



Family Law

CALL US - BEFORE
YOUR EX DOES!



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LAWYER

Q

My wife refuses to give me a divorce. She says we are married for life (and besides, she wants to stay on my benefits.) What can I do? Enough already!

A

The good news is that you don't need your wife's consent to obtain a divorce, but you are going to have to do a little work to get divorced. The next steps are unique to your situation, so I encourage you to seek out the advice of a family lawyer as you proceed.

In a perfect world, you would serve your wife with a divorce application, and if your ex does not respond within 30 days, it is considered to be 'uncontested' and you can proceed to obtain your divorce. Part of the application would include attaching a separation agreement or court order, indicating the date of separation.

Your wife does not have the power to force you to keep her on your benefits, unless there is a court order or separation agreement which says otherwise, and depending on various factors, you can challenge this.

If there is no separation agreement or court order, you will need to prove the breakdown

of the marriage; how long have you been separated? Was there adultery or domestic violence involved? If your application includes some evidence of this, you may be granted a divorce over her objections.

If you have been separated for a while, it is possible that you no longer know where your ex-wife lives. In this case, you need to show the court you have done everything possible to find your spouse: Facebook, email and placing an ad in the local newspaper in the community where she last lived, are examples of efforts to contact and serve your wife with the divorce pleadings.

Your friends at Shank Law.



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