



## What must I do before I apply for my decree absolute?

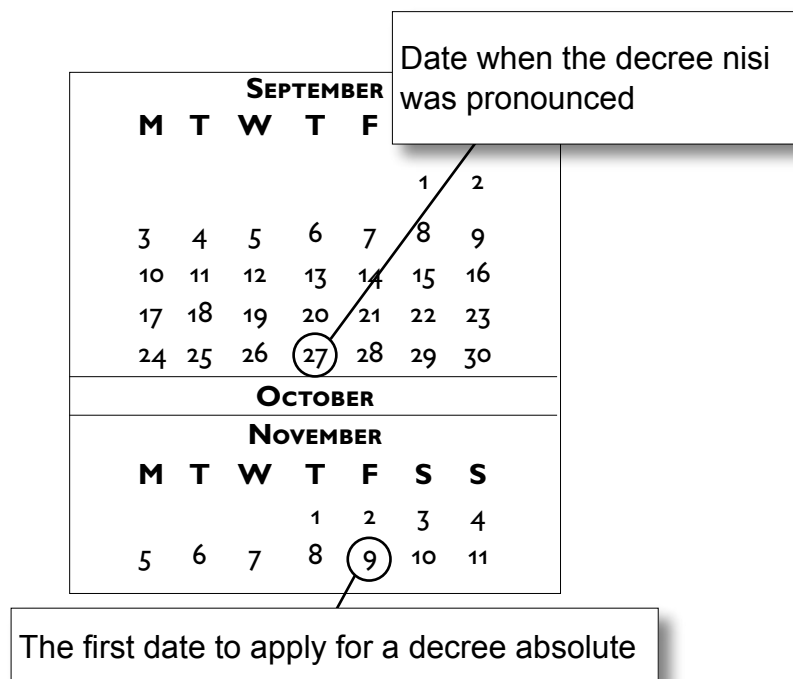
If there are children of the family, check that the court has sent you a form D84B which says the judge has decided that the decree absolute need not be held up on account of the children.

You cannot have your decree nisi made absolute if the court sent you form D66. See leaflet D185 Children and divorce.

If there are:

- no children of the family; or
- the court has sent you form D84B;

then check that six weeks have passed since your decree nisi was pronounced.



The first date you can apply for your decree absolute is six weeks and one day from the date your decree nisi was pronounced.

If you are the respondent and the petitioner has not already applied for the decree absolute you are able to apply for the decree absolute three months, six weeks and one day from the date your decree nisi.

If the application for the decree nisi to be made absolute is lodged more than 12 months after the decree nisi, an explanation in writing must be lodged with the application for the decree nisi to be made absolute containing the following information:

- a) reasons for the delay;
- b) a statement as to whether the parties have lived together (including any dates) since the decree nisi;
- c) a statement as to whether any child has been born to the wife and if they are to be considered a child of the family.

You should check with the court dealing with the divorce to find out if you will also need to file an affidavit.

## Will I have to pay a fee?

You may have to pay a court fee. Please ask the court staff for a copy of the leaflet **EX50 - County Court Fees**. This lists the most common family fees. It is also available on our website [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

You can pay the fee by cash, postal order or cheque. Make your cheque or postal order payable to HMCS. Please note that courts cannot accept payment by debit or credit cards. For your own safety do not send cash through the post

If you show that a payment of a court fee would involve undue hardship to you, the Court Manager may remit (say you do not have to pay) the fee. For further information, or to apply for a fee exemption/remission ask court staff for a copy of the combined booklet and application form **EX160A - Court Fees - do I have to pay them?**.

It is also available on-line on our website [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk). You will have to make a separate application for each fee that you would otherwise have to pay.

For free legal information, help and advice contact Community Legal Service Direct on 0845 345 4345 or [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

## Do I need a form to make my decree nisi absolute?

Yes. Get form D36 (notice of application for decree nisi to be made absolute) from the court office.

Fill it in and take or send it to the court office.

# What will the court do with form D36?

From your file the court will check the following.

- If there are children:
- the court is satisfied with the arrangements proposed for them; or
- that even if the court is not satisfied, there are no exceptional circumstances affecting the decree absolute;
- six weeks have passed since your decree nisi was pronounced;
- there is no other reason why your decree nisi cannot be made absolute.
- If everything is in order the court will send you and the respondent a form D37 (decree absolute).
- The example below shows what a completed form looks like.

**D36**

In the *ANYTOWN* County Court

No. of matter *01 D 267*

Between PATRICIA ELIZABETH MANN Petitioner  
 And JAMES DAVID MANN Respondent  
 And ..... Co-Respondent

(SEAL)

TAKE NOTICE that the Petitioner applies for the decree nisi pronounced in his (her) favour on the 27 day of September [19] 20 01 to be made absolute.

Dated 9 November 2001

Signed P. E. Mann  
Solicitor for Petitioner

To the Court Manager:

Address all communications to the Court Manager AND QUOTE THE ABOVE CASE NUMBER

The Court Office is *Sanctuary House, 12 Church Road, Anytown AN2 4PX*  
 is open from 10 a.m. to 4 p.m. Monday to Friday.

Notice of Application for Decree Nisi to be made Absolute.  
 MATRIMONIAL CAUSES RULES - Rule 65(1)  
 D36 - 43 (12/98)

**D37**

In the *ANYTOWN* County Court

No. of Matter 01 D 267

Between PATRICIA ELIZABETH MANN Petitioner  
 and JAMES DAVID MANN Respondent  
 and ..... Co-respondent

Referring to the decree made in this cause on the 27TH day of SEPTEMBER 2001, whereby it was decreed that the marriage solemnised on the 2ND day of AUGUST 1985, at ST MARGARET'S CHURCH, IN THE PARISH OF ANYTOWN IN THE COUNTY OF ANYSHIRE between PATRICIA ELIZABETH MANN the Petitioner and JAMES DAVID MANN the Respondent be dissolved unless sufficient cause be shown to the Court within [six] weeks from the making thereof why the said decree should not be made absolute, and no such cause having been shown, it is hereby certified that the said decree was on the 9TH day of NOVEMBER 2001, made final and absolute and that the said marriage was thereby dissolved.

Dated 9TH NOVEMBER 2001

**Notes:**

- Divorce affects inheritance under a will**  
 Where a will has already been made by either party to a marriage then, by virtue of section 18A of the Wills Act 1837:  
 (a) any provisions of the will appointing the former spouse executor or trustee or conferring a power of appointment on the former spouse shall take effect as if the former spouse had died on the date on which the marriage is dissolved unless a contrary intention appears in the will;  
 (b) any property which, or an interest in which, is devised or bequeathed to the former spouse shall pass as if the former spouse had died on the date on which the marriage is dissolved unless a contrary intention appears in the will.
- Divorce affects the appointment of a guardian**  
 Unless a contrary intention is shown in the instrument of appointment, any appointment under section 5(3) or 5(4) of the Children Act 1989 by one spouse of his or her former spouse as guardian is, by virtue of section 6 of that Act, deemed to have been revoked at the date of dissolution of the marriage.

Address all communications to the Chief Clerk and quote the above case number.  
 The Court Office at  
 SANCTUARY HOUSE, 12 CHURCH ROAD, ANYTOWN AN2 4PX  
 is open from 10 am to 4 pm Mondays to Fridays only.  
 Certificate making Decree Nisi Absolute (Divorce)  
 Family Proceedings Rule 2.51 (2) (Form M9)  
 D37

Form D37 is your final decree. You are now free to remarry if you wish.