

The Divorce Process in South Africa

A step-by-step guide from Tim van Rooyen Attorneys, Gqeberha (Port Elizabeth)

Deciding to divorce is rarely easy, and the legal process can feel overwhelming. This guide walks you through the six steps most South African divorces follow, the documents you will need, realistic timelines, and what it is likely to cost — so you know what to expect before you sit across the table from an attorney.

Step 1: An Initial Consultation

You meet with an attorney to discuss your circumstances, your goals, and whether the divorce is likely to be contested or uncontested. This is also where you get a realistic view of timelines and costs for your specific situation.

Step 2: Uncontested or Contested

If you and your spouse agree on the division of assets, maintenance, and arrangements for children, the matter proceeds as uncontested — faster and less costly. If there is disagreement, the matter becomes contested and may require negotiation, mediation, or litigation.

Step 3: Summons

Your attorney drafts and issues a divorce summons, which is formally served on your spouse. This officially starts the legal process.

Step 4: Your Spouse's Response

Your spouse has an opportunity to respond to the summons — either accepting the terms (uncontested) or opposing part or all of it (contested), which may extend the timeline.

Step 5: Settlement or Court

Where possible, a settlement agreement is negotiated covering the division of assets, maintenance, and parenting arrangements. Where settlement is not possible, the matter is argued before the court.

Step 6: Finalisation

Once an agreement is reached or the court has ruled, a decree of divorce is granted. This is followed by the formal registrations, property transfers, and pension fund endorsements that give effect to the order.

Documents You Will Need

- Marriage certificate
- Identity documents for both spouses
- Birth certificates for minor children
- Financial records (income, assets, debts, bank statements)
- Property and bond information
- Details of pension or retirement fund interests
- Any existing antenuptial contract

How Long Does It Take?

An uncontested divorce, where both spouses agree on all terms, can often be finalised within a matter of weeks to a few months once papers are filed. A contested divorce takes longer — often many months to over a year — depending on the complexity of the estate, whether children are involved, and how much the parties disagree.

What Will It Cost?

Costs depend on whether the matter is contested and how complex the estate and parenting arrangements are. An uncontested divorce is significantly more affordable than a contested one. We provide transparent, tailored quotes after your initial consultation — there are no surprise fees.

Speak to a divorce attorney in Port Elizabeth (Gqeberha)

Confidential. No obligation. Call 041 004 0086 or visit timvanrooyenatt.co.za

This guide provides general information only and does not constitute legal advice. Every matter is different — please consult an attorney about your specific circumstances.

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