

# Parents Apart

## Paul's story

“ Mel and I split up after we'd been married for 8 years. We had two boys and a baby girl together. It's hard to say what went wrong, but we both said some unforgivable things. It seemed obvious that I would have to move out. I wasn't going to take the kids away from Mel. But I didn't want them to think I was just walking out on them.

Problems started when I got my own place and wanted to have the boys staying at weekends. In the end I thought the only thing was to take Mel to court and get shared residence.

The solicitor was really good. He pointed out that court was a last resort, and suggested that we could try mediation first. He said it was cheaper and we might get an agreement that suited us better.

I wasn't very happy about this. I suppose I didn't know what to expect. There were quite a lot of tears and shouting the first time, but the mediator was really sensible and practical. It did help us think about the kids and what they needed.

We sorted out weekend contact with the boys and I got to see them in the week too. And then I got Mel to agree to the baby coming, once she was sure I could cope.

It all worked like that for about a year, but then we began to hit problems...

”

*(continued on page 2)*



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## Who is this guide for?

- Parents who do not live together and need to make arrangements for their children.
- Parents who are splitting up.
- Other adults (such as step-parents and grandparents) who want to make sure that they keep a relationship with children.

## In a civil partnership?

This leaflet is for you too. The law that applies to married parents applies to you as well. You can read any reference to marriage, marrying, or husband/wife as applying to you and your partner as well.



## One year later...

It all got a bit tricky when I got a new girlfriend, Ellie. We were thinking about moving in together and getting somewhere bigger. That upset Mel and there were some nasty texts about Ellie and my priorities.

Up to now we hadn't had a court order, because it was all agreed. But I began to think I needed it all on paper so that I could make Mel keep to it. I went back to my solicitor and said that this time I really was going to court.

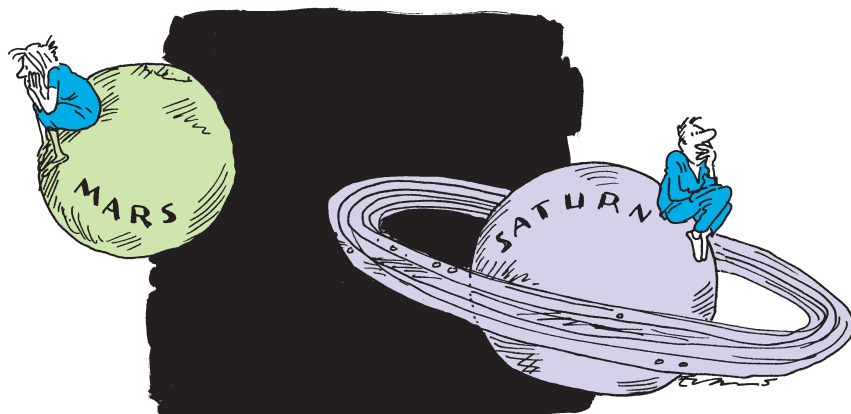
We got as far as the first hearing, and the judge got us to go back to mediation. My solicitor had explained that this might happen, because the judge will only make a court order as a last resort.

It was a bit more difficult this time because of Ellie. I think Mel was jealous. But neither of us wanted to end up in court – the first hearing had been bad enough – so we gave mediation another go.

It was a bit awkward at first, but it got better. Now Ellie and Mel are able to talk to each other about the children. It takes time. I think when you first get into this situation, you want it all sorted out instantly and life doesn't work like that.

Now, I would say we're pretty well sorted. It's got easier as the kid have got bigger. Ellie and I are getting married in the summer and Rose is going to be her bridesmaid and Mel's fine about it.

**Most families do manage to sort out things for their children without going to court, even if there are problems to start with.**



<sup>6</sup>A LEAFLET FOR PARENTS WHO LIVE APART...<sup>9</sup>

## What does this guide cover?

This guide helps you make arrangements about your children if you do not live together, or are splitting up. It tells you where you can get help with this, and what, as a last resort, the law can do.

Quarrels over children can be some of the most distressing legal battles anyone has to face. Adults and children can be badly hurt and relationships damaged permanently. This guide aims to help you deal with these issues, and find ways of being co-operative parents and families. Families, after all, go on forever even after marriages and partnerships breakdown.

This guide does not cover other aspects of splitting up, like dividing property or making financial arrangements. (See page 3 for more details.)

In parts of the guide we assume that you are a parent, but much of the leaflet is also relevant for people who are not parents but have a close relationship with children – such as unmarried step-parents or grandparents. A separate section explains how the law applies to you if you are not a parent.

**You are going to go on being your children's parents for the rest of your lives.**

# How are the children feeling?

It's important to think about how the children are feeling if your family life is being upset. This might be because you are splitting up, or because you can't agree about arrangements for them. Try to put your own needs to one side and think about how they feel.

Children will often say that they would rather their family stayed together, however bad things are. It's hard to feel that as a parent you are letting your children down and destroying their hopes. You have to find a way to manage this and help them to see forward to a different future.

There are several books and websites that can help your children (see pages 11 and 13).

**It's important to tell the children's schools what is happening so that they can help if their school work suffers, or their behaviour changes.**



## All family life involves coping with change

Any parent knows that this is the case. No sooner have you got one routine established than something happens and you have to move everything round again. Divorce and separation is no exception to this, but it tends to feel worse because of all the other painful feelings that are happening at the same time.

Remember, nothing lasts forever. Visiting arrangements will change with time. Teenage children might want to live with the other parent. New partners may come on the scene. What's important is to forge a good working relationship with each other, so that, as parents, you can adapt to these changes and continue to give your children the love and care that they need.

## What do we need to sort out?

**If you don't live together, or you are about to split up, you need to make a number of decisions about the children. They are the same decisions that all parents have to make, whether they live together or apart, but they can feel much more stressful and difficult because of your previous relationship.**

The two most pressing issues are generally where the children will live, and how one, or both, of you will have contact with them. But there are also lots of other things to think about, such as schools, other family

members, and how you are going to bring the children up.

You can get a 'Parenting Plan' to help you think through all these things. It is published by the government and you can download it from [www.cafcass.gov.uk/publications/leaflets\\_for\\_adults.aspx](http://www.cafcass.gov.uk/publications/leaflets_for_adults.aspx) or order a free paper copy from [www.tsoshop.co.uk](http://www.tsoshop.co.uk). It is also available in several other languages, including Welsh, Urdu, and Chinese. The government also publishes some helpful leaflets for your children, they are available from the same websites.

## Other issues

For information about other issues to do with splitting up – things like dealing with the home, money, child support – see our leaflet 'We're splitting up'. This leaflet explains what you need to make decisions on, and how you can do that. We also have 'Breaking Up checklist' for unmarried couples splitting up which includes all the things you need to remember, and 'Divorce – a survival toolkit' for couples facing divorce or dissolution of a Civil Partnership. You can download them all at [www.advicenow.org.uk](http://www.advicenow.org.uk)

Community Legal Advice also have a leaflet for unmarried couples ('Living together and your rights if you separate') and another for people who are divorcing ('Divorce and Separation'). You can download them both at [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)

## How are you feeling?

If you are going through a divorce or separation, you are going through a very stressful time. It's hard being a parent. You may be feeling that you just can't cope or you want it all to go away. You may feel that you want to revert to being a child yourself.

There are a number of organisations who offer support and help for adults and children when they are dealing with divorce, separation or other family difficulties. See 'More help and advice'.

## Where will the children live?

**Sometimes the answer is obvious to you both. Sometimes this is a really hard decision.**

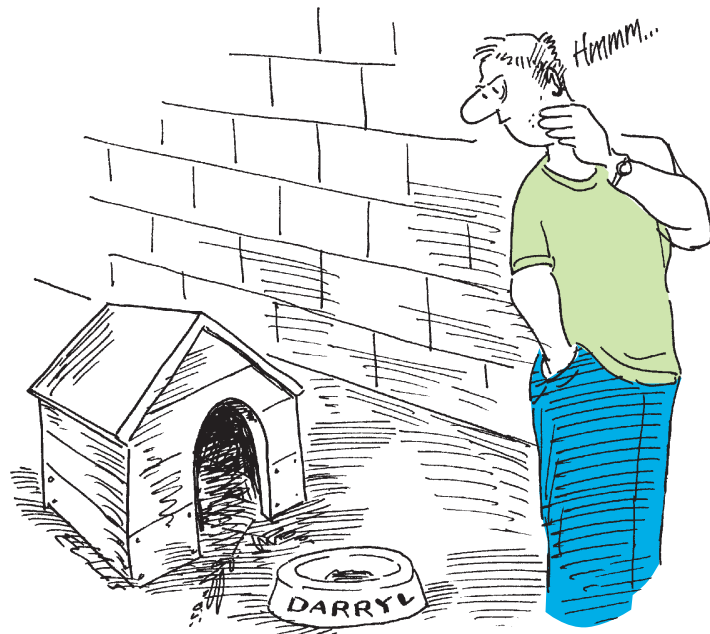
You may want the children to live part of the time with you, and part of the time with their other parent. This is sometimes called "shared residence". You may feel that it is only fair if the child lives with you for 50 per cent of the time. But, if you are thinking like this, you may not be putting your children's needs first. You need to consider what is best for them at this point in their lives.

Some parents are able to manage shared residence because they both have enough room at home, and both have the time (or money) to spend on childcare. If you as parents can manage to be friendly and cooperative, it can be a success.

However, if it is because you both regard the children as "yours" and you make the arrangement because

you want to "own" their time, then it is less likely to be good for them.

Try to put yourself in your children's shoes. How would you feel if you had to move backwards and forwards between two houses?



**WHERE WILL THE CHILDREN LIVE?  
- DON'T TREAT THEM AS "YOURS"**

# Contact – What worked for me

**“The handover’s really hard at first. You can’t seem to look at each other even. But I tried hard to be nice about it. And it helped Amy, my daughter, that we could speak to each other, and I could come to the door.”**

“It really bugged me when he didn’t bring the kids back on time. Or when he was late turning up and they were all ready in their coats. We used to have dreadful rows. But now he just phones or texts me if he’s running late, and its okay.”

**“We’d never been very organised before. We found that we had to each get a calendar and write it all down. At first, it felt like a horrible bind.”**

“You’ve both got to be flexible; you won’t generally know about things like their friends’ birthday parties a long way in advance. We found that once we’d sorted out the main things like holiday times and key weekends, it helped.”

**“Children know when you’re trying to buy their love. And they exploit it! We found that they were playing us off against each other a bit, and we started to buy bigger and bigger presents for them.”**

“I made the mistake at first of always trying to take the children out for a treat. I wanted it to be special. But they like being at home too – just us being together.”

**“I went to a dads’ group and found out lots of things to do with the kids. And sometimes the fathers and the kids all got together which was fun.”**

## HOT TIP

**“I got a big write-on calendar (you could use a year planner too) with lots of stickers for planning contact. It meant that everyone could see what was happening.”**

**“The children used to come back from weekends with Mark all hyper and tearful. I was really worried about it. But my sister said her kids were like that anyway if they’d been out for the day, and I realised she was right. I talked to Mark about it and he agreed to try to get them to chill a bit for the last hour or so.”**

“Children have their own lives too. It took us a while to strike the right balance between ensuring we have enough time together and making sure the kids still get to do the things they want to – like going to football or Brownies, and seeing their friends.”

**“Activities that have weekend classes can be a problem if the children see their other parent every other weekend. We solved the Sunday football problem by Tim saying that he would always take them, even if it was not ‘his’ weekend.”**

“Looking back, I realise that any arrangement that we made had to change every six months or so, because the children’s lives were always changing. There’d be new swimming lessons, or they’d need to go to something on a Saturday, just when you had everything planned.”

# Where to get help

If possible, look for a way of working out any difficulties without using the courts. It's usually cheaper and it's generally better for the whole family because it is likely to be less stressful. Going to court tends to push people into opposite positions, instead of getting you to work together.

## Mediation

Mediation probably offers the best help if you can't work out arrangements by yourselves. With mediation, you have a series of meetings with a mediator, who helps you to work out what issues you need to sort out, what your options are, and how you can do what is best for the children. Many mediation services also have people who are trained to talk to children. This allows them to have a voice in your discussions, which can be helpful for parents and children.

Mediators generally charge by the hour. Some services charge on a sliding scale according to how much you earn. Expect to pay for each meeting as it takes place. You can get legal aid to pay for it if your income is low enough.

If you are divorcing (or dissolving a civil partnership) you will probably also have solicitors dealing with the divorce paperwork, and sorting out your financial issues. The arrangements you make for the children will affect the finances (and the other way around) so you will probably need legal advice about how to deal with the two issues. However, if you are only using the mediation service to sort out contact, a solicitor may be unnecessary.

If you qualify for legal aid, it will pay both for the mediation and the solicitor to advise you as the mediation takes place.

See the next page for details of how to find a mediator near you.

**If you have real fears about your children's safety or welfare, get some legal advice first.**

## Solicitors

If you are unhappy about negotiating yourself, perhaps because you have been bullied, or because you are frightened, then it may be best to use a solicitor. That doesn't mean you will end up in court. Solicitors will negotiate on your behalf with your ex, or with his or her solicitor. They should also keep negotiating, even if a court application process is going ahead.

You need to find a solicitor who specialises in family law, and preferably someone who will be sensitive to your needs and those of the children. A good solicitor will try to get arrangements sorted out in a co-operative way. Be wary of anyone who suggests straightaway that you go to court, without exploring less confrontational options.

See the next page for details of how to find a solicitor near you.

## Relate, Parentline Plus and other counselling services

You may feel that you need some help as parents, or that your children need to have someone else to talk to. Relate and Parentline Plus offer counselling services and workshops for parents, children and young people going through a family breakup. You may also have other local services that you can use.

See 'More help and advice' on page 11.

## Common sense and people skills

You can learn to use some of the skills that mediators or lawyers use yourself. There are several books that explain how to use people skills and negotiation skills to help you communicate better. Things like saying sorry are very hard, but it's amazing how they can help a relationship. It's difficult when you're hurting badly, but it's worth a try where children are concerned.



## Finding a mediator

- **The Family Mediation Helpline** can tell you if mediation might be suitable for you, and if you might be entitled to legal aid to pay for it. It will also give you details of services in your area.  
Tel: 0845 60 26 627  
[www.familymediationhelpline.co.uk](http://www.familymediationhelpline.co.uk)
- **Community Legal Advice** can help you find local mediators and solicitors. Choose 'family mediation' as the category of advice.  
Tel: 0845 345 4 345  
[www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)
- **Resolution** lists its solicitor members who practice as mediators on its website – see 'Finding a solicitor'.
- Look in the Yellow Pages under 'Mediation' or [www.yell.com](http://www.yell.com)

## Finding a solicitor

**Resolution** is probably the best place to start as the code of practice for its members promotes a non-confrontational approach.

- **Resolution**  
(formerly Solicitors Family Law Association)  
PO Box 302, Orpington, Kent BR6 8QX  
Tel: 01689 820272  
[info@resolution.org.uk](mailto:info@resolution.org.uk)  
[www.resolution.org.uk](http://www.resolution.org.uk)  
You can check the list of members in your area on their website, or ask them to send you a list.
- **The Law Society Family Law Panel**  
The Law Society's Hall, 113 Chancery Lane  
London WC2A 1PL  
Tel: 020 7242 1222  
[info.services@lawsociety.org.uk](mailto:info.services@lawsociety.org.uk)  
[www.lawsociety.org.uk](http://www.lawsociety.org.uk)  
The Law Society is the body that regulates solicitors in England and Wales. Solicitors on the Family Panel have to pass an exam to prove that they are specialists in family law. You can also use the website to find solicitors local to you.
- **Community Legal Advice**  
Tel: 0845 345 4 345  
[www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)  
This website gives contact details of solicitors in your area listed under the sort of work they do. Alternatively, you can call them.

## What the law says

**Although parents are usually the best people to sort out arrangements for their own children, it does help to know what the law says about how to make these decisions.**

The important information is in the Children Act 1989. It says that the most important thing is the welfare of the child, rather than either parent's wishes. It also says that courts shouldn't make court orders about children, unless that is clearly better for the child. This is why courts will encourage parents to work out solutions themselves if it is possible.

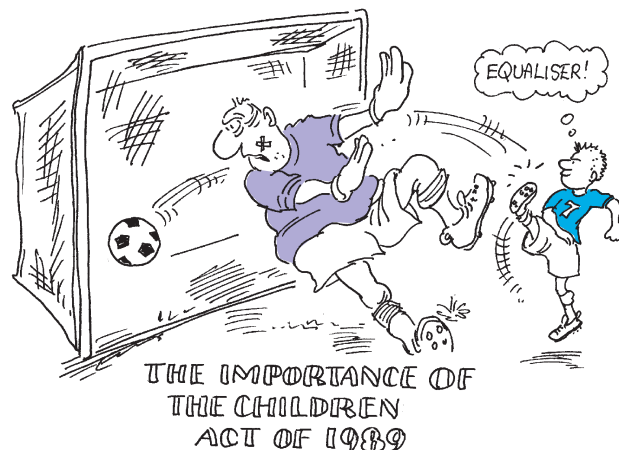
This means that when parents split up the court won't automatically make a decision about where the children will live or if and when they should see the other parent. If you

need a court order about these things because you cannot agree, then you have to ask the court to do this.

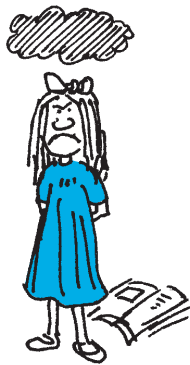
You can also ask the court to make orders about issues like education or medical treatment (called a **specific issue order**), or to stop a parent

doing something like taking a child abroad or changing his/her surname (called a **prohibited steps order**).

When a court considers any order for a child, they use the checklist on page 8.



## PART OF THE COURT CHECKLIST...



THE CHILD'S  
WISHES AND  
FEELINGS



THE CHILD'S  
AGE AND  
BACKGROUND

## Children Act 1989 Checklist

- The child's wishes and feelings (bearing in mind age and understanding)
- His or her physical, emotional and educational needs
- The likely effect on the child of any change of circumstances
- The child's age, sex, background and any other relevant characteristics
- Any harm or risk of harm to the child
- The capability of parents (or other adults) in meeting the child's needs
- The orders the court has the power to make

## If we agree, what do we do?

**If you are separating, you don't need a court order. You can simply put your arrangements in place.**

If you are divorcing (or dissolving a civil partnership), you tell the court what arrangements you are making on a form that you both sign. A judge checks the form to make sure that the arrangements seem satisfactory. If they are, the divorce

can go ahead. In a small number of cases, the judge might want to ask further questions before being satisfied.

If you aren't a biological parent, you might need to sort out parental responsibility, or get an order for residence – this is so that other people (like schools, or the local authority) will recognise your status.

## What will the court do if we can't agree?

The family court can decide who children live with (this is called a 'residence order'), and how and when they see other adults (called a 'contact order'). It can also make orders about specific issues, and things that parents may not do (a 'prohibited steps order'). It can also appoint guardians to look after a child's property and interests.

If you need one of these orders, you apply to the court by completing an application form and paying a fee. You can apply to your local County Court or to the Family Proceedings Panel (Magistrates' Court). All the information that you need is in the leaflet called 'Children and the

Family Courts' (CB1) and its supplementary leaflets 'Filling in the Forms' (CB2) and (CB3). You can get copies of the forms and the leaflets from the court, or download them from the Court Service Website: [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk). It is a good idea to phone your local court first to check if anything is done differently in your local court and how much the fee will be as this sometimes changes.

Once you have applied to the court, it will generally fix a first appointment (often called a "directions appointment"). This is meant to give the judge a chance to explore the issues and find out whether there is some scope for agreement. The

judge may ask a Cafcass officer to help with this (see page 12 for more information). A large number of cases get sorted out at this stage, and often there is no need for an actual order, though the judge will generally record the agreement.

If you can't agree at this stage, the judge will set out the timetable for what will happen next. He or she will generally order that a different Cafcass officer investigates and writes a report. The officer will then arrange to see all the adults and the children involved; sometimes he or she will also speak to teachers and other adults who know the children. The judge will use the report to make a decision at the next hearing.

## Reasons against going to court

- You will not get everything that you want. Courts generally try to find a solution that everyone can work with. This means that they seldom give either of you exactly what you wanted.
- The court will not use residence or contact orders to 'punish' or 'reward' either of you for your past behaviour. If this is, deep down, what you want, you will be disappointed.
- It might make it harder to have a relationship as parents afterwards. To make your case both of you will emphasise and even exaggerate your positions. After that, it can be hard to get back to a co-operative relationship as parents.
- The process will probably feel out of your control. Once a case has got going you may feel a bit powerless.
- It will cost you a fortune. You will quite quickly run up a bill of thousands of pounds. Even if you get Legal Aid, you may well have to pay the costs back by the Statutory Charge. It might be better to spend the money on your family.
- It will be very stressful. Going to court is often a very worrying experience for everyone. The children may feel stressed too, even if they don't have to come to court.
- Court orders do not transform unreasonable people into reasonable people.
- Going to court isn't the best way of showing your children how much you love them.



## Reasons for going to court

- To get a clear decision where one of you feels unsafe or intimidated.
- If you have real concerns about your child's safety or welfare with the other parent, and need a court order to protect them from harm.
- There may be an issue between you that you simply cannot resolve. If you can't decide you may both feel happier if someone else takes the responsibility for the decision.
- One (or both) of you may be behaving in a way that isn't reasonable and can't be resolved by mediation or other discussion. Sometimes a court order can be helpful because it gives you both firm guidelines to work on.
- If one of you has been preventing contact, you may want the court to enforce an order about contact. Courts now have powers to do this.
- Courts can order one or both of you to go to a parenting course, a mediation assessment meeting, or a domestic violence perpetrator programme, which may be helpful.
- Maybe you haven't been able to get a suitable response from your partner. Sometimes a court application can help to get a discussion going. Often the court process will stop after the first appointment, as an agreement can be reached.
- To protect a child in an emergency.

# I'm not a parent – where do I stand?

**The law recognises that there are adults who are not parents who can have important relationships with children. For example, step-parents, grandparents, and other relations. You can be related to a child by marriage or civil partnership, as well as by blood.**

For all the reasons set out in this leaflet, it is best to try to resolve family differences without using the courts. If this doesn't work, and you have to apply to the court for residence or contact, you may first need to get permission from the judge to make the application. If you do need permission,

the judge will generally give it to you, if you can show that you have had a close relationship with the child, or there are strong blood ties.

You don't need permission if:

- the child has lived with you for at least 3 years during the last 5 years, and within the last 3 months
- you are the child's guardian
- you are married to, or a civil partner of, have been married to, or had a civil partnership with one of the child's parents, and

you have treated the child as though he or she was yours

- everyone who has parental responsibility or a residence order for the child agrees that you can apply
- the child is in care and the local authority has agreed that you may have an order

All the same rules about the child's welfare apply to your application, and the procedure will follow the same pattern. See leaflet CB1 from the court service for more detail.

## What can I do if the other person doesn't obey the court order?

**Since December 8th 2008 contact orders now include a 'warning notice'.**

If the other person disobeys an order with a warning notice (for example, by unreasonably preventing contact) you can apply to the court for an 'enforcement order'. The enforcement order allows the court to impose penalties. They could make the person who has prevented contact do community service or pay compensation if they have caused you to lose money. You can find more information about this in

leaflet CB5 'Applications related to enforcement of a contact order' from the Court Service Website: [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk).

Courts can also order either or both of you to go to a parenting course, a mediation assessment meeting, or a domestic violence perpetrator programme. The court calls these 'contact activities'. You may have to pay for them (see box). You can find out more information in a leaflet called 'Staying in Contact', available from [www.cafcass.gov.uk/publications/leaflets\\_for\\_adults.aspx](http://www.cafcass.gov.uk/publications/leaflets_for_adults.aspx)

If you have an old contact order made before December 8th 2008 and the order is disobeyed, you can go back to the court and ask for a 'warning notice' to be added.

**If all else fails, some parents find that the only thing that they can do is wait until the child is old enough to vote with its feet. Quite a lot of children seek out their other parent once they are able to do so.**

### Cost of contact activities

**Parenting Course** – approximately £200

**Mediation assessment** – approximately £80 each

**Domestic Violence Perpetrator Programme** – about £2,500

If you have legal aid these are free. They are also free if you have a total income of less than £40,000 a year – you must apply to Cafcass for a certificate to show this.

A mediation assessment is also free if your partner gets legal aid, even if you don't.



# When does the child get to choose?

**When he or she is old enough. The Children Act checklist (see page 8) says that a child's wishes have to be taken into account, bearing in mind their age and understanding. In practice, this means that once children get to their teens, or perhaps a little earlier, their wishes count for a lot. After all, it's very hard to force an older child to do anything.**

This can be a problem, especially if you feel that a child's mind has been

poisoned against you, or that they are being put under pressure to say something they don't really feel. Again, it's not a problem that the law is particularly useful at solving. Mediation can help, and some services specifically work with children. A trained mediator can see a child in private and feed back to parents what the child wants to say to them.

If this doesn't provide you with a solution it may be best to bide your

time, back off from court action (which may be seen as hostile) and try to maintain a distant but loving presence which will draw the child back to you in due course.

**Children are able to have close loving relationships with adults even if they don't see them very often. Letters, cards, texts, email, and phone calls all keep relationships alive.**

## More help and advice

### For lone parents and their children

#### Gingerbread

255 Kentish Town Road  
London NW5 2LX  
tel: 020 7428 5400  
Single Parent helpline: 0808 802 0925  
(Monday to Friday 9.00am–5.00pm, and till 8.00pm on Wednesdays; free from landlines and some mobile networks)

### For children

#### It's not your fault from Action for Children

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

#### Childline

[www.childline.org.uk](http://www.childline.org.uk)  
helpline: 0800 1111

### For all the family including stepfamilies

#### Parentline Plus

520 Highgate Studios  
53–79 Highgate Road  
London NW5 1TL  
tel: 020 7284 5500  
[www.parentlineplus.org.uk](http://www.parentlineplus.org.uk)  
email support service:  
[parentsupport@parentlineplus.org.uk](mailto:parentsupport@parentlineplus.org.uk)  
helpline: 0808 800 2222

#### Relate

tel: 0300 100 1234  
[www.relate.org.uk](http://www.relate.org.uk)

### For fathers

#### Families Need Fathers

134 Curtain Road  
London EC2A 3AR  
[www.fnf.org.uk](http://www.fnf.org.uk)  
helpline: 0300 0300 363  
(Monday–Friday 6–10pm)

### For grandparents

#### Grandparents' Association

Moot House, The Stow, Harlow  
Essex CM20 3AG  
tel: 01279 428040  
[www.grandparents-association.org.uk](http://www.grandparents-association.org.uk)  
helpline: 0845 4349585

### For mothers apart from their children

#### MATCH

Mothers Apart from their Children  
BM, Box No 6334  
London WC1N 3XX  
e-mail: [enquiries@matchmothers.org](mailto:enquiries@matchmothers.org)  
[www.matchmothers.org](http://www.matchmothers.org)

### Contact centres

#### National Association of Child Contact Centres

Minerva House, Spaniel Row  
Nottingham NG1 6EP  
tel: 0845 4500 280  
e-mail: [contact@nacc.org.uk](mailto:contact@nacc.org.uk)  
[www.nacc.org.uk](http://www.nacc.org.uk)

# Jargon buster

| The jargon                     | What it means  |
|--------------------------------|--|
| <b>Contact</b>                 | When and where a child can see an adult, or have contact in other ways such as phone calls, letters, presents. A contact order can be very specific, or leave arrangements flexible. The order tells the person with whom the child lives to make these arrangements.  |
| <b>Residence</b>               | Who a child is to live with. A residence order automatically has parental responsibility with it. Residence can be shared between adults.  |
| <b>Parental responsibility</b> | <p>All the rights and duties that go with being a parent. All married parents have <b>parental responsibility</b> for their children. This continues even when you split up. If you are not married, the mother automatically has parental responsibility; the father can get it in a number of different ways</p> <ul style="list-style-type: none"> <li>● By marrying the mother</li> <li>● By being registered as the child's father on the birth certificate if the child's birth was registered on or after 1 December 2003</li> <li>● By being re-registered as the child's father if no father's name was included on the original birth certificate</li> <li>● By making a parental responsibility agreement with the mother</li> <li>● By getting a court order that gives him parental responsibility (this would be included in a residence order).</li> </ul> <p>If you marry or enter into a civil partnership with someone who has children, you can share parental responsibility with them by</p> <ul style="list-style-type: none"> <li>● Making a parental responsibility agreement with your husband/wife/partner <b>plus</b> the other parent if he or she also has parental responsibility</li> <li>● Getting a court order.</li> </ul> |
| <b>Direct consultation</b>     | This is when mediators talk to children in the mediation process. With parents' agreement, a child can have a private conversation with the mediator and the mediator will feed back to the parents what the child wants said to them. This can help parents make decisions, and can make the child feel heard and understood.   |
| <b>Contact centre</b>          | A safe place, generally staffed by volunteers, where parents can meet their children and contact can take place. They are useful when there have been past difficulties over contact. They are generally used as a stepping-stone for re-establishing contact when parents have not seen their children for some time, or where there are issues (not necessarily founded in fact) about safety.   |
| <b>Custody</b>                 | An old legal term that hasn't existed since 1989 but still gets used (wrongly) by the media. It used to refer to a combination of parental responsibility and residence. The Children Act separated out these two ideas so that both parents, and other important adults, could have parental responsibility, even if the children mainly lived with one person.   |
| <b>Access</b>                  | This is another out-of-date legal term. The idea of <b>contact</b> has replaced it, but it isn't the same thing. Access used to refer to an adults' right to see a child; contact is now viewed as something to which the child has a right.   |
| <b>Cafcass</b>                 | Cafcass stands for The Children and Family Court Advisory and Support Service. Cafcass officers help the court by mediating at court and writing reports about the children's needs for the court. They are sometimes called Child and Family Reporters and sometimes called Court Welfare officers. In some areas, it also provides support for families going through divorce or separation.   |

(continued)

| The jargon               | What it means  |
|--------------------------|--|
| <b>Legal Aid</b>         | Legal Aid is a government scheme to help people with low income and savings pay for legal help. If you are eligible you may get help with the cost of legal advice, assistance, mediation and representation. Unless the legal aid you receive is for help with mediation, you may have to pay it back at the end of the case. |
| <b>Warning notice</b>    | Since 8th December 2008 a warning notice has been attached to every contact order made by the court. If somebody disobeys an order with a warning notice (for example, by unreasonably preventing contact) you can apply to the court for an 'enforcement order'.  |
| <b>Enforcement order</b> | An enforcement order allows the court to impose penalties on the person preventing contact. The court could order them to do community service, or pay compensation if they have caused the other person to lose money.  |

## Helpful books

### **Divorce and your children**

by Anne Hooper

### **Parent Problems: children's views on life after parents have split up**

by Bren Neale and Amanda Wade

### **Parent Problems: looking back at our parents' divorce**

by Bren Neale and Amanda Wade

### **Breaking up without Cracking Up**

by Christopher Compston

### **The Which? Guide to Divorce**

by Imogen Clout

### **Dad's Place: A New Guide for Fathers after Divorce**

by Jill Burrett

### **A Journey Through Single Parenting**

by Jill Worth and Christine Tufnell

### **Surviving the Break up**

by Judith Wallerstein and Joan Kelly

### **Relate guide to second families: living successfully with other people's children**

by Suzie Hayman

### **The Family Through Divorce**

by Roger Bamber and Janet Reibstein

### **Lost Children: a Guide for Separating Parents**

by Penny Cross

### **Helping Children Cope with Divorce**

by Rosemary Wells

### **Handbook of Separation and Divorce**

by Wendy Mantle

### **People Skills**

by Robert Bolton

### **Getting to Yes**

by Fisher and Ury

## Books for children

### **Dinosaurs Divorce**

by Laurie Krasny Brown & Marc Brown

### **When Mum and Dad Split Up (Little Wise Guides)**

by Lesley Ely

### **Is this a Daddy Sunday?**

by Steve Ann Henshall

### **Two of Everything**

by Babette Cole

### **Since Dad Left**

by Caroline Binch

### **The Suitcase Kid**

by Jacqueline Wilson

### **The Bed and Breakfast Star**

by Jacqueline Wilson

### **Two Homes**

by Claire Masurel Kady MacDonald Denton

### **Where has Daddy Gone?**

by Trudy Osman

### **Mrs Vole the Vet**

by Allan Ahlberg

### **How do I feel about – My Stepfamily**

by Julie Johnson

### **How do I feel about – My parents' divorce**

by Julia Cole

### **Ben's Story**

by Linda Wyon

### **Charlie Anderson**

by Barbara Abercrombie

### **Ms Cliff the Climber**

by Allan Ahlberg

### **My Stepfamily**

by Rosemary Stones

### **Help Hope and Happiness – a self help guide written by a 10 year old**

by Libby Rees

This information is produced by Advicenow. Other guides include:

- How to avoid identity theft
- 10 steps to sorting out your debts
- LivingTogether
- Family Mediation
- Divorce – a Survival Toolkit
- Working parents
- Trouble at school
- Unfair dismissal
- Is that discrimination?
- Homeless and young?  
Get your foot in the door ...
- How to get good asylum advice
- Support for asylum seekers in the UK
- How to handle an interview under caution
- Turned down for DLA/AA? Think you're not getting enough?
- Claiming compensation
- Dealing with discrimination
- Dealing with bailiffs
- Young workers
- What's a contract?
- Do I need a lawyer?
- Seven steps to solving a problem

You can read or download all these guides and more at [www.advicenow.org.uk](http://www.advicenow.org.uk)

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Marcel Berlins, *The Guardian*

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**The information in this guide applies to England and Wales only.**

**The law is complicated and every case is different. Get advice.**

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please email us at [feedback@advicenow.org.uk](mailto:feedback@advicenow.org.uk)



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