



Divorce and Dissolution: Our Guide for Separating Couples



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By a multi-award winning
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Introduction

The process of getting divorced changed significantly in April 2022 when the 'No Fault' divorce regime was launched, and new more modern terminology was introduced.

The new law encourages a more constructive and conciliatory approach to separation as couples can divorce without one party blaming the other for the breakdown of the marriage or civil partnership.

We understand that divorce and dissolution is a challenging, and stressful period for all parties involved. If your relationship has broken down and divorce and dissolution is the only avenue available to you, our expert team are on hand to support you throughout the process.





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Things to Understand

Can I get a divorce or dissolution straight away?

Divorce is the legal ending of a marriage. Dissolution is the legal ending of a civil partnership.¹

If you believe your relationship has broken down irretrievably and that a divorce is the way forward, then it is worth noting that proceedings cannot begin until 12 months after the marriage or civil partnership began.

If you and your partner wish to formally separate prior to the minimum 12-month requirement, you can create a separation agreement. For more information about this click here – [**Separation Agreements.**](#)



¹. Please note that any mention of **divorce** within this guide refers to both divorce **and** the dissolution of a civil partnership



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How does the Divorce Process work?

Many people think of divorce as the process of ending their marriage or civil partnership, dealing with the financial arrangements, and agreeing contact arrangements for any children.

These are, however, three distinct processes that need to be dealt with separately, but often happen alongside each other.

The stages of Divorce

Stage of Divorce Proceeding	Financial Arrangements	Child Arrangement Orders
Stage 1: The divorce application is submitted to the court.	Discussions regarding financial arrangements can commence once separation is agreed upon, but legal proceedings or court approval of agreements can only occur upon filing for divorce or afterward.	Arrangements can be mutually agreed upon or initiated through legal proceedings at any point, before or during the divorce process.
Stage 2: Conditional Order	A financial order or approval of agreements cannot be made by the court until the conditional order is granted.	
Stage 3: Final Order *It is advisable to refrain from finalising the divorce or dissolution until financial matters have been resolved.	The financial order becomes effective only after receiving the final divorce order.	

Starting the Divorce Process

Divorce proceedings can be started as a sole applicant or as jointly as a couple.

If you intend to make a sole application for divorce, the court will send your partner a copy of the divorce application. In these applications, the applicant will be yourself and your partner will be the respondent.

Joint application for divorce is a new choice that hopes to create an amicable separation. In these types of application, both of you apply for divorce as **Applicant 1** and **Applicant 2**. You can have your own solicitors to assist.

What happens after making a sole application?

Once your application has been submitted to the court and examined to ensure it is correct, you will be sent:

- A notification that your application has been issued
- A copy of your application stamped by HM Courts and Tribunals Service (HMCTS)
- A case number

The court will also send your partner a copy of the divorce application and an acknowledgement of service notification.

Your partner must respond to the acknowledgement of service notification within 14 days saying whether they:

- Agree with the divorce and are happy to proceed
- Disagree with the divorce and intend to dispute it



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Continued...

What happens after making a joint application?

Once your application has been submitted to the court and examined to ensure it is correct, you will be sent:

- A notification that the application has been issued
- A copy of the application stamped by HM Courts and Tribunals Service (HMCTS)
- An 'acknowledgement receipt'
- A case number

Our expert solicitors can support you with deciding whether to move forward with sole or joint application and can manage the whole process on your behalf within our fixed fee divorce solution.

If you are completing the forms online yourself and require some assistance or advice, we can support you with our new Client Assist solution which gives you a 2 hour fixed fee appointment with an expert to go through anything you wish to cover.

Please contact us to book your appointment on 020 7277 0110.





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Conditional Order

What happens after a Divorce Application has been Issued?

You must wait 20 weeks after your divorce application before applying for a conditional order (known as a decree nisi if you applied for your divorce before 6 April 2022).

This period is known as the reflection or cooling-off period. It is designed to give you time to consider aspects such as finances and arrangements for your children if this is applicable.

A Conditional Order

You will apply for a conditional order if the court issued your divorce application on or after 6 April 2022.

Depending on the method of the Divorce Application, you will need to apply for a conditional order via online or by post.



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Final Order

How do I Finalise the Divorce?

You must wait 43 days after the date of the conditional order before you are able to apply to end your marriage. You can apply for a final order as a sole applicant, even if the divorce process began as a joint application. If you do not apply within 12 months of receiving a conditional order, you will have to explain the delay to the court.

The final step in the divorce process is to apply for either a final order (or a decree absolute if you issued your application before 6 April 2022).

A Final Order

You will apply for a final order if the court issued your divorce application on or after 6 April 2022.

Depending on the method of divorce application, you will need to apply for a final order via online or by post.

What happens after I have applied?

After the application has been approved by the court, you will both be sent copies of the final order.

Once you receive a final order (or decree absolute), you are divorced.



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Arrangements for Finances and Child Arrangement Orders



It is very important to consider your financial position and to obtain legal advice in relation to your finances before you obtain a Final Order of divorce. You may lose certain financial rights if you do not do so.

You may also have children from the relationship and will need to consider the arrangements for your children as you move forward independently in the future.

Our team are here to help you with all aspects of financial and children arrangements, offering an all-round approach to your separation.

Child Arrangement Orders

When your relationship ends and you have children, you will need to arrange the living and spending time arrangements for your children with each of you.

Sometimes couples can do this outside of a court setting, and this will put less strain on the family. However, in cases where this cannot be done, a Child Arrangement Order will need to be put into place.

A **Child Arrangement Order** is used to regulate:

- Who a child will be living with, where, and who they may have contact with
- When a child will spend time, live with, or have contact with any person/s

The court's priority when agreeing the order is that the arrangements are in the best interests of the child/children.

To ensure that any arrangements for your children are likely to be approved by the court, we recommend that you contact our experienced and accredited children law solicitors.

What happens if the Child Arrangement Order is no longer suitable?

Over time, arrangements suitable at the time of separation may no longer be suitable. As an example:

- As children grow older, they may no longer wish to spend every weekend with their other parent, and instead wish to spend this time with their friends.

If following the original order becomes difficult, and both parents are unable to come to a unanimous decision to change the routine, we advise you to contact our experienced team.



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Financial Consent Order

Finances can be complex and encompass many different aspects that are important to you, such as housing (whether rented or owner occupied), income, payment of debts, investments, investment properties, child and spousal maintenance, and the division of pensions.

Our team are here to help and advise you and to ensure that all aspects of family finances are disclosed before assisting with negotiation to achieve an agreement.

Upon reaching an agreement, our team can draw up a Financial Consent Order which will be sent to a court so that a judge can ensure it is fair and meets the needs of all parties.





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After Divorce

Following a Final Order or Decree Absolute, you are no longer married and are now officially divorced.

You may wish to revert to your maiden name following divorce, however some people may choose to keep their surname. This is usually the case if the married name is used for professional purposes, or simply to have the same name as their children.

Do I need to change my name via Deed Poll?

You do not need to change your name via deed poll after divorce, unless you wish to revert to a name that was not your birth name. As proof of your name change following divorce, you can show:

- Your divorce documents
- Your original marriage certificate
- Your original birth certificate
- A signed statement confirming that you have reverted to your maiden name for all purposes

For more information about name changes after divorce, take a look at our useful checklist: [Life after divorce – a helpful checklist](#).

The information contained in this guide does not constitute legal advice. Please contact our team to arrange legal advice.



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