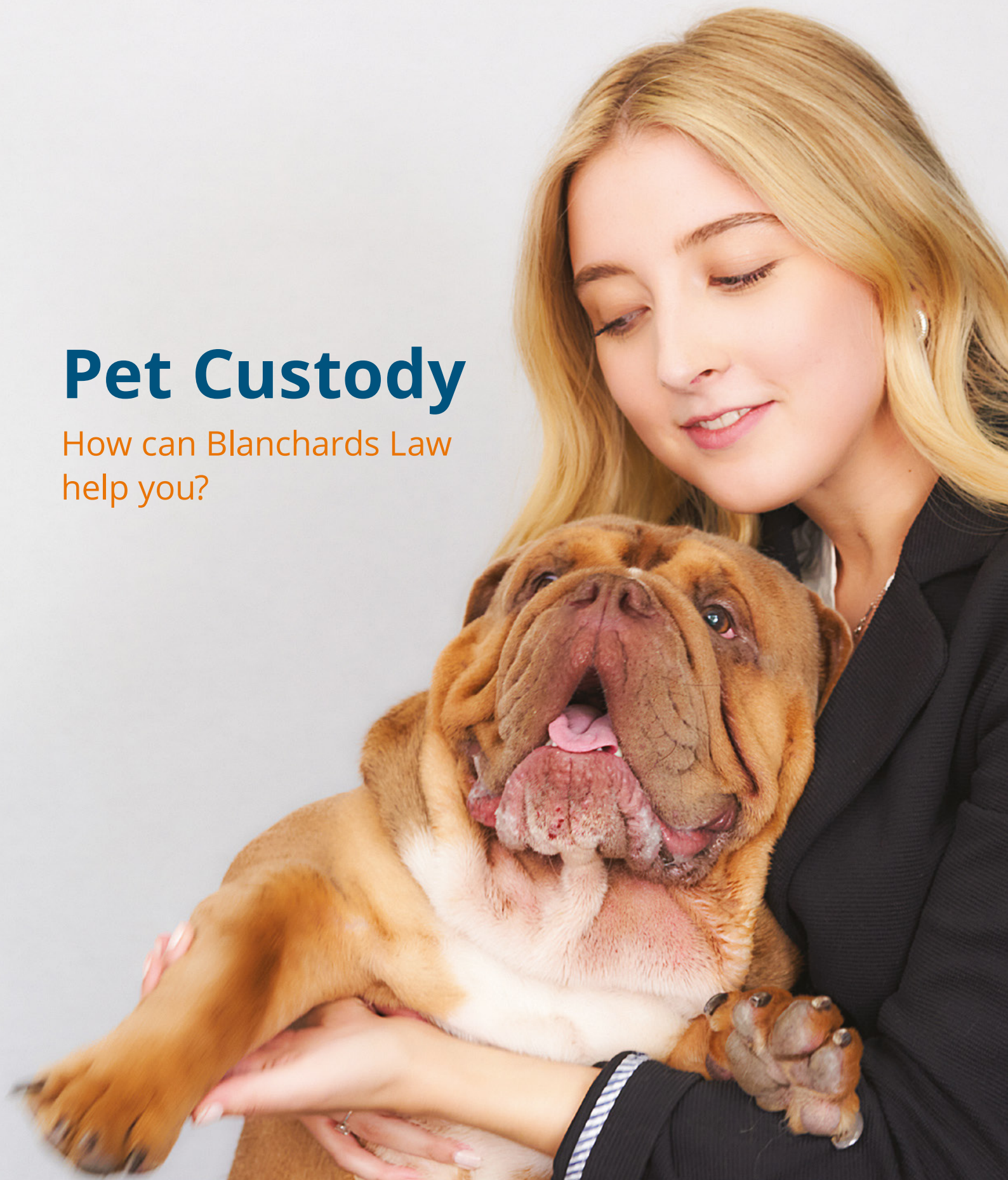


Pet Custody

How can Blanchards Law help you?





Here at Blanchards our Paralegals tend to do the majority of our Pet Custody work, with a Solicitor's supervision, to reduce legal costs.

We are family specialists who can assist your pet custody dispute if it is within the familial setting.

If your dispute falls into these familial grounds, please see our process in stages below:

1. Initial consultation

We provide a free 10 minute consultation. During this time, you can talk us through the who, the what and the where about your dispute.

We will ask you some initial questions to find out your position. Should you wish us to consider in greater detail whether you have a case or not, by looking at evidence of ownership, such as messages and other communications, we would send you our **Terms of Business**, which details all the costs involved should your matter proceed further.

2. Do I have a case?

To determine if you have an arguable case, we would require an **initial £500** on account. This initial payment would cover an assessment of your evidence.

Our paralegals, as aforementioned, carry out most of this work, supervised. Their **hourly rate is £205+VAT, and their supervising solicitor's rate is £290+VAT.** To help us assess the strength of your case, you must send us any evidence that you feel establishes legal ownership of your pet, at this very early stage.

Having considered all the documentation, we will be able to say whether we believe you have a case or not. The amount of time this takes will be dependent on the amount of the evidence you provide.

If we determine you do not have a case, any unspent funds on account will be returned to you. If, on the other hand, we think you have strong evidence that shows you could have a case, we will discuss the next steps with you.

3. What happens next?

i. Mediation

Although we have qualified mediators at Blanchards Law, **you would not be able to instruct us because we would have already seen your case, so we would not be impartial.**

If you did wish for us to mediate your dispute, you would need to engage us at the initial consultation point, before we hear too much about the matter.

It is important that for mediation to be successful and effective, the mediator is neutral and impartial. Therefore, if we could not mediate, we would refer you to someone else who could. The costs involved with mediation will depend on how much time it takes to come to a resolution, and the seniority of the mediator.

The process usually takes between 3-6 hours over two to four meetings.

ii. Letter of Claim

In the first instance, **we would offer to write to the other side on your behalf by way of a Letter of Claim.** We would use the money we already have on account of costs when we draft this. If there are no funds left on account, we would require a **further £500.** The letter will set out the facts in your case and your position. We would ask the other side to come to a reasonable agreement with you, within a certain time frame. The date would be provided in the letter.

If the pet is **solely owned by you then we would simply ask for the pet to be returned to you** with immediate effect. However, if the pet is **jointly owned, we would try to broker a shared care arrangement** between you.



We can also advise on and prepare a written document evidencing the shared care agreement. The shared care agreement would be signed, voluntarily, by both parties and a copy kept, by each of you, for your records. This agreement will show the intention between you and could be presented in Court should a further dispute arise.

We would **estimate** your fees for the work carried out from the outset to include the drafting the Letter of Claim and sending this to the other party to be in the region of **£1,500 to £2,000** plus or minus VAT.

If your matter becomes very contentious, with a lot of correspondence, our costs would increase and could amount to approximately £2,000 to £4,000 plus VAT. This would be in addition to any costs that are detailed in the Terms of Business letter you would be sent, following your initial consultation.

iii. Court Proceedings

If matters have not been resolved, we will advise you to initiate Court Proceedings. At this point, we will require **a further sum of £500** on account of costs.

First, we would file an **N1 Claim Form on your behalf and a small Court fee would be payable.** The fee varies depending on the price of the pet. We recommend that you represent yourself, to keep your costs down. However, should you wish to instruct us to assist you, we are able to do so. **(Continued...)**

Details of likely costs you may incur in going to Court will have been detailed in the initial Terms of Business letter sent out to you, following your initial enquiry.

If we need to instruct a Barrister, we would enquire as to their fees and inform you of the



same. We cannot advise you of the costs involved regarding instructing a Barrister, as their fees vary, according to certain aspects of the case and what they are required to do. **We may require a barrister in the following circumstance:**



- **Draft a Particulars of Claim** = *This is a document that would be sent to the Court and other side setting out what has happened and what you are asking for from the other party. The Particulars of Claim is completed by the Claimant (the person initiating proceedings) and received by the Defendant.*

- **Draft a Defence and Counterclaim** = *This is a document that would be sent to the Court and other side (claimant), in response to their Particulars of Claim. There is a time limit imposed on filing and serving these documents. A Defendant does not have to file a counterclaim. You do so only if it is appropriate. If it is required, you must file it at the same time, in the same document as the Defence.*

- **To draft reply to a Defence and Counterclaim** = *This is a document that would be sent to the Court and other side (claimant), in response to their Particulars of Claim. There is a time limit imposed on filing and serving these documents. A Defendant does not have to file a counterclaim. You do so only if it is appropriate. If it is required, you must file it at the same time, in the same document as the Defence.*

- **To appear in Court** = *It is more common in this type of matter that you act in person, meaning that you do not instruct a Barrister to represent you in Court. This is due to the costs involved in having representation, compared to that of which is in dispute. However, should you wish*

to be represented, we would instruct a Barrister on your behalf and let you know their fee estimates.

When and if a matter proceeds to Court, we understand that costs estimates will inevitably increase, therefore, we always advise that you attempt to reach a settlement before the matter gets to this point. Obviously, sometimes this is not always possible, we therefore need to cover every eventuality with you so that you are fully informed.

iv. What can a Judge order?

The outcome of Court proceedings will vary case to case. However, one of the following outcomes can be expected:

Shared care of the pet

The Court may order that you and the other person share the care of the pet for the foreseeable future if the Judge determines the pet is jointly owned. Therefore, resulting in you both retaining legal ownership.

One party to keep the pet

The Court could also order that one of the parties keep the pet and therefore retains sole legal ownership for the pet.

Sale of the pet

Alternatively, the Court could order that the pet is sold. We have recently had an inquiry where a Judge has ordered that a dog is put up for auction with the RSPCA! We have discovered that this Order is impossible to comply with as that service does not exist.

If you are in a dispute regarding your pet and need some assistance, don't hesitate to contact us:

t: 0333 344 6302

e: info@blanchardslaw.co.uk



A comprehensive list of all our services including detailed explanations can be found at our website:

blanchardslaw.co.uk

Offices in: Henley, London, Marlow and Beaconsfield

 **blanchards law**
family lawyers