

## **RELATIONSHIP BREAKDOWN**

### **Legal issues in divorce, dissolution of a civil partnership and for cohabiting partners wishing to separate**

#### **Cohabitation, Pre-nuptial Agreements and Post-nuptial Agreements**

Unfortunately, a high proportion of relationships break down. Consequently it is often advisable to consider an agreement prior to formalising the relationship, which deals with the situation in the event of a breakdown. These agreements are becoming more common and recent case law has shown that, in the event of a dispute, courts acknowledge them and, where appropriate, seek to uphold them as far as possible. Carter Bells has extensive experience in this area and can provide comprehensive and detailed advice.

#### **Divorce/Dissolution**

In order to obtain a divorce/dissolution, you have to establish that the marriage or civil partnership has broken down irretrievably. This is proved by relying upon one of the following grounds:-

- **Unreasonable behaviour**  
The definition of unreasonable behaviour is very wide. For example, it could include your spouse/partner preventing you from seeing your friends or family, failing to support you financially or emotionally, not spending enough time at home or abuse, whether physical or mental
- **Adultery**  
If you suspect your spouse/civil partner is having an affair, you will need to have evidence or an admission in order to cite this cause
- **Desertion**  
If your spouse/partner has left you for a continuous period of two years you can claim irretrievable breakdown on the basis of desertion.
- **Separation**  
A divorce/dissolution can be granted after two years' separation if both parties agree. If one party does not agree, in most cases the other can obtain a divorce after five years' separation.

**You need to have been married/in a registered civil partnership for at least a year before you may make an application for divorce/dissolution.**

#### **The importance of a solicitor when seeking a divorce/dissolution?**

Whilst it is possible to commence proceedings yourself, there are a number of 'traps' for the unwary, for example, not including a proper application for financial relief.

However, a solicitor is generally needed to advise on the financial issues arising from divorce/dissolution. It is likely that you will need a solicitor as well if there are issues concerning the children. If there is no legal agreement in relation to the finances, then even if both parties have reached an oral or written agreement their claims against each other remain open and a financial claim might be made many years after the divorce/dissolution.

Using a solicitor will help focus on the pivotal issues involved and resolving matters as amicably as possible. Your solicitor will work towards an equitable and workable solution whatever your circumstances. Your Solicitor will also provide you with support and guidance during what is inevitably one of the most difficult times in your life.

### **How much will I have to pay?**

The total costs will depend very much on the complexity of your case, but when you come for an initial consultation you will be given an outline of expected costs, based on your description of the situation. Your solicitor will take all the relevant factors into account to ensure the fairest outcome for you in the most cost-effective manner.

### **Separating after Cohabitation**

If you and your partner are not married the breakdown of the relationship can be difficult and complex. It is essential that legal advice be obtained so that a cohabiting partner is fully aware of his/her rights and obligations. This is particularly important where property and/or children are involved. Carter Bells has extensive experience in this area and offers comprehensive and detailed advice.

### **Why choose Carter Bells LLP?**

Carter Bells has dedicated and highly experienced lawyers working on relationship matters. They have handled many cases, including those involving high-value settlements and/or complex situations. Our solicitors are members of Resolution, an association of lawyers that encourages the constructive resolution of disputes. Carter Bells also offer Collaborative Law as an alternative for resolving relationship breakdowns.

Clients are assured of a sympathetic and professional attitude towards their cases. We have many testimonials from satisfied clients who have appreciated the manner in which this difficult and often stressful process has been managed for them.

We recognise that each case is entirely unique. Our specialists will tailor their service to the individual nature of your circumstances, working to ensure the best outcome for you.

Carter Bells' specialist relationship lawyers:

**Frank Horder**

**Elaine Guy**