

A GUIDE TO DIVORCE

What to Expect Throughout the Divorce Process

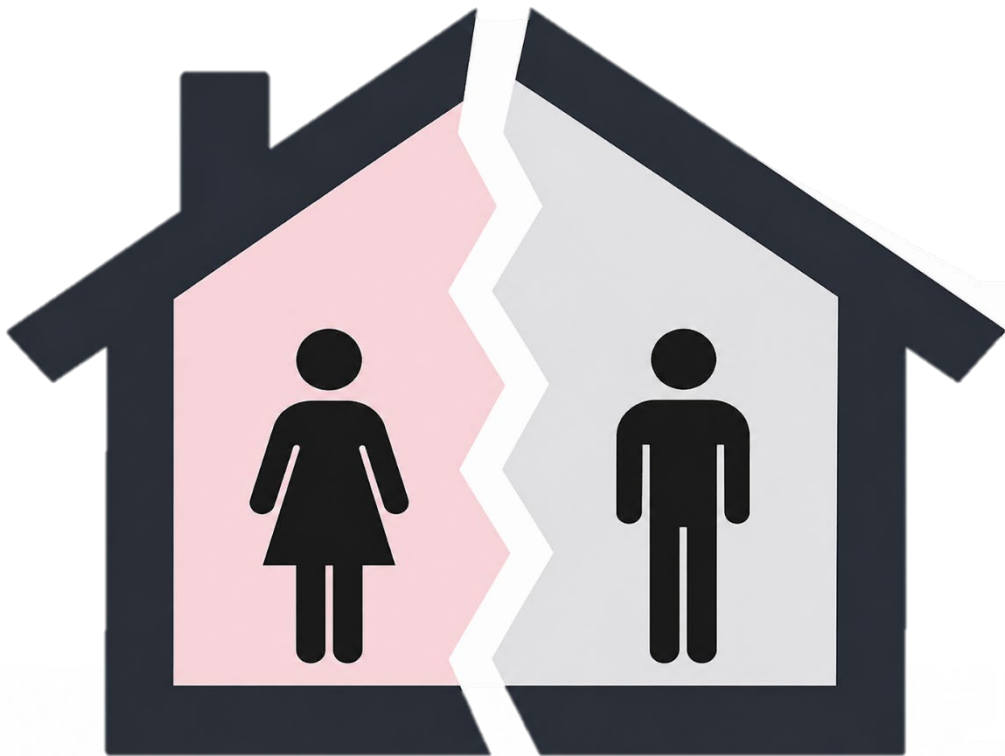


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Welcome

The breakdown of a marriage or civil partnership can be a difficult and emotional time, and understanding the legal process can often feel overwhelming. This guide has been prepared to provide a clear overview of the divorce process in England and Wales, helping you understand the key stages involved and what you can expect along the way.

This guide is intended for general guidance and information only and should be read alongside the tailored advice we provide based on your individual circumstances. While every effort has been made to ensure the information is accurate, it should not be treated as a substitute for professional legal advice. If you have any questions about your situation or require advice specific to your circumstances, we recommend speaking with one of our solicitors.

About Us

At Bright Legal Solicitors, we understand that family disputes can be one of the most challenging experiences a person will face. Our role is to provide clear practical legal advice and support throughout the process. We are a dynamic law firm with a proven track record of delivering exceptional legal services. Led by an award-winning solicitor with over 28 years of experience, our Family Law team combines extensive expertise with a personal, client-focused approach. We are committed to protecting what matters to you and providing practical solutions that help you move forward with confidence. You can find out more about our team by clicking [here](#).

Understanding Divorce

Divorce is the legal process of ending a marriage. In England and Wales, divorce is now based on the principle that the marriage has broken down irretrievably, meaning neither spouse is required to prove fault or wrongdoing.

It is important to understand that divorce only legally ends the marriage. It does not resolve financial matters or arrangements for children. These are separate issues that may require their own agreement or, in some cases, a court order.

The following sections explain the divorce process, the key stages involved, and what you can expect throughout the proceedings.

The Divorce Process

Stage 1- Filing the Application

A divorce application can be made by one person (**a sole Applicant**) or jointly with your spouse (**joint Applicants**).

Sole application

- One person makes the divorce application.
- The parties are known as the **Applicant** and the **Respondent**.

Joint application

- Both parties make the divorce application together and are equally responsible for the application.
- They are known as **Applicant 1** and **Applicant 2**, rather than the Applicant and Respondent.
- The parties must agree who will be **Applicant 1** and **Applicant 2** before the application is submitted.

The first stage of the divorce process is to make a **divorce application**. This starts the divorce proceedings and is submitted online through the HMCTS portal.

For a joint application, Applicant 1 completes the initial application online. Applicant 2 will then receive an email inviting them to review the application, add any further relevant information if necessary, and return it to Applicant 1. Both Applicants must sign a Statement of Truth before the application is submitted to the court.

Please note: Once a sole application has been made, it cannot be changed into a joint application. However, a joint application can be changed to a sole application at either the Conditional Order or Final Order stage if required.

You can find further information about the divorce process, including the online application service and court fees, on the GOV.UK website: <https://www.gov.uk/divorce>

Court Fees

HM Courts & Tribunals Service charges a court fee to issue a divorce application.

As of **13 July 2026**, the court fee for filing a divorce or dissolution application in England and Wales is **£628**. This fee is payable to HM Courts & Tribunals Service (HMCTS) when the application is submitted.

If you are making a **joint application**, you and your spouse can decide between yourselves how the court fee will be paid.

You may be eligible for financial assistance through the **Help with Fees** scheme if you are on a low income, receive certain benefits, or have limited savings. Eligibility is assessed based on your income, benefits and savings.

Further information about court fees and the Help with Fees scheme is available on GOV.UK:

- [Get a divorce – GOV.UK](#)
- [Family court fees \(EX50\)](#)
- [Get help with court and tribunal fees](#)

Stage 2: Service of the Application

If you have made a **sole application**, the court will issue the divorce application and arrange for it to be served on your spouse (the Respondent).

The application can be served:

- By post, using the postal address you have provided; or
- By email, if an email address has been provided.

If the application is served by email, the court will also send a paper notification to your spouse by post. For this reason, you must provide a postal address for your spouse, even if you would prefer the application to be served by email.

If you do not know your spouse's postal address, a different court procedure may be required. Your solicitor will be able to advise you.

Stage 3: Responding to the Application

After the divorce application has been issued and served, the Respondent in a sole application, or both Applicants in a joint application, will need to complete an **Acknowledgement of Service**.

The Acknowledgement of Service confirms that the application has been received and allows the court to record the parties' response.

The document should be completed and returned to the court within **14 days of receipt**.

Stage 4: Application for the Conditional Order

Twenty weeks after the divorce application has been issued, either the sole Applicant or one or both of the joint Applicants can apply for the **Conditional Order**. This is the next stage of the divorce process and confirms that the court is satisfied that the legal requirements for divorce have been met.

In a joint application:

- Either Applicant can apply for the Conditional Order.
- If only one joint Applicant wishes to proceed (for example, because the other Applicant is no longer cooperating), they must provide the other Applicant with a copy of the Conditional Order application and give them **14 days' notice** before applying.

- Once this step is taken, the Applicant applying for the Conditional Order becomes the **sole Applicant**, and the other party becomes the **Respondent**.

If the court is satisfied that the legal requirements have been met, it will make the Conditional Order. **The marriage or civil partnership does not legally end at this stage.** The parties remain legally married until the **Final Order** is made.

For further information about the Conditional Order process, please visit the GOV.UK website:

<https://www.gov.uk/divorce/apply-for-conditional-order-decree-nisi>

Stage 5: Application for the Final Order

Six weeks and one day after the Conditional Order is made, either the sole Applicant, or one or both of the joint Applicants, can apply for the **Final Order**.

In a joint application:

- Either Applicant can apply for the Final Order.
- If only one joint Applicant wishes to proceed (for example, because the other Applicant is not cooperating), they must give the other Applicant **14 days' notice** before applying.
- Once this step is taken, the Applicant applying for the Final Order becomes the sole Applicant, and the other party becomes the Respondent.

If the sole Applicant does not apply for the Final Order within the required timeframe, the Respondent can apply **three months after the date on which the Applicant first became entitled to apply**.

Once the Final Order is made, the marriage or civil partnership is legally dissolved.

Guidance on applying for the Final Order can be found on GOV.UK:

<https://www.gov.uk/divorce/finalise-your-divorce>

Divorce and Financial Matters Are Separate

Divorce legally ends the marriage, but it does not automatically resolve financial matters. Issues such as property, pensions, savings, maintenance and other financial claims are dealt with separately and may require their own agreement or court order.

Even where both parties agree on their financial arrangements, it may be advisable to formalise the agreement through a legally binding order.

Alternatives to court

Most financial cases settle without a contested final hearing. Non-court dispute resolution can reduce cost, delay and stress. It can also preserve privacy and allow more creative solutions.

Option	How it works	When it may help
Negotiation	Solicitors exchange disclosure, advice, offers and proposals.	Suitable where both parties engage constructively and disclosure is reliable.
Mediation	A neutral mediator helps both parties discuss settlement. The mediator does not give legal advice to either party.	Helpful where both parties can negotiate safely and transparently.
Private FDR	A privately appointed specialist gives an evaluative indication similar to a court FDR.	Often useful in HNW or complex cases where time, confidentiality and specialist input matter.
Collaborative law	Both parties and their collaboratively trained lawyers meet together and commit to resolving matters without court.	Suitable where both parties want a non-confrontational process and are willing to disclose fully.
Arbitration	A specialist arbitrator is appointed to determine the dispute. The decision is intended to be binding.	Helpful where speed, confidentiality, specialist expertise and control over timetable are important.

Mediation Information and Assessment Meeting (MIAM)

Before issuing most financial remedy applications, a person is usually expected to attend a MIAM unless an exemption applies. Exemptions may include domestic abuse, urgency, previous MIAM attendance, bankruptcy issues or other circumstances set out in the rules. The mediator assesses whether mediation may be suitable.

Collaborative law

In collaborative law, discussions usually take place in four-way meetings. The lawyers and clients agree to work respectfully and constructively. If the process breaks down, the collaborative lawyers cannot usually represent the parties in contested court proceedings, which encourages commitment to settlement.

Family arbitration

Arbitration is a private process in which the parties appoint an arbitrator to decide all or part of the dispute. It can be faster and more flexible than court. The parties may choose an arbitrator with the right expertise, set a tailored timetable and limit issues to reduce cost. It is often attractive in complex or high value cases.

Frequently Asked Questions

Can my spouse refuse to divorce me?

Under the no-fault divorce process, a spouse cannot prevent the divorce simply because they do not agree with it.

Do we have to go to court?

Most divorce applications are dealt with through the court system without the need for a hearing.

How long does divorce take?

The minimum timeframe is usually just over seven months due to the 20-week reflection period and the six weeks and one day waiting period before the Final Order.

Can we apply jointly?

Yes. Couples can now make a joint application and progress through the process together.

Contact Us

If you would like advice about a divorce and separation or have any questions about the information contained in this guide, our team would be pleased to help.

To arrange an initial consultation, please contact us:

Bright Legal Solicitors

 **0116 26 27 857**

 **info@brightlegal.co.uk**

 **www.brightlegal.co.uk**

Head Office:

73A London Road Leicester LE2 0PF

Branch Offices:

- **4 The Stirling Centre Market Deeping PE6 8EQ**
- **20 Red Lion Street Holborn London WC1R 4PS**