

Outreach News for Fisher Jones Greenwood Solicitors



Welcome to Outreach News, which highlights legal issues and the legal services provided by FJG from our offices in the Tendring, Colchester and Chelmsford areas. We now provide a complete range of services, including legal aid, from our full time office at 98 Pier Avenue, Clacton, where we can now also offer legally aided Family Mediation services every Tuesday. For mediation enquiries contact 01206 835300 and ask for Family Mediation.

This edition contains articles on our recent merger, new children law procedures, domestic abuse and wills & probate issues and I hope you find it useful and informative.

NHumphreys

Nigel Humphreys, Partnership member

Our Chelmsford office has now moved. We are no longer at Townfield House and are now located at Steeple House, Church Lane, Chelmsford, CM1 1NH. If you would like to book an appointment at this office, then please call 01245 890111.

Law Firm Merger - Providing a strong platform for growth

This summer, award-winning solicitors Fisher Jones Greenwood LLP merged with Budd Martin Burrett, forming a new firm under the name of Fisher Jones Greenwood (incorporating Budd Martin Burrett). So what does this merger mean?

The merger will make additional expertise and services available in all commercial and private client areas in Chelmsford, with the firm's office at Steeple House, Church Lane continuing to be the commercial hub. A full range of commercial and private client services, including legal aid will be available from this office. With a commitment to providing excellent customer service along with expert legal advice that is second to none, the investment being made will provide the resources needed to take our services to the next level in Chelmsford.

With the combined wealth of experience gained in two established firms through over 40 years of trading within Essex, the merger will strengthen and expand the services we are able to offer, ensuring that we can meet all of our clients potential needs from a competitive and sustainable position.

With the upcoming legal services reforms, the new legal environment will offer great opportunities for those firms prepared to grasp them and this merger will help the firm to be in a position to make the most of them and provide a strong platform for further growth in Chelmsford and along the A12 corridor to London.

Senior partner Tony Fisher, said: "This is a great move for both existing clients of the firms and new clients of the combined firm. With the ability to grow the practice as the economy recovers, attracting business from Chelmsford and London, the firm will only continue to go from strength to strength."

www.fjg.co.uk

New Children Law Procedures

Family Law Courts and practitioners recognise that parents who split up have a special duty to think about the effect of their separation on their children. Most parents do this and manage fairly well, but some get locked into legal disputes which can be as harmful to the children as a serious illness, and can have equally damaging long term effects.

The courts have recently introduced a number of new legal procedures to try to help parents avoid this.



Nigel Humphreys
Partnership Member

fig Under the Private Law Programme, implemented on 4 October 2010, any court application regarding children now has to be served on the court welfare service CAFCASS (the Children and Family Court Advisory and Support Service). In order to identify any possible risks to the children CAFCASS carry out checks with Social Services and the Police, and conduct telephone interviews with the parents.

fig The case is then listed for in-court conciliation before a CAFCASS officer or mediator, to try to help the parents reach an agreement before the case even reaches a Judge, in order to avoid contested legal proceedings if at all possible.

fig If the parents still cannot agree the court may ask CAFCASS to prepare a report with recommendations, including a report on the wishes and feelings of the children.

fig The Ministry of Justice plans in the future to take this a step further by requiring parents to attempt mediation before they can issue a court application.

fig The Courts also now have power to direct both parents to attend a parenting information programme (PIP). These courses run over four hours, normally two sessions of two hours. They are group sessions, but the parents do not attend the same session. The sessions include a dramatised video of a family going through separation, and a mix of exercises and discussions intended to help parents sort out sensible children arrangements for themselves.

fig The court can also direct one or both parents to attend a 'contact activity' such as an anger-management course or a parenting course to learn basic parenting skills.

As part of the coalition government's initiative to cut public spending, it is quite likely that legal aid will soon be withdrawn from parents seeking to litigate about everyday residence and contact arrangements for their children, adding further to the pressure to reach agreement.

Some courts have now started to issue written guidelines to parents on what the courts will expect from them. The guidelines emphasise:

- That children have a right to regular personal contact with both parents unless there is a very good reason to the contrary;
- That court-imposed orders work less well than agreements made between parents.

At Fisher Jones Greenwood we always try to encourage clients to reach agreement about their children, and to avoid the cost, stress and delay of court proceedings. We welcome these new initiatives which are likely to help parents to be more focused and purposeful, and to better protect the interests of their children.

If you require further information about the issues raised please contact Nigel Humphreys on 01206 578282 or by email at nhumphreys@fjg.co.uk.

Domestic abuse and safeguarding children

Despite the high profile campaigns and government drives to tackle domestic abuse, it remains a taboo subject and something which is prevalent regardless of age, gender, race, sexuality, wealth or geography. Abuse is not just physical it includes psychological, emotional, sexual and financial abuse.

Seeing a lawyer may seem a daunting prospect but those specialising in domestic abuse will not only be able to advise you (confidentially) of legal remedies they should also have a good connection with the local support services and be able to sign post.

With regard to legal remedies these come in the form of a Non Molestation Order and/or an Occupation Order under the Family Law Act 1996

A Non Molestation Order tells the perpetrator how to behave i.e. not to use or threaten violence, intimidate, pest or harass etc.



Lisa Munro
Partnership member

It can be tailor made to the circumstances of the case and it can also protect a child if they have been the victim of abuse. The breach of such an order is an arrestable offence (sanction up to 5 years imprisonment and/or unlimited fine).

An Occupation Order deals with who occupies the family home. In extreme cases the Court can force someone out of their home if they feel that the victim (and the child) is likely to come to more harm by the perpetrator remaining. The sanction for breach is up to 2 years imprisonment and/or an unlimited fine.

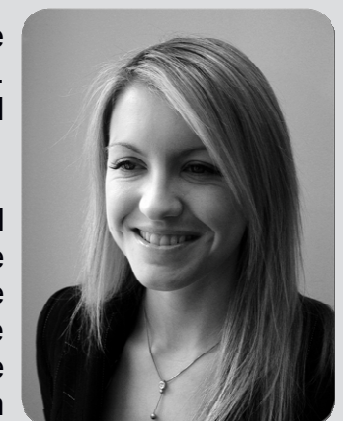
It must be noted that the Police have the power to seek an Order against the perpetrator pursuant to the Protection from Harassment Act which also regulates behaviour.

A shocking fact is that in 90% of domestic abuse cases children have been in the same or an adjacent room when a violent assault took place. The witnessing of abuse by the child is "harm" and can have a profound impact on them in the short and long term

There has been a sea of change in the way that the family courts deal with disputes regarding children where domestic abuse is alleged. The Court takes this issue very seriously; its overriding duty must be to ensure the safety and well being of the child. The Court's drive is to be proactive i.e. eradicate abusive behaviour and look at a long term resolution for the family. For instance directing attendance at Domestic Abuse Prevention Programmes such as Essex Change.



Andrea Godfrey
Solicitor



Charlotte Knappett
Solicitor

If you need advice on any of the matters mentioned here, or for more information on any other Family Law matter, please contact Lisa Munro on 01206 217575 and Charlotte Knappett on 01245 890110 or email family@fjg.co.uk. Alternatively you can look at the comprehensive range of guides on our website at www.fjg.co.uk

Not everything ends with death

The death of a loved one can be a traumatic time for those left behind. There is often a mix of emotions and practical issues to consider. I am sure that we would all like to put our affairs in order before we go, but invariably there are always a number of issues to be settled.

Those with suitable foresight will have written a will, appointing an executor to deal with the estate, to cash in the assets, and to distribute them as per their wishes.

For those who have not written a will, their estate will pass under the rules of intestacy. People who do not write wills typically think that either their entire estate will pass to their spouse (if married), or to the State. Neither of these general scenarios are correct, as the distribution will depend on the total value of the estate, and also the relatives who survive them.

We at Fisher Jones Greenwood LLP have a Wills & Probate Department with our Lawyers having many years of experience.



Richard Hildrow
Solicitor

For Wills, we offer a full range of services from the basic to the more involved, including all Inheritance Tax advice and planning where appropriate. We are also Founder Members of Certainty (The National Wills Register), allowing clients the peace of mind knowing that their Will can easily be located in the future.

In terms of probate, we offer a comprehensive competitively priced service covering all aspects of estate administration. Executors can come to us to ease the burden of what can be an onerous and sometimes emotionally difficult task. We also keep the beneficiaries fully informed of the progress of matters, and are only a phone call away to discuss any issues of concern that arise.

Where things don't go as expected, and an expectant beneficiary is left disappointed, we can also assist in advising and making a possible claim against an estate through our 'friendly but firm' contentious probate team available at privateclient@fig.co.uk.



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