

Respect

Men's advice line

Top 10 mistakes in divorce proceedings

This factsheet explains how to avoid common mistakes in divorce petitions.

1. Entering your names incorrectly within the divorce petition

It is important to refer to the previous name, for example, "formerly known as X" if, since your marriage, you have changed your name. You must attach a copy of your change of name deed or otherwise explain the change of name.

2. Selecting the incorrect boxes for domicile when explaining how the court has jurisdiction to deal with the matter

3. Not completing the statement of the case or providing insufficient/incorrect information

The court decides if your marriage has broken down irretrievably. If you do not complete the statement of the case or if you provide insufficient/incorrect information, it will not be accepted. This will mean more delays and costs.

4. Not keeping your contact details confidential

Did you know that you can keep your contact details confidential? You can use form C8 to include your contact details. Do not accidentally include your contact details within any of the other documents.

5. Copying details from your marriage certificate incorrectly

The details from your marriage certificate should be copied carefully. This can lead to the regular return of documentation. This would cause delays and could lead to you having to amend the documents.

6. Ticking the wrong boxes in the prayer

If the wrong boxes are ticked in the prayer it can have financial consequences. If the prayer is not included, there can be additional costs and delays to apply for permission to make a financial claim.

7. Representing yourself when legal expertise is needed

It is fantastic to do what you can without help. However, it is important to recognise when you need help from a legal professional. This can save you a lot of unnecessary costs, proceedings, and disputes.

8. Letting emotions get the best of you

The divorce and separation process is difficult. However, do not let emotions get the best of you. Try and reach an agreement, where possible. The more you can agree, the less you will have to spend on legal fees.

9. Forgetting to pay the fee

This is currently £550, but you can apply for a fee remission to reduce the fee.

10. Not providing details to serve the other party

If you forget or fail to provide service details for the other party (respondent) there will be delays and costs. It is important that you include at least their last known address.

This resource has been brought to you by Azhar Hussain (Solicitor– Advocate & Experienced Head of Family Dept) and you can find further information at <http://www.azharhussain.co.uk/legal-blog/>