

# Inventive solutions to secure your future

## from the Henmans family team

Our clients tell us that they appreciate our practical advice, so we thought we would share some of that in this article, which is intended to help people coping with the initial stages of a relationship breakdown. Some time ago we developed some top tips for our clients and we are sure that some of the information below will help you, or someone you know. We have concentrated on tips for supporting children and dealing with the financial issues

### Top ten tips for supporting children through divorce/separation

When your relationship has broken down, it is important that you talk to your children. That said, it is also important to bear in mind your children's age to ensure that what you discuss is age appropriate. The following are tips aimed at providing some practical advice that should assist you when talking to your children about your separation and divorce:

1. Be open and honest with your children. Talk to your wife/husband about how you are going to tell your children about your separation. Where possible, try and discuss matters with your children together.
2. Provide lots of reassurance. Children need to know that they are still loved by both their parents and that the breakdown of your relationship is not their fault.
3. Listen to your children. Let them know that they can ask you questions and talk about how they feel.
4. If your child doesn't want to talk to you about the situation, give them time to approach you when they are ready to talk and let them know that you will be there to listen.
5. Give your children time to adjust. They will need to get used to the changes in their living arrangements and that their parents are separating.
6. Try not to let your children become drawn into any negative feelings and emotions you may have about your wife/husband and related issues. Keep them separate and encourage your children to keep in touch with the other parent.
7. Allow your children to keep in contact with family members from both sides. Don't let your separation come between your children's relationships with their relatives.
8. Keep calm and cool headed when sorting out arrangements for your children to see the other parent.
9. Make contact arrangements for the children and other parent simple and easy.
10. Don't make your children take sides or give them unnecessary details which they don't need to hear. Keep discussions simple and age appropriate.

Wherever possible, try and reach agreement with your wife/husband about the future arrangements for your children.

You both need to talk about the divorce and the impact that this will have on your children. You need to think about and discuss where the children will live and when they will see their other parent. These issues used to be called "custody" and "access". Today, however, we usually refer to these as "residence" and "contact".

If it is not possible to reach an agreement with your wife/husband about arrangements for your children, then we may advise you to attend mediation. This will give you and your wife/husband the opportunity to discuss your concerns with a qualified family mediator. They are not on anyone's side and are there to help you resolve matters.

If you still cannot reach an agreement, it may then be necessary to make an application to your local court for a judge to decide the way forward. In this scenario, a judge may order a detailed report to be prepared about the circumstances of your family and this can take up to 14 weeks to compile.

It is important to bear in mind that the days when children lived with one parent and just saw their other parent every other weekend are long gone. More families try and share care between two new homes or make sure that the children can see the other parent for nights during the week in addition to the weekends. There are no rules about what is right, it all depends on the individual child and what will work best for them.

You may like to look at the website [www.itsnotyourfault.org](http://www.itsnotyourfault.org) for further information.

### Top ten tips when considering the financial issues

Financial issues do not have to be resolved in a courtroom. There are four main processes that clients can choose to help them try and reach an agreement amicably. These are:

- Reaching a direct agreement between yourselves and then just using a lawyer to implement that for you
- Mediation
- Collaborative practice
- Solicitors negotiating on your behalf in correspondence and/or at round table meetings

If none of the above help you reach an agreement then an application will have to be made to the court so that a judge can make the final decision for you. This is why so many clients prefer to avoid court as it is expensive and clients lose the ability to discuss and craft their own financial settlement. For comprehensive information about each of the above options please have a look at the detailed family pages on our website [www.henmansllp.co.uk](http://www.henmansllp.co.uk).

Our clients have found the following tips useful:

1. Consider which of the above processes is right for you.
2. At the first meeting with your adviser, it is helpful to give them a history of your relationship and details of your financial circumstances.
3. Just provide the specific financial documentation requested by your adviser. Don't be tempted to provide all of your financial paperwork as this can cause delay and will cost you more money because your adviser will have to go through it.
4. You will need to provide a list of your assets to include values where possible, for example, in relation to your main home and any second homes, savings and investments and a valuation of your pension provision.
5. Gather evidence of your income, for example, P60 and last three months pay slips and/or business accounts for the last two years. Your last two tax returns will also be helpful.
6. You will also need to collate information regarding any liabilities, for example your last six months credit card statements and documentary evidence of any loans.
7. It is a good idea to prepare a list of your current monthly outgoings. Prepare a separate list of any specific costs that relate to your children such as school fees, school uniform and clubs/hobbies.
8. Be honest and open about your financial position. It is important your adviser knows all the details so they can give you the best advice.
9. Think about what is important for you in the future and what you would like to achieve in any settlement, be prepared to negotiate as this will speed up matters and save you money on costs.
10. Wherever possible remain on reasonable terms with your husband/wife as this will help you reach a financial agreement.

The above tips should help you progress the financial issues as quickly and as cost effectively as possible. Most cases are resolved in about six months although if you have to go to court, because you can not reach an amicable agreement, that process can take from 9-12 months depending upon the court's availability and how complex your particular case is.

### The Henmans family team

We are noted for our innovative approach in developing solutions carefully tailored to suit individual needs. We will provide the highest standards of professional representation whilst being entirely supportive during a difficult time.

We resolve issues with discretion and sensitivity whilst ensuring that your interests and those of your family come first. We appreciate that every case is different. Every client is an individual.

Our job is to guide you through all of the issues that have to be considered when a relationship breaks down. We are known for our specialist negotiation skills and we will work with you to try and amicably resolve your case.

Please call or email the head of our family team, Rachael Smethurst on **01865 781188** or [rachael.smethurst@henmansllp.co.uk](mailto:rachael.smethurst@henmansllp.co.uk), if you think it would be helpful to meet with a member of our successful team of lawyers.

