

Your Legal Questions

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Q: My best friend has recently left her husband and says her marriage is over. She keeps asking me what she should do to get divorced. What should I tell her?

A: Before even thinking about starting divorce proceedings your friend should ensure that she is fully informed of the procedures and her rights. A divorce is a formal termination of a marriage.

As long as your friend has been married for at least one year she can apply for a divorce to a court in England and Wales.

The only ground for divorce is that the marriage has irretrievably broken down. The court will need evidence proving that ground by way of one of the following: adultery, unreasonable behaviour, desertion for over two years and separation - two years if both parties agree or five years if they don't.

Your friend should instruct a family solicitor at this stage who will complete the petition, the document that starts the Court proceedings off and issue it at Court Upon receipt of the petition, her husband will have to send a form to the Court saying whether or not he opposes the divorce and your friend will be sent a copy.

Provided your friend's husband does not oppose the divorce she will then have to swear an affidavit in support of her petition which is the evidence that the Court needs to enable the divorce to proceed. If the case is straightforward and a judge is satisfied that grounds for divorce have been established your friend will be sent the time and date when the court will issue the 'Decree Nisi', the form saying that your friend is entitled to a divorce. Six weeks after the Decree Nisi your friend can apply for Decree Absolute - this makes the divorce final. Only at this point is the divorce irrevocable.

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