



10 things to think about when considering separation



Teelan & Silwal
FAMILY LAW

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1. Consider relationship counselling

Communication is one of the most common reasons why relationships fail. Counselling may be a good option if you are unsure about how you feel about separating or if you are finding it difficult to discuss the separation or indeed your relationship with your partner.

The right counsellor and a supportive environment may help you and your partner better understand each other and help to resolve some of the problems that led to you considering separation. If you do not feel that you can broach the subject with your partner, or they do not want to try counselling (it can be a difficult step), you may wish to consider one-to-one counselling for yourself.

2. Sorting out your finances and planning for the future

Money is an important factor when considering separation.

A well-planned budget is crucial in order to gain control of the new financial circumstances that come with separation. You may encounter a period of transition during the first few months, while you each work out your finances and how best to split any assets. It is important to obtain legal advice on your rights and options as soon as possible.

In some circumstances you may be entitled to ask for help from your spouse or former partner to pay for legal fees and for interim financial support.

If your financial circumstances change and you feel you may not be able to manage and if you are unemployed or on a low income, you may be able to claim benefits, which could help cover some costs such as housing. Check if you are eligible at <https://www.gov.uk/benefits-calculators>.

3. Where will you live

Your living arrangements will have a significant impact on many other considerations, such as arrangements for your children and your finances.

It is often not necessary to leave the family home immediately on separation and indeed it may not be financially viable until any assets have been divided. If, however, you do wish to leave the family home, your new accommodation should be appropriate for your (and any children's) needs and budget. You should also consider whether to wait to move out until the finances are dealt with and arrangements for the children have been agreed. If and when you do move out of the family home, do you need to be near to the children's schools? Can you afford the rent or mortgage in the long term? There is no right or wrong answer to any of this as everybody's situation is different so, if you are thinking of leaving the family home, please get in touch to discuss your options.



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4. Arrangements for children

The welfare of your children will be your main consideration and, regardless of your feelings for your partner, it is very important for your children to have a good relationship with both parents, wherever possible (of course, in cases of violence and abuse this will need to be managed very carefully).

In an ideal world, the arrangements for the children would be agreed amicably by both parents, but it can be very difficult to separate that from the conflict you may be experiencing with your partner. Failing to put in place suitable arrangements for your children could lead to further disruption to their lives at an already challenging time. If you are struggling to agree arrangements for the children, we can help.

5. Getting the right advice

Timely, solid advice, at what may be a difficult time in your life, can be invaluable. The right family solicitor will discuss your options with you and set out what may happen during and after your separation. It is important to find a solicitor with whom you have a good rapport as they guide you through this difficult period in your life. At Teelan & Silwal, we offer you a free initial consultation to enable you to get a feel for whether we would be the right fit for you and your situation.

6. Updating your Will

Separation will have no effect on your Will, whether or not you are married. You might therefore want or need to change your Will when you separate from your partner or spouse. We can guide you as to the appropriate timings.

Note that divorce, as distinct from separation, does not change the Will but removes the former spouse from being a beneficiary under the Will. It does not remove the former spouse from their appointments e.g. as executor. It is therefore crucial to update your Will upon divorce.

Although we do not deal with Will writing at Teelan & Silwal, we can recommend an excellent Wills solicitor with whom we work regularly and who can provide up to date Wills advice. Please get in touch if you would like a referral.

7. Collect and organise all of your financial and legal documents

Passports, birth certificates, marriage certificates and bank statements are examples of the documents you need to organise and keep safe if you are separating from your partner. Keeping them safe and separate from those of your partner will minimise the possibility of documents getting mixed up and taken by mistake or lost. In addition, in the event that you divorce from your



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spouse and enter into financial negotiations, you will need some of these documents and so having them all in one place will save you some work further down the line.

If you think your partner is going to take the children to another country without your permission and retain them there, you should make sure the children's passports are safe and you should discuss this with a solicitor.

8. Moving

As you consider separation, you may need to arrange for your possessions to be moved if you are leaving the family home. Think about storage options if you are moving to a smaller property and remember to include removal and storage costs into your budget, if necessary.

It may be that you cannot agree to the division of your furniture and possessions (chattels) until you have been through the divorce and financial process, with which we can help.

The Post Office/Royal Mail offer a mail redirection service (for a fee), which takes about a week to set up and can ensure that you get all of your mail, giving you time to change your address with the necessary organisations.

9. Informing people of the separation

A range of organisations will need to know about the change in your situation, particularly if you are moving house. From a practical point of view, you should contact banks (in the case of joint account holders), the Post Office (redirecting mail), DWP, local Council (in relation to Council Tax) and any other relevant institutions.

If you are the only adult living in a property, you may be entitled to a discount on the Council Tax.

If your financial circumstances are changing and you are in receipt of benefits, you will need to notify the Department of Work and Pensions.

You should also inform your children's school: if both parents have parental responsibility, they will both be able to collect the children from school, unless there is a court order to the contrary.

Making a list of practical tasks can make an overwhelming period in your life that little bit easier and can help make the transition smoother. A list of people to notify about address changes can be found at Appendix 1.



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10. Support network

Separation is a difficult step and coming to terms with the reality of it can take some time. Do not be afraid to ask for help and support, either from friends, family or a professional. If you are struggling to cope, please contact your GP, 111 or Samaritans on 116 123 (<https://www.samaritans.org>).

This is not something on which we can advise but of course we can help you from a legal point of view.



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Appendix 1

List of places to contact to change address include (but are not limited to):

Household

- Council Tax
- Post Office (mail redirection)
- Water
- Gas and electricity provider
- Landlord or mortgage provider
- Insurance provider
- TV Licensing Agency
- Telephone, internet, TV provider
- Rental companies

Motoring

- DVLA
- Insurance company
- Breakdown assistance
- Vehicle registration

Healthcare providers

- GP
- Hospital
- Dentist
- Optician
- Therapist/counsellor

Other

- Solicitor
- Schools/education providers
- Subscriptions
- Health/sports clubs
- Library
- Newsagents
- Food deliveries

Financial

- Employer
- Banks, building societies, mortgage provider
- Loan companies
- Credit card companies
- Mail order companies
- Pension provider
- National Savings/Premium Bonds
- Inland Revenue
- Social Security/DWP

