Dear Parent

I am writing to you as the CEO of NACCC because you may be considering making an application to the Family Court and it is important to understand the law and what to expect. This letter sets out the steps you might like to consider taking, to reach a settlement for your child/children outside of Court. This letter also includes some sources of information which may help you to achieve this, and details of the financial support that is available.

Many people are not aware that the law changed some time ago and we no longer have a law which gives parents custody of your child/children but instead we look at the best arrangements for children (called a Child Arrangements Order).

The law is set up to put child/children's welfare first:-

What is best for this child at this time and in this family situation?

The law says that parents know your child/children best and so are the best people to make the decisions about your children. The law gives parents '**Parental Responsibility'**, so that the people who know the children best are the people who decide on the arrangements for the child/children and their upbringing.

SAFETY

In some families, there may be concern about your child'/children's safety or your children being at risk. Some form of Court Order may be needed to protect a child's welfare.

If you are worried about child protection or if there has been domestic abuse, you must talk with a professional about this. There is information here ['what do I need to know if I am worried about my child's safety'] and you should continue with your Court application.

The rest of this letter is to help families where there are no safety worries.

A CHILD'S RIGHTS

Your child/children have rights and, as you have parental responsibility, it is important you know what your child/children's rights are.

Children have a right to enjoy a close relationship with both parents unless there are safety concerns (see above). It is against a child's rights for a parent to stop their child/children being with the other parent. That is because we know that it is best for a child's welfare when they are free to love, and be loved, by both parents.

A Child/Children who are old enough to express their own views have a right to be consulted when decisions are made which affect them. Whether parents can or canot agree on the arrangements for their child/children, they have a right to see an independent person (often a Mediator) who they can speak to openly. The child's/children's views will be passed on to the parents to help them make the best decision for them.

PARENTS WHO STRUGGLE TO AGREE

The law gives parents the responsibility to decide the best arrangements for their child/children, but all parents will disagree at times about what is best for children. This is normal for parents who live together and parents who live apart (and no parent makes every decision perfectly, raising children can be challenging).

When parents have separated, a disagreement about what is best for children can feel very hard to resolve. It is not so easy to agree on your child/children's arrangements together when you're not together.

There is help available for you, and it does not have to be the Family Court. Most separated parents (9 out of 10), with the right help, manage to agree what's best for their child/children themselves without the Court.

WHY COURT IS USUALLY NOT THE BEST CHOICE

There are lots of reasons why it is best for parents to agree their child's/children's arrangements together, rather than come to Court. Here are 4:

1. Parents know their child/children best. A Judge is a stranger and does not know your child/children as you do.

2. Parents who agree arrangements themselves are more likely to stick to them; arrangements decided by a Judge can often break down.
3. Research has shown that conflict between parents is harmful to children emotionally and for their brain development. Coming to Court is stressful and likely to increase bad feelings between you and the other parent. This is not in your child's/children's best interests.
4. The Family Court needs its Judges available for families who are vulnerable and need protection.

It can feel very hard when you and the other parent can't agree on what is best for your child. Help is available, and it doesn't have to be the Family Court.

Legal Aid

Mediation can be completely free through Legal Aid for those on most benefits who also have limited savings.

MIAM – "A very good place to start"

A MIAM is a Mediation Information and Assessment Meeting. An independent person - a Mediator will help you consider the options available to you when separating. They will give you relevant information that might help you consider whether you could solve issues outside of Court.

The Court will expect you to attend a MIAM and this can help and support you look at a kinder and more cost effective way of solving problems rather than going to Court.

FAMILY MEDIATION VOUCHER SCHEME

The Family Mediation Voucher Scheme is designed to support parents and provide help to resolve their disputes outside of Court. To support this, a financial contribution of up to £500 towards the cost of Mediation is provided if you are eligible. You can find a Mediator through the Family Mediation Council Find your local mediator - Family Mediation Council.

SEPARATED PARENTING PROGRAMMES

Separated Parenting Programmes are not about telling you how to be a better parent, but they can help you learn how separation, and the conflict that can sometimes goes with it, can impact on your children. They help parents get information and ways to help children adjust.

These programmes take place individually or in groups with a trainer and parents in a similar situation who help and support each other. They cover practical issues including communication, childcare arrangements, holidays and schooling. You can find a Separated Parent Programme on any search engine.

CHILD CONTACT CENTRES

Child Contact Centres (Family Time Centres) are neutral places where children of separated families can enjoy seeing the parent they do not live with in a comfortable and safe environment. Sometimes Child Contact Centres are where children can see other family members. There are accredited member centres throughout England and Wales. You can find a Child Contact Centre here Find a Child Contact Centre - NACCC

PARENTING PLAN

There are a number of example Parenting Plans available which aim to cover most of the issues that might arise after you have separated so that you can co-parent effectively. The plans put a focus on the wellbeing and future of your child/children. You can draw up a Parenting Plan any time, but the sooner you can lay out these plans, the better prepared you will be to manage co-parenting.

Here are two examples of Parenting Plans:

NACCC Parenting Plan

Cafcass Parenting Plan