

FREETHS

Family Law

How do I get a divorce?

The family team at Freeths know that divorce is not easy. The decision to end a marriage should be taken very seriously. We can help ease the difficulty by ensuring your matter is dealt with efficiently and with sensitivity.

If you decide that divorce is the only option then a few initial points need to be taken into consideration. Firstly, you must have been married for more than one year. Secondly, your marriage must have irretrievably broken down with no prospect of reconciliation. If both of these criteria have been satisfied then you need to establish which fact can be relied on within the divorce application, known as the petition, namely:

- Adultery; or
- Behaviour; or
- Separation for 2 years (with consent) or
- Desertion for 2 years; or
- Separation for 5 years (without consent)

One of our expert lawyers will work with you to gather all of the relevant information, prepare and issue the petition, and advise you on all of the issues that need to be considered when getting divorced. Your original marriage certificate will need to be sent in to the Court with the petition. A draft of the petition is usually sent to our spouse before issuing this with the Court.

The divorce procedure takes between four and six months but may take longer if issues with finances need to be resolved. Once the facts of the breakdown have been established, the court will issue a decree nisi. Six weeks and one day later a decree absolute can be sought making the divorce final. However, financial issues are often resolved before the decree absolute is obtained.

It is normal for financial issues to be resolved at the same time as the divorce and sometimes this is the

most important issue to clients as it will address decisions that need to be made about the marital home. Full disclosure of financial circumstances will need to be given by both parties, this means informing the other person of all financial assets and liabilities. There are numerous ways to resolve financial issues, and we will explain all of these to you.

A quicker and smoother process is more likely if both parties are able to resolve issues amicably. If this is the case then it may be appropriate for you to consider either mediation or the collaborative practice which avoids court involvement. Please see our separate guides explaining these options.

Sometimes it is not possible to resolve matters amicably and an application to the court may be necessary. A formal application would be lodged and the court would issue a timetable. Please refer to our guide 'What if I have to go to court?' for further information.

If we can help you with any of these issues please call to speak with Rachael Oakes, the head of our family team on 0845 128 6960 or email her at rachael.oakes@freeths.co.uk.



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