

# HUNTERS

INCORPORATING  
MAY, MAY & MERRIMANS



## Family Law

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# Family Law

Family law is complex and ever-changing. Specialist advice can be critical.

Our Family team will help you - and your children - on all matters flowing from the termination of a relationship (whether or not you are married). Because every case is unique, we offer a personal service tailored to each client's needs. This usually involves a team approach, with an experienced partner always present.

The breakdown of any relationship causes enormous distress. Where possible we adopt a non-confrontational approach to give you the best chance of reaching the right result with as little damage as possible to family relationships and finances. Several of us are trained mediators and collaborative lawyers.

We recognise that resolution is not always possible. As contentious lawyers, we use the Court processes regularly: we are entirely comfortable with a more robust approach when required.



## Pre-nuptial and Cohabitation Agreements

Whilst written agreements reached between parties before (or after) marriage do not specifically bind the English Courts, parties can nevertheless expect them to be likely to be applied - if they reflect the free and informed consent of both parties, and are not unfair to either.

Accordingly, such agreements now have a permanent place in the arrangements that wealth managers and private client lawyers need to have in mind for their clients. No longer are they the preserve of the wealthy: they are tools to be employed by anyone who seeks predictability.

However, while the benefits of such an agreement are clear, the path towards it is not always easy. We are very aware of the importance not only of technical ability, but also of sensitivity, allied to skills in gentle negotiation in bringing these delicate

matters to a safe and successful conclusion. We find the collaborative law process particularly useful in this discipline. Of importance in this work is the ready availability of the skills and experience of our Private Client team.

Where parties are not married, we advise on the prevention of disputes by helping with "living together" or "cohabitation" agreements.

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**The Family Law team is highlighted in Legal 500 as "dynamic and forward thinking."**

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The department is highlighted as “an outstanding team that places strategic advice, client care and thorough preparation at the top of its list of priorities.”

## Legal 500

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### Divorce and Relationship Breakdown

If a marriage or civil partnership breaks down, it can be ended legally. Frequently this includes issues of finance and children, which must be resolved. The Court can become involved if necessary.

Judicial Separation is available if your relationship has ended, but divorce is not appropriate. The process is identical (except that the legal relationship is not ended) as are almost all the Court’s financial powers.

A separation agreement has no initial Court involvement. It is a contract, by which the parties agree issues relevant to their situation. They might need one to govern a period of separation before a divorce, setting out who is to live where, and who is to pay for what. It might apply where the parties were never married or in a civil partnership. If you are unmarried, you do not need the law to end your relationship, but its breakdown can bring with it identical legal issues. We are skilled in handling such situations.

### The Unmarried Family

Unmarried families are now commonplace. Their breakdown presents the same complex array of issues requiring resolution as if a couple were married.

A crucial difference is that where couples are unmarried, there is no provision in English law under which one party can obtain financial support from the other in their own right: such support has to form part of orders made for the benefit of the couple’s children. Disputes about the division of property have to be resolved under the principles of trust law.

This means that people, often at their most vulnerable, face a complex series of steps to resolve financial issues with their former partner. We are experienced in these aspects.

### Disputes Concerning Children

When family relationships change, children are inevitably affected. After separation, parents need to reach agreement about where their children will live, and how often the other parent will see them. There may be other issues, such as their schooling, faith and whether they should live permanently out of the country. The court has powers to resolve such disputes.

What is best for children is paramount: they need to be protected from the situation as far as possible. This is central to our approach.

Parents also need to agree the appropriate financial provision for them: this will vary, depending upon whether the parents are married or not. We have experience in advising on these issues, and on whether the disputes can best be resolved by agreement, such as mediation, or through the Court process.



## International Family Matters

The “international family” is increasingly common. When such relationships involving children break down, various legal problems arise: Where will the children live? With whom? Where does that leave the other parent? How are the costs to be met? What about maintenance?

Disputes involving children are always difficult: distance can magnify the emotions. Sometimes a parent takes the law into their own hands by taking (or keeping) children abroad without consent. Such action can be illegal, requiring immediate steps by experienced lawyers.

We are used to dealing with such cross-border disputes - including abduction and applications by one parent for permission to relocate abroad where the other parent does not consent. Early advice - and often immediate action - is essential.

## Surrogacy and Adoption

If you would like to become a parent through surrogacy, adoption or assisted conception, then we can provide advice on the process and the issues you need to consider.

There is a huge emotional investment involved in these applications, and a clear understanding of the legal issues is a vital part of ensuring a successful outcome.

Early advice and careful planning is essential. This is particularly relevant when considering entering into a Surrogacy Agreement in which a person has agreed to act as a host mother for your child, and where there are very clear guidelines in place for regulating such an agreement.

## Mediation and Collaborative Law

The breakdown of a relationship can be devastating for the wider family, particularly if bitterly-fought court proceedings follow which increase ill-feeling.

The most successful outcomes are usually those agreed without court intervention. We have lawyers to help you, trained in mediation and collaborative law.

In mediation, both parties attend meetings with a neutral third party mediator (often a family lawyer), who helps them reach their own agreement. This empowers them to make their own decisions and negotiate in a civilised environment which encourages communication and a constructive relationship. We have accredited mediators.

In Collaborative Law, a couple, together with their lawyers, engage in a series of face-to-face meetings (known as ‘four way meetings’) to identify their needs and objectives with the aim of finding a tailor-made, mutually acceptable solution. We also have collaborative lawyers.

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The team is recommended by clients as “strong, well organised and good value for money” and “I would highly recommend them for impartial advice and a bespoke and professional service.”

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## Chambers

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