



Myerson Family

Our guide to divorce

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Welcome

Everything we do is ultimately about you, and it is important you get to know the team that will be working with you every step of the way.

Our Family Team have extensive experience in dealing sensitively with complex legal issues following a marriage breakdown. If you choose to work with us, you will discover exceptionally talented lawyers who have a passion for making a genuine difference to our clients' lives.

Why Myerson?

Our highly experienced and discreet divorce lawyers, provide clear and supportive legal advice, tailored towards your individual family needs.

As a firm, we are proud to be ranked as **'Top Tier'** in the prestigious international directory **The Legal 500** and ranked by The Times **'Best Law Firms 2019'**; therefore you can be assured that you will receive the best quality advice and service.

As an all service law firm, we are well placed to provide wide-ranging, tailored legal advice to meet your individual needs. We work closely with other departments internally including Real Estate, Corporate, Commercial and Private Wealth Lawyers to ensure that your needs are protected comprehensively.



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How We Work.

Every case is different, and it can be difficult for our clients to know where to start.

Simple and effective. We will always have an initial conversation with you, without any obligation, to explain the process and get to know you and your situation.

We respect your emotions and feelings. We work hard building close relationships with our clients as we understand that getting a divorce can be an emotional and confusing experience. We are used to dealing with complex legal family issues and ensure that the advice you receive respects your feelings, at what is often a stressful time.

Online Portal - We use an online portal to progress the divorce and financial application as quickly as possible. The global pandemic (Covid-19) has caused a great deal of backlog in the Family Court and the online portal circumvents the delay caused by issuing divorce petitions by post.

Trust. You're in safe hands. We help clients nationwide and internationally with complex and sensitive cases on a daily basis. So you can rest assured that our expert team knows its stuff!



Your Solicitors



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The solicitors that will be working with you are specialists.

All members of your Family Team are full members of **Resolution** (a body of family lawyers committed to adhering to the Resolution Code of Practice which promotes working constructively in an attempt to avoid unnecessary conflict) and individually ranked by international legal directory The Legal 500.

You can find out more about our Family Law Team by clicking [here](#).

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Divorce

What are the grounds for divorce?

There is only one ground for divorce, which is that the marriage has irretrievably broken down. In establishing this, you must rely upon one of five facts:

- **adultery and the petitioner finds it intolerable to live with the respondent**
- **unreasonable behaviour and the petitioner cannot reasonably be expected to live with the respondent**
- **desertion for a continuous period of five years**
- **two years' separation with consent**
- **five years' separation**

If you have not been separated for two years, you have no choice currently but to petition for the divorce upon the basis of your spouse's unreasonable behaviour or adultery.

Couples seeking a "no-fault" divorce will need to wait until the law changes in the autumn of 2021. Currently, it is not possible to have a "no-fault" divorce if you have not been separated for two years.

To find out more [click here](#).

How much does a divorce cost?

A divorce can cost around £600 plus VAT and a court fee of £550. However, if there are issues concerning the grounds for the divorce, responsibility for payment of costs, or arguments over defended divorce proceedings, costs may be higher. This is not a fixed fee but an estimate of our typical charges for acting on your behalf in relation to a divorce. This does not include the cost of resolving issues surrounding children or finances.

What is the procedure for divorce?

- You issue a petition at the designated Family Court and pay a fee of £550. You will also need to file the original marriage certificate and a certificate of reconciliation.
- The Court will send your petition to your spouse with an acknowledgement of service.
- The respondent spouse has seven days from receipt to return the acknowledgement of service to the Court.
- You can then apply for Decree Nisi and/or a costs order. The Court will list the case for pronouncement of Decree Nisi.
- Six weeks and one day from pronouncement of Decree Nisi, you can apply for Decree Absolute. It is bad practice to apply for Decree Absolute before finances are resolved, as termination of the marriage affects inheritance rights, pension rights and taxation.

To find out how to start divorce proceedings, [click here](#).

What if my spouse does not cooperate with the divorce?

We can arrange for a process server to serve the divorce petition on your spouse. Once the process server provides a statement of service, we would be able to apply for Decree Nisi if the divorce is based upon adultery, unreasonable behaviour or five years' separation.

You would not be able to progress a divorce in the absence of the respondent's cooperation if the divorce is based upon two years separation with consent.

What if the respondent defends the divorce?

Defended divorce proceedings are rare and expensive. They can be avoided by ensuring that, where suitable, the respondent approves the draft petition before divorce proceedings are issued, and arguments over claims for costs are resolved before issuing proceedings. Grounds for the divorce have no impact on child arrangements or finances, and so who divorces who and what is said in the petition, has no effect on who looks after the children or how finances are divided.

Where is it appropriate to defend a divorce?

There may be a limited number of circumstances where it is appropriate to defend divorce proceedings: -

- **Defending against serious false allegations.** In the most serious cases, these allegations may have implications for children arrangements or financial remedy proceedings (for example, the petitioner alleges the respondent has abused the children or has dissipated the majority of the marital assets). The respondent may need to defend the proceedings to reply to the allegations or persuade the petitioner to drop the allegations (following which the defended proceedings can be compromised).
- **Defending so that the respondent can cross-petition.** If the petitioner refuses to amend particulars that contain false allegations, the respondent may wish to issue a cross-petition, requesting the Court to grant him a divorce for the reasons set out in that cross-petition, which may or may not be based on the same fact as the original petition.
- **Defending where the respondent considers the petition is presented on an incorrect jurisdictional basis.** For example, the petitioner may have stated that both the petitioner and respondent are habitually resident in England and Wales, but the respondent disagrees.

Disagreeing with a claim for costs?


If the respondent disagrees with the petitioner's claim for costs in the petition, this should be resolved in correspondence. If there continues to be a dispute, the respondent must lodge a statement at court before Decree Nisi notifying the Court and the petitioner that the respondent intends to attend the Decree Nisi hearing to dispute the petitioner's claim for costs.

The respondent needs to consider carefully whether to object to paying the petitioner's costs of the divorce, which is a separate matter to costs of resolving financial matters. A petitioner within adultery or unreasonable behaviour divorce proceedings will usually be entitled to a costs order. Costs may be in the region of approximately £1300 including VAT and court fees.

International elements of divorce

You must obtain urgent legal advice if you are contemplating divorce proceedings if you or your spouse have assets overseas as some jurisdictions are more favourable than others. You may have the option to issue divorce proceedings in competing legal jurisdictions, and you must receive advice in both those jurisdictions to ensure that you are aware of the extent of your legal rights in each. In some cases, there may be a race to issue proceedings in different jurisdictions. Speed is, therefore, essential to protect your interests.

In England and Wales, the Court retains jurisdiction to make financial orders after the pronouncement of an overseas divorce. This means that if you are divorced overseas, this does not prevent financial proceedings taking place in this country.



Don't just take our word for it...

"Divorce is the worst journey I have ever been on, but I can safely say that having Myerson on side, made it so much easier. Their patience, compassion and professionalism were continuous throughout the two years of my divorce – what an ordeal! I would recommend Myerson in a heartbeat."

"Their response time and communication are excellent, and I would have no hesitation in recommending Myerson in the future."

"The legal team have the rare ability to combine strong legal knowledge, procedural and strategic acumen but delivered with client care and overwhelming compassion in what are often difficult or testing circumstances."

"The team gave me support at a time when I needed it most. I would not hesitate in recommending them to anyone who requires a divorce lawyer."

"Your professionalism, efficiency and pragmatism are admirable."

"From start to finish everything actioned by Myerson was perfect. Nothing was any trouble, no matter how many times I contacted them over matters."

To view more Myerson reviews visit our Review Solicitors page by [clicking here](#).

You're in safe hands!

If you would like further information about how we can help you, or if you have any questions, please don't hesitate to contact a member of our Family Law Team today.

Call: 0161 941 4000

Click: myerson.co.uk

Email: lawyers@myerson.co.uk



Because
life is rarely
black and
white.



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