



Sorting out arrangements for children after separation

The objective of this Stowe guide is to give you advice on how to resolve child arrangements to avoid going to Court.

It is often difficult during a family breakdown, to ensure that the children's needs are met. However, the children's welfare should be at the centre of all proceedings.

If you are a parent and you are considering making an application to the Court, the Court asks that you first consider the following:

As parents, you share responsibility for your children and you should make every effort to try and agree directly how you will both bring them up. This duty continues even if you separate.

As parents, it may be possible for you to agree directly. Both of you are the parents of the children and this should not change because your relationship has broken down. With good communication and a degree of flexibility, you may be able to agree in the early stages of the separation. A mediator may also be able to assist if you are close to reaching an agreement.

However, if the relationship has broken down, specialised legal advice will help both of you to resolve things as quickly and effectively as possible. If you are unable to agree, you can make an application to the Court and ask the

Court to decide for you. When doing so, the Court will always put the welfare of the children first – that is their paramount consideration.

Evidence suggests that orders imposed by a Court work less well than agreements made directly between parents and it is therefore hoped that parents will try their utmost to agree directly. The Courts do understand that for a variety of reasons, this is not always possible.

To agree on arrangements amicably, you should both:

- Encourage your children to have a good, open, loving relationship with both of you
- Explain to the children what is happening to their family. You should then listen to what the children have to say with regards to how they are feeling and what they think about the arrangements (age permitting)
- Try to have an amicable relationship with each other as parents and show respect to one another by talking openly, honestly and respectfully
- Arrange for your child to spend time with you both
- Such discussions should not take place in the presence of the children.



When planning arrangements for children, you should always remember that a child has the right to regular direct contact with both parents, unless there is a very good reason to the contrary. The Court can, of course, deny a parent contact with a child if it is satisfied that your or the children's safety is at risk.

Sometimes a parent stops contact because they feel that they are not getting enough money from the other parent to look after the child. Whilst this may result in increased pressure on that parent, this is not a reason to stop contact. Advice should, however, be sought to see whether any claims can be made on behalf of the child for financial support.

Every effort should be made for the children not to:

- Blame themselves for your relationship breaking down
- Hear you talking disrespectfully about the other parent (or any other party involved)
- Turn against the other parent because they think this is what you want them to do

If you want to change agreed arrangements (such as where the children live or which school, they go to):

- Firstly, see if the other party agrees
- If you cannot agree between yourselves, consider whether mediation is appropriate
- If you still cannot agree, seek advice and consider making an application to the Court.

If the Court has made an order, then it is imperative that you do what the order says, even if you do not agree with it. If you wish to have the order changed, then you should consider making an application to vary or discharge the existing Court order.

Parents often underestimate the emotional trauma and legal complexities of entering a full Court process, so specialist solicitors with experience, understanding and empathy are a vital asset.

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