

Getting divorced

The thought of divorcing can be daunting, but the process need not be a difficult one with our help. We will guide you smoothly through the process, so that you avoid the legal pitfalls that you may experience being unrepresented. All our lawyers offer sensitive yet independent advice.

Because divorce can raise sensitive and personal issues we do our best to put you at ease. We believe that we are approachable and provide straight forward advice making the process understandable.

How we can help:

- Advise about the divorce process
- Start and manage your divorce proceedings
- Keep you informed of progress
- Send you copies of any important letters
- Provide you with clear information about the cost of your case

If you are at risk from domestic abuse at any stage, you should inform your solicitor immediately. We will make it a priority to discuss all possible ways of keeping you and your children safe.

What we will need to know:

It is very important that you are open with us so that we get a good understanding of your circumstances, will ask you for a variety of details and documents. These may include:

- The reasons you want a divorce
- How long you have been living apart from your partner
- The names and ages of any children who are part of the family
- Current and future living arrangements for the family
- Details of current contact arrangements between you or your partner and the children
- A list of your assets, savings, income and pension funds and those of your partner
- Details of any ongoing problems such as debts and so on
- Details of any domestic abuse
- Your marriage certificate
- Any other relevant documents, names and dates.

Grounds for divorce:

In order to obtain a divorce if you to prove to the court that your marriage has irretrievably broken down. To do this you must show that your marriage is beyond repair because of one of the following:

- Your partner has committed adultery
- Your partner's behaviour is such that you cannot reasonably be expected to live with them
- Your partner left against your wishes and you have not seen them for two years or more
- You have been separated from your partner for two years and you both agree to being divorced
- You have been separated from your partner for at least five years

Once we have more information from you we will be able to advise you which of the above is most suitable for you.

If the process of divorce is against your religion, we can advise you about other forms of separation.

The divorce process:

Divorce is a relatively straightforward process which can often be dealt with on paper without the need to attend court. What is generally much less straightforward is sorting out the practical issues associated with a divorce, such as where each person will live, who gets what, and arrangements for any children. If you and your partner can agree on these matters between yourselves without external mediation or court action, you can save valuable time and reduce costs greatly. Sadly, this is not always possible.

The person applying for the divorce is known as 'the Petitioner', and the person they are divorcing is 'the Respondent'. At the start of your proceedings we will discuss with you about writing a letter to your partner to tell them that you have instructed us to start divorce proceedings. In this letter we will also recommend that your partner gets independent legal advice if they have not done so already, as this will aid the process.

Divorce petition

To start your proceedings we will send your divorce petition to the court. The petition sets out the reasons why you feel that the marriage has broken down, whether you will be seeking to recover the costs of your divorce from your partner or whether you are seeking some financial support for you or your children. We can also send a draft copy of your petition, before issuing it, to your partner or their solicitor for them to consider in accordance with the Family Law Protocol (you do not have to take this step if you do not wish to).

Once your partner or their solicitor has received the petition they have 7 days to reply. Once a reply is received, we will prepare the next set of papers which us a sworn statement or 'affidavit', Your application for the Decree Nisi is then lodged with the court. If your partner does not reply or cannot be found, we will advise you as to your options.

If you have children under the age of 16 (or between 16 and 18 in full-time education), you will need to complete an additional form giving details about your children such as:

- Who they will live with
- Where they go to school
- What your plans for them are, including any contact arrangements

The Statements of Arrangements for Children is basically information for the court to make sure that the children are properly provided for.

Decree nisi – 1st Decree

Once the court is satisfied that your marriage has broken down irretrievably they will issue a certificate stating that you are entitled to be divorced. The court will allocate a date and time for the judge to pronounce the 'decree nisi'. When the decree nisi is pronounced, you are not actually divorced at this stage. At this time if you and your partner have not agreed whether your partner is to reimburse you your legal costs of the divorce, the judge will make the decision for you.

Decree absolute – 2nd/Final Decree

Six weeks after the decree nisi you can apply for the decree absolute. The decree absolute legally ends your marriage. However, in most cases we usually recommend waiting until financial matters ('ancillary relief') have been resolved.