

Divorce & Family

Key issues



 resolution
first for family law

www.kww.co.uk

What you need to know

There are many things to think about when going through a divorce. It is likely to mean changes to where and how you live, as well as changes to your finances. This can be further complicated if children are involved.

It is a huge change in your life and can be a very difficult and emotional time.

The first consideration for anyone thinking about divorce is to get advice from a Specialist Family Lawyer early on. Here at KWW Solicitors, David Anstee is an accredited expert with Resolution (formerly the Solicitors Family Law Association).

Members of Resolution are required to conduct matters in a constructive and non-confrontational way. David will advise on the available options so you can decide the best way forward for you and your family.

As well as discussing the Court procedure with you, David will advise on the alternatives when resolving any issues there may be in relation to finances or children, so that Court proceedings are always a last resort.

One of the options is to negotiate through solicitors. This involves you and your solicitor discussing the options best for you and negotiating with your spouse and their legal representatives to try to reach an agreement. This can be done through correspondence or at a round table meeting.

Another possibility is mediation. This involves you and your spouse seeing a specially trained mediator to help you resolve the issues surrounding your separation. This can only work if both of you are fully committed to the process and are open and honest about your circumstances. If all else fails, only then will the Court become involved.



There are ways of reducing conflict to ensure your divorce or separation is dealt with quickly, cost-effectively and with the least amount of disruption and anxiety for all family members.



Children

One of the more difficult aspects of separation are the arrangements to be made about any children and how they will be affected by their parents' separation.

The Court's main or primary concern when faced with any dispute over the care of the children will be the welfare of those children. While it is understood that emotions and feelings can be running high, far and away the best thing to do is reach an agreement with your spouse about childcare arrangements. This has long been proven to have the least unsettling impact on the children.

If you can do this there will be no need for the Court to make an order and no need for the Court to become involved in the process. This will dramatically reduce your legal fees and distress to all, in particular your children.

If it is not possible for you to reach an agreement between yourselves directly or through solicitors, the next best thing to do is to engage in mediation if appropriate. Whenever there are any disputes between yourself and your spouse it is always best to try to reach an agreement and use the Court as a last resort.

You and your ex-partner's attitude toward your ongoing relationship with the children is crucial. It is important to avoid using children as a weapon within the divorce and to keep to any agreement that is reached. For example, the changing of contact arrangements at the last minute or being unreliable with timing will only further damage your relationship with your ex-partner and will have a detrimental effect on the children and their relationship with both of you.

Further, it is recognised by the Court and professionals who work in family law that any issues involving money and children should always be kept separate. For example, the contact between the children and the ex-partner should never be withheld if child maintenance has not been paid.

Money

It is often assumed that a spouse's conduct during the course of a marriage or their behaviour leading to the separation will have an effect on family finances. This is not the case. It is only in very rare cases that a party's conduct will be taken into account.

When considering who should have what assets out of a marriage there is a duty on both spouses to give full details of their financial situation. If either party is dishonest or tries to hide assets, the Court can make orders for costs against the party trying to hide their assets.

One of the frequent difficulties in resolving financial matters is agreeing the value of the family's assets. Normally this relates to the value of the family home, pensions and business interests.

To try to avoid a dispute about the value of the family home, an estate agent can be invited to provide a valuation, often free of charge and without obligation. This can be arranged jointly with your spouse to avoid delays and cost.

After property, pensions are often the second most valuable family asset, and care needs to be taken when dividing them. It is a complicated area and more often not requires a pensions expert to provide a report setting out how pensions can be dealt with fairly.

If you have an accountant or independent financial adviser who has helped you in the past, they may be well placed to assist you with the value of assets owned by you and your spouse including business interests.

While trying to finalise financial matters it is best to minimise the changes to the ongoing financial arrangements between you and your spouse without notice and before taking advice. For example, emptying a bank account without notice or stopping standing orders can lead to acrimony and upset. This can make it more difficult to reach an agreement in relation to financial matters and is likely to lead to additional costs being incurred through having to use the Court process.

Removing the conflict

We at KWW understand how upsetting the legal process can be, and we will do all we can to minimise any tensions. We will focus on ways of reducing conflict to ensure your divorce or separation is dealt with quickly, cost-effectively and with the least amount of disruption and anxiety for all family members.



Fixed fees

KWW Solicitors offers a fixed fee initial consultation for £150 excluding VAT. This is a great opportunity for you to get the advice that you need about any relationship breakdown, at an extremely discounted rate. Depending on how that meeting goes, you may receive a note confirming the advice, so you can refer back to it after the meeting. We also offer a fixed fee of £1,450 inclusive of VAT and court charges for an uncontested divorce.

If you would like to take up either offer, please visit the Divorce and Family section of our website www.kww.co.uk and complete an online contact form.