

Children and separation



Overview

This factsheet highlights some of the issues that you should consider when separating from the parent of your child.

How to tell children of the changing circumstances

Separation and divorce for children is undoubtedly an upsetting, stressful and unsettling time. A lot of issues may have been discussed between you both and the thought of explaining how to tell your children may be quite daunting. It may be useful to use books or stories to help young children understand what is going on.

Helpful books

Below is a list of books that may be helpful, according to your child's age:

Children between 3-8 years



Two Homes - By Claire Masurel
A story about the Alex who now has two homes: one at mummy's and one at daddy's. Recommended for children of a very young age. (ISBN: 0744589258)



Dinosaur Divorce: a guide for changing families - By Lauren and Marc Brown. A cartoon strip story explaining about separation and divorce for young children. (ISBN: 0316109967)



Children don't divorce - By Rosemary Stones
A book that looks at divorce from the child's angle and offers an opportunity to explore and express the child's own feelings of their situation. (ISBN: 0851228119)

Older children/Young people:



The Suitcase Kid - By Jacqueline Wilson
Written by the popular children's author, the author tells the story of Andy who is upset about her parent's divorce and does not know who she should live with. (ISBN: 0440863112)



The Divorce Helpbook for Kids - by Cynthia MacGregor
This book discusses many of the topics that trouble children when their parents divorce. (ISBN: 1886230390)

Useful websites

There are handy websites that you may wish to let your child have a look at, particularly if they are older.

It's not your fault - www.itsnotyourfault.org

A very helpful website emphasising to the children that it is not a problem caused by the children, but is an adult problem. It has a diary tool that encourages children to keep account of their feelings and emotions to help them compare in coming months, for example, whether they are happier that their parents have stopped arguing.

When Parents Part - www.whenparentspart.org/youngpeople

On this website, there is a DVD entitled "When parents part" accompanied by a booklet. It is a film made by young people and their separating parents. The emphasis is based on letting young people know they are not alone in the situation.

ChildLine - www.childline.org.uk

ChildLine offers a free confidential helpline open 24 hours. Freepost NATN1111, London E1 6BR Freephone 0800 1111.

Changing circumstances - who to inform

Of course your children will be your top priority when telling them the changes that are going to take place and what they can expect to happen over the coming months. However, you should consider informing your children's school that you are separating. Not only will this make the school aware of your child's situation at home, they will be aware of who should be picking your child up from school, and what you have organised as parents. Many schools have a policy on how to deal with this situation and therefore it is a good idea to make contact as soon as possible.

It may also be a good idea to discuss issues regarding the arrangements for your child's education and schooling. For example you may want to agree what school you would like your children to attend, or what extra curricular activities they will participate in.

Depending on you living arrangements you may need to notify the Child Benefit Agency of a change of address or change of payee.

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Maintenance and Financial Considerations

Money is a highly significant factor that should be discussed. In a relationship, your finances were highly likely to be pooled together, and especially where there is a difference in income for either you or your partner, you should consider how the changing circumstances will effect how you each contribute to the wellbeing of your children.

For example:

- › What regular payments is either of you making for the children's maintenance, and if so, to whom are the payments made?
- › Who will pay for clothes and shoes for the children?
- › Who will pay for uniforms, sports equipment and kit etc?
- › Who will pay for travel, for example to see each of you, and relatives, friends etc?
- › Who will pay for school trips?
- › Who will give the children pocket money?
- › Who will pay for large items, such as bicycles, computers, musical instruments etc?
- › How will you support the children through college, university or other training courses?
- › How and when will you review these financial arrangements?
- › Have you both considered making a will?

If you are not able to agree on the level of maintenance, you can apply for a formal assessment by the Child Support Agency.

For further information on the Child Support Agency and child maintenance please see our 'Child Maintenance' factsheet.

Your separation may also mean that one of you will become entitled to tax credits or if you are already in receipt of them you may need to apply for a reassessment. For further information on whether you are eligible to claim please visit www.hmrc.gov.uk

Dispute Resolution

If you are having difficulties discussing issues directly with one another or you are not able to agree arrangements, then you could consider attending at mediation or inviting your spouse or partner to a collaborative meeting. Alternatively you may find that matters can be resolved amicably if we correspond directly with your spouse or partner on your behalf.

Mediation - This method concentrates on sorting out practical problems during or after separation. Providing both of you agree to mediate, you will meet together with a mediator for a number of sessions. In these meetings, there will be discussions regarding arrangements for your children, or any other issues such as finances or property arrangements. Some mediation services will invite the child to be present and their wishes and thoughts will be highlighted at the meeting.

What mediators do not do is offer legal advice, or any form of counselling or therapy. Most of all they do not make the decisions for you. Instead, they will present you with the options available to you so that you and your former partner can explore them.

More information can be found on www.nfm.org.uk.

Collaborative law - Traditionally, when couples split, they seek advice independent from each other from family solicitors. The collaborative law approach offers an alternative by offering you and your former partner the opportunity of meeting together with your solicitors. The process essentially makes sure you are in control of the process, but with legal advice to hand should you need it.

More information about this service can found on www.resolution.org.uk

The legal position with going abroad and children

The consent of all those with parental responsibility is required before a child is taken out of the UK, no matter how short the trip may be, unless the court gives permission. There are special rules that apply to some circumstances, such as when a residence order is given or special guardianship being in force.

What is a guardian and do I need to appoint one?

A guardian is someone who you have selected to look after your children in case you die whilst they are still under the age of 18. However, only a parent with parental responsibility can actually appoint a guardian.

How do I appoint a guardian?

Most commonly, this can be appointed in your will, or you could put it more informally on paper, so long as it is signed and dated. The effect of guardianship will take immediate effect upon the death of the parent who has made the appointment, except where there is a surviving parent with parental responsibility.



Contact us

Please feel free to discuss your own position and concerns. Contact your nearest Russell Jones & Walker office or call:

Call: 0800 916 9055
Email: enquiries@familylaw4police.co.uk
Web: www.familylaw4police.co.uk

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