



DIVORCE AND FAMILY LAW

Married couples or those in a civil partnership

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 and in what order.

The second step - See a lawyer

Seeing a lawyer is not the first stage of a process which may 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. We can advise on whether counselling may be likely to assist in effecting reconciliation. Most importantly we will be with you every step of the way.

We are also able to explain the personal and financial consequences of break-up where a Divorce or Separation may be required. This can lead to an agreement to enter into a Mediation process before any Court proceedings need take place.

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 e.g. payment towards a mortgage or contributions towards a property. Even contributions either financially or by hard graft to the improvement to the structure of a property (such as an extension or new windows) can go to proving an interest in a house. 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 what to do from a knowledge of your position

A 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 your legal position. The removal of that anxiety will help and 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 time 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 helpful contribution. Whilst it is true that some couples are unable to resolve matters amicably - many people come to us wanting a sad situation to be ended as painlessly as possible for all concerned.

Children

The real casualties of the break-up of any relationship are often 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 stay together or seek to renew their relationship together whilst understanding in reality that this could never be.

But, so often, parents overlook the effect on the children when coming to the decision to part. 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. We believe that most children would, if asked, wish to avoid the breakup of their parents. In many relationships that also means the loss of contact with one parent. There has to be a very good reason to deprive a child of contact with a parent that they love.

We can advise, based on many years of experience, on arrangements for contact and help plan a compromise which works for everyone.

Legal Costs

A Divorce can be an expensive process. The expensive part is usually arrangements for the children and the financial arrangements. To argue these in Court is going to cost thousands of pounds and in some 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. 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 need to set up two households instead of one.

We will be straightforward in giving you a realistic estimate of how much we think that your case will cost. Our work is charged at an hourly rate in units of 6 minutes. However, 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 a lot of our other work we cannot offer a free interview for these matters. However we will give initial advice for a fixed payment of £100 (plus 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. It often helps if you put the issues you wish to raise to us by letter or e-mail in advance of the interview.

Please contact either Tracey Hammond or Jackie Potter on Freephone 0800 019 3967 or email tracey@hawklaw.co.uk or jackie@hawklaw.co.uk