

## Divorce

### **1. What are the grounds for a divorce?**

The only ground is that a marriage has irretrievably broken down and you must prove this by relying upon the fact of adultery, unreasonable behaviour, desertion, separation for 2 years or separation for 5 years.

### **2. Who pays the costs of divorce proceedings?**

This usually depends on the fact being relied upon to prove that the marriage is at an end. If a Petition for divorce is issued on the fact of adultery or unreasonable behaviour then the Respondent, the receiving party, would usually be expected to pay.

### **3. How much does a straight forward divorce cost?**

Solicitors costs for acting for the person issuing the proceedings would usually be in the region of £500 plus Vat together with the Court issue fee of £410.

### **4. I want to issue a divorce on my spouses adultery - do I need to name the "other person" ?**

No, it is not encouraged to name the other person and there is no need to unless a claim for costs against them is necessary and appropriate.

### **5. Once I am divorced are the matrimonial finances automatically sorted?**

No, a divorce, the decree Absolute, only dissolves the marriage it does not deal with the division of matrimonial resources.

### **6. How long does a divorce take to complete?**

Usually about 3 - 4 months but can take longer depending on circumstance.

### **7. Do I need my marriage certificate to obtain a divorce?**

Yes, the marriage certificate needs to be lodged with the Court when the divorce is issued. If you cannot locate the original certificate you can obtain a certified copy.

### **8. I have received divorce papers in the post - what should I do?**

It is necessary to complete the Acknowledgement of service form and return to the Court. It is important to take legal advice before doing so. If you fail to respond the Court Bailiff may be instructed to personally serve you.

## **9. I recently got married but things are not working well can I get divorced?**

A Petition for divorce can only be issued 12 months after the date of the marriage ceremony and you would need to prove one of the five facts to show that your marriage has irretrievably broken down.

## **10. I don't know where my spouse lives but want a divorce - what can I do?**

It is necessary to demonstrate that divorce papers have been served. It is often possible to locate people with the use of an enquiry agent. If all else fails an application can be made to the Court to substitute or dispense with service of the papers.

### **If an application is to be made for a divorce:**

- The marriage or civil partnership must have been for at least year;
- A divorce can't be applied for jointly, even if there is agreement that the marriage civil partnership is over. One person has to divorce the other and must rely upon one of the five facts (reasons) as follows:
  - Adultery (not for a civil partnership);
  - Unreasonable behaviour;
  - Separation for 2 years with the consent of the other;
  - Separation for 5 years;
  - Desertion
- Divorce or dissolution of a civil partnership usually takes 4-6 months.

**If you require any further information please contact one of our family team on 0191 388 1778**