

# Guide to Divorce



*'A very comprehensive and professional service was received for our very difficult and personal case.'* Family Law Client

Our family solicitors can give you practical, helpful advice and support to guide you through the process.

Legal support for business, for you, **for life.**

 **Hegarty** Solicitors



*'They have been with us every step of the way and supported our family issues.'*

Family Law Client

**At Hegarty Solicitors we understand how difficult it can be seeking legal advice when a relationship breaks down.**

If you need help regarding separation, divorce or dissolution of a civil partnership, we can arrange a meeting with you to take the details of your situation and give you an indication of costs for any action you decide upon.

Our family solicitors can give you practical, helpful advice and support to guide you through the process. We can also offer help and advice to resolve financial issues and put agreements and arrangements in place.

## **Divorce Proceedings**

### **Who can start divorce proceedings?**

Anyone who has been married for over a year provided the relevant criteria on residency and domicile is met. During your first meeting a solicitor will check that you are eligible to start proceedings.

**Book an initial appointment with advice from just £250**

+ VAT

**Excellent**



**★ Trustpilot**

## On what grounds can a divorce petition be started?

The only ground for divorce is the irretrievable breakdown of the marriage. This involves you simply signing a statement that the marriage has broken down irretrievably.

## What happens next?

### Stages of a divorce and length of time of proceedings

People often ask how long a divorce will take. It is impossible to be precise about the time it will take because of unknown factors such as how long it takes the other spouse to respond, or how long it takes the court to process the application. However, it will take no less than 26 weeks because of a mandatory minimum period of 20 weeks between issue and Conditional Order and Final Order.

It is also not uncommon for spouses to agree not to finalise the divorce until they have resolved the financial matters.

This is because, in the event that your spouse dies before financial matters are resolved, you could be worse-off financially if the divorce has concluded.

Now that either party can apply to finalise the divorce, it is very important that you take advice on financial matters

as early as possible into the divorce process.

### Stage 1: See a solicitor and start divorce proceedings

After one year of marriage, either spouse may start the divorce. This can be done by one spouse (a sole application) or jointly by both spouses (a joint application). Your Solicitor can explain the different procedures and you can choose which is the best option for you.

In a sole application the person who starts the divorce is the Applicant and the other spouse is the Respondent. In a joint application the parties start the divorce together and they are applicant 1 and applicant 2.

In a joint application you do not need to be in the same room as your spouse when the application is made. You can also still each have a Solicitor if you wish. It is unlikely your Solicitor would represent you both, but you do not both need a Solicitor if that is what you choose.

In most cases the divorce application will be made online using the divorce portal although unrepresented parties can still use the paper process, for example if they do not have access to the internet.

For more information visit [hegarty.co.uk/divorce](https://www.hegarty.co.uk/divorce)



We can make the application for you and we would suggest that this is the best way to avoid potential complications or delays later in the proceedings.

### **Stage 2: Court processes application**

In a joint application the Court does not need to send the application to the other spouse and there is no need for the other spouse to respond.

In a sole application, provided you gave an email address for your spouse, the Court will email the Respondent with a link to the online divorce portal where they can view the divorce application and complete the acknowledgement of service online.

If you did not provide an email address, the Court will post the application to your spouse and ask them to either return a

paper acknowledgement of service, or log on to the online divorce portal and complete it online.

### **Stage 3: Response of the Respondent**

In a sole application the Court needs to be satisfied that the Respondent has received notice of the divorce application. This will usually be by the Respondent completing the online acknowledgement of service. If the Respondent refuses to complete the acknowledgement of service, your Solicitor can arrange an alternative method of service.

A Respondent can only defend a divorce application now if they can demonstrate that there is not a valid marriage, or that you are not entitled to apply for a divorce, for example because you are not residents or domiciled in England and Wales. Such cases will be extremely rare.



*'I received an excellent service to help me through a difficult time.'*

Family Law Client

#### **Stage 4: Applying for the Conditional Order**

There is a mandatory 'cooling-off' period of 20 weeks from the date the divorce application is issued to the date when the Court can make a Conditional Order.

Irrespective of whether it is a sole or joint application, after that 20 weeks, either party can apply for a Conditional Order. With an online divorce, this will be done online.

#### **Stage 5: Court grants the Conditional Order**

The District Judge looks through the application and, provided everything appears in order, they will give a certificate for the Conditional Order to be pronounced. Both the Applicant and Respondent are then advised of the date fixed for the Conditional Order.

Depending on the Court's diary, the date is likely to be a few weeks after the application is lodged. The couple will not have to attend Court.

#### **Stage 6: Final Order**

Six weeks after the date of the Conditional Order either party may apply for the Final Order. This step is not automatic.

With an online divorce this will be applied for online. The Final Order will be available shortly thereafter, usually within a week. The granting of the Final Order concludes the divorce.

It is important to note that after this, should your spouse die, you will no longer be entitled to widow's benefits under their pensions or benefits under certain life policies. It is therefore important to address the financial claims arising from the marriage before this.

For more information visit [hegarty.co.uk/divorce](https://www.hegarty.co.uk/divorce)



### **We would thoroughly recommend...**

We would thoroughly recommend using Hegarty Solicitors, they are so very good in sorting very difficult situations out. We have been with them for quite a few years now and have never had a problem at all. You can always get hold of someone if you phone the office and the staff are amazing.

## Legal terms

### **Conditional Order**

Once 20 weeks have passed from the issue of a divorce application, a Conditional Order can be made. This is an order that shows that the court is satisfied that all legal requirements have been met to proceed with a divorce. At this stage the divorce is not complete; there is a six week minimum mandatory period between grant of Conditional Order and Final Order.

### **Final Order**

This is the final stage of divorce and the legal document that ends a marriage.



### **Applicant**

The person who starts the divorce proceedings.

### **Respondent**

In a sole application, the party against whom the application is filed, the other spouse in divorce proceedings.

### **Family Fixed Fee First Appointment | £250+VAT**

Sometimes you just need somebody to point you in the right direction. Our Family Fixed Fee appointments allow you to discuss your case and find out what your options are, before you decide whether to take further action. An initial advice appointment with one of our family lawyers is a fixed fee of just £250+VAT.

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