

Divorce advice when you can't pay for it

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I am a divorce and family lawyer and mediator and one of the founder Directors at Hopkin Murray Beskine Solicitors. I was recently interviewed on BBC News. A story had broken regarding an error on the Ministry of Justice's website. It was a calculation embedded in a form used by divorcing couples trying to arrange their finances. It produced artificially high totals. Therefore some settlements may need to be reviewed or even returned to court. It is not clear how the MoJ will assist those who relied on their forms. Their website just offers an email address.

This will impact mostly those who have represented themselves and used the MOJ form. Practiced family solicitors re-visit the figures many times in the course of a negotiation or court case, so early figures are scrutinized. We use professional family law websites for our forms, which do not carry the error.

With this in mind, I am looking at options for legal advice without funds. Even if you reach agreement on how to split assets, you should get advice about making it binding. How can you get advice if you have no income, and if savings are not in your name? You might already have tried to get your ex to agree to help, maybe to increase the mortgage a little to cover fees for both of you, or tried to get a bank loan unsuccessfully. If you are unrepresented you are at a big disadvantage, especially if your ex has a lawyer.

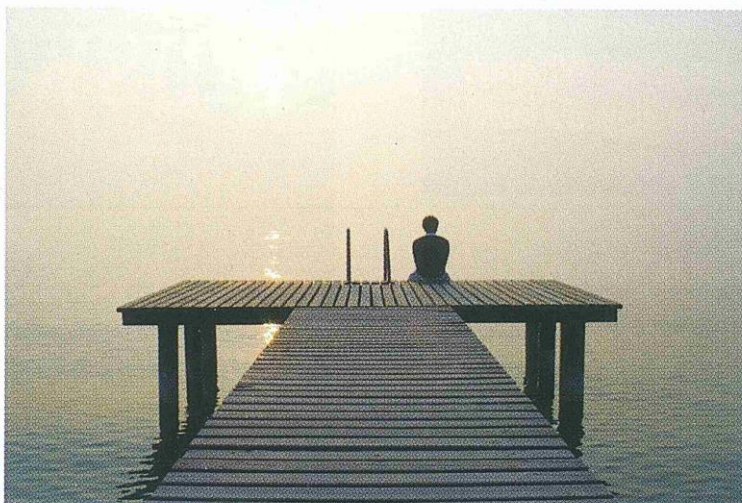
Legal Aid is available if you are in a 'high priority' group, e.g. the victim of domestic violence or abuse

and have evidence, and you have limited capital and income. The Royal Courts of Justice offers a service (RCJ Advice) to assist if you are in the central courts. Also, despite the error on their forms, the MoJ website gives a good overview of the process.

Litigation loans are often available if you have capital which is tied up in property, for example if you own or jointly own property. The loan and interest is generally repaid from the sale of a property when assets are split between you. However, if you do not have property in your name they may require a high insurance fee.

Another alternative is to apply to court to require your ex to pay your legal fees (a Legal Services Order). You must try other options first. You are trying to show that your ex could pay your fees but is choosing not to. This is often to get an unfair advantage by hiring lawyers themselves yet ensuring you are not represented. There are various other options available. You can have a one-off advice meeting with a solicitor, and a letter to go through your options. Many solicitors offer this as a fixed fee.

If you have any questions or queries about this article or any of my other articles all of which are on our website www.hmbsolicitors.co.uk, please feel free to email me on sb@hmbsolicitors.co.uk.



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