



A comprehensive guide to the procedures of

Child matters

The information provided in this document is not intended to constitute professional advice and you should take full and comprehensive legal or accountancy or financial advice as appropriate on your individual circumstances by a fully qualified Solicitor, Accountant or Financial Advisor/Mortgage Broker respectively before you embark on any course of action.

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Whilst clients are encouraged to agree **Parenting Plans** or undertake mediation, some inevitably end up in the Court arena.

The terms '**residence**' and '**contact**' are no longer used in **private law children proceedings** since 22 April 2014 when s.12 of the Children and Families Act 2014 came into effect.

Residence and contact orders have been replaced with a **Child Arrangements Order** (CAO) which sets out with whom the child is to live with, spend time or otherwise have contact with and when a child is to live, spend time or otherwise have contact with any person. Joint 'lives with' orders can also be sought.

The Children Act 1989 was amended (by the Children and Young Persons Act 2008) to increase the age at which an order which where the child is to live from 16 to 18.

A **prohibited steps order** is an order that prohibits one parent from taking a step or to prevent something from happening such as changing a child's surname, removing a child from the jurisdiction (where no CAO is in force) or regarding the education or medical treatment of a child. You are to consult all those with **Parental Responsibility** before making those decisions.

A specific issue order deals with a specific question about a child or in connection with any aspect of parental responsibility for a child such as wishing to change a child's surname or what religion the child should be brought up.

The Court's paramount consideration when making a CAO is the child's welfare. The Court will take into account the **statutory checklist at s.1(3) of the Children Act 1989** and whether granting an order would be better for the child than no order being made at all.

The seven criteria set out in the welfare checklist under s1(3) Children Act 1989 are:

(a)the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);



- (b) his physical, emotional and educational needs;
- (c) the likely effect on him of any change in his circumstances;
- (d) his age, sex, background and any characteristics of his which the court considers relevant;
- (e) any harm which he has suffered or is at risk of suffering;
- (f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;
- (g) the range of powers available to the court under this Act in the proceedings in question.

Penn Chambers Solicitors can assist and advice on the best way forward in respect of children matters.

Please contact us:

T: 0800 073 73 76

E: hello@pennchambers.co.uk

A: 13 Austin Friars London EC2N

Web: www.pennchambers.co.uk