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Divorce Proceedings ^[1]

Are you considering divorce? Contact our Experienced Divorce Lawyers today



Being prepared for your divorce will reduce associated stress and ensure you know exactly what to expect down the line. Our divorce solicitors can guide you through the entire divorce procedure and ensure everything has been considered along the way.

Ground for Divorce

There is only one ground for a divorce namely that the marriage has irretrievably broken down. This is *proved* by proving one of five facts:

- Your husband/wife behaved in such a way it is unreasonable to expect you to live with them
- Your husband/wife committed adultery and as a result you find it intolerable to live with them
- Your husband/wife has deserted you for a continuous period of at least 2 years
- You and your husband/wife have lived separate and apart for at least 2 years and they consent to there being a divorce
- You and your husband/wife have lived separate and apart for at least 5 years

It is perhaps not surprising that 75% of all divorces proceed on the basis of behaviour. Most couples cannot wait for an extended period of separation to occur before finalising divorce and financial issues. Therefore, for the time being, one party will generally have to 'blame' the other for the breakdown of the marriage.

Whilst this may be the case the process of ending your marriage does not have to be an adversarial one.

What is the Divorce Procedure?

The family law protocol recommends that before any *divorce petition* is issued the parties via their solicitors **attempt to agree the facts set out in the divorce petition**. This will not be appropriate in all cases but can help take the heat out of the situation in others.

What happens next?

- Once you have approved the *Divorce Petition* the documents will be sent to your local Family Court;
- There they will be sealed and copies posted to your spouse;
- Your spouse will then have to complete an Acknowledgement form to:
 - Confirm that he/she have received the divorce petition
 - Indicate whether they intend to oppose the divorce
 - Indicate whether there is any disagreement regarding costs

Perhaps surprisingly 99% of divorces are not opposed. This is because you can allow the divorce to proceed without making any admissions and when the court comes to resolving the financial arrangements of the parties it does not take in to consideration whose "fault" it is that the marriage has broken down other than in very extreme and exceptional circumstances.

- Once the acknowledgement has been returned you complete a statement to confirm that the contents of your petition are true. The effect is much like giving evidence in the terms of your petition but without the need for you to attend court;
- This is forwarded to the court and all of the papers are referred to a District Judge;
- He will check that your petition is technically correct and that you have made out the *grounds for your divorce*;
- If he is satisfied he will certify that you are entitled to a *Decree of Divorce* and a date will be set for the *Decree Nisi*.

Decree Nisi & Decree Absolute

The Decree Nisi, in a somewhat antiquated way, is still read out in court but there is in fact no need to attend. **The person starting the divorce has to wait not less than 6 weeks after the date of the Decree Nisi before applying to finalise the divorce in the form of the Decree Absolute.**

This application is simply made through the post. The court staff will check that the 6 week period has elapsed and that no objections have been made to the divorce being finalised. Provided everything is in order the Decree Absolute will be sent out in the post and the divorce will be complete.

How long will the Divorce Procedure take? Can I have a "*Quickie Divorce*"?

There is no such thing as a "*quickie*" divorce.

Whilst divorce appears a relatively straight forward process there can be pitfalls along the way and it will **usually take at least 6 months to complete**.

Indeed in many cases the divorce will take much longer to finalise as it is common not to apply for the Decree Absolute until financial issues have been resolved. Such issues are far more complex than the divorce itself and can take much longer to resolve.

Our family law team ^[3] will support and advise you on all issues relating to divorce law, financial matters and children. Don't leave things to chance, contact our experienced team today ^[2].

Links

[1] <https://www.sydney Mitchell.co.uk/services-individuals/family-law/separation-and-divorce/divorce-proceedings>

[2] <https://www.sydney Mitchell.co.uk/contact>

[3] <https://www.sydney Mitchell.co.uk/about-us/our-people/family-and-child-care>