Agreeing child care arrangements following separation

Herrington Carmichael
SOLICITORS

Have direct discussions about the arrangements with the other parent

Are you able to reach an agreement with the other parent?

Y: The agreement will not be legally binding as it is not reflected in a court order. However, a Parenting Agreement can be drawn up to reflect the decisions you have made about the arrangements for children's care and wider issues.

N: Attend mediation to discuss the arrangments with the other parent

Are you able to reach an agreement with the other parent?

Y: The agreement will not be legally binding as it is not reflected in a court order. However, a Parenting Agreement can be drawn up to reflect the decisions you have made about the arrangements for children's care and wider issues.

N: Seek Solicitor's advice and assistance in negotiating an agreement with other parent

Are you able to reach an agreement with the other parent?

Y: The agreement will not be legally binding as it is not reflected in a court order. However, a Parenting Agreement can be drawn up to reflect the decisions you have made about the arrangements for children's care and wider issues.

N: You will have to have attended a Mediation Information and Assessment Meeting or started mediation which has broken down.

Issue an application for a Child Arrangements Order

A First Hearing Dispute Resolution Appointment (FHDRA) will take place at the court closest to the child's home 6-8 weeks following the court issuing the application. Ahead of the hearing, CAFCASS - the organisation which advises the court on the children's welfare, wishes, feelings and needs will undertake safeguarding checks against each parent and anyone living in their home.

At the hearing, the parents will attempt to reach an agreement as to what should happen with the arrangements for the children's care.

Are you able to reach an agreement with the other parent?

Y: The court will make a Final Order specifying what has been agreed and this is legally binding. It will carry a Warning Notice making clear if either parent intentionally breaches the Order there will be penalties.

N: The court will make directions to progress the applications, which may include the following:

- Making an Interim Order regarding the arrangements for the children's care
- Listing the application for a further hearing
- Asking both parents to file statements setting out their position on what the arrangements should be
- In some cases, asking CAFCASS to prepare a report on what they consider would be in the children's best interests
- In some cases, the court may wish for both parents to attend a course called a Separated Parents Information Programme.

Final Hearing

Dependent on the timescales required to comply with the directions made, this will usually take place several months after the FHDRA. During this hearing, after hearing evidence the court will make its own determination about what the arrangements for the care of the children should be. The decision is removed from the control of the parents. Final Hearings can sometimes be several days long. At the end of the Final Hearing the court will make a Final Order specifying what it has decided and this is legally binding. It will carry a Warning Notice making clear if either parent intentionally breaches the Order there will be penalties.