

Beck Fitzgerald

lawyers & consultants



Agreeing arrangements for your children

working for
accessible justice

Beck Fitzgerald is a specialist family practice based in central London and committed to accessible justice.

Our aim is to enable more families to get the expert help they need when they need it, at a price they can afford.

Alongside our casework with clients we strive to challenge the family justice system to improve outcomes for the children and families we serve

We work tirelessly to improve the laws and protection for victims and their children so that they can feel safe.

We do not judge, and all our team are trained in trauma informed ways of working. We will help you find the best legal solution for you and your children.

Agreeing arrangements for your children

When parents break up, making arrangements for children can be an emotional issue and one that can continue to cause difficulties long after separation.

This guide is for people who want to find a way to work together with their ex-partner and agree arrangements for the children.

It is a tool to help you avoid problems in the future and to create a positive Child-centred approach to making decisions.

Even if you have an agreement in place it is worth reading on as it may help you plan ahead and avoid some of the challenges as the children grow up.

If you are concerned that your ex-partner has been violent or abusive towards them or you, then your priority will be to protect yourself and the children from suffering harm.

If you are worried about the children being at risk of harm then this pack may not be right for you. Please speak to us urgently and we can advise you.

This guide is split into the following stages:

Stage 1: Thinking about your proposals

Stage 2: Issues to consider

Stage 3: Approaching negotiations

Stage 4: Your options if you can't agree

Do not feel rushed into making an agreement. By taking time to think through your proposals before you discuss them with your ex-partner you are likely to agree more practical, long term solutions.

When considering your proposals it can help to understand what the law says about decisions concerning children.

Who has a legal right to be involved in decision making?

If the children don't live with you it might feel like you have lost the right to be involved in their lives. This is not the case in law.

Parents should try to work together for the sake of their children, but legally the key to whether you are entitled to be involved in making big decisions depends on whether you have 'parental responsibility' (PR) for a child.

What is Parental Responsibility?

PR means the rights, responsibilities and duties that a parent has for a child. If two parents have PR then they share it equally. Mums and married dads automatically have PR for their children at birth, but other dads may not.

Unmarried dads will have PR for a child if the child's birth was registered after 1

December 2003 and the father's name is on the child's birth certificate.

The rules on PR for same sex couples who have children together are specific to the situation and if you are in a same sex relationship and are unsure whether you have parental responsibility you should speak to us. Others can have PR for a child if the court has made an order in their favour or they have been formally given PR by all those who have it.

Having PR doesn't mean you can get involved in all the day-to-day decisions about a child when they are with the other parent.

If your child lives with the other parent or spends time with them overnight you need to accept that the other parent will make decisions about who they see, what they eat and where they go. You should not get involved in these decisions unless you are worried that your child is at risk of harm.

Sharing PR means that certain decisions should not be made without the consent of any other person with PR. If you do not like a decision that another parent has made then the first step should always be to try and negotiate with them.

Stage 1: Thinking about your proposals

Before you start talking to your ex-partner about arrangements, look through this pack and think about your position.

Your discussions with your ex-partner are likely to be much more productive if you have thought about, and made a list of, the things you want to agree on; decided which ones are most important to you and why; and which ones you can compromise on.

You can narrow the issues down by listing the points you want to agree on to make sure you don't forget anything.

One of your key concerns might be about who the children are going to live with and how much time they will spend with you both. Even if you have agreed these issues, it can help to avoid disagreements in the future if you also think through the other potential issues outlined below.

These are the most common issues to think about but everyone's family is different so you might choose to add or ignore issues.

No parent should take their child out of the country, even for a holiday, without the permission of everyone who has PR.

If a parent has a residence order in their favor they can take the child abroad for up to one month, but it is still good practice to talk to the other parent, especially if it affects arrangements for them seeing the child.

If you are worried about your child being taken abroad without your permission you can take urgent steps to stop this.

Stage 2: Issues to consider

Day-to-day arrangements

- Where will your children live?
- When will they spend time with each parent?
- If you work out the detail for day-to-day arrangements and confirm the days for contact to take place, the

frequency and the times, this can help avoid arguments later on.

- If you want to change these plans how will you let the other parent know (text, email, call) and how much notice would you expect each other to give? Will anyone else look after your children (e.g. childminders, babysitters, relatives, new partners, friends) and if so, when? Do they have both your contact details in case of an emergency?
- Will there be phone calls, text messages and emails between each of you and your children? Phone calls, particularly video calls are a good way to keep in touch if parents are not seeing their children that often. Who will buy and pay for the mobile phone bills for the children?
- Could an online tool help?

Education

- Who will drop off and collect your children from school or nursery each day?
- Will you tell the school or nursery that you are
- separating? Do you want to ask for additional support for your children as a result?
- Will you ask the school or nursery to keep you both informed about your children's progress and school events? Will you go to parents' evenings and other school functions together, separately or alternately?
- Have you agreed on your children's future school(s) and if not how will you agree?
- When you need to help your children make a decision about their education, such as what subjects to study, how

will you both be involved?

- What arrangements will you make to help the children keep up existing relationships with friends and extended family members?
- Changes in your children's lives If you have a new partner or think either of you might in the future, can you agree on how they will be introduced to the children? How do you imagine them being involved in the children's lives?
- Will you have to move house or can you stay in the family home?
- Will the children need to move schools? Can you agree on where they will go to school?

Health

- Who will be responsible for arranging routine medical / dental appointments?
- We all hope that our children never become ill, but what will you do if they have an accident when they are with one of you about notifying the other quickly?
- Have you considered what would happen to the children if either of you were unable to care for them? Have you agreed on a guardian? The rights and responsibilities of a guardian who is appointed will depend on the circumstances. Have you written a will?

Planning a move?

Are you planning to move area or country?

If your children are living with you, you must discuss this with the other parent before you go. If the children live with your ex- partner then you will probably want to discuss the best way to continue your involvement in the children's life after you move.

If you own your home as individuals or together, we recommend you get legal advice. It might not be as expensive as you think.

We can offer fixed fee consultations on financial issues. A consultation will help you to know where your stand and what your options are.

Special Occasions

- What will happen on special occasions? will you alternate where the children stay? How will the children enjoy time with both parents?
- What about extended family - these can be very important relationships for children in times of change?
- Can you reach agreement that you will consult about presents and work out a sensible limit to avoid upset?

Keep arrangements under review as circumstances change and try to be flexible.

Money

It is important to make sure your financial arrangements are settled, to avoid

unnecessary anxiety and for practical reasons. There is a lot to think about when you separate and finances are important.

Although you will need to agree how your children will be financially supported, a child's relationship with their parents should not be dictated by the amount of financial support provided by each parent.

Holidays

- How will you share the time you both spend with the children during the holidays?
- If you both work full time what arrangements will you make for them to be looked after?
- Is there any agreement between you about either of you taking the children out of the country?
- Who will look after the children's passports?

Long term new partners

It is important to recognise that long term new partners may play a significant role in your children's lives. This can be a serious emotional challenge.

Managing and agreeing information can help. Arranging the 'rules' in advance will help you both know what to expect.

Once you have an agreement you might want to put the relevant parts in writing and pass them on to the head teacher and class teachers at school so that they are aware of arrangements about your children's education.

If you were not the main earner in the relationship and are worried about how you are going to support yourself and/or

the children, there are practical and legal steps you can take to protect your position.

If you were the main earner, you might be worried about what potential claims your ex-partner might make and be wondering what a fair financial settlement would be.

Most people have heard about child maintenance and know that there is an obligation on both parents to provide financial support for the children, whether they live with them or not. This can be agreed between parents or enforced by the Child Maintenance Service. Depending on your circumstances you might have or be facing other claims about your home or income.

This is quite a complex area of law and we recommend you get legal advice about your finances. We have a range of fixed fee services and where our services are offered at hourly rates we will give clear and transparent costs estimates.

Our consultation on financial issues will help you know where you stand and what your options are.

Stage 3: Approaching negotiations

How you approach negotiations can make all the difference. Finding the right time and place and creating a positive environment where you can focus on practicalities rather than emotions will help you to come to an agreement.

Once you have your proposals you need to think about how you are going to raise them. Try not to launch into a conversation late at night or when you are feeling tired or upset and don't start a conversation when you see each other to hand over the children for visits.

Avoid having conversations when the children can hear. Remember, children understand more than you think. Involving them in disagreements or reporting each other's behaviour to them is harmful to

them. Find a neutral space like a coffee shop where you both feel comfortable.

You need to set aside some time to talk through decisions without feeling rushed. It will probably take 3 or 4 meetings to decide everything so make sure you give yourselves the time to do this properly.

You should not bring your children with you. Whilst their views are important, they need to know that their parents are making the decisions not them.

Expert opinion tells us that it is really important to fix clear and workable boundaries to help children manage the changes which necessarily happen when their parents separate. They need to know you are working together for them so they can be reassured they will be safe and will carry on a relationship with you both. You both still love them, even if you no longer love each other.

It might help to focus on the points outlined when approaching a conversation with your ex-partner. If you think it would help, you could give a copy of these focus points to your ex-partner before you start the negotiations and ask them whether they agree to follow them too.

1. We both want the best for our children.
2. Our children will benefit from having both of us, and our families, in their lives.
3. We won't always have the same views; if we don't we will listen to each other and be willing to compromise.
4. We are focusing on the future, not what has happened in the past.

In addition to these focus points, here are some top tips to keep in mind to help you come to an agreement:

- If they are old enough and mature enough to express a view (usually over 9 years of age), listen to your children and what they want. Try to

come back to that when agreeing issues.

- Before you meet, think about your aims and what is
- important to you and discuss them with someone you think is independent and can give you good advice. Know what is important for your children and what you are happy to compromise on.
- Focus on the future and the children's needs, not what has happened in the past.
- If you can't agree on something, move on and deal with things you can agree on. You can always come back to the unresolved issue later.
- Are your proposals practical in light of your and the other person's circumstances? It is important to focus on what
- can happen in practice and not what would happen in an ideal world.

Children feel better if they know what is happening and when. If you have agreed arrangements then it can help if you put them onto a calendar with the children so that they can see when they are going to spend time with each parent.

If you can agree

It is great if you can agree. Not only is it likely to be the cheapest, quickest and least stressful way to sort things out but agreed arrangements are much more likely to work in practice than

arrangements that are forced on you by the court.

Research has shown that it is particularly important for children to know what the arrangements are, and to know that their parents agree. Once you have reached an agreement, think about sitting down together or individually to tell your children.

Make sure that you have both got an exact copy of the arrangements in writing to avoid arguments about what was or wasn't agreed. Be prepared to be flexible if something you agreed doesn't seem to work out in practice or if circumstances change.

Stage 4: Your options if you cannot agree

If you cannot agree on important issues you may need some help. There are a number of different solutions to solving disagreements, you should explore non-court dispute resolutions options such as mediation which can likely help.

Going to court should be the last resort. If you are stuck please talk to us and we can advise you.

For more information please contact us. Separating is never easy, if you feel like you need additional support we have included some resources.



We have given some examples below of additional support services. As they are independent organisations we cannot be responsible for the advice or support given. If you have any concerns or feedback regarding them please let us know.

Free and confidential advice and support for children:
<http://www.childline.org.uk/> or on the phone on 0800 1111

Free and confidential advice and support:
<http://www.samaritans.org/> or on the phone on 08457 90 90 90

For support if you are suffering from a mental health problem:
<http://www.mind.org.uk/> or on the phone on 0300 123 3393

For support for women suffering from domestic abuse:
<http://www.womensaid.org.uk/> or on the phone on 0800 2000 247

For support for men suffering from domestic abuse:
<http://www.mankind.org.uk/> or on the phone on 01823 334244

For more information please contact us on:

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