



We understand your concerns over issues relating to your children, and can help by providing sensitive and professional advice to make things as straightforward as possible.

Costs

To help ensure things are clear and transparent we can discuss with you the costs on a case by case basis related to children matters, whether you are representing yourself, or wish us to do this for you.

In many cases, mediation can be an appropriate way to resolve issues. We also offer mediation services, please see our information leaflet.

If you are unsure about what we can do to help please just ask us – we are always happy to discuss the support we can offer, prices and time frames.

Children Matters

If you have a dispute relating to children matters, you will be advised in accordance with the principles contained in the Children Act 1989 (as amended), as this is the law which presently governs the resolution of these issues.

Applications in relation to children are as follows:-

- Child Arrangements Order – to decide where the child spends their time and how that time is shared between the parents
- Specific Issue – an application concerning a particular point of upbringing
- Prohibited Steps – an application by one person to prevent actions

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In the vast majority of cases no application to the Court is required to resolve these issues, and even where an application is commenced it is less common for that application to require a final hearing than you may think.

As a result, orders to define the above issues are only made where there is a dispute which can only be resolved by the Court. Any orders made are made by the court in the best interests of the child.

There is a prescribed checklist to assist the Court which includes the wishes and feelings of the child where appropriate (given the child's age and understanding), the ability of each parent to care for the child emotionally and physically, any special needs or circumstances, and educational needs.

In order to establish what the best interests of the child are, the Court will sometimes have a report prepared by a CAFCASS officer who will meet with the parties, and may discuss with the school, GP etc as appropriate and prepare a written summary of their recommendations. In most cases the Court will follow their recommendations and they often play a major part in the court process.

Parental Responsibility

Parental Responsibility is another issue which often arises in respect of children, and is defined as all the rights and responsibilities with respect to the upbringing of a child. All natural Mother's automatically acquire Parental Responsibility (PR).

Father's of children born after 1st December 2003 will also acquire it where they register the birth with the mother, or in the event that they are married to the mother.

PR can also be shared with a father by making a Parental Responsibility Agreement with them, or a step-parent by making a step-parent Parental Responsibility Agreement. This document is prepared and signed by both parties and registered to formalise the situation.

As children get older the arrangements that need to be made for them can change and it is important to remember this when making arrangements.

Both parties should maintain as much flexibility as possible in order to ensure that the child enjoys the best relationship that they can with their parents (and any other extended family members).



An application to the Court is normally made to the Court in the area where the child lives.

Once the application is made the Court will set a First Hearing Dispute Resolution FHDRA within about 6-12 weeks of the date the application is sent to the Court.

This first hearing is designed to set a timetable for the rest of the case and also gives the parties a chance to resolve matters with the assistance of a CAFCASS officer.

If agreement cannot be reached, a second hearing Dispute Resolution Appointment (DRA) will be set down to ensure that all the necessary evidence is available to the Court. Finally a more lengthy 'final' hearing will take place if the parties still cannot reach agreement, to enable all parties to give evidence and on which occasion the judge will make a decision on the questions involved.

In certain circumstances cases do not follow this straightforward pattern but where that is the case, we will of course advise you.

Media

You might be aware that as of April 2009 the rules relating to media access to family cases has changed and the media can now attend family cases which were always previously held in private.

It is expected that in general terms however a tiny minority of cases will be affected in this way.

In brief however only members of the accredited press are permitted access to hearings and are not permitted to report on the details of the hearing, nor have access to the documents referred to.

It is possible to make applications to the court to have media attendance prevented or restricted where it is found necessary by the Court.

If you suspect that your matter might attract interest from the press please notify us so that we can consider the issues with you further.