

# 1GC | Family Law

## Eleri Jones

Year of Call: 2009



## Practice Overview

Eleri practises in both private children and family finance cases, including financial provision for children but she is increasingly highly sought after to advise upon the international aspects of both children and divorce/financial work, including questions of jurisdiction, recognition and enforcement. Eleri is known for her particular expertise and specialisation in relation to the operation of the Maintenance Regulation, Brussels IIa and the 1996 Hague Convention. Her work in the international arena also extends to reciprocal enforcement of maintenance and cases concerning the 2007 Hague Convention and 2007 Lugano Convention.

Eleri regularly presents seminars and has written a number of articles, particularly on international family law topics. In October 2017, she drafted a paper submitted to the UK Government commissioned by Resolution, the FLBA and IAFL addressing Brexit and Family Law. Eleri continues to participate in a working group of leading international family lawyers and academics considering the effect of Brexit on Family Law and works closely with a small group in consultation with the Ministry of Justice considering reforms to legislation required arising out of Brexit. Eleri is also a member of the Resolution International Committee. Eleri is also one of the team of editors for The Family Court Practice (Red Book) and is a fellow of the International Academy of Family Lawyers (IAFL).

In November 2019, Eleri was recognised as International Family Lawyer of the Year at the Lexis Nexis Family Law Awards and in March 2020, she was announced as the winner of the IAFL European Chapter Young Lawyers Award 2020. In 2021 Eleri was shortlisted as Junior Barrister of the Year in the Family Law Awards.

## International Family Law

A significant amount of Eleri's work has an international element, from issues of jurisdiction to questions of recognition and enforcement of orders across borders. Eleri has an excellent knowledge of the European and other international instruments and is regularly asked to advise in cases where there are complex technical points of international family law and where tactical considerations come to the fore. She is repeatedly instructed to act alone in cases against leading counsel and in relation to complex international matters well beyond her call.

Eleri has appeared in a number of leading international Family Law cases considering the issue of jurisdiction, from child abduction to international finance cases:

*DX v JX* [2022] EWFC 19

*D v E* [2020] EWHC 3257 (Fam)

*Re M (Children)(Non-Hague Convention State)* [2020] EWCA Civ 277

*Re I-L (Children) (1996 Hague Child Protection Convention: Inherent Jurisdiction)* [2019] EWCA Civ 1956

*C v C* [2019] UKPC 40

*Y and Z v W and X* [2017] EWFC 60

*AR v RN* [2015] UKSC 35

*Re H (Children) (Jurisdiction: Habitual Residence)* [2014] EWCA Civ 1101

*O v P (Jurisdiction Under Children Act 1989 Sch 1)* [2012] 1 FLR 329

Eleri has participated in, and spoken at, several international family law seminars both in England and abroad, and regularly provides training to solicitors on such topics with particular concentration in recent months on the issues for Family Law arising out of Brexit.

## Family Finance & Property

Eleri covers all aspects of family finance, from matrimonial matters following divorce and Schedule 1 cases between unmarried parents to Part III cases under the 1984 Act, and the equivalents following separation of civil partners. Eleri's cases have included questions of jurisdiction to bring financial claims, recognition of foreign divorces, child support legislation and those in which the capacity of one of the parties is in question. Eleri has experience of cases of significant value and disputes involving allegations of sham trusts, family trusts, issues of insolvency and farming cases.

Eleri also regularly advises in cases where there are combined considerations of children and finance arrangements, providing holistic advice to clients. Her involvement in the case of *C v C* [2019] in the Privy Council combined elements of children and financial law in an appeal from Jersey, concerning the recognition of a foreign order regarding the status of the appellant as a 'parent' and his consequential liability to pay child maintenance.

## Children (Private Law)

Eleri's work in the private law arena covers all aspects of disputed child arrangements, from questions of residence and contact, change of name or schooling to relocation cases, both domestic and international, surrogacy work and child abduction. She has experience of representing parents accused of, or alleging, serious domestic abuse in which attention to detail is of paramount importance.

The international aspect of Eleri's private children work has encompassed questions of jurisdiction, recognition and enforcement of foreign orders. Her recent case of *Re I-L* [2019] in the Court of Appeal, led by Deirdre Fottrell QC for the appeal, involved a contested 1980 Hague abduction

Convention application and subsequently issues of recognition and enforcement of Russian orders under the 1996 Hague Convention.

## Modern Families & Surrogacy

Eleri undertakes work in the field of international surrogacy. Her work in this arena includes the case of *Y and Z v W and X* [2017] EWFC 60 in which she was led by Deirdre Fottrell QC. The focus was the domicile criterion in a parental order application, but the application also involved consideration of other novel points of law concerning the interpretation of the Human Fertilisation and Embryology Act 2008 and parental responsibility.

Eleri's finance and private child practice includes work with modern families, including advising and representing parties following the breakdown of same sex marriages and civil partnerships, both domestically and internationally.

## What the Directories Say

*"Eleri Jones is brilliant on the detail and charming with clients. She is an extremely hard worker."* Band 2 - Chambers and Partners, 2024

*"She makes sure she goes the extra mile for you and that she'll deliver."* Band 2 - Chambers and Partners, 2024

*"Incredibly hard-working and pays phenomenal attention to detail."* Band 2 - Chambers and Partners, 2024

*"Eleri has an incredible brain. She is the go-to for complex international work. Her preparation is meticulous – no stone is left unturned. Her research, knowledge and persuasive advocacy are exemplary in the case."* Tier 3 - Legal 500, 2024 - Finance

*"Eleri really is the dream package - so brilliant and quick, a ferociously brilliant mind, and an absolute dream to instruct. Notwithstanding her brilliant and forensic mind, she operates with patience, grace and steely focus and determination."* Tier 3 - Legal 500, 2024 - Family

*"Eleri's brain is phenomenal. She's a superstar without a doubt and her grasp of international law is exceptional."* Band 2 - Chambers and Partners, 2023

*"Her knowledge of jurisdiction and cross-border matters is excellent. Very persuasive, very responsible and very hands-on, she's a pleasure to work with."* Band 2 - Chambers and Partners, 2023

*"Eleri is a stand out practitioner who knows the papers inside out and adopts a strategic and analytical approach to cases along with a quiet authority."* Tier 3 – Legal 500, 2023

*"Eleri is fiercely bright, incredibly hard working and phenomenal attention to detail. She is the go to person for jurisdiction and Brexit related issues, thanks to her vast intellect combined with her ability to distil complex legal issues and present them accessibly." "A talented negotiator. Very bright and conscientious. She is a committed and charming junior."*

### Tier 3 – Legal 500, 2023

*"The unicorn of barristers - probably the only person doing proper heavy weight jurisdiction, children and money cases. She is fiendishly clever, academic and a real heavyweight, but also warm, empathetic and good with the clients."* Tier 4 – Legal 500, 2022

*"Is a super-brain. Her brain operates at 100 times the speed of everyone else. There is nothing she doesn't know and there is nothing she misses. She is phenomenal."* Legal 500, 2021

*"Is gaining a stellar reputation in both children and financial work but with a particular expertise in international work."* Legal 500, 2021

*"Supremely intelligent, efficient and proactive." "She is so incredibly methodical and detailed, she is like a machine. Regardless of what the other side is doing she remains calm under pressure."* Chambers and Partners, 2021

*"Is poised, self-assured and copes incredibly well in difficult situations."* Legal 500, 2020

*"Eleri Jones is making a name for herself as one of the go-to people for cases involving tricky European jurisdiction issues."* Chambers and Partners, 2020

*"She's helpful and proactive and is a real Trojan when dealing with complicated children cases."* Chambers and Partners, 2020

*"Explains difficult legal concepts very clearly to her instructing solicitors and clients."* Legal 500, 2019

*"She is superb – a really bright young barrister who is incredibly thorough, easy to work with and technically brilliant."* Chambers and Partners, 2019

*"A future superstar of the Family Bar."* Chambers and Partners, 2019

*"She is an absolute expert on European legislation. She has an encyclopaedic knowledge and a razor-sharp mind. Eleri is a rising star with a bright future ahead."* Chambers and Partners, 2018

*"Exceedingly thorough and her grasp of complex technicalities is excellent."* Legal 500, 2017

*"Her encyclopaedic knowledge and fierce intelligence means she is at her best in complex cases."* Legal 500, 2016

### Notable Cases

**KV v KV [2024] EWFC 165** - Eleri represented a husband (led by Justin Warshaw KC) in an ultra high net worth case concerning the wife's applications for MPS and a LSPO. The husband ran a millionaire's defence. The court considered the appropriate provision in light of the competing proposals and in circumstances where the jurisdiction and appropriate forum for the divorce remain

contested.

*Collardeau-Fuchs v Fuchs* [2022] EWFC 135 - Eleri represented a wife (led by Nicholas Cusworth KC) in an ultra high net worth case concerning the implementation of a pre-nuptial agreement and financial provision for the parties' children. The case considered the principles applicable to the child maintenance payable, including the parties' standard of living before separation and resulted in the formulation by the judge of the 'Household Expenditure Child Support Award' (HECSA) for such cases, which has been adopted since. Unusually, due to the husband's conduct, the court ordered security for the husband's financial provision for the children.

*Fuchs v Collardeau-Fuchs* [2022] EWFC 45 - Eleri represented a wife (without a leader) in an interim application to enforce a MPS award. Eleri succeeded in demonstrating 'completely unnecessary negligence' by the husband in failing to make payments to a level which the judge considered approaching financial abuse. Eleri achieved an indemnity costs award in favour of her client.

*DX v JX* [2022] EWFC 19 - The case concerned jurisdiction for variation of an English maintenance order where the creditor wife lived abroad. Eleri successfully argued that post-Brexit the English court retains jurisdiction to vary its own order if no international convention otherwise applies and she achieved a clean break order for the husband.

*D v E* [2020] EWHC 3257 (Fam) (31 July 2020) - Eleri was instructed alone against leading counsel in a case under the 1980 Hague Convention. There were complex considerations in relation to the special needs of one of the children, the (accepted) objections of two of the children and the use of the 1996 Hague Convention to make protective measures. The court also (unusually) heard oral evidence.

*Re M (Children)(Non-Hague Convention State)* [2020] EWCA Civ 277 - A case concerning permission to travel temporarily to Qatar and the UAE in which an analysis of the risk of retention and the efficacy of proposed safeguards was central.

*Re I-L (Children) (1996 Hague Child Protection Convention: Inherent Jurisdiction)* [2019] EWCA Civ 1956 - Eleri succeeded at first instance in opposing an order for return to Russia under the 1980 Hague Convention but the court made an order for return under the inherent jurisdiction, which was set aside on appeal following consideration of the provisions of the 1996 Hague Convention.

*C v C* [2019] UKPC 40 - Eleri was part of the respondent's team which successfully resisted an appeal to the Privy Council by a man who had been ordered to pay child maintenance by the Jersey courts in relation to a child in relation to whom he was registered as the legal father in Latvia (but he is not his biological father). The case concerned the recognition of a foreign court's order in relation to status and the concept of parentage.

*AR v RN* [2015] UKSC 35 - Eleri was part of a team representing an intervener, CFAB, to assist the court in relation to its determination about the question of habitual residence. In this appeal from a Scottish case, the Supreme Court held that there is no requirement that a child should have been resident in the country in question for a particular period of time or that one or both parents intend to reside there permanently or indefinitely in order to establish habitual residence, which remains a question of fact.

*Re H (Children) (Jurisdiction: Habitual Residence)* [2014] EWCA Civ 1101 - Deirdre Fottrell QC and Eleri Jones represented the children, instructed by CAF/CASS, in this appeal in which the Court of

Appeal considered the effect of Article 10 of Brussels IIa which was not limited to intra-EU disputes and emphasised that habitual residence is a question of fact: the previous 'rule' that one parent could not unilaterally change the child's habitual residence should be consigned to history in favour of a factual inquiry into the circumstances.

*O v P (Jurisdiction Under Children Act 1989 Sch 1)* [2011] EWHC 2425 (Fam) - Eleri assisted John Stocker in representing the Official Solicitor as *amicus curiae* in a case concerning jurisdiction to entertain an application under Schedule 1 for financial provision filed 11 years previously.

## Education

MA (Cantab) Law, University of Cambridge

Bar Vocational Course, London

## Appointments

Fellow of the International Academy of Family Lawyers (IAFL)

## Awards

Shortlisted for Family Law Awards Junior Barrister of the Year 2021

IAFL European Chapter Young Lawyers Award 2020

International Family Lawyer of the Year at the Lexis Nexis Family Law Awards 2019

Astbury Scholarship (Middle Temple)

Erasmus Scholar (University of Regensburg, Germany)

## Memberships & Associations

[Family Law Bar Association \(FLBA\)](#)

[Resolution](#)

[Resolution International Committee](#)

[The Honourable Society of the Middle Temple](#)

Seminars, Publications and Training

Eleri is one of the team of editors for The Family Court Practice (Red Book)

Since 2019, Eleri has given regular seminars to solicitors (including Resolution National Conference) regarding the implications of Brexit for Family Law and continues to write and speak on these issues since the UK's departure from the EU.

Brexit: Cross-border conundrums Family Law Journal (April 2021)

"Brexit: The Future for Children Proceedings" as part of the 1GC Family Law Webinar Series (March 2021).

"Brexit: The Future for Family Finance" as part of the 1GC Family Law Webinar Series (June 2020).

Jurisdictional reciprocity – avoiding arrogant attempts to mark the foreign court's homework – International Family Law Journal, [2020] IFL 46 (Deirdre Fottrell QC and Eleri Jones)

Child abduction—use of the 1996 Hague Convention as opposed to the inherent jurisdiction (Re I-L (children) (1996 Hague Child Protection Convention—inherent jurisdiction)) - Thought Leaders 4 HNW Divorce

Co-author with Deirdre Fottrell QC of 'Family Law' in Daniel Clarry (ed), The UK Supreme Court Yearbook, Volume 9: 2017–2018 Legal Year (Appellate Press 2019) 559.

Domicile criterion for parental order after international surrogacy arrangement (Y and another v W and another), Lexis PSL (Family), (January 2018)

Brexit and Family Law – a paper submitted to the UK Government setting out the options available in respect of Brexit and Family Law, commissioned by Resolution, FLBA and IAFL (October 2017)

Post-Brexit frameworks—what are the options? Analysis of the UK government policy papers outlining the legal mechanisms for engaging with the EU after Brexit

Contributor to Divorce jurisdiction after Brexit (February 2017)

Co-author of DIY Divorce & Separation: The Expert Guide to Representing Yourself (Jordan Publishing), 2014

Contributor to Butterworths' Civil Court Precedents, Family Breakdown division

HP v PB [2013] EWHC 1956 (Fam), Legal Analysis Interview for Lexis®PSL Family on 22 July 2013.

Re B (A Child) - Social Engineering or Proportionate Response to Risk of Future Harm? (June 2013)

The 1996 Hague Convention: The Fourth Dimension (November 2012)

All Bark and No Bite? Enforcement in Private Child Disputes, December 2011, Key Authorities in Family Law

The New Maintenance Regulation: A Guide for Family Lawyers, (June 2011)

Languages

German (conversational)

Personal

Eleri is an accomplished pianist, harpist and choral singer with a keen interest in travel. She enjoys

skiing, cooking, jazz and fine wine.