

Ellisons

SOLICITORS

Essential Information Leaflet: Divorce

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What steps will we go through to get a divorce?

If you separate for the time being, we will aim to negotiate an agreement which can then be recorded in a Separation Deed. Divorce proceedings can take place later.

If you decide to divorce immediately, this usually takes about 3 to 6 months, but if there are financial issues to be resolved it can take between 6 and 18 months, sometimes longer. Once the divorce petition has been issued by the Petitioner, the other side (known as the Respondent) has to acknowledge service and state if they intend to oppose the divorce. If it is agreed that the divorce is to go ahead, the Petitioner then makes a written application to the Court for the Decree Nisi. Once this has been pronounced by the Court, the Petitioner has to wait for minimum of 6 week and then he or she can apply to the Court for the Decree Absolute which brings the marriage to an end.

How do we sort out the finances?

It is important that we have a clear picture of you and your spouse's financial circumstances. Both sides must provide this to each other so that we can try to negotiate a fair agreement.

If we cannot reach an agreement, or the other side is not co-operating or if we just need to set a timetable to sort it all out, an application for ancillary relief should be issued. The Court then sets a timetable for both sides to prepare a financial statement. We can then ask for further information or documents that we need from the other side. A First Appointment takes place about 3 months after the application is issued. The Court will order any remaining information to be provided by you or the other side. We come back to Court about 2 months later and try to reach an agreement with the help of the Court at a Financial Dispute Resolution Appointment. Most cases do not go any further than this, but if necessary, there is then a trial a few months later.

How do we reach an agreement about our children?

Wherever possible, you should try to agree arrangements for your children with your spouse. However if this is not possible, an application can be issued at the Court to resolve matters. Most of these applications tend to be sorted out at an initial Court appointment when we discuss matters in an informal setting at Court with the assistance of a Conciliator. If matters cannot be agreed, the Court may order that a Report be prepared by CAFCASS or Social Services. If agreement is still impossible, the Court will impose a solution.

How much will this cost?

The legal fees that can be incurred depend upon the nature of your case. Your solicitor will give you an estimate of the likely cost when your first meet them and will confirm that in writing to you. Please feel free to ask us how much your bill is likely to be at any time. We can also tell you about various ways to pay your bill.

What other services can Ellisons provide?

The two key legal services which follow a divorce relate to ownership of the house, often the main asset of a marriage, and the need to update your will.

Our Residential Property Department can handle the legal work necessary to buy, sell or transfer a house, even if you are re-mortgaging. We have worked with the Residential team to come up with a tailored package, competitively priced, to meet the special needs of our newly divorced clients. We do appreciate that you may wish to use another firm but please note that if you do choose a conveyancer from another firm, your divorce lawyer will have to liaise with them and charge for the time in doing so.

Our Private Client Department can prepare your new Will and help you plan for the future. Because we will already have collated many of the required details during the divorce process, our wills packages are also comparatively good value.

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