

# Separating which route suits you

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**S**o you have decided... or your spouse or partner has decided to separate. This can give rise to a kaleidoscope of emotions and countless questions. What do I do next? Will I have enough money? Where will I live? Can we stay where we are? How will all this affect the children?

You will need to choose an experienced family lawyer who knows the ropes. They will be your legally to help you reach your eventual destination – an outcome that you and your family can live with.

In deciding your next step it is important that you choose a route that suits you as this will have an impact on the final outcome. The following is a snapshot of the options available. This will help you to navigate a safe and sure route, so that you are not left feeling the ground has fallen away from under you.

## Traditional Route or ADR

Your choice of route will be between going "the traditional court route", or what is known as "alternative or appropriate dispute resolution (ADR)". It can also be a combination of the two. However, you are likely to need the traditional/court route, and quickly, if you are thinking:

- I need urgent protection from my spouse/partner due to violence and or harassment

- I need to safeguard my home or our savings against my spouse or partner behaving recklessly or dishonestly
- I need urgent financial help because my spouse/partner refuses to give me any or enough money.

The court process (apart from when urgent action is required) can be slow, cumbersome and expensive. That being said it may be the most suitable way to deal with your case and your family lawyer will help navigate the process for you through this labyrinth.

## Choices outside court

Whilst court is sometimes unavoidable one of the following alternative routes might suit you better or even a combination :

### Round the kitchen table discussions : DIY

Here you are both able to discuss together what will be the best and most suitable arrangements. These discussions can focus on finances and/or children. This discussion may literally be round the kitchen table. This method also fits where you both have a fair idea what your family finances look like and you are both comfortable with reaching an agreement between your selves without advice from a lawyer. You will each need a family lawyer to create the legal framework for the agreement reached to be turned into a legal binding document or court order.

## Mediation: neutral help

If you both feel comfortable, or reasonably so, in discussing your family's future together but if you need someone to help you both along the way, but without taking sides, then this might be a good process for you. A mediator is neutral and will help you with all aspects of your separation relating to children and money.

- They will help you gather together all the relevant information/think of new options/reality test yours/ and provide a written summary of your agreed proposals.
- You will each still need a family lawyer outside the mediation sessions for advice along the road. They will also translate your agreed proposals into a binding legal agreement or court order.

## Collaborative practice: the power of team

You might prefer to have a bit more support whilst "negotiating your corner" in face to face meetings. If so collaborative practice could be for you.

- You and your partner/spouse choose a family lawyer who is collaboratively trained. They are with you and help you in all face to face meetings.
- They will also advise you about what other professionals you both might need for the process.
- You all sign an agreement to say you will work together honestly as a team to negotiate what is the best outcome for the family as a whole.
- Children are centre stage in all decisions
- If the negotiations fail (and the lawyers are committed to try and prevent this) you must choose a new process and new lawyers.

Your family lawyer should be able to advise on what particular route or combination suits you. Whatever route you take the best road is the one that gives you a workable and lasting solution which achieves a legacy of trust and goodwill with your former partner... and continuing parent.

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