

Divorce

- a survival toolkit

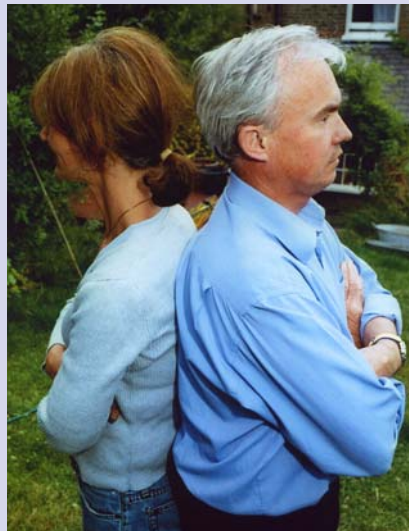
“The question of right and wrong just doesn’t come into it...”

Anni was shocked by Michael’s announcement - but now the divorce is over she is optimistic about the future

“ We had been married for 13 years and I thought Michael was my best friend. We had a daughter, Beth, who was eight. Looking back, I can see that Michael’s behaviour had changed a few months before he announced that he wanted a separation. Our marriage stuttered along for a few more months. I was frantic, wanting to go for counselling and find ways to resolve the problems he saw in our relationship. He just wanted to talk about leaving. Then he told me that he had begun a new relationship with someone at his work. He said he’d had other affairs throughout our marriage, and he was leaving.

The certainties of your life just disintegrate. In the middle of the chaos, you have to hold life together. I had a daughter and a demanding job. We were both determined to shield Beth from the painful emotions and, despite a hostile and angry divorce, we did manage to achieve this.

I started the divorce proceedings, citing 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’d sorted out the legal issues more quickly, but it was hard to think



clearly - I was so confused and stressed. Our financial situation was complicated, and Michael’s solicitor was aggressive. I was also clinging to the idea that there would be some ‘justice’ in the settlement, and that the court would punish Michael for what he’d done. But in the end you realise that the financial side of divorce only deals with the money; the question of right and wrong just doesn’t come into it.

We didn’t go for mediation on the financial issues. I was frightened that I would be bullied and browbeaten by Michael. However, Michael was unhappy about contact arrangements with Beth, and I agreed to mediation on this - I was determined to keep her away from the family courts.

The mediator was great. She

allowed us to frankly say what we thought and what we wanted, and she managed the situation so that neither of us felt under attack. We achieved a solution that meant that Beth’s wishes came first. Beth has plenty of contact with her father, but the arrangements are flexible and Beth has a secure home.

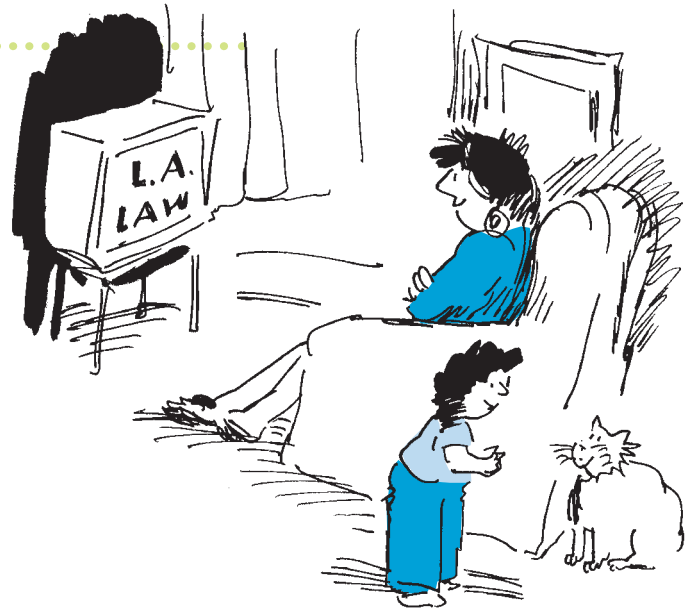
It’s now three years since Michael left. Life is very different. Only when the legal proceedings are finished can you begin to move on. You have to let go of the past. This doesn’t mean Michael and I are friends - we have little contact with each other, and we use email to fix up Beth’s schedule. Once life stabilises, 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 doesn’t care for me.

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How are you feeling?

'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.'



DON'T BELIEVE TV DIVORCE FICTION.

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 the idea of being involved in the law, over children (if you have any). This is a normal reaction. And bit by bit things will start to sort 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 messy it feels. It would be nice to think that you were going to slot into a system where there were clear answers to all your questions and worries. In fact, you may feel so anxious that you don't notice very much at first; it all seems a bit of a blur.

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.

'When it started I felt a sense of shame. I didn't want to be mixed up in the law - it felt like I'd done a crime. And panic. I was sure lawyers were going to be very expensive.'

How the law works

TV and the press 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, so here are some key points to bear in mind.

You probably won't 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 may well be a lot of argument before it gets started about who is going to start it and why, but once the papers are filed most cases don't get defended. Mostly, this is for the very good reason that it costs a fortune and isn't worth it in the end.

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 stilted legal language. But it's still your divorce. If you don't like what your lawyer has written, say so. If you don't understand it, don't be afraid to ask.

Lawyers are expensive

One thing the media don't get wrong is the cost of lawyers. It will be expensive, and even if you get legal aid (see box on page 4) you will have to pay it back if you end up with 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.

'I put much more money into the family than my husband. 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.'

The law is neutral

Family law gives men and women equal rights. If you believe some of the things that you read in the media you might think that family law favoured men over women, or vice versa. But the law as it is written is not biased. For example, a woman can be ordered to pay maintenance to a man, just as a man can be ordered to pay it to a woman. 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 breadwinner 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 sorted out. But it counts only if it has been really bad. Generally speaking, you can't use the financial settlement to punish your husband or wife for their past bad behaviour or to get a reward for what you see as your good conduct - it just doesn't work like that. This is because when it comes to working out the money the attitude of the court is future-focused. 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. Apart from maintenance for children, 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 husband or wife 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.



'LIKE WOOL, DIVORCE UNSCRAMBLES ITSELF' - WITH A LITTLE PATIENCE...

'It's like unravelling a tangled ball of string or a fishing line. 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.'

Finding a solicitor

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



Resolution - first for family law

(formerly Solicitors Family Law Association)
PO Box 302
Orpington
Kent BR6 8QX
Tel: 01689 850227
info@resolution.org.uk
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. You can check the list of members in your area on their website or they will send you one for your area.

The Law Society Family Law Panel

Ipsley Court
Berrington Close
Redditch
Worcestershire
B98 0TD
Tel: 0870 606 6575
info.services@lawsociety.org.uk
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 be vetted. You can also use the website to find solicitors local to you.

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 Legal Help section of the Community Legal Service Direct website at www.clsdirect.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 at www.legalservices.gov.uk/public/help/leaflets.asp

Remember that if you end up with money or a house after a divorce, you have to pay back the LSC. The way they get their share is called the 'statutory charge'. There is a leaflet about this that you should read. Go to the Legal Service Commission website at www.legalservices.gov.uk and type 'statutory charge' in the search box.

Community Legal Service Direct

Tel: 0845 608 1122
www.clsdirect.org.uk
This website gives you quick links to solicitors in your area listed under the sort of work they do. Community Legal Service Direct also publish some helpful leaflets, which you can download from the Legal Help section of the website: Divorce and Separation, which has more about the legal side of divorce, and Domestic Violence, Abuse and Harassment, with advice if you or someone you know is being hurt at home.

Grounds for divorce

There is only one 'ground' (reason) for divorce: that is that the marriage has broken down irretrievably. But you can't simply say that to a court. You have to prove the breakdown by fitting your circumstances into one of five 'facts':

- A** Adultery
- 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, called the 'petitioner'.

You don't need for 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 'fact' because you also have to show the court that you find it 'intolerable' to go on living together. You do not have to name the other person, called the 'co-respondent'

Unreasonable behaviour

This can cover all sorts of behaviour, provided you find it impossible to live with any longer. It can include persistent violence, insults, coldness, disgusting personal hygiene, inadequate sex - and more besides. Most divorce petitions based on this fact will have about four to six short paragraphs describing different aspects of behaviour.

You need two years' separation for:

Desertion

This means that your husband or wife has left you (against your will) and you have been living apart for at least two years. However, since you can get a divorce if you have been living apart for two years and you both agree to it, this 'fact' is not used very often, because most couples do manage to agree about this.

Two years' separation, with consent

Even if you both agree to the divorce, one person still has to be the petitioner - 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, but this doesn't count towards the two years.

Or, there's

Five years' separation

If you can't get your husband or wife to agree to a divorce and you don't fit into the other 'facts', you may have to wait until you have been apart for five years and then use this 'fact'. Your husband or wife 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 is rare.



'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.'

The divorce process

If you want a divorce you have to work out how your situation fits with what the law lays down. The box on the previous page sets out the grounds for divorce and what the legal terms mean.

One of you will have to be the **'petitioner'** - 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 be the petitioner even though it's seldom only one person's fault. But this can be difficult because it ends up looking

as though the respondent is to 'blame' for the marriage breakdown. This can be hard for the respondent, even though it shouldn't prejudice him or her 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 be quicker.

Once you have decided who is going to ask the court for the divorce, there is a series of steps to go through - we've set it out a bit like a board game - see 'Clued Up' on page 7.

Petitioner

The person who starts the divorce

Respondent

The person being divorced

Decree Nisi

The first stage of the divorce

Decree Absolute

The final stage of the divorce. You stop being husband and wife

How children's and financial issues fit in

While the divorce proceedings themselves are going on, other issues can be resolved about money or children. These often get sorted out without any going to court, particularly questions about children. If you do have to use the

court, these matters run separately, but alongside the divorce proceedings. So a judge won't, for instance, be hearing arguments about children and the money at the same time.

At some stages the timing of the divorce proceedings influence these other issues.

CHILDREN'S ISSUES

These can be started at any time before or during the divorce

Decree Nisi could be delayed if there are still arguments about where the children are to live or over contact

Court may refuse to Grant Decree Absolute if arrangements for children are not satisfactory

DIVORCE PROCEEDINGS

Divorce is filed



Decree Nisi



Decree Absolute



FINANCIAL ISSUES

These can only be started once the divorce has been filed



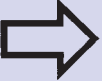








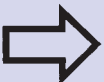

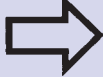











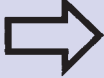


















The court can't make a final order before Decree Nisi

The order can only take effect on Decree Absolute

Clued up

In this case Red  wants to divorce Blue 

Their solicitors exchange letters and agree that Red will file a petition based on Blue's behaviour and Blue agrees not to defend it. This is how the proceedings go, step by step. If they had no children, it would start at square 5.

<p>1 START Red's solicitors complete a form telling the court about the proposed arrangements for the children and send it to Blue to sign.</p>	<p>2   </p>	<p>3 BLUE agrees the details on the form, signs it and sends it back to Red's solicitors </p>	<p>4  </p>
<p>8 The Court checks the papers, gives Red's case a number, and sends the papers to Blue</p>	<p>7 </p>	<p>6  </p>	<p>5 Red's solicitors send the petition and the children's form to the Court for 'filing' </p>
<p>9   </p>	<p>10 Blue completes the answers to the questions on the acknowledgement of service and sends it back to the Court</p>	<p>11  </p>	<p>12 The Court photocopies the acknowledgement and sends Red's solicitors a copy </p>
<p>16 The forms are filed at the court and Red asks the court to fix a date for Decree Nisi</p>	<p>15   </p>	<p>14 Red's solicitors complete the forms to ask the case to go ahead. Red has to swear a statement saying the petition is true</p>	<p>13  </p>
<p>17   </p>	<p>18 The District Judge reads the file. If it is all in order the court fixes a date for Decree Nisi and issues a certificate saying the arrangements for the children are approved </p>	<p>19 Letters confirming this go to Red and Blue </p>	<p>20    </p>
<p>24   </p>	<p>23 Six weeks and one day after Decree Nisi Red can apply for Decree Absolute, by sending a form to the Court</p>	<p>22    </p>	<p>21   Decree nisi is made. A copy is sent to both Red and Blue</p>
<p>25 </p>	<p>26 The Court checks the file and issues the Decree Absolute, sending a copy to both Red and Blue</p>	<p>27     They are finally divorced</p>	<p>If Red does not apply Blue can apply three months after the 6 week period has elapsed. Red has to be told about this and may oppose it</p>

Using the law

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 lawyer and reduce the stress that it will cause you.

Working with your lawyer

Your lawyer 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 lawyer should be able to see both sides of the case and advise you realistically.

A lawyer should be friendly, but don't try to make him or her your friend. You need someone with a bit of detachment.



How lawyers should deal with cases

All family lawyers should observe the Family Law Protocol. This is a code of practice that says how solicitors should deal with their clients and the court. If you want a copy of this, you can buy one from the Law Society (see www.lawsociety.org.uk for details).

Members of the organisation Resolution have a code of practice they must follow. You can find a copy on their website at www.resolution.org.uk/code_practice.php

Remember that you are paying for your lawyer's professional advice. They have to tell you what they think is best for you, and you cannot just expect them to do what you tell them.

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

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

Keeping papers

Even if you have never kept your papers tidy before, you must start doing so now. You'll need things like bills and mortgage statements for the money side of your case and you need to keep the legal papers in order as well.

Get a ring binder and stick all the letters from your lawyer in it, in the order they come. Keep copies of any letters that you write there too.

Stick any court documents that you get in a separate folder and keep it in a safe place - if you lose these documents, you'll have to pay to get official copies.

Making notes and agendas for conversations

When you're upset and stressed, conversations can ramble. You will cut time and costs if you think out what you want to say before a meeting or phone call. Make a list of the points you need to cover and tick them off as you go. Your lawyer 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

Alternatives to law

Having a solicitor each isn't the only way of solving your problems. There are other ways of getting to an agreement. These are becoming much more popular and well-known.

Mediation

More and more people are using mediation to help them. With mediation, you have a series of meetings with a mediator, who helps you to work out what the issues are that you need to sort out, what all your possible options are and how you can sort things out fairly between you and your husband or wife. Mediators don't give legal advice, but they know 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 lawyer to get it put into a legally-binding form.

The advantages of mediation are that it tends to be cheaper than using lawyers, it tries to keep things amicable and help you to keep talking to each other, and the

outcome is something that you create, rather than something that is imposed on you.

Some people go first to solicitors and then use mediators to help sort out the money, or matters about the children. Some people go to mediators first and then go their solicitors once they have reached an agreement.

On average, a couple will need between three to six meetings with a mediator to get everything sorted out.

Mediators generally charge by the hour, on a sliding scale according to your income. Expect to pay for each meeting as it takes place. You can get legal aid to cover it if your income is low enough. The 'statutory charge' (see 'Costs and Legal Aid' on page 4) does not apply to legal aid for mediation, so you don't have to pay the cost of this back.

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

'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'

Common sense and people skills

You can learn to use some of the skills that mediators or lawyers 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. It's difficult, when you're hurting badly, to put this into practice, but it's worth making the effort, especially if you have children.

Collaborative law

Collaborative law is fairly new to this country and at the moment there are few lawyers qualified to practise it. They are mostly based in the south of England.

With this system, you each have a collaborative lawyer. You agree 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 of your lawyers. It's a bit like mediation with legal advice at the same time.

It should be cheaper than the conventional way of instructing solicitors because you use less of your lawyers' time. Like mediation, it aims for an amicable solution that both of you have worked out, rather than one that has been imposed on you. Collaborative lawyers will also have a network of other experts and counsellors that you can use if you need to.

Finding a mediator

There are several ways of finding a mediator in your area:

- The UK College of Family Mediators
Alexander House
Telephone Avenue
Bristol BS1 4BS
Tel: 0117 904 7223
www.ukcfm.co.uk
- Community Legal Service Direct
www.clsdirect.org.uk
- Members of Resolution, the organisation of family lawyers, are often also mediators.
www.resolution.org.uk
- Look in *Yellow Pages* under 'mediation'.

Finding a collaborative lawyer

You can find a collaborative lawyer in your area through Collaborative Family Law Group
PO Box 302
Orpington
Kent
BR6 8QX
Tel: 01689 850227
info@collabfamilylaw.org.uk
www.collabfamilylaw.org.uk

What the law can't 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 husband or wife's behaviour towards you is by finding a new way of communicating. And this is hard, and takes time. Mediation can help with this (see page 9 for more about this).

It's easy to let the law become the focus of your anger and waste a lot of energy on it. 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. 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 husband or wife 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 it to, the court 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 imprison 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 do 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 can swallow the value of all but the most expensive items.

Dealing with feelings

'I realised that becoming embittered and chained to a failed relationship was not my ex-partner's fault, but was down to me.'

Giving it time

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 final decree of divorce, but feelings don't fit tidily into legal

processes. For most people it takes a year or two before they start feeling okay again. But 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. Your could try:

- friends
- your GP, who may know about local places and people who can help. This might include self-help groups and counsellors.

'Be kind to yourself, let things go at their own pace, spoil yourself once in a while. It does not have to be expensive - a cream cake will do!'

'I try not to criticise my ex-partner to my children. To get through this difficult time, they need to maintain a good relationship with us both.'

'A lot of things seem out of your control during 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 shielded from the worst anxieties and anger of divorce.'

Helping your children

Ending your marriage doesn't stop you being a parent. You and your former husband or wife go on being parents for the rest of your lives. So what you do about the children matters.

You can get some helpful leaflets about children and divorce, including a useful 'parenting plan' from the Department for Constitutional Affairs at www.dca.gov.uk/family/divleaf.htm. There are leaflets for children as well.

It's helpful if you can tell the children together, and 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

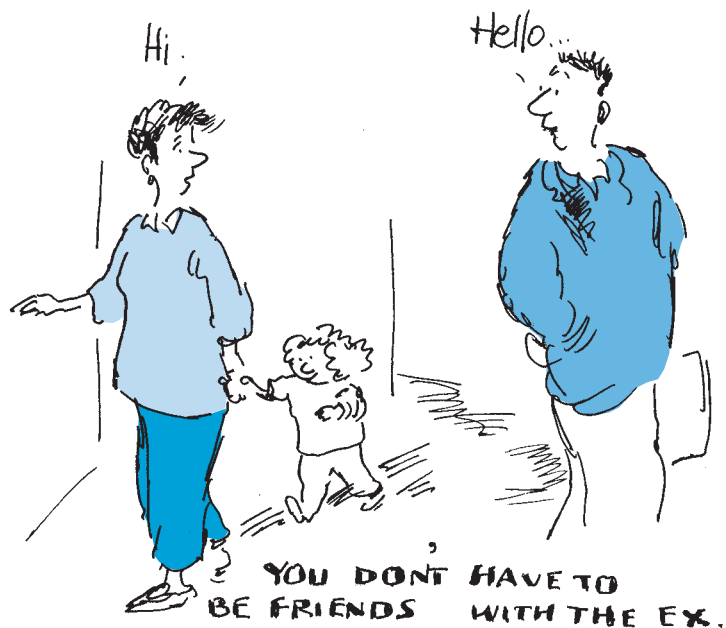
be their fault that you are splitting up, so you need to make it clear that it isn't and that you both still love them very much.

Try to keep domestic routines much as they ever were. It's tempting to try to make it up to the children with extra treats and spoiling, 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. Schoolwork often suffers because children have other things to concern them. It helps if their teachers know that they may be having a hard time.

'Children aren't things. You can't just divide up their time as though you were serving out a cake.'

- your health visitor, if you still have small children. Most health visitors are a mine of helpful information.
- your local library, which should have information about local activities and groups.
- counselling services - ask your GP or try Yellow Pages.
- Local self-help groups, which can be for lone parents, or divorced or separated adults. Gingerbread (www.gingerbread.org.uk) have local groups all over the country for lone parents.



Practical 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 poorer than you were (to begin with). 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. Put together a budget sheet listing everything you have to pay for 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.
- Your Council Tax will reduce by 25 per cent if you are the only adult in your household. But you need to tell your council so they will reduce your bill.
- Check what benefits you are entitled to. If you have children you may be able to claim working tax credit, child tax credit and additional child benefit. There's more information at the Department for Work and Pensions website, at www.dwp.gov.uk/lifeevent/benefits/ and the Inland Revenue's website, at www.inlandrevenue.gov.uk.
- Work out what you might be paid in child maintenance or be expected to pay from the Child Support Agency website, at www.csa.gov.uk.

You could also look at where you could cut your costs. For example, you might:

- rearrange some of your debts;
- spend less on some things; or
- find extra ways of earning money.

If your debts are a problem, ask at your local Citizens Advice Bureau or other advice agency about debt advice. They can suggest ways of managing your finances.

Where are you going to live?

Have you thought about where you are going to live? You might want to stay put, but it might not be possible or practical. Finding out about something doesn't commit you to it, but it does mean that you are making 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 fetch if you sold it. 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 you owe 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.

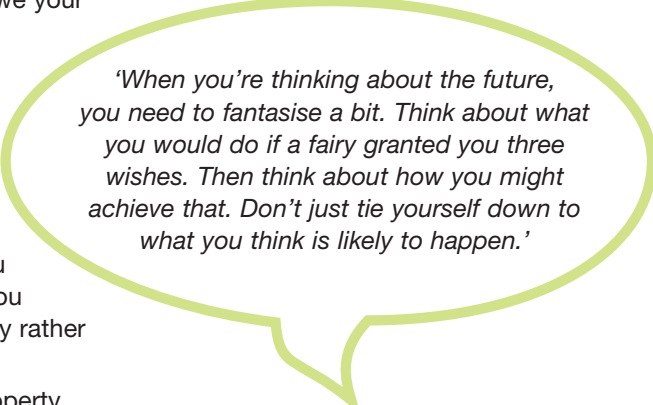
If you rent your home, your options may be a bit more limited. You may need to find out about the cost of renting somewhere else and to find out what council housing is available in your area.

Your future career

If you have been working only part-time, or not working, 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.



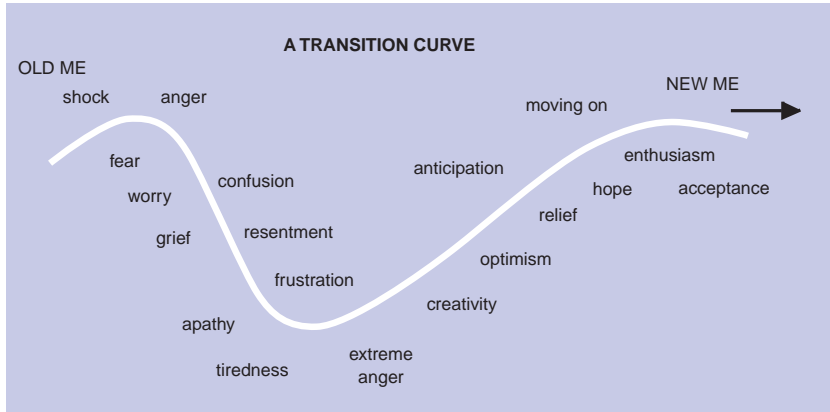
'When you're thinking about the future, you need to fantasise a bit. Think about what you would do if a fairy granted you three wishes. Then think about how you might achieve that. Don't just tie yourself down to what you think is likely to happen.'

There is plenty of advice available. Try:

- The Government's New Deal website, at www.newdeal.gov.uk, which tells you about benefits and how to get back into the job market. There is a specific section for lone parents, at www.newdeal.gov.uk/newdeal.asp?DealID=LPAR.
- The One Parent Families website, at <http://helpdesk.oneparentfamilies.org.uk/>
- Asking 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.

Moving on: there is life after divorce

You'll find it easier as a couple to get through divorce 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', pictured below.



Who wants the divorce?

The way you cope with a divorce, and moving on from it, depends on how your relationship has broken down, and who wants the divorce.

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 husband or wife may not have got there yet.

Your decision may come as a shock and send them down the slope. You may be ready to come bouncing out at the other end. You may need to wait for them to catch up with these sorts of feelings. 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 you may need to understand that the change will 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 (on paper) to 'take the blame'. This can feel unfair.

Your husband or wife 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. This may 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.

'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.'

'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.'

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. This is because your husband or wife is still your 'next of kin' until you are finally divorced. If you die without making a will, he or she 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 Service Direct publish a helpful leaflet, Wills and Probate, with more information. You can find it in the Legal Help section of its website at www.clsdirect.org.uk

Jargonbuster

The jargon	What it means
Ancillary relief	The financial orders that a court can make in divorce: maintenance, a lump sum, or a transfer of property order.
Co-respondent	The 'other' man or woman, if the petition is based on adultery.
Decree absolute	The final decree of divorce. At this point you stop, legally, being husband and wife.
Decree nisi	The first decree of the divorce. You are not finally divorced by this.
Petition	The formal document that tells the court why you want a divorce.
Petitioner	The person who starts the divorce proceedings by filing a petition.
Respondent	The husband or wife of the petitioner. The petition is served on them.
Service	Formal delivery of court documents, which can be by post.
Special Procedure	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.
Without prejudice	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 negotiation without being bound to them until everything is agreed.

Q and As

Q How long does a divorce take?

A About three to six months for an undefended divorce. But that's just the divorce bit. Disputes about money or children can take much longer.

Q Do I have to have a solicitor?

A No. You can act for yourself, but it might not save you money or time in the long run. It's worth getting some legal advice at least before you start.

Q Where can I get court forms?

A From your local county court, or you can download them from www.hmcourts-service.gov.uk

Q Will I have to go to court?

A Not for an undefended divorce. You may have to attend a hearing for the money side of things or if you fight over the children, but most of these cases settle without getting before a judge.

Further reading

Divorce and Your Children by Anne Hooper, HarperCollins

Parent Problems: Children's Views on Life after Parents have Split up by Bren Neale and Amanda Wade, Young Voice

Parent Problems: looking back at our parents' divorce by Bren Neale and Amanda Wade, Young Voice

Breaking up without Cracking Up by Christopher Compston, HarperCollins

The Which? Guide to Divorce by Imogen Clout, Which? Books

Dad's Place: A New Guide for Fathers after Divorce by Jill Burrett, Angus and Robertson

A Journey Through Single Parenting by Jill Worth and Christine Tufnell, Hodder and Stoughton

Surviving the Break up by Judith Wallerstein and Joan Kelly, Basic Books

Lost Children: a Guide for Separating Parents by Penny Cross, Velvet Glove Publishing

The Family Through Divorce by Roger Bamber and Janet Reibstein, HarperCollins

Helping Children Cope with Divorce by Rosemary Wells, Sheldon Press

Relate Guide To Second Families: Living Successfully with Other People's Children by Suzie Hayman, Vermilion

Handbook of Separation and Divorce by Wendy Mantle, Routledge

Books about negotiating

People Skills by Robert Bolton, Simon & Schuster

Getting to Yes by Fisher and Ury, Random House

Books for children

Dinosaurs Divorce by Laurie Krasny Brown and Marc Brown, Time Warner Trade Publishing

When Mum and Dad Split Up by Lesley Ely, Hodder Children's Books

Is This a Daddy Sunday? by Steve Ann Henshall, Monarch Publications

Two of Everything by Babette Cole, Red Fox

Since Dad Left by Caroline Binch, Francis Lincoln Ltd

The Suitcase Kid by Jacqueline Wilson, Corgi

The Bed and Breakfast Star by Jacqueline Wilson, Corgi

Two Homes by Claire Masurel and Kady MacDonald Denton, Walker Books

Where has Daddy Gone? by Trudy Osman, Mammoth

Mrs Vole the Vet by Allan Ahlberg, Puffin

How do I feel about - My Stepfamily by Julie Johnson, Franklin Watts

How do I feel about - My Parents' Divorce by Julia Cole, Franklin Watts

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Marcel Berlins, The Guardian

Also see our campaign against the myth of common law marriage at
www.advicenow.org.uk/livingtogether.

The information in this leaflet 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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