
MOVING ON

Your guide to a breakdown of relationship

talbots
FOR LAW FOR LIFE

We are here to help you!

The breakdown of a relationship can be an incredibly upsetting and stressful situation. We understand that sorting out legal matters is one of the last things that you want to deal with at this painful time. That is why Talbots aim to make this process as simple and stress-free as possible. This guide will offer everything you need to know about divorce or separation so that you feel more comfortable moving forward.

Divorce and Separation Solicitors

If you are considering separating or divorcing from your partner, it is important that you make sure you have the right lawyer for you. All of our divorce lawyers are incredibly knowledgeable and with compassion, they will strive to do their utmost to help you achieve the best outcome possible.

Legal knowledge, tailored to your individual situation

- Direct legal advice in a local environment, comfortable for you.
- Our divorce services are tailored to your individual needs and we take the time to find out what they are.
- Being local allows you to pop in at any time for a face to face chat with your solicitor without an appointment.
- You can call us, pop in, or go online to www.talbotslaw.co.uk

We know that legal correspondence can be confusing. Well Talbots offers practical advice with all the facts in plain English, giving you the time to focus on more important things.

Disclaimer:

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

Call free today on 0800 118 1500, or visit
www.talbotslaw.co.uk for more information

Here's what will happen

Getting divorced.



Permission Form

The first thing that you will need to do is get permission to divorce from the courts. This involves completing a petition. In this, you must show that you meet the legal grounds for divorce. You will then send this form to the court along with a fee.



Children

If you have any children, you will need to agree on how they will be taken care of financially, where they will live and who will look after them. This must be detailed in the form you send to the court. If you can't agree on any of these issues, a judge may need to decide what is best for the children, this can mean that the divorce is delayed until the court is satisfied with the decision.



Mediation

Many people in this situation choose to mediation as an option to help you and your partner come to amicable agreements over children, finances and your home. Mediation can begin at any time during the divorce process. It may be worth viewing our checklist of issues to overcome before deciding if you would like to go through this with or without mediation.



Court Order

The next step in this process is a review of the completed forms by the judge. If they think that you have met the grounds for divorce and are happy with the agreements made over any children, you will be given a conditional order or decree nisi.



Your combined finances

One of the hardest parts of the divorce process is the dividing of assets; financial, residential, pensions, possessions etc. Talbots can provide you with guidance on what the court order is likely to consider fair. In you both agree, we will help you record this in a legally binding court order. However, if you cannot agree, we can help you with negotiations, if necessary we can also help you apply for judge to decide what is fair. Unfortunately, even after divorce, financial disputes can still continue.



Certificate for divorce or dissolution

After 6 weeks and one day from receiving your court order you can now apply for the divorce or dissolution to be finalised. The court will send you a certificate called a decree absolute or a final order if every is in order. At this point, your marriage/civil partnership is officially over.

Grounds for divorce

In order to get a divorce in England or Wales, you must show that your marriage or civil partnership cannot be saved. This is called “irretrievable breakdown of marriage”. This is shown by one of the following circumstances:-

Adultery

Adultery applies only to marriages and not civil partnerships. It is the action of having sex with someone other than your partner during your marriage. As a result of infidelity, you find it unbearable to live with your partner and have lost all trust.

Behaviour

Unreasonable behaviour is one of the most common grounds for divorce. If you find your spouse’s behaviour intolerant, so unacceptable that you cannot live with them anymore, this can be grounds for your separation.

- Gambling
- Drunkenness/alcoholism or drug taking/addiction
- Lack of emotional support
- No interest in partner or your children
- Failing to pay towards your home bills or wasting money
- Violent behaviour towards you or your children

Desertion

Abandonment or when your partner has left you for at least two consecutive years and you did not agree to the separation.

Separation

Similar to desertion, however you have decided to live apart for at least two years by the time the paperwork is sent for divorce. Both parties agree to getting a divorce. This ground can also apply if you are living separately in the same residence.

5 Years

If you can prove you have been living apart for 5 years, you have subsequent grounds for divorce. You can rely on this regardless of whether your partner agrees to the divorce or not.

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Discussion to resolution

We have put together a list of issues which you can discuss with your partner which may help when separating.

Issues regarding children

1. Where will your children live as their main residence.
2. Who will live with the children in the main home—including responsibility for looking after them day to day.
3. What will the arrangements be for children visiting their other parent? How much time will they spend with them?
4. What arrangements will be made in school holidays including Christmas, summer holidays and special occasions?
5. What arrangements will be made for step children—if only one of you is the biological parent?
6. How often will the children visit their grandparents from either side?
7. Will any special procedures need to be put in place? Supervised visits, child protection?
8. Will changes to schools need to be made?
9. Decisions for the children's health/future, how shall they be made?
10. How much will you pay in relation to the children? Do you agree to an assessment by the Child Support Agency?
11. Will any additional payments need to be made for step children/further education/private education/health needs etc?

Issues regarding finance

1. Will your family home be sold? Or will one of you choose to live there?
2. How will the rent/mortgage be paid during this process?
3. Where will the other partner live? How can that be paid for?
4. Do you have debts/overdrafts/credit cards/loans? How will these be paid off /when/who?
5. How will finances be sorted? Do you have joint accounts? Do they need to be frozen or closed?
6. How will all of your property, possessions, vehicles etc. be distributed?
7. How will pension funds be shared?
8. Do either of you own a business? How will that be dealt with?
9. Do you share a business? What will happen to that?

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Reducing stress for your children

We understand that divorce is an incredibly difficult time for both you and your partner. What is forgotten sometimes is the impact this process has on your children. Here is some advice on how to reduce the stress divorce can have and calm the overall situation.

Compromise and agree

Sometimes compromise is the last thing you want to do when you are angry or hurt. But for the sake of your children you should compromise and agree to ground rules for how you will act in front of the children. EG: Don't fight in front of them and don't use them as a weapon of blackmail.

Don't just listen, hear them.

It is easy to listen to your children, crying or angry, but not actually hear them. Take the time to discuss how they are feeling and reassure them as much as possible. It is important that children open up about traumatic situations to them, make sure you really listen to what they.

Don't use them

If you find it too difficult to speak to your soon to be ex partner yourself, then write a letter/email. Do not let your children be messengers and get involved in conflict. You should never use your child as leverage or blackmail, try and resolve things peacefully.

Tell them more

It is crucial that throughout this difficult time, you continue to tell your children you love them. Ideally make sure you tell them that both parents love them and nothing will change about that.

Be honest with them, let them know that everything will be ok and they will always be cared for.

Be civil

It is important that you show your children you can be civil with your former partner. It will naturally reduce trauma to your child if you can get along with them. This will also make you feel better about how it is affecting your emotional state as well as your children.

The blame game

It can be tempting to blame your former partner in front of your children or simply criticise them. This can be very damaging for your children who could believe that you are also blaming them.

Try to agree on arrangements made for the children to make it an easier transition for them.

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What we can do for you...

Find out how we can help you?

Call Talbots on 0800 118 1500 for advice on how we can help you.

Talbots' Expert Advice meeting

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

Divorce Certificate

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

Option 1: Lawyer-assisted service

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

Option 2: Fixed price service

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

Disputes over children/home/finances

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

Who are Talbots Law?

We are lawyers, we are local and we are here to assist you!

Talbots Law Ltd are your local solicitors with 7 branches across the West Midlands and Worcestershire. We are always striving to offer our customers the most professional, likeable and valuable service that we possibly can for a price reasonable to you.

We promote a **Law for Life** service unlike any other and see our clients, not as customers but as life long friends we want to keep. We provide a service you can trust and hope that in return, you will choose us again.

We provide a variety of services ranging from:

- Crime
- Conveyancing
- Family Law
- Dispute Resolution
- Residential Services
- Business Services
- Wills and Probate
- Trusts and Estates
- Mediation
- Personal injury
- Medical Negligence

And many more... to find out more about other services that Talbots provides, please call 0800 118 1500 or email info@talbotslaw.co.uk and talk to one of our expert legal advisors.

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