



Divorce & Civil Partnership Dissolution

What is a divorce/dissolution?

Divorce/dissolution is the legal process by which a marriage/civil partnership is terminated. It is a permanent measure and cannot be undone once the final decree or order has been granted.

If you are unsure about terminating your marriage or civil partnership permanently, there are ways to secure yourself financially until you make a decision. However, these are not 100% binding and so, you should discuss your position with a legal advisor.

Equally, if you do not believe in the concept of divorce/dissolution for personal or religious reasons, you may choose to become judicially separated. This leaflet does not cover judicial separation in any detail, but you may discuss this option further with one of our lawyers.

What is the divorce/dissolution process?

Firstly, you must issue a petition at court. In order to do this, you must prove one of the following facts to support the divorce or dissolution. These are:

1. Adultery (not available in dissolution proceedings)
2. Unreasonable behaviour
3. Separation for a period of 2 years or more and your spouse consents to the divorce
4. Separation for a period of 5 years or more
5. Desertion

Please note that there are specific legal requirements to prove each “fact” and so, your solicitor will discuss with you the most relevant fact to your case.

The petition is filed with the regional Divorce Centre where all petitions for the geographical area are processed. There is a court fee of £550.00 in addition to your solicitors’ costs for preparing the paperwork. You must also submit your original marriage/civil partnership certificate or a certified copy provided by the district registry in the area you were marriage.

Your spouse will then need to respond to the petition using the standard court reply form. Provided they do not object to the petition, you can proceed to the next stage. However, if they wish to defend the petition, the court will schedule a hearing to decide whether the divorce/dissolution should go ahead. Your lawyer will discuss this with you in more detail if it appears relevant to your case.

Please note that if your spouse does not respond at all, you may need to take additional steps to prove that your spouse is aware of the petition (even if they still do not wish to reply).

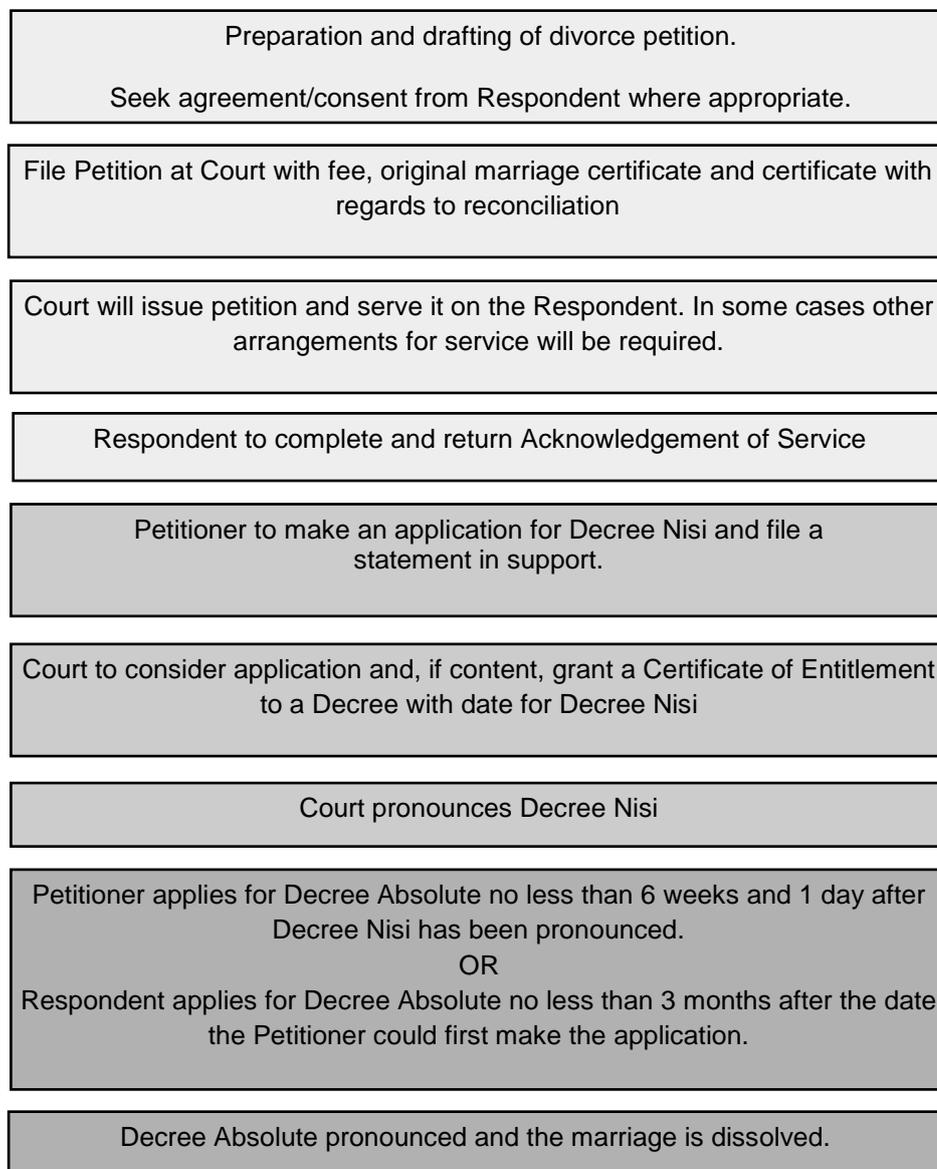
The next stage is to apply for decree nisi or a conditional order of dissolution. To do so, you must sign a statement of truth confirming that the facts stated in your petition are true, making any amendments or corrections as may be necessary. You must also confirm that you have not reconciled with your

spouse since the petition was issued. The judge will then consider your application and decide whether you have sufficiently proved the grounds stated in your petition. If you have not, the judge may request that the petition is amended or a completely new petition is filed. This is however, quite unusual. In a normal case, the judge will set a date for the pronouncement of decree nisi or conditional order – usually 3-4 weeks from the date the judge reviews the paperwork.

Once decree nisi is pronounced, you must wait at least 6 weeks from that date to apply for decree absolute or a final order of dissolution. It may also be recommended, in cases where a financial settlement has not yet been finalised, to wait until a settlement has been agreed before applying for decree absolute/final order. Your legal advisor will discuss this with you at the relevant time.

We offer a range of fee options for divorce or dissolution proceedings, including fixed fees in eligible cases. If you require further information regarding this, please ask your legal advisor.

Divorce Procedure



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