



# Information on divorce

Sadly, many marriages end in separation or divorce. Firstly, you cannot issue divorce proceedings unless you have been married for over one year. One party to the marriage must also either be domiciled or resident in England and Wales.

## The new divorce law 6<sup>th</sup> April 2022

After nearly 50 years the law about getting divorced has been reformed. A new divorce law came into effect from April 2022.

Under the previous law the Court had to be satisfied that the marriage had irretrievably broken down because of one of five facts:

- Adultery
- Unreasonable Behaviour
- Desertion
- Two years separation (with consent)
- Five years separation (Consent not needed).

However, under the new law all that is required is for at least one spouse to provide a legal statement to say that the marriage has broken down irretrievably.

The aim is to reduce the potential for conflict amongst divorcing couples by removing the ability to make allegations about the conduct of a spouse.

It will no longer be possible to contest/defend a divorce, except on very exceptional and limited grounds.

It will also be possible for couples to apply for a Divorce jointly, so parties can file joint applications for divorce by agreement.

## Divorce

It will take 26 weeks from the divorce application (previously known as the Petition) being issued before the final divorce order (previously the Decree Absolute) can be made.

The new law has an inbuilt cooling off period by having a minimum period of 20 weeks between the initial application and a Conditional Order being made, with another six weeks delay until the divorce can be finalised.

There will still be separate decrees in the divorce process but what was the Decree Nisi at the 20 weeks' point is now the Conditional Order and then what was the Decree Absolute at a further six weeks and one day is now known as the Final Order.

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**Commonly asked questions**

*Q. How much will it cost and who pays?*

A. Our charges will be based on the time that we spend on your matter. There is therefore no set cost for divorce proceedings. We will give you an estimate of the costs including details of the court fees at your first appointment.

*Q. How long will it take?*

A. Under the previous law where the parties co-operate and the matter proceeds smoothly the divorce is usually concluded within four to six months.

However, under the new law this is likely to take more than six months, given the built in cooling off period of 20 weeks as part of the process.

Where there are matrimonial finances to resolve the Final Order (Decree Absolute) is often not applied for until there has been a financial settlement. This could take up to 12 months or longer depending on the case.

Our family Lawyers at Chafes Hague Lambert can guide you through divorce. To discuss your situation please contact us on:

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