

ARRANGEMENTS FOR CHILDREN

The welfare of any child is the prime concern of the Court. Throughout any proceedings involving children parties will be encouraged to communicate with their partner to reach a swift resolution to the conflict.

Children have rights; parents have responsibilities.

Children and the Divorce Process

When the Divorce Petition is first issued, the Petitioner must also file a Statement of Arrangements for Children. If the Respondent indicates that he/she does not agree with that Statement, the Court can delay the divorce until it is satisfied that the children's welfare has been addressed and that the arrangements are satisfactory.

If the parties to a divorce cannot agree over the arrangements for the children, either party can apply to the Court. However, if there is no dispute over where the children are to live and how often they should see the other parent, there is no need for the Court to be involved at all. Generally, Courts will rarely make an order regarding the children within Divorce proceedings but instead will encourage the parents to reach an agreement between themselves.

Child Maintenance

If parents can agree maintenance for children, they can incorporate that agreement in their own financial agreement, or Consent Order. However, please bear in mind that any agreement reached regarding child maintenance can be overturned by the Child Support Agency (CSA) one year after the Court order.

It is possible for either parent to ask the CSA to carry out a calculation of the level of maintenance, or to ask the CSA to administer all of the payments. If the parent having care of the children is receiving Income Support or Working Families' Tax Credit, the case will often be referred to the CSA automatically.

For further information please visit the CSA website www.csa.gov.uk
Help Line: 0845 7 133 133

Disputes over Children - What orders can the Court make?

Under the Children Act 1989 the Court can make the following orders:

- *A residence order* – stating with whom the child will live
- *A contact order* – stating how often the child will see the non-resident parent, and sometimes other members of the family
- *A prohibited steps order* – preventing a parent doing something e.g. removing the child from the UK.
- *A specific issue order* – deciding an issue about the child's upbringing, or forcing a parent to do something.
- *A parental responsibility order* – giving parental responsibility for a child to someone, usually the unmarried father.