



## *Following my relationship breakdown my children's welfare is my priority. How can Irwin Mitchell assist me in any legal disputes that might arise?*

Divorce and separation can be a difficult and confusing time for children. We will support you and your family to discuss, agree and resolve arrangements for them. Our specialist solicitors are there for you every step of the way.

**For parents whose relationship has broken down, their children will understandably be their main concern. When parents separate it can cause significant upheaval for children, both emotionally and in their daily lives. It can be difficult to discuss the practical issues relating to your children with your former partner when emotions are running high.**

### **How we can help**

The Irwin Mitchell Family team is regarded as a leading provider of family law services in the UK. With specialist solicitors across a network of national offices our reputation is second to none.

We specialise in providing expert advice in all areas of family law from high profile international divorces and financial settlements to children matters, civil partnerships and living together agreements.

The Family team has extensive experience in guiding people through the complexities of their case, offering a sensitive but no nonsense approach and providing the best advice efficiently and without compromise.

We can help you decide which approach is best for you, support you through the process and ensure your best interests are protected, no matter which option you choose to take. We are all expert negotiators and litigators. We also have specialist mediators and collaborative lawyers for an alternative approach to family law.

### **Making arrangements for your children**

A relationship breaking down where children are involved can raise a variety of different issues. We have the skills and expertise to handle all manner of disputes about children including:

- Who a child is to live with
- Who a child is to visit, stay with or have other types of contact with
- Who has responsibility for a child and is entitled to a say in his/her upbringing
- Whether a parent is allowed to relocate with a child either abroad or to another area in England & Wales
- Other decisions affecting the child, for example, where the child is to be educated or whether a parent can change a child's surname
- Child maintenance payable by one parent to another.

### **How does the court make decisions about children?**

When determining most issues relating to children, the court's primary consideration will be the children's welfare. The court will look at a variety of factors to understand what is in a child's best interests including the child's wishes and feelings, their physical, emotional, and educational needs, the likely effect on them of any change in their circumstances, their age, sex, background and other relevant characteristics, any harm that they have suffered or are at risk of suffering, and how capable each of their parents is to meet their needs.

## What powers do the courts have?

It is usually better for everyone if you and the other parent can reach an agreement about the arrangements for your children. Ordinarily, the court will not get involved unless one of you makes an application. Where agreement is not possible, the court can make a wide range of different orders including:

- An order stating with whom a child is to live
- An order for a child to spend time with someone
- A prohibited steps order to prevent specific steps from being taken in relation to a child e.g. a change of surname or moving abroad
- A specific issue order determining a particular issue in relation to a child, for example, where a child is to be educated.

More details can be found in our fact sheet on [Arrangements For Children - Guiding You Through The Legal Process](#).

## What about child maintenance?

A parent with care of a child generally is entitled to be paid maintenance by the other parent. It's usually better if you can agree child maintenance with the other parent directly.

## Can a financial settlement upon divorce include child maintenance?

Yes, child maintenance is normally dealt with as part of a broader financial settlement between you upon your divorce. The court's powers to make orders dealing with your finances and property extend to making orders for the benefit of your children, and it is common for a financial settlement to include provision for payments such as school fees.

## Where does the government-run child maintenance scheme fit in?

Child maintenance can also be arranged through the government-run child maintenance scheme, whether or not you have been married. The amount of child maintenance payable under the government scheme varies depending on factors such as the paying parent's income and the number of children. There is a child maintenance calculator available online, which can provide an estimate of the amount of child maintenance which may be payable. Child maintenance under the government scheme is capped.

If your court-ordered financial settlement includes provision for child maintenance, the current rules allow either parent to apply one year from the date of the order for child maintenance to be calculated and paid instead through the government scheme.

We can discuss with you your options and how you can ensure your children are properly provided for financially after your divorce.

## Is court the only option?

Solicitors are often associated with going to court but that's not the only way of reaching a resolution. There are a variety of forms of dispute resolution that can enable you to engage with the other parent and find a solution without needing to go to court. We can discuss with you all the options available and help you to decide on the most appropriate approach for your circumstances. Information about different methods of dispute resolution can be found in our factsheet on [Family Dispute Resolution](#).

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**“They strive to achieve a fair outcome for the client and the family, and to work together to reduce hostility and encourage an amicable and costeffective solution in the best interests of the clients.”**

- Chambers & Partners, 2014

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To talk to a specialist advisor today simply call **0845 604 4911**  
You can also follow us on Twitter **@IMFamilyLaw**

 0845 604 4911

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PLS-FL-0075-FS