

Practical support for separating parents

➤ a supporting separated families guide



- **Help with making arrangements**
with your children's other parent

- Information about your **housing**
and **employment rights**

- Where to find more
help and support

 Child
Maintenance
options

Sorting out separation

Web
app

Get help with issues around your break-up with an easy-to-use web app **tailored to your needs** including:

- children and parenting
- relationships and conflict
- health
- housing
- work and benefits
- money
- legal

Over 50
organisations
who can help

Expert help at
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Find us on many websites
including cmoptions.org



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**Help and Support
for Separated Families**

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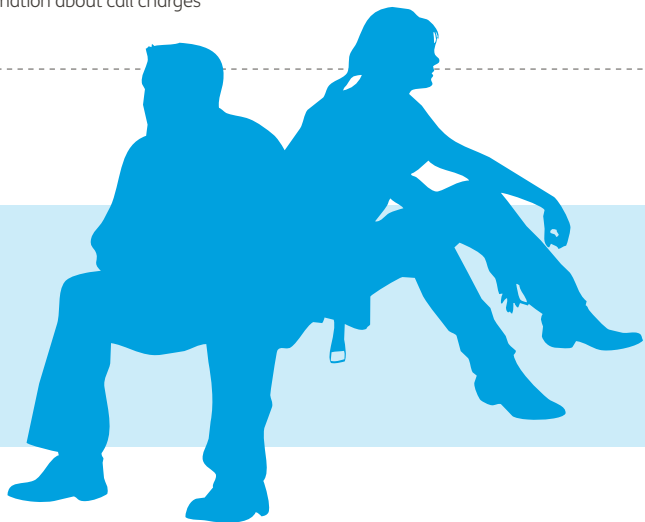
Child Maintenance Options

is a free and impartial service that provides information, tools and support to help you make informed choices about child maintenance arrangements. We can:

- help parents set up a child maintenance arrangement between themselves (a 'family-based' arrangement) and give them support to keep it going)
- give you information about, and help with, other types of child maintenance arrangement
- offer practical information on a range of subjects linked to separation, such as housing, work and money, and put you in touch with organisations who can give you more specialist help and advice.

Get in touch with Child Maintenance Options on 0800 988 0988* or online at cmoptions.org

*See inside back cover for information about call charges



Supporting separating and separated families

Most children, in most circumstances, benefit from having both parents involved in their lives in a positive way, whether they live with them or not. Child maintenance is one way of making this happen, but it's only part of the story. We have written this leaflet to help parents understand their position and deal with some specific issues to make sure their children get as much support as possible – financial and otherwise.

The information in this leaflet is only a guide and does not cover every circumstance. We recommend that you also get independent professional advice which applies to your circumstances. You can find a list of specialist organisations that may be able to help at the back of this guide. Although we have taken every care in preparing this guide, we cannot guarantee that the information is accurate, up to date or complete, because it can change over time.

Child Maintenance Options does not endorse the content of any external websites.



About this guide

Separation is a difficult time for parents, both emotionally and practically. It can be frightening, confusing and very upsetting. People often feel alone and overwhelmed. Meanwhile, you have to make decisions and plans – and carry on parenting despite all the upheaval. This guide is intended to give you some help.

If you are going through separation then this guide can help you start to understand:

- where you stand as far as the law is concerned
- your housing and employment rights, and which benefits you may be entitled to, and
- your continuing role as a parent.

It will also point you towards other useful leaflets from Child Maintenance Options, and tell you about other organisations that can help.

Not all the information in this guide will apply to everyone, and you shouldn't feel bad if it doesn't apply to you. But for many people, parenting together after separation is possible – even if it seems impossible at first.

The change you have gone through is bound to be painful. But over time things can work themselves out. Most people manage to make the adjustment, but it can take a while and there are usually times when the picture looks far from rosy. You will need to make allowances for yourself, the other parent and your children for some time – perhaps even for several years. But the benefits of parenting together should be worth the hard work – for you and, more importantly, for your children.

How to use this guide

If you're in the early stages of your separation you'll probably find it helpful to read this guide all the way through. It shouldn't take too long, and can help you make the right choices for your child.

If you're searching for particular information you might find it useful to turn to one of the pages below.

- **Need some help agreeing how you will divide your property and belongings?** Take a look at the section starting on page 24
- **Worried about where you will live?** You'll find some basic information about your housing rights on page 26
- **Want to know what benefits you may be entitled to?** Start with our overview on pages 31-32.


Help for people going through separation :

- **Advicenow**
A website run by the Advice Services Alliance. It gives independent information about rights and the law, including a guide to ending marriages and civil partnerships. **www.advicenow.org.uk**
- **Gov.uk**
The government's public services website. It has information about solicitors and mediation, and legal advice for people ending a relationship. **www.gov.uk**

Child Maintenance Options offers a parents deal with common separati

How to order our other leaflets


You can order our free leaflets by calling **0800 988 0988***. They can also be downloaded from our website: **cmoptions.org**



Information for parents with the day-to-day care of their child

- a child maintenance decisions guide



- Understand your child maintenance choices
- Tools to help you set up a child maintenance arrangement



Talking about money

- a child maintenance decisions guide



- Take control of your finances
- Think about the types of financial support your child might need
- Tips for talking about money with your child's other parent



Helping someone you know


- a child maintenance decisions guide

- Help parents make decisions about child maintenance arrangements
- Understand the role you can play
- Know about the help available for parents




Family-based arrangement form

- a child maintenance decisions guide



Child maintenance and staying safe


- a child maintenance decisions guide



Information for parents living apart from their child

- a child maintenance decisions guide


- Understand your child maintenance choices
- Tools to help you set up a child maintenance arrangement



range of practical guides to help on issues.

Parenting together after separation

• a supporting separated families guide



- Building a working parenting relationship with your ex
- Practical tools to help you parent together successfully

Child Maintenance options

Managing conflict with your child's other parent

• a supporting separated families guide




- Learning how to deal with conflict
- Practical tools to help you avoid arguments or have fewer arguments

Child Maintenance options

Getting in contact with your child's other parent

• a supporting separated families guide




- Understand common fears and concerns
- Tips to help you find someone and get in touch
- When and how the statutory child maintenance services can help

Child Maintenance options


Dealing with your emotions after separation

• a supporting separated families guide




- Understand where you are on your emotional journey
- Tools and tips to help you move on
- Help children deal with their feelings
- When and how to get professional help

Child Maintenance options



How to complain about Child Maintenance Options

Child Maintenance options



How Child Maintenance Options uses your personal information

Child Maintenance options

The end of a relationship

When you're going through a separation there are many practical decisions to make. It may seem like these should take all your time – but don't neglect yourself and your own feelings.

If you're reading this guide, you're probably dealing with the recent ending of a close relationship. It's normal to go through a range of confusing emotions in your situation. Many people have compared their feelings to the ones they had after the death of someone close to them.

Knowing what to expect won't make the pain go away, but it can help you to plan how you're going to cope. And it's also important to be clear about what's really going on, so that your emotions won't stop you making the best decisions you can for your children.



Time out

Separating can be painful and exhausting. It may be hard to work on the arrangements you need to make, and to keep parenting with your child's other parent, while you are feeling overwhelmed, sad, angry or hurt.

Some experts* say that there are a number of stages that you will go through as you come to terms with your separation. These may include shock, denial, anger, grief and – finally – acceptance. You can find more about these in Child Maintenance Options' guide ***Dealing with your emotions after separation.***

If you find you are struggling, it may be a good idea to work out how you can take some time out to look after yourself and get any support you need. Parents who are less stressed tend to feel more confident about making their arrangements work, which is good for everyone.

There are many practical things you can do to help you get through a crisis, or through those feelings of loss. These include:

- talking to the people you trust
- letting yourself feel sad if you need to
- keeping to a routine, and trying to stay active, eat healthily and get all the sleep you need.

If things really get too much then it might be best to see your GP, especially if:

- your emotions are still overwhelming you
- you have symptoms of anxiety or depression – these can include always feeling on edge, or low or sad
- you aren't sleeping, or
- you are concerned about other problems.

One in five people visit their GP when going through a separation. In many circumstances it really can help.

1. * See The Guide for Separated Parents: putting your children first, Karen and Nick Woodall (published by Piatkus 2007).

Help with coping emotionally

- Child Maintenance Options produces a free guide called ***Dealing with your emotions after separation***. It includes more information about dealing with your feelings during the different stages of separation.
- The NHS Choices website, **www.nhs.uk** has lots of articles about managing emotions and improving your mental wellbeing in its Mental Health section.
- If you're struggling to break away from negative feelings and actions there are several videos you may find helpful on The Parent Connection's website at **www.theparentconnection.org.uk**
- The Young Minds Parent Helpline can give you confidential support if you are worried about the emotional problems or behaviour of a child or young person. You can find their contact details at the back of this guide.
- To talk to someone about what you're going through and how it has affected you, call the Samaritans' 24-hour helpline on **08457 909 090***. It's free and confidential, and Samaritan volunteers will never judge or tell people what they should do.

Telling your children

Telling your children that mum and dad are breaking up can be one of the hardest parts of separation. But no matter how difficult it seems, it's definitely not something you can avoid.

Thinking about what you are going to say beforehand can make it easier. It can also help you make sure that your children's feelings are hurt as little as possible during your separation – and for most parents that's what's important.

Children can be more adaptable than we think, and separation doesn't always have any long-term ill-effects. Conflict between parents can cause children far more damage. And it's important to tell them what's going on, if possible, to put their minds at ease.

Things to think about

What and how you plan to tell your children will depend on their age. Generally it's best to keep things simple, but older children will have more questions and you can give them more detail about what's happening.

Perhaps the most important thing to do is to reassure them that it's not their fault and they're not to blame for your break-up. And it's also important to bear in mind that even though you've split up, to your children you are still 'mum and dad'. You can't change that fact, and you may hurt them more by trying. This may be hard for you to deal with, especially if you've been hurt by the other parent, but your children aren't the people to share feelings of that kind with.



What's important to children

Instead, it can be best to focus on what's important to them. Make sure they know that they will still be part of a family – even though it's one with two homes. And make sure they know what's going to happen so there are no nasty surprises waiting for them. Sometimes the things that you think are unimportant can be hugely important to your children.

Think about how you listen to your children, too. It's important to show them that they have your full attention and that you understand their feelings. You need to let them talk through their problems and about how you and they can deal with them together.



Help with telling children

- Child Maintenance Options produces a free guide called ***Dealing with your emotions after separation***. It includes information about how children may react and how you can support them.
- Resolution produces a book called ***Separation and divorce – helping parents to help children***. It is written by a parenting expert and explains how children can be affected and helped after a separation. You can buy a copy or read it free online at **www.resolution.org.uk**

Help for children

- Young Minds produces a range of information leaflets and runs a helpline for parents worried about their child's behaviour or mental health. **www.youngminds.org.uk**
- CAFCASS (the Children and Family Court Advisory and Support Service) has two leaflets called ***My Family's Changing*** that you can download from their website at **www.cafcass.gov.uk**. There's one for children aged under 12 and one for those aged 12 and over.
- 'A Kidspace' (**www.akidspace.co.uk**) is a support programme for children affected by divorce or separation.

Ending a marriage or civil partnership

Most people know someone who has been through a divorce – the legal process that ends a marriage in the UK.

It can be a long and difficult journey, especially when children are involved. But sometimes you can't avoid getting divorced if your marriage has broken down.

It works slightly differently if you're in a civil partnership. Instead of a divorce you will need to get a **dissolution order**. This is a court order that legally ends (or 'dissolves') your partnership.

Separation

In legal terms you become separated from your child's other parent as soon as the two of you start living apart. This means that from the moment one of you moves out of the family home you both are classed as 'separated' for things like tax and benefits. Separation doesn't automatically lead to divorce.

Some people stay married for a long time after they've separated, even when their marriage has broken down completely. On the other hand, some people agree to separate for a short period to see if they can sort things out between themselves – with varying degrees of success.

Even if your separation is only temporary you should tell HM Revenue & Customs and, if you get any state benefits, the Department for Work and Pensions, that you are separated. You will also need to tell them if you start living together again.

If your marriage or civil partnership is as good as over you can also be legally classed as 'separated' even while you are still living together. But you can only do this if you aren't sharing a bed, meals or household tasks.

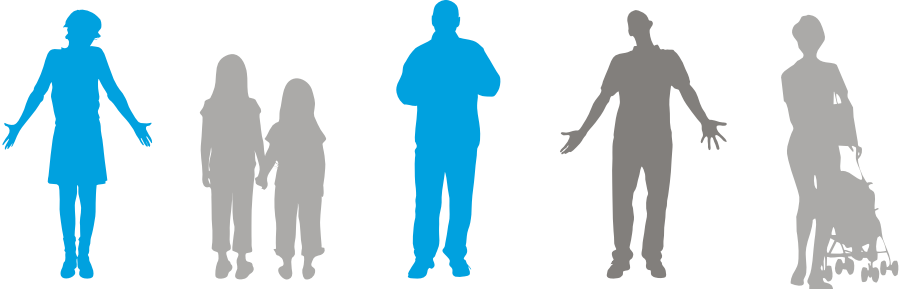
Some couples choose not to get divorced but stay separated instead. You don't need any formal legal document or process for this, but you may want to think about recording any agreements you can make together in a 'deed of separation'. This may include arrangements about children, property and money.

Deeds of separation aren't legally binding documents. They are a formal record of what two people have agreed, and if you later decide to go ahead with the divorce they can help you divide up your assets.

You should still get legal advice before making a deed of separation – if only to make sure it's fair to both parents before you sign it.



For more information about how separation affects things like tax credits and other benefits, see our section on Money and Benefits and go to HM Revenue and Customs' website at www.hmrc.gov.uk



Divorce and dissolution orders

If you or the other parent want to formally end your marriage or civil partnership, you will need to get divorced or dissolve the partnership.

In either case, one or both of you will need to show that your marriage or partnership has broken down ‘irretrievably’ (that is, there is no way of it working again in the future) and name your ‘grounds for divorce’.

The grounds for divorce or dissolution of a civil partnership in England, Wales and Scotland are that the marriage or civil partnership has broken down ‘irretrievably’. A person applying for a divorce must prove one or more of the following facts to show that the marriage has broken down:

- adultery
- unreasonable behaviour
- desertion – at least two years (England and Wales only)
- two years’ separation (one year in Scotland) with the other partner’s agreement to the divorce, and
- five years’ separation (two years in Scotland) with no agreement needed from the other partner.



Apart from adultery, all these grounds apply if you want to dissolve a civil partnership rather than get a divorce.

Once you have decided on your reasons for getting divorced, you need to file a divorce petition. You may want to get specialist advice from a solicitor at this point. You don't have to do this, but they will give you more information and tell you your options – with the likely cost of each one.

After this you need to apply for a **decree nisi** – this is an 'interim' decree that will last until you apply to make it permanent or 'absolute'. Again, you may want a solicitor to help you do this. Finally, you will receive your **decree absolute**. At this point you are no longer legally married.

Divorce and the 'statement of arrangements for children'

If you and your partner have children then you will need to include a 'statement of arrangements for children' with your divorce petition.

This document should include details of your children's needs and the childcare, contact and financial arrangements you have already made or intend to make.

It will be better for everyone involved if you can both agree the things in the statement before your divorce petition is filed. If the court handling your divorce isn't satisfied with the arrangements it can refuse to grant your divorce. This means the process will take longer because you will need to come up with a new statement.

You can read more about making arrangements for children on page 40.

Dividing property and belongings

You will probably also need to decide how you will split money, belongings and any property you own between yourselves. If you can't agree, it won't necessarily stop your divorce from going through, but the court may be left to decide these things for you.

This is another area where you may find it useful to get legal advice so you can understand all your options – especially in matters involving money. A solicitor can help you get an idea of what a court might decide, and you could use that as a starting point for negotiating with your children's other parent.

You may also find that a specialist family mediator can help you reach an agreement without you having to let the court decide who gets what.



You'll find more information about dividing property and belongings on page 24 of this guide.



Help for people ending a marriage or civil partnership

- HM Courts and Tribunals Service has some leaflets (reference numbers **D183**, **D184** and **D185**) to help people applying for a divorce or to end a civil partnership. Find them using the HMCTS Form Finder on the Ministry of Justice website **www.justice.gov.uk/forms/hmcts**
- You'll find a guide to divorce and to ending civil partnerships in Scotland at **www.scotcourts.gov.uk**
- Citizens Advice has information and support for people ending a marriage or civil partnership in its online advice guide. Go to **www.adviceguide.org**
- Wikivorce is an online community that provides free divorce and separation guides covering a range of topics.
- Depending on your circumstances, you may be able to get free legal advice from Community Legal Advice, a confidential advice service paid for by legal aid. See **www.gov.uk** for more information.
- The Law Society of Scotland may be able to help you find legal advice in Scotland. Their website is **www.lawscot.org.uk**

Ending a relationship if you're not married or in a civil partnership

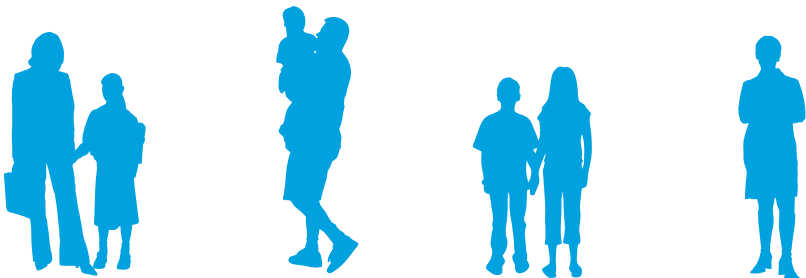
If you live with your children's other parent but you aren't married or in a civil partnership you don't need to take any legal steps to formally end your relationship.

The law treats unmarried couples differently to those in marriages or civil partnerships – even if they've been living together for a long time or have children together.

In England and Wales, unmarried parents don't have any specific legal rights and duties, or responsibilities towards each other (although they do have responsibilities towards the children, as you'll see below).

The law does not say that one parent has to provide for the other after separation – and under property law they will generally be treated as two unrelated people. Sometimes one parent may be able to claim regular maintenance or a lump sum of money from the other, or make a claim against their property – but only on behalf of a child and not for the parent themselves.

Things are slightly different in Scotland, where the law does make some allowances for people who have lived together. You still don't have the same rights as married people or civil partners, but there is some legal protection for people who will be financially worse off when the relationship ends.



Financial responsibility for children

Wherever you live in the UK, all parents still have a legal financial responsibility for any children from their relationship when it breaks down. This means that even if you're not married or in a civil partnership you need to make child maintenance arrangements if you split up. You will also both have a legal responsibility to make sure that your children have somewhere to live. You'll find more information about these responsibilities on page 35.

You can work out these and other arrangements yourselves without needing to take any legal steps – although it will be helpful to write down what you've agreed. If you can't agree these things between yourselves you may want to get help from a solicitor or mediator who specialises in family law.

If you aren't married you should think carefully about making a will and plans for who would be your children's guardians if you or the other parent died. It may not be something you want to think about but it is important, and you may find it a comfort to know that your children will be looked after should the worst happen.

More help for people ending a relationship

- The Citizens Advice website www.adviceguide.org.uk has a whole section on ending a relationship when you're living together. It covers many of the most important issues.

Dividing property and belongings

Splitting up your joint possessions and the contents of your family home can be one of the most difficult parts of separating.

As well as the practical and financial issues involved, discussing some items may affect one or both of you emotionally. It isn't always easy to divide things up in a way that both of you agree is fair, although most separating couples do manage to arrange things themselves.

If you're finding it hard to agree on how to split things like money and property then the section below may help. You may also find the 'Avoiding going to court' section of this guide helpful. And there is a lot of useful information on the government's public services website at **www.gov.uk**

If you still can't agree, you may need to take legal steps that could lead to a court making the final decision over who gets what. You may want to speak to a solicitor before making any final decisions.

Working out who wants what

As a starting point, it is often good to first work out who wants what. You may find it helps you to negotiate. Negotiating doesn't have to mean compromising in every single area – sometimes couples agree that one of them will get what they want in one area, while the other gets what they want somewhere else.

It may help if you write down the things you want in order of importance. Then you can work out whether you would be prepared to give up a couple of smaller items on your list in exchange for keeping one bigger item.

How the courts can deal with your dispute will depend on whether or not you are (or were) married or in a civil partnership, or just living together. The law in England and Wales is also different to the law in Scotland.

If you were married or in a civil partnership, the courts will take various things into account. These include each partner's income; their prospects, and their property and other financial assets; and each family member's needs.

If you were living together without being married or in a civil partnership the courts have limited powers over how you divide any property. And this is usually based on what you have agreed. Put simply, each person takes out of the relationship the money, belongings and property that they brought into the relationship. Any savings or other assets belong to the person who acquired them and would be shared only if you agreed between you to do this.

Help with dividing property and belongings

- **www.gov.uk** has lots of information about dividing money, property and belongings after separation or divorce
- The Money Advice Service **www.moneyadvice.service.org.uk** produces a number of 'life events' guides, including one on money and separation.

Housing rights and options

One of the biggest decisions each of you will have to make during your separation is to work out where you will live.

Your options will depend mainly on:

- whether you were married or in a civil partnership, or just living together
- who owns your home, and
- whereabouts in the UK you live.

You may need to think about what your living arrangements will be before your divorce (if you're married or in a civil partnership), as well as after it. Things you may want to think about include whether you will keep living together, or whether one of you will move out of your present home.

Your options are likely to change a lot once your separation is made formal. And whether your home is rented or owned is an important point to consider. We've covered some of the situations on the next pages, and the Money Advice Service's website **www.moneyadvice.service.org.uk** can give you more details. If you aren't sure about something you should get legal advice before making any decisions.

If you jointly own the home you live in

Both of you have the right to come back to it at any time, unless there is a court order against this.

If the other parent stops you from entering the home – for example, by changing the locks – a court order may be able to help. (This is called an **‘Occupation Order’** in England and Wales but an **‘Exclusion Order’** in Scotland.)

If you have a joint mortgage you are both responsible for making the monthly repayments. If you move out of the house this does not mean you are no longer responsible for the payments.

If you are married or in a civil partnership and only one of you owns the home

You will usually both still have the right to live there until you divorce or your partnership is dissolved. But don’t rely on this – your rights can be changed by a court order, and if you haven’t paid anything towards buying your home you may not be able to stay. Check with a legal specialist in this area to find out exactly where you stand.

If you’re renting and have a joint tenancy

Both of you have the right to stay there – or at least to go in and out, to collect your belongings – unless a court order says you shouldn’t. If this is proving difficult, a court can help.

If one of you leaves the home the other will be responsible for paying the rent. If you can’t agree on what happens next a court may have to decide.

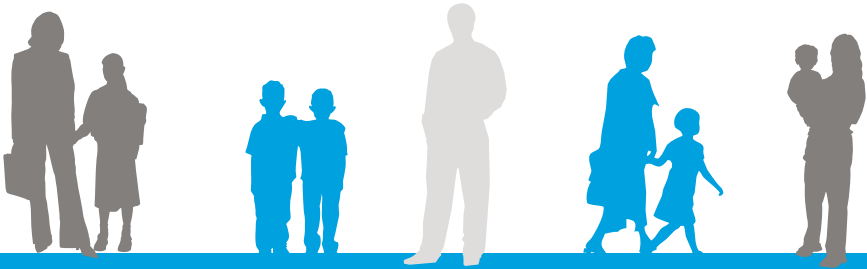
If you're renting and the tenancy is in the other parent's name

You may need to get specialist housing advice if the other parent decides to end the tenancy. You may be able to take over the tenancy, but this isn't guaranteed.

What else may happen?

You may need to keep sharing a home after separation. You can still do this and be classed as legally separated as long as you don't share a bed, your meals or household tasks.

Your biggest problem here may be how to handle the day-to-day business of living in the same home even though you're separated. You may find that mediation helps if you find yourselves unable to get on in these circumstances.

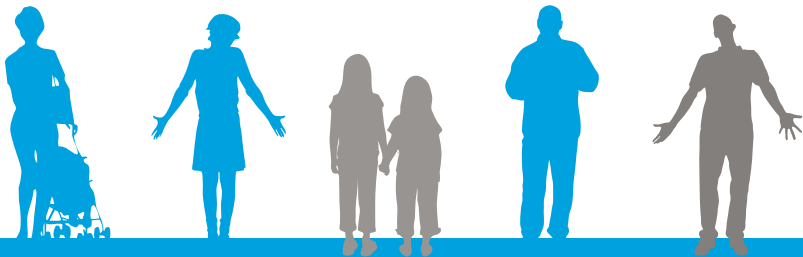


If you think you may become homeless

A small number of parents may be at risk of having nowhere to live at all. If you end up in this situation it's important that you take action as soon as you can. It's important to remember that you still have certain rights.

Get in touch with a Shelter housing aid centre or Citizens Advice Bureau (CAB). They can help you avoid becoming homeless by:

- explaining the rights you have to stay in your home
- negotiating for you with your landlord or mortgage lender
- helping you apply for benefits to help you pay your rent or mortgage
- negotiating an agreement with your landlord or mortgage lender to pay off any rent or payments you owe
- getting you professional help to sort out a family or domestic dispute
- finding you somewhere else to live.



If you feel unsafe

If there is a risk to your safety, or that of your child, you may be able to get a court order to keep the other parent out of your home. This means they will not be allowed to go into the property.

If you aren't married and you own the home in just your own name you can apply to the court for an 'exclusion order'. You can't apply if you are married or in a civil partnership, except when there has been abuse or domestic violence.

You may be able to get free legal advice and free legal representation to help you get a court order against your partner.

If you have to leave home because of domestic violence the local council may have to give you emergency housing. They may also help store your personal belongings. You may be able to get a court order to protect your property or belongings. A housing or legal specialist can help you with this.

Your local council will also be able to put you in touch with social services. They have a duty to help any child who needs emergency accommodation, and will try to help your family as a whole as part of this.

Help with housing rights and options

- Shelter's website **www.shelter.org.uk** has a section about housing and relationships. It covers topics like relationship breakdowns, child maintenance, housing rights if you're pregnant, and domestic abuse.
- Citizens Advice covers similar ground in its online advice guide **www.adviceguide.org.uk**
- Your local council will be able to tell you about your position if you live in council housing, or if you want to move into council housing.
- If you are suffering domestic violence or abuse call the National Domestic Violence Helpline on **0808 2000 247*** or ManKind on **01823 334 244**.

Money and benefits

Your separation may mean that you have to live on less money than you're used to. If so, then it's a good idea to check that you are getting all the benefits and other financial help that you might be entitled to. You may also find it helps to review your finances so you have a clear idea of what money you have coming in and going out of your household.

Most parents living with their children get Child Benefit and many are also entitled to Child

Tax Credit. Depending on your circumstances you may also be entitled to:

- Income Support
- income-based Jobseeker's Allowance
- Employment and Support Allowance
- free school meals
- free prescriptions, dental treatment and eye tests
- Housing Benefit

Benefits and child maintenance

If you get child maintenance: Your benefits will not usually be affected by any child maintenance payments you get, but you should still:

- tell Jobcentre Plus about the payments, because your benefits may be affected by any large, lump-sum payment you receive, and
- tell your local council's council tax department, because child maintenance payments can

affect whether you can get help with your council tax.

If you pay child maintenance: You or your current partner, if you have one, should claim Child Benefit for all the children living in your household – even if you or your partner are affected by the High Income Child Benefit charge. This is because the Child Support Agency or the Child Maintenance Service will take into account any other children you have to support when they work out how much child maintenance you should pay.

New mothers

If you're pregnant or a mother with a new baby you should also be entitled to:

- a Sure Start Maternity Grant of £500
- paid time off for check-ups and parenting classes while you are pregnant
- maternity leave (if you've had your job for 26 weeks or longer)
- maternity pay
- Maternity Allowance if you can't get Statutory Maternity Pay
- Some families will also be entitled to Healthy Start vouchers to swap for milk, fruit and vegetables, and free vitamins.

If you work, you should be entitled to Working Tax Credits and help towards your childcare costs.

The benefits you are entitled to can change, so it's a good idea to check an up to date source for the latest information. Go to **www.moneyadvice.service.org.uk** or Citizens Advice for more help.

Help with money and benefits

- To find out more about setting a budget for yourself see our guide Talking about money, which has a section about managing your finances.
- If you're in debt you can get free help and advice about dealing with it from StepChange, a leading debt help charity, at **www.stepchange.org**

Working parents

If you're going to need to balance looking after a child with working, it may help you to know about your basic employment rights.

The minimum wage

If you work, you are entitled to a National Minimum Wage. The exact rates are set each year.

Maternity and paternity leave

If you are pregnant and in work you are entitled to maternity leave and may also qualify for Statutory Maternity Pay.

Anyone whose partner is about to give birth or has just given birth could qualify for paternity leave, including partners in same-sex relationships.

Parental leave

Parental leave is unpaid time off work to care for a child. You have a legal right to parental leave if you are named on the child's birth certificate or adoption certificate, or have legal parental responsibility for the child.

Flexible working hours

You may have the right to ask your employer for flexible working hours if:

- you have worked for the same employer long enough (check with your employer how long this is), and
- your child is under six, or has a disability and is under 18.

This can mean working part-time, job sharing or only working during the school term. If you meet certain conditions the law says your employer must seriously consider your request, although they can refuse if they have a good business reason.

You can find out more about all these things on the government's public services website at www.gov.uk

Working and making childcare arrangements

If you are working and looking after a child then you need to make sure your child is properly cared for when you are at work. Here are some options to consider.

- **Flexible working hours**

Part-time working, job sharing and term-time working are all good ways of fitting work in around your family commitments.

- **Childcare arrangements**

There are many options for parents wanting to have their children looked after while they are at work. These include registered childminders, nannies, pre-school playgroups, nurseries, Sure Start children's centres, out-of-school clubs and your friends and family.

In England and Wales most childminders are registered and inspected by Ofsted, the government body responsible for regulating and inspecting schools and childminders. In Scotland, childminders are registered with the Care Commission.

You may be able to get help with childcare costs by getting tax credits, or help from your employer. Contact your employer's HR or personnel department to find out more.

Help for working parents

- For more information about parents' employment rights go to **www.gov.uk** or the Citizens Advice website **www.adviceguide.org.uk**
- To find details of childcare providers in your area go to **www.scottishchildcare.gov.uk** (in Scotland) or contact your local council's Family Information Service (in England and Wales).

Rights and responsibilities as parents

When parents separate they both still have some rights and responsibilities as far as their children are concerned – even though one parent may be living apart from the rest of the family. Both parents still have a legal duty to provide for their children financially, for example.

These responsibilities mean that as separated parents you both need to work out how you will share the parenting of your children. And it is usually in everyone's best interests to make these kinds of decisions between yourselves.



If you can't agree on how to share the parenting of your children after your separation or divorce, the courts have a wide range of powers that allow them to decide on the arrangements they feel are in the children's best interests. These usually fall into three areas:

- parental responsibility
- residence
- contact.

Using the courts can be expensive, and can take a long time. But even if you are arranging things between yourselves, understanding what the law says about children's rights and parents' responsibilities may help you both make the decisions you need to.



If your relationship with your children's other parent has recently broken down you may find it difficult to make decisions about your children between yourselves. **Child Maintenance Options** has a range of guides that can help in a variety of situations, especially when discussing child maintenance. Call **0800 988 0988*** to find out more.

1 Parental responsibility

'Parental responsibility' is the term the law uses to describe the duties parents have towards their children. It is parental responsibility that gives people the legal right to make decisions about important aspects of their children's lives – such as their name, where they live, their religion and where they go to school.

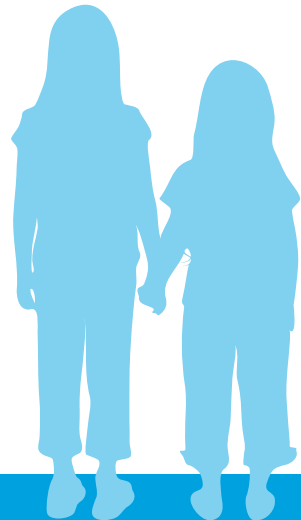
Only someone with parental responsibility can give instructions about what medical treatment their child can receive, and look at their child's medical records. So it can be a very important matter.

Someone with parental responsibility towards a child also has a duty to protect and provide for them – although this is also covered by a parent's financial responsibility too (see below).

Mothers automatically have parental responsibility for their children, as do fathers who are married to the child's mother at the time of their child's birth.

Unmarried fathers can also get parental responsibility for their children if they:

- enter into a parental responsibility agreement with the child's mother
- register, or re-register, the birth of their child jointly with the mother, or
- apply to the court for a parental responsibility order.



2 Residence

'Residence' is the term the law uses for where a child lives. Residence can be shared between parents, and if it is, the children have two places they can call home. Residence Orders made in court give the person with residence the right to take a child out of the country for up to a month without needing permission from anyone else with parental responsibility.

3 Contact

In most circumstances, children benefit from being in contact with both their parents, even after their family has separated. A court will usually expect both parents to have regular contact with a child, except in certain circumstances – such as when contact with one of their parents would put the child's safety at risk.

Residence Orders (see above) will often include 'Contact Orders' if parents can't agree contact arrangements between themselves.



Financial responsibility

All parents have a legal responsibility to provide for their children financially, even if they don't have parental responsibility (see page 37).

When parents are separated, or if they have never lived together, this usually means one parent paying money to the parent with the main day-to-day care of the child. This is called child maintenance.

Because financial responsibility is separate from parental responsibility, all fathers are financially responsible for their children. This applies even if they don't live with the child's mother, aren't named on the birth certificate and don't have formal parental responsibility.

If necessary, a court can make an Order for child maintenance. These are less common than the other types of Order we have mentioned above. This is because the government has statutory child maintenance services that will make arrangements when parents can't agree them between themselves. However, it is usually better for children if parents can agree their own arrangements.

Help with understanding the law or with getting legal advice

- Child Maintenance Options' Child maintenance decisions and Supporting Separated Families guides can help parents to understand their options in terms of child maintenance and to make arrangements of their own
- Depending on your circumstances you may be able to get free legal advice through legal aid. Find out more at

www.gov.uk

Arrangements for children

In most cases, and whenever possible, parents should carry on making important decisions about their children together. Having both parents involved in their lives has a positive effect on children that is much more important than your relationship with your ex-partner. And you can each act on your own if you need to – for example, if one of you needs to give permission for emergency medical treatment.

Parenting plans

Parenting plans can help you work out how you will care for your children in the future.

Parenting plans are written by both parents working together to decide what they will each do, and what they want for the children, in terms of things like:

- housing
- health
- education, and
- maintenance.

They can give you an ideal opportunity to discuss and make decisions together about how you will handle these areas in the future.

The benefits of parenting plans

There are several benefits in using a parenting plan to decide how you will share the parenting of your children:

- It will help you discuss things and decide the results that will be best for your children.
- You and the other parent will both know where you stand, which can mean your arrangements can run more smoothly.
- Deciding how you will deal with things before they happen can avoid arguments about them in the future.

What's included in a parenting plan

Usually, your parenting plan will cover the following things:

- important arrangements – such as where your child will live and the arrangements for seeing their other parent
- practical, day-to-day things that will help you with parenting apart – such as holiday arrangements, who will take the children to school, church or to other activities, and who will attend parents evenings
- any joint and shared care arrangements – what this means and how it works in practice
- how your children will be supported financially – if you have a family-based arrangement, you can make this part of your parenting plan.

It could also cover things like what you will do and how you will keep each other up to date if one of your children needs emergency medical treatment. Remember that only parents with parental responsibility can make decisions about treatment (see p35).

To make your parenting plan successful, it's important to set the 'boundaries' that work for your family. They don't have to be as rigid as a court order and can allow for some flexibility. But they should be detailed enough for everyone to know what's agreed.

Ideally, you should be able to change your plan at short notice. It's also a good idea to think about when and how you will review your arrangements. As the children get older their needs will change.

Help with making arrangements for children

- ***Parenting Plans – Putting your children first: a guide for separating parents***, go to **www.cafcass.gov.uk**
- The Scottish government has a range of leaflets about family law matters – you can find them at **www.scotland.gov.uk**
- You can see videos of other parents explaining how they've made their arrangements by going to the Parent Connection website **www.theparentconnection.org.uk**
- There are two Child Maintenance Options Supporting Separated Families guides that you may find helpful: ***Managing conflict with your child's other parent*** and ***Parenting together after separation***.

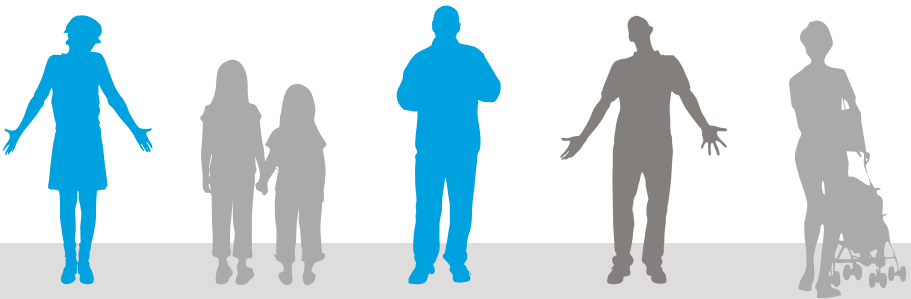
Avoiding going to court

Family court cases can be emotionally and financially draining for family members, and can be particularly damaging for children. The government is working on a package of support to help families sort out disputes involving children without going to court.

There is always likely to be some amount of conflict between parents, but you can still make the arrangements you need to between yourselves. There are many advantages to staying calm and reasonable, and

in trying to work things out positively. It's much better to focus on the needs of your children rather than on your feelings about your ex-partner. And remember that court cases will almost always be the more expensive way to make arrangements and decisions, if you can't make them yourselves.

Most parents are able to reach an agreement without going to court. But if there's any doubt, you should get legal advice. This doesn't automatically mean you'll end up going to court.



Mediation

Mediation is when separated or separating couples meet with someone who's been trained to help them come to practical decisions – about money, child maintenance, property, or all these issues. It is generally cheaper and less stressful than going to court.

If you're struggling to agree things between yourselves mediation can have several benefits:

- It's a way to help you make decisions before or after you've separated or divorced
- It can be cheaper than going to court and can have the same results
- It can help you both work together to decide what's best for your child
- It's a positive way to reduce conflict
- It can lead to a flexible, lasting agreement on things such as child maintenance
- It's confidential.

If you are looking to decide issues about your children or finances, you are expected to try to sort things out through mediation before you apply to a court. There are exceptions to this but a mediator can explain them. If this applies to your situation we recommend that you get expert advice.

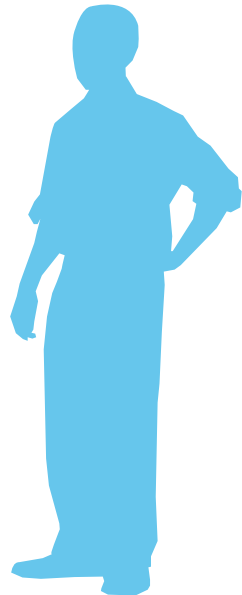
Contact

If you need help making contact arrangements for your children, you may find the guide **Keeping in touch** from children's charity Young Minds helpful. You can buy a copy or download an electronic version free from their website at www.youngminds.org.uk

If you have serious problems agreeing contact arrangements, you may want to consider using a Child Contact Centre. These are neutral places where children can enjoy safe contact with their other parent. You can find out more about them, including where your nearest centre is, at www.naccc.org.uk

Help with avoiding going to court

- If you feel like you're always fighting with your child's other parent then try looking at our guide ***Managing conflict with your child's other parent***
- For more information about mediation look at the National Family Mediation website at **www.nfm.org.uk**
- Relate **www.relate.org.uk** provides advice and counselling services to help people get through separation or divorce. It also has a website **www.relateforparents.org.uk** that focuses on helping parents
- Relationships Scotland **www.relationships-scotland.org.uk** provides relationship and family support across Scotland, including mediation services and Child Contact Centres.
- Find out more about Child Contact Centres at **www.naccc.org.uk**



Child maintenance

Things are slightly different if you can't agree on child maintenance, because most arrangements are made without using the courts.

There are no laws that say how parents should arrange child maintenance. This means that all parents, including those receiving benefits, can set up a family-based child maintenance arrangement if they both agree to it. This is an arrangement between themselves that doesn't involve anyone else. You might also have heard it called a 'voluntary arrangement' or a 'private agreement'.

Statutory child maintenance arrangements

If you can't agree a child maintenance arrangement with the other parent, the government runs the Child Maintenance Service, who can make a statutory child maintenance arrangement for you. This means they will decide how much one parent should pay the other, based on a set of legal rules. The parent who applies usually has to pay an application fee. Child maintenance can be paid directly between parents – this is called Direct Pay. There are no collection fees for Direct Pay and parents do not need to be in contact with each other. If asked, the Child Maintenance Service can collect payments from the paying parent and pass them on to the receiving parent. If they use this collection service both parents have to pay collection fees. There are also charges if enforcement action is needed; for example, if the paying parent doesn't pay regular child maintenance.

Help with child maintenance

- Child Maintenance Options can give you free and impartial guidance on arranging child maintenance. Our ***Child maintenance decisions*** guides are a good place to start.

If you are affected by domestic violence

It's normal for separation to cause arguments. But in most cases it's possible to work through this so you can both be the parents your child needs. However, if there is a risk of violence to you or your children this may not be possible.

If this affects you, you may want to talk to someone who can give you specialist advice. There are organisations that can help either women or men who are victims of domestic violence. They can give you guidance and support in complete confidence. Their contact details are below, or Child Maintenance Options can help you get in touch with them.

What is domestic violence?

Domestic violence is whenever a person behaves in a threatening, violent or abusive way towards a family member, partner or ex-partner. The abuse may be psychological, physical, sexual, financial or emotional.

You are not alone

If you are suffering from domestic violence, you are not alone. Domestic violence accounts for nearly a quarter of all recorded violent crime in England and Wales. But many people have escaped abusive partners and have gone on to live free from fear.

† You may have heard different terms used to describe the parents in a child maintenance case.

In child support law:

- the parent who receives child maintenance is known as the **'parent with care'** - we call them the **'receiving parent'**
- the parent who pays child maintenance is known as the **'non-resident parent'** - we call them the **'paying parent'**

Help for people affected by domestic violence

- The National Domestic Violence Helpline runs a free round-the-clock helpline to give emotional support and practical advice to victims of domestic violence and abuse. Call **0808 2000 247** or go to **www.nationaldomesticviolencehelpline.org.uk**
- Respect runs helplines for men who are either victims or perpetrators of domestic violence and who want help. Their contact details are at the back of this guide
- The ManKind initiative runs a confidential helpline for male victims of domestic violence and abuse. Find out more at **01823 334 244**
- You may also find the Child Maintenance Options guide ***Child maintenance and staying safe*** helpful.



The future

Making arrangements for your children after your separation may not always be easy. But once you have the practical things organised and all your arrangements in place you will be in a better position to look to the future.

Even though you will probably have challenges to face, it's likely that parenting will get easier with time. And, whatever your feelings towards the other parent, at least you won't have to face the challenges of parenthood on your own.

Remember that it's usually far better for children when both parents are involved in their lives. How their family 'works' is usually more important to them than where everyone lives.

When times get tough

If you do go through some difficult times in the future it may help to remember a few other important points.

The main thing is finding ways to work together and support each other to raise your child. This is not about getting together, or back together, with your child's other parent. It doesn't even matter if you don't like each other all that much. The fact is, many people work together with people they don't like – for example, with difficult colleagues.

Think about these four pieces of advice. If you follow them, they will help you work well together.

1. Respect each other. Accept that they are the other parent of your child, and that they will always have a part to play in your child's life. Try to remember that you're trying to start a new 'co-parenting' relationship, not settle old scores. Try not to talk negatively about the other parent, and respect your child's relationship with them.
2. Think about each other's feelings. Try to see things from their point of view. Be polite and treat them like you would want to be treated.

3. Talk to each other. Listen to what they are saying and be clear about what you mean when you're talking to them.

4. Be flexible. Children's needs change as they grow older, so you need to be able to negotiate with the other parent as they go through these changes.

If you ever need more help and advice to get you through the tough times, there is plenty of support out there. The organisations on the next page may be able to help.

Help with parenting after separation

- Child Maintenance Options' guide ***Parenting together after separation*** has lots of practical advice about working with your child's other parent to do what's best for your children.
- The Parent Connection website has a lot of information, including videos about real parents in your situation, that may help – **www.theparentconnection.org.uk**
- There are organisations that support parents who live apart from their children – the main ones are MATCH for mothers, and DadInfo and Families Need Fathers for fathers. Their advice usually applies to both men and women, so you may find all of them useful:
 - www.matchmothers.org
 - www.dad.info
 - www.fnf.org.uk



Useful contacts

Parenting and parenting apart

Centre for Separated Families

www.separatedfamilies.info
advice@separatedfamilies.org.uk

Provides advice and support to parents and other people experiencing family separation.

Family Lives (England and Wales)

www.familylives.org.uk

Family Lives helpline:

0808 800 2222

Monday to Sunday

24 hours a day

Help for parents, families and step families dealing with stressful situations. Runs a helpline, live chat and other services.

Families need Fathers

www.fnf.org.uk
(England and Wales)

www.fnfscotland.org.uk
(Scotland)

Helpline: 0300 0300 363
Every day, 7am to midnight
(England and Wales),
Monday to Friday
6pm to 10pm (Scotland)

Help with issues caused by relationship breakdown and parenting apart. Help to involve both parents in a child's life after separation. Services include a national helpline and local branch meetings across the UK.

Gingerbread (England and Wales)

www.gingerbread.org.uk

Lone Parent Helpline:

0808 802 0925

Monday 10am to 6pm

Tuesday, Thursday and Friday

10am to 4pm

Wednesday 10am to 1pm

and 5pm to 7pm

Information for single parents about a wide range of legal, financial and parenting matters.

ParentLine Scotland
www.children1st.org.uk
0800 028 2233
Monday to Friday
9am to 10pm,
Saturday and Sunday
12 noon to 8pm

Free confidential support for parents and carers in Scotland who need help with family or relationship issues.

The Parent Connection
from One Plus One
www.theparentconnection.org.uk

A website for parents who are separating or are separated. It provides a wide range of tools and information adapted from face-to-face mediation techniques that parents can use for themselves.

Money and work

Child Maintenance Options
cmoptions.org
0800 988 0988

Text 'OPTIONS' to 66644
Monday to Friday 8am to 8pm,
Saturday 9am to 4pm

Free, impartial information and guidance to help separated parents make informed decisions about supporting their children.

MATCH
www.matchmothers.org
Non-judgemental support and information for mothers apart from their children in a wide variety of circumstances.



HM Revenue & Customs

www.hmrc.gov.uk

Tax Credit helpline:

0345 300 3900

Monday to Friday 8am to 8pm,

Saturday 8am to 4pm

Child Benefit helpline:

0845 302 1444*

Textphone: 0345 300 3909

Monday to Friday 8am to 8pm,

Saturday 8am to 4pm

Information about Child Benefit and Tax Credits.

Jobcentre Plus

www.gov.uk

Benefits helpline:

0800 055 6688

Textphone: 0800 023 4888

Monday to Friday 8am to 6pm

Government service that gives jobseekers information and services including benefit claims, loans and grants and help with finding a job.

Money Advice Service

www.moneyadviceservice.org.uk

Money Advice Line:

0300 500 5000

Textphone: 18001 0300 500 5000

Monday to Friday 8am to 8pm,

**Saturday 9am to 1pm,
excluding Bank Holidays**

Information and advice on all types of financial matters, including about parenting, separation and divorce.

Can arrange face-to-face sessions to help parents put budgets together.

National Debtline

www.nationaldebtline.co.uk

0808 808 4000

Monday to Friday 9am to 9pm,

Saturday 9.30am to 1pm

24 Hour Voicemail

Free and confidential helpline for advice about dealing with debt.

General advice and support

Citizens Advice

(England and Wales)

www.adviceguide.org.uk

Advice line England:

0844 411 1444

Advice line Wales:

0844 477 2020

A popular source of free, independent and confidential advice about legal, money and other problems. Can put you in touch with a local Citizens Advice Bureau.

Scottish Citizens Advice Bureau

www.cas.org.uk

Citizens Advice Direct:

Call **0808 800 9060**

Monday to Friday 9am to 8pm and Saturday 10am to 2pm

Free, independent and confidential advice through its network of bureaux in Scotland.

Gov.UK

www.gov.uk

Government website providing information about parenting, money, benefits and work, and access to online government services.



Legal advice and mediation

Community Legal Advice (England and Wales)

www.gov.uk

Helpline: 0845 345 4 345

Monday to Friday 9am to 8pm,

Saturday 9am to 12.30pm

A free, confidential and independent legal advice service.

Family Law Association (Scotland)

www.familylawassociation.org

An online information and advice centre explaining family law in Scotland.

National Family Mediation (England and Wales)

www.nfm.org.uk

0300 4000 636

Monday to Friday 9am to 5pm

A network of family mediation services that helps couples who are going through separation or divorce, or living apart, to sort out issues affecting both of them.



You can also download **Parenting Plans** from nfm.org.uk It's a free guide that can be a useful source of information for parents dealing with divorce or separation.

Relate (England and Wales)

www.relate.org.uk

0300 100 1234

Relationship counselling for individuals and couples, and counselling for children and young people.



Relate has a sister website that provides online advice and support for parents and families: www.relateforparents.org.uk

Relationships Scotland

www.relationshipscotland.org.uk

Relationship and family support across Scotland, including mediation services and child contact centres.

Resolution (England and Wales)

www.resolution.org.uk

01689 820 272

9am to 5.30pm

National organisation of family lawyers that helps families reach solutions to problems in a non-confrontational way. Can provide information about all aspects of family law.

Scottish Legal Aid Board

www.slab.org.uk

Legal aid helpline:

0845 122 8686

Open 7 days a week

7am to 11pm

The organisation responsible for managing legal aid in Scotland, providing funding for people who qualify for it.

Dealing with domestic violence

Mankind

www.mankind.org.uk

Helpline: 01823 334 244

Monday to Friday 10am to 4pm and 7pm to 9pm

Support for male victims of domestic abuse and violence. Provides information, support and access to local police, counselling, housing and other services.

National Domestic Violence Helpline

www.nationaldomesticviolencehelpline.org.uk

Helpline: 0808 2000 247

**Open 7 days a week,
24 hours a day**

Free helpline available around the clock to give emotional support and practical advice to victims of domestic violence and abuse.

Respect

Male victims:

www.mensadviceline.org.uk

info@mensadviceline.org.uk

0808 801 0327

**Monday to Wednesday and
Friday 10am to 1pm and 2pm
to 5pm**

Male perpetrators:

www.respectphoneline.org.uk

info@respectphoneline.org.uk

0808 802 4040

**Monday to Wednesday
and Friday 10am to 1pm
and 2pm to 5pm**

Respect runs helplines for men who are victims or perpetrators of domestic violence, and who want help.

Emotional wellbeing

NHS Choices

www.nhs.uk (England)

www.nhs24.com (Scotland)

www.wales.nhs.uk (Wales)

Information from the National Health Service on conditions, treatments, local services and healthy living.

Samaritans

www.samaritans.org

Helpline: 08457 909 090

Open 7 days a week,

24 hours a day

Free, confidential emotional support for people experiencing stress, anxiety, despair or similar feelings.

Young Minds Parents Helpline

www.youngminds.org.uk

0808 802 5544

Monday to Friday

9.30am to 4pm

parents@youngminds.org.uk

Confidential support for anyone worried about the emotional problems or behaviour of a child or young person.



The main sources of research used to write this guide are:



- Andrews, S., Armstrong, D., McLernon, L., Megaw, S. and Skinner, C. (2011) Promotion of child maintenance: Research on instigating behaviour change. Child Maintenance and Enforcement Commission Research Report

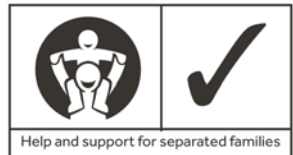
We are grateful to the Department for Education and the Ministry of Justice for their help in writing this guide.

*Call charges

Calls to 0800 numbers are free from BT land lines but you may have to pay if you use another phone company or a mobile phone, or if you are calling from abroad.

Calls to 0845 numbers from BT land lines should cost no more than 4p a minute with a 15p call set-up charge. You may have to pay more if you use another phone company or a mobile phone, or if you are calling from abroad.

Calls from mobile phones can cost up to 40p a minute, so check the cost of calls with your service provider.



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