

Collaborative Solutions: Privacy and Divorce - keep it in the family

In April 2009 there was a significant change in the law concerning the privacy of divorce cases moving through courts in England and Wales.

Husbands and wives who are resolving their relationship breakdown issues through our court system now needs to be aware that members of the press can gain access to their court hearing and report certain information although there are restrictions in place on the detail of what can be reported.

It is possible to make an application to the court to exclude the press from a matrimonial court hearing, but such an application will only succeed in limited circumstances.

These rules allowing members of the media to gain access to family court hearings are designed to increase public awareness of how the family justice system works.

It is important and relevant for couples to be aware that matrimonial court proceedings can no longer be described as being held in private. This change in the law may make a difference to the route a couple might choose when deciding how to resolve issues around divorce, finance and their children.

The collaborative family law process ensures that private family matters remain private. The couple commit to a series of meetings which take place in the privacy of their solicitors' offices. At those meetings the couple explore a number of options in their search for a fair outcome. All the discussions which take place at those meetings remain private and the couple retain control of their chosen outcome.