



Ministry
of Justice

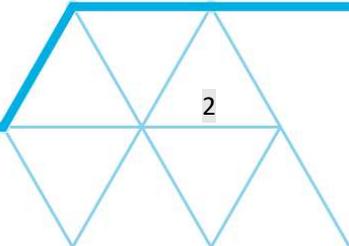
Information Pack

Divorce, Dissolution and Separation Act
2020

6th April 2022

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Introduction

The Divorce, Dissolution and Separation Act 2020 (also known as the 'DDSA') will reform the law on divorce, dissolution, and separation from 6th April 2022 by:

- **removing the requirement to provide evidence of 'conduct' or 'separation' facts** and replacing this with a simple requirement to provide **a statement of irretrievable breakdown** of the marriage or civil partnership or to obtain a judicial separation.
- **removing the ability to defend** the decision to divorce or end the civil partnership.
- **allowing, for the first time, joint applications** for divorce, dissolution, and separation, meaning that couples can now apply together for a divorce, dissolution, or separation.
- **introducing a new minimum overall timeframe of six months (26 weeks)** made up of a 'minimum period' of 20 weeks in divorce and dissolution proceedings between the start of proceedings (when the court issues the application) and when the applicant(s) may apply for a conditional order and the current minimum timeframe of 6 weeks between the conditional order and when the order can be made final. This ensures that there is a period of reflection, and where divorce is inevitable, provides a greater opportunity for couples to agree the practical arrangements for the future.
- **updating the legal language used for divorce.** 'Petition' will become 'Application', 'Petitioner' will become 'Applicant', 'Decree Nisi' will become 'Conditional Order' and 'Decree Absolute' will become 'Final Order'. This makes language simpler and more accessible to those outside the legal profession, and aligns across all legislation relating to divorce, dissolution, and separation.

The DDSA represents the biggest reform of divorce laws in half a century and aims to reduce the impact that conflict and allegations of blame can have on families, and in particular, on any children.

Currently, the party seeking divorce has to satisfy the court that the legal test of irretrievable breakdown is met, by citing one or more of 'five facts'. Three facts are based on conduct, being behaviour often referred to as 'unreasonable behaviour', adultery, or desertion. Two 'facts' are based on separation. The new law will remove the requirement to assign blame, by allowing one party - or the couple jointly - to make a statement of irretrievable breakdown. No evidence will be required for this beyond a statement.

It will also limit the ability of one party to challenge a divorce – which in some cases has allowed domestic abusers to exercise further coercive control over their victim. Divorce and dissolution applications will now only be disputed on jurisdictional grounds, on the validity of the marriage or civil partnership (if it was never valid or if the marriage or civil partnership

has already legally ended), in addition to fraud and procedural compliance (for example, the marriage was not formed in accordance with relevant rules and regulations).

The DDSA will bring divorce law in line with the government's approach to family justice – avoiding conflict wherever possible and reducing its damaging effect on children in particular. Crucially, it will also introduce a 20-week period between the initial application and when the applicant(s) may apply for a conditional order (formerly known as the 'decree nisi'). This will provide a meaningful period of reflection and the chance to turn back if both parties want to, or, where divorce is inevitable, it will better enable couples to cooperate and make arrangements for the future.

To find out more about the changes, please see the legislation below:

- Divorce, Dissolution and Separation Act 2020:
(<https://www.legislation.gov.uk/ukpga/2020/11/contents>)

It is hoped that after the introduction of the new law couples will be more likely to work together collaboratively to resolve issues that arise on separation, because hostility will not have been created by a party apportioning blame to bring the marriage to a legal conclusion (an end).

IMPORTANT DATES AND DEADLINES

The new law will come into effect on 6th April 2022. To facilitate this reform, a new digital service has been built and paper application forms have been revised, so the process for applying for a divorce, dissolution or separation has changed.

This information pack aims to assist both citizens and legal representatives to prepare for change and to answer the most common questions. This information pack **is not** a guide on how to complete an application for divorce, this guidance can be found on the paper application forms and digital application service.

Proceedings issued by the court on or before the 5th April 2022 will continue to progress under existing law, whether they have been submitted on the digital system or on the paper forms. These applications will not be impacted by the commencement of, and the changes made by, the DDSA, and will not be subject to the changes detailed in this pack.

Applications submitted under the existing law that are not **issued** by the court before 6th April will be returned to the applicant. They will need to complete an application under the new law and its processes. To ensure applications under the existing law are issued by the court in time we recommend you ensure applications are received by the court sufficiently in advance of the 6th April and we are introducing deadlines for the submission of applications.

All paper applications must be received by the court by 4pm on the 31st March 2022. Any paper applications received after this deadline risk being rejected and returned to the sender, who will have to apply on the new form under the new law. Where an application for Help with Fees is going to be made, users will need to incorporate an extra 14 days' into their timeline ahead of this date (as this is the notice required for Help with Fees to issue

payments). More information on Help with Fees can be found at <https://www.gov.uk/get-help-with-court-fees>.

All digital applications must be submitted online by no later than 4pm on the 31st March 2022. The digital system for applications will not allow applications to be submitted after this time and will not accept new applications until **10am on the 6th April 2022** under the reformed law.

Urgent applications that need to be considered after the deadlines set out above and before the 6th April will continue to be accepted, and issued where possible, if received by post or email, before **4pm on the 5th April**. **If you are submitting your urgent application by email, please use the following address: onlineDFRjurisdiction@justice.gov.uk.** **Please note this email address will be unmonitored after 4pm on 5th April 2022.**

Please Note: Applications received by the dates above cannot be guaranteed to be issued ahead of the 6th April – please endeavour to complete your application as early as possible before the cut of date to ensure it is issued by the court in time.

USEFUL DOCUMENTS

Available alongside this information pack are court forms that must be used from the 6th April onwards, the revised Part 6 (Service) and Part 7 (Procedure for Applications in Matrimonial and Civil Partnership Proceedings) of the Family Procedure Rules, and the amendments to the Practice Directions which are consequential to the Act. There will be references throughout this pack to the new forms and Rules for your reference.

These forms and Rules do not apply until the 6th April 2022. Please do not use these forms or proceed under these rules until that date, or your applications will not be accepted.

Timeline of the changes



7 January 2020	The Divorce, Dissolution and Separation Bill introduced in Parliament
25 June 2020	Royal Assent received
16 December 2020	Consultation launched on the draft changes to the Family Procedure Rules for 7 weeks
11 January 2022	Draft DDSA Consequential Amendments Regulations 2022 laid in Parliament
17 January 2022	Family Procedure (Amendment) Rules 2022 laid in Parliament
19 January 2022	The Family Proceedings Fees Order 2008 laid in Parliament
31 March 2022	Final deadline for receipt of paper applications
31 March 2022	Final deadline for submission of digital applications
5 April 2022	Final deadline for urgent applications (must be conducted on paper and handed to the court or submitted by email)
6 April 2022	Commencement date of Divorce, Dissolution and Separation Act 2020

PLEASE NOTE:

- Digital applications must be submitted by 4pm on the 31st March 2022
- Paper applications must be received by the court by 4pm on the 31st March 2022
- Urgent applications must be received by the court by 4pm on the 5th April 2022

Sole applications

Under the new law, anyone applying for a divorce or to end their civil partnership will be able to either apply jointly or apply individually. Standard applications made by one applicant are referred to in this pack as a 'sole application'. In a sole application, the person applying will be known as the 'applicant' or 'sole applicant', and their spouse/civil partner will be known as the 'respondent'. Sole applicants will not be able to change their application to a joint application, so the decision on whether to apply solely or jointly (further information on joint applications is available on page 10) with the other party must be made at the start.

Sole applications can be made online through the digital service or on paper using the D8 form. Where the applicant is represented, the digital service must be used to make the application. Sole applications can be made by citizens representing themselves (known as litigants in person) or by a solicitor on behalf of the applicant.

The new paper application forms are available with this information pack. The digital system will ask for identical information and follow the same process as the paper forms. It will be available from 10am on 6 April 2022.

Similar to the current process, sole applicants are able to apply for Help with Fees where they have little or no savings and either get certain benefits or have a low income. More information on Help with Fees can be found at <https://www.gov.uk/get-help-with-court-fees>.

In a sole application, the respondent can dispute the application in limited circumstances. Respondents are not able to dispute whether the marriage has broken down. They can only dispute the application because-

- they dispute the jurisdiction of the court in England and Wales to conduct the proceedings. For example, where neither party lives in or has any other connection with England and Wales;
- they dispute the validity of the marriage or civil partnership. For example, if the parties have not entered into a legally valid marriage;
- the marriage or civil partnership has already been legally ended. For example, if the marriage has already been brought to an end in proceedings outside of England and Wales.

It will also be possible to challenge proceedings for reasons such as fraud and procedural compliance.

Service

Under the new law, there are new rules and procedures setting out how the application is 'served' (sent) to the respondent once it has been issued by the court. Further information on service can be found on the digital service or on the forms. Please see a general summary below:

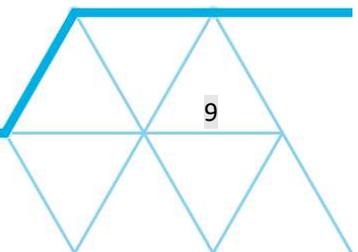
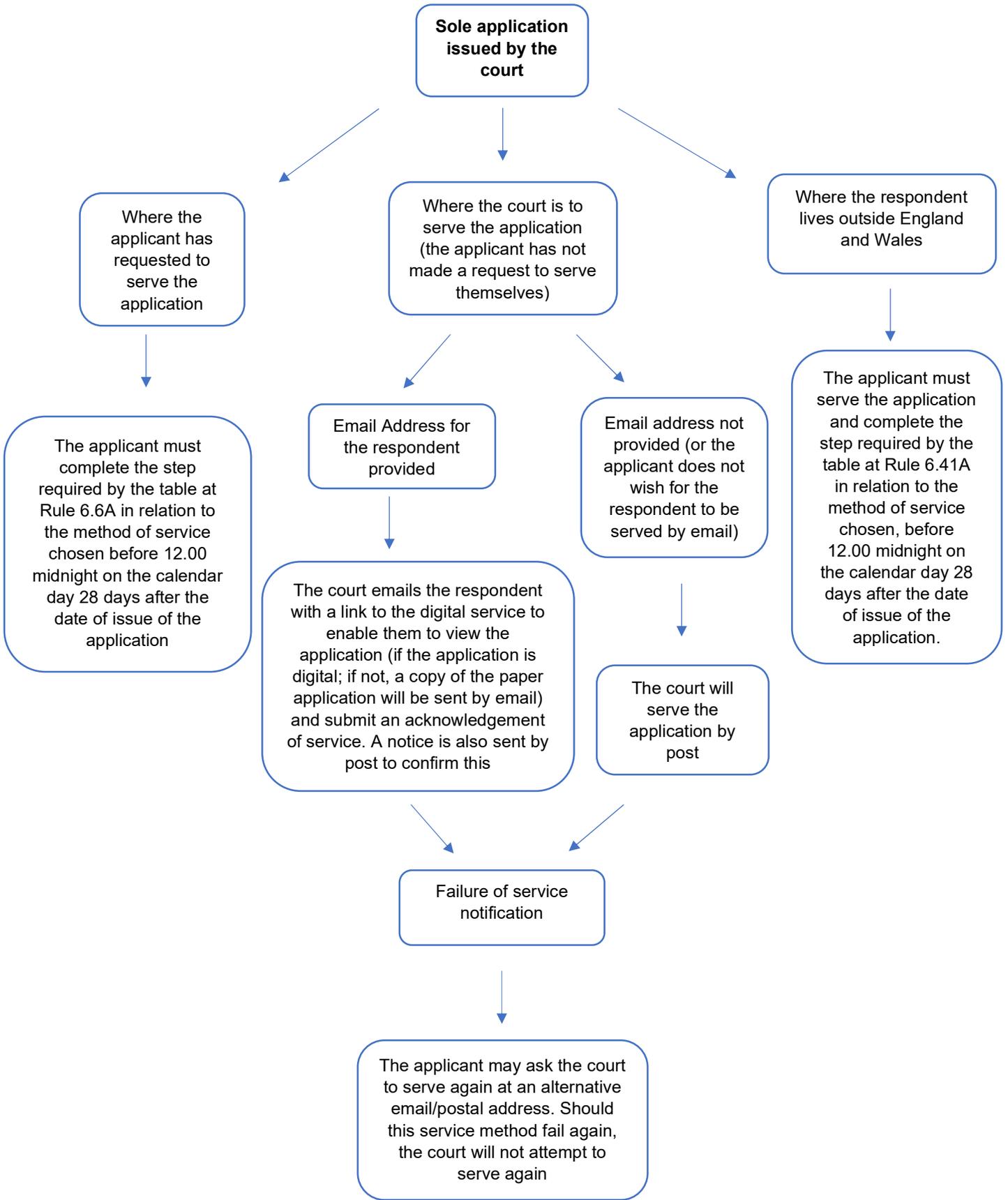
The general rule is that the court will send the application to the respondent (and this is a

simpler method so may be favourable), but the applicant can do this on request (new Rule 6.5).

The application can be served by email, which requires a postal notification that service has taken place by email, (Rule 6.4 and 6.7A). The postal notification will be a letter sent to the respondent's postal address telling them that an application has been made, and that a link to view the application has been sent by email. The email address provided for the respondent should be their 'usual email address', which is generally considered to be the email address actively used by the respondent for personal emails. Business email addresses should be avoided where possible. Generally, if the applicant provides an email address, the application will be served on the respondent by email, with a notice confirming this has been done by post.

Here are some scenarios that could occur during service and how these will be managed under the new law:

- Where the email address for the respondent is not provided, or the applicant does not wish for the respondent to be sent the application by email, the court will serve (send) the application by post (Rule 6.8 1B).
- If an applicant does not have a postal address for the respondent but does have an email address, the applicant will have to apply for alternative service by email alone in the usual way (using the D11 form).
- Where the court has sent to the applicant a notification of failure of service on the respondent (e.g., an undeliverable notice from Royal Mail), the applicant may request that the court serves the respondent at an alternative address (send the documents to another address for the respondent). After this, the court will not try to serve (send) the application again (Rule 6.8 (2) and (3)).
- Where the applicant serves the application on the respondent (sends the application to the respondent themselves), there are certain rules and steps that must be taken within 28 days after the date of issue of the application. These can be found in the table at Rule 6.6A and in Rule 6.41A. The applicant may apply for an order extending time for compliance with Rule 6.6A or 6.41A.
- Where the respondent lives outside of the UK, methods of international service remain unchanged. The court will not serve an application outside of England and Wales and the applicant must complete the step required, depending on the method of service, within 28 days after the date the application was issued by the Court.



Joint applications

Upon commencement, the act will allow for joint applications to be made for the first time. In joint applications, both parties will apply for their divorce, dissolution or (judicial) separation application together. Parties will be equally responsible for the application. They will be known as applicant 1 and applicant 2, rather than applicant and respondent as in sole applications. This option allows couples to apply together, reducing complexity.

Whilst joint applications are strongly encouraged, there are some instances where it might not be appropriate to do so, for example where a party has experienced domestic abuse from the other party. In these circumstances, sole applications are still available as set out above.

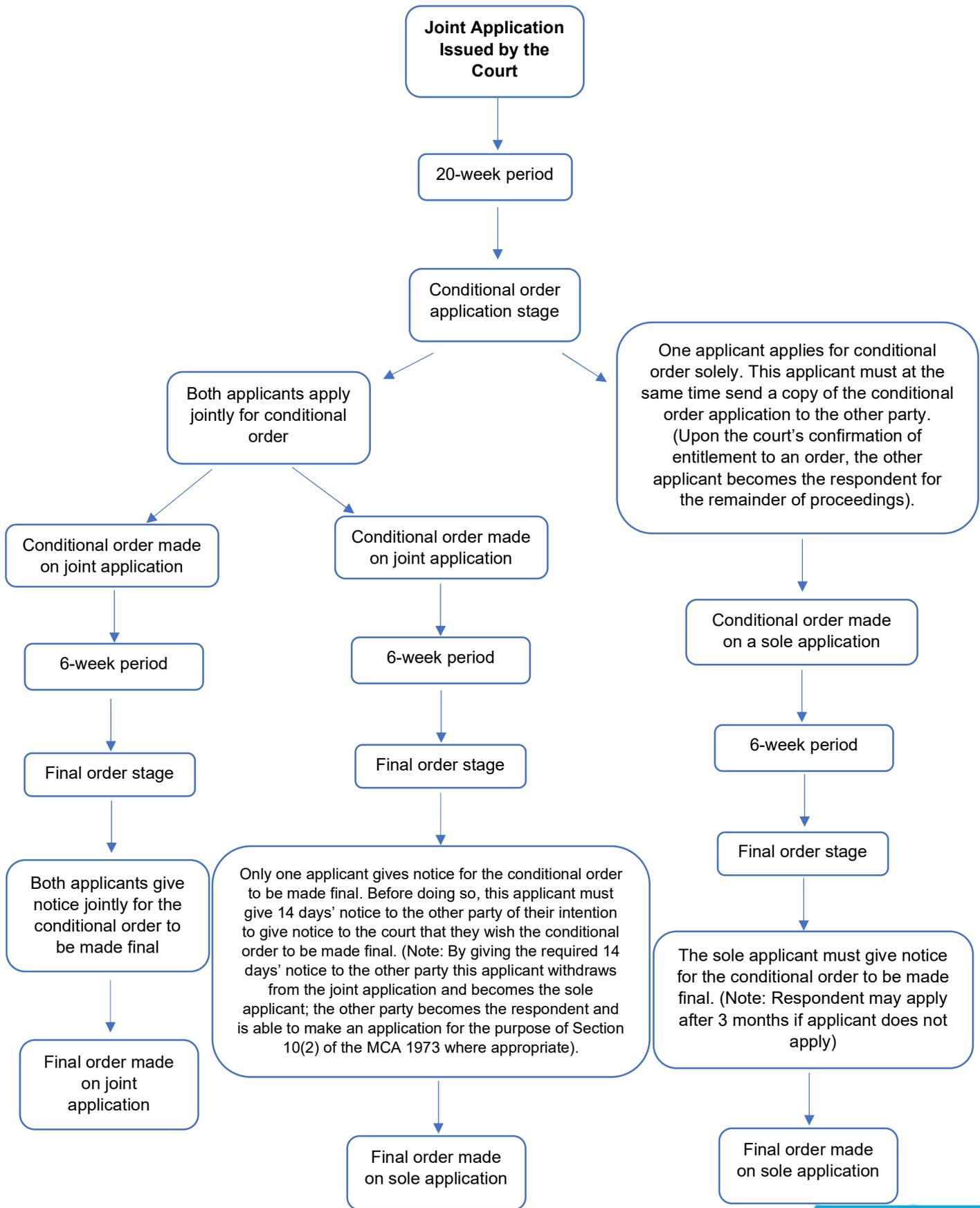
Joint applications for divorce and dissolution can be made digitally or on paper and can be made by citizens representing themselves (known as litigants in person) or by a solicitor or solicitors on behalf of one or both parties. Where either one of both joint applicants have instructed a solicitor, the application must be made by the solicitor through the digital service, unless there is one solicitor acting for both applicants – in this instance the paper forms must be used.

The new paper application forms for joint applications are available with this information pack. The digital system will ask for identical information and follow a similar process as the paper forms and will be available online from the 6 April.

Joint applicants can agree between themselves how they pay the fee for the application. However, on the digital service, applicant 1 will have to pay the court fee. On paper applications, either applicant may insert their details on the court fee page. Joint applicants can apply for Help with Fees if both applicants have little or no savings and either get certain benefits or have a low income. Where this is only the case for one applicant, Help with Fees will not be available for joint applicants. More information on Help with Fees can be found at <https://www.gov.uk/get-help-with-court-fees>.

For applicants who have started a joint application but find themselves in a situation where they are unable to continue with it, perhaps because of further deterioration of the relationship with the other party, or where the other party is not taking the necessary action to progress the application, it is possible to 'switch' the application from joint to sole. This can only happen at conditional and final order application stage. To do this during a paper application process, applicants would use form D84 to proceed solely at conditional order stage, and the D36A to proceed solely at the final order stage. Where a joint applicant wishes to proceed as a sole applicant at final order stage, the applicant must give 14 days' notice to the other party of their intention to give notice to the court that they wish the conditional order to be made final. Online applicants would follow the guidance on the digital system.

This flow chart demonstrates the stages when joint applications can become sole applications in divorce and dissolution proceedings



(Judicial) separation and nullity proceedings

(Judicial) separation

A (judicial) separation (or legal separation) allows couples to live apart, without divorcing or ending a civil partnership. People may want a legal separation for religious reasons or if they have been married or in a civil partnership for less than a year.

Applications for (judicial) separation must continue to be made using the paper application process. Under the new law, applications for (judicial) separation can be made either solely or jointly. The application will ask one party (if a sole application) or both parties (in a joint application) if they seek to be (judicially) separated.

Applications for a (judicial) separation are a two-stage process:

- 1) The initial application (which can be made using the new D8S application form, the fee for which is £365)
- 2) The application for a (judicial) separation order (form D84).

For applicants who have started a joint application for a (judicial) separation order but find themselves in a situation where they are unable to continue with it, perhaps because of further deterioration of the relationship with the other party, or where the other party is not taking the necessary action to progress the application, it is possible to 'switch' the application from joint to sole. This can only happen during the application for (judicial) separation order.

For a sole application, the new service rules as detailed on page 7-9 of this pack apply. Respondents are also able to dispute a (judicial) separation application as detailed on page 6.

Nullity

Nullity applications must continue to be made using the paper application process (using the D8N form). Joint applications are not permissible for nullity proceedings. Whilst the Act did not make any substantive changes to Nullity proceedings (which can still be disputed for example) a set of new forms for nullity have been produced to account for the relevant procedural changes including:

- the service and relevant new procedure rules including those detailed on page 7-9 apply to all nullity proceedings, including the introduction of email service
- terminology changes detailed at pages 18 and 19

The paper application process

The paper application process will ask the same questions as the digital application process, but will be set out and worded slightly differently. We recommend using the digital service to submit applications where possible as it will be easier for both parties, providing applicant(s) have access to a computer.

Please note, it is mandatory for the legal representative(s) to use the digital service to submit certain applications in divorce and dissolution proceedings. However, should the same solicitor be able to act for both applicants in a joint application, in this instance the paper form D8 must be used to make the application. Citizens with no legal representation can use either the paper forms or digital service. The digital service is not available for judicial separation, separation, or nullity proceedings.

When submitting applications to the court, all information and documents requested by the form must be provided. Where marriage/civil partnership certificates are required, they must be the original or certified copy (photocopies will not be accepted). If the certificate is not in English, a certified translation must also be provided. The court will keep the documents that are sent. If the applicant wants them back, they will need to apply for their return. Court fees for various applications can be found in the fee leaflet EX50 Civil and Family Court Fees (<https://www.gov.uk/government/publications/fees-in-the-civil-and-family-courts-main-fees-ex50>).

When applications are submitted on paper, the documents are scanned into the electronic court system. This will mean the applications will benefit from the digital case management system and will be dealt with by the Courts and Tribunal's Service Centre (CTSC). This also applies to applications for judicial separation and separation orders, and nullity proceedings.

If there are exceptional reasons why the application should be dealt with urgently, these reasons should be set out in a covering letter submitted to the court alongside the application. If you need to make an urgent application, you may wish to seek legal advice on what may be considered an exceptional reason.

Guidance on how to complete the forms and any other relevant information as well as signposting to services which might assist users can be found directly on the forms.

Should the applicant(s) wish to withdraw the application, they will need to complete form D11 and send it to the court. A sole applicant may withdraw at any time before service of the application on the respondent by giving notice in writing to the court (Rule 7.6). If it is a joint application, both applicants will need to fill out this form jointly. This is the case for both digital and paper applications.

Please note, paper application forms must now be submitted to the following address:

HMCTS Divorce and Dissolution Service, PO Box 13226, Harlow, CM20 9UG

The digital service

A new digital service has been built to incorporate the reform of divorce legislation and will be launched on 6 April upon the commencement of the DDSA. The new digital service will be available for divorces and dissolutions of civil partnerships, which will follow the same process under the new law.

It is mandatory for legal representative(s) to use the digital service to submit the application in all divorce and dissolution proceedings. The only exception is where the same solicitor is acting for both applicants in a joint application, in this instance the paper form D8 must be used to make the application.

Citizens with no legal representation can use either the paper forms or digital service. The digital service is not available for judicial separation, separation, or nullity proceedings.

To use the digital system, each party must at each stage provide all the information requested, including any documents that the online system or the court requires, in the manner specified by the online system or by the court. The service contains detailed guidance. On occasion, elements of the divorce process will need to be conducted offline. More detail on this is available in the following section.

Users of the digital service will first need to create an account or sign in to begin. After the application is issued, all parties to the case will be provided with a reference number and access code to sign into the digital service (this is the case for both sole and joint applicants and respondents). Parties will need to agree to receive emails to use the digital service. Those with access to the digital service will be able to see the documents and orders uploaded in relation to their case.

As with the current system, parties will be able to keep their contact details private from their spouse or civil partner should there be a need to do so.

Respondents will be able to respond to the divorce/dissolution application digitally (where the initial application is digital). Respondents will be provided with access details (a 16-digit reference number and an 8-character access code) in the email and letter they receive which invites them to the application.

Beyond the digital service

Set out below are further details on the processes associated with divorce, dissolution, and separation, some of which will need to be applied for using paper forms.

Financial orders

The existing ways to apply for a financial order remain unchanged for solicitors. Solicitors are able to file an application for a financial order (whether by consent or contested) using the digital service. Use of the digital service for consent applications is mandatory for solicitors.

For citizens, (known as litigants in person), applications will need to be made by filing a paper application (Form A or Form A1) and paying an additional fee. These can be applied for at any time during or after the divorce process, as long as the other party is still alive.

Disputed applications

Should the respondent wish to dispute the application they will have to do so offline by filing a paper form with the court (known as 'the answer'). The forms that may be used for this are the D8B for divorce, dissolution and (judicial) separation proceedings and the D8BN for nullity proceedings. There is a court fee of £245 for filing an answer unless they are eligible for Help with Fees. Respondents must file and serve their answer within 21 days, from the date the acknowledgement of service is required to be filed, with their reason for disputing. If respondents do not submit the form by the deadline, the other party will usually be able to continue with the divorce.

Joint applications for legal representatives

Solicitors will be able to use the digital service to apply for a joint application in the following 2 scenarios:

- A different solicitor representing applicants 1 and 2
- A solicitor representing applicant 1 and where applicant 2 is a litigant in person

However, should a solicitor be able to represent both applicants, the application would have to be made using the paper form, as this is not currently supported by the digital service.

Urgent applications for conditional or final order

Where an urgent application needs to be made for a conditional or final order, the paper forms will need to be used. For divorce, and dissolution proceedings this should follow the normal process of submitting a D84 paper form (for conditional order) and a D36 (for final order) accompanied by a D11 Application Notice asking for permission to make the urgent application. It is not possible to make an urgent application digitally.

For (judicial) separation proceedings, the D84 form can also be used accompanied by a D11 Application notice for permission (the D36 does not apply for (judicial) separation). For nullity proceedings, forms D84NV or D84NVA (depending if the proceedings relate to a void or voidable marriage or civil partnership) should be used for the application for conditional

order, and the D36N for final order, accompanied by a D11 Application Notice asking for permission.

Documents to support applications

Applicants will need to supply documents to support their applications, for example a marriage certificate. These can be uploaded online during the application process (guidance to do so is provided on the online service), however, if the applicant experiences issues with this function online, they are also able to submit the document(s) by posting or emailing the documents to the court. If the documents are posted, they must be the original documents or certified copies and they will not be sent back. Details of how to send them are provided after the application is submitted.

20-week period

For divorce and dissolution proceedings, there is a new 20-week period between the start of the proceedings (when the court issues the application) and when the applicant(s) may apply for a conditional order. This does not apply to nullity proceedings or (judicial) separation proceedings. This will allow for a period of reflection and allow couples to resolve other issues such as child or financial arrangements.

Please find some services that might assist during this period below:

Where it may be helpful and safe to receive relationship support, information can be found at: [Find Relationship counselling services - NHS \(www.nhs.uk\)](http://www.nhs.uk)

Information on making child arrangements can be found at: [Making child arrangements if you divorce or separate - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

It may be possible to solve financial and other arrangements outside of court, for example through mediation. More information on mediation can be found at: <https://www.gov.uk/money-property-when-relationship-ends/mediation>

You can find more guidance on financial orders and how to get help agreeing on any issues at: <https://www.gov.uk/money-property-when-relationship-ends>

Terminology changes

The DDSA will make terminology changes to outdated phrases in the divorce, dissolution, nullity, and separation process. The language is being changed to make it simpler and more accessible to those outside of the legal profession and aligns with the language used in civil partnership proceedings. A breakdown of the terms, the previous term used and the meaning is provided below.

Updated Term	Historic Term	Meaning
Application	Petition	This is the physical document/digital form submitted to the court to apply for a divorce, to dissolve (end) a civil partnership, annul a marriage or civil partnership or get a (judicial) separation (also known as a legal separation).
Applicant	Petitioner	The applicant is the party to (which means person in) the marriage or civil partnership who submits the application to the court. They will be known as the applicant throughout the process and in a sole application, the other party will be known as the 'respondent'. In a joint application, the parties applying together will be known as 'applicant 1' and 'applicant 2'.
Conditional Order	Decree Nisi	A conditional order is a document that says that the court does not see any reason why the parties cannot divorce, end the civil partnership, or annul the marriage. This can be applied for after the 20-week period has expired.
Final Order	Decree Absolute	A final order is the legal document that ends the marriage/civil partnership. 43 days (6 weeks and 1 day) must pass from conditional order before the applicant can apply for a final order. If this is applied for after 12 months from the conditional order being made, the applicant will have to explain the reason for this to the court. Once received, the parties will be able to re-marry or enter another civil partnership. This document should be kept safe as it will be relevant for a number of different things, for example applying for a new passport, applying for a driving licence, student finance applications and vehicle registrations.
Disputed	Defended	Currently, a respondent to the divorce or dissolution proceedings can defend the application if they disagree with the 'fact' the applicant has relied upon for the divorce, or on other grounds for example, jurisdiction. The new law has narrowed the grounds that a respondent can defend the application. This is now only possible on limited grounds including jurisdiction, validity, or the subsistence of the

marriage. Proceedings may also be challenged on the ground of fraud or procedural non-compliance. This language has changed to dispute as it is no longer possible to defend the divorce/dissolution itself.

**(Judicial)
Separation
Order**

**(Judicial)
Separation
Decree**

This is the document that confirms that the parties to a marriage are legally separated. We have updated this language which brings it in line with that used for civil partnerships (known currently as a separation order), and to be consistent with the other terminology changes we are making to divorce proceedings above (such as removing decree references).

**Nullity of
marriage order**

Decree of Nullity

This is the document that declares that the marriage is void or voidable (this means that no valid marriage exists or existed between two parties). Nullity of marriage orders are in the first instance conditional and then made final. We have updated this language to bring it in line with that used for civil partnerships (known currently as a nullity order), and to be consistent with the other terminology changes we are making to divorce proceedings above (such as removing decree references).

Questions & Answers

When do I need to submit my application by for it to be issued under the existing law?

All paper applications will need to be received by the court by no later than 4pm on the 31st March 2022. Any paper applications received after this deadline risk being rejected and returned to the sender, who will have to apply on the new form under the new law.

All digital applications will need to be submitted by no later than 4pm on the 31st March 2022. The digital system for new applications shall be turned off from this date and will not accept new applications.

Any urgent applications that need to be considered between the deadlines set out above and before the 6th of April will continue to be accepted, on paper and delivered directly to the court rather than put in the post, until **4pm on the 5th April 2022.** **If you are submitting your urgent application by email, please use the following address:**

onlineDFRjurisdiction@justice.gov.uk. Please note this email address will be out of service after 4pm on 5th April 2022.

My divorce application has already been issued under the old law but won't be complete by 5th April – will it be considered under the new law from 6th April?

No, any application which has been issued on or before 5th April will continue to progress under the existing law. This means the applicant will apply for and receive a Decree Nisi and a Decree Absolute to finalise their divorce.

The application must have been issued by 5 April for this to be the case. It is not enough to have posted the application by 5 April. Applicants wishing to have their applications considered under the existing law must ensure the court has received their applications by 4pm on the 31st March 2022 on paper, or submitted by 4pm on the 31st March 2022 digitally in order to ensure they are issued in time.

I am a solicitor with credentials on the old digital system. Will these same credentials continue to work on the new system, or will I need to make a new account?

Yes, the same credentials will continue to work on My HMCTS.

I'm applying on paper and my divorce was issued under the existing law, can I use the new forms to progress stages of my application?

No, there are now two sets of forms available. Applicants must ensure that they use the forms for the existing law and procedure if that is the legislation their application was issued under. The old forms are still available for use online and from HMCTS.

I am a solicitor with some clients divorcing under the old law and some clients divorcing under the new law. Will I need to use two separate digital systems to monitor and progress these applications?

No, solicitors will log into the same service as they do now to monitor and progress these applications. Upon log in to the My HMCTS service, solicitors need to select the different system/type in the drop-down menu that will be presented to them. For cases under the existing law, solicitors will need to select the option 'Divorce Case' from the drop-down menu, and for cases under the new law solicitors will need to select the option of 'New Divorce Case'.

When will solicitors be shown the new digital service?

The system will not be available to solicitors or the general public in advance of the implementation date of 6 April 2022. However, throughout the development of the online system, HMCTS have involved stakeholders representing citizens, the legal profession, and the judiciary regularly, and where possible, incorporate their comments into the digital service.

The paper forms available with this pack demonstrate the changes to information and process that will be implemented under the new law. These changes will be the same on the online system, so whilst we will not be able to demonstrate the new digital system ahead of the launch date, solicitors can familiarise themselves with the new requirements by reviewing the paper forms.

Further information, including the Practice Directions supporting the new Family Procedure Rules, are available with this pack to provide further detail on changes to the process, and all information on the act itself can be found on <https://www.legislation.gov.uk/ukpga/2020/11/contents>.

When will the new Practice Directions be available?

The revised Practice Directions will be available shortly.

What if I need assistance during the application process?

Relevant contact details for support with applications will be provided directly on the digital service and on paper forms.

Will the process be easier to navigate?

The government hopes that these reforms will simplify the process of obtaining a divorce. Guidance on the process will be contained within the paper forms and digital service so it is available to applicants and solicitors as they move through the process.

How long will the process now take?

The government is introducing a new minimum period of 20-weeks between the start of proceedings and applying for a conditional order of divorce or dissolution. Together with the existing minimum six-week period between conditional order and final order of divorce this will mean that divorce for most people will in future take a minimum of 26-weeks or six months, with additional time for the conditional order application to be considered and pronounced. If the couple need more time to complete their divorce, then the law will allow for this.

In exceptional circumstances (such as terminal illness or imminent birth of a child to one of the parties), it may be possible to have this process expedited. Applicants or solicitors will need to apply for this offline using the D11 form and will need to present evidence to the judge to support the application.

How do I make an application for costs under the new law?

Any application for the costs of an undisputed (standard) divorce or dissolution case will need to be made by a separate application using Form D11. Further guidance on costs will be shared separately to this information pack when available.

Will joint applicants have to be in the same room to apply?

No. In joint applications there will be applicant 1 and applicant 2. Applicants should agree in advance of making the application which of them will take the role of applicant 1.

On the digital service, once applicant 1 has provided the relevant information and submitted the application, applicant 2 will receive an email asking them to review the information provided by applicant 1 and provide any additional details. The application will then go back to applicant 1 to review applicant 2's additions and submit to the court.

Joint applicants are able to make personal arrangements between them with regard to paying the fee for the application. However, on the digital service, applicant 1 will have to pay the court fee. On paper applications, either applicant may insert their details on the court fee page.

On paper forms, applicant 1 can complete their parts of the form and then post or email to applicant 2 to complete their relevant sections and agree the application together.

The application, whether digital or paper, will need to be accompanied by a signed statement of truth by both parties.

Do the changes apply to civil partnership proceedings?

Yes, these changes do also apply to civil partnerships.

Will the new digital service support a change in legal representation?

Yes, the new digital service will support a notice of change.

How do third party organisations apply for divorce?

Third party organisations will continue to apply as they do currently, either using the paper forms or using the digital service for citizens.

Court Forms

The forms provided alongside this pack are for information only. They cannot be used ahead of 6 April 2022. Any applications received on these forms ahead of 6 April 2022 will be returned and not issued.

The forms will be formally published on gov.uk on 6 April 2022. Please note, these may be subject to minor amendments and wording tweaks between now and when they are published on gov.uk.

Please note, the full suite of divorce forms are not being provided alongside this pack as they are only subject to minor amendments. As confirmed above, all forms will be made available on 6 April 2022.