

Divorce and Children

Divorce is difficult enough for adults, but for children it can affect every aspect of their daily lives. From not being able to sleep or concentrate properly, to the possibility of feeling that the blame rests on them, children and teenagers need adults to be patient and supportive throughout the proceedings.



Parental responsibility

Married parents both have responsibility over their children, including their education and welfare, and generally do not need to consult one another regarding the exercising of this right on a day-to-day basis. However, in the case of divorced parents, this can be very difficult.

Unmarried mothers have parental responsibility for their child. If an unmarried father has his name on the birth certificate and the child was born after 1st December 2003, he also has parental responsibility. An unmarried father for a child born before 1st December 2003 can acquire parental responsibility by either:

- **Entering into a parental responsibility agreement with the mother.**
- **Obtaining a Parental Responsibility order of the Court.**
- **Marrying the mother of his child.**
- **Obtaining a Child Arrangements Order that includes a living with element or contact element.**

Mediation

In the case of a divorce, an appointed mediator can help you to resolve issues and make important decisions regarding your child's welfare in a friendly and civil environment. These decisions can include:

- **Arrangements for the care of your children.**
- **Financial arrangements.**
- **Dividing up your property and other shared assets.**
- **Your separation or divorce.**
- **How you and your partner will communicate in the future.**
- **Any other related issues.**

Child Arrangements Order

This came into effect on 22nd April 2014 and is defined as an order regulating arrangements relating to any of the following:

- **Which parent the child is to live with or otherwise have contact with.**
- **When the child is to live, spend time or have contact with any person.**

If the parents cannot agree the above arrangements between themselves, the Court will decide by assessing the child's needs and best interests. Siblings are rarely separated, but often the children will be allocated time living with each parent, effectively giving them two homes.

Spending time and contact

If the child lives with one parent and arrangements to spend time with the other parent cannot be agreed upon by both parents, a contact element can be written into an order. This stipulates the types of time allowed, and the days/times at which they can take place. Contact can take the form of:

- **Letters and emails**
- **Telephone calls**
- **Visiting time**
- **Overnight stays**

Collaborative Family Law

This offers a fresh approach to how family breakdown is dealt with and rather than dealing through solicitors, you work with them to find a solution best suited to you and your family.

Collaborative Family Law consists of each party having their own lawyer. Four-way meetings are held around a table without the need for letters or phone calls, except to organise the meetings and provide minutes. The group commit to a set of ground rules, agreeing not to take the matter to court and working to negotiate a mutually beneficial arrangement that also works to the needs of the children. This allows parents to:

- **Control the pace, timescale and outcome of discussions.**
- **Find a solution bespoke to individual circumstances.**
- **Give careful consideration to complicated business, family business or high value investment interests.**
- **Jointly work with other specialist advisers such as accountants, financial advisers and pension experts if required.**
- **Keep things as amicable as possible.**
- **Avoid conflict and deal with separation in a dignified manner.**

Applying to the court

You cannot issue an application without first attempting mediation. It is important to remember that a court battle can be a long-drawn-out series of hearings and, throughout this, your children will be aware of what is happening. Applying to the court is therefore often seen as the last resort, as you can only do so when you have ensured that all avenues of cordial agreement have been exhausted.

Maintaining priorities

A divorce can affect children and teenagers in a number of ways, from mental health, dietary habits and sleeping patterns, to their short-term cognitive abilities and social life. At Banner Jones we realise that the proceedings will be difficult for you, but they are ultimately more difficult for your children. We therefore ask that you make every effort to arrange their future welfare in a good-natured manner, using our advice and support services as a means of making everything run more smoothly.

Why Choose Banner Jones?

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|  Ranked in the Legal 500 for services to Family Law |  Over 135 years of experience |  5 Regional offices |  Variety of specialist lawyers |  Resolution accredited |  We have an independent mediation service |  96% of our clients would recommend us to a friend |
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If you are considering getting a divorce contact one of our expert solicitors who will give you specialist advice on the divorce process:

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