



Life's Chapters

by Sarah Hull

HOW TO GET A DIVORCE

**THERE IS A SET PROCESS FOR GETTING A DIVORCE,
WHICH YOU NEED TO FOLLOW.**

**BELOW I HAVE OUTLINED THE PROCESS AND THE
KEY THINGS YOU MAY NEED TO CONSIDER AT EACH STAGE.**

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HOW TO GET A DIVORCE

ELIGIBILITY

You must have been married for at least 1 year and 1 day before you issue your divorce application.

GROUND

There is one ground for divorce and that is the irretrievable breakdown of the marriage.

How do you prove irretrievable breakdown of a marriage?

1. Adultery – sexual intercourse with a person of the opposite sex and you have not lived with your spouse for more than 6 months after the last known act of adultery.
2. Unreasonable behaviour
3. Your spouse has deserted you for at least 2 years
4. You have been separated for at least 2 years
5. You have been separated for at least 5 years



PROCESS

STAGE 1- PETITION

The person starting the divorce is called the petitioner. They start the proceedings by lodging a petition with their local divorce centre.

The person being divorced is called the respondent.

The petition sets out the name of the spouses and details of the marriage.

I do not recommend you name any co-respondent in divorces based on adultery, as it only tends to create delay, animosity and additional expense and the court does not require the naming of the co-respondent. The court will stamp the petition and send this to the respondent.

STAGE 2-ACKNOWLEDGEMENT OF SERVICE

The respondent must complete an acknowledgement of service form which will be sent to them by the court at the same time as the petition.

If the respondent agrees to the divorce it is known as an uncontested divorce. If they do not, then it is a defended divorce. If the form is not returned by the respondent, you can arrange for a process server to personally serve the petition on the respondent and proceed with your divorce application; based on the statement of service provided by the process server. A process server is often cheaper and definitely more efficient than the court bailiff who can also serve the divorce petition for you, if you make an application to the court for this.



PROCESS

STAGE 3-DECREE NISI

This stage is where the court checks the petition and makes sure all the legal requirements have been complied with. This is *not* the final decree dissolving your marriage. There will be a public pronouncement in court of the making of the decree Nisi but neither party needs to attend.

STAGE 4-DECREE ABSOLUTE

6 weeks and 1 day after the Decree Nisi is made the petitioner can apply for the Decree Absolute; dissolving the marriage. If the petitioner fails to apply for this the respondent can do so 3 months 6 weeks and 1 day after the date the decree nisi is granted. If the divorce is uncontested then the Decree Absolute will be granted and sent out by the court to both parties.

If the divorce is defended, then there will be a hearing date allocated and directions for statements to be filed etc and court bundles will be given by the court.

Alongside the divorce proceedings the arrangements for the future care of the children and finances need to be agreed. The court only has the power to make a financial agreement final and binding after the Decree Nisi is granted.

A financial agreement is always recommended even if there are no assets for future financial certainty and to prevent any future financial claims being made by either party. I always recommend delaying the application for the Decree Absolute until the financial arrangements have been agreed and approved by the court.



PROCESS

COURT FEES AND DURATION

To issue a divorce petition the fee is currently £550. In certain circumstances you may apply for a reduction. To obtain the courts approval to a financial agreement reached between you the court fee is currently £50. The Process usually takes 6-8 months but it can be longer if financial arrangements cannot be agreed.

NEXT STEPS

I will work with you to find out what is important to you now and in the future and offer you practical guidance and assistance (not legal advice). This is based on my experiences over the last 20+ years as a divorce and family law solicitor; to help you achieve the right separation and divorce for you. A dignified one.

I will help you prepare for divorce mentally and practically take control of the financial negotiations to achieve the outcome that's best for you. You'll get practical and tactical guidance in filling in the divorce paperwork and financial proceedings paperwork, and learn how to emotionally survive divorce and come out the other side in a more positive way. You will learn how to start planning and rebuilding your future post divorce because I will show you there is life after divorce.

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