

The basics of divorce

Caroline Ford, of Vanderpump & Sykes solicitors, provides a simple guide to what divorce entails

ALL of us know someone who is divorced. No one ever gets married expecting to get divorced, and few people going into their first divorce have much idea about the process.

Caroline Ford practices collaborative law and is an experienced family lawyer at Vanderpump & Sykes Solicitors.

Here, Caroline provides a simple guide on what divorce entails.

To obtain a divorce in this country a couple must have been married for at least a year, the marriage must legally recognised under UK law and must have broken down irretrievably. Irretrievable breakdown is then based on one of five 'grounds':

Adultery; unreasonable behaviour; desertion; two years' separation with consent; five years' separation (where no consent is required).

The above grounds may not cover the situation, then they will either have to live separately and apart for two years and then start divorce proceedings or cite unreasonable behaviour.

This leaves the petitioner (the party to the marriage making the divorce application) in the tricky situation of including enough in the divorce petition to convince a judge there should be a divorce and trying not to include anything too upsetting for the Respondent.

Once divorce proceedings are issued, the court sends the respondent the divorce documentation (which will include an Acknowledgement of



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Service form (AOS).

The Respondent should then complete and return the AOS to the court within eight days and state whether or not they intend to defend the divorce. Defended divorces are rare.

The court sends a copy of the completed AOS to the Petitioner who then applies for the Decree Nisi. A District Judge then considers whether there should be a divorce and gives the date for pronouncement of the Decree Nisi.

The court requires that the petitioner wait for six weeks from the date of Decree Nisi to apply for the Decree Absolute (the actual document which confirms you are divorced).

The process takes four to six months however, the court prefers and it is strongly recommended that the parties determine the financial aspect of the marriage before the Decree Absolute is applied for, as one or both parties may lose out on pension and/or inheritance rights. This may extend the time the divorce takes.

For further advice on any area of family law, contact our Family Law team on: 020 8370 2898 or by emailing markheselton@vanderpumps.co.uk. We offer a fixed fee of £75 plus VAT, for first appointments.

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