



# A GUIDE TO GETTING A DIVORCE

## Getting advice

The prospect of divorce action or civil partnership dissolution can be daunting, but the process need not be difficult with the right professional advice. Whether seeking a divorce or dissolution the process is the same.

We are here to guide you through the process, steer you clear of the legal pitfalls and offer independent, practical and sensitive advice.

## How can we help?

We will:

- Explain the divorce process to you;
- Start the divorce action for you; and
- Once it is under way, keep you informed of any developments

We will send copies of any significant letters we receive relating to your divorce. We will also give you regular updates on the progress of your case, and details of any costs involved.

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

## What we will need to know

To get a thorough understanding of your circumstances, we will ask you for a variety of details and documents. These could 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;
- The children's current and future living arrangements;
- The current contact arrangements between parents and children;
- A list of your assets, savings, income and pension arrangements, and those of your partner;
- Details of any ongoing problems such as substance abuse, debts and so on;
- Details of any domestic abuse;
- Your marriage certificate; and
- Any other relevant documents, names and dates

These details and documents will help us to decide what grounds there might be for a divorce and what other options might be available to you. This will also help us to estimate what the timescales, costs and results of your case might be.

## Grounds for divorce

You will only be granted a divorce if you can demonstrate that your marriage has suffered an irretrievable breakdown. To do this you must show that your marriage is beyond repair because:

- Your partner has committed adultery;
- Your partner's behaviour is such that you cannot reasonably be expected to live with them;
- You have not seen your partner for two years or more;

- You have been separated from your partner for two years and have their agreement to apply for a divorce; or
- You have been separated from your partner for five years or more

We will be able to give you more details when we have established your circumstances with you.

## The divorce process

The legal formality of getting divorced is a relatively straightforward process. 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 the 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 and we can help you with any problems that may arise.

## Decree Nisi

Once the court is satisfied that you should have a divorce, it sets a date and time for the judge to pronounce the Decree Nisi. You do not need to go to court for this. It is simply a statement from the court that the divorce can go ahead and the divorce papers are approved. You are not actually divorced at this stage.

## Decree Absolute

Six weeks after the Decree Nisi, you can have the divorce made 'Absolute'. This legally dissolves the marriage. However, you are usually better to wait until financial matters ('Ancillary Relief') have been settled before finalising your divorce in this way.

## Disagreements

Disagreements generally relate to:

- Money;
- Property; or
- Contact with children

We have a professional duty to settle these out of court if at all possible. It is usually in the interests of both you and your partner to co-operate with this aim.

## Children

In all matters relating to children, the children's welfare comes before anything else. We will:

- Emphasise how co-operating with your partner will benefit your children;
- Warn against the dangers of encouraging children to take sides;
- Encourage you to consider what you plan to tell your children about the separation;
- Make you aware of alternatives to divorce, such as mediation;
- Discourage court action as a way of settling disagreements, except as a last resort; and
- Treat all matters relating to children as confidential

## How to contact us

If you would like further information or help, we welcome enquiries and consultations by telephone, letter and e-mail, or why not call in to one of our offices and ask for further information.



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