

## **NOWELL MELLER SOLICITORS LTD FAMILY LAW SERVICE**

### **LEAFLET NO.2E – WHAT IF YOU ARE FINDING IT DIFFICULT TO AGREE THE ARRANGEMENTS?**

If you are finding it difficult to agree some or all of the basic arrangements for the children, you may need some help in overcoming these difficulties in the best interests of your children.

#### **What are the “blocks” to agreement?**

When emotions run high around the time of separation, it often feels as if communication between you has broken down completely and that there is no possibility of agreeing on anything. This is a normal feeling, but it may only be temporary.

Most parents find that putting aside their conflicts and disagreements and thinking about their children’s needs can provide a way forward to negotiate arrangements. As you begin to come to terms with the changes that are happening in your family, you may find that there are some aspects of raising your children which you can agree on. It is therefore a very good idea to think about what you are aiming for when making arrangements for your children and listening to their wishes and worries.

To do this, you may need to find some support, such as individual counselling or parenting support to help you come to terms with the situation. You also need to work through some key questions and issues. You will probably find this easier to do if you can talk things through with a third party who is more objective – this could be a family member or friend who you trust, or it could be an organisation.

Once you are clear about your aims. And what your children want, the next task will be to work out the detail.

#### **Are there any arrangements which are agreed between you?**

Before focusing on what is not agreed, think about whether there are any aspects of the arrangements which are agreed between you.

#### **Is there any scope for compromise?**

Once you are clear about what is not agreed, you will need to decide which things you can compromise on, and which you can’t.

Things do change after you split up. Things will not be ideal. Your feelings about your former partner will also change in time, as will their's about you.

### **What is possible in your circumstances?**

You will need to consider everyone's circumstances: both of your's and your children's. This could make a real and practical difference to what is and what is not possible.

Key circumstances to take into account include:

- Your children's ages, school, interests and friends – try to keep all these stable if you possibly can. Older children are likely to have their own friendships, interests and hobbies. These need to be taken into account when making arrangements for them to spend time with each of you.
- The jobs each of you have – what demands do they make in terms of time and the arrangements you can make to see the children?
- Other relationships – it can be hurtful and distressing to you if your former partner is in a new relationship – and it can be hurtful to them if you are in a new relationship. Try to put your own feelings of hurt and pain to one side and focus on your children: they may be just as distressed. For them, a parent being in a new relationship may symbolise that their parents are not going to get back together again, and they might find this really upsetting. You are likely to find that you need to renegotiate the arrangements for your children – a new partner can never replace a parent but they can be extra support for you and your children.
- Where each of you live – if you live near each other, it is often easier to make regular and frequent arrangements to see the children, but if you live further away this can be more complicated.

### **Do you need someone independent to help you reach agreement?**

A third party can help both of you to work out the areas for compromise, in the best interests of your children. Remember also that your family and friends may be willing to help, and may have useful suggestions, as long as they are able to put the needs of your family first. Sometimes family and friends get drawn into the

divided loyalties and conflicts that are so common when parents separate.

**What do other parents do when they cannot agree?**

If you really find that there is no scope for compromise between you, parents do have a right to apply to the court for an order under the Children Act – about where your child will live, how often you will see your child or some other important decision about your child’s upbringing.

The court will always base its decision on what it considers to be in your child’s best interests.

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NOTE: The above is intended as a general guide for your information. It is NOT intended as a substitute for proper legal advice. Each case is different and advice cannot be given without a proper analysis of your own circumstances.