

## Q & A: Family Law

By: Georgina Chase, Solicitor in the Matrimonial Department, Russell Jones & Walker



No one expects their relationship to break down but dealing with any split can make a difficult time very stressful. Are you prepared for the issues involved when a relationship breaks down? What will happen to your pension? Will the CSA be involved? Who will stay in the house? It is my job to guide you through this legal and financial minefield. I hold a legal surgery every other month at the Cheshire Federation office and your first appointment is free, thereafter police officers and police staff receive a 30% reduction on my normal hourly rate.

Here are a couple of examples of questions asked at surgeries and an outline of the advice given:

### **Question:**

**“Is my spouse entitled to any of my police pension?”**

Answer:

“Any asset that has accrued during your marriage will be considered a marital asset and as such the court will take your pension into account when deciding on the division of the finances because you have been contributing to it while you were married. The extent of your spouse’s claim against your police pension will depend on several factors, such as how long you have been married and the value of your spouse’s own pension provision. A relatively short childless marriage is likely to result in you keeping your pension intact, but a longer marriage and/or one with children is likely to have an impact on your pension.”

### **Question:**

**“I have been married to my spouse for twelve years. We have three children and the property is in their sole name. Do I have a claim upon the property?”**

Answer:

“The fact that the property is in your spouse’s name does not prevent you from having an interest in that property. The court’s priority will be to ensure that your children’s housing needs are met. The court may consider the property being transferred to the main carer of the children and if that is you, you will need to consider whether or not you

can meet the mortgage repayments as well as the other outgoings. If there are no other assets to be divided it could be that it is agreed that you stay on in the property until the children finish full time education or alternatively when the house is sold, when your spouse will get their share of the property. If neither of the above options is feasible then it might be that the property is sold at an early stage and the proceeds divided so that you can all be re-housed, but this will depend on the amount of equity that is in the property.”

It is vital that you get the right advice from the start. At Russell Jones & Walker we specialise in police divorces and have the knowledge to advise you thoroughly on your relationship disputes. For further advice please contact my office on 0161 383 3646 to make an appointment to see me at the next surgery.

**Georgina Chase**

Solicitor in the Matrimonial Department

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[www.familylaw4police.co.uk/your-force/north-west/cheshire](http://www.familylaw4police.co.uk/your-force/north-west/cheshire)