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**News Release**

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**Communication is Key as Divorce Day Looms**

More children than ever before celebrated Christmas this year with only one of their parents following a relationship break-up.

According to research published by the Marriage Foundation, one in three children under the age of 15 woke up with just one parent on Christmas morning. There are also many more families where the parents will have ‘held it together’ for one last family Christmas but who will subsequently divorce.

Traditionally lawyers receive more enquiries about separation and divorce on the first working day in January than at any other time of the year which is why it has become commonly known as ‘Divorce Day’. The latest EU data also shows that the UK has the highest rate of family breakdown in Western Europe.

At present the only grounds for divorce are that the marriage has broken down irretrievably. That is established by proving to a court that one of five factual situations exists, with most being fault-based, eg adultery, unreasonable behaviour and the rarely used fact of desertion.

However, as family law specialist at Andrew & Co Julie Bailey explained, splitting up doesn’t have to be a painful process.

“Unfortunately as the law currently stands the only way to avoid raising issues of fault is to rely upon a period of separation of at least two years prior to issuing a divorce petition. There are moves to consider changing the law to help reduce the heartache of divorce but that has not yet happened.

“For the time being, most couples find themselves going through a challenging finger-pointing process if they want to achieve the outcome of a swift break-up. But just because there isn’t a speedy, no-fault divorce option doesn’t mean there aren't other options for reaching a solution regarding children and finances. Collaboration and mediation, and putting children’s interests first, can make for a much less painful process.

“It may not be suitable in all cases, for example where there is a threat of bullying or violence, but for most couples collaboration and mediation are options to consider as a means to get things sorted out more quickly and, hopefully, more easily.”

Mediation, where the couple sit down and discuss matters with the help of an independent mediator, is a process all couples are required to consider before being allowed to take financial arguments or arguments about their children to a court for it to decide. As a result, family lawyers are saying the emphasis for 2015 will be on couples reaching solutions through communication rather than litigation where they can.

Julie added: “Talking about what should happen if things don't work out is good practice for those at the beginning of a relationship too.

“For those starting out, it’s sensible to think about protecting assets through a pre or post-nuptial agreement or a cohabitation agreement for couples who do not intend to marry. While these agreements are not yet binding in the UK, they are being given increasing weight where the court does have to get involved to resolve a dispute.

“Also the open discussion that is necessary to agree the terms of the agreement is in my experience a really useful process to go through. As Winston Churchill said, ‘To jaw-jaw is always better than to war-war’, and prevention is usually better than a cure.”

**Ends**

**Notes to Editors**

* This is not legal advice; it is intended to provide information of general interest about current legal issues.
* [Andrew & Co LLP](http://www.andrew-solicitors.co.uk) is one of the longest established independent law firms in the East Midlands, having been set up in 1832.
* It offers a comprehensive range of legal services to private individuals and businesses across a wide range of sectors including renewable energy, agriculture, personal injury, conveyancing, charity and not-for-profit, family and employment law.
* Andrew & Co has 60 staff based at its offices in on Nettleham Road in Lincoln and Kirkgate in Newark.

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