





Oh, and by the way, the court doesn't have room for you anyway. The pandemic has exacerbated the chronic lack of court time available to resolve divorces, with the result that the public is being told *by judges* to stay away unless genuinely unavoidable.

So, thanks to both the carrot and the stick, the move towards more civilised divorce is firmly entrenched. If you find yourself amongst those to whom 'the voice of love seemed to call but it was a wrong number', then please find my five tips below.

## "WART-AND-ALL DIVORCE IS DIZZYINGLY EXPENSIVE, DESTRUCTIVE AND ALSO A LITTLE EMBARRASSING..."

1. Consider applying for a no fault divorce. From autumn this year, you will be able to divorce each other more easily without blame. Most divorces today rely on the 'unreasonable behaviour' of one spouse, which is profoundly unhelpful. It can be difficult to rise above the fray when you are being blamed, or even if you are reluctantly doing the blaming - after all, a gentleman never tells.

2. When it comes to money issues, aim to be fair to everyone, not just to yourself. Do this because it's the right thing to do, obviously. But also because if you end up in court *this is what a judge will be doing anyway*. Spouses who fail to recognise this reality early on and who hold out for a 'better deal' are more likely to end up in court, to spend money they don't have and to entrench resentment. To work out what's fair, take early legal advice from an expert. If possible do this together, so there is no misunderstanding about the advice. It is also much cheaper doing it this way.





3. As if you don't already, put the children first. Amazingly, 38% of all separating parents end up in court about their children. Having decisions made about your children by someone you don't know is, I assure you, no fun. Work out how you are going to co-parent for the future, and get help if need be. Co-parenting is hard, but then so is any parenting. One day, your children will want to know you tried your best. Again, take early legal advice, together if possible.

4. Consider what you want your relationship with your spouse to be in the future. If you don't care if you never see each other again, and have no reason to, then by all means skip to point 5. For everyone else, and especially those with children together, *this is absolutely fundamental*. You don't want to be tiptoed around by your mutual friends forever just because your marriage has ended. If you have children, you are going to be in contact with each other for years and probably decades to come. There is nothing civilised about ignoring this reality. Recognise it, and keep it in mind as you go.






## "YOU DON'T WANT TO BE TIPTOED AROUND BY YOUR MUTUAL FRIENDS FOREVER JUST BECAUSE YOUR MARRIAGE HAS ENDED..."

5. Remember, divorce is essentially private. Be careful what information you give your friends and family, not because they're untrustworthy, but quite the opposite: they are likely to be so supportive that they are unobjective, which can be hard for you to deal with. Choose your language carefully. Consider choosing a process for resolving your divorce in which discretion is assured (privacy cannot be guaranteed in court proceedings), such as One Couple One Lawyer.

We are fortunate today that we have the understanding and resources to treat divorce very differently, and to sidestep court altogether. Avoiding dog pats is now very possible, if that is what you want.

*Harry Gates is the co-founder of [The Divorce Surgery](#) and he has been a practising family law barrister for 20 years.*

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