

## PARENTING PLANS



# Putting your children first

A guide for separating parents



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# Introduction



When parents separate, emotions often run high. Whatever your feelings, it is really important to put your children's needs first and avoid them being caught up in conflicts and arguments. This guide helps you to work out the best possible arrangements to try to ensure they are clear, consistent and reliable for everyone involved.

The guide provides headings to help you think about all aspects of your children's lives, and the arrangements you are making for them. It also gives tips on how you can best support your children through the transition and beyond, and gives suggestions for where you might go for support and help.

"Despite feeling so awful, you try your best to do the right thing for your kids, but it can be really confusing to know what that is."

You don't have to fill out any or all of the booklet. You may just want to read through the information or use it as a guide to the issues you need to talk about. Every family and their circumstances are different and you will need to work out what suits you all best.

Remember, children's needs and situations change so you will need to revise the arrangements you make for them from time to time.

"Your mind's a jumble – you don't think you're ever going to be any good at anything ever again."

"You want a road map – something to help you realise there is light at the end of the tunnel."

## Key facts about children's best interests

Children are entitled to a relationship with both their parents, whether or not they live together. Research shows that it is normally in the child's best interests if:

- Children are raised by both parents whether or not they live together, as long as it is safe.
- Each parent supports their children to enjoy a positive relationship with the other parent.
- Children are clear about the arrangements for spending time with each parent.
- Children should not be exposed to sudden changes in arrangements unless it is unavoidable.
- Children should not be exposed to continuing conflict as it can harm them.
- Parents support children to keep in touch with important people in their lives, such as wider family members and close family friends.
- New partners support the arrangements and have a good relationship with your child. They can really help to make things work without replacing you as a parent.

"I was really worried about what was going to happen, and where me and my sister would live... when mum and dad sat us down to tell us, it didn't seem so bad because they were both telling us the same thing and we knew what was happening."

"I was really worried that I wouldn't see my Nan anymore, but mum reassured me that we could keep in touch."

"I was relieved that after mum and dad split up, I didn't have to come home to them fighting."

## Do's and don'ts

**Do** be honest with your children about what is happening and what is going to happen. Trying to hide conflict or the fact that you are separating doesn't protect them. Instead it may drive them away if they think that their parents lie and aren't to be trusted.

**Do** reassure your children that it is not their fault and that they are loved by both their parents.

**Do** allow children opportunities to talk about how they feel and be aware that mood and behaviour changes may be their reaction to the situation.

**Do** allow time for everyone involved to adjust – some arguments between adults may not be resolved and children may need time to get used to their parents not getting back together.

**Do** sort out details of contact, residence and finances calmly so that you all know what is happening – it will make it less painful for your children. If you need help to reach agreement on these things, find out about local family mediation services.

**Do** encourage and help your children to be in contact with their other parent through face-to-face contact and by phone, post, email or text. It will be reassuring for them.

**Do** ask for help early on – family, friends and professionals can help you and your children to adapt to changes in your family.

**Don't** lean on your children and expect them to be confidants, allies or friends. They will still have feelings of affection for both parents.







# KEEPING CHILDREN SAFE

Children must be protected from hearing or witnessing harmful conflicts, as well as being physically protected. There are instances when remaining in contact with a violent or abusive parent is not in the child's best interests, and the non violent parent and children should feel able to express this view, and be supported to keep themselves safe. It is also important to remember that it can be very damaging to children to lose contact with a parent but this may be necessary, at least for a period of time until safeguards can be put in place to ensure your children will not witness or experience violence in the future.

Anyone affected by domestic violence can contact the National Domestic Violence Helpline for advice. The helpline is available free, 24 hours a day on 0808 200 0247.

## Your children's family relationships

It is important to think about which people are important to your children. You may want to make arrangements which include not just you as parents but also other members of the family, such as grandparents and other relatives, as well as close friends.

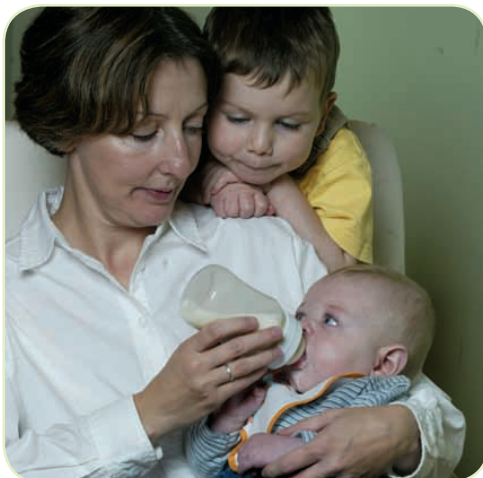


## What are your aims in making the arrangements for your children?

### Other parents have said:

- ☐ Our children have a right to a relationship with both of us.
- ☐ We are both committed to our children spending time with each of us.
- ☐ We are both committed to taking account of our children's wishes and feelings about the arrangements we make.
- ☐ We will avoid drawing our children into our disagreements.
- ☐ Our children have a right to a relationship with both of our families.

**There may be other aims that you think are important.**



## Day-to-day arrangements

- Where will your children live?
- When will they spend time with each of you?
- How will you tell them about the arrangements you have made for them? Will you tell them together or separately? There is more advice about this on page 19.
- How will you deal with any changes to these arrangements? It is a good idea to think about a minimum period of time for notifying the other parent of changes, and how your children will be informed.
- Will anyone else look after your children (e.g. childminders, babysitters, relatives, new partners, friends and neighbours) and if so, when?
- Will there be phone calls, text messages and emails between each of you and your children?
- Are there any important rules that you consider essential for the children (e.g. bedtimes, when homework is done, staying out late etc.)? Do you each agree that these rules are followed?
- What arrangements have you made for your children to spend time with friends, relatives and other family members?

- Are there any other things you need to agree? Such as who will be responsible for family pets?

**It may be a good idea to have a family diary or calendar with the arrangements filled in a month ahead.**



## What other things will you discuss with each other?

Are there other key things which might affect your children that you agree to discuss with each other? For instance:

- ☐ Introducing your children to your new partner
- ☐ Moving house, especially if it is to another part of the country
- ☐ Medical treatment.

**There may be others that you can think of.**

## Holidays

- ☐ What are the arrangements for your children during the school holidays? (You may want to think about bank holidays and teacher training days, as well as school holidays and half terms.)
- ☐ Is there any agreement between you about either of you taking the children out of the country? If so, what is it?
- ☐ Where will your children's passports be kept?
- ☐ Are there any other agreements about holiday arrangements?

# GOING ABROAD

The consent of all those with parental responsibility is required before a child is taken out of the UK, no matter how short the trip may be, unless the court gives leave (permission). However special rules apply where there is a residence order or special guardianship order in force in respect of the child: the person in whose favour the order is made may remove the child from the UK for up to one month in the case of a residence order and three months in the case of a special guardianship order, without the consent of any other person with parental responsibility or the leave of the court.

For further information about parental responsibility see page 34. If you need advice about taking your child outside the jurisdiction, you could contact a solicitor. For details about how to contact a solicitor, see the back of this guide.

## School or nursery

Your children's school or nursery will need to know basic information about the arrangements you have made for them and what information they should send to each of you about their progress, and about school or nursery events.

It is best if you can agree the arrangements yourselves rather than leaving the school in a difficult position between you.

Here are some questions to think about.

- ☐ What will the school or nursery be told about the arrangements you have made for your children?
- ☐ Who will drop off and collect your children from school or nursery each day? The school needs to be informed of these arrangements.
- ☐ Will you ask the school or nursery to keep you both informed about your children's progress and school events?
- ☐ Will you attend parents' evenings together, separately or alternately?
- ☐ Will you attend sports days and other school or nursery functions together or separately?
- ☐ How will you approach choosing your children's future school(s)?
- ☐ Are there any other school-related issues which might arise, e.g. GCSE choices, permissions and funding for school trips? If so, how will you approach them?
- ☐ What are the arrangements for your children's out of school activities, such as sport and hobbies?

There is an example letter on the next page which you may want to use to give them this information.



## Example letter to school or nursery

It is important for your children's school or nursery to be clear about what arrangements are made for your children, and who they should send information to. Below is a model letter you may want to use to inform your children's school or nursery about the arrangements you have made and what information they should send to each of you.

*Head teacher*

*Name and address of school or nursery*

*Date*

Dear *(name of head teacher)*,

We are writing to inform you of the arrangements that we have made for our children *(names)* following our separation. We very much hope you will assist in making these arrangements work.

*(Names of children)* will live with *(insert living arrangements in terms of home address(es))*

*(Names of children)* will be collected by:

- X on *(state which days)*,
- Y on *(state which days)*

*(State if there is any flexibility in this arrangement and if there are any other adults e.g. grandparents, who may collect the children from school.)*

We have also agreed that *(names of children)* will...*(insert any relevant information about religious, personal, social, health, sex and relationships education etc.)*

Please would you ensure that information about *(names of children's)* progress and school or nursery events are sent to...*(specify how and to whom)*.

In an emergency please contact...*(provide home, work and mobile phone numbers)*.

For information please note that the following people have parental responsibility *(insert who has parental responsibility)*

Signed

## Religion or culture

- ☐ What arrangements have you made about your children's religion or culture?
- ☐ What days and events are special to your children and to your family?
- ☐ What are the arrangements for your children on these occasions?
- ☐ If your children speak a language other than English how will you support them with this in the future?



## Health

- ☐ Who will be responsible for arranging:
  - Routine medical appointments, such as vaccinations?
  - Routine dental check-ups?
  - Hospital appointments?
  - Any other regular treatment or therapy your child receives?
- ☐ If any of your children receive unexpected treatment, how will you keep each other informed?
- ☐ If one of you is ill and cannot care for your children as arranged, how will you approach this?
- ☐ Have you exchanged emergency contact details in case you need to get hold of each other very quickly?



## Money

- ☐ What regular payments are either of you making for the children's maintenance, and if so, to whom are the payments made?
- ☐ Who will pay for clothes and shoes for the children?
- ☐ Who will pay for uniforms, sports equipment and kit etc?
- ☐ Who will pay for travel, for example to see each of you, and relatives, friends etc?
- ☐ Who will pay for school trips?
- ☐ Who will give your children pocket money?
- ☐ Who will pay for large items, such as bicycles, computers, musical instruments etc?
- ☐ How will you support your children through college, university or other training courses?
- ☐ How and when will you review these financial arrangements?
- ☐ Have you both considered making a will?

## CHILD SUPPORT AND MAINTENANCE

Child maintenance is regular and reliable financial support that helps towards the child's upkeep. The parent who is not the child's main day-to-day carer pays maintenance to the parent who is the main carer.

If you would like more information on child maintenance and the different choices available to you contact Child Maintenance Options (details on page 41). This is a new service that can provide parents with information on setting up child maintenance, either privately or through the Child Support Agency (CSA). It can also provide you with information on:

- how to arrange maintenance
- how child maintenance is calculated by the CSA
- what you are likely to receive or have to pay
- the best way to negotiate child maintenance with your child's other parent.

## CHANGES TO THE ARRANGEMENTS

### Don't forget:

Arrangements will need to be reviewed from time to time. Family circumstances change and unexpected events happen, like family bereavement and a change of jobs or home. Your children will want to make changes themselves as they grow older and their needs and priorities develop.



# APPOINTING A GUARDIAN

- Have you considered appointing a guardian to look after your children in case you die whilst they are still under 18?
- A parent can appoint a guardian to look after their child (up to the age of 18) after they are dead, provided they have parental responsibility for that child.
- To appoint a guardian you can include it in your will, and/or you can do it more informally by writing on a piece of paper who you are appointing, but you must make sure you also sign and date it.
- Note that the appointment of a guardian takes effect immediately on the death of the parent who made the appointment *except* where there is a surviving parent with parental responsibility – in these circumstances it will only take effect if:
  - The parent who appointed the guardian had a residence order before they died
  - The surviving parent with parental responsibility also dies.  
(s.5 Children Act 1989)

## Supporting your children

It can be really hard and upsetting for children when their parents split up. But most find that in time, things do get better and they can eventually feel OK about what's happened. There is a section at the back of this guide giving information about organisations that can help children.



## Listening to your children

It can be hard to talk to children about their wishes. It can be hard for them to say what they want for fear of upsetting either of you. But it is as important to listen to them as it is to talk to them.

This does not mean giving them responsibility for adult decisions, but it does mean allowing them to say who matters to them, and to ask about their worries. It is also important to make sure that they can say if something is happening that they don't like and want to stop.

“At least after they split up I wasn't embarrassed to bring my friends home as the shouting had stopped.”

“What will happen to my Dad and when will I see him?”

If it is too difficult for you to hear what they are saying or for them to say what they 'do' and 'don't' want directly to you, why not ask family members, other trusted adults or outside agencies to help?

*You will find a list of agencies that can help at the back of this guide.*

## Telling your children

You will need to tell your children about the arrangements you have made for them. They will find it easier if the arrangements are clear and follow a regular pattern, rather than being changed at the last minute.

It will be better for the children if you tell them the arrangements you have made together, provided you really are agreed, **but** it would be very harmful if they saw you disagreeing or arguing about the arrangements.

### Always remember to tell your children that:

- ☐ It's not their fault that this is happening
- ☐ Both of you will always be their parents even if you are not together anymore
- ☐ Living apart from one of you doesn't mean that they can't continue to have a relationship with both of you. Even if one of you lives far away, you will be part of their life, and make use of telephone, cards, letters, texts or email.

“If I'd asked my son what he wanted he would have said he wanted Daddy to stay with Mummy.”

“Will we have enough money?”

What if you are finding it difficult to agree?



“I couldn’t wait for him to come home so I could scream at him again.”

“We can’t bear the sight of each other.”

The previous sections are aimed at helping you make arrangements for your children after you separate. However, if you can’t agree on some or all of the basic arrangements, the following section is designed to help you, and anyone working with you, to overcome these difficulties in the best interests of your children.

Some case histories are included in this section to illustrate how other parents have managed to resolve their differences and made arrangements even when emotions and conflicts were running high. These illustrations might give you some ideas, but remember that each family is different. Each child is too.

“It needs to be amicable but some of it is out of your own hands, and it makes you feel more guilty.”

## What are the ‘blocks’ to agreement?

When emotions run high around the time of separation, it often feels as if communication between you has broken down completely and that there is no possibility of agreeing on anything. This is a normal feeling, but it may only be temporary.

Most parents find that putting aside their conflicts and disagreements and thinking about their children’s needs can provide a way forward to negotiate arrangements. As you begin to come to terms with the changes that are happening in your family, you may find that there are some aspects of raising your children which you can agree on. It’s therefore a very good idea to think about what you are aiming for when making arrangements for your children, and listening to their wishes and worries.

To do this, you may need to find some support, such as individual counselling or parenting support to help you come to terms with the situation. You also need to work through some key questions and issues. You will probably find this easier to do if you can talk things through with a third party who is more objective – this could be a family member or friend who you trust, or it could be an organisation. *You will find a list of organisations that can help in the back of this guide.*

**Once you are clear about your aims, and what your children want, the next task will be to work out the detail.**

### Are there any arrangements which are agreed between you?


Before focusing on what is not agreed, think about whether there are any aspects of the arrangements which are agreed between you. The first section of this guide may help you to work out how much or how little is in dispute between you.

### Is there any scope for compromise?

Once you are clear about what is not agreed, you will need to decide which things you can compromise on, and which you can't. Things do change after you split up. Things will not be ideal. Your feelings about your former partner will also change in time, as will their's about you.







## What is possible in your particular circumstances?

You will need to consider everyone's circumstances: both of your's – and your children's. This could make a real and practical difference to what is and what is not possible.

### Key circumstances to take into account include:

- **Your children's ages, school, interests, and friends.** Try to keep all these stable if you possibly can. Older children are likely to have their own friendships, interests and hobbies. These need to be taken into account when making arrangements for them to spend time with each of you.
- **The jobs each of you have.** What demands do they make in terms of time and the arrangements you can make to see your children?
- **Other relationships.** It can be hurtful and distressing to you if your former partner is in a new relationship – and it can be hurtful to them if you are in a new relationship. Try to put your own feelings of hurt and pain to one side and focus on your children; they may be just as distressed. For them, a parent being in a new relationship may symbolise that their parents are not going to get back together again, and they might find this really upsetting.
- You are likely to find that you need to renegotiate arrangements about seeing and caring for your children. A new partner can never replace a parent but they can be an extra support for you and your children.
- **Where each of you live.** If you live near each other, it is often easier to make regular and frequent arrangements to see the children, but if you live further away this can be more complicated.

The case histories in this section give some illustrations of how parents have resolved different dilemmas which can arise when parents separate.

Remember these are just examples.

They do not mean you have to do exactly the same but they may give you some ideas. What you decide will depend on your own family situation and what's best for your children.



"I like it when me and dad go to the park."

*Tyrone says:* "I split from my girlfriend Tracey when our baby was very small. The separation was unpleasant, and even though I live close by, I was only allowed to see the baby for one hour a week, on a Sunday.

It is hard when your boy is only 10 months old to be separated from him. I was desperate to be there as he grew up, but I'd go round only to find him asleep – which doesn't exactly make bonding easy.

I wanted to give the clear message that I wasn't going to give up on my son and that I was committed to being involved. At the same time, I felt that going to court wouldn't solve anything. My relationship with Tracey was already bad enough – and it needed repairing so we could both be parents to our child.

I persuaded Tracey to take part in mediation, which led to her agreeing to gradually increase the amount of time I got with my son each week. She did not trust me to be any good at parenting and I was very hurt about that. The mediator helped us to agree on the basics – routines, food, bedtimes – that kind of stuff. It was complicated because I work nights. Progress was very, very slow, but I was in it for the long term. Every time I saw my son it gave me the resolve to keep plugging away and trying to make it work.

Four years on, my son is at school and he stays overnight with me regularly and Tracey and I have greater trust in each other."

*Mandy says:* “George walked out a few months ago. It came as a terrible shock – and I was left alone with three children, all under five.

For weeks I didn’t hear from him and then he turned up, out of the blue, and demanded to see the children. I was confused and angry and told him to leave. After all, I’d been left with all the bills and had to ask my mother to help while I got a part-time job.

Several weeks passed, without any word from him, and then George wrote to me asking to see them. I didn’t want anything to do with him, but the children were desperate to see their Dad. I called him and said he could see them and he agreed to a regular routine.

He visits every other week now and he’s contributing to the bills. We’ve agreed that we’ll start with me leaving them with him for a few hours and then build up from there as they get older.

The kids are so much more settled now, I really feel I’ve done the right thing.”



## Do you need someone independent to help you reach agreement?

A third party can help both of you to work out the areas for compromise, in the best interests of your children. Remember also that your family and friends may be willing to help, and may have useful suggestions, as long as they are able to put the needs of your children first. Sometimes family and friends get drawn in to the divided loyalties and conflicts that are so common when parents separate.



*Debbie says:* "When I left my husband for someone else, I took my one and three year old with me. I've never felt so guilty.

He begged me not to go and I hesitated, but I knew the marriage was dead. And later, when we divorced, we battled endlessly over money. It took a long time before we could sit down together and sort out our children's future. I thought it wouldn't be possible.

We saw a mediator, which meant that we both began to relax and talk honestly and, over a number of meetings, we got to the point where we could discuss things less confrontationally.

The result was that we had an agreement drawn up which began:

*We are the parents of A and B. Their well-being is of paramount importance to us. We want to work together to secure their best interests. We believe that a regular pattern of contact will be helpful for all of us but we acknowledge that we need to be flexible about the details. It is in the interests of our children for there to be trust between us."*

*Mike says:* “Frances and I argued about everything when we were married and when we got divorced we argued over the one thing we had left in common: our children.

When we went for mediation, we were told that some couples manage to take a relaxed approach to contact. For us though, the only way we were able to move forward has been to document everything.

I see the children every Sunday (10.00am – 5.00pm) apart from special days, like birthdays or Christmas, which we arrange in advance.

I collect the children from our local leisure centre. I arrive first and wait in the café. If I’m not there within 15 minutes of the agreed time, Frances is allowed to call the visit off.



She drops the boys off and sees them into the café, before leaving. I buy the boys a drink before we leave, to give Frances a chance to go.

The drop-offs work the same but in reverse – with Frances waiting in the café.

Other things we set down on paper include Sunday school and hobbies. I take them to church every Sunday and to their jiu-jitsu classes. I also take the boys to parties they get invited to, if they are on a Sunday, and Frances and I agree.

It might sound all very formal, but it’s working for us.”

“It’s weird that mum and dad won’t see each other, but at least we get to see them both.”



*Jack, a truck driver, says:* “My job has funny hours, and I’m often a long way from home, but the money is handy and I love the life. Sue was adamant that I wouldn’t be able to see the kids after we split, because she said that I couldn’t do any routine. Fair enough – but I am their dad, and I pay her for them with what I earn driving. We argued and argued. I went to a solicitor, he advised me not to go to court but to try to work it out ourselves because it would be better for all of us in the long run. He suggested we see a mediator to help us with this, which we did.

We agreed not to plan any routine – instead we use my monthly work schedule, and that means we can sort out sleepovers for the kids around my work. When I’m on the road I send them texts and ring them. They’re fine with it because they know that I love them and I want to keep in touch with them.”

“I know that dad’s thinking of me because I get texts from him everyday.”





Sara and Mohammed are both Muslims and their families took their separation very hard.

*Sara says:* "We wanted the children to appreciate their culture and religion, and to know all their relatives and be part of their wider families. We sorted out that the children live with me, but in the school holidays our son spends Fridays with his dad and they go to prayers together. They spend every other weekend with their dad and with his wider family. We aren't a couple any more, but we are still their parents."

"It was awful not being able to see our cousins. Things are so much better now."



*Michelle says:* “I divorced Dave two years ago and our three boys came to live with me. Dave saw the boys regularly and we seemed to have things under control.

The problems started when both of us started seeing new people. I met my partner, Pete, who moved in, and Dave met Janine. This caused tension and it started to upset the boys – especially when Janine and Dave decided to have a baby.

Dave felt under pressure to see less of the boys when the baby was born – which I felt angry about.

I think we’d all forgotten how confusing things can be for children – at four, five and seven, they just didn’t understand what was going on. All of us work a lot harder now at making sure they know they’re loved and supported – and will be when the baby is born.

Both Dave and I took parenting courses separately, and Dave has reorganised his house so that the boys have a permanent space and won’t feel like they don’t belong. When he visits, Dave doesn’t just take them out together; he makes sure to do something special individually with each boy. Now, he’s developing a stronger bond with each of the boys and they’re much happier.”





Jeff and Alice split up when Jeff met Melanie, and moved in with her, to a small flat 30 miles away. Their children were two, five and seven. Jeff and Alice agreed that Jeff would call round to Alice's house regularly. But then Alice met Scott, who moved in with her.

*Jeff says:* "I felt really uncomfortable seeing my kids with Scott around. And the kids really played up. I suppose we all made it worse, because I would tell them to do things that they told me annoyed Scott, and Scott would tell them that I was spoiling them rotten. Alice rang a helpline, which shocked me. I didn't realise that she was so worried or upset. The helpline lady suggested that us adults should sit down and talk, and that we had to talk to the children, and really listen to them.

When we spoke to the children, they told us that they hated it when one of us said something bad about the other. They told us that they knew who was their daddy and that Scott has no business telling them off ever. Alice said that when she was out of the house Scott was in charge of them and had to keep them safe, so they had to pay attention to him. But I didn't think Scott had sensible ideas about what to expect from children their ages and I said so. Scott agreed to attend a local parenting group that was running at the primary school, with Alice.

He is more realistic about them now. And he knows he has to earn their respect. Alice agreed that the children could come to stay with me and Melanie alternate weekends – I pick them up on Friday and take them home again on Sunday afternoon. We all know we'll have to be able to keep talking about this because any arrangements will have to keep changing as the children get older."



Kevin and Helen have sorted out the care of their children.

*Kevin says:* “We worked it out so that over a two-week period, the children spend five school days and one weekend with each of us. They alternate where they spend their birthdays and we divide the school holidays in half. We live near to each other, so that makes it possible, and the children are still at primary school so they aren’t really that independent.”

*Helen says:* “This way we share the care and the responsibility, but it does make my life complicated. Everything has to be written on the wall calendar, and my friends have to put up with my availability only being on certain nights. I can’t think of taking a job further away and moving house, which I wanted to do as I thought it would help me to move on from our split. I really didn’t want to do it this way, but Kev’s mum persuaded me, because I could see how much the children loved him, and how much he wanted to be there for them. And Kev’s mum was really good about suggesting to me how I would move on in time – she split up from Kev’s dad, and she really knew what I was going through. When I am low I ring her – it sounds odd, to be close to his mum, but it works for me, and it makes it possible to share the care this way.”

Marielle moved back to France when she and Jon split up, taking their children with her. She went to her parents, who help look after the children while she works. Jon wanted regular contact.

*Jon says:* “I was desperate. It felt like some part of me had just been ripped out. They were 10 and 12, and I had lived with them all their lives. I didn’t have the money to go to France. My parents said they would help with the money – and they wanted to see their grandchildren too. Marielle and I knew the children were fond of their grandparents and it would be really good for them to see each other more often.

We were arguing on the phone and getting nowhere but then my mum phoned Marielle’s mum, and between them they came up with the suggestion that the children could spend two half-term holidays and two weeks of the summer holidays in England, so that they could also spend holidays with their friends in France. We agreed that this was a practical solution.

As they get older I think they will decide how often they will come to England. Also, I do go to France a couple of times a year, and I stay with my ex in-laws to make it affordable. It’s not ideal, but it’s a lot better than it might have been, and the kids are stable and happy, which is the main thing.”

## What do other parents do when they cannot agree?

The previous examples show how parents have resolved other disagreements.

However, if you really find there is no scope for compromise between you, parents do have a right to apply to the court for an order – about where your child will live, how often you can see him or her or other important decisions about your child's upbringing.

The court's decision will always be based on what it considers to be in your child's best interests. For further advice on this, consult a solicitor. *Details of how to find a solicitor specialising in family law can be found at the back of this guide.*



## Parental Responsibility



## What is parental responsibility?

Parental responsibility (PR) is defined in law as, 'All the rights, duties, powers, responsibilities and authority, which by law a parent has in relation to the child and the administration of his or her property'. (s.3 Children Act 1989)

This means that a person with parental responsibility is responsible for the care and well-being of their child. The Children Act does not set out a precise definition of the rights, duties, powers and responsibilities. The most important aspects are considered to be the following:

- Providing a home for the child
- Having contact with the child
- Protecting and maintaining the child
- Arranging the child's education
- Determining the religion of the child
- Consenting to the child's medical treatment
- Naming the child
- Agreeing to the child's change of name
- Consenting to the child's marriage
- Agreeing to the child's adoption
- Agreeing to and vetoing the issue of the child's passport
- Taking the child outside the jurisdiction of the UK and consenting to the child's emigration
- Administering the child's property
- Representing the child in legal proceedings
- Appointing a guardian for the child
- Consenting to the taking of blood for testing
- Having physical possession of the child
- Allowing the child to be interviewed
- Allowing confidential information relating to the child to be disclosed.



## Who has parental responsibility?

The law states that the following people have parental responsibility:

- Mothers
- Fathers if:
  - They are married to the mother at the time of the child's birth.
  - They are present for the registration of the child's birth and jointly registered on the child's birth certificate (since 1.12.03).
  - They have acquired it by formal legal agreement with the mother or by court order. (s.4 Children Act 1989)
- Stepparents, if they have acquired parental responsibility by formal agreement with all those who already have parental responsibility, or by court order. (s.4A Children Act 1989)
- Anyone else who has been granted parental responsibility under a court order such as a residence order, a special guardianship order or an adoption order.
- A local authority where there is a care order in force.
- Guardians who have been formally appointed in accordance with s.5 Children Act 1989. For more information on guardians see page 17.

Further advice on this can be obtained from a solicitor or an advice agency. *You will find a list of agencies that can help at the back of this guide.*





## Why might you want parental responsibility?

You need parental responsibility in order to be able to decide important things in a child's life, such as:

- Choosing your child's school, religion or surname
- Appointing a guardian on your death
- Signing consent forms for school trips, or medical treatment.



# Where to get help for children and adults





## Where to get help for children

**ChildLine** offers a free confidential helpline open 24 hours.

~ Freephone 0800 1111

~ Website [www.childline.org.uk](http://www.childline.org.uk)

**It's not your fault** is a website for children and young people about divorce and separation, with useful information.

~ [www.itsnotyourfault.org](http://www.itsnotyourfault.org)

**National Youth Advocacy Service** provides advocacy services for children and young people up to the age of 25. They provide specialist help in children's rights, children in care, contact issues, education and youth justice. They have a network of advocates throughout the country and their own legal advice.

~ Free helpline for children and young people 0800 616 101

~ Website [www.nyas.net](http://www.nyas.net)

~ Email advice for children and young people [help@nyas.net](mailto:help@nyas.net)

**The Site** is a website for young people with information about a wide range of local services, as well as discussion forums.

~ [www.thesite.org.uk](http://www.thesite.org.uk)

**Youth Access** has a directory of youth advice, information, support and counselling services for young people across the UK. This can be found by ringing their referral line or by looking at the online directory on their website.

~ Referral information on 020 8772 9900  
(Monday – Friday 9.00am – 1.00pm  
and 2.00pm – 5.00pm)

~ Website [www.youthaccess.org.uk](http://www.youthaccess.org.uk)

~ Email [admin@youthaccess.org.uk](mailto:admin@youthaccess.org.uk)

## Where to get help for adults

### Support

The organisations listed below can provide practical help and ideas, a range of advice, and emotional support to help you come to terms with parenting after you have separated.

**Families Need Fathers** is a registered charity providing information and support on shared parenting issues arising from family breakdown to divorced and separated parents, irrespective of gender or marital status. Support is provided through a national helpline, a website, a network of volunteers, and regular group meetings, held in a variety of locations.

~ Helpline 0870 760 7496  
(Monday – Friday 6.00pm – 10.00pm)

~ Website [www.fnf.org.uk](http://www.fnf.org.uk)

~ Email [fnf@fnf.org.uk](mailto:fnf@fnf.org.uk)

**One Parent Families|Gingerbread** provides a helpline with free information to lone parents on issues including benefits, tax, legal rights, family law and contact issues, maintenance and returning to work. They are able to connect lone parents with other organisations and local groups.

~ Helpline 0800 018 5026  
(Monday – Friday 9.00am – 5.00pm)

~ Website [www.oneparentfamilies.org.uk](http://www.oneparentfamilies.org.uk)

~ Email [info@oneparentfamilies.org.uk](mailto:info@oneparentfamilies.org.uk)

**Parentline Plus** is a national charity offering help and information for parents and families through a range of services including a free 24-hour confidential helpline, Parents Together workshops and groups, information leaflets, email helpline and website.

~ Free confidential, 24-hour helpline  
0808 800 2222

~ A free textphone for people with a speech or hearing impairment  
0800 783 6783

~ Website [www.parentlineplus.org.uk](http://www.parentlineplus.org.uk)

~ Email helpline  
[parentsupport@parentlineplus.org.uk](mailto:parentsupport@parentlineplus.org.uk)

**Relate:** Local Relate centres offer relationship counselling and life-skills courses. The national office can put you in touch with local centres. Counselling is also available over the telephone for a small fee – details on their website.

~ Telephone 0845 456 1310 (central office)  
(Monday – Friday 9.30am – 4.00pm)

~ National Office 0300 100 1234

~ Website [www.relate.org.uk](http://www.relate.org.uk)

~ Email [enquiries@relate.org.uk](mailto:enquiries@relate.org.uk)

**National Domestic Violence Helpline** (run in partnership between **Women's Aid and Refuge**) provides a free telephone helpline for women experiencing physical, emotional or sexual violence in the home. The free, 24-hour helpline can refer callers to local refuges and emergency accommodation across the UK.

~ Helpline 0808 200 0247

~ Website [www.womensaid.org.uk](http://www.womensaid.org.uk)

**National Association of Child Contact Centres** promotes safe child contact within a national network of child contact centres. A child contact centre is a safe place where children of separated families can spend time with one or both parents and sometimes other family members. Details of local centres can be found on their website or by ringing them.

~ Telephone 0845 4500 280

~ Website [www.naccc.org.uk](http://www.naccc.org.uk)

~ Email [contact@naccc.org.uk](mailto:contact@naccc.org.uk)

**Child Maintenance Options** Child Maintenance Options provides impartial information and support to parents about child maintenance. It is a service run by the Child Maintenance and Enforcement Commission, the organisation set up in 2008 to take responsibility for the child maintenance system in Great Britain.

~ National helpline 0800 988 0988

~ Website [www.cmoptions.org](http://www.cmoptions.org)

The **Child Support Agency (CSA)** is the Government's child maintenance service and is one way of setting up maintenance. The CSA can assess, collect, pay and enforce child maintenance.

~ National helpline 08457 133 133

~ Website [www.csa.gov.uk](http://www.csa.gov.uk)

**National Debt Line** is a national telephone helpline for people with debt problems. Offers expert advice over the phone and via email. The service is free, confidential and independent.

~ Helpline 0808 808 4000  
(Monday – Friday 9.00am – 9.00pm,  
Saturday 9.30am – 1.00pm)

~ Website [www.nationaldebtline.co.uk](http://www.nationaldebtline.co.uk)

~ Email [advice@nationaldebtline.co.uk](mailto:advice@nationaldebtline.co.uk)

**Samaritans** exist to provide confidential emotional support to any person, irrespective of race, creed, age or status, who is in emotional distress or at risk of suicide.

~ 24-hour helpline 08457 909090

~ Website [www.samaritans.org](http://www.samaritans.org)

~ Email [jo@samaritans.org](mailto:jo@samaritans.org)

**Shelter** provides advice and information for people who are homeless or have a housing problem. Advice on hostel placements, finding accommodation, housing rights, housing benefits, rent arrears.

~ Free 24-hour helpline 0808 800 4444

~ Website [www.shelter.org.uk](http://www.shelter.org.uk)

### Mediation

If you find it difficult to discuss the arrangements for your children on your own, a trained mediator can help you with this. To find a mediator, contact one of the organisations below:

**Family Mediators Association** can put you in touch with trained mediators who work with both parents and children.

~ National Helpline 0808 200 0033

~ Website [www.thefma.co.uk](http://www.thefma.co.uk)

**National Family Mediation** is an umbrella organisation for local family mediation services and can provide details of local services in the UK.

~ Telephone 01392 271 610  
(Monday – Friday 9.00am – 5.00pm)

~ Website [www.nfm.org.uk](http://www.nfm.org.uk)

~ Email [general@nfm.org.uk](mailto:general@nfm.org.uk)

**UK College of Family Mediators** can help you to find a mediator. They can be contacted at:

UK College of Family Mediators,  
Alexander House,  
Telephone Avenue,  
Bristol,  
BS1 4BS

~ Telephone 0117 904 7223

~ Website [www.ukcfm.co.uk](http://www.ukcfm.co.uk)

~ Email [admin@ukcfm.co.uk](mailto:admin@ukcfm.co.uk)

## Court-based dispute resolution

**Cafcass** looks after the interests of children and young people involved in cases in the family courts ensuring their voices are heard. It helps families to reach agreement over arrangements for their children. Cafcass only works with families in England who have been referred by a court but their website contains useful information, case studies, advice and contact links.

Cafcass National Office  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

~ Telephone 0844 353 3350

~ Website [www.cafcass.gov.uk](http://www.cafcass.gov.uk)

**CAFCASS CYMRU** acts for children involved in family court cases in Wales.

National Office  
Bromfield House  
Queens Lane  
Mold  
Flintshire  
CH7 1BX

~ Telephone 01352 744 537

~ Website [www.wales.gov.uk/cafcasscymru](http://www.wales.gov.uk/cafcasscymru)

~ Email [cafcasscymru@wales.gsi.gov.uk](mailto:cafcasscymru@wales.gsi.gov.uk)

## Access to legal advice

If you can't agree on the details of the arrangements for your children you may want to seek legal advice from one of the following organisations:

**Children's Legal Centre** offers information on all aspects of child law, particularly contact, parental responsibility and residence orders. It provides legal advice and representation to children, their carers and professionals throughout the UK. A useful website and email response service are also available.

~ Young people freephone 0800 783 2187

~ Website [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

~ Email [clc@essex.ac.uk](mailto:clc@essex.ac.uk)

**Citizens Advice Bureau** is an independent organisation providing free, confidential and impartial advice on all subjects to anyone. The address and telephone number of your local CAB and online advice can be found on their website.

~ Website [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

~ Advice online website  
[www.adviceguide.org.uk](http://www.adviceguide.org.uk)

**Community Legal Services Commission** runs the legal aid scheme in England and Wales. It provides information, advice and legal representation to people in need, on a range of common legal issues and makes it easier to find quality legal help and information.

~ Telephone 0845 345 4345

~ Website [www.legalservices.gov.uk](http://www.legalservices.gov.uk)

**Family Rights Group** provides a specialist advice and information service for families in England and Wales, who are in contact with social services about the care of their children, and their advisers and supporters.

~ Helpline 0800 731 1696

(Monday – Friday 10am – 3:30pm)

~ Website [www.frg.org.uk](http://www.frg.org.uk)

**For referral to solicitors, contact:**

**The Law Society,**  
113 Chancery Lane  
London  
WC2A 1PL

~ General enquiries 020 7242 1222

~ Website [www.lawsociety.org.uk/choosingandusing/findasolicitor](http://www.lawsociety.org.uk/choosingandusing/findasolicitor)

~ Email [info.services@lawsociety.org.uk](mailto:info.services@lawsociety.org.uk)

The website will provide an up-to-date list of local solicitors on the Law Society's Children Panel.

**Solicitors Regulation Authority (SRA)** The SRA regulates more than 10,000 solicitors in England and Wales.

~ General enquiries 0870 606 2555

~ Website [www.sra.org.uk](http://www.sra.org.uk)

**Resolution (formerly the Solicitors Family Law Association)** is an association of solicitors specialising in family law who adopt a conciliatory and constructive approach to relationship breakdown. Send an SAE for a list of local solicitor members.

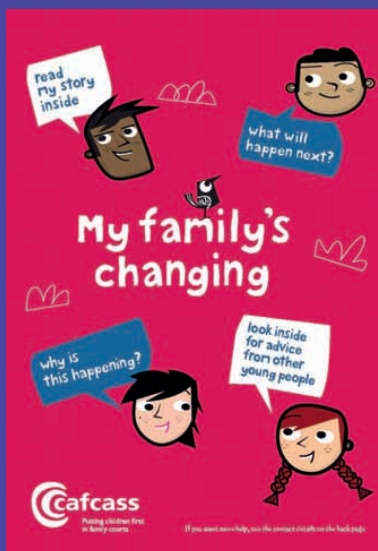
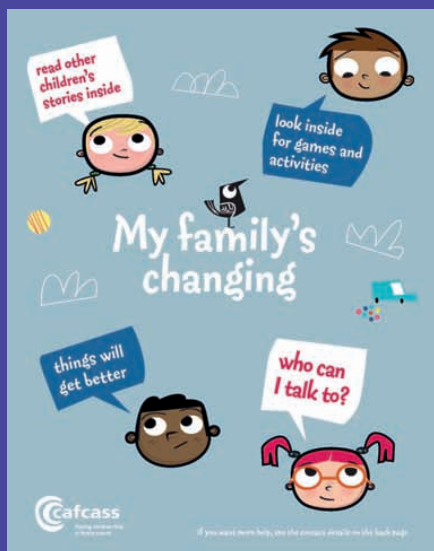
PO Box 302,  
Orpington,  
Kent,  
BR6 8QX

~ Telephone 01689 820 272

(Monday – Friday 9.00am – 5.30pm)

~ Website [www.resolution.org.uk](http://www.resolution.org.uk)

~ Email [info@resolution.org.uk](mailto:info@resolution.org.uk)



The My Family's Changing leaflets provide help and advice to children whose parents are divorcing or separating. They address the emotional impact that parental separation can have on children. The leaflets are available in two age ranges – younger, for children under 12 and older, for those over 12 years old. You can order both leaflets from the address below.

Copies of the Parenting Plan and My Family's Changing leaflets can be ordered:

#### Online

[www.tsoshop.co.uk](http://www.tsoshop.co.uk)

#### Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich, NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Fax orders: 0870 600 5533

E-mail: [cafcassorders@tso.co.uk](mailto:cafcassorders@tso.co.uk)

Textphone: 0870 240 3701

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