

# FAMILY LAW

## *A Guide to Divorce Proceedings*



## Introduction

Whether you are seeking to commence divorce proceedings or have received a notice of divorce proceedings commenced by your partner, it is important to seek specialist legal advice as soon as possible.

We understand that deciding that a relationship has irretrievably broken down and that the only recourse is divorce is a hugely unsettling and upsetting process. That is why we are here to make the process as pain-free as we can whilst ensuring the interests and well-being of our clients, and especially their children, are carefully considered.

In this guide, we will explain the grounds for a divorce under English Law, the divorce process step-by-step and how long you can expect the divorce process to take.

It is very important to note that we highly recommend you seek legal advice to ensure that everything is handled properly.

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## Grounds for a Divorce

Before you can obtain a divorce, you must have been married for at least a year, the marriage must be recognised under English Law and one person must have lived in England or Wales for at least the year previous to the divorce.

The law also states that to be granted a divorce, you need to prove that the marriage has irretrievably broken down.

In order to demonstrate to the Court that the relationship has broken down and there are no hopes of reconciliation, you must prove one of five facts, which are:-

- **Adultery** - your ex-partner will need to admit to committing adultery and confirm this on an Acknowledgement of Service. If they do not accept they committed adultery then you will need to obtain proof. If you carry on living with your ex-partner for more than six months after finding out about the adultery you will most likely not be able to rely on this fact for a divorce, unless the adultery is ongoing.
- **Unreasonable Behaviour** - this fact is the most commonly used reason as it covers a wide range of behaviours and issues. You will need to detail the issues in the petition, however your ex-partner does not have to admit to them.
- **Desertion** - this fact is rarely used as it is the abandonment of one party by the other without their agreement or without reason .
- **Separation of two years** - you and your ex-partner must have been separated for at least two years and your ex-partner agrees to a divorce.
- **Separation of five years** - you and your ex-partner must have been separated for at least five years, however you do not need them to agree to a divorce. This type of fact can be defended by your ex-partner and it would be in your best interest to seek legal advice if you receive this type of petition.



Our team of solicitors have substantial experience in dealing with all areas of Family Law. They will provide you with legal advice, representation and support in helping resolve your situation whether it be in relation to children matters, divorce and finance or even obtaining an order due to domestic violence. Our solicitors are enthusiastic about fighting for their clients and understand how difficult and emotional family issues can be. For further information regarding Family Law, visit our website [here](#).



# The Divorce Process

To commence divorce proceedings, you must complete a divorce petition and lodge this with the Court together with your original marriage certificate (or an official certified copy) and the Court fee.

The Court fee for issuing divorce proceedings is currently £550.00.

As you are the one lodging the petition, you will therefore be known as the 'Petitioner' and your ex-partner will be the 'Respondent'.

The Court will forward a copy of your petition to the Respondent and ask them to complete an Acknowledgement of Service to confirm whether or not they intend to contest the divorce.

Once the Court is satisfied that you are entitled to a divorce, you will then need to complete the application for a Decree Nisi together with a Statement in Support.

Upon the pronouncement of the Decree Nisi, you must wait six weeks and one day before you can apply for the Decree Absolute. The Decree Absolute formally ends the marriage.



## How Long Will The Divorce Process Take?

A standard uncontested divorce usually takes around 4 to 6 months, however if there are financial matters that need sorting out then you may be advised to delay applying for a Decree Absolute until such financial matters are resolved.



This guide has been designed to provide general information in relation to divorce proceedings in England and Wales only. We will try to keep this guide as up-to-date as possible and as soon as we are available to do so but please note that the law is complex and may have changed since this guide was produced. This guide is not a legal document and you should seek independent legal advice by contacting us on 01744 757877.

**H** HAYGARTH JONES SOLICITORS  
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Office: 109-111 Corporation Street, St Helens, WA10 1SX  
Tel: 01744 757877  
Email: [enquiries@haygarthjones.co.uk](mailto:enquiries@haygarthjones.co.uk)  
Website: [www.haygarthjones.co.uk](http://www.haygarthjones.co.uk)

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