

CLIENT GUIDE 010

Family Law

Frequently Asked Questions

Clear answers to common questions about separation, children, mediation, court and family-law procedures

This guide provides general information for families in England and Wales. Family circumstances differ, so the information should not be treated as legal advice about a particular case.

1. Do I need a solicitor to get divorced?

People can make a divorce application themselves, but legal advice may be valuable where there are complex finances, children, safeguarding issues or uncertainty about legal rights.

2. Does divorce automatically resolve our finances?

No. Ending a marriage and resolving financial claims are separate matters. Appropriate legal advice should be considered before assuming financial issues are concluded.

3. What are child arrangements?

They concern practical arrangements such as where a child lives, time spent with parents or carers and other aspects of the child's care.

4. What is parental responsibility?

Parental responsibility refers to legal rights, duties, powers and responsibilities relating to a child. Who has it depends on the circumstances.

5. Do grandparents automatically have a right to see grandchildren?

Grandparents do not generally have an automatic legal right to contact. Where agreement is not possible, mediation or an application requiring the court's permission may sometimes be considered.

6. Do I have to try mediation before going to Family Court?

For many private family applications, attendance at a Mediation Information and Assessment Meeting may be required before applying, unless an exemption applies. The rules and suitability depend on the case.

7. What if there is domestic abuse?

Safety is the priority. Mediation or direct negotiation may not be suitable. Protective court orders and specialist support may be available depending on the circumstances.

8. What is a Non-Molestation Order?

It is a protective injunction that can prohibit specified abusive, threatening, harassing or intimidating behaviour. Whether an application is appropriate depends on the facts.

9. What is an Occupation Order?

An Occupation Order can regulate who may live in or enter a family home in certain circumstances. The court considers statutory factors before making an order.

10. What happens at a Family Court hearing?

The court considers the issues listed for that hearing. It may make orders, give directions, request further evidence or list another hearing. The purpose varies according to the case.

11. Can children decide where they live?

A child's wishes and feelings may be considered according to age and understanding, but children are not normally given sole responsibility for deciding the outcome. Their welfare remains central.

12. Can arrangements for children be changed?

Yes. Families' circumstances and children's needs change. Arrangements may be varied by agreement or, where necessary, through further court proceedings.

13. What documents should I keep?

Keep relevant court orders, correspondence, important messages, financial records, chronologies and evidence of steps taken. Store sensitive material securely.

14. How long will my family-law matter take?

Timescales vary considerably depending on the type of case, complexity, level of agreement, court availability and whether further evidence or hearings are required.

15. How can Kellsarr Family Practice help?

Within its professional scope, Kellsarr can help organise information, explain procedures, prepare documents where appropriate, maintain action plans and signpost or refer clients for regulated legal advice or representation when required.

Before seeking help – useful information to gather

- ☐ Key dates and a short chronology
- ☐ Any existing court orders
- ☐ Relevant correspondence
- ☐ Details concerning children where applicable
- ☐ Financial information where relevant
- ☐ Your main concerns and desired outcomes
- ☐ Any urgent deadlines or safeguarding concerns

Important disclaimer

This publication provides general information about family-law matters in England and Wales. It is not legal advice, does not create a solicitor-client relationship and cannot address every exception or individual circumstance. Seek advice from an appropriately authorised legal professional where legal advice or representation is required.