



## DIVORCE AND FAMILY LAW

### The first step - Keep a Diary

Any one of us, when faced with a real threat that our relationship is breaking up, becomes emotional and confused. In that state it is difficult to remember exactly what happened and when. At the time other things may seem more important but if matters end up in Court, it will become critical that you can recall exactly what happened to the day hour and minute.

### The second step - See a solicitor

Seeing a solicitor is not the first stage of a process which will inevitably lead to Divorce. Most relationships get into difficulties because one or both partners feel insecure or threatened. This may not be purely a physical threat but can be due to a feeling of loss of freedom or loss of confidence in decisions being made by their partner. Frequently, we can help restore that confidence by showing that the fear is illusory and the threat does not exist or suggest steps which can be taken to restore ebbing confidence. We can also advise on whether counselling may be likely to assist in a reconciliation.

We are also able to explain the personal and financial consequences of break-up where a Divorce or Separation is inevitable.

### Unmarried couples

The consequences for break up where couples are unmarried are in stark contrast to the position of spouses. At present, under the law of England and Wales, unmarried couples have no automatic right to any share of their partner's assets regardless of how long the relationship has lasted. There can be a case for claims to be made if an interest in property can be established i.e. by payment towards mortgage repayments or contribution towards household bills. Whilst they are not binding, it may help for there to be a formal written agreement between couples as to what they would expect should their relationship break-up.

### Third step - Decide from a knowledge of your position

A good lawyer is duty bound to advise you in your own best interests. If you know where you stand legally, fears about what your partner may or may not do can be alleviated by an explanation of the legal position. It may be that the removal of that threat also removes the threat to your relationship. If it does not, then you will be deciding on break up with a full knowledge of the legal effects of your decision and on the least painful way of bringing your journey together to an end.

We do not only advise on the legal aspects. Any Divorce Lawyer will tell you that they spend many hours helping their clients with emotional and personal issues, because, often, they are the only person who the client can talk to who retains an objective and unemotional perspective. In our view our ability to stand with you and give you that perspective is a lawyers most valuable contribution. Whilst it is true that some couples are vindictive and belligerent - most people come to us with a sense of shattered dreams and only want a sad situation to be ended as painlessly as possible for all concerned.

### Children

It is a sad fact that the real casualties of the break-up of any relationship are the children. It seems that it is a fundamental human need that our parents should live together and that emotionally children will always wish that their parents renew their relationship together whilst understanding in reality that this could never be.

But, so often, the effect on their children is disregarded by parents in coming to the decision to part. This is an enormous oversight. From our experience, we would urge any couple contemplating break up to put the effect on their children at the fore front of their plans and, if they are old enough, to consult with and involve their children in such plans. We believe that all children would, if asked, wish to avoid the break up of two good parents. In far too many relationships that also means the loss of contact with one parent. Children will always regard that parent as their parent (no matter how unpalatable that truth may be to the former spouse and her/his partner) - There has to be a very good reason to deprive the child of contact with a parent that they love but whom you have come to hate?

We can advise, based on many years of experience, what arrangements serve children best and help plan a compromise (and it is always a compromise) which works for everyone. The Courts have a very poor record of achieving any workable arrangements which involve both parents fully in their children's future lives.



## Legal Costs

A Divorce is, for most, only the start of a what can be an expensive process. The expensive part is the arrangements for the children and the financial arrangements. To argue these in Court is going to cost Thousands of pounds and in some rare cases tens of thousands. We believe this is a compelling argument that an agreement should be reached on such matters without recourse to a Court battle. We have been told countless times that it is a matter of "principle" that a concession cannot be made. Our experience is that "principles" are often more expensive than their owners can afford. We would urge you to try and find common ground before resorting to the Courts to find a solution. It has the advantage of certainty and saves a great deal of money at a time when you have to set up two households instead of one.

We will be straightforward in giving you a realistic estimate of how much we think that such arguments will cost. Our work is charged at an hourly rate in units of 6 minutes. However, "there's nowt as queer as folk" and we cannot forecast how much a protracted argument may cost in advance - we can only give you frequent updates on what is "on the meter" to date.

## Fixed Fee Interview

Unlike most of our other work we cannot offer a free interview for these matters. However we will give up to half an hour of advice for a fixed payment of £60 (inclusive of VAT). In that interview we would expect to give you advice on the alternative actions open to you and their expected effects to enable you to come to a decision based on a full knowledge of the applicable law. If you are very upset and emotional we may need longer both to alleviate your anxiety and to give advice; If you feel that your emotional state may lengthen the interview, may we suggest that you put the issues you wish to raise to us by letter or e-mail in advance of the interview. Please contact us on:-

Contact Chris Kennett or Jackie Potter on Freephone 0800 019 3967 or e-mail [chris@hawklaw.co.uk](mailto:chris@hawklaw.co.uk) or [jackie@hawklaw](mailto:jackie@hawklaw)