

What is divorce?

Divorce is the legal action that permanently terminates the marriage before the death of either spouse.

Consequences of a divorce

A divorce only deals with the permanent end of a marriage. Many couples getting divorced also need to decide how to resolve any issues concerning children of the marriage, for example, who they will live with, how much time they will spend with the other parent and when? There are also questions surrounding finances that need consideration such as, what is to happen to the matrimonial home, should it be sold, if so, when, and how should the proceeds be divided? What if the sale of a property yields insufficient funds to re-house both parties? In this scenario, should the matrimonial home be sold at all and in this situation, how do you reach an agreement about who should get how much from the sale? What about spousal maintenance? When should this be paid, for how long and how much? If there is a pension should this be shared? If so, how is the sharing determined?

These are challenging questions and the answers can have far-reaching consequences. The journey to reaching these outcomes can be stressful and full of anxiety. Our expertise and specialism in this area means we can provide advice with clarity and understanding. Be prepared and understand your options. Take advice from our experienced solicitors Selena Ludick and Elizabeth Miles. Call Selena or Liz on 01628 631051 or email them at family@colemans.co.uk.

What is the difference between a legal separation and a divorce?

I am often asked this question. Parties may feel their marriage has irretrievably broken down but they are not entirely sure. Parties are often not quite ready to take the full plunge of divorce proceedings. Religious convictions often play a part as to whether parties decide to legally separate or obtain a divorce. Therefore, a legal separation is viewed by many parties as a half-way house.

Unlike a divorce, a legal separation does not end the marriage; it enables parties to live separately yet remain legally married.

The issues that need resolution following a separation are usually similar to those involved in a divorce. These issues can be addressed in the same way as a divorce and, if agreed, can be embodied within a separation agreement. Such agreement can record the division of assets and debts, who a child is to live with, what level of maintenance will be paid and how often the child will see the parent with whom they are not living.

In time, if a decision is made to get a divorce, a separation agreement can carry over into the divorce in the form of a Financial Order.

If you have separated or are consider it you should obtain advice on what measures should be taken if a legal separation is sought and whether this solution is really the right solution for you. Delay in taking action or addressing unsatisfactory financial arrangements could prejudice your position to take early advice from our experienced solicitors, Selena Ludick and Elizabeth Miles. Call us on 01628 631051 or email family@colemans.co.uk