

Tonia Clark

Year of Call: 1986
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Family

Finance/ancillary relief

Tonia practises in both financial and Children Act cases. Many clients who experience difficulties in both areas on separation prefer the consistency of counsel and attention to detail that being a specialist in both areas provides. Her background in Business and Administration and Tax has also proved a valuable tool in such cases.

Most of Tonia's cases involved one or more of the following:

- Family businesses and often multiple company structures
- Pensions funds (including NHS and Armed Services pensions)
- Significant non-disclosure (including applications to vary existing orders and to set aside orders due to material non disclosure)
- Inherited wealth
- Non matrimonial property and the extent to which it plays a part in the overall division of assets
- Third party interests

Tonia has recently been involved in a number of cases, including the setting aside of earlier orders, due to significant non-disclosure. In each case a tenacious approach was adopted in conference with the client and instructing solicitors and reaped significant benefit for the client in the overall result.

Tonia has also recently been involved in several cases where apparent third party interests in property structures have been successfully challenged to her clients' benefit.

Recent assessment of her successes have included cases where Tonia has:

- undertaken analysis of private individual business/company accounts
- acted both for and against clients who have extensive property interests, including several cases acting for owners of care homes
- acted for clients in the farming community which have often involved inherited wealth issues
- analysed allegations of significant non disclosure, traced assets and property within the UK or overseas and whether there is a need for more detailed forensic investigation
- acted for a significant number of medical professionals (surgeons/anaesthetists/ dentists)

Private Remote FDR Hearings

Tonia is available for private remote FDR hearings. For more information on private remote FDR hearings please click here.

Recent cases

R v R (2019)

Acting for wife. Significant and ongoing non disclosure by husband. Arguments by him concerning third party interests. Succeeded in obtaining order in which wife received majority of proceeds of sale of former family home.

M v M (2018)

Financial hearing (and Children Act proceedings) in which husband purported to have no interest in property (including the former family home) and business interests. Wife received generous lump sum and significant maintenance.

R v R (2016)

Acting for husband who was professional with significant wealth and connections in both Greece and Switzerland. Assets accumulated overseas. Argued successfully that deliberate non disclosure had not occurred and very limited add back arguments succeeded.

Children : Private Law Team

Tonia is frequently instructed in applications for child arrangements orders, specific issue orders and prohibited steps orders that often include one or more of the following features:

- Living with and contact arrangements
- Orders including internal or external relocation
- Allegations of parental alienation
- Children Act proceedings

Tonia frequently undertakes cases where one parent is allegedly hostile to the other and involving allegations of parental alienation. She has undertaken fact finding hearings where marital rape and severe emotional and physical abuse is alleged by one party against the other or abuse is alleged towards the child concerned.

She also regularly represents clients where issues have arisen concerning permanent removal of a child/children from the UK. For instance, she recently acted for a father who opposed the permanent removal of a child to Italy by the Italian mother. The first appeal by the mother (to a single judge of the High Court) was successful. However this was overturned by the Court of Appeal and the original order reinstated preventing the removal of the child.

Recent cases

J v L (2019)

Acting for child through their guardian in private law residence and contact dispute. Ultimately both parents in person. Procedure and hearing (including 4 day fact find) required extensive control and court required considerable assistance from counsel for the guardian (Tonia).

H v H (2019)

Acting for a father who was regularly working outside jurisdiction. Significant animosity between the parties. Secured live with order for father despite issues with working arrangements.

C v O (2019)

Acting for father. Child had been living with grandparents and significant attachment. Secured live with order for father.

Appealed. Permission to appeal granted but appeal ultimately dismissed.

N v N (2018)

Acting for father against whom serious allegations were made. Allegations not found proved and court ordered direct contact with the children the same day for first time in 7 months. Issues over possible removal from jurisdiction by mother.

HJ v A (2018)

Father had not seen children for 4 years. Ongoing litigation and Tonia was brought in to advise and for final hearing only. Result was suspended residence order in his favour. Orders made that he spend time with children including staying alternate weekends and holidays. Final shared living arrangements order has now been made.

L v F [2017] EWCA Civ 2121

Tonia successfully argued for a father against an application by mother for external relocation of a child (to the country of birth of both parents) . Cafcass supported the proposed move by mother. Decision overturned on appeal and original decision restored on further appeal. Resulted in father maintaining an ongoing and significant relationship with the child.

Children : Public Law Team

Tonia acts for parents in care proceedings and has a particular interest in representing grandparents and extended family members in disputes involving children in care proceedings. She is also instructed by Local Authorities and acts for Guardians on a regular basis. Her work in public law proceedings frequently involves one or more of the following:

- Care and adoption disputes
- Third party intervenor applications
- Fact finding and ground rules hearings
- Grandparents' and Guardians' interests

Tonia recently acted for grandparents where one parent had been murdered by the other. She is regularly instructed in cases involving highly vulnerable parents and undertakes fact finding hearings. In one complex fact find of 19 days, she acted for the children through their Guardian. Ground rules hearings are common for Tonia.

Tonia brings a real understanding of court practice as she has been a Deputy District Judge in the Family and County Court since 2001, and is authorised to hear financial claims, public law (care and adoption), private children cases and Court of Protection cases.

Recent cases

Re O (2019)

A young mother in relation to 3rd child. All older children had been removed at or shortly after birth. Tonia successfully argued for an independent full assessment of mother on the basis that the mother was being written off by the Local Authority. This was in the face of extensive assessments by different workers in the earlier (and current) proceedings.

Re A (2019)

Fact find and final hearing involving allegations, against her lay client, of deliberate ingestion of toxic substances putting her child at risk of death.

Re B (2017)

Acting in 19 day fact find on behalf of the children through their guardian where allegations of serious sexual assault. Local Authority family witnesses changed their evidence part way through hearing and after evidence in chief which caused issues

as to whether witnesses hostile and guardian's counsel (Tonia) expected to deal with issues raised.

Articles

Practice Direction 27A and its application to financial proceedings

Specialist family law barrister Tonia Clark reviews Practice Direction 27A (PD27A) which was published just yesterday, 25th February 2021.

View Article

Recommendations

"Emily Bevan (Stowe Family Law) was able to engage the services of a fantastic barrister, Tonia Clark, who was able to cut through the chaff and get right to the heart of the matter, giving me fantastic representation in court. My legally technically challenging case was handled with the upmost professionalism, and I could not have hoped for a better outcome." **Lay Client**

Tonia is recommended by the **Legal 500 Bar Directory 2017**
Family and children law – Leading juniors
Tonia Clark -'A specialist in private law children cases.'

Legal 500 Bar Directory 2016
Family and children law – Leading juniors
Tonia Clark - 'She is experienced in private law children proceeding'

Legal 500 Bar Directory 2015
Family and children law – Leading juniors
Tonia Clark - 'She has a swift grasp of detail, and is very client-friendly'

Legal 500 UK Directory 2013/14/Family

"3PB's Tonia Clark 'stands out'."

Academic qualifications

- BSc(Hons) Managerial and Administrative Studies, Aston University
- 2.1 honours degree in Managerial and Administrative Studies

Professional qualifications & appointments

- Accredited Mediation Advocate
- Deputy District Judge, Family Court and County Court
- Deputy District Judge, Financial Remedies Court, Western Circuit
- Lawyer Chairman of Residential Property Tribunal
- Family Law Bar Association

Professional bodies

- Family Law Bar Association.