

The 8 Steps to Divorce Roadmap



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Family Law Solicitor

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Preparing the Divorce
Petition

Step 3

Sending the Draft Petition
to the Respondent

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Issuing of the Divorce
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Acknowledgement of
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Step 6

Decree Nisi

Step 7

Submitting of Consent Orders
or Determination of Financial
Remedy Proceedings

Step 8

Decree Absolute



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Step 1

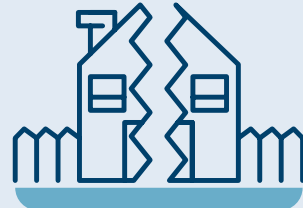
Consultation with a Family Law Solicitor

Engaging a family lawyer can feel daunting but they will help guide you through the process step by step. Book an initial consultation as soon as possible.

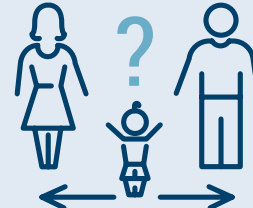
A family lawyer will:



Establish the reasons for the marital breakdown



Gain an understanding of financial assets



Discuss potential children disputes

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Preparing the Divorce Petition

The next step is for the lawyer and client to assess if the marriage should result in divorce. At this point, a petition or application for divorce can be drafted.



Divorce Facts

Did you know...?

There is only one ground for a divorce to be granted by the Family Court, and that is the ground of the marriage having '**irretrievably broken down**'.

There are however **five 'facts'** in law, one of which must be established by the applicant / petitioner to divorce, to allow them to demonstrate to the court that the marriage has 'irretrievably broken down'.

Also...

To divorce inside of a two year separation period then a fault based fact must be relied upon, either that of the other spouse's '**unreasonable behaviour**' or their adultery.

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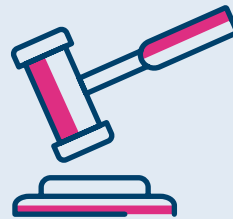
Sending the Draft Petition to the Respondent

The next step in the divorce process is for the draft petition to be sent to the respondent party to the divorce (the non-petitioning spouse).

The petition deals with:



If the petitioning party is seeking for the costs for the divorce to be paid by the respondent party



If a financial order from the court is requested (to reflect the division of financial assets in the marriage).

The respondent party is encouraged to engage a solicitor at this stage in order that they can be expertly advised through the divorce process.



OUR TOP TIP: The draft petition can help with early negotiation and engagement from both parties so it is an important part of the process.

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Issuing of the Divorce Petition at Court

Once the divorce petition has been sent to the respondent party as a draft, and hopefully an agreement reached as to its terms, then the divorce petition is ready to be submitted to the Family Court.

Along with the divorce petition, you'll need to:



Pay the court issue fee of £550 for issuing the petition



Provide evidence of the marriage certificate

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Acknowledgement of Service Form

Once the petition has been issued, the court will send a court sealed (stamped) version to the respondent party (non-petitioning spouse).

Along with the divorce petition is a form called an '**Acknowledgement of Service Form**'. This must be returned by the respondent within 7 days of it being received.

Divorce Facts

Did you know...?

The Acknowledgement of Service Form enables the respondent to confirm whether or not they intend to contest the divorce. It is very rare to have contested divorce proceedings.



OUR TOP TIP: The respondent party should engage a solicitor to seek independent advice as to the completion of the Acknowledgement of Service Form.

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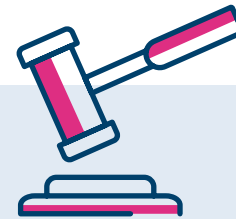
Decree Absolute

Step 6

Decree Nisi

This is often known as **'the middle stage'** of the divorce.

The petitioner can apply for Decree Nisi once the court has provided them with a copy of the respondent's Acknowledgement of Service Form.



How does the Decree Nisi work?

1

A District Judge will have considered the petition and acknowledgement form and decided on 'entitlement to a decree of divorce'.

2

Once the Judge is satisfied that there should be a divorce then a Certificate of Entitlement to a Decree will be prepared. This certificate will set out a date for the pronouncement of Decree Nisi in court.

3

At the hearing for Decree Nisi pronouncement, the parties will have reached the Decree Nisi point in the divorce.

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This step in the divorce roadmap is usually where the parties will want to resolve the financial aspects of division of assets.

Any agreements as to the financial split of assets and liabilities can be prepared as a Consent Order and approved by a District Judge often as a paperwork (non-hearing based) action.

Divorce Facts

Did you know...?

Where financial aspects are disputed then often the court is asked to make a Financial Remedy Order at this divorce stage. This is where a District Judge decides on the division of assets for each party.

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The final step in the divorce process is the application for Decree Absolute and the production of Decree Absolute by the Family Court.

The earliest point this can be applied for is 6 weeks and 1 day from the date of Decree Nisi.

The parties are free to re-marry if they so wish after achieving Decree Absolute.



OUR TOP TIP

If you're heading for divorce and unsure where to start, contact an expert family lawyer for advice.

Ison Harrison has one of Yorkshire's largest family law teams.

Established over 40 years, we can help you every step of the way with your divorce.

Call **0113 284 5000** or email family@isonharrison.co.uk

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