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Divorce is about to get (a bit) easier

Landmark changes to the way people get divorced are on the horizon, spelling a smoother path to separation for couples who have agreed to go their separate ways.

What is 'no-fault' divorce?

Couples choosing to separate are already under a huge amount of stress, especially when children are involved. The last thing they need is additional conflict generated by the divorce process, which currently relies on the unreasonable behaviour (or transgressions) of a spouse to be laid out.

Since a high-profile case in which a 68-year-old woman failed to divorce her husband of 40 years, momentum has built to make the divorce process more amicable in England and Wales. Parliament is currently considering getting rid of the need to point the finger, effectively introducing a blame-free divorce option for those who would rather go their separate ways without a fractious legal battle. What does this mean in practice? Spouses will be given the option to request the divorce on a mutual basis through an agreed petition, without the need for fault to be attributed.

New online divorce portal

Until those new laws are passed, unfortunately blame is still the name of the divorce game, unless couples can prove they have been living separate lives for a number of years. The good news is that the government launched an online portal last year designed to facilitate (and speed up) the process instead of relying on the slower paper route, although this is still available to those who prefer it.

Both options are accompanied by a court fee, currently £550. One way to keep matters as amicable as possible is to agree who is going to petition for the divorce and on what basis, openly sharing the information within the petition to avoid unwelcome surprises.

What about the finances?

The divorce process itself, both under the current and awaited procedures, does not deal with your financial matters. As such, it is extremely important that your financial settlement is documented and approved by the court before obtaining your decree absolute, i.e. the court-issued certificate that concludes the divorce process.

Advice

If you are struggling to make ongoing arrangements for your children, then think about seeking advice. There are many resources available to help settle finances as well as matters relating to the children, including mediation. Other important questions to think about when you separate include reviewing your wills and making provisions for your children's futures. Specialist advice from your solicitor and financial advisor can help ensure you have covered all bases, avoiding new and difficult challenges further down the line.

For more information, or to discuss your family law needs, please contact:

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