

Parental Separation

Information for parents living in Warwickshire

This fact sheet has been put together by Warwickshire Family Information Service (FIS). It is designed to give an overview of the support available to you if you are thinking about separating, or are already separated, regarding co-parenting/contact arrangements.

Children's Social Care does not get involved in contact issues unless there are safeguarding concerns. Contact details for Warwickshire Multi Agency Safeguarding Hub (MASH) can be found in the useful contacts section.

For further information please contact:

Warwickshire Family Information Service

Email fis@warwickshire.gov.uk

Phone **01926 742274**

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What the law says

The law says that the court should not make court orders about children, unless it is clearly better for the child if they do. This is why courts will encourage parents to work out solutions themselves if it is possible. Parents will have to show that they have looked at using a family mediation service to reach agreements before they can take an issue to court.

When you decide to separate, it is important that you fully understand your legal position. The website www.gov.uk/looking-after-children-divorce/overview has a wide range of useful information including legal options that may be available to you, mediators and court orders.

Parental Responsibility

Parental Responsibility (PR) is defined in the Children Act 1989, as all the rights, duties, powers, responsibilities and authorities which by law a parent of a child has in relation to the child and the child's property.

It is important to know whether you have PR for your child. It means that you have a right to be involved in making certain decisions around issues relating to education, religion and health and means these would need to be dealt with collaboratively.

In UK law, all mothers and most fathers have legal rights and responsibilities as a parent. A mother automatically has PR for her child from birth. A father usually has PR if he is:

- Married to the child's mother
- Listed on the birth certificate (after a certain date, depending on which part of the UK the child was born in)

You can apply for PR if you don't automatically have it.

For more information please see the following website:

www.gov.uk/parental-rights-responsibilities/who-has-parental-responsibility or consult a solicitor.

Family mediation

When parents separate, it is important to discuss the day to day care of their children. This can sometimes be difficult if the separation has not been agreed by both parents, or where domestic abuse has been a factor in the separation. A mediation service may be useful in these circumstances to help the parents to make decisions that are in the best interest of the children and can help resolve disputes without needing to go to court. A mediator is an independent, trained professional who can help parents come to an agreement and explain how this is legally bound.

Mediation support

- **Gov.uk** - Downloadable leaflets and posters on family mediation.
Website <https://www.gov.uk/government/publications/family-mediation>
- **National Family Mediation** – Help for families in conflict, especially those divorcing or separating.
Tel **0300 4000 636**
Website www.nfm.org.uk
- **Family Mediation Council** - Access to family mediators who work to agreed professional and training standards.
Website <http://www.familymediationcouncil.org.uk/>

Parenting Plans

A Parenting Plan is a written or online agreement between parents. It helps record how the care of a child will be shared now and in the future. It can easily be changed and it is not a legally binding agreement. Cafcass (Children and Family Court Advisory and Support Service) provide access to parenting plans in word, pdf and an online format. Access it here -

<https://www.cafcass.gov.uk/grown-ups/parenting-plan.aspx>

When shared parenting is not an option

Share parenting is not always an option but it is still important that children have contact with their non-resident parent if it is safe for them to do so. It is important that handover times are carefully managed and the children are handed over in a calm and non-confrontational manner. If this cannot happen, a variety of other options need to be considered:

- A relative or family friend that one parent can drop off to, and then the other collect from with a small interval of time so the parents don't have to meet.
- Handover the children in a public place where emotions are more likely to be kept in control.
- Collection from school or nursery. It is important that the school/nursery knows of this arrangement.
- A contact centre could be used.

Contact arrangements

Contact arrangement refers to who the child lives with (the resident parent) and when they can see the non-resident parent. Contact arrangements should be discussed and decided by the parents. They should always focus on what's best for the child, not what's best for the parents. If possible, this decision should be made without going to court.

The starting point for making contact arrangements should always be what is best for the child(ren), and consideration should be given to the emotional impact on the child(ren) throughout the process. It is important that children are protected and shielded from being exposed to conflict. Ongoing, unresolved, chronic conflict between parents, whether living together or separated, has an extremely negative impact on the current and future mental health of children.

Contact Support

- **National Association of Child Contact Centres** – If parents are finding it difficult to agree on arrangements, the National Association of Child Contact Centres may be able to help. Contact Centres provide a friendly, safe and neutral environment for the non-resident parent (and other family members) to see the child without the parents having to meet.

Phone **0845 4500 280**

Website <http://www.naccc.org.uk/>

Contact Centres in Warwickshire

There are 2 contact centres in Warwickshire; Nuneaton and Rugby. Self-referrals can be made, but only by prior arrangement. Referral details can be found on the websites. See links below for further information including opening hours.

- **Nuneaton**
Phone **07826 554 466**
Website <http://www.nuneatonchildrenscontactcentre.org.uk/>
- **Rugby**
Phone **07794 443 683**
Website http://www.rugbycontactcentre.co.uk/how_to.html

For information on other options for contact please contact the **Family Information Service** helpline.

Phone **01926 742274**

Website www.warwickshire.gov.uk/FIS

Child Arrangement Orders

Previously known as a Contact Order, a Child Arrangement Order is a legally binding agreement that specifies:

- Who the child lives with (resident parent)
- Who will have contact with the child
- How often and how long the visits should be

If mediation fails, either parent can apply through the courts for a Child Arrangement Order. This should always be a last resort. Before an application can be made, parents will need to prove that they have attempted mediation and should get legal advice from a lawyer (specialising in family law).

The court will only make a Child Arrangement Order (rather than make no order) where they believe it would be better for the child to do so.

Before they can see a judge, the family will be allocated a Children and Family Court Advisory and Support Service (Cafcass) officer. The Cafcass officer will work with the family to assess any risks to the children and consider whether a decision can be made through mediation.

Warwickshire Family Information Service can make a LAW (Legal Advice Warwickshire) referral to give access to free legal advice from Citizens Advice.

Changes to legal aid mean that most people cannot get free or subsidised help from solicitors unless there has been abuse in the relationship. You can find out if you are eligible for aid here - www.gov.uk/check-legal-aid.

When there is domestic abuse involved

If there has been violence or other forms of abuse, it may not be a good idea for families to sort things out by themselves. A starting point is a family solicitor; see the Resolution website – www.resolution.org.uk. If you have to take an issue to court you will **not** have to show that you have first looked at using a family mediation service.

Safeguarding children

If you have concerns about the safety of your children around either your new partner or the new partner of your ex-partner, you may be able to gain information about their previous offending history by contacting the following organisations:

Clare's Law – Domestic Violence Disclosure Scheme (DVDS) is a domestic violence disclosure scheme. The scheme offers a formal mechanism to make enquiries about your partner if you are worried that they may have been abusive in the past.

Phone **101**

Website <https://www.warwickshire.police.uk/claresslaw>

Sarah's Law - The Child Sex Offender Disclosure Scheme allows anyone to formally ask the police if someone with access to a child has a record for child sexual offences. Police will reveal details confidentially to the person most able to protect the child (usually parents, carers or guardians) if they think it is in the child's interests. To find out more contact Warwickshire police

Phone

Website https://www.warwickshire.police.uk/media/2867/Child-Sex-Offender-Disclosure-Scheme/pdf/Part_1_Empowerment_Pack.pdf

When it is not possible for children to see both parents

In certain circumstances it is not safe for children to have contact with one of their parents. If you have serious concerns about the safety of your child you should contact the Warwickshire Multi-Agency Safeguarding Hub MASH

Phone **01926 414144**

Website www.warwickshire.gov.uk/mash

Recommended further information

- **Cafcass (Children and Family Court Advisory and Support Service)** – looks after the interests of children involved in family proceedings. They work with children and their families, and then advise the courts on what they consider to be in the best interests of individual children.

Website <https://www.cafcass.gov.uk/>

- **Advice Now** - Provide a wide range of advice for people going to court, or thinking about it, without the help of a lawyer.
 - Sorting out arrangements for your children
<http://www.advicenow.org.uk/guides/survival-guide-sorting-out-arrangements-your-children>
 - A survival guide to using Family Mediation after a break-up
<http://www.advicenow.org.uk/guides/survival-guide-using-family-mediation-after-break>
 - How to apply for a court order about the arrangements for your children without the help of a lawyer
<http://www.advicenow.org.uk/guides/how-apply-court-order-about-arrangements-your-children-without-help-lawyer>

Useful contacts and websites

Child Law Advice

Operated by Coram Children's Legal Centre – Specialist advice and information on child, family and education law to parents, carers and young people in England.

Phone **0300 330 5480**

Website <https://childlawadvice.org.uk/clas/contact-child-law-advice/>

Child Maintenance Options

Free service that provides impartial information and support to help separated parents make decisions about their child maintenance arrangements.

Phone **0800 988 0988**

Website www.cmoptions.org

Childline

Private and confidential helpline. Webpages include information on parents separating or getting divorced.

Phone **0800 1111**

Website www.childline.org.uk

Coram Children's Legal Centre

Specialises in law and policy affecting children and young people, and provides free legal information, advice and representation to children, young people, their families, carers and professionals.

Website <http://www.childrenslegalcentre.com/>

Citizens Advice

Provide information and advice on a wide range of topics including family, law and finances. You can search for your local Citizens Advice on the website.

Phone **03444 111 444**

Website www.citizensadvice.org.uk

Civil Legal Advice

You might be able to get free and confidential advice from Civil Legal Advice (CLA) as part of legal aid. You can get help from CLA for family mediation.

Phone **0345 345 4 345**

Website www.gov.uk/civil-legal-advice

Family mediation council

Access to family mediators who work to agreed professional and training standards.

Website <http://www.familymediationcouncil.org.uk/>

Families Need Fathers

If you are separating or divorced and are worried about not seeing your children, or worried about the effect the breakdown of your relationship might have on them, Families Need Fathers can provide you with the support and information you need.

Phone **0300 0300 363** 24 hr helpline

E-mail admin@fnf.org.uk

Website www.fnf.org.uk

Gingerbread

Provide expert advice, practical support and campaign for single parents.

Phone **0808 802 0925**

Website www.gingerbread.org.uk

Legal Aid Agency

Provides civil and criminal legal aid and advice in England and Wales.

Phone **0345 345 4 345**

Website www.gov.uk/government/organisations/legal-aid-agency/about

Legal Aid Calculator

Check if you can get legal aid.

Website <https://www.gov.uk/check-legal-aid>

National Association of Child Contact Centres

A supporting membership body for child contact centres located throughout England. Child contact centres are neutral places where children of separated families can enjoy contact with their non-resident parent and/or other family members.

Phone **0845 4500 280**

Website <http://www.naccc.org.uk/>

National Domestic Violence Helpline

Freephone 24 hour national domestic violence helpline run in partnership between Women's Aid and Refuge.

Phone **0808 2000 247**

Website www.nationaldomesticviolencehelpline.org.uk

National Family Mediation

Help for families in conflict, especially those divorcing or separating.

Phone **0300 4000 636**

Website www.nfm.org.uk

NSPCC

Information and advice on separation, divorce and contact.

Website <https://www.nspcc.org.uk/preventing-abuse/keeping-children-safe/separation-divorce-and-contact/>

Refuge

Supports women and children through a range of services including refuges, independent advocacy, community outreach and culturally specific services.

Phone Warwickshire Refuge **0800 408 1552**

Website <http://www.refuge.org.uk>

Relate

Provider of relationship support. Website includes help and advice on subjects such as living arrangements, legal and money matters and mediation. Search for your nearest Relate on the website.

Website www.relate.org.uk

Resolution

Website providing information and solicitors committed to constructive resolution of family disputes.

Phone **01689 820272**

Website www.resolution.org.uk

Samaritans

Free 24 hour helpline – you can get in touch with the Samaritans about anything that's troubling you, no matter how large or small the issue. Listening service, don't give advice.

Phone **116 123**

Email jo@samaritans.org

Website www.samaritans.org.uk

Warwickshire Multi Agency Safeguarding Hub (MASH)

To report a concern that a child is suffering from neglect abuse or cruelty contact MASH immediately.

Phone **01926 414144**

Website www.warwickshire.gov.uk/mash