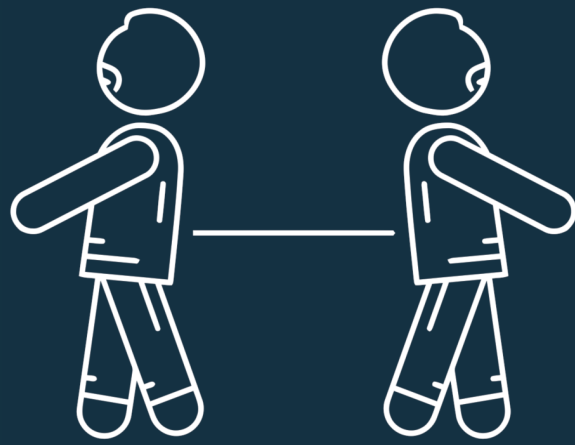



DIVORCE



Getting a divorce / dissolving
a civil partnership

The 4 basic steps

INTRODUCTION



Right now, you are probably feeling deeply unhappy with your marriage or civil partnership, for many different reasons. Making you feel lost, overwhelmed and worried.

When a marriage or civil partnership first breaks down, it can be one of the most emotionally stressful times of your life and getting a divorce or dissolving a civil partnership can be no exception. But, it can be the start of a much happier, brighter future.

Setting out to get a divorce can seem really scary too. You've got to become familiar with legal processes and jargon that you know very little about - for some, dealing with the legalities of a divorce can feel like a fighting an uphill battle.

Especially, in an age where online divorces and other DIY methods are more readily available - those who go for these options quickly feel the weight of their divorce - adding even more stress, anxiety and worry to their lives.

That's why it's vital to find and work with a solicitor that will take the weight off, do the hard work for you and fight hard to protect your best interests.

That's where we step in - we'll do everything we can to make this very stressful time easier by providing sound legal advice, support and representation when you need it most.

By reading this guide, you'll discover:

- The 4 basic steps to getting a divorce
- Timelines and the different legal stages of a divorce
- How child care is arranged
- How your assets will be separated
- What to consider when instructing a solicitor
- How solicitors charge

After reading this guide, you might feel that getting a divorce is easier than you think - with the right support.

If you have any questions, or you'd like to speak with a member of our team we offer a free initial consultation - **to book this simply call or send us an email.**

GETTING A DIVORCE: THE 4 BASIC STEPS

 **If you want to get a divorce in England or Wales, you'll need to have been married for at least a year. You'll also need to be a permanent resident in either country.**

If you're the person filing for divorce, you're known as the 'petitioner'.

To help you understand the divorce process, we've broken it down into 4 easy steps:

1

Step 1 **Divorce petition**

First, you'll need to file for a divorce and express your reasons why. This is called a divorce petition.

2

Step 2 **Decree nisi / conditional order**

Secondly, your solicitor will help you apply for something called a 'decree nisi'. Other solicitors may call this a conditional order. This is when you state your grounds for divorce and the court provides permission for you to legally

3

Step 3 **Divorce financial settlement**

Before you apply for a 'decree absolute', it's usual for people to agree on how their assets will be separated via a consent order.

This step is actually separate to the divorce itself, but is naturally part and parcel of the process.

GETTING A DIVORCE: THE 4 BASIC STEPS

4

Step 4

Decree absolute / final order

Once you have your decree nisi and you have agreed on how your assets will be separated, you can then apply for a 'decree absolute' or 'final order'. This is the final stage that legally ends your marriage. You can apply for a decree absolute 43 days after you have been granted a decree nisi.

Timeframes

One of the most frequently asked questions we get asked is: "How long does a divorce take?" Unfortunately, there is no such thing as a quick divorce.

*June 2019. A new bill called The Divorce, Dissolution and Separation Bill, if passed, may introduce a minimum overall timeframe of six months.

Whether or not this bill is passed, it is usual for a divorce to take as long as 4 to 6 months, if everything goes smoothly.

However, this timeframe is very dependent on your individual case. If you cannot agree on how your assets will be separated, it will need to go to court - this will take much longer.

Unfortunately, the divorce process in the UK is archaic meaning it takes months, as opposed to weeks, to deal with.

We do our utmost to help you reach an amicable agreement as quickly as possible and to avoid having to go to court, as this can significantly delay getting a decree absolute.

However, on occasions, going to be court cannot be helped and is sometimes the best course of action to help you win the best settlement.

GROUNDS FOR DIVORCE

When you complete your divorce petition and decree nisi, you must prove how your marriage has - in the eyes of the court - broken down irretrievably and give one of the following five reasons:

Five reasons:

- Adultery
- Unreasonable behaviour
- Desertion
- You have lived apart for more than two years and both agree to the divorce
- You have lived apart for at least five years, even if your husband or wife disagrees

**June 2019.*

A new bill called the: The Divorce, Dissolution and Separation Bill could change grounds slightly by removing the need, in England and Wales, to find fault in order to start proceedings immediately.

What does the new bill do?

- Replaces the requirement to provide evidence of conduct or separation facts with a new requirement to provide a statement of irretrievable breakdown.

- Introduces a new option of a joint application.
- Removes the possibility of contesting the decision to divorce, as the statement of irretrievable breakdown would be taken as conclusive evidence that the marriage has broken down irretrievably
- Introduces a minimum overall timeframe of six months into the divorce process
- Updates the terminology

Source: Parliament.uk

*The process for dissolving a civil partnership is the same as for a divorce, with the exception that the legal definition of adultery relates to heterosexual sex only, so adultery cannot be a reason for dissolving a civil partnership. In a civil partnership, being unfaithful would instead be unreasonable behaviour which is a reason for a divorce.

Source: Law Society

It's best to discuss grounds for divorce first with our expert team, or a solicitor of your choice before you start the divorce process.

For instance, you cannot file for adultery if your partner has had relations with the same sex. Also, grounds for divorce has no bearing on your financial settlement or child custody agreement.

If you have any questions about grounds for divorce we offer a free initial consultation.

To book this simply call or send us an email.

FAMILY AND SEPARATING ASSETS



A family law solicitor will support you through the divorce process and will give you advice that you can trust about the things that matter most - your children, your home and your financial security.

Child Arrangements

If you have children, it's important that they are protected during this process and that you agree with your spouse as quickly as possible how your children will be cared for once you are legally separated.

The good news is that you can avoid going to court, which can be very time consuming and costly, if you and your spouse can agree on:

- Where the children will live
- How much time they'll spend with each parent
- How you'll financially support your children
- You can agree on child maintenance at the same time or separately.

A solicitor can then help you make your agreement legally binding via a consent order.

If you're struggling to come to a decision by yourselves, you can use

a mediator or there are other services that can help. Our expert team can offer you a number of suggestions.

If after mediation you still cannot agree, a court will decide on your child arrangement order.

Separating assets


If you and your spouse can make a fair and amicable agreement on how your assets will be separated, you won't need to go to court. Instead, a solicitor can help you make this decision legally binding via a consent order.

However, if you cannot reach a fair and amicable decision you will need to go to court.

When it comes to money, property and any other assets you may have, by and large the court is not interested in why your marriage is ending but rather how the resources you each have can be divided fairly.

A common misconception is that if you file for divorce on the grounds of adultery, you're likely to receive a bigger settlement. This is not the case.

FAMILY AND SEPARATING ASSETS



When it comes to dividing your assets, there is typically no set formula. Every case is different because judges in England are able to use extremely wide discretion when deciding how assets should be divided.

Things that are taken into consideration include: :

- Whether or not you have children
- The length of time you have been married
- Your age
- Your property and money
- Your ability to work
- Your living expenses
- The standard of living you are used to

However, using their experience and standards set by the court in past cases, our solicitors may be able to give you an indication of what your settlement could look like.

Generally speaking, the starting point when it comes to dividing assets is 50/50.

The court will not discriminate between the “homemaker” and “breadwinner”. That is why the English courts are considered to be a particularly fair jurisdiction, which is why getting a divorce in England can benefit the financially weaker party.

However, it is at the court’s discretion as to what is awarded. We do everything we can to create a compelling case in order for you to receive a fair settlement.

It is important to remember that - at all times - you must provide something called “full disclosure” of all your assets to your spouse and court. This means that you are truthful with what assets you have.

WE GET IT. INSTRUCTING A SOLICITOR CAN BE SCARY



That's why in the next sections of this guide, we're going to provide you with even more information about the different types of lawyers, how we specialise in certain fields of law (called practice areas) and how fees generally work.

The different types of lawyers

When it comes to your divorce do you instruct a lawyer, barrister, solicitor or legal executive?

The term 'lawyer' just means someone who studies or works in law – it's a very broad term, which is why you've probably heard it the most.

Here's an easy-to-digest breakdown:

Solicitors and legal executives

Solicitors and legal executives are usually the first people you contact when you need legal advice.

Solicitors are qualified to advise on all areas of law and they can specialise in certain practice areas, like divorce and family law.

Solicitors are regulated by the Solicitors Regulation Authority (SRA).

Legal executives are qualified to practice law, but usually only certain areas like family or employment. Legal executives are governed by the Chartered Institute of Legal Executives.

Barristers

Barristers are different to solicitors and legal executives. Generally speaking, you won't hire a barrister personally. A solicitor would do that for you.

Barristers work for themselves and something called chambers. This is a combined space where barristers and judges work.

Typically, a solicitor will deal with your divorce from divorce petition to decree absolute. However, in trickier cases a barrister may be required to represent you in court.

Barristers are regulated by the Bar Standards Board.

Find a solicitor that specialises in divorce

As you've already discovered, a solicitor is qualified to advise on all areas of law.

For your divorce, it's best to find a solicitor or legal executive that specialises in divorce. Divorce falls under the umbrella of 'family law'.

That way, you can rest assured knowing that your future interests are being looked after by an expert.

Members of our team specialise in family law. They have years of experience helping people just like you – they also understand how difficult this time can be and try and support you as much as they can.



WHAT TO CONSIDER WHEN INSTRUCTING A SOLICITOR

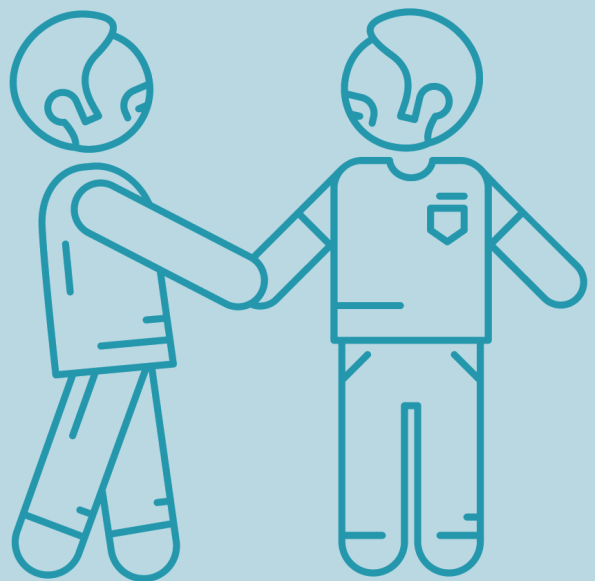
▶ Get to know your solicitor

You're probably going to have quite a close relationship with your solicitor over the coming months, so it's important to get to know one another.

That's why we offer a free initial consultation, without any obligation to instruct us in the future.

This is a great opportunity for our team to learn more about your situation and provide preliminary advice.

It's also a great opportunity for you to get to know your solicitor more and ask as many questions as you possibly can.



Lots of potential clients are often scared to get in touch with a solicitor, or instruct one because they're worried about incurring fees that they're unaware of.

This is not the case at all. We are 100% transparent with our fees and this will be discussed and agreed with you right at the very beginning – putting you in total control of what you are spending.

Please be aware that there is an initial court fee of £550 to file for the petition of divorce. This is a standard charge to get a divorce and does not include any solicitor fees.

Fixed fee	Exactly what it says on the tin – a fixed fee is a set fee that is agreed before you start working together.
Estimated fee	Fixed fees are becoming more and more common as they are the most transparent. However, some solicitors will offer an estimate instead. This means that the fee could go up or down. If your solicitor offer an estimated fee, consider asking for a 'capped' fee.
'Capped' fees	This is similar to an estimated fee, but you cap the maximum charge. This means the solicitor can charge you up to the maximum amount agreed.
Set limits	If your solicitor works on an hourly rate for instance, another good idea is to ask your solicitor to notify you each time they reach an agreed limit. For instance, this limit could be £500. If your limit is reached, you will be notified – helping you to manage costs on an ongoing basis.
No win no fee	This is also known as a conditional fee agreement. No win no fee arrangements are often misunderstood, as you may still have to pay charges if your case is lost. Be sure to fully understand the terms of your agreement before entering it.

Know exactly how you are being charged

You can also ask your solicitor for a billing narrative, which provides a detailed explanation of how they have charged for their time – allowing you to dispute charges if you do not agree with them.

WE'RE HERE TO HELP WITH YOUR DIVORCE

Our expert team are here to support you during this very stressful time.

We understand that your family, your home and your finances matter most and we'll do everything we can to take the stress away, do the hard work for you and represent you when you need it most.

We hope that by reading our guide to divorce, you understand the process a little more. But we're sure you have lots more questions to ask.

That's why we offer a free initial consultation, without any obligation to instruct us in the future.

To arrange this, simply call or send us an email.



LEGAL DISCLAIMER:

All content within this guide is intended for informational purposes only. It is not a substitute for taking formal specific legal advice from a practising solicitor or barrister. Every care has been taken to ensure the accuracy of the contents of this guide and the opinions in it, no responsibility for loss occasioned to any person or company acting or refraining from action as a result of any statement in it or otherwise caused by relying upon the contents of this law guide is accepted by the author or publishers. This law guide may not be reproduced or copied in any form without the express written consent of the publishers.