

Our Services

Divorce and Family Law

You have decided to get divorced. What happens now?

Making the decision to get divorced is never an easy one. We will do our best to ensure that the process of putting that decision into action is as straightforward and stress-free as possible.

The actual process of getting divorced can seem daunting; there is a lot to take in and a number of steps to go through. This information sheet will guide you through what to expect and when. It will tell you what will be required of you, and what we will be doing throughout the process to reach a settlement you will be happy with. It should hopefully answer all your questions, but please contact us if you need any further information.

The process is slightly different depending on whether you are initiating the divorce, or responding to a request for divorce from your partner.

If you are initiating the divorce

As the person who has started the divorce process, you are known as the **Petitioner**. You will need to decide which ground you are going to file your petition on. The petition signifies the start of proceedings and must be filed in court.

You will need to take your marriage certificate to your next meeting with your Solicitor (do not worry if you are unable to find it, you will still be able to get a copy). We will then help you to fill in the petition which we will send to the courts along with a court fee. If you have children, you will need to fill out a form known as '**Statement of Arrangements**' which gives basic details about them, including their age, where they are living and which school they attend. This is all very straightforward. Once the court has processed all this information, your partner or their Solicitor will receive a copy of your petition and Statement of Arrangements.

If the ground for divorce was adultery, and another person has been named in the petition, that person, who is known as the 'co-respondent' will also receive a copy of the petition.

If the respondent fails to return an acknowledgment of receipt of the petition, do not worry - there are steps we can take on your behalf.

If you are responding to the petition

If your partner has initiated the divorce, you are known as the **Respondent**. You will receive a copy of the petition and any Statement of Arrangements (details about your children). You will also receive an '**Acknowledgement of Service**' form. This is a document which you must fill in - stating whether or not you agree that your marriage has irretrievably broken down.

Do I have to go to court?

It is highly unusual to have to go to court. All of the divorce process is completed via paperwork, and through negotiation between your Solicitor and your partner's Solicitor. Key issues surrounding financial settlements and child arrangements can all be handled through official communication between Solicitors and the courts.

How long will the process take?

It usually takes approximately 4-6 months to get divorced although every case is different. However, the case may be delayed if you have not finalised your financial settlement.

What happens next?

When your partner completes the paperwork, the next step will be for you to sign a sworn statement called an **Affidavit**. This is a simple questions and answers form which your Solicitor will help you to complete. This document is sent back to the court and the Judge looks at all the information before them, checking that everything is in order to proceed.

Throughout this time, we will be negotiating with your partner's Solicitor to reach agreement on financial settlement (known as 'ancillary relief') and child arrangements (if appropriate). We will keep you regularly updated on progress. The court prefers couples to decide about living arrangements for their children between themselves. If you cannot agree a settlement, a Judge can decide by making a Court Order.

As long as the Judge has decided that you are entitled to your divorce and is satisfied with the arrangements for your children, a date for the Decree Nisi will be arranged: usually 4 to 6 weeks later. You do not have to attend the court for this. Once this stage has passed, the court can make a financial order. If you have already agreed on living and contact arrangements for your children between yourselves, the courts will not make an order. If you have not reached an agreement, the divorce will still go through the process, but it may be necessary to go to court to decide on arrangements for your children.

Please see our information sheets '*Divorce: what happens when you have children?*' and '*Divorce and Separation: explaining your financial options*' for more details.

The final stage of the process

The next stage differs depending on whether you are the Petitioner or Respondent.

As the **Petitioner**, you must wait at least six weeks and one day after your Decree Nisi has been announced before your Solicitor can apply for your Decree Absolute on your behalf. This is a document that legally ends the marriage and a court fee is payable.

The courts will usually deal with this in approximately 5 - 10 working days and issue your Decree Absolute document which will be sent to your Solicitor. This signifies the end of the process - you are now legally divorced.

If the Petitioner does not apply for the Decree Absolute, the Respondent has to wait a further three months until they can apply for it themselves, which they must do by making a formal application to the Judge. There will then be a court hearing for the Judge to decide.

Timeline for reference

This timeline is included for reference only, in order for you to understand the different processes involved in applying for a divorce. The actual time taken for the Decree Absolute can vary considerably depending on negotiations surrounding financial settlements and child arrangements. We would generally recommend that you do not apply for your Decree Absolute unless you have reached a full and final settlement.

