

Collaborative Family Law

Figures from the Office for National Statistics show that the divorce rate in England and Wales in 2008 was 11.2 people per 1,000. This therefore means that the number of divorces in 2008 amounted to over 121,000.

The divorce rate for those couples who have been married before is higher; last year, 1 in 5 marriages ending in divorce involved at least one of the parties having been married before.

Many of those marriages will involve children, either from that relationship, or from earlier relationships, and there will be a number of financial issues, for example property, maintenance, and pensions, to be resolved.

Collaborative Family Law is a way for divorcing or separating couples to work together as a team with their lawyers to resolve any issues arising out of their relationship ending without going to Court. An Agreement is signed, which sets out the intentions of both parties and their lawyers to work creatively and together towards building a unique solution that works for that particular family or couple. Both parties agree that they will not go to Court, nor threaten to go to Court, which means that everyone can talk in a much more open fashion about what they feel is important. If an application does need to be made to Court then both lawyers have to stop acting and cannot play any role within the Court action itself. This can therefore be a useful way of ensuring that if the negotiations do become difficult there is an additional incentive for everyone involved to try their hardest to reach an agreement.

What are the differences in the approach between a normal Court case and a Collaborative case?

Conventional Case	Collaborative Case
Your solicitor deals with communication.	You and your partner communicate directly.
A Judge might end up determining what is best for you and your family.	You and your partner agree what is best for you and your family.
A great deal of work goes on behind the scenes in correspondence passing directly between lawyers.	Everything of substance is discussed in full view of yourself and your partner within the round table meetings.
You hand over responsibility of your case to your lawyer.	You keep control of the process.
The pace of progress, within a Court based case, is determined by what time the Court has available in its diary.	The pace is as fast or slow as you like with meetings taking place as frequently or otherwise, as you choose.
Parties can come out of Court hearings feeling hurt or attacked by their partner and their partner's lawyers which can lead to resentment.	It is possible to communicate in such a way that you and your partner can continue to work together after the separation.
Children might perceive that their parents are being taken to Court and become anxious.	Children see that their parents are talking to one another to work things out.

Heather Weavill is a Collaborative Family Lawyer with Alison Fielden & Co in Cirencester.

Contact details:

Heather Weavill

(01285 653261)

hweavill@alisonfielden.co.uk

The Gatehouse, Dollar Street, Cirencester GL7 2AN

The other Collaborative Family Lawyers practising in Cirencester are: Michelle Bowyer of Sewell Mullings Logie Solicitors and Mike Brady of Davey Franklin Jones Solicitors.