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FAMILY LAW NEWS

If you're going through a divorce or separation, the last thing you need is more stress. With many years experience, the Grant Saw family law team work 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

Mandeep Clair specialises in matrimonial and family work at Grant Saw. She is a qualified solicitor and collaborative lawyer.

In addition, Mandeep has **Law Society Family Accreditation** which is the quality mark for family law practitioners. She is also a qualified Mediator and member of **Resolution**, an organisation that believes in a non-confrontational and constructive, approach to family law matters. Mandeep is fluent in Punjabi.

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Atifha Aftab

Atifha Aftab joined Grant Saw in June 2021 and is an experienced family lawyer who specialises in family law matters including:

- Relationship breakdowns
- Financial settlements
- Child arrangements
- Domestic violence injunctions
- Nuptial agreements

Atifha graduated in 2010 and completed her Legal Practice Course in 2012. She qualified as a Solicitor in 2015 and has since practised at law firms based in London, Kent and Hertfordshire prior to joining Grant Saw.

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Aishat Balogun

Aishat Balogun has recently joined us and specialises in divorce and finance cases. She has experience in private Children's Act cases, marriage breakdowns, financial settlements and pre-nuptial agreements.

Aishat adopts a pragmatic and cost-effective approach to clients who require advice on divorce and separation.

Having graduated from the University of Leicester with an LLB in Law, Aishat completed her Legal Practice Course at the University of Law in 2015 and attained a Master of Law in 2016.

Aishat practiced at a central London law firm from 2017 before joining a Kent-based firm in April 2020. Aishat, who qualified as a Solicitor in July 2019, is a member of **Resolution**.

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FOR ADVICE AND HELP WITH ANY MATRIMONIAL OR FAMILY LAW MATTER, PLEASE CONTACT MANDEEP, ATIFHA OR AISHAT.



IN BRIEF - Online divorce petitions now mandatory

The rules around divorce petitions changed this autumn and it is now mandatory for petitions to be issued via the HM Courts and Tribunals Service (HMCTS) online portal, rather than via a paper application.

The online platform has been developed in a bid to streamline and expedite the divorce

process and is part of HMCTS' bid to create a better experience for people going through a divorce, ensuring the court system does not add unnecessary distress or complexity to what can be a stressful time in their lives.

We can advise you on all aspects of the divorce process. Contact us for guidance.

Defiant father who abducted autistic son jailed for contempt of Court

Family proceedings can be extremely emotive and those involved may be tempted to defy court orders with which they disagree. A father who prompted a nationwide manhunt after going on the run with his autistic son discovered, however, that the price of disobedience can include loss of liberty.

After long and painful proceedings between the boy's parents, a judge ordered that he should live with his mother. The father was to have supervised contact with him twice a week. The mother was fully supportive of her son having contact with his father.

During a contact visit, however, the father went missing with the boy. The abduction triggered extensive press publicity aimed at finding the youngster and the police conducted a

week-long search before finally tracking them down in Scotland. Proceedings were subsequently brought against the father, seeking his committal to prison for contempt of court.

The father accepted that he had breached the contact order and that he had planned the abduction in advance. He said that he was traumatised, having been involved in very difficult family proceedings for three years and felt that he was being removed from his son's life. He said that he had made a huge mistake and that he always intended to return his son before the start of the next school term.

Ruling on the case, the High Court noted that the abduction was premeditated and that, in order to evade detection, the father purposely took steps to ensure that he

disappeared digitally. He must have known that the police were searching for him. He gave no thought to the impact of the boy's disappearance on his mother.

The abduction had a traumatic effect on his vulnerable son. On his return to her, his mother had never seen him so distressed. Press interest in the abduction had left an indelible mark on the internet and the story would never disappear. The mother continued to suffer anxiety and occasional panic attacks.

The father feared that the abduction would compromise his future contact with his son and his professed apology to the Court was more of an expression of sorrow for himself. The Court imposed a four-month prison sentence.

High Court clamps down on standardised online divorce petitions

The advent of so-called 'no fault' divorce is on the horizon but, until then, a great many divorce petitions will continue to be issued on the basis of unreasonable behaviour by one party or the other. As a High Court ruling underlined, the requirement to prove such behaviour is no empty formality.

The case concerned 28 divorce petitions that had been passed to the Court for consideration after a judge noticed that, in each case, the particulars of alleged unreasonable behaviour were couched in word-for-word identical terms. All the petitions had been drafted and filed by an online divorce advisory service.

Ruling on the matter, the Court noted that no fault divorce will for the first time

become available when the Divorce, Dissolution and Separation Act 2020 comes into force in April 2022. In the meantime, however, the law was absolutely clear that the irretrievable breakdown of a marriage must be proved by evidence.

A director of the service apologised profusely to the Court for the use of standardised wording. He explained that the wording had been sent to petitioners who were asked if there was any part of the draft statement with which they disagreed. He believed that that practice was acceptable. However, it was tolerably clear that not one of the 28 petitioners had made any amendments to the standardised statements.

The Court observed that this was not a correct way to proceed. The petitioners were required to state their own particulars and to give a true account of the unreasonable behaviour alleged. It was not possible that 28 absolutely identical statements could all be true. In those circumstances, there was no alternative but to dismiss all of the petitions.

The Court considered referring the case to the Director of Public Prosecutions on the basis that the use of standardised statements could potentially amount to the crime of perverting the course of justice. Given the director's apology and explanation, however, the Court decided not to take that course. In the event of repetition, the Court warned that it would have no hesitation in making a referral.



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