



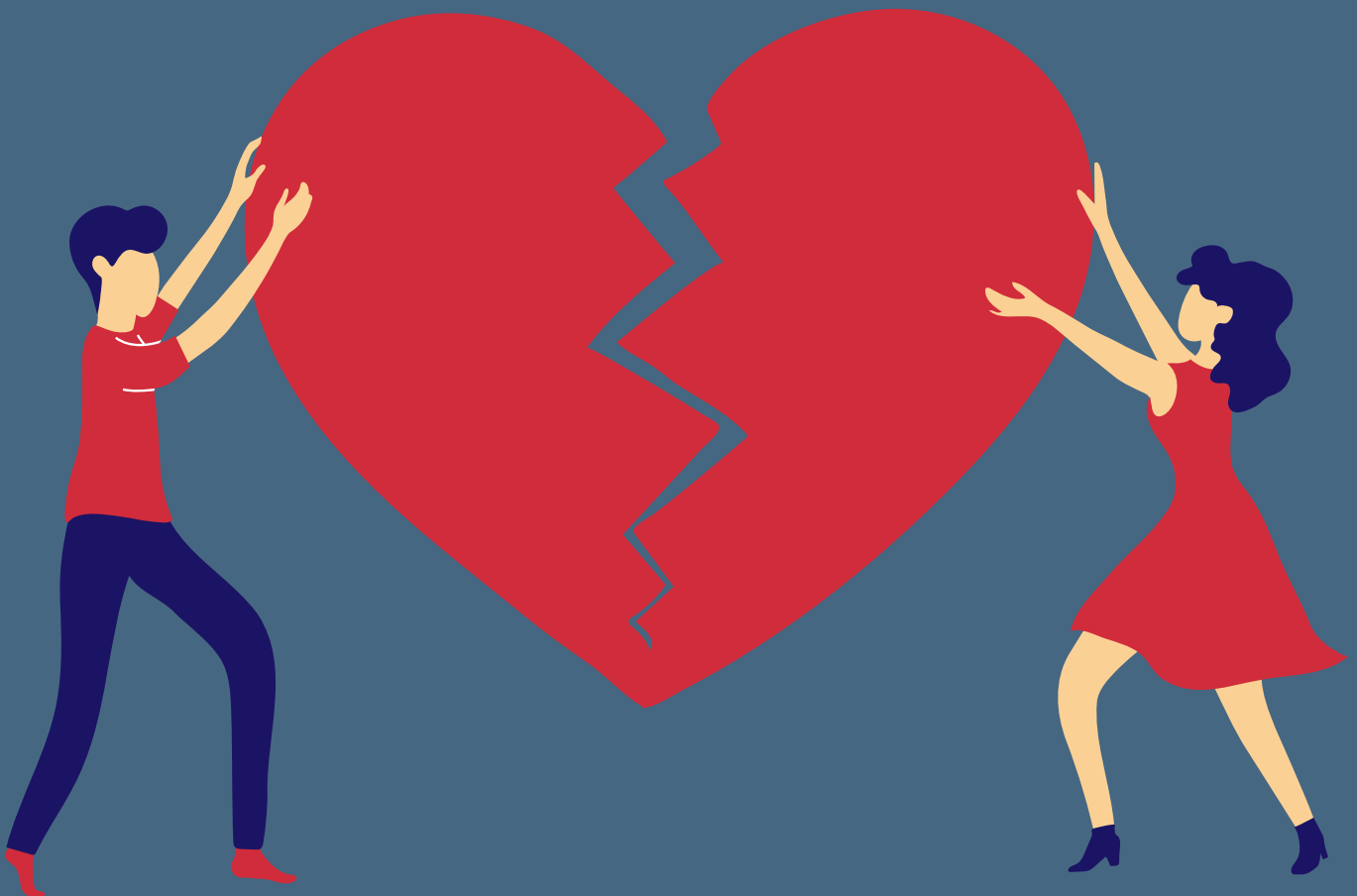
amicable[®]

powered by octopus

The amicable guide to divorce

For couples separating in England & Wales

Written by amicable



This guide will explain the whole process of divorcing and how you can untie the knot, amicably.

Make sure it's really over. Don't rush.

Ask yourself the following questions to test your readiness.

Are you sure the relationship is over?

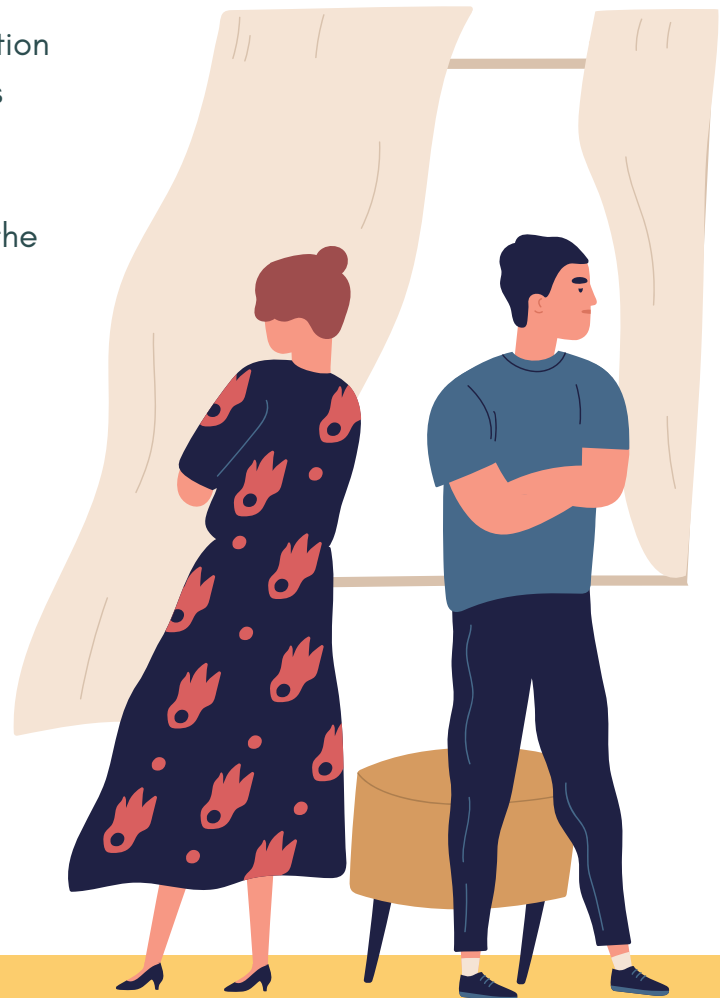
If either of you has doubts that it's really over, think about trying individual or couples counselling to help you figure it out. Don't rush things. Give yourself and your partner enough time to work out if the relationship is over.

Are you both in agreement?

Relationships can't usually go on if one person has decided it's over. But that doesn't mean the other person feels the same. Acknowledging where both of you are emotionally is important. To progress amicably, you both need to agree that divorce is the only option, even if one person doesn't want it.

Are there any danger signs?

An amicable separation is always the best option but it may not be possible. Are there any signs present that mean you should talk to a lawyer straight away? E.g. Danger of the removal of children? Putting assets beyond the reach of the other partner? Violence or abuse?



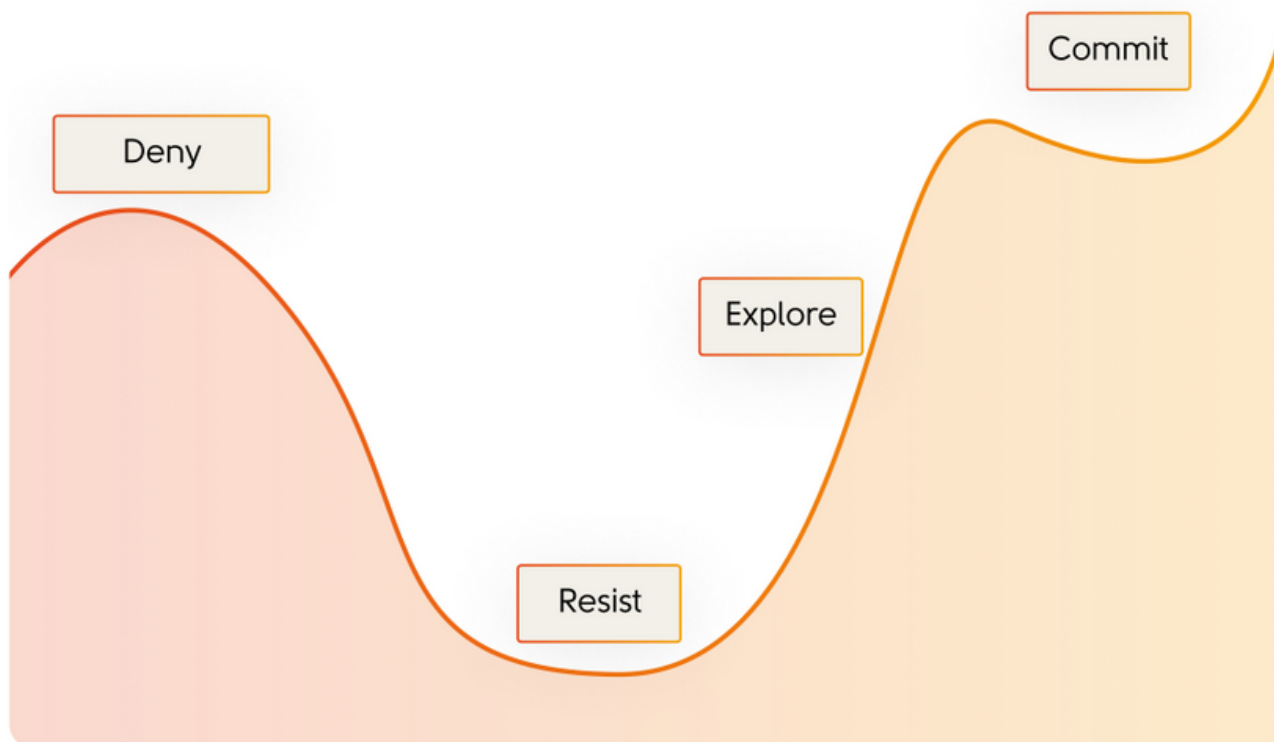
Preparing for the emotional journey

Preparing emotionally is an important part of the divorce journey. Preparing well will help you to adjust more quickly and save time and money.

Take a moment to plot where you are on the curve below and then where you think your partner is.

As a general rule of thumb, if you are the 'initiator' you are probably going to be near the 'explore' stage. If you have only recently learned that the relationship is over, you may be nearer to 'denial' or 'resist'.

The change curve



To move forward with your separation (i.e. make financial and childcare arrangements) you both need to be near the 'explore' stage. So, if you or your partner are still at the earlier stages of the curve, don't rush. Progressing too fast usually ends in conflict and can feel frustrating for the instigator. It can also be very expensive. Consider seeking counselling so that you can both reach the 'explore' stage together.

The different ways to divorce



Lowest cost and most control

Do it yourself 💰

This is the most cost-effective option if you feel comfortable navigating the process yourselves using the government website. Remember, you may still need help from a legal professional with your financial arrangements.

Online services 💰💰

This is the most cost-effective option if you feel comfortable navigating the process yourselves using the government website. Remember, you may still need help from a legal professional with your financial arrangements.

Amicable 💰💰

Amicable is unique as we work with both of you together to reduce conflict. We are also more affordable than solicitors and more comprehensive than mediation because we do all of the legal paperwork, as well as help you to negotiate children arrangements and how to split your property and money.

Mediation 💰💰💰

A mediator is an independent, trained professional that helps you to work out agreements for children or finances. This option works if you and your ex can communicate. You will need to go elsewhere to get the legal side sorted. Amicable can still help with the legal process if you have already had mediation and have reached an agreement.

Highest cost and least control

Solicitors 💰💰💰💰

A solicitor can manage the legal process of divorce as well as any legal issues around children and finances. This option is most appropriate where there are danger signs, or you need your own legal protection. For example in cases of domestic violence or where one person is hiding or moving assets.

Court 💰💰💰💰💰

This should be the last resort, but sometimes it's unavoidable. Going to court is usually the most expensive, acrimonious and drawn out option. It's estimated that the legal cost of going to court is around £40k per person in London and £13k per person outside of London.

The divorce process

There are three basic parts to divorce and separation. If you are cohabiting but not married, only steps one and two apply.

1. Children arrangements

If you have children, you need to agree on how you will co-parent them. Most arrangements for your children can be made using a Parenting Plan. You can use the amicable co-parenting app to manage all aspects of co-parenting, such as shared care arrangements, communicating with your ex and tracking shared goals. The court should be a last resort if you can't agree and have tried amicable coaching or mediation.

2. Financial arrangements

You need to agree on how you will divide your assets, debts and pensions, and where you will both live. If you agree, you may choose to complete a consent order to make your agreements legally binding. If you can't agree then you may wish to apply for a financial order, although this is not recommended.

3. The legal bit

The legal steps you must follow to obtain all the paperwork to show you're divorced:

1. Decide whether you are applying for divorce jointly or solely.
2. Send the divorce application to the court, and if you are applying solely, wait for your ex to respond.
3. Apply for the conditional order after the 20-week 'cooling-off' period (see next page).
4. Formalise your financial arrangements by submitting a consent order (optional).
5. Apply for the final order six weeks and one day after your conditional order is pronounced (see next page).



The legal steps

Step 1
Start the divorce jointly, as a couple.

- Applicant 1 starts the divorce
- Applicant 2 fills in their information and submits to court
- Applicant 1 then submits the application to court

If you have everything you need including your original marriage certificate and court fee, this can be done in **1-2 days**

Step 2
The court starts the divorce and 20 week reflection period begins.

After submitting your application to the court, it will take **between 5 - 10 days** for the court to officially start your divorce



20 week reflection period

Step 3
Couple applies for the 'conditional order'.

After submitting your application for the 'conditional order', a legal advisor reviews your application and if they approve your divorce they'll provide a 'certificate of entitlement' to confirm the date of your 'conditional order'. This step takes approx **2 weeks**.

Minimum of 30 weeks

Step 4
The court reviews your application.

Once a legal advisor has approved your application, it takes around **4 - 5 weeks** for the court to grant your 'conditional order'.

Step 5
The court grants the 'conditional order'.

This is also kicks off the **6 week waiting period** before the couple can file for the 'final order'

i This is the first opportunity to send your consent order to the court

Step 6
Couple applies for the 'final order'.

This step usually takes **1 - 2 days**

Step 7
The court grants your 'final order', you are officially divorced.

This step usually takes **24 hours**

The legal steps for a sole application

Step 1
One person starts the divorce.



Step 2
The court will start the divorce and send your partner a copy of the application and a form to complete called the AOS (acknowledgement of service).



Step 3
You apply for the 'conditional order' and your partner is notified.



Step 4
The court reviews your application.



Step 5
The court grants the 'conditional order'.



Step 6
You apply for the 'final order'.



Step 7
The court grants the 'final order' and you are officially divorced.

If you have everything you need including your original marriage certificate and court fee, this can be done in **1-2 days**

After submitting your application to the court, it will take between **5-10 days** for the court to officially start your divorce

i Your partner completes the AOS and returns it to the court (they are asked to complete and return within 14 days)

20 week reflection period

After submitting your application for the 'conditional order', a legal advisor reviews your application and if they approve your divorce they'll provide a date when your application will be pronounced by a judge. This step takes approx **2 weeks**.

Once a legal advisor has approved your application, it takes around **4 - 5 weeks** for the court to grant your 'conditional order' and the **6-week** waiting period starts on the same day.

i This is the first opportunity to send your consent order to the court

This step usually takes **1 day**

This step usually takes **24 hours**

Minimum of **30 weeks**

Children arrangements

Making arrangements to ensure your children are cared for, happy and able to thrive is usually the most important and challenging part of the divorce process for parents.

Finding a balance between putting your children's needs first and focusing on your own needs and desires can be tricky. Try to think about what will be best for your children, even if it feels unfair to you.

Often, maintaining the status quo is no longer possible and changes have to be made. These include:

- Where the children will live.
- Whom they will live with and when. Co-parenting is a lot easier when you both live in the same area if your circumstances allow it.
- When they see the other parent.

Most parents try to make arrangements between themselves, without the help of the court. Take advantage of the free tools below to help you work out how you will best co-parent your children. If you can't reach an agreement through amicable coaching or mediation, then the court may be the only option.

It's important to reassure children that they are loved by both parents, and always try to be positive about your ex-partner when the children are there.



Book a free 30-minute
call with amicable



Financial arrangements

It's cheaper, and easier on your emotions, to try and arrange your finances between you without going to court. You can do this through amicable coaching or mediation. There isn't a defined formula for dividing assets but a 50/50 split is the starting point.

Here are a few things the courts consider when deciding if an agreement is fair:

Your children's welfare

The law always seeks to ensure a home can be provided for any children and child maintenance is in place.

Earning ability

For example, if one of you has stayed at home to raise children your earning capacity will be reduced.

Financial needs

The law puts both partners having suitable housing as a priority. This may mean an uneven split of assets or more maintenance is paid.

Contributions made

The law considers financial contributions made and time spent looking after the family. Then adjusts settlements to make things fair. Less financial contribution doesn't always mean less of the asset.

Length of your marriage

The shorter the marriage the less likely you will share money and property equally. This is especially true of things you brought into the marriage. The welfare of any children still takes priority though.

Age and health

Pensions become more important the nearer the retirement age you are. Age and long-term ill-health may affect your earning capacity and housing needs.

Sometimes going to court is unavoidable if one person won't cooperate, e.g. they're hiding or disposing of assets, or being abusive. If these circumstances (or similar) apply, it's best to seek the help of a solicitor

To do list

- Make a list of all your assets and debts
- Think about where you will both live
- Work out what income you are each capable of earning and how you will care for and support any children
- Find out the value of your pensions (request a CETV from your pension provider/s)
- Check if you are entitled to any benefits or tax credits
- Think about how and when you will return to work to support yourself if you're not currently working
- If you want to make your financial arrangements legally binding you should consider a consent order



How to start your divorce

1. Check you're eligible to get divorced, you need to be married or in a civil partnership for at least a year. If you're not, you can either wait or attempt to annul your marriage/civil partnership via the [government website](#).
2. Find a copy of your marriage certificate. If you don't know where it is, you can order another one from the government website. If your marriage certificate isn't in English, you'll need to get it translated.
3. Decide if you want to make a joint application and whether you would like help from a professional with the legal process of divorce.
4. If you have children, start making childcare plans by reading amicable's [Parenting Plan](#) or downloading the amicable [co-parenting app](#).
5. Start gathering a snapshot of your finances, including your assets and debts including house values, mortgage values, savings, pensions and income and outgoings. Get in touch if you plan on submitting a consent order.



10 tips to untie the knot, amicably

- 1. Prepare emotionally.** Assess where you both are on the emotional change curve. Plan your decision making around where you are on the change curve. It will be harder to make agreements (and things are more likely to escalate) when one of you is near the 'resist' stage.
- 2. Think about your vision for the future** before you make detailed arrangements. Having goals for your future apart will help you define the criteria for how you eventually choose to split assets and agree to co-parent your children.
- 3. Know what you can and can't control.** For example, you can't control how your ex feels about your divorce but you can control how you communicate with them.
- 4. Take time to understand the cost of divorce** and how much each method of divorcing will cost you. Ring-fence money to pay for this before you start.
- 5. If you're planning on submitting a consent order** make sure you have all of the necessary information at your disposal, particularly your CETV (pension values) as this can take a long time.
- 6. Remember, staying amicable,** agreeing on your arrangements and minimising any damage to your children means getting your life back quickly.
- 7. Utilise free resources** such as amicable's blogs, The Divorce Podcast, Parenting Plan and advice forum. Remember knowledge is power.
- 8. Reduce confusion and conflict** by staying on the same page as your co-parent through the amicable co-parenting app.
- 9. Create a timeframe** with your partner and stick to it. The longer the process is dragged out the more chance of fall-outs between you.
- 10. Book a free advice call** with an amicable divorce coach to talk through your situation.



amicable[®]
powered by octopus

Get in touch

If you would like help or advice about anything included in this divorce guide, you can contact amicable using the information below.



Book a free 30-minute call



Call on 0203 004 4695



hello@amicable.co.uk