Collaborative Law

Collaborative law is a different approach to resolving a relationship breakdown and issues relating to your children. It puts you and your partner/spouse in charge of the process rather than Solicitors and Courts. All negotiations are conducted in four way face to face meetings with a view to achieving a fair settlement and not one that is imposed on you.

You and your partner/spouse agree to provide information in an open and honest way. Throughout the process both of you have your own Solicitor to provide you with legal support and guidance, but those Solicitors commit to work in a non-confrontational way. Both Collaborative Lawyers will also consider with you and your spouse/partner whether to involve other professionals such as financial experts and family counsellors.

Starting the process

The starting point is to ensure both you and your spouse/partner are committed to the collaborative process. If this commitment exists then the next step is for you to instruct separate Solicitors trained in this area of law to represent your respective interests.

Here at HRJ Foreman Laws Solicitors our collaborative lawyer will help you through the entire process.

What are the benefits?

1. It is quicker than Court proceedings.
2. It is an open and honest approach.
3. You set the timetable.
4. Provides a family focused result.
5. Less stressful that going to Court.

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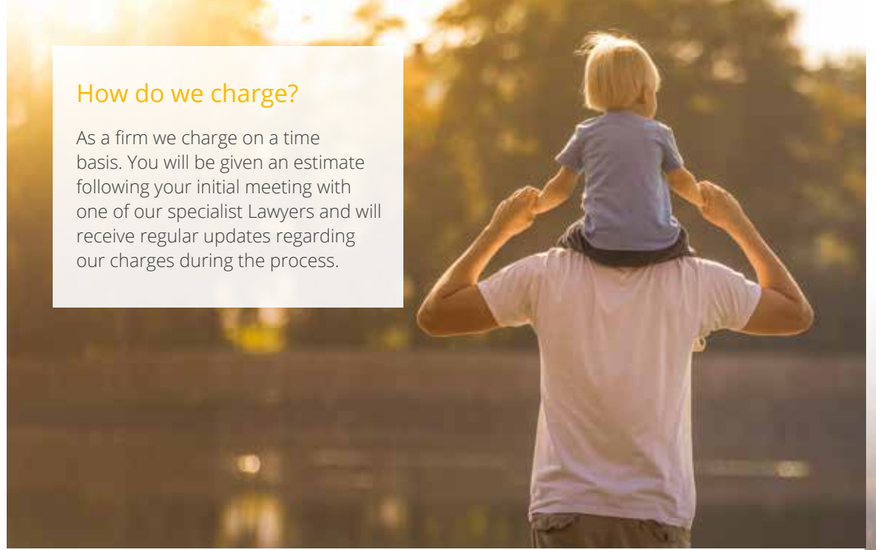

How do we charge?

As a firm we charge on a time basis. You will be given an estimate following your initial meeting with one of our specialist Lawyers and will receive regular updates regarding our charges during the process.

Who should I contact?

If you need further information or advice please contact our Family Law Department on 01462 458711 (Hitchin) or 01707 887700 (Welwyn Garden City). Our team will be happy to provide you with further information and arrange a mutually convenient appointment.

HRJ Foreman Laws Solicitors is recognised by Lexcel - the Law Society's quality mark for excellence and regulated by the Solicitors Regulation Authority. We operate to the highest standards required by the Law Society's Conveyancing Quality Scheme (CQS). Our track record in leasehold enfranchisement is acknowledged by ALEP (Association of Leasehold Enfranchisement Practitioners). We follow a professional code of practice recognised by the family law group 'Resolution. As members of STEP we are acknowledged Trust and Estate Practitioners. We also work with Certainty, the National Will Register.

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HRJ FOREMAN LAWS
SOLICITORS

CHILD ARRANGEMENTS ORDER, MEDIATION & COLLABORATIVE LAW

Finding the best solution for your family

When a relationship breaks down it can be an emotional and uncertain time for everyone, especially the children. Sometimes parents are unable to agree on the best approach for the children and will need legal support to find a decision that works for everyone.

Here at HRJ Foreman Laws Solicitors, we have extensive experience in all aspects of resolving issues in relation to children (previously known as child custody.) We will handle your situation sympathetically and fairly, aiming to find the best solution for your family.

We provide experienced and bespoke legal advice for businesses and individuals. Since 1591

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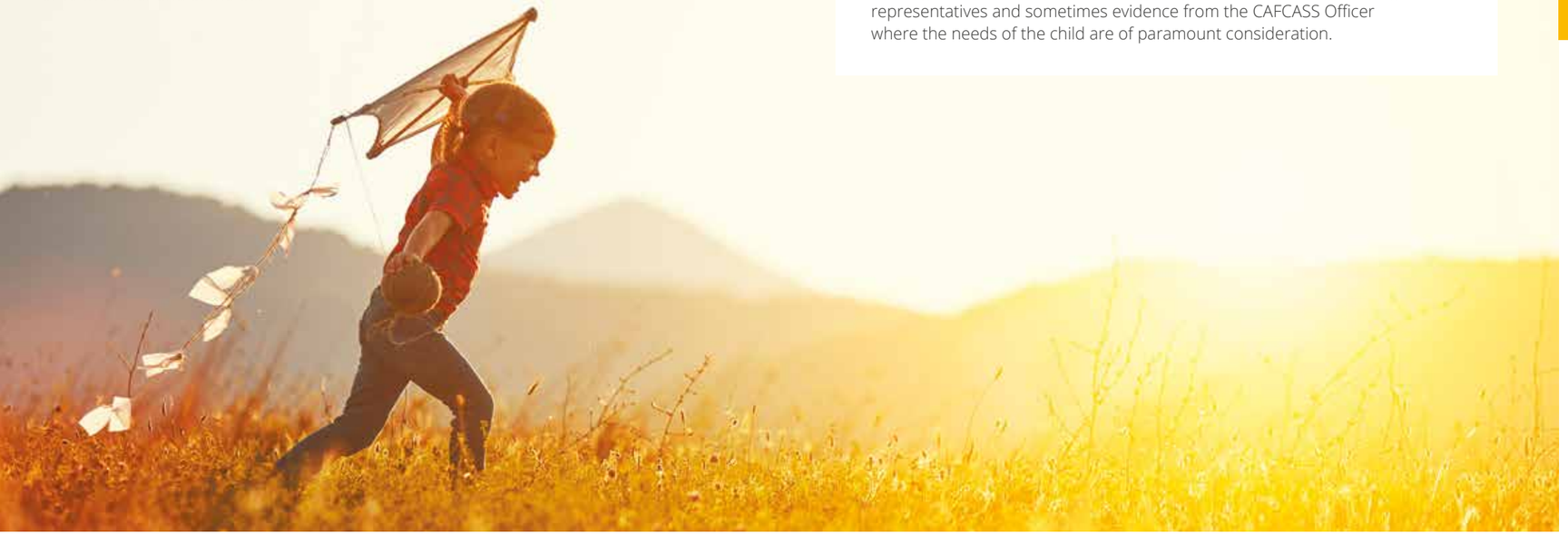
What is a Child Arrangements Order?

If communication between both parents has broken down or an agreement cannot be reached you should first consider attending Mediation (MIAM) or undertaking Collaborative Law. Both processes put the parents in control of the entire process. (See our sections on Collaborative Law overelaf, and Mediation to the right). However if you are unable to find agreement, the Court can assist by making a Child Arrangements Order. This can include:

- A Child Arrangements Order as to where your child will live
- A Child Arrangements Order as to when your child will have contact with each parent
- A Specific Issue Order
- A Prohibited Steps Order
- A Parental Responsibility Order
- A Leave to remove application

A Prohibited Steps Order prevents an action such as removing a child from the country and a Specific Issue Order is where the Court will consider a specific issue relating to the child, for example where the child will go to school. A 'leave to remove application' often relates to one parent wishing to remove the children from the UK to live abroad or to the other end of the UK.



What is the process to obtain a Child Arrangements Order?

We will prepare an application for a Child Arrangements Order on your behalf. Once the application has been filed at Court, the Court will then write to the parties with a hearing date. At the hearing an organisation called CAFCASS will work with the Court to carry out certain safeguarding checks on the parties and produce a short letter to the Court.

The first hearing before the Court is a First Hearing Dispute Resolution Appointment (FHDRA). The purpose of this hearing is to see whether any agreement can be reached between the parties with the assistance of CAFCASS, the Judge and the parties' legal representatives.

If no agreement can be reached the Court will give an Order directing the parties as to the next steps to be taken. This could include that CAFCASS produce a full written report, the parties produce Statements setting out their respective positions, and they may also be ordered to produce additional information, for example a letter from their GP.

In some children cases the Court has to list the matter for a Final Hearing where the Court will hear legal arguments from the parties legal representatives and sometimes evidence from the CAFCASS Officer where the needs of the child are of paramount consideration.

Family Mediation

Family Mediation is a voluntary and confidential process in which a couple or any other family members are helped to reach decisions and joint solutions through discussion with the assistance of a trained, independent, impartial third party – the Mediator.

It includes arrangements for children, financial and property matters, communication between parents, other divorce or separation issues, grandparent/grandchild contact.

How does the Mediation process work?

After being sent a request for information and Mediation agreement, the couple will have an initial meeting with the Mediator. A number of sessions will then follow, typically between about three and five, during which the Mediator will give information and assistance, but not advice, to help the parties reach joint decisions appropriate to their particular circumstances.

Do you need a Solicitor?

You do not have to see a Solicitor but you are encouraged to take independent legal advice. When you have completed your mediation process and are ready to move forward, we will help you to prepare the necessary documents to formalise your agreement and ensure it is legally binding.

Mediation access to the Court

Since April 2013 it is not possible to access the Court for an Order for finances or children (unless in the case of an extreme emergency or domestic violence) unless a referral has been made to Mediation and the Mediators.

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