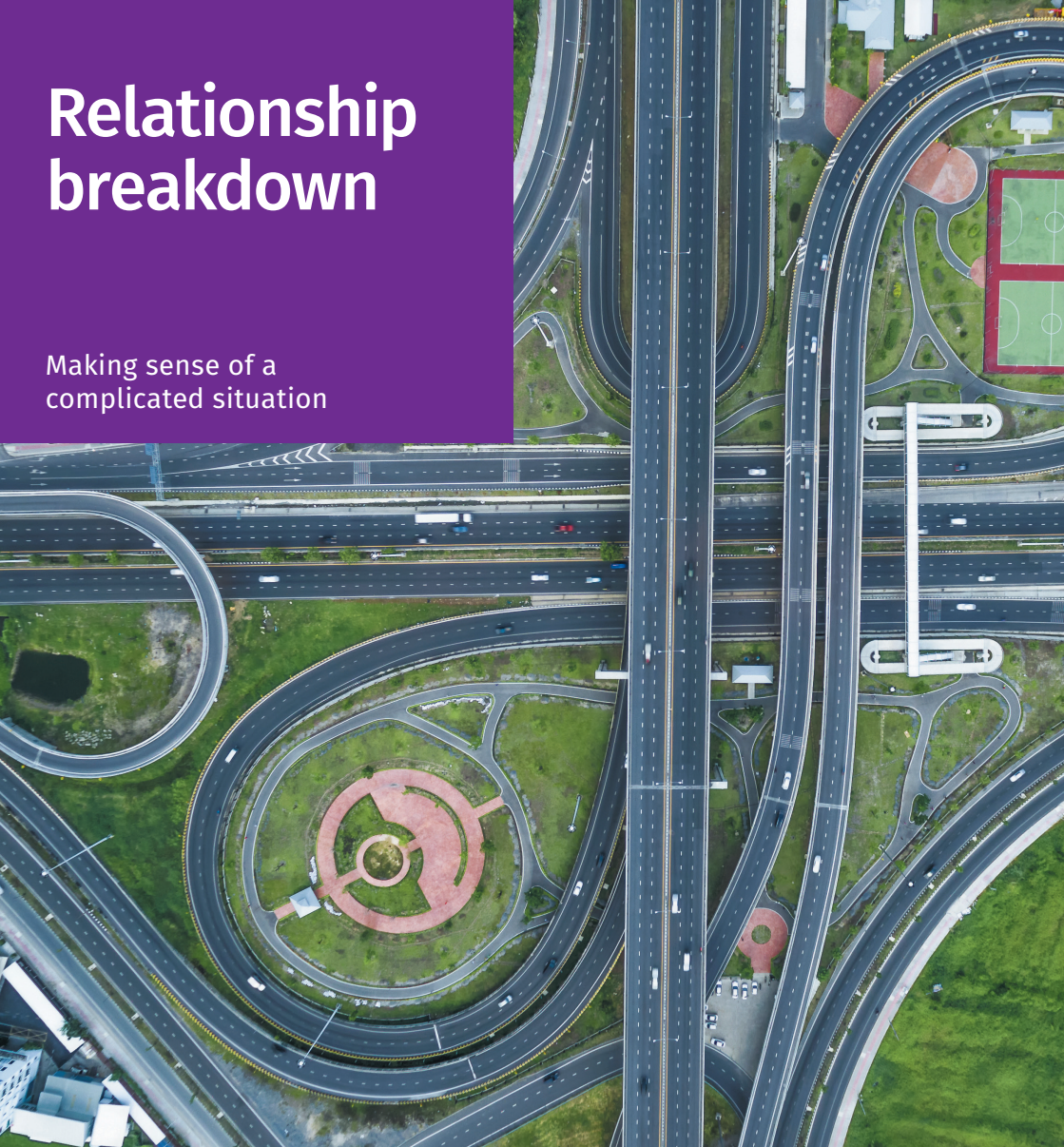


# Relationship breakdown

Making sense of a  
complicated situation



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# What happens when a relationship breaks down?

**Sadly, many marriages end in Divorce or people decide to separate. There are only grounds for Divorce when the marriage has irretrievably broken down.**

For the Court to be satisfied that a marriage has irretrievably broken down it is necessary to establish the existence of one of five facts, these are:

- Adultery
- Unreasonable behaviour
- Desertion
- Two year's separation (with consent)
- Five year's separation (consent not needed)

You also need to have been married for over one year to apply for Divorce proceedings.

If you are in a Civil Partnership rather than a marriage, there are Dissolution of a Civil Partnership proceedings which are very similar to Divorce proceedings, except 'adultery' cannot be relied on as a fact in Dissolution. Neither can adultery be relied on as a fact in a same sex marriage.

## What else do I need to think about?

**If you are divorcing, it is important to know if you have a Will or not. If you do, any gifts made to your spouse will remain valid until you are legally divorced.**

If you do not have a Will then, under the Intestacy Rules, your spouse could inherit the majority (or even all) of your estate before you are legally divorced. To avoid this, we would advise you to consider making a Will.

You will also need to consider if you want to "sever the joint tenancy", which prevents your share of the family home passing to your ex if you were to die before financial issues are resolved.

You may also be able to make nominations in relation to who receives your pension if you were to die before the finances are resolved.



## How can we help you?

**Chafes Hague Lambert have an experienced Family Law Team that can guide you through your Divorce, Dissolution or separation.**

If you feel that a Divorce/Dissolution is the right option we can assist with the following:-

- Drafting the initial Divorce or Dissolution petition
- Sending any relevant documentation to the court on your behalf to obtain the Decree Nisi (first stage of Divorce) and the Decree Absolute of Divorce (so the Divorce is final) or obtaining a final Order for Dissolution in Civil Partnership breakdown
- Assist in negotiating the costs of your Divorce
- If you are preferring to separate (rather than Divorce) then we can assist you in making a 'Separation Agreement' which can regulate the terms of your separation, including children and financial arrangements
- If you have children we can help you with trying to reach an amicable agreement on arrangements for the children, between you and your ex-partner
- Assist in reaching a satisfactory financial settlement.

## Frequently asked questions

### Q. How much will it cost?

There will be a Court fee payable to the Court itself when you issue your Divorce or Dissolution Petition. Our charges will be based on the time that we spend on your case. We will give you an estimate of the costs including details of the Court fees at your first appointment and keep you updated if things change throughout your case.

### Q. How long will it take?

Where the parties co-operate and the matter proceeds smoothly the Divorce is usually concluded within four to six months. Often, however, where there are finance issues to resolve, the Decree Absolute is not applied for until there is a settlement regarding the matrimonial finances.

### Q. What about the arrangements for the children?

If there are any difficulties in respect of the arrangements for the children then separate proceedings can be issued. See our leaflet on Children matter.

### Q. When are financial issues dealt with?

The resolution of the matrimonial finances are usually dealt with during the Divorce proceedings. However they can be dealt with during or after the Divorce proceedings have concluded. See our leaflet on Matrimonial Finances.

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