

we
are
only
human



Your guide
through divorce

The **Family Law** Co.
by Harnell Chanot



We are not perfect - we often falter in life and question the emotional decisions made. It is what makes us human. The Family Law Co is here to guide you.

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Welcome to our guide to divorce

Rachel Buckley, Director

At the Family Law Company, we recognise that facing a breakdown in your marriage is a time when you will feel a huge range of emotions – from hurt, panic, betrayal, upset and grief, to fear about what lies ahead.

You're only human.

There is an enormous amount of information available which can be a minefield to navigate. When clients first come to us, many tell us "I just don't know where to start".

We have produced this guide to provide that starting point, and to alleviate some of the initial anxiety and confusion you may feel. It explains clearly how the process of divorce works, giving you hints and tips on how to be prepared and what to expect.

In addition, we asked some of our clients to share their varied experiences of divorce and separation, along with two relationship counsellors to offer advice to those who are considering this option. We hope this will help you to understand that you are not alone, you will get through this.

The Family Law Company has helped clients across the UK for nearly three decades, but we understand that this is all new to you. In our eyes you are an individual, your case is unique. Our family law specialists are here to support you and help you plan for your future.

We hope our guide is useful in helping you to decide – and take – your next steps.

How do you know your relationship has ended?

Sarah Ashworth,
Counsellor

No relationship is perfect. People argue, want different things, have different priorities – that's normal life. But when a relationship is in serious trouble there are a number of signs that will confirm this.

You may suspect you're in an unhappy or loveless marriage - but you may not want to totally believe it. The indicators given here may help you to decide. If any of these hit home with you, it's time to take a hard look at whether this is a marriage you want to stay in.

- You don't feel safe and secure in the relationship or your home, and you feel you are walking on eggshells and can't be yourself. If there is any physical or emotional abuse please leave the family home immediately.
- Being in the relationship causes you more pain than joy on a daily basis.
- You don't enjoy each other's company. Spending time together fills you with dread, you make excuses not to go home and you would rather spend time with other people.
- You aren't having sex anymore, and maybe even the thought of it repulses you. There is no visible affection like kissing, hugging or holding hands.
- You feel that you have nothing in common and nothing to say to each other. If something happens, either good or bad, you tell someone else before you think to tell your partner.
- You feel alone even if you are in the same room. There is no connection, you are both doing your own thing, whether that's watching TV, playing on a games console, chatting via Facebook or mobile phone. There is no laughter or fun when you are together unless other people are involved.
- You are 'busy being busy'. You distract yourself from focussing on your relationship or how you are feeling. You know you are unhappy and dissatisfied with the marriage and your life but as long as you can focus on other people and things you can put up with it. Any prolonged time together such as summer holidays or Christmas creates tension, anxiety and stress.
- You don't feel significant to your partner. You don't feel seen, heard or understood. You do not feel respected, or perhaps you do not respect your partner. You feel they have let you down repeatedly, that you can't trust them because of unhealed resentments that they might not even be aware of. You feel that his career, her horse, the children, the dog - in fact, anything and everything is more important than you are to them!
- You feel you are being criticised, attacked and blamed for something every time your partner says something to you, and you react by being defensive or attacking back. This results in one or both of you feeling contempt for each other and making sarcastic, degrading remarks to imply you know better, are superior and they are inferior. This communication usually ends in stonewalling and emotional withdrawal, which leads to deterioration in communication and further evidence that your thoughts, needs and desire to be heard are consistently dismissed, which has created an impenetrable barrier.
- The thought of spending the rest of your life together fills you with dread. You frequently imagine a happy future without your partner.

Having said all this, there may still be hope – as everything I've listed here can be resolved. This might be by getting the help of a relationship counsellor, through reading books or watching online programmes on relationships. Importantly, though, both of you have to want this.

However, if you think the relationship is unsalvageable and you or your partner no longer want to fight for the relationship, then divorce may be the only answer.

SA:SI Strategic Intervention sasiuk.com

What do you need to think about first?



Once you've decided to get divorced or separate, you will need to think about various practical issues.

Children

If you have children it is important that you talk to them about what is happening. Obviously, their level of understanding will depend on their age but you need to reassure them that they are in no way to blame. As hard as it may seem, it is also important not to criticize your partner or blame them for the divorce. Your children need to know that you will both continue to love them regardless.

Bank accounts

Financial actions to take include closing any joint bank accounts. At the very least you can set an overdraft limit. You may want to talk to your bank to let them know what is happening.

Home

You may believe you are secure in your home, particularly if your spouse has left. However, you should check on home ownership. If your spouse is the sole owner, you should register home rights as quickly as possible to protect your position in the home. If you own the house jointly you may want to consider changing the agreement from a joint tenancy agreement to tenants in common so your share of the house doesn't pass to your spouse should you die before the divorce is finalised.

Will

Nobody likes thinking about death but everyone should have a Will! To make sure your estate is divided as you would want it at your death it is good practice to change your Will or, if you haven't already made one, do this straight away. The process is straightforward and easily carried out through a solicitor.

Jenny's story

It took courage and I left with nothing but now I have financial certainty.



Jenny had been married for over 30 years. Her husband was a serial adulterer and eventually she had enough and separated from him. Manipulated by him she got divorced without taking advice on finances. Director and Head of Divorce and Finance, Rachel Buckley untangled the financial situation so Jenny could finally move on.

"I'd been married for a long time, living in the family home and raising the children while my husband travelled around the world. He was unfaithful and for many years I had been unhappy although I kept going because of the children. Finally, I'd had enough and wanted to separate – it took me four years to build up the courage. Although initially he agreed to sell the house and split the proceeds, my husband then told me he wanted to stay in the house.

Although the children had left home, I agreed, partly because I was so vulnerable and partly because I just wanted to keep the peace, especially as my daughter was pregnant. Sadly, my children seemed to blame me as I wasn't honest with them about why I wanted to separate, and they sided with their dad.

I'm going to finally buy a new home for myself

I walked out with nothing and found a place to rent. My husband said he would help me with paying the rent, but he didn't. The divorce went through quickly, in about six months, with my husband sorting it all out. I just remember signing the forms. I didn't take advice and there was no financial agreement.

My husband was really pushy all the way through, while I just wanted to keep everything as amicable as possible, for the children, even though they were grown up.

I'd met Rachel at a business event and when I realised I needed to sort the financial situation out, she gave me a free consultation and explained how she could manage this. She handled it brilliantly, including the pension issues - basically she retrieved the situation for me. My ex husband was reluctant to release bank details and we nearly went to court although I eventually decided not to pursue this.

Rachel gave me great support all the way through, keeping me up to date on everything. The Family Law Company handled billing efficiently so I was able to plan financially."

Jenny's tips

- Don't rely on the idea that someone will do the right thing by you.
- Don't be too trusting, be realistic.
- Be more open with the children so they understand why you have done what you've done.
- See a solicitor before you get divorced!

What now?

- I'm going to finally buy a new home for myself.
- I'm in a new relationship – and I'm not ruling out getting married again.
- Perhaps one day I will tell my children the real truth behind the divorce.

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What are the grounds for divorce?



Applying for divorce or dissolution

The only ground on which you can file for a divorce within the England and Wales courts is that your marriage has broken down irretrievably.

Prior to 6 April 2022 the irretrievable break down of a marriage/civil partnership was proven by using one of five facts i.e., adultery, unreasonable behaviour, desertion, 2 years' with consent and 5 years' without consent separation.

From the 6 April 2022 this was replaced with the 'No Fault Divorce' system with the passing of the Divorce, Dissolution and Separation Act 2020. The Decree Nisi has been replaced by a 'Conditional Order' and the Decree Absolute has been replaced with a 'Final Order'.

A divorce application will be supported by a statement which the court shall take to be conclusive evidence that the marriage has irretrievably broken down.

The one year bar of marriage to apply for a divorce remains in place as well as the option of nullity proceedings in very rare and specific circumstances, you should seek specialist advice if you believe this could apply to you.

There are only very limited circumstances in which your spouse/civil partner can defend proceedings. They cannot dispute whether the marriage is broken down, but they can dispute;

1. The jurisdiction of the court in England and Wales to conduct the proceedings. (i.e neither party lives in or has any other connection with England and Wales)
2. The validity of the marriage or civil partnership (i.e. the marriage is not a legally valid marriage) age
3. The marriage or civil partnership has already been legally ended (i.e. in another jurisdiction)

It is also possible to challenge proceedings for reasons such as fraud and procedural compliance. Under the new law, anyone applying for a divorce or to end their civil partnership will be able to apply jointly or individually.

Kirsty's story

Keeping focused on the facts ensured best outcome and a bright future.

Despite their marriage clearly having failed, Kirsty found her husband just didn't want to get divorced and was as uncooperative as he could be. Associate Solicitor Hannah Porter took a firm hold to get the best outcome for Kirsty.

"We were married for 20 years but it hadn't been working for a long time. My husband was a religious man, and as early on as the marriage ceremony, I perceived a change in his behaviour - as if the law of God entitled him to behave as he pleased and that he was above any other law. We went through counselling several times but it became clear things weren't going anywhere. I soon realised it would be difficult as my husband didn't want to get divorced. He ignored me and made everything very difficult for me. I found a property to rent, so I left the family home with my teenage daughter and moved in there. Access was an informal decision between us, my daughter stayed with her father at weekends.

He just did not want to talk about getting divorced. I knew we wouldn't be able to agree but I was struggling, paying for everything including our daughter's needs, the rent and all the bills with no financial contribution from him.

I made an appointment to see Hannah who straight away said that my husband should be paying maintenance and advised me to contact the Child Maintenance Service. I relayed this to him, he then decided he would make a contribution.

Hannah wrote to him urging him to appoint a solicitor which he did. But he was then angry throughout the divorce process which meant it took longer than it would otherwise have done. He kept giving excuses for not co-operating or doing what he needed to do. His solicitor was always pushing, constantly trying to see if there were things to discover like whether I was putting any of the maintenance money aside. As a couple, we were offered mediation but the lack of communication from my husband continued; he didn't want to negotiate at all. So I went on my own although there wasn't much point.

It seemed that it would go on forever, but Hannah had advised me to issue court proceedings to ensure a resolution was reached. She appointed a barrister for me, for the second stage of the court process and at the last minute as we were going to court, my husband and his solicitor suddenly agreed with our proposal for settlement, so we were able to reach mutual agreement.

I may be in the right space for another relationship



The barrister and opposition put forward their proposals, and the judge accepted my barrister's proposal, requiring flexibility on how it was carried out which seemed fair.

It took nearly four years from when I left to the decree absolute. It was messy simply because he just wouldn't cooperate. After court, there were no more arguments, just a detailed action plan to follow.

Throughout, Hannah kept me on track and made sure the whole process was very professional. She helped me to avoid the vicious cycle of 'getting hurt, hurting back'. She stuck to deadlines and focused on points, not emotions, which really helped me to stop being distracted by my feelings."

Kirsty's tips

- Try not to lose your temper, but keep controlled if you can.
- Don't get upset by the opposing solicitor attempting to discredit you.
- Find out if you are entitled to any support, be aware that you'll need to finance your divorce and it can be expensive if the other person doesn't play ball.
- Look at areas where you can do things yourself to help keep fees down, your solicitor will advise you about this.

What now?

- I've had four years to reconstruct myself - I feel if I've achieved this, I can achieve anything!
- Now I realise that I'm absolutely okay on my own I may be in the right space for another relationship.
- Hannah gave me good advice for any new relationship, to be careful with my assets and be prepared.
- I'm looking for a house to buy, my very own home.



The divorce process – your options

Although many people think that the divorce process is only possible through a lawyer, there are other options, some of which will work well when you are hoping for an amicable divorce. You can potentially 'mix and match' these to create the right process for your situation.

Using lawyers only

When a divorce is not amicable, for whatever reason, or you prefer not to see your former partner, the whole process can be managed through lawyers without either of you having to meet. You can negotiate and reach compromises during the process but be aware that if there are delays to the process this may result in higher costs.

Mediation

Mediation is a process in which an independent mediator assists a couple to resolve all of the practical issues arising from their separation. A mediator is neutral and provides information, not advice, to help the couple organise their thoughts, gather all relevant information and think through the pros and cons of each of the choices they have. The outcome of mediation is a set of proposals on which the couple are encouraged to take legal advice before their lawyers make them binding.

Collaborative law

Collaborative law is a form of negotiation in which the separating couple and their lawyers commit to resolving all of the practical issues arising from their separation without litigating through a court process. Negotiations, advice and discussions take place in four-way meetings involving the couple and their lawyers so there is complete transparency about the legal advice being given. The commitment is reinforced by their agreement that if the negotiations break down the couple will have to use different lawyers if they wish to use the litigation route.

Arbitration

The arbitration process is still relatively new and involves an arbitrator adjudicating on financial issues where a couple are unable to resolve their differences. An arbitrator is a private judge, and the process is confidential and geared to individual circumstances.

Financial court proceedings

These are court proceedings that deal specifically with issues over property and finances which usually run alongside the divorce process. The length of time this takes depends on many factors including the time taken for financial disclosure to be made, how many issues arise, and the amount of assets and finances to be divided. Potentially this route leads to high costs and can cause further acrimony between a couple especially where children are involved.

Whichever option you choose, it is important that any final agreement or settlement reached becomes a binding court order to ensure you are financially protected, both now and in the future.

Mike's story

An amicable split was best for our children.

After 10 years together and 2 years married, long hours of work led to the deterioration of Mike's relationship. The Family Law Company helped him to ensure the divorce process was as amicable as it could be.

"We'd reached a point where my wife and I simply couldn't see a way forward. I was putting in long hours for my business and my wife had just had enough.

At first, I was very worried, I was in a panic that I would lose everything - I'd heard some shocking stories. I went to see a solicitor at another firm, but she had no time for my fears and it was not a helpful meeting. I spoke to the Family Law Company who told me to try to calm down, to come straight over to see them. They were brilliant, honest about the process and how long it would take.

We have two young sons so it was always in my mind to keep things as amicable as possible - it was never just about me, or my wife. I was desperate to keep our home as it's an ongoing project, a rural home I'd planned especially for the children to enjoy.

So my wife and I decided to sit down and work out what would be best. We wrote our own agreement, there were no arguments - and we've stuck to it. I bought my wife out of the house after working out what I could afford to take on as a mortgage, and we came to a figure that she was happy with. Being able to agree this between us definitely saved us some money on legal fees.

What was interesting about the process is that even though we were amicable and didn't disagree on the finances or the children, the system dragged things out. To be honest, the longer something like this goes on, the harder it is to keep it amicable. I started having a slight fear that she might change her mind, and she started to feel worried that I wouldn't give her the money for the house. But we had enough trust in each other to get through. When the divorce was finalised, there was a sense of sadness as much as a sense of relief.

The children are with me half the time which is great. They were always the most important part of this for us, and I'm really pleased that we kept them at the heart of our decisions."



I'm taking my time to find myself

Mike's tips

- Be open with friends and family who will give you support.
- If you have children, try to maintain an amicable relationship.

What now?

- Work is keeping me busy - and I'm also working on the house to get it finished.
- I'm not rushing into another relationship. Instead, I'm taking time to find myself.
- I'm really enjoying spending time with my children.

Financial settlements

A financial settlement can be simple or complicated, depending on your particular circumstances.

Factors include your ages, how long you have been married, health, your 'reasonable' needs, benefits lost through divorce and financial contributions you have made within the marriage. Also included are the needs of any children.

Pre- or post-nuptial agreements will also be taken into consideration.

The financial settlement includes capital assets, any pension, and income:

Capital assets: these might include your home, any other properties, business assets, investments and trusts, even cash or valuables such as antiques. Once everything is valued the assets are firstly divided equally. However, there are variables such as assets owned prior to your marriage or inherited during it.

Pension: clients sometimes don't realise that pensions are part of married finance. When a couple divorce, the court can make orders for pension sharing or if there is an imbalance in pension provision due to, for example, one spouse not working in order to bring up the family, they can award a greater proportion of capital assets to offset this.

Income: this includes spousal maintenance which is based on the needs, circumstances and resources of you both and, if you have children, child support. Many couples are happy to sort out levels of child support between themselves. However, if this is not forthcoming, the Child Maintenance Service (CMS) will need to be involved.

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Mary's story

Now I know that nobody can control me or stop me doing the things that are right for me and my children.

Mary found herself in an unmarried relationship with a controlling partner. Director and Lawyer, David Cobern supported her through a long process of trying to secure the family home, enabling her and her children to have security and the freedom to move on.

"I knew early on in the relationship that my partner had issues with drink and prescription drugs. We had children quite soon after getting together. My job sometimes required me to work nights and I would come home to find him passed out, in no fit state to look after the children.

His controlling personality manifested itself in all sorts of ways including food and bills. I had to give him my wages but he would also ask for more. It transpired that we were actually in debt, he'd used the money for his addiction, not the bills. We had bought the house jointly but he had made a larger contribution and held this over me all the time.

He constantly told me that nothing I could do would be enough for the children, he made me feel completely useless. I felt powerless.

On one occasion when he was passed out, I was getting rid of some half-drunk bottles, but he came round and saw me, and became violent. This sparked me into action – I didn't want the children to be scared. So I hid with them, and called my family and the police. The police arrived and told him to leave and he moved in with a friend.

I did try to keep it amicable, because he said he'd get help but in the end he just got worse. He stopped paying the mortgage saying that the house was his because he'd put a larger deposit down. This is when I got in touch with David. He told me I was being fed a lot of lies, he helped me to understand that there was a way through and I could get out the other side.

It took many years to sort out the house. We tried mediation but he didn't turn up. He'd demand to see the children or else he wouldn't give me any money. If I asked him for money, he would simply vanish. For a long time, I had to take on extra work to pay the mortgage and bills.

Now I know that nobody can control me

I wanted him to be able to see the children, we arranged through the court when and where, but again he didn't turn up. When he did come, he was inebriated, some of the things he did showed his mental instability. Now he's not seen his children for years.

The situation was drawn out because we needed to prove he was ill, we needed his signature on the paperwork, we needed him in court – often it was impossible to find him. It was all mind games. Just before lockdown in a last frantic rush with solicitors and mortgage companies all on the phone together I managed to finalise a new mortgage. So funnily enough, lockdown became my freedom.

Through all of this David was a superstar. He had to cope with me in tears, in total confusion, unable to understand what was going on. He went way above and beyond."



Mary's tips

- Be strong enough to realise that things aren't right, especially when someone uses control and violence.
- Realise that sometimes you just can't fix someone.
- Talk to someone sooner, it's not a failure to do so.

What now?

- For 10 years I thought I was stuck. Now I know that nobody can control me or stop me doing the things that are right for me and my children.
- The house is mine and is a family home - the children are settled.
- I have changed my job and the new role means I have authority over other people and can help them.
- Physically and emotionally my ex partner wouldn't recognise me, I am back in control.
- I'm on the right path now ready to begin a new adventure. Next up, a holiday for me and my children!



Practical decisions

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The longer you've been married, the more practical considerations there will be, and the more decisions you will have to make.

Children

Foremost are your children, if you have any. Who will they live with, will they live in a single household or split time between both parents? Will you formalise contact or play this by ear? What happens if one of you wants to move away? You will also need to discuss and agree about schools.

Home

Your home is often an emotional aspect of divorce. If you have no children it may be easiest to sell up and split the proceeds as per the financial agreement or your own arrangements. But if you have children, you may agree that one of you can stay in the house with the children until they reach, for example, the age of 18.

Money

If you have joint savings and investments you will need to decide how to split these. If there are debts such as loans for household goods, you will have to discuss how best to repay these or whether one of you is prepared to take the debt on.

Belongings

Belongings can also present emotional dilemmas, particularly when a family pet is involved. This may come down to who lives somewhere where the dog is allowed to stay. Other items such as furniture, white goods, technology and sports equipment will all need to be split between you or sold.

Sharon's story

Keeping the pension share fair.

Despite at first believing the situation could be resolved fairly, Sharon realised her ex-husband wasn't being entirely reasonable when it came to pension sharing. The Family Law Company helped her to achieve a better outcome.

"After 15 years of marriage it seemed we'd drifted apart. I don't think my husband was being totally honest with me though as after we'd separated, he found a new place pretty quickly and moved in with someone else.

We split up in 2013 and opted for a two year separation. In 2015 I went to see a solicitor locally but came out feeling really unhappy. A friend recommended The Family Law Company. My husband was resistant to solicitors and held things up; my lawyer had to cope with me being in tears sometimes but she was always really lovely.

Certain elements of the process were okay; my husband paid more than he needed too for maintenance with some extra support too. But the general tone coming through from his solicitor was that he'd been the hero, left everything and walked away with nothing, which wasn't true at all.

The main issue was his pension. The Family Law Company advised me that we should get a pension report from an actuary, but my husband fought this and really resisted before finally giving in. Once we had the report, despite my husband telling me he wasn't going to be unfair, his solicitor offered a very small percentage. The pension sharing report gave very different figures. My husband offered me pretty much the lowest percentage in the report, but the Family Law Company were clear that this was not fair in the circumstances. My husband stood firm and when we couldn't reach an agreement, even though I was prepared to compromise, he issued court proceedings. I found this very daunting but the Family Law Company were very reassuring and explained what I needed to do.

At this stage, my financial situation didn't allow me to continue using the Family Law Company to represent me in court, but I continued instructing them so that they could help me to prepare for the court case behind the scenes. They also gave me plenty of emotional support, helping to put balance back in the situation. At the court hearing, the judge indicated that essentially my position was a reasonable one and reflected the advice that Family Law Company had given me; they had advised that in my case, it was appropriate for all pensions to be shared, not just those accrued during the marriage, and the judge agreed.

Don't get held up by issues because you are fearful for the future.

Following the hearing, my husband increased his offer and we reached an agreement, which finally means this process can come to an end. Perhaps the figure is less than I should have agreed (if the Family Law Company had represented me, I'm sure I would have got more), but sometimes the need to get on with life outweighs a financial outcome."



Sharon's tips

- Be strong! I would have been much stronger and stood up for myself when my husband questioned why I had appointed a solicitor.
- Make sure the process pushes ahead, don't get held up by issues because you're fearful of the future.
- Protect yourself by keeping the process as business-like as possible.

What now?

- It's still the early stages, but I rent a house in an area that I like.
- I was lucky that the children were able to change schools easily and that all happened smoothly.
- I'm still in a job I love, which wasn't supposed to go on this long, but it has!

Where do you go from here?

Amanda Williamson
Reg MBACP (Snr Accred)

Divorce is known to be one of the most stressful experiences we can have as adults, second only to death of a spouse on the Holmes-Rahe Stress Inventory¹. However, it is important to realise that a happy and fulfilling life after divorce is entirely possible.

The importance of grieving

The end of a marriage or civil partnership can sometimes feel like a death. So it is important to grieve the end of the relationship, regardless of who chose to end it. Grieving takes time and the more we allow ourselves to come to terms with the emotions associated with loss, the closer we can get to acceptance and being able to move on.

Practical steps

- Talk to friends or family members. Don't think of it as burdening them – if you allow others to listen to you then they'll feel able to open up to you when they need to.
- Make use of support such as counselling services, church pastors or even a sympathetic GP.

Opportunity awaits

You can use your newly separated or divorced status to forge new friendships, try new hobbies or reconsider life goals. If there's something that you have always wanted to do, now is the time to explore this. Taking the step to look at new opportunities gives you a very important message that may have got lost somewhere along the way; your needs are important. It is also important to realise that there are many people going through similar transitions and it's definitely worth reaching out beyond your existing network to connect with others in a similar situation.

Practical steps

- Write a list of all the things you would like to do in the next six months/year/five years/ten years.
- See if any of your friends are keen to try a new course/hobby/sporting activity.
- Try music lessons, martial arts or social meet up groups.
- If you are a single parent there are specialist resources such as the charity Gingerbread.²



Growth and learning

Often relationships go wrong because an unhealthy dynamic emerged, so see this as an opportunity for something referred to as "pattern interrupting"; a chance to change your life for the better and look at what you might do differently from now on. Think about how you can make sure you don't get drawn into a similar situation and how you might have a healthy romantic relationship in the future – if you want to, of course.

Practical steps

- Pattern changing courses are often available via the local council for those who have been in abusive or toxic relationships.
- Individual or group counselling can help to identify your part in an unhealthy dynamic and change your patterns, leading to the potential for healthier relationships moving forwards.
- Reading up on unhealthy dynamics in relationships can also empower you to change your old patterns.

A new future

Divorce and separation are the end of something equating to a loss, but are also the beginning of something new. By finding appropriate support to help you through your grief, by recognising and accepting what went wrong, and by defining how you want your future to look you can find yourself on a new path. You will soon realise that you're now able to look forwards with excitement and positivity about the future.

Amanda Williamson Counselling Service
[amandawilliamsoncounselling.co.uk](https://www.amandawilliamsoncounselling.co.uk)

¹ <https://www.stress.org/holmes-rahe-stress-inventory>

² <https://www.gingerbread.org.uk>

Rhoda's story

From military marriage misery to strength and security.

The stress of her husband's addictions coupled with communication breakdown meant Rhoda felt trapped. Director and Head of Divorce & Finance, Rachel Buckley ensured she regained control of her life and a positive outlook for herself and her children.

"It was my second marriage - we were married for 12 years, with two children. After just a few years I realised that my husband, who was in the army, was quite ill mentally, with addictions. It took me another decade to fully appreciate what an appalling situation I was in.

As a military family we moved around a lot, and my husband was away from home often. It's hard to resolve any problems in the marriage when they're away all the time, and my husband refused to call or write to me. I wasn't working, I was entirely dependent, I felt totally trapped. I believed I had no control over my life at all.

I did manage to persuade him that we needed to buy a house away from the military base, but then he was away during the week and just home at weekends.

There were so many emotional things to deal with; as a military wife you're part of the military wives family - but if you decide to get divorced this impacts on emotional support as well as your social life.

Because of his addictions and temper, the marriage became impossible, I didn't want my children growing up like their father so I told him to leave. I saw a solicitor and got as far as my decree nisi. I knew the house was too much for me to manage financially on my own so I had to find a way to buy a smaller home.

I came to see Rachel because of her experience and expertise dealing with military personnel. From the start I felt supported and listened to. She took a lot of my emotional stress away, telling me not to worry about things, they would be dealt with.

The process took a long time, around 18 months to the decree absolute, as my husband was away for some of the time and it proved really tricky to get hold of his financial statement. But I had an amazing solicitor and amazing barrister who gave me really solid advice and support. Rachel made the conversation fluid about how things would progress, so I was able to be a part of things to make sure we could prompt my husband into giving certain responses. It meant I gained a sense of having control, which was really affirming.

But Rachel was so lovely, she made me feel like a person, not just another job. She checked with me after the divorce was finalised, to make sure I was okay which was really lovely."

I own my own home and have my own mortgage

Rhoda's tips

- Take legal advice early on.
- Find a specialist lawyer - one that has experience with military divorces.
- I'd tell myself to look ahead a few years and believe that things will get better; 'It'll be all right in the end, if it's not all right, it's not the end.'

What now?

- I own my own home and have my own mortgage.
- I'm in a financially secure position and have a job that I love.
- I'm starting to get a social life, making new friends not in the military world.

Planning for the future



Once the divorce process has ended you will receive your Final Order. This arrives without ceremony through the post so prepare yourself for this as it is often an emotional moment.

You are now divorced and it is time to move on.

Your family and friends are likely to already be aware of the situation. If not, take the opportunity to talk to them. You might find that mutual friends find it hard to accept your new status and you may lose some along the way – be ready for this.

How you respond and process your divorce is entirely up to you. For some people it will mean quiet times and lots of reflection, whilst others may prefer to take up new hobbies, travel or do something they've always meant to do but never got round to – like skydiving for a charity fundraiser!

If you have children then they will continue to take up plenty of your time. It's important that they continue their relationship with your new 'ex' (so long as it is safe to do so), so make sure that contact time is in place and adhered to. Be flexible if you can. You'll need to consider decisions including choosing schools and taking holidays abroad, and how you manage these with your ex.

No one person is the same and you will find what works for you.

Looking further ahead there may come a time when you meet someone new and start thinking about moving in together, or even remarrying. It is likely that there are things you learnt from your previous marriage and divorce that stand you in good stead for a 'happy ever after' in your next relationship. Even so, putting in place a pre-nuptial or cohabitation agreement could be a wise move, just in case.

How we can help

The **FamilyLawCo.**
by Hartnell Chanof

As a specialist family law company, we have many years of experience in helping clients to move forward from an unhappy marriage.

Every divorce is different. Some are straightforward and go through quickly without hiccups. Others, as this guide shows, are complicated, take longer - and cost more. We believe it is important to give you a realistic outcome including costs from the start. Our free initial appointment allows us to explore this with you before you make a commitment to our handling your divorce.

Sometimes the advice we give and our view of what might happen may be hard to accept, but we will explain our reasoning thoroughly. We are all specialists in the area of family law and will have carefully considered every aspect of your individual case.

Our ethos is to try to make the divorce process as amicable as possible, not to fan the flames of animosity and anger. However, at the same time we are also extremely firm and work for the benefit of you, our client. We put children at the heart of what we do so if you have a family, you can be sure we will strive to reach a resolution that is right for your children as well as you.

Where possible you will be teamed up with a solicitor who is experienced with cases similar to yours.

Our commitment includes:

- Initial free appointment.
- Upfront advice on the potential outcome of your case.
- Keeping in close communication with you in a timely fashion.
- Using plain English rather than legalese.
- Advising you of any significant changes and likely cost implications.

Each year we handle more than 2,000 family law cases, helping individuals, couples and families to resolve problems in the least stressful way. We will always protect the vulnerable.

Susan's story

Left vulnerable but honesty wins the day.

Living in a property overseas belonging to her former partner and running a business from it as her only means of support meant Susan was extremely vulnerable.

"About three years into our relationship my partner and I started talking about getting a place together – not just a home but something that would enable us to change our lifestyle. We found the ideal guesthouse in Austria and put in an offer – which is legally binding there. We paid the deposit and put our respective houses on the market, but then the 2008 crash happened. The bank pulled the mortgage and we couldn't sell our houses. My partner managed to secure a bridging loan and small mortgage, but I was unable to put any money in. The guesthouse was in his name, but the mortgage was in our joint names.

At the beginning it was our intention to have a family and use the guesthouse to make our living. My partner actually prepared a statement saying we had 50/50 equity in the house (after the loan etc was paid back) but I was too idealistic, too naïve, and wouldn't sign it. My house sold and I gave the equity to my partner. In order to do building work in Austria you have to live there so I relocated.

So, I'd given up my job, handed over the equity from my house sale, invested in the set up of the guesthouse, numerous flights and then moved to Austria. At this point it all started to unravel. I asked for my name to be added to the land register and was under the understanding that this was being put into place, but, unbeknown to me, the solicitor, not knowing my various investments, advised my partner against it. My partner and I started to have disagreements about works on the house and he'd say things like: 'It's my house'. Our accountant told me I had no legal standing. Then my partner changed the mortgage into his name only.

I found myself in a precarious position and gave him an ultimatum – a year to put things right. But we broke up. He cancelled listings on booking websites, reported my living in the house to the police threatening criminal proceedings, and started eviction proceedings in Austria. It seemed an unwinnable case. Local lawyers said I had no chance so I contacted three lawyers in England. David Cobern was the only one who answered. He dealt efficiently with the foreign jurisdiction and lawyers and the business element to my case, as well as the property.

Emotionally it was hard gathering evidence and writing a statement, I had to relive everything from the happier times to the difficult times. I experienced such a sense of loss. But I did have evidence – he'd left some things at the house, including a laptop and on it, the statement he'd prepared about 50/50 equity.

Emotionally life hasn't turned out as I'd planned, but I can now look forward and even contemplate a new relationship sometime.

But I'll never put myself in that position again.

I had kept most of the emails from him so I had plenty of evidence of his thoughts and feelings. He contradicted himself, and there was an unmistakable nastiness in his actions; cancelling our listings, trying to get me evicted, issuing criminal proceedings and in his emails. He also upped the stakes by issuing possession proceedings there, meaning David had to engage with an Austrian lawyer to have those proceedings stayed.

A relation of mine close to the judicial sector told me that the judge would find a way of finding in favour of someone who came across as honest and genuine, as I was being. In court, David's advice was not to be intimidated – the opposing barrister was known as being something of a bulldog, but he couldn't trip me up or discredit me.

Two weeks' later, our summing up call with the judge was harrowing, for the first 45 minutes it sounded like everything was going my partner's way. And then she said it; she said she felt the claimant, me, was being honest. Her judgement was that he would have to sell the house to me, for a low price, and with costs against him.

It took almost five years from the relationship breaking down to the house being signed over to me. David was brilliant, he was the only one prepared to take on my case. I often go over everything and I'm so very grateful for everything he did and how he was so patient with me at times when I just couldn't face it.

Susan's tips

- Be realistic even when you're in love – I trusted my partner too much.
- Make sure that any joint agreement involving property is formalised.
- Be honest. I was totally honest and it worked in my favour.

What now?

- Six months after we went to court the house was put into my name, I own it outright. I have planning permission to add another apartment and the business has gone from strength to strength.
- I have free time to enjoy the beautiful area I live in.



The
Family Law Co.
by Hartnell Chanof

01392 421777

enquiries@thefamilylawco.com

www.thefamilylawco.co.uk

