

Your essential guide



Telling your spouse you want a divorce

Even if you are already separated telling your partner you want a divorce may not be an easy. Whilst you may have been thinking about divorce for some time your partner may not be in quite the same position. These life changing decisions are rarely taken in haste. However, it may be that a single event, like a strained family holiday or Christmas together acts as the catalyst to finally end the relationship.

Informing your partner of your decision is likely to be a difficult experience, for both of you. And, of course, the ramifications also affect your children, if you have them as well as other family members and friends.

Many people shy away from difficult conversations and put them off. Bottling up such feels can result in them spilling out at the most inappropriate time. The fact you are reading this Guide suggests you want to try and get it right.

In our experience, as family and divorce lawyers, we know there are some ways of approaching this conversation that can help minimise distress for all concerned and set the tone for any negotiations ahead.

Pave the way

You may be able to prepare your partner over a period of time leading up to the announcement so that it doesn't come as a complete surprise. You could mention the fact that there may be no long term solution to your marriage issues or talk about how you would manage the children if the worst did happen. That way, they will have devoted some thought to the issues which will arise before you start the conversation in which you mention divorce.

It may be appropriate to attend couples counselling together, or as an individual. This will help you both come to terms with the fact the relationship is over.

Be sensitive and mind your language

Consider how and when you will break the news and think about what support mechanisms your partner might need to call upon. For example, if they are likely to be upset and need someone to talk to it's unfair to break the news late at night when friends and family are not available. Likewise you don't want to break the news the morning they have an important business meeting or are about to spend a special day out with friends.

Think carefully before breaking the news in a public place, especially if you are unsure how they will react. In most instances telling your partner at home will be the best solution.

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Approach the conversation with sensitivity. Be careful of the language you use. This is less about avoiding coarse words and more about picking words carefully when breaking the news. In most divorces, one person will be "the leaver" and the other "the left". The leaver starts in a stronger position as they are the one to have made the decision and had time to think about the impact of that decision. Therefore, make the leaving statement as soft as possible. Breaking the news gently is likely to lead to a more amicable divorce or separation process as you are less likely to trigger an angry response.

Have an eye on your future relationship, which you will most likely want to remain amicable, on some level at least, especially if you are bringing up children together. Prepare yourself for the worst.

Unless your partner has already reached the same conclusion that you have, that your relationship is over, then the conversation is likely to be a difficult one. There may be anger, tears or recriminations. You know your partner best so may be able to anticipate their response. Or your fear may be that you have no idea how they will take the news.

Prepare yourself for the worst. You may be the victim of all kinds of harsh words: "You're a bad parent", "You're wrecking the children's lives", "I'm not going to let you see the children", "You've got no chance keeping the house", "I'm going to take you for every penny I can". Try and face this with calm understanding. Think about what you can say in response that won't inflame the situation. People will often lash out if they feel hurt or let down.

Don't apportion blame

If you can avoid making the conversation about fault and blame you are more likely to receive a calmer response from your partner. Use the word "I" more than "you". "I feel that I need to start a new life." "I feel that this marriage is not working for me." Avoid phrases like, "You never" "You didn't", which will inflame the situation and may cause your partner to fight back.

Be ready to separate

Often it is best, after the "I want a divorce" conversation, for immediate physical separation. You should have a place to go after the discussion, even if you hope to return to the home later that day or week. It is useful to be clear when you will return and on what basis. Having told your partner you want to separate you might need to give them time to think about things and consider their own position.

Valuing the parental role

If you have children with your partner they are likely to have concerns about how the separation will affect family life. Reassure your partner that whatever happens, you still want them to be involved as a parent and that this is important to you. If you feel it is appropriate, tell them what a great job they do on that front and emphasise that you both need to work to make sure the relationship you both have with the children remains strong.

You will need to discuss how to break the news to the children and, ideally, this will be done with both of you at the same time, in a calm and familiar environment.

You may not find this conversation easy but preparation will help. Think through the pointers above and you are more likely to keep the conversation calm and controlled and be in a better position to move forward and take the next practical steps.

Skipping the conversation and instead going to see a solicitor who prepares the paperwork and makes an application for divorce is likely to cause upset or anger as the first time your spouse will know anything about your wish for divorce is when they receive official paperwork from the court.

The way you approach telling your partner you want to separate could have a significant impact on how much agreement can be achieved especially when it comes to how you will split finances and the arrangements you make for the care of your children.

Relate provide some useful resources on their website. Our divorce lawyers will equip you with information about the legal process and your rights and responsibilities to help you feel prepared for the conversation with your partner.

For advice on these issues speak to one of the fully qualified family lawyers at Woolley & Co, Solicitors on 0800 321 3832.

Getting the right advice

Every family and relationship is different. It is therefore essential that you receive advice on your particular circumstances before you make any decisions or take any action. Our team of experienced family lawyers can help with divorce, separation, questions surrounding children and all elements of finances when you divorce.

Operating throughout England and Wales, we rank amongst the leading family law practices in the UK.

Take advantage of a free 30 minute telephone appointment to discuss your options

Call 0800 321 3832 to speak to a lawyer today

Or visit www.family-lawfirm.co.uk to request a call back

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