



## **The Divorce Process**

### **The Divorce Petition**

The divorce process starts by us or your spouse's Solicitors drafting a divorce petition. If we draft the divorce petition we need your original or a certified copy of your marriage certificate.

There is only one ground on which a petition for divorce may be presented to the court; that the marriage has broken down irretrievably. The court cannot however hold that the marriage has broken down unless the Petitioner, i.e. the person who starts the divorce proceedings satisfies the court of one or more of the following five facts:

1. The Respondent (i.e. your spouse who is responding to the divorce petition) has committed adultery and the Petitioner finds it intolerable to live with the Respondent.
2. The Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent.
3. That the Respondent has deserted the Petitioner for a continuous period of least two years immediately preceding the presentation of the petition.
4. That the parties to the marriage have lived separate and apart for a continuous period of at least two years preceding the presentation of the petition and the Respondent consents to a decree being granted.
5. That the parties to the marriage have lived apart for a continuous period of at least five years immediately preceding the petition.

### **Statement of Arrangements for Children**

If you have children of the family who are under the age of eighteen and you are the Petitioner then you must complete a Statement of Arrangements Form. This is a standard form which asks you about the children for example, their names, dates of birth, where they live, who they are going to live with once the divorce is finalised, where they go to school and contact with the other parent.

### **Acknowledgment of Service**

Once the divorce petition and if applicable the Statement of Arrangements Form is completed we will send a draft version to your spouse. We will give your spouse ten to fourteen days to respond and if we do not receive a response the next step is to send the papers to court.

Once the court receives the papers they will send a copy to your spouse together with an Acknowledgement form to complete. If you are the Respondent and we are representing you then we will go through the divorce petition with you and the Acknowledgment form.

The Respondent has fourteen days to send the Acknowledgment form back to the court. Once the court receives it they will send a copy of it to us.

### **Decree Nisi**

Once we receive the Acknowledgment form the next step is to apply for the Decree Nisi. To do this we must complete a statement in support of the divorce, this is a standard document. We will also need to attach a copy of the Acknowledgement of Service Form to the Statement. A Judge at the court will consider the content of the Petition, the Acknowledgement and the Statement and assuming the papers are in order the Judge will give us a date as to when the Decree Nisi will be read out in court. This date will usually be two to three weeks later.

There is no need for either you or your spouse to attend court. Once the Decree Nisi is read out we will receive confirmation of this in the post.

### **Decree Absolute**

This is the last step in the divorce process. We can apply for the Decree Absolute six weeks and one day after the Decree Nisi is read out. Generally speaking however we would not apply until an agreement is reached or there is an Order of the court with respect to the division of the marital assets. This is to protect your position with respect to inheritance and any possible pension orders. We can advise you further in this respect. Assuming an agreement is reached or there is an Order you can then apply for the Decree Absolute. When you get this you are divorced.

We hope the above helps and gives you some information about the divorce process. If you do have any questions please contact us.