Divorce is often said to be one of life's most stressful events, often made worse by confusion over what is involved. Whilst the emotional impact on the parties and their children should not be underestimated, the process itself is relatively straightforward.

# Who can apply for a divorce?

Anyone, provided:

- they have been married for at least three years;
- they fulfil the jurisdiction requirements i.e. are domiciled in Jersey or have lived here for a continuous period of at least one year; and
- they have grounds.

# What grounds can I use?

The most commonly used are:

- the parties have lived separate and apart for at least 12 months and both parties want a divorce;
- the parties have lived separate and apart for at least two years;
- one party has behaved in such a manner that the other cannot reasonably be expected to live with him/her;
- one party has committed adultery and the other finds it intolerable to live with him/her.

# How does the process work?

One spouse (the Petitioner) has to provide the Court with a Petition containing details of the parties and any children, setting out how the Court has jurisdiction, the grounds relied on, and what financial relief is sought e.g. maintenance or lump sum. If there are children under 18, or in full-time education, the Petitioner must also file a Statement setting out details of the children, where they are educated and what arrangements are in place for maintenance and contact with the other spouse. When the Petition is delivered to the other spouse (the Respondent) the Respondent has an opportunity to defend it and/or to make his/her own application for financial relief.

# How long will it take?

The Court holds six sessions of undefended divorces each year, one every other month. Neither party has to appear in Court. If all the paperwork is in order the Court will pronounce decree nisi on the date of the undefended session. A minimum of six weeks later the Petitioner can apply for decree absolute, which makes the divorce final. The Court will not, however, pronounce decree absolute if there is an outstanding dispute about the children. In practice, most lawyers prefer not to apply for decree absolute until all financial matters have been resolved.

## How are financial matters dealt with?

Once decree nisi has been pronounced either party can pursue any application he or she may have in respect of financial matters, such as maintenance, lump sum payments and transfer or sale of property. This is often the most complex part of the divorce process and can take some months. The parties will usually be required to make financial disclosure by way of completing a detailed Affidavit of Means and supplying documentary evidence of their income and assets. If agreement cannot be reached the matter will proceed to a full hearing before the Family Registrar. The Registrar's aim is to divide the assets fairly. This may mean dividing them equally but it may not – the parties' needs (and those of any minor children), their earning capacity and any other relevant circumstances are all taken into account.

## What if the parties cannot agree about their children?

The Court will make a decision having regard to what is in the children's best interests. Applications for residence, contact, leave to remove a child from Jersey or prohibited steps orders are dealt with separately to financial matters. The parties are encouraged to attend Family Mediation to resolve issues, but if this proves unsuccessful then the Court will appoint an officer from the Jersey Family Court Advisory Service to investigate the situation and advise the Court.