



Tying up divorce agreements

By Sarah Beskine

When relationships end, significant decisions have to be made. Disentangling joint lives is not easy and is harder when trust is low and emotions high. Although everyone wants to part on good terms, this is not always easy to achieve. If you have children you will also have to negotiate a new parenting relationship together, a difficult step for everyone concerned.

I am a divorce lawyer and family mediator at Hopkin Murray Beskine where I regularly advise on the different routes you can take to reach agreement in divorce or separation. It is important to have a sense of what is a reasonable arrangement - whether how to split the matrimonial assets, or arrangements for your children.

There is no one shape that fits all. Every family is different but there are principles that the law follows in all cases and it is valuable to have an idea of what they are when you negotiate. I often meet clients for a single meeting to go through the basics of how the law would view their separation, so that they can then negotiate to reach an agreement. These are covered in other editions of this magazine which are available on our website. In this piece I am writing about what to do when you reach 'yes'.

Agreements about children do not have to go to court. You should write them down though, so they are clear to both parents. Try to agree on an easy way to communicate on day to day concerns that involve your children. If you get a manageable way to do this, the chances are, you'll both stick to it. Using a diary or note book, which goes with the child, is

quite a good method. It removes the temptation to write too much, which email sometimes encourages, and instead you focus on sharing important things as they develop – your youngest now hates broccoli, or did a great piece of homework, or your teenager looks mysteriously unhappy and you don't know why. This means there is little risk of the needs of your children falling between the two of you and not being addressed.

Whilst arrangements about children are never really final, because things always need to be flexible with children and the law recognises this, it is different with agreements about money. These need to be made binding by the court if you want to rely on them. If written in the correct form you can send your agreement to the divorce court by post to be approved. It is dangerous to act on a financial agreement until it is legally signed and sealed. You can find that your ex had a different view to you about it. What you thought was a final deal can turn out quite differently if there is a dispute about what you both meant so it is important to get these agreements legally clear and binding when you reach them.

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