

RELATIONSHIP BREAKDOWN

A guide to helping you move on.



QualitySolicitors
Brennans



A guide to help you

We understand just how stressful and upsetting ending a relationship can be. We're here to make things as simple and stress-free as possible. In this guide we've given you the key things we think you need to know when it comes to getting a divorce or separating, but if there's anything we've not covered or you want to know more about, please get in touch or call in to speak to us, we're always happy to help.



Your divorce and separation solicitors

Whether you're just at the stage of thinking about separating or further along in the process, getting the right lawyer is vital – legal knowledge and expertise are important, so is customer service and support. Our local divorce lawyers excel on all fronts and will work to get the best outcome for you.



We are local

We offer a range of divorce services, all of which can be tailored to your personal circumstances by our expert lawyers. Please call us or use our online divorce assistant at www.qualitysolicitors.com/brennans for help in deciding which one is right for you. Alternatively, you can come and see us to talk through your options – that's the nice thing about us being local.



Helen Locke
Solicitor



Sue Melvin
Solicitor



Julie Simpson
Paralegal



A QualitySolicitors guide

Disclaimer:

This guide is provided for information purposes only. We have done our best to ensure that the information contained in this guide is correct as of 03.01.2014. It applies only to England and Wales. However, the guide has no legal force and the information may become inaccurate over time, due to changes in the law. It is not possible to cover every situation or point in this type of guide and some of the information is over-simplified. The information in this guide does not constitute legal advice and we will not be liable to you if you rely on this information. Before you take any action, you should find out how the law applies to you and your particular situation by taking legal advice as soon as possible (to avoid any deadlines that may apply). Please get in touch as we offer a range of affordable services and options.



Getting divorced – the steps involved

In this guide we've used the term 'partner' to describe the person you are separating from. We have also used the terms 'divorce' and 'marriage' in the everyday sense which also covers the ending of same-sex civil partnerships.



Complete petition form

The legal process starts with completing the petition where you ask the court for permission to divorce. You must show you meet the legal ground for divorce (as detailed on page 4 of this guide). You will need to send the completed form, along with a fee to the court.



Arrangements for children

If you have children, you will have to agree on how they will be looked after, housed and paid for – confirmed in a form sent to the court. If you can't agree, a judge may need to decide what is best and can delay your divorce until they are happy with your plans.



Mediation for arrangements relating to children and finances

Mediation is an optional stage to help you and your partner reach agreement over the arrangements for your children, home and finances. Mediation can start at any stage in the process. See the checklist of issues to resolve on page 5 of this guide.



Court order

A judge will review the forms completed by you and your partner. If they think you have met the grounds for divorce and are happy with what you've agreed for any children, you'll be given a conditional order or decree nisi.



Financial arrangements

Every couple who separate will need to agree how they distribute their home, money, possessions, savings and pension. We can provide guidance on what the court is likely to consider fair. If you can agree we can help you record this in a legally binding court order. If you can't agree, we can help with negotiations, and if necessary help you apply for a judge to decide what's fair. Financial disputes can continue after you're divorced.



Certificate for divorce or dissolution (ending the marriage or civil partnership)

After a cooling off period (six weeks and one day from getting the court order at Step 4), you can apply for the divorce or dissolution to be finalised. If everything is in order, the court will send you a certificate called a 'decree absolute' or 'final order'. At this point your marriage or civil partnership is officially ended.



The ground for divorce

To divorce in England and Wales you have to show your marriage or civil partnership has reached the point that it cannot be saved – the official term is “irretrievable breakdown of marriage”.

You do this by showing your circumstances fit one of the following five situations:

1 Adultery

This means your partner has had sex with someone else during your marriage and as a result you find it intolerable to live with him or her. This applies to marriages only, not civil partnerships.

2 Behaviour

This is the most common reason used. You find your partner’s behaviour to be so unreasonable that you should not be expected to continue living with him or her. Examples might include:

- Drunkenness or drug taking
- Gambling
- Lack of emotional support
- Showing no interest in you and/or your children
- Wasting money or failing to pay towards running the home
- Violent behaviour

3 Desertion

Your partner has left you for at least two years and you did not agree to a separation.

4 Two years separation

You have been living apart for at least two years by the time paperwork is sent to court. Also you both agree to getting divorced. This can still apply when you are living separately in the same house.

5 Five years separation

You can prove you’ve been living apart for five years. You can rely on this fact even if your partner does not agree to getting a divorce.

Issues to discuss and try to resolve

If you can, it’s a good idea to discuss certain matters regarding your children and finances, to help ease the process of separating for you and your children.

Often help is needed in reaching agreement – using mediation, so this list can also be helpful preparation.

Child related issues:

- 1 Where will the children live as their main home?
- 2 Which of you will live with the children in their main home, with day to day responsibility to look after them?
- 3 How much time will the children spend with their other parent and what will the arrangements be (including hand-overs)?
- 4 What will the arrangements be during school holidays, birthdays, Christmas, holidays abroad and for special occasions?
- 5 What will the arrangements be for any step-children (where only one of you is the biological parent)?
- 6 How often will the children visit or have contact with others such as their grandparents?
- 7 Will any special arrangements (such as supervised contact) be needed to protect the children?
- 8 Will any changes need to be made to where your children go to school?
- 9 How will you both make important decisions about your children’s future – such as their education and medical treatment?
- 10 Who will pay what in relation to the children? Do you agree to an assessment by the Child Support Agency?
- 11 Are any additional payments needed for children such as to continue private education, to cover special health needs or to cover step-children?

Financial related issues:

- 1 What will happen to your family home? Will it be sold or will one of you continue to live there?
- 2 How will the mortgage or rent be paid whilst everything is sorted out?
- 3 Where will the other live and how can you afford two homes?
- 4 Are there credit cards, overdrafts, debts and loans that will need to be paid off?
- 5 How will your money and savings be sorted out? Do any joint accounts need to be closed or frozen?
- 6 How will all of your other property, vehicles and personal possessions be distributed between you?
- 7 How will pension funds be shared between you both?
- 8 If either of you own a business – how will that be dealt with?



Tips to reduce the upset to your children

Parents separating can be traumatic for children. It may even have come as a surprise to them, especially if you kept any disagreements behind closed doors.

There are steps you can take to reduce the impact on them:

Agree behaviour in front of children

You and your partner should try to agree ground rules for how you will act together to reduce the impact of your separation on your children.

Listen to your children

Listen to how they feel. They could be feeling angry, frightened or worried. They are entitled to be deeply affected by your decision to separate. You should not stop your children talking just because you don't like what you hear.

Ideally choose a time when both you and the children are feeling happy – perhaps when you get home after a successful daytrip. With younger children they may use other ways to express their feelings such as drawings. Ask about the drawings; this can be a good way to start your child talking about their feelings. If it is not possible to do this yourself, speak to your GP about finding a professional counsellor.

Clearly tell your children you love them

Ideally tell them that you and your former partner both agree on this. Make sure they know they're safe and will always be cared for.

Keep talking to your children during any disputes over money or contact arrangements and beyond. This can make a big difference to your children. This can be even more important as they reach their teens and start to form their own relationships.

Never criticise your former partner in front of the children

It can be tempting, but is unfair on your children. Children can feel you are criticising them too.

Do not use your children as messengers

If you need to speak to your former partner about something, you should do it yourself. Children resent being put in the middle. If it is hard for you to talk face to face, then write a letter or email.

Treat your former partner with respect in front of the children

It will reduce trauma inflicted on your children. They quite naturally want both parents to continue to get on together, even if they accept you cannot live together.

Try to both co-operate over issues relating to your children

Disputes will hurt your children. The more co-operative you both are the more the emotional stress will be reduced for everyone.

Try to agree arrangements where both parents remain actively involved

Statistics show that children who continue to have a positive relationship with both parents will have a better start to life, do better at school and stay out of trouble.



How we can help you

Free First Advice

- ✓ Find out how we can help you.
- ✓ Confidential telephone service, available at a time convenient to you.
- ✓ Understand the different services available and their cost.
- ✓ No obligation – suitable for those still thinking about divorce.

FREE

Ask the Legal Expert

- ✓ 45 minutes expert advice from a specialist divorce lawyer.
- ✓ Usually a face to face meeting, but can be by phone if more convenient for you.
- ✓ Discuss anything worrying you – money, children and property.
- ✓ Find out how similar situations to yours have worked out.
- ✓ Suitable if you're still at the stage of thinking about separating or getting a divorce and want to know more.
- ✓ Also suitable for those doing their own divorce and who need some expert help.

**Only
£99
inc. VAT**

Divorce certificate

For married couples who'll need a certificate of divorce (called a 'decree absolute') we offer two options:

Option 1: Lawyer-assisted service

- ✓ You can choose to keep the costs down by doing much of the work yourself.
- ✓ You both agree to getting divorced.
- ✓ We'll give you some guidance by telephone.
- ✓ We'll also check through the legal paperwork for you before you submit it to the court.

Option 2: Fixed price service

- ✓ We do everything necessary to obtain your divorce certificate (called a 'decree absolute'), from start to finish.
- ✓ Fixed price given upfront with no hidden costs.
- ✓ Local, expert divorce lawyers and in-person advice.

Visit www.qualitysolicitors.com/brennans/services/family-law or speak to a member of staff for our First Contact Team

Disputes over the children, home or finances

- ✓ High quality service from expert, quality-checked divorce lawyers.
- ✓ Service to resolve disputes over the distribution of your home, property, money, savings, investments and pension.
- ✓ Service also covers the situation where the divorce or separation isn't agreed.
- ✓ We'll support you if it becomes necessary to use the court to get a judge to decide.
- ✓ Service to resolve disputes over the arrangements for your children.
- ✓ We give help with negotiations, working to get the best outcome for you.
- ✓ Value for money and no hidden costs.

Who are QualitySolicitors?

Your local legal experts

With 200 branches across the UK, our solicitors are local, approachable and professional – all of them meeting rigorous quality standards to be part of our network. Everything we do is designed to make life easier and less stressful for you when dealing with your legal matter. You can count on us to be professional, easy to get hold of and to keep you fully informed of what we're doing and the progress of your case. We're also open on Saturdays. So whatever else is going on in your life, dealing with QualitySolicitors won't be a hassle.

QualitySolicitors offer the following key promises:



Direct lawyer contact



Free First Advice



Saturday openings*



No hidden costs



Same-day response

*Contact your local office for availability on Saturdays

Next steps

The first step is to call us and use our **Free First Advice** service. You'll speak with a friendly legal assistant who will take your details and find out what you're aiming to achieve. They will then arrange a convenient time for you to be called back for a confidential chat with one of our lawyers.

- Call us on 0191 262 5133
- If you'd prefer to arrange the free lawyer call back online go to www.qualitysolicitors.com/brennans

Before you decide to instruct us to act for you, you may first want to have some specific questions and concerns answered.

We offer a 45 minute, one to one, face to face advice service. This is confidential and with no obligation to go on to use our services.

We call this our £99 Ask the Legal Expert service. To find out more:

- Pick up an Ask the Legal Expert brochure when you visit one of our branches and don't hesitate to call us.
- If you'd prefer to arrange the Ask the Legal Expert meeting online, go to www.qualitysolicitors.com/ALE



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