



## Your Family Questions Answered

**Q:** After many years of being unhappy in my marriage I have now decided that I want to get divorced. I think that my husband will not be surprised at my decision but before I tell him I would like to know what you have to do to get divorced.

**A:** Before even thinking about starting divorce proceedings you should ensure that you are fully informed of the procedures and your rights. A divorce is a formal termination of a marriage. From what you say you have been married for at least one year so you 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 or separation - two years if both parties agree or five years if they don't. You should instruct a family solicitor at this stage who will complete the petition which is the document that starts the Court proceedings off and will send it to the Court who will then issue the petition and send it to your husband. On receipt of the divorce petition your husband will have to send a form to the Court saying whether or not he opposes the divorce and your solicitor will be sent a copy. Provided your husband does not oppose the divorce you will then have to sign a statement in support of your 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 solicitor will be sent the time and date when the Court will pronounce the 'Decree Nisi', the form saying that you are entitled to a divorce. Six weeks after the Decree Nisi you can apply for Decree Absolute - this makes the divorce final. Only at this point is the divorce finalised.