

Harmonious Divorces

A step by step guide to what to expect



Step 1 | Complete our Harmonious Divorce Questionnaire

Both parties to complete our harmonious divorce questionnaire. This document will enable us to draft a settlement agreement and parenting plan according to your specific instructions.

Estimated time: 1 – 3 days



Step 2 | Draft and finalise settlement agreement

Upon receipt of the completed questionnaire we will draft a settlement agreement which will be sent to both parties for approval and signature. The signed original settlement agreement must be delivered to us.

Estimated time: 1 – 2 weeks (depending on the availability of the parties and amount of changes to the agreement).



Step 3 | Draft and Issue Pleadings

The next step is to draft the legal documentation in which the court is asked for a decree of divorce on the terms as set out in the signed settlement agreement (Step 2). Here there are two important documents. A summons, which is a standard court document informing a Defendant that a legal action has been instituted against him/her. The second document, a particulars of claim which sets out details about the parties, the marriage and the relief sought. The signed settlement agreement will be attached to the particulars of claim. Once the summons and particulars of claim have been drafted we will have it issued (case number allocated) at Court and sent to the sheriff for service on the Defendant.

Estimated time: 1 – 2 days



Step 4 | Service of legal documents (pleadings)

The issued pleadings will be sent to the sheriff for service on the Defendant. The sheriff will call the Defendant to invite him/her to collect the legal documents from their offices. If the Sheriff is unable to reach the Defendant after a few attempts, he/she will have the legal documentation served on the Defendant at their home or work.

Estimated time: 1 – 2 Weeks (Depends on the Sheriff's workload)



Step 5 | Wait 10 days

The rules of the court dictate that the parties must wait 10 court days (since the summons was served) to give the Defendant an opportunity to defend the divorce action. The waiting time applies even when the parties have signed a settlement agreement.

Estimated time: 10 court days (excludes weekends and public holidays)



Step 6 | Set the matter down at Court

Once the period to defend has passed we will contact the Plaintiff to arrange a date to set the matter down at Court after which we will file a notice of set down at court, prepare the court file and brief counsel. We will also send you an information pack setting out what you can expect on your day in court.

Estimated time: 4 – 7 days (Court must be given at least 3 days' notice)



Step 7 | Appear in Court

The final step is for one of the parties (usually the Plaintiff) to appear in Court. On the court day we will meet with counsel for a quick cup of coffee and rundown of what will happen in Court. We will then wait at Court until your matter is called. The appearing party will then answer a few brief questions asked by counsel in open court. If the Court is satisfied a decree of divorce will be granted and you will then be officially divorced.

Estimated time: 1 – 4 hours (Depending on the court roll)