

## **Reconciliation & Relate; can we change our minds about getting a divorce?**

You are likely to have spent some weeks, months or perhaps even years contemplating getting a divorce before you decided to apply, and even then, you may still wonder if it is not too late to save your marriage, particularly if you have children together.

‘Issuing or receiving a divorce petition can be the spark that awakens feelings or renewed efforts and could lead to a reconciliation,’ says Tony Roe, a partner in the family law team

‘It is not uncommon following a divorce petition for a couple to talk more openly to each other, perhaps supported via counselling or mediation. This can be the start of working together to address the cause of unhappiness and could lead to a route forward together again. Often couples contact Relate’

While the decision to divorce is a big step, there is time to change your mind and there are alternatives – such as a trial reconciliation or a formal separation.

Tony Roe outlines the options at each phase in the divorce process, and the things to consider.

### **When is the latest opportunity to stop a divorce?**

Your marriage will be treated as being formally dissolved when the court issues your final divorce order (previously known as your decree absolute). At any point up to the making of your final order it can be possible to reverse your decision. Once your final order has been made your divorce is final.

### **What are my options during the divorce process**

Before the petition has been formally served (usually by posting to your spouse) then you can stop your petition and seek for it to be withdrawn. Under the no-fault based divorce, if your petition was a joint petition then you must both provide your written consent to the court for the withdrawal.

If your petition has been served but no final order made, then an application can be made to the court to dismiss the petition.

If you are unsure what stage your divorce is at, then it is best to check with your solicitor.

## **Considering a trial reconciliation**

You may have been unhappy in your relationship for some time and wonder if your spouse is now just on their 'best behaviour' or if your reconciliation will last. If you want to test the waters, a trial reconciliation may be a good route to consider before you make any final decision over the dismissal or withdrawal of your divorce petition.

If you have been living separately, you may need some legal assistance in agreeing the financial terms of any trial reconciliation period. We can assist you reaching agreement over who is responsible for various outlays, and ensure you are receiving the correct level of maintenance during any trial reconciliation.

## **What about a formal separation?**

A formal separation is usually only appropriate where you have decided to live apart. It involves drawing up a formal agreement to deal with how to separate your finances and assets. It can also deal with a number of other practical issues such as where each of you and any children will live, and any maintenance payments either of you will pay. It is usually seen as a first step towards divorce. However, it does not have the same finality and if you decide to reconcile after signing a formal separation, you can both consent to end the agreement.

After signing a formal separation, some clients have reported that the mundane pressures of life and running a household together reduce. This allows time to refocus on what first attracted you to each other.

If you wish to continue living together then a post-nuptial agreement may be a good alternative option. This can deal with many of the same issues as what a formal separation does, without agreeing to separate at that time. It can mean you both give reconciliation a chance without the anxiety of what a divorce would mean financially.

We can assist you in agreeing the terms and drafting any formal separation deed or post-nuptial agreement.

## **Investing in your relationship**

It is easy at the start of any reconciliation to feel your relationship has a new lease of life, and to view your spouse through rose-tinted glasses again. It is therefore wise to acknowledge that your relationship has been in significant difficulties and if you wish to avoid the same problems in the future you will both have to work on it.

Many couples find mediation beneficial in doing this. Mediation helps to facilitate discussions between you and your spouse. It means you are regularly having to take the time away from your busy lives to focus on your feelings and discuss any issues in the relationship. It can help prevent resentment building.

If there have been complex issues in your relationship in the past, or issues one of you is reluctant to discuss then you may find relationship counselling beneficial.

### **Supporting your children**

If you have children that are already aware of your divorce, then you may feel anxious at the thought of a reconciliation not working out. Your children will have been dealing with their own emotions in coming to terms with your divorce, and they may be keen for their parents to reconcile.

Undoubtably you will not want to risk the reconciliation not working out and putting your children through further upheaval and uncertainty. You and your spouse will both need to decide and agree upon what you tell your children and when you tell them. The message should be consistently conveyed by you both to help minimise any confusion for your children.

If you are already living under separate rooves, then perhaps a continuation of that arrangement in the short term would be best for your children, until you and your spouse are firm on your decision to reconcile and have worked through most of your differences.

We can help you reach agreement over any child care arrangements during any trial reconciliation in order that your children have consistency.

Our key contacts at DMP for further advice and assistance on financial remedy matters and children issues are Stephanie Alderwick and Tony Roe:

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