

Ten Initial Steps for a Married Couple to Consider Upon Separation

1. Set up a new, secure email address.
2. Following separation, you may be eligible for additional financial support from the government. To find out what benefits you qualify for, access the website www.gov.uk.
3. If you are now living on your own in the property (save for any children under the age of 18), you should notify your Local Authority as you may be entitled to a reduction in Council tax. Also notify the Tax Credit Office and JobCentre Plus to ensure that no over or underpayments are made in relation to any benefit claims.
4. It may be appropriate to contact your utility supplier company and request that the meters are read. Upon settlement, it may be appropriate for your name to be removed from the accounts.
5. **Make a New Will** - You should obtain legal advice in relation to this. If you die prior to the granting of Decree Absolute without a Will, your spouse, notwithstanding the breakdown of your relationship, may be the main beneficiary of your Estate.
6. **Joint Accounts** - Your liability in respect of joint accounts is joint and several. You may need to consider freezing the account or making the accounts joint signatory. Similarly you will be jointly and severally liable for any expenditure incurred by the joint holder on any joint credit cards.
7. **Dealing with Property** - One of the biggest decisions is often around the family home and to consider whether one party should remain/sell.
 - If you jointly own a property as joint "tenants", you will need to take advice on whether to sever the joint tenancy following separation until an overall agreement has been reached. The effect of severing the joint tenancy would be that, by a Will, you could leave your interest in the property to whomsoever you wished i.e. your interest would no longer automatically pass to your spouse in the event of your death.
 - If the matrimonial home is held in your spouse's sole name, you may need to take legal advice about registering a pending land action/restriction/matrimonial homes rights notice so that a property is not sold or dealt with, without your knowledge.
8. If you have a joint offset mortgage there is a risk that funds could be withdrawn from the mortgage account by your spouse up to the account limit, thereby reducing the equity in the property. Given this risk, we do advise you to consider whether to contact the mortgage company to see if they are willing to prohibit withdrawals from the account over a certain limit without your agreement.
9. **Child Maintenance** - If you can agree this, you can enter a family based agreement. If no agreement can be reached then a referral will need to be made to the Child Maintenance Service (CMS). As a starting point, consider: <https://www.gov.uk/calculate-child-maintenance>

10. Finances

- i. Divorce proceedings do not resolve financial issues. A separate Court Order is required dealing with financial issues. We recommend you obtain legal advice on this point.
- ii. Decide early on which process you are going to use to resolve financial matters i.e. solicitor's negotiation, collaborative law, mediation or the Court route.
- iii. The first step, whichever route you take, will be to gather together your financial information and supporting documentation in relation to your income, assets, pensions, liabilities and any other relevant information.
- iv. Buy a lever arch file and get organised from the start.