

Divorce

The legal process of ending a marriage can have a major emotional and financial impact on all family members. Oxley and Coward aim to help separating couples achieve a constructive settlement of their differences in a way which avoids protracted arguments and promotes co-operation between parents in decisions concerning children.

If you do decide to divorce, one of our experienced family team will be able to advise and guide you through the process. We will outline your options at every stage of the process and give you the information and advice necessary to help resolve your case quickly and amicably.

Reasons for an application for divorce

To obtain a divorce in England and Wales, you need to show that you have been married for more than a year and that the marriage has broken down irretrievably, in addition you must show the Court that one of the following applies:

- Your spouse has committed adultery and you find it intolerable to live together
- Your spouse has behaved in such a way that you cannot reasonably be expected to live together
- You have been separated for two years and your spouse agrees to divorce
- You have been separated for five years
- Your spouse deserted you more than two years ago

What the divorce process involves

The divorce is begun by sending to the court the Petition. If you have children, you will also need to give details of them on a document called a Statement of Arrangements for children. See our fact sheet on Children for further details.

A copy of the petition and statement of arrangements for children is sent to your spouse who is required to complete an Acknowledgment of Service saying whether or not he/she agrees with the divorce. Provided he/she does not contest it, following this:

You then confirm that all the details are true and the court grants a Decree Nisi if satisfied that the ground for divorce is established

After six weeks and one day, it can be converted into a Decree Absolute, which marks the end of the marriage.

The petitioner can stop the process at any time before the Decree Nisi and if both parties agree it can be stopped after Decree Nisi provided that it is before Decree Absolute

If the divorce is defended, the position is much more complex, we will discuss this with you if it becomes relevant, but in practice, divorces are rarely defended.

You will also need to settle financial matters relating to the family home, maintenance, pensions, and any savings and investments. The legal term for this is 'Financial Remedies' - see our fact sheet on Financial Issues on Divorce

The time it takes to get a divorce will vary according to the complexity of each case and the practice of the particular court. Even the most straightforward divorces will take between four and six months.

What do I do now?

Oxley & Coward can offer confidential assistance and advice if you, or someone you know have any concerns and if necessary to take steps to obtain the relevant Orders to protect you. Call us now on 01709 510999 or email family@oxcow.co.uk

Oxley and Coward