



Getting Started: Preparing for Separation and Divorce, Process Options

1. Preparing for Separation and Divorce

When a relationship becomes impossible, whether it is your decision, your partner's or a joint realisation, the prospect of family change is a daunting one. There is now a vast array of information available and a variety of services to choose from.

We are experts and can offer you the relevant information, support, legal advice or mediation, so that you can make decisions that are right for you and your family, keep you in control of your separation or divorce and plan for the future.

1.1 Getting Started

In a meeting about you and your family, we will discuss your concerns, your goals, the right process, the legal framework and paperwork, effective planning and preparation, your budget and funding.

1.2 Your Children

If you have children they will be at the centre of your family. We can assist you with Parenting Plans, refer you for support and explain the legal framework to help you plan how to parent and communicate effectively now and in two homes.

1.3 Financial Preparation

Understanding, gathering and exchanging your Financial Information is essential in all processes. How can an informed decision about the future be made without an understanding of the current and foreseeable financial situation. Expert advice and reports may need to be arranged to help reach financial agreements that work.

1.4 Agreeing Solutions

We will look at solutions that meet your family goals and test them in one of the following Process Options, choosing the best approach for you.

2. The Process Options:

2.1 Personal Negotiation

You may do this face to face, by email, with the help of a trusted person or with the help of technology. This will keep your costs to a minimum but you are the least supported and the possibility of one partner influencing the other is greater. If you have no legal advice you may enter into disadvantageous agreements and orders adversely affecting the rest of your life.

2.2 Task Specific Legal Advice

Your circumstances may be that you prefer to have a meeting to review particular issues or to prepare documents or implement agreements. This may be advice during mediation or personal negotiations, review or preparation of financial information, coaching for personal negotiations or mediation.

2.3 Mediation

We can offer Mediation and Mediation Information and Assessment Meetings. The Mediator will set an agenda, deal with financial disclosure and manage the mediation process, help both partners listen and have their chance to speak in a respectful way. The Mediator will summarise, clarify, test and explore options in a flexible, problem solving way, provide legal and practical information, indicate what independent legal advice is needed. The Mediator will manage next steps, produce an Open Statement of Financial Information and Without Prejudice Memorandum of Understanding if you are able to find a possible solution which you can make into an order or agreement with independent legal advice.

2.4 Collaborative Separation and Divorce

In The Collaborative Process: GROWing Apart Successfully there is a common ethos to resolve arrangements for the future for the benefit of the whole family, working with your partner and the two collaborative lawyers to find a solution in an open and creative way in Collaborative Meetings. The collaborative lawyers use their legal, collaborative law, management and mediation skills to assist resolution and provide you with legal advice and support. Once agreement is reached the legal framework can be completed by the Collaborative Lawyers, with separation or divorce and agreements or orders, providing you with a seamless integrated process.

2.5 Solicitor Negotiation

Personal Negotiation, Mediation or Collaborative Divorce is not suitable for everyone. Where you need to have more separation from your partner, there is no trust, difficult issues or communication problems, negotiations in the traditional manner either by correspondence, telephone calls or meetings may be the best solution for you.

2.6 Early Neutral Evaluation and Private Financial Dispute Resolution Hearing

These are voluntary tools to assist negotiations and agreement. This allows people to have an indication of the parameters by a third party. You are not bound by the indication provided, however a Private FDR can be substituted for a Court FDR by agreement. Seeking an early neutral evaluation may help to avoid the front loaded costs of issuing proceedings.

2.7 Court Application or Arbitration

You may decide that you and your partner are so apart in your views that a negotiated agreement is simply not possible and you may prefer the court to decide at the outset or if one of the other processes has not achieved an agreement. Arbitration is a private legal decision and can be used if you and your partner agree to use this process.

2.8 A Combination of Processes

You may decide to use a combination of processes dependant on your needs and progress, which we will keep under review.

3. Personal and Emotional Preparation

However you resolve your separation and divorce you need to be aware there are repeating stages in the Loss Cycle: Denial; Anger; Bargaining; Depression and Acceptance.

There may be a sense of relief that your relationship has ended or failure because you were powerless to stop it from ending. The changing strong emotions of distress, anger, inertia, paranoia, grief, fear of change, rushing ahead, loss of worth, confusion, guilt and punishment. We provide sensitive and clear advice, information and referrals to family consultants, helping you recognise the behaviours, moving at your pace to acceptance and achieve awareness in your decision making. We will remind you to be kind to yourself, remember the good things in the relationship and try to be kind to your partner, helping you work together now and in the future parenting of your children.

Whichever process you decide to use, make sure that you prepare for the best outcome with specialist independent legal advice. The money you spend is an investment in your future.

Lisa Broddle, l.broddle@srb.co.uk

Partner, Solicitor, Family and Collaborative Lawyer, Accredited Family Mediator

Stone Rowe Brewer LLP

Stone House, 12-13 Church Street, Twickenham, Middlesex TW1 3NJ
Tel: 020 8891 6141 Fax 020 8744 1143 DX 200006 Twickenham www.srb.co.uk

STONE ROWE BREWER LLP is a limited liability partnership regulated by the Solicitors Regulation Authority. A full list of members is available for inspection at the above registered office Registered in England with Partnership No: OC349339

This document does not intend to provide legal advice and is for general information only. Stone Rowe Brewer LLP and its staff accept no responsibility for loss which may occur from reliance on information contained in this document.