



# /guide

## Your questions answered

## THE COST OF DIVORCE

**T**his Stowe guide is intended to provide an overview of costs in divorce proceedings and how to deal with financial issues arising out of a divorce.

### Divorce proceedings

Your outlay on costs will depend on whether you or your spouse files the Petition for Divorce.

We recommend, in most cases, that we try to agree the content of the Petition with your spouse and their solicitor before proceedings are issued to save costs.

The party who files the Petition — “the Petitioner” — will incur a Court fee of £593. You and your spouse may agree you each meet half of the Court fee. If you are on a low income or are in receipt of state benefits you can apply to the court for help with these fees.

Additional costs will be incurred if complications arise. They might include a dispute as to jurisdiction or a failure on the part of your spouse to file the Acknowledgement of Service. Should this happen we will provide a further costs estimate at that time.

The overwhelming majority of cases proceed undefended so that no attendance at Court is required in connection with the divorce. Should your spouse choose to defend the Petition, each of you will incur further costs and a further estimate will be provided.

The usual arrangement in undefended divorce proceedings is each party bears his or her own costs. However, it is possible to make a claim for costs within the Divorce Petition. We will discuss with you whether this is appropriate in your case.

## Financial matters

It is difficult to forecast at the outset the costs you are likely to incur in connection with the financial aspect of divorce. This will depend on factors which include the speed and quality of the financial disclosure provided by your spouse and his or her willingness to negotiate.

The more complex the family finances, the greater the costs that will be incurred.

If it is necessary to apply to the Court for interim provision or respond to such an application, this will put both parties to significant expense. This would also be the case if an application is made for an injunction to protect a party or assets.

It may be necessary to obtain independent expert advice concerning the value of property, business interests, pensions or other assets. This will have cost implications. The usual arrangement is each party meets one half of the fee payable to any expert.

Most cases are resolved by negotiation — generally via solicitors — once mutual financial disclosure has taken place.

If a comprehensive settlement is reached, this may be set out in a draft Consent Order and sent to the Court by post. This will avoid a Court attendance and result in a saving of costs.

We recommend you approach the financial aspect of your case on the basis that you and your spouse will each meet your own costs. Whilst it is possible to apply for a Costs Order in certain circumstances, the outcome of such application cannot be guaranteed.

At each stage of the Court process, both parties are required to provide a breakdown of their costs. This will enable you to compare your outlay with that of your spouse.

## Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit [www.stowefamilylaw.co.uk](http://www.stowefamilylaw.co.uk)

