

## Your questions answered

### WHAT IS BIRDNESTING?

**T**he purpose of this Stowe guide is to explain what birdnesting is, explore the pros and cons of this living arrangement, and answer FAQs.

Amid the cost-of-living crisis divorcing parents are looking at new ways to co-parent and manage finances.

A growing number of separated couples are choosing to take turns living in the family home to coparent their children, in an arrangement known as 'birdnesting'.

#### What is birdnesting?

While the children continue to live in the family home full time, the divorced parents split their time there on rotation, sharing childcare as well as the costs of running the home.

Typically couples who are birdnesting alternate between the family home and a second lower-cost home, or even staying with friends or family. In some cases, the second home is also shared by the divorced couple.

#### What's behind the increase in birdnesting?

Birdnesting's appeal it's largely due to its financial advantages. Firstly, birdnesting avoids the immediate need to sell the family home or buy out their ex-partner. In addition, separated couples can reduce their housing and living costs by continuing to share responsibility for them.

As divorcing couples navigate high mortgage rates and the ongoing cost-of-living crisis at this crucial financial juncture in their lives, concerns about funding two homes from the same financial resources that previously funded one are common. That we're seeing a rise in birdnesting during the current economic climate is no coincidence.

Other key benefits of birdnesting include consistency and stability for children who continue to live full time in the familiar surroundings of the family home.

In birdnesting, children also don't have to regularly move between two homes, and they don't have to move away

from close friends and family, both typical in traditional post-separation living arrangements.

By maintaining some of the existing structure in their lives, parents can potentially limit the impact of divorce on their children's wellbeing.

Those in favour of birdnesting say that it allows parents to absorb the biggest changes brought about by divorce, so the children don't have to. But critics argue that it can be confusing for children and create a sense of limbo.

## Potential downsides to birdnesting

Despite its clear benefits birdnesting isn't always plain sailing.

Challenges can include handling shared finances post-separation, and practical matters like the day-to-day running and upkeep of the home.

Although aimed at providing consistency to support children through divorce and beyond, birdnesting can be confusing for some children.

And while you and your ex have chosen to go your separate ways, birdnesting might prevent emotional closure or the freedom you need to move forward.

## Birdnesting FAQs

### Why is birdnesting a good idea for some families?

Birdnesting works well for families with limited financial resources that will not cover maintaining two family homes that meet the needs of them and their children.

However, it is a complicated process with lots of moving parts, so is better suited to couples where there is good communication, mutual respect, an equal balance of power, particularly around parenting decisions and clear boundaries.

### What are the benefits of birdnesting?

Birdnesting offers children stability in what can otherwise be an unsettling time for them. By keeping the children based solely at the family home, they maintain a consistent routine and structure, and do not have to be uprooted or frequently packing and travelling between two houses.

Financially, maintaining the family home and finding a secondary, cheaper accommodation option, for example a small rental flat or staying with friends or family, reduces the pressure to cover the cost of running two homes suitable for the family.

It also allows couples to keep the family home as an asset and build upon any equity in the property. Although, this does mean the couple remain financially tied for longer.

### Why are we seeing an increase in birdnesting as a way to share care of children?

As the cost of living crisis deepens, particularly spiralling interest rates and mortgage costs, taking the income used to cover one household and having to stretch to cover two households is becoming increasingly challenging for families. Birdnesting removes the need to source two properties suitable to meet both parents and the children's needs – including staying close to work, nurseries and schools - helping reduce the financial implications of a separation.

There is the option for couples to remain in the family home together just until they can generate more income or mortgage rates level out and living costs drop. However, this can be challenging and parents must consider the impact of tension and an unhappy home environment on the children.

### What are the legal considerations and implications?

Birdnesting does not require any legal involvement. However, there are implications to consider, including financial arrangements and finalising the care of the children.

Even if both parties agree to birdnesting, they also need to agree on a schedule. When will the child or children will be in their care? Parents can draw up a parenting plan, or in some cases a formal child arrangements order approved by the court.

There are also various financial implications to consider:

- How will the family home be paid for?
- Who will pay what?
- How will the additional homes and their running costs be covered?
- How long should the property be used for birdnesting?
- How will any equity be split when you eventually sell the house?

To ensure success, it is important that you consider all matters and agreed from the beginning.

Birdnesting can also mean that couples remain financially tied together, potentially for a long time, and prevent them from achieving a 'clean break'.

### **What does the family court think of birdnesting as an option?**

There is limited information about how the family court views birdnesting.

However, the main consideration of the court will be the children's best interests and welfare, and whether birdnesting could potentially cause them to be exposed to a risk of harm.

If you have two parents who are amicable, can work together, and co-parent for the benefit of their children, then the court will consider birdnesting a viable option.

### **When does birdnesting not work?**

Birdnesting success relies on a healthy and amicable relationship between two parents.

If it was an acrimonious split or the relationship involved domestic abuse, then birdnesting is not suitable. In these cases, birdnesting would be harmful and detrimental to the wellbeing of the children and the survivor of abuse.

It may also cause confusion for the children, as they may question whether their parents have split or provide false hope that parents will get back together.

Financially, it keeps a couple tied together far longer than they normally would be after divorce.

Finally, birdnesting can appear straightforward, but the reality is it can be a relatively complicated arrangement that will require careful negotiation, and equal motivation to make it work in practical terms.

### **What can help birdnesting work?**

The success of birdnesting lies with the parents of the children working together and putting in clear and consistent boundaries on a wide range of issues, from parenting and finances, to running and maintaining the home.

Drawing up a birdnesting agreement that sets out a parenting plan, how financial commitments will be shared, who will be responsible for what in the home, the additional shared accommodation, and what will happen to assets and equity once the house is sold, will all help.

While not legally binding, it will create clear boundaries and a set of ground rules for both parents to stick to.

As with any mutual agreement about children and finances after divorce, legal advice is always advisable.

### **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](http://www.stowefamilylaw.co.uk)**

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