

Family law

What are your options?

If you're considering a divorce or separation, there are several options available to you which will be influenced by a number of factors.

Whilst many separating couples aim to co-operate with each other, this is sometimes difficult or even impossible.

In reality, getting a divorce does not mean going to court. However, there may be aspects of your separation which are difficult to resolve without input from a lawyer or mediator, such as deciding where the children will live and what should happen to your home.

Complimentary initial meeting

The breakdown of a relationship can be emotional and difficult, which is why it's so important for you to have full confidence in your lawyer.

We also know that you can't really make an informed decision unless you understand the routes that are available to you.

To help you decide the best solution for you, in some areas of family law, we offer a complimentary introductory telephone call of up to 30 minutes with a member of our family law team. During this call, you can get to know your lawyer and discuss your options before making a decision about your next steps.

We won't give you specific advice about your personal situation during this initial call, so if this is required and you'd like some advice that is more tailored to your circumstances, we can offer you a fixed fee for a longer consultation.

Preliminary overview meeting

Our fixed-fee initial consultations will last up to one hour and will take place in one of our offices. Alternatively, we can offer a video call if that is more convenient for you.

We can also offer longer hourly rate consultations which might be appropriate if your circumstances are complex or you are already involved in court proceedings.

In the initial meeting, we will discuss with you the options for trying to reach an agreement, including mediation and collaborative law, and we will also advise you as to the court process and your options in terms of managing your legal costs.

What routes are available to you if you're divorcing or separating?

The options we can discuss are:

Traditional legal services

Most people are familiar with the format of traditional legal services where both parties instruct a lawyer with a view to negotiating a settlement or agreement.

This is a fully comprehensive service that involves us managing your case entirely on your behalf.

As part of this service, we will write letters on your behalf, make applications to court, manage settlement negotiations and represent you at hearings. The steps that we take will be agreed upon with you in advance.

Whilst the benefits of this option are clear, the work that we do for you is usually charged at our hourly rate. We'll usually ask for a payment on account at the first meeting. We'll also provide an estimate of the likely costs and timescales. It can be difficult, however, to gauge the cost of your representation, especially if your case is lengthy or something unforeseen happens.

In most circumstances, we are able to offer a tailored fixed fee to provide you with some certainty as to the cost for each stage of your case.

Family mediation

If you're willing to work together, mediation is a useful approach for separating couples.

Family mediation brings you together to talk constructively about how you end your relationship and any other family issues, like childcare and what happens to your home.

Continued...

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Through the process, you'll both be supported by an impartial mediator, without lawyers being present. Mediators are entirely neutral; they won't give you legal advice and they won't side with one particular party. You are likely to benefit from having some advice from your lawyer whilst you are going through this process.

The mediator's role is to manage your discussions, help you explore your options and keep you focused on finding a solution that suits both of your circumstances.

Any agreement reached through mediation should be checked by an independent lawyer before it can be finalised.

Mediation as a form of dispute resolution offers many benefits. Typically, it's quicker and less costly, as you manage the agenda and the pace of developments. It gives you far greater control over the outcome and enables you to focus on things that are important to you both.

Many couples say that mediation helped them to divorce or separate without increasing hostility and animosity between them. However, it's only possible if you're both able and willing to discuss your issues face-to-face in a neutral environment.

You may also be eligible for Legal Aid-funded mediation services.

Collaborative law

On the face of it, collaborative law and family mediation may seem similar. However, there are several differences between the two approaches. Collaborative law enables you and your former partner to work through your issues amicably, face-to-face.

Unlike mediation, however, you'll have your own collaborative lawyer with you at each meeting, providing support and legal advice as you progress.

Choosing a collaborative approach demonstrates your intention to resolve your problems through negotiation and agreement, rather than through court proceedings. This enables you to focus on what is important to you both, without the threat of court intervention. Many couples would choose to resolve their issues themselves but lack the confidence and legal know-how. So if you want the security of your own lawyer being present, collaborative law is a very credible alternative to mediation.

Further information

Barcan+Kirby has one of the largest family law departments in the South West, and many of our lawyers are accredited family specialists with the Law Society and Resolution.

Our lawyers can help you decide which option might be the most suitable and they will guide you through the process.

If you need further information about any of these options, visit barcankirby.co.uk or speak to your lawyer during your consultation.

Alternatively, call us on **0117 325 2929**.

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