

Children and finances

You can ask the court to make orders about money and/or children if necessary during (or after) the divorce, but these legal processes are completely separate from the divorce itself.

We can help you identify the circumstances when such applications need to be made and can assist in the process.



Updating your Will

It's important to note that divorce may mean that certain provisions in your Will do not work as you might have intended them to. You will need to make a new Will quickly after decree absolute to ensure your wishes are carried out in the event of your death.

We are happy to refer you to one of our Wills & Probate colleagues if you should wish.

www.timms-law.com

Why use Timms?

We will guide you every step of the way to ensure you achieve the best outcome at a sensitive time. We will listen to your goals and objectives and advise you about the options available.

We can ease the strain of the process by liaising with your spouse and the Court on your behalf.

The costs involved will be tailored to suit your needs and will be discussed at your first appointment.

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a guide to divorce
proceedings

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A guide to divorce proceedings

The break up of any relationship is a sensitive and stressful time for most. There are questions to be answered; how will it affect your family, your home, your possessions and your finances. It's a difficult situation for anyone and we will advise you in a comprehensive and confidential manner.

How do I apply for a divorce?

Firstly, you must have been married for at least a year. It doesn't matter where in the world you were married, but you can only apply for a divorce in England and Wales if either you or your spouse meet certain residence conditions or are domiciled here.

The proceedings are, in the vast majority of cases, not defended and in most cases you will not need to see a judge to get divorced. There are a few exceptions to this but they are quite unusual.

Starting divorce proceedings

The document that starts the divorce is called the 'petition' and the law requires one spouse to petition against the other, even if you both agree to the divorce. We will need the original (or official copy) of your marriage certificate and there will be a court fee payable to start this process.

We will then file the petition at court of your behalf. The petition will contain details of you and your spouse and the reasons why you feel your marriage has broken down.

You will need to state that there are good reasons for ending your marriage using one of the five categories:

- Your spouse has committed adultery
- Your spouse has behaved unreasonably
- Your spouse has deserted you for two years
- You have lived apart for two years and your spouse consents to the divorce
- You have lived apart for five years

How does it work?

We will agree the content of the Petition

We will send a draft copy of the petition to your spouse at least seven days before it is filed at court. This gives them the opportunity to obtain legal advice and raise any objections if there is anything in the petition that they find particularly offensive. It is better to agree what is in the divorce petition if at all possible.

Co-respondent

If your spouse has committed adultery, you are able to name the third party. However, we sometimes advise against doing this as it can mean the third party is involved. It often makes agreements in other areas more difficult and can increase stress levels and legal costs.

The court will serve the divorce papers

The court will send out the petition to your spouse together with a form called the 'acknowledgement of service' for them to complete. The form asks your spouse to say whether they intend to defend the divorce or not. If your spouse does not wish to defend the divorce they will indicate this on the form and return it to the court.

We will apply for the Decree Nisi

The next step is for the petitioner to apply for the decree nisi. This is done by completing a 'statement of truth'. We will then file the application for a decree nisi at court.

The decree nisi is the court agreeing that you are entitled to a divorce but has not yet made it final.

We will apply for the Decree Absolute

Six weeks and a day after the grant of decree nisi, the petitioner can apply for the decree absolute which formally ends the marriage.

How long will my divorce take?

If each step of the divorce is taken promptly and financial arrangements do not hold things up, the divorce process usually takes between four and six months.