

# Divorce and Separation

Your rights if your marriage breaks down



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This leaflet outlines your legal position if you are married or in a civil partnership and considering separation or divorce. It explains:

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This leaflet explains how the law applies to civil partners as well as married couples. Throughout the leaflet, we use the word 'partner' to mean a husband, wife or civil partner, and 'married' to mean either being married or in a civil partnership. However, we don't use 'partner' for people who live together but who are not married or in a civil partnership.

The law is mostly the same for marriages and civil partnerships, but where there are differences we explain them. Sometimes just the legal words are different. For example, the equivalent of divorce for civil partners is officially called 'dissolution', but throughout the leaflet we use 'divorce' for both married couples and civil partners.

The leaflets in this series give you an outline of your legal rights. They are not a complete guide to the law and are not intended to be a guide to how the law will apply to you or to any specific situation. The leaflets are regularly updated but the law may have changed since this was printed, so information in it may be incorrect or out of date.

If you have a problem, you will need to get more information or personal advice to work out the best way to solve it. See 'Further help' on page 19 for sources of information and advice.

You may be feeling very upset and bitter when you are reading this leaflet. Family break-ups bring out the worst in most of us. But try to remember that if you do decide to divorce or separate, there are advantages in trying to keep things polite and civilised between you and your partner.

In the first place, the legal proceedings will cost less. There is no point wasting money over an argument if there is another way of reaching an agreement.

If you have children, a bitter fight will only harm them. Try to put them first.

A fight will also be more damaging for you. Once the divorce is over, you will have to get on with the rest of your life. It is harder to do this if you know you have behaved badly.

## Where to start

### Do I need a solicitor to get divorced?

It is a good idea to get some specialist advice from a solicitor when you start to think about separating or divorcing, particularly if there are money matters to deal with. The solicitor will tell you where you stand and help you work out your options. You may decide, after a first interview, that you can sort things out yourself, but at least you will do this knowing about your legal position.

## Where can I find a good solicitor?

Solicitors are listed in Yellow Pages, but you will need one who specialises in family law. Libraries and Citizens Advice Bureaux can be helpful, as well as people you know who have been to see a family law solicitor.

'Resolution' is an association of specialist family solicitors. It can give you the names of solicitors in your area who are members.

The Law Society also has a Family Law Panel of solicitors who have passed a special exam and have proven family law experience. The Law Society will give you the names of solicitors on this panel in your area.

See 'Further help' on page 19 for how to contact these and other organisations.

## Can I sort out my own divorce?

You can arrange a 'do-it-yourself' divorce, but you may need the help of a solicitor if:

- you have children;
- you've been married for more than, say, five years; or
- you have more assets than just the family home and car.

If you decide to deal with the divorce yourself, you should contact your local county court to get the guidance booklets and forms you will need. Phone the court first to check that it has a divorce section. Its number will be listed in the phone book under 'Courts'. You can also download the forms and booklets from the Court Service website (see 'Further help' on page 19 for details). The county court staff will not be able to give you legal advice.

### **Can I avoid going to court?**

You still need to use the courts to get a divorce, though you don't always need to attend a hearing (see 'Do I have to go to court?' on page 8). You and your partner will also need to reach an agreement about children and money. Mediation is one way of doing this.

A typical mediation service will offer you and your partner a series of meetings with one or two trained mediators. In these meetings you can talk about arrangements for the children and money, and see whether you can reach an agreement. If you can, the mediator will make a note of the agreement, and you can each check it with a solicitor.

If you qualify for legal aid, this will pay for mediation. Otherwise, you will have to pay for it yourself. But even

if you have to pay, this will probably be cheaper than having a solicitor negotiate a settlement. Mediation can also bring about a better relationship between you and your partner, which can be helpful for the future.

For more information about mediation, including how to find mediation services in your area, see the Community Legal Advice leaflet 'Family mediation: Dealing with relationship breakdown without going to court'.

### **Do I need a solicitor as well as a mediator?**

Mediators cannot advise you on your legal position, so you will probably need a solicitor to make sure that the agreement reached is best for you. Also, it is sensible to make into a court order any agreement you reach about financial matters. Mediation services do not do this for you, but a solicitor can. For these reasons, most mediators will recommend that you also use a solicitor.

### **What will a divorce cost me?**

The cost of divorce varies greatly, depending on how complicated your case is and how far you and your partner can agree about things. Most solicitors' charges are based on how much time they spend on a case.

Always ask for an estimate of costs and the hourly charging rate when you first see a solicitor, but be prepared for this estimate to change as your case goes on. Apart from paying your solicitor, you will have to pay court fees if you are the petitioner (the person wanting the divorce), unless you:

- are specially exempted (that is, the court can choose not to make you pay the fees, if it thinks you cannot afford them); or
- get public funding ('legal aid').

There may be other fees (solicitors call them 'disbursements') for things like property valuations and, possibly, barristers' fees.

### **Can I get costs back from my partner?**

You may be able to get part of your costs back from your partner if you both agree, or if the court orders it. But it would be unusual for the court to order your partner to pay your costs, and you will generally not get back all the costs. So you need to budget for paying your legal costs yourself when you are thinking about a divorce.

### **Can I get help with costs if I can't afford them?**

If you fulfil all the rules for it, you can get public funding to cover:

- the divorce proceedings (where the funding is called 'legal help'); and
- proceedings over money and children's issues (where it is called 'family help and legal representation').

You may also get public funding for mediation. The Legal Services Commission leaflet 'A Step-by-Step Guide to Legal Aid: Help with paying for civil cases' has more information about the types of legal aid you can get.

## **Separation**

### **What do I need for a legal separation?**

Some married couples never get as far as divorce, but are happy to stay apart. All you need to do to be legally separated is live apart. You do not need any formal legal document, although it can be helpful to record any agreement in a 'deed of separation'. Once you are no longer living together, you are classed as separated for tax and state benefit purposes. Officially, you can even be separated but still live under the same roof, if you:

- arrange your household so that you no longer sleep or eat together; and
- do not do domestic chores, such as washing or ironing, for each other.

If you separate for two years or more and both agree to the separation, this can be the basis for a future divorce.

The courts have only limited powers to make financial orders for separated couples (those who are not yet divorced). This generally means that you have to reach an agreement between yourselves about money.

If you plan to divorce soon, you may only need to deal with maintenance. If you think your separation will last a long time, you may need to sort out who will keep the house and other assets. You should get legal advice about these arrangements.

### **Can we make the terms of our separation legal?**

You can record any agreement that you reach about children, money and property in a formal document. This is sensible, because you can draw it up in a way that makes it enforceable if your partner does not keep to what they promised. You will need the help of a solicitor to do this. The document is called a 'deed of separation'.

A deed of separation can cover all the financial arrangements between you

and your partner. It can also deal with what you have agreed about the children, and any plans that you may have to divorce, or not divorce, in the future.

A deed of separation is not automatically binding on a divorce court. If you later divorce, you may need to make your agreement binding by a financial order made as part of the divorce.

### **Do I need legal advice for a deed of separation?**

You and your partner should each have separate legal advice before you sign such a legal agreement. You should have told each other all there is to know about your financial position.

If you divorce after making a deed of separation, you can agree to keep to the terms of the financial settlement in the deed. If one or both of you want the court to make other financial orders, the court has the power to do this, even if you have a deed. However, if you were each given proper advice by solicitors when the deed was drawn up, and you were both honest about your financial position, the court will be reluctant to change the original arrangements. It may only be able to do this if circumstances have changed in a way that makes the terms of the deed unfair.

## Is there any alternative to divorce?

The alternative is a 'judicial separation' (called a 'separation order' for civil partners). This is not common these days, but it can be an alternative if one or both of you have moral objections to divorce. It is a court order, like a divorce, and follows the same procedure. The court can make orders about children and most money matters in judicial separation proceedings in the same way as in divorce proceedings. As with a divorce, you will no longer have any legal duty to live together.

The main difference is that after judicial separation you cannot marry anyone else. Also, you cannot get a final financial order dismissing all claims against each other (a 'clean break') as part of a judicial separation.

A judicial separation or separation order is not a stepping stone to divorce – they are different things, and you cannot convert a judicial separation or separation order into a divorce. Divorcing later will simply increase your legal costs.

## What if we can't agree on financial matters when we separate?

You may be able to get maintenance from your partner from the court, and you can use the Child Support Agency for child support (see 'If you have

children' on page 9). However, unless you get divorced, it is very difficult to get a court order about who owns the house or other property.

## Divorce

### What do we need to get a divorce?

You have to have been married for at least a year before you apply to the court for a divorce. To get the divorce you have to show the court that the marriage has broken down 'irretrievably' (that is, one or both of you feel that you cannot stay married to each other). You do this by citing (using) one of five 'facts'. Married couples can use any of the facts, and civil partners can use any except fact A.

**A Your husband or wife has committed adultery and you find it intolerable to live with him or her.** Generally, you prove adultery by your husband or wife admitting it. If he or she refuses to co-operate, you will need to speak to your solicitor about what to do next. If you carry on living with your husband or wife for more than six months after you find out about the adultery, you will generally not be able to use this as your 'fact'.

**B Your partner has behaved in such a way that you cannot reasonably be expected to live with him or her.**

This covers all sorts of bad behaviour, including if your partner has an 'improper' relationship with someone else that makes you feel they have been unfaithful to you. Civil partners could use this instead of fact A. You need to think about the main things that have made your partner difficult to live with. These are summed up in the petition (the document that sets out the reason for the divorce) in a few short paragraphs. You cannot rely on single events that took place more than six months before you file (send in) your petition if you have lived together for more than six months since then.

**C Your partner has deserted you for a period of more than two years.**

Desertion means leaving your partner without his or her agreement and without a good reason. Using this as a 'fact' is rare these days.

**D You have lived separately for more than two years and your partner consents to the divorce.**

This is often called 'no-fault' divorce. You can have had periods of living together as long as they do not add up to more than six months and you have been apart for at least two years altogether. You need your partner's

written consent to use this as your 'fact', so you must make sure you have their agreement before the proceedings start, otherwise the divorce may fail.

**E You have lived separately for more than five years.** Your partner does not need to agree to this. They cannot defend this petition, but they can ask the court not to grant the final decree because of major financial or other type of hardship.

Facts A and B are the most commonly used ones, because with all the others you need to have lived apart for more than two years. If you want to file a petition based on your partner's behaviour or adultery, it makes sense to discuss this with him or her first if you can – unless, for example, you are afraid of how they may react. If you can discuss the matter, it means you can make sure your partner will not defend the petition (argue against you), and this will save you legal costs.

**Do I have to go to court?**

If the divorce is undefended (that is, you both agree to it), there is no need for either of you to go to court. The case can all be dealt with on paper.

## How long does it take?

Most divorces take six to eight months from the first step (filing the petition) to when divorce is official (the 'final decree' is granted). The time can vary, depending how quickly you and your husband or wife (or civil partner) deal with the paperwork, and whether you know where they are.

Sorting out the money can take much longer than this. You can get your final decree and be free to remarry without having sorted out a financial settlement, but it is normally better to conclude the divorce first.

## If you have children

The terms 'custody' and 'access' are no longer used officially or legally to describe which parent the child or children live with and how often the other parent sees them. The correct terms and ideas are explained in the next few paragraphs.

## What is 'parental responsibility'?

Parental responsibility is the legal term used to describe all the rights and duties that parents have towards their children. For instance, it gives you the right to agree to medical treatment for your child, to choose which religion they are brought up in, or to choose the school they go to.

When a child is born, the mother has parental responsibility. The father also does, but only if he is married to the mother at the time of the birth, or (as long as the child was born on or after 1 December 2003) registered as the father on the baby's birth certificate. However, later in the child's life, the unmarried biological (natural) father of the child can get parental responsibility by:

- marrying the child's mother; or
- making a Parental Responsibility Agreement with the mother; or
- re-registering the child's birth (if no-one was registered as the child's father in the first place); or
- getting a court order.

If you become a step-parent because you marry someone who has parental responsibility for a child, you can also get parental responsibility for the child by:

- making a Parental Responsibility Agreement with everyone who already has parental responsibility; or
- getting a court order.

Both parents get parental responsibility if they adopt a child.

Also, any other 'suitable person' can get parental responsibility if the court orders this.

You do not lose parental responsibility if you get divorced. You will carry on being the children's full legal parent, whether or not the children live with you.

### **How do we make arrangements for our children if we get divorced?**

The court expects you and your partner to agree where the children will live (residence) and how you will arrange to see them (contact). If you can do this between you, there is no need for a court order. You should continue to make major decisions about the children together, but you can each act on your own if you need to – for example, to give consent to emergency medical treatment. You can get a leaflet, 'Parenting Plans: Putting your children first', to help you work out your future arrangements. This and other helpful leaflets about children are available from your solicitor or from the Children and Family Court Advisory and Support Service (Cafcass), the organisation that looks after children's interests in family court proceedings (see 'Further help' on page 19).

### **What if we can't agree?**

If you can't decide which one of you the children should live with (residence), or how often they should see the non-resident parent (contact), then you should think about applying to the court for an order under Section 8 of the Children Act 1989. Before you do this it is worth seeing whether you can use a mediation service to help you reach an agreement (see 'Can I avoid going to court?' on page 4 for more on mediation). This is generally cheaper and less stressful for the whole family.

If mediation is not suitable for you (a mediator can help you decide this), either of you can apply to the court for an order. You can do this whether or not you have already started divorce proceedings. You do not have to ask a solicitor to act for you but it is probably a good idea to get some legal advice before you start.

The Court Service produces two helpful leaflets about court proceedings and children:

- 'Children and Divorce'; and
- 'Children and the Family Courts'.

The leaflets are available from the Court Service website (see 'Further help' on page 19 for details).

The court, usually with the help of an officer from Cafcass, will try to make sure that you and your partner can come to an agreement. To find out more about Cafcass, see 'Further help' on page 19.

If you can't agree, the court will make an order. But the court will make an order only if it would be better for the child than not making one, and most cases involving children are usually settled by agreement fairly early. This is generally better for everyone, especially children, and it certainly saves a lot of legal costs.

If contact arrangements are causing problems, it may be helpful to use a Child Contact Centre as a neutral meeting place to begin with. Solicitors and courts will have details of your local centre. See 'Further help' on page 19 for how to contact the National Association of Child Contact Centres.

### **What if there are specific issues that we can't agree on?**

You can apply for a 'specific issue order' if you need the court to decide a single matter, such as where your child should go to school.

Also, the court can make a 'prohibited steps order' to stop one parent doing something that the other parent disagrees with, such as changing the child's surname.

## **Supporting your children**

You and your partner will have to work out how you are going to support your children, and whether one of you is going to pay maintenance to the other. For most people, this means coming to a private agreement about who will pay what.

If you don't want to do this, or you can't come to an agreement, in most cases you can use the Child Support Agency (CSA). This is a government body that will look at your situation and decide how much maintenance you or your partner should pay. However, the CSA can deal only with maintenance from a child's parent by blood or by adoption. See 'What if we can't agree?' on page 12 for more about this.

Before October 2008 you had to use the CSA if you were claiming benefits, but this rule has been stopped.

If you are receiving Income Support or Jobseeker's Allowance, you can keep up to £20 a week from the maintenance paid by your ex-partner without it affecting your benefit payments. Child maintenance does not affect your entitlement to Council Tax Benefit, Housing Benefit or tax credits.

The CSA has set up a new service called Child Maintenance Options (CMO), which can advise you about maintenance. See 'Further help' on page 19 for contact details.

### **How do I make a private agreement?**

You can make a private agreement with your partner by working out what you think is a fair figure and putting it in writing. You can download an agreement form from the Child Maintenance Options website.

The website also has guidance on working out how much child support you or your partner would have to pay if you used the CSA instead. Or you could ask your solicitor for advice. But you can come up with your own figure if you feel the CSA's figure is not enough for your family's situation.

If you are going through a divorce, you can ask the court to turn your agreement into a 'consent order'. This is an order where both of you agree the terms and get the court to approve it. The advantage of doing this is that it makes the agreement legally binding, so you can enforce the payments.

If your partner doesn't pay what is set out in your private agreement, you can only take them to court if the agreement has been turned

into a consent order. If this has not happened, you must apply to the CSA, which normally has powers to enforce payments.

If you or your partner wants to stop a consent order and use the CSA instead, you can do this after the order has been in force for at least a year.

### **What if we can't agree?**

If you can't agree on maintenance, you will normally have to apply to the CSA. But the CSA can only make maintenance rulings where it has 'jurisdiction'. This is where all the following points apply to you:

- Your child is the child (by birth or adoption) of both parents. (This means that stepchildren can't get support from their step-parents under the CSA.)
- You, your child and their other parent all normally live in the UK (or one of the parents lives abroad but works for a UK employer).
- The non-resident parent is not living in the same household as the child.
- The child is under 16, or under 19 and in full-time education up to A-level standard.

## What if I can't use the CSA?

If the CSA doesn't have jurisdiction, you will need to get a court to make an order about maintenance.

The court can also make orders about other matters that the CSA can't, including:

- school fees;
- meeting the particular needs of a disabled child;
- a 'top-up' order if the maintenance that the CSA can order reaches a (very high) ceiling; or
- varying an existing order (in certain circumstances).

If your child's father or mother lives abroad, then there are ways of enforcing a maintenance order made in UK courts in some other countries. You will need a solicitor's help to do this.

## What if my partner is not my child's other parent?

If your partner is not your child's other parent, then you cannot use the CSA to make them pay maintenance. You can get a court order against them, if you can show that they have treated your children as their own. Otherwise you will have to pursue the child's actual parent or rely on your partner's goodwill.

## How is CSA maintenance worked out?

The CSA works out maintenance by looking at the non-resident parent's net (after-tax) earnings and the number of children they must support. If this figure is more than £200 a week, the non-resident parent can take off certain pension contributions and an allowance for any new children or stepchildren, and then pay:

- 15 per cent of their remaining income for one child;
- 20 per cent for two children; or
- 25 per cent for three or more children.

If the non-resident parent earns less than £200 a week then they must pay child support at a reduced rate.

The amount of child support paid for the children also depends on the number of nights per week they spend with each parent. If you have children who live with you in a second family, this will be taken into account when child support is calculated.

The CSA is only able to calculate maintenance on the net income of the non-resident parent up to £2,000 a week. If their income is higher than this, you may be able to apply to the court for a top-up order, which will give you more maintenance.

## How do I apply to the CSA for maintenance?

You can apply online, by phone or by getting an application form from the CSA (see 'Further help' on page 19).

After you have made your application, the CSA will write to your partner with another form that they have to fill in and return within four weeks. The CSA will then make a maintenance assessment and tell you both how much it should be.

## Money and property

The court has wide and flexible powers to make orders in divorce proceedings. It is only possible to give general information in this leaflet because each family is different. You should certainly take legal advice about your situation.

### What orders can the court make in divorce proceedings?

The court can make orders for:

- maintenance (regular payments) for your partner;
- maintenance for your children, but only in some circumstances – see 'Supporting your children' on page 11);
- a lump sum for your partner (and for the children, if necessary);

- a 'property adjustment' or 'transfer of property' order (such as putting the house in one person's name, or selling it); and
- giving you or your partner a share or claim on the other's pension fund. This could involve having a share of the fund now so that you get a pension fund of your own, or having a payment out of it once your partner is drawing their pension.

### How can I get a court order?

After divorce proceedings have been filed, either you or your partner can file a form at the court saying that you want to put in a financial application. Both of you will then have to fill in a long form ('Form E') with all your financial details. You have to exchange these with each other at the same time. The court will fix an appointment to check that all the evidence has been filed, and there will be a session at court to see if you can reach an agreement.

Forms and information leaflets are available from the Court Service website (see 'Further help' on page 19).

## Does our home have to be sold?

Not necessarily. There are several different ways of dealing with the home. For example, you can:

- change the shares you both hold in it;
- agree to delay selling it until some point in the future;
- decide how the money from selling it can be divided; or
- decide who will pay the mortgage.

If you cannot agree on any of these things, the judge will make an order.

## How are the money issues worked out?

The court doesn't use a formula to work out maintenance and other money issues, but it does take account of various things. These are:

- the income, earning capacity, property and other financial resources you each have (or would probably have);
- the needs and financial responsibilities you each have (or would probably have);
- the standard of living you enjoyed as a family;
- your ages, any physical or mental disabilities, and the length of your marriage;

- the contributions that each of you has made or is likely to make to the welfare of the family (which includes looking after the home or caring for the family);
- your behaviour to each other, if the court thinks it would be unfair to ignore it (though in practice behaviour is rarely taken into account); and
- any benefits, such as pensions, that you might lose because of the divorce.

A maintenance order can last for a fixed period or for as long as both of you are alive, and is on condition that the person it is paid to does not marry again.

## Can an order be changed after it is made?

Either of you can apply to the court to alter a maintenance order if your situation changes. However, orders for lump sums or transfers of property cannot normally be altered once they are made. This applies to orders made by agreement as well as those decided by the judge, so it is important to make sure that you have thought about all the things that might happen in the future before you commit yourself to an agreement.

### **What should I do if I find that my partner is getting rid of property to stop me getting it in divorce proceedings?**

Tell your solicitor urgently, because you can apply to a court for an order to stop the sale, and also get things back if they have already been sold. You have to prove that the sale is going to happen or has happened and that it will affect a final financial settlement.

The court can freeze all your partner's assets to protect your interests.

### **Making arrangements should you die**

If you are separating or thinking about divorcing, you also need to talk to your solicitor about making or changing a will. Your partner is still your next of kin until the final decree of divorce, and they may inherit from you if you die and you have not made a will. If you have children, you also need to think about providing for them.

### **Do I need a guardian for my children?**

If you and your partner both have parental responsibility (which is the normal situation), then if either of you dies, the other will legally have sole responsibility for the children. Most parents would agree that this is the best arrangement. But there

may be reasons why you would not want this to happen. For example, your ex-partner may have lost touch with the children, or you may have had a dispute about care arrangements for the children.

In cases like this, you may feel that you would want another person (as well as your ex-partner) to have legal responsibility for your children, and you can put these wishes in your will or in a simple signed document. However, you would need to talk about this with your solicitor first. When deciding who will have care of the children after you die, the court does not have to accept your wishes, but it will take them into account.

### **Dealing with emergencies**

#### **What if my husband or wife is violent to me or to the children?**

If you need to, first get yourself (and the children) away from your husband or wife as soon as you can. Then call the police.

If you have been hurt, go to your doctor or the local hospital as soon as possible. Explain what has happened and ask them to record your injuries so that they can give evidence about them if you need it. It may be helpful to get photographs of injuries while they are fresh.

Telephone a solicitor and arrange to see him or her as soon as possible if you think you need legal help.

See 'Further help' on page 19 for details of agencies that can help you if you are a victim or at risk of domestic violence. See also the Community Legal Advice leaflet 'Domestic Violence, Abuse and Harassment'.

### **What can the law do to protect me?**

The police may take action against your partner if he or she has committed a crime. As well, the civil courts have powers to protect you by making an order called an injunction. This will order your partner not to harm you in any way. It can also stop them from getting into or remaining in the home. The strength of the court order will depend on the level of protection the judge thinks you need. Sometimes, simply getting the police involved or the threat of an injunction will be enough to restrain your partner.

### **Can I get help to pay for this legal action?**

You can be granted public funding ('legal aid') very quickly to cover the cost of injunction proceedings if you need them. Your solicitor will be able to tell you if you qualify.

### **What if I fear that my partner will take the children away?**

Tell your solicitor at the start of the case. You can then decide whether to ask the court to make orders about the children or their passports. You should keep the children's passports in a safe place, and tell the children's school about your concerns, in case your partner tries to take them from school.

The organisation 'Reunite' can offer information and help to parents who fear that their children may be abducted (see 'Further help' on page 19 for how to contact Reunite).

### **What if my partner snatches the children?**

If you think they are likely to be taken out of the country, tell the police immediately. They can issue a 'port alert' to try to stop them leaving. The police will need a full description of your partner and the children. Photographs would be useful. Tell your solicitor as soon as possible as well. Even if you do not think they will leave the country, tell your solicitor, who can advise you about getting an emergency court order to have the children returned.

If the children are taken out of the country, the International Child Abduction and Contact Unit may be able to help (see 'Further help' on page 19).

## Terms used in divorce and family law

Some words and phrases have special legal meanings in family (divorce) proceedings.

**Adultery** Full sexual intercourse, while you are married, with someone who is not your husband or wife.

**Affidavit** A formal, written statement sworn to be true.

### **Ancillary relief or financial relief**

Financial orders made by the courts in divorce or judicial separation proceedings.

**Conditional dissolution order** For civil partners, this is equivalent to a decree nisi. So it is the first decree of a dissolution, when the court is satisfied that the grounds for the dissolution have been proved. It does not end the civil partnership.

**Co-respondent** The person adultery has been committed with. This applies only where adultery is the reason for the divorce. Co-respondents are not usually named.

**Contact** When and for how long the children will see or communicate with the non-resident parent (the parent they don't live with). Contact can include phone calls and letters (indirect contact) as well as visits and overnight stays (staying contact).

**Decree absolute** The final decree of divorce for married couples – the marriage is over only after this has been made. The equivalent for civil partners is a dissolution order.

**Decree nisi** The first decree of divorce for married couples, when the court is satisfied that the grounds for the divorce have been proved. This does not end the marriage. The equivalent for civil partners is a conditional dissolution order.

**Dissolution order** For civil partners, this is the equivalent of a decree absolute. The civil partnership ends only when the order has been made.

**Maintenance/child support** Money that one partner pays to the other. It is supposed to be paid regularly to support the partner or children.

**Periodical payments** Another name for maintenance.

**Petition** The document that sets out the reason for the divorce or judicial separation and asks the court to grant it.

**Petitioner** The person who starts the proceedings by filing a petition at the court.

**Respondent** The person the petition is filed against.

**Residence** Where the children will live and who they will live with after the divorce.

## Further help

### Community Legal Advice

Provides free information direct to the public on a range of common legal problems. Call 0845 345 4 345. If you qualify for legal aid, you can also get free advice from a specialist legal adviser about benefits and tax credits, debt, education, employment and housing. You can also find a local legal adviser or solicitor. Click [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk) to find out more.

### Resolution

The association of specialist family solicitors  
phone: 01689 820272  
[www.resolution.org.uk](http://www.resolution.org.uk)

### Law Society of England and Wales

phone: 020 7242 1222  
[www.lawsociety.org.uk](http://www.lawsociety.org.uk)

### The Court Service website

For copies of forms and leaflets relating to divorce  
[www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

### Cafcass

The organisation that looks after children's interests in family court proceedings. Its website has useful leaflets for couples with children.  
phone: 0844 353 3350  
[www.cafcass.gov.uk](http://www.cafcass.gov.uk)

### National Association of Child Contact Centres

phone: 0845 4500 280  
[www.naccc.org.uk](http://www.naccc.org.uk)

### Relate

phone: 0300 100 1234  
[www.relate.org.uk](http://www.relate.org.uk)  
You can find local branches of Relate in the phone book.

### Child Support Agency (CSA)

phone: 0845 7133 133  
[www.csa.gov.uk](http://www.csa.gov.uk)

### Child Maintenance Options (CMO)

phone: 0800 988 0988  
[www.cmoptions.org](http://www.cmoptions.org)

### Family Mediation Helpline

phone: 0845 60 26 627  
[www.familymediationhelpline.co.uk](http://www.familymediationhelpline.co.uk)

### Reunite

advice line: 0116 2556 234  
[www.reunite.org](http://www.reunite.org)

### International Child Abduction and Contact Unit

phone: 020 7911 7127  
[www.officialsolicitor.gov.uk/os/icacu.htm](http://www.officialsolicitor.gov.uk/os/icacu.htm)

### Freephone 24-hour National Domestic Violence Helpline

Run in partnership between Women's Aid and Refuge  
phone: 0808 2000 247  
[www.womensaid.org.uk](http://www.womensaid.org.uk)

### Wales Domestic Abuse Helpline

phone: 0808 80 10 800 8am to 2pm and 8pm to 2am  
[www.wdah.org](http://www.wdah.org)

### Domestic violence

You can download a copy of the government leaflet 'Domestic Violence – Financial control, emotional abuse' from [www.crimereduction.homeoffice.gov.uk/dv/dv08b.htm](http://www.crimereduction.homeoffice.gov.uk/dv/dv08b.htm)

### The Community Legal Service

The Community Legal Service has been set up to help you find the right legal information and advice to solve your problems.

You can get help through a national network of organisations including Citizens Advice Bureaux, Law Centres, many independent advice centres and thousands of high street solicitors. All of these services meet quality standards set by the Legal Services Commission. Look for the Community Legal Service logo, shown below.

Many of the organisations offer some or all of their services for free. If you cannot afford to pay for advice you may be eligible for financial support through the Community Legal Service Fund (Legal Aid). You can order leaflets about funding from the LSC Leaflet line on 0845 3000 343. You can also use a Legal Aid eligibility calculator on the website: [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk).

### The Legal Services Commission (LSC)

The Community Legal Service and the Community Legal Service Fund are managed by the Legal Services Commission. To find out more about us visit our website at [www.legalservices.gov.uk](http://www.legalservices.gov.uk) or find the details for your local Legal Services Commission office in the phone book.

Community  
Legal Service



legal services

COMMISSION

The leaflets are also available online at: [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)

- 1 Dealing with Debt
  - 2 Employment
  - 3 Divorce and Separation**
  - 4 Renting and Letting
  - 5 Buying and Selling Property
  - 6 Losing your Home
  - 7 The Human Rights Act
  - 8 Claiming Asylum
  - 9 Welfare Benefits
  - 10 Wills and Probate
  - 11 Dealing with the Police
  - 12 No-win, No-fee Actions
  - 13 Problems with Goods and Services
  - 14 Medical Accidents
  - 15 Equal Opportunities
  - 16 Racial Discrimination
  - 17 Personal Injury
  - 18 Rights for Disabled People
  - 19 Community Care
  - 20 Education
  - 21 Immigration and Nationality
  - 22 Mental Health
  - 23 Alternatives to Court
  - 24 Family Mediation
  - 25 Veterans
  - 26 Domestic Violence, Abuse and Harassment
  - 27 Living Together and your Rights if you Separate
  - 29 Care Proceedings
  - 30 Neighbourhood and Community Disputes
  - 31 Changing your Name
- Advice Guides**
- G1 A Step-by-Step Guide to Choosing a Legal Adviser
  - G2 A Step-by-Step Guide to Legal Aid

The leaflets are also available in Welsh, Braille and Audio.

To order any of these leaflets contact the LSC leaflet line on 0845 3000 343 or email [LSCLeaflets@ecgroup.co.uk](mailto:LSCLeaflets@ecgroup.co.uk) or fax 020 8867 3225



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