



Family Law Centre

DIY Consent Divorce Process in Ireland

A Plain English Guide for Lay Litigants

-  1. Court Form
Divorce Application
-  2. Sworn Affidavit
of the Applicant
-  3. Terms of Consent
Signed by Both Parties
-  4. Notice of Motion
for Directions
-  5. Court Hearing Date
Listed
-  6. Court Hearing
Before the Judge
-  7. Decree of Divorce
Granted



Clear steps. Shared agreement.
A respectful way forward.



For fully agreed divorce applications in the Circuit Family Court

DIY Consent Divorce Process in Ireland

A Plain English Guide for Lay Litigants in Fully Agreed Divorce Applications

This guide explains the general steps involved where spouses are acting as lay litigants, meaning they are progressing a fully agreed divorce application themselves rather than instructing solicitors to act on the Court record.

The guide is intended for straightforward cases where both parties agree that the divorce should proceed, agree the terms to be placed before the Court, and are willing to sign, file, serve and attend as required.

Although this may be described in practical terms as a DIY consent divorce, it remains a formal Court application. The paperwork must be accurate, the agreement must be clear, and the Judge must be satisfied that the legal requirements for divorce have been met.

Applicant and Respondent

<p>The Applicant The person who formally starts the divorce application and files the first Court documents.</p> <p>The Applicant usually has the main practical responsibility for progressing the application through the Court process.</p>	<p>The Respondent The other spouse, who receives the divorce papers and files the necessary response documents.</p> <p>In a consent case, the Respondent is not opposing the application, but must still engage with the process and sign or file the required documents.</p>
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1. Is a DIY Consent Divorce Suitable?

A DIY consent divorce is only suitable where the application is straightforward and fully agreed. Both parties should understand what they are signing and should be comfortable proceeding as lay litigants.

This process may not be suitable where there are unresolved disputes, complex pensions, business assets, foreign assets, domestic abuse concerns, pressure or coercion, capacity concerns, uncertainty about financial disclosure, concerns about hidden assets, international jurisdiction issues, or where either party is unsure about the agreement.

If any of those issues arise, independent legal advice should be obtained before the parties sign final documents or ask the Court to make orders.

2. The Legal Test for Divorce

The Court cannot grant a divorce simply because both parties agree. The Judge must be satisfied that the legal requirements for divorce have been met.

In general terms, the Court must be satisfied that the parties have lived apart for at least two years during the previous three years, that there is no reasonable prospect of reconciliation, and that proper provision has been made or will be made for the parties and any dependent children.

Living apart does not always mean that the parties lived in separate homes for the entire period. In some cases, spouses may be considered to have lived apart while still under the same roof, provided the marriage relationship had ended in reality. If this applies, the circumstances should be explained clearly in the Court documents.

3. Starting the Divorce Application

To begin the divorce process, the Applicant prepares and files the initial Court documents with the relevant Circuit Family Court Office. The main documents are the Family Law Civil Bill and the Applicant's financial statement or Affidavit of Means, depending on the filing route being used.

Where there are dependent children, an Affidavit of Welfare or equivalent welfare statement may also be required. Once the documents are accepted by the Court Office, the Court opens a file, allocates a Court record number and the divorce application can then proceed.

4. Paper Filing and Courts Portal Filing

There are two broad filing routes: paper filing through the relevant Circuit Court Office and online filing through the Courts Service Portal. The Courts Portal is only available in certain Court areas and for certain application types, so parties should check at the beginning which filing route applies to their case.

With paper filing, documents are usually prepared, signed and sworn where required, and then filed physically with the Court Office. With Portal filing, the system may require documents to be uploaded online and may use Statements of Truth instead of sworn affidavits for some parts of the process.

The purpose of the documents is broadly the same in either route: to give the Court the information it needs in the correct format.

5. The Family Law Civil Bill

The Family Law Civil Bill is the document that formally starts the divorce application. It gives the Court the mandatory information needed to open the file and identify the parties, the marriage, any dependent children, and the orders being sought.

In plain English, the Family Law Civil Bill tells the Court who the parties are, what the application is about, and what the Applicant is asking the Court to do.

6. The Applicant's Affidavit of Means or Statement of Means

The Affidavit of Means is a sworn legal document that gives the Court an overview of the Applicant's financial position. It usually includes income, assets, liabilities, expenses, pensions and other relevant financial information.

Where the Courts Portal is used, the equivalent financial information may be provided by a Statement of Truth of Means or other Portal generated document. Whether sworn or submitted by statement of truth, the information must be true and accurate.

7. Affidavit of Welfare or Welfare Statement, Where Required

Where there are dependent children, a welfare document may be required. This gives the Court information about the children, including where they live, their education, health, care arrangements, maintenance and contact with each parent.

The purpose of the welfare document is to assist the Court in considering the welfare of any dependent children before making final orders.

8. Sending the Papers to the Respondent

Once the Applicant's documents have been filed, the Applicant must send or serve a copy of the divorce papers on the Respondent. This gives the Respondent formal notice of the application and an opportunity to respond.

In a consent case this step should be straightforward, but it remains an important part of the Court process because the Court must be satisfied that the Respondent has received, or has been properly served with, the papers.

9. Proof of Service

After the divorce papers have been served on the Respondent, proof of service must be filed with the Court. This proves that the Respondent received the papers or that the papers were served in the required way.

In a paper filing case, proof of service is usually dealt with by an Affidavit of Service or Declaration of Service. Where service is linked to a Portal filing, the Portal may require a Statement of Truth of Service and may generate a record of digital service.

If service was by registered post or another tracked method, the relevant proof, such as a certificate of postage or delivery record, should be kept and filed where required.

10. Service Outside Ireland

If the Respondent lives outside Ireland, additional service requirements may apply. This can affect the documents required, the method of service, and the timeframe for the Respondent to reply.

Service outside Ireland should be identified at the beginning of the process. Depending on the circumstances, the parties may need to consider whether leave of the Court, a specific method of service, translation, additional time limits, or other procedural steps are required.

Where there is any doubt about service outside Ireland, independent legal advice should be obtained before issuing or serving the divorce application.

11. The Respondent's Documents

When the Respondent receives the divorce papers, the Respondent files an Entry of Appearance and their own Affidavit of Means or equivalent Portal financial statement. Where there are dependent children, the Respondent may also need to complete a welfare document.

The Entry of Appearance tells the Court that the Respondent has received the divorce papers and is participating in the process. In a consent case, it also confirms that the Respondent does not intend to contest the divorce.

12. Terms of Consent

The Terms of Consent are the document that records the agreement between the Applicant and the Respondent. They inform the Court that both parties are in agreement and set out the terms upon which the divorce is to be granted.

The Terms of Consent may deal with matters such as the agreement to divorce, financial arrangements, property, pensions, maintenance, children, succession rights, costs and any other agreed terms relevant to the marriage.

Both parties should read the Terms of Consent carefully before signing. The document may affect important legal rights. Where either party is unsure, independent legal advice should be obtained before signing.

13. Signing and Witnessing the Terms of Consent

Both the Applicant and the Respondent must sign the Terms of Consent. The signatures should be properly witnessed. Each party should be satisfied that they understand the document and agree to its contents before signing.

Once signed and witnessed, the Terms of Consent are placed before the Court as evidence of the agreement reached between the parties.

14. Pension Adjustment Orders and Notice to Trustees

If either party has a pension and the agreed terms require a Pension Adjustment Order, additional pension documents and pension scheme approval steps may be required. This may arise where the parties agree

that one party will retain pension benefits, or where one party is to receive a share of, or lump sum payment from, the other party's pension.

A Pension Adjustment Order is the Court order that deals with the pension arrangement. A separate Pension Adjustment Order may be required for each pension scheme affected.

A Notice to Trustees is the document used to notify the trustees of the relevant pension scheme that a Pension Adjustment Order may be sought. It is an important Court document because it shows the Court that the trustees of the pension scheme have been notified of the proposed pension adjustment.

15. Pension Approval and Timing

Where applicable, the Notice to Trustees should be filed and served on the relevant pension trustees. The proposed Pension Adjustment Order should also be drafted and sent to the pension trustees or scheme administrators for approval before it is placed before the Court.

If the Pension Adjustment Order is drafted, approved and ready in time, it may be included in the final hearing orders. If it is not ready in time, this does not necessarily prevent the divorce from being granted, provided the Court is otherwise satisfied that the divorce requirements have been met.

If the divorce is granted before the Pension Adjustment Order is ready, the pension issue will usually have to be dealt with by a further Court application at a later date. Pension arrangements can be technical and may affect important financial rights, so each party should obtain independent legal, financial or pension advice where required.

16. Applying for a Consent Hearing Date

After the Terms of Consent have been signed, the next step is to ask the Court to list the matter for a consent hearing. This is generally done by filing a Notice of Motion and a Grounding Affidavit, or the equivalent Portal documents where the Portal route is being used.

A Notice of Motion is a document used to ask the Court for something. A Grounding Affidavit is a sworn document that explains why the Court is being asked to do it. In this context, the parties are asking the Court to list the divorce application for hearing on a consent basis.

The signed Terms of Consent are usually exhibited to the Grounding Affidavit, or otherwise uploaded with the appropriate Portal application, as evidence that both parties agree to the divorce and to the terms being placed before the Court.

17. Allocation of a Court Date

Once the Court accepts the request for a consent hearing, the Court will allocate a date. In many cases this will be the date on which the divorce is finalised and the Decree of Divorce is granted.

On some occasions, depending on the Court diary and workload, the first date may be a procedural listing date rather than the final divorce hearing. In practical terms, the Court may use that date to allocate a later final hearing date.

The timing of Court dates is entirely a matter for the Court and the Courts Service. No outside person or organisation can control when a case will be listed.

18. The Final Hearing

On the date of the final hearing, both the Applicant and the Respondent will usually be required to attend Court. Because the matter is proceeding by consent, the hearing is generally short and straightforward.

The parties will attend before the Judge. The Judge may ask some brief questions to confirm the identity of the parties, the date of marriage, the length of separation, whether the marriage has broken down, whether there is any prospect of reconciliation, and whether both parties understand and agree to the Terms of Consent.

The Judge must still be satisfied that the legal requirements for divorce have been met and that proper provision has been made for both parties and any dependent children.

19. The Judge's Decision

Even in a consent case, the decision to grant a divorce is entirely a matter for the Court. Agreement between the parties does not automatically guarantee that the divorce will be granted.

In most straightforward consent cases, once the Judge is satisfied that the legal requirements have been met and the paperwork is in order, the Decree of Divorce will be granted.

20. After the Divorce Is Granted

Once the Judge grants the divorce, the formal Decree of Divorce is prepared and issued by the Court Office. The Decree is not always available immediately on the day of the hearing.

It is usually posted or made available after the Court Office has processed it. This may take a week or two, although the exact timeframe can vary depending on the Court Office. The Decree of Divorce is the formal Court document confirming that the marriage has legally ended.

21. Privacy of Divorce Proceedings

Divorce proceedings in Ireland are heard in private. This means that members of the public are not generally present in the courtroom while family law matters are being dealt with.

Although going to Court can feel daunting, a consent divorce hearing is usually as informal and straightforward as the Court process allows. The Judge will still treat the matter seriously, but the hearing itself is generally short where everything is agreed and the paperwork is in order.

Practical Checklist

Before starting

- Confirm both parties agree to divorce
- Confirm the parties meet the legal separation requirement
- Confirm whether the case is suitable for a DIY consent process
- Identify the correct Court area and whether Portal filing is available

Applicant documents

- Family Law Civil Bill
- Affidavit or Statement of Means
- Welfare document where there are dependent children
- Marriage certificate and any required supporting information

Service and Respondent documents

- Serve or send the filed papers to the Respondent
- File proof of service
- Respondent files Entry of Appearance
- Respondent files Affidavit or Statement of Means and welfare document where required

Agreement documents

- Prepare Terms of Consent
- Both parties review and sign the Terms of Consent
- Signatures are properly witnessed
- Independent advice is obtained where either party is unsure

Pensions, where applicable

- Identify each pension affected
- Prepare and serve Notice to Trustees
- Draft Pension Adjustment Order or Orders
- Obtain trustee or scheme approval where required
- If not ready by the divorce hearing, arrange a later application

Hearing application and final hearing

- File Notice of Motion and Grounding Affidavit or equivalent Portal documents
- Attach or exhibit signed Terms of Consent
- Attend Court when listed
- Answer brief questions from the Judge
- Wait for the Decree of Divorce to issue after the hearing

Plain English Summary

- The Applicant prepares and files the first divorce papers.
- The Court opens a file and gives the case a Court record number.
- The Applicant serves the papers on the Respondent and files proof of service.
- The Respondent files an Entry of Appearance and their financial documents.
- Both parties agree, sign and witness the Terms of Consent.
- If pensions are involved, Notice to Trustees and Pension Adjustment Order steps may be required.
- The signed Terms of Consent are filed with the application for a consent hearing date.
- The Court gives a hearing date, or a procedural date to allocate a final hearing date.
- Both parties attend Court.
- The Judge asks brief questions and, if satisfied, grants the divorce.
- The Decree of Divorce is later issued by the Court Office.

Important Points to Remember

- A consent divorce can only proceed smoothly where both parties remain in agreement.
- A DIY consent divorce is not appropriate for every case.
- Both parties must provide accurate and complete information.
- Both parties must sign all required documents and attend Court when required.
- The Court controls the listing of the case and the allocation of hearing dates.
- The Judge decides whether the divorce is granted.
- The Decree of Divorce usually issues after the hearing, once processed by the Court Office.
- Court forms, filing systems and Court Office requirements can change, so the current requirements should always be checked before filing.

Final Note

A DIY consent divorce is intended to be a straightforward process where both parties are in agreement and are prepared to act as lay litigants. However, it remains a formal Court application. The documents must be accurate, the agreement must be clear, and the Court must be satisfied that the legal requirements for divorce have been met.

Where there is any uncertainty, disagreement, or concern about financial, property, pension, succession, child related, international service or other matters, independent legal advice should be obtained before signing any final agreement or proceeding to Court.

Disclaimer: This guide is provided for general information and practical guidance only. It does not constitute legal advice, does not create a solicitor-client relationship, and should not be relied upon as a substitute for advice from a qualified solicitor on the facts of any individual case. Court rules, Court forms, filing systems, Court Office practices and legal requirements may change. The parties remain responsible for checking the current requirements, ensuring that their documents are accurate, and deciding whether independent legal advice is required before signing or filing any document.