



Helping our clients achieve

## FACT SHEET

### Separation

If your relationship has broken down but it is not your intention to issue divorce proceedings, you may wish to formalise your separation.

It is not necessary for you to be living in a separate house from your husband or wife. You may be living separately under the same roof and still be able to agree terms of a Separation Deed.

You may have separated from your spouse with the intention of issuing proceedings for divorce when a period of two years have elapsed but wish to record arrangements that have been agreed at the time of the separation. A Separation Deed can deal with children issues and financial matters, or any other matters that you wish to cover, such as the division of the contents of your home and personal belongings.

A Separation Deed, like any other agreement, can form the basis of a contract between you; however the Court in any subsequent divorce proceedings is not bound by the agreement although it will be considered as one of the circumstances of the case. It is good evidence of what you intended but each of you is entitled to have your circumstances at the time of any Court proceedings taken into account. Most financial applications within divorce are settled by consent and provided the terms of the Separation Deed represent a fair division of assets and the arrangements for the children are satisfactory, the Court is likely to endorse your agreement.

It is usual for there to be full disclosure of your finances before terms of separation are agreed and the negotiations should generally proceed on that basis. An agreement is less likely to be displaced in subsequent proceedings if full and frank disclosure has been provided and both parties received independent legal advice.

It is a good idea to have specialist legal advice at the outset. Our team at Phillips is a dedicated team of specialist family lawyers who can advise and assist you through this difficult time.

We welcome informal telephone enquiries and your initial call will be handled by one of the team so that the person best suited to your individual needs can be identified at the outset. Please call us on 01256 460830

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