

Applying to Court for Children Arrangements

Separation and divorce proceedings can be difficult, and the top priority is defining the responsibility and rights that each parent has to their children. This resource will help you to understand the key factors and procedures.



How do I apply to the Court?

Applying to the Court should be a last resort after all avenues for amicable agreement have been attempted. Furthermore, you will not be allowed to issue an application without first attempting or being assessed for mediation. This is because a court battle can continue for an extended period and take a significant toll on the well-being of any children involved. The children may also have to speak to the Court welfare officer (Cafcass officer), which may prove stressful and even upsetting for them.

What is Cafcass?

Cafcass stands for Children and Family Court Advisory and Support Service. They are the largest employer of social workers in England and independent of the courts, social services, education and health authorities, and all similar agencies. Cafcass helps children and young people who are going through care or adoption proceedings, or whose parents have separated and are unable to agree about future arrangements for their children.

What happens during a Court Order Process?

Once your application is made, the Cafcass service is instructed to make preliminary enquiries. They will speak to you and the other parent before the first hearing and make written recommendations to the Court. The Cafcass officer will also be available to discuss issues with you and the other parent at the first hearing. This is to establish whether an agreement can be reached at this stage, either on a final basis or on the basis that it is reviewed in the future.

What happens if an agreement is not reached?

If an agreement cannot be reached and Cafcass has no welfare concerns for the children, the Court will list the case for a contested hearing. Each parent will be able to submit a statement setting out what they believe is best for the children. If welfare concerns arise, the Cafcass service will be asked to prepare a more detailed report, where the children's wishes and feelings will be one of the factors that the Court will need to consider.

If the final decision on the arrangements for your children has to be made by the Court, your ability to control the final outcome has been lost. This is why the vast majority of separating parents manage to make their own arrangements without a Court Order Process, with Banner Jones strongly recommending that this route is used only if all others have proved fruitless.

If you're considering a Court Order Process

Our family law specialists are highly experienced and can provide you with support and guidance during this demanding process. They will always recommend alternative avenues, taking the welfare of any children as the leading factor. If all other options have been exhausted, they will help you to understand exactly what a Court Order Process will contain, including an estimate of timeframes. It is then up to you to decide whether you wish to take the matter further, and we'll be with you every step of the way if you do.

Why Choose Banner Jones?

 <p>Ranked in the Legal 500 for services to Family Law</p>	 <p>Over 135 years of experience</p>	 <p>5 Regional offices</p>	 <p>Variety of specialist lawyers</p>	 <p>Resolution accredited</p>	 <p>We have an independent mediation service</p>	 <p>96% of our clients would recommend us to a friend</p>
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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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