

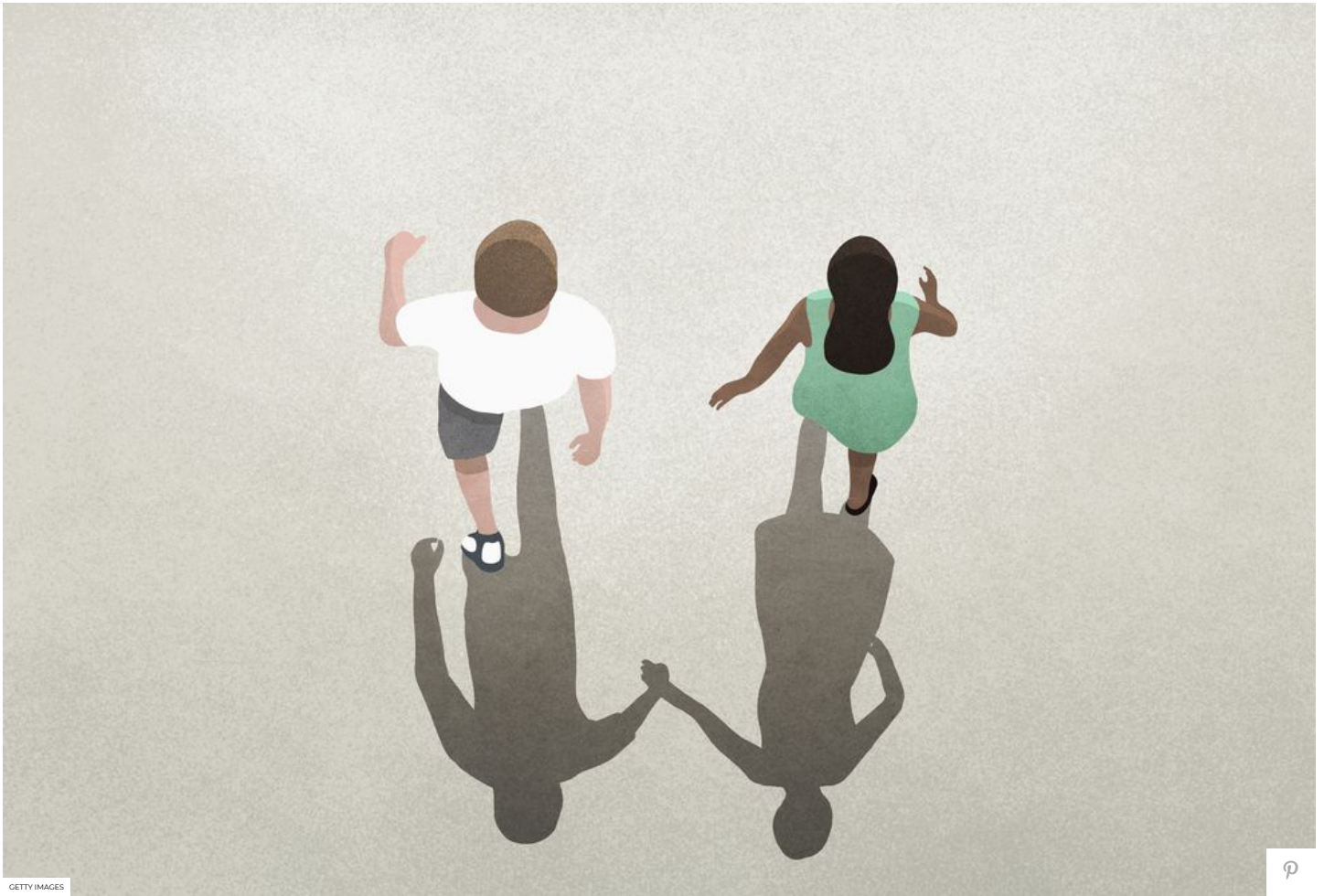
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5 things a divorce lawyer wants you to know about separating during coronavirus lockdown

Including the first person you should call

BY [SARAH ILLSTON](#) 4 Jun 2020



Living with your family during lockdown? Tough enough. Living with your soon-to-be ex when you're in the middle of separating? Practically impossible, or so you might think...

Whether you're wrangling joint custody of [kids at home](#), or negotiating the small matter of selling up and finding somewhere else to live, separating a shared life together is a challenge nobody expects to have to face; but the reality is, 42% of all marriages end in divorce.

'It's a normal life change which many of us will have to navigate, and you *can* navigate it well,' Samantha Woodham, a family law barrister and co-founder of [The Divorce Surgery](#) tells Red.

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'As a family law barrister there is so much I wish [separating couples knew](#),' she adds. 'Most who get divorced haven't done so before, and divorce remains shrouded in stigma; associated with acrimony, huge legal fees and stress. But it really doesn't have to be that way.'

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According to Co-op Legal Services, divorce inquiries increased by 42% on the day the lockdown was announced back in March, with various subsequent weeks seeing increases as high as 75%, compared to the same period of time last year.

'Currently, concerns about finances, employment, coupled with the fact that households are having to spend an increased amount of time together can add strain on relationships,' says Tracey Moloney, head of family law at Co-op Legal Services.

Despite not being able to appear in court, divorce proceedings have been going head via video conferencing, as most cases don't require a hearing, according to the Ministry of Justice. However regular couples should still expect some delays, as urgent cases [involving domestic violence](#) or child protection are being prioritised.

Woodham gives us the low-down on separating during these difficult times, including the first steps to take, who to contact, how to reframe your mindset, the best way to stay positive and how to work *with* your future ex, not against.

WHAT IS THE IMPACT OF CORONAVIRUS ON SEPARATING RIGHT NOW?

Coronavirus is currently dictating our lives. For separating couples the stress is compounded. The idea of putting your life on hold when you are in an unhappy relationship can make you feel powerless and depressed. Please don't be. You can still take positive steps forward, even now.

If you have children, and are living apart, the Government guidance is that existing child arrangements should continue, unless one of you is self-isolating. Be pragmatic and communicate. It is in your child's best interests to continue seeing you both regularly, unless there are genuine safety reasons not to.

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If you're in court proceedings, this can be a particularly tough time. Many cases are being adjourned. Couples are turning to [alternatives to break the deadlock](#), such as mediation, arbitration or 'one couple, one lawyer' services (where couples share one impartial lawyer who advises them both). Be open-minded. If it means you walk away with a deal you can both live with it will save you a huge amount of angst, time and money.

If you or your children are at risk of harm from an abusive partner, seek legal and police help immediately. The Government guidance confirms that the isolation and social distancing measures do not apply to victims of [domestic violence](#). Get out and find a place of safety.

'A DIVORCE IS ABOUT SO MUCH MORE THAN THE LEGAL PROCESS'

THE FIRST PERSON YOU NEED TO CALL IS NOT A LAWYER

Every separating couple needs legal advice, because these are huge decisions concerning your children and your finances. But don't be fooled into thinking lawyers have all the skills you need. We don't. A divorce is about so much more than the legal process.

It's a re-defining moment in your life. You need impartial emotional support, so you can make long term decisions which are right for you and your family. Counsellors and divorce coaches can help you become 'emotionally ready' for a fraction of the cost of a lawyer. The only reason to rush to legal advice is if you feel your safety is at risk, or if there are serious issues about one partner hiding assets or jurisdictional complexities. But these scenarios only affect a very small minority of couples, thankfully.

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Take financial advice. Get your financial disclosure together. This often takes 2-3 months, so will be a good use of your time. Then, when life gets back to normal you will be in the best position to conclude settlement discussions without delay.

When it feels right, choose a lawyer. But choose wisely. Ensure they share your values. Be wary of hourly rates, fixed fees are available. And if you and your ex want to share a lawyer and split the costs, you can.

'THE REASONS DRIVING YOU TO SEPARATE WILL BE OF NO INTEREST TO A COURT'

LOOK FORWARD, NOT BACK

Courts don't care about who was the better spouse. The reasons driving you to separate will be of no interest to a court. Many separating spouses crave an apology, but you won't get that in court.

Judges look forward. The first step is to work out your net financial position. The second question is how the available resources can be utilised to meet your needs and those of your children, going forward.

Think about where will you each live? What income you each need for yourselves and the children? Is that affordable? What are your earning capacities? What are the childcare commitments? What are the factors in your individual circumstances relevant to fairness? They include how long you were married, the assets you each brought to the marriage, what has been generated since you separated, your ages... there are many considerations. But the overwhelming driver of the courts is to consider the future, not the past. You should do the same.



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YOU CAN DIVORCE WELL

A big shift is happening in family law, although it hasn't really hit the media yet. More and more couples recognise divorce as a shared problem. Either you, as a couple, agree the division of your finances and arrangements for your children or a court will impose solutions upon you.

The sooner you know what a judge would do, the sooner you can negotiate constructively, knowing any deal you reach will be approved by the court. In other European countries, separating couples can share one impartial lawyer who advises them together as to what is fair. That 'one couple, one lawyer model' is now available here too, and is the main reason I set up [The Divorce Surgery](#).

STAY POSITIVE!

We all need hope. I set up *The Divorce Surgery* because I was sick of seeing couples fighting in court, left at the end much poorer, emotionally and financially, for it.

Divorce may not be your choice. But the way you divorce can be. If you can work through the process together, you will reach the other side much more quickly and in a much better place, ready for new adventures.

Samantha Woodham is a family law barrister and co-founder of [The Divorce Surgery](#).

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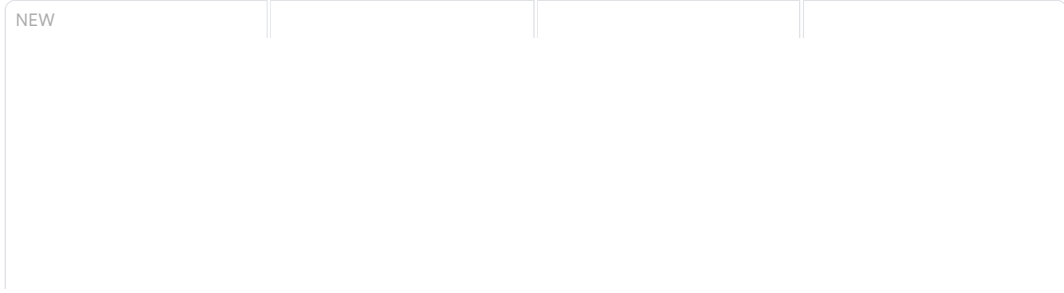
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