

FAMILY LAW

A short guide to the divorce process.

1.

You must have grounds for divorce.

These are as follows:

- Separation for one year with the consent of both parties
- Separation for two years
- Unreasonable behaviour
- Adultery
- Desertion for two years
- Unsoundness of mind
- Life imprisonment/imprisonment for 15 years

2.

A divorce petition is then completed which is provided to the court along with:

- The original marriage certificate
- Notice of proceedings form (form 3) – this explains to your husband/wife what they need to do when they receive the divorce petition
- Acknowledgement of service form (form 4) - this is a form your husband/wife need to complete
- Statement of arrangement for children (form 5) – to be completed if you have children
- A court fee of £330
- The Family Proceedings Officer will then process the paperwork and return it to you or your lawyer

3.

The next steps

- The divorce petition and associated forms must be served on your husband/wife
- You must then apply for the Greffier's certificate (form 20) – this will give a date for the decree nisi
- The first stage of the divorce is the decree nisi – this will be granted by the court (assuming the divorce is not defended)
- The second stage is the decree absolute which can be applied for six weeks and a day after the decree nisi is pronounced by completing form 12 (there is a court fee of £45)
- Once you have the decree absolute you are divorced

4.

Other points to consider

- To obtain a divorce in Jersey at least one party needs to be domiciled or resident in the Island
- You must have been married for at least three years before a divorce can be obtained
- Ordinarily the divorce will not be made absolute unless the Family Registrar is satisfied with the arrangements for each child of the family
- There are certain financial implications on obtaining a decree absolute and it is often in your interests to get financial matters sorted and a court order agreed setting out what that agreement is. This order (a draft consent order) can be sent to the court once the decree nisi has been issued. It is usually helpful to seek advice from a family lawyer as to the finances (even if you have chosen not to with respect to the divorce)

Talk to us and you'll find that we're good listeners.

Our experienced family law team takes a sensitive approach when dealing with family issues.

Whether you're going through a divorce, separation or difficulty with respect to your child, we take a holistic approach and will help you explore whether your problems can be resolved through alternative methods such as round table meetings, mediation or collaborative law. If court proceedings are necessary, our lawyers will advise how best to deal with matters to achieve the best outcome for you and your family.

We also offer a fixed fee for a divorce from the drafting of the divorce petition through to the decree absolute so you can be sure from the start what the cost will be.

WE ALSO OFFER:

- **Fixed fee packages** for finance and children's law matters
- A **free** initial consultation of up to 30 minutes

To find out more visit www.lgl.je/services/family/

Contact us.



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