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The Irish Times - Thursday, February 24, 2011

## Divorcing couples in UK urged to use mediation service

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MARK HENNESSY, London Editor

DIVORCING COUPLES in England and Wales who are not receiving free legal aid will be required to try to settle their cases by mediation, rather than go before judges, the British ministry of justice has announced in an effort to cut legal bills.

Under the change, couples will have to attend one session and will be encouraged to finish dealing with their problems using the mediator – although exceptions can be made if the mediator decides a judge’s intervention is necessary or if there is a risk to someone’s safety.

“Nearly every time I ask someone if their stressful divorce battle through the courts was worth it, their answer is no,” justice minister Jonathan Djanogly said. “Mediation is a quicker, cheaper and more amicable alternative, particularly where children are concerned.

“Currently many people repeatedly go to court to argue over matters they are better placed to sort out themselves – like securing 30 minutes’ extra contact time or varying their allocated contact days.

“This is expensive and emotionally draining for all concerned.”

Mediation could in time be made compulsory, he indicated. “Some countries do have compulsory mediation. I think it’s a one step at a time approach, if you like. We’ll see how this works and in the future we may look towards compulsory mediation.”

Two years ago, a decision by the Labour government to order couples receiving free legal aid to attend mediation led to six out of 10 of such divorces being settled without the involvement of family courts.

The first session costs between £40 and £70 and the average cost of fully processing a case is just £535, compared with £2,823 for those that go before a court. Mediation on average takes 110 days, compared with 435 days for court-decided cases.

From April 6th, a partner seeking to contest the terms of a separation will have to approach a professional mediator, who will then contact the other partner for a meeting. Evidence of a meeting having taken place will be required before a court will consider hearing the case.

Lawyers involved in divorce cases have already complained that the ministry of justice does not know how many properly trained family mediators exist in England and Wales, warning that some regions may have too few to cope with demand.

Raising some concerns about the ministry’s decision, family lawyers’ organisation Resolution said mediation was “only part of the solution and the use of the full range of non-court options should be encouraged and incentivised”.

Resolution’s David Allison said: “We do have concerns about the provision of information and assessment being limited to mediation at the expense of other options such as parenting information programmes and

collaborative law.”

The ministry of justice’s decision comes just days after official statistics showed that divorce numbers in England and Wales have fallen to their lowest levels for 32 years, dropping to 126,000 in 2009.

Divorces are now at their lowest figure since 1977 and a third below where they were in 1993, when the numbers peaked, although this may have more to do with falling marriage numbers than increased domestic harmony.

The new move comes after justice secretary Kenneth Clarke’s plans to scrap civil legal aid for a range of cases, including disputes over relationship break-ups, were condemned as “crude and brutal”, with actress Joanna Lumley backing a campaign to urge Mr Clarke to think again.

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