

Divorce and Separation

We specialise in all aspects of family law, including:

- Divorce
- Financial settlements
- Children's matters
- Separation (whether married or not)
- Dissolution of Civil partnerships
- Co-habitation agreements
- Pre-nuptial agreements

You will receive the full support of our efficient and flexible team.

We aim to guide you through the complexities of Family Law to achieve the best possible outcome. We will follow your instructions and make the process as stress-free as possible.

We can provide you with sound advice, specific to your circumstances. We can explain the legal procedures and the options available to you.

We will deal with your matter in a professional, friendly and efficient way.

Divorce: The Process

On 6th April 2022, the law on divorce was reformed by the Divorce, Dissolution and Separation Act 2020. In order to divorce your spouse, there is no requirement to provide evidence of either parties' conduct or prove that you have been separated for a specific period of time. There is simply one requirement, and this is to provide a statement to the court to confirm that the marriage/civil partnership has irretrievably broken down. The court requires no further evidence in order to make a Divorce Order.

Your spouse is not able to defend your decision to proceed with a divorce/end the civil partnership, however, they may 'dispute' the divorce on very limited circumstances, i.e. that the marriage is not valid or they believe the court does not have the jurisdiction to deal with the divorce.

The divorce process can now be started online and the key stages involved are as follows:

- Firstly, you will be required to decide whether to proceed with a joint or sole divorce application.
- If proceeding with a sole application, the divorce application will be submitted to the court and served upon the Respondent (your spouse) by post or email.

The Respondent (your spouse) should return to the court, the Acknowledgement of Service confirming that they have received the Application and on what date, and to confirm whether or not they will be disputing it. They should do this within 14 days upon receipt of the application.

- If proceeding with a joint application, the content of the application will be required to be agreed with your spouse (who will be Applicant 2 rather than the Respondent) before being submitted to the court.
- Where a joint application is submitted, each party will still need to file an Acknowledgement within 14 days to confirm that they have received the notice of proceedings.

- Once the Application has been issued, you will be required to wait for a minimum period of 20 weeks until you are able to make your Application for Conditional Order, and this can either be done on a sole or joint basis (if the original application was a joint one).
- Once the Conditional Order has been pronounced you can make your application for the divorce to be finalised (the Final Order) after a further period of six weeks (or a later date if you prefer). The Application for a Final Order can be made on a sole or joint basis again (if the application for a Conditional Order was made jointly).

Due to the new law, a divorce takes a minimum of six months, but this can be longer depending on how co-operative each party is and how long it takes to resolve any financial issues as it is often appropriate to resolve the financial aspect of your divorce before finalising the divorce process.

If you are considering a financial settlement, which is likely to be necessary, it is important to obtain professional legal advice before agreeing or signing anything. The agreement you eventually reach will be extremely important to both your current and future financial position.

When deciding upon financial arrangements, the aim is to reach a fair outcome based upon reasonable needs. If matters are determined by a court, the court will have regard to all the circumstances of the case with first consideration being given to the welfare of any children of the family. The other factors the court will consider (as must we when advising you) are as follows:

- a) The income, earning capacity, property and other financial resources which each spouse has or is likely to have in the foreseeable future;
- b) The financial needs, obligations and responsibilities which each spouse has or is likely to have in the foreseeable future;

- c) The standard of living enjoyed by the family before the breakdown of the marriage;
- d) The ages of each spouse and the duration of the marriage;
- e) Any physical or mental disability of each spouse;
- f) The contributions which each spouse has made or is likely to make in the foreseeable future to the welfare of the family, including any contribution by looking after the home or caring for the family;
- g) The conduct of each spouse if that conduct is such that it would be, in the opinion of the court, inequitable to disregard;
- h) The value to each of the parties of any benefit which, by reason of the dissolution or annulment, that party will lose the chance of acquiring (usually with regard to pension rights).

FINANCIAL DETAILS

- a) Is your home owned? If so, please complete this section. If not, please move onto the next section

Is the property owned in joint names?	
Purchase price and year	
Amount of outstanding mortgage	
Current value	
Monthly mortgage instalment	
Who pays the mortgage	
Any other loans / charges	

b) Is your home rented? If so, complete this section

In whose name is the tenancy	
Name of landlord / Local Authority	
Current rent	
Duration of tenancy	

Income and Assets

Your annual gross income	
Your monthly net income (after tax)	
Your partner / spouse's annual gross income	
Your partner / spouse's monthly net income (after tax)	
Details and value of any other assets you may own (including savings, other property etc.)	
Details and value of any other assets your partner/spouse may own (including savings, other property etc.)	
Details and balance of any debts you may have	

Details and balance of any debts your partner/spouse may have	
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Child Maintenance can be paid by agreement. If an agreement cannot be reached, an application to the CMS (Child Maintenance Service) can be made. The court only make orders in respect of child maintenance in limited circumstances:

CHILDREN'S DETAILS

Children's full names	Date of Birth	Child of the marriage?	Does your spouse / partner have parental responsibility in relation to the child?

