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HOW TO: GET DIVORCED ONLINE

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This Stowe talks: How to guide explains the process of getting divorced or dissolving a civil partnership online in England and Wales. Most divorces are processed through the government online portal, either by the person seeking to divorce or via a family law firm.

This guide will take you through the online application step-by-step. However, it is important to note that this process only deals with the administration side of ending your marriage. It does not cover how to resolve any financial issues or arrangements for children. It is highly recommended you seek legal advice from a solicitor before starting the divorce process.

This process is for the applicant, the person applying for the divorce, or if you are making a joint application only.

How to get divorced online

You can apply to get divorced online at the government website: www.gov.uk/divorce/file-for-divorce

You can apply to dissolve your civil partnership at: www.gov.uk/end-civil-partnership

The process for both is the same.

The portals allow you to make applications at all stages of the divorce or dissolution, as well as provide updates at each stage. Any correspondence from the court or orders made will be granted via the portal. You will receive an email from the court asking you to login to your account when there has been an update on your case.

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Before you start the application

Before you start the divorce application, you'll need the following information:

- Yours and your ex-spouse's full name and address
- Your original marriage certificate, a certified copy, or a certified translation if the marriage certificate is not in English
- Proof of your name change if you've changed it since you got married, for example your marriage certificate or a deed poll.

You will be asked for your ex-spouse's current address, so the court can send them a copy of the divorce application. If you do not know your ex-spouse's current address, there will be additional steps you need to take.

If you provide your ex-spouse's email address, the court will send the divorce papers online. If you do not provide an email address, the papers will be sent via post.

You will also need to have payment ready for the £612 court fee. You may get help with this fee if you receive benefits or are on a low income.

You can apply online for this help and check your eligibility at www.gov.uk/get-help-with-court-fees. You will then be provided with a reference number to insert into your online divorce application. Where you are making a joint application, both of you must be eligible for help with fees to receive this.

The divorce process then follows the following stages;

Start the application and pay the court fee

To start the application process for your divorce, you need to create an account on the government website. Once you have logged on, you will be able to start your divorce application.

You can make a joint application with your husband or wife, or apply on your own as a sole applicant.

A sole application is where one person leads the divorce application process. Sometimes this is for practical reasons, because one person doesn't agree to the divorce, or you believe they will not cooperate.

For a joint application, a couple must both agree to the divorce and separately confirm at each stage of the process they are happy to continue. If your ex-spouse stops responding, you can continue with the divorce application as a sole applicant. You cannot make a joint application if there are domestic abuse issues in the relationship.

The Acknowledgment of Service

The next stage after submitting your divorce application is the issuing of the Acknowledgment of Service. This applies only to sole applications.

The court will send your ex-spouse a copy of the divorce application and the 'Acknowledgment of Service' notification. Your ex-spouse must respond to the Acknowledgement of Service notification within 14 days, saying whether they agree with the divorce or intend to dispute it.

If your ex-spouse does not respond to the application, the court will tell you what you need to do. You will not need to attend court.

If your ex-spouse disputes the divorce, they will have to complete a form to say why they disagree with the divorce. They must have a genuine legal reason to dispute the divorce - they cannot simply dispute it because they don't want a divorce or delay the process. If this occurs, you may have to attend court to discuss the case.

If your ex-spouse agrees with the divorce, or if they do not submit an answer form after they have said they dispute your application, you can continue with the divorce by proceeding to the next stage.

The twenty-week waiting period

You'll need to wait 20 weeks after your divorce application has been issued by the court, before you can proceed with the next stage of the divorce, which is applying for the conditional order.

Apply for a conditional order

A conditional order is a document that says the court does not see any reason why you cannot divorce. When applying for the conditional order, the court will ask you to confirm you wish to continue with the divorce, and that there have been no changes to the details within your divorce application.

Settling finances and arrangements for any children

The next stage of the divorce process is to apply for the final order, which will legally end your marriage upon being granted. However, we always advise clients that they do not apply for the final order of the divorce until financial matters have been settled.

If the final order is applied for before financial matters are settled, you could lose claims which you may be entitled to as a spouse, for example in relation to pensions, if one of you passed away.

Apply for a final order

To legally end your marriage, you must apply for the final order, which can be done via the online portal.

You will need to wait at least 43 days (6 weeks and 1 day) after the date of the conditional order before you can apply to end your marriage.

You can apply for a final order as a sole applicant, even if you started the divorce process jointly with your husband or wife.

It is preferable to apply for the final order within 12 months of getting the conditional order, otherwise you will have to explain to the court the delay.

Court grants the final order

Once you have submitted your final order application, the court will check that time limits have been met, and there are no other reasons why they cannot grant the divorce.

If they are satisfied, the court will grant the final order and provide both parties with a copy of the final order.

At this stage, you are legally divorced, no longer married, and are free to marry again if you wish.

How long does the process take?

It normally takes at least 7 months to get a divorce. The timescale is the same for joint and sole applications. This timescale does not include any delays that may be caused by settling financial matters between the conditional and final orders.

Can you apply by post?

The easiest way to apply for a divorce is via the online service. However, you can apply by post if you would prefer. You will need to fill in a divorce application form D8 to start the divorce, and then send a copy of the form to HMCTS Divorce and Dissolution Service, PO Box 13226, Harlow, CM20 9UG. If you do apply by post, we recommend you keep your own copy of the form before posting it.

Where you apply for the divorce via post, you can also apply for help with fees. You will need to complete a form EX160. You should send your divorce application and help with fees application to the court at the same time.

Is it safe and legal to apply online?

It is safe and legal to apply for your divorce online if:

- You have been married for over a year
- Your relationship has permanently broken down
- Your marriage is legally recognised in the UK - this includes same-sex marriages

The importance of legal advice

It is important to speak to a family lawyer when applying for a divorce. They will help you ensure all legal paperwork is completed correctly and to the right timescales, thereby avoiding potential costly and timely delays.

It is crucial to remember that getting divorced does not end your financial relationship. You must also reach a settlement regarding any financial claims and the distribution of your wealth and assets. Other arrangements, such as the care of your children, will also need to be handled separately.

Legal advice in these areas is vital, as decisions taken today can have an impact on your short and long-term financial security.

Additional information

In April 2022, the divorce law in England and Wales changed to a no-fault system. This meant people no longer had to give a reason for their marriage breakdown.

As part of the process, the name of the orders in the divorce process was changed as follows:

Decree nisi became conditional order
Decree absolute became the final order

If your application for divorce was submitted before 6th April 2022, you must continue your application via your government portal account. [You can log-on here.](#)

Useful links

Access the government portal for getting divorced online
<https://www.gov.uk/divorce/file-for-divorce>

Access the government portal for dissolving your civil partnership online - www.gov.uk/end-civil-partnership

Create an account to start the application process
https://hmcts-access.service.gov.uk/login?client_id=divorce&response_type=code&redirect_uri=https://www.apply-divorce.service.gov.uk/oauth2/callback

D8 Application Form for a divorce or dissolution https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1179007/D8_0823.pdf

FP5 Acknowledgment of Service https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1159430/FP5_0123.pdf

D84 Application form for a conditional order (formerly decree nisi)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1179387/D84_0323.pdf

D36 Notice of application for a final order (formerly decree absolute)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1111060/D36_1022_save.pdf

Help with court fees

Find out more about help paying court fees here: <https://www.gov.uk/get-help-with-court-fees>

You can apply for help with court fees online here https://helpwithcourtfees.service.gov.uk/checklist?_ga=2.49897317.291397894.1693818360-2023738386.1683294732

Or download and complete Form EX160, for help with court fees here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1139233/EX160_0422_save.pdf

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