

Rowlinsons

SOLICITORS



A practical guide to Divorce, Separation and Dissolution of Civil Partnership

Easing the strain
of separation



For further information please contact Rowlinsons on 01928 735 333.
Alternatively, please e-mail info@rowlinsons.co.uk

Lexcel
Legal Practice Quality Mark
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Welcome to Rowlinsons

Family break-ups are never easy, and our team of family law experts understand that this can be a difficult, stressful, and often confusing time. We understand the importance of providing clear and simple advice whilst also providing a value for money service.

Why not book an appointment for further advice and guidance without obligation by calling 01928 735333.

Alternatively, please visit our website www.rowlinsons.co.uk for further information.

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please call 01928 735 333 or email info@rowlinsons.co.uk

Do you need a Solicitor?

If your situation is very simple, sometimes it is possible to deal with matters yourselves. However it is always best to get advice from a Family Law Specialist at the start of your case who will be able to advise you of the key points you need to be aware of. You may also need a Solicitor if:

- You or your partner have children
- There are properties, pensions or other assets to be settled
- There is any other complicating feature, such as businesses, inheritance, or other parties involved

If you decide to deal with matters yourself, you can contact your local Family Court who will be able to provide you with further information. Please visit their website at www.gov.uk/government/organisations/hm-courts-and-tribunals-service.

What are the likely costs?

The costs of a divorce, separation or dissolution of a Civil Partnership vary greatly depending on how complicated your case is and how far you and your partner can agree things between yourselves. At Rowlinsons, we will charge by how much time we spend on your case, however, you will always be given an estimate of the likely costs at the start of your case, and at regular intervals as your case progresses. Please note that you can also book for a free no obligation appointment with us. If you are on low income, and have the grounds to apply, you may qualify for legal aid and you may wish to check your eligibility by visiting the Government website at www.gov.uk/check-legal-aid.

How long will it take?

The time can vary depending on how quickly both of you can deal with your paperwork. It usually takes between 6 and 8 months to get the final order in a divorce or dissolution of a Civil Partnership.

It is often the financial side of matters that can take longer to complete, and it is important that they are dealt with at the time.

Do you need to go to Court?

It is not always necessary for you to go to Court when getting a divorce or dissolution of a Civil Partnership. If your partner agrees to sign the relevant papers, neither of you may need to go to Court. There are however, times when you will need to go to Court:

- If your partner objects or defends the application
- If there is an argument about costs
- If the Court require you to attend

If you need to go to Court, Rowlinsons Solicitors can explain the process to you fully. We can also act on your behalf throughout the Court proceedings.

Sorting out arrangements for the children

Wherever possible, you and your partner should try and agree the arrangements for the children between yourselves. These arrangements should include:

- Where the children will live
- What contact they will have with both parents
- Whether the children will need to change schools
- Who will pay for the maintenance and upkeep of the children

Sometimes, it is not possible for parents to agree on the above, and when this is the case, it is important to get advice from a Family Law specialist. We can talk to you about ways that you and your partner can be supported in coming together to talk in a safe and amicable way. Options such as mediation and collaborative law can often be a good way to resolve problems for the long term benefit of the family as a whole.

Occasionally, it will be necessary for a Judge to be involved particularly if:

- There are issues of alcohol or drug use by a parent or guardian
- There are concerns that one parent might disappear with the children or leave the area
- One parent stops the other parent from seeing the children

In any of these circumstances, we will advise you about applying to Court. We can explain the process to you, and will also explain the likely costs.

Sorting out the arrangements for the finances

If you can agree with your partner about financial matters, it is often a good idea to try and do this.

Sometimes, financial matters can be quite complicated especially if they include any of the following:

- Businesses
- Jointly owned properties
- Properties owned by one partner only
- Pensions, particularly Forces Pensions, Police Pensions and other Government Pensions
- Inheritance
- Large amounts of savings, shares and other assets
- Large amounts of debt, particularly in one person's name only
- There are children of the family
- You are unsure what assets your partner may actually have

If any of the above are relevant in your case, or if you are unsure what you might be entitled to, you must seek legal advice. You could be entitled to a larger proportion of the assets than you think. At Rowlinsons, we will explain everything to you, including whether you need to go to Court. We can also talk to you about options such as collaborative law or mediation which might be beneficial in your circumstances.

REMEMBER – if you own a property with your partner, you need to understand what will happen to the property if you or your partner dies. If you don't want your partner to inherit all of your property, you will need to take action immediately. It may be that you need to update your existing will or put a new one in place and we can help you with this.

Collaborative Law

Collaborative Law is a new approach built upon mutual problem solving. Both parties work with their own solicitors to reach agreements without the need for costly and stressful court battles. The parties and their lawyers sign an agreement that neither side will take the matter to a Court, and that all parties agree to be open and honest in their discussions. All the parties are focused on looking for solutions, and avoiding confrontation.

If either party leave the Collaborative Law process, and issue a Court application, new lawyers must be instructed for both parties.

Collaborative Law is a revolutionary approach which helps reduce emotional cost on couples and their children when families split.

Collaborative Law is not suitable for all couples, but it is an attractive alternative to settling family disputes in a conciliatory manner, focusing always on minimising the financial and emotional pain family breakdown can cause.

Rowlinsons have a Collaboratively trained Lawyer available to explain the Collaborative process in more detail, and help you decide if it is the right option for you.

Mediation

Mediation is another alternative way for separating couples and families to resolve disputes and difficult issues in an amicable manner. Many separating couples want to reach agreements themselves regarding arrangements for their children, or their financial matters.

Mediation is completely voluntary, and not binding. An independent mediator can be jointly instructed to assist both of you reach agreements for the future, whether this relates to the children, financial matters or practical arrangements. Mediation allows you to come together in a safe place to talk calmly and make informed decisions that are right for your future. It can be very cost effective and can help parents in particular work together to ensure the future well being of their children.

Mediation is not suitable for all couples, but it is an attractive alternative to settling family disputes in a conciliatory manner, focusing always on minimising the financial and emotional pain family breakdown can cause.

Rowlinsons have a trained mediator available to explain the mediation process in more detail, and help you decide if it is the right option for you.

Things to remember:

- Emotions tend to run very high shortly after separation. Remember to try and consider the long term implications, and wherever possible, behave in a civilised way
- If you think that you can sensibly negotiate an agreement with your partner, where you are both thinking realistically and are both prepared to compromise to reach a fair agreement, you should seriously consider mediation or using the Collaborative Law process
- Never involve the children in the adults' disputes. The Courts take a very dim view of parents who stop contact or use their children for financial gain. The Courts will always look at the welfare of the children before they do anything, and you and your partner should do this too
- You should always be open and honest when dealing with legal matters, particularly in relation to financial matters. You may be severely penalised by the Court if you try to hide anything, deceive your partner or the Court, or lie. It can also dramatically increase your legal costs and lengthen proceedings if you do
- Be fair and reasonable - often people have unrealistic ideas about what they want or expect to get following a separation. The Courts will always look at what is fair, reasonable and appropriate
- If in doubt ask! The process for divorce, dissolution of Civil Partnership, and separation can be confusing and you will be given lots of information and advice. If at any point you don't understand, or can't remember something, just ask

Things to remember:

- Always check that your Solicitor has the correct information. If you are sent draft letters or documents, always check these through carefully. Make sure they are correct and accurate and reflect what you have said
- Don't ignore letters or Court Orders! Often it is too easy to bury your head in the sand and hope that things will go away. If your Solicitor writes to you, it is often because they need you to do something or they need to advise you about something important. If you ignore things, it is likely that a Court will make Orders that you know nothing about and that may be detrimental to you
- Always consider taking independent financial advice. Your Solicitor can refer you to an appropriate advisor. It is always best to get as much information as you can before you make any decisions
- Make sure you know your financial position. If you don't know, make enquiries and find out. You will need copies of all of your financial papers for your Solicitor, everything from pensions, to life insurances, to bank statements. Your Solicitor needs as much information as possible to advise you and better negotiate on your behalf

Don't just take our word for it...

“Thanks very much! You've been absolutely brilliant.”

MI

“Many, many, thanks for your help and patience. It has been greatly appreciated during this difficult time.”

CA

“Linda was caring and understanding at a very difficult time. She explained everything as we went along, gave me time to think things over and was very patient with me.”

AJ

“Thank you very much for representing me through my divorce. You explained the process so easily in your calm manner.”

SR

“Many thanks for your guidance through the process, I really appreciate your frank and knowledgeable advice, which enabled me to come out of this with a manageable settlement and legal bill.”

RM

“Thank you for all your help in my divorce. Linda helped me so much with everything I had to cope with.”

SE

“I will truly never be able to find the words to thank you enough for everything. You've become like a family member and I'll never forget what you've done for firstly, my family, then me.”

GR



Expert legal advice isn't expensive
...it's priceless

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