

No fault divorce: where are we now?

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The reasons for a separation are invariably complex and various. The idea of trying to detail how and why a relationship has broken down, in a short form which ideally needs to be agreed by your former partner, is palpably ridiculous. And yet unless you are prepared to wait two years and agree to divorce, this is what is required of you. In our Podcast, *How to Separate Well*, we discussed the ways in which you can approach your divorce to try to minimise the emotional distress and ensure as elegant a disengagement as possible. An important part of that process is to look to the future and not to get side-tracked by the difficulties you encountered during the relationship. When it comes to financial division and arrangements for the children, then save for in the most exceptional circumstances, behaviour during the marriage is irrelevant. And yet as it stands, it is necessary to provide that detail to obtain the divorce. It is clearly at best anomalous, and at worst destructive.

It is therefore with much anticipation that we are watching the progress of the Divorce, Dissolution and Separation Bill, which would allow people to divorce without blame. The next stage in the process is the committee stage where the bill will be examined line by line. It is an opportunity for changes to be made before the third reading. There are some concerns with the bill that will hopefully be ironed out in these final stages (such as the time frames between application and Decree Nisi, the potential for not informing one side until much later in the process, the implications of one party withdrawing their consent if the application was made jointly, and issues in relation to jurisdiction). Hopefully these issues will be resolved as it is a much needed piece of legislative reform. We have much to thank Tini Owens for – in raising awareness she provided the catalyst required for divorce without blame.

The ground swell of support for no fault divorce shows that the court's attitude reflects society's – relationship breakdown is complicated and it should not be necessary for the court to understand exactly why it has happened. What matters is finding solutions that allows the family to move towards a future that works for all of them.

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