



Getting advice

The prospect of divorce action can be daunting, but the process need not be difficult with the right professional advice.

Your solicitor is there to guide you through the process, steer you clear of the legal pitfalls and offer sensitive but independent advice.

Choosing a solicitor

If you don't already have a solicitor, visit our website at www.lawsociety.org.uk/findasolicitor and search under 'Family' to get details of solicitors in your area. You may want to instruct a member of the Solicitors Regulation Authority's family law accreditation scheme. The Solicitors Regulation Authority is the independent regulator (set up by the Law Society) which sets the rules that all solicitors must follow. You can find details about this scheme on the website, or you can call 0870 606 2555.

Because a divorce can raise sensitive and personal issues, it is important to choose a solicitor who makes you feel comfortable. Choose someone you find approachable and whose advice you feel you understand. You may find it helpful to speak to a couple of solicitors before you decide who to appoint.

How a solicitor can help

It is your solicitor's responsibility to:

- explain the divorce process to you;
- start the divorce action for you; and
- once it is under way, keep you informed of any developments.

Your solicitor will send you copies of any significant letters they receive relating to your divorce. They will also give you regular updates on the progress of the case, and details of any costs involved.

If you are at risk from domestic abuse at any stage, your solicitor will make it a priority to discuss all possible ways of keeping you and your children safe.

What your solicitor will need to know

To get a thorough understanding of your circumstances, your solicitor will ask you for a variety of details and documents. These could include:

- the reasons you want a divorce;
- if you are living apart from your husband or wife and when you separated;
- the names and ages of any children who are part of the family;
- the children's current and future living arrangements;



- the current contact arrangements between parents and children;
- a list of your assets, savings, income and pension arrangements, and those of your husband or wife;
- details of any ongoing problems such as substance abuse, debts and so on;
- details of any domestic abuse;
- your marriage certificate; and
- any other relevant documents, names and dates.

These details and documents will help your solicitor to decide what grounds there might be for a divorce and what other options might be available to you. They will also help your solicitor to estimate what the timescales, costs and results of your case might be.

Grounds for divorce

You will only be granted a divorce if you can demonstrate that your marriage has suffered an 'irretrievable breakdown'. To do this you must show that your marriage is beyond repair because:

- your husband or wife has committed adultery;
- your husband or wife's behaviour is such that you cannot reasonably be expected to live with them;
- your husband or wife left you at least two years ago without good reason and refuses to return;
- you have been separated from your husband or wife for two years and they agree to the divorce; or
- you have been separated from your husband or wife for five years or more.

Your solicitor will be able to give you more details of each of these sets of circumstances. If a divorce decree is against your religion, your solicitor can give you advice about other forms of separation and can use civil action to help you get a religious divorce.

The divorce process

The legal formality of getting a divorce is a relatively straightforward process. What is generally much less straightforward is sorting out the practical issues associated with a divorce, such as where each person will live, who gets what, and arrangements for any children. Before agreeing matters with your husband or wife, it is wise to take advice from a solicitor about your rights and the options available to you.

The legal terms used in divorce

In court and in legal documents, the person applying for the divorce is known as 'the petitioner', and the person they are divorcing is 'the respondent'.

