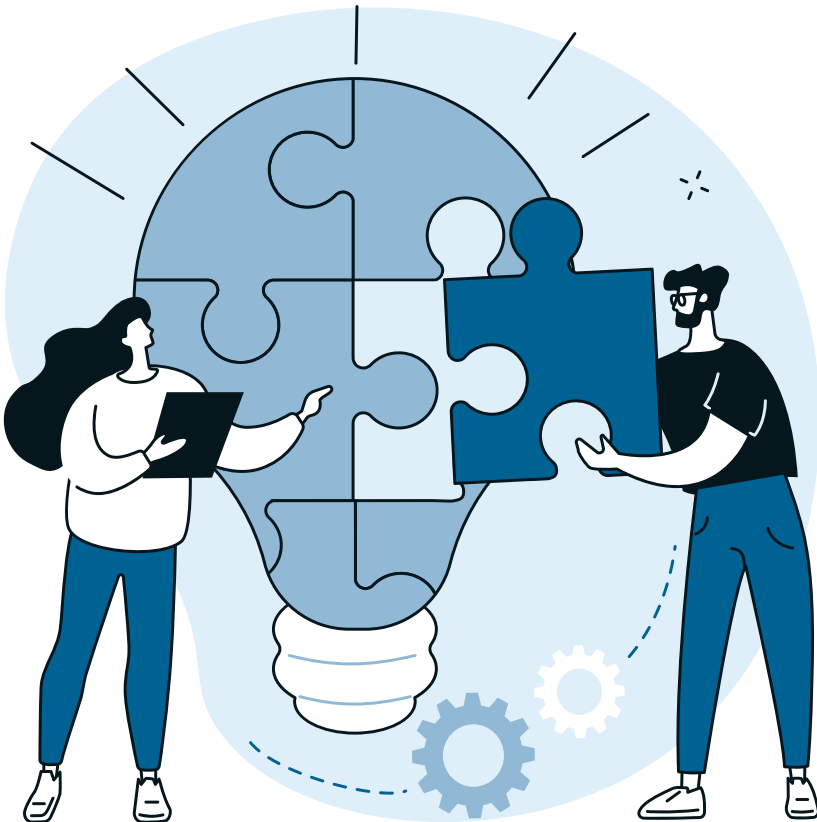


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Your Guide to Divorce



www.judge-priestley.co.uk

Since 1889

Divorce

At Judge & Priestley, we understand that divorce can be an emotional and challenging experience. With our team of expert solicitors, we are dedicated to providing you with the guidance and support you need during this difficult time. Our goal is to help you achieve a fair and amicable resolution, allowing you to move forward with confidence and peace of mind.

Divorce can involve various complex issues, such as the arrangements for the children, asset division, and financial support. With our extensive knowledge and experience, we offer expert advice to help you navigate these intricate matters. Our solicitors will explain the legal implications, explore all available options, and work tirelessly to protect your interests and secure the best possible outcome for you and your family.

The Sole Ground for Divorce / No fault divorce

The law relating to divorce, commonly known as the “No-fault divorce”, has removed the requirement to assign blame on either party. Instead, a divorce Application only requires the applicant(s) to provide a statement that the marriage has broken down irretrievably. No evidence is required beyond making this statement.

How long does a Divorce Take?

A straight-forward divorce will take at least six months (26 weeks) to complete due to (1) the minimum period of 20 weeks between the issue of the Application and when the applicant(s) may apply for a Conditional Order and (2) the further minimum period of 6 weeks between the Conditional Order and the applicant(s) being entitled to apply for the Final Order.

The intention behind the minimum periods is to allow the parties a period of reflection and to endeavour to agree practical arrangements for the future. Disagreements about the finances involved can prolong the process considerably.

THE DIVORCE PROCESS



1) MINIMUM MARRIAGE TIME

In order to apply for a divorce you must have been married for more than 12 months.

2) REQUIRED PARTIES

Anyone applying for a Divorce Order can do so individually or jointly with their spouse.



3) PETITION ISSUED

The Court will issue the Application. Acknowledgement of service filed by the Respondent if petition is done by one party.

4) CONDITIONAL ORDER

After a minimum period of 20 weeks, the applicant(s) will confirm that they wish the Application to continue and apply for the Conditional Order. This is the penultimate order.



5) FINANCIAL ORDER

This is an order regarding the finances filed with the court.



6) FINAL ORDER

Six weeks and one day after the Conditional Order being made, the applicant(s) can apply to the Court for the Final Order.

7) COMPLETION

Once the Final Order is granted you are divorced.



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What is the Divorce Process?

Our first step is to schedule an initial consultation, where we will listen to your concerns, answer your questions, and gather essential details about your situation. We offer a free 30-minute initial consultation, and this allows us to assess your case and provide you with tailored initial advice based on your specific circumstances.

In order to apply for a divorce, you must have been married for more than 12 months. Anyone applying for a Divorce Order can do so individually or jointly with their spouse. The Court will issue the Application and after a minimum period of 20 weeks (cooling off period), the applicant(s) will confirm that they wish for the Application to continue and apply for the Conditional Order. This is the penultimate order.

Six weeks and one day after the Conditional Order being made, the applicant(s) can apply to the Court for the Final Divorce Order. Once that is granted you are divorced. You should not however apply to this Final Order without first seeking advice as to the division of assets, and as to the implications of the Final Order.

What happens to Finances on Divorce or Dissolution?

On divorce or dissolution of a civil partnership, many couples have assets that need to be divided between them. Agreeing on how to divide the assets is often difficult and there is not always an obvious solution to the problem.

The first task is to ascertain what assets are in the pot to be divided. The sooner that this can be established the sooner the parties attention can turn to negotiating a settlement. Up-to date valuations are needed of all assets including pensions and the more information that you can provide to the mediator or your Solicitor at the outset the quicker your case can progress.

In the event that a couple is unable to agree on a division of the asset(s) or negotiate a settlement, either between themselves or with the assistance of a mediator or solicitors, court proceedings will need to be instigated and the Court will be asked to determine the financial provision to be made for the parties.

It is always possible to still reach a negotiated settlement whilst proceedings are on foot in an attempt to avert what can be a rather expensive process. The court proceedings take the form of a three-stage process, and as such, there is an emphasis on parties to be as reasonable as possible, always with a view of reaching a settlement.

All of the members of our family team have substantial experience in negotiating financial settlements and we aim to ensure that negotiations are finalised as quickly and efficiently as possible. Where it is not possible to negotiate a financial settlement, our experienced solicitors can walk you through the court process with care and confidence in order to reach your goal.

What is my option if I want to end the marriage but don't want to Divorce?

If you want to separate without going through the process of a divorce, both parties can regulate the separation with a Separation Agreement without involving the court procedures.

This would involve signing a written legal document incorporating the agreement you have reached. The agreement would confirm that the parties to the marriage are to live apart and the way in which maintenance and property are to be dealt with.

It is important to remember, that whilst there are no restrictions on what can be included in the agreement, should either person make an application to the Court the Court is not bound by the arrangements.

Why J&P?

When it comes to divorce, emotions can run high, making it crucial to have a compassionate and understanding legal team by your side. Our solicitors specialise in family law and are committed to providing personalized support tailored to your unique circumstances. We listen attentively, ensuring that your voice is heard and your concerns are addressed throughout the legal process.

Our Services Include

- Divorce
- Financial remedy
- Pre and post nuptial agreements
- Cohabitation matters
- Children matters, including arrangements for the children and child maintenance
- International children matters, such as child abduction, wardship and enforcement of foreign orders.



Your Key Contact

Kelly Sharman, Partner

Kelly Sharman

020 8290 7331

ksharman@judge-priestley.co.uk

www.judge-priestley.co.uk

Since 1889

Office Locations

Bromley - Head Office

Judge & Priestley LLP, Justin House,
6 West Street, Bromley, Kent BR1 1JN

T: 020 8290 0333

E: info@judge-priestley.co.uk

www.judge-priestley.co.uk

 @JudgePriestley

Beckenham Office

Judge & Priestley LLP, 108 - 110 High
Street, Beckenham, Kent BR3 1EB

T: 0208 290 0333

E: info@judge-priestley.co.uk

www.judge-priestley.co.uk

 @JudgePriestley

Blackheath Office

Judge & Priestley LLP, 9 Tranquil Vale,
Blackheath, London SE3 0BU

T: 020 8290 0333

E: info@judge-priestley.co.uk

www.judge-priestley.co.uk

 @JudgePriestley

Sidcup Office

Judge & Priestley LLP, 100 Station Rd,
Sidcup, London DA15 7DT

T: 020 8290 0333

E: info@judge-priestley.co.uk

www.judge-priestley.co.uk

 @JudgePriestley



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