



Children and divorce and dissolution

What should I do before I start an application?

Read leaflets **D183 About divorce/dissolution** and **D184 I want to get a divorce/dissolution – what do I do?**

Will the court be concerned with all the children of the marriage or civil partnership?

No, only those who still need your care and financial support because of their age and circumstances.

You will be asked to give details of the dates of birth of all living children of the family, for statistical purposes, when you fill in part 7 of your petition (application). See leaflet **D184 I want to get a divorce/dissolution – what do I do?**

The court will be concerned with any child who was born to you and the respondent (the other person in the case), or who you have treated as though they had been born to you, who is:

- under 16; or
- between 16 and 18 and still at college or school full-time.

These children are referred to as 'children of the family'.

This includes children you have both adopted. It does not include foster children.

Does this mean I must ask the court to make orders about all these things?

No. It is better if you, the respondent (and the children if they are old enough to understand) can agree these things together without the court having to make an order (referred to as 'exercising its powers under the Children Act 1989').

Whether or not you and the respondent agree about the children, the court will only make an order about them if it would be better for the children than making no order at all.

The **Parenting Plan** is a free guide which aims to help you and your ex-partner agree what the future arrangements for your children. It is available from your local family court that deals with divorce/civil partnership matters, by phoning The Stationery Office on 0870 600 5522 or online at www.tsoshop.co.uk (by typing 'parenting plans' into the search box).

When thinking about what you need to agree, it might help to think about how your children will be supported financially in the form of a child maintenance arrangement.

What if you cannot agree arrangements for your children with your spouse or civil partner?

If there are disputes about the arrangements for your children you may need to make a separate application under the Children Act 1989.

What kind of orders can the court make?

The most common types of order are orders for financial support and 'section 8' orders.

There are different types of section 8 orders.

- Child arrangements orders determines who a child should live with and where, and determines who a child should have contact and spend time with.
- Prohibited steps orders, which prevent a child's parents, or any other named person, from taking certain steps, such as taking a child abroad without first getting the court's permission.
- Specific issue orders, which set out precisely how a particular matter about the children, such as their schooling, should be handled.

The court can also make orders such as care orders or emergency protection orders if the children are being abused or at risk of harm.

For more information please see leaflet **CB1 Children and the family courts**.



How do I arrange financial support?

Separation brings with it a range of issues, but most parents want what's best for their children. After separation, it's best to try to work together.

Children usually cope better after separation if both parents remain actively and positively involved in their lives wherever possible. Children that have a positive relationship with both parents are more likely to do better at school and stay out of trouble.

One way of working together and putting your children's needs first may be to agree a child maintenance arrangement.

There is a helpful free service called Child Maintenance Options which can tell you all you need to know about child maintenance and help you set up an arrangement. Call Child Maintenance Options on 0800 988 0988, visit www.cmoptions.org or text OPTIONS to 66644 for a free call back.

Calls to 0800 numbers are free from BT landlines but you may have to pay more if you use another phone company, a mobile phone, or if you are calling from abroad. Calls from mobile phones can cost considerably more, so check the cost of calls with your service provider. SMS texts will be charged at your standard network rate. They prompt a call back to your phone from a Child Maintenance Options agent. You will not be charged for the call.

Child maintenance is regular, reliable financial support that helps towards a child's everyday living costs. The parent who does not have the main day-to-day care of their child pays it to the parent or person (such as a grandparent or guardian) who does, but it can be about more than just paying money – child maintenance can make a real difference to children's lives and can help pay for things like clothing, food and other essentials.

Many parents choose to work together to set up a child maintenance arrangement. These family-based arrangements can include other things like jointly caring for a child or agreeing how your children will spend their time with each parent. Where this is not possible, there are other options.

There are some situations in which the Child Support Agency does not have the power to decide how much child maintenance someone should pay, including where the respondent is the step-parent of the child. In these situations, you may be able to make an application to the court.