is not, they can be found in contempt of court. This is punishable by a fine, or a prison sentence of up to two years, or both.

Confirm before continuing

☐

I confirm that I’m applying to the court to dissolve my marriage (get a divorce).

This confirms what you are asking the court to do. It’s known as ‘the prayer’.

☐

I believe that the facts stated in this application are true

This confirms that the information you are submitting is true and accurate, to the best of your knowledge. It’s known as your ‘statement of truth’.



Proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement verified by a statement of truth without an honest belief in its truth.

Continue to payment

Apply for a divorce or dissolution of a civil partnership

The divorce application – continued

To submit their application the user must pay a fee. They need a debit or credit card. Or they can ask for help with fees. This takes the user to a different page with a short application. If successful, they get a help with fees code. They then need to log back into the divorce application and submit the code with the application. We have another short training pack on help with fees.

The user will need to have physical access to the device (either on their own or at the centre with a trainer) to input their card details.

Once they have paid (or put in a help with fees code) and clicked the submit button, the application is checked by the court and sent to their husband/wife or civil partner for them to

Your answers have been sent to your husband to review

Your answers have been sent to your husband at the following email address:
xxx

They should review them and provide some further information by:
15 December 2021.

You will receive an email notification to confirm when they have reviewed. If they do not review then you will be told what you can do to progress the application.

[Save and sign out](#)

► [Contact us for help](#)

Apply for a divorce or dissolution of a civil partnership

The divorce application – continued

If the user is applying jointly there is an extra step involved.

Joint applicants must both see and agree on the contents of the application. When applicant 1 checks their answers they then have to click on the button which sends the application to applicant 2, to review. Applicant 1 then gets an email to tell them to check it over once more before paying the court fee and submitting the application. Also to apply for help with fees in a joint application, both people must be entitled to this financial help, not just applicant 1.

What happens next

Your joint application will be checked by court staff. You and your husband will receive an email notification by 3 December 2021 confirming whether it has been accepted.

If it's accepted, then the next step is for you to confirm that you want the application to continue by applying for a 'conditional order'. You have to wait 20 weeks until you can apply.

You can use the time between now and then to decide how the money and property is divided. You can also make arrangements for children, if you have them. Dividing money and property is dealt with separately to the divorce process.

Apply for a divorce or dissolution of a civil partnership

After the divorce or dissolution application has been submitted

If the application is being made by just one applicant then the other person in the separated couple, known as the ‘respondent’, must respond to the application so the court knows they are aware of what is happening. We explain in more detail what the respondent needs to do later in these slides.

The applicant or applicant 1 must wait 20 weeks before taking the next step in the divorce process. During this time, the separated couple need to be encouraged to sort out their finances and arrangements for their children if they have any.

Sorting out finances takes time so it is important to get started as soon as possible. Signpost users to Advicenow’s [A survival guide to sorting out finances when you get divorced.](#)

Users with very little in the way of things of value, or ‘assets’, need to understand that it is still important to consider getting an agreement not to make claims against each other in the future. To be legally binding it must be approved by the court and made into an order – known as a ‘consent order’.

Apply for a divorce or dissolution of a civil partnership

After the divorce or dissolution application has been submitted – continued

Only a court order makes a separated couple's agreement legally binding on them both. For more information signpost the user to [Money and property when you divorce or separate: If you agree - GOV.UK \(www.gov.uk\)](https://www.gov.uk/money-property-when-you-divorce-or-separate-if-you-agree)

It is important to flag to the user that a final divorce or dissolution order does not, by itself, legally end the separated couple's financial ties. They need an order which records their agreement not to make claims against each other in the future to achieve financial finality. As long as the respondent has received the application and responded to it the applicant, or applicant 1, can apply for what is known as the 'conditional order', 20 weeks after making their first application.



What you need to do

You can now apply for a 'conditional order'. A conditional order is a document that says the court does not see any reason why you cannot get a divorce.

▶ [Read more about the next steps](#)

Apply for conditional order

Apply for a divorce or dissolution of a civil partnership

After the divorce or dissolution application has been submitted – continued

If there are problems with the respondent finding out about the application and telling the court they are aware of it, (this is called ‘service’) the applicant may have to wait a little longer. The respondent must have at least two weeks’ notice of the divorce application before the applicant can apply for the conditional order.

If the respondent fails to tell the court they have received the application, the online service notifies the user and suggests different applications that can be made to progress the case.



Latest update

You have applied for a conditional order. Your husband or wife also needs to apply because this is a joint application for divorce.

They have been sent an email to remind them.



Divorce applications when respondent has not replied

When a divorce application is made, respondents are asked to respond to or acknowledge the application within **14 days**.

If no response is received from the respondent within that timeframe the applicant will receive an email to let them know.

A link is contained in the email. The applicant can go into their account where different online application options are available through a series of questions. The questions are designed to help users understand the factors that go into working out which application might be most appropriate for their case.

Divorce applications when respondent has not replied

The options are:

1. Serve again/re-issue papers (no form to complete, automated process based on answers to questions)
2. Arrange service by a process server (no form to complete, automated process based on answers to questions)
3. Alternative service (**D11**)
4. Request bailiff service (**D89**)
5. Deemed service (**D11**)
6. Search government records (available via **D11** if user has already tried to find contact details)
7. Dispense with service application (**D13b**)

Divorce applications when respondent has not replied

The information below will show on the applicant's dashboard when logging into their account.

Options for progressing with your divorce

There are a number of ways to progress your divorce application without a response from your husband.

The court has sent the divorce papers to your husband's postal address, as well as their email address if you provided one. If you want to progress your divorce in a different way, you will need to apply to the court to do so.

Depending on the application you make, it could cost either £46 or £60, but you may be able to [get help paying this fee \(opens in a new tab\)](#).

We will ask you some questions so that we can show you which options are available to you for proceeding with your divorce.

You can [speak to a legal adviser or a solicitor \(opens in a new tab\)](#) at any point in the application process if you feel you need legal advice.

Start now >

▶ [Contact us for help](#)



Latest update

Your husband has not responded to your divorce application.

They can still respond, even though it's past the date when they should have responded.

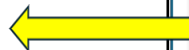
The simplest way to progress your application is to wait for your husband to respond. You can contact them to remind them if it is safe to do so.

If you cannot contact them or do not think they will respond, there are a number of ways to progress your application without needing a response from them.

[View your options for proceeding without a response from the respondent.](#)

Helpful information

[Find out about dividing money and property](#)



Divorce applications when respondent has not replied

1. Serve again /re-issue divorce papers

Check your husband's contact details

These are the details you previously provided and is where we have sent the divorce papers.

Home address 2 CARDIFF
CARDIFF, C

Email address

Are these details for your husband

☒ Yes, these details are up to date

☐ I have a new postal or email address

☐ Not known

[Continue](#)

Has your husband received the divorce papers?

If you have evidence that your husband has received all the divorce papers, you may be able to apply for 'deemed service'. This means that the court is satisfied that your husband has received the papers, so your divorce can proceed without their response.

Suitable evidence may include:

- a photo or screenshot of a message from your husband that shows they have received the papers.
- a statement from you or a third party explaining how you know your husband has received the papers.
- a message from us to tell you that your husband has started a response.

Do you have evidence that your husband has received the papers?

☐ Yes, I have evidence that my husband has received the papers.

☒ No, I do not have any suitable evidence.

[Continue](#)

Would you like us to send the divorce papers again or try something else?

If you choose to try sending the divorce papers again, we will send them to the same postal and email address as before. You can only try this once.

Your husband will have 14 days to respond.

☒ Send the divorce papers again

☐ Try something else

[Continue](#)

[Save and sign out](#)

Divorce applications when respondent has not replied

1. Arrange service by process server

Check your husband's contact details

These are the details you previously provided and is where we have sent the divorce papers.

Home address 2 CARDIFF COUNTY COURT, PARK STREET,
CARDIFF, CARDIFF, UK, CF10 1ET.

Email address

Are these details for your husband correct and up to date?

☐ Yes, these details are up to date

☐ I have a new postal or email address for my husband

☒ Not known

Continue

In person service and alternative service

You can try another way to deliver the divorce papers to your husband.

If you need to send the documents to an international address, you may need to seek legal advice to check what types of service are valid in that country.

In person service

If you are confident the postal address is correct, you could consider in person service by a court bailiff or an independent process server. This means having the divorce papers delivered by hand to your husband on your behalf, by someone professionally trained in delivering court documents.

Alternative service

Alternative service means sending your divorce papers to your husband in a way other than by post. This could be by sending them by email only (without posting them), including to an email address you've already tried. You could also try sending the papers by text, or through a private message on social media.

No contact details for your husband

If you do not have any other contact details for your husband, you can try another way to progress your application.

Do you want to apply for in person service, alternative service, or try something else?

- ☒ I want to arrange for in person service
- ☐ I want to apply for alternative service
- ☐ I do not have any other way to contact them

Continue

Divorce applications when respondent has not replied

1. Arrange service by process server (cont)

In person service by process server or court bailiff

You can have the papers served on your husband in person, either by a process server or a county court bailiff.

Service by a process server

A process server is an independent third party who is professionally trained to deliver court documents by hand to the recipient.

Process servers may be more flexible as to where and when they can serve documents, and can deliver to addresses outside of England and Wales. Using a process server is usually much quicker than requesting for bailiff service.

If you need to send the documents to an international address, you may need to seek legal advice so you can tell the process server what types of service are legal in that country.

Process servers will charge you a fee to serve documents, normally between £50 - £200 depending on which process server you choose.

You will need to find a process server yourself. You will then need to download the papers from your account and give them to your process server. They will then serve the papers on your behalf.

Service by court bailiff

A bailiff of the county court will serve the papers on your husband by hand.

Court bailiffs can only serve your papers to an address in England or Wales where postal delivery has already been tried.

There is a fee of £46 for bailiff service, but you may be able to [get help paying this fee \(opens in a new tab\)](#).

Due to the high demand, service by court bailiff could take a long time.

How would you like to proceed?

- ☒ I want to arrange for service by a process server
- ☐ I want to request bailiff service

[Continue](#)

Arrange service by a process server

You can arrange for an independent process server to hand deliver your divorce papers. You must not deliver them yourself.

How it works

1. Once you confirm that this is what you want to do, you'll be able to download the papers from your account.
2. You will need to find and employ a process server. You may wish to consider how many times they will attempt to serve, over what period of time, and at what times of the day.
3. They will attempt to serve the papers on your husband.
4. If they serve successfully, they will complete the certificate of service (form FP6) and send it to you.
5. You will then need to send the certificate of service to the court.
6. If the papers have been correctly served and your husband still hasn't responded, your divorce can continue without their response.

If they fail to serve, you may be able to apply for alternative service by letterbox, if your husband's address is confirmed. Otherwise, you will need to try another way to serve the papers.

I want to arrange service by process server

[Continue](#)

You could also try:

- applying to have a [bailiff serve the papers](#) to your husband in person.
- [updating your husband's contact details](#) so that the court can send the divorce papers to their new address.
- applying to [have your divorce papers sent to your husband in a different way](#).
- applying to have the court [search government records](#) for your husband's contact details if you have no way to contact them.
- applying to [dispense with service](#) if you have done everything you can to find your husband's details and been unsuccessful.
- [applying for deemed service](#) if you have evidence that your husband has received the divorce papers.

Divorce applications when respondent has not replied

1. Alternative service

Check your husband's contact details

These are the details you previously provided and is where we have sent the divorce papers.

Home address 2 CARDIFF COUNTY COURT, PARK STREET,
CARDIFF, CARDIFF, UK, CF10 1ET,

Email address

Are these details for your husband correct and up to date?

- ☐ Yes, these details are up to date
- ☐ I have a new postal or email address for my husband
- ☒ Not known

[Continue](#)

[Save and sign out](#)

In person service and alternative service

You can try another way to deliver the divorce papers to your husband.

If you need to send the documents to an international address, you may need to seek legal advice to check what types of service are valid in that country.

In person service

If you are confident the postal address is correct, you could consider in person service by a court bailiff or an independent process server. This means having the divorce papers delivered by hand to your husband on your behalf, by someone professionally trained in delivering court documents.

Alternative service

Alternative service means sending your divorce papers to your husband in a way other than by post. This could be by sending them by email only (without posting them), including to an email address you've already tried. You could also try sending the papers by text, or through a private message on social media.

No contact details for your husband

If you do not have any other contact details for your husband, you can try another way to progress your application.

Do you want to apply for in person service, alternative service, or try something else?

- ☐ I want to arrange for in person service
- ☐ I want to apply for alternative service
- ☐ I do not have any other way to contact them

[Continue](#)

Apply for alternative service (D11)

Alternative service means sending the papers to your husband in a way other than by post.

This may include:

- the court sending the papers by email without posting them
- you or a friend or relative sending the papers by text or WhatsApp
- you or a friend or relative sending the papers by private message on social media platforms like Facebook or Instagram if the court deems it appropriate

You'll need to show evidence that your husband is actively using the method you choose. For example, this could be a photo or screenshot of a recent conversation by text, email or social media.

If the court approves your application for alternative service, and the papers have been served correctly, you will not need a response from your husband.

There is a fee of £60 to apply for alternative service, but you may be able to [get help paying this fee \(opens in a new tab\)](#).

[Start now >](#)

You could also try:

- [applying for deemed service](#) if you have evidence that your husband has received the divorce papers.
- [updating your husband's contact details](#) so that the court can send the divorce papers to their new address.
- applying to have a [bailiff or process server serve the papers](#) to your husband in person.
- applying to have the court [search government records](#) for your husband's contact details if you have no way to contact them.
- applying to [dispense with service](#) if you have done everything you can to find your husband's details and been unsuccessful.

[Save and sign out](#)

Divorce applications when respondent has not replied

1. Deemed service

Check your husband's contact details

These are the details you previously provided and is where we have sent the divorce papers.

Home address 2 CARDIFF COUNTY COURT, PARK STREET,
CARDIFF, CARDIFF, UK, CF10 1ET.

Email address

Are these details for your husband correct and up to date?

☒ Yes, these details are up to date

☐ I have a new postal or email address for my husband

☐ Not known

[Continue](#)

[Save and sign out](#)

[Contact us for help](#)

Has your husband received the divorce papers?

If you have evidence that your husband has received all the divorce papers, you may be able to apply for 'deemed service'. This means that the court is satisfied that your husband has received the papers, so your divorce can proceed without their response.

Suitable evidence may include:

- a photo or screenshot of a message from your husband that shows they have received the papers.
- a statement from you or a third party explaining how you know your husband has received the papers.
- a message from us to tell you that your husband has started a response.

Do you have evidence that your husband has received the papers?

☒ Yes, I have evidence that my husband has received the papers.

☐ No, I do not have any suitable evidence.

[Continue](#)

[Save and sign out](#)

[Contact us for help](#)

Apply for deemed service (D11)

If you have evidence that your husband or their legal representative have received the divorce papers, you could apply for deemed service.

The judge must be satisfied that your husband has received the papers, not just that they have been posted to their address.

Suitable evidence may include:

- a photo or screenshot of a message from your husband that shows they have received the papers.
- a statement from you or a third party explaining how you know your husband has received the papers.
- a message from us to tell you that your husband has started a response.

If you do not provide any evidence your application is likely to be rejected.

The application for deemed service costs £60. You may be able to [get help paying this fee](#).

[Start application >](#)

You could also try:

- applying to [have your divorce papers sent to your husband in a different way](#).
- [updating your husband's contact details](#) so that the court can send the divorce papers to their new address.
- applying to have a [bailiff or process server serve the papers](#) to your husband in person.
- applying to have the court [search government records](#) for your husband's contact details if you have no way to contact them.
- applying to [dispense with service](#) if you have done everything you can to find your husband's details and been unsuccessful.

[Save and sign out](#)

[Contact us for help](#)

Divorce applications when respondent has not replied

1. Request service by bailiff

Check your husband's contact details

These are the details you previously provided and is where we have sent the divorce papers.

Home address 2 CARDIFF COUNTY COURT, PARK STREET,
CARDIFF, CARDIFF, UK, CF10 1ET.

Email address

Are these details for your husband correct and up to date?

☒ Yes, these details are up to date

☐ I have a new postal or email address for my husband

☐ Not known

[Continue](#)

[Save and sign out](#)

[Contact us for help](#)

Has your husband received the divorce papers?

If you have evidence that your husband has received all the divorce papers, you may be able to apply for 'deemed service'. This means that the court is satisfied that your husband has received the papers, so your divorce can proceed without their response.

Suitable evidence may include:

- a photo or screenshot of a message from your husband that shows they have received the papers.
- a statement from you or a third party explaining how you know your husband has received the papers.
- a message from us to tell you that your husband has started a response.

Do you have evidence that your husband has received the papers?

☐ Yes, I have evidence that my husband has received the papers.

☒ No, I do not have any suitable evidence.

[Continue](#)

[Save and sign out](#)

[Contact us for help](#)

Would you like us to send the divorce papers again or try something else?

If you choose to try sending the divorce papers again, we will send them to the same postal and email address as before. You can only try this once.

Your husband will have 14 days to respond.

☐ Send the divorce papers again

☒ Try something else

[Continue](#)

[Save and sign out](#)

[Contact us for help](#)

Divorce applications when respondent has not replied

1. Alternative service

In person service and alternative service

You can try another way to deliver the divorce papers to your husband.

If you need to send the documents to an international address, you may need to seek legal advice to check what types of service are valid in that country.

In person service

If you are confident the postal address is correct, you could consider in person service by a court bailiff or an independent process server. This means having the divorce papers delivered by hand to your husband on your behalf, by someone professionally trained in delivering court documents.

Alternative service

Alternative service means sending your divorce papers to your husband in a way other than by post. This could be by sending them by email only (without posting them), including to an email address you've already tried. You could also try sending the papers by text, or through a private message on social media.

No contact details for your husband

If you do not have any other contact details for your husband, you can try another way to progress your application.

Do you want to apply for in person service, alternative service, or try something else?

- ☒ I want to arrange for in person service
- ☐ I want to apply for alternative service
- ☐ I do not have any other way to contact them

Continue

In person service by process server or court bailiff

You can have the papers served on your husband in person, either by a process server or a county court bailiff.

Service by a process server

A process server is an independent third party who is professionally trained to deliver court documents by hand to the recipient.

Process servers may be more flexible as to where and when they can serve documents, and can deliver to addresses outside of England and Wales. Using a process server is usually much quicker than requesting for bailiff service.

If you need to send the documents to an international address, you may need to seek legal advice so you can tell the process server what types of service are legal in that country.

Process servers will charge you a fee to serve documents, normally between £50 - £200 depending on which process server you choose.

You will need to find a process server yourself. You will then need to download the papers from your account and give them to your process server. They will then serve the papers on your behalf

Service by court bailiff

A bailiff of the county court will serve the papers on your husband by hand.

Court bailiffs can only serve your papers to an address in England or Wales where postal delivery has already been tried.

There is a fee of £46 for bailiff service, but you may be able to [get help paying this fee \(opens in a new tab\)](#).

Due to the high demand, service by court bailiff could take a long time.

How would you like to proceed?

- ☐ I want to arrange for service by a process server
- ☒ I want to request bailiff service
- ☒ I confirm that my husband's address is in England or Wales

Continue

Request bailiff service (D89)

Request to have your papers served on your husband by a county court bailiff.

Court bailiffs can only serve documents to an address in England or Wales where postal delivery has already been tried.

If the papers are successfully delivered, the bailiff will complete a certificate of service and send it to the court. Your divorce will then proceed whether or not your husband responds.

We will ask you some questions about your husband to help the bailiff identify them. It will be helpful if you are able to provide a photo.

There is a fee of £46 to apply for bailiff service, but you may be able to [get help paying this fee \(opens in a new tab\)](#).

Start now >

You could also try:

- applying to have a [process server serve the papers](#) to your husband in person.
- [updating your husband's contact details](#) so that the court can send the divorce papers to their new address.
- applying to [have your divorce papers sent to your husband in a different way](#).
- applying to have the court [search government records](#) for your husband's contact details if you have no way to contact them.
- applying to [dispense with service](#) if you have done everything you can to find your husband's details and been unsuccessful.
- [applying for deemed service](#) if you have evidence that your husband has received the divorce papers.

[Save and sign out](#)

Divorce applications when respondent has not replied

1. Search government records (available if user has already tried to find contact details)

Check your husband's contact details

These are the details you previously provided and is where we have sent the divorce papers.

Home address 2 CARDIFF COUNTY COURT, PARK STREET,
CARDIFF, CARDIFF, UK, CF10 1ET.

Email address

Are these details for your husband correct and up to date?

☐ Yes, these details are up to date

☐ I have a new postal or email address for my husband

☒ Not known

[Continue](#)

[Save and sign out](#)

In person service and alternative service

You can try another way to deliver the divorce papers to your husband.

If you need to send the documents to an international address, you may need to seek legal advice to check what types of service are valid in that country.

In person service

If you are confident the postal address is correct, you could consider in person service by a court bailiff or an independent process server. This means having the divorce papers delivered by hand to your husband on your behalf, by someone professionally trained in delivering court documents.

Alternative service

Alternative service means sending your divorce papers to your husband in a way other than by post. This could be by sending them by email only (without posting them), including to an email address you've already tried. You could also try sending the papers by text, or through a private message on social media.

No contact details for your husband

If you do not have any other contact details for your husband, you can try another way to progress your application.

Do you want to apply for in person service, alternative service, or try something else?

☐ I want to arrange for in person service

☐ I want to apply for alternative service

☒ I do not have any other way to contact them

[Continue](#)

Divorce applications when respondent has not replied

1. Search government records (available if user has already tried to find contact details)

Trying to find your husband's details

In most cases the court needs to be satisfied that your husband has been sent the divorce papers in some way before your divorce can progress.

You should try to find up to date contact details for your husband if you are able to. If you can find them, the papers can be sent to them.

If you've already tried to find your husband's contact details without success, or have not been able to look for them, you can try something else.

Have you already tried to find your husband's contact details?

☒ Yes

☐ No

☐ I've not been able to

[Continue](#)

Do you think your husband is still in the UK or is receiving UK benefits?

☒ Yes ☐ No

[Continue](#)

[Save and sign out](#)

Divorce applications when respondent has not replied

1. Search government records (available if user has already tried to find contact details)

Ask the court to search government records for your husband's details

Before the court can consider this, you must show that you have done everything you can to find their contact details yourself, including:

- asking their friends or relatives if you are able to do so
- using online people finder services
- looking for them on social media

Government record searches are typically completed within 6-8 weeks. If the search is successful, your husband's contact details will only be shared with the court and not with you. The court will send the divorce papers to your husband.

If you've already asked the court to search government records and they were unsuccessful, you could apply to dispense with service. This means proceeding with your divorce without sending the divorce papers to your husband.

How do you want to proceed?



I want to ask the court to search government records



I want to apply to proceed without sending the divorce papers.

Continue

Apply to ask the court to search government records (D11)

You can ask the court to search a government department's records, such as HM Revenue and Customs (HMRC) or the Department for Work and Pensions (DWP), for your husband's contact details.

You will need your husband's:

- full name
- date of birth
- last known address

It will help with the search if you can also provide their National Insurance number, but it is not mandatory.

Government record searches are typically completed within 6-8 weeks. If the search is successful, your husband's contact details will only be shared with the court and not with you. The court will send the divorce papers to your husband.

There is a fee of £60 to apply to search government records, but you may be able to [get help paying this fee \(opens in a new tab\)](#).

Start now >

You could also try:

- applying to [have your divorce papers sent to your husband in a different way](#).
- [applying for deemed service](#) if you have evidence that your husband has received the divorce papers.
- [updating your husband's contact details](#) so that the court can send the divorce papers to their new address.
- applying to have a [bailiff or process server serve the papers](#) to your husband in person.
- applying to [dispense with service](#) if you have done everything you can to find your husband's details and been unsuccessful.

Divorce applications when respondent has not replied

1. If users select 'no' here, they won't be able to continue with the D11 application.

Trying to find your husband's details

In most cases the court needs to be satisfied that your husband has been sent the divorce papers in some way before your divorce can progress.

You should try to find up to date contact details for your husband if you are able to. If you can find them, the papers can be sent to them.

If you've already tried to find your husband's contact details without success, or have not been able to look for them, you can try something else.

Have you already tried to find your husband's contact details?

- ☐ Yes
- ☒ No
- ☐ I've not been able to

Continue

Search for your husband's contact details

You should try to find either:

- an up-to-date postal address for your husband
- a social media account, phone number or email address that you can prove your husband actively uses

You can try many ways to find your husband's contact details, for example:

- asking their friends or other relatives
- asking their employer, if you know where they work
- looking for them on social media
- employing a tracing agent to try to find their contact details

If you need to employ a tracing agent, you should expect to pay between £35-£70 for a basic search. They will search for your husband's contact details and should provide you with a report on any searches they carry out.

Keep a record of the results of any searches you do as this will be useful evidence that you've tried to contact them.

▶ [Contact us for help](#)

Divorce applications when respondent has not replied

1. Dispense with service application (same as search records flow until here)

Ask the court to search government records for your husband's details

Before the court can consider this, you must show that you have done everything you can to find their contact details yourself, including:

- asking their friends or relatives if you are able to do so
- using online people finder services
- looking for them on social media

Government record searches are typically completed within 6-8 weeks. If the search is successful, your husband's contact details will only be shared with the court and not with you. The court will send the divorce papers to your husband.

If you've already asked the court to search government records and they were unsuccessful, you could apply to dispense with service. This means proceeding with your divorce without sending the divorce papers to your husband.

How do you want to proceed?



I want to ask the court to search government records



I want to apply to proceed without sending the divorce papers.

Continue

Apply to dispense with service (D13b)

To dispense with service means progressing your divorce application without serving the papers on your husband.

In most cases, you cannot divorce your husband without their knowledge. Therefore, dispensing with service is considered by the court to be a last resort.

What you need to do

You'll need to prove to the court that you have made every reasonable attempt to find your husband or send the papers to them without success, including:

- trying to contact them by any known email addresses, telephone numbers or social media accounts if it is safe to do so
- asking any friends, children or other relatives of your husband that you are able to contact
- trying to find them using a tracing agent or a people tracing service
- searching for them online, or using online people finder services
- applying to the court to search government records to find your husband's current address if you think they're still in the UK
- if known, asking their employer to deliver the documents to your husband on your behalf

If you know that your husband is unaware of your whereabouts, you may need to request a [search for a divorce decree absolute or final order \(opens in a new tab\)](#) from the Central Family Court. This is to make sure they have not already divorced you. It will cost £65 for every 10 year period you search, and you will need to search from the date you last had contact.

If you cannot show that you have tried everything you reasonably can to send the divorce papers to your husband, it is likely that your application will be rejected.

The fee to apply to dispense with service is £60, but you may be able to [get help paying this fee \(opens in a new tab\)](#).

Start now >

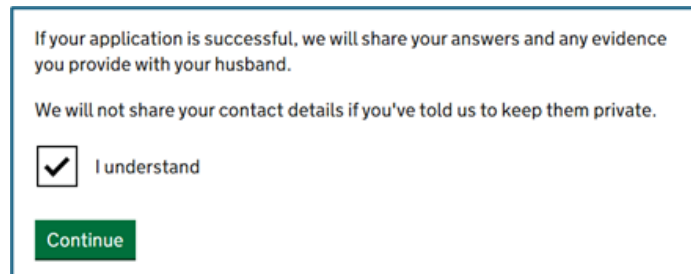
Divorce applications when respondent has not replied

1. Dispense with service application (same as search records flow until here)

Based on the answers given, users will automatically be taken to the form required based on that information **or there is the option to choose a different application type under the start button.**

A screenshot of the information needed to complete forms D89, D11 and D13b online is on the next slide.

Where applications are successful the answers provided **will** be shared with the respondent **unless the user has told the court to keep them private.**



If your application is successful, we will share your answers and any evidence you provide with your husband.

We will not share your contact details if you've told us to keep them private.

☒ I understand

[Continue](#)

Applications attract a fee and Help with Fees applications can also be made. **This will need to be a new application specifically for the application being made.**

Divorce applications when respondent has not replied

D89 questions

Check your answers

Help paying the application fee

Husband's name

Is your husband in a refuge?

Do you know your husband's phone number?

Do you know your husband's date of birth?

Husband's date of birth

Husband's height

Husband's hair colour

Husband's eye colour

Husband's ethnic group

Husband's distinguishing features

Are you able to upload a photo of your husband?

Uploaded photo

When is the best time to serve papers?	test	Change
Does your husband have a vehicle?	NotKnown	Change
Has your husband ever been violent or been convicted of a violent offence?	NotKnown	Change
Has your husband ever made verbal or written threats against you, either generally or specifically in relation to the divorce application?	NotKnown	Change
Has there been any police involvement with your husband or other people living at the property?	NotKnown	Change
Has there been any social services involvement with your husband or other people living at the property?	NotKnown	Change
Are any dogs or other potentially dangerous animals kept at the property?	NotKnown	Change
Is your husband known to have any mental health issues or known to use drugs or alcohol in any way that may affect their behaviour?	NotKnown	Change
Does your husband hold a firearms license?	NotKnown	Change

Statement of truth



I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Divorce applications when respondent has not replied

D11 questions

Check your answers

Help paying the application fee No [Change](#)

Why are you applying to search government records?

Which government departments do you need to search for your husband's details?

Why do you think these departments are most suited to getting the contact details of your husband?

Husband's name

Do you know your husband's date of birth?

Husband's approximate age

Do you know your husband's National Insurance number?

Husband's last known address SWANSEA CIVIL JUSTICE CENTRE,
CARAVELLA HOUSE, QUAY PARADE
QUAY WEST
SWANSEA
SWANSEA
SA1 1SP
UK [Change](#)

Dates your husband lived at the last known address test [Change](#)

Statement of truth

i I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

☐ I believe that the facts stated in this form and any continuation sheets are true.

[Continue to pay](#)

[Save and sign out](#)

Divorce applications when respondent has not replied

D11 questions (deemed service)

Check your answers

Help paying the application fee	No	Change
Are you able to upload evidence?	No	Change
Supporting statement	Test for DS training packs	Change

Statement of truth

! I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

☐ I believe that the facts stated in this form and any continuation sheets are true.

[Continue to pay](#)

[Save and sign out](#)

Divorce applications when respondent has not replied

D11 alternative service questions

Check your answers

Help paying the application fee	No	Change
Are you able to upload evidence?	No	Change
Why are you applying for alternative service?	test	Change
How do you want to send the papers?	In a different way	Change
Choose how you want to send the divorce papers	Other	Change
Other details	test	Change
Why are you applying to send the papers this way?	test	Change

Statement of truth



I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

☐

I believe that the facts stated in this form and any continuation sheets are true.

Divorce applications when respondent has not replied

D13b questions

Check your answers		
Help paying the application fee	No	Change
Did you and your husband live together?	Yes	Change
The date you last lived together	18 November 2020	Change
Where did you and your husband live together?	SWANSEA CIVIL JUSTICE CENTRE, CARAVELLA HOUSE, QUAY PARADE QUAY WEST SWANSEA SWANSEA SA1 1SP UK	Change
Are you aware of where your husband lived after parting?	No	Change
When was your husband last seen or heard of?	12 December 2020	Change
Describe the last time you saw or heard of your husband	test	Change
Have you searched for an existing decree absolute or final order?	No	Change
Explain why you have not requested a search	test	Change
Do you have any email addresses for your husband?	No	Change
Do you have any phone numbers for your husband?	No	Change
Have you tried using a tracing agent to find your husband?	No	Change

Explain why you have not used a tracing agent	test	Change
Have you tried tracing your husband online?	No	Change
Explain why you have not tried tracing your husband online	test	Change
Have you tried finding your husband's details online by searching the internet?	No	Change
Explain why you have not tried searching for your husband online	test	Change
Have you tried contacting your husband's last known employer?	No	Change
Explain why you have not tried contacting the last known employer	test	Change
Are there any children of the family?	No	Change
Does your husband have any contact with them?	No	Change
Is there a court order or a Child Maintenance Service calculation in place for child maintenance?	No	Change
Have you been able to contact any of your husband's friends or relatives?	test	Change
What other enquiries have you made or information do you have concerning the whereabouts of your husband?	test	Change
Uploaded files	I'm having trouble uploading some or all of my documents.	Change

Statement of truth

i I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

☐ I believe that the facts stated in this form and any continuation sheets are true.



Apply for a divorce or dissolution of a civil partnership

After the divorce or dissolution application has been submitted - continued

Application for a conditional order

The conditional order is the first order made by the court in the process. To apply, the applicant needs to check over the details provided by their husband/wife or civil partner, confirm all their information is up to date, confirm they still want to go ahead with their application, and complete another statement of truth.

When the user has submitted this application they then get an update to explain what happens next.

They need to wait for the conditional order to be made by the court – they will be notified by the court when this happens. Six weeks after the date of the conditional order they can apply for the final divorce or final dissolution order.

Apply for a divorce or dissolution of a civil partnership

Joint applicants must both apply for this order – applicant 1 goes first and then applicant 2 receives an email to tell them they need to apply as well.



Latest update

You have applied for a conditional order. Your husband or wife also needs to apply because this is a joint application for divorce.

They have been sent an email to remind them.

Apply for a divorce or dissolution of a civil partnership

Application for a final divorce or final dissolution order

If the separated couple are still trying to sort out finance, there are good reasons to do that before applying for the final order. This is because the final divorce or dissolution order affects their legal rights, for example:

- Rights in relation to the family home
- Rights in relation to pensions
- The right to bring a claim for a financial order in relation to the marriage if the other person dies after the final order is made, but before finances are agreed and approved by the court.

If the user is unsure about how this could affect them, suggest they try and get legal advice before making this decision. If the user decides to delay their application to finalise the finances, make sure you explain that the respondent is allowed to apply for the final order themselves, three months after the first date the user can apply. Also, if there is a long delay in applying, they will need to explain to the court the reasons for this.



Apply for a divorce or dissolution of a civil partnership

The application for the final order is very simple – with only one box to tick.

Joint applicants must both apply for the final order. Applicant 1 goes first and then applicant 2 gets an email telling they need to apply as well. If applicant 2 doesn't apply then applicant 1 must make a sole application. They will get a notification on how to do this. This will slow things down a bit as applicant 1 has to let applicant 2 know they are doing this 2 weeks before they do it. This is called giving '2 weeks' notice'.

As long as there are no issues to resolve, the court will grant the final divorce or dissolution order in a matter of days.

Apply for a divorce or dissolution of a civil partnership

The end of the applicant's/joint applicants' journey

If the user comes to you for help at this stage without having sorted out their finances, signpost them to Advicenow's [A survival guide to sorting out your finances when you get divorced](#) or [How to apply for a financial order without a lawyer](#) depending on if they are still trying to agree or if they can't reach an agreement and need to apply to court.

If the user hasn't already updated their Will since their separation, inform them that divorce or dissolution affects a Will, so that it is as though their ex-husband/wife or ex-civil partner died on the date the final order is made. They can find more details on this in Advicenow's [How to get a divorce or dissolution of a civil partnership without a lawyer](#).

02

Respond to an application for divorce or dissolution of a civil partnership





Respond to a divorce or dissolution of a civil partnership application

How to prepare for the appointment – the respondent

If the user who comes to you for help has been contacted by the court to inform them that their husband/wife or civil partner has applied for a divorce or dissolution of their civil partnership, they become the respondent to the application.

The user has less to do if they are the respondent. For an appointment they may need:

- Proof of their change of name – if they changed it after they married, for example from their maiden name to their husband/wife or civil partner's name. This proof might be the marriage certificate or a deed poll.
- (Ideally) an email account in their own name – so the court can send updates and important information quickly and easily by email.

Respond to a divorce or dissolution of a civil partnership application

Before the appointment suggest that the user read the relevant parts of Advicenow's guides on divorce and sorting out finances on divorce.

[A survival guide to divorce or dissolution of a civil partnership](#)

[How to get a divorce or end a civil partnership without a lawyer](#)

[A survival guide to sorting out finances when you get divorced](#)

[A survival guide to mediation](#)

If the user tells you there are children who will be affected by the separation and divorce or dissolution you can suggest they read:

[A survival guide to sorting out child arrangements](#)

The appointment

It is possible that the respondent will come to you for help at any point in the online divorce process. However, for ease, we are going to assume that they will come to you at the start.

Respond to a divorce or dissolution of a civil partnership application

Responding to the divorce application

The user will get an email (or letter in the post if an email address is not provided) to tell them that they need to reply or 'respond' to the application for a divorce that their husband/wife or civil partner has made.

They are asked to check over the information the applicant has given to the court and confirm they have read it.

Then they must say if they will accept the divorce or try to dispute it. You need to make clear to the user that it is now extremely difficult to dispute a divorce. The fact that they may not want it to happen is not a reason. **If they say they want to dispute the divorce, they should get legal advice first.**

How do you want to respond to the application?

You can only dispute the application if: (one or more of the following)

- you do not think the courts of England and Wales have the legal power (jurisdiction) to grant the application
- you do not believe your marriage is legally valid. For example, if one of you was already married or in a civil partnership when you got married
- this marriage has already been legally ended

☐

Continue without disputing the divorce

☒

I want to dispute the divorce

Continue

Respond to a divorce or dissolution of a civil partnership application

Next, they need to confirm that they think the court has the legal power or ‘jurisdiction’ to deal with the divorce. Often the court will have jurisdiction because the users’ lives are based in England and Wales.

How do you want to respond to the application?

You can only dispute the application if: (one or more of the following)

- you do not think the courts of England and Wales have the legal power (jurisdiction) to grant the application
- you do not believe your marriage is legally valid. For example, if one of you was already married or in a civil partnership when you got married
- this marriage has already been legally ended

☐

Continue without disputing the divorce

☒

I want to dispute the divorce

Continue

Respond to a divorce or dissolution of a civil partnership application

Responding to the divorce application – continued

The next important part to flag up to the user is the page where they check over all the information provided and then ‘sign’ a statement of truth.

Highlight to the user that this is serious – if they are found to have knowingly stated something is true when it is not, they can be found in contempt of court. This is punishable by a fine, or a prison sentence of up to two years, or both. When they have submitted their response they simply have to wait for the applicant to apply for a conditional order when 20 weeks have passed.

Confirm before submitting



I confirm that:

- I am the person named as the respondent in the application for divorce
- I believe that the facts stated in this response are true

The first statement is confirming that you’re the person who should be responding to this application for divorce. The second is your statement of truth.



Proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement verified by a statement of truth without an honest belief in its truth.

Submit

Respond to a divorce or dissolution of a civil partnership application

Finances on divorce

During the 20 weeks between the application for a divorce and the time when the applicant can apply for a conditional order, the separated couple need to be encouraged to sort out their finances and arrangements for their children if they have any.

Sorting out finances takes time so it is important to get started as soon as possible. Signpost users to Advicenow's [A survival guide to sorting out finances when you get divorced](#) for more help and support.

Users with very little in the way of things of value, or 'assets', need to understand that it is still important to consider getting an agreement not to make claims against each other in the future. To be legally binding it must be approved by the court and made into an order – known as a 'consent order'.

Respond to a divorce or dissolution of a civil partnership application

Finances on divorce (continued)

Only a court order makes a separated couple's agreement legally binding on them both. For more information on this signpost the user to [Money and property when you divorce or separate: If you agree - GOV.UK \(www.gov.uk\)](https://www.gov.uk/money-and-property-when-you-divorce-or-separate-if-you-agree)

It is important to flag to the user that a final divorce or dissolution order does not, by itself, legally end the separated couple's financial ties. They need an order which records their agreement not to make claims against each other in the future to achieve financial finality.

Application for a conditional order

The user does not need to do anything in relation to this – it is a job for the applicant. When the court has made the conditional order, the user will be notified.



Respond to a divorce or dissolution of a civil partnership application

Application for a final divorce or dissolution order

The applicant must wait 6 weeks from the date of the conditional order before they can apply for the final order. The respondent has nothing to do at this point. If the applicant takes longer to apply, the respondent is allowed to apply 3 months after the date the applicant could first apply. They don't have to do this – it is optional. And usually, the delay is only because the separated couple are trying to work out finances which need sorting out.

If the separated couple are still trying to sort out finances, there are good reasons to do that before applying for the final order after the 3 months has passed. This because the final divorce or dissolution order affects their legal rights.

Respond to a divorce or dissolution of a civil partnership application

Application for a final divorce or dissolution order (continued)

For example:

- Rights in relation to the family home
- Rights in relation to pensions
- The right to bring a claim for a financial order in relation to the marriage if their ex-husband/wife or ex-partner dies after the final order is made but before finances are agreed and approved by the court.

If the user you are helping is unsure about how this could affect them you need to suggest they try and get legal advice before making this decision. Once the final order is made it cannot be un-made!

As long as there are no issues to resolve, the court will grant the final divorce or dissolution order in a matter of days.

Respond to a divorce or dissolution of a civil partnership application

The end of the respondent's journey

- If the user comes to you for help at this stage without having sorted out their finances, signpost them to Advicenow's [A survival guide to sorting out your finances when you get divorced](#) or [How to apply for a financial order without a lawyer](#) depending on if they are still trying to agree or if they can't reach an agreement and need to apply to court.
- If the user hasn't already updated their Will since their separation, inform them that divorce or dissolution affects a Will, so that it is as though their husband/wife or civil partner died on the date the final order is made- when they become their ex-husband/wife or ex- civil partner. They can find more details on this in Advicenow's [How to get a divorce or dissolution of a civil partnership without a lawyer](#).

03

Help with fees





Help with Fees

How to support users to apply for Help with fees

Users may want to apply for help paying their court fee using the online [Help with fees](#) service.

If they are using the Make a money claim online service, they must use the online system for applying for help with fees.

If they are applying for help paying the fee to apply for a divorce using the online service, they can apply online for help with fees at the same time.

If the user wants to apply for help with fees connected to an online probate application they need to first make the application for probate and then apply for help with fees to reimburse them. If they cannot pay upfront for the application, they will need to use the paper service to apply for help with fees.

Be aware - Users can also use the Help with fees system to apply for a refund for courts fees paid in the last three months. If applying for a refund, you should answer all questions about the user's circumstances at the time they paid the fee.



Help with fees

Entitlement

Users might be able to pay a lower fee or no fee at all if they have little or no savings, and have a low income or receive income-related benefits like:

- income-based Jobseeker's Allowance (JSA)
- income-related Employment and Support Allowance (ESA)
- Income Support
- Universal Credit (and you earn less than £6,000 a year)
- Pension Credit (Guarantee Credit)

Help with fees

Entitlement (continued)

If the user (and their partner) are 65 or younger, the maximum amount of savings they can have depends on the court fee.

For example, you can have:

- up to £4,250 in savings if your fee is £1,420 or less
- up to £16,000 in savings if your fee is over £7,000

Most court and tribunal fees are less than £1,420.

If you or your partner are 66 or older, you can have up to £16,000 in savings, whatever your fee is.

You can work out if the user is likely to be eligible by using the online Fee Remissions Contribution Calculator (EX 160C). You can find this at the bottom of the [Help with court fees page](#) on GOV.UK.



Help with fees

How to prepare for the appointment

They should bring with them:

- details of their income,
- details of their savings and investments if they have any,
- if they have a partner, details of their income, savings and investments,
- the court or tribunal form number – to make a money claim it is N1, to apply for divorce/dissolution it is D8, to apply for probate it is PA1P if the deceased had a will, and PA1A if the deceased does not have a will. If they are applying for help with a hearing fee they enter 'hearing fee' and short explanation such as 'hearing fee small claim'.
- their National Insurance number or Home Office reference number – they may have a Home Office reference number if they are subject to immigration control. (If they don't have either a NI number or Home Office number they must apply by post).



Help with fees

How to prepare for the appointment

If they have only started receiving one of the benefits on the previous slide recently, they may need a letter from the DWP or Jobcentre confirming that they receive the benefit. They do not need evidence of their income and savings at this stage, but they must give correct details as they may be asked for evidence as the application is processed.

Be aware - Users have to complete a separate application for each court fee they want reduced or cancelled. This may mean they have to apply more than once during their case.



Help with fees

Applying for Help with fees

The Help with Fees online application is really easy to use if you have all the details about income and savings that you need.

Where an explanation is needed it is available on the screen. There is only one question that might confuse people.

You are asked ‘Do you have a case, claim, appeal or ‘notice to pay’ number?’ The user will only have a claim number, case number, etc if they have already made the application for which they want Help with Fees. If they haven’t applied yet they will respond no.

When they get to the end of the process they check over their answers, declare that everything is true to the best of their knowledge, and press Submit application and continue. They then arrive at a confirmation screen, that confirms the application has been made and gives them the all-important reference number. Support them to make a record of it.



Help with fees

Applying for Help with fees (continued)

If the user has supplied an email address the reference number for the Help with Fees application will get emailed to them as well.

If the user is making a money claim, or applying for a divorce or dissolution, they can now continue with that application but the claim cannot be issued (officially started) until the application for Help with Fees has been processed. At that point the user will be told what fees are covered and what they still have to pay. They can then pay the remainder and start the case at any time in the next 95 days.

Any questions?



Thank you!