

Separation and divorce

Some couples find that as they get older and their children have left home or they retire from work, that they no longer have many things in common. There may also be tension when they are spending more time alone together than they would previously have done. Although many couples will choose to stay together, some may decide to try counselling, and for some, separation or divorce may be the only option.

Counselling

If you feel that you and your partner would benefit from counselling, either together or separately, one of the following organisations may be able to help you.

Relate can offer counselling if you want to talk about your relationships past, present or future, how your family is affected by your relationship, how you can improve your relationship, how you can manage a separation constructively or how you can get over a break up.

Marriage Care provide marriage preparation, relationship counselling, relationship education, a telephone helpline. They also offer general support and advice to those who want to marry or enter long-term relationships.

Caring Hands run a Counselling Service. The service is free and is available to anyone over the age of 50 living in the east end of Newcastle. Counselling offers a safe and supportive environment in which you can talk through any issues/feelings that cause you difficulty or concern. The service is completely confidential and can help with issues such as bereavement, anxiety, loneliness, stress or relationship difficulties.

North East Counselling Services delivers counselling services to carers and veterans across the North East.

Separation

Many couples separate without actually getting a divorce. There are different ways of doing this depending on the situation and the nature of the relationship. Separation can be formal or informal:

Informal Separation

If you and your partner are married, you can separate by an informal arrangement. If you and your partner agree, you can make arrangements about children, money, housing and other property without going to court. However, any informal arrangement made when you separate

may affect future decisions if you do ever go to court.

Formal Separation

A formal separation agreement is a written agreement between a couple who intend to stop living together. It sets out how they wish to sort out financial arrangements, property and arrangements for any children. The advantage of a written agreement is that it's easier to make sure that you both understand what has been agreed. It also means that either partner can go to court to change the order in the future. It is advisable to consult a solicitor when drawing up a separation agreement, but you should work out in advance the general areas you want to cover. This will reduce the legal costs.

Getting a Divorce

To get divorced you must have been married for at least a year. Getting a divorce starts with a form called a 'petition for divorce' in which you will have to explain why you want a divorce. You can get a form from a solicitor, some stationers, or you can download one from www.gov.uk.

The court will only grant you a divorce if a judge agrees that your marriage is at an end. The legal term for this is 'irretrievably broken down'. You must satisfy the court that one or more of the following is true as proof that your marriage is over:

- adultery by your husband or wife
- unreasonable behaviour by your husband or wife
- desertion for a period of at least two years
- two years' separation, if you both agree to the divorce
- five years' separation, if there is no agreement to the divorce

Once you return your petition to the divorce county court you have started the divorce process. From now on you are legally known as 'the petitioner'. Your husband or wife who you are divorcing is legally known as 'the respondent.' The courts will post a copy of the petition to your husband or wife and any co-respondents named in your divorce petition. This is known as 'serving the petition'. Your husband or wife then has eight days to acknowledge receipt of the petition.

The next and most important part of the divorce process is known as 'the Decree Nisi'. This is the first stage of the actual divorce. It is granted only when a judge has reviewed all of the papers and is satisfied that there are proper grounds for a divorce. You may be required to attend court, but many divorces happen entirely by post. The final stage of a divorce is called 'the Decree Absolute.' You can apply for the Decree Absolute six weeks and one day after the Decree Nisi. When you receive the Decree Absolute, you are no longer married and are free to re-marry.

You do not have to use a solicitor and many couples get divorced without consulting one. However, you may need legal advice if you are not sure whether you have grounds for a divorce, or if your husband or wife does not agree to a divorce. You may also need legal advice about financial issues, even if you agree on how to divide up your property and finances.

[Divorce Aid](#) provides information and advice about all aspects of divorce, from the practical aspects to the emotional effects.

For details of where to go for legal advice, or how to find a solicitor, see our section on [Legal advice](#).

Who to inform

If you and your partner are separating or divorcing, you should tell the following agencies, if relevant:

- [Housing Benefit office](#)
 - [Council Tax office](#)
 - Mortgage lender
 - [Water, gas, electricity](#) and [telephone](#) companies
 - [Benefits office](#)
 - [Tax office](#), particularly if you're getting tax credits
 - Your bank or any other financial institution if you have a joint account. It may be advisable for you to freeze the account to prevent your partner withdrawing some or all of the money
 - Hire purchase or credit companies
 - Insurance companies, particularly if you have joint policies
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Mediation

Family mediation is a way of resolving disputes after separation or divorce. In mediation, couples are helped to look for their own solutions to their disputes.

Both parties explain their concerns and needs to each other in the presence of a qualified family mediator. The mediator is impartial, which means that they are not on anyone's side. They are there help both parties, unlike a solicitor who only works for one party in each case. Sometimes the mediator will suggest a way of solving a problem to help them to reach an agreement acceptable to both, but they will never tell either party what to do.

The mediator can give information about law but cannot give anyone advice about what to do. We would recommend that you go to see a solicitor who can give legal advice. The solicitor can help you before, in between sessions and when agreement has been reached so that you know that whatever agreed to is fair to you.

[Family Mediation Council](#) can help you to find a mediation service near you.

Remarriage and civil partnerships

More and more people are getting married after a divorce or bereavement, but it is often sensible to also think about how you will manage your new financial and legal arrangements.

See our article on [Finding a partner](#) for more information.

Other Useful Organisations

North East Law Centre is a not for profit legal practice that offers free family law advice to Newcastle residents.

Advicenow produce guides that are easy-to-read and practical. They explain what you need to know, where you need to go, and what you need to do to solve your problem.

Families Need Fathers is a charity that supports dads, mums and grandparents to have personal contact and meaningful relationships with their children following parental separation. They offer information, advice and support services helping parents to achieve a positive outcome for their children.

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Useful Organisations

Caring Hands Charity

Email: contact@caringhandscharity.org.uk

Website: www.caringhandscharity.org.uk

Telephone: 0191 261 5234

Address: 34 Wretham Place, NE2 1XU

Citizens Advice Newcastle (CAN)

Website: <http://citizensadvice-newcastle.org.uk>

Telephone: 0191 229 2750

Address: 4th Floor, City Library, NE1 8AX

North East Law Centre

Email: reception@nelawcentre.co.uk

Website: www.newcastlelawcentre.co.uk

Telephone: 0191 230 4777

Address: MEA House, NE1 8XS

Solicitors for the Elderly

Email: admin@sfe.legal

Website: www.sfe.legal

Telephone: 0844 567 6173

Address: Studio 209, MillStudio Business Centre, SG12 9PY

Family Mediation Council

Website: <http://www.familymediationcouncil.org.uk/>

Telephone: 01707 594 055

Relate Northumberland and Tyneside

Email: northeast@relate.org.uk

Website: <https://www.relate.org.uk/>

Telephone: 0191 232 9109

Address: MEA House, NE1 8XS

Divorce Aid

Email: office@divorceaid.co.uk

Website: www.divorceaid.co.uk

Telephone: 0191 232 9109

Address: 38 York Road, PR8 2AD

Marriage Care

Email: connect@marriagecare.org.uk

Website: www.marriagecare.org.uk

Telephone: 0800 389 3801

Address: 3rd Floor, NE1 8XS

Advicenow

Website: www.advicenow.org.uk

Telephone: 0800 389 3801

Address: Law for Life: the Foundation for Public Legal Education, SE1 7NJ

North East Counselling Services

Email: info@necounselling.org.uk

Website: www.necounselling.org.uk

Telephone: 0191 4408127

Address: Davidson Building, NE11 9AR

Families Need Fathers

Email: admin@fnf.org.uk

Website: www.fnf.org.uk

Telephone: 0191 4408127

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