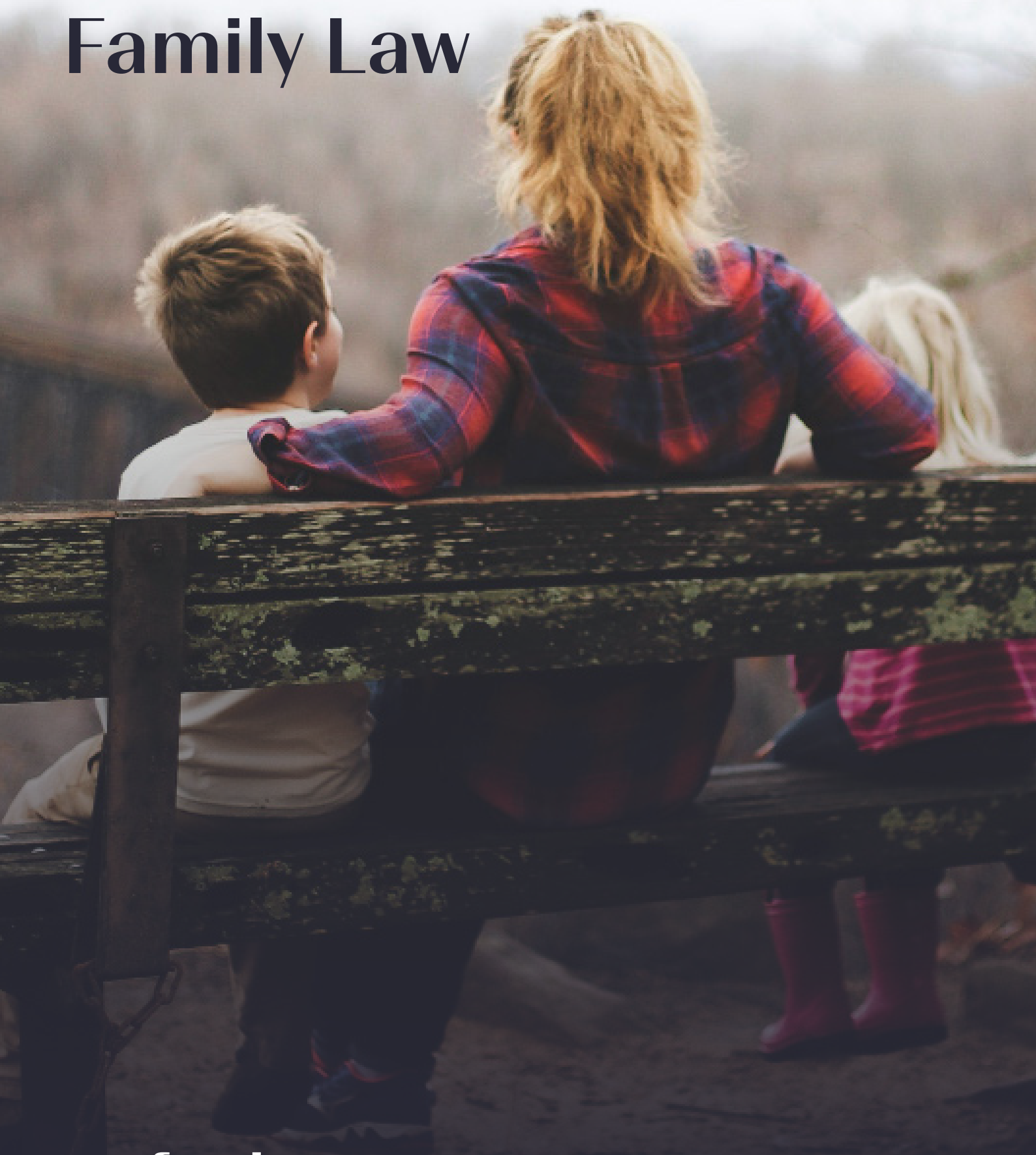


Your Guide to Family Law



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Introduction

When family relationships change, whether through separation, divorce, or conflict, it can feel overwhelming. You may not even be sure what help you need, which is entirely normal. At Setfords, we understand that these moments can be emotional and often stressful. Our expert lawyers work nationwide and are here to help you with whatever family law assistance you may need.

This guide is here to demystify family law and explain the kind of support available in straightforward language. Whether you're just starting to think about your next steps or are already in the middle of a difficult situation, our goal is to give you clarity, confidence, and reassurance that you don't have to go through this alone.

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Divorce

Divorce is the legal ending of a marriage. If you are in a civil partnership, dissolution follows a similar process.

Going through a divorce can be one of the most difficult times in a person's life, legally, emotionally and practically. Navigating the divorce process can be tricky, even in straightforward cases, but having the right guidance and support makes things feel far easier.

Why do I need a lawyer for divorce?

Going through a divorce is one of life's most stressful experiences, and it's completely normal to feel overwhelmed by the legal side of things on top of everything else you're dealing with emotionally.

Having a solicitor to guide you through the process isn't just about ticking legal boxes is about making sure you're protected, everything is done properly, and you don't inadvertently agree to something that isn't fair or that you'll regret later. It's also about having someone in your corner who understands what you're going through and can take some of the burden off your shoulders.

How we can help:

Getting the paperwork right might sound straightforward, but divorce involves various legal documents that need to be prepared correctly and filed at the right time. We'll handle all of that for you, making sure everything is accurate, complete, and submitted properly so there are no unnecessary delays or complications.

Representing you and managing communication can be a huge relief. We can deal with your ex-spouse (or their solicitor) and communicate with the court on your behalf. This can reduce conflict, keep things more civil, and spare you from difficult conversations during an already emotional time. You'll have someone speaking up for your interests while you focus on looking after yourself and your family.

Resolving things constructively is always our preference when it's possible. Where you and your ex-spouse are able to communicate and negotiate, we can help facilitate those discussions to reach decisions that are fair and workable for everyone. The goal is to resolve issues amicably and avoid the stress, expense, and uncertainty of going to court. We might also suggest mediation, which can provide a structured, supportive environment for reaching agreements that you both feel good about.

Supporting you with financial and children matters is part of the broader divorce picture. Financial settlements and child arrangements often go hand in hand with divorce proceedings, and we're here to help with all of it. You'll find more detailed information about these matters elsewhere in this guide, but know that we can support you through every aspect: not just the divorce itself, but everything that comes with it.

Our aim is to make the entire divorce process as calm, clear, and manageable as possible. We'll explain what's happening at each stage, what your options are, and what to expect next. We want you to feel informed and in control, even when things feel uncertain.

Financial Disputes & Settlement

Money is often at the heart of relationship breakdowns, and sorting it out can feel intimidating. Whether your finances are complex or more straightforward, our expert lawyers specialise in helping you and your ex-spouse come to a fair financial settlement without the stress and expense of court wherever possible.

Financial settlements

For most divorces, financial settlements are usually sorted out in the waiting or reflection period – the 20-week period between applying for divorce and receiving the Conditional Order.

There's a common misconception that all financial assets are divided 50/50 upon divorce. However, in reality, there's no fixed formula. The aim is always for a fair outcome, based on your individual circumstances. Factors such as children, income, health, and future earning potential are taken into account.

If you and your spouse can't agree between you, with the help of your solicitors, mediation is often the next step. An impartial third party will guide you through coming to an amicable agreement.

Once you come to an agreement, whether independently or through mediation, you can apply to the court for a consent order, which makes your agreement legally binding. You'll need to pay a fee for the order, but won't need to attend court.

It's usually best to avoid going to court and having them make the decision for you, as this adds additional stress and expense. However, if you do need to go to court, our expert family lawyers are on hand to support you.

Our family lawyers can also assist with:

- Freezing orders: Used to temporarily stop one spouse from supposing of any assets until the case has concluded, offering extra peace of mind in complex cases.
- Financial disputes between unmarried couples: Separating unmarried couples often have intertwined finances, property, and children to consider. Unmarried couples don't have the right to claim from each other, but our lawyers can help you untangle your finances and reach a decision together.

Child Arrangements

When your family is going through changes, decisions about your children can feel overwhelming. You want to get things right, to protect them, and to make sure their needs come first, and that's exactly as it should be.

Whether you're separating from a partner, dealing with a disagreement about your child's care, or navigating a more complex situation, you don't have to figure it all out alone. We're here to help you find a way forward that works for your family.

Sometimes parents can work things out between themselves, perhaps with the help of mediation. Other times, you might need more support from a family lawyer to formalise arrangements or to resolve disputes that can feel impossible to settle. Here are some of the situations we regularly help families with:

Child Arrangements Orders

An order that sets out legally binding decisions about where your child will live and how much time they'll spend with each parent. These orders can bring clarity and stability when you need it most. We can guide you through the process of applying for one or responding to an application.

Child custody and residence disputes

These disputes are among the most emotionally charged issues parents can face, so it's important to have the right guidance. If you and your child's other parent can't agree on living arrangements, we can support you to make a decision, whether through mediation or court proceedings where necessary. We'll listen to your concerns, represent your perspective, and always prioritise your child's best interests.

Financial maintenance

Child maintenance is about making sure your child is financially supported in a fair way. Whether that means negotiating an agreement, working with the Child Maintenance Service, or making an application to court, we'll help you understand your options and what's reasonable in your situation.

Relocation

Relocating with a child can be contentious, particularly when one parent wants to move away with them, whether across the country or abroad. These cases require careful legal consideration, and we can advise you on your rights, help facilitate discussions, or represent you if the matter goes to court.

Specific Issue Orders

These orders come into play when parents disagree on a particular aspect of their child's upbringing. Perhaps which school they should attend, decisions about their medical care, matters of religion, or even changing their name. We can help you resolve these specific disagreements, either through negotiation or by applying to court if necessary.

Grandparents' Rights

While grandparents don't have automatic legal rights to see their grandchildren, we regularly assist grandparents who want to maintain or build a relationship with their grandchildren, and we understand how much these relationships matter.

When dealing with child matters, the welfare of your child is the priority, not just legally, but in how every conversation and decision is approached. Our aim is to help you reach arrangements that are stable, fair, and truly in your child's best interests, whether that's through constructive negotiation and mediation or, when necessary, through the court system.

You're dealing with one of the most important aspects of your life. We'll be with you every step of the way.

Cohabitation & TOLATA

There's a common misconception that if you live with your partner for a certain amount of time, you become "common law" spouses with the same rights as married couples. Unfortunately, that's not how the law works in the UK, and it catches many people off guard.

The reality is that cohabiting couples, no matter how long you've been together or how committed your relationship is, don't have the same automatic legal protections as those who are married or in a civil partnership. That can leave you vulnerable, particularly when it comes to property, finances, and what happens if the relationship breaks down or one of you passes away.

The good news is that there are ways to protect yourself and your partner, and we can help you put those protections in place.

How we can support you:

Cohabitation agreements

These agreements act a bit like a safety net for unmarried couples. They set out clearly what would happen if your relationship ends or if one of you dies, covering everything from finances and property to arrangements for children. It might feel unromantic to discuss these things, but having a clear agreement can give you both peace of mind and prevent disputes later on.

Declarations of Trust

Declarations of Trust are particularly important if you're buying a property – not just with a partner, but also a family member or friend. They document exactly what share each person owns and how things would be divided if you separate or the family/ friend relationship turns sour. Without one, assumptions can be made that might not reflect what you actually agreed or intended, which can lead to costly legal battles down the line.

Beneficial ownership

Beneficial ownership becomes relevant when one partner fully owns a property, but the other has made significant contributions such as paying towards the mortgage, funding renovations, or supporting the household financially in other ways. If you find yourself in this situation, there may be legal grounds to claim an interest in the property, and we can help you explore whether that's the case.

Cohabitation disputes

Disputes can arise if you own a property with someone who's not your spouse, most commonly when partners decide to separate and one person wishes to sell the property while the other doesn't. These disputes can be minimised by setting out expectations from the beginning, for example with a Declaration of Trust. However, if you're experiencing this kind of dispute, our family law solicitors are here to help you come to a successful resolution.

TOLATA claims

TOLATA, or Trust of Land and Appointment of Trustees Act 1996, claims come into play when separating couples can't agree on what should happen to a property they shared. TOLATA is used by the courts to decide what share of a property each person is entitled to. These cases can be legally complex, but we can guide you through the process and help you understand your rights.

Schedule 1 Applications

These are available when separating from your partner and there are children involved. Under Schedule 1 of the Children Act 1989, a parent can apply for financial provision for their child, which might include things like housing or a lump sum payment. This is a highly technical area of law, and having specialist advice can make a real difference to the outcome.

Wills

Having a will is absolutely crucial for any adult, but particularly cohabiting couples. Unlike married spouses, you won't automatically inherit from each other if one of you dies without a will. That means your partner could be left with nothing, even if you've been together for decades. We can help you put a will in place that reflects your wishes and protects the person you love.

Whether you're just moving in together and want to plan ahead, you're going through a separation, or you simply want to make sure your interests are protected, we're here to help you get the right legal arrangements in place. It's all about giving you clarity, security, and one less thing to worry about.

Domestic Abuse

If you're experiencing domestic abuse, whether it's physical violence, emotional manipulation, financial control, coercive behaviour, or any other form of harm, know that you're not alone, and you don't have to face this by yourself.

We understand that reaching out for help can feel incredibly difficult. You might be scared, unsure of what will happen next, or worried about how taking action might affect you or your children. Those feelings are completely natural, and our family law solicitors are here to support you.

How we can help:

Protective Orders

Protective orders can be a vital step in keeping you and your family safe. We can help you apply for a non-molestation order, which legally prevents someone from using or threatening violence against you, or from harassing or intimidating you. We can also assist with occupation orders, which can exclude an abusive partner from your home or a specific area around it, giving you the space and security you need.

Child arrangements and financial matters

These often become more complicated when abuse is involved, so seeking professional advice can give you peace of mind. Whether you're going through a divorce, trying to sort out arrangements for your children, or dealing with financial disputes, we can handle these matters with the sensitivity and care they require. Your safety, and that of your children, will always be our priority.

Sensitive, empathetic support is at the heart of everything we do in these situations. We know that domestic abuse isn't just a legal issue, it's a trauma that can affect every part of your life. We'll take the time to understand your situation, explain your options clearly, and never pressure you into decisions you're not ready to make.

Mediation

When a relationship breaks down, going to court can feel like the inevitable next step. But, in many cases, the time, stress and expense of court can be avoided through mediation. Mediation is often less stressful, more collaborative, and puts you in control of the outcome.

It's a confidential and voluntary process where you and your former partner work with a neutral mediator to discuss and resolve your disputes. It's not about one person winning and the other losing. The most important factor is finding solutions that work for both of you, and most importantly, for any children involved.

In many cases, you will be expected to have tried mediation before bringing your case to court.

How mediation works:

At Setfords, many of our family law solicitors are also trained mediators, which means they bring legal knowledge and experience to the table while maintaining complete impartiality. They won't take sides or give you legal advice during the sessions, but they understand the law and can help guide discussions in a realistic, constructive direction.

What you can resolve through mediation:

Mediation can help you reach agreements on all sorts of family matters, including divorce arrangements, how you'll share time with your children, how to divide finances and property, sorting out cohabitation disputes, or anything else that needs resolving. The conversations happen in a neutral, structured environment where both voices are heard.

At the end of successful mediation, your mediator will help you draw up a memorandum of understanding that summarises everything you've agreed. While this document itself isn't legally binding, it's an important record of your intentions. If you want to make it legally enforceable, we can help you turn it into a consent order that the court approves.

Why consider mediation?

Beyond often being quicker and more cost-effective than going to court, mediation tends to feel less adversarial. You're not in a courtroom with a judge making decisions for you. Instead, you're sitting down together (with professional support) and working things out. For many people, that feels far more manageable and far less intimidating.

If mediation doesn't work:

Of course, mediation isn't right for everyone, and it doesn't always lead to agreement. If mediation isn't suitable for your situation (for example, in cases involving domestic abuse) or if it simply doesn't result in a resolution, you still have other options. We'll be there to help you navigate whatever comes next, whether that's negotiation through solicitors or proceeding to court.

Prenuptial and Postnuptial Agreements (Pre and Postnups)

Talking about a prenuptial agreement (also known as premarital agreements or just prenups) before your wedding can feel unromantic. But, it's one of the most practical and considerate things you can do as a couple.

It's not about expecting your marriage to fail. Instead, it's about having an honest conversation about finances, protecting what you've each built before the marriage, and making sure you're both on the same page from the start.

Think of it as a safety net that you hope you'll never need, but gives you both peace of mind and clarity as you begin your lives together. Postnuptial agreements are similar, but created after the marriage has taken place instead of before.

What a prenup can do for you:

A prenuptial agreement sets out how your finances and assets would be divided if your marriage were to end. That might include property you owned before the marriage, family wealth or inheritance, business interests, or anything else that's important to you. By agreeing on these things now, when you're getting along and thinking clearly, you can help avoid painful disputes and expensive legal battles later.

How we can help:

We'll work with both of you to negotiate and draft a prenup that genuinely reflects your wishes, your current circumstances, and what you hope for the future. It's important that the agreement feels fair to both partners, and you both fully understand what you're agreeing to: that's what makes it more likely to be respected and upheld if it's ever needed.

We'll also make sure you understand how UK law treats prenuptial agreements. While they're not automatically legally binding in England and Wales, courts do give them significant weight, especially when they've been properly drafted, both parties had independent legal advice, and the agreement is fair. We'll guide you through what that means in practice and how to give your prenup the best chance of being upheld.

Protecting what matters:

Whether you're bringing significant assets into the marriage, you've been married before, you have children from a previous relationship, you own a business, or you've received (or expect to receive) family money or inheritance, a prenup can protect those things while still being fair to your future spouse. It's about balance and making sure you both feel secure.

Far from being pessimistic, a well-drafted prenup can actually strengthen your relationship. It opens up important conversations about money, expectations, and values. By being transparent and thoughtful about these matters now, you're building your marriage on a foundation of honesty and mutual respect.

We're here to help you have those conversations and put an agreement in place that works for both of you.

Parental Alienation

When a child begins to reject or withdraw from a parent, it can be absolutely devastating. You might feel confused, helpless, or heartbroken, especially if you sense that the distance between you isn't entirely your child's own doing.

Parental alienation is a deeply complex and emotionally charged issue. It can happen when one parent, whether consciously or unconsciously, influences a child to turn against the other parent. Sometimes it's subtle, such as negative comments here and there, or limiting contact. Other times it's more overt. Whatever form it takes, the impact on both you and your child can be profound and long-lasting.

We understand how isolating and distressing this situation can be, and we want you to know that you're not alone. There are ways to address parental alienation, and we're here to help you navigate this with both sensitivity and determination.

How we can support you:

Understanding your situation is the first step. Parental alienation isn't always easy to identify or prove, and it exists on a spectrum. We'll take the time to listen to your concerns, look at what's been happening, and help you understand whether alienation might be occurring and what that means for your next steps.

Crafting a strategy that's right for your family is crucial. There's rarely a one-size-fits-all solution to parental alienation. Depending on your circumstances, you could explore mediation to address the underlying issues, therapeutic interventions that can help repair your relationship with your child, or court applications if more formal intervention is needed. Our focus is always on what will genuinely help rebuild your bond with your child in a safe and healthy way.

Court representation, if it comes to that, requires a careful and evidence-based approach. We can help you put forward a compelling case that includes relevant evidence, expert reports (such as from child psychologists), and proposals that demonstrate your commitment to your child's wellbeing. The court's priority is always the best interests of the child, and we'll work to show how maintaining a meaningful relationship with you serves those interests.

Long-term support is often essential. Parental alienation rarely resolves overnight. Rebuilding trust and connection with your child can be a gradual process that requires patience, persistence, and ongoing legal protection. We'll be with you for as long as you need us, adapting our approach as circumstances change and helping you protect the progress you make.

Separation

Not every couple who separates chooses to divorce. You might need time and space to think things through, there might be religious or personal reasons why divorce doesn't feel right for you, or perhaps you simply want to take things one step at a time. Whatever your reasons, separation is a significant life change that brings its own legal and practical challenges.

Even without a divorce, there are important decisions to make: how will finances be handled? Where will the children live? What happens to the family home? These questions can feel overwhelming, especially when emotions are running high and the future feels uncertain.

The good news is that you don't have to navigate this alone, and you don't have to leave these important matters to chance or informal arrangements that might break down later.

How we can help:

Separation agreements

These can provide the clarity and security you need during this transitional time. Separation agreements are formal documents that set out the terms of your separation, covering financial arrangements, how you'll divide assets, who lives where, and how you'll manage parenting responsibilities. Having everything in writing helps prevent misunderstandings and gives you both something solid to refer back to if disagreements arise.

Financial matters

Matters relating to finances need careful attention when you separate. Even if you're not divorcing, you'll still need to work out practical arrangements: who pays the mortgage or rent? How will household bills be divided? Will one of you pay maintenance to the other? What happens to joint savings or debts? We can help you negotiate fair arrangements and, if necessary, formalize them so everyone knows where they stand.

Child arrangements

Often the most sensitive aspect of any separation, as your children need stability and reassurance during what's already a confusing and difficult time for them. We can help you put proper arrangements in place for where your children will live, how much time they'll spend with each parent, and how you'll make important decisions about their care. Clear arrangements reduce uncertainty for everyone, especially your children.

Separation can feel isolating, and it's easy to feel like you're in limbo: not quite together, but not fully apart either. But with the right legal framework in place, you can create stability and certainty for yourself and your family. You'll know what to expect, what's been agreed, and what your rights are.

What to Do Next: Your First Steps

If you're dealing with a challenging family situation, it's normal to feel uncertain about what to do next. However, even taking small steps forward can help you feel more in control and less overwhelmed.

Here are a few steps to help get you started:

Reflect on Your Needs

Take a moment to think about what matters most to you right now:

- What's your biggest concern at the moment — is it finances, your children's wellbeing, your safety, or something else entirely?
- Have you thought about how you'd like to resolve things? Would you prefer to try mediation and work things out together, or do you feel that court might be necessary?
- What would a positive outcome look like for you? Sometimes just imagining what "better" might feel like can help clarify what you're hoping to achieve.

There are no wrong answers here. This is simply about understanding where you are and what you need.

Get in Touch

When you're ready, reach out to us for an initial consultation. This is a chance for us to listen to you, understand your situation, and talk through your options without any pressure or judgment. We'll explain what working with us might look like and help you feel more confident about the path ahead.

Consider Mediation

Even if things feel contentious or communication has broken down, mediation might still be worth exploring. It offers a safe, structured space where you can negotiate with professional support, and it often leads to outcomes that feel fairer and less adversarial than going straight to court. It's not right for everyone or every situation, but it's usually worth considering as a first option.

Plan for the Future

It's also worth thinking ahead, even when the present feels uncertain:

What if you do separate? What if you reconcile? What if circumstances change down the line? Preparing for different scenarios doesn't mean you're pessimistic — it means you're being sensible and protecting yourself.

Ask us about updating your will. It might not feel urgent right now, but putting protections in place for the future can give you real peace of mind and prevent complications later.

You don't need to know exactly what you want or have everything figured out before you contact us. That's what we're here for — to help you make sense of things, explore your options, and find a way forward that feels right for you and your family.

Why Choose Setfords for Your Family Law Needs?

There's no "one-size-fits-all" when it comes to family law, every situation is unique. At Setfords, we don't just provide legal advice: we provide support, understanding, and a steady hand during difficult times.

- **Expertise and Empathy:** Our family lawyers are all qualified, experienced professionals who understand both the legal and emotional aspects of what you're going through.
- **Clients Rate us 'Excellent':** With 14,000+ reviews on Trustpilot and an average score of 4.9 stars, we're trusted by thousands of clients like you every year.
- **Personal, Consistent Support:** When you instruct us, you'll have one-to-one contact with a dedicated solicitor throughout, not bounced around a team.
- **Flexible, Cost-Effective Model:** Our unique structure means lower overheads, less bureaucracy, and greater focus on providing you with the service you deserve.
- **Alternative Dispute Resolution First:** We encourage mediation and negotiation where possible, to reduce stress, preserve relationships, and avoid costly court battles.
- **Nationwide Reach:** With hundreds of solicitors located nationwide, we'll match you up with the right lawyer for you.