

## A new era for family courts?

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Claire Blakemore

PARTNER | UK

**CATEGORY:**

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Divorce centres will open on 20 July in England and Wales, which means that most divorces will largely be handled by trained court clerks, rather than by district judges, in one of 11 regional offices around the country. The largest of the centres will be in Bury St Edmunds, handling cases across London and the south east. The new system is aimed at being quicker and cheaper. It will operate by post and enquires will be dealt with by email or telephone only. If a hearing is necessary, to deal with disputes about the divorce, children or any financial aspects, the case will be transferred to the court local to the parties. The target is to issue petitions on the day of receipt or within 48 hours at the latest. Where there are urgent international or other issues petitions will still be issued in the Central Family Court. **Will the new divorce centres mean improvements?** The introduction of such centres have been criticised by some who claim that by taking the process largely out of the hands of judges, it erodes the institution of marriage but others disagree. Our head of the family team, Julian Lipson, was quoted in *The Times* as saying: 'Uncontested divorce has become a process which legally is sufficiently standardised and formulaic that the paperwork has become an unjustified use of the judges' increasingly limited time and resources.' He acknowledged, however, that the change might seem a 'downgrading' of the process: 'The generic processing of divorce by administrative staff could seem to some as the belittling of what is a significant and often painful moment in their lives, and the downgrading of divorce to a process no more momentous than applying for a driving licence. Inevitably, this will cause offence to some, who will not see, as a benefit, that it is intended to make divorce a streamlined process.' The Bury St Edmunds centre is likely to be the busiest centre as it will cover 45 courts across nine counties. Where financial claims are involved, district judges will review agreements and, where necessary, transfer any cases that require a hearing, to a local court. Complex financial matters, assessed on a new criteria, based on the value of the case of being over £10m, or where the value of assets is lower, but which involves complex asset or income structures, allegations of non-disclosure, or there are issues relating to the parties conduct, contributions, or the assessment of matrimonial or non-matrimonial assets, other complex legal issues, or expert accountancy evidence will be required, will be heard by a specialist Complex Financial Unit in the Central Family Court. All other financial claims will be heard in local courts. Legal clerks have been trained to process Petitions but there remain concerns over the new system. I expressed concerns in *The Times* by saying: 'These centres have been introduced to improve efficiency but at what cost?' 'Anecdotal reports from areas running pilot schemes are of long backlogs and a high number of unreasonable behaviour petitions being rejected for not being strong enough despite parties being encouraged to keep particulars anodyne.' 'These teething problems must be ironed out. Delays or causing parties to give stronger and more detailed examples of unreasonable behaviour is unacceptable and will cause more tension between divorcing couples.' However, some have welcomed the new centres and used their introduction to renew calls for a 'no fault divorce' system so as to prevent the need for couples to be pitched against each other when it comes to starting proceedings. Whether or not such changes are introduced it is hoped that the efficiencies that have been promised from the new divorce centres are delivered.


# Authors

Claire Blakemore

PARTNER | LONDON

Divorce and family

 +44 20 7597 6025

 [claire.blakemore@withersworldwide.com](mailto:claire.blakemore@withersworldwide.com)