



# What you need to know about the divorce process



## Background

Family break ups are never easy. We're here to support you through the process so that you can move your life forward. Our clients always come first, we focus on delivering affordable first-class legal advice with exceptional levels of customer service.

*"TV Edwards really helped me at a time when no one else seemed to be listening."*



## How TVE can help

TV Edwards was established in 1929 and enjoys a national reputation for delivering first-class legal services. Many of our lawyers are renowned legal experts; they train the profession, and they publish. Together our teams provide the legal support and expertise to help clients get resolution as quickly and inexpensively as possible.

## Our Expertise

Our team of family lawyers are experienced in all aspects of family law, from relationship breakdown to issues involving children, money, and property. We can also help with very complicated, difficult and sensitive circumstances where there may be domestic violence in a relationship, forced marriage, FGM, social services involvement, or cases involving other countries.

Many of our family lawyers are accredited as specialists by the Law Society and Resolution and are recommended as leading practitioners by the independent directories of legal professionals.

Call us on: 020 3440 8347

Email: [family@tvedwards.com](mailto:family@tvedwards.com)



## Grounds for divorce

Currently there is one ground for divorce, which is that the marriage has broken down irretrievably.

Since April 2022, instead of relying on fault or separation, an application for divorce states that the marriage has broken down irretrievably. The court now does not require evidence of the irretrievable breakdown of the marriage.

The advantage to the new procedure is that it encourages a non-contentious approach to the divorce process. It also makes it harder for the other spouse to stop the divorce happening by contesting it as the divorce will go ahead even if they do not agree the marriage has broken down irretrievably.

To apply for a divorce a couple must have been married for at least one year.

The procedure to obtain a divorce order is normally a straightforward one and does not actually involve an attendance at court. The process is simple as long as the other spouse does not decide to dispute the proceedings. When this happens, a different procedure applies. The circumstances when a dispute can arise are much more limited under the new law.



# Commencing divorce

## The application

- Must be filed at court by either or both parties to a marriage and can be done using the court service online system
- Gives the court information about both spouses and tells the court that the marriage has irretrievably broken down.
- Must be accompanied by the court fee, currently £593.

## Serving the application

- The issued application and other relevant documents must be sent to the respondent or their solicitors within 28 days.

## The acknowledgment of service has to be returned to the court

- If the respondent has no intention of disputing the divorce, that may be the end of their part in the process, and all further steps are taken by the applicant.
- **Joint applications** - the court will send a copy of the notice of proceedings to both parties once the application has been issued. Both applicants must acknowledge receipt of the notice of proceedings within 14 days of receiving it.
- **Sole applications** - an acknowledgment of service form must be completed and filed by the respondent. The respondent has 14 days to file the acknowledgment of service.

# Applying for the conditional order

## The first stage in the divorce process is a conditional order

The applicant(s) must confirm to the court that they want to proceed with the application for a conditional order. This application cannot be made to the court unless a minimum of 20 weeks has elapsed from the start of proceedings.

- **Sole applications** - a statement in support of the application has to be completed by the applicant. This is a form that states that the contents of the application are true. The statement in support of the application is filed at court together with the application for a conditional order.
- **Joint applications** - the applicants must each confirm that they wish to proceed with the divorce and that everything in the divorce application remains unchanged or, if not, what has changed. If one of the applicants no longer wishes to apply for divorce or simply refuses to progress the divorce proceedings, the other applicant can make the application for a conditional order on a sole basis.
- At any time after the conditional order is made, the court is able to make a binding financial order regarding the financial arrangements on divorce, either by consent or as a result of separate financial court proceedings.
- The court will not make a binding financial order unless one or both spouses ask it, or separate financial court proceedings have reached a conclusion.





## Applying for the final order

- This is the final order that formally ends the marriage.
- Once the court has made the conditional order, there will then be a further six weeks until the final divorce order can be applied for.
- Not everyone should apply for the final order as soon as it is available. The grant of the final order will prevent certain types of financial claims from being made.
- In joint applications, if one of the applicants at this stage no longer wishes to apply for divorce or simply refuses to progress the divorce proceedings, the other applicant can apply for a final divorce order.



## Costs

While the court has the discretion to make a costs order against either party, the circumstances in which an order for costs will be appropriate are very limited.

Parties should try to agree at the outset on who is to be responsible for the costs of the divorce, including the court fee.

In cases of sole applications, generally, judges discourage costs applications unless a respondent has held up the divorce, for example, by evading the application being served on them, so causing the applicant to incur unnecessary costs.

## Duration

This can vary depending on the current timescales for the court dealing with the divorce and whether each step in the divorce is taken promptly and financial arrangements do not hold things up.

The minimum overall timeframe from the divorce application to the final order is 26 weeks.



## Contact

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Email: [family@tvedwards.com](mailto:family@tvedwards.com)

[tvedwards.com](https://www.tvedwards.com)

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