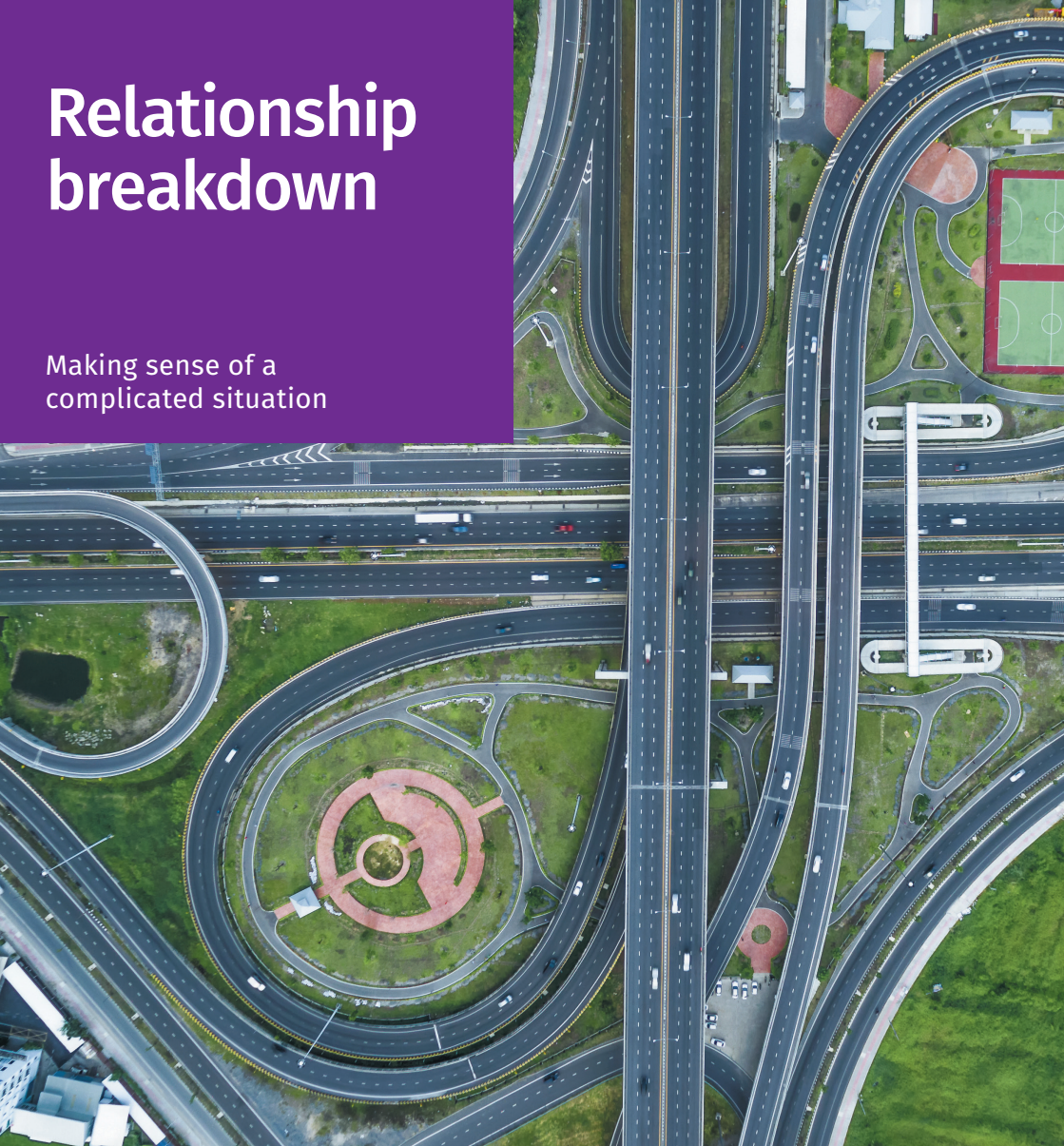


Relationship breakdown

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.

However, after nearly 50 years the law has changed about how you prove that your marriage has irretrievably broken down.

The new law came into effect from the 6th April 2022.

Under the previous law the Court had to be satisfied that a marriage has irretrievably broken down because of one of five facts; these were:-

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

However, under the new law all that will be required is for at least one spouse to provide a legal statement to say that the marriage has broken down irretrievably.

It will also be possible for divorces to be issued jointly by a couple.

The new law will have an in-built cooling off period by having a minimum period of 20 weeks between the initial application and a first Order being made, with another 6 weeks delay until the Divorce can be finalised.

The law is also being changed about the arrangements for Dissolution of Civil Partnerships.

What else do I need to think about?

If you are separating, 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 financial issues are resolved.



How can we help you?

Our family lawyers at Chafes Hague Lambert 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
- Preparing and processing the relevant documentation to the Court on your behalf to obtain the first stage of the Divorce and then finalising it or obtaining a Final order for Dissolution and 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?

Under the old law, where the parties co-operate and the matter proceeds smoothly, the Divorce is usually concluded within 4-6 months. Under the new law there will be a 20 week cooling off period once a Petition has been issued.

However, often where there are financial issues to resolve any Decree Absolute or Final Order 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 named Children Matter for further details.

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 for further details.

| New Mills Office T: 01663 743 344

| Urmston Office T: 0161 747 7321

| Wilmslow Office T: 01625 531 676

www.chlsolicitors.co.uk

howcanwehelp@chlsolicitors.co.uk

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