

# **Litigants in Person, the Courts and Covid – an international perspective**

**Melanie Bataillard-Samuel**

 EXPATRIATE LAW

# What's happened during the pandemic???

- Parents stranded abroad with/without their children
- Parents returning to their home jurisdiction to ride out Lockdown
- Parents using pandemic as excuse to suspend contact
- Parents starting proceedings because they were having difficulties accessing lawyers/ mediators/ etc during lockdown or the perception of difficulty

# LiPs and the Court – change in relationship?

- One of the only jurisdictions where courts working during the pandemic.
- Easier access to the courts – online/ phone hearing allowed people to attend even if abroad or isolating at home.
- Removed barrier to starting proceedings – online applications, email correspondence
- Increase in applications with no merits/ wrong proceedings launched
- Conversely .... It also made parents feel there is no need to engage in email correspondence with court or online hearings. Digital engagement feels less serious/ real.

# LiPs and me during Lockdown ....

- More complex than usual...
  - Foreign LiPs not understanding difference between two jurisdictions
  - Issuing incorrect applications to enforce foreign orders
  - Starting new applications here when there are ongoing proceedings abroad
  - LiP behaviour increasing legal costs for represented parent by issuing many apps/copious correspondence/etc

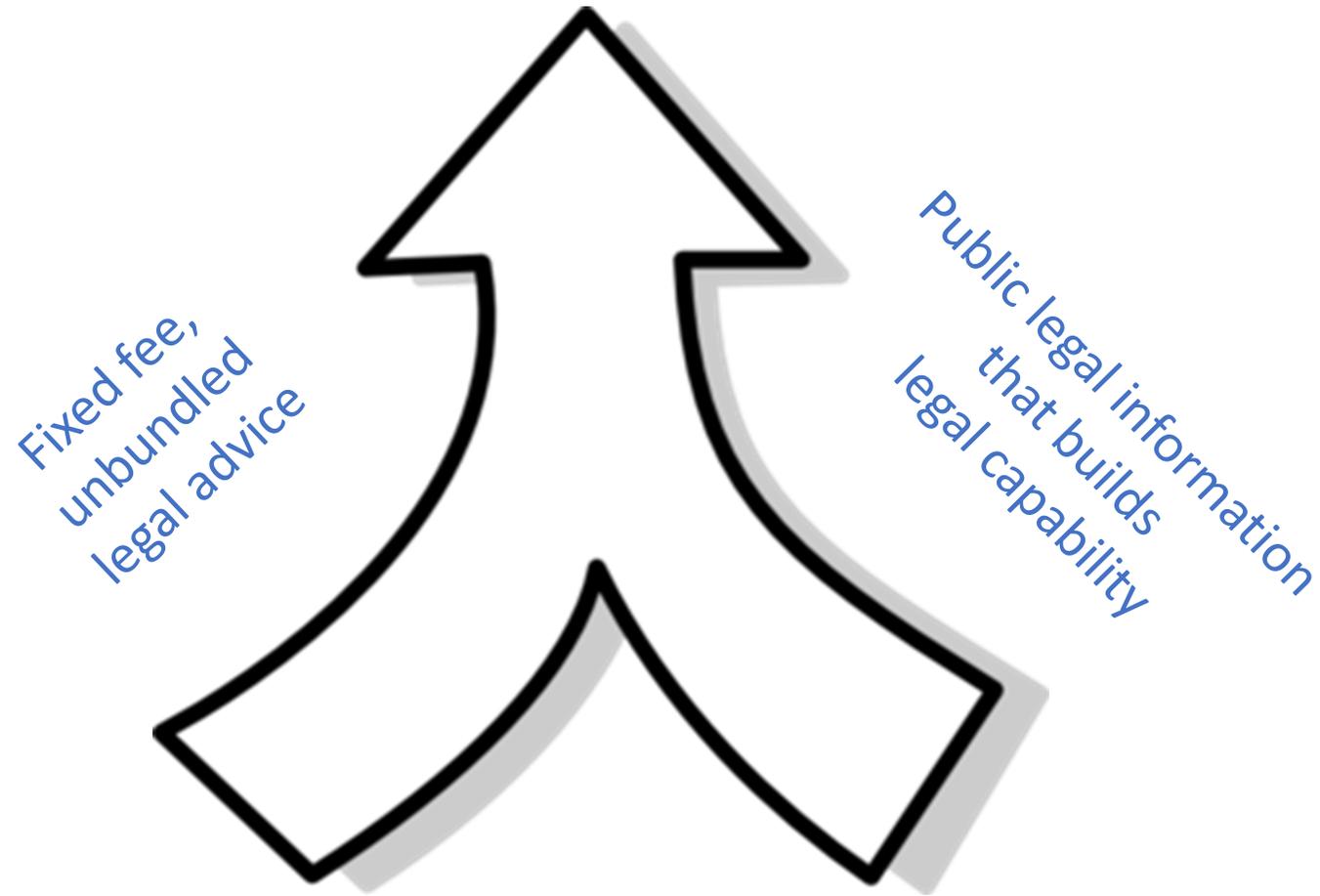
# LiPs & Lawyers

- Explain but don't advise
- Anticipate their behaviour/ Prepare. Prepare. Prepare.
- Communicate in a professional, co-operative and courteous matter
- Take your time and think about how your response or email will be received – if in doubt sleep on it!

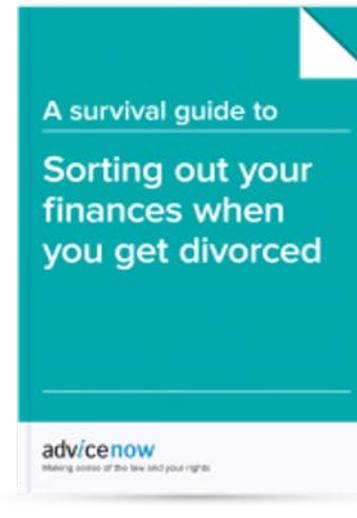
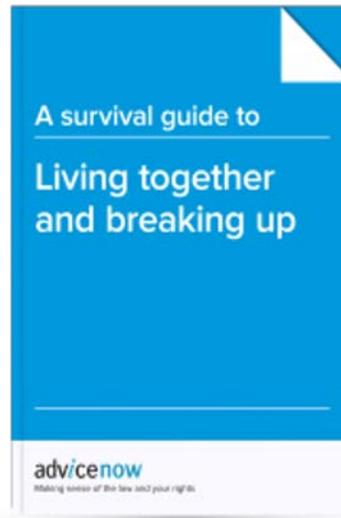
# Affordable Advice Resolution and Law for Life



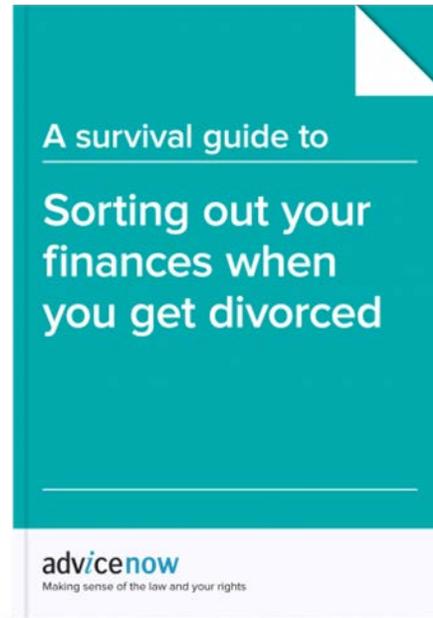
# Affordable legal help on family matters



# [www.advicenow.org.uk/divorce](http://www.advicenow.org.uk/divorce)



# Affordable Advice Project



# Barriers to accessing advice

- Unpredictability of cost
- Affordability
- Lack of confidence

# Affordable Advice Project

- Unique dovetailing of self-help information and advice
- Fixed price
- Fixed advice offer – clear parameters of advice offered
- Standalone appointments
- National service - appointments by telephone, face-to-face, or Skype/WhatsApp/Facetime

### Can I get a 'clean break'?

That depends on the circumstances of your case. A 'clean break' is where a couple don't (or after a period of time will not) have any continuing financial responsibilities for each other. So no-one has to pay maintenance to the other.

A clean break may not be right for you if you still need some maintenance, perhaps because you won't be able to earn much after the divorce because of your child-care responsibilities. Sometimes a judge orders just a small amount of maintenance, to act as a safety net. Then if your or your ex's circumstances change in the future it is possible to ask for an increase. But in many cases, particularly where there are no children, a clean break may be possible and fair, and may be best for both of you.

A clean break does not end your responsibilities for your children.



### Get some legal advice

If you can possibly afford it, it would be sensible to get some advice on how a clean break consent order would work in your case.

#### Get expert legal advice



for just £120 on

- ✓ If applying for a clean break consent order is right for you.
- ✓ Whether, in your case, the court might make an order for maintenance to be paid to you or your ex.
- ✓ What would be reasonable to pay or receive in terms of monthly maintenance for you or your ex.
- ✓ What should happen in terms of maintenance payments for your children.

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or go to [www.advicenow.org.uk/finances-3](http://www.advicenow.org.uk/finances-3)

What the law says

Check it out ....  
[advicenow.org.uk/divorce](http://advicenow.org.uk/divorce)