



Points to Consider if Divorce is your New Year's Resolution

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Last week, on what is known as National Divorce Day– the first working day of the year (3 January 2023) was marked as the UK's National Divorce Day. While it may seem sad to acknowledge it, National Divorce Day recognises that the Christmas holidays can be a difficult time for some couples; sometimes resulting in people starting the new year wanting a break and/or being ready to formalise their separation.

We recognise that going through the divorce process can be an emotional and stressful experience, regardless of whether you are the applicant or the respondent (the person receiving the divorce paperwork). Our team of family lawyers at Lester Aldridge are on hand to support you through each stage of the process.

We have put together a guide for those considering the divorce process and would like to know more:

What are the grounds for divorce under the new 'no fault' divorce process?

On 6 April 2022, the government reformed the divorce process in England and Wales to bring a new 'no fault' divorce into place.

Previously, before the law changed, when a spouse was applying for divorce (the applicant), they had to rely on one of five facts to prove that the relationship had irretrievably broken down.

Following April 2022, that is no longer the case and now the applicant only needs to confirm on the application form that the relationship has irretrievably broken down, without needing to provide a reason or 'fault' as to why.

The new process has enabled parties to avoid having to assign blame to the other spouse for the marriage breakdown.

What is the timeframe for the divorce proceedings?

- The divorce application is prepared and submitted to the court to be 'issued' – the timing of this can vary

depending on the court, however, it typically takes several weeks for the court to process and issue non-urgent divorce applications.

- Once the application is issued by the court, the divorce application is sent to the other spouse (the respondent). The respondent has 14 days to file an Acknowledgment of Service to confirm receipt of the proceedings and whether they intend to dispute the validity of the divorce application.
- There is then a minimum of 20 weeks from the date the divorce application is issued before the Conditional Order can be granted; and
- There is then a minimum of 6 weeks from the date of the Conditional Order before the Final Order of Divorce can be granted. This is the final stage of the divorce process and will legally end your marriage.

What do you need to issue a divorce application?

To apply for divorce, you must have been married for a minimum period of 1 year.

You will also need the following to apply for divorce or to instruct your solicitor to apply for your divorce:

- Service details for your spouse (postal address & email address);
- Your original marriage certificate; and
- The court fee for a divorce application of £593.

Are divorce proceedings and financial separation the same thing?

Divorce proceedings and financial separation are separate processes.

Your and your spouse's financial claims against each other become 'live' when you separate and start to divorce. These financial claims will remain open against each other indefinitely (even after the final order of divorce) unless they are resolved by way of a financial order. Remarriage can limit your ability to bring a financial claim however it does not stop your previous spouse's claim if they have not remarried.

Therefore you should also consider your financial separation when going through a divorce. You should seek

legal advice as to whether to proceed with the Final Order of Divorce if you and your spouse have not yet resolved your financial claims against each other by way of a financial order (either reached by agreement or with the assistance of the family court).

If you have any questions regarding the divorce process or if you'd like to get in touch to discuss your matter further then please feel free to contact our [divorce solicitors](#) at 0344 967 0793 or email online.enquires@la-law.com.