

Our

# 10 Top Tips

when

# Looking After the Welfare of Children

eric  
robinson  
solicitors



# Looking after the Welfare of Children

Parents who are separating face countless issues to sort out. Money, property and possessions are one side of the equation; children are the other. Most parents recognise the need to protect their children from the negative effects of separation, but even then, children can be overlooked when disputes escalate.

Here are our top tips for doing your best by your children and minimising the difficulties they face because of your divorce.



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## Do I need to maintain communication with the other parent?

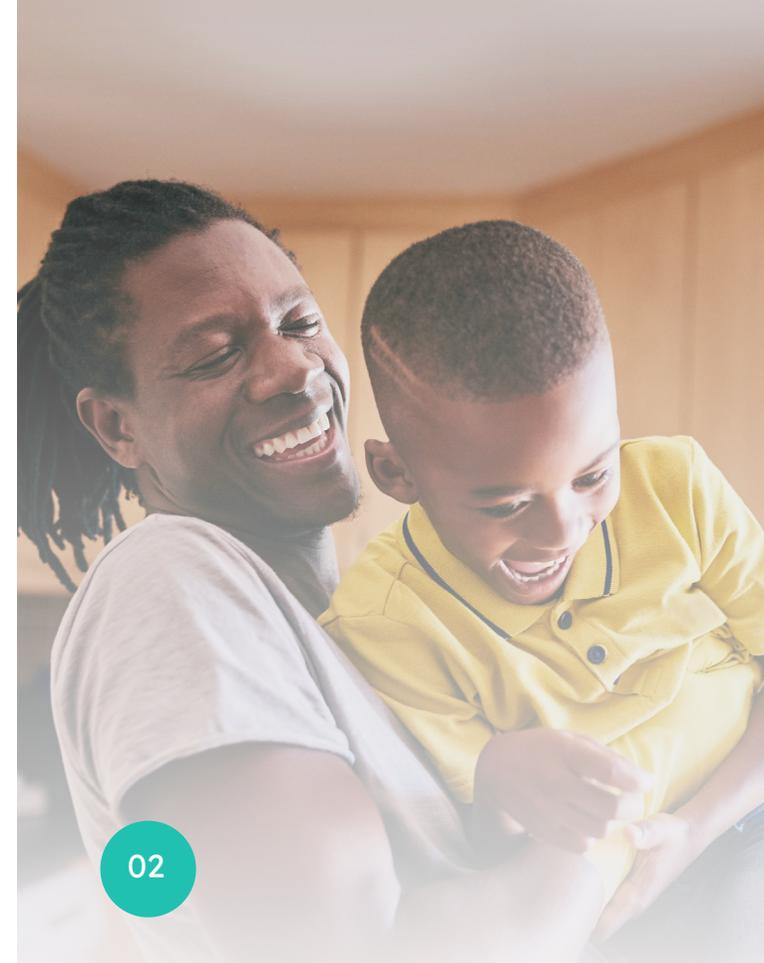
After separation, parents should continue to communicate with each other openly about all issues involving or affecting their children. It may be difficult but it is essential. Showing a united front and providing reassurance to your children is so important. Make sure they know that, although their parents may no longer be together, they each love them and will continue to be there for them.

“It may be difficult but it is essential.”

02

## Who is responsible for making decisions concerning the children?

Parental Responsibility is a legal concept. It governs who has the right to make important decisions about children. Mothers always have Parental Responsibility, but that is not necessarily the case with fathers. If a father does not have Parental Responsibility, he can obtain it, either with the mother's agreement or by a court order.





## What issues will need to be dealt with quickly?

Emotion and practicality don't mix well, but where children's welfare is concerned, it is important to be as level-headed as possible about the post-separation arrangements. The most pressing issue to decide is where and with whom the children will live, and the arrangements for the children to see the other parent. Children have a right to see both parents and this should be the starting point for the discussion.

**“Children have a right to see both parents.”**



## What options are available if agreement cannot be reached?

Where there are issues which cannot be easily resolved between you and your partner, consider asking an independent mediator to step in. Mediators are specially trained in working with parents to encourage helpful conversations about the children and to see if practical proposals can be agreed. It is not about getting you and your partner back together, it is purely about helping you sort out important arrangements for your family.

Mediation is a voluntary process, but in most situations it needs to at least be explored before you can apply to the Family Court to resolve any issues.



## What is the key point to consider when making decisions regarding children?

Every decision you make about your children must be in their best interests. Sometimes parents disagree about what this means and struggle to decide on the best way forward. The law keenly protects children and so judges in the Family Courts will step in and make decisions where parents can't. They will take into account the children's welfare and the fact that delays in making decisions could have negative effects on their well-being.

Once the court becomes involved, decisions are taken out of parents' hands and so it is always better to try to agree a solution with your partner; that way you retain some control.



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## Can I involve the court if decisions cannot be reached?

The idea of having a judge look into your family life may be unsettling. But it is helpful to think of the court as a fair third party which has your children's best interests at heart. When parents cannot agree on where the child will live, with whom they will spend time and when, the court can make a Child Arrangements Order. The court has wide powers when making this type of Order, including the power to order a parent to complete a specific activity, such as attending a parenting course.

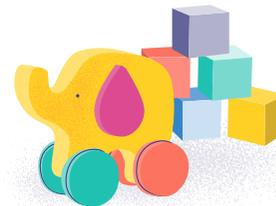
“Think of the court as a fair third party.”

07

## What are the potential risks that I need to guard against?

In some cases, during the separation and divorce process one parent will attempt to take control over their children. They may make decisions and act without obtaining the other parent's consent (which should be obtained). One such example is a parent taking the children out of the country without the other's consent.

If you are worried that your partner may act in such a way, then it is important to discuss it with your solicitor straight away. You may be able to apply to the Family Court for a Prohibited Steps Order which puts a legal stop on certain things happening. Courts will sometimes process these applications on an emergency basis without the other party being present (a “without notice” Order).





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## What are the potential benefits of involving the court?

The courts are not just on hand to help establish routine arrangements following separation. They can also assist at any time when parents cannot reach an agreement on a particular issue concerning the children. One such example is parents being unable to agree upon the school that the children should attend.

In such cases, a parent can apply for a Specific Issue Order, allowing the Court to decide the issue in the children's best interests. Where necessary, such an application can also be made on a "without notice" basis.

09

## How is child maintenance dealt with?

Parents should try and resolve the financial issue of child maintenance between themselves if possible. If they cannot, it is possible to apply to the Child Maintenance Service for help.

Arrangements about where your children should live and their contact with each parent should never be influenced by whether or not a parent is paying maintenance. They are entirely separate issues. Even if your partner is not paying maintenance at all, or has defaulted on payments, they are still entitled to see their children as arranged.

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## How will the children perceive the process?

Children remember what they see, hear and feel, and they have a knack of being in earshot when you least expect them to be.

We have worked with plenty of clients who are embroiled in bitter break-ups. We always advise them to do everything they can to protect their children from the negativity of separation. That means setting aside issues while you are in your children's company and avoiding getting into arguments with a partner while children are in earshot. However strongly you feel, never pass on your true feelings about your partner to your children.



ERIC ROBINSON

MEDIATION SERVICE



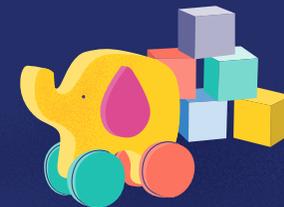
01 We offer family mediation to discuss the practicalities of separation, divorce, children and financial matters

02 We offer mediation at all of our offices

03 Pay session by session or by fixed fee



04 Please see our website for further details



“Thank you for all your hard work for our family.”



Talk to one of our advisors to find out more:

02380 218000

family@ericrobinson.co.uk

ericrobinson.co.uk



## Contact Us

### Southampton (Bitterne)

359 Bitterne Road  
Southampton  
SO18 1DN  
**02380 425000**

### Changers Ford

6-8 Brownhill Road  
Changers Ford  
Eastleigh SO53 2EA  
**02380 254676**

### Lymington

Heathcote House  
37 St Thomas Street  
Lymington SO41 9NE  
**01590 647670**

### Southampton (Hedge End)

Vanbrugh House  
Grange Drive, Hedge End  
Southampton SO30 2AF  
**02380 226891**

### Winchester

Regency House  
2/4 Southgate Street  
Winchester SO23 9EF  
**01962 790553**

### Richmond (London)

4 The Square  
Richmond  
Surrey TW9 1DZ  
**02031 467300**