

# YOUR GUIDE TO DIVORCE

A LAW SOCIETY OF IRELAND SERIES



## What is a divorce?

Marriage is a legally binding contract that gives people certain rights. A decree of divorce ends a marriage contract and allows either person to remarry. Only a court can end a marriage contract.

## When can a divorce be granted?

Either the Circuit Court or the High Court can grant a decree of divorce if the judge is satisfied:

- the couple has lived apart for four of the previous five years,
- there is no prospect of a reconciliation, and
- proper provision has been or will be made for each person and any dependant children.

## I want a divorce. Why should I talk to my solicitor?

When you divorce, it puts an end to some rights, such as inheritance and pension rights. There are many practical things to consider, such as where each person will live and arrangements for children. Before agreeing matters with your husband or wife, it is important to talk to your solicitor. Your solicitor will help you to understand your

options and guide you through the process.

## Alternatives to divorce

Divorce is a complex legal process and is often considered as a final option. Before starting divorce proceedings, your solicitor will help you consider the alternatives, such as:

- a separation agreement. The terms of the agreement can be reached through mediation or negotiation through your solicitor.
- judicial separation. If a couple cannot reach agreement, either person can apply to the court for a decree of judicial separation.

## Mediation

A mediator is a neutral person trained to help separating couples reach agreement in relation to key issues such as custody and access to children, maintenance and property rights. Make sure you know your legal rights before making any important decisions. Talk to your solicitor first.

## More information

For more information about making a will, visit [www.lawsociety.ie/familylaw](http://www.lawsociety.ie/familylaw)

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