

OHP

O. H. Parsons & Partners
Trade Union solicitors since 1946

A Guide to Divorce



When your marriage comes to an end there are a number of things to sort out. You cannot apply for divorce until you have been married for at least one year and there are no exceptions to this rule. The marriage must be recognised as valid by United Kingdom law and the rules about how long you have been living in the country must be met.

If you and your partner both agree to the divorce, this is called an “undefended divorce.” If one of you does not agree to the divorce, this is called a “defended divorce.”

An undefended divorce is dealt with in the County Court. A defended divorce will be heard in the High Court and fees can be high if there are long disputes. It is therefore advisable for both partners to come to an agreement before going to Court.

Going through a divorce is stressful enough without having to deal with the financial issues, making arrangements for children or setting up a new home.

We at OH Parsons & Partners will guide you through the process. We will go over with you exactly what the issues are and work in your best interests ensuring that all the legal aspects of the divorce are being addressed and that the other party is not trying to hide anything. We will ensure that you get everything you are entitled to from the final divorce settlement, and deal with any legal disputes.

What do you have to prove to get a divorce?

Irretrievable breakdown which must be proved by one of the following grounds:

- Adultery
- Your partner has behaved unreasonably
- Your partner deserted you at least two years ago
- You have lived apart for at least two years if you both agree to the divorce
- You have lived apart for at least five years if one of you does not agree to the divorce

A divorce may be granted if one of you has had a sexual relationship with someone else and the other partner cannot bear to carry on living together.

Applying for divorce

The partner who is applying for a divorce is called “the Petitioner” and the other partner is “the Respondent”.

What we will do

Once the grounds for divorce have been established, we will write to your spouse to say that you are seeking a divorce. We will then draft the Divorce Petition and file it at the Court. The Petition will contain details of any financial settlement you are seeking. If you have children under the age of 16 years we will also prepare and submit a statement setting out the arrangements to be made for them. All the paperwork will be put before a Judge and when the Judge is satisfied that everything is in order, a ‘Decree Nisi’ will be issued which means that all the paperwork is approved. Six weeks and one day later we will apply for a ‘Decree Absolute’ which means that you will be legally divorced, and either partner is free to marry again.

Divorce can take up to six months if there are no children or money issues. It can take longer if there are children involved and if the Court is not satisfied with the arrangements being made for them.

Financial support, property and access to children are the main areas of dispute when a marriage breaks down. We will attempt to resolve these disputes without recourse to the Courts, where possible, in order to avoid both sides running up legal costs. However, if agreement cannot be reached, we will apply to the Court for an Order and we will represent you and speak for you during the proceedings.



Alternatives to Divorce

A Separation Agreement can be used where you wish to separate but are not ready for a divorce. The benefits of a Separation Agreement include a wide variety of provisions dealing with maintenance, financial matters and arrangements for children. The agreement is flexible and will include provisions which you and your spouse agree appropriate and can be tailored to the needs of each couple. Separation Agreements may reduce tension and provide financial certainty without having to involve the Court.

A Separation Agreement is a contract and therefore a legally binding document. If either party fails to respect the provisions of the agreement the other party may take legal action for breach of contract. However, if the agreement is not prepared properly then it may not be legally binding. It is therefore important to seek legal advice. If you subsequently divorce, provided your Separation Agreement has been drawn up properly and is reasonable, a Court will usually uphold the provisions contained in it. However, you should be aware that one drawback to a Separation Agreement is that it is harder to enforce than a Court Order.

Mediation

Mediation is a voluntary and confidential procedure to enable you to discuss and negotiate all issues surrounding your divorce or separation. Mediation can help you to resolve difficult issues in a more cost effective way and is an alternative to Court proceedings. Court battles can be very costly and can leave individuals feeling unheard. Mediation can help to reduce anger, tension and misunderstandings and can improve communication between the parties. Communication is especially important if you have children, as you will no doubt have to co-operate with each other in respect of their care and upbringing for some years to come.

Civil Partnership Dissolution

The only ground for dissolution of a civil partnership is irretrievable breakdown and one of the following four facts has to be proven:

- That your civil partner has behaved in such a way that you cannot reasonably be expected to live with them.
- That your civil partner has deserted you for two years or more.
- That you have been separated for two years and you both agree to the dissolution.
- That you have been separated for five years.

You can only start civil partnership dissolution in a limited number of courts. The dissolution is a two-stage process. The court will in the first instance grant a conditional order and later make the order final. If your civil partner agrees to the dissolution going ahead, you then swear a statement and the judge will look at your dissolution papers. If the judge agrees that you are entitled to dissolution, the court will set a date for the formal pronouncement of the conditional order. You will remain civil partners until the final order. The final order can be applied for six weeks after the date of the pronouncement of the conditional order.

For further advice on your specific circumstances contact OH Parsons & Partners Solicitors.

OH Parsons also offer a number of other services

PERSONAL INJURY

If you have had an accident anywhere in England or Wales, our specialist personal injury team will provide representation for you - simply telephone 0800 526 368 freephone number or email us info@ohparsons.co.uk

We have vast experience in dealing with a number of different types of claims from accidents at your work place, at site visits, road traffic accidents, trips, slips and falls, fatal accidents and accidents in public places.

Remember you have three years to make a personal injury claim from the date of the accident. If you are in any doubt then please call us to discuss.

CLINICAL NEGLIGENCE

If you believe you have suffered an injury or ongoing symptoms caused by a medical error then you might be entitled to compensation. We can act on your behalf to help obtain compensation in a claim you may have against an individual Doctor or a hospital. Claims can be made against any medical practitioner including:

- NHS and private hospitals or clinics and their staff;
- NHS and private GPs;
- Nurses/Midwives;
- Dentists and Opticians;
- Physiotherapists/Osteopaths.

We guarantee that all clinical negligence claims that we take on will be dealt with on a no-win, no-fee basis. This means that you do not have to pay anything for pursuing a clinical negligence case. If we win your case then either the insurance company or the NHS Trust will pay our legal costs and if we lose, then we do not get paid.

For further information please contact:
HannahTillyer@ohparsons.co.uk or
NicolaWatkiss@ohparsons.co.uk

**HAVE YOU HAD AN ACCIDENT?
CALL FREEPHONE 0800 526 368 FOR
IMMEDIATE LEGAL ASSISTANCE**

REPRESENTATION CONCERNING ANY INDUSTRIAL DISEASE

If you think you have contracted any disease whilst at work such as:

- Exposure to asbestos;
- Use of vibrating tools;
- Deafness;
- Asthma;
- Dermatitis

Simply telephone us on 0800 526 368 freephone number or contact us on info@ohparsons.co.uk

WILLS & PROBATE

A Will is very important and everyone should consider making a Will. You should also review your Wills regularly especially if your situation changes, you get married, divorced or have children.

The main reason for making a Will is so you can decide who will benefit. If you don't make a Will the people who you want to leave your Estate to, may receive little or nothing at all. Making a Will ensures everything is left in accordance with your wishes.

We can also help with:

- the administration of Estates and
- Elderly Client work, including Lasting Powers of Attorney and Court of Protection applications.

If you would like to discuss this further then please contact:

MarieWaters@ohparsons.co.uk

CONVEYANCING

We can assist you with low cost conveyancing with no hidden charges. We cover:

- residential conveyancing including sale and purchase,
- re-mortgage,
- transfer of equity,
- right to buy and shared home ownership.

For further information please contact:
info@ohparsons.co.uk