

The Ultimate Guide to an
**Amicable
Divorce**





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How to divorce



Divorce can be an extremely daunting process, and often those contemplating it will not be able to fully appreciate what it entails beforehand. For this reason ABCDivorce.uk wants to enlighten you as to the various stages involved in UK divorce proceedings, so that you're equipped with the relevant knowledge, and enough to make you feel comfortable when you initiate your divorce. Below we give you a summary breakdown of the divorce process, followed by more detailed explanations for each step.



You file a petition to the court for a divorce, paying the £550 HM Courts and Tribunals fee.

1

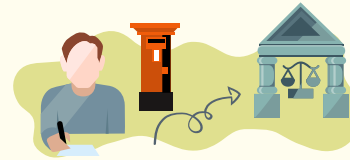
Issue the Petition



The court sends the petition to the Respondent for their consent.

2

Spouse receives petition



The Respondent files the acknowledgement of service, essentially agreeing to divorce proceedings.

3

Acknowledgement of service



If the grounds for divorce are accepted, you will obtain the decree nisi.

Decree nisi granted

5



You file a statement in support of divorce and the application for a decree nisi. This details the reason behind wanting to divorce.

Divorce statement & Decree nisi application

4



After the waiting period of 6 weeks, you apply for the decree absolute to legally end the marriage.

6

Apply for decree absolute



The application is granted and the decree absolute issued. You are legally divorced!

7

Decree absolute granted



1 - Issue the petition

To start divorce proceedings, you (the Petitioner) have to issue a *petition* to Her Majesty's Courts and

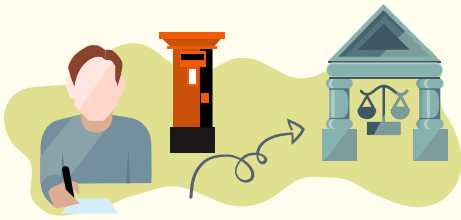
Tribunals Service. This incurs a fixed charge of £550, payable by you to the court – you may be excused from this, or receive help, if you are on a low income or receiving benefits. Basically, in this first step you initiate proceedings by 'applying' to the court for a divorce, which entails giving details relating to you and your spouse, as well as your marriage, the reason why you want the divorce and relevant information regarding court proceedings and any children you may have. In signing and sending this petition you essentially 'pray' that the court processes your divorce.

2 - Spouse receives the petition

The court goes through the petition to ensure you have provided the necessary



information before sending it on to your spouse (the Respondent). If you do not provide the information required by the court, it is likely that they will deem the petition as unacceptable. For example, in order to divorce in the UK, it is required that your marriage has irretrievably broken down, and for this reason you are duty-bound to claim that there is reason to believe this, by specifying a reason for divorce.



3 - Acknowledgement of service

Having received the petition forwarded by the court detailing the divorce, along

with an *acknowledgement of service* document, your spouse is then required to complete the acknowledgement of service form and send this to the court. This states their consent to divorce proceedings. In the rare event that they do not agree with the petition or to certain aspects of it, there can be delays to the divorce. Therefore, it is not only essential that the information supplied is accurate and true to the knowledge of both parties involved, but also that you agree on divorce proceedings.

4 - Divorce statement & decree nisi application

Upon the Respondent's acknowledgement of divorce proceedings, you are then obligated to provide a

statement in support of divorce and to apply for the *decree nisi*. In the statement in support of divorce, you clarify and explain the 'reason' for the divorce. This reason is proof that there are 'grounds for divorce', in other words, there is a genuine reason(s) for the court to legally approve and authorise the divorce. The decree nisi is the legal term for an order from a court of law stating an intent to end the marriage,



'unless' a reason not to grant the divorce is produced - nisi being the Latin term for 'unless'.



5 - Decree nisi granted

All being well, the court will accept the grounds for divorce on which you have applied and you will obtain the decree nisi. Once received, you must

then wait for a period of at least 6 weeks and 1 day before you are able to apply for the *decree absolute*. This waiting period is standard legal procedure and was traditionally put in place in the event that applicants would change their minds and/or to give them an interim period during which important issues surrounding finances and children could be resolved. These can be seen as 'conditions' which need to be fulfilled before applying to make the decree nisi, absolute.

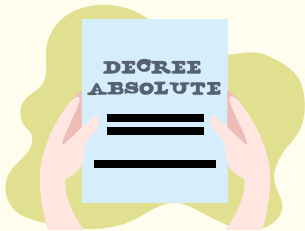
6 - Apply for decree absolute

Much in the same way as you apply for the decree nisi, you apply for the decree to be made absolute, which, unlike



the nisi, *legally* terminates your marriage. That is to say you have fulfilled all of the conditions of the decree nisi and are therefore able to request that the court issues you (the Petitioner) and your spouse (the Respondent) with this legal

documentation. In the event that your spouse started divorce proceedings, in other words you are not the Petitioner, but for whatever reason he/she is yet to apply for the decree nisi to be made absolute, as the Respondent you are permitted to do so, but after waiting a period of 3 months on top of the standard period of 6 weeks and 1 day described above.



7 - Decree absolute granted -

Having made your application, you should thereafter receive the *decree absolute*, and your marriage will be legally ended. There is no specified time-frame by which the parties divorcing will receive this, and much will depend on the workload being experienced at the specific court or divorce centre dealing with your case, but from the date of applying for the decree absolute it is often received within 2 weeks. The court will send both you and your spouse a copy of the decree absolute. Once received, you are officially divorced and both legally free to marry again.

Dividing up money and property

*What's going to happen
with our money and
property?*



It is important to consider the property and financial aspects of a divorce and how these could be divided fairly between the two parties. Possessions do not only have monetary value, but often carry sentimental value too. Appreciating this when attempting to decide on who will keep what after the divorce could help you both in any negotiations you have.

Section 1

Dividing up property



Property and personal possessions – from houses and pets, to cars and collectibles – can carry with them significant emotional attachment. This can make it especially difficult if one party in a divorce does not keep the things that he or she feels entitled to.

It is important to try and be as fair as possible when dividing up property and possessions; an effective approach can be to draw up a list comprising all the (potentially) contentious items and considering them against the arrangements under which both parties will be living. For example, one party may need a certain item or appliance more than the other, indeed they may depend on it.

Moreover, certain possessions can be animate, living things such as family pets, which need caring for. Budgeting your time and money relative to your spouses should therefore become an important consideration. Particularly where animate property is involved, the welfare of that property should be prioritised over and above anything else. Furthermore, it is

generally recommended that property and possessions are treated collectively. For example, the house a couple has together should not be treated in isolation if there are various other assets, internal or external, to be considered. Instead it is suggested that they be treated as a whole, in other words *put in the pot*, so that it is easier to come to a reasonable and equitable agreement when dividing them between both parties.

Agreeing on such arrangements between yourselves will not only save considerable money, it will also help avoid distress for all those involved. Admittedly, though, it is not always as straightforward as one hopes it will be. In the unfortunate event that both parties are unable to come to an amicable agreement when dividing assets, it is useful to contemplate what the law says in general.

What the law says:

- the person who bought an item owns it, and therefore has possessory rights over it;
- if an item is bought equally between the two parties, or with one paying more, it is then owned between the two parties - in such a case, it is common that this is how it will be divided, or with one buying the other out of their share;
- if something was given to one party by the other as a present or gift, it is thereafter considered the possession of the recipient.

Section 2

Dividing up finances



Finances are understandably a contentious issue in any divorce so should be considered in their own right. That said, much of the financial information relevant to divorce proceedings is also considered in the proceeding sections under maintenance. Trying to reach a fair and just financial settlement where both parties are content can be difficult.

Though often not an issue for divorcing couples, if you agree on certain aspects between yourselves this does not make these agreements legally binding. This means a court is not able to enforce it in the rare event that one party later takes the other to court making certain claims conflicting with your prior agreement(s) regarding property and finances.

If you do want to make the agreement(s) legally binding, a solicitor is generally needed to make this possible meaning you incur further costs for the privilege. In the eyes of the law, the document seen as officially and lawfully binding the

agreement is called a *consent order* and details how you are going to divide up the assets you have between you, such as money, savings and investments. This may well be seen as the prudent thing to do, but you should be aware that this will come at a cost; a consent order costs £50 (plus any solicitor fees for drawing up the order). Again, if it suffices to do this between yourselves this can save considerable time, effort and money.

Many assume that because the other party has left, the law will be more favourable to the remaining one, but this is not necessarily the case. Nor are there laws stipulating that everything must be divided 50/50.

Considering how a court splits assets could help both parties in fairly dividing their property and finances by giving them an insight into the factors that are taken into consideration.

A court will generally consider:

- how long the parties have been married and their respective roles in the marriage,
- the standard of living as well as the living expenses for both parties,
- the age of both parties,
- and their ability to earn.

Section 3

Spouse maintenance



With spouse maintenance, much like with child maintenance, regular payments are made by one party to the other, principally for the reason that the financially weaker party is not able to support themselves without the maintenance payments.

Fundamentally, the purpose is for the financially weaker party to receive an equitable income on which to survive after the divorce. Spouse maintenance is sometimes referred to as *alimony*. The exact amount payable will be unique to your case but can depend on various factors.

It is important to note that the length of a marriage can sometimes influence how much and for how long such maintenance payments will be made. If married for a period of less than 5 years, for example, these maintenance payments may not need to be made at all by the financially stronger party. Alternatively, they may only be paid for a certain period of time, what in legal terms is called a *term order*.

Spouse maintenance will usually stop in the event that one of the parties dies, the aforementioned term order comes to an end or the party receiving spouse maintenance remarries. In the latter case, the party who has been paying the maintenance can also apply to get the payments reduced if the recipient enters into another relationship without marrying for the reason that this party can be seen thereafter to be sharing or depending economically on someone else.

The exact amount payable will be unique to your case but, as always, you are encouraged to try and reach an amount in an equitable way between yourselves. Admittedly, doing so may not be as easy or straightforward as one would like. Considering the following factors, amongst others, may help you to reach an agreement.

Factors include:

- any current income received by the party receiving maintenance payments, for example from a salary or benefits;
- how much the party actually needs to live on;
- any future earnings.

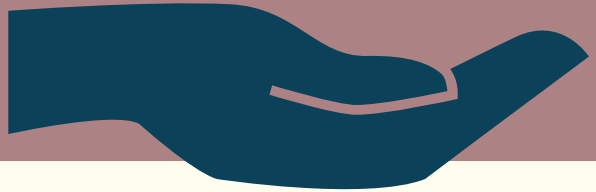
Divorce with children



*And what about
our children?*

Perhaps the most pressing of considerations when divorcing falls to those parties with a family. Divorces involving children can be extremely complex, but most important is the welfare of any children you may have. It is clearly beneficial if post-divorce arrangements for any children are considered at the earliest point possible, and put in place fairly and amicably. Divorcing is one of the most emotionally-charged events a person is likely to experience, but the parties divorcing should also remember how emotionally scarring it can be for children involved.

Care and provision



Arrangements drawn up by both parties are far more likely to succeed than those drawn up and imposed by a court, which will often favour one parent over the other, even if the court has been committed to treating both parties equally.

Again, we recommend that you try your utmost to avoid child related matters going to court by coming to an agreement between yourselves. Not only does going to court incur significant costs (£255 to obtain a *financial order*), it can also be a lengthy and distressing process for all concerned. Wherever possible, try involving your children in the decisions regarding their care and where they will spend their time, and ensure you tell them of the situations you will face together.

As a *parent* filing for divorce, the Petitioner will also need to submit a document called *Statement of Arrangements for Children*. This is mandatory and, in summary, entails providing the court with basic information relating to all the children involved, including their names, dates of birth, schooling

arrangements and with whom they will live. The aim of this is to show the court that arrangements are in place for the children to be suitably cared for after the divorce. In unfortunate cases where the parties divorcing are unable to agree on child arrangements the court is likely to intervene in the best interests of the children involved.

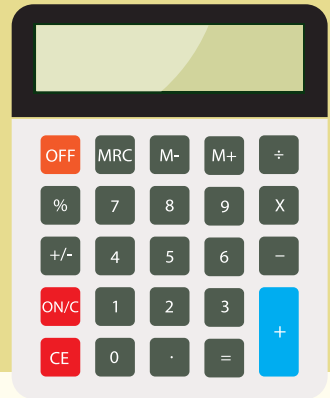
It could help to discuss and try to agree on any arrangements for the children before filing for divorce. After a divorce, the usual procedure for safeguarding the welfare of any children is that exclusive custody will be granted, or *awarded*, to one parent. Alternatively, this custody could be divided between the parents, with specific times and periods for sharing the parental responsibilities allocated to each parent. This is generally true, whether such arrangements are agreed upon between the two parties divorcing, or imposed by a court of law. Below is a checklist with some key information on what to discuss with your spouse regarding your children.

What to discuss regarding any children you may have:

- if they need to change school,
- if their weekly activities will change,
- who will take care of the child on a daily basis,
- where they will reside,
- how often they will visit the non-resident parent and
- how to divide the costs for school, clothes, social activities and pocket money amongst other things.

Section 2

Child maintenance



Child maintenance, much like spouse maintenance, is an amount of money paid by one party to the other on a regular basis, which goes towards covering the everyday costs of caring and providing for a child of the family. This support is intended to be used towards a child's housing, food and leisure interests, amongst other things.

This support is typically paid by the non-resident parent to the resident parent, in other words from the parent who does not routinely live with the child to the parent who cares and provides for them on a daily basis. As their parent, it is important to remember that, depending on the circumstances of you and your spouse after the divorce, child maintenance is a legal responsibility for both parents, whether you are the party receiving or providing it. As stated in The Children Act 1989 in the proceeding section, a divorce does not represent the end of providing financial support for your child.

If you are unclear on the financials surrounding your divorce and any children you may have, we are glad to be able to help you in working out any potential child maintenance fees that may need to be paid or received by the parties divorcing.

By providing you with a child maintenance calculator, you are able to determine whether you should pay or receive support, as well as the estimated amount. We encourage you to use it, not only to clarify any doubts and confusion regarding such matters, but also because the tool can help you agree on an equitable amount without the need for legal aid or intervention.

By obtaining this information we can determine if, and the amount, a party should either receive or pay in child maintenance support every week.

The formulas are based on information such as:

- how many children the parties divorcing have together,
- the age of both parties,
- if any party receives benefits,
- if the parties have jobs and, if so, their respective salaries,
- children belonging legally to only one of the parties,
- how often the children will stay with which parent and
- if a party is studying or in a care home, hospital or prison.

Section 3

Child arrangements order



For children, much of the time divorce will represent a significant change, often from a comfort they have grown accustomed to throughout their life. This is likely true even if the child belongs only to one of the parties, and it makes being able to come to an agreement regarding child arrangements all the more important when a couple is divorcing.

As mentioned, circumstances arise - perhaps more often than we would like - where parties are unable to agree on issues relating to their children, such as who will care for them on a daily basis, and who or how any provision will be given. To reiterate, the court is likely to intervene in the best interests of the the children involved on such occasions. However, it should be noted that you will have to apply to, or in legal terms *pray* that, the court does so, while paying for the priviledge.

A court's intervention can come in various forms. Of importance here, for example, this could come in the form of

a *child arrangements order*, which affirms with whom a child of the family will live on a daily basis, and the contact they will have with the other parent. Whilst nothing can physically force somebody to be involved in their child's life, there are parental responsibility laws stating that parents are expected to fulfil certain roles.

To avoid matters going to court, it may well help you to consider certain aspects of what the law says. Basically, to summarise, a child's parents will have a right not only to contact with them, but also to any decision making regarding aspects of the child's life. Furthermore, a divorce does not bring an end to providing financial support, even if the party is not responsible for taking care of the child on a daily basis. Indeed, if it is suspected that a child is not receiving suitable care or provision, the law considers that a relevant authority will intervene and deal with the issue as a matter of principle.

The Children Act, 1989, states that:

- both parties have parental responsibility for the child if they were married when the child was born or, on occasions, if they married thereafter;
- any parent will have financial responsibility for the child until it reaches 16 years of age, or 18 if the child continues in full-time education or training;
- duty is placed on local authorities to intervene if they have reasonable cause to suspect that a child's needs are being neglected.

Contested divorce

But what happens if we just can't agree?



In the event that both parties are unable to agree on certain issues, there are options available. These include *mediation*, *arbitration* and in extreme cases a *trial* or *lawsuit*. All are means to resolving disputes, but should be used only when it is absolutely not possible to reach an agreement between yourselves.

Mediation



Mediation is an alternative dispute resolution (ADR) sought largely by divorcing parties when they have not been able to resolve an issue between themselves. Essentially, the mediator is a neutral third party, typically a professional in their field, who will assist the divorcing parties in negotiating a settlement regarding a contested issue.

It is important to remember that this comes at a cost to you, and that both parties must agree to attend mediation appointments as, without the participation of both parties, the mediator's work is effectively redundant. Although mediation is often considered to have concrete effects, it is not always the direct or absolute solution to a dispute that one hopes it will be. You should be aware that it does not necessarily result in all issues being resolved.

Mediation has at times mistakenly been thought of as a route that couples go down to discuss their marriage and any potential reconciliation. This is a common misinterpretation

to make, but it is worth differentiating *relationship counselling* in this regard. Relationship counselling allows both parties to seek counsel, that is help and advice, from professionals offering such services. Indeed, you may not have actually decided on whether you want to divorce, and before doing so it could be a good idea to explore your alternatives. Relationship counselling can help repair broken relationships, so it may be worth further consideration if you are unsure.

Furthermore, what you agree on in mediation is not legally binding unless you get a solicitor to draft the *consent order* mentioned earlier, so that it has a court's approval and could be enforced by them if need be. Again, we suggest anybody getting a divorce, to try to agree on as much as they can without the need for professional or legal intervention, which can become extremely expensive and time-consuming.

Factors to consider regarding mediation:

- both parties should be willing to participate in all meetings;
- both parties should give consideration to whether they will require a consent order or not;
- both should be able to contribute their ideas regarding where any children will live and how often they will see the other parent;
- both parties will need to provide truthful information about their living arrangements and wishes for dividing up property and finance.

Section 2

Arbitration



In arbitration, the *arbitrator* has similar powers to a judge in court – he or she is able to make a 'final decision' based on the information and evidence presented to them – only the process takes place outside of court in a private and neutral setting.

If you have sought help through mediation but are still at odds regarding certain areas of the divorce, you may turn to arbitration. It is another process used to resolve disputes between the parties divorcing. After all, mediators do not have the power to sanction a legal decision, their role is purely advisory and consultative. The final decision achieved is sometimes referred to as an *award* to one of the parties but to reach it can take significant time and financial resources.

Indeed, using an arbitrator comes at a cost to both parties, not least because it requires you to have an attorney or lawyer present throughout but you must also follow judicial processes to getting an arbitration hearing and ultimate decision, such

as deciding together on who will deal with the case as well as filing and submitting the relevant files and evidence for arbitration.

As mentioned, in order to divorce in the UK you both need to agree to the divorce, or at least be likely to. However, you may be worrying about your spouse not agreeing generally to the divorce or ignoring your petition. In such situations your divorce could still be processed. This is generally done by having the papers *served* upon the Respondent, either by persons in a legal capacity or not, so long as that person is **not** yourself.

Here, the Respondent is given the petition papers, and a *Statement of truth* is submitted to the court thereafter saying that they have the papers. The judge will then give the Respondent 14 days to respond. If they still choose to ignore your petition, the judge will generally allow the divorce to go through without their signature. Please note that this *servicing* comes at an additional cost of at least £150. To repeat, then, being able to agree on the divorce between yourselves really does save significant hassle and additional legal costs.

Factors to consider when using arbitration:

- Deciding together on who will deal with the case.
- Filing and submitting the relevant evidence for arbitration.
- Ensuring you are aware of the expenses involved in using an arbitrator.

Trial and Lawsuit



In the most extreme scenario where an impasse has been reached and arbitration cannot resolve the dispute, a court hearing is possible. In this case the dispute is taken to court for a trial or lawsuit, where the court will make a final decision, a *ruling* or *order* for a certain outcome.

The aforementioned *financial order* or *child arrangements order* are examples of a final decision that the court could come to, whereby a judge may force one party to sign over property, or other types of finance, to another. This is a particularly distressing option for all concerned, and both financial and legal proceedings in this regard can take significant time to complete. Clearly, the more complicated your case, the longer it will take and the more expensive it will be. This is particularly true if assets such as whole companies or trusts are involved.

However, if pursued, a trial is akin to arbitration, insofar as it entails each party and their legal team preparing their

arguments and evidence – only this time it is heard before an official (district) judge instead of an arbitrator. Unlike mediation, the judge's final decision **is** legally binding. This is a more expensive option than mediation and arbitration, accounting for considerable legal fees. To apply for a *financial order*, for instance, comes at a cost of £255.

Whatever the case, it will take time for a judge to come to a decision, weighing the evidence from both sides to come to what is viewed as an equitable decision for both parties.

We warn that this really should be your last resort and only pursued in the event that there is absolutely no hope of negotiating a fair financial settlement after the divorce by other means. That said, if you are the subject of domestic violence and abuse, you are encouraged to do whatever necessary to have your case heard before a judge.

The more common court rulings or orders:

- **Financial order** - a judge may force one party to sign over property or finances to the other;
- **Child arrangement order** - a judge can rule regarding the care and provision of any children involved, replacing the traditional contact and residence orders;
- **Term order** - a judge can rule for how long certain maintenance payments will be paid;
- **Cost order** - a judge can order one spouse to pay the legal expenses of the other, depending on circumstances.

Grounds for divorce



Reasons for divorce are often referred to as *grounds* for divorce. These are used to prove that a marriage has broken down irretrievably, that is to say, without the potential to be repaired and maintained. In the UK, you can file for a divorce on **one of five** grounds.

In the large majority of divorces these reasons suffice. Indeed, all of them *but* unreasonable behaviour are quite specific and hence basically pick themselves if they are the reason behind you wanting to divorce. However, unreasonable behaviour can be a more obscure ground on which to file for divorce. Due to its breadth it can be hard to know exactly what constitutes this ground, but it is, in fact, the most common reason for divorce in the UK. To help clarify the different grounds for divorce, we give each of them some consideration below.

Ground 1

Adultery



Your spouse had sex with someone of their opposite sex.

In the UK, kissing and heavy petting do not constitute adultery, with only physical sexual intercourse between a party and a person of the opposite sex - who is not their spouse - satisfying the requirements for a party to use this as a ground for divorce. If this applies to you, you are required to file for divorce *within* 6 months of becoming aware of the adultery if you still live together. Please note that becoming aware is not the same as when the adultery took place.

This reason poses few issues if the party who committed the adultery is willing to admit to it. However, in the event that they are not prepared to do so, you may need to file on grounds of inappropriate and unreasonable behaviour on their part for maintaining an extramarital relationship, because the actual occurrence of the adultery can be hard to prove in such cases.

Unreasonable behaviour

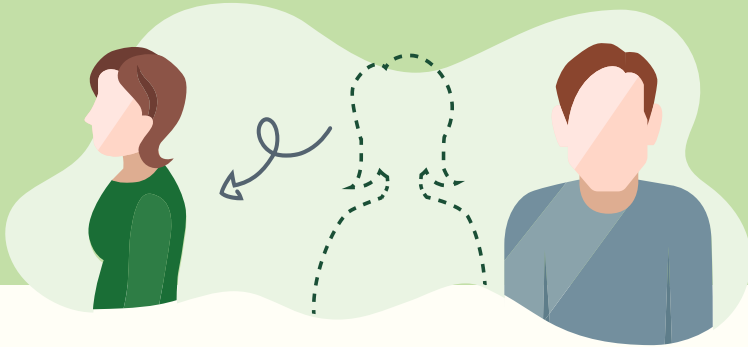


There are various behaviours that constitute this ground for divorce, but they all share a common characteristic - the fact that your spouse's behaviour has caused you distress and made living with them intolerable.

Examples of inappropriate and unreasonable behaviour range from physical and verbal abuse, drunkenness and refusing to pay for housekeeping, to regularly belittling you in private and public spaces, and making you feel isolated from your family.

Generally speaking, there will most likely be multiple behaviours that apply to your case so you are encouraged to list as many as you consider appropriate or necessary. You will be able to see our unreasonable behaviour list online for more examples.

Desertion



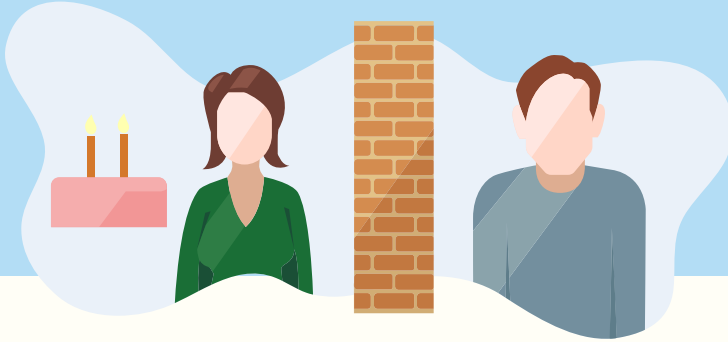
Desertion is sometimes referred to as *abandonment* and signifies that your spouse has left you without your agreement and consent, without a good reason to end your relationship or has been away for more than 2 years in a 2.5-year period.

Please note, if a party leaves a marriage because their spouse has made it impossible for them to stay, the party leaving the marriage can claim *constructive desertion*, in that their spouse made it intolerable to stay in the marriage.

The ground on which you file for divorce will obviously depend on you and your spouse. At this stage it may interest you to know that the ground that you pursue will be the reason given in your *Statement for divorce*. As said, this is the form that communicates to the court the very reasons, and proof if need be, behind your intention to divorce from your spouse.

Ground 4

Lived apart 2 years



You have lived apart for at least 2 years and you and your spouse agree on the divorce.

Often a couple will separate and live apart for a period of time before they actually divorce, but in such circumstances you will need to provide proof that you have indeed lived apart during these 2 or more years by providing your separate addresses. It is also essential that your spouse agrees to the divorce on the same ground, and will confirm this when returning their *Acknowledgement of service* form.

If pursuing this as your reason for divorce, you do not actually need to say anything else in your divorce petition about why you separated. You need only say that you have been separated for 2 years, or more, and that your marriage has irretrievably broken down.

Ground 5

Lived apart 5 years



You have lived apart for 5 or more years, whether or not you and your spouse agree on the divorce.

As the Petitioner you can pray that the court grants you a divorce on the grounds that at least 5 years have elapsed since you separated. Again, you will need to provide proof by giving your separate addresses, but this time you do not require your spouse's acknowledgement in writing. That said, a judge will most probably require that you have tried to locate their whereabouts in order to consult them first. You should not assume that because *legally* their written consent is not required, you can divorce them without their knowledge.

Again, if using this ground for divorce, the reasons for the breakdown of your marriage are not relevant - it doesn't matter who left who, only that you consider the marriage to have broken down irretrievably.

Divorce terms made easy

*What does that
even mean?*



Divorce in the UK carries with it a very complex structure and system of language governing the process, which can be hard for many to understand. Indeed, a number of the terms met when filing for a divorce can leave both parties feeling lost and confused. For this reason, ABCDivorce is committed to helping you unpick the legal jargon by explaining, in simple terms, what much of what you will come across when divorcing actually means. You are welcome to use these explanations as your reference point when you do not understand something.

2 years' consent - You and your spouse have lived apart for at least 2 years and agree on the divorce. It is one of the 5 reasons for divorce. For more details, see 'Reasons for divorce'.

5 years' separation - You have lived apart for more than 5 years. In this case, it does not matter if you and your spouse agree to the divorce or not. It is one of the 5 reasons for divorce. For more details, see 'Reasons for divorce'.

Acknowledgement of service form - A Form sent by the court to the Respondent and, if any, the co-respondent. It includes the petition and questions regarding his/her response to the petition. This form has to be returned to the court by the Respondent.

Adultery - One party has had sexual intercourse with someone of the opposite sex, other than their spouse.

Affidavit - A statement from a person which is sworn to be the truth.

Alimony - This refers to

one party making spouse maintenance payments to the other, generally financially weaker, party after divorce/separation.

Ancillary relief - A judgement made in divorce proceedings relating to different forms of payment from one spouse to another. This could refer to spouse maintenance, child maintenance and/or the division of property and other finances.

Answer - A formal defence to a divorce petition. If the Respondent wishes to defend the divorce petition they may do so by answering the petition. It is not common to formally defend a petition.

Application - A document filled in by someone interested in using a particular service.

Arbitration - An alternative dispute resolution (ADR) used to resolve contested areas of a divorce. It is done through using an arbitrator(s) to come to a decision regarding the dispute.

Arbitrator - A person, often an

ex-judge, who performs the same role privately as a judge would in court to settle disputes. The arbitrator must be agreed upon by the parties involved, and provides a decision that is legally binding and enforceable in any court.

Barrister - A type of lawyer, commonly specialised in litigation and courtroom advocacy who represent individuals in court.

CAFCASS - An abbreviation for the Children and Family Court Advisory and Support Service, a public body which works to ensure that children's welfare is put first in family court proceedings.

Child maintenance - The amount of money paid on a regular basis by the non-resident parent as financial support for the resident parent.

Clean break - A consent order dealing with all the finances between a divorcing couple. By making a clean break there will be no ongoing commitments and both parties have to agree

to make no future claims on the other's financial assets.

Conciliation - A mediation, usually taking place in court, which helps a divorcing couple to sort out the arrangements for the children.

Consent order - A settlement agreement between the husband and wife on how any finances should be divided.

Contact orders - An order which states who any children will be allowed to see and receive telephone calls or letters from.

Co-respondent - The person with whom the Respondent has committed adultery. It is not legally required for this person to be named.

Court - The most common court to deal with divorces is the Family Court, for more information see 'Family court'. If there is a complicated divorce dispute it might be heard in the High Court. However, this is very rare.

Court fees - There is a fixed fee

of £550 when filing for divorce, made payable to HM Courts and Tribunals Service. This covers all administrative costs, as well as those related to the court.

Court order - An official judgement or ruling given by a judge regarding a case. This can take various forms including, but not limited to, a 'residence' or 'contact order' regarding children or a 'financial order' regarding certain property and other monetary possessions.

Cross-petition - This is when the Respondent argues the divorce should be made on different grounds than the reason stated by the Petitioner.

Decree-nisi - A provisional order granted by a judge telling the Petitioner that the court is content with the grounds stated for the divorce. Upon receipt, the Petitioner, or in certain circumstances the Respondent, can apply for the decree absolute.

Decree-absolute - The final court order which means that the marriage has been terminated

and the Petitioner and Respondent are legally divorced, and able to remarry thereafter.

Desertion - Desertion implies that your spouse has left you without your agreement, without a good reason to end your relationship or has been away for more than 2 years in a 2.5-year period. It is one of the 5 reasons for divorce. For more details, see 'Reasons for divorce'.

Disclosure - This can be ordered by the court and requires a full financial declaration by a party, including their income, assets and liabilities.

Divorce/dissolution/(judicial) separation petition - The form to use when you want to initiate a divorce. Often referred to as the 'petition'.

Divorcee - A divorced person.

Domicile of origin - The country in which you are born.

Duxbury calculation - A calculation used to decide on an appropriate lump sum payment to a financially dependent party.

The amount should last until the recipient passes away and will therefore account for factors such as life expectancy and inflation. A Duxbury method is suitable for parties who wish for a clean break.

Equity - Refers to the net value of a property after mortgages and other charges are paid.

Family court - This refers to courts which usually hear divorce proceedings.

Filing for divorce - When documents are filled in and left with the court to decide whether or not to grant you a decree nisi.

Financial order - If the Petitioner and the Respondent cannot reach an agreement, they may ask the court to make a financial order. The price for a financial order is £255 and it typically takes 6 to 12 months for the court to finalise.

Grounds for divorce - The very reason behind wanting to file for divorce. See 'Reasons for divorce'.

Judicial separation - A court order that results in a decree of judicial separation. A judicial separation enables orders regarding finances made by the court.

Legal aid - Receiving help with payment of the legal costs.

Lump sum order - A one-off payment made to another party.

Maintenance pending suit - If the divorce takes some time to be made legal, temporary maintenance can be requested.

Matrimonial home - A rented or owned property in which the married couple live together.

Matrimonial home rights - The legal right for both husband and wife to live in the family home until the decree absolute is issued. This right can be altered if domestic violence or abuse have occurred.

Mediation - Help from a professional (Mediator) to agree on aspects relating to the children and finances. This is generally pursued if the

couple cannot agree between themselves.

Nominal maintenance order - A nominal order means that one of the parties receives a small sum annually, to be able to return to court with an open case and request higher maintenance, if their circumstances change in the future. This is an alternative to a clean break, which dissolves all financial ties between the two parties.

Non-resident parent - A parent not living in the same household as any children of the family.

Occupation order - An order regulating a party's right to the matrimonial home.

Parent with care - The resident parent who takes care of the children on a daily basis.

Parties - Those involved in divorce proceedings. In the UK these are presented as Petitioner and Respondent.

Party - One of the parties involved in a divorce.

Penal notice - A notice attached to a court order stating the consequences if the party considered in the order does not comply with it. Consequences can be as much as imprisonment or a fine.

Pending suit - This means that the divorce is in progress, but a decree absolute has not been granted yet.

Periodical payments - Another term for maintenance. See 'Maintenance'.

Petition - A document requesting a divorce. Can also be used for judicial separation.

Petitioner - The party who starts divorce proceedings by filing a petition.

Pleadings - Documents summarising the issues of the case.

Prayer - Request to the court to make orders in favour of one of the parties.

Preserved money - See Recovered money.

Preserved property - See Recovered property.

Prohibited steps order - An order which prohibits a person from taking certain steps regarding any children involved. These steps can include taking children overseas without the court's permission.

Property adjustment order - An order that a party should transfer a property to the other party.

Public funding - See 'Legal aid'.

Qualifying child - Any child under 19 in full-time education.

Reasons for divorce - Divorcing in the UK requires that the marriage has broken down irretrievably. These are the accepted reasons to prove such: adultery, unreasonable behaviour, desertion, lived apart 2 years or lived apart 5 years.

Recovered money - Money retained during legal proceedings.

Recovered property -

Property retained during legal proceedings.

Resident order - A court order stating which party the children will live with.

Respondent - The spouse who receives the petition for divorce or judicial separation issued by the Petitioner.

Separation agreement - A legal document made with the help of a solicitor, which set the terms agreed upon before the divorce proceedings.

Service - The formal proceedings of court documents being sent to one of the spouses.

Solicitor - A type of lawyer, commonly specialised in advising clients, conveyancing, and preparing barristers' court room representations.

Special procedure - See 'Undefended divorce'.

Specific issues order - An order which states how specific issues should be solved, such as special health needs or

childrens' schooling.

Spouse - A husband or wife, considered in relation to their partner.

Spouse maintenance - The amount of money paid on a regular basis by the higher income taker to the financially weaker, in cases where one of the spouses has been the main provider.

Statement in support of divorce/(judicial) separation

- A form to be completed by the Petitioner and sent along with the Decree nisi. It can be based on any of the 5 accepted reasons for divorce.

Statement of arrangements for children

- A form sent to the court along with the petition if there are any children involved in the divorce. It should be signed and agreed upon by both parties.

Statutory charge - When one of the parties receives legal aid, in the form of a loan to be paid back - not a grant. It is designed to put that party in the same position in proceedings as the

opponent.

Summons - A requirement to appear in court on a specified date and time.

Undefended divorce - A divorce where both parties agree on the divorce. In these cases, a divorce can be issued without either party attending court.

Unreasonable behaviour -

Examples of unreasonable behaviour include: physical violence, verbal abuse, drunkenness, drug-taking or refusal to pay for housekeeping. It is one of the 5 reasons for divorce.

Term order - A period of time specified by a court during which one party has to pay child or spouse maintenance. The term order can be extended or reduced depending on circumstances.

Without prejudice - Paperwork or correspondence marked without prejudice cannot be shown to the court. The aim of this is to encourage discussions about a settlement.