

“SA Law handles a sensitive topic with great credibility. The Reluctant Divorcee excellently profiles the personas of their clients.”

- The Law Society Excellence Awards Judges



“The Reluctant Divorcee is cleverly conceived, engaging, relevant, helpful and prolific.”

“The information that is provided is always very useful and it has helped me to make sure I am getting the best possible service from my solicitor.”

– Caroline

“I’m finding this blog really useful. Dr Green’s story is helping me think through some of the decisions that I need to make, and is giving me the confidence to do so.”

- Anonymous, Hertfordshire

The Reluctant Divorcee

A journey through divorce, with advice from
experienced divorce solicitors

The SA Law Family Department

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This booklet is available in a variety of formats both
paper and electronic.

About Marilyn Bell



Marilyn specialises in divorce and the difficulties that arise as a result of relationship breakdown. This includes the resolution of financial disputes and all issues relating to children. She helps parents and grandparents, often in complex cases, and was a member of the Law Society's Children Panel for over 14 years.

Marilyn is also a trained mediator and a qualified collaborative lawyer, which is a system that promotes the use of non-adversarial techniques to negotiate agreements and settlements without Court proceedings.

*Marilyn says "I firmly believe that reading the story of *The Reluctant Divorcee* will help anyone considering or going through divorce, as well as their family and friends. It clearly explains the legal process, and points out the decisions that have to be made along the way."*

Acknowledgements

The purpose of this book is to de-mystify the divorce process and to dispel some of the myths associated with instructing a solicitor. Our ultimate aim is to provide a sense of reassurance for anyone who is coming to the end of one chapter in their lives and starting a new one.

This book and the original blog at reluctantdivorcee.com would not have been possible without the creativity and support from the teams at Grandad Digital, Chirp Communications and My Mustard.

Preface

This book tells the story of a woman going through a divorce. It is a story written in her own words, and was first shared online in a blog that can be found at www.reluctantdivorcee.com.

Now reproduced as a paperback and eBook, the original story has been punctuated with additional legal commentary and advice from one of the country's most respected family solicitors, Marilyn Bell, partner at SA Law.

If you are contemplating divorce or are a family member or friend of someone about to start the process, this book will explain the legal terminology and what it means, the practical decisions that need to be made, and the emotional turmoil that will be experienced. Whilst everyone is different and will respond in many different ways, this book will help you prepare for the momentous change divorce brings to family life.

If you would like more information about the divorce process or have questions about the issues covered in this book, please contact The Family Team at SA Law www.salaw.com.

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Introducing Dr. Rebecca Green

Rebecca Green is a mother of two children, Lottie and Dylan (and a dog). She lives in Hertfordshire and is a doctor in a local practice. Her hobbies include yoga and reading, when she has time, and she enjoys the occasional glass of Prosecco with her best friend, Ellie. Currently, Rebecca is a wife, albeit an unhappy one, married to James.

Rebecca has known James since university, and thought that he was her soulmate. Over the past few years, life has got in the way of their relationship, not helped by James working late entertaining clients in the City and spending weekends cycling or on his phone - any mention of this causes arguments. This is a couple that has drifted apart; two people that simply don't love each other any more.

Whilst Dr Rebecca Green is not a real person, she is an amalgamation of the clients who often approach SA Law for advice and guidance about divorce and legal separation. There is no such thing as a 'typical' divorce, but Rebecca's story will resonate with many who are going through or have experienced it.

My diary

I've never considered writing a diary before; it's the kind of thing other people do. I'm more of a fact-based person, but things are so all over the place at the moment that writing down my thoughts and feelings suddenly feels like the right thing to do. It helps me to organise my thoughts a bit, and who knows, someone else might read this who's going through the same thing. So here it is: my diary, by Rebecca Green.

Chapter 1 - The beginning of the end

August 2016 - My marriage isn't going to last much longer

I don't think that my marriage is going to last much longer. That's the first time that I've written it down. I'm writing this to try and bring some semblance of order to my thoughts. My gut says it's all over but my heart doesn't want to admit that everything has changed.

It's James. Well, it's not all him, I know that I'm at fault too, but his behaviour is starting to impact the children. I realised last night whilst I was waiting for him, again, that they have stopped asking when Daddy will be home. He's become a stranger to them, sleeping in at the weekends, disappearing off on his bike, yelling because he's tired. I know he works hard and that his work enables us to live in Hertfordshire, but none of that is worth the upset that it's causing. Our daughter Lottie is desperate for reassurance, she's lost her playfulness and happy giggles, and our son Dylan won't go anywhere near him when he's around. This isn't how they should be with their father and I'm worried about them. I want to fix this but I just don't know if I can.

The question is what to do next? I called a local solicitor I found online but they just wanted to start divorce proceedings straight away. James doesn't deserve that and it's not all his fault. I know that I'm always on at him for working late and being tired. I wonder if mediation would help us to work out what is best for us and the children. He certainly won't listen to me but maybe he'd listen to a

third party. Perhaps I'll broach it whilst we are on holiday - time to reconnect and the children to spend time with their father. It's worth a shot.

Mediation: the benefits

Before deciding to divorce

If a couple really want to sort matters out, face to face and together, then mediation is an ideal opportunity for direct discussions where both parties have opportunities to speak. The mediator will help guide them towards finding solutions together and will not allow either party to shout or over-say the other.

Mediators can provide information but not advice. Sometimes, one party hopes that mediation will simply validate their viewpoint - this does not happen. For example, if Rebecca and James were discussing Rebecca's view that James was not spending enough time with their children, the mediator can encourage James to reflect on the time he spends and how it might impact on them. However, the mediator cannot say or imply that James's behaviour is not best for the children.

During the separation process

Mediation can be really helpful when one party has concerns about situations that occur during and after the divorce. An example is a mother worrying about what will happen when the father has the

children overnight, or takes them on holiday without her for the first time. Mediation allows her to ask simple yet worrying questions such as “where will they sit on the plane?”, “will he stay in a room with them?” and so on. The mediator will encourage the father to answer the questions in a considered way.

In financial settlements, one party can easily question the information they are given. These may be simple questions such as what happened to your ISA or where did the money left by Auntie Mabel go? Or it may be more complicated such as this real example of a husband insuring his successful business for £5,000,000. The wife was concerned that the business valuation provided was far lower than this number. Mediation allowed the husband to explain that if the business was sold, it would realise a far lower amount. The wife was satisfied with this explanation and it was possible to move on without delay or the extensive costs of a forensic accountant.

6th January 2017 - Christmas wasn't the break I'd hoped for

On reflection, I have to be honest and say that Christmas wasn't the break that I'd hoped it would be. I felt quite lonely. Most of my time was spent playing with Lottie and Dylan, who were absolutely adorable. James finally seemed to rally on the Thursday after sleeping most of the week. To be fair, he took them to the cinema whilst I had a massage, but didn't seem interested in dinner with me at the Italian restaurant. I cancelled the babysitter before I'd even told him I'd booked it.

So that was the season of goodwill. Then last night, once again, James was late. He promised to be home by 7pm so I could meet with Ellie for a belated New Year's drink. He turned up at 9.10pm citing an urgent, last minute meeting. No phone call. No text. No apologies. In fact he was furious that I was angry with him but I have the right to be. So often my plans are ignored. James doesn't want to spend time with me; we're arguing all the time and I resent missing drinks with Ellie. She's my best friend and it's not as if I go out very often. I really don't think I was being unreasonable.

I know I'm angry and I shouldn't make decisions in this mood but things can't go on like this.

When I went back to work I thought that we would form a proper working partnership, sharing our lives again, but I'm the one working all day, looking after the children and running the house without any of the benefits of having a partner. The children are unhappy, I'm unhappy and I'm not sure that James is very happy either.

I've simply had enough. Mediation isn't going to work, there's too much water under the bridge, and James went ballistic when I suggested it. He's a proud man who doesn't want to face that there is an issue. I don't want this life anymore. Next action: find a solicitor and get this sorted for the children and for me. I'm strong. I know I can do this.

12th January 2017 - Biting the bullet

I promised myself that I'd find a solicitor and I have. It's just taken me longer than I thought it would. The first one I called wasn't my cup of tea and it put me off looking.

But another night waiting in for James was enough. I bit the bullet and found a really pleasant and knowledgeable lawyer to talk to at SA Law. We spent 20 minutes on the phone discussing the practicalities of a typical divorce. She understood what I needed to know and 'got' my concerns about the impact on the children. I took the next step and I met with Marilyn today. She metaphorically held my hand as she explained more about divorce and the emotional process that I will go through. Talking it over face-to-face has shown me that I just can't remove the emotion from all this. There is going to be change. People are going to be hurt. This isn't going to be as straightforward as I want it to be but I can try to make it as painless for my children as possible. I don't want to drag James through the mud either; we just can't be together any longer.

If I'm honest, the thought of having to sell the house is what's worrying me the most. I just didn't realise that it might come down to that and was shocked when this was mentioned. The children need stability, and surely it's enough for them to cope with James and I divorcing let alone having to move? And what happens if we do have to move? Can Lottie stay at her school?

I've got a lot to think about. I know what to expect; the decisions that I have to make and potential outcomes. It just feels so overwhelming at the moment and I must get this right - I don't want to fall out with James, nor for him

to lose his relationship with the children. I need time to think this through properly.

Engaging the right solicitor

When looking for a solicitor to handle your divorce, we recommend that you find someone:

- Who understands your position
- With whom you have a connection
- Has relevant experience
- Offers a realistic fee structure
- Is part of a multi-faceted team

Understanding and connection

You will form a close relationship with your solicitor and so you need to feel listened to, and feel that they genuinely care about your opinions and feelings. They understand the law, but need to apply it to your life. The more comfortable you feel sharing information about your marriage and what you want to achieve through your divorce, the more appropriate the advice and support.

Rates

Most solicitors charge an hourly rate as it is very difficult to offer a fixed fee when it is simply not known how one party will react. More experienced solicitors tend to have higher hourly rates and it's understandable why people are drawn to the lower rates. Yet the greater experience of the solicitor with the higher rate often means they can do the same work in a shorter time. The overall cost can easily be less in the long run.

The benefit of experience

An experienced solicitor is an invaluable asset.

They have many years of cases to draw upon and can guide you to set realistic expectations about the most likely outcome in your case, particularly should it go to court. This is far better than raising your hopes only for you to be disappointed as your divorce progresses.

An experienced solicitor can be far more practical and realistic in obtaining a solution for you. Not only do they have the personal experience of many different situations and the strategies to handle them, they also know when it's beneficial to push back on the other party, or when doing this will be seen as antagonistic without any material benefit.

An experienced solicitor can often work with more scenarios, such as putting in place a prenuptial agreement. A prenup is far more complicated than couples think as it is a document they will want to rely on at an unknown time in the future. Some solicitors automatically tell clients that prenup has to go out to Counsel to provide their opinion, which may be appropriate, but an experienced solicitor will be able to consider whether this is needed or whether they can handle it themselves.