

Offering alternative solutions for relationship problems

Family law experts in Edinburgh, Gibson Kerr, are suggesting five alternative solutions to couples wrestling with relationship disputes and unable to go to court to reach a resolution under current guidelines.

The firm has had an influx of requests from concerned parents and separating partners as to what options are available to resolve disputes while the courts remain closed for non-urgent cases.

Head of Family Law Fiona Rasmusen said: "We try to encourage clients to adopt ways of resolving their family disputes and concerns which don't involve a lengthy or expensive court process.

"With the courts currently closed for non-emergency disputes, now is an even better time to engage in an alternative method to try to resolve issues and concerns.

"The particular route you decide to take will depend on many things including the relationship that you have with your former partner and the nature of the dispute."

The firm has revealed five common methods of resolving disputes that can take place outside of the courts. The more common disputes Gibson Kerr deal with include dividing assets,

support, occupation of the family home, and childcare arrangements.

Fiona, an accredited expert in family law, said: “Former couples can sit down together and negotiate an agreement themselves, with advice from their lawyers to hand – this is what’s referred to as ‘Kitchen Table’ resolution.

“This can save a lot of legal fees, and can even make the relationship more amicable than other methods. Once you have terms decided, you should engage your solicitor to have the arrangements drafted into a formal agreement.”

For couples who can’t easily sit down together to discuss their separation, they might find it easier to work with a neutral mediator to come to an agreement. [Gibson Kerr](#) advises that couples have separate legal advice throughout the process, and ask their solicitors to create an agreement once they have reached a resolution.

Collaborative law is another avenue open to couples in conflict, where they work with specially trained solicitors to come together and reach a fair and reasonable settlement. In these situations, both parties agree they will not raise court proceedings, meaning it is less likely to result in a total breakdown of relationships.

Fiona said: “The most common way family law disputes are dealt with is negotiations through solicitors, where each party’s solicitor works to come to an agreement – outside of a court.

“Instead of going to courts, we also encourage clients to look at arbitration, where an independent and qualified arbitrator is appointed to hear a case and make a decision. Arbitration can be very useful if there are one or two important points you want to solve, for example deciding the date you separated, or where your child should go to school.

“As well as being completely confidential, you choose your

arbitrator and you can decide the timescales and how the proceedings are managed – including where and when it takes place.”

“When the courts reopen fully, separated partners can look to raise an action. The advantages of going to court are that the process is strict in terms of fairness and timescales, and you will get a definite result at the end of it.

“However, as it’s expensive and lengthy, and can be stressful, we tend to advise clients to look at all of the other options available ahead of making the decision to go to court.”

Anyone interested in alternative methods of dispute resolution should contact one of the family law solicitors at [Gibson Kerr](#) on 0131 226 9161.