

NOWELL MELLER SOLICITORS LTD

FAMILY LAW SERVICE

GENERAL FAMILY LEAFLET

Our approach

The breakdown of any relationship can create practical problems which often have to be resolved against a background of emotional stress. It also offers an opportunity for new directions and new beginnings.

We offer a comprehensive and caring approach to resolving your difficulties by listening and understanding and then by providing the means for a constructive way forward.

Children

Separation can be a bewildering time for children. They need the continuing interest and care of both parents. They need to be reassured that both of you still love them although you can no longer live happily with each other. The law says that their welfare comes first. If the two of you handle your separation well, then so will your children.

The 1989 Children Act has been in force since October 1991 and radically alters the law relating to children. Details are given in our separate information leaflet. The most important changes are:

- Separating married parents almost always retain joint responsibility for their children;
- Unmarried parents can agree to share parental responsibilities or, in the case of a dispute, a father can apply to Court for a Parental Responsibility Order;
- Parents are encouraged to settle difficulties themselves rather than turn to the Court;
- There are no longer orders for custody or access. In certain cases, orders for residence and contact can be obtained, or orders prohibiting certain steps being taken.

Our own experience in negotiating and mediating and our links with other local organisations make us well qualified to help you. We can help create a framework for discussion to help you resolve matters constructively.

In those cases where there is a real dispute about where your children should live or whether or how contact with both parents should take place, we can help present the arguments to the Court in a civilised manner.

The Children Act also affects those who have already obtained orders in divorce and separation proceedings. It also gives increased rights to grandparents and other relatives to make application to the Court.

Care Proceedings

The law about children in the care of Social Services and the Local Authority's duty to provide accommodation, educational and other services for children is also radically altered. Some details are given in our leaflet on Care Proceedings.

We provide specialist representation for parents, children and other carers or family members involved in care proceedings, for which Public Funding (formerly Legal Aid) is generally available, whatever your means.

Child Support and benefits

Since April 1993 levels of maintenance for children generally have to be set by the Child Support Agency. It is essential to obtain early advice about likely levels of maintenance and ways to avoid the unwelcome effects of the Child Support Acts. The formula has since been revised and the regulations are complex. We can provide advice and provide computerised calculations for both the old scheme (which still covers cases starting before 3 March 2003) and new schemes.

Divorce or Separation

It is often assumed that the only solution available when marriage or partnership problems arise is to start court proceedings. But careful consideration needs to be given as to whether the problems might be best resolved by way of counselling or by separation proceedings or a separation agreement.

Finances and your home

Limited resources will stretch further if a co-operative approach to their division can be maintained. There are no firm legal rules about how assets are divided or how much maintenance should be paid or what should happen to your home as the courts retain a wide discretion and so each case differs from the other. Some details of

this approach are given in our finance leaflet.

This gives us a wide discretion to negotiate a settlement that is both in your interests and that of your children, by obtaining the best information possible about the available finances and then working co-operatively to reach a settlement.

Our skill is in helping you to achieve a reasonable settlement and not in leaving matters to the discretion of the Court unless there is no alternative.

Moving forward constructively

There are many ways of resolving conflict of which a Court hearing is only the last (and most costly) resort. We will discuss with you various constructive methods to help you resolve your differences and help you choose the most appropriate for your circumstances and relationship.

We can negotiate by way of letter, arrange a meeting with your partner and his/her lawyer, refer issues to other agencies and particularly not act in any way which may aggravate bitterness or hurt.

Can we help you and your partner together?

Yes, in certain circumstances. Three of our solicitors, Neil Robinson, Paul Sherratt and Robina Boydon, are trained family mediators. We can arrange an appointment for comprehensive mediation with one of them (often in conjunction with another mediator).

Please contact The Mediation Centre direct line on 01785 273133 and ask for details or see our mediation leaflet.

The Collaborative approach

The collaborative approach is fundamentally changing the way people think about family law. For couples who genuinely seek a fair solution, and want to minimise the pain of family breakdown, but who need some legal advice in achieving this, it may offer the best way ahead.

In this model, both parties retain their own specialist legal advisors but meet together in a series of four-way meetings to discuss matters and try to reach an agreement rather than adopt the traditional legal model of exchange of correspondence. Uniquely, there is a binding agreement that the parties lawyers will not represent their clients in contested court proceedings, which gives

the lawyers an interest in succeeding by negotiation. Further details are given in our leaflets on Collaborative Family Law.

Our Steve Kirwan is one of the few solicitors in Staffordshire to be trained as a collaborative family lawyer and he can be contacted on 01785 273141 or by e-mail at steve@nowellmeller.co.uk

To find out more visit www.staffscollaborativelaw.co.uk

If Negotiations Break Down

Sometimes regrettably agreements cannot be reached. Decisions may then have to be made by a Court. In such circumstances we will make sure that matters proceed as quickly as possible. When it is vital that your interests are protected urgently, we will make sure someone is available to take your case on speedily, such as when an injunction is required.

Costs

We understand that the expense of employing a lawyer is a worry. Our experience is that time and costs are cut by getting to grips with all issues at an early stage by negotiating and not leaving matters to costly Court proceedings. We will provide an initial diagnostic interview at either an agreed fixed fee or free of charge (depending on the circumstances).

We will assess whether you are able to claim Public Funding (Legal Aid), in which case there may be no charge to you (save where the Statutory Charge applies, which we will explain to you in detail). If you are on Income Support, Income-Based Jobseeker's Allowance or Child or Working Tax Credit, you will almost certainly be eligible for Public Funding.

If you have to pay for our services, we will keep the costs constantly under review. We will agree a fixed fee or an hourly rate with you at the outset and give you regular updates. We can help you budget by arranging for payment by instalments during the case, and give as clear an indication of the costs as we are able.

NOTE: The above is intended as a general guide for your information. It is NOT intended as a substitute for proper legal advice. Each case is different and advice cannot be given without a proper analysis of your own circumstances.

© Nowell Meller Solicitors Limited