



Helping our clients achieve

## FACT SHEET from Phillips Solicitors - helping our clients achieve

### Children issues arising from family breakdown

The Children Act 1989 came into force on 14 October 1991 and introduced three new arrangements – residence, contact and parental responsibility.

- A residence order determines with whom a child should live.
- A contact order formalises the arrangements for visits and overnight stays with the non-resident parent.
- Parental responsibility is shared between all married parents even after divorce. Others can apply to the court for parental responsibility, such as step-parents, those who have formed a civil partnership and unmarried fathers. Unmarried fathers who have children born after 01/12/03 obtain parental responsibility automatically if they are named on the birth certificate. If a residence order is made in your favour, you automatically obtain parental responsibility.

The Court can make other orders limiting parental rights and duties or to resolve a specific issue that has arisen.

The Court will consider

- The ascertainable wishes and feelings of the child (considered in the light of the child's age and understanding)
- The child's physical, emotional and educational needs
- The likely effect on the child of any change in his/her circumstances
- The child's age, sex, background and any other characteristic the Court considers relevant
- Any harm which the child has suffered or is at risk of suffering
- How capable each of the child's parents is of meeting the child's needs

The Court will not make any order unless it is better for the child that there is an order as opposed to no order at all.

There is a presumption that the Court should not get involved. You are the parents and best placed to decide what is best for your child. The Court will only intervene if there is a dispute. To avoid costly court proceedings you may like to consider our mediation service, delivered through our sister firm, Town Gate Mediation. ([www.towngatemediation.co.uk](http://www.towngatemediation.co.uk))

The team at Phillips is a dedicated team of family law specialists and we can advise on any aspect of dispute where children are involved and discuss ways of resolution which are conciliatory and beneficial for the future. We welcome informal telephone enquiries so do give us a call on 01256 460830 and visit our website for lots more information: [www.phillips-law.co.uk](http://www.phillips-law.co.uk)