

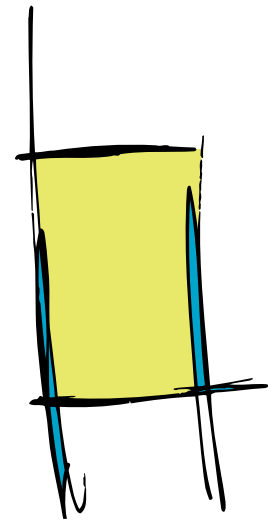
CHILDREN LAW DISPUTES

The court will always consider first the welfare of the child whenever it makes an order under the relevant Act (the Children Act 1989), followed by all the other circumstances in the case. The types of order which commonly arise are:

- (i) residence and contact orders
- (ii) specific issue orders – for instance a parent’s wish to move to live in a new area leading to a need to move a child to a particular school
- (iii) prohibited steps order – for instance to prevent the removal of the child from the jurisdiction
- (iv) permission to remove child permanently from jurisdiction – for instance because a parent has started new relationship or career abroad

With the potential damaging effect of litigation on the child and family relationships generally, parties are encouraged wherever possible to resolve difficulties by negotiation and agreement. The methods can include:

- Voluntary agreements drafted with the help of solicitors or trained mediators (who are also used for financial issues). Mediation is an option we encourage both parties to use if they are willing to enter into the process; mediation can sometimes provide a much quicker and cheaper solution. Each party though must seek independent legal advice at the end of any mediation process if agreement is reached and they want to put their agreement into a binding Court order as well. The solicitor can advise them on the legal consequences and final drafting of their agreement.
- Initial court hearings on a non-adversarial footing known as ‘conciliation’ hearings which can lead to a voluntary agreement.



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