

CHILDREN

Matters concerning children can vary greatly in their complexity. Many cases can be resolved with the assistance of solicitors or mediation at an early stage and without the need for any application to the Court. However, there are some cases which will require an application to the Court and on occasions they can be very lengthy and complex, which means the costs can vary considerably.

At EMD Law LLP we are aware of the importance of providing clients with different options in terms of costs and we therefore offer two payment options – the hourly rate option and the fixed fee option.

OPTION 1: HOURLY RATE

We offer an hourly rate whereby all work undertaken is charged at the fee earner's hourly rate in units of six minutes. Under this option we would bill on a monthly basis and the invoices are payable within 14 days of the date of the invoice unless we have agreed an alternative arrangement. The invoice will include a full narrative of the work undertaken during the period the invoice covers so clients can clearly see exactly what work has been carried out.

OPTION 2: FIXED FEES

We recognise the fact that clients often want certainty in terms of costs and we have therefore introduced the fixed fee option. Under this option we offer a fixed fee for each potential step. We have set out below details of the steps and the cost.

Rose Cottage, 4 Lime Terrace, High Street, Staplehurst, Kent, TN12 0AP

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Negotiating an Agreement Without Court Proceedings

INITIAL 30 MINUTE CONSULTATION:

FREE*

*Providing client has not already received a free consultation regarding the same matter

ADVICE & NEGOTIATIONS (IN WRITING, VIA TELEPHONE AND FACE TO FACE MEETINGS WITH CLIENT):

£700 + VAT*

*For up to 4 hours of work. If over 4 hours each increment of 4 hours will be charged at an additional £700 plus VAT.

Court Proceedings

INITIAL 30 MINUTE CONSULTATION:

FREE*

*Providing client has not already received a free consultation regarding the same matter

STAGE 1

APPLICANT

REFERRAL TO MEDIATION SERVICE AND RECEIPT OF FORM FM1 FROM MEDIATOR:

£50 + VAT

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PREPARING APPLICATION, ISSUING IT AT COURT AND RECEIPT OF NOTICE OF PROCEEDINGS:

£150 + VAT

COMPLETION OF C1A (IF APPLICABLE):

£200 + VAT

SERVICE OF PROCEEDINGS ON RESPONDENT/RESPONDENT'S SOLICITORS, PREPARATION OF STATEMENT OF SERVICE AND FILING WITH COURT:

£75 + VAT

COURT FEES: £200 TO ISSUE APPLICATION

RESPONDENT

RECEIPT OF SERVICE OF PROCEEDINGS AND ADVICE THEREON:

£75 + VAT

COMPLETION OF ACKNOWLEDGEMENT, FILING IT AT COURT AND COPYING TO APPLICANT/APPLICANT'S SOLICITORS:

£50 + VAT

COMPLETION OF C1A (IF APPLICABLE):

£200 + VAT

DRAFTING POSITION STATEMENT (INCLUDING FILING AND SERVING)

£250 + VAT

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APPLICANT OR RESPONDENT

CONSIDERATION OF SCHEDULE II LETTER PREPARED BY CAFCASS AND ADVISING CLIENT THEREON:

£150 + VAT

REPRESENTING CLIENT AT DIRECTIONS HEARING:

£450 + VAT*

*Providing attendance at Court is not for more than 4 hours. If attendance at Court is required for more than 4 hours each additional hour/part of an hour will be charged at £112.50 plus VAT.

STAGE 2

APPLICANT OR RESPONDENT

It may be necessary to prepare a Schedule of Allegations or respond to a Schedule of Allegations. Our fee for preparing the schedule or responding to the schedule would be fixed between **£300 - £600 plus VAT** depending on the number of allegations.

In some cases the Court will order a Fact Finding Hearing. If so, our fee to prepare for such a Hearing would be fixed at **£600 plus VAT** (to include gathering evidence and preparing bundles if required). Representation at a Fact Finding Hearing would be fixed at **£450 plus VAT***.

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It may also be necessary to prepare Statements in support of the client's case. Our fee for preparing the statement will be fixed between **£350 - £1,000 plus VAT** per Statement depending upon the complexity of the matter.

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REVIEW OF OTHER SIDE'S STATEMENTS AND DISCUSSING WITH CLIENT:

£100 + VAT*

*Per Statement

ARRANGEMENT OF DRUG AND ALCOHOL TESTING, RECEIPT OF RESULTS AND FILING AND SERVICE OF RESULTS :

£150 + VAT*

*Per test

RECEIPT OF DRUG AND/OR ALCOHOL TEST RESULTS AND ADVICE THEREON:

£75 + VAT

INSTRUCTION OF OTHER EXPERT REPORT AND REVIEW OF REPORT:

£375 + VAT*

*Per Report

REVIEWING CAFCASS REPORT AND ADVICE THEREON:

£150 + VAT

REPRESENTATION AT REVIEW HEARINGS:

£450 + VAT*

*Providing attendance at Court is not for more than 4 hours. If attendance at Court is required for more than 4 hours each additional hour/part of an hour will be charged at £112.50 plus VAT. This fee is per Hearing.

ADVICE AND NEGOTIATIONS (IN WRITING, VIA TELEPHONE AND FACE TO FACE MEETINGS WITH CLIENT) :

£700 + VAT*

N.B. the negotiations can take place at any stage of the proceedings

*For up to 4 hours of work. If over 4 hours each increment of 4 hours or part thereof will be charged at an additional £700 + VAT

If an agreement is reached a Consent Order will need to be drafted and we will charge a fixed fee for this of **£400 plus VAT**, which will include the drafting of the Consent Order, sending it to the client for approval, sending it to the other side for approval, making any necessary amendments, filing it at Court, receiving sealed Order and copying to the client. If the other side draft the Consent Order and we have to approve it the fee will be **£300 plus VAT**. There will also be a Court fee payable of **£45**.

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STAGE 3

The final stage of the Court proceedings will be preparation for the Final Hearing and the Final Hearing itself. The costs will depend upon whether we are representing the Applicant or the Respondent in the proceedings. N.B. if we are acting for the Respondent but the Applicant is acting in person we will have to prepare the Court Bundles so in this instance our fees will be the same as if we were acting for the Applicant.

APPLICANT

REVIEWING FILES, DRAFTING INDEX FOR THE COURT BUNDLE AND AGREEING CONTENT WITH OTHER SIDE:

£500 + VAT

DRAFTING PART A DOCUMENTS AND AGREEING CONTENT WITH OTHER SIDE:

£750 + VAT

PREPARING INSTRUCTIONS TO COUNSEL AND DISCUSSING CASE WITH COUNSEL:

£500 + VAT

PREPARATION OF X4 COURT BUNDLES

£500* + VAT

*Includes photocopying up to 400 pages per bundle. If more than 400 pages per bundle each additional page will be charged at £0.25.

A barrister will be instructed to represent the client at the Final Hearing and their fee will be dictated by their Chambers. It is likely to be in the region of **£900 - £1,200 plus VAT** for a one day Hearing. It can be helpful to have either the client's solicitor/legal executive attend Court to sit behind Counsel and assist and the charge for this will be **£600 plus VAT** per day. Alternatively, a Paralegal or Trainee Legal Executive can attend and this will be charged at **£300 plus VAT** per day.

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RESPONDENT

REVIEWING AND AMENDING INDEX AND PART A DOCUMENTS PREPARED BY OTHER SIDE:

£500 + VAT

PREPARING INSTRUCTIONS TO COUNSEL AND DISCUSSING CASE WITH COUNSEL:

£500 + VAT

The Court Bundle will be prepared by the Applicant's solicitors (unless the Applicant is self-representing). The Applicant's solicitors can either provide us with copies of the bundle and the client will have to pay their photocopying charges or we can prepare the bundles ourselves and the charge will be £125 + VAT per bundle of up to 400 pages. If the bundle consists of more than 400 pages each additional page will be charged at £0.25.

A barrister will be instructed to represent the client at the Final Hearing and their fee will be dictated by their Chambers. It is likely to be in the region of £900 - £1,200 plus VAT for a one day Hearing. It can be helpful to have either the client's solicitor/legal executive attend Court to sit behind Counsel and assist and the charge for this will be £600 plus VAT per day. Alternatively, a Paralegal or Trainee Legal Executive can attend and this will be charged at £300 plus VAT per day.

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NOTES

- The fixed fees do not include VAT and VAT will be charged in addition at the current prevailing rate.
- The fixed fees do not include barrister's fees. A barrister will be required to represent the client at the Final Hearing if the proceedings go that far. In addition, it may also be necessary to obtain advice from a barrister or have a conference. If we are unable to represent a client at any other Hearings or we believe the circumstances are such that a barrister is required we will instruct a barrister and their fee will replace our fixed fee for attending that particular hearing.
- It may be necessary to make additional applications within the proceedings, such as if the other side do not comply with a Court Order or if the Court's directions are required at any time. This work will be charged in addition to the above quoted costs. We will agree the costs with you before undertaking the work.
- There may be additional Court Hearings to attend and, if so, these hearings will be charged at £450 plus VAT for up to 4 hours of attendance. If attendance at Court is more than 4 hours each additional hour/part of an hour will be charged at £112.50 plus VAT.
- The price includes all of our communication (letters, emails, faxes and telephone calls) with the client, the other party/their solicitors, the Court, the barrister, CAFCASS and any expert.
- The price does not include any expert's fees incurred, such as the fees for a psychiatric report. These fees are the responsibility of the client and are in addition to our fixed fees.
- The price does not include any disbursements, such as Court fees or the fees to obtain hair strand and blood tests.
- The price applies to applications under section 8 of the Children Act 1989 only.
- The price will not be applicable if the Local Authority (Children Services) becomes involved.
- The price does not include any advice or work in relation to the Divorce/Dissolution of Civil Partnership or the associated financial settlement.

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Registered Number: OC339500 Registered Office: Rose Cottage, 4 Lime Terrace, High Street, Staplehurst, Kent TN12 0AP

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A list of the members' names is available for inspection at the above address.