

Children

We view the welfare of your children as our first and foremost concern. We will encourage and assist you and your former partner to achieve as swift and painless a resolution of your differences as possible.

If you have children under 16 (or between 16 and 18 and in full time education), the court will want to know that they will be cared for after divorce.

The approach of the Court

The Children Act 1989 is governed by the following principles:

- The Court will only make an order if doing so would be better for the child (not the parent) than making no order at all - it is preferable if agreement can be reached by the parties or with the help of mediation
- The welfare of the child is the Court's paramount consideration

We will discuss with you the agencies available to help resolve disputes, and give you contact details if appropriate.

If you cannot agree on the children arrangements (formerly called 'custody' and 'access') you can apply to the court to decide the matter.

How the Court decides disputes over children

The President of the Family Division has said: "The whole ethos, following the coming into force of the Children Act, is that these cases must not be carried out as battles in the old adversarial system, but should be carried out much more discretely having regard to the overriding interests of the children."

The Court refers to a statutory checklist and it is helpful for you to refer to this:

- The wishes and feelings of the child, if they are old enough to make these known
- The physical, emotional and educational needs of the child
- The likely effect of any change in the child's circumstances
- The child's age, sex, background and any other characteristics the Court considers relevant
- Any harm the child has, or is at risk of suffering
- How capable each parent is of meeting the needs of the child
- The powers of the Court

An independent Children and Family Reporter may be asked to help you resolve the dispute and failing agreement to help the court decide. The court will not make any order in relation to a child unless it is satisfied that this would be better for the child than not making the order.

Contact our family solicitors today on [01727 858807](tel:01727858807) or email: cst@labrums.co.uk to discuss how we can help you