



SEPARATION AND DIVORCE

It is a feature of society today that a large number of personal relationships, marriages and civil partnerships break down. At such times, which often can be emotional and distressing for clients, we at Miller Samuel are able to give clear and confidential advice.

The law in this area is becoming more and more complex and many issues need to be considered when a relationship breaks down such as:

- heritable property
- financial assets
- pensions
- family businesses
- taxation
- succession issues and of course any children of the relationship

At Miller Samuel we endeavour to resolve family disputes without resorting to litigation. Entering into negotiations with solicitors acting for the other party and reaching agreement on the terms of a Separation Agreement is often less stressful for the client and the family as a whole. The Separation Agreement can amongst other things cover all financial affairs together with custody and access of children. A Separation Agreement can also be considerably cheaper than running a contested divorce action in the courts.

Where the parties can reach agreement and enter into a joint Separation Agreement then a Decree of Divorce can be granted one year after the date of separation provided the parties consent. Exactly the same principals apply to the break down of a civil partnership.

At times it will however become necessary to resort to court action where a satisfactory agreement cannot be reached. This can either be raised in the Sheriff Court or where necessary in more complex cases in the Court of Session.

At Miller Samuel we provide expert advice on all aspects of family law including the complex issues surrounding separation and divorce. For further assistance please contact Edward Laverty or Lorna Bennie on 0141 221 1919.