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Legal expert and Editor of Family Law

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Legal and mediation experts



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FOR
DUMMIES®
2ND EDITION

**by Elizabeth Walsh, Thelma Fisher, Hilary
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Dedication

This book is dedicated to The Rt Hon the Baroness Hale of Richmond, DBE, Justice of the Supreme Court, otherwise known as Brenda Hale, the first female Law Lord, who has made a remarkable contribution to the development of family law and family mediation over the last twenty years.

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Fiona Garwood, who contributed much of the original material on divorce law in Scotland, was a family mediator for 20 years with Family Mediation Lothian and also worked as an Assistant Director for Family Mediation Scotland where she was responsible for mediation training and standards.

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Introduction

Welcome to the second edition of *Divorce For Dummies*. Divorce is commonplace now but it is not only married couples who split up. Since 2005, same-sex couples in the UK can enter into civil partnerships and although the ending of a partnership is called dissolution rather than divorce, the process is much the same. In addition, the number of couples who live together without marrying increases dramatically year by year and their separation, although not governed by the laws of divorce or dissolution, will have financial and emotional consequences for those couples and their children.

Most people are almost completely at a loss over what to do if *their* relationships are breaking up. Overwhelmed by confusion, anger, fear and resentment, many couples panic over the changes occurring in their lives (and the lives of their children) and end up making emotionally and financially costly mistakes that could have been avoided if they'd had more information. Others turn what may have been an amicable break-up into a cut-throat battle. They end their relationships bitter, angry and a whole lot poorer at a time when this isn't necessary at all.

But divorce (and we include dissolution in that term) isn't about winners and losers, and it doesn't have to include huge legal bills either. This book is about what to do before, during and after your divorce (and we include dissolution in that term) and much of it applies to cohabiting couples as well, particularly as regards your children. With the right information, tools and advice (and the proper attitude), you and your partner can work out the terms of your parting with a minimum of expense, stress and emotional upheaval. In this book, we tell you how it can be done.

Why You Need This Book

Dip into this book and you can discover the following:

- ✓ What to do first before you file a divorce petition.
- ✓ Family law and divorce law basics, including how divorce laws may vary throughout the UK (though you must always defer to your solicitor).

- ✓ Facts to consider when you're deciding on how you'll care for your children, including maintenance, child support and the division of your assets.
- ✓ Mistakes to avoid and insights into effective negotiating.
- ✓ Tips for finding a solicitor who's competent *and* affordable.
- ✓ Advice for keeping your emotions as well as your legal expenses under control, including tips for using mediation and other non-confrontational methods for getting through your divorce as amicably as possible.
- ✓ For the small percentage of you who are involved in hostile divorces and have to sort out your differences through a court, this book can prepare you for your experience in a courtroom.
- ✓ Advice for minimising the potential negative effect divorce may have on your children, and suggested ways to rebuild a new life for yourself after divorce.

Foolish Assumptions

Because you've picked up this book, we're assuming that you've come to the realisation that your marriage has what may be insurmountable problems and you're seriously considering a divorce. Or perhaps you're already separated and are ready to take legal steps to end your marriage. We're not going to give you reasons for why you should or shouldn't get divorced – you need to make those decisions yourself. However, we do give you advice on how to start and get through the whole divorce process while handling its ups and downs as gracefully as possible.

The law is known for having very specific, impenetrable language – often it's impossible to understand unless you're a lawyer (and sometimes, even if you are). Divorce law is littered with obscure words, so we always give you a definition and you can find most of them in the glossary at the end of the book. We don't save you from them altogether, however, as you'll meet up with them at times. Someone recently wrote how when you travel by ship you may be initially embarrassed to use words like 'stern' and 'starboard' but may end up casually saying them because no one seems to be astonished or impressed when you do. You may acquire some of that ease yourself, and thankfully, many lawyers belong to the 'plain-speaking' brigade and we definitely approve of that.

How This Book Is Organised

You can use this book in one of two ways. You can read it cover to cover, and never skip a beat on the subject of divorce, or you can pick it up when you need an answer to a particular question or want to know more about a certain subject. For even easier reading, it's organised into six parts.

Part I: Trouble in Paradise

This part of the book helps prepare you for dealing with a seriously troubled marriage and reviews your options if you're in a failing relationship. It provides information on gathering facts about your family's finances and honing your money management skills before you get divorced. This part also offers you an overview of family and divorce law and the responsibilities that parents have towards their non-adult children. We close this part with a chapter on separation – to save your marriage, or as a prelude to divorce.

Part II: Divorce Preliminaries

The second part of *Divorce For Dummies* tells you how to prepare yourself for the divorce process and has specific advice for the spouse who initiates a divorce and for the spouse who gets the bad news. It devotes a full chapter to telling your children that mum and dad won't be living together any more and helping them get through your divorce as painlessly as possible. Lastly, this part provides advice on coping with the emotions you inevitably feel and dealing with the reaction of your friends and family.

Part III: Decisions, Decisions

When your divorce or separation has begun, you have to make some important and sometimes tough decisions: Will you pay or receive spousal support? Where will your children live, and if not with you both in your separate households, how will you make sure that they stay in touch with both parents? What about child support? How will your marital property be divided up? These questions aren't to be taken lightly, but their answers should be easier to reach after you read the chapters in this part of the book.

Part IV: Working Out the Terms of Your Divorce Agreement

This part of the book is a must-read whether you and your spouse negotiate most of your divorce yourselves or you each hire solicitors to do most of the negotiating for you. You find out about the benefits and drawbacks of negotiating yourselves, and discover the many benefits of using mediation to help settle your divorce. We tell you where and how to find affordable solicitors and what you must expect from them, and what your solicitor expects from you. For those of you heading for divorce court, the final chapter in this part tells you what to expect before, during and after a judge decides your divorce terms.

Part V: After Your Divorce Is Finalised

After your divorce is wrapped up, you still have paperwork to deal with and money matters to handle. Plus, you now face the prospect of getting by on your own. You may also face problems with your divorce agreement or with your spouse failing to adhere to court orders or the plans you made for your children or spousal maintenance. This part provides advice for these and other common post-divorce problems. Finally, we include a chapter that explains the value of pre- and post-marital agreements if you marry again.

Part VI: The Part of Tens

The first chapter in this part offers advice for helping your children cope in the aftermath of your divorce. In the second chapter, you can find practical tips for how to put your divorce behind you and move forward with your life. The final chapter offers help on building and sustaining a mutually fulfilling relationship in the future.

Part VII: Appendixes

You may hear some unfamiliar words and terms in this book as you read through it, so we give you a handy glossary in this part for quick reference. We also give you a list of helpful websites that you can turn to for help in finding information and support.

Icons Used in This Book



This icon lets you know about something especially useful that can save you time, money or energy while you're going through your divorce.



Make a note when you see this icon – it indicates something that you must keep in mind as you make your way through the divorce process.



Stop and read this information to steer clear of mistakes and pitfalls that are common in divorce.



For those of you who like as much in-depth information on a subject as possible, you may want to make a point of reading this material.



This icon highlights scenarios we've seen (or heard about in the news) that may help you realise you're not alone as you go through your divorce.



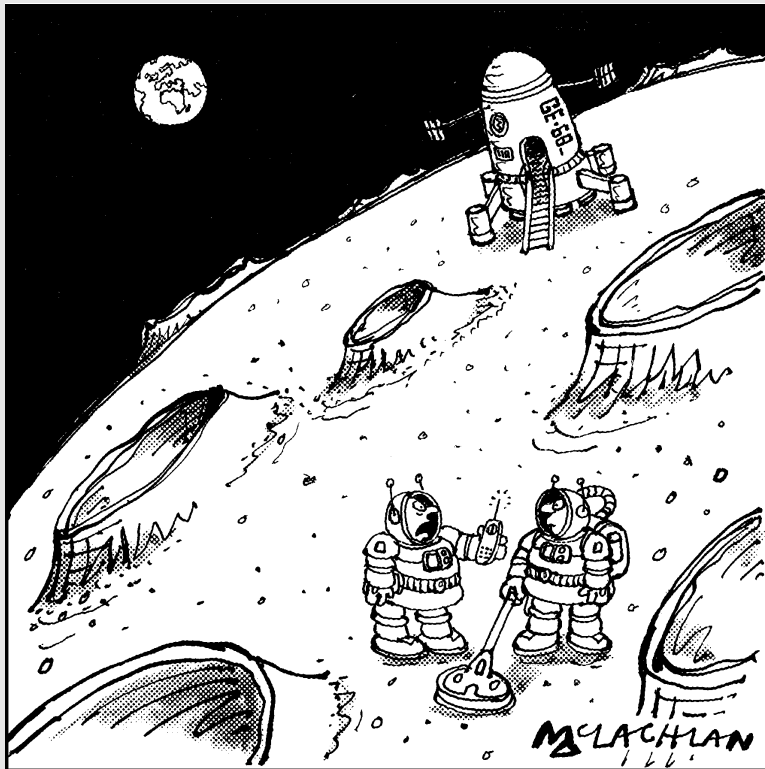
If you live in Scotland or Northern Ireland, pay close attention when you see this icon. The laws in these two countries are slightly different from those in England and Wales and we've highlighted the major differences with this icon. Many of the laws are the same throughout the UK, however, so don't depend on these icons for the whole picture.

Where to Go from Here

The divorce process is never an easy one, but we do our best to give you the information you need to make it as smooth as possible. However, as with any legal issue, make sure that you talk things over with your solicitor before making any major decisions, because the laws evolve over time and you need the most up-to-date information possible.

Part I

Trouble in Paradise



'It's my wife calling — she wants a divorce.'

In this part . . .

If your marriage is rocky and you think that you're heading for a breakup, this part of the book provides information to prepare you for the divorce process. (Because divorce may not be an option for some of you, we also talk about marriage as well as divorce issues.) We also offer information on what to do if you're a victim of domestic violence.

We provide you with some solid advice for getting your finances together (whether or not you're divorcing), an overview of your legal rights and obligations during the divorce process, plus some basic information on family law in general and divorce law and procedure in particular. This part ends with a chapter on separation, which you may opt for as a last-ditch effort to save your marriage or use as a prelude to – or instead of – divorce.

Chapter 1

Checking Out Your Divorce Roadmap

In This Chapter

- ▶ Understanding the basic requirements of the law
 - ▶ Caring for your children
 - ▶ Making decisions about home, money, pensions and possessions
 - ▶ Locating who is out there to help you
 - ▶ Getting ready for life after divorce
-

The word ‘divorce’ literally means ‘turned aside’. You may be contemplating ‘turning aside’ from your spouse or facing the effects of your spouse ‘turning aside’ from you. You can be forgiven for thinking of divorce as a negative mirror image of your marriage. Getting a divorce means taking apart, bit by bit, all the things you and your spouse put together over the years. A divorce is like watching your married actions in reverse – unmaking the promises, telling your families an unwelcome story, enacting the end not the start of your relationship, perhaps selling the home you struggled to buy and sharing out the care of any children you were thrilled to conceive together.

You can, however, look at your situation in a more positive light. Think of it as holding up a mirror to yourself during a major life crisis. With this mirror in front of you and this book in your hand, we hope you can watch the expression on your face change from uncertainty to determination to self-confidence. To get through your divorce with as little difficulty as possible, you need good information and an optimistic outlook. This approach, we hope, sums up what we’ve written. We don’t deny, though, that divorce takes its toll on you, and therefore in Chapter 9 we give you ways to look after yourself as you work your way through the process.

Divorcing Is a Process

Like most crises, your divorce is a process not an event. It has a beginning, a middle, and – yes, eventually – an end. In this book we give you a map of the whole process of divorce – from the moment you decide that your relationship is in serious trouble to the moment your divorce is finalised – and we offer tips for dealing with the changes in your life afterwards. Because everyone is different, we give you a variety of routes. This chapter is a bird's-eye view of the whole landscape to help you choose where to start.

We don't always spare you hard words (check the Glossary at the back if you come across a word you're unsure of), and neither do we always spare you hard problems to overcome and hard decisions to take. We do, however, provide ways to avoid creating unnecessary problems, and we warn you when difficult decisions lie ahead. No matter how hard you try to dodge them, when you come across decisions that must be made, you need to be prepared.

If at all possible, we recommend you go for a co-operative divorce, but we know it can be difficult and you may end up in court with a fully contested divorce (see Chapter 5). One of our favourite solicitors is a wonderful mediator, but if she's representing someone in a full hearing, she is very, very tough. So when it comes to your divorce, we're not bland – we're not cynical. However, we are realistic about what divorce means for you.

Getting to the Bottom Line: The Law

The legal effects of both marriage and divorce are to change your legal status. In the eyes of the State, you changed once from a single person to a married person and divorce changes you back again. However, only a judge in a county court or high court can change your status back to being single. That is the bottom line of divorce law. Because you collect responsibilities by being married, the law is accompanied by a stack of documents and a series of routine court procedures to make sure that you give the judge the information required for your divorce to be granted with the minimum of unfairness to you or your spouse. If you have children, the law exists to protect them – and so divorce law has links to family law.

Grasping the basis of divorce law

The Matrimonial Causes Act 1973 is the law governing divorce if you live in England and Wales. In Scotland, the relevant law is the Divorce (Scotland) Act 1976 and in Northern Ireland it's the Matrimonial Causes (Northern

Ireland) Order 1978. In all cases, the only ground for divorce is the irretrievable breakdown of your marriage, but you must establish that by one of the five following facts:

- ✓ Your spouse has committed adultery and you find it intolerable to live with him.
- ✓ Your spouse has behaved in such a way that you can't reasonably be expected to live with him.
- ✓ Your spouse has deserted you – for a minimum of two years (no longer applicable in Scotland).
- ✓ You have been separated for at least two years (one year in Scotland) and your spouse consents to a divorce.
- ✓ You have been separated for at least five years (two years in Scotland).

Chapters 4 and 5 spell out the legal aspects of marriage and divorce in detail.



Since the early 1980s, the divorce rate has stabilised, largely due to the decline in marriage and the increasing proportion of couples cohabiting, particularly since 1990. The number of divorces in the UK fell by 2.6 per cent in 2007 to 144,220, compared with 148,141 divorces in 2006. The number of divorces in Scotland fell by 1.9 per cent from 13,014 in 2006 to 12,773 in 2007. However, the number of divorces in Northern Ireland increased – in 2007, 2,913 divorces took place, 14 per cent more than the 2,565 divorces in 2006.

Changing the focus on children

The law about children was changed radically when the Children Act 1989 was passed. This law shifted the focus away from deciding 'parental rights' to the notion of 'parental responsibilities'. You no longer have rights over your children, which you can fight about at divorce; rather you have responsibilities for your children, which you don't shed when you divorce. Accordingly, the law stops talking about *custody*, which the court granted to one parent, and *access*, which was granted to the parent who doesn't 'get' the children. Instead, the law now encourages parents to decide for themselves what's in the best interests of their children, where they live (their *residence*) and how they're going to have *contact* with the parent they aren't living with.

Divorced or separated parents now have more flexibility in working out their arrangements and many children now live with both parents at different times according to whatever works best for them. Of course, if you and your spouse can't agree, the court decides and the law spells out what factors the judge must consider in making his decisions.

Chapter 4 goes into more detail about the Children Act 1989 and what it means for your family, and Chapter 10 covers the ways you can plan for your children's care.

Civil partnership

Since December 2005 couples of the same sex who live together can register as civil partners. If you sign a civil partnership registration document you commit yourselves to a range of rights and responsibilities, essentially the same as those associated with marriage. Civil partnership is

not precisely the same as gay marriage but the legal rules and consequences are more or less the same. If the relationship breaks down you can end your civil partnership through the courts just like a divorce. Take a look at Chapter 4 to see whether this applies to you.

Understanding the differences in UK law



Divorce law, procedures and courts differ in some respects in England and Wales from those in Northern Ireland and even more so from those in Scotland. The divorce laws themselves are relatively similar but the Scottish laws about children and property are significantly different. We have given you the main legal differences where they occur but we don't have sufficient space to spell out the minor – but important – differences in the law and procedures in detail. Therefore, if you live in Scotland or Northern Ireland, we recommend that you consult a solicitor for those further details.

Starting the Divorce Process

The chances are that if you'd been able to prevent your marriage from breaking down you'd have done so. If you're still not 100 per cent sure that divorce or separation is what you want (or have to accept), you may be better starting at Chapter 2. Here, we give you suggestions for trying to improve your relationship if a chance remains of saving it, or at least for thoroughly testing the inevitability of its end. We suggest alternatives to divorce, such as separation, but emphasise that you shouldn't leave your home without first thinking through the consequences that we spell out in Chapter 6.

If you've decided that your relationship is over, no turning back is possible and you're ready to take legal steps to end your marriage, have a look at Chapter 7. Although, Chapters 4 and 5 give you the legal background, Chapter 7 starts you on the path, with tips on everything from telling your spouse it's over to working out your family's financial situation and how that's affected by your separation.

Separating when you never married

You may have picked up this book thinking that you're in a *common law* marriage: that although you never married, when you live with someone for a period of time, and especially have children, that's as good as marriage and when you separate the outcome is also the same. The law doesn't look at it this way – legally you don't have the rights and responsibilities that married couples do (although the position in Scotland is different). For example, you can't

claim ongoing financial support from your ex-partner and, unless your name is on the deeds to your home, you may not be able to claim a share of it. But you can still find much of this book useful and children are treated the same whether you're married or not. Chapter 4 may be the place to start finding out about cohabitation. A solicitor specialising in this area can give you more advice.

We urge you to make sure that everyone stays safe. A relationship breaking down can be the result of abuse or can be the trigger for abuse. In either case, your safety, your spouse's safety and your children's safety are paramount. Chapter 2 tells you how and where to find help when abuse is a risk in your household. Gone are the days when what went on in people's homes was treated as their business alone. Nowadays the police treat all domestic violence as a crime and take it very seriously.

The end of your relationship can trigger overwhelming feelings, including grievances and fear that your security is ebbing away, and emotions can get out of control. Your children are likely to sense what's going on around them even if your outbursts of anger don't land directly on them. You can find crucial information about the steps to take to protect yourselves in Chapter 2.

Finding Your Way Through Your Divorce

After you've started the divorce ball rolling by informing your spouse, getting a full picture of your financial situation, and ascertaining what both your expectations are for your lives after the divorce, you and your spouse need to work out how you want to handle extricating your lives from each other. The serious stuff that you have to sort out falls broadly into these categories:

- ✓ **Your money**, including salaries and pensions – and your debts
- ✓ **Your house**, if you have one
- ✓ **Your possessions**, including everything from your car to your CDs
- ✓ **Your children**, if you have them

We go into detail on how to handle all these issues, though we don't spend as much time on possessions (such as pictures and CDs). Dividing these items can feel like a sword in your soul but in the long run they are replaceable. You may also have other things of value, such as cars, a business or other properties. For the most part, anything owned by either or both of you before, during, or after your marriage (even an inheritance) can be viewed by the court as belonging to both of you and open to claim, so everything needs to be entered into the calculations. Chapter 3 helps you work out what you have and what you owe, and you can find advice on dividing possessions in Chapter 11.

Looking at your financial picture

When you come to sorting out your finances, you mustn't look at each item in isolation. We discuss your salaries, pensions, houses, mortgages, assets, and debts under separate headings because differences apply to the options you have for sorting them out. But they aren't actually separate issues when you look at them within your total financial situation. As you collect information about what you earn, own and owe, you're going to build up a big picture of what comes in and what goes out and how that looks when you try to divide it. The information you find in Chapter 11 can help you understand your whole financial picture. Chapter 12 covers the issue of financial support for you and your spouse, including whether it's an option in your situation and if so, who's likely to pay it, and who's likely to receive it (and how much).



Until 1995 divorcing spouses were unable to divide up their pension benefits. Your pension was your own, you earned it, and it didn't belong to your spouse. The tables were most probably turned by the efforts of wives who had no pension in their own right (often because they gave up work to look after their children) and lost any future share of their husband's pension on divorce. Since 1995, pensions could be 'earmarked' or 'attached' (a lump sum or income can be paid from your spouse's pension, when in payment, to you) and from 2000 pensions can be calculated and shared at the time of your divorce. We describe your options in Chapter 11.



Keep these issues in mind when thinking about dividing up your finances:

- ✓ Think about your future ability to pay for your house before deciding what to do with it.
- ✓ Think about your future earning capacities before you do a deal over your pensions.
- ✓ Remember to take your debts and commitments into consideration when you think about your current income.
- ✓ Take time to weigh up the impact of your decisions on each other, on how much money you have coming in and on how much will be going out when you're apart.

Chapters 7, 11, 14, 16, and 17 all have things to say about gathering up the different parts of your financial information and fitting them together to give you a clear picture of your situation – before and after your divorce.



If you end up with little money to live on after your divorce, you may be able to get government financial support in the form of welfare benefits and tax credits (see Chapters 7 and 15). You may also be eligible for public funding (previously known as *legal aid*) during your divorce. Chapter 15 tells you what it covers and how you qualify for it.

Caring for your children

If you have non-adult children, the end of your marriage is not the end of your family. Your young children may think of your ‘family’ as it was before you parted and may dream that you’re all still together even if they know that you aren’t. In the 1970s, most commentators thought that every divorce harmed a child. Since then hundreds of reputable pieces of research into the effects of divorce and separation on children have revealed that ‘it all depends’.

In essence, research suggests that your children are most at risk of lasting damage to their well-being, self-esteem, happiness and future prospects if you subject them to a lot of conflict – especially if you don’t resolve the conflict and your children think that it’s about them. If you and your spouse can co-operate, both keep in loving touch with your children, keep them informed appropriately about what’s happening, listen to them and continue to support them as well as you can financially and practically – despite your own distress – your children should do well. They aren’t going to be happy while things are changing – none of us likes change that’s out of our control – but they’ll grow through your divorce.



If you’re worried that your children are very confused, unhappy and torn between you and your spouse, you can suggest that they talk through your divorce with someone outside the home. Have a look at Chapter 8 for ways to help your children through your divorce. You can also find out about counseling and support groups for children by contacting your local Relate (www.relate.org.uk) or a local Family Mediation Service (www.nfm.org.uk).

Chapters 8, 10, and 13 give you lots of information to help you make decisions where your children are concerned. They also cover what you can do when you and your spouse aren’t able to manage things as you’d like to for your children and you end up going to court. In such circumstances, a Cafcass officer (the Children and Family Court Advisory and Support Service) can help you and the judge to reach decisions about your children. (See Chapter 18 for how to handle taking your divorce through the court process.)

Children talking

As we say, how your children fare depends a lot on how you manage your divorce. Here are two contrasting examples of what children said about their new lives when asked about them in a study led by Carol Smart at the University of Manchester:

- ✓ A 15-year-old girl living with her mother after her divorce said, 'I have this image of really nice parents . . . but our family definitely isn't like that. It's stressful because nobody really gets on. . . .' When describing that she lives with her mother and her mother's new partner and their new baby,
- she says, 'She doesn't listen . . . he gets at me,' and concludes, 'it's just like I'm a person who lives here . . . sort of like a tenant.'
- ✓ In contrast, a boy of 8 said of his separated family: 'Good fun . . . we laugh at quite a lot of things. We've got a new cat and a garden . . . Mum laughs more . . . it's quite an ordinary family . . . it was good when they split up because they used to argue a lot . . . it's better now, lots better . . . it's nice to be with Mum and Mel and I get to see Daddy Pete in London and he phones us.'

Raising your children is expensive. Chapter 13 talks specifically about child support – but all the factors concerned with money and property have an impact on your children. Work to maximise what resources you have for their benefit instead of spending everything on fighting each other. Keeping their interests in mind throughout your divorce protects your children, as far as you can, from poverty.

Getting the help you need

You can choose to go through your divorce alone (see the section 'Going it alone' later in this chapter), but you don't have to. Heaps of people are out there who can help you negotiate your way through it, including:

- ✓ **Relationship and other counsellors:** Relationship counsellors don't set out to 'put you back together' unless that's what you both want. Accredited counsellors are very well trained and can guide and support you while you work out what you want to do individually about your relationship, work with you together to improve it, or support you after it's ended. If you're interested in trying counselling, or just finding out how a counsellor can help you, Chapter 2 tells you how.
- ✓ **Solicitors and barristers:** Most family solicitors work to the Resolution (formerly the Solicitors Family Law Association) Code of Practice and are also guided by a Law Society protocol that strongly encourages a conciliatory approach. Furthermore, specialist family judges don't appreciate combative solicitors and barristers in their courts. Chapters 15 and 17 help you to choose and work with your solicitor to achieve



a fair and – as far as possible – even-tempered divorce and, if you have children, focusing on their needs. Chapter 15 also sets out the role of the Community Legal Service in helping you gain access to legal services and, if you're eligible, fund your legal bills.

Your solicitor's job is to be your personal legal adviser, and so you and your spouse need to have different solicitors representing you. He should also guide you through the steps you need to take, keeping in mind how you want to play things during your divorce. Your solicitor should give you the advice and information you need to make decisions about your future – but you make the decisions. He also acts as a signpost to other forms of help if you need it and, if necessary, prepares and supports you if your case comes to a full hearing. Chapter 18 talks you through what happens if you take your case to court.

- ✓ **Family mediators:** A mediator's job is to work with you together as a couple. The unique characteristic of mediation is that it can keep the lines of communication open between you. If you can still communicate with each other, you can then problem-solve together. You're able to part on better terms if you work together than if you pull up the drawbridge and prepare the boiling oil.

Joint problem-solving not only cuts down your legal costs but, if you have children, it helps you continue to talk to each other as their parents. Bitter disputes about children can often be resolved in a single mediation session because you may hear your worst fears, such as 'I'm afraid I'll lose the children', replicated in the words of your spouse. Chapter 16 tells you how mediators work, how they can help you, and when using them isn't such a good idea. Mediation is effective in helping divorcing couples reach an agreement quickly and with a minimum of conflict.

- ✓ **Children and Family Court Advisory and Support Service (Cafcass) officers:** If you have children and your divorce goes to court, you may well come across a Cafcass officer. These officers of the court are trained to focus on the needs of your children and to report to the judge to help him decide what order to make. You may be referred to a Cafcass officer by the judge if he wants to know more about you and your children before making a decision. Chapter 18 tells you more about this stage of your divorce.

Cafcass doesn't exist in Northern Ireland but instead you may be referred to a Court Welfare Officer, who has a similar, specialised training and function and who, if possible, assists you in making a joint decision and conveys this to the court.

- ✓ **Judges and magistrates:** Family judges who work in the county or high courts, and magistrates who work in family proceedings courts, all now have specialist family training. Your imagination may run riot when you think of judges and magistrates, but you usually find that they are sympathetic as well as experienced and knowledgeable. At the same time they can be clear and stern when faced with abuse or violence. Chapter 18 describes what role a judge plays in your divorce.

Going it alone

Although you can get a divorce without any legal help, we don't recommend it unless everything is straightforward and you're both in absolute agreement and fully trust each other's grasp of the issues, or when you haven't been married long enough to acquire many assets and you have no children. Before you go down the route of a do-it-yourself divorce, look at Chapters 3 and 7, which set out the factors that you need to consider. Chapter 14 also gives you guidance on how you can sensibly negotiate with each other to cut down on the cost of professional help. Remember that in England and Wales, with your solicitor's help you can still get a divorce without attending court in person and we think (we would, wouldn't we!) that family solicitors and family mediators are too good these days to disregard.

Moving On to Pastures New

After you have your final decree, you can begin a new phase of your life. Chapter 19 starts you thinking about ways to get back in the swing of things – perhaps with a new job, or a rediscovered hobby, or spending more time with your children. However, even after your divorce is final, you may need to take action to implement your decisions. Chapter 20 spells out this situation, including help with solving persistent post-divorce problems.

Because your life doesn't end when your marriage does, at some point you may think about getting into a new relationship. You may be scared that because this relationship didn't work out you can't make any relationship work. However, this just isn't true. Part V is the place to start when you're ready to think about moving on. Chapter 22 can help you ensure that things are as easy as possible for your children. For tips about moving on after your divorce and ways to avoid divorce the next time around, have a look at Chapters 23 and 24. When you're ready to think about marriage again, we offer guidelines for putting your expectations on paper (in the form of pre- and post-marital agreements) in Chapter 21.

Fitting together your family life after divorce can be an awe-inspiring challenge, especially if your new household collects children from two (or more) previous families. Even finding words for your new life can be difficult – 'single again', 'stepfamily', 'one-parent family' or even 'blended family'. None of these labels reflects all the possibilities. However, your new lives will gradually fall into shape and you'll look back and say 'How did I ever get through all that?' – because you have!

Gearing Up for Your Divorce

Now – what’s your most immediate concern? Do you need to ask your spouse to leave the family home? Are you desperate for someone to talk to? Is money, or the lack of it, your biggest worry? Are you still unsure whether divorce is the only road ahead? Take some time out from your daily routine to have a good think about your situation. Whatever issue you come up with – that’s your starting point. The Cheat Sheet at the front of this book provides you with details of a range of organisations that can help you, from finding a solicitor to providing a counsellor to talk to you or your children. Alternatively, you can use this book to help you decide what to do first. You’re going to survive your divorce, but you’ll need help along the way.

Chapter 2

Deciding What to Do First When Things Start to Go Wrong

In This Chapter

- ▶ Determining if you have cause for concern
 - ▶ Staying put or getting out
 - ▶ Taking steps to improve your marriage and avoid a divorce
 - ▶ Deciding whether to separate or divorce
 - ▶ Dealing with violence and abuse
-

Marriages rarely die overnight. Almost always, the breaking up of a marriage happens little by little, over time. If your marriage is in really serious trouble, any discussion, co-operation, or compromise may be impossible, and you may have no option but to end it yourself, possibly against your spouse's wishes.

To help bring some objectivity and common sense to your situation, so that you can gain a true appreciation of how bad (or not so bad) things really are, this chapter reviews some of the common signs of a marriage in crisis and highlights your options for dealing with relationship problems. We also address the steps you can take if the pressures in your troubled relationship cause your spouse to turn abusive or violent.

Recognising the Signs of Trouble

When your marriage is going through a tough time, you may find yourself wondering whether it's an instance of the 'for better or for worse' alluded to in your marriage vows, or whether your relationship is truly on the rocks.

Although no test exists that can tell you whether your problems are typical reactions to the stress and strain most marriages experience at one time or another, or whether they point to more serious issues, troubled marriages do tend to exhibit many of the same characteristics. Do any of the following statements apply to your marriage?

- ✓ Your spouse just can't do anything right anymore in your view.
- ✓ You argue or fight constantly.
- ✓ You've lost the ability or the willingness to resolve your marital problems.
- ✓ You've replaced patience and love with resentment and contempt.
- ✓ You've turned from lovers into flatmates.
- ✓ You, your spouse, or both of you are having an affair.
- ✓ You go out of your way to avoid being together and, when you are together, you have nothing to talk about.

Don't panic if you find that your marriage exhibits some of these characteristics – you're not necessarily heading for a divorce. However, you do have cause for concern and you and your spouse, first separately and then together, have to assess your options and decide what to do next.



Marital problems can trigger depression, feelings of vulnerability and powerlessness, anger and sleep problems, any of which can impede clear thinking and sound decision-making. A counsellor or therapist can help you deal with these disturbances so that you can move forward. The British Association for Counselling and Psychotherapy (www.bacp.co.uk) can help you locate someone in your area.

Should I Stay or Should I Go?

Many couples opt to stay married after their relationships have failed – perhaps you fall into this category. Maybe you feel that raising your young children in a two-parent household is important, or you can't afford a divorce straight away. Or you're feeling pressure from family and friends to stay together. Maybe your religious faith forbids divorce, or possibly you've come to an understanding that allows you and your spouse to lead separate lives but remain under the same roof. Perhaps you're still together because you're afraid of what life will be like if you're single again. Fear of the unknown may motivate you to tolerate a situation that would be unbearable to others.