

Divorce vis-a-vis Separation

Rosie Wee

When marriage breaks down irretrievably the dilemma that faces the spouse would be whether to opt for separation or divorce. In this article, we examine the dilemma of divorce.

Divorce has its advantages because:

- It augurs a final break and an end to a traumatic life between two sparring partners.
- You are now free to pursue a new life.
- Remarriage is now possible.
- The custody issue is determined.

If divorce is in your mind, you may wish to consider the following pointers:

<i>Don't</i>	<i>But Rather</i>
*take out the grievances on the children	*explain to the children that their parents don't love each other anymore
*cling on to the past	*accept it as final and get on with life
*rush into a second relationship	*rebuild your life
*sever the relationship among the children	*let the children stay together
*sever your children's relationship with your ex-spouse	*maintain the status quo

Separation may be a better alternative to divorce because:

- of religious considerations.
- It is less traumatic.
- The possibility of a reconciliation is there.
- The status quo is preserved.
- Divorce is final and you may have reservations later.
- The children are less traumatised.
- There is no social stigma for both you and the children.

If divorce is “what you” want:

1. Consult a marriage counsellor to ascertain that divorce is the only possible solution.
2. Make a careful assessment of your financial position.
3. Try to avoid the unpleasantness of a contested divorce by having a divorce on a no fault principle.
4. Try to part as friends for the children’s sake.
5. Consider the legal cost. To minimise this, try to have an uncontested divorce.
6. Come to a mutual agreement on maintenance, custody/access and the division of the matrimonial property/assets.

A divorce can be granted if you are able to satisfy one of the five factors as evidence that the marriage has broken down irretrievably.

1. One party has committed adultery and the other spouse finds it intolerable to live with.
2. One spouse has behaved unreasonably and in such a manner that the other spouse cannot reasonably be expected to live with him.
3. The parties have lived apart for a continuous period of at least 3 years and the respondent consents to the divorce.
4. Both parties have lived apart for a continuous period if at least 4 years (Respondent's consent is not required).
5. The Respondent has left the Petitioner without any good reason for a continuous period of 2 years (desertion).

Conclusion

To divorce or not to divorce is a painful decision which requires careful consideration. Whichever option you choose, abide by it, see it as a temporary setback and carry on with life.

Exclusive Oct-Dec 1991

For more Exclusive Newsletters, please visit
<http://helpfsc.org.sg/exclusivenewsletters>