

The divorce process usually takes between five to six months from the beginning of the proceedings until the Decree Absolute. This aspect is often called the **main suit** by lawyers. It is started by the Petitioner who presents to the Court a divorce petition and the marriage certificate. If there are children involved, the Petitioner will also file a form detailing the current and proposed arrangements for the children. The Court administration fee on issuing the divorce proceedings currently stands at £300.

The Five Facts

There is only one ground for a divorce. A Petitioner must prove that the marriage has **irretrievably broken down**. This is done by showing one of five facts. In summary form, these facts are known as:

- Adultery
- Unreasonable Behaviour
- Two years of desertion
- A two year separation based upon the consent of both parties
- A five year separation where the Respondent need not offer his or her consent to the proceedings.

After issuing the petition the Court Office sends the divorce papers to the other party, known as the Respondent. The Respondent will reply by completing the Acknowledgement of Service indicating whether he or she wishes to defend the case. If the proceedings are undefended then the Petitioner completes an affidavit in support of the divorce petition and applies for the **Decree Nisi** (first decree). A Judge scrutinises the papers and if they are all in order will list the case for the pronouncement of the Decree Nisi. Attendances at Court in this straight forward situation are not necessary.



Process for undefended divorce

Divorce Petition
Statement of Arrangement for Children
(if any)
Marriage certificate
Court fee
Certificate drafted by solicitor

Respondent

Acknowledgement of Service

Court

Petitioner

Affidavit in support of the Petition
Application for Decree Nisi

Court

Sends to both parties
Certificate of entitlement to the Decree Nisi
S41 Certificate if the Court is happy with
the arrangements for the children

Court

Sends to both parties
Decree Nisi Certificate

Six weeks and one day later
Petitioner applies for Decree Absolute

Court

Sends to both parties

Divorce completed

Once the Decree Nisi has been pronounced the Petitioner cannot apply for the **Decree Absolute** (final decree) until six weeks and one day have passed. If the Petitioner still fails to apply for that final decree, then it is open to the Respondent to make an application three months thereafter.

Until the Decree Absolute is obtained the parties remain married to each other. Lawyers often use this intervening period of inactivity prior to the Decree Absolute to focus upon resolving any outstanding issues regarding financial negotiations.

Buckles Solicitors LLP – key contacts

Buckles Solicitors LLP has a strong Family Law Department with in-depth experience of dealing with the breakdown of family relationships, whether in marriage, cohabitation or civil partnership, whether or not children are involved.

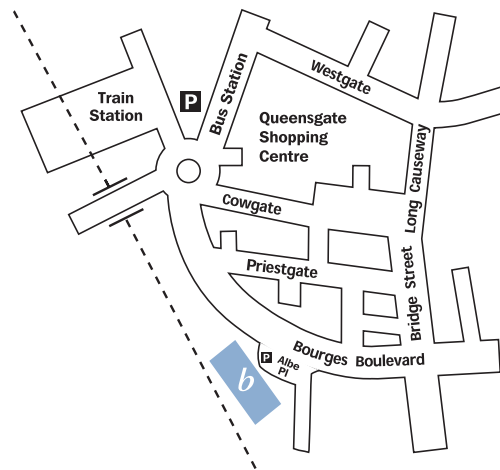
We tailor solutions to the needs of each client offering a bespoke service based on an individual's circumstances, and understand the related practical issues, such as how to separate, where to live, the arrangements for any children, and money or property matters.

Peterborough

Grant House
101 Bourges Boulevard
Peterborough
PE1 1NG

Lyn Brisley

Head of Department
01733 888841
lyn.brisley@buckles-law.co.uk



Stamford

3 St. Mary's Hill
Stamford
PE9 2DW

Donna Sandall

01780 484534
donna.sandall@buckles-law.co.uk

