

# How to Start Divorce Proceedings in England & Wales – Step by Step Guide (2025)

*Educational guide by The Legal Queen. This document is for information only and does not constitute legal advice.*

This guide summarises the practical steps for starting a no fault divorce in England & Wales. It covers eligibility, how to apply, service, key timelines, and common pitfalls to avoid.

## Before You Apply

**Check jurisdiction:** You or your spouse must be habitually resident or domiciled in England & Wales, or the marriage was registered here.

**Sole vs Joint application:** A sole application is started by one spouse (the other is the respondent). A joint application is made by both partners together.

**Documents to gather:** Original or certified copy of your marriage certificate (with certified translation if not in English/Welsh); your spouse's full name, postal address and (if possible) email address; any documents relevant to finances or children.

**Fees & finances:** Current court fee for a divorce application is **£612**. Fee remission (Help with Fees) (apply using the EX160 form) may apply for those on low income. Budget for possible translation, process server, or legal advice costs.

## Step by Step Process

### ***Step 1 — Create and submit your application (online or by post)***

Apply online via GOV.UK (recommended) or use the paper D8 form. Choose Sole or Joint, confirm the irretrievable breakdown of the marriage (no fault), upload your marriage certificate, provide the respondent's contact details, and pay the fee or supply your Help with Fees reference.

If you do not know your spouse's address, make and record reasonable attempts to trace them (family, employers, social media, electoral roll). If still not found, you can apply to the court for alternative service, deemed service, or a dispense with service order.

### ***Step 2 — Service of the application & Acknowledgement of Service (AOS)***

The court usually serves the application by email (and posts a notice). The respondent has 14 days from service to file an Acknowledgement of Service confirming receipt and stating whether they intend to dispute the proceedings.

If no AOS is returned, you can arrange re service or apply for deemed service/dispense with service. Service outside England & Wales follows different rules and timelines.

### ***Step 3 — The 20 week reflection period***

From the date the court issues the application a 20 week period applies before you may apply for the Conditional Order. Use this time to sort child arrangements, begin financial disclosure or mediation, and prepare any Consent Order if you reach agreement.

### ***Step 4 — Apply for the Conditional Order***

After 20 weeks (and where the AOS deadline has passed with no valid dispute), apply for the Conditional Order. This confirms the court is satisfied you are entitled to a divorce — you are still legally married at this stage.

It's advisable to finalise and submit a sealed Consent Order dealing with finances (if agreed) before proceeding to the Final Order.

### ***Step 5 — Apply for the Final Order***

Wait six weeks and one day after the Conditional Order, then apply for the Final Order (formerly Decree Absolute). The Final Order legally ends the marriage. Keep certified copies for banks, pensions, passport, and other institutions.

## **Children & Finances — Separate but Parallel**

Child arrangements (where children live and spend time) are dealt with separately from the divorce application. Use mediation, negotiation or apply on form C100 if court intervention is needed.

Financial claims are also separate. Without a court order informal agreements are not legally binding. Options include a Consent Order (if agreed) or a Financial Remedy application with full disclosure (Form E) and court timetable.

## **Special Situations & Practical Tips**

**Safety & confidentiality:** If there is a risk of harm you may keep your address confidential (Form C8) and ask for protective measures, such as non molestation injunctions.

**Name change:** You may change your name by deed poll at any time. Many wait for the Final Order but check passport and driving licence requirements.

**International elements:** If one party lives abroad or is a foreign national get specialist advice on jurisdiction, service and recognition overseas.

**Costs:** Court fee £612. Plan for potential additional costs such as valuations, process server fees and legal advice.

## **Common Mistakes to Avoid**

- Not providing a usable email or postal address for service (this causes delay).
- Allowing the 20 week period to pass without starting financial disclosure or negotiations.
- Applying for the Final Order without securing a sealed Financial Consent Order where pensions or ongoing benefits may be affected.
- Assuming child or financial issues are resolved automatically by the divorce application.

## **Quick Checklist**

- 1 Confirm jurisdiction (England & Wales) and choose Sole/Joint.

- 2 Gather marriage certificate (and translation if needed).
- 3 Prepare spouse's address & email for service (or evidence of reasonable attempts to find them).
- 4 Decide on address confidentiality or safety measures if required.
- 5 Apply online (or D8 by post) and pay £612 or apply for Help with Fees.
- 6 Track AOS within 14 days; chase service or apply for alternative service if necessary.
- 7 Use 20 weeks to sort finances and children; draft Consent Order if agreed.
- 8 Apply for Conditional Order after 20 weeks.
- 9 Apply for Final Order six weeks + 1 day after Conditional Order.
- 10 Store certified copies and update banks, pensions and ID documents.

For authoritative, up to date information, consult the official GOV.UK pages on divorce and family court procedure or seek independent legal advice.