

1. When can I get divorced?

You must have been married for a year before you can commence divorce proceedings.

2. What is the difference between the Petitioner and the Respondent?

The Petitioner is the spouse who starts the divorce proceedings and issues the divorce petition. The Respondent receives the petition.

3. What do I have to prove to get a divorce?

There is only one ground for divorce – that your marriage has “irretrievably broken down”.

4. How do I show this?

By proving one of 5 facts:-

- (i) adultery – your spouse must have had sexual intercourse with a person of the opposite sex. This must have occurred less than 6 months before you issue the petition unless the adultery is continuing.
- (ii) unreasonable behaviour – you give examples of why your spouse’s behaviour means that you can no longer continue to live with them.

- (iii) 2 years separation with the consent of your spouse – you need to have your spouse’s written consent to rely on this “fact”.
- (iv) 5 years separation
- (v) desertion – this is rarely used and only really when you don’t know where your spouse is

5. Do I have to name the person my spouse is having a relationship with?

No you don’t. You can, if you wish, but this often causes more friction between you and your spouse.

6. What documents do I need to issue the petition?

A copy of your marriage certificate is required. If you were married abroad a translation of the certificate is required, which must be carried out by an approved translator and the translation must be notarised. We can assist you with this. The translator will charge a fee.

7. What if I have lost my marriage certificate?

You can usually obtain one from the registrar of births, deaths and marriages in the area in which you were married, or you can apply on line at www.gro.gov.uk or by calling 0845 603 7788. There will be a fee.

8. How long will it take?

Once your petition has been sent to the Court, it will be processed and posted to your spouse (the Respondent). This usually takes a couple of

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<http://www.hodgehalsall.co.uk/family-disputes.aspx>

weeks. Once your spouse receives the petition, he/she has 7 days to file an Acknowledgment of Service. Once the Court receive the acknowledgment or the time for filing has passed, you can apply to the Court for the Decree Nisi. A Judge will check the paperwork at this stage and if satisfied the marriage has irretrievably broken down, the Decree Nisi will be granted. Six weeks later you can make application for Decree Absolute. It is often best to wait for Decree Absolute until finance issues have been resolved and **you should seek legal advice before taking this step.**