



MATTERS RELATING TO CHILDREN



The information set out below is not intended to provide all the answers, and should be read in conjunction with the detailed advice provided.

Parental Responsibility

This refers to all the rights, duties, powers, responsibilities and authority that a parent of a child has in relation to the child, and to any property which they have. A mother automatically has parental responsibility. A father acquires parental responsibility by being named on the birth certificate if the child was born after December 1, 2003, being married to the mother, through a formal Parental Responsibility Agreement with the mother, or through an Order made by the Court. In practice, parental

responsibility gives the father the right to be engaged in decision-making for the child. It also provides the right to access to such information as medical records and school records. People also gain parental responsibility as part of a Residence Order.

Residence Order

This determines who a child should live with. It is not limited to parents and other people can apply with permission of the court.

Contact Order

This helps set out the framework as to how a child keeps in touch with and sees a parent they are not living with. It can also be made in respect of any other person who is significant to the child.

Specific Issue Order

Sometimes a Court is asked to determine some issue in relation to a child - such as which school they should attend. This is the kind of order which would define that.

Prohibited Steps Order

This is rarely used as a Court should only consider making such an order where there is no alternative under the orders above. A Prohibited Steps Order might, for example, be used to prevent a child being harmed in some way.

Generally

When a Court is asked to make any order in relation to a child it is the child's welfare which is considered to be the most important issue. A Court will only make an order if it is necessary, but it is not limited to making an

order in one category. For example, if asked to make a Contact Order it can make a Residence Order if required.

In this respect it is to be hoped that issues relating to children can, if at all possible, be resolved without needing to go to Court. It is preferable that they be negotiated by agreement.



HATCH BRENNER FAMILY LAW DEPARTMENT OUR APPROACH

Most family disputes are the result of a breakdown in a relationship. People in these situations are often emotionally stressed, with feelings of sadness, anger, hopelessness and guilt. No one enters a relationship expecting it to end. We appreciate that people in these situations feel very sensitive, and will often require support in reaching difficult decisions.

Where children are involved, we recognise the need to protect them from the difficulties which their parents may be having.

In our experience no one wants to go to Court over any issue if they can avoid it - although sometimes it is necessary.

Our approach is to try to negotiate fair settlements, and to keep legal costs to a minimum. However, this is not always possible because of the complexities of the case, or because the other party is not so willing to reach a fair solution.

We will try to provide realistic estimates of costs. If, for any reason, we need to vary those estimates, we will tell you. We account to clients on a monthly basis and expect those accounts to be paid promptly. We expect clients to pay Court fees on account. We also expect clients to pay on account for other fees which we may be responsible for, such as the instruction of estate agents, accountants or barristers.

We ask that you are open and honest with us.

We will seek to be non-confrontational and straightforward with the other party, or their representatives. We do not seek to enter into arguments for the sake of them, but will be firm when necessary. Our aim is to give you measured advice, in a cost-effective way, in order to reach an appropriate conclusion as quickly as the procedures will allow. This will enable you to begin putting a distressing part of your life behind you and hopefully make a fresh start.

We will be glad to help at every stage of the process. Please feel free to contact Jonathan Brock, David Bloomfield, Richard Dilks or Jo Mayes for a free initial discussion over the telephone, entirely without obligation. They will be delighted to hear from you.

THE FAMILY DEPARTMENT



Jonathan Brock

Jonathan is head of the family department, and is a court advocacy specialist handling matrimonial, divorce, co-habitee and childcare matters.

David Bloomfield

David is a childcare specialist and has been a Hatch Brenner partner since 1985. David is a member and former interviewer for the Law Society's Children's Panel and the Norfolk & Norwich Medico-Legal Society



Richard Dilks

Richard has always specialised in family matters including financial settlements after divorce or separation, and child-related issues such as contact and residence disputes. Richard is a Family Law accredited specialist and trained Collaborative Lawyer.



Jo Mayes

Jo joined the firm in 1985, and has had experience in civil litigation, personal injury and divorce matters. Jo is a member of the Norfolk & Norwich Medico-Legal Society.



► Solicitors

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