

THINKING OF A DIVORCE? HOW TO PROTECT YOURSELF.

We all enter into marriage thinking that it will be forever. Unfortunately, sometimes people find themselves in the position that they feel that they have reached the end of the line, and indeed it may be that they have little choice in the matter, as their spouse is pushing for a divorce. So, if you are in this position, what can you do to protect yourself and what sort of issues should you be thinking about?

There is often one spouse who controls the finances within a marriage. The spouse who has allowed the other to have control can be at a disadvantage when it comes to resolving finances on divorce, and if you think this is you, then the following advice will be of use. There are some simple things that you can do if you feel that a divorce is imminent. Potentially, this could be the difference between struggling financially and obtaining the financial settlement that you deserve.

You should know (and if not establish) what matrimonial assets there are, and how much these are worth. This includes assets that are in your spouse's sole name. It may be for example that your spouse receives shares as a part of their employment package, together with share options for the future.

Whilst a gut reaction may be that you want to leave an unpleasant situation, you need to consider your long term needs and those of any children. Children often need the stability of staying in their home (if possible) and once you have left a property, emotionally it can be hard to go back. In addition, once you have found accommodation to meet your housing needs you would be in difficulty in arguing that only your old house (the matrimonial home) will really meet your needs.

You are jointly and severally liable with your spouse for all accounts and credit cards in joint names. This means that upon learning of divorce proceedings, if your spouse were to 'max-out' the credit limit on a joint credit card, the credit card company could seek payment of the total amount from you.

It is therefore important to consider whether or not these should remain in joint names pending divorce, and there are other options such as the freezing of accounts, or ensuring that both your signatures are required for withdrawals. If accounts are closed, keep a careful record of who repaid any monies due and where proceeds are placed. You will of course need to consider from which account standing orders such as mortgage repayments are made.

Review your assets – both joint and in each of your own names regularly.

Don't leave the matrimonial home without first obtaining advice.

Consider freezing joint accounts and cancelling joint credit cards.

Establish your own credit rating.

In addition, you should consider your credit rating. Many divorced people end up with bad credit ratings as a result of the actions of their ex spouse. If you have a joint mortgage, loan or credit card, the actions of your soon to be ex spouse will have an effect on your credit rating until you take steps to separate yourselves financially, and ensure that your names are 'separated' in the eyes of the relevant credit agencies.

Where one spouse has had control of the finances of the marriage it may be that all of the utilities, credit cards etc have been in their sole name. This can lead to the other spouse having no credit rating of their own. It is possible to rectify this by establishing credit in your own name, which is not linked to your husband/wife.

Finally, and most importantly, as soon as you think divorce is on the cards, consult an experienced matrimonial solicitor who can advise you of your entitlement and explain the legal process. If you are experiencing difficulties, and want to speak to a lawyer to help you move forward, call Catherine Blanchard or Jackie Arnold on 01732 228 800 or email catherine@dmblaw.co.uk.