

Arrangements For Children

On separation parents are free to make whatever arrangements they consider appropriate for their children, regarding which parent they live with and how much time they spend with the other parent.

It is enormously helpful to the child, and to the child's relationships with both parents, if the parents are able to agree these arrangements between themselves, as opposed to the court becoming involved.

It is difficult for some parents to discuss arrangements for their children directly, due to the emotionally charged atmosphere of divorce and separation. We are experienced in dealing with a wide range of issues relating to children and recognise the need to deal with them sensitively.

If you are unable to resolve matters with the other parent directly there are a number of different orders which you can apply for from the court:

- a **Residence Order** – this is an order which determines where a child shall live. This can be in the sole name of one parent or the order can be shared between two parents and will specify the times your child will spend in each household. This does not necessarily mean that the child's time will be spent equally between the parents but reflects an equal parental status in the eyes of the court. The child may still spend more time at one home than at the other.
- a **Contact Order** - this is an order which requires the parent with primary care of the child to facilitate contact between the child and the other parent. Usually the level and extent of contact is set out in the order
- a **Parental Responsibility Order** - this is an order which grants parental responsibility to a father who does not automatically have parental responsibility and confers upon him the ability to make and be involved in decisions concerning a child. See our separate factsheet for further details relating to Parental Responsibility.
- a **Prohibited Steps Order** - this will prevent a parent from taking a particular step in relation to a child, i.e. preventing a child from being taken out of the country or undertaking a particular form of medical treatment.
- a **Specific Issue Order** – this is to resolve a point of dispute between the parents over a particular issue, i.e. which school a child should attend or which surname a child should be known by.

When considering an application under the Children Act, the best interests of the child are the court's paramount consideration. There is a welfare checklist of things for the court to consider namely:

- the wishes and feelings of the child subject to their age and understanding;
- the child's physical, emotional and educational needs;
- the likely effect on the child of any change in circumstances;
- the child's age, sex, background and any other relevant characteristics;
- any harm the child has suffered or is at risk of suffering;
- how capable each of the child's parents and any other relevant person are of meeting the child's needs.

Factsheet

The process is begun by one parent making an application on a standard form.

The court will list the application for a short conciliation appointment. An Officer of the Children and Family Court Advisory Support Service (CAFCASS) will be present to assist the parties and to see whether any agreement can be reached.

If no agreement is reached the court will usually ask the parties to file statements setting out their concerns and what orders they are seeking. Often a CAFCASS Officer is appointed to prepare a report about the relevant issues. This will involve the officer meeting with both parents, speaking to the child's school and any other relevant persons. They will also meet with the child either to observe them with each parent or to discuss matters with them. These conversations will be at an age appropriate level for the child. The report is likely to make a clear recommendation to the court as to what orders are in the child's best interests.

The report often leads to the parents reaching an agreement as the report will be given great weight by the court and it is likely that a Judge will follow the recommendations.

