

# There is no such thing as a “quickie” divorce.....yet.

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When celebrity couples get divorced, the media will often refer to “quickie” procedures. This is misleading, as there is only one divorce procedure and preferential treatment is not offered on the basis of celebrity status.

Generally, obtaining a divorce is straightforward, without anyone attending a hearing personally, unless there is an unexpected problem or, rarely, if the procedures are defended. It is a two-stage process with a minimum delay of six weeks between the conditional and final divorce decrees.

The sole basis for divorce remains the irretrievable breakdown of the marriage, which must be shown by adultery, unreasonable behaviour or desertion by one spouse, or by reference to a separation period of two years with the consent of the other party, or five years’ separation without needing to show consent.

Perhaps surprisingly, there is no requirement for the Court to approve financial arrangements before the final divorce decree. In some cases, finances are not resolved for years, which is undesirable and not recommended. The Court also no longer considers arrangements for children as part of divorce and parents are encouraged to agree matters concerning the care of their children.

The administrative aspects of divorce have moved from local County Courts, some of which are closing, to regional divorce centres. This has created backlogs through volume, adding further delay to the divorce process. Typically a straightforward divorce, ignoring financial aspects, will take a minimum of five to six months from lodging the completed papers to final decree, assuming no delay at any stage.

Arguably there should be no reason for much delay before the initial decree is granted. The President of the Family Division has suggested that divorce could become a purely administrative procedure, although this may ultimately be restricted to cases where both parties agree that the marriage is over, without the need to attach blame. Such divorce proceedings could be modified so that divorces become streamlined and quicker procedurally, perhaps online, and hopefully with a lower fee than the current £550.

There are also increasing calls for the law to be changed to introduce “no fault” divorce, avoiding the need to attach blame or require a separation of a minimum of two years.

Interestingly, a 6 month online divorce pilot scheme started at the end of January 2017 in one of the regional centres. It will involve slightly amended procedures and forms, but may prove to be the way forward to speed up divorce procedures, whether or not there is reform of the basis for divorce.

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