

 Alternatives to the Family Court

When dealing with a family issue, whether this be in respect of a divorce, financial matters or children, there are various routes available to resolve matters. These will fall into one or more of the following options:

- **Solicitor negotiation**
The parties each instruct a solicitor to negotiate, usually by an exchange of written offers.
- **Round Table Meetings**
The parties and their lawyers will meet usually in the same room, but sometimes in separate rooms, to negotiate.
- **'Kitchen Table' negotiations**
The parties themselves reach an agreement by direct negotiation.
- **Private Financial Dispute Resolution/Early neutral evaluation**
Both parties instruct lawyers who make submissions to a 'private judge', typically a Family barrister or retired judge, who will provide an opinion as to the likely outcome if the matter went to court. The parties and their lawyers then negotiate against that opinion.
- **Collaborative law**
Each party engages a collaboratively trained lawyer who will negotiate in face-to-face meetings with all parties present. A contract is signed to stipulate that if the process breaks down, both parties must instruct new lawyers to represent them in court proceedings.
- **Arbitration**
Both parties appoint an arbitrator and contract into the arbitration process which is like court proceedings but, before an arbitrator (private judge). Arbitration is quicker, more flexible and less formal than court proceedings. It can just involve a discrete issue. The arbitrator will adjudicate and make a binding decision which can be enforced.
- **Court**
An application is made to the court and a standard procedure is invoked. The court will make directions which must be complied with. Usually there are multiple hearings in the majority of cases a settlement is reached during the course of the case, but if that doesn't happen the case will go to trial.

Warnings

- The options differ in terms of how involved and supportive a specialist legal professional will be, the cost, as well as the level of co-operation and commitment needed from the other party.
- However a resolution is reached, it is essential to have the settlement made into an order by the court so that it can be enforced if necessary or to prevent a further claim being made in the future.
- It is important to understand all the options available and the pros and cons associated with each.
- It is important to consider the personality of your former partner when deciding on which option is most suitable.
- Issues such as domestic violence, personality disorders such as narcissism and abusive controlling behaviour are important factors to consider when deciding which option is most appropriate.
- It is important that the most suitable option is used to avoid any cost duplication.

Consider

- Discussing all options with a specialist family lawyer who will assist in identifying the most suitable option for you. If this involves another professional, they will also assist in identifying who is most suitable to meet your needs.

Our Family Department has the skill and expertise to advise on all methods of dispute resolution. Our solicitors will assess your needs and recommend which is most suitable for you.

It is important to have these discussions at the outset so that you are clear as to the options available and the most suitable can be selected moving forwards.

If you are contemplating or going through a separation which involves a divorce, financial issues or children do speak to a solicitor in our Family Department on 020 7631 4141 or at family@bishopandsewell.co.uk to see how we can help you consider the various options available.



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