



How To Get A Divorce In Ireland And Why Legal Mediation Is Crucial



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Our country has seen some major changes in the legislation surrounding divorce in recent years, so it's no surprise that many remain unsure of how to get a divorce in Ireland. With the divorce rates steadily on the rise, Ireland is moving forward, leaving the stigma attached to divorce behind.

However, divorce is still a challenging process to go through, and it certainly takes its toll on all those involved, both emotionally and financially. Before taking such a drastic step, it's essential to understand the legal process of divorce and ensure that every alternative dispute resolution method has been explored.

For those contemplating or in the process of seeking a divorce in Ireland, this eBook aims to provide insights into the process of divorce and, more importantly, highlight the indispensable role of legal mediation.

How to get a divorce in Ireland – the legal landscape

The first thing to note about divorce is the finality of the process. With a legal separation, there's still the option to reconcile and mend a broken marriage. However, once the court has granted a decree of divorce, the marriage is permanently dissolved, leaving both parties free to remarry if they wish.

To initiate a divorce in Ireland, certain legal requirements must be met. The most important requirement is that the couple must have lived apart for at least two of the three years before starting proceedings. Secondly, a divorce cannot be sought in this country unless at least one spouse is domiciled in Ireland or has lived here for one year before initiating the divorce. Thirdly, the Court must be satisfied that there is no prospect of a reconciliation.

And finally, there must be proper provision made for each spouse and any dependent children. What this means is that both spouses and children need to be looked after from a financial aspect, through spousal support or child maintenance.



How to get a divorce in Ireland – understanding the basics

Once the requirements for divorce have been met, either spouse can apply for a divorce. The person who applies for the divorce is known as the applicant, while the other is referred to as the respondent. The duration of divorce proceedings largely depends on whether the divorce is contested or not.

- Divorce by consent: where both parties fully agree on the terms of the divorce
- Contested divorce settled out of court: where initial disagreements between parties have now been resolved, thus no longer requiring a contested court hearing
- Contested divorce: where neither spouse can agree and therefore must go before the courts to settle the matter

Essentially, if all arrangements can be agreed outside the courtroom, the more beneficial it will be for all parties concerned. Legal mediation is a key aspect that can significantly alter the course of divorce proceedings.



Why legal mediation is essential in divorce

Before diving into the importance of legal mediation in the process of divorce, let's first look at a simple explanation of this step.

What is legal mediation?

Essentially, legal mediation is a voluntary and confidential process where a neutral third party, the mediator, facilitates communication and negotiation between divorcing parties. Unlike traditional litigation, mediation focuses on collaborative problem-solving, allowing couples to reach mutually agreeable solutions.

How legal mediation facilitates amicable solutions

Going through the breakdown of a marriage can be an emotional rollercoaster, fuelled by hurt and anger, as well as fear for the future and what that may look like for the family unit.

One of the primary advantages of legal mediation is its ability to foster amicable solutions without being clouded by heightened emotions. By encouraging open communication and cooperation, mediation allows divorcing couples to maintain a degree of control over the decisions that shape their futures. This contrasts starkly with the adversarial nature of litigation, where decisions may be imposed by the court. In fact, according to industry insights, 75% of legal disputes in Ireland are resolved through mediation.

Addressing complex divorce issues through mediation

Divorce is never simple, however, and some cases are certainly easier to resolve than others. So how can mediation help in divorce proceedings of a more complicated nature?

The three main issues in the breakdown of a marriage that warrant the most attention are children, money and property. Legal mediation becomes particularly invaluable when addressing such complex issues as child custody, property division, and financial support. The mediator guides the discussion, helping the parties explore creative and tailored solutions that suit their circumstances. This approach promotes fair and sustainable agreements, steering clear of long-drawn-out legal battles.

The impact of mediation on emotional and financial well-being

The breakdown of a marriage can be emotionally and physically draining, not to mention costly. Mediation can have a positive impact on both of these aspects. The collaborative nature of mediation often results in a less acrimonious process, reducing emotional strain on the parties involved.

Additionally, mediation helps both parties come to an amicable resolution more efficiently, avoiding lengthy court battles and the financial cost that goes hand in hand with such battles.

Finalising divorce with mediation: a smoother path

As the divorce process nears its conclusion, mediation offers a smoother path to settling agreements. The efficiency and effectiveness of mediation enable parties to resolve faster, minimising the time and resources invested in the legal process.



How to get a divorce in Ireland – choose Summit Law for expert mediation

In the challenging landscape of divorce, having the right support in place can make a huge difference in the path towards peace. Engaging in mediation leads to a smoother resolution that will be far less draining both emotionally and financially.

During a marriage breakdown, Summit Law emerges as a beacon of expertise and support. With a focus on family law and mediation services, our team is committed to guiding individuals through the divorce process with compassion and professionalism.

We bring a wealth of experience in family law and specialised expertise in mediation, ensuring comprehensive support for our clients, along with a dedication to facilitating constructive resolutions.

Contact us today at cillin@slaw.ie or call **01 223 4910** to explore how mediation can make a positive difference in your divorce proceedings.





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