

A Short Guide to Divorce

It is only possible to obtain a Decree of Divorce if proceedings are issued usually in a local County Court. The proceedings are commenced by way of a Petition. The party bringing the proceedings is known as the Petitioner and the party against whom proceedings are brought is called the Respondent.

The Petitioner will need to prepare a Divorce Petition and will lodge this with the Court together with the original marriage certificate. Your solicitor will help you draft the Divorce Petition.

In order to show the Court that the marriage has irretrievably broken down you will need to prove one of the following five facts:

- a. That your spouse has committed adultery.
- b. That your spouse's behaviour has been so bad that you could not reasonably be expected to continue to live with him/her.
- c. That your spouse has deserted you for a period of at least two years.
- d. That you and your spouse have lived apart for a period of two years and that your spouse consents to the divorce.
- e. That you and your spouse have lived apart for at least five years in which case the consent of your spouse is not required.

There is unlikely to be any need for you to have to attend Court as the majority of divorces proceed on an undefended basis and are dealt with as a paper exercise. If however you do need to attend Court then a member of this firm will accompany you if you so wish.

A divorce normally takes on average between four and six months to complete. When the divorce is finalised a Decree Absolute is sealed and forwarded to both the Petitioner and the Respondent. The Decree Absolute is evidence of the dissolution of the marriage.

If you require any further information please contact Nicholas Johns. He will also be able to advise you as to how much the Divorce Proceedings will cost.