

## To Divorce or not?

Clients tell me that It isn't easy finally admitting that a marriage is over. As human beings it is in our nature to want to loved and cared for as we get older. However, many couples are finding that as they reach middle age and the common denominator in their lives i.e the children, have flown the nest that they actually do not have anything in common and this can result in the idea of divorce.

The process of 'divorce' is stressful and causes anxiety. It is also not easy to decide to take the first step and contact a solicitor. Many people believe that they can sit down as adults and resolve all their issues and sort out finances/property amicably. This often ends in tears when one party becomes possessive or angry.

The parties to divorce are required to consider mediation and in some cases, the parties can reach an amicable agreement by engaging in this process.

The basic procedure for divorce is relatively simple. One party petitions the other party for 1 of 5 reasons. The most common reason is unreasonable behaviour and this can constitute many issues from spending too much time on the computer to extreme behaviour such as verbal bullying. All are very real concerns for many couples. However most couples actually agree on this reason for divorce before they even approach a solicitor. The petition goes to the local County Court and in due course the Court grants a Decree Nisi. Essentially this is the courts permission to the couple to divorce if and when the financial and children arrangements are agreed.

Many couples are wary of spending too much money with solicitors but when there are considerable funds at stake it is a false economy to try and work out these issues alone.

It is the financial side of Divorce that causes the most upset. This is when Solicitors can work effectively on behalf of Clients to negotiate and secure the best financial settlement. Many clients are concerned about the here and now and forget that they may have many years to live without their current spouse and /or their income. It is our job to ensure that there are sufficient funds available to allow the divorced party to survive as comfortable as possible based on legal principles set out in the Matrimonial Causes Act 1973. The gathering of financial information for the Form



E Financial Statement is an arduous task. Such information as income needs in the future, current expenditure and liabilities can take quite some time. It is often when these are all written down that couples realise there really isn't the amount of disposable income they believed there would be. The major sticking point is often the Pension. Most affluent people have a sizeable pension that they have worked many years for and are often reluctant to reveal its true value. In these circumstances we would issue an Application to the court for full and frank disclosure.

Financial hearings are always intimidating but your Solicitor or Barrister will be with you and will be prepared to assist you in every way possible. It's our role to support you and guide you through the hearing. At this hearing the Judge will give directions for such things as more information, costs of the case, any applications to intervene and any interim payments such as spousal maintenance. The judge may give directions for further hearings while waiting for more information.

There will then be a final hearing at which point all matters are decided and the judge makes a ruling with regards to how the finances are to be dealt with. All these decisions are recorded in a Consent Order and both parties sign it. Once the court has this the Decree Absolute is granted and the marriage is over. Many people feel a sense of loss at this point and depression is a common side effect and I will always advise Clients to seek counselling and move on as soon as they feel able.

If you would like further information please contact Karen Salmon at DGR Law Solicitors, Marlborough, on 01672 511797 or [Karen@dgrlaw.co.uk](mailto:Karen@dgrlaw.co.uk)