



A practical guide to **relationship breakdown**

We'll lead you through
life's complexities

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Gordon**
Lawyers

Contents

Children and separation	3-10	Useful organisations	18-20
<ul style="list-style-type: none">• Care arrangements• Parental responsibility• Going abroad• How to tell your children about your separation• Separation checklist		<ul style="list-style-type: none">• Debt management• Personal support• Children and breakdown• Counselling for you	
Child maintenance	11-12	In the event of a death	21
<ul style="list-style-type: none">• Child maintenance• Maintenance options		<ul style="list-style-type: none">• Considerations in the event of a death• Guardians• Change of name	
Other financial matters	13-17	Dispute resolution	22-23
<ul style="list-style-type: none">• Benefits• Child benefit• Bank accounts• Mortgages• Budgets• Council tax discount• Housing benefit• Tax credits• Child tax credit• Working tax credit• Council housing		<ul style="list-style-type: none">• Mediation• Collaborative law• Solicitor assisted negotiations• Court proceedings	
		Notes and forms	24-31
		<ul style="list-style-type: none">• Glossary• Budget planner• Sample letter to school	

Contact us

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Children and separation

Care arrangements

Research shows it is normally in a child's best interest if:

- They are raised by both parents
- Their parents demonstrate a positive relationship toward each other
- They are clear about the arrangements for spending time with each parent
- They are not exposed to sudden changes in arrangements
- They are not exposed to negotiations or conflicts
- They do not hear their parents talk negatively about the other parent
- They are able to keep in touch with wider family members and family friends

- Their parents' new partners support the arrangements and have a good relationship with them
- They are allowed to enjoy their time with each parent.

What are the options?

In today's society, no one family is the same and therefore, what works for one family may not work for another. When you separate, you may decide to share the care of the children on a daily or weekly basis, or one of you may have the day-to-day care, with the other having regular contact.

You may want to have a combination of both direct face to face contact and indirect contact via telephone, in writing or over the internet.

*No two cases are the same.
We will treat your circumstances
with empathy and compassion.*



Where do you start?

Consider inviting your partner to meet you at a neutral venue where you both feel comfortable or in a public setting, such as a coffee shop, to discuss the arrangements.

These are some of the arrangements that you may want to think about and discuss:

- How will the children's time be shared between you? This works best if there is a pattern or routine.
- Where will the handover take place? Ideally it should be from your homes, but could be via a third party or in a public place.
- Who will be responsible for the collection and return of the children?
- Who will be doing homework, washing or any other activities?
- What is going to happen on special occasions such as birthdays and festive holidays?
- How will arrangements differ over school holidays?
- How will you tell them about the arrangements that are being made for them? Will you tell them together or separately?
- Are the arrangements flexible?
- Will you set a minimum time period for notification of any changes?
- Will there be additional contact by telephone, text or email and if so, when?
- Will there be anyone else looking after the children? If so, who will this be?
- Are there to be any important rules that you consider essential for the children? For example, set bedtimes, when and how their homework is done, and curfews?
- When and how will a new partner be introduced to the children?
- What is the position on school reports and letters?
- What is the position regarding medical treatment for the children?
- Will you attend parents' evenings and other school events together, separately or alternatively?
- How will you approach choosing the school for your children?
- Are there any school related issues that will need to be considered together? How much input will each of you have regarding GCSE options and funding of school trips?
- What are the arrangements for your children's out of school activities, sport or hobbies?

Parental Responsibility

What is Parental Responsibility?

Parental Responsibility (PR) is defined by Section 3 of the Children Act 1989 as, "All the rights, duties, powers, responsibilities and authority, which by law a parent has in relation to the child and the administration of his or her property."

In simple terms a person with PR is responsible for the care and wellbeing of a child. The law does not list what these duties, powers and rights are, but examples include:

- Consent to medical treatment
- Arranging a child's education
- Agreeing to a child's change of name
- Administering a child's property
- Representing a child in legal proceedings
- Determining the culture and religion of a child
- Agreeing to a child's adoption
- Agreeing to and prohibiting the issue of a child's passport

Do I have Parental Responsibility?

Mothers

- Have automatic PR from when the child is born

Fathers

The position with fathers can vary. Fathers will have PR if:

- They are or have been married to the mother at any time since the birth of the child
- They are registered jointly with the child's mother on the birth certificate, providing it is after 1st December 2003
- They have acquired it by formal legal agreement with the mother or by Court Order

Why do I need Parental Responsibility?

PR is needed if you wish to have some say in the decisions regarding choosing your child's school, religion and surname. It allows you to consent to medical treatment for your child. It also allows you to appoint a guardian on your death, and also permits you to sign consent forms for school trips.

Parental Responsibility is needed if you wish to have some say in the decisions regarding your child.

Going abroad

What is the legal position with regard to going abroad and children?

Unless the Court gives permission, the consent of all those with PR is required before a child is taken out of the UK, no matter how short the trip may be. The position is however different when there is a Child Arrangements Order in place under which it is stated the child lives with either or both parents, or if a Special Guardianship Order is in force. In these instances the person in whose favour the order is made may remove the child from the UK for up to one month in the case of a Child Arrangements Order and three months in the case of a Special Guardianship Order, without the consent of any other person with Parental Responsibility or the permission of the Court.

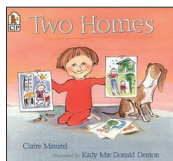
Dealing with the change in circumstances

How do we tell our children of the changing circumstances?

Separation and divorce for children is undoubtedly an upsetting, stressful and unsettling time. A lot of issues may have been discussed between you both and the thought of telling your children may be quite daunting. It may be useful to use books or stories to help young children understand what is going on between their parents.

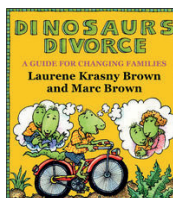
Children need to hear about issues in a clear manner to which they can relate. Below is a list of books that may be helpful, according to the child's age.

Children between 3-8 years



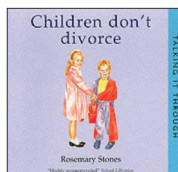
Two Homes
by Claire Masurel
ISBN: 0744589258

A story about Alex who now has two homes: one at mummy's and one at daddy's. Recommended for children of a very young age.



**Dinosaur Divorce:
a guide for
changing families**
by Lauren and
Marc Brown
ISBN: 0316109967

A cartoon strip story explaining about separation and divorce for young children.



Children Don't Divorce
by Rosemary Stones
ISBN: 0851228119

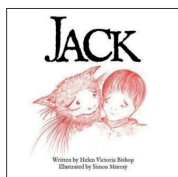
A book that looks at divorce from the child's angle and offers an opportunity to explore and express the child's own feelings of their situation.



Was it the Chocolate Pudding?
A Story for Little Kids about Divorce

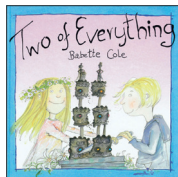
by Sandra Levins ISBN: 9781591473091

Tells the story of divorce in a typical family from the point of view of an engaging young narrator. Readers learn about divorce, and receive age-appropriate explanations of what is happening regarding such issues as single-parent homes and joint custody.



Jack
by Helen Bishop
ISBN: 0957108885

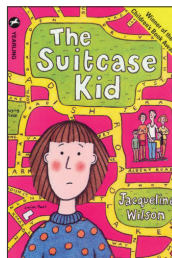
A sensitive book to inspire and support children through the difficulty of parent separation and divorce.



Two of Everything
by Babette Cole
ISBN: 9780099220626

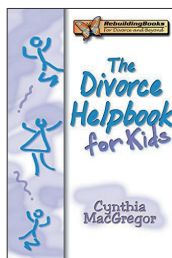
A book about two siblings who worry that their parents arguing is their fault. They call a meeting at their school to find out if anyone else is in the same predicament. They find out they're not alone.

Older children/Young people



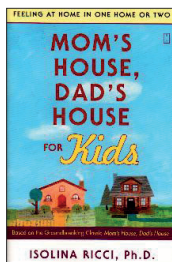
The Suitcase Kid
by Jacqueline Wilson
ISBN: 0440863112

The author tells the story of Andy who is upset about her parents' divorce and does not know who she should live with.



The Divorce Helpbook for Kids
by Cynthia MacGregor
ISBN: 1886230390

This book discusses many of the topics that trouble children when their parents' divorce.



Mom's House, Dad's House
by Isolina Ricci
ISBN: 9780684830780

Described as a complete guide for parents who are separated, divorced or living apart who wish to create two complete and happy homes for their children.

There are also some handy websites that you may wish to let your children have a look at, particularly if they are older.

It's Not Your Fault

A very helpful website emphasising to children that separation and/or divorce is not a problem caused by them, but is an adult issue. It has a diary tool that encourages children to keep account of their feelings and emotions to help them compare in coming months, for example, whether they are happier that their parents have stopped arguing.

www.itsnotyourfault.org

ChildLine

Offers a free confidential helpline open 24 hours.

Freephone: 0800 1111
www.childline.org.uk

National Youth Advocacy Service

NYAS provide advocacy services for children and young people up to the age of 25. They provide specialist help in children's rights, children in care, contact issues, education and youth justice. They have a network of advocates throughout the country and their own legal advice.

Freephone: 0808 808 1001
www.nyas.net

Youth Access

Youth Access members are dedicated to providing high-quality, young people-centred services.

www.youthaccess.org.uk



Separation Checklist

Who to tell about the change in your circumstances

- Your family and friends who can help and support you

As a result of your relationship breaking down there are likely to be some changes to your current living arrangements. This means there are a number of people and organisations you may feel it's appropriate to contact. You should take legal advice before contacting institutions such as your mortgage lender or bank.

Your money

You should consider telling:

- Your landlord or mortgage lender
- Your local authority council tax department
- Your bank or building society
- Any creditors you have (such as companies with which you have a credit card or a personal loan)
- The Tax Credits office if you need to apply for Tax Credits for the first time or if you are already receiving Tax Credits
- Jobcentre Plus if either you or your ex-partner is getting benefits
- Your local authority if they pay you Housing Benefit
- The disability and carers service if you are receiving Attendance Allowance or Disability Living Allowance.

Your work

You should tell:

- Your employer. The only things you specifically need to tell your employer are your address and your next of kin details, if they are changing. However, it may help to let your employer know about the changes in your personal situation so that they are aware you are going through a difficult time and can make allowances for this.

Your home

You should tell:

- Utility companies including water, gas, electricity and telephone (but only if the person named on the bill will no longer be responsible for paying or if you are setting up a new home)
- Your insurance company if you wish to change the beneficiary or those entitled under the policy
- The Post Office if you need to redirect your mail
- The driver and vehicle licensing agency (DVLA) if you need to change your address details on your driving licence or vehicle registration documents
- TV Licensing if you need to change the address details on your television licence

- The passport service if you need to change your name and address on your passport. It is however preferable to delay changing your name until the conclusion of the proceedings.

Your children

You should tell:

- Your children's schools. The only thing you specifically need to tell your children's schools are your address and your next of kin details if they are changing. However, it may help to let your children's teachers know that your situation at home is changing, because sometimes children's behaviour at school can be affected when their parents' relationship breaks up. A lot of schools have a policy on how to deal with this situation so it is worth contacting them to find out. You will also need to check that letters and reports will be sent out to you separately. A sample letter to the school is provided on page 30. You can also download this at: slatargordon.co.uk/rb

Your health

You should tell:

- Your doctor and dentist to change your next of kin and address details (if you're moving out of your current home).



Child maintenance

In a relationship your finances are highly likely to have been pooled together. On separation you will need to consider how your change in circumstances will affect how you each contribute to the wellbeing of your children.

For example:

- What regular payments are either of you making for the children's maintenance, and if so, to whom are the payments made?
- Who will pay for clothes and shoes for the children?
- Who will pay for uniforms, sports equipment and kit, etc.?
- Who will pay for travel, for example to see each of you, relatives and friends?
- Who will pay for school trips?
- Who will give the children pocket money?
- Who will pay for large items, such as bicycles, computers, musical instruments?
- How will you support the children through college, university or other training courses?
- How and when will you review these financial arrangements?

What are the maintenance options?

Parents have three options in respect of child maintenance. They can either enter into a private agreement (called a family based agreement) which is not legally binding, or record an agreement in a formal document which is legally binding by way of a Court Order. Alternatively, if a child is either under 16 or under 20 and in fulltime education (but not higher than A-Level or equivalent) and parents cannot agree the amount of maintenance between themselves they can apply for an assessment by the child maintenance service (CMS). The child maintenance service distinguishes between the parent who doesn't have day-to-day care of the child (the 'paying parent') and the parent or person who does (the 'receiving parent').

An application cannot be made to the CMS if the receiving parent or the child lives outside the UK.

The child maintenance liability will be calculated on the basis of a percentage of the paying parent's gross weekly income after deduction of pension payments. Reductions will apply depending on the number of nights the child stays overnight with the paying parent. A reduction will also apply if the paying parent has relevant other children either living with them, or for whom they have to pay child maintenance.

For further information on the various options you can visit the child maintenance options service online at www.cmoptions.org or contact by phone **0800 988 0988**.

For information on the assessment process by the child maintenance service, please visit www.gov.uk/child-maintenance or contact their helpline on **0845 713 3133**.

The level of child support payable can be calculated online using the child maintenance calculator at www.gov.uk/calculate-your-child-maintenance.



Other financial matters

A separation can dramatically affect your personal finances and assets. This section aims to provide you with information on the financial support that may be available to you or your family, and highlights some of the financial issues you may need to discuss.

Benefits

As a result of your separation you may become entitled to certain state benefits or additional benefits. Benefits you may be eligible for can include:

- Income Support
- Job Seekers Allowance
- Child Benefit (see further information below)
- Tax Credits (see further information below)
- Housing Benefit (see further information below)
- Council Tax discounts (see further information below)
- Disability Living Allowance
- State Pension
- Pension Credit
- Employment Support Allowance
- Carers Allowance

Please note that a number of the benefits listed above will be affected by the introduction of Universal Credit. Further information is available at www.gov.uk/universal-credit.

To find out which benefits you may be entitled to you can visit your Local Benefit Agency or you can obtain an estimate of your benefit entitlement and apply online at: www.gov.uk/browse/benefits.

Child Benefit

Child Benefit is a tax-free payment that you can claim for your child. It is usually paid every four weeks but can sometimes be paid weekly. There are separate rates payable for each child. Child Benefit payments usually stop when your child reaches 16, unless they are in education or training that counts for Child Benefit. For example, an advanced course at higher education level such as a degree does not count. You cannot get Child Benefit for your child once they reach the age of 20.

Whoever is paid Child Benefit is assumed to be the primary carer. Therefore, it is important to ascertain who is to be the primary carer of the child as this may affect other financial benefits and support as well as contact and residence arrangements. If you and another person both claim Child Benefit for the same child, only one of you can get it.

For further information on Child Benefit and how to go about changing the arrangements, visit the HR Revenue and Customs website at:

www.gov.uk/browse/benefits/child

Or by telephone on: **0300 200 3100**

Monday to Friday 8am to 8pm.

Saturday 8am to 4pm.

Closed Sundays.

Or by post to:

**Child Benefit Office,
PO Box 1
Newcastle Upon Tyne
NE88 1AA**

Bank accounts

If you have a joint account with your spouse or partner you may wish to inform your bank of your separation. You should first check the bank's policy on dealing with accounts in the event of divorce or separation. You may confirm to the bank your agreement to close the account or to transfer it into one of your sole names. Most banks have a specific form for this purpose. Most banks will not agree to any changes if the account is overdrawn.

If you decide to keep the account open until you have finalised your settlement, then it is a good idea to limit the overdraft facility or withdraw it from the account all together.

For joint savings accounts or joint accounts with large balances, you and your partner should agree how those

balances will be dealt with. You may agree to freeze the account or divide the money between you.

Mortgages

On separation, inevitably a second home needs to be funded and as a result the mortgage payments on the property you shared together can become difficult to meet. There are however temporary and long term steps that you can take to make the repayments more affordable.

These include:

- Contacting your mortgage company to request a mortgage repayment break. You will both need to consent to this
- If you are currently on a repayment mortgage (repaying both interest and capital each month) you may be able to convert the mortgage to interest only. You will both need to consent to this. It will depend upon the account's terms and conditions
- You can consider re-mortgaging to achieve a better rate of interest or changing the mortgage into one of your sole names. We would strongly recommend that you consult a mortgage advisor and take legal advice before taking steps in relation to changing the mortgage.



Budgets

You first need to ascertain your joint household income from all sources. From employment this will include salary, bonus or overtime payments. You also need to take into account investment income (such as interest and dividends) together with benefits to which you are entitled. By living in separate houses, one or both of you may become entitled to benefits such as tax credits.

You will also need to consider how the payments will be made. For

By living in separate houses, one or both of you may become entitled to benefits such as tax credits.

example you may agree a one-off monthly payment payable by standing order, or you may agree to remain responsible for certain items of monthly expenditure. the money between you.

Council Tax discounts

If you're on a low income you may qualify for Council Tax reduction. Your full Council Tax bill is based on at least two adults living in a home.

If only one adult lives in a home (as their main home), the Council Tax is reduced by 25 per cent. Certain people are not counted when working out the number of adults who live in your home.

For example, discounted persons include:

- Children under 18
- People on apprentice schemes
- 18 and 19-year-olds in fulltime education
- Full-time college and university students
- Young people under 25 who get funding from the Skills Funding Agency or Young People's Learning Agency
- Student nurses
- Foreign language assistants registered with the British Council
- People with a severe mental disability

- Live-in carers who look after someone who isn't their partner, spouse or child
- Diplomats

Housing Benefit

Local authorities offer support to those on a low income and pay Housing Benefit to those who qualify, to assist in the payment of rent.

In order to qualify for Housing Benefit, you must:

- Be paying rent

You must not:

- Have savings of over £16,000
- Live in the home of a close relative
- Be a full-time student (subject to exceptions)
- Be an asylum seeker or be sponsored to be in the UK
- By residing in the UK as a European Economic Area jobseeker

If you are currently receiving benefits, Housing Benefit will cover all of your eligible rent.

If you are not currently receiving benefits, Housing Benefit may cover all or part of your rent.

For further information on eligibility contact your Local Authority or check your eligibility and apply online: www.gov.uk/council-housing/apply-for-a-council-home.

Tax Credits

If you are responsible for at least one child or young person, you may qualify for Child Tax Credit. If you work, but are on a low income, you may qualify for Working Tax Credit. You can often get both types of Tax Credits. If you were already receiving Tax Credits before your separation, you will need to notify the Inland Revenue of your change in circumstance and they will reassess your claim.

Child Tax Credit

If you have a new baby or you're responsible for any children under the age of 16 or under 20 in full-time education or approved training, then you may be able to claim Child Tax Credit to help with the cost of looking after them.

Working Tax Credit

- If you are responsible for children, you need to be aged 16 or over and do paid work of at least 16 hours a week to qualify
- If you are not responsible for children, you need to work the following hours:
- If you are aged 25 or over, you need to do paid work of at least 30 hours a week
- If you have a disability and are 16 or over, you need to do paid work of at least 16 hours a week

- If you or your partner are aged 50 or over, and are going back to work immediately after being on out-of-work benefits, such as Income Support or Jobseeker's Allowance, you need to do paid work of at least 16 hours a week
- If you or your partner are aged 60 or over, you need to do paid work of at least 16 hours a week

Further information is available at: www.gov.uk/browse/benefits/tax-credits and an online calculator is available at: www.gov.uk/tax-credits-calculator.

Alternatively you can contact the Tax Credits Helpline on **0345 300 3900** or in writing to Tax Credit Office, Preston, PR1 4AT.

Tax Credits are being phased out and gradually replaced by Universal Credit. Universal Credit will be paid as a single monthly payment that will include a standard allowance plus additional allowances for elements including children, housing and caring responsibilities. Universal Credit is being introduced in stages, so whether you can claim depends on where you live and your personal circumstances. Until you are asked to make a claim for Universal Credit, you can continue to claim Tax Credits.

Council housing

Council housing is property that is owned by a council and not by a private individual or company. Anyone can apply for council housing but homes are normally offered to the people who need them most. Councils use 'points' or 'banding' systems to work out the order in which housing is offered to people.

Councils differ in how they run housing. Some councils may have transferred all their properties to local housing associations. Some housing associations also run the waiting list on behalf of the council.

Housing associations are separate from, but often work closely with councils to house local people. You can often apply directly to a housing association as well as your council. In some areas, you may only deal with a housing association when you apply for housing.

For further information or an application form contact your local council or visit: www.gov.uk/housing-benefit

Useful organisations

You may have existing debts or find that as a result of your separation you are relying on credit to supplement your income. You should get independent advice to help you find the best way to deal with your debt. You can get free and independent advice from organisations such as Citizens Advice and the National Debtline.

Below is a list of the organisations offering free help and advice.

Debt Advice Foundation

A registered UK charity, operating free telephone helpline for anyone worried about debt.

0800 043 4050

Monday to Friday 9am to 9pm,
Saturday 9.30am to 1pm

www.debtadvicefoundation.org

National Debtline

Offer free, confidential and independent help over the phone for people in England, Scotland and Wales. You can call their helpline and also download publications from their website.

0808 808 4000

Monday to Friday 8am to 8pm

www.nationaldebtline.org

Stepchange

Provide free and confidential counselling on debt problems - including personal budgeting and credit advice.

0800 1381 111

Monday to Friday 9am to 6.30pm

www.stepchange.org

Civil Legal Advice

If you qualify for legal aid and live in England or Wales, CLA can provide free help or legal advice over the phone. They can help with debt, housing, employment, education, welfare benefits and Tax Credits.

0345 3454 345

Monday to Friday 8am to 9pm,
Saturday 9am to 3pm

Payplan

Provide free advice to people living in the UK on debt and budgeting, including free debt management plans and Individual Voluntary Arrangements without upfront fees.

0800 280 2816

Monday to Friday 9am to 5pm

www.payplan.com

Business Debtline

Provide a free telephone debt counselling service for the self-employed and small businesses facing financial hardship.

0800 197 6026

Monday to Friday 9am to 5pm

www.businessdebtline.org

Your Local Authority

Some offer a free debt counselling service. You can check with your Local Authority by following the link below.

You'll be asked to enter details of where you live and then taken to your Local Authority website where you can find out more.

www.tinyurl.com/3rmfmr5

AdviceUK

Is a network of independent advice centres for people living in England, Scotland and Wales. To find your nearest member agency, visit the AdviceUK website or telephone:

0300 777 0107

www.adviceuk.org.uk

Northern Ireland:

www.adviceni.net/advice

Money Advice

Provides a thorough and helpful guide on financial issues and the practicalities you may experience when going through a divorce and separation. Their service includes an online divorce and separation budget calculator and other useful information, including help with debt.

Helpline:

0300 500 5000

www.moneyadvice.service.org.uk

Law Centres

If you're being threatened with legal action, and you qualify for legal aid, you can get free and independent advice from your Local Law Centre.

Find your Local Law Centre:

www.lawcentres.org.uk

Scottish Association of Law Centres:

www.govanlc.com/salc

Shelter

Offers free confidential advice on housing, debt, welfare benefits, care and health needs (including disability rights and entitlements).

England:

0808 800 4444

Wales:

0845 075 5005

Counselling for you

A relationship breakdown can be very stressful and emotional. Counselling or other forms of therapy can however help you adjust to life after separation. The following organisations and books can offer support and information on parenting after separation.

Family Lives

This is a national charity dedicated to offering help and information for parents and families in a range of circumstances.

24 hour helpline: **0808 800 2222**

www.familylives.org.uk

Gingerbread

Provide a professional freephone advice service for lone parent families, membership services, and a network of self-help groups. The website includes a virtual group for lone parent families.

Helpline: **0808 802 0925**

www.gingerbread.org.uk

Relate

Local Relate centres offer relationship counselling and life-skills courses. The national office can put you in touch with local centres. Counselling is also available over the telephone for a small fee.

Helpline: **0300 100 1234**

www.relate.org.uk

In the event of a death

Considerations in the event of death

Why should I make a Will?

If you do not have a valid Will you have no say in what happens after your death, including what your preferred funeral arrangements would be and what happens to your estate. If you die without having made a valid Will, your estate is dealt with by the Administration of Estates Act 1925 which sets out who can deal with your estate and who will inherit what. If you are still legally married (even if you are separated) and you have no Will then your spouse will inherit from your estate.

What is a Guardian and do I need to appoint one?

A Guardian is someone who you have selected to look after your children in case you die while they are still under the age of 18. However, only a parent with Parental Responsibility can actually appoint a Guardian.

How do I appoint a Guardian?

Most commonly, this can be appointed in your Will, or you could put it more informally on paper, so long as it is signed and dated.

The effect of Guardianship will take immediate effect upon the death of the parent who has made the appointment, except where there is a surviving parent with Parental Responsibility.

Change of name

Change of name

You can call yourself whatever you like by common usage. However, if you want to officially change your name you will have to present legal documentation to the relevant agencies.

If you are divorced or have been through a dissolution, your Decree Absolute or Final Order will be sufficient. In other cases you will need a change of name deed.

Children and changing their names

Everyone with Parental Responsibility for a child will need to give their consent. For a definition of Parental Responsibility and a list of who may have it, please see the Children's section of this guide. If you do not obtain the consent of all those with Parental Responsibility they can start legal proceedings to stop the change of name or obtain an Order to make you change it back.

Dispute resolution

You may be able to agree arrangements for the children and/or a financial settlement with your partner or spouse without needing any professional support. However, even if this is the case we would strongly recommend that you enter into a legal document to ensure that what you have agreed is legally binding.

You must secure a court order as this is the only way in which you can have a final and binding legal agreement in respect of financial matters. The court order not only sets out the terms of the agreement, but more importantly it is the only way in which financial claims can be formally dismissed.

What are the options if you cannot reach your own agreement?

Mediation

Mediation is the process by which you and your partner or spouse meet together with a trained independent third party called a mediator. The mediator will facilitate discussions between you to encourage you to reach agreements about arrangements for the children, finances and property. The role of the mediator is to help you cooperate, resolve conflicts and help you reach joint decisions. Mediation is not reconciliation or counselling.

It is sensible for you to receive legal advice alongside the mediation process to ensure that you are well informed about your legal

position. The mediator is impartial and therefore cannot give you independent advice. The sessions usually last one and half hours each and can be arranged to suit your requirements. The number of sessions will depend on the issues that need to be resolved between you.

Arbitration

Arbitration can best be described as private court proceedings. You and your partner or spouse will agree who will act as the arbitrator and you will pay for their services. Arbitrators are experienced family lawyers or judges. By engaging in the arbitration process, you agree to be bound by the arbitrator's decision.

Arbitration can be a fast and effective way of dealing with financial claims.

Collaborative Law

Collaborative law is the process by which you and your partner or spouse still meet together, however, you each retain your own specially trained lawyer who is also present during the meetings. You decide the agenda and the pace at which the meetings progress. Collaborative law is particularly worth considering if you are likely to have an ongoing relationship with one another, whether because you have children together or friends in common.

Solicitor Assisted Negotiations

If you do not want to meet face to face, negotiations can still take place between you via a solicitor. This remains the most common method through which financial terms are agreed.

offers the opportunity to resolve matters. Only those cases where agreements cannot be reached will be listed for a final hearing and after hearing evidence from the parties a judge will decide the appropriate order to make.

Court Proceedings

Not all cases are suitable for mediation or the collaborative law process. Agreements may also not be reached despite attempts at negotiations. Although an application may be made to the court, the court process still



Glossary

- **Affidavit**

A formal, written statement sworn to be true, more commonly known as a sworn statement.

- **Applicant**

The person applying to the court for an order.

- **Application for Divorce**

Document filed with the court to start the process to legally end a marriage, traditionally known as a petition.

- **Application for a Financial Order**

Application to the court in the course of a divorce or dissolution for a financial order (e.g. maintenance, lump sum, transfer of property).

- **Arbitration**

Private proceedings in which a couple pay for an arbitrator and agree to be bound by their decision.

- **Assets**

Any description of property or rights other than land or an interest in land.

- **CAFCASS (Children and Family Court Advisory and Support Service)**

The organisation responsible for safeguarding and promoting the welfare of children involved in family court cases.

- **Child Maintenance Service (CMS)**

The CMS is the governing body which deals with the issue of child maintenance including the level to be paid.

- **Clean Break**

This term is used when a husband and wife settle their finances on the basis that neither will be able to make any further claims against the other.

A husband and wife can dismiss their claims against each other's incomes (claims for maintenance), capital (includes assets and pensions) and against each other's estates on death.

- **Civil Partnership**

Same sex couples aged over 16 can register their relationship as a civil partnership. This then gives them the same legal rights as married couples.

- **Collaborative Law**

A way of reaching agreements with the parties and their solicitors meeting together to discuss the issues.

- **Conditional Order**

An order confirming entitlement to the end of a civil partnership.

- **Consent Order**

An order made by the court with the agreement of the parties.

- **Contact**

Organised time that the parent who does not live with the children has with their children. Contact can take place in a variety of forms, such as email, texts, phone calls or letters, as well as overnight stays and visits.

- **Decree Absolute**

The final order of the court to confirm the legal ending of a marriage. This is the second decree pronounced on a divorce.

- **Decree Nisi**

An order of the court to confirm that the parties are entitled to a divorce. This is the first decree pronounced on a divorce.

- **Dissolution**

Where a civil partnership is brought to an end (equivalent to a divorce).

- **Domicile**

The country where a person has his or her permanent home, or closest connection. This can be either a domicile of origin, or a domicile of choice.

- **Application to the Court made without notifying the other Person**

Application without notice.

- **Final Order**

An order legally ending a civil partnership. Can also mean an order dealing with a financial settlement in a divorce or separation.

- **Form E**

Financial statement used in court proceedings used to provide disclosure.

- **Former Matrimonial Home**

The address at which a married couple last lived together as husband and wife.

- **Injunction**

An emergency court order. Can be an order to protect a person from domestic violence or to freeze assets within financial proceedings.

- **Judicial Separation**

An order that the parties will be living separately but does not end the marriage.

- **Maintenance/Periodical Payments**

A regular sum of money paid from one party to the other, usually on a monthly basis

- **Maintenance Pending Suit**

Temporary maintenance for a spouse, pending decree absolute of divorce.

- **Mediation**

Attendance at a meeting with a professionally qualified mediator who helps parties reach an agreement regarding children and/or finances.

- **Non-Resident Parent**

The parent who does not have the child living with them.

- **Parental Responsibility**

This is the rights, duties and responsibilities that a parent has in relation to a child.

- **Pension Sharing**

An order confirming the percentage split of a pension between parties on a divorce or dissolution.

- **Petitioner**

A person who starts divorce proceedings. Now known as applicant.

- **Pre-nuptial Agreement**

An agreement entered into before marriage which sets out the financial arrangements in the event of the marriage breaking down.

- **Post-nuptial Agreement**

The same as a pre-nuptial agreement, but entered into after a marriage.

- **Prohibited Steps Order**

An order preventing a parent from taking a certain step in relation to a child (for example removal from the country).

- **Residence**

Agreement or order of the court confirming with whom a child will live.

- **Respondent**

The person an application is made against.

- **Separation Agreement**

A document setting out the terms of a separation in relation to financial matters and or children.

- **Without Prejudice**

If a document or a conversation is described as being 'without prejudice' it means that it can't be quoted in court, or shown to a judge.

Budget planner

Item	Current Monthly Expenditure	Future Estimated Monthly Expenditure
PROPERTY		
Mortgage		
Rent		
Buildings Insurance		
Contents Insurance		
Council Tax		
House Maintenance		
Life Insurance - Endowment		
Life Insurance – Other		
Replacement furniture/furnishings/ electrical equipment		
Household decorating		
UTILITIES		
Gas		
Electricity		
Water		
Oil		
Boiler Service		
Television Licence		
Sky/Cable		
Telephone (Landline)		
Telephone (Mobile)		
Internet Access		
HOUSEHOLD EXPENSES		
Food (household)		
Food (at work)		
Window cleaner		
Gardener		
Cleaner		
Vet bills		
Pet insurance		

Item	Current Monthly Expenditure	Future Estimated Monthly Expenditure
CHILDREN		
Car insurance		
Car Tax		
Petrol/diesel		
MOT and servicing		
Breakdown services		
Depreciation		
Taxi/bus/train Fare		
Parking		
LOANS		
Loans		
Finance/HP Agreements		
Car (Finance)		
Credit Cards		
Store Cards		
PERSONAL		
Clothing/shoes		
Hairdresser		
Beautician		
Toiletries		
Opticians		
Dentist		
Prescriptions		
Private Health Insurance		
Dry Cleaning		
Pensions		

Item	Current Monthly Expenditure	Future Estimated Monthly Expenditure
LEISURE		
Holidays		
Weekend breaks		
Christmas presents		
Birthday presents		
Eating out/socialising		
Entertainment (e.g., theatre, cinema)		
Gym membership		
Hobbies/clubs		
Newspapers/magazines		
Books/CDs/DVDs/downloads		
LEGAL FEES		
OTHER ITEMS		
SUB TOTAL A	£	£
CHILDREN		
Child maintenance (if not resident parent)		
School uniform		
School fees		
School trips		
School dinner money		
School travel		
Clothing		
Shoes		
Pocket money		
Childcare costs		
Babysitters		
Holidays		
Clubs and hobbies		
Other Items		
SUB TOTAL B	£	£
GRAND TOTAL A + B	£	£

Sample letter to your child's school

You can download this at slaterguson.co.uk/rb

[Name of Head teacher]

[Address of School]

[Date]

Dear [name of head teacher],

We are writing to inform you of the arrangements that we have made for our children [insert names of your children here] following our separation. We very much hope you will assist in making these arrangements work.

[Children's names] will live with [name of parent and the living arrangements in terms of home addresses].

[Children's names] will be collected by

- X on [state which days]
- Y on [state which days]

[State if there is any flexibility in this arrangement and if there are any other adults e.g. grandparents, who may collect the children from school].

We have also agreed that [names of children] will... [insert any relevant information about any religious, personal, social, health, sex and relationships education that you wish to inform the school about].

Please would you ensure that information about [names of children's] progress and school or nursery events are sent to... [specify how and to whom].

In an emergency please contact...[provide home, work and mobile phone numbers].

For information please note that the following people have Parental Responsibility: [insert who has Parental Responsibility].

Signed

[Both your names]



Notes

Notes page with horizontal dotted lines for writing.

Slater and Gordon Lawyers UK (LLP) is one of the UK's leading and largest legal practices with offices throughout England, Wales and Scotland.

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Lawyers