



Changes to the divorce process in England and Wales: Q&A

HM Courts & Tribunals Service has taken the decision to create 11 divorce centres within England and Wales, with the vast majority of uncontested decree nisi applications being considered by Legal Advisers (rather than district judges) at those centres.

What is the reason for the change?

Following the Family Justice Review the single Family Court was created, which is a single jurisdiction without the previous geographical boundaries of county courts. Subsequently the Crime and Courts Act 2013 enabled legal advisers to consider decree nisi applications and directions for trial across the family court. In light of these changes HM Courts & Tribunals Service agreed plans with the Ministry of Justice and with the President of the Family Division for uncontested decree nisi applications to be considered by legal advisers at designated divorce centre locations in England and Wales. Legal advisers will therefore deal with the majority of routine decree nisi applications, which will free up judicial time for other work, and reduce processing delays and inconsistency. The divorce centres will be centres of expertise that will improve services, release efficiencies of scale and minimise the possibility of fraud.

Where are the locations of the 11 divorce centres?

There will be centres within each Region as follows:

- **North East:** there will be centres at Durham, Doncaster, Harrogate* and Bradford
- **North West:** there will be one centre at Liverpool
- **Wales:** there will be centres at Neath, Newport and Wrexham
- **Midlands:** there will be centres at Nottingham and Stoke
- **South West:** there will be one centre at Southampton
- **London and South East:** there will be one centre at Bury St Edmunds

* Work from Harrogate will transfer to Bradford in due course

When will the centres be in operation?

Some divorce centres are already fully or partly live. The transfer of divorce work is being phased in to the centres, and the current plan is that each of the divorce centres will be fully operational as follows:

- **North East:** November 2014
- **North West:** February 2015
- **Wales:** January 2015
- **Midlands:** February to April 2015
- **South West:** February to April 2015
- **London and South East:** April to October 2015

What do these changes mean for court users?

The key change is that all divorce petitions and financial remedy applications should be sent by post to one of the centres rather than your local court, with the exception of urgent applications that require immediate issue.

It is possible to attend in person at one of the centres to issue a petition with or without a financial remedy application where there is a counter service in operation, but this will not gain any advantage in terms of the way the application is handled subsequently.

Counter and drop box facilities for each HM Courts & Tribunals Service region are as follows.

- **North East:** There is a counter service at Bradford, Harrogate and Durham. At Doncaster a counter service will be in operation for urgent pre-booked appointments only.
- **North West:** The Liverpool divorce centre does not have counter service, but a drop box facility is available.
- **Wales:** Neath, Newport and Wrexham all have counter services in operation.
- **Midlands:** A counter service will be in operation at the Divorce Centres in Nottingham and Stoke for urgent applications only.
- **South West:** No counter service is available at Southampton. Applications can be posted in the post box outside the building, which is emptied twice a day.
- **London and South East:** A counter service is available at Bury St Edmunds.

Is the application process changing?

The application process will remain unchanged but all uncontested petitions will be prepared and made ready for initial decree nisi consideration by a legal adviser based at the centre. The legal advisers will be supervised by district judges on site, who will handle any contested applications, annulments and judicial separation applications. Legal advisers will not handle any financial remedy cases.

What if I need a hearing?

The centres are points of entry for divorce applications. However, if a hearing is required this will be listed at a local hearing centre and court users will have the opportunity to indicate where the hearing should take place, for example, at the same court as any Children Act application, more locally to where the parties reside, or at a more central location when the parties live in completely different areas.

The Family Procedure Rules Committee will be considering changes to the D8 petition form and Form A financial remedy form so that a preferred hearing venue can be requested, if one is required (please see the list of hearing venues at Annex A). If there is any dispute over the venue for hearings, this will be dealt with in the usual way by a district judge at the divorce centre.

How do civil partnership dissolutions fit into this?

In time, civil partnership dissolution applications will also be required to be sent to the same centres, but the timetable for this is not yet confirmed. However, civil partnership work at Newcastle has already transferred to Durham, and in the Midlands applications will be dealt with at both Nottingham and Stoke as soon as implementation is complete.

What are the catchment areas for each Divorce Centre?

The Family Court is a single jurisdiction without the previous geographical boundaries of county courts, so 'catchment areas' are no longer a legal entity, but do help HM Courts & Tribunals Service to manage the distribution of business (although in Children Act cases the child's place of residence does determine the designated family judge area in which the case should be heard). The Family Court catchment areas are based on local authority boundaries with each designated family judge area and region being made up of a collection of local authorities.

Court and Tribunal Finder will be the source of information on catchment areas and all points of entry for all family cases. It is currently being updated so that any search made under divorce application will indicate the correct point of entry. Court and Tribunal Finder searches by postcode rather than the local authority they reside in as research has indicated that more people know their postcode than the relevant local authority.

<https://courtribunalfinder.service.gov.uk/search/>

Can I continue to issue divorce applications at my nearest centre?

There are no legal changes that prevent you from issuing to a particular centre; however we would encourage bulk users to continue to send any batches of multiple applications to the nearest centre in their region, to avoid any delays.

How will Financial Remedy applications be dealt with?

Financial remedy applications, particularly those where parties are seeking a consent order, will mostly be handled by district judges located at the divorce centres.

Where the application is contested or requires a hearing it will be listed, where possible, at the applicant's preferred hearing venue.

Where a financial application has been referred to a local hearing centre the divorce petition will also be transferred to the local court hearing centre. However there may be occasions where it is suitable for the petition to continue to be processed at the divorce centre depending on the stage of the divorce proceedings.

In the Midlands, financial remedy work will not transfer to the divorce centres until later in the year when further information will be provided to court users.

Complex financial remedy applications that are appropriately dealt with in a specialist financial unit may be issued within the Financial Remedy Unit at Central Family Court upon completion of the relevant certificate.

Are there circumstances where a legal adviser could consider a consent order?

No. Legal advisers do not have the power to handle financial remedy applications.

What happens if a party wishes to attend the pronouncement of the Decree Nisi or the respondent wishes to be heard on the question of costs?

The Family Procedure Rules Committee are considering an increase to the notice period for costs orders in undefended proceedings from two to fourteen days and to include the court and all parties in the service of the notice. This will enable arrangements to be made for the transfer of cases to local court centres for the purpose of any hearing about costs.

Subject to the rule changes outlined above being agreed, if a party wishes to attend the pronouncement of the Decree Nisi they will need to notify the court setting out the reason for their attendance.

How will urgent applications be dealt with?

There are no legal or other changes (no changes have been made or are currently proposed to primary or secondary legislation) which affect the ability to issue urgent petitions, for example where there is a jurisdiction race.

All family court venues that have district judges on site, including the Central Family Court, will continue to accept urgent petitions and applications, and will retain the facility to issue. The Family Procedure Rules Committee will consider whether the D8 form should be amended so that matters of urgency can be articulated.

What is the procedure for filing a Children Act application where there are already on-going divorce proceedings?

Children Act applications should be sent to the point of entry for the designated family judge area in which the child resides as this is defined in law. The point of entry will usually be the Designated Family Centre for the designated family judge area. If either the divorce or the financial remedy application requires a hearing then arrangements can be made for this to take place at the same venue as the Children Act case if necessary. When a hearing is not required they will be administered separately.

Has the process for undertaking a Divorce Search changed?

HM Courts & Tribunals Service are looking at simplifying the search facility for divorce generally, though this work is at an early stage. In the meantime there is no change to the current search service.

What is the process for dealing with applications to vary or discharge?

For vary and discharge, applications should go to the divorce centre - they will be redirected to local venues if necessary.

How are these changes being communicated to court users?

Because the implementation dates of the divorce centres is being staggered, each HM Courts & Tribunals Service region has taken responsibility for ensuring communications have been provided to local users. Communications are being delivered via a number of different channels, including posters displayed in local courthouses and letters sent out to regular court users.

HM Courts & Tribunals Service has also worked closely with Resolution. A bulletin outlining the changes has been issued to its members and all concerns and questions raised by its members have been fed back to HM Courts & Tribunals Service for clarification.

We hope that this Q&A document has been helpful in clarifying a number of points, and we will continue to update this document during the course of implementation.

If you have any questions you can contact Paul Stewart (paul.stewart@justice.gsi.gov.uk) or Emma Petty (emma.petty@hmcts.gsi.gov.uk) at HM Courts & Tribunals Service.

Alternatively, if you prefer to raise issues anonymously, you can contact Rachel Rogers at Resolution (divorcecentres@resolution.org.uk) who will be happy to pass your query on.