

For every season of your life



# Divorce

## **A guide to getting a divorce**

This guide aims to help you by explaining who can get a divorce, why someone can get a divorce and the process of getting divorced.

## Getting a divorce

We understand that the breakdown of a marriage can be a very emotional time. Our team of lawyers is on hand to guide you through this difficult period by helping you make informed decisions regarding the legal aspects of a divorce.

This can include issues such as the divorce itself, financial arrangements including division of assets such as the family home, pensions, any businesses or investments, and arrangements for children.

Our lawyers will work with you in a sympathetic and practical manner to help you complete your divorce so that you can move forward with the next stage of your life.

## Who Can Get Divorced?

Under the law of England & Wales anyone who has been married for at least one year, where one of the parties is resident in England or Wales for a period of at least one year, can apply for a divorce.

In order to apply for a divorce you must prove that your marriage has irretrievably broken down. Under the law there are five situations that can be classed as grounds for divorce which allow you to apply for a divorce.

## What are the grounds for divorce?

### Adultery

Adultery is a ground for divorce; however, if you have remained living with your husband or wife for more than six months after finding out about the adultery, you cannot then use adultery as a reason to start divorce proceedings. It will be necessary for your husband or wife to admit adultery for divorce purposes.

### Unreasonable Behaviour

Usually the Court would require four or five examples of unreasonable behaviour. We try to use non-contentious examples, for instance socialising separately or your husband or wife pursuing their own interests and hobbies. It is possible for the divorce to be obtained without your husband or wife admitting any of the allegations of unreasonable behaviour.

### Desertion

Desertion is a ground for divorce as long as the following criteria are met;

- they left without your agreement,
- they left to end your relationship,
- they left without good reason for leaving, and
- they have been away for more than two years.

### 2 years separation with consent

If you and your spouse have been living apart for two years and the other party consents to a divorce then this is grounds for divorce.

### 5 years separation

You can apply for a divorce if you have lived apart for more than 5 years even if the other party does not agree.

## Timeframe

Divorce proceedings in a court usually take about six months from the time the petition is submitted, up to the end of the process when the Decree Absolute is issued.

However, there are a number of factors that may prolong the process including;

- backlogs in the court system,
- delayed responses from the other party, or
- in certain circumstances a court may decide that a Decree Absolute may not be applied for until financial matters have been settled.

## Procedure

The divorce process begins when one spouse (known as the Petitioner) issues the divorce petition which is served by the court on the other spouse (known as the Respondent).

The petition must contain details of the Petitioner's name and address and that of the Respondent, as well as the original or a certified copy of the marriage certificate.

The Respondent should then file an Acknowledgement of Service form,

indicating whether or not they wish to defend the divorce proceedings. If the Respondent fails to file an Acknowledgement of Service form it may be possible to proceed with the divorce by arranging for the Respondent to be personally served with the divorce papers. However this will depend upon the grounds for divorce being used.

Once the court has received the completed Acknowledgement of Service form a copy is sent to the Petitioner's solicitor.

The Petitioner then has to file a statement in support of the divorce together with an application for a Decree Nisi.

The District Judge will then peruse the Application for Decree Nisi and the Statement in Support and the Divorce Petition and fix a date for the pronouncement of Decree Nisi.

Six weeks and one day after the Decree Nisi has been granted, the Petitioner can apply to the court for a Decree Absolute. Once the Decree Absolute is issued the marriage is dissolved. However, it is usual for the court to make an order resolving financial matters before the Decree Absolute is obtained.

## How we can help you

Our team of family lawyers offers a free initial half hour assessment. You will meet with one of our lawyers to discuss your situation and based on the discussion we will be able to advise you on the options available to you and how we can help you.

# STEED & STEED LLP

SOLICITORS

6 Gainsborough Street  
Sudbury Suffolk CO10 2ET  
T: 01787 373387 E: sudbury@steedllp.co.uk  
[www.steedandsteed.co.uk](http://www.steedandsteed.co.uk)

76-82 & 86 Coggeshall Road  
Braintree Essex CM7 9BY  
T: 01376 552828 E: braintree@steedllp.co.uk

## Practice Areas:

- Residential & Commercial Property
- Wills, Lasting Powers of Attorney, Probate
- Divorce, Financial Arrangements, Arrangements for Children, Child Protection/Care Proceedings, Domestic Abuse
- Litigation
- Agricultural & Rural
- Mobile Home/Park Home Law



© Steed & Steed LLP 2018. All rights reserved. The information contained in this leaflet does not constitute legal advice and is provided for general information purposes only. No warranty, whether express or implied is given in relation to this leaflet. We shall not be liable for any technical, editorial, typographical or other errors or omissions within the information provided in this leaflet. Steed & Steed LLP is a Limited Liability Partnership registered in England and Wales under Registered No: OC343265 and is authorised and regulated by the Solicitors Regulation Authority No: 508781. A list of members names is available for inspection at the registered office at 6 Gainsborough Street Sudbury Suffolk CO10 2ET.