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talks

Your questions answered

HOW TO: VARY A CHILD ARRANGEMENTS ORDER

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This Stowe talks: How to guide explains how to vary a child arrangements order.

Changing a court order for child arrangements can be complex, depending on the terms that need to be varied and the reasons for doing so.

However, the family court recognises that parents' circumstances often change with time, and a child's needs change as they get older, so it is possible to vary a child arrangements order.

If you wish to change an order, it is best to work with the other parent to reach an agreement. If you cannot decide between yourselves, consider whether mediation is appropriate.

If you still cannot agree, the final option is to apply to the court to vary the order. However, this should be the last resort, and it should be evidenced to the court that you have attempted to vary an order without court intervention.

What are the reasons for varying a child arrangements order?

The main reasons for varying a child arrangements order are:

- A change in circumstances making the existing arrangements unworkable
- Welfare concerns

Who can apply to vary a child arrangement order?

You can apply to vary a child arrangements order if you are the parent, guardian or special guardian of the child, someone who holds parental responsibility or a named party on an existing child arrangements order.

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How do you apply to vary a child arrangements order?

You can apply to vary a child arrangements order by submitting a [C100 application form](#) to the Court. This is the same form which would have been used at the time the initial application was made for a child arrangements order.

How much does it cost to vary a child arrangements order?

It costs £263 to submit an application for a child arrangements order.

What does the court consider in an application to vary a child arrangements order?

The court considers the following when deciding to vary a child arrangements order

- The welfare of the child considering the Welfare checklists within section 1 of the Children Act 1989.
- The outcome will be whatever is considered to be in the best interests of the child when the welfare factors have been considered

What are the options if your application to vary the order is unsuccessful?

If your application to vary a child arrangements order is unsuccessful then it may be worth exploring whether there have been any other cases with similar facts where the Application has been successful. In this case, you may wish to Appeal the decision citing other cases in support of your Application.

Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit www.stowefamilylaw.co.uk

How many times can you vary a child arrangements order?

You can apply to vary a child arrangements order as many times as necessary with the welfare and best interests of the children being considered. Due consideration should be given to the necessity for any change to the existing Order and whether an agreement can be reached with the other party first.

Whilst you are able to make an application to vary as many times as necessary, if the Court consider that repeated applications are being made without cause, the Court do have the power to apply a bar to any further applications being made within a specified timeframe.

The importance of legal advice

It is important to speak to a family lawyer for them to advise on the appropriateness or necessity for any application or what other course of action may be available, to avoid returning the matter to Court. The family lawyer will be able to talk you through the various options and in the event an Application is necessary, they will be able to advise on what information to provide, the likely timescales of the process and costs involved.

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