

# Lloyd Platt & Co.

Family, divorce & criminal solicitors



*Divorce Law Firm, Lloyd Platt & Co are regarded as one of the most niche ground breaking matrimonial specialists in the UK, with the ability to guide celebrities and clients from all backgrounds through the minefield of matrimonial law. Established in 1992 the firm offers a wide range of services including advice on resolving children's disputes, divorce, cohabitation, financial settlements in high net worth cases.*

*The solicitors offer different specialisation within the family law and criminal field with mediation being a cornerstone of the firm's service with the emphasis in resolving all disputes but more particularly grandparent disputes.*

*The firm is at the forefront of changes in the market offering*

## **What are the current trends and which age group is most affected?**

Divorce law is ever changing. It is therefore vital when choosing a divorce lawyer that they are up to date with all of the latest case law and developments or as a client you can find yourself having been advised to apply the wrong emphasis in your case to your detriment. In a nutshell, the latest cases show the following: -

**A.** That the courts have put the brakes on in terms on maintenance being a meal ticket for life for some wives. It is therefore highly unusual for the court to grant maintenance for life, except in a limited amount of cases. These are where the marriage has been extremely long and the wife has absolutely no earning capacity and no chance of acquiring one. They now usually grant maintenance for a set period, for example two years, five years or ten years or until the children finish their secondary education.

**B.** There are many cases about reopening financial settlements which were intended to be final. To condense down many of these cases, if a husband or wife misrepresents their financial situation or is fraudulent about their financial disclosure or their evidence, that would have produced a different decision, then the Court will reopen the financial settlement. At one stage it was believed by very wealthy husbands that they could perhaps get away with not disclosing their assets in carefully contrived ways. The ability to hide assets is fast closing and even if in the first instance they get away with doing this, social media and the ability to trace assets is becoming so much more sophisticated. This has resulted in more settlements being reopened then there have been before. The moral of this is that there is a real need to be truthful in revealing assets, because if a lie is discovered that causes the case to be reopened all credibility will be lost and the sympathy of the court will be entirely with

*innovative and unique divorce solutions to meet clients ever-changing needs, staying one step ahead of the latest developments.*

*The firm regularly provides commentary on high profile divorce cases, the latest industry developments, and advise regularly on such matters in all forms of media around the world.*

*The firm more recently created the world's First Pet-Nuptial Agreement, setting out how pets should be dealt with at the point of relationship breakdown which have now been adopted in countries throughout the world.*

*Lloyd Platt spoke to us about the current trends and what to look out for whether divorcing or splitting up when living together, which will set you more safely on the path to your new life.*

the person reopening the case.

**C.** In relation to children, shared care of children is now more prevalent than it ever was years ago. This does not necessarily mean exactly the same amount of time but whereas in years gone by the courts did not like the notion of shared care, there is now more emphasis on involving both parents in children's lives and if it takes shared care to do so, then they will support this. However, clients must be aware of the effect that it might have on the amount of child maintenance to be paid.

## **Will clients always get 50% in a settlement?**

**D.** This is a frequently asked question that is totally misunderstood by the majority of clients. Whilst theoretically this is the starting point for capital in settlements to be divided ie the house, savings, pensions etc, there are a multitude of reasons that can be a reason why the court will award away from a 50:50 starting point. The most

obvious of these is that the parties only had a short marriage and/or there are no children, or one party has brought all of the assets into the marriage, or the main home is not owned by either of them. Many clients believe that inheritances will be completely ignored in a settlement but that again is not accurate. If there aren't sufficient monies to rehouse or meet the needs of the parties, the needs will always trump the desire to ring fence assets either brought into the marriage or inherited.

## **Are Prenups a good idea and how binding are they in this country?**

**E.** Prenups have become ever more binding in this country and in some cases where the parties are never going on to have more children and all the necessary criteria present, the Court are more likely to uphold the contents of the Prenup. The criteria required to make it binding are that there has been legal advice on both sides, no undue pressure, and financial disclosure. Even if the contents of the Prenup are not what the court would have ordered and even though the Prenup is only one factor to be taken into account amongst many, the Prenup will be upheld. Accordingly, to enter into a Prenup under the misguided belief that it will not be binding, is a very dangerous path to go down. It is vital to have full and proper legal advice as to the implications.

## **What to look out for when embarking on a new relationship?**

**F.** In the first flush of a new relationship, certain signs that later and in hindsight can become quite obvious may be overlooked. What is vital to be aware of is that in any new relationship if your partner is asking to borrow monies on a regular basis from you, then alarm bells should start to ring. Further, if they offer to lend monies to you but on such unfavourable terms with huge rates of interest with a charge over your property, again this should set a voice in your head saying "is this what I really want"?

Many women can be extremely vulnerable when coming out of marriage whatever the age group but particularly so when there has been a long marriage.



The Office of National Statistics have seen an enormous surge in the rates of age group 50+ divorcing. This group is referred to in the media quite often as "silver splitters". This group has a very large spending power and therefore is more likely to be targeted by unscrupulous men and women who have other motives in mind. If in a very new relationship your partner starts to offer to go through all of your finances "to assist you", do not be ready to share all of this information at a very early stage. It is important to understand that having fought through a divorce settlement for yourself and for your financial future, as well as that of your children, however old they might be, do not fall to those who see you as easy prey. Keep your finances and social life very separate until such time as you are absolutely certain that you trust the person concerned. Basic rules are; do not fall for sob stories and lend money, and do not borrow monies unless you are certain that the motive of the person lending is genuine.



## **Should I let him move into my home?**

**G.** If you are thinking of thinking of moving someone into your home, and you do not want them to gain an interest in the home if they help towards bills, then it is vital that you draw up a cohabitation agreement to confirm this. Do not just move on to the next stage without receiving proper advice as their payments directly or indirectly could give them a claim when you do not wish them to have one.

## **Success stories**

**H.** Contrary to what the media might otherwise state, many of those choosing to split in a cohabitation or divorce amongst silver splitters have told of increasing success stories. Both men and women who have felt constrained in relationships until the children have grown up have been experiencing entirely new lives, by starting new businesses, having new life adventures or experiences that they never dreamt of. It has certainly given an entirely new emphasis to "life after divorce". For those at the younger end of the scale, there has been a considerable increase in divorces amongst the 35 years+ group. This group too has found that provided that they take the precautions in moving forward, they have gone on to have exciting and more fulfilling lives "living the dream".