

What do I have to prove to obtain a divorce?

You must be able to prove to the Court that your marriage has irretrievably broken down because of one of the following reasons:

- Your spouse has committed adultery
- Your spouse's behaviour has been so unreasonable you can no longer tolerate living with them
- Your spouse deserted you at least 2 years ago
- You and your spouse have lived apart for 2 years and they agree to a divorce or
- You and your spouse have lived apart for at least 5 years

How long will it take to get a divorce?

The procedure begins by lodging a 'Petition'. From this point it usually takes 2 to 3 months to reach the stage when Decree Nisi is pronounced. After this there is a 6-week waiting period before the person who has commenced the proceedings can apply for Decree Absolute. Once the document known as Decree Absolute is obtained, your marriage will formally be at an end. If the person who has commenced the proceedings has not applied for Decree Absolute at the appropriate time, the other party can apply for Decree Absolute three months after this initial 6-week period has elapsed. It is often advisable to hold off completing the divorce until finances are agreed. Financial settlements and disputes with regard to children may take longer to resolve depending upon the circumstances involved.

Financial matters

Financial matters are usually resolved during the divorce procedure. If reaching a financial settlement takes longer than the divorce procedure, it is often best practice to hold off completing the divorce until finances are agreed. If you have already resolved financial matters with your spouse and now wish to obtain a divorce, it is advisable to embody your financial agreement in a Consent Order approved by the Court in the course of divorce proceedings, so that the agreement becomes legally binding.

Will I have to attend court?

The procedure involved in ending your marriage is largely administrative and usually you will not have to attend Court. If you cannot agree with your husband or wife about financial matters or about arrangements for the children, you may have to attend a Court hearing.

Mediation

This is a way of encouraging parties to reach agreement about financial matters or arrangements for children by discussing matters with an independent trained Mediator. If you are considering Mediation, you will be asked to a meeting on your own with a Mediator to assess your suitability for Mediation. If the Mediator feels that your situation is suitable for mediation a further meeting will be arranged so that you and your spouse can discuss matters with a Mediator. Mediation does not replace legal advice and we would urge you to seek legal advice in addition. It is hoped that if you

and your spouse reach a decision together about financial matters or arrangements for the children, you will be happier with this solution rather than if it was imposed by the Court.

Collaborative Law

Each person appoints their own Collaborative lawyer and you and your lawyer have face to face meetings with your spouse and their Collaborative lawyer, to try and find the best solution for the family as a whole.

The traditional route

Your solicitor will try to negotiate an agreement on your behalf by writing to your spouse's solicitor or speaking to them on the telephone.

It is hoped that if you and your spouse reach a decision together about financial matters or arrangements for the children, you will be happier with this solution rather than if it was imposed by the Court.

How much will it cost?

A basic divorce with little involvement by solicitors in arrangements about the finances or children costs approximately £1,300, including court fees. An estimate of costs for more complicated cases can be given on a case by case basis.



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