



FAMILY LAW NEWS



Mandeep Clair

If you're going through a divorce or separation, the last thing you need is more stress. With many years experience between them, the Grant Saw family law team works hard to ensure that any issues arising from your situation are dealt with in an efficient and sensitive manner.

As experienced family law solicitors, we empathise with the unique situation of every one of our clients and provide objective advice on the steps that need to be taken to resolve issues with former partners.

Mandeep Clair and Michael Dear both specialise in matrimonial and family work at Grant Saw.

Mandeep is a qualified solicitor and collaborative lawyer. In addition, Mandeep has the Law Society Family Accreditation which is the quality mark for family law practitioners. Mandeep is fluent in Punjabi.



Michael Dear

Michael is a Chartered Legal Executive with over 30 years experience of matrimonial and family work.

He specialises in divorce proceedings, cohabitation disputes, prenuptial agreements, financial and property disputes as well as all aspects of work relating to children.

Michael and Mandeep are also both qualified Mediators and members of **Resolution**, an organisation that believes in a constructive, non-confrontational approach to family law matters.

For advice and help with any family law matter, contact either Mandeep on DD: 0208 305 4235 or email: mclair@grantsaw.co.uk or Michael on DD: 0208 305 4238 or email: md@grantsaw.co.uk



Complexities of surrogacy and artificial insemination



the six-month time limit required under the Human Fertilisation and Embryology Act 2008. They realised the requirement many years later and it took a trip to the Family Court to rectify the error and have the requisite orders granted.

In the second, a gay couple who split up after having a child by AI wished to have one of them removed from the birth certificate so that the child would be on the same legal footing as their other children. Their case went all the way to the High Court which granted their request.

Children born as a result of surrogacy or artificial insemination (AI) arrangements have presented the courts with many issues over the years, as two recent cases illustrate.

In the first, the parents of three children born under surrogacy arrangements in the USA neglected to apply for parental orders within

Says Mandeep, "Family law is sometimes complex and can raise interesting practical and legal issues. We can guide you through the maze."

WE OFFER A FIRST FIXED FEE APPOINTMENT OF UP TO ONE HOUR FOR £100 + VAT TO ALL CLIENTS IN RESPECT OF RELATIONSHIP BREAKDOWN AND/OR ISSUES CONCERNING CHILDREN.



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Child protection more important than family togetherness

Family judges are used to controversy and accept the fact that there will always be an embittered few who accuse them of 'playing God'. However, one striking case shows that they will only break up families when doing so is necessary to ensure the long-term welfare of children and where there is no other viable option.

Social workers had long expressed deep concern about three young children whose mother suffered from cognitive and physical limitations. The youngest child had a history of disturbed behaviour, including threatening teachers and exposing himself. The boy, who was aged under ten, had punched, scratched and kicked adults and children alike, including his two older siblings.

In ruling on the local authority's application for full care orders in respect of all three children, a judge found that the mother's undoubted love for them was not sufficient to make her a good enough parent. She and the children's father had shown an almost total absence of insight into the emotional harm that the children had suffered.

The father, in particular, insisted that there was nothing wrong with his parenting, but the judge noted that the case was a

stark illustration of two parents simply not being equipped to provide proper care or boundaries for their children. Although the children had said that they wanted to live with their parents, no significant weight could be attached to the wishes and feelings of three such damaged youngsters.



In making the care orders sought and ruling that the children should remain in long-term foster care, the judge found that their parents were simply unable to meet their physical, emotional and other needs. They had been given many chances to prove themselves as parents but had shown themselves incapable of providing an adequate home for their children.

For advice on any aspect of family law, including the law relating to children and their welfare, contact us.

Tycoon must share £130 million fortune with ex-wife

Those who fail to cooperate in divorce proceedings may get away with it for a while, but they will ultimately be made to pay for their recalcitrance. In one case, an international business tycoon who dragged his feet was ordered to hand over almost half of his £130 million fortune to his ex-wife.

The couple, aged in their 70s, had been married for 46 years before the husband divorced the wife by pronouncing 'Talaq', and the divorce was subsequently confirmed by a Sharia court in the United Arab Emirates. During their marriage, the husband had enjoyed enormous success as a hotelier, financier and property developer. The wife had lived in London since their separation and launched proceedings in England under the Matrimonial and Family Proceedings Act 1984.

The husband disputed that the English courts had jurisdiction to consider the wife's claim on the basis that she was habitually resident in Portugal. He had been ordered to pay maintenance and legal costs to his wife but had fallen £740,000 into arrears. Due to his lack of cooperation, a worldwide injunction had been issued against him, freezing his assets up to a value of £125 million.

In accepting jurisdiction to hear the case, the High Court noted that the wife had been living in London for two years since the separation. The couple had lived in England earlier in their marriage; both had permission to remain permanently in the UK and the wife was eligible for naturalisation as a British citizen.

Due to the husband's failure to participate in the proceedings, the Court had to take a rough and ready approach to valuing the marital assets. It put their worth at just under £130 million, of which the wife was entitled to a sum in excess of £61 million. After such a long marriage, there could be no serious argument that the sharing principle should not be applied. The Court noted that the husband had been given every opportunity to be heard and, due to his unhelpful attitude, could not complain that the assets had been overvalued or that the award to the wife was overgenerous.

In almost all cases, being uncooperative will lead to a harsher result than a considered attempt to achieve an appropriate settlement at the outset. For advice on any aspect of family breakdown and financial arrangements on divorce, contact Michael or Mandeep.



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