

YOUR LOGO

FAMILY LAW

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MEDIATION VOUCHER SCHEME TO HELP MORE COUPLES



The mediation voucher scheme is being expanded to help thousands more separating couples resolve disputes without having to go to court.

The scheme provides a £500 voucher for mediation services with the aim of finding amicable solutions to disagreements. It seeks to spare eligible families the trauma of going through often lengthy and costly courtroom battles.

Hundreds of people have already accessed this vital support with around 130 vouchers currently being used every week. Early data from the Family Mediation Council (FMC), which runs

the programme, has shown that up to three-quarters of participants have been helped to reach full or partial agreement on their dispute.

An additional £800,000 is now being made available to expand the scheme, helping around 2,000 more families.

Information about the scheme and how it works is provided to parties at their Mediation Information and Assessment Meeting (MIAM), which all those involved in family cases are required to attend, unless they have a valid exemption. On attendance of a MIAM, a trained mediator will assess the issues which

you seek to resolve to see if they are suitable for mediation and meet the eligibility requirements for the voucher scheme.

Cases involving a dispute regarding a child, and family financial matters that also involve a child are eligible. It is important to remember that mediation is only an option when both people agree to take part in it, so you and the other person will need to agree to mediate.

Please contact us if you would like more information about the issues raised in this article or any aspect of family law.

COURT REFUSES TO RETURN CHILD UNDER HAGUE CONVENTION

The Family Court has refused to return a four-year-old boy to his father in the United States even though his mother had taken him to England unlawfully.

The case involved a mother who had emigrated to the United States. The father was a US citizen.

The couple had separated before their son's birth in June 2017. The father began divorce proceedings in his local county circuit court, and for orders in respect of the son, referred to as M.

In April 2019, the mother travelled to England with M and then deliberately went into hiding for two years.

The father applied to the Family Court in England for M to be returned to the US under the Hague Convention on the Civil Aspects of International Child Abduction 1980 art.12.

The court heard evidence from a psychiatrist that M

appeared to have traits in keeping with an autism spectrum disorder (ASD) diagnosis.

This meant that changes to his routine and living arrangements would result in increased anxiety levels and that he would suffer emotional and behavioural problems if he was separated from his mother, who refused to return to the US as she feared she would be arrested.

The court rejected the father's application because if M were separated from his mother there was a grave risk, if not a certainty, that he would be exposed to psychological harm and placed in an intolerable situation.

Please contact us for more information about the issues raised in this article or any aspect of family law.



HOW LEGAL AGREEMENTS CAN HELP COHABITING COUPLES



Cohabiting couples are often mistaken about their legal rights.

Many believe there is such a thing as common law marriage giving them the same legal protection as married couples.

Unfortunately for them, this is not true. Cohabiting couples have very few automatic rights and this can cause numerous problems.

For example, if your home is in your ex-partner's name you will have no automatic right to stay there if you are asked to

leave. Nor will you automatically be entitled to a financial share in the house, even if you helped to pay for it over several years.

If you are cohabiting you should also remember that your partner won't have to pay maintenance for you if your relationship ends, even if you gave up your job to look after the children while he or she went out to build a lucrative career.

They will, however, have to help support any children you have together. Many couples protect themselves by drawing up

living together agreements, which state in advance how their assets should be assessed and divided if they eventually separate.

This can prevent disputes later if the worst does happen, although many couples find that the process of drawing up an agreement actually strengthens their relationship because both sides feel more secure and settled.

Please contact us if you would like more information about any of the issues raised in these articles.

WRONGFULLY DETAINED CHILDREN RETURNED TO GRANDPARENTS

Three children who were wrongfully detained by their paternal grandparents in England have been returned to their maternal grandparents in Ireland.

The children were aged 11, 5 and 4. Their parents lived sometimes in Ireland and other times in England. The father had several criminal convictions and was jailed for three years in 2018 while the family were living in England.

The mother then returned with the children to Ireland, where she registered as homeless as part of a process to secure a home for herself and the children. The maternal grandparents provided support throughout the process.

The mother died in 2021 and the maternal grandparents took the children into their care.

They assumed there was no objection to the children remaining with them and applied to the Irish court for guardianship and custody.

While those applications were pending, the children went to stay with the paternal grandparents in England for a week's holiday.

However, the paternal grandparents retained the children, stating it was what the father wanted.

The maternal grandparents applied

for the children to be returned to them under the Hague Convention on the Civil Aspects of International Child Abduction 1980.

The Family Court held that the maternal grandparents had rights of custody because they had undertaken the responsibilities and were thereby enjoying the rights entailed in the primary care of the children. They had assumed responsibility when there was no other person with legal responsibility for the children available to care for them.

Please contact us if you would like more information about the issues raised in this article.

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