

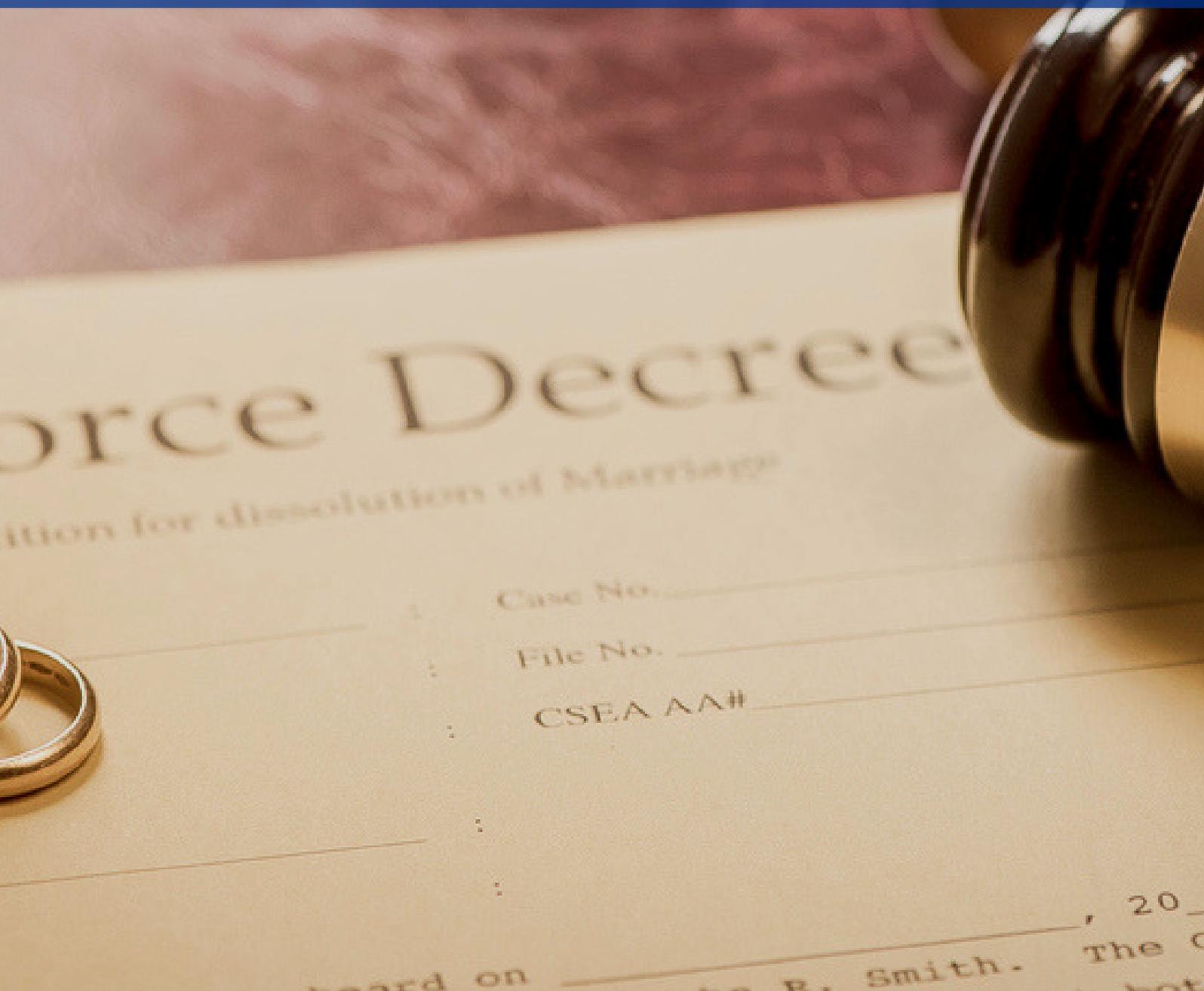
DIVORCE?

NOW OR NEVER?

Julie Kirkbride, our head of family law offers some insight into the considerations surrounding the issue of divorce. Before you make final decisions read our guide so you know the journey that lays ahead.



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When a relationship breaks down one of the first questions may be “should we just separate or should we get a divorce”

Whatever path you choose can have consequences both emotionally and financially for your future and the future of any children. In this guide we offer insight into different parts of the process, what various documents mean and when you need to consider taking legal advice.



Sometimes a separation is amicable and therefore there is a reluctance to “involve lawyers”. However even in the most straight forward of matters in order to achieve the best outcome expert advice and guidance is needed.

In the early stage of deciding whether you want to pursue divorce or separation it is wise to take advice. You may make a decision that suits the short term but when you are further down the line and circumstances have changed then you may feel you opted for the wrong path for your situation.



Separation route?

Did you know a Separation Agreement is not a legally binding document! It is merely a document reflecting the parties intentions at the time of separation. Once divorce proceedings are issued either party, not just the person issuing the divorce proceedings, can apply to the courts for a financial settlement if there is a dispute.

A situation which often arises early on when couples separate is that one party moves out of the family home taking their income with them. This can cause immediate financial hardship however, it is important that consideration be given to your particular needs and circumstances.

Divorce route?

If the path you choose is to issue divorce proceedings to end the marriage then it is important to get the right advice in respect of sorting out the finances to achieve a fair division of assets including any claims against the other parties pension which may be a valuable asset after a long marriage.

If an agreement is reached this is recorded in a Financial Order and once this is approved by the court it is binding on both parties.

In this day and age of “DIY divorces” people often don’t seek legal advice. A Decree Absolute upon divorce ends the marriage but does not deal with the financial ties between parties. Claims against each other remain open until a Financial Order is put in place either by way of an agreed Order as mentioned above or by taking the issue of finances through the courts and asking a Judge to make a decision upon the fair division of assets.

What about any children?

As well as the breakdown of the relationship and how best to deal with that it is also vital to seek advice relating to any issues which may arise in respect of the arrangements for the children.

Practically the children will probably spend the majority of time with one parent, with the other parent seeing the children as and when they can. As both married parents have Parental Responsibility for the children in the absence of a Court Order the children can live with either parent. Often it is practical for the children to stay with the parent who remains in the family home in order to minimise any disruption to routine.

If there is any disagreement we can offer advice and guidance along with a referral to Mediation in order to help parents understand the affect the breakdown of their relationship has on their children. We can correspond with the other parent or their solicitor to put arrangements in place to allow both parents to continue to have a meaningful relationship with the children.



If a dispute over the children does need to go to court we can represent you at hearings and guide you through the process dealing with CAFCASS, presenting your evidence to the court, and achieving the best outcome for the children.

What now?

Come and chat with our experienced team about your relationship breakdown! Don't take advice from friends and family because you think they have been through the same thing. Each set of circumstances is different and our advice is tailored to helping you deal with one of the most stressful events that can happen in your life and help you to move on.

We offer a fixed fee divorce so there is total transparency in relation to fees.

We provide this service to clients across the UK.



Call Julie Kirkbride on 01325 466461 or email julie.kirkbride@close-thornton.co.uk