



MACLELLAN & ASSOCIATES

Barristers & Attorneys, Notary Public

WHAT TO CONSIDER IF YOU HAVE DECIDED TO FILE FOR DIVORCE

You are in an emotionally tough place and have reached the conclusion that you have no other option but to end the relationship. You decide to file for divorce and find yourself in the middle of many confusing issues. Many decisions need to be made especially if children are involved. Here are a few things to consider during this time:

- (1) **Your approach** – how will you discuss the fact you wish to have a divorce with your partner in an environment in which you both have support and feel safe?
- (2) **Where will you live** – consider where you, your spouse and your children will live. How will you afford this? If you are a spouse who is not working talk to your lawyer about your options. If you are the spouse who makes the majority of the money you will need to make sure you understand what your financial commitments are to your spouse and children.
- (3) **Where will your children live and who will have care and control of them** – consider their ages and the impact the divorce will have on them. Consider how you will tell the children and how you plan to help them cope with the divorce. Maybe consider talking to a child psychologist to understand how best to deal with issues regarding the living arrangements for the children to include access.
- (4) **Financial implications** – consider joint accounts, joint credit cards, joint investments, loans, mortgages, and debts. In other words consider what are all your marital assets and marital debts. What percentage of the value of your marital assets is each of you entitled to? If your property needs to be valued, whom will you instruct? If you run your own business are your accounts up to date? How much is your business worth? How will you share responsibility for any joint debts? Who will keep the car and who will continue paying for any insurance to include house, car and health? Who will be responsible for the payment of children's school fees, extra curricular activities and all other expenses relating to any children?
- (5) **The Process** - having considered the above, how will you go about obtaining your divorce? Will you and your spouse be in a position to work through all of the above issues and come to an agreement? Will you both decide to go and see a mediator to help you work through all the issues? Will you decide to both hire Collaborative lawyers to try to reach an amicable



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settlement? What are the consequences of taking the litigious approach and battling it out in court? How much will the divorce cost?

(6) Hiring a lawyer – your lawyer can help you through all of the above. You should ask what their hourly rate is, and what their retainer is. Ask if they practice Collaborative law and also if they have ever handled a case like yours. If you are concerned about your immediate finances, discuss this with your lawyer as well. Discuss your needs and what you want out of the divorce. Decide how much time and money you want to spend. For advice on how to select a lawyer see www.bdabar.bm

(7) Support network – The Collaborative Law Alliance of Bermuda (www.cla.bm), The Bermuda Psychologists Association, Bermuda Counsellors Association, Family Centre, Women’s Resource Centre, Coalition for the Protection of Children, Physical Abuse Centre, Reading Clinic.