

“Blame game” ends as no-fault divorce comes into force

- Changes remove unnecessary conflict to ease stress on couples and children
- New minimum wait of 20 weeks between application and conditional order of divorce
- Part of wider action to improve the family justice system

The Divorce, Dissolution and Separation Act (2020), represents the biggest shake up in divorce law for more than half a century. It ends completely the need for separating couples to apportion blame for the breakdown of their marriage, helping them to instead focus on key practical decisions involving children or their finances and look to the future.

Previously, one spouse was forced to make accusations about the other’s conduct, such as ‘unreasonable behaviour’ or adultery, or face years of separation before a divorce could be granted. This was regardless of whether a couple had made a mutual decision to separate.

The changes mean that a spouse, or a couple jointly, can now apply for divorce by stating their marriage has broken down irretrievably. It removes unnecessary finger-pointing and acrimony at a time where emotions are already running high, and spares children from witnessing their parents mudslinging.

Importantly, it stops one partner from vindictively contesting a divorce and locking their spouse into an unhappy marriage. In some cases, domestic abusers can use their ability to challenge the process to further harm their victims or to trap them in the relationship. The reforms will put an end to this behaviour.

The Act also introduces a new minimum timeframe of 20 weeks between the start of proceedings and when individuals may apply for a conditional order of divorce. This will offer time to reflect, and potentially turn back, or where reconciliation is not possible to agree important arrangements for the future – such as those involving children, finance and property.

Deputy Prime Minister, Lord Chancellor and Secretary of State for Justice, Dominic Raab said:

The breakdown of a marriage can be agonising for all involved, especially children. We want to reduce the acrimony couples endure and end the anguish that children suffer.

That’s why we are allowing couples to apply for divorce without having to prove fault, ending the blame game, where a marriage has broken down irretrievably, and enabling couples to move on with their lives without the bitter wrangling of an adversarial divorce

process.

Specifically, the measures from the Divorce, Dissolution and Separation Act that come into force today include:

- Replacing the current requirement to evidence either a conduct or separation 'fact' with the provision of a statement of irretrievable breakdown of the marriage (for the first time, couples can opt to make this a joint statement).
- Removing the possibility of disputing the decision to divorce, as a statement will be conclusive evidence that the marriage has irretrievably broken down, except on limited technical grounds.
- Introducing a new minimum period of 20 weeks from the start of proceedings to a conditional order of divorce being made, allowing greater opportunity for couples to agree practical arrangements for the future where reconciliation is not possible and divorce is inevitable.
- Simplifying the language of divorce to make it more understandable. This includes replacing the terms 'decree nisi', 'decree absolute' and 'petitioner', with 'conditional order', 'final order' and 'applicant'.

Following the implementation of the Act the government has also committed to look into further the law around financial settlements after a divorce, such as the dividing of assets or maintenance payments.

Juliet Harvey, National Chair of Resolution said:

This historic change will mean the end of the blame game for divorcing couples, removing the outdated and unnecessary need for them to find fault with their ex on the divorce petition.

Our members help couples facing separation and divorce to minimise conflict and find constructive, lasting solutions, putting the best interests of any children first. For years, the previous divorce law made this more difficult, with the need to apportion blame often introducing or exacerbating conflict unnecessarily – this ends today.

After more than 30 years of campaigning by our members, we are delighted to see this reform finally come to pass, which will result in a kinder, less adversarial divorce process in England and Wales.

Aidan Jones, Chief Executive at Relate, said:

The new legislation represents the biggest shake-up in divorce law for 50 years. It is an important step in moving away from animosity and blame being the norm, to a place where the welfare of those involved – particularly children – is at the forefront of the process. Introducing a minimum time from petition stage to ‘Decree Absolute’ is also welcome, allowing both partners to reflect on the decision and to access support such as counselling and mediation if appropriate.

This is far from the end of the journey, though. As a society we must encourage healthy relationships, reduce parental conflict (whether parents are together or not) and in turn improve children’s wellbeing and life chances. Relationship support services are vital to this.

The reforms are part of wider government efforts to reduce conflict in the family courts, to protect children from harm and divert suitable cases away from the courtrooms.

This includes a landmark mediation voucher scheme helping thousands of families resolve disputes without the need for often lengthy and costly courtroom battles.

The government also launched a new investigative approach pilot in North Wales and Dorset which aims to improve information sharing between partner agencies to better deal with cases involving domestic abuse. It is also reviewing the presumption of parental contact in cases where abuse is alleged to ensure children are kept safe.

Notes to editors:

- The new online system for divorce goes live at 10am on Wednesday, 6 April.
- In January 2022, the government announced £1.3 million in funding for a [Family Mediation voucher scheme](#), bringing the total amount to nearly £3.1 million with thousands of families benefiting from free out of court mediation.
- In August 2021, the government announced a [call for evidence on dispute resolution](#), seeking views on the best ways to settle family, business and other civil disputes away from the court room. A response will be published in due course.
- In November 2020, a [review of the Presumption of Parental Contact](#) was

launched. It examined how courts balance child safety with the right to family life. This work is ongoing.