

Divorce: Frequently Asked Questions

We understand that the breakdown of a marriage can be a very emotional time. Our team of lawyers have many years experience helping clients to navigate their way through getting a divorce.

This list of frequently asked questions is compiled to assist you in answering some questions you may have about getting a divorce.

Who can get a divorce?

Under the law of England and 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.

What are the grounds for divorce?

- Adultery
- Unreasonable behaviour
- Desertion
- 2 Years separation with consent
- 5 years separation?

How long does a divorce take?

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. There are a number of factors that may delay the process, for example, backlogs in the court system or delayed responses from the other party.

Who pays the cost of getting a divorce?

This depends very much on your circumstances. We can discuss this and the various options with you and advise you of the best way to proceed.

We've reached settlement – what now?

Talk to us and we can tell you how to check that the settlement is fair. We can also advise on how you can make sure that you are both bound by a final agreement so that you know everything is secure for the future.

What is mediation?

This is where an independent mediator helps you and your partner reach an understanding on how to divide your finances. S/he will provide a written document setting this out on which we can advise you. Mediation is voluntary, but we will need to refer you to a mediator if it appears that you need to ask the court's help in settling financial division.

What is a clean break order and how can I get one?

This is a court order which ensures that there is no possibility of further claims in the future. We can negotiate its terms, advise you on it and draft it for you together with the other documents you need to send to the court. A judge will read through the documents and if satisfied that it is broadly fair will approve the order bringing finality to the agreement you have reached.

Will the house have to be sold?

This depends on the circumstances of your case. We will always be open and honest with you, even if it's not the answer you want to hear. We will also advise and work with you on trying to achieve a settlement you will be happy with.

If I make a financial claim, can I claim costs?

It is unusual for costs to be granted in financial proceedings but there are times when a judge will make a costs order. We will advise you if there are any circumstances in which we think you might be at risk of having a costs order made against you or when we think that you should make a claim. The final decision however will be with the judge.

Do I have to pay maintenance?

If you do not live with your child you will have to pay child maintenance. We can advise on whether you have to pay any maintenance to your spouse, and what information we will need to assess this.

Do I have to sort out finances first?

No, but if you would like to do so this is fine, too. We advise you about this and can draft a separation agreement for you if you want to sort out your finances now, but divorce at a later date.

What am I entitled to?

Although the starting point is equality this can vary substantially depending on your circumstances. We can give you ideas of what to think about and what documents you will need in order to make a further assessment and provide advice on possible settlement.

We have a court order what happens now?

You may need to take extra steps in order to make sure that the court order is effective – for example, transferring the house from both to one of you, making sure that an interest in the house is protected or ensuring that pension splits take effect. We can help you achieve this and make sure that you are fully protected for the future.

Get in touch

To arrange a free half hour consultation to discuss your situation, please contact our team:

Sudbury T: 01787 373387

Braintree T: 01376 552828