



# Fact Sheet

## Guide to Divorce

### How do I get divorced ?

- ◆ Every Divorce has to be started by a Petition
- ◆ You will need your original marriage certificate
- ◆ Your Divorce is obtained in two stages:
  - (1) Decree Nisi
  - (2) Decree Absolute

*The Decree Absolute finally dissolves the marriage.*

It is necessary to prove that the marriage has irretrievably broken down. To demonstrate this to the Court it is necessary to cite one of the five facts set out in the Matrimonial Causes Act 1973. These are:

- ◆ That your partner has committed adultery
- ◆ That your partner's behaviour has been so bad that you should not be expected to carry on living with him or her
- ◆ That your partner deserted you for a period of at least two years
- ◆ That you and your partner have lived apart for two years and he or she agrees to divorce
- ◆ That you and your partner have lived apart for at least five years.

### When can I get a divorce?

You cannot start a petition for divorce unless you have been married for more than one year. There are other options available to you such as judicial separation, separation agreements and mediation. You should discuss these with a member of our Family Team namely Margaret Porter or Dee Finnegan.

### Will I have to attend court?

If you are able to agree with your partner about financial support, property and arrangements for children then you may not have to attend Court.

You may have to attend a Court hearing if it is necessary to ask the Court to make an order for financial support for you or if you cannot agree the arrangements for the children.

If your partner defends the divorce petition there may be a need to attend Court on at least one occasion.

## **How much will the divorce cost?**

To present your divorce petition to the Court there is a Court fee of £300.00. In order to obtain your Decree Absolute there is a further Court fee of £40.00.

Our charges are likely to be in the region of £500.00 to £600.00 (plus VAT and expenses, such as Court Fees.) This estimate assumes the Divorce Petition is not defended.

## **Who to contact for assistance**

If you require any further information then please do not hesitate to contact a member of our staff for an appointment. We are members of the Solicitors Family Law Association and adopt a sensitive and conciliatory approach when dealing with family matters.

The members of our Family Team are:

Margaret Porter	-	Partner and Collaborative Lawyer
Dee Finnegan	-	Legal Executive
Sue Hislop	-	Paralegal

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