

How to keep your divorce amicable

By Lucy Loizou

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As a divorce lawyer (specialising in cases with an international connection), I often see how acrimonious divorces can become with cases ending up in Court, and sometimes taking years to conclude. This can be a stressful time for all involved, emotions often run high and sadly children can often become the pawns in the complex game of chess otherwise known as divorce.

However, it does not need to be this way. I always encourage my clients to try and resolve matters in a conciliatory and non-confrontational fashion for their own sake but more importantly for their children. An amicable settlement cannot always be reached and at times the Courts assistance is required but I believe for most cases it doesn't have to be messy.

The following information should not be relied upon as legal advice. Each individual case will have different requirements and therefore you should always speak to a family law solicitor about your own circumstances.

Here are my top five tips for keeping your divorce amicable:

1. You should take separate independent legal advice early on in your case to find out general information about the divorce process or how financial matters or children issues are dealt with. If you then choose to discuss matters directly with your spouse as opposed to instructing a lawyer, then you will at least have an idea as to what the process entails.
2. At the initial meeting, you should explore with your lawyer whether mediation is an option. mediation is successful in many cases. The process entails a couple meeting a mediator (who is usually a trained family law solicitor) in a series of consultations to discuss and try to agree issues amicably. This can apply to both financial and children cases. A mediator however, will not advise on your legal rights, your solicitor will need to advise you in this regard. mediation provides an informal setting enabling legal discussions to take place in a relaxed and un-pressured environment. mediation may not always be appropriate for example if there are international connections particularly in Europe. Again, this is something that you should discuss with your solicitor at the first meeting.
3. You should try and view the divorce as a means to an end as opposed to a mud-slinging exercise. This of course is easier said than done. From a legal perspective it does not matter on what grounds the divorce is based. An English Court will not make a moral judgment as to the reasons for the divorce. Further and importantly, in most cases, the financial outcome will be unaffected by the reasons for the divorce set out in the divorce paperwork. For example, just because your

husband/spouse has committed adultery it will not mean that you will get more money in the overall financial settlement. If you have any international connections particularly within Europe there will often be significant financial advantages in issuing divorce proceedings first in the country that will give you the better financial outcome. In this scenario, prior to speaking to your spouse, you should quickly seek independent legal advice from a family law solicitor who has experience in dealing with international cases.

4. Try not to expose the children to the adult issues surrounding the divorce. Do not discuss matters with them or use them as a negotiating tool for financial gain. Such behaviour is heavily condemned by the Courts and only serves to heighten tension. Remember that you will need to maintain a future relationship with your spouse as a parent. You will need to work together to make joint decisions as your child/children grow. Try and agree a care pattern that works not only for you as adults but importantly for the children too. Their welfare will be the Courts paramount consideration. You should also be prepared to compromise where possible and show flexibility. Statistics show that care arrangements reached by consent between parents as opposed to being imposed on them by the Court work more successfully.

5. Finally, always remember that the end is in sight and that once the divorce has been concluded you will be able to start afresh. divorce can appear to be a never-ending process, however the more you can agree by consent with your spouse (preferably with legal assistance and advice) the better it will be for all concerned.

If you would like legal assistance in relation to any of the matters set out above, please do not hesitate to contact me below.

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