



Complete Guide To Divorce

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Introduction

Divorce can be one of life's most stressful, most painful, and most troubling situations to experience. The heartache and worry aren't confined to the two parties involved. The breakdown of a relationship can also have repercussions for children and the personal finances of both parties, making it an especially difficult challenge for many families.

No one expects to enter a marriage for it to end in a painful experience like divorce but, unfortunately, it's not something that can ever be planned for or anticipated.

If you do find yourself in a position where your marriage or civil partnership is irretrievably broken, it's important to get the right legal support to ensure an amicable close to this chapter in your life. Navigating through a divorce, dividing up shared possessions such as the family home and agreeing on living arrangements and visitation rights for the children can be distressing but it can be achieved amicably and fairly.



An experienced family solicitor can help to make the process of divorce less confusing. From providing practical support such as filing paperwork with the court to petition for a divorce to aiding in mediation to ensure a fair split of assets, a divorce solicitor can bring clarity and speed to what can be a lengthy and highly emotive chapter.

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If you're considering a divorce or are in the process of a divorce now, you may well be finding that there's a lot of new information, unfamiliar legal processes and a great deal of uncertainty to deal with. We're here to help with our complete guide to getting a divorce. We've compiled this guide to walk you through the process of obtaining a divorce, so you are clear about what to expect moving forwards.



Changes In Divorce Law

On the 6th of April 2022, new divorce laws came into force in the UK that introduced something known as the 'no fault divorce'.

This new type of divorce, which is covered by the Divorce, Dissolution and Separation Act 2020, means that a divorce can now go through without having to put the blame on one party.

It's also now no longer possible to contest a divorce or civil partnership dissolution unless it's on the basis of jurisdiction.

To summarise, the changes that were brought into place in these new laws include:

- The 'five grounds' of divorce have been replaced to allow couples to divorce without assigning fault
- The possibility of contesting the divorce has been removed
- There is now an option for couples to end their marriage jointly

The new law has also changed some of the terminology used throughout the divorce process to be more understandable and accessible:

- 'Divorce petition' has now been changed to 'divorce application'
- 'Decree nisi' has now been changed to 'conditional order'
- 'Decree absolute' has now been changed to 'final order'

These changes also apply to the dissolution of civil partnerships.

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Updates to Grounds For Divorce

In order to meet the grounds for divorce, you must have been married or in a civil partnership for at least 12 months before submitting your application.

Then, you will just need to satisfy the courts that the marriage is irretrievably broken down and there is no option for reconciliation.

Remember, thanks to the changes to divorce law, this doesn't mean that you need to assign blame for the breakdown of your relationship if you can both agree to a no fault scenario.

The Process of Filing For Divorce

The divorce process may seem daunting, especially if you haven't had any previous experience with the legal system. Fortunately, with the April 2022 changes to the law, navigating the divorce process should become much simpler and more straightforward for both parties.

The new process of obtaining a divorce involves the following steps:

- Complete an online divorce application using the HMCTS portal. If you're not using a solicitor, this will involve setting up your own MyHMCTS user account.
- Complete the online form for divorce, previously known as the D8 form, and upload your marriage certificate.
- Once you have submitted the form, you will be given a 16-digit case number that you will need throughout the conclusion of the case.

A divorce solicitor can also handle this process on your behalf and submit the divorce application for you.

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How Much Does Divorce Cost?

If you're applying for a no-fault divorce, you will pay a fee of £593.00 upon submission of the divorce application form.

You may be able to seek an exemption if you are in receipt of certain state benefits.

How Long Does A Divorce Take?

After you have completed the initial divorce form, there is an initial 20-week waiting period. When this waiting period is over, you can then apply for an interim divorce order called a 'conditional order' (previously known as a decree nisi under the pre-6 April 2022 system) to be issued.

Then, you will have to wait a further six weeks and one day before applying for the 'final divorce order' (known as a 'decree absolute' under the pre-6 April 2022 system).



How To Handle Your Financial Matters

If you're worried about how your finances will be affected during the process of divorce, you can agree with your partner to hold back from applying for the 'final order' until you have reached a settlement.

Generally, the sooner you are able to start financial negotiations with your partner, the better. You may also want to consider attending mediation where you can freely discuss your thoughts and concerns with a professional.

Financial disputes can hold up the process of divorce and can be extremely emotive. Participating in mediation can ensure that the best interests of each person are considered, in a calm and respectful setting.

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Divorces Made Easier

Divorce is never an easy process. It can bring up lots of emotion and cause bad feelings, stress and hurt between the parties involved, especially when it comes to splitting up assets and finances and deciding where children will live and how much time they will spend with each parent.

The April 2022 changes to divorce law were put in place to make divorce a simpler and smoother process with minimal disruption to your life and the lives of those around you.



To find out more about child arrangement orders, get in touch with us today on 0203 601 505, or email us at info@nationallegalservice.co.uk