



DIVORCE



The information set out below is not intended to provide all the answers, and should be read in conjunction with the detailed advice provided.

Divorce proceedings cannot commence until a year after the date of marriage.

A Court has to be satisfied that the marriage has broken down irretrievably before it can grant a divorce. One of the following must be established in order to do this:

- Adultery
- Unreasonable behaviour
- Two years' separation, with the consent of the other party

- Two years' desertion
- Five years' separation

To commence proceedings one of the parties has to file a divorce petition with the Court. This party then becomes the Petitioner. If there are children a statement setting out the arrangements for them also has to be filed. The other party then becomes the Respondent.

The Court will send copies of the papers to the Respondent with an Acknowledgement of Service. The Respondent then completes that form, and if the Respondent is not seeking to defend the divorce the matter will proceed without anyone needing to go to Court. If it is defended, further details will be given. However, it is rare that a Petition is defended because the terms are usually negotiated before it is issued.

When the Respondent has acknowledged, the Petitioner will then be asked to file a sworn document called an Affidavit confirming the contents of the Petition, and an application for Decree Nisi.

The Court will fix a date for Decree Nisi and to consider any issue of costs. The Court will also consider the arrangements for the children if there are any in the marriage.

Once a district judge has looked at the papers he will then grant Decree Nisi and any certificate in relation to the children. There then has to be a six-week gap before the Petitioner can apply for Decree Absolute. Sometimes, if there are outstanding financial issues, it may not be appropriate to apply for Decree Absolute after the six-

week period. If the Petitioner does not apply for Decree Absolute, the Respondent can apply for it three months after the expiry of the six-week period. However, the application has to be on notice – in other words, the Court fixes a date for a hearing to consider it.

In most cases divorces take about four months if there is no good reason for delay.

HATCH BRENNER FAMILY LAW DEPARTMENT OUR APPROACH

Most family disputes are the result of a breakdown in a relationship. People in these situations are often emotionally stressed, with feelings of sadness, anger, hopelessness and guilt. No one enters a relationship expecting it to end. We appreciate that people in these situations feel very sensitive, and will often require support in reaching difficult decisions.

Where children are involved, we recognise the need to protect them from the difficulties which their parents may be having.

In our experience no one wants to go to Court over any issue if they can avoid it - although sometimes it is necessary.

Our approach is to try to negotiate fair settlements, and to keep legal costs to a minimum. However, this is not always possible because of the complexities of the case, or because the other party is not so willing to reach a fair solution.

We will try to provide realistic estimates of costs. If, for any reason, we need to vary those estimates, we will tell you. We account to clients on a monthly basis and expect those accounts to be paid promptly. We expect clients to pay Court fees on account. We also expect clients to pay on account for other fees which we may be responsible for, such as the instruction of estate agents, accountants or barristers.

We ask that you are open and honest with us.

We will seek to be non-confrontational and straightforward with the other party, or their representatives. We do not seek to enter into arguments for the sake of them, but will be firm when necessary. Our aim is to give you measured advice, in a cost-effective way, in order to reach an appropriate conclusion as quickly as the procedures will allow. This will enable you to begin putting a distressing part of your life behind you and hopefully make a fresh start.

We will be glad to help at every stage of the process. Please feel free to contact Jonathan Brock, David Bloomfield, Richard Dilks or Jo Mayes for a free initial discussion over the telephone, entirely without obligation. They will be delighted to hear from you.



4 THEATRE STREET



DENCORA HOUSE

THE FAMILY DEPARTMENT

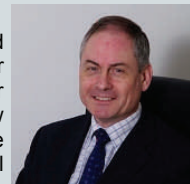


Jonathan Brock

Jonathan is head of the family department, and is a court advocacy specialist handling matrimonial, divorce, co-habitee and childcare matters.

David Bloomfield

David is a childcare specialist and has been a Hatch Brenner partner since 1985. David is a member and former interviewer for the Law Society's Children's Panel and the Norfolk & Norwich Medico-Legal Society



Richard Dilks

Richard has always specialised in family matters including financial settlements after divorce or separation, and child-related issues such as contact and residence disputes. Richard is a Family Law accredited specialist and trained Collaborative Lawyer.



Jo Mayes

Jo joined the firm in 1985, and has had experience in civil litigation, personal injury and divorce matters. Jo is a member of the Norfolk & Norwich Medico-Legal Society.



Solicitors

Hatch Brenner LLP is a limited liability partnership regulated by the Solicitors Regulation Authority and registered in England and Wales with registered number OC343110. The registered office is 4 Theatre Street Norwich NR2 1QY. A list of members may be inspected at any of our offices. The term 'Partner' is used to refer to a Member of Hatch Brenner LLP.

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