



STOWE

FAMILY LAW

PREMIUM HANDBOOK

CREATING A PARENTING PLAN



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This handbook is an introductory guide to making a parenting plan after divorce or separation. It will give an overview of what a parenting plan is, how to make agreements and a guide to drafting a parenting plan.

Please note that this is general information only, and you may need alternative assistance depending on your unique situation.

The term 'child' in this handbook refers to children under 16, although in some cases, parenting plans can be used for children up to 18. These are known as 'dependent' children.

References to divorce or spouse in this Handbook also apply to parents who are unmarried. The law does not distinguish between married and unmarried parents when it comes to child arrangements; the welfare of the child is priority.

CHILDREN IN SEPARATION AND DIVORCE

Divorce and separation are rarely easy and however amicable the split, adapting to a new family set-up will bring some challenges along the way.

Although your romantic relationship may have come to an end, your role as a parent has not and it is important that, where safe to do so, you can form a co-parenting relationship with your ex partner. Co-parenting is sharing the duties and responsibilities of raising a child when you are divorced or separated, or otherwise not in a relationship.

With this in mind, it is vital that both parents focus as much energy as possible on positive and effective co-parenting, not only to reduce stress between themselves, but also to protect the children as much as possible from the emotional damage that a family breakdown can bring.

Importantly, co-parenting requires cooperation from both parents and an equal power balance to work successfully. It is not advisable for couples where there has been domestic abuse, high conflict, child abuse, substance abuse or any other safeguarding/welfare issues. In those circumstances, it would be best to seek legal advice, as a solicitor may be able to assist you in reaching an agreement as to child arrangements, without you needing to converse directly with the other parent, and moving forwards, a parallel parenting plan can be adopted to limit ongoing communications between you. This will be discussed later in the guide.

Please note, this guide is for parents who are willing and able to co-parent and is unsuitable for situations where there are safeguarding concerns or a need for parallel parenting.



SECTION 1

WHAT IS A PARENTING PLAN?

A parenting plan is a written agreement between divorcing or separating parents which sets out the practical arrangements for life post-divorce, focusing on the physical and emotional needs of the child.

UNDERSTANDING PARENTING PLANS

Parenting plans are generally written by the parents themselves, with optional input from other family members, or the children, if they are of appropriate age.

They define boundaries and the responsibilities of each parent so both can maintain an active role in their child's upbringing.

Importantly, parenting plans are living documents, meaning they need to be reviewed regularly as the children age, or there are life changes such as the introduction of a new partner, a house move, and when the children progress through the education system.

In most cases, parenting plans are not legally binding. However, they can be made so through a court order, but ideally parents can make and abide by the agreements without court intervention. Parenting plans can be used in court if one parent refuses to meet the agreements previously made, but they exist to avoid unnecessary conflict.



SECTION 1



THE IMPORTANCE OF A PARENTING PLAN

Parenting plans examine the practical and emotional issues children may face and how they will be dealt with. They require parents to prioritise their children's needs, keeping them at the heart of decision-making in divorce arrangements.

Parenting plans give both parents and children routine and stability, mitigating any potential conflict and encouraging a positive co-parenting relationship. They clarify the expectations of each parent and any other key players in the child's life, reducing misunderstanding. This can assist further down the line to resolve any issues as there is a clear agreement that parents can refer back to if any issues arise.

The risk of needing to go to court or requiring a court to make a child arrangements order is significantly reduced, helping to minimise the stress and pressure on the family.

THINGS TO INCLUDE IN YOUR PARENTING PLAN

Your parenting plan is unique to your situation. It is important that you tailor the plan to your child's needs, and these will depend on a huge number of factors such as their age, education, medical needs, lifestyle etc.

Parenting plans can be as in-depth or as broad as you need them to be. They can cover, but are not limited to:

- **Communication between parents and dealing with differences**
- **Making decisions**
- **Responsibilities**
- **Living arrangements**
- **Childcare**
- **Family and community**
- **Money** (only in relation to the children, e.g. pocket money, or birthday present budget, as maintenance payments are governed by the Child Maintenance Service)
- **Education**
- **Medical treatment**
- **Religion and culture**
- **Schooling**
- **Holidays, special days and celebrations**
- **Emotional wellbeing**

The plans are designed to be flexible, and can be adapted to suit changing needs.

SECTION 1



THE LEGAL STATUS OF PARENTING PLANS

Parenting plans are not legally binding. They are frameworks from which separated parents can work from and refer back to when raising their child.

Whilst ideally, parents would be able to make these arrangements through direct negotiation or through mediation, some may need court intervention. In such cases, it is possible to get a court ordered parenting plan.

If you require a legally binding parenting plan, this can be created by preparing a child arrangements order, agreed by consent. You will need to seek expert advice from a family lawyer, who can assist in drafting the order and supporting application, as well as recommending dispute resolution methods.

Once the child arrangements order and application are drafted, both parents must sign, and then it will need to be approved by your local family court. A judge will approve the order if they consider the agreements made to be in the best interests of your child. If they disagree, they can refuse to make the order and will invite the parents to a court hearing to hear from them as to why they want the order made in the terms agreed. It should be noted that the court's approach is generally to avoid making an order unless it is in the best interests of the child for there to be an order, rather than not. This is known as the "no order principle".

Parenting plans can also be used as a reference point if a dispute arises and external intervention is required to resolve the conflict. It is important to seek legal advice if your relationship with the other parent breaks down and the parenting plan is no longer being used.

WHEN PARENTING PLANS WON'T WORK

Creating a parenting plan requires considerable cooperation between both parents, talking through options and making decisions with their children's best interests at heart. Unfortunately, this is impossible for some parents.

Sometimes it is not in the best interests of the child's safety, physical and emotional well-being to have a relationship with both parents. This can be in situations where there has been a history of, or continuing issues with safeguarding.

For example:



ANY ABUSE TOWARDS A PARENT



ANY ABUSE TOWARDS THE CHILD



ADDICTION AND/OR SUBSTANCE MISUSE



CHILD NEGLECT OR ABANDONMENT

In such cases, it is often not safe or appropriate to create a parenting plan.

In these circumstances, you can adopt a parallel parenting model. **Learn more** about parallel parenting and tips to make a parallel parenting plan.

If things change, you can make the move to co-parenting, but only if it is in the best interests of the child's and your safety, physical and emotional well-being.

SECTION 2

CREATING A PARENTING PLAN

It can be hard to know where to start when it comes to child arrangements, especially amongst the other stresses and difficulties of divorce or separation. Creating a parenting plan can help put your mind at ease that your decisions are written down, and you have a focus going forward. It can help build a more positive foundation for your co-parenting future and put your mind at ease.

TIMESCALES FOR PARENTING PLANS

There are no set timescales for creating a parenting plan; it depends on your individual circumstances.

Some people find it useful to make a short plan initially upon separation, often outlining the arrangements for each parent to spend time with their children, handovers, etc. They can then look at adding more information when other matters have been resolved and there is more understanding of what the future looks like. A lot of this will depend on the children's needs and your relationship with your ex.

Remember that there is no such thing as a perfect plan, or a perfect time to create it. However, generally speaking, the earlier the better, so there is less room for misunderstanding.

Parenting plans are living documents and can be amended when necessary, provided both parents agree.



SECTION 2



FORMATTING A PARENTING PLAN

You can create a parenting plan in any style that works for you.

A parenting plan needs to work for your unique circumstances. This means you can create it in any style you would like. You can structure it however you would like, ensuring that the issues and responsibilities relevant to your family are discussed.

Our specialist children law solicitors have put together an editable template that covers all the main factors they see day in, day out for co-parents. You can print the document and fill it in by hand, or edit it on the computer.

DOWNLOAD THE STOWE PARENTING PLAN TEMPLATE

HOW TO AGREE A PARENTING PLAN

Coming to terms with the new structure of family life post-separation or divorce may seem overwhelming. However, it is important that the welfare of your shared children is a priority at this time.

Before you start discussing and working on the plan, it may be useful to think through the process and whether you can work directly together to create a successful plan that you will both be able to adhere to moving forward.

Effective communication comes down to being able to positively answer the following questions:



**CAN YOU LISTEN
TO EACH OTHER?**



**CAN YOU BOTH PUT
YOUR CHILDREN'S
BEST INTERESTS ABOVE
YOUR OWN?**



**DO YOU RESPECT EACH
OTHER'S OPINIONS?**



**CAN YOU LISTEN TO
YOUR CHILDREN?**



**CAN YOU BOTH
COMPROMISE?**

You can still create a plan even if you cannot answer yes to every question, but you will need to be more mindful of discussions and the options available to navigate issues should they arise.

Mediation is a popular way of resolving differences during and after separation or divorce. A trained mediator will be able to assist you and your ex in making child arrangements.

Read more about mediation in our Stowe talks How to Handbook: A beginner's guide to mediation.

SECTION 2

CREATING THE PLAN

The process of creating a parenting plan will vary, but it usually follows a pattern.



1

COMMUNICATE WITH YOUR EX

The foundation of any successful parenting plan is open communication between co-parents, and where appropriate, the child too. It is important to discuss your child's needs, concerns and personal priorities to help create a fair and sustainable agreement.

2

IDENTIFY THE KEY ELEMENTS

Focus on the major issues that need to be addressed. For example:

- Living arrangements for the child: e.g. how time will be divided between each parent
- Schooling and extra-curricular activities: e.g. for example what secondary school the children should go to after they finish primary
- Medical decisions: e.g. how will medical decisions be made and what happens in a medical emergency
- Holidays and special occasions: how will holidays be shared
- Religion and culture: will the child be brought up with a particular religious ethos and will this be shared across the two households
- Your own responsibilities as parents

3

USE A TEMPLATE

To draft your agreement and ensure both parents sign it.

GET YOUR AGREEMENT LEGALLY APPROVED

Seek advice from a specialist family lawyer if you want your parenting plan to be legally binding (optional).

4

REGULARLY REVISIT YOUR PARENTING PLAN

As your child grows and their needs change. There will likely be other life changes for you and your ex, such as new partners, or relocation, which may need to be accounted for in the parenting plan. You will need to update your plan so it reflects these changes.

You may want the input of other family members when creating the plan, for example if grandparents play a significant role in the child's life. However, this is optional, and you will need to focus on what is best for your family.

Should your child be of appropriate age and development, their voice is extremely valuable, and you may find it helps you and your ex to focus on their welfare rather than your own.

Seek the support of a trained mediator if you struggle to overcome differences, alternatively you can contact **Cafcass**.

SECTION 2



WHAT HAPPENS NEXT

When you have reached an agreement, you can implement the parenting plan as agreed.

If you would like to make the document legally binding, this is possible and may protect you and your children in the event of any disputes down the line. A family lawyer can help you draft your parenting plan into a child arrangements order by completing form C100 (apply for a court order to make arrangements for a child or resolve a dispute about their upbringing), which will then be sent to your local family court to be approved by a judge.

The order will be approved if it is in the best interests of the child's welfare, and once granted, will be legally binding. This means there are legal consequences if the parenting plan is not adhered to.

CHANGING A PARENTING PLAN

Over time, your plan will need to change to maintain pace with your child's development and other circumstances. For example:

- **One or both parents has a new partner**
- **Relocation**
- **The child reaches a new education milestone or there are changes to the child's schedule.**
- **Changes in work schedule for one or both parents**

Flexibility and openness are key. You can change the parenting plan, provided you and your ex agree about the changes.

If your parenting plan has been made into a legally binding child arrangements order, the best option is to agree matters directly between yourselves. The court can alter the arrangement if your relationship with your ex has deteriorated since the plan was initially made.

SECTION 3

PARENTING SUPPORT

WHAT SUPPORT IS THERE FOR PARENTING AFTER DIVORCE/SEPARATION?

Divorce or separation will mean an adjustment for the whole family. This can be difficult but there is practical and emotional support available.



COACH

Divorce coaches are trained professionals who work with you to build your resilience before, during and after divorce by developing your skills and beliefs. They can give guidance on the practical and emotional aspects of child arrangements, including parenting plans.

Parenting coaches work to improve parents' relationships with their children. Many specialise in helping parents going through divorce, working with you to assess and develop your parenting tools to support yourself and your children through divorce and beyond.

FAMILY LAWYER

You should seek the advice of a family lawyer if you wish to have your parenting plan made legally binding. A lawyer will ensure the parenting plan is appropriate, and support with your application to make it into a child arrangements order by consent.

It is important to get expert legal advice if this is the route you want to follow, as lawyers understand what will be accepted by a judge, potentially saving you time and money.

Find a lawyer to suit your needs.

COMMUNITY SUPPORT GROUPS

There are numerous online and in-person support groups, and it is likely there will be one in your area. Community groups can be helpful in making you feel less alone in your situation, and sharing tips between other parents can be invaluable.

However, it is important to remember that other members of these groups are unlikely to be lawyers, and even if they mean well, you should not take legal advice from them. Everyone's family is unique, so their experience will not be the same as yours so you will need to be discerning in the advice you take on board.

CAFCASS AND OTHER SOCIAL SERVICES

Planning together for children is run by Cafcass and is a resource for parents to support them through making arrangements for co-parenting. This is a free service and is designed to help parents make decisions that prioritise the child's welfare.

Family Lives offers free online parenting courses, advice and support.

Your local council and **Citizens Advice** can offer support services for families.

OURFAMILYWIZARD

OurFamilyWizard is the most popular co-parenting app. It has been specifically designed to ease the process of co-parenting. The app has features such as a shared calendar, expenses log and an easy communication channel.



CONCLUSION

Parenting plans are a key way in which separating and divorcing parents can set out their agreements on child arrangements. They can reduce animosity and serve as a reference point for decision making.

Parenting plans are only appropriate if you and your ex-spouse can communicate safely and in a healthy way. This does not necessarily mean an absence of disagreement, but you should both be willing to co-parent and put the needs of your child first.

If your situation involves domestic abuse or welfare concerns, please seek professional support including expert legal advice. A parenting plan is unlikely to be suitable for you.

If you are at immediate risk of harm, please call the police on 999 or the National Domestic Abuse helpline on 0800 2000 247.



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USEFUL LINKS

Stowe Family Law parenting plan template

[CLICK HERE](#)

Form C100

[CLICK HERE](#)

DISCLAIMER

The information in this guide applies only to England and Wales. The law may be different if you live in Scotland or Northern Ireland. This guide serves as a generic overview and source of information. It is not a substitute for legal advice and is not a complete statement of the law. Please seek legal advice where possible.

NEED MORE INFORMATION?

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

