

# Divorce – a Survival Toolkit

## Ending a marriage or civil partnership

### Anni's story

“ Michael and I had been married for thirteen years and I had a daughter, Beth, who was eight when he said he was leaving.

Then he announced he had begun a new relationship with someone at his work. He told me there had been many other affairs throughout our marriage.

The certainties of your life – past, present and future – just disintegrate. But in the middle of the chaos, you have to hold everything together. I had a daughter and a job and I didn't want either to suffer. Michael was as determined as I was to protect Beth from the painful emotions that come with the end of a marriage and, despite an angry divorce, we did manage to achieve this.

I started the divorce proceedings, on the basis of Michael's adultery. The divorce was finalised ten months after he left, but the financial settlement took another six months. I now wish that we had resolved things more quickly, but at the time it was hard to think clearly. Our financial circumstances were complicated and I was clinging to the idea that the court would punish Michael for his adultery. But in the end, you realise that the money side of divorce only deals with money; the question of right and wrong just doesn't come into it.

We didn't go for mediation to decide the financial issues. I felt I needed a solicitor as I was still

very upset. But we did go to mediation to sort out contact arrangements – we were determined to keep Beth away from the family courts. The mediator was great. She managed the situation so that we were both able to be frank, but neither of us felt under attack. We came to an agreement by making Beth's wishes the most important thing.

Beth has lots of contact with her father and quality time at home, and we try to keep the arrangements flexible. These arrangements continue to work and Beth has coped with the divorce. Maybe she's had to learn some life-lessons early.

It's now three years since Michael left. Life is very different. Only when the legal stuff is done and dusted can you begin to move on. You have to let go of the past. This doesn't mean you need to become friends, Michael and I have little contact with each other – we use email or texts to make arrangements for Beth.

Once life calms down, you have an opportunity to develop new interests. Relationships with friends and family are rediscovered and deepen. I am optimistic about the future. I think what I have now is better than living a life with someone who does not care for me. ”



If you are in a Civil Partnership this guide is for you too. Most of the law is the same, though some of the legal terms are different. Where there is a difference, we'll make it clear.

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# Introduction

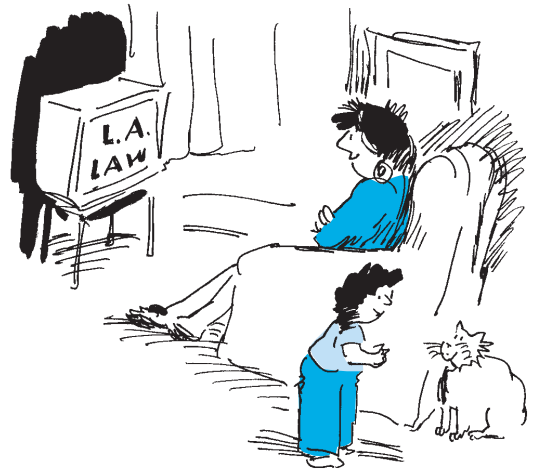
If you're at the start of what looks like a separation or divorce you may be feeling very stressed and anxious. There are all sorts of worries at this point: over the future, over money, over being involved in the law, over children (if you have any). This is a normal reaction. And bit by bit, things will start to get sorted out. This guide deals with some of the main problems, to help you find your way through the maze.

If this is your first encounter with the law you may be surprised by how scruffy and untidy it feels. It would

be nice to think that you were going to slot into a streamlined system where there were clear answers to all your questions and worries.

For most of us, finding our way round the law is like trying to travel with only a phrase book, or playing a new game with only the rule book. This guide aims to fill in some of those gaps and tell you the way it works, not just what the law says.

The word 'partner' in this guide means your husband, wife or civil partner.



DON'T BELIEVE TV DIVORCE FICTION.

## What I learned...

When it all blew up, I kept going into work. I told my employers what was happening and they were sympathetic. There were days when it was difficult to concentrate on my job, but after a while, work was great in helping me to think about things outside of the divorce.

## How divorce law works

TV and magazines often give a false picture of the way that the law feels when you're involved with it. Many people assume that the law will do some things that it can't or doesn't. Here are some points to remember:

### You're not likely to go to court

Very few cases do end up with a court hearing. So if, when you started thinking about divorce, you saw yourself in a witness box, bravely dealing with the questions of the lawyers, forget it. It isn't going to be like that.

Nearly every divorce case is undefended. There are often arguments before it starts about who is going to start it and why, but once the papers are filed most cases don't get defended. This is for the very good reason that it costs a fortune and isn't worth it.

### It's a 'paper process'

Nearly every stage of the divorce takes place on paper. This means that the documents end up being very formal, written in legal language. But it's still your divorce. If you don't like what your solicitor has written, say so. If you don't understand it, don't be afraid to ask.

### It's expensive

One thing the media don't get wrong is the cost of solicitors. Assuming you have a solicitor, it will be expensive. Even if you get legal aid (see box on page 6) you will have to pay it back if you get money at the end of your divorce. You need to budget for this. Some solicitors take credit card payments, others will let you pay regularly by standing order. You should always be given regular bills and kept informed about the level of the costs.

If you use a mediator (see page 5) this can help you keep the costs down. Most mediators will charge you session by session, making it

## What I learned...

I put much more money into the family than my partner. One of the things I had to come to terms with was that I wasn't going to get back the considerable amounts of money that I had put in. Instead we both got enough to start again.

easier to keep track of where you are financially. You can get legal aid for mediation too, and it's free: there is no need to pay it back at the end of the case.

## The law is neutral

Family law gives men and women equal rights. If you believe some of the things that you read, you might think that family law favoured women over men, or vice versa. But the law as it is written is not biased. For example, either member of the couple can be ordered to pay maintenance to their partner if their partner has been dependent on them for money. In practice, more men are likely to pay maintenance than women, but this is because men typically earn more than women. In a case where a father has stayed at home to look after the children and the wife is the breadwinner, she might well be ordered to pay him maintenance.

The same neutrality applies to the law about children. The laws about what happens to children after

divorce have no bias for one parent or the other. The court has to treat the welfare of each child as the most important factor. In practice more children are likely to live with their mothers after divorce than their fathers, because in many families the father has been the major earner, and the mother has spent more time with the children. But this is not something that is laid down in the law.

## There are no rewards or punishments

'Past conduct' is listed as one of the criteria for deciding how the money is divided. But it only counts if it has been really, really bad. Generally speaking, you can't use the financial settlement to punish your partner for their past bad behaviour or to get reward for what you see as your good conduct. It doesn't work like that. When it comes to working out the money, the court is concerned with the future. Instead of looking back and trying to compensate you both, the

court looks at what you both need for your future lives. And this does mean both of you. The money somehow has to stretch to cover both your needs. Unless you have pots of money, this means that you are both probably going to go short for the next few years.

## Wobbly and uncertain

The law can seem wobbly and uncertain when you first meet it because the system is very flexible and each family has different needs. Except for children's maintenance, there are no set formulas for working out who gets what. Instead, lawyers have a number of 'rules of thumb' based on past cases and their experience.

The timing of divorce proceedings and what happens about the money is, to a large extent, something for you and your partner to decide. You may be able to decide things together, which may feel more comfortable. Or you may be fighting over a number of things, in which case it may be hard to predict what will happen.

If you understand from the outset that you are going to have quite a long period of uncertainty, when your future may seem to change from day to day and week to week, this may help you cope with it better. It will settle down in the end, but it may be a bumpy ride for the next few months. Hang in there. Don't expect too many answers too soon. Try to focus on the longer term and work towards that.



## What I learned...

It's like unravelling a tangled ball of string. It won't get unscrambled if you rush and tug at it. The way to do it is find an end, and, gently start to wind it up. Gradually it all sorts itself out.

# Getting some help

The divorce part of the process – the bit that actually ends the marriage or civil partnership – runs parallel with the proceedings that deal with money and property or with arrangements for the children. At some stages, the timing of the divorce part of the process influences the other bits. You might want or need help with any or all of these areas.

Children	Divorce proceedings	Money
These can be started at any time before or during the divorce.	<b>Divorce is filed</b>	These can only be started once the application for divorce has been filed.
The Decree Nisi could be delayed if there are still arguments about where the children are to live or over contact.	↓ <b>Decree Nisi</b> (or 'Conditional order' for civil partnerships)	The court can't make a final financial order before the Decree Nisi is issued.
The court may refuse to grant the Decree Absolute if arrangements for the children are not satisfactory.	↓ <b>Decree Absolute</b> (or 'Dissolution order' for civil partnerships)	The order can only take effect after you have been given the Decree Absolute.

## At what point would I need help from a solicitor or a mediator?

If you are thinking about any legal proceedings you may need to get some legal advice from a solicitor about where you stand before you start. You can get advice without having to commit yourself to having a solicitor act for you in the case.

Children	Divorce	Money
You can start discussions about the children between yourselves. Or, you might want to use a mediator or solicitors to help you get to an agreement.	<ul style="list-style-type: none"> <li>● If you are the one asking for the divorce – the Petitioner – you may need a solicitor to help you with the forms. It is important to fill them in correctly. You can get the forms from the County Court or the Courts Service website, together with helpful leaflets.</li> </ul>	You can start discussions about finances between yourselves. Or, you might want to use a mediator or solicitors to help you get to an agreement.
<b>If you reach agreement</b> you generally won't need a court order – you just keep to the agreement. Mediators or solicitors will record what you have agreed in a 'Memorandum of Understanding' or a letter.	<ul style="list-style-type: none"> <li>● If you are the person being divorced – the Respondent – you may not need a solicitor, though you might want to check your legal position.</li> </ul>	<b>If you reach agreement</b> you will probably need it turning into a binding court order, if only to make sure that neither of you can make another claim in the future. A solicitor can make sure that the agreement is legally watertight.
<b>If you can't agree</b> then you can apply to the court for an order. You don't have to have a solicitor to make an application though it's a good idea to have had some legal advice. Most couples agree at the first court hearing. If you don't, you probably do need a solicitor to deal with the later stages.	<ul style="list-style-type: none"> <li>● Mediators or solicitors can help you negotiate who is going to ask for the divorce and what you say about the marriage.</li> <li>● If you do the whole of your divorce without solicitors make sure at the end that you have sorted out any property claims and dismissed any future claims. You might need a solicitor to check this for you.</li> </ul>	<b>If you can't agree</b> you will need to make a financial application to the court. You will generally need a solicitor for this. This doesn't mean that you will inevitably end up fighting the case all the way to court. Most cases get agreed.

## How does mediation work?

More and more people are using mediation to help them.

It works like this. You and your ex have a series of meetings with a mediator, who helps you to work out what issues you need to sort out, what your possible options are, and how you can sort things out fairly between you. Mediators don't give legal advice, but are very well informed about how the law works. If you reach an agreement, your mediator will write this up for you and you can then take it to your solicitor to get it put into a legally binding form.

The advantages are that, if you manage to reach an agreement through mediation, it is generally cheaper and quicker than using a solicitor. It also tries to keep things on an amicable footing and help you to keep talking to each other, and the outcome is something that you create – rather than something imposed on you.

Some people go first to solicitors and then use mediators to help sort out the money, or matters about the children. Others go to mediators first and then go their solicitors once they have reached an agreement. A financial agreement should generally be made into a court order and this needs technical drafting, so you will need a solicitor at this stage.

On average a couple will need between two to four meetings to get everything sorted out.

Mediators generally charge by the hour. Some mediation services charge on a sliding scale according to how much you earn. Expect to pay for each meeting as it takes place. You can get legal aid to cover it if your income is low enough. Unlike legal aid for solicitors, you don't have to pay the cost of this back.

Mediation doesn't suit every couple, but it's worth a try if you both feel that you want to sort things out together.

For more information on family mediation go to [www.advicenow.org.uk/familymediation](http://www.advicenow.org.uk/familymediation).

## Collaborative law

Collaborative law is a process which has started in the last few years in this country. The number of lawyers who are qualified to practise it is growing rapidly.

It works like this. You and your ex each have a collaborative lawyer. You make an agreement that you will not go to court using these lawyers. You sort everything out in a series of meetings with both of you and both your lawyers. It's a bit like mediation with legal advice at the same time.

It may be cheaper than the conventional way of instructing solicitors because it can mean that you use less of their time. However, legal aid isn't available for collaborative law.

Like mediation, collaborative law aims for an amicable solution that both of you have worked out rather than had imposed on you. Collaborative lawyers will also have a network of other experts and counsellors that you can use if you need them.

## Common sense and people skills

You can learn to use some of the skills that mediators or solicitors use yourself. There are several books that explain how to use people skills and negotiation skills to help you communicate better. Saying sorry is very hard, but it's amazing how it can help a relationship. Obviously, it's extremely difficult when you're hurting badly to put this into practice, but it's often worth making the effort, especially if you have children.

### What I learned...

If I said or did something hurtful to my ex-partner, I tried to apologise as soon as possible. It prevented the build up of new tensions.

### Finding a mediator

- **Family Mediation Helpline**  
The Family Mediation Helpline can help you find a local family mediator.  
Ring: **0845 60 26 627** or see their website: [www.FamilyMediationHelpline.co.uk](http://www.FamilyMediationHelpline.co.uk)
- **Community Legal Advice**  
Tel: 0845 3454345  
[www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)
- Yellow pages under 'mediation'

### Finding a collaborative lawyer

- **Resolution**  
Tel: 01689 820272  
[www.resolution.org.uk](http://www.resolution.org.uk)

# Finding a solicitor

Personal recommendation is a good place to start when you are looking for a solicitor. Asking friends who have also been through a divorce is also helpful, though bear in mind that what suits them will not necessarily suit you. Here are our recommendations for finding a solicitor who specialises in family law.



## Resolution

(formerly Solicitors Family Law Association)

PO Box 302  
Orpington  
Kent BR6 8QX  
Tel: 01689 820272  
E-mail: [info@resolution.org.uk](mailto:info@resolution.org.uk)  
[www.resolution.org.uk](http://www.resolution.org.uk)

This specialist organisation has been established for many years. Its members sign up to a code of conduct that commits them to trying to resolve cases amicably. Use their website to find a list of their members in your area, or they can send you a paper copy.

## The Law Society Family Law Panel

Ipsley Court  
Berrington Close  
Redditch  
Worcestershire B98 0TD  
Tel: 0870 606 2555  
[info.services@lawsociety.org.uk](mailto:info.services@lawsociety.org.uk)  
[www.lawsociety.org.uk](http://www.lawsociety.org.uk)

The Law Society is the body that regulates solicitors in England and Wales. Solicitors on the Family Panel have to pass an exam to prove that they are specialists, and they are vetted by the society.

You can use the website to find solicitors local to you.

## Community Legal Advice

Tel: 0845 3454345  
[www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)

Community Legal Advice can give you details of solicitors in your area who do the sort of law you are interested in. They also publish some helpful leaflets that you can download from the Your Legal Rights section of their website: 'Divorce and Separation' has more about the legal side of divorce, and 'Domestic Violence, Abuse and Harassment' contains advice if you or somebody you know is being hurt at home.

The website also has useful links to other advice organisations.

## Costs and legal aid

You can get legal aid to cover the costs of the divorce proceedings and to deal with issues about money and children if your finances are within the limits laid down by the Legal Services Commission (LSC). To check if you are eligible use the Legal Aid Calculator on the Can I get Legal Aid section of the Community Legal Advice website at:  
[www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)

There are three stages of legal aid funding depending on the work that you need doing. The first stage is called Legal Help. This covers your first interview with the solicitor. If your solicitor thinks you need further public funding and you are eligible, she or he will get you to fill in the application forms.

You can get detailed advice about the way legal aid works on the LSC website:  
[www.legalservices.gov.uk](http://www.legalservices.gov.uk)

### Legal aid is not free.

If you end up with money or a house, you have to pay the Legal Services Commission back. The way they get their share is called the 'statutory charge'. You should read the leaflet 'Paying for your legal aid'. Go to [www.legalservices.gov.uk/docs/cls\\_main/Paying\\_for\\_your\\_Legal\\_Aid.pdf](http://www.legalservices.gov.uk/docs/cls_main/Paying_for_your_Legal_Aid.pdf)  
The statutory charge does not apply to the costs of mediation.



# Grounds for divorce

You have to be married or in a civil partnership for 12 months before you can file a divorce petition.

You can't just divorce because you want to end the marriage or civil partnership. Legally, it has to be because the marriage or civil partnership has broken down irretrievably. And you have to prove this by fitting your circumstances into one of five reasons:

- A Adultery**  
(You can only use this if you are ending a marriage, not a Civil Partnership)
- B Unreasonable behaviour**
- C Desertion** for a period of at least two years
- D Two years separation** with consent
- E Five years separation** – no consent needed

These all need a bit of explanation, so this is how they work, from the point of view of the person asking for the divorce.

## What I learned...

It didn't feel like our marriage when I saw it all out in black and white. It was like two strangers. Somehow all the feelings had gone out of it.

## You don't need a period of separation for:

### Adultery

This means that your husband or wife has had full sexual intercourse with a person of the opposite sex. If you go on living together for more than six months after you have found out about it you may not be able to use this reason, because you also have to show the court that you find it 'intolerable' to go on living together. You no longer have to name the 'other woman/man'.

### Unreasonable behaviour

This can cover all sorts of behaviour, provided you find it impossible to live with your partner any longer. It can include persistent violence, insults, coldness, disgusting personal hygiene, inadequate sex – and more besides. Civil Partners can use this if their partner has been unfaithful. Most divorce petitions based on this reason will have about four to six short paragraphs describing different aspects of the unreasonable behaviour.

## You need two years' separation for:

### Desertion

This means that your partner has left you against your will, and you have been living apart for at least two years. As you can get a divorce if you have been living apart for two years and you both agree, this reason is not used very often.

### Two years' separation, with consent

Even if you both agree to divorce, one person still has to divorce the other; you can't ask the court for a divorce together. During the period of separation, you can have had up to six months trying to live together again. This doesn't count towards the two years, however.

## Or, there's

### Five years' separation

If you can't get your partner to agree to a divorce and you don't fit into the other reasons you may have to wait until you have been apart for five years and then use this reason. Your partner may still be able to block it by trying to prove to the court that the divorce would cause gross financial or other hardship, but this rarely happens.



# The divorce process

If you want a divorce you have to work out how your situation fits with what the law says are acceptable reasons for divorce. The box on page 7 sets out the 'grounds' for divorce and what the legal terms mean.

One of you will have to be the person who asks the court to grant a divorce. The other will have to be the 'respondent'. You can't ask the court for a divorce together, even if you both want it. Most couples manage to agree who will ask for the divorce, even though the end of a marriage is seldom only one person's fault. But this can be difficult because it looks like one of

you is to 'blame' for the breakdown of the relationship. This can be hard for them, even though it shouldn't make any difference when decisions are made about money or the children. You will need to discuss this as sensibly as you can. If you can both agree about it, your divorce will be much smoother and probably quicker.

Once you have decided who is going to ask the court for the divorce, look at page 9 to see what will happen. Whatever the reason for your divorce, the process (if undefended) is the same.

## How children and financial issues fit in

While the divorce proceedings themselves are going on, issues about money or children can be sorted out. These often get sorted out without going to court, particularly questions about children. If you do have to use the court, these matters are dealt with separately. So you will never, for instance, have a judge hearing arguments about children and the money at the same time.

## Making the law work for you

The law can be expensive, and it feels alien to most people. You need to find ways of using it economically, so that you don't run up huge bills. You also need to find ways of getting comfortable with it, so that you get the best out of your solicitor if you have one, and reduce the stress that it will cause you.

### Working with your solicitor

Solicitors charge you by the time spent on your case. The more organised you are, the less time your solicitor will have to spend. This will keep your costs down.

Your solicitor should be someone who will look after your best interests in your case. This isn't the same as someone who will always tell you that you are right! Your solicitor should be able to see both sides of the case and advise you realistically.

Remember that you are paying for your solicitor's professional advice. Don't just expect him or her to do what you tell them.

Your solicitor should be friendly, but don't try to make him or her be your

friend. You need someone with a bit of detachment.

Don't try to use your solicitor to sort out your emotional problems. If you need help with this, get a counsellor. Your solicitor's time is too expensive to use this way.

### Making notes and agendas for conversations with solicitors

When you're upset and stressed, conversations tend to ramble. You will cut time and costs if you think out what you want to say in advance. Make a list of the points that the discussion needs to cover and tick them off as you go. Your solicitor may also have a list of points that need to be covered. Comparing lists when you start will also reduce the time that you spend.

### Keeping papers

Even if you have never kept your papers tidy before, now is the time. You'll need things like bills and mortgage statements for the money side of your case

and you need to keep the legal papers tidy as well. This is especially true if you do not have a solicitor and are doing it yourself.

Get a ring binder and stick all the letters you receive about the divorce in it, in the order they come. Copy any letters that you write and keep the copies in there too. Stick any court documents that you get in a separate folder that you keep in a safe place. You can get an official copy if you lose them, but you'll have to pay for it.

(continued on page 10)



In this case Red  and Blue  have decided to get a divorce.

They have agreed that Red will file a petition based on Blue's behaviour, and Blue has agreed not to defend it.

This is how the proceedings go, step by step.

If they had no children, it would start at square 3.

START

**1** Red (or more usually Red's solicitors) complete a form telling the court about the proposed arrangements for the children and send it to Blue to sign.



**2** Blue agrees the details on the form, signs it and sends it back.



**5** Blue completes the answers to the questions on the acknowledgement of service form and sends it back to the Court.



**4** The Court checks the papers, gives Red's case a number, and sends the papers to Blue.



**3** Red or Red's solicitors send the divorce petition and the children's form to the Court for 'filing'.



**6** The Court photocopies the acknowledgement of service form and sends Red (or Red's solicitors) a copy.



**7** Red or Red's solicitors complete the forms to ask the case to go ahead. Red has to swear a statement saying the petition is true.

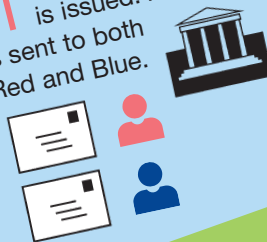


**8** The forms are filed at the court and Red asks the court to fix a date for the Decree Nisi.



**12** Six weeks and one day after the Decree Nisi was issued, Red can apply for the Decree Absolute by sending a form to the Court. (If Red does not apply for the Decree Absolute within 3 months, Blue can apply. Red has to be told about this and can oppose it.)

**11** The Decree Nisi is issued. A copy is sent to both Red and Blue.



**10** Letters confirming this go to Red and Blue.



**9** The District Judge reads the file. If it is all in order the court fixes a date for the Decree Nisi and issues a certificate that approves the arrangements for the children.



**13** The Court checks the file and issues the Decree Absolute, sending a copy to both Red and Blue.



**14** They are finally divorced



FINISH

## How solicitors should deal with cases

All family solicitors should observe the Family Law Protocol. This is a code of practice that says how solicitors should deal with their clients and the court. You can download a copy from the Law Society website: [www.lawsociety.org.uk](http://www.lawsociety.org.uk)

Members of the organisation Resolution have a code of practice they must follow. You can find a copy on their website: [www.resolution.org.uk](http://www.resolution.org.uk)

## What you can't expect the law to do

The law seems very powerful when you are first caught up in it but it can't do everything.

### The law can't make nasty people nice, or unreasonable people reasonable

The family court can order a person to pay a sum of money, or transfer a property to someone else. It can order a violent person to leave the home, or order them not to pester or molest the other person. But don't expect the law to change someone's personality. The only way that you are going to change your partner's behaviour towards you is by finding a new way of communicating. And this is hard, and takes time. Mediation (see page 5) can help with this.

It's easy to let the law become the focus of your anger and waste a lot of energy on it. Try to remember that it isn't the cause of the problems between you.

### The law won't monitor a court order for you

Family law is what is called 'civil' law and deals with disputes rather than crimes. If people do not do what the court orders, they are not committing a crime, unless they break a non-molestation injunction. Once the court has made an order, it doesn't check up on you both to see if it's been carried out. If your partner doesn't do what an order says, it's up to you to take it back to the court. This is why it is important to keep all your court papers carefully.

If you ask them to, courts can impose penalties or take action if an order is disobeyed. What the court can do depends on the type of order. Generally, the toughest penalty is that the court can send people to prison for contempt of court. This means that the person is being punished for disobeying the court, not for something that they have done, or not done to you. Judges don't use this very often; they will often try to use other ways of making the order work.

If someone really refuses to obey the court, you may have to be very determined about taking legal action to force them. It may take several hearings and a lot of money before you pin them down in the end.

### The law won't deal with small matters for you

It's an old saying that the law does not concern itself with little things. The contents of your home, your pets, or small amounts of money generally need leaving out of the legal arguments. Of course, if you have a lot of valuables and it seems worth spending lots on legal fees over ownership, you may want to do this. But be warned, the legal costs quickly mount up and swallow the value of all but the most expensive items.

### What I learned...

Most people can sort out the furniture themselves. We decided who got what with the help of a packet of different coloured stickers. There were different coloured stickers all over the house...

# Dealing with your feelings

Divorce and separation, like bereavement, take a long time to get over. You need to get used to being a new person, and no longer part of a couple. It won't come right overnight. People often expect you to bounce back once you've got your divorce sorted but feelings don't fit tidily into legal processes. For most people it takes about one to two years before they start feeling okay again. Bit by bit it should start getting better. Children will also need time to adjust.

## Using outside help

There are lots of places where you can get some help to recover from the effects of divorce and separation. Don't feel bad about asking for help. You can't always do it on your own. There's no shame in asking for help. Some of the places you might turn to are:

- **Friends.**
- **Your GP**, who may know about local places and people who can help. This might include self-help groups and counsellors.
- **Your health visitor**, if you still have small children. Most health visitors are a mine of helpful information.
- **Your local library.** They often keep information about local activities and groups.
- **Counselling services.** Yellow pages or your GP would be good places to start looking.
- **Local self-help groups.** These might be for lone parents, or divorced or separated adults. Gingerbread ([www.gingerbread.org.uk](http://www.gingerbread.org.uk)) have local groups all over the country for lone parents.
- **Mediators and solicitors** generally know about the helpful local networks too.

Be kind to yourself, let things go at their own pace, spoil yourself once in a while. This does not have to be expensive – a cake will do.

## Helping your children

Ending your marriage doesn't stop you being a parent. **You are both going to go on being parents for the rest of your lives.** So what you do about the children matters.

You can get some useful leaflets for you and the children from the Cafcass website: [www.cafcass.gov.uk/publications.aspx](http://www.cafcass.gov.uk/publications.aspx). 'Parenting Plans' is particularly helpful.

It's helpful if you can tell the children together, and if you have already worked out what you are going to say and some of the decisions that you are going to make about them. Children tend to think that it must be their fault – you need to make it clear that it isn't, and that you both still love them very much.

Try to keep domestic routines as much the same as possible. It's tempting to try to make it up to the children with extra treats, but in the long run, this isn't going to help much. Extra cuddles will though, and you might find that they become very clingy for a while.

You need to tell their schools. School-work often suffers because children have other things to concern them. It helps if their teachers know that they may be having a hard time.

## What I learned...

I try not to criticise my ex-partner in front of my children. They need to maintain a good relationship with us both.

## What I learned...

After we split, we got a big year planner and a lot of stickers and sorted out the kids' contact so everyone could see what was happening.

## What I learned...

It took us a while to realise that our children aren't things. We couldn't just divide up their time as though we were serving a cake.

## What I learned...

A lot of things seem out of your control during a divorce. Things that were private are discussed with solicitors, family and friends. But there is one thing that is under your control. You can work with your ex-partner to ensure that your children are protected from the worst anxieties and anger of divorce.

# Planning for the future

## Budgeting and debt

Stretching your joint finances to cover the cost of two homes is going to be tricky. Both of you are likely to end up (at first) poorer than you were. If you are still at the stage where you are considering your options it will be helpful to think through the money side of things.

- Do you know how much you spend, and on what? Most people only have a hazy idea. Use our family budget sheet on page 17 to help you work out where it all goes. You may need to keep all your receipts for a week or so to check what you are spending.
- Council tax will be reduced by 25% if you are the sole adult in the household. You will need to contact your council tax office for the reduction.
- Check what benefits you are entitled to. If you have children, you may be able to claim working tax credit and/or child tax credit.
- Work out how much child maintenance you might be paid or be expected to pay using the calculator on the Child Support Agency website.
- Work out where you could cut your costs. You might:
  - Rearrange some of your debts.
  - Spend less on some things.
  - Find extra ways of earning money.
- If your debts are a problem, ask at your local advice agency about debt advice. They can suggest ways of managing your finances.

### Check your entitlement to state benefits:

[www.dwp.gov.uk/lifeevent/benefits](http://www.dwp.gov.uk/lifeevent/benefits)  
and use HMRC's tax credit calculator  
[www.taxcredits.inlandrevenue.gov.uk/Qualify/DIQHousehold.aspx](http://www.taxcredits.inlandrevenue.gov.uk/Qualify/DIQHousehold.aspx)

If you can't work out what you are entitled to, make an appointment with your local advice centre.

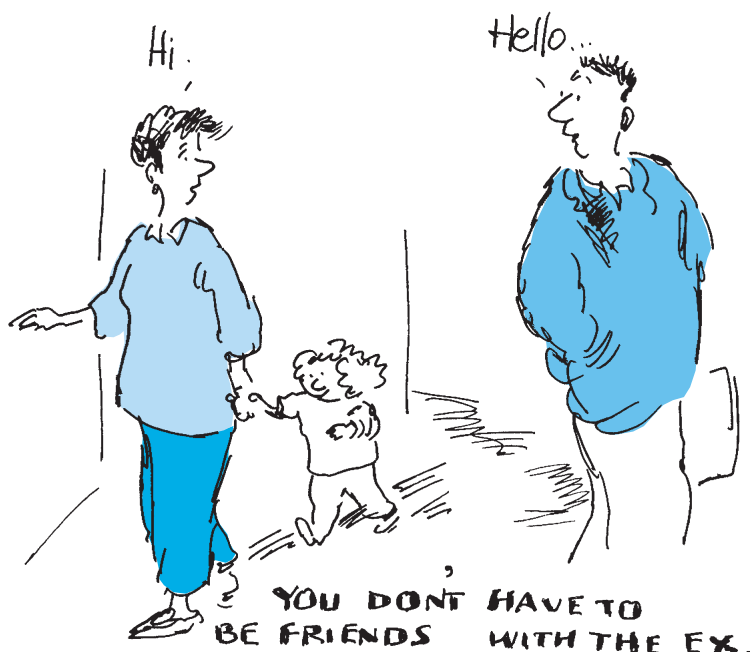
## Where are you going to live?

Have you thought about where you are going to live? You might want to stay put, but it may not be feasible? Finding out about something doesn't commit you to it, but it does enable you to make a proper, informed decision. If you live in a home you own, you need to find out the following things:

- You can ask an estate agent to tell you how much your home might sell for if you put it on the market. Remember that you will need to take off the costs of the sale and the costs of moving to work out what you would be left with.
- Check how much is outstanding on your mortgage.
- If you have an endowment policy, find out what it is worth, both if you cash it in now, and what it will pay when it matures. Sometimes you will get more money if you sell an endowment policy, rather than cash it in.
- Check out your local property market to work out how much another home would cost.

- Consider what is available to rent as well.
- Investigate the possibility of getting a new mortgage. How much would you be able to borrow by yourself and what would it cost you?
- Until you have all this information you can't really say what your options are, and what is going to be best for you.
- If you rent your home, your options may be a bit more limited. You may need to find out about the cost of renting somewhere else, and to find out what council housing or housing association accommodation is available in your area.

**When you're thinking about the future, you need to fantasise a bit. Think about what you would do if a fairy granted you three wishes. Then think about how you might achieve that. Don't just tie yourself down to what you think is likely to happen.**



## Your future career

If you have only been working part-time or not working up till now you may need to think about getting back into the job market. Now is a good time to think about what you want to do in your career.

- Think what you will want to do in five years time. Do you need some new skills?
- Do you want to change your career path?
- What training or qualifications will you need?

If you need to plan for this, or budget for it, now is the time to do it. There is plenty of advice available. For websites see box. You could also ask at your local college, or university. There are courses for people who are returning to education, even if you left school with hardly any qualifications.

### Getting back into the job market

There is specific advice for lone parents:

**[www.jobcentreplus.gov.uk/JCP/Customers/parents](http://www.jobcentreplus.gov.uk/JCP/Customers/parents)**

There's lots of help for lone parents going back to work on the Gingerbread website:

**[www.gingerbread.org.uk](http://www.gingerbread.org.uk)**

## Do you have a will?

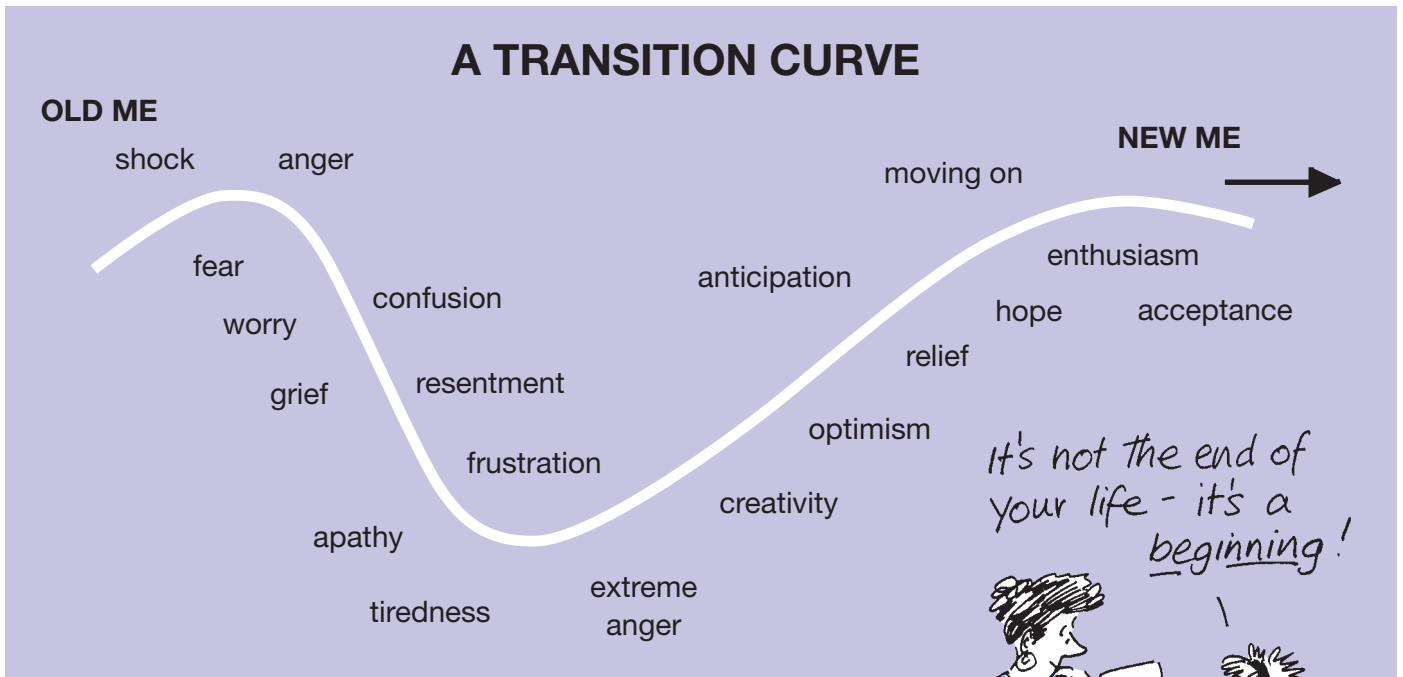
Once you have decided on a separation or divorce you ought to think about making a will, or changing your existing one. If you die without making a will before the divorce is finalised, your partner will be entitled to a large part of your estate (the property that you leave). This might not be what you want to happen. If you have children, you also need to think about providing for them and who you want to take care of them if they are under 18.

Community Legal Advice publish a helpful leaflet called 'Wills and probate'. You can find it on their website at **[www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)**

### What I learned...

I learned to block the endless replays of past events in my head. Remembering the bad things just chained me to the unhappy times. You have to police your thoughts. It is difficult to do at first, but it comes with practice and it is a great technique to help you move on.

# Moving on – there is life after divorce



You'll find it easier as a couple if you can each recognise what you're going through. Most people go through a normal pattern of reaction to a big upheaval in their lives. It's sometimes called a 'transition curve' (see above).



### You want out

If you have already come to the decision that your relationship is over, you may have already come down the left-hand slope and be starting to come back up from the really dark times. But your partner may not have got there yet. Your decision may come as a shock and sent them down the slope.

You may need to wait for them to catch up. You may need to be patient.

At the same time you may have to cope with your possible feelings of guilt, or being blamed for having brought the situation to a head.

### It's a joint decision

If you've both got to the point where you feel it would be best to end your relationship, it may be a bit easier, but the change may affect you both differently and you may adjust to change at different speeds.

You may have different priorities.

You need to be patient with each other and acknowledge what you are both going through.

Even if it is a joint decision to end it, one of you will have to be the petitioner – the person who asks the court for the divorce. You can't, as the law stands, ask jointly. If you want an immediate divorce one of you is going to have to (on paper) 'take the blame'. This will feel unfair.

### Your partner wants to end it

This is probably the hardest position to be in because you have to deal with a situation that you did not want. It may have come as a shock.

You are bound to be very bitter, and to feel scared by the whole prospect. You may feel that you have been pushed headlong down the left-hand slope. Being out of control makes it all seem worse.

It's important that you don't let these feelings spoil you as a person. The curve does turn, as you can see, and you will come back up out of the really dreadful times. Try to think about the future, and what you would like to achieve.

# Jargon buster

The jargon	What it means
<b>Ancillary relief</b>	These are the financial orders that a court can make in a divorce: regular maintenance, a lump sum, or a transfer of property.
<b>Co-respondent</b>	The 'other' man or woman, if the petition is based on adultery. They are rarely named on the paperwork these days.
<b>Conditional order</b>	For a couple ending a civil partnership, the first stage of the divorce is called the conditional order. You are not finally divorced by this.
<b>Decree absolute</b>	For a married couple, this is the final stage of divorce. At this point you stop, legally, being husband and wife.
<b>Decree nisi</b>	For a married couple, this is the first stage of the divorce. You are not finally divorced by this.
<b>Dissolution order</b>	For a couple ending a civil partnership, this is the final stage of divorce. At this point you stop, legally, being civil partners.
<b>Petition</b>	The formal document that tells the court why you want a divorce.
<b>Petitioner</b>	The person who starts the divorce proceedings by filing a <b>petition</b> .
<b>Respondent</b>	The partner who is not the <b>petitioner</b> . The <b>petition</b> is <b>served</b> on them.
<b>Service</b>	Formal delivery of court documents – this can be by post.
<b>Special procedure</b>	Confusingly this is now the normal procedure – the way that the divorce takes place on paper without there being a need for court hearings. It is also sometimes referred to as a 'quickie divorce', even though all undefended divorces now take about the same length of time.
<b>Without prejudice</b>	If a document or a conversation is described as being 'without prejudice' it means that it can't be quoted in court, or shown to a judge. You use the term so that you can explore options in negotiations without being bound to them until everything is agreed.

## FAQs



**How long does a divorce take?**



Once you have filed the papers at court, about 3–6 months for an undefended divorce. But that's just the bit that ends the marriage or civil partnership. Disputes about money or children can take much longer.



**Where can I get court forms and leaflets?**



From your local county court, or download them from [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)



**Will I have to go to court?**



Not for an undefended divorce. You may have to attend a hearing for the money side of things or if you can't agree over the children, but most of these cases settle without facing a judge.

# Helpful books

Relate run a helpful internet bookshop: [www.relate.org.uk/RelateBooks.asp](http://www.relate.org.uk/RelateBooks.asp)

This is a small selection of helpful books:

## **Divorce and your children**

Anne Hooper  
*Harper Collins*

## **Parent Problems: children's views on life after parents have split up**

Bren Neale and Amanda Wade  
*Young Voice*

## **Parent Problems: looking back at our parents' divorce**

Bren Neale and Amanda Wade  
*Young Voice*

## **Breaking up without Cracking Up**

Christopher Compston  
*Harper Collins*

## **The Which? Guide to Divorce and Splitting Up**

Imogen Clout  
*Which? Books*

## **Dad's Place: A New Guide for Fathers after Divorce**

Jill Burrett  
*Angus and Robertson*

## **A Journey Through Single Parenting**

Jill Worth and Christine Tufnell  
*Hodder and Stoughton*

## **Surviving the Break up**

Judith Wallerstein and Joan Kelly  
*Basic Books*

## **Lost Children: a Guide for Separating Parents**

Penny Cross  
*Velvet Glove Publishing*

## **The Family Through Divorce**

Roger Bamber and Janet Reibstein  
*Harper Collins*

## **Helping Children Cope with Divorce**

Rosemary Wells  
*Sheldon Press*

## **Relate guide to second families: living successfully with other people's children**

Suzie Hayman  
*Vermilion*

## **Handbook of Separation and Divorce**

Wendy Mantle  
*Routledge*

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## **Books about negotiating**

### **People Skills**

Robert Bolton  
*Simon & Schuster*

### **Getting to Yes**

Fisher and Ury  
*Random House*

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## **Books for children**

### **Dinosaurs Divorce**

Laurie Krasny Brown and Marc Brown  
*Time Warner Trade Publishing*

### **When Mum and Dad Split Up (Little Wise Guides)**

Lesley Ely  
*Hodder Children's Books*

## **Is this a Daddy Sunday?**

Steve Ann Henshall  
*Monarch Publications*

## **Two of Everything**

Babette Cole  
*Red Fox*

## **Since Dad Left**

Caroline Binch  
*Francis Lincoln Ltd*

## **The Suitcase Kid**

Jacqueline Wilson  
*Corgi*

## **The Bed and Breakfast Star**

Jacqueline Wilson  
*Corgi*

## **Two Homes**

Claire Masurel Kady MacDonald Denton  
*Walker Books*

## **Where has Daddy Gone?**

Trudy Osman  
*Mammoth*

## **Mrs Vole the Vet**

Allan Ahlberg  
*Puffin*

## **How do I feel about – My Stepfamily**

Julie Johnson  
*Franklin Watts*

## **How do I feel about – My parents' divorce**

Julia Cole  
*Franklin Watts*

# Budget

When filling this in, remember that there are 4.33 weeks in a month, not just 4.

**Item** **£ per month**

## ACCOMMODATION COSTS

Mortgage/Rent \_\_\_\_\_ £ \_\_\_\_\_  
 Endowment policy linked to mortgage \_\_\_\_\_ £ \_\_\_\_\_  
 Council tax \_\_\_\_\_ £ \_\_\_\_\_  
 Water rates \_\_\_\_\_ £ \_\_\_\_\_  
 Electricity \_\_\_\_\_ £ \_\_\_\_\_  
 Gas \_\_\_\_\_ £ \_\_\_\_\_  
 Telephone \_\_\_\_\_ £ \_\_\_\_\_  
 Service charge \_\_\_\_\_ £ \_\_\_\_\_  
 Ground rent \_\_\_\_\_ £ \_\_\_\_\_  
 Oil/Solid fuel \_\_\_\_\_ £ \_\_\_\_\_

## HOUSEHOLD EXPENSES

Food/housekeeping \_\_\_\_\_ £ \_\_\_\_\_  
 House insurance \_\_\_\_\_ £ \_\_\_\_\_  
 Contents insurance \_\_\_\_\_ £ \_\_\_\_\_  
 Repairs/service contracts \_\_\_\_\_ £ \_\_\_\_\_  
 Cleaner \_\_\_\_\_ £ \_\_\_\_\_  
 T.V. licence \_\_\_\_\_ £ \_\_\_\_\_  
 T.V./video/DVD hire \_\_\_\_\_ £ \_\_\_\_\_  
 Sky/Broadband provision \_\_\_\_\_ £ \_\_\_\_\_  
 Gardener \_\_\_\_\_ £ \_\_\_\_\_

## CAR

Insurance \_\_\_\_\_ £ \_\_\_\_\_  
 Road tax \_\_\_\_\_ £ \_\_\_\_\_  
 Maintenance \_\_\_\_\_ £ \_\_\_\_\_  
 Petrol \_\_\_\_\_ £ \_\_\_\_\_  
 Loan for car purchase (will end 20 ) \_\_\_\_\_ £ \_\_\_\_\_

## CHILDREN

### School expenses

Travel to school \_\_\_\_\_ £ \_\_\_\_\_  
 School dinners \_\_\_\_\_ £ \_\_\_\_\_  
 Uniform \_\_\_\_\_ £ \_\_\_\_\_  
 Outings and trips \_\_\_\_\_ £ \_\_\_\_\_

**Item** **£ per month**

School fees \_\_\_\_\_ £ \_\_\_\_\_  
 Other school expenses \_\_\_\_\_ £ \_\_\_\_\_  
 Clubs or private lessons \_\_\_\_\_ £ \_\_\_\_\_

### Out of school

Clothes and shoes \_\_\_\_\_ £ \_\_\_\_\_  
 Nappies \_\_\_\_\_ £ \_\_\_\_\_  
 Doctor \_\_\_\_\_ £ \_\_\_\_\_  
 Dentist \_\_\_\_\_ £ \_\_\_\_\_  
 Optician (contact lenses/spectacles) \_\_\_\_\_ £ \_\_\_\_\_  
 Childminder (gross cost) \_\_\_\_\_ £ \_\_\_\_\_  
 Hairdressing \_\_\_\_\_ £ \_\_\_\_\_  
 Books and toys \_\_\_\_\_ £ \_\_\_\_\_  
 Christmas and birthdays \_\_\_\_\_ £ \_\_\_\_\_

## PERSONAL EXPENSES

Clothes and shoes \_\_\_\_\_ £ \_\_\_\_\_  
 Hairdressing \_\_\_\_\_ £ \_\_\_\_\_  
 Doctor \_\_\_\_\_ £ \_\_\_\_\_  
 Dentist \_\_\_\_\_ £ \_\_\_\_\_  
 Optician (contact lenses/spectacles) \_\_\_\_\_ £ \_\_\_\_\_  
 Prescription charges \_\_\_\_\_ £ \_\_\_\_\_  
 Dry cleaning \_\_\_\_\_ £ \_\_\_\_\_  
 Entertainment \_\_\_\_\_ £ \_\_\_\_\_  
 Travel to work \_\_\_\_\_ £ \_\_\_\_\_  
 Lunches at work \_\_\_\_\_ £ \_\_\_\_\_  
 Holidays \_\_\_\_\_ £ \_\_\_\_\_  
 Subscriptions \_\_\_\_\_ £ \_\_\_\_\_

**OTHER ACCOMMODATION** \_\_\_\_\_ £ \_\_\_\_\_

**Other items** \_\_\_\_\_ £ \_\_\_\_\_  
 \_\_\_\_\_ £ \_\_\_\_\_  
 \_\_\_\_\_ £ \_\_\_\_\_  
 \_\_\_\_\_ £ \_\_\_\_\_

**TOTAL** \_\_\_\_\_ £ \_\_\_\_\_

This information is produced by Advicenow. Other guides include:

- How to avoid identity theft
- 10 steps to sorting out your debts
- LivingTogether
- Family Mediation
- Dealing with bailiffs
- Working parents
- Trouble at school
- Unfair dismissal
- Is that discrimination?
- Homeless and young?  
Get your foot in the door ...
- How to get good asylum advice
- Support for asylum seekers in the UK
- How to handle an interview under caution
- Turned down for DLA/AA? Think you're not getting enough?
- Claiming compensation
- Dealing with discrimination
- Parents apart
- Young workers
- What's a contract?
- Do I need a lawyer?
- Seven steps to solving a problem

You can read or download all these guides and more at [www.advicenow.org.uk](http://www.advicenow.org.uk)

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**The information in this guide applies to England and Wales only.**

**The law is complicated and every case is different. Get advice.**

Written by Imogen Clout.

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If you have any comments on this guide, please email us at [feedback@advicenow.org.uk](mailto:feedback@advicenow.org.uk)



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