

# Navigating divorce and the path back to financial and psychological independence



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For almost everyone, divorce is a journey into the unknown. It can be an extremely daunting prospect. There are often legal, financial, and psychological struggles which need to be navigated. This can feel overwhelming, particularly after a lifetime of living with, and often being dependent upon, one's spouse.

There are many things that are likely to be unclear about the divorce process before you start: how it works, how long it takes, what is the likely outcome, how the arrangements for the care of the children are dealt with, where they will live, where you will live, how you will meet your and the children's living expenses, how you will fund your legal fees, how you will manage your money after the divorce and how you will cope emotionally. Recognising how difficult this time can

be, [Amy Fox](#) a Partner in the Family Team at Penningtons Manches Cooper, [Alice Sanders](#) a Wealth Manager at Edison Wealth Management and [Lucy Atcheson](#) a Chartered Counselling Psychologist have collaborated to provide a bespoke service to help make the process of disentanglement from a relationship as easy as possible.

In this article, Amy, Alice and Lucy explore how people become trapped in controlling and unhappy marriages, answer the most common fears their clients have about divorce and explain how the three of them work together to make divorce less daunting for you.

## Controlling relationships

[Alice Sanders](#): whilst a lot has been done to change stereotypical gender roles, we still live predominantly in

# Insight: Navigating divorce

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a world of breadwinner and homemaker. This is not necessarily wrong. This arrangement works well for many couples, be that because of logistics around caring for children, because it does not make financial sense for one person to work, or because you just want to stay at home with your children and the family wealth allows you to do so.

Whatever the reason it has, unfortunately, resulted in the creation of a huge wealth imbalance amongst couples, with a tendency towards the breadwinner (often men) controlling the family's finances and the homemaker (often women) having very little or no oversight of the family's wealth.

It is very common for one person to take the lead in managing the family finances. Life is busy. Why have two people managing what can be done by one when there are countless other tasks that need addressing? But financial management is very different to financial control and the two should not be mistaken. A long marriage could result in the family finances being bound tightly together, whereas a controlling relationship will likely be built on what is 'theirs' and 'mine'.

*Lucy Atcheson:* healthy relationships are supportive not restricting. In contrast, if you are in a relationship in which you feel beholden to your partner either financially or psychologically, you could well be stuck in a controlling relationship in which you may never be treated as an equal (this controlling behaviour could well even constitute coercively controlling behaviour).

Psychologically, the difference between management and control is a sense of collaboration. Collaborative shared goals are all part of building a life together. In contrast, when one partner is controlling the relationship, the aims, objectives and desires of that partner outweigh the other partner. Ultimately, both partners are really only acting in one partner's genuine best interests. A lifetime of keeping someone else happy at the expense of your own needs and happiness is detrimental. You can end up feeling as though you don't really count, not to your partner and not to yourself. The long-term consequence of this is that you start to treat yourself as less than equal. Over time this becomes your normal life and, as such, you accept it. However, very sadly, your happiness will slowly be eroded by this state of affairs.

Sometimes the only way to feel happy again is to feel strong enough to leave the relationship. Psychological therapy can help you find self-empowerment and to realise you can cope with the process of separation,

and that, ultimately, you will benefit from regaining your independence and live a far happier life.

## Divorce

*Amy Fox:* Since April 2022, it has become significantly easier and less acrimonious to file an application for divorce. We now have a "no fault" divorce system, which means that blame does not have to be attributed to one person for the breakdown of the marriage. In addition, your spouse cannot block (or defend) the divorce application. Consequently, if you want to go ahead with a divorce your spouse cannot stop you from doing so.

If you wish to proceed with a divorce and you are the victim of abuse, either physical or mental, you may be very concerned about how you will continue to live in the same house as your spouse during the divorce. You may never have had any real control over the finances or any idea as to how much money you have as a family.

It is important to know that the court is alive to all of these concerns. Protective measures can and will be put in place to ensure you and the children are safe. If, for example, there is a real threat of harm, you can obtain orders that will force your spouse to move out of the family home and prevent them from coming near you (the former are known as occupation orders and the latter non-molestation orders).

Perhaps one of the biggest concerns you may have, particularly if you are a victim of financial abuse, is how will I survive financially if we separate? In the first instance, if you have no access to funds and are not receiving maintenance from your spouse, your solicitor will write to your spouse / their solicitor and ask that they provide you with an amount each month which is sufficient to meet your expenditure on yourself and on the children (if you have children), this is known as interim maintenance. If you have no idea how much you need in order to meet your living costs, your solicitor will help you to fill in a schedule detailing your monthly expenditure and they will use this to help you work out how much you need on a monthly basis. If your spouse will not agree to provide you with interim maintenance, an application can be made to the court for an order that they pay you maintenance on a monthly basis and that they cover your costs of making the application.

If you have no funds available to you, you may also be worried about how you will finance your legal fees. This is likely to exacerbate your sense of feeling trapped. If your spouse will not agree to cover your

# Insight: Navigating divorce

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legal fees and you have no other means of financing them, an application can be made to the court for an order that your spouse pays your legal fees (a legal services payment order).

You may also be concerned that you have no idea how much money you have as a family. As part of the process, you and your spouse will exchange financial disclosure. This is typically done by way of a long, pro-forma document known as a Form E. The purpose of exchanging Forms E is to ensure that you and your solicitor (and indeed the court) have a full picture of the family finances. Discussions can then take place about the appropriate outcome for you. If your spouse fails to provide full disclosure in their Form E, there are orders which you can obtain to make them do so. If even these orders do not work, the court can make “adverse inferences”, which essentially allow the court to draw a conclusion based on the silence /non-disclosure of the party in question.

Once your solicitor has full financial disclosure, they will be able to advise you what they consider the right outcome is for you based on your entitlement under the law. The starting point of the courts is a 50/50 division of the assets built up during the marriage. If you are financially dependent on your partner, you are also likely to be entitled to spousal maintenance (i.e. maintenance for your benefit) and if you have children, to child maintenance. The court will move away from a 50/50 division in various circumstances, including if one party needs more than the other (in order to rehouse, for example).

## The Future

*Alice Sanders:* Once your immediate financial needs have been addressed, you might naturally begin to worry about how you will manage the finances after divorce and how you will negotiate a settlement. We work with many clients who feel they do not understand the family's finances and they do not have the intelligence to be able to do so. We are not taught financial education in school, and most people are not interested in it, so how will you ever get your head around it. But in our experience this sentiment stems entirely from a lack of involvement in the family's finances, not from a lack of ability.

It can, of course, be overwhelming following divorce. To suddenly feel responsible for making your own financial decisions. But money can bring opportunities, choices and independence so prioritising these decisions and breaking them down into more manageable ones is key.

A wealth manager will help you make informed and sensible decisions about your finances. Doing it correctly is a more fulfilling exercise and should let you do more of what you want to do in life, not hold you back.

Money can, of course, also bring concerns, conflicts and responsibilities; none more so than during a divorce. This is when it is important to be clear on the objective. What is the money for, who is it for, what does it need to allow you to achieve and to do. This is something again that a wealth manager can help with by producing financial modelling. Financial modelling is a process of modelling your expected income and expenditure over your lifetime, capturing the tax treatment of different accounts, the riskiness of different investments and the variability of spending patterns and inflation overtime, painting a realistic picture of what a particular settlement would mean for you. This process puts you in control of your decisions and aids financial negotiations.

A wealth manager can also provide advice around pensions, affordability for rehousing and simplifying financial arrangements so they work for you. Providing the confidence that you will be financially secure for the rest of your life.

[Amy](#), [Alice](#) and [Lucy](#) all specialize in the effects of long term coercively controlling relationships and help their clients navigate divorce and the path back to financial and psychological independence.

If you have any questions on the above or to find out more about our [financial planning](#), please call 020 7287 2225 or email [alice@edisonwm.com](mailto:alice@edisonwm.com).

You can read more about us by visiting our website [www.edisonwm.com](http://www.edisonwm.com).

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# Important Information

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## **Important information**

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The Financial Conduct Authority does not regulate Cashflow modelling.

The value of investments and the income arising from them can go down as well as up and is not guaranteed, which means that you may not get back what you invested. Past performance is not necessarily a guide to the future.

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