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Categories: self- representation; consent; proper provision

Judge commends couple on agreement reached in consent divorce

A Circuit Court judge in a regional town granted a decree of divorce where the husband and wife had agreed and signed the terms of their divorce in advance. The husband and wife were present in court and they each represented themselves. The judge complimented the parties on the work they had done to reach agreement and she encouraged them to ask her any questions as she went through the consent terms with them. She said she was there to help them and make sure that their application was one which she could granted, and that proper provision had been made for both of them.

The applicant wife gave her formal evidence. She identified her original marriage certificate and confirmed her date of marriage. The wife told the Court that the parties had been separated for approximately eight years. They had sold the family home at that stage, and they had split the net proceeds of sale on an equal basis between them.

The wife said there were two children of the marriage and both were no longer dependent. They resided with her in the property she had bought after the separation. She said that both the husband and she had secure accommodation and they were not seeking any financial reliefs from each other. She said they were not seeking a share of each other's pensions, and they were seeking mutual blocking orders pursuant to section 18(10) of the Family Law Act 1995. She said they were also seeking a declaration that the wife was the sole legal and beneficial owner of her property and the same for the husband with his property.

The husband confirmed to the judge that he understood and consented to the orders being sought. The judge noted that the husband had also sent a letter of consent to the court office.

The judge said that she was satisfied that things were in order and that the statutory and constitutional requirements had been met. She said she was satisfied that proper provision had been made for both parties and that they had been separated for the requisite period of time.

The judge granted a decree of divorce, and orders and cross orders pursuant to section 18(10) of the Family Law Act 1995. She ordered nil spousal maintenance inter partes and a declaration that the applicant was the sole legal and beneficial owner of her property and the respondent was the sole legal and beneficial owner of his property. She made a declaration that they each solely owned the assets as set out in their respective affidavit of means. She ordered liberty to apply and no order as to costs.

The judge commended the parties for reaching agreement and for filing the requisite paperwork. She wished them both well and hoped they remained friends and she wished their children well.