



# /guide

## Your questions answered

### 10 TIPS FOR DEALING WITH CONFLICT IN DIVORCE

**T**his Stowe guide offers advice on alternative dispute resolution, including tips for managing conflict during divorce.

For many people separation can be rife with conflict. As you navigate sensitive issues, it can be difficult to separate your emotional response to the relationship break-up from the practical and legal considerations.

Divorces that are high in conflict inevitably take longer and are considerably more likely to be costly; both financially and the toll it can take on mental health.

Because of this, it's advisable to work at reducing conflict wherever possible.

#### The benefits of a low-conflict divorce

A separation with low conflict can help promote a healthier post-divorce relationship for couples. Minimising conflict can also set you and your former partner up with a more positive foundation on

which to resolve to any future issues you face. This is particularly beneficial if you have children. Being able to amicably collaborate with your ex ensures you can be effective co-parents, rather than parents at war. This helps to create a stable and more harmonious home environment for children.

#### When divorce conflict is inevitable

Sadly, the reality for many is that conflict is unavoidable. It takes two equally motivated people to prevent conflicts during divorce. While you can manage your own response, you cannot manage your ex-partners. If they are unwilling to cooperate, there is little you can do.

Even for couples who typically dislike conflict, grievances from the breakdown of the marriage, or disagreements about how to settle finances or resolve child matters, can understandably cause disputes. It can feel as though there's one chance to get this right which can quickly make matters contentious.

## Options for resolving conflict in divorce

When people think of divorce, they often imagine courtrooms like you see on TV or in films. Whilst some couples do need the help of the court to overcome disagreements, this is the last resort. Most divorces are settled without ever stepping foot in court.

So, how can couples deal with conflict in divorce without court intervention? There are a number of options available. Couples can choose the approach that best suits them and their circumstances:

- Mediation
- Collaborative law
- Lawyer led negotiation and round table meetings
- Arbitration

These options are collectively referred to as alternative dispute resolution (ADR).

Agreements reached by couples during alternative dispute resolution can still be signed off and approved by the court, making them just as legally binding as if the court had made the decision itself.

Each approach has resolution at their heart. Their purpose is to help facilitate agreements, keep matters away from the courtroom, and support couples with finding mutually agreeable solutions. Alternative dispute resolution can help you feel more in control of the process, as well as being less of a battle with your ex-partner.

## 10 tips for reducing conflict during divorce:

1. It sounds obvious, but conducting yourself appropriately is important. This means treating your ex-partner with respect and maintaining a level of dignity of your own. Bite your tongue. Whilst you might not want to be in a romantic partnership any longer, and you may not always agree with what they say or want, you did care for them once, as they did you. You both need to be able to move forward with your lives and be able to live with the outcome. Try not to see the process as a way of punishing them for something you may perceive they have done wrong. Be fair in how you approach them and your proposals. This makes reaching an agreement quicker and easier.
2. If one form of alternative resolution isn't working, try another approach. Don't just assume you will need to go to court. With a reasonable approach and a sensible position, the vast majority of separations can be resolved by agreement. Go into these with an open mind. Be prepared to listen to what the other person suggests and always be open to compromise. It is rare that two parties to a dispute will walk away with exactly what they want because inevitably sometimes sacrifices have to be made. Don't just pursue the maximum you possibly can at all costs.
3. Always put the children first. No matter what you might feel about your co-parent, your children do not need to be aware of this or see you arguing. Studies show that children are resilient and can adapt well to the changes that come with a separation, with the right support. The behaviour that has a far longer lasting impact on them is when their parents are shouting and screaming at each other, when they are prevented from seeing the other parent for no good reason, or they are being fed negative information about the other parent. Remember, your children did not ask for your separation, and they love both of you and don't want to have to choose between you or badmouth their other parent.
4. Take advice from a family solicitor early on. Being informed about the process and the likely realistic outcomes can be really useful in setting your expectations. I can also help ensure you are not asking for something unreasonable which could stand in the way of progress, or giving up more than you should which could lead to an unfair outcome for you.
5. Choose a family solicitor who is a member of Resolution or who specifies that they focus on reducing conflict. Solicitors sometimes get an undeserved bad reputation for increasing conflict in separation. A good family law solicitor will genuinely want to help you resolve things amicably and will always try to steer you down the path of achieving a fair outcome while minimising animosity.
6. Find an effective method of communicating with the other person, particularly if you have children. Consider the long-term. There will be things that you need to discuss, from selling the house, to parents' evenings, to birthday and holiday arrangements and, in the future, possible weddings

and the birth of grandchildren. You can agree to communicate by text, email, parenting app, meeting up for a coffee once a month. Figure out what works for you. Think about what you say before you say it and how it might be taken by the other person. Remember written communication can easily be misinterpreted. So, re-read over your messages and emails before sending. Would you be happy if you received it? If not, you might want to change the wording.

7. Focus on the future, not the past. There is nothing to be gained in bringing up arguments you had years ago. It doesn't matter who said what to the other. It will not affect what you should reasonably be entitled to in your divorce settlement. Put unhappy memories to one side and focus on making things work going forwards.
8. Don't involve other people and don't compare your situation to other people's. Telling your neighbour about that argument you had or badmouthing your co-parent to the other parents at school is only going to inflame things. Best to take your advice from your family lawyer.
9. Look after yourself during the process. This can mean eating well, getting proper sleep, exercising and maybe even counselling to help you process what can be a difficult time. The more balanced your lifestyle and the less stressed you are, the less likely you are to lash out at the other person.
10. Pick your battles. Does it really matter that your ex-partner did not return that item your child accidentally left behind, or that they were 10 minutes late dropping them off because they got stuck in traffic? If we spend all the time arguing about these things, it will eventually take quite a toll. That doesn't mean tolerating bad behaviour or repeated problems, which is never acceptable. But co-parenting can require a degree of flexibility. You never know, you might need that in return one day.

## When is alternative dispute resolution not an option?

It's important to acknowledge that there are situations where alternative dispute resolution is not a viable option, for example, when the divorce involves an abusive or difficult ex-partner. In cases like these, the safety and well-being of the client and any children involved must take precedence.

In cases involving domestic abuse or narcissist ex-partners, the legal process of divorce provides a legal structure and protection to navigate these challenging circumstances, with the support of a family lawyer.

## Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit [www.stowefamilylaw.co.uk](http://www.stowefamilylaw.co.uk)

