

What to expect in the (uncontested) divorce process.

Divorces are not always a straightforward process. If you are in the unfortunate situation where your marriage is ending, these are the steps you can expect to experience.

1 Step One

The petitioner (the person starting the divorce process) files a Divorce Petition with a Divorce Unit and the other party (known as the respondent) receives a copy, along with a Notice of Proceedings Form (which is for their information only) and an Acknowledgement of Service Form. Any applications to the court will involve a court fee.

For the petition to be official, the petitioner has to show there has been an 'irretrievable breakdown of the marriage' based on one of the following accepted facts:

- Adultery
- Behaviour
- Desertion
- Two years' separation (with the consent of the respondent)
- Five years' separation (your ex does not need to agree to the divorce)

The respondent will need to return an Acknowledgment of Service within eight days. Within this they will be asked if they plan to defend the divorce proceedings (i.e. whether they agree with the divorce or not). If the respondent does plan on defending the divorce, they must file a defence within 29 days (they have more time if living abroad).

2 Step Two

Once an Acknowledgment of Service is returned, and there's confirmation the divorce is not being defended, the petitioner will then need to prepare a Statement in Support. This has to confirm the accuracy of the Divorce Petition and must include any changes of circumstances since the petition was initially filed, such as change of address. The Statement in Support is sent to the Divorce Unit along with a request for the Decree Nisi to be pronounced.

3 Step Three

The Judge will consider the divorce application and whether the accepted facts have been proved. The date of the Decree Nisi pronouncement will then be set. There is no need for anyone to be present in the court for the pronouncement (if there is no dispute) and quite often this will be read out to an empty room. Once the Decree Nisi has been pronounced, orders can be made relating to finances.

4 Step Four

Six weeks and one day after the Decree Nisi is pronounced, the petitioner can apply for the final divorce decree (Decree Absolute) by submitting a Notice of Application to the court. There are several pros and cons to consider in terms of the timing to lodge your application, which an experienced family law solicitor can help you weigh up. It is also worth remembering that the respondent also has the option to apply for the Decree Absolute three months after the six weeks and one day time period. Once the Decree Absolute is issued, this will officially end your marriage.

5 Step Five (optional)

A Decree Absolute may officially end your marriage, but it does not protect you from any future financial claims against one another. The only way this can be done is to obtain a final financial order, meaning the financial settlement in the divorce process is absolutely final and no further claims can be made in the future. Following your divorce, it may be the case that one party finds themselves in a stronger financial position, which may expose them to an application for financial remedy. Obtaining a final financial order does incur additional legal fees and time in the short term, but it is a very worthwhile investment in the long term for peace of mind about your financial wellbeing.

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