

Do I need a solicitor for my Family Law case? Where do I start?

We always recommend you to instruct (that is, hire) a solicitor if at all possible. Having a solicitor working for you can make the court process less stressful and lead to a quicker outcome. Many people tell us it's the best money they ever spent. Some solicitors will offer a free first appointment or an initial meeting for a fixed fee – this is a good way to see if they are the right person to help you.

In a few circumstances (eg if you have been a victim of domestic abuse and your income is below a certain amount, or if Children's Services are planning to apply to the court to remove your child), you may be entitled to Legal Aid. Not all solicitors offer this – ask NCLS and we can tell you who is offering Legal Aid for your type of case. You can phone or email them and explain your situation. They will be able to do an eligibility check to see whether you qualify for free legal representation.

If you like you can instruct a solicitor to conduct your whole case – they will advise you, handle all the paperwork and communicate with the other side as well as going to court with you.

If money is tight, you can do the paperwork yourself and just go to a solicitor for advice, or instruct them only to represent you at your court hearings. They will speak on your behalf and argue your case in front of the judge or magistrates. This is especially advisable if your case is complicated or if cross-examination is likely.

If you want somebody only to represent you at court, you can go directly to a barrister (a legal expert who specialises in court work). You can find local barristers online.

It's OK to shop around. Phone a few different firms, explain what you want them to do and ask how much it would cost. If you are short of money, you can ask them how you could keep the costs down. Can they offer fixed fees? Do you have to pay up front? Can you pay in instalments?

Remember your solicitor is working for you so ask them to explain what they are doing on your case.

Occasionally things do go wrong and if you are not happy each firm has a designated complaints officer. You can write to them to tell them why you are unhappy.

If you are not sure which solicitor to ask, NCLS can give you a list of local firms.

When you go to see a solicitor, you should take with you:

- Proof of identity with photo, eg your passport or driving licence
- financial records, eg your last 3 months' bank statements (for you and possibly your partner), details of any property you own, how much it's worth, mortgage outstanding etc. etc.
- any papers you may have received from the court.

Remember, you should not talk to your children about your family court case.

Please contact us if you would like this guide in another language.

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