

Separation and Divorce FAQs

Our matrimonial home is in my husband's name and he pays the mortgage. He tells me it is his house and I must leave. Is this correct?

No, it is not correct. By virtue of your being married you have the right to occupy the matrimonial home. That right can be protected by registration at the Land Registry, and if necessary by a court order. In the event of a divorce the Court has power to order a sale or change the ownership of the house.

I have been living with my partner for many years although we are not married. Our relationship has broken down. Do I have any rights as his "common law wife"?

Under the present law you do not have the rights equivalent to those of a person who has been married. The Court does not have power to order a transfer to you of your partner's property, to order him to pay maintenance for you or award you a share of his pension. However, you may apply to the court for an occupation order to prevent him from turning you out of your home. You may have acquired a financial interest in the house if you have made a financial contribution to it. You may be able to apply to the Court for financial provision to help you provide a home for children of the relationship.

Can we get a "quickie" divorce if we are both agreed?

There is no such thing as a "quickie" divorce. It is an invention of the newspapers that misleadingly suggests that celebrities and those with more money are able to access a short cut. All divorces have to go through a similar court process although the vast majority are dealt with through the post and do not require you to attend court. The process can be shortened by the co-operation of both parties, by personal delivery of papers etc., but the procedure is the same.

Do I have to sort out my financial agreement before I can get a divorce?

No. You can start the divorce and the negotiations for a financial settlement can proceed alongside but separately from the divorce. It is usually best not to apply for the decree absolute until financial issues have been resolved.

If we are both agreed, can we get a divorce on-line?

You can use a divorce website to process the papers but the case still has to go through the same court process. You will not then have the personal attendance and advice of a family lawyer that we are able to provide.

What is Judicial Separation?

It is an order of the Court that ends your obligation to live with your spouse. It does not end the marriage. It does open the door to the court exercising its powers to make financial orders, especially for those who have not been married for at least a year and therefore cannot obtain a divorce. It is usually appropriate for those who for reasons of conscience or religion (or some other reason) do not want a divorce to end the marriage. It involves the same court process as a divorce.

Can you advise me under legal aid?

Due to recent Government cuts, legal aid is no longer available for divorce or for the majority of family law disputes. You may be able to obtain legal aid if you have an urgent need for protection from domestic violence but we do not undertake legal aid work.

What if my spouse and I have reached a financial agreement but we need solicitors to handle the paperwork?

It is very important that financial agreements are recorded in either a Consent Order or a Deed of Separation. It is not possible to have a "clean break" settlement or a pension order without it being made by court order. We are able to prepare draft orders to give effect to your agreement and to present them for approval by the Court. Our charges will be based upon the time involved in this work but we will be able to give you an estimate.

We will also undertake conveyancing work where this is necessary to carry out the terms of an agreement on a fixed fee basis and we can advise you with regard to making a Will. Please contact us to discuss fees.

We are used to dealing with complex and sensitive cases and will advise you on all the legal channels available to you. If your case is suitable for mediation and you wish to try and settle matters in this way, we will assist you in finding the best mediator suited to you and will continue to advise you along the way. If mediation is not appropriate we will negotiate matters on your behalf or if court proceedings are issued, we will assist and advise you in connection with all court documentation.

What geographical areas do you cover?

Due to our location, we can deal with family matters from London to Cambridge, Chelmsford and Southend and beyond.

What do I need to bring with me at the Initial Fixed Fee Consultation?

- A. Original marriage certificate if you have it and you are concerned with divorce;
- B. Two forms of identity, one of which must be a photo ID (valid passport and/or driving licence) and another with your name and current address (utility bill or bank statement);
- C. Initial payment for fixed-fee interview.

How do I pay for all of this?

Unless covered by a fixed fee scheme, our charges are based upon the time spent and the amount of work done for you based on an hourly rate and calculated in units of one tenth of an hour. An estimate of costs will be provided to you at the outset and payment plans can be discussed to help you budget. Payment under agreed payment plans can be by monthly standing orders so you know what your outlay will be. The firm also accepts payment by credit or debit cards although in the case of credit cards we reserve the right to make a surcharge of 2%.

What do I do now?

To arrange an interview or just have a 5 minute chat please contact us:

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