

TOP TIPS FOR DIVORCE

- *Take your time completing the divorce petition.* Make sure every box is completed or your petition might be returned by the Court. It is easier to correct a mistake now than when the documents have been issued. If in doubt, take legal advice.
- *Make sure that you state your names and the place of marriage EXACTLY as it appears on your marriage certificate.* If you were married in another country do not forget to state the country on the divorce petition even if this is not obvious from the marriage certificate, and enclose a certified translation of the foreign marriage certificate.
- *Think carefully about what you want to put into the petition.* If you are relying on the fact of your spouse's unreasonable behaviour in your divorce petition consider carefully the particulars of his/her behaviour that you want to list, and the impact that stating these could have on your on-going relationship. Only a handful of examples are needed, a good guide is to focus on the 'First, Worst and Last' incidents of unreasonable behaviour.
- *Make sure that you fully complete the 'Prayer' section at the end of the Petition.* This is very important if you intend to make future financial claims, or if you intend to claim the costs of the divorce from your spouse.
- *Send the right number of copies to the Court.* When you send your divorce petition to the Court make sure that you have included enough copies and the Court fee. Normally you need to send three.
- *Remember to also send your original marriage certificate* – you will not get this back, it will be replaced by the Decree Absolute at the final stage of the divorce.
- *Keep note of when it is sent to your spouse.* When you receive notice that your divorce petition has been issued and a copy sent to your spouse, diarise 14 days after the date it was posted. This is the date by which your spouse should return the Acknowledgement of Service form. If he/she hasn't you may need to consider alternative methods of service.
- *Decree nisi.* As soon as you receive the Acknowledgement of Service form, and provided your spouse does not intend to defend the proceedings, you can apply for your Decree Nisi. You will need to clearly exhibit to this application a copy of the Acknowledgement of Service form, usually by marking it with an "Exhibit A".
- *Decree absolute.* Once your Decree Nisi has been pronounced you can apply for the Decree Absolute 6 weeks and 1 day later, this is the document which finally dissolves your marriage. It is advisable to diarise this date so that you do not forget. If you do not apply for the Decree Absolute and three months lapse your spouse can make the application.
- *Get financial advice before you dissolve the marriage.* Obtaining the decree absolute changes the financial relationship you have with your spouse, and may negatively impact on your financial circumstances if you do not resolve division of your matrimonial assets first. You should therefore take legal advice on whether you need to deal with financial matters before getting your decree absolute.
- *Is there another country involved?* If there is a possibility that your spouse is going to issue in another country, then you may need to act fast. The first country where proceedings are commenced will often deal with financial matters, so it is important that you can address this. We can advise you on this, or recommend solicitors abroad if necessary.