

Family Law

What the Family Courts expect from Parents



Authors



Alison Green
Consultant Solicitor
E: alison.green@mackrell.com



Geeta Patel
Senior Associate FCILEX – Family & Relationship Team
E: geeta.patel@mackrell.com



Melissa Doherty
Associate – Family & Relationship Team
E: melissa.doherty@mackrell.com

Are you a parent thinking of applying for a Court Order?

Consider:

- As parents, you share responsibility for your children and have a duty to talk to each other and make every effort to agree about how you will bring them up.
- Even when you separate this duty continues.
- Try to agree the arrangements for your child. If talking to each other is difficult, ask for help. Trained mediators can help you talk to each other and find solutions, even when things are hard.
- If you cannot agree between yourselves as parents, you can ask the Court to decide for you. The law says that the Court must always put the welfare of your child first. What you want may not be the best thing for your child. The Court has to put your child first, however hard that is for the parents.
- Experience suggests that Court imposed orders work less well than agreements made between you as parents.

What is best for your child:

- Encourage your child to have a good relationship with both of you.
- Try to have a good enough relationship with each other as parents, even though you are no longer together as a couple.
- Arrange and encourage for your child to spend time with each of you.

Remember, the Court expects you to do what is best for your child even when you find that difficult:

- It is the law that a child has a right to regular personal contact with both parents, unless there is a very good reason to the contrary.
- It is very unusual for the court to refuse a parent to be allowed to spend time with a child and in most cases the time a child spends with each parent will be frequent and substantial.
- The Court may deny a child time with a parent if it is satisfied that you or your child's safety is at risk.
- Sometimes a parent prevents the other parent from seeing the child because she/he feels that she/he is not getting enough money from the other parent to look after the child. This is not a reason to stop your child seeing their mother/father.

Your child needs to:

- Understand what is happening to their family. It is your job to explain.
- Have a loving, open relationship with both parents. It is your job to encourage this. You may be separating from each other, but your child needs to know that he/she is not being separated from either of you.
- Show love, affection and respect for both parents.

Your child should not:

- Blame him/herself for the break-up.
- Hear you running down the other parent (or anyone else involved).
- Turn against the other parent because they think that is what you want.

You can help your child:

- Think about how he/she feels about the break up.
- Listen to what your child has to say about how he/she is feeling.
- About what he/she thinks of any arrangements that have to be made.
- Try to agree arrangements for your child (including contact) with the other parent.
- Talk to the other parent openly, honestly and respectfully.
- Explain your point of view to the other parent so that you don't misunderstand each other.
- Draw up a plan as to how you will share responsibility for your child.
- When you have different ideas from the other parent, do not talk about it when the children are with you.

If you want to change agreed arrangements (such as where the child lives or goes to school):

- Make sure the other parent agrees.
- If you cannot agree, go to mediation.
- If you still cannot agree, apply to the Court.

If there is a Court Order in place:

- You must do what the Court Order says, even if you don't agree with it. If you want to do something different, you have to apply to the Court to have the Court Order varied or discharged.

At Mackrell, we have an experienced Family Law team who can advise on this and all other issues relating to children and relationships. We offer a free initial half hour consultation.

enquiries@mackrell.com • mackrell.com

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