

Considering getting divorced? Here's what you need to know

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What is an uncontested divorce?

This is an unopposed divorce, where there is either a settlement agreement between the parties or there is no opposition from your spouse.

How do you file for a divorce?

You can go to your local regional court and fill out the forms. Alternatively, you can see an attorney who will take the necessary steps on your behalf.

How long does it take to get divorced?

The short answer is that it varies - and depends on what the issues are and how reasonable the parties are prepared to be. A divorce can take anything from a few weeks to months, and perhaps even years.

What happens if my spouse lives/works overseas?

The easiest way to commence proceedings is to serve your spouse with the divorce papers when they are in the country. If this is not possible, there are remedies available via the courts.

Who must go to court for a divorce?

Whoever starts the process generally needs to appear in court if the divorce is unopposed. If your divorce goes to trial, both you and your spouse would appear.

What if your spouse doesn't want the divorce?

The court will not force you to remain married. You will need to prove that the marriage has irretrievably broken down before a divorce will be granted.

Can I rather enter into a legal separation?

You can physically separate, but "legal separation" is not a concept recognised in South African law.

As with any legal issue, we recommend that you seek the advice from a specialist attorney before you begin legal proceedings. It is important to remember that simply getting advice does not mean that you have to proceed with a divorce. However, it is important to know what your rights are, should you ever be in a position that requires you to take action.

**For more information on the above,
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