

The ' Silver- Haired' Divorce in Surrey !

Many of us will have read recently that the divorce rate has dropped to its lowest level since 1981 (128,534 in 2007 compared with 132,562 in 2006). There is nothing new in that. What is perhaps more stark is the marked rise in couples aged 60 or older getting divorced (some 13,678 in 2007) dubbed by the media as the 'silver- haired divorce'.

Whilst this does not signify that the whole fabric of family life is in danger of breaking down, it does show that the pressures of modern day life affect all age groups and that more than ever people are prepared to make the split after many years of unhappy marriage in search of a new life.

Many family lawyers in Surrey will acknowledge that they have seen a steady rise over the years in couples of a mature age, particularly amongst the affluent, equity laden middle classes in Surrey, seeking to exit from vacuous marriages after their children have become independent and left home.

If you are a person of maturing age seeking divorce, or you may even be silver haired, here are my top 10 survival tips:

1. Never denigrate your spouse's contribution to a long marriage. Arguing that financial contributions to a marriage should have greater value than domestic family contributions has no legal force.
2. Do not try and prioritise the needs/wants of your new partner over and above the legitimate claims and needs of a spouse to whom you have been married for a long time.
3. Do try not to involve the children of the marriage in an acrimonious spat. They will have divided loyalties and will not want to take sides.
4. Be realistic and reasonable with your expectations for outcomes. Assets after a long marriage are invariably divided equally unless there are compelling reasons for an unequal split.
5. A pension scheme is a shareable asset on divorce and will usually be shared in order to provide the other spouse with an income in retirement. It will often be appropriate to have a more sophisticated solution than one spouse keeps the house and the other (quite often the husband) keeps his occupational pension.
6. Consider all options, which may include divorce avoidance, as a means of maximising the incomes in retirement and preservation of widows/widowers pension on death. In amicable settlement with your spouse. Early consultation with a Resolution member (www.resolution.org.uk) is highly recommended.

7. Family members can be well meaning but they are partisan and are no substitute for taking independent advice. Consulting a lawyer is not contrary to popular perception necessarily 'hazardous to health'.

8. A specialist family lawyer can help you avoid the many legal pitfalls and stop you wasting money/assets on unnecessary litigation. You may also feel empowered to reach an amicable settlement with your spouse. Early consultation with a Resolution member (www.resolution.org.uk) is highly recommended.

9. There are alternatives to litigation with your spouse which are cheaper, quicker and altogether better. Consider, for example, Collaborative legal practice if you and your spouse both agree that you do not want to resolve your differences through the courts (www.collabfamilylawsurrey.co.uk)

10. Always have the three Ds' in mind - divorce with Decorum, Dignity and Deference for your spouse. There is no such thing as an amicable divorce but it helps to try!

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