

A survival guide to

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# Sorting out child arrangements

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## Who is this guide for?

This guide is for parents who do not live together and need to make arrangements for the care of their children. We want to help you to find ways to agree arrangements between you and make arrangements that work well for everybody.

This guide will help if you have just split up with your children's other parent and are having to make child arrangements for the first time, or if you have been sharing parenting for some time but need to come up with a new plan. If you are a grandparent or other family member wanting to spend time with a child in your family you can find more information in the section called [more help and advice](#).

Changes to legal aid mean that most people cannot get free advice from solicitors to deal with family law issues anymore. If there is evidence of domestic abuse in your relationship then this can, in some cases, mean you can get legal aid. Also, if there is evidence of your child being at risk of abuse you may be able to get legal aid. If you think you are in this situation it is really important to get legal advice before you make any big decisions. In this situation, reaching an agreement about contact may well not be the right thing to do to keep you and your children safe. You will need legal advice on this to understand how the court would look at your case.

We know that many people will not be able to afford to get a lot of, or even any, help from solicitors. This guide aims to help you to find ways to agree arrangements between you and make arrangements that work well for everybody.

If you are just in the process of splitting up this may feel impossible. When you are feeling so hurt and angry, it can be very hard to imagine a future that feels OK. It won't come right overnight, but you will get there.

If you cannot come to an agreement and need to take the issue to court, see our guide [How to apply for a child arrangements order without a lawyer](#). Usually this should be the last resort, however there are some situations when you will need the court's help. We talk about these later.

## How to use the links in this guide

If you are reading a digital version of this guide you can simply click on the links in the text to get to other useful websites. These links are underlined and coloured light blue. If you are reading a printed version of the guide, we tell you which words you need to search for online so that the website should be the first one to come up in the list of results. If the link is just to a name of an organisation for example, the 'Family Mediation Council' you just need to use the name to search online.

## Getting just a little bit of legal help

We know that many people can't afford to pay a solicitor to help them sort things out, or want to do as much as possible themselves to save money. But there are times when it will be really useful to get some expert help from a family lawyer, especially before you make any big decisions like taking the problem to court.

To help with this, we have teamed up with [Resolution](#) to provide a panel of family law solicitors who can help you at key points for a fixed fee. You will see up front exactly what areas of your problem they can advise you on and how much their help will cost you - so that you can be certain you can afford it. Because we know many of our users have limited funds, we have designed a process to make getting this help as cheap as possible for you, by making sure that you use the solicitor's time as efficiently as possible.

We hope that this will take some of the worry and stress out of the process for you.

### How it works

As you go through this guide, you will see some places where we suggest you get a bit of legal advice if you can possibly afford it. At these points you will see this logo. We only do this when we think it will be really useful.



We set out clearly what the solicitor can advise you on and how much it will cost you. There are no hidden extras.

In order to get all the advice described for the low price we offer, you will use the solicitor's time as effectively as possible by:

- 1 Ensuring you have read the relevant sections of the guide, so that you understand the process, where you are in it, and any particular questions you might have.
- 2 Completing a form we send you as fully as possible and sending it to your chosen solicitor two working days before your appointment. This will tell the solicitor everything they need to know about your case in order to give you their advice in the appointment time.

You can choose whether you have an appointment over the phone, by videoconference, or face to face. The appointment is arranged at a time to suit you.

To see the topics covered by our panel of solicitors at a glance, take a look at [Affordable advice from our panel of solicitors – what they can advise you on](#).

During the appointment, you are encouraged to take notes of the advice given and the solicitor can help make sure you have got all the most important details.

All of the solicitors on our panel are members of Resolution. Resolution members are family lawyers committed to helping people resolve their family disputes constructively and in a way that considers the needs of the whole family, and in particular the best interests of your children.

We are testing if this approach works, so please [let us know what you think](#). If you use the service, you will be contacted to ask how it worked for you so that we can learn and improve.

If you don't want to use the service, you don't have to. This guide will still be extraordinarily helpful.

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# Introduction

## If you are going through a break up

It is totally normal to feel stressed, anxious, disappointed and angry about things not going the way you imagined for your family.

If you are going through a break up or you have been through one recently, you are probably going through a very stressful time. It's hard being a parent. You may be feeling that you can't cope or you want it all to go away. Most people have days when they feel like they want to go back to being a child themselves. This makes it hard to make any decisions. Be kind to yourself.

### Things you can do to help your children

- Keep explaining to the children that this is between the adults. It is not their fault. And that you know that this is hard for them and you are sorry.
- Tell them repeatedly that you both still love them and you will always be their family.
- It's easier said than done, but try not to blame the other parent or talk about them in an unhelpful way in front of your children. Find other ways to blow off steam.
- Give loads of extra cuddles.
- Let the children's schools and anyone else who looks after them know – they are likely to need a bit of extra care and attention from everybody for a bit.

Sometimes your emotions around your breakup may get in the way of working out what is right for your children. There are a number of organisations who offer support and help for adults and children when they are dealing with family difficulties. You can find some listed in the section called [More help and advice](#). If you have suffered abuse from your ex or you are still suffering abuse from your ex, you can find useful information on where to get help and what to do next in the section called 'Domestic violence and abuse' in [More help and advice](#).

This is just one of our resources to help you manage your separation and family, and save you money. You may also be interested in:

- [How to apply for a child arrangements order without a lawyer](#)
- [A survival guide to family mediation](#)
- [A survival guide to living together and breaking up](#)
- [A survival guide to divorce or dissolution of a civil partnership](#)
- [How to get legal aid for a family law problem](#)
- [Going to the family court](#) – including up to date details of where and how users can access practical help and emotional support, legal advice, and representation.

## “ Alex’s story



Mel and I split up after 8 years. We have two small girls together. We had agreed that I’d pick them up from school one night a week and give them their tea and they would stay with me overnight on Saturdays. It was really hard to start with. When I went to pick them up they would cry, or say they didn’t want to come, and when they did get to my flat they said they wanted to go home, they wanted mum. It made me really sad. And I blamed Mel. And when it happened for the third or fourth time, I’m ashamed to say I shouted at them and went home by myself.

My mum pointed out that it didn’t sound like I’d helped the situation. And that the girls were probably feeling really sad and confused. I realised I hadn’t really thought about how they were feeling. I sent Mel a text saying I was really sorry and that I realised I’d been a bit of an idiot. Mel sent me a reply saying the girls have been crying a lot with her too, and asking for me. We realised we needed to come up with a plan to reassure and comfort them, and to take it slowly at first.

### ! If there has been domestic abuse or if the children have been harmed

You may be entitled to free or subsidised legal help from a family law solicitor. Search online for ‘[Check if you can get legal aid](#)’ If you are entitled, look for a family law solicitor who can take legal aid cases. You can find a family law solicitor who does legal aid by searching online for ‘[Find a legal aid adviser](#)’.

If you are in this situation be sure to take a look at our short guide on [How to get legal aid for a family law problem](#).

If there has been violence or other forms of abuse between you, it may well not be a good idea for you to try and sort things out between yourselves. It is best to start by getting some help from a good family law solicitor. You can find one on the [Resolution](#) website.

They will be able to help you work out what the best thing for you to do is, and if you can do it yourself or if you will need legal help. Don’t be afraid to phone around and compare prices or see who gives free first appointments.

If you cannot get legal aid or afford to pay for a family law solicitor, don’t give up. It is really important to get some legal advice on your exact situation. It may be that it is not safe for you or your children to agree on contact because of what has happened with your ex. There are other places where you can get help on these issues such as [Rights of Women](#) and [RCJ Advice](#) or [law centre clinics](#). For more information go to the section called [More help and advice](#).

If you find yourself involved in a court hearing and you have evidence that you have suffered domestic abuse, you will not have to show that you have first looked at using a family mediation service.



# What you need to sort out

What you need to sort out

There are three major things to sort out.

**1**

**Where the children will live.**

**2**

**When and how you will ensure the children have time with both parents, as long as this is safe for you and them and in their best interests.**

**3**

**How you will continue to pay for all the things they need.**



There are no set answers to these questions. You have to decide between you what will be best for your children and for you both.

Sometimes where the children will live and with who is obvious to you both, but often this is a really hard decision. The most important thing is for you both to be clear that you are making the decision based on what is right for your children at this point in their lives, rather than trying to make things fair between the two of you.

You may be thinking of an arrangement where the children live part of the week with one of you and the rest of the week with the other. This is often called 'shared care' and it can be very successful. Be aware though that if you are thinking that it is only 'fair' if your children live half of the week with each of you, you may accidentally be putting your needs ahead of theirs.

Shared care arrangements seem to be most successful where parents live near each other, both have enough space at home and time (or money) to spend on childcare, and when they can be co-operative and communicate well on day to day issues (for example, whether your child's PE kit/French textbook etc is in the right home when needed). It is also important to have clear agreements about who is responsible for what (for example, who will be responsible for healthcare appointments, making sure their shoes still fit, etc).

Often parents are not able to afford two sets of homes that meet the needs of the children to a similar standard. Some parents agree an arrangement where the child or children stay living in the family home and each parent comes and goes, only staying in the home when it is their turn to look after the children. Then, when it is not their turn they stay somewhere smaller or with a family member. This is often a temporary arrangement while the family's finances are sorted out but some families do it for years. Generally, to make this sort of arrangement work you would probably need to get on well with your ex. That can be rare for people in the middle of a separation.

For many families, it may be best for the children to live with one parent most or all of the time, and see their other parent regularly. It is important for children and teenagers to have clear, regular arrangements in place to see the parent they don't live with and for both parents to stick with what is agreed.

You may need to think about:

- how much stability your children need at their age and with their personalities,
- who will have the most time for parenting (and on what days),
- where there is enough space,
- how they would get to and from school, their friends' houses, etc.
- If you have more than one child, will it be important to them that they both do the same thing (for example, both go to stay with Dad on a Sunday night), or would they enjoy the opportunity to get one of you to themselves sometimes.

If your children are a bit older, it is usually a good idea to discuss the options with them. Don't ask them to choose where they live though – that is likely to make them feel like they have to choose between you. Making a decision that is genuinely in their best interests takes a great deal of maturity – it's hard enough for the adults.

It's a very good idea to agree what the rules are and make sure they are the same at each house. For example, for teenagers you might agree when bedtime is, how late they can stay out with their friends, how long can they spend on the computer, will homework be checked, how much pocket money will they get (and who will give it to them). This prevents them from playing you off against each other, and means you don't have to worry that it's more fun with their other parent.

Bear in mind whatever arrangements you come to are unlikely to last forever. Most people need to reorganise things a few times as the children get older to accommodate their social lives or new clubs they want to join. Or there may be changes for you the adults, perhaps because of a new job or changes to your home life.

**If your child spends more time with the other parent, it doesn't mean you are less of a parent or have less of a say in important decisions about them.** This is because most parents have something called 'parental responsibility'. This is a legal term for all the rights and duties a parent has towards a child. It means you should be consulted about important things like which school they should go to, or decisions concerning your child's health. (It does not give either parent the right to interfere unreasonably or unnecessarily in care arrangements put in place by one parent.)



## Do I have parental responsibility?

All mums have parental responsibility. All dads who are married or in a civil partnership with the mum or are named on their child's birth certificate as their father have parental responsibility (for births since 1st December 2003).

If you have adopted your child, have a residence order (this will be an order made before April 2014), or a Child Arrangements Order that says your child lives with you, you have parental responsibility.

If you are a 'second female parent' and your child was conceived on or after 6th April 2009 and you are named on the birth certificate you will have parental responsibility. If you are a second female parent and you are married to, or are the civil partner of, the child's mother you will also have parental responsibility. Be aware that not all same-sex partners are automatically second female parents. For more about the law on second female parents have a look at the section called 'Working out if you have parental responsibility' in [How to get parental responsibility without a lawyer](#).

If you don't have automatic parental responsibility, you can get it by making and signing a parental responsibility agreement or by applying to the court for an order. See our step by step guide [How to get parental responsibility without a lawyer](#).

You can find a [parenting plan](#) to help you and your ex work out arrangements for your children on the [cafcass](#) website. You can use the parenting plan online or have a copy sent in the post or print off your own version. [Cafcass](#) work with children and their families, and then advise the court on what they consider to be in the best interests of individual children. They have lots of useful resources for parents and carers, including information about domestic abuse and how they work out if contact is safe and in the best interests of children.

These resources and a parenting plan can help you both to work out what is important in the care of your child, and how you will agree arrangements about small everyday things and big important decisions.

## Talking to the children about arrangements

- Make it clear to your children that you want to help them to keep a loving and close relationship with both of you and they will never be asked to choose between you.
- Make it clear that you are the adults and you will make the decisions, but that you want their help to think about how things would feel for them.
- Listen to any suggestions they make. Even if you can immediately think of 10 reasons why it's a bad idea, resist the impulse to say so. Instead let them see you are giving it some serious thought.

What you need to sort out

## How will you both pay for all the stuff they need?

Once you have worked out where the children will be living, you need to work out how you are both going to continue to pay for everything the child needs. All parents have a duty to pay for the things their children need until they are 16, or up until they are 20 if they are still doing their A levels or equivalent study or training. This is usually called child maintenance or child support.

Again, it's usually best to try and come to an agreement between yourselves. You could agree that the parent who the children won't be living with (or who will have them staying for less time each week), pays the other a certain amount of money each week or month. Or you could agree that they will pay bills or buy particular things the child needs instead. If the child will be living with each of you equally, how will you divide the cost of things like clothes, shoes, school lunches, pocket money, travel, and after school or weekend activities?

If you are struggling to make your own agreement, it might be useful to see how much the government would make you or the other parent pay. Search online for '[calculate your child maintenance](#)'.

The GOV.UK website has a section that talks you through the different options - search online for '[Get help arranging child maintenance](#)'.

If you still cannot agree you could apply to the Child Maintenance Service (CMS). There is an application fee for this but if you can show you are a survivor of domestic abuse you may not have to pay. They will contact the other parent and work out what they should pay. If the other parent doesn't pay, the Child Maintenance Service can make them pay. If you and your ex cannot manage to agree on when and how the maintenance is paid, you may have to use the CMS to collect the maintenance for you. There is a charge made to both parents for this option. Also it is important to understand that it can take a long time for things to get sorted out using this service.

Changes are being made at the Child Maintenance Service to give more protection and help to parents who are victims of domestic abuse. This means that if you have evidence of domestic abuse your private details will not be shared and you will not have to contact the other parent about maintenance.

[Gingerbread](#)'s helpline and website can also help you deal with a whole host of child maintenance issues (see [More help and advice](#)).

# What the law says

Although it is best to try and reach agreed solutions without needing to go to court if you can, it is important to know how the court looks at these decisions.

The law says that the court should not make orders about children, unless it is better for the child if they do. This is why the court will encourage parents to work out solutions themselves if it is possible. Before applying to court almost everyone will need to try mediation to come to an agreement first. In certain circumstances you can claim an exemption which means you don't have to try mediation. You can find out more about this and mediation generally in our guide [A survival guide to family mediation](#).

When the court is asked to make a decision about the children the only consideration is what is best for the child, rather than what either of the parents want.

The starting point is always that it is important for children to have a good relationship with both parents, which includes spending time with both parents, unless there are clear reasons as to why this would not be safe or in their best interests. It doesn't matter if one parent does not give any money to support the child.



What the law says

They also consider:

- The child's wishes and feelings (bearing in mind age and understanding). In practice, this means that once children get to their teens, or perhaps a little earlier, their wishes count for a lot. (This doesn't mean that the court automatically does what the child wants. But the court does take their views and wishes into account when deciding what is best for them.)
- Their physical, emotional and educational needs.
- The likely effect on the child of any change of circumstances.
- The child's age, sex, background and any other relevant characteristics.
- Any harm or risk of harm to the child.
- Ability of the parents to give the child what they need.

# How to sort things out

The options available to you on how to try and come to an agreement are:

1

reaching an agreement between yourselves,

2

using a family mediation service,

3

using solicitors to negotiate on your behalf, or

4

applying to the court if you can't reach an agreement.

You might find that you can agree some things between yourselves but that mediation or a solicitor could help sort out some trickier issues.

Going to court should usually be the last resort – there are some exceptions and we talk about them later. It can often cause relationships to be permanently damaged, and leave the adults involved hurt, stressed, and poorer. The money, time, and energy you would spend on going to court would usually be better spent making your children's lives and your own more comfortable. And if you can't afford legal advice the whole process is likely to be daunting and difficult. Children can often be upset too, even if you are very careful not to involve them directly.

Whichever method you use, it is important to remember that you will both need to compromise – unless you are really sure contact wouldn't be safe for your children.

## Option 1

### Agreeing it yourselves

Agreeing arrangements between yourselves can be the best option for many people. But if you feel that your ex is better at arguing his or her corner than you are and you are worried about trying to reach agreement alone then you should see if you can afford mediation or the help of a solicitor. A solicitor will advise you on what the court would consider a reasonable arrangement and help you think about things you may not have thought of yourself.

**If you have experienced any kind of domestic abuse during or after the relationship with your ex it would be very sensible to find out if you can get [free legal help from a family law solicitor](#) so that you don't have to deal with your ex. They will listen to what has happened and advise you on whether the family court is likely to say that contact is in the children's best interests or not.**

If you can agree things between you it won't cost you much or even anything in terms of money. Often arrangements that you can both agree to will work better than those that are forced on you (for example by the court). If you have young children you will need to parent them together for years to come. So if you can get off to a good start at the beginning by talking about the issues, this is likely to help everyone now and in the future.

If you have recently split up or if you have a lot of history together, you will need to find ways to discuss this without all your emotions getting in the way. This might be to meet to discuss just this, perhaps in neutral territory. Some people manage to do it over email.



- Agree in advance with the other parent how and when you will try to come to agreements. For example, will you find a date to meet on neutral territory, do it over email, or will you use a family mediation service? Nobody likes to feel ambushed and you have a much better chance of agreeing something if you both arrive at it feeling that you have chosen this approach and you want it to succeed.
- If you have a lot to discuss try and agree what is urgent and deal with that first. You may have different priorities, but dealing first with the things that are most worrying for each of you can make things go much more smoothly. If you have to discuss arrangements for the children and finances consider dealing with them separately – maybe at separate meetings. Do not feel that everything needs to be resolved immediately.
- Before you discuss it, think about what you want to agree. What is best for the children? And then work out what you would like and where you can be flexible. If you know what their other parent might feel about that, think if there's anything you can do to make it more appealing for them.
- Try to stick to the point as much as you can. If you are meeting in person, having the main points written down on a piece of paper can be helpful and can give you something to focus on if you feel yourself starting to get upset or angry, or if your ex-partner strays from the point. If you try to do it over email, do bear in mind that it is even easier to take offence when you can't see expressions or hear tone of voice, so keeping yourself calm and sticking to the point is even more important.



## Option 2 Using family mediation

This is where you meet together with the other parent and a mediator, who has been properly trained to help you put your feelings aside and focus on the issues that need to be sorted out. The mediator won't take sides or decide what is fair for you – they are there to help your discussions. It is also the mediator's role is to ensure that you both get heard and have a chance to speak so that one person does not dominate.

If you find mediation useful and you manage to agree things, the mediator will record the agreements you have come to in a document. This is often called a memorandum of understanding or a MOU. It is also possible to then ask the family court to approve your agreement and turn it into an agreed order – or 'consent order'. This will give legal certainty to your private agreement.

Traditionally, mediation appointments have taken place at the mediator's office. More and more mediators now offer online sessions that take place by video call.

How to sort things out

Mediation is not a terribly cheap option but if it works well it can be money well spent. It can give you a calm and safe setting where you are encouraged to listen to each other, and help get you a written agreement to move forward. Many people say that a positive side-effect of mediation is that it helps them to communicate again, which – given that you are going to continue to be your children’s parents forever – can only be a good thing.

Legal aid is still available for mediation so ask if you qualify. If not, you may qualify for a temporary government scheme where some people can get vouchers towards some of the cost of mediation. For more on this, go to the [Family mediation Council](#) website.

If you do not qualify you will have to pay for family mediation. Prices vary but start at around £100 **each** for each session and most people come to the agreements they need for their children in 1-3 sessions. When you are looking for a mediator, don’t be afraid to phone around and compare prices. (Whilst the fees are usually charged per person, it is open to you and the other parent to decide who will actually pay or how the cost will be shared – for example where one of you has a higher income.)

Some mediators are also legally trained as family law solicitors. They cannot advise you on your legal problem as well as mediate between you and your ex. But their legal training means they can be clear if they think the court would not approve your agreement.

If you are entitled to legal aid (that is help from the government to pay for legal advice) you can get mediation for free. Search online for ‘[Check if you can get legal aid](#)’.

For more information about family mediation and how to find a good mediator, see our guide ‘[A survival guide to family mediation](#)’.

**If you have experienced any kind of domestic abuse during or after your relationship with your ex then mediation may well not be right for you. A trained mediator can talk to you about this and the options available to you, for example, shuttle mediation, where you and your ex stay in different rooms and don’t see or speak directly to each other at all. Mediation must be voluntary. You should not be bullied into going or bullied by your ex when you are there.**



### Option 3 Using solicitors to negotiate for you

If you cannot get legal aid, using a solicitor can be quite a bit more expensive than mediation. But it can still be relatively quick and can avoid all the expense and stress of going to court. If you have to sort out issues around money or property, it can feel a lot safer to have an expert on your side, making your case for you. You can find a good family law solicitor who believes in a constructive, non-confrontational approach on [Resolution](#)’s website. Don’t be afraid to phone around and compare prices. A solicitor will be able to advise you on your rights and how the court would look at your situation. A solicitor will help you think through important things you may not have thought about.



**If there has been domestic abuse in your relationship having a solicitor on your side to advise you should help a lot. Make sure you look into whether or not you can get legal aid. Search online for [‘Check if you can get legal aid’](#).**



If you are entitled to legal aid (that is help from the government to pay for legal advice) it will be much cheaper or even free.

If you can't get legal aid, some solicitors will do one off bits of work that they charge a set amount of money for. You might find that one meeting with a solicitor to give you some initial advice and guidance will be money well spent. Make sure you call around and compare prices for similar services offered by different firms. For more on how to get legal advice and some places where you may be able to get free advice see [More help and advice](#).

## Get some legal advice

If you can possibly afford it, you should get some legal advice on your options early on to help you work out where you stand.

### Get expert legal advice



for just **£120** on

- ✓ Where you stand legally on the problems that are most worrying you now
- ✓ What the court might recommend in your situation
- ✓ What your next steps should be

**FIND OUT MORE** | >

or go to  
[www.advicenow.org.uk/child-agreement-0](http://www.advicenow.org.uk/child-agreement-0)

How to sort things out



# What to do when you have reached an agreement

If you have managed to come to an agreement, well done! You don't have to put it in writing but it is a good idea as it will help you avoid confusion or disagreement later on. Consider including in your agreement an agreement about how you might address issues that may arise in the future – for example, by talking to each other and if that doesn't resolve the issue, by using mediation.

What to do when you have reached an agreement



# What to do if you can't agree

There are only really a few reasons to take arrangements for children to court. They are:

- 1** If you have real worries about your child's safety or welfare with the other parent.
- 2** If one of you feels unsafe or intimidated.
- 3** If one of you has been preventing the other parent from seeing the child. Courts have powers to enforce court orders about this.
- 4** Maybe you haven't been able to get a proper (or any) response from your partner. Sometimes a court application can help to get a discussion going. Often the court process will stop after the first appointment, as an agreement can be reached.
- 5** If you cannot agree on something specific such as which school your child should go to or if one parent doesn't agree to a foreign holiday or trip to relatives outside England and Wales.

- 6** The parent with care of the children has moved and cannot be located or is about to move away, either within England or Wales or to another country. If you are concerned that they may be moving outside of the country you need to act quickly and get urgent legal advice on what applications you need to make to the court. Even if you think they are just moving within England and Wales you should still get urgent legal advice if you do not support the move.

If your situation isn't this bad, it is probably best to consider trying again – perhaps using another method like family mediation or solicitors to negotiate on your behalf.

Sometimes people think they want to go to court for the wrong reasons. Maybe you don't want to compromise and think the court will give you everything you want. But this is very unlikely - courts don't side with one person or another but try to find a solution that is right for the child or children. Often, deep down, people hope the court will 'reward' them or 'punish' the other parent for their past behaviour. If this is what you want, you will be disappointed. Generally, unless there are serious concerns about the welfare of your children, for example where there have been allegations of domestic abuse, the court will want to look to the future rather than examine what has happened in the past.

What to do if you can't agree

Parents sometimes want to take their dispute to court because they think fighting every step of the way will show the children how much they love them. But going to court really isn't the best way of doing that. Making compromises to ensure the new situation will give the children what they need, even where that is painful for you, is much more

## Get some legal advice

If you can afford it, it can be very helpful to get some legal advice on your options to help you negotiate with your ex and avoid court. likely to be effective.

### Get expert legal advice



for just £120 on

- ✓ How to avoid going to court by approaching your ex with a fair proposal
- ✓ What the court might recommend in your situation
- ✓ How to draft a letter which sets out the difficulties with the current arrangements and your proposal for future arrangements
- ✓ What your next steps should be

[FIND OUT MORE | >](#)

or go to  
[www.advicenow.org.uk/child-agreement-1](http://www.advicenow.org.uk/child-agreement-1)

It might be that it is not you but your ex (or another family member) who has come to you talking about their view on how arrangements are not working. If your ex has suggested changes to the current arrangements for your child that you are not sure about or are definitely unhappy about then it would be really sensible to get some legal advice now about your position.

### Get expert legal advice



for just £120 on

- ✓ How to respond to your ex's (or other family member's) proposal
- ✓ What the court might recommend in your situation
- ✓ What your next steps should be

[FIND OUT MORE | >](#)

or go to  
[www.advicenow.org.uk/child-agreement-2](http://www.advicenow.org.uk/child-agreement-2)

What to do if you can't agree

## Reasons to avoid going to court if you can

Above, we've given a few key reasons why you might need to go to court. In many cases, though, going to court is not the best option. Here are some reasons why you should avoid court if you can agree contact safely without the help of a judge.

- If you use a solicitor to advise you and a solicitor or barrister at court to represent you it will become very expensive very quickly, unless you can get legal aid.
- If you cannot afford to use a lawyer, it is likely to be daunting and difficult to represent yourself at court.
- Without a lawyer you may not get such a good outcome at court.
- It will probably make it harder to have a relationship as parents afterwards. To make your case both of you will emphasise and even exaggerate your positions. After that, it can be hard to get back to a co-operative relationship as parents.
- It will be very stressful and the children may feel stressed too.
- The process will probably feel out of your control. Once a case has got going people often feel a bit powerless. The court has the power to make various different orders as long as those orders are in the best interests of your child as the court sees it. You may not agree.
- The court system is overloaded with cases so it can take a very long time for a case to be dealt with. This can mean that the problems between you and your ex get dragged out. Because the family court is so busy, judges don't have the time to look at the case in as much detail as you might want and expect. This may mean you end up feeling that going to court doesn't actually help you to be heard in the way you thought it would.

What to  
do if you  
can't agree



# If you have to go to court

The family court can decide who the children live with and how and when they see the other adults in their life. These orders are called child arrangements orders. The court can also make orders about specific issues (for example, if you cannot agree about where they are going to go to school or whether the child should have an operation) and things that parents may not do, like take the child abroad (a 'prohibited steps' order).

We have produced a separate guide called [How to apply for a child arrangements order without a lawyer](#) to help you if you end up applying to court. But, we have provided an overview here to give you an idea of what will happen.

## Before you can apply to court

Before you can go to court you will need to show that you have been to a Mediation Information and Assessment Meeting to explore whether you could come to an agreement through mediation instead. This is because the court will only make orders where you can't sort the matter yourselves, either on your own or using a mediation service. In certain circumstances you may be exempt from going to a Mediation Information and Assessment meeting with your ex. For more information on this see [A survival guide to family mediation](#).



## Applying to court

If you have not been able to reach an agreement yourself or with the help of a mediator or solicitor, then the next step is to issue a court application. This can be done by completing a C100 form outlining what order you are asking the court to make and why. You can do this form online or, if you prefer to do it on paper, you can. The details for both options are on the [GOV.UK website](#). You can find them by searching online for 'Form C100'. If you want to tell the court about any abuse within the relationship or towards the children there is a second form called a [C1A](#) to fill in too - again you can find this on the GOV.UK website.

There is a fee of £232. If you are on a low income you may be able to ask the court for help with paying this fee so that you only pay some of it. For more information on this see [Getting help to pay a court fee in a civil or family case](#).

If you have to go to court



The charity [Support Through Court](#) has volunteers at some courts. They can help you with practical things like filling in forms and give you emotional support. They cannot give legal advice. Sometimes they are able to help with hearings that take place by phone or video call. They also have a national helpline. For more on their services see the section called [More help and advice](#).

## The first hearing and Cafcass

Once you have applied to the court, it will generally fix a first hearing (you may hear this called a First Hearing Dispute Resolution Appointment) and tell Cafcass about your application. Cafcass is the Children and Family Court Advisory and Support Service. Cafcass officers are all trained social workers. They work with families involved in the family court. Before the hearing you and the other parent should be contacted by Cafcass so that they can check if there are any particular issues that the court may need to be aware of. This will include checks with social services and criminal records. If you have a criminal record the court will only be concerned about offences it considers are relevant to the child.

If there is anything you are worried about in terms of your child's safety or wellbeing when it comes to spending time with your ex, it is really important to tell the Cafcass officer when they call. It is sensible to make a list of the things you might want to tell the Cafcass officer so you don't forget something important.

The first hearing is used by the judge to explore the issues and find out whether there is some scope for agreement. The judge may ask a Cafcass Officer (also known as a family court advisor) to help with this. A large number of cases

get sorted out at this stage, and often there is no need for an actual order, though the judge will generally record the agreement. If there are allegations of domestic abuse or other issues that could impact on the children's wellbeing these will need to be looked into by the Cafcass Officer.

If you can't agree at this stage, the judge will set out the timetable for what will happen next. The Judge may refer both of you to consider mediation, if this has not been fully explored previously. He or she could order that a different Cafcass Officer investigates and writes a report. If the family has been known to social services it may be that the Local Authority is asked to undertake the investigation. The Cafcass Officer will then arrange to see all the adults and the children involved. Sometimes, the Cafcass officer will also speak to teachers and other adults who know the children. The preparation of this report could take around 16 weeks and therefore the case would be adjourned and another hearing date be given. The judge will use the report to help him or her make a decision on what is best for the children at the next hearing. This hearing is called a Dispute Resolution Hearing or DRA, for short.

The judge can order that both parents attend what is known as [Planning Together for Children](#). This is a set of online learning resources, a workshop for parents and a parenting plan to help you work out future arrangements and reduce conflict.

You may find that some or all of your hearings do not actually take place in a court building. Instead you may be asked to attend the [court hearing by video or by phone](#). You will be informed by the court before the hearing about how it will take place.

If you have to go to court

# Making your new arrangements work for you

We asked people who had sorted out arrangements for their children what advice they would give to other people.

“ I think it's best not to show the kids how angry you are with your ex. The best advice I was given was to write it down when I was angry or frustrated with him so I didn't dump it on the kids and they didn't have to see me banging pots and pans or stamping round the house after he'd called.

**Jane** ”

“ You've both got to be flexible; you won't generally know about things like their friends' birthday parties a long way in advance. To start with I felt like seeing me should come above everything else – but then I realised it wasn't fair for them to miss out. So we both try and be flexible and swap things about. Some weeks I don't see them as much as I'd like to, but there's always next week.

**Paul** ”

“ When we were working out when we'd each see the children, we also agreed what the routine and rules were, and made sure they were the same at both homes. It meant neither of us got paranoid that they liked it more at one place or another. It was particularly helpful when our daughter started trying to play us off against each other.

**Flic** ”

“ I realised how confused I would be if I never knew where I was going after school. We made a chart for both our flats to show what was happening each day and discussed it at breakfast each morning.

**Dev** ”



Making your new arrangements work for you



“ The handovers are really hard at first. We could barely look at each other. But I tried hard to be nice about it. And it helped Amy, my daughter, that we could speak to each other, and I could come to the door.

**Sarah** ”

“ I used to ask my boys what they'd done when they came home from seeing their dad but they always seemed really defensive – like I'd be hurt if they'd had fun. So I changed tack. I asked their Dad what they'd done and showed great enthusiasm at his replies. Very soon they were proudly bringing home stories, pictures, even some biscuits they'd made.

**Theresa** ”

“

I do a share of the ferrying the girls around even when it's not 'my time' to see them. It makes things easier for everyone and it's nice to see them even if it's only for 15 minutes in the car. They tell me all about what's going on at school or what happened at swimming that they never mention at the weekend.

**Ciro** ”



“ I made the mistake at first of always trying to take the children out for a treat. I wanted it to be special. But actually it was a bit much for them and for me. They like being at home or in the park too – just us being together.

**Steve** ”

**Making your new arrangements work for you**

“

Children have their own lives too. It took us a while to strike the right balance between ensuring we have enough time together and making sure the children still get to do the things they want to – like going to football and seeing their friends.

**Jon**

”



“

It really bugged me when their dad didn't bring them back on time. Or when he was late turning up and they were all ready in their coats. But now he just texts me if he's running late, and it's okay.

**Neelam**

”

“

I think the boys used to be too scared to mention their Dad to me or me to him. I realised this was stressful and weird for them so started to find ways to mention their Dad and his new partner without asking them anything. It felt weird at first but it did the job. They don't feel they can't talk about stuff anymore.

**Kas**

”

“

The children used to come back from weekends with Mark all hyper and tearful. I was really worried about it. But my sister said her kids were like that anyway if they'd been out for the day, and I realised she was right. I talked to Mark about it and he agreed to try to get them to chill a bit for the last hour or so.

**Kath**

”

“

Children know when you're trying to buy their love. And they exploit it! We found that they were playing us off against each other a bit, and we fell for it and started to buy bigger and bigger presents for them. Now we email each other to agree what we'll each do for xmas and birthdays.

**Tim**

”



Making your new arrangements work for you



# Common problems

## Your child says they want to live with their other parent

This is very hard to deal with. If you are the parent that has been looking after them up to now, this will usually feel horrible. The first thing you need to do is try to deal with your feelings about it. Remember this happens at some stage in many families. It's human nature to wonder if the grass is greener. It isn't a reflection of any failing on your part. In fact, it's more likely to be a reflection of your success in enabling your child to maintain a good relationship with their other parent.

Once you've got your feelings a bit under control, you need to deal with two things: your child's feelings and wishes about it and then whether it's actually a good idea.

Agreeing a change in where your child lives will, in most cases, be a really big decision which you need to think about carefully.

How old your child is and how mature he or she is will have a big impact on whether a move to live with the other parent is a good idea. You might feel that a move would benefit your child and so it may be something you can agree to. But, you might be very concerned about it.

It is helpful to know how the court tends to deal with this sort of situation. The court's view is that change is usually disruptive for children and should be avoided. If your child is young and there are no worries about the care you are giving your child the court would usually say your child should stay with you. If your child is older, say 11 years old or more then the wishes and feelings of your child will be listened to more.



Your child may feel guilty for saying they want to move and that's probably not helpful. If you can, it will be helpful to tell them you understand. You might think there are lots of reasons why it's a bad idea, but it's important to show your child that you are listening to them and considering it. Discussing it calmly will also help you work out if this is just a whim or something they have been thinking about more seriously.

Try and have a chat with your child and make a list of the reasons they want to move. Then, together, you could look at all the possible solutions. This might include increasing the amount of time they spend with their other parent, or changing how things work with you, as well as going to live with their other parent.

Common  
problems

If you have a good relationship with their other parent you could do this all together. If you don't, it might be best for one of you to have this conversation with the child and then contact the other parent to discuss it. In this case, be careful not to agree anything with the child until you have discussed it with the other parent - instead just explore possibilities. One way to do it is to approach it again as if you are making the decision for the first time. Just like then, your priority is to make sure your child gets appropriate care. If you are struggling to come to a new agreement a family mediation service may be able to help. If you feel pressurised by the other parent to agree to your child going to live with them and you don't think it is the right move for your child, it is important to try and get legal advice from a family law solicitor about what to do **before** agreeing to anything.

If you do decide that the child will be properly cared for by their other parent and the move won't be too disruptive, consider making an agreement between both parents and the child. A written agreement can be a helpful way to give you both a good understanding of your discussions and could be a clear document to go back to if there is any disagreement between you. This might say that the child will live with the other parent for a trial period (say 6 months or a year), when they would visit or stay overnight with you, what will happen in the holidays, and when they'll speak on the phone etc. It can also be helpful to include that the important rules for the child will remain the same and specify what they are. You should also agree what would happen if they change their mind and make it clear that it is ok for them to do that.

Any agreement you reach between yourselves can be helpful but it is not legal binding so either one of you can change your mind about the arrangements at any time.

If you do agree to your child moving to live with their other parent be aware that it could be very difficult to arrange for your child to return to live with you once they are settled there. You may decide that you are not happy with the new arrangement. Unless the other parent agrees for your child to come back to your care then you may find you are stuck. There may be no option other than applying to the court to ask for an child arrangements order that your child come back to live with you. The court will want to avoid more disruption for the child and so unless there are serious welfare concerns about your child being mainly in the care of their other parent the court is unlikely to agree to your child moving again.



If your child is over 11 or 12 their wishes would be taken into account by the court (although that doesn't mean they would automatically get what they say they want). Bear in mind that it is unusual for the court to make child arrangement orders about children over the age of 12 or 13 unless the child expresses agreement to the arrangements. This is because the court takes the view that the order wouldn't work for a child who is that old who didn't agree with the arrangements.



## Your child lives with the other parent and now says they want to come to live with you

When this happens it can feel really nice. It's very flattering to think they would prefer to live with you. But try not to see this as winning or a reason to start having another epic battle with your ex. You need to think about whether this is really the right thing for both you and the child.

The first thing is to ask them why they would like to live with you. Before you take it seriously you need to be sure that it is for good reasons. If they mainly see you on weekends or holidays, they may think it will always be like it is at weekends if they live with you. But they will still have to go to school, and do their homework, and go to bed at a reasonable time if they lived with you during the week. You will sometimes get tired and cross with them or have to lay down the law just like their other parent. Or it may be that there are issues in the other parent's home that the child wants addressed and this is their way of bringing them up.

If the child has good reasons, you need to work out if and how you can provide all the things that your son/daughter needs as well as the parent they are living with now. Would they be able to stay at the same school and clubs? If not, would they be willing to move? Children do not always think through all of the consequences of what they wish for.

You also need to work out if you really want to take this step – if it is not right for you, perhaps because of other factors in your life, then it may fail and cause more harm than good. If you do want to take this forward, it is best to approach it as delicately and co-operatively as you can. Contact the other parent and see if you can work together to come to a solution.



It may be that the best option is just to change things a bit as that would avoid the disruption of the child having to get used to a new home and family life.

If your child would just like to spend more time with you, would it be better to change the arrangements so they see you more often, or stay over for longer? While a shared care arrangement might not have been best to start with, are they big enough for it to work better now ([see page 7](#))? Or would it really be best if they moved to live with you?

Many families who have been through this have found it useful to draw up an agreement a between the two parents and the child. This might say that the child will live with the other parent for a trial period (say 6 months or a year), when they would visit or stay overnight with the parent they won't be living with, what will happen in the holidays, and when they will speak on the phone etc. It can also be really helpful if it includes that the rules for the child/teenager will remain the same and specifies what they are. You should also agree what would happen if they change their mind.

Common  
problems

Any agreement you reach between yourselves can be helpful but it is not legally binding so either one of you can change your mind about the arrangements at any time.

If you can come to an agreement, you don't need to go to court, even if there is a court order that said the child should live with the other parent. You only need to involve the courts when you cannot agree.

If it isn't going to be possible to work together to come to a decision on this, even with help like family mediation, then you need to think about whether you should apply to court for a child arrangements order. If your child is under 12 or 13 years old then the court is unlikely to decide that they should live with you just based on what your child says they want, if there are no reasons to be concerned about the care they are receiving from their other parent. This is because the court considers that change is disruptive which is not good for children.

## Your child doesn't want to see their other parent

It can be tempting to take children's unwillingness to see their other parent at face value. They may be upset or distressed at the idea and your instinct as a loving parent is often to support them in their decision and help them solve their problem. But children's feelings about seeing the parent they don't live with are rarely simple. They are often complicated by feelings of loyalty to you, or feelings of sadness and hurt at the end of your relationship that they can't move through. Children often use avoidance of the other parent to avoid dealing with difficult emotions so if you can, you need to try to help them address these feelings.



Find out what the problem is – maybe it's something that can be solved. Sometimes it is something as simple as not being allowed to take possessions from one home to the other, having different rules, or (for small children) there being something in the other home that for some reason frightens them. Or sometimes, particularly if you have recently split up, it's because the arrangements are asking them to get used to a lot at once. Maybe they don't want to stay the night yet – to start with you could just do short visits, or maybe there's someone else they're not ready to see (a new partner, or other family member for example). Or maybe, they are finding the awkwardness between you and their other parent as you hand them over just too painful.

If the only answer you are getting is along the lines of "I just don't want to" then you may have to leave it for now, but continue to be aware it may be that they are trying to please you. You should aim to make it as easy as possible for your child to change their mind.

Discuss it with their other parent. Make sure that they understand that you are trying to help the situation. If you can, agree a plan to try to deal with it. That could include things like:

- Reminding the child that you split up because your relationship had stopped being happy – it wasn't that either of you stopped loving them or being a good parent.
- Both of you trying to make sure you don't talk disparagingly about each other, in fact try to consciously talk each other up.
- Find other ways for their other parent to stay in touch in the mean time – emails, texts, phone calls, short visits or perhaps things like giving them a lift to football/ballet/Brownies etc.
- Look out for a problem that their other parent might be able to help them with – perhaps homework, mending their bike or a broken toy – anything that might give their other parent a useful role.
- Maybe it would help them to speak to someone else – another member of the family, a family friend or a professional.

Remember that the law says as long as your child is safe when they are with their other parent, they should see them regularly. So, you need to do all you can to encourage your child to see their other parent, unless you are worried that your child is coming to some kind of harm there. Encouraging your child to see the other parent, includes talking positively to them about the other parent and making sure your child is ready at the time agreed. If your child is older, say around aged 11 or older, then the court will pay more attention to your child's views when deciding how to deal

with this problem. The court can hear directly from children as young as 7 but this is not common. The court will take into account how emotionally mature your child is when deciding if the judge should hear directly from them.

If you become worried about why your child doesn't want to spend time with their other parent and think that there could be issues around their safety when they are there, you need to get legal advice on this as soon as possible. For more information see [More help and advice](#).

## Your child doesn't want to come to see you

This is usually really painful and to make matters worse it feels completely out of your control. It's often tempting to blame their other parent – particularly if you had an acrimonious break up. But this isn't a helpful road to go down. It's possible that your children are saying they don't want to come out of loyalty to their other parent, but that doesn't mean that their other parent planned it, caused it, or had any conscious role in it. Even if their other parent may not have been blameless, you are unlikely to help the situation by berating him or her and may only end up upsetting the children and making it harder for them to change their mind.

Is it possible that the child is feeling hurt and angry with you? Sometimes children may have witnessed unhappy or even frightening scenes during a break up which may have made them uncomfortable and confused. If it is possible, apologise for them. Remind them that everybody does silly things when they are angry or feeling really sad.

Or it might be a much simpler problem – for example, maybe they want to do something else on that day.

Common problems

- Try to talk/write to your ex about it calmly. Do not accuse them of turning them against you. Ask for their help in solving the problem. Make it clear that you are willing to be flexible if it makes things easier for your child. For example, if it's that your child is anxious about staying the night or missing the other parent, you could start by just seeing them for a few hours until you have all got used to it. If they don't like something else, it can be changed.
- It's probably not a good idea to ask the other parent to force your child to see you. Instead ask them to help you talk to your child about why they don't want to. It's very hard to force even a small child to do anything against their wishes, and it certainly isn't going to make for an enjoyable day.
- Could you ask the other parent to find ways of talking about you positively?
- See if you can find methods of communicating directly with your children that will show them that you love them and are thinking of them, without putting pressure on them to change their mind. Perhaps send short emails, postcards, or quick texts, phone or video call, or use computer games you can play together over the internet - anything that might suit your child.
- Remind them that you split up with their father/mother because the adult relationship was unhappy, not because you didn't love them.
- It never hurts to tell them you love them and think they are amazing and you always will.



## The other parent really is blocking you from seeing your child

This can feel awful. People tend to want to take the other parent to court, and this does sometimes help but it's far from the magic cure you would hope for. Again, it's best used only as a last resort.

If you are not getting to see your child in the way you did before think about ways you can try to stay in touch while sorting out the problem. For example, you might be able to call, skype or FaceTime your child. You could send short letters or cards to your child. The occasional small gift, like stickers or a magazine, will remind your child you are thinking about them.

If you haven't already tried it, it might be best to approach the other parent as if you don't think the problem is them. Write or speak to them asking for the help described in the previous section.

There are some specialist apps or software programmes that can be used by parents to share information and communicate more easily. Look online to see if any might be useful to your family.



Another option is to see if the other parent will consider using a mediation service. Some services specifically work with children so the child can really have a say. A trained mediator can see a child in private and feed back to parents what the child wants to say to them.

See [A survival guide to family mediation](#) for more information on how to find a good mediator.

Many people report that, as well as sorting out particular issues, mediation helped them to find new common ground and work as co-parents again. It is worth remembering that the court requires you to try mediation before you apply for an order unless an exemption applies. See [A survival guide to family mediation](#) for more information on this.

If none of these options help, you should go to court. See [If you have to go to court](#) on [page 20](#).

## The other parent won't see them

This is a sad and tricky situation. Your priority of course is to make sure this hurts the children and their self-image and self-esteem as little as possible. It's going to be hard, but try not to show the children how angry this makes you. Even if you think it's because they don't care or they don't have their priorities right – it is best not to say it. It is best not to say or do anything that may close your child off from the possibility of seeing their other parent again. Instead, make it as clear as you can that, it isn't because of anything they have done or because of anything they are. Even adults do silly things sometimes because they are upset, or because they have forgotten what is most important.

If you know where the other parent is, it can be helpful to get in touch with the other parent and ask them (without being aggressive) how they would like you to explain it to the children. You don't need to try to solve the problem, just find a way to explain it.

At the same time you could encourage them to find other ways to show them that they still love them and are thinking of them. Perhaps email, postcards, quick texts, phone calls, etc.

Sometimes it helps to get grandparents involved. Contact with a grandparent can maintain the link between the children and that side of their family.

## “ Vanya's story

My ex wouldn't see the kids after we split up. He just didn't want to know. It made the children really sad and confused, and as a result it made me furious. I resisted the urge to explain to the children it was because he was a selfish idiot. Instead I explained that he loved them but was so sad and angry about the end of our relationship he couldn't manage it just yet. It made it a lot easier for everyone concerned (including me) that they didn't feel like it was their fault or waste their time feeling really hurt or angry. Instead he wasn't really an issue.”

Common problems



## You are worried that their other parent will take them to live abroad

If you are concerned that their other parent will take them to live abroad, you can apply to the court for a Prohibited Steps Order and you can ask for the children's passports to be taken by the court. If you believe the other parent may be planning to take them abroad very soon you can apply to the court to have the case heard without them being warned. If this happens, and an order is granted, it will be on a temporary basis until a hearing that everyone can be present at can be organised. If you are in this position you should get **urgent** legal advice – you may be able to get legal aid to pay for this. You can find a list of specially accredited solicitors' firms, that do this work regularly, by searching online for '[child abduction: accredited solicitors referral list](#)'. The court will look at what is in the overall interests of the children. See [If you have to go to court](#) on [page 20](#) for more information.

## The other parent plans to move further away (but still within England and Wales)

This is difficult and often causes a lot of stress for everyone involved. Whether it's the parent the children live with or not, it will have an effect on your arrangements for the children. How you deal with things may depend on whether the move is permanent or short-term. Usually the best thing to do is to try to come to a new agreement about where the children will live and how they will maintain a good relationship with their other parent that works for everyone. It may mean that contact can't be every week but that when it does happen it lasts longer. Many parents agree to share the burden and cost of the extra travelling by meeting half way or taking it in turns to do the journey and arrange frequent contact phone or video call for example via over Skype and Facetime or WhatsApp.

If you do not support the move because you don't believe it will be in the best interests of the children then you could consider taking it to court. If you are in this position, it would be wise to get some urgent legal advice, if you can possibly afford to. If your ex is planning on relocating within England or Wales, and is not open to discussing the change in arrangements, don't just accept this at face value if you are not happy with it. Remember that the court's only consideration is what is in the best interests of the child and generally the court does not consider change and instability to be good for children.

**You can get advice on dealing with issues like this from [Gingerbread's Single Parent Helpline](#) and the [Children's Legal Centre](#) – see the section called [More help and advice](#) for more details.**



Common problems

# What does it mean?

## **Applicant**

This is the name given to someone who applies to a court for a court order.

## **Cafcass**

Cafcass stands for The Children and Family Court Advisory and Support Service. Cafcass Officers help the court by mediating at court and writing reports about the children's needs for the court.

## **Child arrangements order**

An order which sets out the arrangements about who a child is to live with and spend time with and when (also called 'contact').

## **Child maintenance**

This is the money a parent pays towards the child's upkeep. It is usually paid by the parent who the child stays with less.

## **Legal aid**

This is a government scheme to help people who live on a low income and have few savings and meet specific other criteria, pay for legal help. To get legal help or legal aid to go to court about a family issue you need to have evidence of domestic abuse within your relationship or evidence that your child is at risk of abuse from the other adult in the case.

## **Parental responsibility**

This is the rights and obligations of a parent for and towards a child. It allows the person concerned to exercise certain decisions concerning a child and to be consulted about important changes or decisions, for example about their health or education. It does not give the right to interfere unreasonably or unnecessarily in the care arrangements put in place by the child's main carer. Parental responsibility is automatically held by the mother of the child and by the father if he is married to the mother or in a civil partnership with the mother. Since 1st December 2003 parental responsibility is also automatically given to any father who is named on the child's birth certificate even if the parents are not married. If you are a 'second female parent' and your child was conceived on or after 6th April 2009 and you are named on the birth certificate you will have Parental Responsibility. If you are a second female

*(continued)*

What does  
it mean?

parent and you are married to, or are the civil partner of, the child's mother you will also have parental responsibility. Be aware that not all same-sex partners are automatically second female parents. For more about the law on second female parents have a look at the section called 'Working out if you have parental responsibility' in [How to get parental responsibility without a lawyer](#).

### **Prohibited Steps Order**

This is an order preventing someone from carrying out an action in relation to a child – an example is forbidding someone from taking a child out of the country or forbidding them from removing a child from the care of the other parent.

### **Respondent**

If the other parent starts court proceedings you are the respondent.

### **Shared care**

This is an arrangement where the children live part of the time with one parent and the rest of the time with the other.

### **Specific Issue Order**

This is an order the court can make if it has been asked to make a decision on an important issue on which the parents cannot agree (for example, if you cannot agree about where they are going to go to school or whether the child should have an operation).

### **Warning notice**

Since 8th December 2008 a warning notice that sets out the consequences of breaking the order has been attached to every contact order made by the court. If somebody disobeys an order with a warning notice (for example, by unreasonably preventing contact) you can apply to the court for an 'Enforcement order'.

What does  
it mean?

# More help and advice

## Relationship help and support

Search online for '[Relate](#)' They lots of information on their website on a range of problems that can arise in relationships and families.

[www.relate.org.uk](http://www.relate.org.uk)

## Parenting help and information

[Cafcass](#) work with children and their families, and then advise the court on what they consider to be in the best interests of individual children. You can find lots of information and support on how to parent your children well with your ex, during and long after your separation, on their website.

[www.cafcass.gov.uk](http://www.cafcass.gov.uk)

[Gingerbread](#) provides expert advice, practical support and other help for single parents. They have lots of useful information on their website, so they ask that you look at that first before calling the helpline.

[www.gingerbread.org.uk](http://www.gingerbread.org.uk)

Single Parent Helpline: **0808 802 0925**

Mondays: 10am-1pm & 4-6pm

Tuesdays: 10am- 1pm

Wednesdays: 10am-1pm & 5-7pm

Thursdays: 10am-1pm

Fridays: 10am-1pm

The helpline is closed on all public holidays.

[Family Lives](#) is a national charity providing help and support in all aspects of family life. Their helpline can give information, advice, guidance and support on any aspect of parenting and family life.

[www.familylives.org.uk](http://www.familylives.org.uk)

Family Helpline: **0808 800 2222**

Monday to Friday 9am-9pm

Saturday and Sunday 10am - 3pm

[OnlyMums](#) offers online support to parents going through divorce or separation. The site has a free web chat facility and email exchange service. OnlyMums and OnlyDads run the Family Law Panel, which links you up to specialist family law solicitors, barristers or mediators near you for a free initial conversation either on the phone or by email to help you work out how to go forward.

[www.onlymums.org](http://www.onlymums.org)

[OnlyDads](#) offers online support to parents going through divorce or separation. The site has a free web chat facility and email exchange service. OnlyMums and OnlyDads run the Family Law Panel, which links you up to specialist family law solicitors, barristers or mediators near you for a free initial conversation either on the phone or by email to help you work out how to go forward.

[www.onlydads.org](http://www.onlydads.org)

[MATCH](#) – Mothers Apart from their Children is a charity that offers non-judgemental support and information to mothers apart from their children in a wide variety of circumstances.

[www.matchmothers.org](http://www.matchmothers.org)

[enquiries@matchmothers.org](mailto:enquiries@matchmothers.org)

Helpline: **0800 689 4104** - 9.30am- 1pm and 7pm-9.30pm.

## Help for grandparents seeking contact

[Kinship](#) is a charity supporting grandparents and other family members or family friends involved in caring for children when their parents can't. They also have a useful section if you are a grandparent who is losing or has lost touch with your grandchildren.

[www.kinship.org.uk](http://www.kinship.org.uk)

## Child contact centres

[National Association of Child Contact Centres](#) provide a neutral place for children to meet the parent who no longer lives at home with them.

[www.naccc.org.uk](http://www.naccc.org.uk)

Information line: **0115 948 4557**  
Monday to Friday 9am until 1pm.

## Domestic violence and abuse

If your ex has been or is being abusive to you there are lots of places you can find out more information and get support. Always dial 999 in an emergency. For support or to discuss your options you can call the 24 hour [National Domestic Violence Helpline](#) on **0808 2000 247** or in Wales, [Live Fear Free](#) on **0808 80 10 800** (24 hours).

Both help lines are for anyone who is experiencing, or has experienced domestic abuse, or for anyone who is worried about domestic abuse happening to a friend, family member or colleague. It is free, confidential and the number will not show up on a BT telephone bill.

If you are a man and you or your children are affected by domestic violence or abuse you can contact the [Men's Advice Line](#) for free on **0808 801 0327**, Monday - Friday 10am - 8pm.

[Galop](#) runs a national helpline for lesbian, gay, bisexual and trans people experiencing domestic abuse. You can contact them on **0800 999 5428**, Monday to Friday 10am – 5pm and Wednesday and Thursday 10am – 8pm.

You can find more information and support from:

- [Refuge](#)
- [Women's Aid](#)
- [Welsh Women's Aid](#)
- [Surviving Economic Abuse](#)

More help  
and advice



## How to find legal advice

[LawWorks](#) can be a good place to start. LawWorks supports a network of over 280 free legal advice clinics that provide initial advice to individuals on various areas of law. Use their [search](#) to see if there is a clinic near you that offers family law advice.

[www.lawworks.org.uk](http://www.lawworks.org.uk)

Another option might be a law centre where lawyers sometimes give free legal advice on family law issues. Use the [Law Centre Network](#) search option to see if there is a law centre near you.

[www.lawcentres.org.uk](http://www.lawcentres.org.uk)

For help finding a family lawyer a good place to start is [Resolution](#) where you can find lawyers by searching using your postcode. Resolution members must commit to helping you work out your legal problem in a non-confrontational way. A green tick next to the lawyer's name tells you that they offer legal aid.

[www.resolution.org.uk](http://www.resolution.org.uk)

You can also search for a specialist lawyer near you who has been accredited by the Law Society. This means they have a significant amount of experience and expertise and have passed a Law Society assessment - go to [Law Society Find a solicitor page](#). You can also find a family lawyer via the [GOV.UK website](#).

[solicitors.lawsociety.org.uk](http://solicitors.lawsociety.org.uk)

[find-legal-advice.justice.gov.uk](http://find-legal-advice.justice.gov.uk)

Some family law specialists do extra training in an approach to solving legal problems called collaborative law. If you use this approach, each of you agree to use a collaboratively trained lawyer and have meetings together to try and solve the issues without going to court. You can search for a collaboratively trained lawyer on the [Resolution website](#) by choosing 'Collaborative practitioner' in the Service offering box.

Children Advice Centre provide free advice on all areas of English child and family law from the [Child Law Advice Line](#) on **0300 330 5480** Monday to Friday 8am - 6pm.

[www.childlawadvice.org.uk](http://www.childlawadvice.org.uk)

[Rights of Women](#) offers free, confidential legal advice for women in England and Wales on family law matters (for example, about domestic violence and abuse, divorce, cohabitation, finances and property on relationship breakdown, parental responsibility and arrangements for children and lesbian parenting).

[www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)

For women in England and Wales, call: **020 7251 6577**. Line open Monday to Thursday, 7pm to 9pm, Fridays 12pm to 2pm (closed on public holidays).

For women in London, call: **020 7608 1137**. Line open: Mondays 10am - 12pm and 2pm to 4pm, Tuesdays 2pm - 4pm, Wednesdays 2pm - 4pm, Thursdays 10am - 12pm and 2pm to 4pm (closed on public holidays).

More help  
and advice

[Finding Legal Options for Women Survivors](#), from RCJ Advice in partnership with Rights of Women, offers legal advice for women experiencing domestic abuse face to face, over phone, FaceTime and email, as well as help to get an injunction. Call: **020 3745 7707** between 9am-5pm or email [FLOWS@rcjadvice.org.uk](mailto:FLOWS@rcjadvice.org.uk).

[www.rcjadvice.org.uk/family](http://www.rcjadvice.org.uk/family)

Another way to get legal advice is to speak to a barrister who is qualified to represent members of the public directly (without a solicitor being involved). There are limits on what a barrister can do outside of representation at court but it is often a cheaper option if you just want to get some advice rather than have a solicitor to negotiate on your behalf. The details of appropriately qualified barristers and an explanation of the way the system works can be found by searching online for '[Direct Access Portal](#)'. Don't be afraid to phone around to compare prices or see if you can find someone who will give you the first appointment for free.

[www.directaccessportal.co.uk](http://www.directaccessportal.co.uk)

## How to find a family mediator

If you are looking for a family mediator you could ask friends and family for a recommendation or your solicitor, if you have one. It is a good idea to check any recommendations using the family mediator finder service on the [Family Mediation Council](#) website. It is fine to phone around, ask how much they charge and compare prices. For more useful information on mediation as a process have a look at [A survival guide to family mediation](#).

[www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk)

## Help at court or help with a court hearing by phone or by video call

[Support Through Court](#) supports people going through the court process without a lawyer. Volunteers offer a free and confidential service at some court buildings. You can look at their website to see if they have an office at your local court. The volunteers aim to help you manage your own case yourself. They cannot give legal advice or act on your behalf, but can offer practical help such as going to your hearing with you and supporting you with your forms. They can also help you if your hearing is by video or phone, by talking you through the process and sometimes joining the hearing too.

They run a free national helpline **03000 810 006**, open Monday to Friday 9.30am - 4.30pm. This is a good place to start for information on what they can do to help you.

[www.supportthroughcourt.org](http://www.supportthroughcourt.org)

More help  
and advice

# Notes

The information in this guide applies to England and Wales and is for general purposes only. The law is different in Scotland or Northern Ireland.

The law is complicated. We have simplified things in the guide to give you an idea of how the law applies to you. Please don't rely on this guide as a complete statement of the law. We recommend you try and get advice from the sources we have suggested.

The quotes and cases we refer to are not always real but show a typical situation. We hope they help you think about how to deal with your own situation.

# advicenow.org.uk

Making sense of the law and your rights

If you would like this guide in another format please email [guides@lawforlife.org.uk](mailto:guides@lawforlife.org.uk)

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This is just one of our guides to help you deal with family law problems. We have plenty more and most are free. Find them all at [www.advicenow.org.uk/help-deal-family-problems](http://www.advicenow.org.uk/help-deal-family-problems)

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