

The Telegraph

Divorce: how not to turn your ex into your enemy

New technology, and a new spirit in the legal profession, are making divorce less costly and rancorous than Linda Kelsey feared.



Off the leash: Linda Kelsey out walking with her dog, Cub: Photo: DAVID ROSE

By Linda Kelsey

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Four years ago my husband and I separated. But I didn't seriously bring up the subject of divorce until we met for coffee just before Christmas. We had sorted out our finances in the interim, so there had

been no pressing reason to go for the decree. (Up to you, c he said casually. And then, eyeing me quizzically: (Not planning to get married again are you? c He knows I live with my new partner. I replied in the negative. (Well you look into it and I'll pay half, o he said, before picking up the bill for my scrambled eggs.

As we departed, he gave me a hug. This, I thought, suddenly overcome with sadness, is the man who abandoned me after more than 20 years together; who walked out the same year as my father lay dying and our only child had left home to go to university. I never wanted him to go. And here we were hugging and agreeing to go merrily Dutch on the uncontested divorce.

Many would argue that there is no such thing as a decorous divorce, but I beg to differ. I could have ranted and raved and poured his vintage wine down the lavatory. But I am not the ranting type (and his vintage wine had gone off entirely of its own volition). When I get angry I don't feel so much relieved as a sense that my dignity is slipping away. And my dignity means a lot to me.

How different it would have been if I'd taken the advice of the lawyer I went to see when we first split. Given that I had a decent pension and certain savings C more than my husband, in fact C he informed me that my husband could, if he wanted to, demand half of everything in addition to an equal share of our property assets. (But we've agreed to sell our home and that is all he wants, c I wailed.

The lawyer politely pointed out my naivety, told me that my partner was not to be trusted and proceeded to paint a financially disastrous scenario with graphic illustrations of former client behaviour to prove his point. After two meetings I paid the lawyer the C1,200 I owed him and said that I didn't wish to retain his services. I was willing to take the risk. In my heart and in my head I knew that however much my husband had hurt me, essentially he is an honourable man.

Instead, we turned to a pal of ours C a property developer by profession, although with training in both law and accountancy C to act as an informal mediator. By the end of one long session, punctuated by the occasional emotional outburst, we had bashed out a rough financial agreement that might not have been legally binding, but was one we could work with.

We never came to blows over the 50/50 division of our property but we did fight over some paintings and some small items that had more emotional than financial value. And we didn't end up hating one another. Our son, who was already 18, decided to carry on living with me, and my husband and I agreed to maintain him between us until his education was complete and he had started work. It was only last year that I felt the time had come to officially untie the knot, partly as a demonstration of commitment to a new relationship, but also in order to accept that my marriage was well and truly over.

Of course not everyone wants a civilised divorce. When young children and issues of maintenance and custody are involved, things can get more complicated. But so long as both partners want it to be civilised, it is achievable, according to Charlotte Friedman, founder of the nationwide Divorce Support Group (divorcesupportgroup.co.uk), and a psychotherapist specialising in divorce and separation, as well as a former family law barrister. (It involves being courteous and making as amicable a compromise on assets and the children as possible. And while rage is inevitable to a greater or lesser extent, in order to be civilised you have to button up your emotions in the presence of your partner. o No easy thing, she agrees.

Still, Friedman feels that the language of the legal process is shifting towards this more collaborative model. It is becoming softer and less polarised. There are lawyers who are dedicated and devoted to making the process less harmful, she says, and increasingly couples are opting to stay out of the courtroom. The collaborative family law process, which is a relatively new way of dealing with family disputes, is based on all participants involved – the two parties and both lawyers – agreeing in writing to resolve disputes without going to court. If one party later decides to go to court, both parties have to change solicitors. The agreement is that you work out your arrangements, face to face, with both lawyers present.

Mediation, currently only obligatory for couples planning to take their case to court, should not be regarded merely as a pre-court obligation but, like collaborative law, as a way of avoiding court altogether, according to Kate Figes, a Family Mediator. Clients are helped by trained mediators (not lawyers) to reach joint decisions about the issues including children, finance and property. (We try to help people to behave in as mature, sensible and rational a way as possible to protect their own interests, she says Figes, who has written a book, *Couples*, on the subject. (Of course the reality is that blame pops up all the time but the advantage to behaving in a civilised way is that you are more likely to be happier post-separation and less likely to burden your children. c

New proposals from the Family Justice Review, announced recently by Kenneth Clarke, the Justice Secretary, are likely in the future to make mediation more central to the process of divorce for all separating couples. Debretts, the self-appointed arbiters of etiquette, are also helping divorcing couples to make what is inevitably a ghastly process a more decorous one. Their newly released *Debretts Guide to Civilised Separation* has been produced in association with Mishcon de Reya, the lawyers who handled the divorce of Diana, Princess of Wales.

As you might expect from Debretts, it is all in favour of good manners, such as informing your immediate family of your impending separation by handwritten letter rather than email if you are unable to meet them face to face. (Emails, she insists Debretts, are a casual form of communication and are not appropriate for big news; or close relatives. c This strikes me as a tad out-of-date; should the letter be written on required Smythson stationery, too? But the book also sensibly suggests continuing to send birthday cards to your in-laws after your divorce and helping your children choose birthday presents for their father, even when he is your ex. Any civilised act that helps your children maintain good relations with your ex and their family has got to be worth the effort.

After researching the various online divorce services, I've begun divorce proceedings. I emailed the husband to let him know I'd found a website that seems well-established and reputable. I explained there'd be court fees of £385, plus £65 if we do all the form-filling ourselves, or if we opted for the managed service it would be £189. I said I'd prefer the latter option as a case manager will check the forms, and if anything goes wrong with the documents or court process, they'd chase on our behalf. The cost to each of us will be £287. A snip compared to the average divorce cost, according to the Debretts guide, of £13,000. Husband's texted response: £287 seems fine. c

I'm not sure I could bear to end our marriage with the words £287 seems fine. c. So when the decree absolute comes through I'm going to invite him out to lunch and suggest we toast the many good years of our life together with a glass of champagne. Revenge may be sweet, but manners maketh man and woman.

Debrett's Guide to Civilised Separation (Debrett's, rrp £12.99) is available from Telegraph Books at £11.99 plus £1.25 p&p. Telephone 0844 871 1516, or visit books.telegraph.co.uk.

To look for a collaborative lawyer visit Resolution First For Family Law ([resolution.org.uk](http://www.resolution.org.uk))
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