

SEPARATING WITH CHILDREN



**FAMILY
LAW**

**Family law that puts
children first**

Ending a relationship can be painful, especially if there are children involved. Our specialist children lawyers have the experience and the expertise to find solutions that work for you – and for your children.

Decisions you make now will have long-term effects for all of you. Our highly experienced children lawyers will help you to look beyond today and think about what's best for the future, so you can make the best long-term choices for your family.

Separation or divorce might end your formal relationship, but you're both still parents. The better you can cooperate, the easier life will be. Your children will learn a great deal – good and bad – from the way their parents treat each other at this pivotal time in their lives.





Avoiding court

If possible, it's often best to reach an agreement with your former partner without going to court. We can put you in the best position to reach agreement by explaining the different options available and discussing creative solutions.

As well as being less time-consuming and less stressful, reaching an agreement outside of court is often less confrontational. This makes it easier to keep communicating in future, when you'll still have important parenting decisions to make between you.

Family law in action: Holly

Holly's mum wasn't happy when dad moved in with his new partner, so she wouldn't let her visit him. But mum and dad had been able to talk about things before, so they decided to meet with one of our lawyers to find a solution.

Together, we discussed mum's concerns, and agreed ways for Holly to see her dad, while helping mum to feel comfortable that she wouldn't be cut out if the relationship progressed.

Getting a court order

If you can't reach an agreement, it might be best to seek a court order. Court orders can restrict behaviour, providing safety and space, particularly if domestic violence is involved. The three main kinds are:

1. **Child arrangements orders** – these set out how much time a child will spend with their parents.
2. **Prohibited steps orders** – these stop a parent from doing something, like removing a child from school.
3. **Specific issue orders** – if the parents can't agree, these let the court decide on issues like school or medical care.

Good preparation is crucial if you want to get a court order. The more time you have to get things in order, the easier, quicker and – hopefully – more favourable the process can be.

Family law in action: Oliver and Toby

Oliver and Toby's dad had started to become violent towards their mum, so she decided to take them somewhere safe. Our family law team quickly applied for protection orders to make sure it couldn't happen again. But the boys only have one dad, and they missed him. We therefore organised a full risk assessment and arranged for Oliver and Toby to see their dad in a professionally supervised contact centre, letting him fulfil his role in their lives safely.

Moving away

When a relationship ends, it's not uncommon for one parent to want to relocate to another area of the country – or to another country altogether – and take the children with them.

If both parents can't agree, the court will decide. This obviously has a huge impact on one parent either way. When making its decision, the court will consider:

- *What life would be like – housing, family, employment, schooling and possibly immigration status.*
- *Contact with the parent left behind – both in person (at the parent's home and the child's new home) and using technology. Also, who meets any costs.*
- *The effect on parent-child relationships – both if they move, and if they don't.*
- *Medical information – how the move might affect your children's health, and yours, too.*

Whether you're hoping to move with your children or plan to stay local, preparing your case early will help secure the right outcome as painlessly as possible.

Family law in action: Adam

Adam lives with his dad. A short while ago, his mum moved back to her family home abroad. Now she wants him to join her and has applied to the courts. Acting for Adam's dad, we moved quickly to gather evidence from his school, doctor and expert witnesses, to show Adam is happy in the UK, and the negative impact of him moving away.

But Adam misses his mum, too. So we suggested ways he can still see her – both using technology and in person – with appropriate court orders, giving dad the reassurance that when Adam does visit his mum, he'll always come home as agreed.

Grandparents' rights

It's not unusual for grandparents who are denied a role in their grandchildren's lives to look for a legal answer. But there is no such thing as 'grandparents' rights' in English law and you can't automatically obtain a court order – although you can ask for permission to apply. This is a very delicate process, though, and it's usually worth trying to find an agreement outside of court first.



Family law in action: Anna and Joe

Anna and Joe miss their grandparents. When mum and dad moved house, there was an argument about money, and now they don't see them anymore. Grandma and grandpa miss the children, too, and they hate not being part of their lives. But it's a sensitive issue and contact is difficult.

Instead of looking to the courts straight away, we took a gentler approach. We wrote a series of letters to the children's parents, addressing the problem fairly from both sides. Happily this approach worked and the relationship started to heal.

Our experience and expertise – the best in the South West

Your children are the most precious gift you will ever have. So when it comes to safeguarding their interests, you need to be confident you are in safe hands.

We're one of the largest law firms in the South West, with over 50 partners and over 300 employees across Exeter, St Austell and Truro. Our family law team is recognised as one of the best in the region. It is top ranked by the legal profession's two main independent guides, Legal 500 and Chambers and Partners.

We're here to help you stay calm and make wise choices. Above all, we listen, we care, and we do all we can to help you find the best possible way forward – for you and your children.



Chambers
AND PARTNERS



Contact details:

We have offices across the South West, including in Exeter, St Austell and Truro.

Get in touch with our experienced solicitors today...

T: 0345 450 5558
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“The firm has a great deal of depth. The advice given is always practical, commercially astute and realistic. Work is completed on a timely basis, and the network of relationships with other professionals in the region means that the best advice is available to their clients.”

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