

Comments by **Nick Manners, Partner in Family Department at Payne Hicks Beach**, originally published by The Times online on 25 March 2021 and reproduced with kind permission <https://www.thetimes.co.uk/article/domestic-violence-drives-rise-in-lockdown-divorces-k9jbbd7nj>

THE  **TIMES**

NEWS



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Domestic violence drives rise in lockdown divorces

Jonathan Ames, Legal Editor

25 Mar 2021 18:00:00

Divorces rose by 5 per cent in the final quarter of last year with domestic violence applications increasing by more than a fifth, official family court figures published today revealed.

Legal experts said that the rising number of marriage break-ups and allegations of abuse in the home were an indication of the “emotional burden” weighing on many couples as a result of the coronavirus lockdowns.

Figures from the Ministry of Justice showed that 68,634 cases were started in family courts between October and December last year, an increase of 6 per cent compared with the same quarter in 2019.

The figures were higher in most categories, with domestic violence allegations up 21 per cent and divorces rising by 5 per cent.

The overall number of cases in the family courts last year was slightly above 264,000, which government statisticians said was broadly similar to 2019.

The number of domestic violence remedy order applications made to the courts increased by 19 per cent compared with the final three months of 2019, and the number of orders made rose by 20 per cent.

Couples were also being forced to wait longer for divorces to be completed. The figures showed that the average time from petition to decree absolute — the legal stage when the split is made formal — increased by a month to 56 weeks compared with the final quarter in 2019.

Throughout last year the average time from the start of a divorce to decree absolute was 53 weeks, a drop of three weeks compared with the previous year.

Figures also highlighted a drop in adoption applications. In the final three months of last year 1,180 applications were made, a fall of 4 per cent on a year earlier. Adoption orders fell more significantly in the quarter, by 8 per cent to 1,106.

Throughout last year 4,229 applications and 3,826 orders for adoption were made, down 15 per cent and 24 per cent respectively on 2019.

Charmaine Hast, family law specialist at the law firm Wedlake Bell, said that the figures provided an “insight into the emotional burden that has been placed on the population by Covid”. She added that the domestic violence figures “may indicate that extreme behaviour is on the increase”.

Nick Manners, of the firm Payne Hicks Beach, described the rise in domestic violence cases as “the most concerning feature of the latest statistics”. He said: “Alarm bells should be ringing in Whitehall. This toxic by-product of lockdown must be addressed as a priority, not just in the courts, but also with early intervention to protect the most vulnerable”.

Andrew Newbury, of Hall Brown Family Law, said: “Couples whose marriages may already have been under pressure were facing the prospect of a third lockdown during the period in question. Some may have already been considering whether to end their marriages but the renewed restrictions proved to be the final straw, in terms of divorce and domestic violence.”

Family law specialists said there was evidence that guidance from senior judges issued in an attempt to relieve pressure on the courts had begun to have an effect.

They pointed out that at the start of the first lockdown last spring court hearings were adjourned – often at short notice – which triggered additional tension between separating spouses.

Sir Andrew McFarlane, president of the High Court’s family division, issued guidance that encouraged couples to pursue alternatives to court litigation, such as mediation or private financial dispute resolution. In addition, lawyers noted that the process of submitting divorce petitions online had become steadily faster.

“Both of those elements have started to bear fruit, even if they are not necessarily for everyone,” Newbury said.



The increase in marriage break-ups was an indication of the emotional burden weighing on many couples during lockdown, legal experts said

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