

## Family Practice: It's not all about divorce

You may have noticed recent media reports reflecting on the divorce rate figures for 2011. The headlines shout that divorce rates have hit a “*40-year low*” and that this figure is set to drop even further.

Let's look at the facts and figures:

- Divorces (i.e. pronouncement of Decree Absolute) for the last five years:
  - 2007: 128,953
  - 2008: 120,868
  - 2009: 115,174
  - 2010: 121,265
  - **2011: 119,610**

In general, divorce rates have declined significantly over the last 5 years. The figures do show an increase in 2010, but this appears to be a temporary deviation from the general trend that can be attributed as a reaction to the credit crunch – in essence, the high level of economic uncertainty in 2009 meant that married couples with relationship difficulties found it financially difficult to divorce at that time (as reflected in the low figure for 2009). Unfortunately, those relationship difficulties did not always go away which led to the upsurge in divorce in 2010.

Looking beyond the last five years it is clear that this is not a short term trend. To put this in historical context, prior to the 1970s divorce rates were low because getting a divorce was difficult. When the law was changed during the 1970s so that it became “easier” to divorce there was a rapid increase in divorce rates. This reached an all time high of 165,000 divorces in 1993. Since then, the general trend has been for the rate to fall steadily and inexorably year on year.

In explaining this trend, one area that official reports have focused on is the changing demographic of marriage. The marriage rate has declined rapidly since the 1980s which means that, even if the same proportion of marriages end in divorce as they have done historically, the number of divorces must necessarily fall. Further, people are getting married later in life. For example, the average age for a woman to get married is now 30 which is likely to be due to women delaying marriage and family life whilst pursuing education and career building opportunities and also the fact that people now choose to cohabit instead of getting married. One interesting consequence of couples getting married when they are older is that it causes divorce rates to fall further as the sad fact is, the younger a couple is when they get married, the greater the probability of that marriage ending in divorce.

So, is it all doom and gloom for family practitioners? Will we all have to cut our losses and retrain?

The short answer is “no”, because family practitioners don’t just deal with divorces. We advise on a wide range of issues in relation to every stage of a couple’s relationship, whether they are married or not. For example we deal with co-habitation agreements for people that live together but aren’t married, pre-nuptial agreements and post-nuptial agreements for those people that want financial clarity before and during their marriage, separation agreements for couples where the marriage has broken down but they don’t want to divorce yet, advice to unmarried couples about the legal ramifications of having joint finances before, during and if their relationship breaks down, children issues... the list goes on and on. It is a reality of modern life that just because there is a decline in the divorce rate it does not mean that relationships don’t break down anymore and, because the legal protection for unmarried couples at the end of a relationship is not as great as that for married couples, it is just as important, if not more so, for unmarried couples to seek legal advice.

(Un)fortunately, there will be a need for family practitioners for the foreseeable future.

*If you are affected by any issues in this article then the Family Team would be happy to talk to you to find out how we can assist. Please contact a member of the team for further information.*

*Figures taken from the Ministry of Justice and the Office for National Statistics*

For more information please contact:

**Richard Shaw**

Solicitor

+44 (0)20 7440 4894

Richard.Shaw@russell-cooke.co.uk

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