

Your Guide To Divorce And Separation



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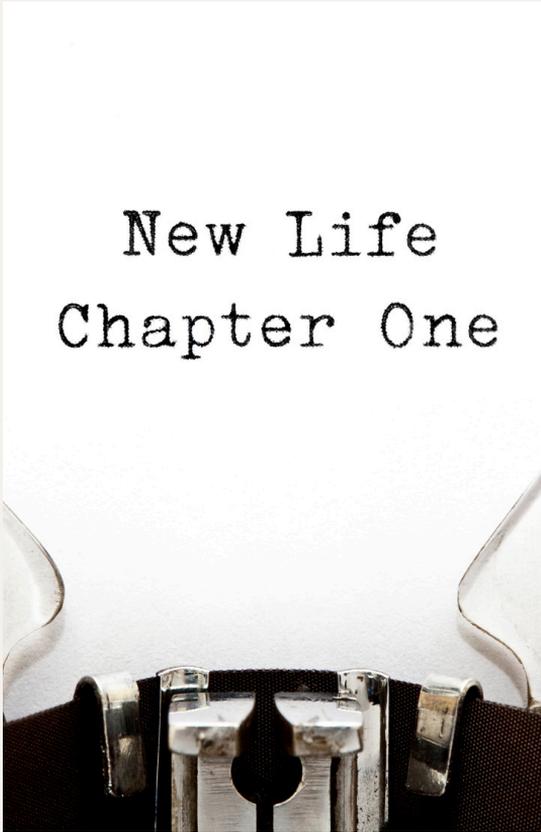
INTRODUCTION

“Your divorce or separation won’t be the entire story of your life. You still get to write a happy ending”

If you have taken the difficult decision to divorce or separate from your partner, even though a separation may have been expected, marriage and partnerships can be strong bonds, so it’s not surprising that the effect of breaking those bonds can be devastating. You may not have expected it, meant it to happen or have been able to prevent it.

As well as dealing with the emotional impact of divorce or separation, there are also a host of practical issues to think about and decisions to make such as ‘how do we end it, and what do we do about the kids, the money and the family home?’

In this guide you’ll find insights, advice and some practical steps needed to handle both the legal and emotional aspects of divorce or separation.



New Life
Chapter One

SECTION 1

Don't Rush

It's important to take your time, as deciding to divorce or separate isn't a decision to be taken lightly. Make sure you are 100% confident that there isn't a way to salvage your relationship, such as through relationship counselling, which can help you to identify and rectify the issues or problems you are facing in your relationship and can help you move on together as a couple.

If you are sure that the relationship is over, it's important to remember that a breakup or divorce can be one of the most stressful and emotional experiences you will go through, whether it is amicable or not. Losing an adult close relationship takes away part of ourselves, just as much as any other loss. It can feel like a bereavement but has none of the comforts of bereavement. There are no funerals, customs, support, no sermon valuing the person gone and nurturing the one left behind.

Take the time to grieve for the relationship you have lost and consider your next steps in building a new, different future than the one you may have imagined for yourself.

[You can read our advice on how to take care of your mental health during your divorce or separation here.](#)



SECTION 2

Telling Your Children

Divorce or separation is a difficult time for everyone involved, especially for any children you may have. It can be a confusing and traumatic experience for them, and it's essential to do what you can to minimise its negative impact.



It is important to tell your children what is happening. They don't need adult information about the situation, and they don't need to know every detail, but they do need to know what is going on.

Try to talk to your children together about your separation if you can, but try to avoid fault and blame about the reasons for the break up. They do not want to hear bad things said about the other parent.

Ensure they know it's not their fault and try to reassure them that things will be OK and acknowledge that they may feel many different emotions including sad, angry, worried or even happy – but that's all OK. Remind them they are loved by you both.

Try not to overwhelm them, keep it simple and make sure they know what is happening next. If one of you will be moving out, where they will be going, when they will see them and how they can get in touch.

Sometimes children may not want to talk, and books can provide comfort and clarity around the turmoil of family change and their parent's divorce. [Here is a list of books](#) that we think deal with the issues that children face and will help them understand what is going on.



Let them have a voice

It's also important to let them have a voice. Let them know they can speak to either of you about how they are feeling. They may have concerns about the changes taking place in their family and worry about what lies ahead, so let them know you will listen to any of their concerns. [Click here for more advice on how to support your children.](#)

It is also a good idea to let the children's schools and anyone else who looks after them know, as they are likely to need a bit of extra care, attention, and support from everybody for a while. Informing the school staff and caregivers not only helps in creating a supportive environment but also enables them to be vigilant and spot any behaviour changes in the children. Schools can play a crucial role in providing additional support or resources if needed, ensuring the well-being of the children during this challenging time.

Research shows that above all else children want you, as their parents, to reassure them that life will go on and will be fine, that they are not to blame for your split, and that you are going to work together for them. But crucially they want to have a say. It is after all their life too.

“Don't use my relationship with my other parent against me, or them”.

FAMILY JUSTICE YOUNG PEOPLE'S BOARD ADVICE
FOR SEPARATED PARENTS



The good news is that there are ways you can influence and lessen the impact of divorce or separation on your children, including all of the above and as well as considering family mediation instead of heading straight to court.

Family mediation is quicker, less stressful and less expensive than going to court and it allows you to control your family's future, instead of a judge. Studies have also found that parents who attend family mediation rather than court after divorce have significantly better long-term relationships with their children. [You can read more about how Family Mediation works here.](#)

SECTION 3

The Divorce & Dissolution Process



In April 2022 No-Fault Divorce was introduced, making it much easier for couples to divorce or dissolve their civil partnership. The significant change removes the 'blame game' and unnecessary finger-pointing and acrimony at a time when emotions are already running high. Crucially, you no longer need to assign fault to prove the irretrievable breakdown of your marriage.

However, applying for the divorce is just one part of the divorce or dissolution process. A final order (previously known as a decree absolute) legally ends your marriage or civil partnership, but does not sever the financial ties between you and your ex.

For you to divorce and move on with your separate lives, you must do more than just complete a form online. You need to agree on key issues such as child arrangements, property and financial matters.

One of the most important steps is agreeing on how to divide your finances, including achieving a clean break order. Without this, your ex-partner could potentially make a claim for a share of your future finances, such as inheritance or lottery winnings.

If you and your ex-partner can reach agreement on these issues yourselves, you can avoid the lengthy and expensive court process. If you can't agree a court will listen to both sides and make decisions for you.

Family Mediation can help to keep the decisions in your hands and is faster, more cost effective, and much less stressful than going through the courts with separate solicitors.

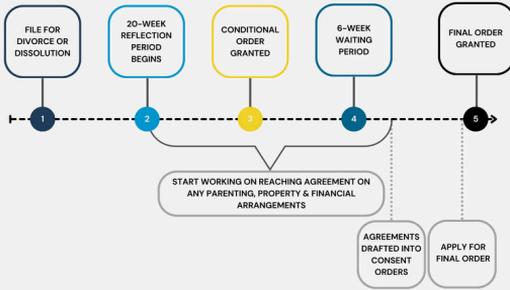
Timing

There is a compulsory 20-week waiting period between filing for a divorce or dissolution and being granted a conditional order – a document confirming the court sees no reason to prevent the divorce. Once the conditional order is granted, the court will consider any agreements you have reached. Starting these discussions early will help you move forward quickly.

After the conditional order, there is a minimum 6-week waiting period before you can apply for the final order, which legally ends your marriage or civil partnership.

SECTION 3

DIVORCE & DISSOLUTION TIMELINE



NFM LegalEyes

For those couples who choose to hire solicitors to reach agreements, legal bills can often exceed £10,000 – on top of the stress and acrimony court battles can cause.

If you prefer a more amicable and cost-effective solution, NFM LegalEyes combines the benefits of mediation with expert legal advice to help formalise financial, property and child arrangements.

With NFM LegalEyes, you can pay a single fixed fee for high-quality advice from experienced legal professionals. They will provide a range of options tailored to your circumstances, all designed to meet the fairness standards upheld by the court.

As part of the family mediation process, your mediator will guide discussions around these options, helping you reach agreement quickly and amicably. Once you've reached a resolution, your mediator will formalise the mediation documents.

From there you can choose to finalise your agreements into a draft consent order, ready for submission to the court with your own solicitor or with one of the NFM LegalEyes trusted solicitors for a fixed fee.

The courts will then approve your draft consent order to make it legally binding and there's usually no need for a court hearing if they believe it is fair.

After the court approves your financial and child agreements (if required), you can apply for your final order to legally end your marriage. Please note there is a minimum 6-week waiting period between receiving your conditional order and applying for the final order.

[Read more about our NFM LegalEyes service here.](#)

[You can find more information and apply for your divorce or to end your civil partnership here.](#)

SECTION 4

Arrangements for Children

The law says that the court should not make orders about children, unless it is better for the child if they do. This is why the court encourages parents to work out solutions themselves if possible. One option is to choose a solicitor to negotiate on your behalf, but this can work out expensive. The other option is to use Family Mediation to help you to reach agreement and make decisions on parenting arrangements, without having to go to court.

Before applying to court, almost everyone will be required to attend a [Mediation Information Assessment Meeting \(MIAM\)](#). The aim of a MIAM is to see if mediation could be used to resolve your difficulties, rather than going to court. If after your meeting, it's considered mediation is not suitable for your case, the mediator will supply you with a form signed by a certified mediator, this form confirms that you have attended a MIAM and a court will then allow you to issue proceedings.

Family Mediators know that communicating after a separation is tough, but they are skilled at helping people to work through the issues they have to consider to help them reach agreement, and to make arrangements that work well for everybody.

During Family Mediation you can discuss and mediate parenting issues such as reaching an agreement on :

-  Where the children will live
-  When and where the children will spend time with each of you
-  Agreeing child maintenance and support payments
-  Making arrangements for school holidays & key events such as Christmas, Birthdays etc.
-  How you want to co-parent together, ie. how you will communicate with each other. [You can read our co-parenting advice here.](#)
-  Any other issues you wish to agree on, such as schooling, holidays, relocation, change of name and introducing new partners

Child-Inclusive Mediation

Your mediator will talk to you about how your children can contribute, and if you both agree, the mediator will arrange to meet with your children separate to the meetings between you and your ex-partner.

Your mediator will discuss with your children the things you agree need to be considered such as if you are thinking of selling the family home how will that affect them? And how they will see both parents now you are separated? Including your children in mediation provides them with an opportunity to express any concerns. This is particularly useful as their concerns are often different from yours.

The meeting with the children is confidential and they can then decide how their views and opinions are relayed to you as their parents. In cases where children have been allowed to share their views in mediation, parents have worked together to make sure their children's wishes become a reality. [You can read more about child-inclusive mediation here.](#)

“It helped me to say how I was feeling”.

Financial Help Available

The Government introduced the Family Mediation Voucher scheme, which is for parents to resolve their family law disputes outside of court, by encouraging more people to consider mediation as a means of resolving their child arrangement disputes.



The Family Mediation voucher is worth £500 towards the costs of mediation and you can [find out more about the family mediation voucher scheme and if you are eligible here.](#)

You may also be entitled to Legal Aid. Legal Aid is provided by the Government to cover the cost of family mediation services for families in dispute. It is means tested, so you have to provide evidence of your current financial circumstances to prove you're entitled to receive it.

If you are eligible, Legal Aid will cover all your individual mediation costs. It will also cover the costs of the initial appointment and first mediation meeting for the other person if they're not eligible in their own right. [You can read more about Legal Aid for Family Mediation here.](#)

National Family Mediation is a not-for-profit organisation, meaning we aim to keep our mediation costs as low as possible to ensure everyone can access high-quality mediation services.

SECTION 5

Arrangements for Finance & Property



It's fair to say that when a relationship breaks down the initial reaction is emotional, whether you are happy the relationship is over or devastated it has happened. But in the immediate aftermath, the underlying question for almost anyone who is separating is "will I have enough to live on".

Going to court can cause more damage to your already strained relationship, and can leave you hurt, stressed and will undoubtedly leave you poorer. Instead agreeing yourselves, or using Family Mediation to agree your finance, or property arrangements can be a much less stressful, faster and cost-effective route. Family Mediation can also help you to learn to communicate again which can make things easier in the long run and is beneficial for any children you may have.

Once you have decided to separate you will need to agree issues such as :

- ✓ Where the children will live
- ✓ Support payments to be made
- ✓ Spousal maintenance

- ✓ What happens to your family home
- ✓ Division of pensions & investments
- ✓ How any upcoming bills will be settled

Family Mediation can help you to reach agreement on these issues as well as any other issues you may want to reach an agreement on including who gets to keep the family pet.

[Money Helper's Divorce and Money Calculator](#) can give you an idea of your financial situation before a potential divorce settlement. It'll also help you work out what you have, what you owe and how you might split assets and finances.

SECTION 6

Consider Your Options

You will need to find out your rights and get advice, but don't assume court is the only route for your divorce. Divorce or ending a Civil Partnership is a legal process but that does not mean you need a lawyer. Take the time to do your homework and make sure you research all of the available options. Then, choose the one that's most likely to keep your separation as peaceful as possible.

For example, you may consider mediation. Mediation is NOT about keeping couples together. Instead, it helps empower them to make the right long-term solutions when they have decided to separate or divorce.

Mediation reduces the conflict in separation, divorce or dissolution of civil partnership. It also enables people to make their own arrangements for children, property and finance rather than the court.

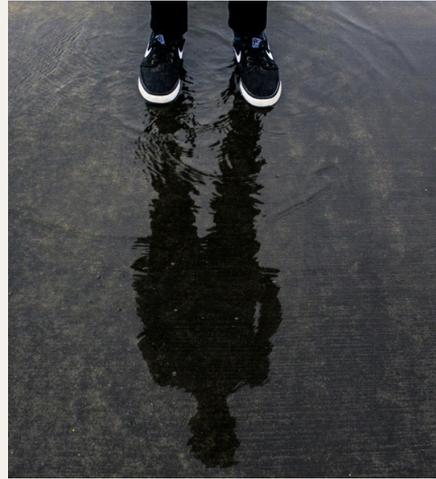
At National Family Mediation our skilled mediators are trained in all aspects of family law, so you don't need to worry about making agreements that won't be recognised by the court.



SECTION 7

Take Time to Reflect

In the aftermath of the upheaval of separation, there usually comes a time for reflection, when you take stock.



Divorce is also an emotional process. You may move from grief to relief, from anger to peace, from guilt to freedom and from regret to progress. It takes time to adjust. You need to find new ways of communicating with each other now you are no longer partners and develop a new relationship if you are parents sharing the responsibility of your children.

For separated parents, as time progresses, you will find you and your children settle into a new routine but in some instances, the situation may remain tense and hostile. If left unresolved this can cause conflict acrimony and unhappiness for all concerned. It may feel impossible to sort out, but mediation can definitely help sort out your communication problems and give you skills and techniques to use to reduce the flashpoints.

There are other forms of support to help you to recover from your divorce or separation. If you feel like you need support then these places might be a good place to turn to :



**Your family
& friends**



**Your
GP may be
able to offer
counselling**



**Local
support
groups**



**Online
support
hubs such as
Gingerbread**

SECTION 8

Tie Up Loose Ends

Although you may be thinking about the big issues such as parenting or financial arrangements, there are also some other loose ends that will need to be tied up.

Wills

If you separate, but are still legally married, your will remains valid and your spouse will be entitled to inherit as set out in the terms of the will. If you don't want your spouse to benefit then it's important that you write a new will stipulating your new wishes.

Divorce doesn't revoke a will, nor does it mean your will from before you were married comes back into effect. Your current will remains valid, but for inheritance purposes, your ex-partner is treated as if they had died when your marriage or civil partnership was dissolved. Meaning whatever they were set to inherit will be passed on to the next beneficiary who is entitled to it, in line with the terms of the will. Therefore your ex will not benefit from it, and they would no longer be able to act as an executor or trustee under your will.

It's a good idea to think about updating your will to ensure that your wishes are updated and you have chosen new executors if needed. Willfully offer free will writing services from their charity partners, - visit www.willfully.co.uk/charity-wills to find out more.



Workplace or Private Pensions

If you are married, and were to die, then your pension and its assets will often automatically go to your spouse if you die. If you are in the process of separating then this may not be what you would like to happen.

You are not able to gift your pension in your will and so if you want to make sure it goes to the right person, and not your ex, then you need to update your expression of wishes, or nomination form. There will be a form for each pension you have so make sure you contact the relevant company and get these updated if you would like them changed.

SECTION 9

Mediation Checklist

Family Mediation helps separating or divorcing couples reach an agreement on the issues that need to be agreed upon when they decide to separate. Although the agenda can be anything that you both agree to discuss and mediate on, below are some of the issues typically addressed in mediation that you can use to build your own checklist of things to cover.

Parenting Issues

- Where your children will live
- When and where the children will spend time with each of you
- How and when will the children see any wider family e.g. grandparents
- Agreeing child maintenance and support payments
- Agree how costs relating to schooling e.g. uniform, clubs, school trips will be paid
- Arrangements for school holidays and potential costs of childcare
- How you will manage holidays, e.g. how often children will contact the other parent
- How you will share key events, e.g. Christmas, birthdays, mothers and fathers day
- How you will communicate with each other to discuss things relating to your children
- Agreement on introducing new partners to your children
- Agreement to hear your children's wishes through child-inclusive mediation

Financial & Property Issues

- What happens to your family home – who will move out and when
- How you will divide any property
- Division of any items you share e.g. cars
- How to deal with any mortgages or tenancy agreements
- How you will deal with any debts or liabilities that you have
- Division of pensions and investments
- Agreement on any child support payments
- How any upcoming bills will be settled

Other Issues

- Arrangements for any pets that you share
- Agree timelines on any key decisions and actions

These are just some areas you may want to discuss, but remember mediation is flexible and can cover any other issues that are important to you both.

SECTION 10

More Help & Advice

There are a variety of other services that are able to support you through your divorce or separation, below is not an exhaustive list but just some of the help that is available.

Relationship Support

Relate : www.relate.org.uk

Find a Family Mediator

NFM is a national network of family mediation services, each of which is a not-for-profit provider, delivering family mediation in over 500 locations across England and Wales. [Search for a mediator here.](#)

Legal Advice

You can find a family lawyer via the [Gov UK website](#)

Domestic Violence & Abuse

Refuge : www.refuge.org.uk
Mankind : www.mankind.org.uk
Or call the 24 hour National Domestic Violence Helpline on 0808 2000 247 or in Wales, Live Fear Free on 0808 8010 800.

Single Parent Support

Gingerbread :
www.gingerbread.org.uk

Debt Advice

StepChange : www.stepchange.org
[National Debtline](#) : 0808 8080 4000

Mental Health Support

Mind : www.mind.org.uk
Samaritans : www.samaritans.org
Young Minds : www.youngminds.org.uk

More information on divorce & separation

Visit the NFM website for more information on divorce and separation
www.nfm.org.uk



For more information on
divorce or separation :

Visit www.nfm.org.uk

call us on [0300 4000 636](tel:03004000636)

Or email us at general@nfm.org.uk



Turn arguments... into agreements

The information provided in this guide applies to the law in England & Wales.



Turn arguments... into agreements

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