

How do I get a divorce?

The family team here at Freeths know that divorce is not easy and that the decision to end a marriage should be taken very seriously. We can help ease the difficulty by ensuring your matter is dealt with efficiently and with sensitivity.

All references within this section to marriage and divorce apply equally to the dissolution of civil partnerships.

If you decide that divorce is the only option, then a few initial points need to be taken into consideration. Firstly, you must have been married for more than one year before making a divorce application. Secondly, your marriage must have irretrievably broken down with no prospect of reconciliation. If both of these criteria have been satisfied, then you can proceed with an application for divorce.

One of our expert lawyers will work with you to gather all of the relevant information, prepare and issue the court application, and advise you on all of the issues that need to be considered when getting divorced.

The divorce procedure should typically take between six and eight months but may take longer if issues with finances need to be resolved. Once the application for divorce has been made, there is a period of 20 weeks before the court will issue the conditional order. This confirms that you are entitled to a divorce, but does not end your marriage. Six weeks and one day later a final order can be sought, making the divorce complete. However, financial issues are often resolved before the final order is obtained. To draw a line under all of the financial claims that each of you can make against the other as a result of the marriage, it is essential to have a financial order prepared and approved by the court. Until that point, even after the final order of divorce is made, the financial claims remain 'live'.

It is normal for financial issues to be resolved at the same time as the divorce. Each of you will need to give full disclosure of your financial circumstances, which means providing each other with details of all your assets and liabilities, and your income. There are numerous different methods of resolving financial issues, and we will explain all of these to you. A quicker and smoother process is more likely if parties are able to resolve issues amicably. If this is the case then it may be appropriate for you to consider either mediation or collaborative practice which avoids court involvement. See our separate guides explaining these options.

Sometimes it is not possible to resolve matters amicably and an application to the court may be necessary. Where a formal court application is made, the court issues a timetable for the completion of various documents and schedules a date for an initial hearing. Please refer to our guide 'What if I have to go to court?' for further information.

If we can help you with any of these issues please call to speak with the family team. The Freeths family team is highly regarded and advises on all issues relating to cohabitation, pre- and post-marital agreements, financial settlements, pensions, civil partnerships, children and divorce. We are renowned for our empathic approach, and focus on finding solutions to difficult problems, carefully tailored to suit the client's individual needs.

For more advice on these issues contact a member of the family team on 0345 128 6960 or email welcome@freeths.co.uk.