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Children

The law relating to children in England and Wales has recently undergone substantial changes. Rather than making separate orders for where a child will live, and how much they'll see their other parent, the resolution of these matters is now encompassed in a single **Child Arrangements Order**. In all such cases, the court's starting point is that the child's welfare is the most important factor. It's presumed that the involvement of both parents in the life of the child to some extent is beneficial, unless the contrary is shown.

Where the parents were married to each other, then they both have what is known as **Parental Responsibility**. Broadly this means all the legal rights and duties that parents have in relation to their children. If, however, the parents were not married to each other then only the mother automatically has parental responsibility. In respect of births registered after 1st December 2003 the father will also automatically have parental responsibility; if he doesn't then he can acquire parental responsibility by an agreement with the mother or by applying for an order of the court.

As well as seeking a Child Arrangements Order to address residence and contact, other types of orders are available. If a particular matter regarding the upbringing of a child has arisen, for instance relating to religion or education, a **Specific Issue Order** can be applied for. Alternatively, a **Prohibited Steps Order** is appropriate when one parent wants to stop the other from taking a particular step in relation to the child, for example removing the child from the United Kingdom.

When our clients consult us in relation to disputes over their children, we always encourage them so far as possible to resolve their disputes without resorting to court proceedings. This is usually better for the children concerned. The use of mediation services should be strongly considered. When an application to the courts is unavoidable, we endeavour to conduct the proceedings with the minimum of delay and hostility.

When **Maintenance** for children is sought, unless the rate of payment can be agreed, it is usually necessary to make an application to the Child Maintenance Service. They will calculate the amount payable by the non-resident parent; this depends on a number of factors, including their weekly income, the number of children being provided for, and the number of nights they spend with each parent; see the [government's child maintenance calculator](#), the [Child Maintenance Options website](#) and the [Citizens Advice Bureau's child maintenance page](#) for more details.

Of course not all legal matters relating to children are of a contentious nature. You may require assistance in connection with an uncontested **adoption**, an agreed change of name for your child, or the preparation of a Parental Responsibility Agreement. We regularly assist our clients in connection with such matters.

If you require advice or assistance in connection with any issues relating to children, telephone us on 01332 293 293 or e-mail us at solicitors@afp.co.uk to arrange a meeting with one of our solicitors. The first 30-minute consultation is free of charge.

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