Collaborative Law

Collaborative law is a different approach to resolving a relationship breakdown. It puts you and your partner/spouse in charge of the process rather than Solicitors and Courts. All negotiations are conducted in four way face to face meetings with a view to achieving a fair settlement and not one that is imposed on you.

You and your spouse agree to provide information in an open and honest way. Throughout the process both of you have your own Solicitor to provide you with legal support and guidance, but those Solicitors commit to work in a non-confrontational way. Both Collaborative Lawyers will also consider with you and your spouse/partner whether to involve other professionals such as financial experts and family counsellors.

What are the benefits?

1. It is quicker than Court proceedings.
2. It is an open and honest approach.
3. You set the timetable.
4. Provides a family focused result.
5. Less stressful that going to Court.

Starting the process

The starting point is to ensure both you and your spouse/partner are committed to the collaborative process. If this commitment exists then the next step is for you to instruct separate Solicitors trained in this area of law to represent your respective interests.

Here at HRJ Foreman Laws Solicitors our collaborative lawyer will help you through the entire process.

Family Arbitration

If you can't reach an agreement between you with assistance of solicitors and mediators, matters can either be resolved by making an application to the court or the joint appointment of an independent arbitrator.

How do we charge?

As a firm we charge on a time basis. You will be given an estimate following your initial meeting with one of our specialised Lawyers and will receive regular updates regarding our charges during the divorce process.

Who should I contact?

If you need further information or advice please contact our Family Law Department on 01462 458711 (Hitchin) or 01707 887700 (Welwyn Garden City).

HRJ Foreman Laws Solicitors is recognised by Lexcel - the Law Society's quality mark for excellence and regulated by the Solicitors Regulation Authority. We operate to the highest standards required by the Law Society's Conveyancing Quality Scheme (CQS). Our track record in leasehold enfranchisement is acknowledged by ALEP (Association of Leasehold Enfranchisement Practitioners). We follow a professional code of practice recognised by the family law group 'Resolution. As members of STEP we are acknowledged Trust and Estate Practitioners. We also work with Certainty, the National Will Register.

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HRJ FOREMAN LAWS
SOLICITORS

DIVORCE, MATRIMONIAL FINANCES, MEDIATION & COLLABORATIVE LAW

We're here to guide you through the divorce process

The decision to start divorce proceedings may be one of the most difficult decisions you will make in life. At HRJ Foreman Laws Solicitors we have a team of lawyers who specialise in family and matrimonial law.

We also have a qualified collaborative lawyer and can offer a 'roundtable' approach to resolving matters, helping you to avoid the stress and expense of going to court. We will guide you through each step of the process taking your unique circumstances into account.

We provide experienced and bespoke legal advice for businesses and individuals. Since 1591

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FAMILY • LITIGATION • WILLS, TRUSTS & PROBATE

No fault divorce

As of the 6th April 2022, the divorce process was reformed. Separating couples will no longer have to rely on one of five facts to have sufficient grounds for a divorce. The only basis for divorce in England and Wales is now that the marriage has irretrievably broken down.

- You no longer need to provide evidence of conduct or separation.
- The ability to contest a divorce has been removed, except on limited grounds including jurisdiction.
- Parties can make joint applications, although one party will still be able to make a sole application if their partner does not agree to divorce.
- Decree Nisi is now called a 'Conditional Order'.
- Decree Absolute is now called a 'Final Order'.
- A minimum period of 20 weeks has been introduced between the start of proceedings and application for conditional order. This aims to give couples a meaningful period of reflection, the chance to reconsider, or to cooperate and plan for their future after the divorce.
- You can apply for a divorce online or by post. You can do this yourself, or we can assist you. When it comes to resolving financial matters and and/or child arrangements you should still seek the support of a solicitor. Contact us for advice on the best options for you.

How long will it take to get divorced?

The time taken to complete the divorce process will vary in duration depending on your unique situation. Since the introduction of no-fault divorce in April 2022, the minimum time is 20 weeks from the application to the Conditional Order, and then a further 6 weeks and 1 day between the Conditional Order and the Final Order.

It is often the case that it takes longer than this as the parties are likely to be in negotiations to deal with their finances and possibly issues in relation to their children. If this is the case they often hold off applying for the Final Order on divorce until the other issues are resolved.

Dividing up the matrimonial finances

There is no set formula for the division of the matrimonial assets and each case is looked at on its own individual merits. There are various ways to negotiate which include; party to party negotiation, Collaborative Law, Mediation, Arbitration or an application to the court if no agreement can be reached.

Before any negotiation can take place, the parties need to disclose their assets and liabilities and these are then divided out during negotiations or by the Court according to the following factors:

- The income, earning capacity, property and other financial resources which each of the parties has or is likely to have in the foreseeable future, including any increased earning capacity.
- The financial needs, obligations and responsibility each of the parties has or is likely to have in the foreseeable future.
- A standard of living enjoyed by the family before the breakdown of the marriage.
- The age of each party in the marriage and the duration of the marriage.
- Any physical or mental disability of either of the parties.
- The contributions each of the parties has made or is likely to make in the foreseeable future to the welfare of the family, including looking after the home or caring for the family.
- Conduct of each of the parties - the court will determine if any such conduct would be unfair to disregard.
- The value of any benefit that either party has lost by dissolution of the marriage (usually pension provision).

Financial settlements should always be flexible and fair to both parties. Consideration will be given as to whether spousal maintenance, child support, lump sum, transfer of property and pension sharing is appropriate following an agreement or Court Order.

Family Mediation

Family Mediation is a voluntary and confidential process in which a couple or any other family members are helped to reach decisions and joint solutions through discussion with the assistance of a trained, independent, impartial third party – the Mediator.

It includes arrangements for children, financial and property matters, communication between parents, other divorce or separation issues, grandparent/grandchild contact.

How does the Mediation process work?

After being sent a request for information and Mediation agreement, the couple will have an initial meeting with the Mediator. A number of sessions will then follow, typically between about three and five, during which the Mediator will give information and assistance, but not advice, to help the parties reach joint decisions appropriate to their particular circumstances.

Do you need a Solicitor?

You do not have to see a Solicitor but you are encouraged to take independent legal advice. When you have completed your mediation process and are ready to move forward, we will help you to prepare the necessary documents to formalise your agreement and ensure it is legally binding.

Mediation access to the Court

Since April 2013 it is not possible to access the Court for an Order for finances or children (unless in the case of an extreme emergency or domestic violence) unless a referral has been made to Mediation and the Mediators.

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