

Changes in Family Law in the last 12 months

November 2022



There have been various developments within family law over the last year or so, but the two which have changed the way that we look at divorce is the introduction of no-fault divorce and the trend towards Alternative Dispute Resolution (ADR).

One of the most significant changes to family law in recent years is the introduction of the [Divorce Dissolution and Separation Act 2020](#). The Act came into effect on 6 April 2022 and is commonly known as no-fault divorce. This allows couples to divorce without attributing blame, allowing divorces to be dealt with more amicably. The new law also means that couples can file for divorce jointly. Previously, couples could only divorce where there had been adultery or unreasonable behaviour or where there had been a period of separation. This was seen as an outdated way of dealing with divorce, so a modernisation of family law was needed.

Another meaningful change that has been introduced is the change in the language surrounding divorce. For example, the change from 'decree nisi' to a conditional order and 'decree absolute' to a final order. Whilst these changes may appear trivial, they are a crucial way to make the process of divorce clearer and easier to understand, allowing the process to be more accessible.

Practically, this has had a significant effect on both solicitors who work within family law and couples going through the divorce process. The changes have meant that divorce proceedings start with less conflict. Therefore, the process is more likely to be smooth and amicable throughout. In addition, it allows couples to focus on essential issues such as child and financial arrangements following the separation.

Most couples prefer not to go to court to deal with disputes following a separation relating to child and financial

arrangements. Therefore, most good solicitors will attempt to negotiate a settlement on behalf of their clients out of court in the first instance and may adopt ADR methods in financial cases such as mediation, early neutral evaluation and arbitration.

The trend towards ADR has been heavily influenced by the push for transparency in family courts. For example, judges now allow media access to financial remedy courts and hearing cases in open court rather than in private. Judgments are also no longer anonymous. As a result, many couples now feel that ADR is the better route to take, given its privacy.

ADR is also trending due to backlog and delays experienced by the family court. Couples can now conclude the process without the delay and expense that the Courts are notorious for by dealing with financial settlements outside of court.

Overall, the changes and developments in family law over the last year have made divorce and financial settlements clearer and more amicable for all parties involved. This is a benefit to divorcing couples as it alleviates some of the stress typically associated with divorce. We will likely see further modernisation of family law in the future in line with our ever-evolving society.

Speak to head of family [Vandana Chitroda](#) today.

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Note: This article is not legal advice; it provides information of general interest about current legal issues.

