

DIVORCE 999

Your world falls apart. You have been informed that your spouse no longer wants, needs or loves you or maybe you have delivered that news. What to do next? Other than the decision of what to say, to whom and when, there are a myriad of practical considerations and from a legal point of view some very important ones at that.

1. If you have children how best will you protect them and ensure that they are as little impacted as possible?

Dialogue with your estranged spouse/partner is the key. Children appear to cope so much better if a routine is established from an early point in the separation. It is important that the children can see that you can converse, even if behind closed doors the picture is very different;

If you are really struggling it is well worth considering counselling or mediation as the ground plan as to how you go forward as a family can so easily fall apart if bitterness and acrimony are not addressed at the beginning;

2. How to pay the bills; assuming you even know what they are and when the next one is going to hit? A word of advice. Always open the hardest piece of post first and even if things are difficult financially, it is better to address them and make contact with a creditor, a utility company, the tax man or even a professional person to whom you are going to have to communicate. I count lawyers from both sides in that grouping.
3. Where will you live? Is the house you are currently living in suitable in the short to medium term or is it essential that you find somewhere else? Is the house in joint names or in a sole name? Early professional advice is so important when dealing with property ownership.
4. What debt might there be and how will it be managed? How can you prevent debt being accrued in the short and medium term ahead of an overall financial deal being achieved? Whose name is the debt in? Do you have any responsibility for it? Is there a joint bank or building society account which is likely to attract joint responsibility, even if you are not in control?
5. What if you were to be run over by a large red Cadillac? Joking aside, who would assume legal responsibility for your children or your business and who would benefit from your wealth including your home, particularly in the event of an unexpected demise? Do you have an up to date Will? Have you considered that there may be an automatic right of survivorship as regards ownership of the family home or other properties which are joint owned? Again, early professional advice is so important here.
6. Should I inform the bank or not? Banks become very nervous in times of domestic disharmony particularly when there is a joint personal or business account. Beware of a very large overdraft facility which might be abused by the other party when they are feeling particularly embittered.
7. Can I claim discounts or rebates as far as Council Tax or other taxes are concerned? It is worth remembering that single person's Council Tax exists if

your partner has moved out and there are no other adults within the property. You will need to notify the Council.

8. Do I need to search for documents, photograph information or ask more questions? Again, if proceedings are anticipated, it is really important that you are aware of your rights and understand what documentation the Court are prepared to allow you to use. Some documentation may not be acceptable to the Court and could result in costs penalties against you, particularly if you have acquired that information illegally.
9. Security. Should I change my email password or telephone number, should I change the locks? Accessing a partner's emails can be a crime under the Computer Misuse Act of 1990. Beware of Apple products as they are often synched together so that an iPhone and iPad might show up appointments that you would not want your spouse/partner to know about. It is also worth considering changing your passwords, particularly if it is a generic family password.

Changing locks can be a difficult step to take and again professional advice should be acquired before you take this decision. If there are any concerns about domestic violence or theft of items, civil and criminal advice may be beneficial.

10. Proceedings. Do I need to commence any proceedings? It is worth remembering you may well be able to commence divorce proceedings in England and Wales, even if you did not marry in the UK and where neither you nor your spouse is a UK national. You would have to be habitually resident here.

The importance of early specialist Family Law advice cannot be over-emphasised.

As an experienced Family Law Solicitor with over 25 years specialising purely in Family Law, I have supported many individuals and their families through challenging times where a Divorce 999 checklist like this is vital.

If you have any queries or feel we can help anyone please contact [Elizabeth Hassall](#) or the experienced Family Law Team at Jolliffe & Co LLP including Helen Davies and Chelsey Bayliss. All three are members of Resolution, Elizabeth and Helen are accredited members. Elizabeth is recognised as a Leader in her field of Law by both prestigious directories, Chambers and the Legal 500.

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