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Divorce – Frequently asked Questions.

1. Can I obtain a divorce?

To obtain a divorce you must firstly have been married for a period of at least 12 months. There is only one ground for divorce, and that is that the marriage has irretrievably broken down. This must be proved by one of the following five facts:-

- (a) The unreasonable behaviour of your spouse.
- (b) The adultery of your spouse
- (c) You and your spouse have been living separately for two years or more and your spouse consents to the divorce.
- (d) You and your spouse have been living separately for five years or more (in this case the consent of your spouse is not required)
- (e) Your spouse has deserted you.

2. Am I entitled to Legal Aid?

Burningham and Brown Solicitors does not undertake publically funded work (which used to be called Legal Aid) . Please check the Legal Services Commission website, who administers the scheme to check your eligibility. If you do qualify for public funding we can provide you with details of local Solicitors who undertake publically funded work.

3. How much will my divorce cost?

The costs involved vary considerably from case to case. If there are disagreements concerning the financial matters and or children, costs can increase. Costs also depend on how much can be resolved by agreement. Burningham and Brown Solicitors bill on a monthly basis so as to keep you as updated as possible. We will also provide you with a written estimate of costs at the outset of your case.

4. Will there be an equal division of assets when the financial matters are resolved?

English law states that a number of factors must be considered when deciding how to resolve the financial matters between spouses. There is no presumption of an equal division of the



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assets and such a resolution will not be appropriate in all circumstances. However the law also states that there must be good reasons for departing from equality.

5. How long does it take to get divorced?

A straightforward divorce will take approximately four to six months to be concluded. However, you may be advised by your Solicitor not to finalise the process until the financial matters are finalised.