

## **Dutton Gregory LLP – Family**

### **Finding Solutions**

If your relationship is coming to an end or has come to an end you want to know what your options are and what realities face you. In Dutton Gregory's Family Department we have plenty of experience and knowledge to assist you in this and to take you through the route that will suit you best. We will discuss with you the various different ways that are open to you to resolve the differences you have and create solutions. Some of the approaches include:

1. Assist you to discuss matters with your partner directly. This would be the case where you and your partner are on good enough terms to enable you to continue to speak together in a constructive dialogue.
2. Through solicitor led Negotiations. We would have a much more hands on role and will conduct negotiations for you.
3. Using Mediation: this procedure is an alternative to using the court and involves you and your partner meeting with an independent third party (the mediator) who will help you and your partner to negotiate your own settlement. We will be available to assist you at various important stages during this process.
4. Using the Collaborative process: this is a procedure that is a way of resolving issues without involving the court and is best for you where you and your partner are looking to have control over the outcome of negotiations with the benefit of solicitors on hand during the discussions.
5. Using the Court: this is the traditional approach and ought usually to be considered the last resort and to be used only where the above methods of Negotiation, Mediation and Collaboration are unlikely to produce results.

What aspects of relationship breakdown can we assist you with?

#### **Divorce/Civil Partnership:**

If you are married or have entered into a civil partnership and want to bring this to an end, we can explain to you the process involved, the likely cost, how long it will take and all the legal implications involved in this. We will guide you through the steps needed to satisfy the court that you are entitled to a divorce or civil partnership dissolution and also, where there are children involved, how to show the court that the arrangements you have made for the children are suitable.

#### **Arrangements for children:**

Most people on separating are able to sort out arrangements for where their children are to live, which party they are to live with and arrangements for seeing the other parent. Where parents are unable to reach agreement, we can assist by advising and, if necessary, applying to the court and seeking an order from the court to determine these questions. All avenues of

resolving questions relating to children are explored and these include negotiation, mediation and collaborative law: see above. Our aim is to keep all dealings about children whether through negotiation or through the court procedure child focused and our priority is to assist you in finding solutions that work for the children and both parents.

### **Financial Orders:**

In every relationship breakup there will be questions about finances whether the assets are limited or substantial. We will advise on all cases taking into account case law and statute law and bringing to bear our knowledge and experience in dealing with financial disputes. We will advise you on the guidelines that apply in your case, the facts and factors in your case that are relevant and will represent you fully whichever process of resolution you wish to choose. We will ensure that the procedures are followed in order to achieve the settlement that is right for you.

### **Unmarried Couples:**

Many people chose to live together, own property together and bring up children together without marrying or entering into a civil partnership. When these relationships come to an end, we are able to advise on the law and rules that apply in these cases. The applicable law is not the same as for married people and people in civil partnerships and this is an area of law where we will bring our detailed knowledge to bear for your benefit.

### **Final Settlement:**

On relationship breakdown whether you are married, in a civil partnership or simply living together, you want to know that the settlement you reach is final, binding and allows you to move on in life in the knowledge that everything is tidy behind you. We can assist you in this by obtaining the necessary court orders to achieve this. Sometimes, as in financial matters and where it is appropriate we are able to help you to achieve a clean break. On other occasions a settlement may be of a more longer lasting nature where, for example, continuing maintenance for a spouse or children is appropriate. On other occasions we will assist you to reach an agreement on contact arrangements for children whether that is by way of an agreement or a court order. No one size fits all and we are there to ensure that the solution you reach is exactly tailored to your needs and circumstances.

### **Domestic Violence:**

Can raise its head at any stage in a relationship and can often be the factor or a dominating factor in one party wishing to bring a relationship to an end. Domestic violence has a very wide definition and includes not just physical but also emotional and verbal violence and behaviour of a low grade but continual nature. We can advise you of the protection that the law can afford to the victim of such violence and the remedies that are available to a victim in those cases where the behaviour of the other party is particular severe.

### **Good News:**

Not all our work is about things when they go wrong. We are able to assist you in happier times. Many people, particularly people with assets who enter into a second marriage wish to

plan for what might happen if things go wrong. Such agreements are increasingly favoured by the judiciary whether entered into before marriage (pre-nuptial agreements) or after marriage (post nuptial agreements). They can be tailored to take into account all the circumstances and all the intentions and wishes that you and your partner bring to the table. We can advise you on the issues such settlements should address, how to make these settlements as binding as possible and the limits on finality that these agreements can bring. We think that such agreements are extremely useful and would urge more people to enter into them.

### **Funding and Costs:**

1. Legal fees are expensive. We recognise they are, in nearly every case, a significant burden and worry for each client.
2. We can offer fixed fees for some work, staged payments, credit card payments, deferred payment (with interest) or provide information on a legal fees loan. Every case is different and your lawyer will advise on the various options at the first appointment.
3. Public Funding / Legal Aid – at present the firm is able to offer some Legal Aid for clients who are eligible. However, there are now clear Government plans for the removal of Legal Aid in nearly all cases (it may remain in cases involving domestic violence). So for a limited period (possibly until the end of 2012 / beginning of 2013) we are able to offer this service. Not all our solicitors however deal with Legal Aid work. Please ask when making the appointment.
4. Fixed Fee Divorce – we offer a fixed fee divorce scheme. Full details can be found on our website or please ask for a handout describing this service.