

# Tracey Moloney Family Law Ltd



**Free Divorce Guide**



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## Welcome to your free divorce guide

Navigating a divorce can be a challenging and complex process, but understanding your legal rights and options is essential.

In this free guide, I aim to provide clear and practical information for those considering or undergoing divorce proceedings in England and Wales. It will help you make informed decisions every step of the way.

Whether you're just starting to consider your options or are already in the process, I hope this resource brings clarity and assistance.

Please contact me directly for further help with your divorce – you can e-mail me at **[tracey@moloneyfamilylaw.com](mailto:tracey@moloneyfamilylaw.com)** or telephone on **01249 704420**.



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## **Before you start...**

### **One-year rule**

Before you can start the divorce process, it's important to understand how long you must have been married before applying. In England and Wales, couples must have been married for *at least one year* before filing for divorce.

This rule applies regardless of the circumstances, and no exceptions are made. This restriction is in place to discourage rash decisions to end such short marriages.

### **Grounds for divorce**

Let's talk about the legal reason you need to cite when filing for divorce. There is only one ground for divorce which is the *irretrievable breakdown of the marriage*.

The court must accept the statement as conclusive evidence and make a divorce order accordingly. The court does not require any proof beyond your statement. It is not possible for your ex to assert that the marriage has not broken down.

With the grounds for divorce clear, you can proceed with confidence knowing exactly what the law requires.



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## Starting the process...

### The procedure is now online

Navigating a divorce can feel overwhelming, but the good news is that the process has become more streamlined thanks to an online portal, simplifying the steps for you.

The online portal allows users to submit applications, upload documents and track progress electronically. This streamlined approach eliminates much of the paperwork traditionally involved in divorce, making this difficult time a bit easier to manage.

### Filing for a sole application

In some cases, only one party may want to file for divorce. This is called a *sole application*, and it's important to know how it works if this applies to your situation. This contrasts with a joint application, where both spouses agree to divorce from the start.

In a sole application, you will initiate the process, and your ex will be served with the divorce papers. If you're filing a sole application, make sure you understand the next steps and how the other party will be notified.

### Filing for a joint application

Under the Divorce, Dissolution and Separation Act 2020, couples can now file for a joint application, enabling them to take equal responsibility for starting the divorce proceedings. This approach can help avoid the stress of apportioning blame and often leads to quicker resolutions on matters like financial settlements and child arrangements.

Moloney Family Law's expert team is here to guide you through the joint application process, ensuring that all legal requirements are met while helping you work towards a fair outcome.



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### **The fee**

One important aspect of the divorce process is the cost involved. The fee for filing a divorce application is now £612. You will receive a phone call from the court in order to take payment.

If you are on a low income or in receipt of benefits, then you may qualify for a fee remission, which means that you may not have to pay the court fee - if you download the EX160 form and send that into the court with your details on, then the court will let you know if you are exempt from the court fee.

The fee for filing may seem like a hurdle but understanding it upfront helps you plan better for this stage of the process.

### **Uploading your marriage certificate**

A key document in the divorce process is your marriage certificate. To apply for divorce, *you must upload either a scanned copy or a photograph of your marriage certificate.*

If the certificate is in another language, it will need to be translated and certified. If you have lost your certificate, you can obtain a replacement from the registry office where the marriage was recorded.

### **Filing for divorce**

Once you've gathered the necessary documents, the next major step is the actual *filing* for divorce.

The divorce application is filed by delivering the application to the court. This is achieved online by uploading the application to the system and clicking submit. The online system automatically generates an email acknowledgement receipt with the date, time and case number as confirmation the application was submitted.

Now that your application is filed online, you're officially in the system, and the divorce process is underway.



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## **Serving the application...**

### **Notifying the other party**

Once your application is filed, the next step is to ensure the other party is properly notified. This part of the process is called service and happens by way of post or email. If you provide the court with your ex's address and/or email, they will serve this for you.

The issued application will consist of:

#### **The Acknowledgement of Service Form**

This form is crucial because it confirms that your ex has officially received the divorce application. It serves as proof of service.

#### **Notice of Proceedings**

This document provides a general overview of the divorce procedure, helping your ex to understand the steps involved and what to expect during the process.

### **Return of the Acknowledgement of Service**

Once served, your ex has 14 days to respond by submitting the Acknowledgement of Service.

In the Acknowledgement of Service, your ex replies to straightforward questions in order to provide the following:

- Contact details which include the acceptance of orders and correspondence by email.
- Acceptance of the court's jurisdiction to deal with the case.
- Details of any other relevant court proceedings.
- Confirmation as to whether your ex intends to dispute the proceedings.

This response confirms that they have received the divorce papers and indicates whether they agree to the divorce or intend to contest it.



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### **Application for a Conditional Order**

Once the Acknowledgement of Service has been returned, you are ready to apply for a Conditional Order. This is an important step in the divorce process, as it signals that the court sees no reason why your divorce shouldn't proceed. However, there's a mandatory 20-week waiting period from the date you initially applied for the divorce before you can submit this application.

When applying, you'll need to include a statement of truth, confirming a few key details:

- Whether there have been any changes to the information in your original divorce application.
- That, aside from any changes, the contents of your application are still correct.
- If your ex has signed the Acknowledgement of Service, you'll also confirm their signature.

### **How is the order made?**

The Conditional Order is typically issued by a Judge on a designated date. This usually happens without anyone needing to attend court, as long as there's no dispute. If you or your spouse do want to attend, you'll need to inform the court in advance and explain why.

Once granted, you'll receive a copy of the Conditional Order, but keep in mind that this doesn't mean your marriage is officially dissolved yet – you'll need to wait for the Final Order.



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## **The end of the process...**

### **The Final Order**

After the Conditional Order is made, you must wait six weeks and one day until you can apply for the Final Order. This is the final step that you've been working towards. The Final Order is the document that officially ends your marriage. With the final order in hand, the divorce is legally complete, and you can start focusing on the next chapter of your life.

### **Religious marriages**

Religious marriages are not recognised in England and Wales, and you will not need a divorce in this instance.

### **When are financial issues dealt with?**

Usually, financial negotiations will need to be considered at the same time as the divorce process and are separate to that of the divorce process.

### **Should I make or change my will?**

You should certainly give this some thought. If you have made a will in favour of your spouse, then it will remain valid until you change it (although some changes are assumed once you are actually divorced). If you have not made a will then your spouse is automatically your next of kin until you are divorced.





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### **Thank you for reading**

I hope that this guide was helpful. However, if you need further help or need an appointment to discuss getting a financial order so that you can sever all financial ties between you and your ex then please feel free to email me on **[tracey@moloneyfamilylaw.com](mailto:tracey@moloneyfamilylaw.com)** using the word Guide in the title.

All the best

Tracey aka The Legal Queen

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## Free Financial Guide to Divorce

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