

One ground for a divorce

The marriage has irretrievably broken down evidenced by one of 5 facts



Facts to be relied upon

Adultery

Unreasonable behaviour

Desertion for 2 years

2 years separation and the other party consents

5 years separation (no consent needed)



Procedure

Prepare petition and accompanying documents



Lodge at court with court fee



Court serves Respondent
with divorce papers



**Respondent fails to return
Acknowledgement of service**

**Respondent returns
Acknowledgement of service**



Petitioner has various options to prove service:

- i) Arrange for personal service by bailiff/process server
- ii) Apply for deemed service
- iii) Apply for substituted service



If the above is successful



If Petitioner fails to apply for decree absolute Respondent can apply 18 weeks and 1 day after decree nisi. Respondent has to make application to a Judge on notice and a hearing date is set by court



If permission granted Respondent can apply for decree Absolute



If permission refused Respondent will have to wait until Financial Remedy Application determined

Court send copy of A/S to petitioner



Petitioner prepares statement in support of petition and directions for trial to apply for date for decree nisi



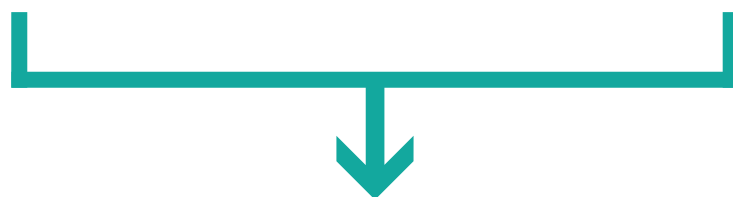
Court send out Certificate of entitlement to decree and set date for decree nisi and any costs hearing



Decree Nisi pronounced and Costs determined if in dispute



6 weeks and 1 day after decree nisi Petitioner can apply for decree absolute by submitting application and court fee



Decree Absolute Issued

