

Fathers Day and Child Arrangements

Father's Day is often a wonderful celebratory time for many families. It is a day to honour father figures such as grandfathers and fathers-in-law. It can however also be a painful reminder of difficult circumstances if you are unable to spend time with your children on this special day.

Contact and residence matters, now referred to as "child arrangements", can be a long and emotionally draining journey to reach an agreement or decision as to where a child should live and/or the level of time spent with the non-resident parent. This process is not necessarily free either; there is no public funding for these matters since the legal aid cuts in April 2013 except in cases where there is specific evidence of domestic abuse from a former spouse or partner within the last five years.

It is beneficial for all those involved if matters can be resolved amicably but sadly this is not always possible. Mediation is compulsory prior to issuing court proceedings. Parents are encouraged to try and resolve disputes between themselves before recourse to the Court and if this proves to be ineffective then alternative avenues can be explored.

If you are the primary carer and fear the other party is a serious risk to your children then you may take the decision to stop contact. The Court will seek to ensure appropriate safeguarding measures are in place if there is any risk that the children may be exposed to. What is important to remember is that when there are children involved and emotions run high your child's wellbeing is the most important factor to consider. Sometimes taking legal advice at an early stage is necessary to achieve a resolution and ensure the best outcome for your children.

There will be involvement from a professional body named CAFCASS (Children and Family Court Advisory and Support Service) once an application for a Child Arrangements Order is issued at Court. CAFCASS may be directed to prepare a report which will give recommendations as to where the children should live and the level of time spent with the non-resident parent. It is not the case that mothers will always be the primary carer. A decision will be made by the Court based on the circumstances of each individual case and the best interests of the children.

We understand this can be a stressful and emotionally turbulent time for you and we will strive to provide you with concise legal advice. If you wish to discuss any issues raised in this article please do not hesitate to contact Sara Anderson on 01384 317622 for a confidential discussion.
