

HOW TO SORT OUT CHILDREN ARRANGEMENTS

The court takes the view that in most cases the best people to work out the right arrangements for their children are their parents. You know your own children and are best placed to know what will work well for them given their ages and interests.

Consider a Parenting Plan

If you can safely discuss the arrangements with the other parent and you reach an agreement, you could think about completing a parenting plan together. Even if you don't do that, making a record of your agreement is helpful. Some people have this drawn up by solicitors but it is not a legal requirement.

Mediation is encouraged

Some parents use mediation to help them reach an agreement. The court strongly encourages parents to work on reaching an agreement, unless there are safety concerns. Before a parent can ask the court to become involved, that parent has to attend a meeting with a mediator to see if mediation could help. This is called a MIAMs appointment. The other parent will receive a separate invitation to mediation but if they refuse to participate, then mediation can go no further.

If you have your own or a mediated agreement, you can simply work with that. It can be hard to obtain a court order simply to confirm that agreement as the Children Act 1989 says an order should only be made where that is better for the

child than no order.

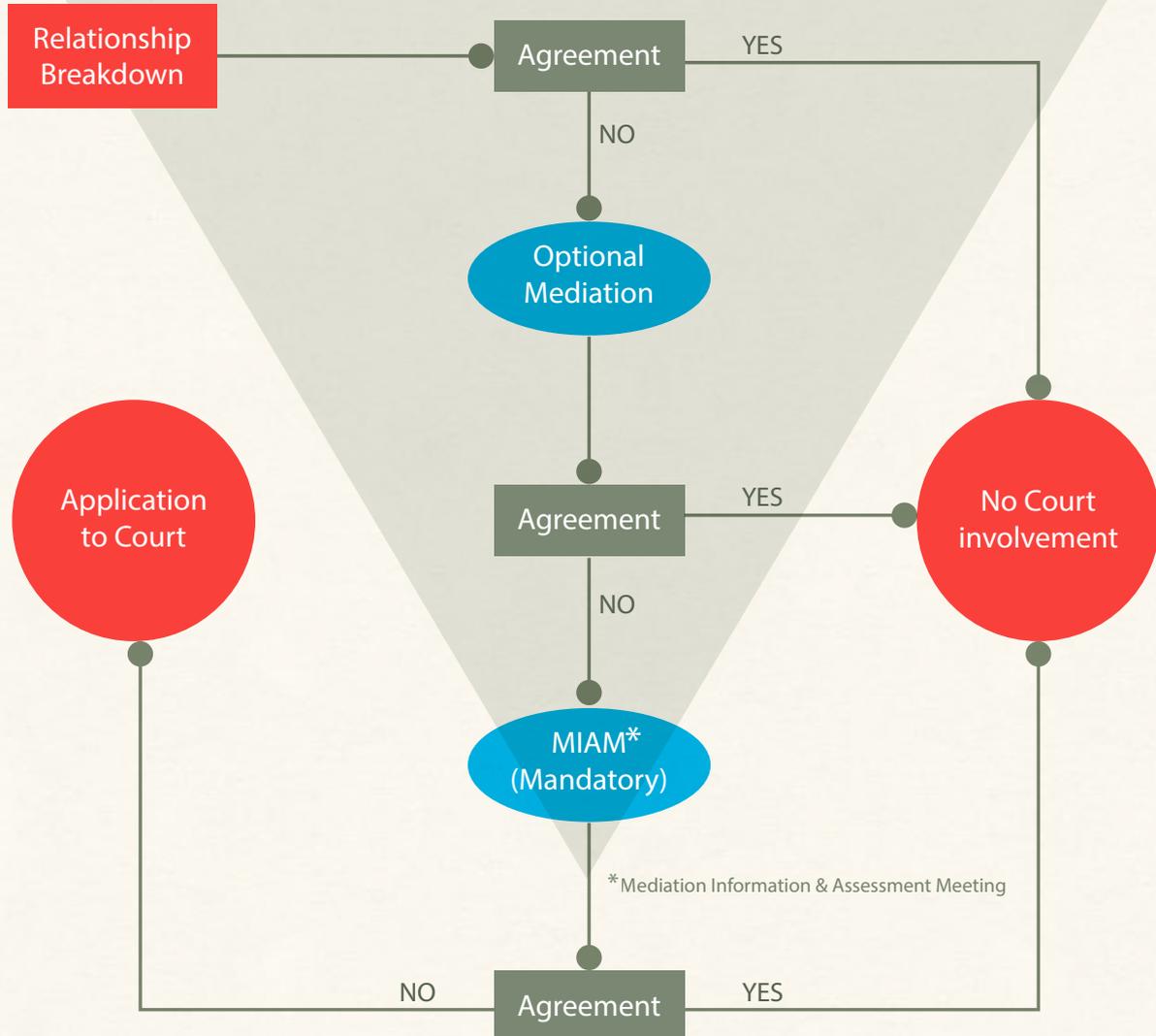
Making a Court Application and the Role of CAFCASS

If you have been unable to reach an agreement and have a MIAMs certificate, you can make a court application. The application should be sent to the Family Court covering the area where the child lives.

The court then sets a date for the first hearing (FHDRA) and also sends a copy of your application to CAFCASS. Someone from CAFCASS will then speak to you and to the other parent by telephone. CAFCASS is a body that works within the court system in children cases and is responsible for drawing up a safeguarding letter which involves checks with the Police and Social Services to make the court aware of any safety concerns. You will normally be sent a copy of that letter before the first hearing.

At the FHDRA the court wants to find out if matters can be resolved by agreement between the parents. The court might suggest mediation or attendance at Parenting Information Programme before holding any further hearings.

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If no agreement is possible at the FHDRA the court will put in place steps so that a judge or magistrate can make a decision about the arrangements for the children. This might involve a report from CAFCASS or Social Services, statements from both parents or medical evidence. The court will set a timescale for this to happen and a date for further hearings.

Any order made in relation to children can be changed in the future, by the court or by agreement of both parents. Generally most orders last until the child has had their 16th birthday but a parent's responsibility for a child lasts until 18 years of age, which does affect permission to leave the UK and changing a child's name.