



## The legal implications when you receive your Decree Absolute

This Stowe guide explains what the legal implications are when you receive your Decree Absolute and your marriage is legally over.

The Decree Absolute records the dissolution of your marriage. It is an important document and needs to be kept safe. You will need to produce the Decree Absolute if you wish to remarry and for other official purposes.

The legal consequences of divorce are:

- You and your former spouse are free to live separate lives without any obligation to live with one another.
- Any financial orders become “live” and capable of being enforced.
- You and your former spouse are no longer next of kin. You cannot inherit from the other’s estate if one of you dies without a Will.
- You are free to remarry. If this is contemplated, you may wish to draw up a prenuptial agreement to protect your assets. You should also seek advice before remarrying if you have not activated your financial remedy claim in the divorce proceeding.
- If you have a Will which includes reference to your former spouse, this needs to be revisited and a new Will drawn up. Any references in a current Will to your spouse are treated as

void following the divorce. This may result in a partial intestacy or your estate being distributed in accordance with “back up” provisions which may no longer reflect your wishes.

- If you do not have a Will, your former spouse will no longer inherit automatically from your estate. Without a Will, your estate will pass to your surviving family members based on a strict order which, again, may not reflect your wishes.
- Neither of you can claim a married couple’s allowance for tax purposes or any benefit or tax relief which arises as a result of marriage.
- You lose any claim to an interest in your former spouse’s pension as widow or widower.

### Future actions to consider:

Make a new Will to take account of your changed circumstances, if you have not already done so. You can find out more about our specialist Wills & probate team [here](#).

You should check your “death in service” benefit or pension provision to ensure any nomination you may have completed in favour of your former spouse has been cancelled.

### Need more information?

Call our Client Care Team on 0330 838 7456 to speak with one of our specialist family lawyers or visit [www.stowefamilylaw.co.uk](http://www.stowefamilylaw.co.uk)