

THE DIVORCE PROCESS

If you file for divorce you are called the Petitioner. If your spouse files for divorce you are called the Respondent. In a simple case the process is as follows:

- Petition is sent to the Respondent within a few days
- Petition must be acknowledged by the Respondent within 8 days of receipt
- Respondent must file an answer within 29 days if they wish to defend the proceedings if this happens the divorce may go to a full court case
- If the Respondent is not defending the proceedings, a copy of the acknowledgement is sent to the Petitioner's solicitor within a few days of receipt and the Petitioner can apply for a decree nisi (the first stage of divorce)
- On receipt of application for decree nisi, the District Judge will look at the paperwork and if it is in order will give a certificate for decree nisi to be granted
- At the same time, the District Judge will decide whether court intervention is necessary with regard to any children involved. If he decides this is unnecessary, the divorce will proceed - if not, he may ask for further information, request a welfare report or ask to see the people involved. Ultimately, a court hearing may be necessary, though this is rare.
- Six weeks and one day after the date of decree nisi, if there are no outstanding issues with regard to the children, the Petitioner may apply for decree absolute (the final stage of divorce). This application will usually be processed within 24 hours and decree absolute granted.
- Three months after the Petitioner could have first applied for decree absolute, the Respondent may apply if the Petitioner has not already done so.

Please contact us for more information on how we can help you with legal advice relating to a divorce.

By telephone, call Ian Langsford, the head of our Family team, or Debbie Gillbard and Georgia Plummer, on 01566 772451. Alternatively, call in to see us at our offices in Launceston Town Centre or email: family@peterslangsforddavies.com