

When the end of summer spells the end of marriage

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Lawyers often talk about ‘divorce day’ in January and report a similar surge when summer holidays are over. [Research*](#) looking at the timing of divorce petitions bears this out, with peaks after the summer and winter holidays. The researchers suggest that while troubled couples may view holidays as a time to stand together for children and an opportunity to mend relationships, the reality is that proximity exacerbates tensions and may be the final straw for many.

When Angelina Jolie filed for divorce from Brad Pitt in 2016, it followed a family disagreement on board a private jet taking the couple and their six children back to the United States from the South of France. Despite Jolie submitting the petition immediately the couple separated, two years down the line it has yet to be heard in court, with financial submissions taking a back seat while the couple continue to battle over custody, according to [news](#) reports.

In the UK, no-fault divorce has come a step closer with the [news](#) that the Government is planning to overhaul the law, but even in situations where everyone agrees, reaching a final outcome can take much longer than couples ever imagine, so the advice is to focus on the practicalities, which can be far-reaching.

Family lawyer [William Roberts-Phelps](#) says:

“Thinking clearly, setting aside high running emotions and avoiding point-scoring can make the difference if the worst happens. You also need to look at the bigger picture and consider how the relationship impacts on every aspect of your life.

Something often overlooked is getting an up to date will in place. If you have an existing will that leaves everything to your spouse, it will remain valid until the decree

absolute is confirmed, even if you have separated or received your decree nisi.

Equally, if you do not have a will and something were to happen to you before the divorce is completed then the intestacy rules would apply. These govern what happens when someone dies without a will, and, again, the spouse you are divorcing would benefit.

Updating or making a will ensures that your estate reflects the outcome that you want, which is important if you have children or if you have moved into a new relationship.”

Recently, a new partner had to make a legal challenge to secure provision for her infant children when their father died before the divorce to his former wife was complete. Bianca Corrado had a long-term affair with Malkiat Singh Ubbi, but his will had not provided for the children, aged three and six months, meaning the only route open to Corrado was to bring a claim on their behalf under the Inheritance Act for provision as dependents. In [Ubbi v Ubbi](#), the High Court awarded almost £400,000 to the children from the £3.5m estate, and the case is likely to be used as future guidance for similar Inheritance Act claims on behalf of infant children in the future.

William added:

“In this case the court had to make a reasoned decision, but it may well be that the children’s father would have been more generous if he had made provision in his will. This was a positive outcome for the children but taking a case to the High Court is not an option for many people. Many people don’t like to deal with making a will, for all sorts of reasons, but the fallout for those left behind is worth keeping in mind.”

RIAA Barker Gillette's private client team have a raft of experience drafting wills and advising on estate planning. Why not give them a call today?

* The research was carried out by a team from the University of Washington and involved divorce petitions in Washington DC over a 14-year period.

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

