



/guide



Your questions answered

WHAT IS AN OUT OF COURT DIVORCE?

The purpose of this Stowe guide is to explain what the term 'out of court divorce' means, and what your options are for settling your divorce without court intervention.

What is an out of court divorce?

'Out of court' divorces are those where couples negotiate the terms of the divorce without court proceedings.

There are several options available for divorcing couples who wish to achieve an out of court settlement, including resolving matters between themselves, solicitor negotiation, mediation, collaborative law, and arbitration.

An out of court settlement aims to minimise conflict and reach agreements that are fair for both parties.

Who are out of court divorces for?

On average, 80% of the divorce cases we handle do not go to court.

You and your partner don't have to see eye-to-eye on every detail for an out of court settlement to be a viable option for you. The expert guidance provided during out of court settlements can help you to define and agree on working resolutions that benefit both you and your ex-partner.

What are the advantages of an out of court divorce?

Family court proceedings can be unnecessarily stressful and expensive. In comparison, out of court settlements can significantly reduce the time and cost involved.

Other potential advantages of out of court divorces include:

- Avoiding protracted court proceedings
- Preventing possible rifts developing
- Aiding communication
- Preserving the future relationship
- Achieving fairer outcomes
- Helping to minimise the impact on children
- Enabling a more informal and flexible route to divorce.

Out-of-court divorce processes

Some couples find they can resolve their issues face-to-face without the need for intervention. For others, solicitor negotiations work. There is no right or wrong approach, it depends on the relationship between the couple and the complexity of the issues involved.

For couples that cannot agree, there are three key types of out of court divorce available to you, depending on your circumstances:

Mediation

Mediation is a voluntary process whereby you and your partner agree to meet together with an impartial mediator and work towards reaching a divorce settlement agreement.

You will discuss your circumstances in a confidential and non-judgmental environment, enabling you both to talk openly.

The mediator will help you to identify any issues, can highlight options that you may not have considered before, and guide you towards finding the right solutions for you and your partner.

The intention is to minimise confrontation, encourage active participation and facilitate discussions that will lead to outcomes that suit both parties.

The offers that are exchanged in the mediation process are "without prejudice" so they are private and cannot be reported to the court. The mediator cannot impose a decision on either party.

A number of our family lawyers are trained and practising mediators.

Read more about mediation [here](#).

Collaborative Law

Collaborative law involves both parties meeting together with each of their legal advisors present at all meetings.

Both parties and their solicitors commit to reaching solutions by agreement rather than through the courts and have the benefit of legal advice during every step of the process.

As with mediation, face-to-face communication between the parties enables you to work together to reach an out of court agreement that works for you and your family.

Collaborative law can help to reduce costs and improve the chances of working together well in the future.

We have a number of trained collaborative lawyers across the firm.

Read more about collaborative law [here](#).

Arbitration

When both parties agree to arbitrate their financial or child disputes, they appoint a suitably qualified person to adjudicate.

The appointed arbitrator gathers all the relevant facts and information to make an informed decision based on this evidence. The arbitrator's decision is final and binding.

Arbitration enables couples going through family breakdown to resolve disputes more quickly, confidentially and in a more flexible and less formal setting than a courtroom.

We have qualified arbitrators who offer this service.

Read more about arbitration [here](#).

Going to Court

Sometimes, if it is not possible to agree on arrangements regarding your finances and the children, it will be necessary to go to court.

Our specialist family lawyers are here to support you through that process.

Court proceedings are usually necessary if:

- Your partner is not giving you all the financial information you need
- There are complex financial issues that you need a divorce court to help you agree upon
- There is no other option as other out-of-court routes have failed to achieve a fair settlement on finances and child arrangements after divorce
- There is domestic abuse, or the threat of this, so you feel that you need to remain at a distance from your partner and wish to have matters conducted through solicitors.
- There is an issue of urgency to getting your case before the court. It may be to take steps to protect your children or preserve assets. It may be because there are competing jurisdictions and you need to be the first person to issue in your preferred jurisdiction.

If you feel as though your divorce agreement cannot be reached out of court, and would like to explore the options available, contact us.

How we can help

At Stowe Family Law we are committed to resolving matters without conflict.

Wherever possible, our aim is to help clients avoid court altogether by using Alternative Dispute Resolution (ADR) such as solicitor negotiation, mediation, collaborative law, or arbitration.

In the right circumstances these approaches can help families to resolve issues and reach agreements amicably and without family court intervention.

All of our family lawyers are highly skilled in negotiating divorce settlements with financial and/or child-related matters. We also have a team of trained mediators, collaborative lawyers and arbitrators across the firm.

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

Ref: 212/1122



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