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Categories: previous judicial separation; access; mediation

Consent divorce where judicial separation settled financial issues

A judge in a regional town ruled a consent divorce where the parties had been granted a decree of judicial separation some years earlier. Each of the parties was represented by a barrister and solicitor.

The applicant husband's barrister informed the Court that a judicial separation had been granted in 2023 and at that stage the financial issues between the parties had been resolved, including the division of their pensions. The applicant had paid €250,000 to the respondent for her interest in the family home, and he remained residing in it.

The applicant's barrister said that the main issue between the parties was access with their two primary school aged children. A court-ordered child welfare report had been carried out which had recommended 50-50 access as this was what the children themselves had wanted. The barrister said that the parties had agreed an access schedule between them and this had worked well since the judicial separation.

Both parties had equal weekend and mid-week access, and school holidays and bank holidays were divided equally, with both parties being flexible in relation to holidays and bank holidays. Each party had agreed to notify the other of summer holiday plans by the end of February each year. The parties had agreed to continue using the My Family Wizard app with each party agreeing to respond to messages in a timely manner.

The applicant's barrister said that the parties had been working with a mediator and if any disputes were to arise in the future, they had agreed that they would attend mediation before going back to court.

The applicant's barrister informed the Court that the maintenance order made following the parties' judicial separation was now vacated, and the parties had agreed to discharge 50 per cent of all of the expenses relating to the children going forward. She said that expenses were to be agreed between the parties and to be reimbursed within seven days.

The applicant husband gave formal evidence. He identified the original marriage certificate and he confirmed the date of marriage. He said the parties had lived separate and apart since June 2022 and there was no reasonable prospect of reconciliation between the parties.

The judge said it was clear that a lot of work had gone into the settlement and the parties were to be commended on this. She said the most important aspect for the court was the welfare of the parties' two children. She said she had read the child welfare report, and she was satisfied with the terms as outlined by the applicant's counsel.

The judge granted the parties a decree of divorce and she made orders in terms of the compromise signed by the parties. She ordered liberty to apply and mutual orders pursuant to section 18(10) of the Family Law (Divorce) Act 1996 so that neither party would be entitled for provision out of the estate of the other. There was no order as to costs.

The judge wished the parties and their children well.