



What Is The Process For Couple Separation In Ireland?



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When a married couple has reached a point of having irreconcilable differences, it can be an anxious and emotional time. Deciding to separate is a difficult one for both parties, particularly when there are children involved. Historically, there was a societal stigma attached to separation in Ireland. However, in recent times, Ireland has become more accepting of separation and divorce, propelled by the Marriage Referendum which resulted in a reduction in the length of time required for couples to live separately before applying for a divorce.

Separation in Ireland is still a lengthy process, which can take its toll on couples who wish to move forward with their lives. Once a couple has reached the difficult decision to end their marriage, the first step is to formally separate.

In this eBook, we provide you with an overview of the steps involved in couple separation in Ireland, and how a family law solicitor can help you navigate this process.

Initiating a separation in Ireland

When you and your spouse have decided to separate, the first step is to consult with a family law solicitor. At a time of high emotion and stress levels, having the support and guidance of your solicitor will be hugely beneficial and will help you avoid making any irrational decisions that you could regret at a later point.

Agree on arrangements for dependent children

Children can often be caught in the crossfire between their parents in the breakdown of the marriage. To minimise the disruption to the family unit, the most urgent step is to figure out the living arrangements for the child or children so that both parents can have access to them. According to the Courts Service Annual report for 2021, there was a 15% increase in new applications in guardianship, access, and custody cases relating to children – up to 10,016 new cases in 2022.



Enter into a Separation Agreement

Once a couple has decided to formalise their separation, the most viable step is to enter into a Separation Agreement. At this stage, both spouses will need to instruct their solicitors to represent their best interests. Ideally, this agreement should be fair and equitable to both parties and it should cover all aspects of the separation. This can range from financial and property division to child custody and maintenance payments, which can be a lot to figure out, not to mention the emotional toll of negotiating all of this. This is where choosing the right family law solicitor can prove to be extremely valuable.

Apply for a Judicial Separation

When a couple cannot agree on the terms of their living arrangements following the breakdown of the marriage, a judicial separation is a subsequent option. Either party can apply to the courts for a 'decree of judicial separation' and this decree essentially confirms that the couple no longer is obliged to live together as a married couple. The couple will have to select the grounds for the application and some of the options include adultery, desertion or unreasonable behaviour. The most common ground in Ireland on which the decree is granted is when the court acknowledges that the couple has not conducted a normal marital relationship for at least a year before the date of application.

A judicial separation will also cover all issues relating to the end of the relationship, from child access and maintenance to the division of financial assets including property and pensions.



The final step is divorce

While a judicial separation signals the end of a marriage, neither party can remarry unless they take the next step and apply for a divorce. The Family Law Act of 2019 determines that couples who wish to divorce must live apart from each for a minimum of two out of the preceding three years before applying for a divorce. In a divorce, the application is essentially requesting the court to make orders about all the key issues pertaining to the termination of the marriage.

Choosing the right family solicitor is key during a separation

If you are considering a separation in Ireland, Summit Law is here to help. Our experienced and empathetic Family Law solicitors can provide discreet and professional guidance to help you on this journey.

We understand the financial burden of a marriage breakdown can be a huge source of worry so we aim to make the process more straightforward and affordable for you. Contact us today at cillin@slaw.ie or call **01 223 4910** to schedule a consultation and get the legal advice you need to protect your rights and interests.





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