

Options if one parent withholds a child from the other parent?

It is important that arrangements for children are resolved as quickly as possible following separation. Issues such as where the child will live and the level of time they are to spend with the non resident parent. It is best to try and reach an agreement with the other parent which is in the best interests of the child in the first instance.

A parent may refuse to let the other parent spend time with their child as after an acrimonious separation which may result in one parent being unwilling or unable to make decisions which are in the child's best interests. This can be equally distressing for a parent and children who may have been used to spending time with the non resident parent on a daily basis since birth.

It is a compulsory for parents to attend a Mediation Information and Assessment Meeting before an application is made to the Court for a Child Arrangements Order. A parent can be exempt from attending mediation in cases for example where there are allegations of domestic abuse or the distance between the parents homes is too far.

The Court will give due consideration to the following factors checklist contained in section 1 of the Children Act 1989 when considering any question relating to a child's upbringing, including spending time with a parent:

1. The ascertainable wishes and feelings of the child concerned.
2. Their physical, emotional and/or educational needs.
3. The likely effect on them of any change in their circumstances.
4. Their age, sex, background and any characteristics of theirs which the Court considers relevant
5. Any harm which they have suffered or are at risk of suffering.
6. How capable each of their parents (and any other person the Court considers the question to be relevant) is of meeting their needs
7. The range of powers available to the Court in proceedings.

The welfare of a child is of paramount importance for the Court when making decisions in relation to a child. The Court does not consider issues such as infidelity or a dislike of a new partner as sufficient reasons to stop a child from having a meaningful relationship with their parent.

If you would like any advice on arrangements for children please do not hesitate to contact our dedicated family law department on 01384 371622 or email post@wjclaw.co.uk.