

## CONTENTS

### Introduction to this book

1. Main principles in law	<b>11</b>
The courts generally	13
The county court	13
The high court	13
Hearing your divorce case	14
Grounds for divorce-the "five facts"	14
Conciliation and mediation services	21
2. Commencing proceedings	<b>23</b>
Using a solicitor instead of going it alone	23
The choice of solicitor	25
Costs of divorce-the "legal help" scheme	26
3. The procedure for obtaining a divorce	<b>35</b>
An outline of divorce procedure	35
Preparation of divorce petition	36
The statement of arrangements	37
Filing of papers	38
Serving of papers	39
Non-defence of divorce	39
Defence of divorce	41
Possible future changes to the law	42
4. Children and divorce	<b>45</b>
The Children Act of 1989	45
Residence orders	46
Contact orders	46
Prohibited steps orders	46
Specific issues orders	46
Residence orders	47
Contact orders	49

5. Financial support for children	<b>51</b>
The Child Support Act	51
The Child Support Agency	52
Child support maintenance	52
6. Financial arrangements and divorce	<b>57</b>
Family assets	57
Pension rights	59
Protection of assets	61
Financial help before divorce is finalised	62
Other types of help before divorce is finalised	62
The role of the magistrates court	65
7. Protection in your home during and following divorce	67
How to get help from the courts	67
Help from the magistrates court	68
Help from the county court	69
Non-molestation injunctions	69
Exclusion injunctions	70
Living together whilst the court order is in force	72
Seeing the children when the court order is in force	72
How quickly can you get a court order ?	73
Undertakings to the court	74
8. Other considerations	<b>77</b>
Re-marriage	77
Tax and divorce	78
Enforcing court orders and agreements	82
Variation of agreements	83
Changing your will	84

9. Divorce in Scotland	87
10 Civil partnerships	99
Useful Information	
List of forms used in divorce proceedings	
Index	



## INTRODUCTION TO THIS BOOK

In the main, those who have bothered to pick up this book will be people who have experienced an initial separation from their partner and are now considering taking the first steps towards finalizing divorce.

Everything associated with separation and divorce is usually traumatic and hurtful to those involved. This book does not attempt to deal with the more personal aspects of divorce, such as the sense of failure and sense of loss. However, what it does do is offer a more practical insight into how the divorce process works on a legal level and how you can prepare yourself adequately for these final steps towards ending your marriage.

As you begin the process of getting divorced you may feel that, rather than go rushing immediately to a solicitor, you want to gain a clearer picture of what lies ahead and a background knowledge of the procedures involved. You might even want to do a lot of the work yourself, in order to keep costs down and to exercise more control.

Getting divorced will usually involve a lot more than simply obtaining a decree, which announces that your marriage is over. There will, in most cases, be questions surrounding children, property, money etc. From this book you will gain a practical insight into the law surrounding the divorce process and also how these other matters are resolved

A word of caution: it should be remembered that in certain situations it will not be advisable to do it alone without the use of a solicitor. Such cases will be where children and assets are involved and negotiation is needed, or where there are other conflicts.