

Shared Parenting – unrealistic or a much needed change in the law?

Last month, the Justice Secretary, Ken Clarke, published proposals to help strengthen parenting after family separation including an extra £10 million for mediation services to prevent Children Act cases from going to court.

One key proposal is that of ‘shared parenting’, with the introduction of rules making it clearer that children should ‘have an ongoing relationship with both parents after family separation’ unless they pose a safety or welfare risk. Children’s minister, Tom Loughton, announced that the Government is looking closely at legislative measures to establish that ‘*under normal circumstances, a child will have a relationship with both his or her parents, regardless of their relationship with each other*’. He went on to say that “*We must do everything we can to improve the system so that it gives children the best chance of growing up under the guidance of two loving parents*”. This concept centres on a ‘meaningful relationship’ which is not about equal division of time, but rather the quality of parenting received by the child.

At present, the relevant law governing such arrangements is the Children’s Act 1989 which firmly places the child’s welfare as paramount, allowing judges to examine what is best for the child which in the majority of cases is an on-going relationship with both parents. New Government proposals will mean that Courts will be put under a legal duty for there to be a “presumption of shared parenting”. These proposals suggest a move away from this and instead a move towards legislating on parental rights. There is concern by some that Judges will become too preoccupied with trying to ensure an ‘equal’ allocation of time spent with each parent when common sense suggests that quite often, working or living arrangements make an absolutely equal allocation of time impossible.

All family lawyers have a duty to protect children and to ensure that during any separation the arrangements in place are in the child’s best interests. If you would like any further information or advice with regards to separation or children matters please contact us if you would like further information and advice on 01285 653 261, or visit our website, www.alisonfielden.co.uk for further information. With most separation or children matters Legal Aid is usually available, depending on financial eligibility. We can discuss this with you.