

# Divorce/Dissolution and Finance



**Forrester Sylvester Mackett**

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### Divorce or Dissolution

If your marriage or civil partnership has broken down this can undoubtedly be one of the most stressful periods in your life which our family law team are equipped to support you through.

In April 2022 the law changed to allow couples to divorce without having to apportion blame on each other or wait for at least two years after separating before filing a divorce petition. The new laws mean that couples can begin a divorce application if their marriage has irretrievably broken down. They can also choose to apply either solely or jointly for a divorce. The new laws also changed some legal terminology too. The term Decree Nisi has been replaced with Conditional Order and the term Decree Absolute has been replaced with Final Order.

Here at FSM our family law experts offer a fixed fee service to clients who wish to utilise the expertise of a legal professional to assist them with their divorce application.


### Financial Settlement

Financial issues can also be dealt with during the course of the divorce application. Whilst it is advisable for financial matters to be concluded before applying for a Final Order, it is not mandatory and if there are no financial matters to be concluded a divorce application can be concluded within a minimum of 26 weeks.

It is important to remember that when you legally end your marriage or civil partnership through divorce or dissolution proceedings, finances between you and your former spouse are not automatically resolved as well. Therefore, even if you have legally ended your marriage or civil partnership your financial claims will remain open until a financial agreement has been filed with the court.

### Settling by agreement

Often the cheapest and/or quickest way of resolving your finances is to reach an agreement with your spouse as to how the matrimonial finances will be divided. Any agreement can then be formalised in a court order. The Financial Consent Order (court order) records all the terms of agreement reached between you and your spouse. Once approved by the court, your financial agreement is binding and enforceable.



As such, the Financial Consent Order is an important document that you need to fully understand and may be referred to in the future.

Recording any financial agreement you reach with your spouse by court order is not compulsory although it is definitely advisable.

It is unlikely either you or your spouse would need to attend a hearing at court regarding the financial order, unless the court had questions regarding the fairness of the order.

It is important to note that the court do not need to approve a financial order if they do not consider it to be fair, just and reasonable.

### **If you are unable to agree**

If you are not able to agree on how the matrimonial finances should be disputed there are various options available to you. These include attending family mediation and we would refer you to our family mediation leaflet for further information.

If mediation is not appropriate or you are unable to reach a conclusion in mediation, our family law experts are able to advise you on what a fair settlement may be based on voluntary financial disclosure between you and your spouse. Our family lawyers would then negotiate a settlement on your behalf.

If voluntary negotiations do not work then it may be necessary for you to apply to the court for a decision regarding the finances to be made by a Judge. It is uncommon for parties to reach a final hearing within financial proceedings and in the majority of cases people are able to reach an agreement before it gets to the stage that a Judge needs to make the final decision.

Our family law team are fully equipped to help and support you through the process, whatever it may be.

**Every case has its own set of unique circumstances which must be considered.**

Please therefore contact our team to arrange a **free** half an hour appointment to discuss your case.

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