

## FAMILY LAW DEPARTMENT CASE STUDIES



### FEE EARNER

#### Ashley Le-Core

- Financial Settlement Agreement
- Divorce and Child Arrangements Order

### FINANCIAL SETTLEMENT AGREEMENT

We represented a wife in relation to her divorce and financial matters. Unfortunately, the breakdown of the marriage had taken place due a serious assault on the wife and the husband ended up being imprisoned. This then commenced the divorce and financial settlement proceedings that were concluded eventually by agreement. The parties had a significant amount of assets and it was clear that upon an indication from the Judge that there seemed to be no reason why these parties could not agree amicably, the parties were sensible enough to reach an agreement outside of the Court room which benefitted them all. The wife found the whole scenario exceptionally difficult given how everything started and at the conclusion of the matter, she secured an exceptional outcome for herself and her son and felt a significant level of comfort at the conclusion of these proceedings, without the need to attend a Final Hearing after both parties and indeed their legal representatives had reached a suitable outcome for them.

### DIVORCE AND CHILD ARRANGEMENTS DISPUTE

We were instructed initially by a gentleman who came to me with a matrimonial matter where his marriage had unfortunately broken down. This matter quickly changed in to a divorce, child arrangements dispute and a domestic violence injunction matter. The parties were at complete opposites in relation to all of their positions and the gentleman needed guidance throughout this period, especially during the 2020 Covid pandemic. Significant work was done on an urgent basis in relation to defending the injunction in relation to domestic abuse, seeking to obtain regular contact between the father and his three children and indeed steering him through a divorce which was becoming exceptionally difficult. At the conclusion of the matter, given the change in circumstances throughout, the children were placed in the father's primary care, the injunction was withdrawn by the wife and the divorce concluded with an amicable financial agreement. It was an excellent outcome all round, for all parties, but specifically the husband who was staring at some extremely significant allegations being made and no time with his children, to having them with him, full time and an excellent outcome at the end of the divorce and finance proceedings.

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### FEE EARNER

#### Hannah Stanford

- Child Abduction
- Consent Order

### CHILD ABDUCTION

Retaliatory action is not uncommon following separation, and the risk of child abduction is of grave concern to most clients where there has been an acrimonious split. I was urgently instructed on a case where the client's worst fears had been realised. The child (4) had been in the client's care owing to there being concerns as to the other party's ability to care for the child, owing to suspected drug use and inadequate living arrangements. On impulse, the other party had knocked at the front door, taken the child and absconded. Despite this being reported, the police, unaware of the concerns surrounding the other party and absent of there being any court order in place, allowed the child to remain in the other party's care given that the other party had parental responsibility. The client had an appointment with me on the Tuesday afternoon and, following my making an urgent ex-parte application to the court, the matter was before the court on the Friday morning. After my putting the client's case forward, the court made an Order for the child to return immediately to my client's care and a residency Order was made in my client's favour. Conditions were attached to the Order, by way of a penal notice, in order that criminal action could be taken if the other party were to breach the Order.

### CONSENT ORDER

It is in both parties' interests for the divorce and the financial matters that arise from the divorce to be dealt with amicably, cost effectively and expediently where possible. We had been instructed to prepare a legally binding agreement, known as a Consent Order, reflective of the agreement reached directly between the parties. The agreement had been reached without third party involvement i.e. the involvement of a mediator, arbitrator, the court or negotiations through solicitors. We encouraged our client to voluntarily exchange financial information with the other party where I thereupon advised the client as to the parties' 'in principle' agreement in light of the figure-work before me. Our client took on board my recommendations with regard the financial settlement as neither party wanted this to be a drawn out, expensive process. The Consent Order was sealed and the matter finalised in just over four months. A transfer of property was dealt with simultaneously.