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Family Law

Family Law News & Views

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“sound advice
and expert
representation”

“friendly and
caring”

“practical and
clear advice”

“always on hand
to deal with any
queries”

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Prenups in the news again

Prenuptial Agreements could soon be legally binding in this country. This is a controversial and emotive subject which has attracted a lot of press and media attention.

On 27 February, the Law Commission published a report on Matrimonial Property Needs and Agreements. In the report, the Law Commission recommended that prenuptial and postnuptial agreements should be legally binding.

The Law Commission suggested that such agreements, called ‘Qualifying Nuptial Agreements’ should satisfy the following criteria:

- * The agreement must be signed at least 28 days

before the wedding.

- * Both parties must provide financial disclosure.
- * Both parties should take legal advice.
- * The agreement must deal with the financial needs of both parties and any financial responsibilities for children.

These are very similar guidelines to those already followed by solicitors preparing such agreements for clients. However, the addition of statutory force would provide clients with the peace of mind that the terms they have worked so hard to agree will

not be ignored if they divorce.

Obviously as circumstances change, the agreements need to be reviewed. However, the Law Commission has also recommended that if circumstances do change, the parties can involve the Court to ensure that needs are met, but leave some elements of the agreement untouched.

It is going to be a case of ‘watch this space’ but rest assured we will report any news and new laws in due course.

If you are planning a wedding in the meantime, seek legal advice well in advance of the date of the ceremony.

I want to be a Targaryen

Game of Thrones is back on our TV screens for another series in April. What if you are a fan and want to change your name to the same as one of the characters in the series?

To become a Stark, Lannister or Targaryen, no formalities are needed as you can informally be known by any name you choose.

However, if you want your chosen name to be used formally on for example your passport or driving licence, you must change your name by Deed.

What about children? To change the name of any child under the age of 16, the consent of everyone who has Parental

Responsibility must be obtained. Failing agreement, an application to the Court for a Specific Issue Order must be made..

The Court will decide whether it is in the child’s best interests to have his or her name changed, by working through the Welfare Checklist.

Please stop!

Court proceedings involving children are sometimes a painful, long and expensive process for both parents. The effect on the children can also be traumatic. Therefore, Court proceedings are best avoided wherever possible.

If matters can only be decided by involving the Court, it is a huge relief for all concerned when the matter is closed and an Order has been agreed or made by the Court. Even though both sides may not be happy, everyone can now get

on with their lives.

Sadly, this is not always the case!

If one parent is unhappy with the decision or wants to cause further distress to the other parent, they are free to make an application to the Court to have the Order varied. This opens up the whole process again, causes distress and means that more costs are incurred.

What can you do if you are on the receiving end of such

an application?

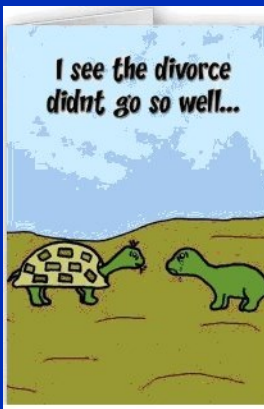
Ultimately, the Court can make an Order that the person making the application be prevented from re-opening the case for a period of time. This is to stop what are known as 'vexatious litigants' continually making such applications.

However, Orders are not made lightly and are the exception not the rule.

Advance Decisions

Advance Statements

Lasting Powers of Attorney



What is a Living Will?

It is a document containing your views on how you would like to be treated if you are unable to make such decisions yourself about your care, for example if you have a stroke or accident or have dementia.

If you 'lack mental capacity' to make such decisions, doctors have a legal and ethical obligation to act in your best interests when providing care

and treatment.

There are two different types, known as 'advance decisions' and 'advance statements'.

An advance decision is used to refuse treatment whereas an advance statement relates to how you would like to be treated and cared for.

Only advance decisions are legally binding. However,

your wishes contained in an advance statement should be taken into account by doctors when deciding what is in your best interests.

You can also make a Lasting Power of Attorney Health and Welfare to contain both your wishes about treatment and care and give your Attorneys the power to decide to refuse life-sustaining treatment.

Divorce Statistics

The 2013 Grant Thornton Matrimonial Survey was published recently.

The survey reported that the most common age for couples to divorce is the 40 to 49 year olds and that most marriages last between 11 and 20 years.

It was also reported that 29% of clients said the main reason for divorce was 'growing apart' whereas 24% said it was due to adultery and 13% said it was due to unreasonable behavior.

Interestingly, the state of the economy has not affected the number of divorces each year. However, there does seem to

be a delay in commencing proceedings. The main reason is the inability to fund proceedings. In other words, couples are finding it difficult to pay legal fees.

With Court fees potentially increasing from £410 to £750 in April, it is only going to get worse for those wanting to divorce.



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Julie McDonald Family Law is authorised and regulated by the Solicitors Regulation Authority (No. 607193)

What we offer you

- ◇ FREE initial 30 minute, no obligation meetings
- ◇ FREE home visits within 15 miles of Newmarket
- ◇ Evening and weekend appointments
- ◇ Skype or telephone appointments
- ◇ Fixed fees where possible
- ◇ No VAT on our fees for a limited period
- ◇ Flexible payment options
- ◇ Regular updates on your case and our costs
- ◇ Advice in plain English—no legal jargon
- ◇ Professional advice from a qualified and experienced Solicitor

Dates for your diary

**FREE Legal Clinic at
Newmarket Day Centre
Tuesday 1 April
10.30am to 11.30am**

On the first Tuesday of every month Julie McDonald hosts free Legal Clinics at the Newmarket Day Centre.

If you have a legal question about Family Law, Wills or Lasting Powers of Attorney, you are welcome to drop in to meet Julie and ask your question. Topics include:

- Making a Will
- Making a Lasting Power of Attorney
- Relationship problems including divorce and separation
- Problems seeing grandchildren

St Nicholas Hospice



Newmarket Day Centre



St Nicholas Hospice Care

**Wills Weeks 2014
June 2014**

We are delighted to be taking part in Wills Weeks 2014.

If you need to make a new Will or review an existing one, please contact us to make an appointment.

Our services are provided free (for a basic Will) in return for a donation from you to the Hospice.

The work done at the Hospice is invaluable to the local community and every penny raised or donated is put to use to help those in need of care.

Contact us today to make an appointment.