




Our
10 Top Tips
regarding
Divorce





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I can't believe how quick the divorce has been and how helpful you have been.



Many thanks for your continued support and help to bring about a speedy conclusion to my divorce proceedings.



I would just like to thank you for helping me in the past with my divorce. You did far more for me than the previous 3 solicitors did. If I need your services in the future, I wouldn't hesitate to contact you. Many thanks.



Divorce

There comes a time after every relationship breakdown when the practicalities of separation must be tackled head on. When that relationship is a marriage, it's more complicated.

There are formal steps which need to be taken to put in place fair and proper arrangements to do with money, children, property and other possessions. Untying the threads of a marriage takes time, attention to detail and strength of character. It also takes a good support network.

Here are our top tips for getting it right.



01

Am I ready to divorce?

It's not unheard of for divorce proceedings to reignite a couple's relationship. Strange as it may sound, the prospect of a line being drawn under the marriage and embarking on a period of separate life can bring home the value of what a couple had. That realisation can dawn some way down the line when things have already started to get expensive, so it's important to be as sure as you possibly can be that your marriage is over before heading down the divorce route.

02



Am I eligible to divorce?

Your marriage must have lasted at least one year before you're able to divorce. Another prerequisite is that the marriage has irretrievably broken down. In real terms that means proving one of the following: adultery, unreasonable behaviour, desertion, two years' separation with your partner's consent, or five years' separation. It's worth looking at these individually:

Adultery

Adultery is where a married person has sexual intercourse with a person of the opposite sex who isn't their husband or wife. If they had sexual intercourse with a person of the same sex then that can instead be used as an example of unreasonable behaviour. If you are alleging adultery then be aware that you cannot rely on it as the basis for your divorce if you carried on living with your spouse for more than six months after finding out about the adultery.

Unreasonable behaviour

This is quite a wide category. Unreasonable behaviour does not need to be extreme for it to satisfy the definition – it can often be quite mild. Examples are the lack of affection or emotional support, but it also includes aggressive or controlling behaviour as well as physical violence.

Desertion

This is rarely relied on these days. That's mainly because it is difficult to prove and there are usually other reasons that can be relied on instead. The desertion has to be for a continuous period of at least two years immediately before the petition is filed at Court. In many cases, that continuous period is broken and so desertion cannot be established.

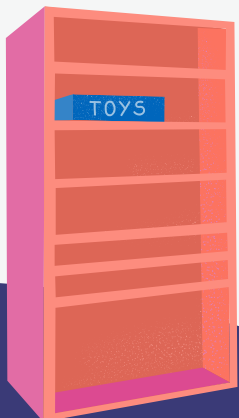
Two years' separation

If you are going to rely on this reason then you need your partner's consent to the divorce.

Legal separation means that both parties are living completely separate lives. You can still live in the same house but you aren't living as a couple - for example, you don't sleep together, cook and eat together, or carry out domestic tasks for one another.

Five years' separation

When a husband and wife have been living separately for five years then either one of them does not need the other's consent to divorce. Timing is important: the actual date of separation is not counted when calculating the period of separation.



03

When should I seek advice from a lawyer?

The idea of going to see a family lawyer may seem like a big step to take and one which will bring home the reality of your situation. The support of a good solicitor really can make the divorce process a lot easier to handle. Find someone you like, who understands your situation and who you trust to fight your corner.

04

Will I need details about finances?

Many of our clients have never had to deal with family finances. Relationships often work that way, with one spouse handling the mortgage and investments and the other playing a different (but just as significant) part in running the house. When it comes to dividing assets and apportioning liabilities, each person needs some understanding of where they stand. We can help with that - it's what we do - but any solicitor will ask you for certain pieces of financial information. So start pulling these together as soon as you can.

05

What if I don't quite understand part of the process?

We understand that you're going through a very difficult time. You need advice, reassurance and support - and you should never be afraid to ask your solicitor a question because you think you should know the answer. You can count on us having been asked every "silly" question plenty of times before.

“Never be afraid to ask your solicitor a question.”



06

Will I need to go to court?

Not every divorce culminates in a court hearing. There are alternatives which your solicitor will be able to discuss with you. Mediation and collaborative law are just two frequently used routes to amicable settlement; they may be right for you.

07

Is it useful to try to see things from your spouse's perspective?

This could well be the last thing you're inclined to do, but it can make a positive difference to the divorce process. Imagine, for example, that you accepted some time ago that your marriage was over. Your spouse might be taking longer to come to terms with that. Recognising this will help you understand why they now behave as they do (perhaps they are reluctant to move the process on). We're not saying that you should accommodate your spouse at the expense of getting the resolution you need, but it's helpful to get the measure of them and of the situation.

08

Will there be a need to compromise?

We fight hard for our clients, but we always advise them to be realistic and reasonable. That doesn't mean giving in and it doesn't mean losing; it's about being clear on what really matters.





09

Will there be formalities and deadlines to deal with?

Your solicitor will explain the divorce process to you. As you'd probably expect there are rules about what must be done and when, and it's important to take these on board. For example, your solicitor will ask you for your original marriage certificate because this will need to be filed at court when you issue your divorce petition. There will be court deadlines to adhere to and documents to be prepared on time, so you should expect your solicitor to be contacting you fairly regularly.

10

Can divorce be a positive experience?

Divorce is all-consuming. It can be stressful, emotional and tiring, but the process won't go on forever. Treat it as a stepping stone to a new life in which the past is an influence, but the future is what counts. We are alongside clients when things are tough and we're there when they come out the other side – and they do!



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