

Arrangements For The Children When Parents Separate

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When parents separate, it can seem impossible to agree about the children. It can lead straight back into the arguments and rows that may well have led to the decision to end the relationship. As a divorce solicitor and mediator, I regularly advise my clients on these issues, usually trying to help clients resolve the problems without needing solicitors to get much involved other than initial advice about how the court might view things.

A common difficulty is what to do if your partner is being unreasonable in their wishes about the children. For example if the children live with one parent but the other parent feels it is reasonable to turn up ad hoc to see the children, or give very little notice of when they might like to collect them from school or nursery or art club. If you are married, and there are no court orders, then both of you share parental responsibility. However, a court would take the view that the parent who is doing most of the care should be consulted about contact, and that it is best for the children for arrangements to be agreed. It can cause anxiety for children to have a parent arrive unexpectedly. The courts want to see parents trying to reach agreements about their children, however difficult this is. If one parent will not be reasonable, and the children are at risk of suffering from this, you are likely to need a court to define exactly what arrangements need to be for the children. Courts can prohibit one parent from picking up the children without agreement or notice.

It can often feel that one parent is trying to control the time that the other parent spends with

the children, or that the non-resident parent is disregarding the patchwork and timetable of school and family arrangements. Consider running your proposals past a third party or trusted friend who might be able to see things from the perspective of the other parent - are your plans really reasonable? Are you expecting too much/ too little? Compare it to the way you parented when you were together. Brief legal advice can tell you your rights and responsibilities in law, and mediation can help to actually make and cement arrangements. If you chose

a mediator who is trained to see your children as well, you can find out what the children might say to you both about the situation. This can be salutary and revealing.

One of the aims of separated parenting is to give your children permission to continue to love their other parent. This is not easy to do if you are distressed and angry and it can help to have a third

party involved to help keep perspective on the situation, to give legal advice and/or use mediation if things are not settling well between you working face to face.

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