

The

Essential

Guide

to Divorce

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The Essential Guide to Divorce

Divorce Essentials

According to statistics the UK is the divorce capital of Western Europe as indicated by the Government Population Trends for 2003. There are 315,000 marriages and 178,000 divorces each year in the UK, which means that divorces make up some 57% of all marriages.



149,335 children were in families affected by divorce in 2002. 23% of these were under 5 years

There are several important issues to be considered and thought over carefully before you get a divorce and it helps to be as organised as possible:

- Whether or not to sell your home
- Which parent will look after the children
- How your finances will be affected (e.g. loans, joint savings and investments)

Stages in Obtaining a Divorce

- The Divorce Petition (which starts the divorce)
- The Acknowledgement of Service Form (which states whether the Respondent will contest the divorce)
- Affidavit (a sworn statement stating that the Petitioner wishes to go ahead with the divorce)
- Decree Nisi (confirmation that the Court is satisfied that the divorce may proceed)
- Decree Absolute (makes the divorce final. This can be applied for 6 weeks after the date of the Decree Nisi)



The average age at which people divorce is 41 years for men and 39 years for women

Alternatively, in England and Wales, you can apply for divorce at a county court; but to do this, couples must have been married for at least a year.

The first step required to get a divorce is obtaining a "Decree Nisi". In divorce proceedings, two decrees must be applied for to end the marriage. The divorce will be final and the marriage ends when the decree absolute is granted, no earlier than 6 weeks and one day after the decree nisi.

The court will grant a decree nisi if it is satisfied that the marriage has "irretrievably broken down". This can be proved by one of the following five things:

- Your husband or wife committed adultery and you find it intolerable to live with him/her
- Unreasonable Behaviour
- Desertion on the part of one partner for at least two years
- The couples have been separated for at least two years and both partners consent to divorce
- The couple have been separated for five years

A person's "unreasonable behaviour" is defined as behaviour that nobody could reasonably expect you to endure and carry on living with that person. It could include, for example, financial recklessness, drinking, gambling, or lack of emotional support. You cannot base your divorce on this if you then live together for a period of more than six months afterwards. This 'six months' rule also applies to desertion, and the discovery that adultery has taken place.

The final stage is obtaining a "Decree Absolute". The divorce can be stopped at any time until then, so it is important to resolve all financial and practical issues first.

Using a Divorce Solicitor



8.4% of the population were divorced by 2003

If, as in many cases, your relationship or finances are complicated, it is a good idea to seek legal advice from a reputable and qualified family law solicitor, who will be able to advise you about your rights and responsibilities in what are usually difficult circumstances.

Many times, you will be tempted to talk to your lawyer about your personal problems, particularly since he or she is right in the middle of the action. Resist the temptation. Your lawyer is not trained to help you with non-legal issues. Although they can and should give you the legal perspective on your problems and help you understand what your rights are and what you risk by making certain choices in the litigation, lawyers cannot help you deal with feelings such as rage and depression. Talk to your lawyer about your feelings only to the extent that the lawyer encourages it, and only for purposes of establishing whether your fears are legitimate and what you can do about them legally.

If you are unsure how to choose a solicitor then it might be a good idea to consult the Law Society or the Family Law Solicitors Association. They keep an up-to-date list of accredited lawyers. Alternatively visit the Citizen's Advice Bureau who also has a great deal of information in divorce matters.

DIY Divorce in England and Wales

I am often asked if it is possible to carry out a DIY divorce. And the answer is, "Yes". It is a general principle in English law that no person needs to employ a lawyer if he/she does not want to and anyone can represent him or herself in court. This is true of divorce just as it is of any other legal proceedings. Indeed, if the divorce is uncontested, it is unlikely that you will be required to attend court.

In fact, if you want to conduct your own divorce it is now easy to contact an online divorce website and obtain the necessary forms or even have your divorce papers completed for you online. And for some people this is a perfectly satisfactory option. They should, however, be aware of the following points: -

The process is commonly divided into three parts (not all of which will apply to every case):

- (a) The process of obtaining a divorce (culminating in obtaining the Decree Absolute, which allows both parties to remarry if they wish),
- (b) Disputes over property (how the matrimonial assets are to be divided up and
- (c) Disputes about children where the parents cannot agree such issues as custody or residence.

Frankly, the latter two aspects of a divorce are issues which most people would be unwise to try and tackle themselves. It may well be that, in a simple case; a person may be able to handle a divorce so far as

obtaining Decree Absolute but it becomes a very different matter if there are significant disputes about assets or children. These are both areas where any prudent person would be sensible to take professional advice.

However, if you want to conduct the divorce yourself, it is much simpler if you simply concern yourself with the process that culminates in Decree Absolute.

Before deciding to embark on a DIY divorce you should think carefully about these issues. A DIY divorce is possible in most cases. For example, if your divorce is uncontested and there are no children or property disputes, then a DIY divorce should be perfectly feasible and probably your quickest and most cost effective option.



80% of divorced men and 75% of women remarry whether or not they have children, and most do so within three years.

Mediation

There is often confusion between mediation and reconciliation. Mediation is not the appropriate forum for discussion as to whether or not the relationship can still work. Couples attend mediation when they have reached the decision that the relationship has finally broken down and they are helped to focus on their and their children's future.

If there is no hope of saving the marriage, those involved will be faced by an often overwhelming number of issues that need to be resolved, some urgent and others less so.

Mediation is a voluntary and less painful method that allows you and your partner to meet with a trained and impartial negotiator (the mediator) to clarify the issues of finance, property and child custody, discuss the available options, and reach decisions acceptable to you both. While the mediator will manage the process of negotiation, he or she is completely impartial and not there to promote either person's interests. The decisions are still ultimately yours to make.



Over recent years the falling divorce rate has been attributed to fewer marriages and the fact that people are choosing to marry later in life

The mediator (s) will ensure that both parties get an equal say. Some wish to discuss arrangements for housing whilst others wish to discuss childcare and custody of the child/children. The couple will choose the agenda.

The government is very keen for people to attend mediation, and the number of people and institutes offering this service has increased dramatically in the last few years to match the growing number of divorces. You will probably be required to attend mediation sessions if your divorce is funded by legal aid.

Mediators come from a variety of different backgrounds, but have all been trained by one of a number of different training bodies. With the establishing of the UK College of Family Mediators, there are closely scrutinized practice standards and standards for accreditation of mediators.

Mediation is not appropriate for some one in a relationship where violence is being used and one party may feel unsafe.

The sort of things you might like to discuss in Mediation:

- A parenting plan - how you are going to make decisions in the future about the children
- With whom and where the children will live and when they will spend time with the other parent
- If you are not married, parental responsibility for the father
- What sort of housing you both need

- How the family assets are going to be divided (the family home for many people will be the major asset, but there may be a family business, a family trust and usually there will be pensions to consider)
- How each member of the family will be supported in the short and long term

Advantages of Mediation:



147,735 marriages ended in divorce in 2002. This was the highest number of divorces since 1997, but still less than the peak of 180,000 seen in 1993

Control - In mediation, it should be easier for you to control the course of your separation or divorce and avoid the need for court proceedings where the courts will impose their own timetable. Both of you are given the facts simultaneously and fully, using language which is familiar rather than legal jargon.

Acceptance - Acceptance of what you have negotiated should come more easily. Something that you participated in, working out the best solution. Negotiation involves compromise; although you may not feel wholly satisfied at the outcome, you will have rejected the alternatives in choosing a plan or plans.

Cost - Mediation is not free but mediators do not usually have the same level of overheads as solicitors. The expense is likely to be less than the "adversarial" system of two solicitors handling a divorce from start to finish. Even if not all the issues can be agreed in mediation, much of the preparatory work will have been done, thus saving on solicitors' fees. Discussing issues directly can sometimes save couples great amounts of time and money, rather than if they instruct solicitors to handle everything for them.

Timing - You can control the pace of the mediation in a way that suits you. Divorce proceedings may more easily be postponed while interim arrangements are considered and put in place.

Acceptance of what you have negotiated should come more easily. Something that you participated in, working out the best solution. Negotiation involves compromise; although you may not feel wholly satisfied at the outcome, you will have rejected the alternatives in choosing a plan or plans.

At the end of the mediation process, any issues that have been agreed are written down in an agreement, which those involved then show to their solicitors. The discussions and the agreement remain confidential, and cannot be disclosed to a court, other than in exceptional circumstances.

Financial Implications of Divorce

Financial arrangements after divorce are usually guaranteed to make most adults behave like children. You have to accept that one household doesn't split equally down the middle and it will be practically impossible to work out what's yours in the process.

Emotionally speaking, divorce can be and is more often than not a painful process. Whereas you once thought you had a love that would last a lifetime, you now realize this is no longer the case. But if the matters of the heart seem complicated, they are nothing in comparison with the financial aspects involved with the legal dissolution of a marriage. These aspects are multiple, sometimes very complex and have a variety of lasting consequences for both parties involved.



13 people divorce per 1,000 married people. Social and economic pressures coupled with the longest working hours in Europe are all thought to contribute to marital decline

Unfortunately there are many misunderstandings about divorce and one of the misunderstandings is the fact that all will be over with quickly and the two parties can get on with their lives as if nothing ever happened.

Divorce can take longer and cost far more money than previously imagined. The real facts are the average divorce process requires one to two years and varies in cost from several hundred on up to several thousand pounds.

Other financial ramifications may include a mortgage payment for a separated spouse as well as new maintenance and/or child support payments to be made for both the short and long-term. In general, it is best to accept that change is on the horizon and act accordingly. In other words, be prepared for money to suddenly be in short supply.

Another misconception is the fact that, in concert with the marriage dissolution, each party receives half of what was shared and that is that. Unfortunately, things are not as simple as that. Not only are there actual costs involved in the present with a divorce, but down the road, too, as spouses do not necessarily earn the same amount of money or possess the same potential to earn money in the future. Also, in many cases today, many couples are extended financially beyond their combined means, let alone singularly. Often at times, the financial structure of a given household is particularly frail and both parties can be literally be swept away by a powerful event such as divorce.

There are very real factors that must be kept in mind after the decision to divorce has been reached. The costs involved are obviously one and more often than not this requires a change or reduction in the quality of lifestyle. For one, attorney fees and court costs will become an everyday part of life, as might those of other divorce-related professionals and will now cut into previously disposable income.

Recognising the Risks

There are many potential financial risks, too, both present and future. For example, if a present or former spouse defaults on a loan, commits fraud, files bankruptcy, or becomes disabled or even dies. Therefore, it is important to analyse all the particulars of your case so that all financial connections are thoroughly dismantled and potential risks for the future minimized.

Understanding Your Options

It is very important to analyse all aspects of any potential monetary settlement, both present and future, before reaching any major economic decisions with respect to the final settlement. For example, accepting property without accounting for future maintenance and personal lifestyle conditions could bestow an enormous and potentially unmanageable obligation to be reckoned with in the future. This would be just another reason why it is potentially beneficial to seek the advice of financial and tax professionals.

Financial Issues Relating to Children



2/3 of divorces are initiated by women.

Note: The information below applies to divorce proceedings or financial applications made on behalf of children by unmarried parents.

With the exception of certain specific items such as school fees, the Court no longer has any jurisdiction so far as child maintenance is concerned. In the absence of an agreement, it will be necessary for the parent with whom the children normally live to apply to the Child Support Agency to enable a maintenance assessment to be carried out.

The level of maintenance payable under the Child Support Act is calculated by reference to a formula and is therefore non-negotiable.

Where the financial claim relates to maintenance for a child in further education, the payment of educational expenses such as school fees or a claim for a capital payment for the benefit of a child, it is necessary for an application to be made to the Court rather than the Child Support Agency.

In addition, if either parent is not resident in the United Kingdom then the Child Support Agency has no jurisdiction and, once again, an application has to be made to the Court.

Dividing Debt and Assets at Divorce

What are the laws regarding the division of assets?

There are no laws or rules about how assets should be divided. There is no absolute law or ‘The 50/50 Law.’ There are no rules about how much ongoing money, if any, should be paid to a spouse, wife or husband. The law isn’t there to penalize one for bad behaviour. Many people think that because the other left, the law will be more favourable to the other. This is not so. The court does not apportion blame except in extreme cases. Many people also assume that you both get half of the house if it is in joint names. This is not true.

The court has wide powers to make financial orders as it sees fit. The court can divide assets and even order a property to be signed over to the other spouse even if that name was not on the original deeds. It can make orders regarding children, pensions, businesses and trust funds. Courts have wide and far-reaching powers, which can be enforced if necessary.

The settling of financial matters on divorce is called ‘Ancillary Relief.’ The main piece of legislation in this area is the Matrimonial Causes Act 1973.

What do you do with the house after divorce?



Recent statistics suggest that 50% of all marriages will end in divorce

If you're like most divorcees, deciding whether to keep or sell the house when you split is certainly one of the most emotional and heart-wrenching decisions that you'll have to make through the divorce process.

The house is one of the biggest and most expensive pieces of property that must be considered in a divorce. In cases where children are involved, the house is almost always awarded to the custodial spouse.

On the surface, staying put might seem to be the easier option, particularly if you have children. They won't need to be uprooted or deal with any more upheaval than they already have had to through the divorce. You're comfortable with the amount you are paying for your mortgage and afraid that moving elsewhere will just add more chaos to your life at this stage when things are stressful enough.

Watch out for one spouse trying to sell the house without the other spouse knowing. Court orders can be sought to transfer property across, but that will only happen if the financial position merits it. The spouse who is looking after the children can try to seek a capital split more favourable than 50/50 to cover the cost of housing children

Upkeep Costs

The fact is, even though your mortgage payment might seem moderate enough, the costs of actually running and owning your home by yourself may prove to be more than you initially thought you could handle. You may have to consider several key expenses that go along with owning a home, including:

- Insurance
- Repairs
- Maintenance
- Property taxes



Of first marriages that end in divorce, many end in the first 3 to 5 years

How do you divide debt at divorce?

Basically, there are five options in allocating your marital debts:

- You and your spouse can sell joint property to raise the cash to pay off your marital debts
- You can agree to pay off most of the debts. In return you can request a greater share of the marital property or a corresponding increase in maintenance
- Your spouse can agree to pay off the bulk of the debt. In exchange, your spouse may receive a greater share of the marital property or an increase in maintenance
- You and your spouse divide the property and debt equally; that is, each of you gets one-half of the property and each of you agrees to pay one-half of the debt
- If you're a homemaker with children, your spouse might be ordered to pay the bulk of the debt, pay maintenance, and perhaps allow you to keep the house and a portion of other significant assets, such as your spouse's pension



Adults and children are at increased risk for mental and physical problems due to marital distress

Because of the threat of bankruptcy and/or damage to your credit report, it may be wise to sell joint assets to pay off debt, or to assume responsibility for the debts yourself.

Joint Credit Card Debt

Many people seem to assume that "closing out" joint credit card accounts is the end of the headache. Unfortunately, though, they forget that the account is not really closed out until any balances are paid off. Even worse, it's very easy to reopen accounts if the balances are being paid on time - creditors encourage this. If you cannot pay off and close the balances immediately (it may be difficult to legally divide up debts that already have been paid off - check with your solicitor), here are some solutions for getting rid of it, listed from best option to worse.



Adults and children are at increased risk for mental and physical problems due to marital distress

1. Sell a joint asset (perhaps your home - kill two birds with one stone?), pay off the debt and close the account.
2. Apply for separate credit card for each of you and have agreed-upon amounts transferred into these sole and separate accounts.
3. If your spouse can't qualify for credit on his/her own, get one of their relatives to co-sign on a new card and transfer the balances.

After a divorce all of the joint debts you had should be closed and paid off, all of the joint assets you owned should be sold. No exceptions.

Insurance and Divorce

Where maintenance payments are concerned, many divorcing spouses assume that as long as these are agreed and payments are kept up, all financial arrangements will remain the same even in the event of a former spouse's death.

Not so. Even if life cover exists through work, an ex-spouse will find that they may be able to change the named beneficiary or get a new job, in which case the beneficiary is not named. If the cover forms part of a related pensions package, it is important to note this down when considering a division of joint assets.

But in any event, I would advise you to revise all insurance policy arrangements you have made for your partner on your death.

If maintenance payments are involved in any settlement, it may be wise to take out a life insurance policy on an ex-husband or wife's life. Naturally, the person paying the maintenance also pays the premiums on the insurance policy.

This is even more vital where children are concerned. There are two main forms of insurance. One is straightforward life cover, which pays out an agreed lump sum in the event of the insured persons death. The sum needs to be big enough to pay a monthly income when invested.

The other is called 'Family Income Benefit', or FIB, which pays out an annual income to the surviving ex-spouse for an agreed period (e.g. until the children are grown up.)



Mismanaged conflict and negative interaction in marriage predicts both marital distress and negative effects for children

What questions (relative to debt) should you consider before entering into a Divorce Settlement Agreement?



Marital problems are associated with decreased work productivity, especially for men

Before sitting down with a solicitor, think about which debts were contracted prior to marriage (separate debt) and which debts were contracted during the marriage (marital debt). In respect to marital debt, consider the following questions:

- If I wish to keep a particular marital asset, will I have sufficient income to keep up with the loan payments?
- Should I liquidate other assets to retire the debt completely (or partially)?
- If my spouse proposes a property settlement agreement, is there any likelihood that he or she would deliberately declare bankruptcy?
- Am I able to collateralise property settlement notes from my spouse so that bankruptcy will not eliminate his/her obligation to me?
- If, pursuant to our divorce agreement, my ex-spouse assumed responsibility for all credit card debt, what are my legal remedies if he defaults? How can the divorce agreement be enforced?

Wills and Divorce

Re-writing your Will after divorce could be way down on your list of priorities. It shouldn't be.

Your Will is one of the things you will need to review if you are splitting up. When a divorce goes through, your ex-spouse will be treated as if he or she had died on the date of the divorce. Gifts to a former partner are cancelled, as are rights to be an executor of the Will.



Most people will not want an ex-spouse to benefit under the terms of their Will. It is almost always prudent to review any Will following a divorce.

Also, couples in second marriages with children from a previous marriage or who have bought in assets to the second marriage, are vulnerable - their assets may not be distributed in the way they hope for after death.

Surprisingly, if a person makes a Will and then separates from their spouse then the Will is still valid and any part of it that relates to the soon-to-be ex-spouse is still valid until the moment of divorce - which can be a good argument for re-writing the Will quickly.

Pensions

Pensions are often an important asset in divorce proceedings. Next to the former matrimonial home the pension provision of one or both spouses may be the largest capital asset of the marriage. How pensions are treated in divorce is a question which has assumed greater and greater importance especially since the Pensions Act 1995 and the Welfare Reform and Pensions Act 1999.

On divorce, each spouse will want to look ahead to retirement and make sure that he or she has enough to live on. If that is not possible, then each spouse will at least want to make sure that the pension position is included in the overall division of the financial resources.

If you do not have a pension but your spouse does, it is equally important that you understand what the benefits are and what you are losing because of the divorce.

Since December 2000, the law on pensions splitting has changed. On divorce, a spouse may now be entitled to half the main breadwinner's pension (whether husband or wife). This applies to any tax-free lump sum as well.



Money is the one thing that people say they argue about most in marriage, followed by children

Types of Pension:

- **State Pensions** - Benefits consist of the basic state pension and SERPS, the latter having the option of "contracting out" and where funds are invested in private pensions. State benefits belong to the individual and are not available for earmarking or sharing.
- **Pensions from Employment** - (sometimes known also as Occupational Pension Schemes) can take the form of final salary schemes (where the benefits are related to earnings at retirement and length of service) or money purchase schemes (where retirement benefits are linked to a fund value, being dependent on contributions, investment returns and retirement age).
- **Private Pension Arrangements** – These exist for self employed individuals or those, for example, whose employer does not have an existing scheme or for which they are ineligible to join. The fund value, which provides the pension on retirement, will depend on the contributions made and the return on investment.
- **Public Service Schemes** include those available to Teachers, Civil Servants, NHS Staff, the Armed Forces, and Police etc. The benefits available under these scheme are often considerable compared to the private sector and often include inflation protection and provision for early retirement.

"Till death do you part."



Children who grow up in single-parent homes are less likely to marry, more likely to divorce, and more likely to have children outside of wedlock

The marriage didn't quite last that long, did it? Add to that the unrelenting incomprehension of how the person who made you feel the best about yourself and your life now becomes the one who makes you feel the worst. It's no wonder that divorce causes such upheaval. From affairs to bankruptcy, abuse to irresponsibility, mid-life crises to drug or alcohol addiction - isn't it mind-boggling how nearly everyone going through it feels so unprepared?

Maybe it's the shock of how adoration turned to hatred, mutual respect to disdain and love to hate. It's difficult to accept that what you thought was the right thing to do, has turned out to be wrong.

Or perhaps the thought of how a divorce adversely affects young children can be an enormous source of worry, stress and guilt. The maternal bond is the strongest attachment there is and when you are a part of something that causes your children so much hurt, it can be one of the most upsetting experiences in your life.

Finally, the effect of losing all of your passion for the person you once loved can make you feel inadequate. Nothing kills off passion as much as feeling hurt, scared, disappointed, angered, or betrayed - all of which are not merely possible in a divorce, but are typical in these circumstances.

It is the combination of these factors that can have such a profoundly negative effect on your career, relationships, spirit and soul. You may think to yourself: "If I was wrong about my marriage, how many other things am I wrong about?" or "If I'm screwing up my children's life, what kind of parent am I?" Then as if all of this weren't enough, you start having sleep and concentration problems and become depressed and/or anxious. All told, it becomes extremely difficult to function in your job, in relationships, and to feel any kind of hope or optimism about your future.

Despite the nearly universal traumatic effects of divorce, some people survive, move on, fall in love again, and live happily after. What distinguishes those who do well from those who don't? Those who have positive coping behaviours do better than those with negative ones. Those that "heal" end up better off than those that remain wounded. And those who move on rather than stay bitter, depressed and feeling like a victim have a much better chance for a satisfying life.

Surviving divorce can be a gateway to a fuller or richer life, with a greater capacity for parenting, relationships and personal satisfaction.

What went wrong? Why me?

Understanding what went wrong is the first step towards recovery. Many people get locked into questioning: Whose fault it is? What did I do wrong? How could this happen to me?

It is more helpful to focus on the relationship than individual responsibility. For example:

- How were things when we first met?
- What attracted us to each other?
- What made our relationship good?
- How have we changed?
- What external factors have influenced our relationship?
- What has stopped us overcoming our differences?



Teens from single-parent homes are twice as likely to drop out of high school, become teen parents, and one-and-one-half times more likely to stay at home has young adults

Though the answers may be upsetting, the greater the understanding, the easier it will be to let go of the past and move on. During this time you can expect to feel many emotions, anger, sadness, guilt, despair, and confusion. You will have good days when you feel positive about the future and bad days when you wonder if you'll ever get through this, but the answer is, yes, you will.

Holding it all Together

On top of the turmoil of the emotions that accompany the ending of any relationship, there are a whole host of practical issues to address. You may find it useful to get a pen and paper and write down all the things you've got to deal with. Your list might include:

- **The Children** - providing support and time, access arrangements, child care, telling the school, seeing in-laws, birthday and Christmas arrangements.
- **Money & Property** - who lives where, surviving on less income, managing the finances, who gets what in the home, and pets.

- **Friends/Family** - telling parents/siblings/extended family members, telling friends, deciding how much to say and who should tell whom, maintaining friendships and relationships with in-laws.
- **Personal Survival** - which friends can support you practically (and which emotionally), how will you create space to grieve, might you benefit from counselling, how can you build relaxation into your schedule, and what treats can you reward yourself with when times are tough?

Negative and Positive Coping - The Choice is Yours

People who leave their marriage are more likely to have an easier time coping, healing and eventually moving on. As a woman who was divorced by her husband said: "It's better to have loved and leave, than to have loved and be left."



Women are marrying later than they did 15 years ago

Next to the sense of failure in a divorce, the worst feeling is powerlessness, people who leave feel as if they have more power than those who are left. Regardless of whether you left or were left, there are negative coping behaviours that you will want to avoid because they make matters worse. Negative coping behaviours include:

- **Isolating** - Pulling away from other people like a cat on the side of the road to lick your wounds. Isolating leaves you prey to your imagination. It makes it difficult to keep perspective on the situation.
- **Obsessing** - Often accompanies isolating. The more you obsess the less you are able to function, care for your children, and the longer it will take for you to get through the divorce.
- **Compulsive activities** - Frustration, anger with no one to take it out on and fear often trigger increased eating, drinking, and spending to try to relieve upset. However, what makes you feel better for the moment often causes you to lose self-respect and experience shame later on, two things you certainly don't need to feel any more of.
- **Getting even** - You may be tempted to get even with your ex and you may find more than enough reasons to justify it. But when you focus on retaliation it makes the divorce more costly and more painful. The children are also hurt more by this reaction, as they feel thrust into the middle of this mess.
- **Wearing out your friends and family** - This is the opposite extreme from isolating. This is when you lean on and on top of your friends instead of leaning into them for support. Even good friends can become exhausted when you keep saying and doing the same things and "Yes, butting" all their suggestions. When you come off as too needy you will burn out people's friendship and at some point they may start to avoid you.
- **Feeling sorry for yourself** - When you think of yourself as a victim and wait for the world to fix your problems and life, you're in for a very long wait.

- Just as there are negative coping behaviours, there are positive coping behaviours that can actually help improve your situation. This includes: Being around people. Pain is pain; suffering is being alone with pain.

Children and Divorce

How will the divorce affect the children?



Today, joint physical custody is awarded in more than one out of five divorces

At first, the divorce is traumatic. Many say that you do not divorce your children but the sad fact is that you really do. Nothing is the same in their lives ever again. Put yourself in their shoes. They would naturally want both parents to continue to live together happily ever after but sometimes this is simply not possible.

Unless they have witnessed violence, abuse or destructive rows, the children normally believe that their family is happy. You cannot separate your unhappiness in the marriage from the happiness of your children. Behaving with dignity towards your spouse can reduce the extent of the trauma inflicted on your children. If you both co-operate regarding the children, and in the areas of legalities and finances, which also affect them, the emotional stress may be reduced for all concerned. Yes, divorce and its consequences can be devastating but the way you conduct yourself and the way you handle your divorce can have very damaging effects for many years to come for all concerned, especially the children.

Children do cope and many flourish after divorce but they need to see both parents openly expressing their love for them and reassuring them that they will be safe, loved and cared for. This is even more important as they reach adolescence and start to form their own relationships.

Divorce is about loss, along with change and transition. Children and teenagers do not always welcome change and upheaval, as they need continuity in their lives.

Divorce can be especially confusing for children, who are highly likely to feel bewildered and upset by events and may even blame themselves for their parents splitting up. So it is important to minimise the trauma suffered where possible.

Both parents may consider they know best, but if you are having problems sorting out arrangements for your children, such as who they live with (custody) and how often the other spouse can visit them (access) then it is a good idea to attend mediation to help you reach sensible and fair decisions.

As a last resort, it may be necessary to go to court to apply for custody and access. If you disagree with how your ex-spouse is bringing up your children then there are other legal options available. You can apply for a court order to stop them pursuing a particular action, or ask the court to decide the best interests of the child regarding a particular issue, such as religious instruction or medical care.

How to Make the Divorce Process Less Traumatic for Children

Talk to the children. Listen to how they feel and be open. They could well be feeling angry, frightened or worried. Everybody is entitled to his or her own feelings; that goes for children as well, though it may hurt a parent to hear how a decision to divorce has affected their children so deeply.

Even if parents and children talked a lot in the beginning, they can still talk about the divorce every once in a while, this will help. Choose a time when both parents and children feel good if this is possible. Find out if a child has any new questions. Having an open conversation means a lot to the child. If it is not possible to do this oneself, find someone who can, maybe a professional.

Children can express themselves in other ways than with words. Play is very important. Play with the child; let them act out their feelings. Children may need to work off tension through energetic games and adults sometimes find this hard to understand.



Of children who live in 2-parent households, 8% live with the father

Creative outlets such as drawing or painting may help a child. This is a great form of expression and children will often draw things that are important to them. Ask about the drawings; this can be a good way to start your child talking about what's going on inside. Parents should not stop their children talking if they don't like what they hear.

Parents should never criticise an ex-partner in front of their child. It can be tempting, but is very unfair. Children know they are part of both parents and they may feel they are as 'bad' as the 'ex' is. When a parent criticises an ex, the parent criticises the child.

Children should not become messengers for parents after a divorce. If a parent needs to tell their ex-spouse something, they should do it themselves. If it is hard for the parents to talk face to face, they should write a letter. It is not at all fair to use a child as a go-between as is very often the case. The child/children can end up feeling resentment and anger toward the parent.

Feelings of Loss

When children feel loss, they feel sadness, and they fear that other losses will follow. In the case of death or divorce, children will miss the pattern of family life as well as the missing parent. Children whose parents never married may miss a family life they dreamed of or hoped for.

One of the most common ways for children to deal with their feelings of loss is to pretend that nothing has changed. They may pretend that a parent has not really left or died. They may insist that the missing parent will return. They might dream that everything will be like it used to be. Dreams and games are fine as long as the child is aware of the reality of the situation.

It is also common for children to fear that the other parent is going to leave them too. As they begin to realise that one parent has left the home, they may think the other parent will also leave. Some very fearful children may not let that parent out of their sight.

Children often think that when they lose a parent, it is a sign that they are not worthy of love. It is extremely important for children to understand that changes in their parents' lives do not mean they are not loved.

Change Takes Time



Half the children whose mothers had remarried said they did not feel welcome in the new family

It usually takes some time for kids and adults to adjust to changes in the family. Researchers say that it can take several years. With some help and guidance, children can learn how to deal with concerns and problems in their lives. The time you spend together talking about these topics will strengthen and enrich your lives together as a family.

All of us, including children, see ourselves in a certain way in our thoughts. In fact, we have a mental picture of ourselves. For children, this picture includes who they are, what they can do, and how they think others see them. It may be good or bad or some of each.

How children feel about themselves is important for a good and healthy life. Children who feel good about themselves usually get better grades in school. They seem better at taking on hard jobs, they try their best, and they usually succeed. Also, children who have a good (positive) picture of themselves tend to be better at making friends because they seem more sure of themselves.

Children's feelings about themselves are very important to their future, it is important that they are able to build up a positive view of who they are. And parents can play an important role in helping children to gain these positive feelings.

Once the decision to divorce has been made, what are the emotional issues I will face?



Ten years after the divorce, in 2/3 of the couples, only one partner is doing better than before the divorce. The other is doing worse: lonely, unhappy, anxious, and depressed

Initially, couples will experience feelings of rejection, sadness or anger. But the nature and tenor of these emotions depends, in large part, on whether you are the "divorcer" or the "divorcee." In general, there tends to be differential rates in terms of each partner's acceptance of the fact that the relationship is ended.

Typically, one partner - the divorcer - has made the decision before the other is even aware of it. That individual has already lived with the decision, and is thus a bit more advanced in working things through. The announcement will often catch the other spouse unawares, and will create intense feelings of rejection. It generally takes several months for the other spouse to catch up --and to feel that letting go of the marriage is best for him or her as well.

After this period of time, divorce can feel more like a mutual decision. For both parties, life will then seem to take on more balance, and the divorce will feel like a step toward personal health.

Remember, you are likely to find yourself in a situation where one party is raring to get to work on the terms of the separation, while the other is still reeling from the pain.

Regardless of whether you're the perpetrator or the victim, the experience of going through a divorce is probably going to knock back your self-esteem. In fact, the blow dealt to one's self-esteem by divorce can be lethal enough to drive anyone to the brink of insanity.

What you must do is think of your divorce - the end of your marriage - as you would the death of a loved one. Basically, that's what it is!

There are five main periods that people will go through after a divorce:

- A period of burial or letting go
- A period of feeling guilty because you didn't do or say all the things you might have
- A period of anger because it didn't work out the way you dreamed it would
- A period of reconciliation in which you think that maybe if you try again, it'll all work out
- Finally, a period of acceptance.

Everyone who has ever been through a divorce or is still recovering from one, has either lived through each of these "recovery stages," or is still in one of them. It's all normal, and a part of the necessary healing that has to take place before you are able to recognise and enjoy happiness again.

Even so, the most important and the very first thing you must do following the break-up of any kind of relationship, is to get started on the rebuilding of your self-esteem.

This means that you have to accept the fact that neither you nor anyone else is perfect - determine that you will learn from your mistakes - and that you will become whatever it is you aspire to be.

Immediately, do something that makes you feel good - something you've wanted to do for some time - or always wanted to do. This could be getting a new hair-do, buying a new suit, enrolling in a special self-improvement course, starting a business, or even taking an extended vacation.

You mustn't lock yourself in your house or apartment. You mustn't be afraid to get out and associate with people. You mustn't stop wanting to enjoy life!

You may have to force yourself, but you must "forget" about mourning your loss and continue on with your life. This is the most important thing to concentrate on at this time. You must go on with your life with a stronger determination than ever, to be the person you want to be. Don't "beat yourself over the head" with feelings of guilt. Get rid of your anger as quickly as possible. Forget about the past. Get on with the rest of your life without delay!



Half the women and one third of the men are still intensely angry with their former spouses ten years after the divorce

Revitalise those ambitions that have been "hidden away" in the back of your mind, and consider this particular time in your life as an opportunity for a new start. Do some introspection relative to what it is you want out of life; reorganise your time and efforts to attain those objectives; and go for it with all you've got.

After all has been said and done, the kind of person you are and how you get along in the world you live in is up to you. The most powerful assistance for attaining happiness anyone has, is in what he or she says, feels, and believes about him or herself. When things are not quite right, the first thing that needs to be changed is your disposition - your attitude, feelings towards other people, and your emotional responses. Think about your facial expressions and the tone of your voice when you're talking with other people.

Being aware of these things with consideration towards other people will "bring you out of yourself" and allow other people to want to know more about you.

You have to forget about, and let go of, the past. Anything and everything that happened yesterday is long gone and cannot be changed. You have the rest of your life from this moment on, to achieve love - happiness - fame and fortune.

Whatever it is you want in life can be yours. All that's necessary to make any dream come true is a true understanding of what you want, and determination on your part to make it all happen according to your plan. Think about what you want - prepare yourself to get it - focus your efforts on the fulfilment of your ambitions - and there's nothing that can stop you from total realisation!

So, the first thing relative to rebuilding one's self-esteem - following a divorce, or the loss of a loved one by any circumstances - is to understand why you hurt, and what is necessary in order to be happy again. It essential that you think of yourself in terms of the kind of life you want for yourself; know that you can have it all because you've laid the foundation, done your homework, and you're on a positive road towards achievement in that direction.



Almost half of the women have a no-better or worse quality of life at ten years

In simple terms - it hurts, but you're not dead - you're only wasting time thinking about or rehashing the past because there's no way anything that happened yesterday or the day before can be changed - so quickly pick up the pieces, and get on with your life!

Wanting to "get well," and/or to "make something out of your life," is half the battle!

A person's self esteem usually takes a beating during the divorce process. To help rebuild your self-confidence, you need to focus on your attitude. Attitude is simply a state of mind. By focusing on the positives in your life, you can begin to feel better about yourself and life in general.

This final section is the possibly the most important. After a relationship breakdown, many people find themselves struggling with feelings of low self-esteem and self-confidence. With so many things to organise, it can be easy to forget to give yourself time for your own feelings. Be gentle with yourself, take one day at a time, and gratefully receive all the support you can get from friends and family.

Some Positive Steps You Can Take After Divorce:

Affirming What's Good – When your self-esteem is down in the dumps, it's easy to beat yourself up and think of yourself as a failure. Replace all those self-defeating thoughts with affirmations of the person you want to be. List the things that you are good at, recount your past successes, and remember what people have said about you that makes your self esteem soar. Use words like "happy, strong, smart, resilient, ambitious" or whatever image that you would like to see yourself as. Review this list often to build your self-esteem.

Thinking Positively - Along these same lines, replace your negative inner dialogue of words such as “I can’t do it” or “I’m just no good” with self esteem building statements like “I can do it”, “I am successful”, or “I have what it takes”. It may feel funny at first, but if you make these affirmations every morning to yourself, your mind will start to focus on them and start believing them to be true.

Letting Go of The Past - Put past mistakes into perspective. You can’t change the outcome; so try to see it as a learning exercise. Make any amends that you need to, and then vow to handle things differently in the future. When you make mistakes in the future, don’t blow things out of proportion. Just because the boss snaps at you don't let your self-esteem take a hit. Realise that other people have bad days, and let it go. Choose to focus on what is positive in your life.

Letting Go of Perfection - By thinking that you need to do everything perfectly, you let your self-esteem take a beating. You end up with a list of imagined “shoulds” and “musts” in order to meet your vision of perfection. Instead, decide what things are fine just the way they are, and quit worrying about them. What ever you decide to change should be because you “want to” or “choose to”. By allowing yourself to not be perfect, your self-esteem grows as you accept the true you.

Making Changes - If there is something that you would like to change, stop procrastinating, and do something about it. Worrying and rehashing your troubles all the time brings your self esteem down. Decide what needs to change, and break it down into small chunks. Daily manageable goals that you can accomplish will give you a sense of purpose, a continuous feeling of success, and improved self-esteem. You can see yourself moving in a positive direction and won't be over-whelmed.

Interacting With Others - It is also a good idea to spend time with friends that have positive self-esteem. They can boost your mood and give you different perspectives on your situation. True friends will always see the best side of you.



Ten years after the divorce, 80% of women and 50% of men say the divorce was the right thing to do

When they give you a compliment, believe them and thank them. In return, don't be afraid to compliment or do something nice for someone else. Doing for others can boost your self-esteem by focusing outside yourself, knowing that you brought happiness to someone else. Don't spend too much time with negative

people who seem to look for the worst in others as this can rapidly knock back your self-esteem and self-worth.

Above all else, realise that you have choices in life. You can choose to be content with who you are now. Your inner peace, self esteem, and confidence in who you are determines your success, not what others think about you. Remember that you are a worthwhile person just as you are. Keep this in mind as you consider entering the social scene again.

It's not just the divorce that dents your self-esteem but the months or even years of a failing marriage that leads up to divorce. Now that the legalities are behind you, start thinking about you. And isn't it about time too?

Rebuild your self-esteem and you're worth more to everyone who loves you – and everyone you love.

Make yourself your number one project. If nothing else, you'll enjoy the attention.

Rebuilding Self-Esteem After Divorce - What's Worked For Us:

- Write down everything you like about yourself and put this somewhere prominent
- Write down things you'd like to change (and can) and work down the list, one at a time
- Listen for compliments - and believe them
- Pamper yourself with new clothes, a haircut, or a walk by the water
- Join a divorce support or single parent group to make friends who are going through or have gone through similar experiences
- Seek out people who make you feel good about yourself
- Avoid critical types, who tend to look at life in a negative manner
- Figure out some things you do well and do them often
- Stretch - learn some new skill, try a new hobby, enjoy
- Don't be afraid to use the pronoun "I" and have it say what you feel
- Treat yourself with respect – you've earned it
- Accomplish something every day

Your self-esteem - what you think of yourself in relation to other people - is the basic secret of your success or failure in life.



It's actually as simple as that. Think well of yourself, and you'll do well. Think disparagingly of yourself, and you may end up not doing very well at all.

All About Stress

Marital separation and divorce can be two of the most difficult events in an adults life therefore a great deal of stress can be suffered by the individual. It is important to recognize the situation and help to minimize the symptoms.

It's important to take action to relieve damaging stress before it takes its toll on your physical and mental health.



Over 40% of marriages in 2003 are remarriages for both parties

Initially, couples will experience feelings of sadness, rejection and anger. But the nature of these emotions depends, in large part, on whether you are the one initiating the divorce or the one who is being divorced. In general, there tends to be differential rates in terms of each partner's acceptance of the fact that the relationship has ended.

Whatever the situation that is causing you problems, the secret of managing stress is to look after yourself as well as you can and, wherever possible, to remove some of the causes of stress.

Remember - you are not alone. It is estimated that more than half (53%) of people in work have suffered stress in the last 12 months.

Here Are The Thoughts of Some People Who Are Experiencing Stress:

"I just don't get a task finished anymore before I move on to the next thing. I keep forgetting where I'm up to. I have 20 things on the go at once and I'm not getting anywhere with any of them...."

"I keep meaning to get a little time for myself but I never manage to. Someone always asks me to help out and I never have the heart to say no, but I end up feeling really tired and irritable..."

"It just seems to be one crises after the next in my life. I've got a constant headache and stomach problems, I keep expecting something else to go wrong, and I'm at the end of my tether..."

If you start to feel that things are getting on top of you, give yourself some breathing space. Take a day or afternoon off from work if this is possible, domestic chores, family and anything else that puts pressure on you. Spend the day doing only relaxing things that make you feel good such as taking a bath, watching a film, reading a newspaper or even just taking the dog out for a walk. These are all things that can help to reduce your levels of stress.

It can make all the difference and reduce the threat to your well-being. You may also find that relaxation exercises are helpful. It is important to gain a clear perspective on the situation and to identify the associated symptoms if you believe you might be suffering from them. After all, we all have to deal with stress at some point in our lives. It's about effectively coping and also adjusting accordingly because stress unfortunately can affect both our physical and mental health.

If you think you are prone to stress then there are various things you can do to help yourself.

Some effective ways of coping with stress:

- Accept offers of practical help even if you are proud or don't think you need it. Let others help
- Do one thing at a time - don't keep piling stress on stress. The more you try to multi-task, the more stressed you will feel
- Know your own limits - don't be too competitive or expect too much of yourself
- Talk to someone who is sympathetic and understanding
- Do things you enjoy and have some fun
- Let off steam in a way that causes no harm to you or others (shout, scream or hit a pillow)
- Walk away from stressful situations with a cool head
- Try to spend time with people who are rewarding and sharing rather than critical and judgmental
- Practice slow breathing using the lower part of the lungs
- Cut down on consumption of alcohol and cigarettes, these will certainly increase stress levels and although provide short term relief, dependency could occur causing further stress
- One response to stress can be to get angry; find out more about anger management
- Lighten up your social engagements, don't feel pressured into going out if you don't want to
- Visit your doctor for an informal chat about managing stress levels
- Be positive. Accept that things go wrong. Don't waste your energy on the negative side of things; instead try to focus on the good.

How to Cope With The Pain of an Affair



In 2002 the most frequent fact on which divorce was granted to a woman in England and Wales was the unreasonable behaviour of her husband, while for a man, it was separation for two years with consent

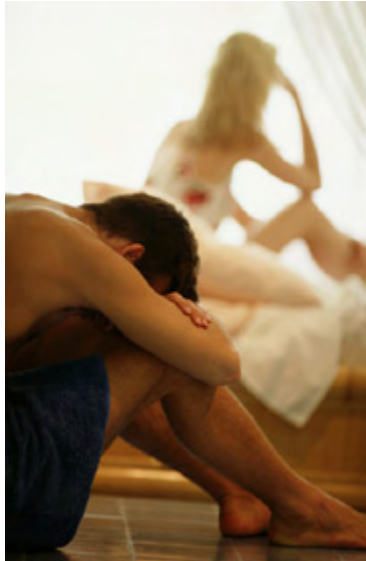
When you find out a partner has been unfaithful, it is usually a completely devastating and traumatic discovery. But although there is much pain endured it doesn't always have to spell the end of your relationship. Sometimes there can be a life together after an affair, as long as both of you are prepared to face up to what went wrong and why. Communication and patience are key issues.

Nothing hurts quite as much as finding out the relationship you thought was exclusive and the love you thought was yours alone has actually been based on a lie. The pain, anger and humiliation can last and may ruin what had previously seemed a good relationship.

Some people find the very thought of their partner having sex with someone else the most hurtful part of it. Others can forgive the affair but not the deceit along with the lies and feel as if every happy moment and memory of their shared life together has been wiped out altogether.

Burying your head in the sand and thinking that if you forget it the affair will blow over doesn't work. Even if you think you have got it out of your system you can be affected for many years to come if you put it to the back of your mind without dealing with the problem. As far as affairs go, all circumstances are totally individual.

Why do Affairs Happen?



Demographic factors associated with an increased risk of subsequent divorce include marrying at a younger than average age, having a pre-marital birth, and having previously been divorced

Most people don't really intend to have an affair and many people are of the belief that it won't happen to them but it can and it does.

There might have been lingering feelings of anger, loss or confusion that drove a wedge between you and the affair might have seemed a solution or a way of feeling better in the short or long term.

Affairs don't just happen out of the blue. They have causes, and although extremely difficult, you need to explore, understand and try to accept, what went wrong and why. Some affairs happen because there were problems in the relationship that hadn't been faced up to or dealt with.

One of the first questions asked is "Why?". And the answers that they come up with first of all are usually based on personal blame. Various parties for blame can include their partner, their relationship, the third party involved and of course, themselves.

You may have survived the most shocking stages of the betrayal but the journey is far from over.

What to do When You Find Out:

1. If at all possible take a couple of days off work, or try to have a long weekend so you can completely relax and gather your thoughts together until things can make some sense for you. Ask a family member or close friends to look after the kids for a day or two.
2. If it can be afforded, see a counsellor or trained therapist immediately. Objective, insightful help can be much more beneficial than sitting with a group of your closest friends, who obviously hate to see you hurting, and may not be the most qualified to give you advice. With this kind of news, your first thought is to leave, but sometimes, with work and patience, a marriage can be put back on track.
3. Spend some time pampering yourself. However detached and hurt you may feel you will feel much better if you take a couple of hours out to get a haircut, a manicure, take a long hot bath or visit the gym to burn off some anger. It will help you to relax and relieve some of the pain you are feeling.

When can I expect to get some closure in this ordeal?

For some people, closure comes in the form of a broad symbolic act like finding a new home.

For most people, that sense of closure comes when the papers are actually signed.

In the final stages of a divorce, when negotiations are still ongoing, people feel vulnerable to each other. But when those negotiations are complete, when everything is down on paper, and when those papers are signed and filed with the court, you may feel as if a huge weight has been lifted.

This is closure. This is the end of vulnerability. This is the beginning of your recovery. This is starting anew and afresh.

Moving Forward After Divorce

Divorce is a process that doesn't stop with the final court decree. You have ended one phase of your life, but now you have an opportunity to enter one of your choosing. You are in a position of transition. You can turn stumbling blocks like fear, loneliness and denial into rebuilding blocks that will give you the freedom to be yourself as a single person or in another love relationship. Just as you managed your divorce by educating yourself and being pro-active, manage your transition through divorce.

Some people think that on receiving the Decree Absolute, the final stage of your journey through divorce is complete. It can indeed come as a relief and mark a turning point. For many though, especially if you were the unwilling partner in the break-up, it can feel like an anticlimax, like being in a void where feelings of uncertainty and doubt once more enter your life.

But just as you have worked through this process, now is the time to work as hard or even harder on the final part of your journey which is moving on. Although you may have suffered much during the last months or years, you will undoubtedly have changed and gained some new qualities. You may not have reached a settlement that you wanted but there really aren't many who do. The important thing now is to make the best of it, get yourself on level ground and plan ahead.

You may be tired and weary but this is not the time to stagnate. Whatever has happened, you are unable to change the past. Now is the time to concentrate on yourself, on your future and your new life. Plan to do something just for you. It doesn't have to be something major, just something a little different in your life that helps you to move on.



38% of all divorces occur within the first five years

Dating after Divorce

If your divorce is final, you are no longer concerned about the impact on your court case, except to the extent that it might be used against you in a custody battle. You are now able to focus on what's right for you. This might be the time when you decide to start dating again. The only solid rule of dating after divorce is that you should begin to date when you decide its time to date. Don't let other people rush you or slow you down. You are the one who needs to decide when the time is right for you.

Only date a person who feels right for you. Resist the temptation to find someone who's the complete opposite of your ex-spouse. Remember, there were many things about your ex-spouse that were appealing at one time. If you are attracted to people who are different, that's fine; just don't feel that you can't date someone who has anything in common with the person that you once loved.

Your first love after divorce plays a special role. It can be a time of discovery, a chance for you to rediscover your playful side, a chance to have some fun. And you also need to tell yourself that you deserve it. Your first relationship though, will almost never be a long-term stable relationship. The first serious relationship you have after divorce will be wonderful, and it will be fun, and hopefully you will look back on it with pleasure and gratitude. Just don't make the mistake of going into the relationship with the expectation that it will be the basis of your next marriage.



The best marriages are those where both husband and wife realize that good marriages take work and effort; they don't just happen

“My ex-spouse has found a new, serious dating partner. I find it really difficult to deal with. What can I do?”

This situation may cause you to revisit the wound of the initial rejection or separation. For children, it signifies that parents will never get back together again, and it does that for adults too. It signals a new sense of finality to the relationship. The best thing you can do in this situation is to accept reality. Try to move beyond the hurt and anger to a position of disengagement.

How to Deal With Your Children



Research seems to suggest that the marriage must be under intense and consistent conflict before it can be considered better for the children if the parents get a divorce

Do remember that your children have gone (or are going) through the same grieving process that you did and they may be at any stage in the process. Just like you did (and maybe still do), they may jump wildly to different conclusions.

What that means, of course, is that there may come a time when they want to be supportive of your moving on with your life, but they simply can't bring themselves to support it. Quite unintentionally (or maybe intentionally), they will sabotage your dating plans. They will whine when you're on the phone, misbehave when your date arrives, fail to give you messages, and otherwise throw a spanner into your best-laid plans. Understand that this is neither malicious nor uncaring on their part; they are dealing as effectively as they can with their grief over your separation and divorce.

So what can you do? Mainly, be patient. Make it ever so clear that your dating is an adult issue, that your date would never and could never replace their other parent. It will take far longer than you would like, and there will be promising improvements followed by disappointing setbacks. Eventually, your children will come around.



There is less divorce among people who marry later

The Divorce is Final

The day has come. Your divorce is final. All the days, weeks and maybe even months of struggling through the legal process, the negotiations with your ex are finally behind you. Of course it's not the end of the feelings, but it is the first real true closure point that you can point to and say, "My marriage is totally and completely over now".

It's time for a deep breath, or perhaps even a huge sigh of relief. Perhaps you'll find yourself crying at this point, or perhaps you'll want to throw a party. You may even find yourself wanting to do both. But once the dust settles, you'll at some point find yourself getting ready to move on with this new phase of your life. You can do it; you can and will get through this pain.



In 2003, out of all women who had divorced and remarried, 29% had re-divorced

You'll probably find that beyond the emotional aspects of getting back on track, there are also some major parts of your life that need some attention now, one in particular is the financial implications of getting your single life on track. Divorce can be devastating financially. There may be legal fees that piled up during the process; you may now find yourself in a situation where you are obligated to pay child support and/or alimony.

You may find yourself assuming the responsibility for a mortgage, with or without some assistance from your ex. You may find yourself suddenly taking over the family finances when you never really got all that involved in them before the divorce. Whatever the case may be, it's time to sit down and take a hard look at the finances, organise yourself and your affairs, perhaps begin to live on a tighter budget than your are used to, and hopefully still be able to enjoy life a little.

What do you do now?

Divorcing does take a lot of time and a lot of energy. Divorcing consumes your whole life, affecting all aspects, from the time you wake in the morning until you go to sleep at night. Being pulled in so many directions, you are kept so busy, there's very little time for taking care of you and your needs.

Suddenly the divorce is final. The papers are in your hands. What do you do now? You know you will continue to go to work everyday; even if you don't particularly want to, you know you will continue to take care of your children. What about you? This is a big question. In fact the inability of answering this question is the reason why many people stay in bad marriages. Where do you personally go from here? To start, you need to envision the life you want, and then take the necessary steps to get there.

Personally, you have been through the wringer. Some people stop right here. They get stuck in their past. They ask themselves, "What if this?" and "What if that?" People staying for months or even years in this "What if" mode is not uncommon. The longer they stay, the more "stuck" they get. They consume

themselves in self-pity and sadness.

You need to try very hard to avoid this pitfall. It's a non-productive waste of time for you to "What If" your life. You cannot change the past.



A third of friendly divorces turn into bitter disputes, often sparked by the remarriage of one or both of the ex-partners

You Can Control Your Future

The media stereotype of a divorced person is as a **victim** of divorce, but you may find an incredible sense of liberation after exiting a bad marriage. It is possible to find yourself better off than when you were a spouse.

Get together with your friends and family. In the beginning you will talk about your divorce, how can you avoid it? Your friends and family will be concerned about you. But as time goes on, stop talking about your divorce in social situations. Instead, get involved in your friends and family's lives.



40% of second marriages will end in re-divorce

You must encourage yourself to start taking proper care of yourself. Pamper yourself. You will be creating a new you and in time you will be a happy, whole, balanced person. For a long time you may have been ignoring important health rules, now is the time to get focused on your health and well-being.

Some important things for you to do include:

- Taking regular exercise every day
- Eating balanced and nutritious meals
- Take vitamin supplements
- Try to get eight hours of sleep every night
- Catch up on current events
- If you have a hobby, spend more time on it
- Pursue an interest
- Charity work
- Voluntary work
- Take classes or courses of interest
- Read books and listen to music to help you relax

As you move through this new life, you will regain your self-confidence. Life is for living and enjoying. Time spent on "What if " this and "What if" that on a marriage that is over, is wasted time. Only you can take care of you. Time spent on taking care of yourself will make you healthier and stronger both physically and mentally. You and your children will benefit from your positive outlook on life.

You are now taking control of your future and this is what you need to do now!

Legal Glossary

- **Absent Parent** - The parent not living in the same household as the qualifying child as defined by the Child Support Act 1991
- **Acknowledgement of Service** - Form sent by court to respondent and co-respondent if any with the petition, questions included about his/her intentions and wishes in response to the petition; its return to the court establishes service of the petition
- **Adultery** - Sexual Intercourse with a third party prior to the granting of the decree absolute
- **Affidavit** – Written statement containing evidence given on oath or by affirmation. The evidence in the affidavit need not be expressed in any formal way but should be set out in numbered paragraphs in the first person. If the person making the affidavit wishes to refer to any document, this should be attached (‘exhibited’) to the affidavit
- **Ancillary Relief** – Financial or property adjustment order made by a court as ancillary to a petition to divorce or separation
- **Answer** – The defence to a divorce petition, denying the allegations in the petition or cross petition; strict time limits apply for filing an answer
- **Application** – A document giving details, in broad terms, of the order sought from the court. All applications within divorce proceedings are started by filing a notice of application. Standard forms are available at divorce court offices and they include a space for the place, date and time of the hearing of the application, to be completed by the court office
- **Bailiff** – A Sheriff’s officer who serves writs and summonses, makes sure sentences of the court are carried out and who makes arrests
- **Bankrupt** – A person judged insolvent by the court, their property being administered for the benefit of the creditors
- **Barrister** – Lawyer who has been called to the Bar and who is qualified to plead in the higher courts
- **Bigamy** – a criminal offence committed when someone still legally married marries someone else
- **Bona Fide** - True or genuine, given in good faith
- **Brief** – A document containing all the facts and points of law of a case by which a barrister is instructed by a solicitor to represent a client
- **Calderbank Letter** – A ‘without prejudice’ letter making an offer of a settlement prior to the case going to hearing. If the offer is rejected by the other party and the court awards the same or less, there is a risk of having to pay the other party’s costs from the date the offer was made as well as one’s own
- **Care and Attention** – A term used to describe an increase in a solicitor’s bill which some solicitors apply if a case has been complex or had to be dealt with especially quickly
- **Charge on Property** – Security entitling the holder of the charge to be paid out of the proceeds of sale when a house (or any other property) is eventually sold
- **Chattels** – A legal term used for personal effects, usually of a house, like furniture, paintings, jewellery and ornaments
- **Clean Break** – A once and for all order that deals with all financial issues between spouses, provides for the dismissal of maintenance claims and is not capable of subsequent variations even if circumstances change
- **Co-Habitation** – Living together when unmarried
- **Conciliation** – Process of mediation to help a couple reach an agreement on issues related to divorce; usually about the arrangements for children as opposed to financial issues. Conciliation can be ‘in-court’ as part of the court process to try to help parties settle their differences over the children, or ‘voluntary’ i.e. provided by an independent service for which fees are payable
- **Conflict of Interest** - When a solicitor cannot act for a potential client because he would be unable to discharge his duty to the client because of a pre-existing professional relationship with another client or a duty owed to another
- **Consent Order** – Order made by a court in terms agreed by both parties

- **Contact (Access)** – Order under the Children Act for the child to visit or stay with the parent with whom the child is not living or exchange letters, cards, telephone calls; contact orders may be made in favour of non-parents, e.g. Grandparents
- **Co-Respondent** – Person with whom the respondent has committed adultery
- **Counsel** – Barrister
- **Cross-Decrees** – When a petitioner is granted a decree on the basis of the petition and the respondent on the basis of the answer
- **Cross-Petition** – When the respondent puts forward different reasons for the breakdown of the marriage from the petitioner's, and seeks a divorce on those facts
- **Decree Absolute** – The order made by the court dissolving the marriage
- **Decree Nisi** – Document issued once the court is satisfied that the grounds of divorce are established, allowing the petitioner to apply to have the decree made absolute after a further six weeks and one day. It does not end the marriage
- **Directions for Trial** – The stage of divorce proceedings when the district judge considers the petition and affidavit in support, and requests further information if required, before giving his certificate for a decree nisi to be granted. Financial proceedings and applications about children also have a direction for trial stage, when the district judge considers what further evidence will be required and makes orders accordingly
- **Disclosure** – Full information about all matters relevant to any financial application; each spouse has a duty to give a full and frank disclosure, which if they fail to abide by may render a later court order invalid
- **Discovery** – Procedure by which each party supplies to the other a list of documents relevant to an application and allows the other part to inspect them
- **District Judge** – Judicial officer appointed by the Lord Chancellor, responsible for dealing with most applications to a divorce court (formerly called a registrar)
- **Divorce Order** – To be introduced under the Family Law Act, the order dissolving the marriage
- **Exhibit** – Document referred to in, sworn with, and attached to an affidavit; usually identified by initials and a number
- **Ex Parte** – An application made directly to the court without prior notice to the party or parties
- **Family Hearing Centre** – A County Court with power to deal with the administrative processes of divorce and any contested applications under the Children Act for relief
- **Filing** – Leaving documents – petition and accompanying documents, affidavits, notices of application etc with the Court Office for sealing and subsequent service
- **Green Form** – Popular term for the legal aid scheme under which a limited amount of legal advice and assistance is given
- **Hearsay Advice** – A fact reported to a witness, as opposed to being known by the witness; second hand knowledge; hearsay evidence can be accepted by the court in family proceedings
- **Injunction** – Order by the court telling someone what he or she must do or refrain from doing, the penalty for disobedience can be imprisonment
- **Intestacy** – Dying without a valid will
- **Legal Aid** – Government funded scheme administered by the Legal Aid Board based on financial eligibility and merits of case. Now called “Community Legal Service Fund” administered by the Legal Services Commission (Scottish Legal Aid Board in Scotland)
- **Liable Relative Proceedings** – Proceedings taken by the Department of Social Security against the person legally responsible for maintaining wife or husband and/or children who has failed to do so; usually predates the Child Support Act 1991
- **Matrimonial Home Rights** – Rights of occupation of a family (or a home intended to be occupied)
- **Meshor Order** – Where the court can order that the sale of the property can be deferred for a certain period of time, for example until the children are no longer dependent
- **Mediation** – An alternative form of dispute resolution over issues arising in the wake of separation or divorce. Comprehensive mediation covers problems over both the children and finances; other mediation or conciliation services may deal with child related disputes alone. Mediation may be offered by lawyer mediators or family mediators alone or both together

- **Minutes of Order** – Draft terms of agreement placed before the court with a request that a consent order be made in those terms
- **Nominal Order** – An order for a nominal amount of maintenance made if, at the time an order for maintenance was made, payment could not be made or was not needed. This is done so that if circumstances change, there is an order on the court's file which can be reviewed and increased
- **Non-Molestation** – Order to prohibit one person from assaulting, harassing or interfering with another
- **Notice of Application** – Forms on which applications to the court are made, beginning with the words 'take notice that' and containing full details of what is applied for
- **Ouster** – Order that excludes one spouse from the matrimonial home (or from part of it)
- **Parental Responsibility** – The bundle of rights and duties that parents have towards their children; mothers and married fathers have parental responsibilities automatically, while non-married fathers may acquire it by formal Parental Responsibility agreement or court order
- **Parent with Care** – A term from the Child Support Act 1991 to mean that the parent with whom the child has his or her home and who usually provides day to day care for the child
- **Penal Notice** – A warning endorsed on a court order, notifying the recipient that he or she is liable to committal to prison for breach of the order
- **Pending Suit** – While the divorce is still pending i.e. before decree absolute
- **Petitioner** – The person who initiates divorce proceedings by filing the petition
- **Pleadings** – Formal Statements or documents containing a summary of the issues in the case
- **Prayer** – Formal request in the petition, or answer, for the courts orders for which the petitioner or respondent seeks; for example, dissolution of the marriage, orders under the Children Act, Costs, ancillary relief
- **Prohibited Steps Order** – Court order under the Children Act restricting a person's exercise of parental responsibility e.g. preventing a parent from removing a child from the country without the other parent's consent or court permission
- **Qualifying Child** – A term from the Child Support Act 1991 to mean a child under 16 or under 19 in full time non advanced education, one of his or her parents must be an 'absent parent'
- **Recovered or Preserved** – Gained or retained (money or property) in the course of legal proceedings
- **Relevant Child** – Child of the family under 16 years of age at the date of the decree nisi or between 16 and 18 years of age receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation (or up to any age if disabled or dependent)
- **Reply** – Document filed by the petitioner in response to an answer and/or a cross petition from the respondent containing the petitioners defence
- **Reserved costs** – When decision on amount of costs to be awarded is deferred until a later hearing
- **Residence Order** – An order under the Children Act which settles the arrangements about with whom a child will live; residence orders can be split between parents (or others) or shared, e.g. in favour of a parent and step parent
- **Respondent** – The spouse who is not the petitioner
- **Rule 2.63** – The rule of court relating to the statement of information which has to be supplied to the court for a financial order to be made
- **Sealing by the Court** – The courts stamping of a document when it is filed at the court office or for an order or decree when it is issued
- **Section 41 Appointment** – Or 'Children's appointment' – this was a short hearing before a judge for certificate of satisfaction in respect of arrangements for any relevant children before decree nisi could be pronounced. They are no longer made since the Children act came into force
- **Secured Provision** – When some income producing asset of the payer is put under the control of trustees and, if necessary, the income diverted to the payee to provide the maintenance
- **Separation Order** – An Order introduced by the Family Law act 1996 which provides for the formal legal separation of the spouses
- **Service** – The method by which the petition, notices of application, orders and decrees are supplied to the parties concerned, certain documents need to be served personally, others are served through the post, some by or on behalf of the person issuing them and some by the court

- **Special Procedure** – In an undefended divorce, the decree can be issued without either petitioner or respondent having to appear (or be represented) at the court; the District Judge considers the facts submitted by the petitioner in the petition and verified on affidavit. When he or she is satisfied that the facts in the petition are proved and that the grounds for divorce exist, he or she will issue a certificate to that effect and fix a date for the formal pronouncement of the decree nisi by the Judge. A copy of the decree is sent through the post both husband and wife by the court office
- **Specific Issue Order** – An order under the Children Act resolving some particular dispute about the children's upbringing
- **Statement of Arrangements** – Form which has to be filed with the petition if there are any relevant children of the family, setting out arrangements proposed for them in the future, this should be agreed with the respondent and countersigned if possible for the divorce is started
- **Statutory Charge** – The amount payable by a legally aided person out of any property or cash that was recovered or preserved in the proceedings, where contributions to the legal aid fund are not sufficient to meet the legal costs of the case
- **Summons** – Demand issued by a court for a person against whom a claim or complaint has been made to appear at the court at a specific time
- **Undefended Divorce** – Where the dissolution of a marriage and how it is to be achieved are not disputed (even if there is a dispute about related matters such as finances or children)
- **Undertaking** - Promise to the court to do or not to do something which is outside the court's powers to order but is incorporated within a court order so that it is enforceable; the court has no power of its own to vary an undertaking
- **Unfunded Scheme** – A pension scheme where the employee has a right or expectation to a pension benefit secured only by an undertaking from the employer, for example in a contract of employment; no advance financial provision is made via a trust fund or other insurance contract

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