

Ask The Experts

Sponsored by  **Hegarty Solicitors**

Q My marriage has broken down. Do I have to get divorced?

A It is not compulsory for separated couples to get a divorce or dissolution of their civil partnership. Some couples may wait until they are ready whilst others prefer not to have to accuse their spouse or partner of adultery or unreasonable behaviour. However, for these couples, waiting can carry a risk of financial uncertainty.

Without divorce or dissolution proceedings, it is not possible to achieve absolute financial certainty concerning each party's current or future financial claims, but it is possible to put in place a Separation Agreement. This is an agreement between a couple that can record such things as how their assets should be divided, arrangements for the children, and whether maintenance should be paid for one of them and/or the children.

It can even include provision as to when and on what basis the couple will eventually divorce. Correctly drafted, it can be an important record of what the parties agreed when they separated.



If you would like further advice, please contact **Julia Weber** at **Hegarty Solicitors** on 01572 725772 or email julia.weber@hegarty.co.uk.

Although a Separation Agreement is not binding, if each party has taken independent legal advice and are open and honest about their financial position, the terms of the Separation Agreement are likely to be upheld in any future divorce or dissolution proceedings unless the circumstances of either or both of them have significantly changed by that time.