

GUIDE TO DIVORCE FOR THE OVER 60s

Divorce is not something people find easy to talk about at any age but when you have spent decades together, dividing a life and assets accumulated over that time may make the process harder. Whilst the legal process of getting divorced is the same regardless of age, there are certain considerations that those over the age of 60 may need to consider..

CAPITAL, INCOME & PENSIONS

Despite us working longer, the reality is that most people over the age of 60 have a limited working life ahead of them. As such the ability to create an income and add to pensions or capital is reduced. Pension lump sums are likely to have already been taken. It may therefore be harder to achieve a 'clean break' i.e., neither party having any claims against or obligations for the other moving forwards as maintenance may need to be paid by one spouse to the other.

HOUSING

If there are not sufficient assets to meet both your housing needs you may need to think about obtaining a mortgage. Some lenders are willing to lend to people up to the age of 70. Equity release schemes are another option should one person want to remain in the marital home or sheltered accommodation/part ownership may need to be considered.

HEALTH ISSUES / CAPACITY

Health issues may affect a spouse's needs. If your spouse lacks capacity i.e., they are unable to make decision by themselves they will need to have a Deputy/Litigation Friend appointed by the Court of Protection to act on their behalf in the divorce.

INHERITANCE

If you are in your 60s you may have elderly parent(s) and inheritance prospects that you may want to protect.

CHILDREN / DEPENDENTS

Whilst this is likely to be less of an issue for couples over 60, there are occasions, such as a child being under 18 or disabled where parties will need to consider how the child's needs are going to be met and who is going to care for them. Other dependents such as elderly parents may also need to be considered.

ALTERNATIVES TO COURT

We believe it is better to try and reach an agreement amicably and outside of Court. If you have children and grandchildren it is all the more important to ensure that in the future you are able to attend family events together. We can discuss all the alternatives available to you and which is most suitable.

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