



ANDERSON
LONGMORE
& HIGHAM



family law

FAMILY LAW

need to talk to someone?

NEED TO TALK TO SOMEONE?

The breakdown of a marriage or a relationship can be a very difficult and confusing time. Divorce or separation is one of the most stressful periods in a person's life and simply dealing with one's own emotions can be hard enough.

At Anderson Longmore & Higham (AL&H) we are very experienced in helping people navigate their way through this period in a way that is clear, sensitive but focused. We recognise that everyone's situation is different and endeavour to provide a service that is appropriate to your needs and your situation.

Talking to a solicitor is not an irreversible step towards a separation or divorce. If reconciliation is not possible, however, we will support and guide you through the various options that are available to you in resolving the issues arising out of the end of your relationship. Above all, we will strive to help you to resolve matters without acrimony - and in a way that minimises the impact on others, particularly children.

We are members of Resolution, the nationwide organisation of family lawyers committed to the constructive resolution of family disputes in a conciliatory, fair manner. We adhere to Resolution's Code of Conduct which requires a non-confrontational approach. However, the Code does not preclude us acting firmly in your interests where necessary.

Indeed, we are committed, whichever route you choose to resolve matters, to helping you in a hands-on, practical manner so that you can achieve the best outcome.

We believe in the benefits of collaborative law and mediation, particularly given the need in every situation to focus first and foremost on the needs of any children of the family, and we will explore these options with you at the outset. Whilst not every situation will be capable of resolution using these methods, we strive to achieve settlement in a fair way in all situations, with the minimum of pain, cost and upset.

Edward Cooke, our Head of Department, is a Resolution Accredited Specialist with particular expertise in complex financial cases and children work. Edward is a Trained Mediator and a Collaborative Lawyer. He is also a member of the Law Society Family Law Panel. Edward is based in Chichester, however, he and members of the team are available to meet with clients at all of the firm's offices.

Contact: edwardcooke@alhlaw.co.uk





our expertise OUR EXPERTISE

We are family law specialists with many years of experience in handling the full range of issues that arise upon separation or divorce. We are also frequently called upon to advise in relation to legal agreements prior to marriage or cohabitation.

The main areas of work which we cover include:

Divorce and separation

We can advise as to your options in terms of separation and divorce. Some people prefer to separate without divorce proceedings; in such cases, we can assist in preparing a separation agreement regulating ongoing arrangements. We can handle any divorce proceedings for you – typically, this takes four to six months. This may, however, take longer where there are financial and children issues to be resolved.

Financial issues arising upon divorce and separation

A number of options are available when it comes to resolving financial issues (outlined below under “Your Options”). We can help you determine which route is appropriate for you. Whichever route is followed, we will endeavour to assist you in reaching a financial settlement as quickly and fairly as possible, which can be converted into an order (upon divorce) or a separation agreement (upon separation).

Whether you require assistance and advice relating to the family home or maintenance issues, or your situation involves more complex issues, such as pensions, tax, business assets or trusts, we are experienced in handling the full range of situations which arise. We are also experienced in handling cases with an international dimension, where early advice is particularly important.

Children law, including issues relating to a child's residence, contact, parenting issues

We recognise that handling issues relating to children is of the utmost importance and requires great sensitivity. We are experts in dealing with these matters, whether this involves advising in relation to ongoing living arrangements and issues relating to contact or specific issues, such as schooling, a child's name or medical treatment.

International relocation of children and child abduction

In our increasingly cosmopolitan society, we frequently advise parents in situations where it is proposed that a child moves abroad with one parent (in such situations, an order permitting this is required from the UK courts). We also have experience in assisting parents in proceedings under the Hague Convention when a child has not been returned from a foreign country, in cases of child abduction.

Emergency measures including domestic violence injunctions and interim maintenance, freezing orders

There are situations where we need to act quickly on behalf of our clients to provide physical or financial protection. We are skilled in acting quickly, whether this is to obtain domestic violence injunctions to provide physical protection or to obtain emergency financial remedies, such as interim maintenance or freezing orders.

Family Law



our expertise

Cohabitation disputes and Cohabitation Agreements

Cohabiting couples do not acquire the same rights as married couples and the law in this area is complex. Early advice and assistance is critical. We have considerable expertise in handling disputes arising from cohabitation, relating both to property and to ongoing financial support for children of these relationships. We also are increasingly called upon to advise in the preparation of cohabitation agreements, in order to provide couples with greater certainty in the event of relationship breakdown.

Issues arising upon the breakdown of Civil Partnerships

Since December 2005, same-sex couples have been legally entitled to enter into Civil Partnerships, which give them the same rights, with respect to financial matters, as married couples in the event of relationship breakdown. We can advise and assist in situations where a Civil Partnership breaks down.

Pre-Nuptial and Post-Nuptial Agreements

We are increasingly being asked to advise with respect to the preparation of pre-nuptial and post-nuptial agreements. Financial disclosure and timely, independent legal advice for both parties to such agreements is vital if you are considering entering into such an agreement.

Inheritance Act Claims

We can handle claims under the Inheritance (Provision for Family and Dependents) Act 1975. Under this Act, claims can be brought by those dependents (including ex-spouses and children) for whom proper financial provision has not been made under the former partner's will.





your options YOUR OPTIONS

Direct Agreement

Some people are able to agree matters directly, without involving lawyers, on some or all issues. We would still strongly recommend that you seek legal advice in these circumstances. There is a significant risk that an agreement may not be upheld in the future if both people have not been afforded the opportunity to take legal advice. We would therefore advise that you do so; to be sure you understand the full implications of any proposed agreement.

Negotiation through solicitors

Many situations are resolved in this way. To resolve the financial issues arising upon separation or divorce, there will need to be a process of financial disclosure. Once this has happened, you can focus on negotiating a fair settlement. Similarly, many people use this method to resolve issues relating to children which may arise either upon separation or at a later date.

Mediation

Where there are financial issues to resolve, this process follows a similar pattern to negotiation through solicitors, in that there is a process of financial disclosure followed by negotiation. The difference is that the process takes place through a series of meetings with an independent mediator, whose role is to encourage and facilitate agreement between the couple. Both partners, however, have the opportunity to seek independent legal advice from their own lawyer on any agreement reached before any agreement is binding upon them.

Mediation is often a particularly good forum for discussing issues relating to children, such as contact and parenting issues, and encourages positive communication and co-operation.

At AL&H we offer a specialist family law mediation service. We believe firmly in the positive benefits of the mediation process for separating couples, both in terms of enabling couples to reach their own decisions, but also in building better communications for the future.

Collaborative Law

Collaborative Law is a relatively new way of resolving issues arising upon divorce and separation. As with mediation, it is an "out of court" process. However, whereas mediation involves the couple attending a number of meetings with a mediator (usually without lawyers present), in Collaborative Law the meetings between the couple take place with their respective, collaboratively-trained lawyers present. The couple pledge not to go to court and if they decide to pull out of the process, they must instruct new solicitors.

Collaborative Law enables the couple to set the agenda and, with the help of their lawyers, to reach an agreement which meets the needs and aspirations of the family as a whole. Other professionals can be brought in to assist, whether in relation to financial issues or matters relating to children. Above all, the process enables people to resolve matters with dignity and helps to build trust for the future. This is particularly important when children are involved.

At AL&H we offer a collaborative law service. Edward Cooke was among the first lawyers in the area to train in this field. Collaborative law is another good option for couples wishing to reach a cost-effective, out of court settlement and is an alternative to the mediation process.

Court

There are clearly some situations where it is not possible to resolve matters by one of the methods outlined above. We will advise you in these circumstances as to your options in terms of a court application and will handle the process for you, where appropriate with the assistance of other professionals.

Sometimes it is necessary to make an urgent application to court, particularly where there are issues of physical protection or pressing financial matters to resolve. The court timetable is geared towards a resolution of issues at the earliest possible juncture and negotiations can continue alongside the process. We will, however, represent you throughout the process and will, if necessary, represent you at any Final Hearing (should matters not prove capable of resolution), although the vast majority of cases do not reach this stage.

how to contact us

HOW TO CONTACT US

We recognise that even talking to a solicitor can seem a daunting prospect at such a difficult time. We recognise that you may be worried about legal costs. We will provide an estimate at the outset of what the various options open to you may cost and the various methods for funding such costs. We want you to be able to focus on resolving matters in such a way that is designed to provide the best outcome for you and your family.

Please call in or telephone us at any of our offices, where one of our team will be able to assist you. We will explain how the initial meeting will work and what you need to bring with you to assist us at the first meeting.



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