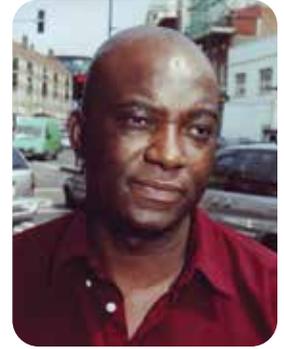
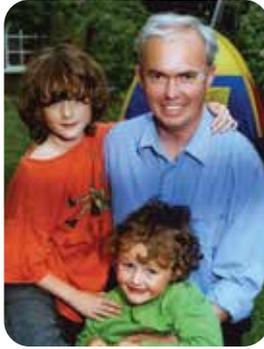


A survival guide to

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# Divorce or the dissolution of a civil partnership

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## Who is this guide for?

This guide is for people who are facing divorce or the dissolution of their civil partnership. We know that this is one of the most stressful, confusing and painful times people go through. We want to help you find your way through it.

This guide will explain:

- how divorce and dissolution of civil partnerships work,
- what you can expect,
- what you need to think about,
- what the law says,
- how to come to agreements, and
- what help is out there to help you plan for the future.

The law on divorce and dissolution of a civil partnership in England and Wales has changed in this year. We talk about the new law (as of 6th April 2022) in this guide. The changes in the law affect divorce and civil partnerships in the same ways. When we talk about a divorce, we are equally talking about the dissolution of a civil partnership, as the changes are the same.

## Ex-partner

The word 'ex-partner' in this guide means your husband, wife or civil partner. If you are separating from your ex-partner but you are not married or in a civil partnership, you need a different guide. For more help see [A survival guide to living together and breaking up](#).

This is just one of our resources to help you with your divorce. You may also be interested in:

- [A survival guide to sorting out your finances when you get divorced](#)
- [A survival guide to sorting out child arrangements](#)
- [A survival guide to family mediation](#)
- [How to get legal aid for a family law problem](#)
- [Going to the family court](#) – including up to date details of where and how users can access practical help and emotional support, legal advice, and representation.

## Getting legal help

Changes to how legal advice is funded mean that now most people cannot get free or subsidised legal help for family law problems.

If there is evidence of domestic abuse in your relationship then this can, in some cases, mean you can get legal aid. Also, if there is evidence of your child being at risk of abuse you may be able to get legal aid. If you think you are in this situation, it is very important to get legal advice before you make any big decisions about your home or arrangements for your children. In this situation, having face-to-face or other regular contact with your ex to sort out your issues may well not be the right thing to do to keep you and your children safe. You will need legal advice on this to understand how the court would look at your case.

Without legal aid, we know that many people will not be able to afford to get a lot of help from solicitors. This guide will explain where you really do need to get advice and where you might be able to manage by yourself. We also explain what help is available and the things to think about.

## How to use the links in this guide

If you are reading a digital version of this guide you can simply click on the links in the text to get to other useful websites. These links are underlined and coloured light blue. If you are reading a printed version of the guide, we tell you which words you need to search for online so that the website should be the first one to come up in the list of results. If the link is just to a name of an organisation for example, the 'Family Mediation Council' you just need to use the name to search online.

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It was extremely stressful to start with. I wanted to get everything sorted straight away and couldn't bear the uncertainty of where I would live or how things would work. It all got a bit easier when I accepted that it would take a few months before I would know what the future might look like. **Mark**

# Things to understand

Coverage of celebrity divorces often give a false picture of the way that divorce works. Many people assume that the law will do some things that it can't or doesn't. Here are some points to remember:

- You are unlikely to have to go to a court hearing. If you can come to agreements about the children, money and property, it all happens on paper, or through a digital service run by the court service (HMCTS).
- The law isn't biased. It doesn't favour women over men or the other way round. For example, either member of a couple can be ordered to pay maintenance to their ex-partner if their ex-partner has been dependent on them for money. In practice, more men are likely to pay maintenance than women, but this is because men typically earn more than women.
- There are no set formulas for working out who gets what. You need to try to agree between you (on your own or with the help of a mediator or solicitors) what happens to the money or the home. If you do take it to a court hearing, the court looks at what you both need for the future, not what you have put in.
- You can only divide what you have – so most people find they have to get used to having less money.
- Who applies for the divorce does **not** affect how you divide your home, your stuff or what arrangements you make for any children.
- There are no rewards for good behaviour or punishments for bad. 'Past behaviour' is listed as one of the criteria for deciding how the money is divided, but generally speaking, it only counts if it has been really, really bad or if someone is being dishonest or trying to hide money and assets from the court.
- It's very expensive to fight all the way about things using solicitors in court hearings. When this happens it's not unusual for it to cost many tens of thousands of pounds each. So it is best to come to agreements where you can and to use solicitors wisely (we explain how from [pages 16-18](#)) and avoid court hearings where you can.
- You need to have been married or in a civil partnership for a year before you can apply for a divorce or dissolution.
- Divorce or dissolution takes at least 26 weeks or 6 months. Due to the new system coming in, in April 2022, it could take a bit longer. This is because of a big backlog and because lots of people will have held off from applying until the new rules came in to let them apply without blaming each other. If you cannot agree on how to divide your home and money then it can take a lot longer.

Someone advised me to start writing down how I was feeling when I got really angry with my ex. It was a really helpful outlet and meant I didn't keep dumping all my anger on my friends, or worse, my grown up children. And it was quite uplifting to re-read later, it showed how far I'd come in this difficult process. **Jane**

## Do you want to divorce straight away or do you want to just separate for now?

If you have just separated (or are in the process) you may not want to divorce straight away. Maybe you want to see if there's any hope for the relationship or maybe you want to take your time before you have to deal with all the added stress of the divorce process.

You can make a separation agreement, if you aren't ready to divorce just yet. You can get help to make separation agreements from mediators or solicitors and they can deal with as many things as you want. You should get legal advice before you sign them however as they may have long-term legal implications (for example, the decisions you make will be taken into account if you do eventually divorce).

If you don't want to get divorced, (perhaps for example, for religious reasons) or you can't get divorced yet because you have been married less than a year, there is something called a 'judicial separation' or a 'legal separation'. This process works very like divorce except that it **doesn't** end the marriage or civil partnership. This means that neither of you can marry again or form another civil partnership. For this reason, judicial separation is very rarely used these days.

## When does separation start?

Separation starts the moment you decide to no longer live as a couple. Sometimes couples can't afford to move out of a shared home straight away when they split up. But you can share a home and still count as being separated as long as you don't live together as a couple. This means not sleeping in the same bed, not cooking or shopping for each other, not washing each other's clothes, and not paying for things as a couple.

If you are no longer living as a couple like this, you can also claim any benefits or tax credits you might be entitled to as a single person. (See [A survival guide to benefits and living together](#) for more details.)

When we split up, I wanted to get divorced straight away. I just wanted it over with. But he didn't want to. We agreed to let the dust settle first – and actually I think it made coming to all those agreements a lot easier. **Karen**

## Annulment

Very occasionally, there may be something legally defective about your marriage. If so, you may be able to get an annulment, which is another way to end your marriage (or civil partnership). But, in reality, it is very rare that people can meet the legal rules to get an annulment. A marriage is not legal or 'void' for one of the following reasons:

- the couple are too closely related,
- one person in the couple is already married, or
- one or both people in the couple are too young to marry (under 16).

If it is void, in legal terms, it never took place.

A marriage can also be what lawyers call 'voidable'. This means that because of certain circumstances at the time of the marriage or after, the court can annul it. There are several circumstances including:

- the marriage has not been consummated – this means you have not had sexual intercourse with the person you married since the wedding (this does not apply for same sex couples),
- you did not properly consent to the marriage – for example you were forced into it,
- your wife was pregnant by someone else when you got married.

For more information on annulment, search online for '[annul a marriage](#)'. This will take you to useful information on the GOV.UK website.



# How divorce works

## How divorce works



Many people think of divorce or dissolution as ending the marriage or civil partnership, dealing with issues like how to divide the money or property, and arrangements for the children all in one go. But these are really three distinct processes. They are all dealt with separately, but are often all going on at the same time. At some stages, how far you have got with one bit affects the others. See the table below.

Of course, if you don't have children, or you can agree what arrangements you

are going to make for them (for example, who they are going to live with and when they are going to see the parent who isn't looking after them day to day), then you don't have to worry about the legal process for deciding arrangements for them.

If neither of you have any assets such as property, savings, investments, or pensions, then you don't have to worry about the legal process for dividing money or property.

Arrangements for the children	Ending the marriage/civil partnership	Dividing the money or property
You can agree arrangements or start court proceedings at any time before or during the divorce.	<p><b>The divorce or dissolution application form is sent to the court</b></p> <p>↓</p>	You can start discussing what should happen as soon as you agree to separate but you can only start court proceedings or ask the court to approve an agreement once the application for divorce has been sent to the court.
	<p><b>Conditional order</b></p> <p>↓</p>	The court can't make a final financial order or approve your agreement before the conditional order is issued.
	<p><b>Final order</b></p>	The financial order can only take effect after you have been given the final order.



## If there has been domestic abuse or if the children have been harmed

You may be entitled to free or subsidised legal help from a family law solicitor. Search online for '[check if you can get legal aid](#)'. If you are entitled, look for a family law solicitor who can take legal aid cases. You can find a family law solicitor who does legal aid by searching online for '[Find a legal aid adviser](#)'.

If you are in this situation be sure to take a look at our short guide on [How to get legal aid for a family law problem](#).

If there has been violence or other forms of abuse between you, it may well not be a good idea for you to try and sort things out between yourselves.



It is best to start by getting some help from a good family law solicitor. You can find one on the [Resolution](#) website. They will be able to help you work out what the best thing for you to do is, and if you can do it yourself or if you will need legal help. Don't be afraid to phone around and compare prices or see who gives free first appointments.

If you cannot get legal aid or afford to pay for a family law solicitor, don't give up. It is really important to get some legal advice on your exact situation. There are other places where you can get help on these issues such as [Rights of Women](#) and [RCJ Advice](#) or [law centre clinics](#).

Men in abusive relationships can get practical advice and information about accessing specialist help from the [Men's Advice Line](#).

For more information go to the section called [More help and advice](#).

# What you need to decide

## What you need to decide

In this section we look at the things you need to decide and on [pages 16-18](#) we look at ways of deciding them, either on your own, or with the help of solicitors and mediators, or if it cannot be avoided, going to court.

## If you have children

If you have children you'll need to agree:

- 1 where the children will live,
- 2 when and how you will ensure they have plenty of time with both parents, and
- 3 how you will continue to pay for all the things they need.

Sometimes where the children will live and with who is obvious to you both, but often this is a really hard decision. We've produced a separate guide for parents to help you to agree arrangements that work well for everybody, and to help you find a solution if that is not possible. Please see [A survival guide to sorting out child arrangements](#). We have also produced a separate guide explaining [How to apply for a child arrangements order without a lawyer](#) if you are not able to reach an agreement.

I was very against the idea of moving. I didn't see why I should lose my home; it wasn't me that wanted to end the marriage! But looking back on it, I think it helped create the fresh start that I needed. **Lelia**

## Money and property

We have another guide to help you sort out your finances when you divorce or dissolve your civil partnership. This section gives you some things to start thinking about. Be sure to look at our more detailed guide – [A survival guide to sorting out your finances when you get divorced](#) – before making any important decisions.

### 1. Where you will each live

Next we list some of the things you will need to think about.

- Will one of you stay in the property or will you both need to move?
- If the home is rented or owned only in your ex-partner's name, it may be that you need to take action to secure your rights to stay. What you need to do depends upon your situation.
- If the family home is going to be sold, how will the money from the sale be divided?
- Will you do it all at once or in stages? Some couples make a short-term and a long-term agreement to fit in with the needs of the family. For example, some couples (who can afford to) agree that one partner will stay in the home with the children until the children have left school, and then sell the house and divide the proceeds.
- Remember even if you move out, if your name is still on the tenancy or the mortgage you are still legally responsible for paying the rent/mortgage.

If you can possibly afford to, you need to get some advice from a family law solicitor on your legal rights to live in the family home before you make any big decisions – like the decision to move out. For more information, see the section called [More help and advice](#).

## 2. How you will divide your money and other property

The first thing to do is to make a full list of:

- your property, savings, pensions, investments, car etc. that you own jointly and individually,
- what you each earn, and
- any debts.

Before you start making decisions about how to divide them, including the family home, it is a good idea to get advice from a family law solicitor, even if you are going to do everything else yourself. Take the full list of assets with you. The solicitor will be able to tell you what you should be trying to negotiate for so that you don't leave something out or make a mistake. It is best to agree how to divide smaller items (like furniture, the TV, the DVD collection and so on) between yourselves. Be aware though, that a family law solicitor will not be able to give you proper advice without seeing all your ex-partner's financial information too. For how to find legal advice, see the section called [More help and advice](#).



Next we list some of the things you will need to think about beforehand.

- How you will divide any joint assets like property, savings, shares, and any pensions.
- If there will be a transfer of property from one of you to the other.
- How you will divide the contents of the family home.
- What you will do about other assets, such as the car.
- How will you deal with family debts?
- If one of you will pay maintenance to the other. (This wouldn't be common if you have only had a short marriage/civil partnership or if you earn similar amounts.)

If you can manage to afford some legal advice, even if it is just a one off meeting, it is very likely to help you work out where you stand, legally. If you decide to see a solicitor, take a look at our short guide, [How to prepare for seeing a solicitor or adviser](#), for top tips on getting ready beforehand.

Be aware that sorting out your finances when you divorce or dissolve your civil partnership will take time and effort. There will be times when you have more energy and drive to progress things and other times when you might feel completely overwhelmed. If you find yourself in this situation – don't worry this is totally normal and you are not alone. [Relate](#) has lots of useful information on their website that focuses on the emotional and practical issues that arise on separation and divorce.

What you need to decide

## Making a Will

**If you died tomorrow would you want your ex-partner to inherit everything that you own?**



If the answer to that is 'no' or 'I don't know' now is the time to get some advice on making a Will.

If you don't have a Will and you are still married (but separated) anything you own on your death will go to your ex-partner in line with the intestacy rules. For more information search online for the '[intestacy rules](#)' – this will take you to the GOV.UK website.

If you have a Will that leaves everything you own to your ex this Will apply until you get your final order in the divorce process.

We sorted out all the smaller stuff and furniture ourselves with the help of a packet of coloured stickers. We took it in turns to choose something so we each got the things that were most important to us. **Simon**

While it's all going on you have to be extra kind to yourself. Give yourself a few treats – they don't have to be expensive. I gave myself a treat every time I'd done something really hard. **Kayla**

## How you will ask for a divorce

When it comes to the actual divorce you will need to decide:

- who will ask for the divorce – just one of you or will you apply together?
- how you will apply – on paper or online through the digital service? To use the digital service you both need email accounts and easy access to computers/smart phones.

The law calls the person who asks for the divorce 'the applicant' and the other person as 'the respondent'. If you decide to apply together you will be called 'applicant 1' and 'applicant 2' by the court.

If just one of you applies, that person will need to state to the court in the application that the marriage has irretrievably broken down. This means that the marriage has ended and cannot be saved. If you apply together, you both need to state this in the application.

You don't need to agree who will ask for the divorce but it is best to if you can. It will help your divorce to move as smoothly and quickly (and cheaply) as possible.

Since the law has changed in 2022, there is no longer any need to blame one person for the problems in the marriage or give any reasons for the divorce at all, other than that the marriage has irretrievably broken down.



What you  
need to  
decide

If you don't agree with your ex-partner's plan to get a divorce you may feel you want to challenge the application. It is important to understand that this is now extremely difficult to do. In nearly all cases, the court will accept the applicant's statement that the marriage has broken down irretrievably, as conclusive.

There are only a few reasons, called 'grounds' by lawyers that you can use to challenge or 'defend' a divorce application. We list these next.

### Reasons you can use to challenge a divorce application

- Jurisdictional grounds – for example that neither of you have lived in England or Wales, which means the court doesn't have the legal power or 'jurisdiction' to deal with the divorce.
- The validity of the marriage – this means that the marriage was never valid in the first place so that, in fact, you cannot be divorced.
- The marriage, or civil partnership, has already been legally ended.

# Looking to the future

## Where are you going to live?

People often want to stay in the home, but it may not be possible. Finding out about something doesn't commit you to it, but it does enable you to make an informed decision about what is going to be best for you.

### If you rent your home make sure you think about the following things.

- Look into the cost of renting somewhere else. Could you reduce your costs by moving to a smaller home, or moving to a cheaper area?
- It may be worth seeing if any council housing or housing association accommodation is available in your area. Some housing associations help particular groups, for example families with a low income or single women. Waiting lists are usually very long so it often isn't an immediate solution, but it could help to reduce your costs and give you a secure place to live in the long-term.
- If you have some savings (or will have after the divorce is completed) it may be worth exploring if one of the government's Home ownership schemes would help you. Search online for '[affordable home ownership schemes](#)'. This will take you to more information on the GOV.UK website.

### If you own your home think about the following things.

- Check how much is outstanding on your mortgage including any early redemption fees. Phone your mortgage company and ask them.
- Ask three estate agents to tell you how much your home might sell for if you put it on the market. Then you

can take the middle value. Remember that you will need to take off the costs of the sale and the costs of you both moving to work out what you would be left with.

- 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?
- Remember that purchasing any residential property in England over £125,000 will incur Stamp Duty Land Tax (SDLT) which needs to be budgeted for. For more help with this search online for '[calculate SDLT](#)'. This will take you to the GOV.UK website with a link to their calculator. In Wales a different tax, called Land Transaction Tax, applies. For more help with this, search online for '[Wales Land transaction tax](#)'.

## Budgeting

Stretching your joint finances to cover the cost of two homes is going to be tricky. Both of you are likely to end up (at first) poorer than you were. 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. Use our [Family budget sheet](#) at the back of this guide to help you work out where it all goes. You may need to keep all your receipts for a few weeks to check what you are spending on all the little things that mount up.

- Council tax will be reduced by 25% if you are the sole adult in the household. You will need to contact your council tax office for the reduction.
- Check if you might be entitled to benefits or tax credits now you are a single person. [Turn2Us](#) have a very helpful benefits calculator on their website.
- Work out how much child maintenance you might be paid or be expected to pay by searching online for '[calculate child maintenance](#)'.
- Work out where you could cut your costs. 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, see if you can get debt advice from your local advice agency, [National Debtline](#) or [StepChange](#). For more details see the section called [More help and advice](#).

## Your future career

If you have been working part-time or not working up till now 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.

- 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. Your local Jobcentre plus adviser can tell you about what help is available for you to find new work and any financial help you could get with moving back into work. Gingerbread has some useful factsheets about going back into work. The charity [Gingerbread](#) has useful information about starting or going back to college or university.

Looking to the future



While I was going through my divorce I started to take lots of regular exercise, for the first time in my life – it made me feel much less stressed and helped me to sleep. **Esme**

# How to agree

If you want the divorce over with as quickly and smoothly as possible, it's best to come to as many agreements as you can rather than take each issue to court. In fact, before you can go to court over the money or property or arrangements for the children, you have to show the court that you have met with a mediator first and considered mediation, or tried to. This is because the government thinks it is usually better that you decide these things between yourselves if you can. For more information on how mediation works take a look at [A survival guide to family mediation](#).

You can come to agreements:

- 1 between yourselves, or
- 2 using a family mediation service, or
- 3 using solicitors to negotiate on your behalf.

You can of course use different methods to agree different things. Many people can agree arrangements for the children between them, but need help from solicitors to agree what to do about money and property.

## However you do it...

- usually, you will both need to compromise.
- It is sensible to both take a bit of legal advice first, even if you will be doing everything else yourself. (If asking for advice about how to divide the money and property, you need to be able to tell the solicitor, exactly what you and your ex-partner own, jointly and individually.) See [More help and advice](#) for details of how to find a good family law solicitor.

## Option 1

### Agreeing it yourselves

Agreeing arrangements between yourselves can be the best option for many people. But if you feel that your ex-partner is better at arguing their corner than you are and you are worried about trying to reach agreement alone then you should see if you can afford mediation or the help of a family law solicitor. A solicitor will advise you on what the court would consider a reasonable arrangement and help you think about things you may not have thought of yourself.

If you have experienced any kind of domestic abuse during or after the relationship with your ex it would be very sensible to find out if you can get free legal help from a family law solicitor so that you don't have to deal with your ex. They will listen to what has happened and advise you on how to go forward.

Agreeing things without help is far from easy. To start with, one or both of you may be too upset and angry to discuss it. You will need to find ways to discuss the issues without your emotions getting in the way.

We suggest:

- 1 Agree in advance with your ex-partner how and when you will try to come to agreements. For example, will you find a date to meet on neutral territory, do it over email, or will you use a family mediation service? Nobody likes to feel ambushed and you have a much better chance of agreeing something if you both arrive at it feeling that you have chosen this approach and you want it to succeed. Arranging a time to talk in advance also gives you time to better plan what you want to say.



- 2 If you have a lot to discuss, try and agree what is urgent and deal with that first. You may have different priorities, but dealing with the things that are most worrying for each of you first, can make things go much more smoothly.
- 3 If you have to discuss arrangements for the children and finances try dealing with them separately – maybe at separate meetings.
- 4 Many people just want to sort everything out immediately so at least they don't have to deal with the uncertainty. But things often go more smoothly if you take a little bit of time. For example, it can take time to get all the information you need, to be able to agree what to do about the house or other money. The best outcome will take some time to sort out.
- 5 Before you discuss it, think about the outcome you would like and where you can be flexible. If you know what your ex-partner might feel about that, think if there's anything you can do to make it more appealing for them.
- 6 Try to stick to the point as much as you can. If you are meeting in person, having the main points written down on a piece of paper can be helpful and can give you something to focus on if you feel yourself starting to get upset or angry, or if your ex-partner strays from the point.

- 7 If you try to do it over email, do bear in mind that it is even easier to take offence when you can't see expressions or hear tone of voice, so keeping yourself calm and sticking to the point is even more important.

My ex and I sorted out quite a lot of stuff over email. The best piece of advice I was given was to take two days before replying to any email. That gave me time to get really angry and calm down again before I said anything. **Colvin**

How to agree

## Option 2 Using family mediation

This is where you meet together with your ex-partner and a mediator, who has been properly trained to help you put your feelings aside and focus on the issues that need to be sorted out. The mediator won't take sides or decide what is fair for you – they are there to help your discussions.

**Mediation is often unsuitable for couples where there has been domestic abuse in the relationship. A mediator can help you with this. For example, you might feel happy to mediate if you can be in separate rooms and not see each other at all, while the mediator moves between you. This is called 'shuttle' mediation.**

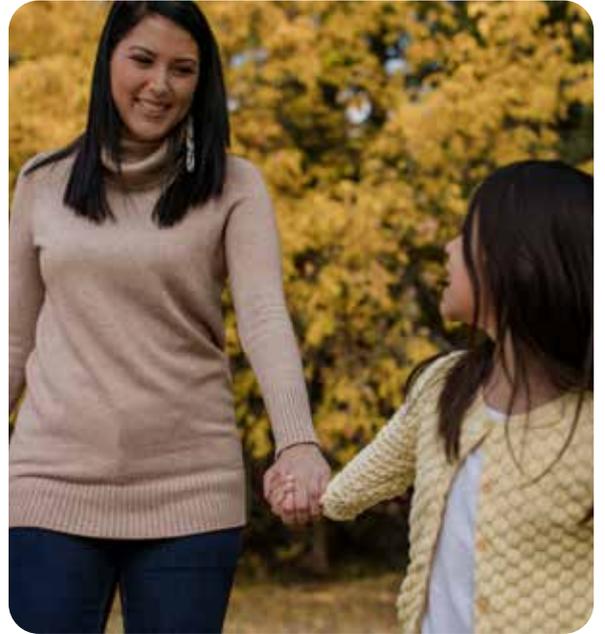
For lots more useful information about family mediation and how to find a good mediator see [A survival guide to family mediation](#).

### Option 3

## Using solicitors to negotiate for you

Your other option is to use a solicitor to negotiate on your behalf. This is likely to be quite a bit more expensive than mediation. It can still be relatively quick and avoids the expense and stress of going to court. It can feel a lot safer to have an expert on your side, making your case for you. If you decide to use a solicitor, it is essential that you find a solicitor who specialises in family law. You can find good family law solicitors who believe in a constructive approach on the [Resolution](#) website. Don't be afraid to phone around and compare prices.

If you are entitled to legal aid (that is help from the government to pay for legal advice) it will be much cheaper or even free in certain circumstances. You can find out if you are likely to be able to get legal aid by searching online for '[check legal aid](#)' – this takes you to the GOV.UK calculator.



How to agree

# When you have reached agreements...



When you have reached agreements

When you have reached agreements about any children you have, it is useful to write down what you have both agreed. If you have had the help of a mediator or solicitor they will record what you have agreed for you in a 'Memorandum of Understanding', a written agreement you both sign, or a simple letter. You won't usually need to do anything more formal – you just keep to the agreement. If arrangements aren't working for any reason, you just negotiate changes. You both need to be prepared to be flexible as, particularly as the children get older, you will have to move things around to fit in with new clubs they want to join or social events they don't want to miss.

When you have come to agreements about your money and property, it is best for each of you to see a solicitor separately. They will check the agreement for you, and help you ensure that neither of you can make another claim in the future. They will usually advise you to ask the court to approve your agreement so that you have a legally binding order, known as a 'consent order'.

# If you can't agree on some issues...

If there are issues around money and property or arrangements for the children that you really can't agree on, you may have to ask the court to decide. When it comes to the actual divorce, this is almost always just done via paperwork (online or by post) and you will not need to attend court at all, unless one of you decides to contest the divorce. See [page 13](#) for a reminder on how this is now almost impossible to do.

Remember that the court will, almost always, want evidence that you have met with a mediator first and considered mediation, or tried to, before they will consider making a decision for you. See [A survival guide to family mediation](#) for more details about these rules.

Before you decide to go to court about arrangements about the children be sure to read [A survival guide to sorting out child arrangements](#) to see if you can avoid it.

If you are struggling with sorting out an agreement on finances and you haven't looked at [A survival guide to sorting out finances when you get divorced](#) yet, be sure to see if it helps.

If you need to go to court you have the option of:

- Getting a solicitor to help you make your case (if you can afford to), or
- Doing it yourself.

These days many people find they cannot afford to have a solicitor with them at court.

The difficulty is that using solicitors to take matters to court can be very expensive. The legal fees can quite easily end up being more than the value of what you are arguing about. Even if the matter does end up in court, the judge will usually encourage you to agree the issues with your ex-partner at each stage as this is always the preferable solution.

If you do end up going to court you may well find you cannot afford a solicitor or can only afford to ask the solicitor to help with certain bits of the process. It is sensible to think carefully about what you ask the solicitor to help with. The more you are able to agree with your ex the more money you are both likely to save on fees.

We explain how to apply for a court order about the arrangements for your children without the help of a lawyer in our guide [How to apply for a court order about the arrangements for your children without a lawyer](#).

We explain how to apply for a financial order without the help of a lawyer in our guide [How to apply for a financial order without a lawyer](#).

I learned to block the endless replays of what happened in my head. You have to police your thoughts. It is difficult to do at first, but it comes with practice and it is a great help for moving on. **Murray**



If you can't agree on some issues

## If you are using a solicitor

Cut your costs by:

- Reading our guides that you can find on [Advicenow](#).
- Shopping around to compare prices. If you are looking at fixed price packages, check what they include and if they are suitable for your circumstances. Check whether prices quoted include VAT.
- Being organised – ensure you don't waste time by having all the information your solicitor needs to hand (information about your finances etc)
- Preparing for conversations – have a list of everything you need to discuss and avoid going off the point.
- Avoiding sending letters, emails or telephoning your solicitor unnecessarily. If you are not on a fixed price package, solicitors will charge for receiving all calls, letters and emails from you as well as the calls, emails and letters they make and send.
- Use your solicitor sparingly by agreeing what tasks you can do and what your solicitor is going to do. For example, people usually divide up the contents of the home without involving solicitors.
- Making sure you are clear if there will be any expenses you'll have to pay on top of solicitors fees and court fees (for example, for any expert reports or for a barrister's fee for representing you in contested court hearings).

If you can't agree on some issues

# How to get the divorce – do you need help?

There's quite a lot of legal paperwork involved in getting a divorce (see the section called '[The Process](#)' for who does what and when). The change in the law this year has made it simpler though, and if you are happy to use the online digital service it should be smoother and quicker than doing a paper based application.

You have some options about what kind of help you use – we talk about these next.

## Option 1 Use a family law solicitor

This is probably the easiest route but of course many people will struggle to afford one or would prefer to save their money.

Some people on a low income who have been in an abusive relationship with the partner they are divorcing may be able to get help to pay for legal advice. Check if you are likely to be able to get it by searching online for '[check if you can get legal aid](#)'.

Some solicitors have changed how they work and now offer to help you with the divorce paperwork for a fixed fee rather than charge you by the hour (this is often only available for less complex cases). This makes it easier to work out how much it will cost in total. If you are the person asking for the divorce, you have to do the bulk of the paperwork and so should expect any fixed fee you have to pay to be higher than a fixed fee service for the person who is being divorced.

Some solicitors offer a fixed fee service, which does it all using email or over the phone, which reduces your costs further and better suits some people.

## Beware of non-solicitor divorce websites

There are websites that offer cheap help with your divorce because a 'case manager' helps you, rather than a solicitor. They may have no qualifications, no experience, and, importantly, no insurance. They often cannot give you legal advice (so they cannot help you avoid mistakes that could have serious long-term consequences) and you also cannot complain about them to the Solicitors Regulation Authority or the Legal Ombudsman. So if it all goes wrong or they act dishonestly it is hard to do anything about it. They are usually easy to spot because the website will talk about 'your Case manager' or something similar rather than 'your solicitor', and won't say that they are regulated by the SRA (Solicitors Regulation Authority). Other services suggest that they are free or very cheap, but only provide very basic information for free and then charge for anything more helpful – make sure you are clear what is included in any service and what you will have to pay extra for.

You may also come across McKenzie friends online. McKenzie friends can offer practical help and support with legal problems but are not legally trained. So, they cannot give legal advice on your case. They are allowed to charge for their services and can attend court but not speak on your behalf. They are not regulated by the Solicitors Regulation Authority. So, if it all goes wrong or they act dishonestly it is hard to do anything about it.

How to get the divorce – do you need help?

## Option 2

### Do it yourself

If you are doing it yourself, use Advicenow's free step by step guide

[How to get a divorce or end a civil partnership without a lawyer.](#)

#### Court fees

Remember that even if you do everything yourself, one expense most people cannot avoid is the court fees. For information about Family Court fees, when to pay them and how much they are, search online for '[fees in the civil and family courts](#)'.

You may not have to pay a fee at all or you may only have to pay a reduced fee under the 'help with court and tribunal fees' system.

You will not pay anything if you can prove that you get Income Support, income-based Jobseeker's Allowance, Pension Credit guarantee credit, Universal Credit with gross annual earnings of less than £6,000 or income-related Employment and Support Allowance as long as your savings or other capital don't exceed certain limits. You can apply for help with court fees by completing form EX160. You can find this form by searching online for '[help with court and tribunal fees](#)'. This takes you to the GOV.UK page all about help with fees. Via this webpage, you can apply online or you download or print off a paper application. If you choose to do a paper application. Just below the paper application you can find form EX160A – a guide for filling in EX160 and form EX160C – a calculator to see if you can get help.

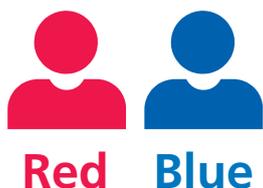


How to get the divorce – do you need help?

# The process

Whether you are using a solicitor or doing it yourself, it's useful to have an understanding of the process so that you can see how you are progressing through it.

In this case, Red and Blue have decided to get a divorce. They have agreed that Red will apply for the divorce and Blue will be what is known as the 'respondent'. This is how the process works, step by step.



**START**

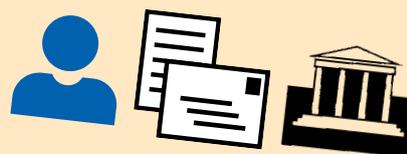
**1** Red applies online or sends the paper application to the Court, and pays a court fee. If Red has a solicitor, the solicitor must use the online system.



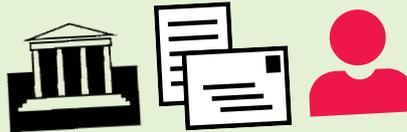
**2** The Court checks the application, puts it on the court system and gives the case a number (this is called 'issuing'), and sends the papers to Blue by email with a letter in the post to confirm this.



**3** Blue completes the answers to the questions on the acknowledgement of service form and sends it back to the Court, or fills it in online, within 14 days. This confirms that Blue has received the divorce application. Blues also receives a document called a 'notice of proceedings' which confirms that Red has started divorce proceedings in the family court.



**4** The Court sends Red a copy, or if they are using the online system, Red gets a notification that Blue has completed the acknowledgement of service form.



**5** After a 20 week 'cooling off' period from the date the court issues the divorce application, Red applies for the conditional order, online via the digital system or by using Form D84 – the application for a conditional order.



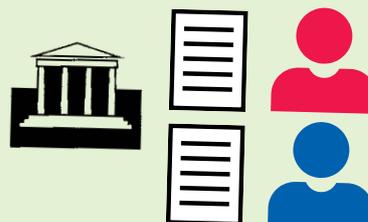
**6** The District Judge reads the file on the court system. If it is all in order, the court fixes a date for the conditional order to be made.



**7** Red and Blue get notifications of this date through the digital system or by email/post.



**8** The conditional order is issued. A copy is sent to both Red and Blue by email or if they are using the digital system, they get an email to tell them to log on to see the order.

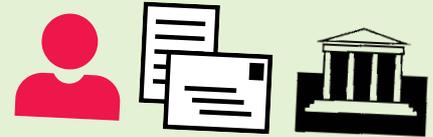


The process

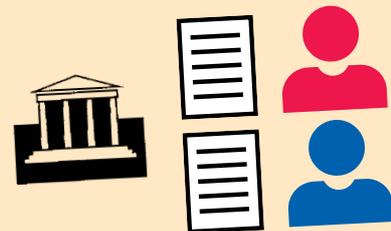
**9** If there are finances to sort out it is important to get legal advice before applying for the final order and see our guide [A survival guide to sorting out your finances when you get divorced](#).



**10** Six weeks after the conditional order is issued, Red can apply for the final order by sending a form, called the D36 form, to the Court or by applying via the digital system. If Red does not apply for the final order within 3 months, Blue can apply.



**11** The Court checks the file and issues the final order, sending a copy to both Red and Blue by email or emailing them both to tell them to see the order via the digital system.



**12** They are finally divorced.



**FINISH**



## Whether you have a solicitor or not you will need to be organised.

- Keep the case number allocated by the court safe and handy – you will need to quote it every time you communicate with the court.
- If you are using the online service make sure you give the court your current email address and check your account including your junk folder for update emails.
- If you are using the paper application process, get a ring binder and stick all the letters, emails, notes of phone conversations you receive about the divorce in it, in the order they come.
- Keep copies of any letters or emails that you write in there too.
- Get a separate folder to keep your court documents in. Again, keep them in the order they come. You can get an official copy if you lose them, but you'll have to pay for it.
- If you are using the online service you may still want to print and keep paper copies of the most important documents in case you need them in the future – for example, the application, the conditional order and the final order.
- Put key dates in your diary or calendar to remind you what to do and when.

# Dealing with your feelings

Divorce and separation, like bereavement, take a long time to get over. You need to get used to no longer being part of a couple and your future looking different. It won't come right overnight.

People often expect you to bounce back once you've got your divorce sorted but feelings don't fit tidily into legal processes. For most people it takes about one to two years before they start feeling okay again. Bit by bit it should start getting better. Children will also need time to adjust.

My ex-partner and I made a pact to try not to criticise each other in front of our children. I think it helped them to feel that they didn't have to get involved – and, in truth, I think it helped us. **Khal**



There are lots of places where you can get some help to recover from the effects of divorce and separation. You can't always do it on your own. Some of the places you might turn to are:

- Your friends.
- Your GP. They may be able to offer you counselling or put you in touch with local self-help groups.
- Local counselling services, online or ask for recommendations.
- If you are religious, you may find very helpful groups connected to your faith community.
- If you have small children, your health visitor should be able to put you in touch with local services that may help you.
- Local supportive groups. These might be for lone parents, or divorced or separated adults. [Gingerbread](#) has local groups all over the country for single parent families.
- Online forums and websites – for example Gingerbread, Divorce Club or the [divorcemagazine.co.uk](http://divorcemagazine.co.uk).

# Things you can do to help your children

- Explain to the children that this is between the adults. It is not their fault and they don't have the power to change what is happening. Explain that you know that this is hard for them and you are sorry. (Depending on the age and understanding of your children you may need to say this again and again)
- Remind them that you both still love them and you will always be their family.
- It's easier said than done, but try not to blame the other parent or talk about them in an unhelpful way in front of your children. Find other ways to blow off steam.
- Try to keep to normal routines as much the same as possible. It's tempting to try to make it up to the children with extra treats, but in the long run, this isn't going to help much. Extra cuddles might though.
- Let the children's schools and anyone else who looks after them know – they are likely to need a bit of extra care and attention from everybody for a bit.

After we split, we got a big year planner and a lot of stickers and sorted out when the kids would be seeing their dad, and grandparents, and cousins on his side of the family, so the kids could see what was happening. **Megan**



## Loose ends

**If you have a Will you need to change it. If you were to die without changing it, the rest of your Will would still stand, but the law would treat your ex as if they had died on the day the divorce or dissolution was completed. If you don't have a Will it is really important to make one.**

If you changed your name when you got married or entered into a civil partnership, you may wish to change it back again. You may be able to do this by showing record holders your marriage certificate or your civil partnership certificate and your final order.

But some organisations will not change your name back without a deed poll. For information about how to get a deed poll, search online for '[change your name by deed poll](#)'.

You can also ask a solicitor to do a change of name deed (deed poll) for a small fee. Make sure you ring around and check prices.

Things you can do to help your children

# What does it mean?

**We have tried not to use legal jargon in this guide. However, you are likely to come across it in the course of dealing with your divorce. Here is our quick guide to what it all means.**

**Acknowledgement of Service form (Form D10)** – this is the form you fill in if you receive an application for a divorce or dissolution from your ex. You use this form to let your ex and the court know you have received the application and to say if you plan to object to the divorce/dissolution. If you reply to the divorce application online, there is no form as such – just questions to answer about the divorce application.

**Annulment** – this is an alternative to a divorce or dissolution if your marriage or civil partnership is not legally valid or if there are circumstances at the time of the wedding, or after, that mean it can be annulled by the court.

**Applicant** – the name given to the person who starts proceedings in ending a marriage or civil partnership.

**Applicant 1 / Applicant 2** – if you decide to apply for your divorce or dissolution together you are called applicant 1 and applicant 2. One person must lead in filling out the application. They are then known as applicant 1 and the other person is known as applicant 2.

**Application for a divorce, dissolution or (judicial) separation (Form D8)** – the form you use to apply for a divorce or dissolution of a civil partnership if you are doing a paper application. If you apply online you just answer various questions and the answers make up your application to the court.

**Application for a conditional order (Form D84)** – this is the form the person who is asking for the divorce/dissolution uses to ask for a conditional order.

**Conditional order** – a court order confirming that you are entitled to a divorce or dissolution of your civil partnership. It is the first of the two decrees you need before your marriage or civil partnership is at an end. A conditional order is not the final decree and does not end a marriage or civil partnership.

What does it mean?

**Dissolution** – the legal ending of a civil partnership.

**Divorce** – the legal ending of a marriage.

**Filing** – this just means giving a legal form or document to the court.

**Final order** – a court order that proves your marriage or civil partnership has legally ended and you are free to re-marry or register a new civil partnership.

**Judicial separation** – is a process that confirms you are separated and no longer have to live together. It doesn't end a marriage or civil partnership like divorce or dissolution.

**Notice of application for conditional order to be made final (Form D36)** – this is the form the person who asked for the divorce uses to ask the court to make the conditional order, final. If you apply online there is no form as such.

**Proceedings** – is another name for court action. If you 'bring proceedings' you have started a court case to sort out a dispute.

**Respondent** – the name given to the ex-partner who does not start the divorce or dissolution proceedings or the proceedings relating to financial or child arrangements.

**Serve** – delivery of court documents, usually by hand or post or if the rules allow it, by email.

What does  
it mean?

# More help and advice

## Relationship help and support

[Relate](#) has lots of information on a range of problems that can arise in relationships and families.

[www.relate.org.uk](http://www.relate.org.uk)

## How to find legal advice

For help finding a family lawyer a good place to start is [Resolution](#) where you can find lawyers by searching using your postcode. Resolution members must commit to helping you work out your legal problem in a non-confrontational way. A green tick next to the lawyer's name tells you that they offer legal aid.

[www.resolution.org.uk](http://www.resolution.org.uk)

You can also search for a specialist lawyer near you who has been accredited by the Law Society. This means they have a significant amount of experience and expertise and have passed a Law Society assessment – go to [Law Society Find a solicitor page](#). You can also find a family lawyer via the [GOV.UK website](#).

[solicitors.lawsociety.org.uk](http://solicitors.lawsociety.org.uk)

[find-legal-advice.justice.gov.uk](http://find-legal-advice.justice.gov.uk)

Another way to get legal advice is to speak to a barrister who is qualified to represent members of the public directly (without a solicitor being involved). There are limits on what a barrister can do outside of representation at court but it is often a cheaper option if you just want to get some advice rather than have a solicitor to negotiate on your behalf. The details of appropriately qualified barristers and an explanation of the way the system works can be found by searching online for '[Direct Access Portal](#)'. Don't be afraid to phone around to compare prices or

see if you can find someone who will give you the first appointment for free.

[www.directaccessportal.co.uk](http://www.directaccessportal.co.uk)

## How to find a family mediator

If you are looking for a family mediator you could ask friends and family for a recommendation or your solicitor, if you have one. It is a good idea to check any recommendations using the family mediator finder service on the [Family Mediation Council](#) website. It is fine to phone around, ask how much they charge and compare prices. For more useful information on mediation as a process have a look at [A survival guide to family mediation](#).

[www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk)

## Domestic violence and abuse

If your ex has been or is being abusive to you there are lots of places you can find out more information and get support. Always dial 999 in an emergency. For support or to discuss your options you can call the 24 hour [National Domestic Violence Helpline](#) on **0808 2000 247** or in Wales, [Live Fear Free](#) on **0808 80 10 800** (24 hours).

Both help lines are for anyone who is experiencing, or has experienced domestic abuse, or for anyone who is worried about domestic abuse happening to a friend, family member or colleague. It is free, confidential and the number will not show up on a BT telephone bill.

If you are a man and you or your children are affected by domestic violence or abuse you can contact the [Men's Advice Line](#) on **0808 801 0327**.

[Galop](#) runs a national helpline for lesbian, gay, bisexual and trans people experiencing domestic abuse. You can contact them on **0800 999 5428**.

You can find more information and support from:

[www.refuge.org.uk](http://www.refuge.org.uk)

[www.womensaid.org.uk](http://www.womensaid.org.uk)

[www.welshwomensaid.org.uk](http://www.welshwomensaid.org.uk)

[survivingeconomicabuse.org](http://survivingeconomicabuse.org)

## Debt advice

[National Debtline](#) can offer you free advice over the phone. They also offer webchat and an email service.

Helpline: **0808 808 4000** – open Monday-Friday 9am-8pm, and Saturday 9.30am-1pm

[www.nationaldebtline.org](http://www.nationaldebtline.org)

[StepChange](#) offer free debt help and advice. They ask you to use their [online debt advice tool](#) before you call so they have details about your financial situation from the start to be able to help you properly. Helpline: **0800 138 1111** – open Monday-Friday 8am-8pm, and Saturday 8am-4pm

[www.stepchange.org](http://www.stepchange.org)



## Help and support for single parents

[Gingerbread](#) provides expert advice, practical support and other help for single parents. They have lots of useful information on their website, so they ask that you look at that first before calling the helpline.

[www.gingerbread.org.uk](http://www.gingerbread.org.uk)

Single Parent Helpline: **0808 802 0925**

Monday – 10am-6pm, Tuesday – 10am-4pm, Wednesday – 10am-1pm and 5pm-7pm, Thursday and Friday – 10am-4pm. (Closed on public holidays).

[Family Lives](#) is a national charity providing help and support in all aspects of family life. Their helpline can give information, advice, guidance and support on any aspect of parenting and family life.

[www.familylives.org.uk](http://www.familylives.org.uk)

[OnlyMums](#) offers online support to parents going through divorce or separation. The site has a free web chat facility and email exchange service. OnlyMums and OnlyDads run the Family Law Panel, which links you up to specialist family law solicitors, barristers or mediators near you for a free initial conversation either on the phone or by email to help you work out how to go forward.

[www.onlymums.org](http://www.onlymums.org)

[OnlyDads](#) offers online support to parents going through divorce or separation. The site has a free web chat facility and email exchange service. OnlyMums and OnlyDads run the Family Law Panel, which links you up to specialist family law solicitors, barristers or mediators near you for a free initial conversation either on the phone or by email to help you work out how to go forward.

[www.onlydads.org](http://www.onlydads.org)

More help  
and advice

# Family budget sheet

To get a monthly figure from weekly figures, multiply by 4.33.

Item	£ per month
<b>Accommodation costs</b>	
Mortgage/Rent	£
Endowment policy linked to mortgage	£
Council tax	£
Water rates	£
Electricity	£
Gas	£
Service charge	£
Ground rent	£
Oil/Solid fuel	£
<b>Household expenses</b>	
Food/housekeeping	£
Buildings insurance	£
Contents insurance	£
T.V. licence	£
T.V. subscriptions	£
Telephone/cable/internet	£
<b>Car</b>	
Insurance	£
Road tax	£
Maintenance	£
Petrol/electric charge costs	£
Loan for car purchase (will end 20__)	£
<b>Children</b>	
<b>School expenses</b>	
Travel to school	£
School dinners/packed lunches	£
Uniform	£
Outings and trips	£
<b>SUBTOTAL</b>	<b>£</b>

Item	£ per month
Other school expenses (contributions to cooking etc)	£
Clubs and classes	£
<b>Out of school</b>	
Clothes and shoes	£
Nappies/wipes/creams	£
Childcare (gross cost)	£
Hairdressing	£
Books and toys	£
Christmas and birthdays	£
Presents for their friends' birthdays	£
<b>Personal expenses</b>	
Mobile phone	£
Clothes and shoes	£
Hair	£
Dentist	£
Optician	£
Prescription charges	£
Dry cleaning	£
Entertainment	£
Travel to work	£
Lunches at work	£
Holidays	£
Subscriptions	£
	£
	£
	£
<b>Other items</b>	
	£
	£
	£
	£
	£
<b>TOTAL</b>	<b>£</b>

The information in this guide applies to England and Wales only. The law may be different if you live in Scotland or Northern Ireland.

The law is complicated. We have simplified things in this guide. Please don't rely on this guide as a complete statement of the law. We recommend you try and get advice from the sources we have suggested. The cases we refer to are not always real but show a typical situation. We have included them to help you think about how to deal with your own situation.

# advicenow.org.uk

Making sense of the law and your rights

If you would like this guide in another format please email [guides@lawforlife.org.uk](mailto:guides@lawforlife.org.uk)

Advicenow would like to thank all those who have provided feedback, in particular, Melanie Bataillard-Samuel of Expatriate Law and Lucy Yeatman, Senior Lecturer.

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THE  
ACCESS  
TO JUSTICE  
FOUNDATION



Ministry  
of Justice

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We are always trying to improve our service. If you have any comments on what you like or don't like about this guide please go to [www.advicenow.org.uk/articles/feedback](http://www.advicenow.org.uk/articles/feedback).

**lawforlife**

Foundation for Public Legal Education

Advicenow is an independent, not for profit website providing helpful information on rights and legal issues ([www.advicenow.org.uk](http://www.advicenow.org.uk)).

Advicenow is part of Law for Life. Law for Life is a charity dedicated to ensuring that people have the knowledge, confidence and skills needed to deal with law-related issues.

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