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Family separation and counselling

It is well recognised that counselling in its many forms can give families invaluable support during separation or divorce.

Quite correctly, the Family Procedure Rules 2010 now require (save in exceptional circumstances) a person who is considering making a Court application to attend a Mediation, Information and Assessment Meeting. The purpose of the meeting is to ask for and obtain information from that person, which will help explore alternative ways to resolve family disputes rather than Court proceedings. In particular, this will consider the merits of mediation and collaborative law.

Family lawyers are also required to certify when divorce proceedings are started (as they have done for years) whether they have discussed the possibility of reconciliation with their client and given name(s) and address(es) of counsellors. In my experience, lip service is paid to this. In part, this may be because there is no obligation to provide the names and addresses of those counsellors.

If the legal system is to help parents and children better, I think counselling should be made more readily available to families. Consideration should be given to making it compulsory for all couples to attend an initial psychotherapeutic assessment. This should start as a single session assessment of an individual client. At this stage, the work would look in two directions, with heavy emphasis on the amelioration of hostile feelings, and preparatory support for the legal process.

The counsellor can then direct the client to more specific support, be it short term couples work, one to one support (including mental health) or work with children. This need not be compulsory but it is hoped that the client would see the value in continued support and that means tested government funding would be made available.

Such an approach would benefit everyone involved. Most importantly, it is likely that many more families will be less damaged by a family break up and more could reconcile successfully. Secondly, it is likely the legal process would be much less adversarial for families and cheaper if clients can therapeutically address their grief and loss and then start the healing process. Thirdly, it would be much more rewarding for family practitioners, both solicitors and counsellors, to work in an atmosphere where the needs of the children and the adults are actually at the forefront of everyone's minds and not just on paper.

An initial response to these ideas might be that Family Lawyers and Psychotherapists, standing poles apart possibly in terms of their professional cultures, would themselves constitute strange bedfellows, candidates perhaps for an early divorce. However, we would like to argue that on the contrary, a cross-fertilisation of professional insights and expertise might engender new and creative approaches. For example, Psychotherapists might be supported in helping their clients towards a more realistic appreciation of the law, and of their clients' expectations of legal processes. And conversely, it might prove helpful for Family Lawyers to be made aware of the language of psychological and emotional support (eg with respect to the preparation of client information materials), and to rub shoulders with basic counselling skills such as empathic listening, congruence, mirroring, and the initial opening-up of painful issues.

Hence, the collaboration being proposed here could create a most fruitful marriage, each party being concerned as it is with the better conduct of human relationships, and the longer-term well-being of clients.

Richard Phillips thanks Steve Seaton, Penny Wright and Joan Crooks, (from The Herts Counselling and Psychotherapy Practice - HCaPP), for their help in the writing of this article.

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