

A Guide to Family Problems



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Why see a Solicitor?

There are a number of reasons why you may need to contact your Solicitor to discuss a family problem. Your marriage or relationship may have permanently broken down or you may simply require some advice on a particular aspect of your relationship, for example financial issues or matters affecting your children.

Resolution (Solicitors Family Law Association)

We have at least one member of Resolution within the firm. Resolution is an association of Solicitors who follow a particular Code of Practice in dealing with family matters. The Code places greater emphasis on encouraging parties to negotiate and try to resolve their differences in a non confrontational way.

Reconciliation

We will discuss with you whether you want to attempt a reconciliation with your spouse/partner. If you wish to pursue this, we can refer you to experts who are trained to help.

Separation

You may have a religious objection to divorce. If so you may wish to consider proceedings for Judicial Separation. Alternatively you may not feel ready for legal proceedings but still have a need to try and resolve issues arising from your separation, such as financial matters. We can assist you with negotiations and if agreed terms are reached we can prepare a Separation Agreement to record these.

Divorce

If you have been married for at least a year a Court can grant you a divorce if you can show that your marriage has irretrievably broken down. This can be established by proving one (or more) of the following facts:

- Your spouse has committed adultery.
- Your spouse has behaved in such a way that you cannot reasonably be expected to continue living with him/her.
- Your spouse has deserted you for a period of at least two years.
- You have lived apart from your spouse for at least two years and he/she consents to the divorce.
- You have lived apart from your spouse for at least 5 years.

If you want to apply for a divorce we can prepare all of the necessary documentation and guide you through the Court process. If you successfully prove that your marriage has irretrievably broken down the Court will initially grant you a Decree Nisi of Divorce. Six weeks later you can obtain the Decree Absolute, which formally ends your marriage.

It is rare for a divorce to be opposed by the other party and so in most cases the divorce is completed within 6 months.

Finance and Property

In a divorce both parties are entitled to ask the Court to consider financial issues. Potential claims that can be made include spousal maintenance, lump sum provisions, property adjustment and pension sharing. In the first instance we can help you with negotiations to try and settle all claims. If an agreement is reached this can be incorporated into an agreed Court Order which is then legally binding on you both. However if settlement is not possible we can help you to make an application to the Court for appropriate financial provision. We can assist you with every aspect of your application including representation at Court hearings. Once an Order has been made (by agreement or after a hearing) we can also help you to implement its terms.

Child Maintenance
















You and your former spouse/partner are free to agree the amount of maintenance that should be paid for your children. We can assist you with negotiations. If an agreement can be reached we can prepare a Maintenance Agreement for you or help you to obtain a consent Court Order. If agreement is not possible then the amount of the child maintenance to be paid will have to be decided by the Child Support Agency.

Children

If you and your former spouse/partner can agree where your children are to live and the amount of time that they are to spend with each parent then there is no need for those arrangements to be approved by the Court. If however there is a dispute we can assist you with negotiations to try and help resolve that dispute. We can also refer you to Family Mediation so that you and your former spouse/partner can discuss matters in a non-confrontational way. If necessary we can help you to make an application to the Court for a Child Arrangement Order and can represent you at any Court hearings. If there is a dispute, the Court will need to be involved. Even then every attempt is made to reach agreement using trained and impartial Mediators. Only if Mediation fails will the matter go to final hearing before the Court.

Call us now for sound practical advice about any family matters.

We can offer legal advice on the following:

-  Wills, Probate & Trusts
-  Inheritance Claims
-  Commercial Property
-  Residential Conveyancing
-  Company/Commercial
-  Landlord & Tenant
-  Debt Collection
-  Business
-  Employment
-  Personal Injury
-  Motoring
-  Crime
-  Building Property Disputes
-  Partnership Disputes
-  Family