



## *What do I need to arrange?*

With specialists in family law, Irwin Mitchell can help you to establish your priorities and figure out what's important to you.

**The breakdown of any relationship can be extremely difficult, but when accompanied by the added formalities involved in getting a divorce, the process can be even more daunting and stressful.**

### **How we can help**

The Irwin Mitchell family team is regarded as a leading provider of family law services in the UK. With specialist lawyers across a network of national offices our reputation is second to none.

We specialise in providing expert advice in all areas of family law from high profile international divorces and financial settlements to children matters, civil partnerships and living together agreements.

The IM family team has extensive experience in guiding people through the complexities of their case, offering a sensitive but no nonsense approach and providing the best advice efficiently and without compromise.

We are all expert negotiators and litigators. We also have specialist mediators and collaborative lawyers for an alternative approach to family law. We can help you decide which approach is best for you, support you through the process and ensure your best interests are protected, no matter which option you choose to take.

### **The grounds for divorce**

- The one ground for divorce under English law is that the marriage has irretrievably broken down
- The person who files for divorce needs to show that the marriage has irretrievably broken down by proving one or more of the following facts:
  - The other person has behaved unreasonably. The divorce form will need to contain a list of examples. It is better if the list can be agreed before the divorce form is filed at court.
  - You have lived apart for 2 or more years and the other person consents to the divorce.
  - You have lived apart for 5 or more years. The other person does not need to consent.
  - The other person has committed adultery. The divorce form will need to contain brief details. (This does not apply to the divorce of same-sex couples.)
  - The other person has deserted the person filing for divorce. Desertion is very rarely relied on.

## The procedure

We have set out below the steps typically involved in divorce to guide you through the process.

### Step 1 – Preparation of divorce documents

The 'divorce petition' will be prepared. This provides the court with the reason(s) why the marriage has irretrievably broken down.

The person who starts the divorce is called the 'Petitioner'. The other person is called the 'Respondent'.

### Step 2 – Filing of divorce documents at court

The divorce petition will then be filed at court together with:

- The original marriage certificate or a certified copy if the original has been lost (this will not be returned)
- If a solicitor is instructed, a certificate that says whether or not you have attempted to reconcile
- The court fee to start the divorce.

### Step 3 – Divorce documents sent to respondent

The court will open a file on your divorce and allocate a case number. The court will then send a copy of the divorce petition to the respondent or his/her solicitors, together with some other documents including a form called the 'acknowledgment of service'. This process is sometimes referred to as 'service', and when the respondent receives the documents he or she is referred to as having been 'served'.

### Step 4 – Filing of acknowledgment of service at court

The respondent has 7 days after receiving the court documents to file the acknowledgment of service at court (except if the respondent was served with the court forms outside England and Wales, in which case a longer time period will apply). The court will send a copy to the petitioner's solicitors.

The acknowledgement of service confirms to the court that the respondent received the divorce documents. It also informs the court whether the respondent intends to 'defend' the divorce, which means to dispute that the marriage has irretrievably broken down and object to the divorce taking place.

### Step 5 – Application for decree nisi

The petitioner is then able to apply for decree nisi, which is a declaration that the court is satisfied that the petitioner is entitled to a divorce, based on the documents provided. Applying for decree nisi involves completing a form in which the petitioner verifies by a statement of truth that everything in the divorce petition is true.

### Step 6 – Pronouncement of decree nisi

If the court considers the decree nisi should be made, it will allocate a time and date on which the decree will be pronounced at a court hearing. It is usually unnecessary for either the petitioner or respondent to attend this hearing. The court will send a copy of the decree nisi to both of your solicitors.

### Step 7 – Decree absolute

6 weeks and 1 day from the date of decree nisi, the petitioner can apply for decree absolute, which is the final decree of divorce. This is done by completing a short application form and filing it at court with the fee. In some circumstances it may be appropriate to delay making the application for decree absolute until agreement has been reached about finances and children.

Once the decree absolute has been made by the court, it will send a certificate of decree absolute to both of your solicitors.

Once the decree absolute has been made, you will be divorced and each of you will be free to re-marry.

Divorce affects inheritance under a will, so it is recommended that you review your will.

To talk to a specialist advisor today simply call **0345 604 4911**

You can also follow us on Twitter **@IMFamilyLaw**

 0345 604 4911

 [www.irwinmitchell.com](http://www.irwinmitchell.com)

 @irwinmitchell

For a list of our offices visit our website

Irwin Mitchell LLP is a limited liability partnership registered in England & Wales, with number OC343897, and is authorised and regulated by the Solicitors Regulation Authority. All Scottish cases will be handled by a separate Scottish legal practice, Irwin Mitchell Scotland LLP, which is regulated by the Law Society of Scotland.

PLS-FL-FS-0001