

CONSIDERING DIVORCE – BUT HOW LONG DOES IT TAKE?

When someone anticipates a divorce, there are time and again a multitude of questions that arise. We have therefore summarised some of the most often encountered questions (and answers) that clients initially ask, so that you are conscious of the background to the process should you consider this step.

How long will the divorce take?

In instances where the parties can easily reach a settlement and where there are no minor children involved, the parties can look to finalising a divorce action in around 6 to 9 months, although this depends on the complexity of the matter.

What are the costs involved?

The costs depend on the length of time necessary to finalise the matter and also on the forum. Certain divorce actions are better suited to the High Court and others may be instituted in the Regional Court (previously referred to as the Southern Divorce Court). High Court matters are more expensive and usually take more time to finalise.

Can the parties use one attorney?

In principle it is possible for both parties to use the same attorney, although it is not preferable. This is because there always remains a likelihood that the action becomes opposed later on (i.e. where a dispute arises with regard to certain aspects of the divorce). In such an instance, the attorney who initially took instructions from both parties must then withdraw from the entire action.

Are the services of an attorney necessary?

Yes. Although parties may approach the Regional Court in person, it is best to obtain professional legal advice, at least to ensure that all legal principles applicable to the dissolution of the marriage have been properly considered.

Are there any hard and fast rules relating to the awarding of parental rights (custody) of minors?

No. Unfortunately any divorce where minors are involved could take longer to finalise, especially where there is disagreement regarding where the children should reside after the divorce. The children's best interests will always be a primary concern when adjudicating this question and it is in some instances necessary to retain the services of other professionals such as social workers and child psychologists, to assist in the process.

What documents must be provided?

- Marriage certificate
- Ante nuptial contract
- All documents indicating the parties' financial position
- Children's birth certificates
- A schedule of monthly income and expenses
- Recent bank statements

For assistance in your divorce, contact us at info@stbb.co.za

CONTACT US

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