

## The Costs of a Breakdown of Marriage

There are three possible legal issues involved in the breakdown of a marriage: -

1. The divorce itself. This involves filing the Divorce Petition and obtaining the Decree Absolute which is what brings the marriage to an end and it is legally distinct from the other issues that arise from a breakdown of a relationship.
2. Issues involving the financial matters namely who gets what and whether any maintenance should be paid. The technical phrase for this part of the process is Ancillary Relief.
3. Issues involving children such as a Residence and Contact Orders, maintenance, parental responsibility and so on.

Not every divorce involves a dispute over all of these issues. If there are no children and/ or no matters involving children because an agreement has been reached then there would be no costs in this respect.

It is common to have disputes over the matrimonial assets as to who gets what and whether any maintenance should be paid for the spouse of the children.

The process of obtaining a Divorce is charged on a different basis than disputes relating to the children and finances.

As far as Divorce is concerned, it is possible to charge a more or less fixed fee for obtaining a divorce. Assuming that the divorce is not contested the first element in the cost of obtaining a divorce is the Court Fee. There is a Court Fee of currently £300 to issue the Divorce Petition which has to be paid to the Court, £40 Decree Absolute fee and currently a swear fee of £5 or £7. This means that the total disbursements i.e. the sum payable to third parties are in the region of £347.

If there is a reason to apply for personal service then there are additional costs for that.

After the Court fees have been taken into account the Solicitor needs to be paid for legal work involved. This is likely to be in the region of £400 to £500 plus VAT so the total costs of obtaining a divorce would be in the region of £1,000 inclusive of fee and VAT.

This sum is usually incurred by the petitioner, the person who starts the divorce. The Respondent only needs to sign one Form being the Acknowledgement of Service Form and this can be done on their own or with the assistance of a Lawyer and their costs would be in the region of £200.

As it can be seen the majority of the costs are to be paid by the Petitioner. There is no reason why this sum cannot be shared equally between the Petitioner and the Respondent and this can often be agreed. If it cannot be agreed then the decision is made by the Judge. It is helpful for parties' to reach an agreement otherwise the Court could Order one party to pay all of the costs.

The issues relating to the children and finances are charged on a time basis and as it is the case with most litigation some of the disputes can be resolved very quickly but others can be very much more difficult and require a greater amount of legal input and time and therefore a greater amount of costs. Preparing a Separation Agreement and/or a Pre-Marital Agreement are also charged on a time basis.

Sometimes it is possible to get a limited form of Legal Aid to obtain a Divorce. This is means tested, available to people on State Benefits or a very low income.

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