

Divorce and Separation

Divorce now affects one in three marriages, and is a sad fact of life. At Owen White & Catlin we recognise that no one takes the decision to divorce lightly. However, once you have made that decision, you will want your case dealt with swiftly, and with minimal emotional and financial cost. We will try to avoid a "battle", especially when there are children involved, as we recognise that after the court proceedings are over, both parties will still need to be able to talk to each other as parents.

If you are involved in divorce proceedings, then the court will usually make an order to deal with the financial aspects, which can include orders for the sale or transfer of property, lump sums, maintenance and pension sharing. This can often be daunting. At Owen White & Catlin, we have years of experience in dealing with this area of law, and a highly skilled team of family specialists who will give you clear advice and represent your interests through initial negotiation to final hearing.

If you do not wish to divorce, but still need to resolve financial issues, it may be possible to agree what is known as a "deed of separation". Our team can advise and assist you to obtain the best possible settlement for your particular circumstances.

Cohabitation

It is a fact of modern life that many of us choose to live with our partners, rather than get married. For same sex couples, the choice does not exist, although from December 2005, same sex couples will be able to register their relationship as a civil partnership.

If you are thinking about living with your partner, then you should consider how your assets and any assets you may acquire jointly will be affected. It is a myth that the law recognises "common law" spouses, and protects their interests. The truth is that if you do not wish to, or are unable to marry, then the court will not take into account all the circumstances of your case, such as contributions to the relationship through caring for children, or supporting your partner in his or her career. If you have children, then any claim that you have will be based on their needs only.

It is therefore essential that you clarify at the outset of your cohabitation how you will treat jointly acquired property, and what will happen if the relationship does not work out. This is especially important for heterosexual couples, who will not be eligible to register their civil partnership. If you are faced with a separation and are unsure as to your rights, then you will need sympathetic and accurate advice.

At Owen White & Catlin, we can assist with the drafting of cohabitation and trust deeds, the making of wills, and court proceedings if necessary.

Children - residence and contact issues

Disputes relating to children can be very difficult for all concerned, not least the child. It is almost always in the child's best interests if the parents can agree between them what arrangements should be made. Mediation is often the best first step.

However, it is not always possible to agree, and in those circumstances the court can make orders about any aspect of a child's life. If you cannot agree with the other parent then we will pursue your case firmly, but constructively and with sensitivity, so that whatever the outcome you will at the end of the case still be able to co-operate with each other as parents in the future.

We also act on behalf of parents in cases where the Local Authority decides to commence court proceedings where they are concerned that children are at risk.

Domestic Abuse

All sorts of people from all walks of life experience domestic abuse. The law protects those who are at risk of threatened or actual violence or harassment. The court can make an order preventing someone from harassing you through to using or threatening violence against you. In certain serious cases the court will also make orders requiring someone who has used violence to leave their property.

At Owen White & Catlin, we can make applications to the court at short notice, if your case is serious enough.