

Alison Fielden & Co.

Solicitors & Notary Public

FACTSHEET

What is a Family Lawyer?

As you go through the process of separation or divorce, you may find you have to deal with a number of organisations or individuals such as the courts, welfare officers, the Child Support Agency, divorce information providers or mediators. These people offer valuable services. However, among all these, your lawyer is the only person who is trained to act for and advise you individually on your own interests and how to protect them.

Your accredited Family Lawyer will be committed to giving you independent advice on how to achieve the best outcome and can also be your guide to the other services available. Your Family Lawyer will be able to explain to you the steps and options open to you, advise you how to proceed, negotiate on your behalf and, if necessary, take your case through the courts.

How far your lawyer takes the matter is entirely up to you. If you instruct an accredited Family Lawyer it does not mean that the case will have to be taken to a court hearing. Your Family Lawyer is there to advise and help you but only to the extent that you want assistance. You can use your Family Lawyer merely for initial advice or just for certain aspects of your case or to handle the whole matter. Even then, most cases are settled by negotiation before any court hearing has to take place.

Remember, the outcome of your divorce or separation could have far-reaching effects on your future financial security and the welfare and future of your children. It is sensible to obtain the best help you can.

A CONSTRUCTIVE APPROACH

Experience shows that a sensitive and constructive approach to settling differences is usually beneficial to all concerned. An aggressive approach can often result in little more than a long exchange of complaints. Sometimes the opportunity to settle matters on a reasonable basis is lost.

As an experienced adviser, your accredited Family Lawyer is aware of this and will try to act for you in a non-confrontational manner. In particular, where there are children involved it is recognised that there will usually need to be a continuing relationship between the parents even after a divorce or separation has taken place. This working relationship between the parents is usually very important and beneficial for the children's future.

This does not mean that your lawyer will not be acting in your interests. There may be occasions where it is essential to take a firm and strong line to ensure that your rights are protected.

KEEPING YOU INFORMED OF PROGRESS AND COST

Divorce or separation are complex processes of which most people have little detailed knowledge. Family Lawyers are committed to keeping you informed of the progress of your case and, in particular, will keep you informed as to the costs involved in your case.

Your accredited Family Lawyer will do this by informing you at the beginning of the case of their method of charging and by providing you with a Client Care Letter which will include details of the firm's charging rates. Your lawyer will advise you of the availability of Legal Aid and, if appropriate, how to obtain this. You will also be kept informed at regular intervals, or whenever asked by you, of the costs position. If any action needs to be taken your lawyer will explain the benefits of doing so and the costs that are likely to be incurred.

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