

Developments in Family Law

The Children and Families Bill announced in the Queen's Speech is expected to be introduced early in 2013.

The main elements of the Bill include:

1. Shared Parenting – Ministers intend to strengthen the law to ensure children have a relationship with both their parents after family separation, where that is safe and in the child's best interests.

The Government believes this will encourage more separated parents to resolve their disputes out of Court and agree care arrangements that fully involve both parents. They are looking at how the legislation can be framed to ensure that a meaningful relationship is not about an equal division of time, but the quality of time that a child spends with each parent.

2. Requiring parents in dispute to consider Mediation as a means of settling that dispute rather than by taking Court proceedings by making attendance at an initial Mediation appointment (known as a Mediation Information and Assessment Meeting) a pre requisite to starting Court proceedings.
3. An overhauling of the Special Educational Needs (SEN) system to introduce a single, simpler assessment process for children with SEN or disabilities, backed up by new Education, Health and Care Plans.
4. The speeding up of care proceedings in family Courts, with the introduction of a new six month time limit on cases. Children currently wait an average of 55 weeks for Court decisions according to the Department of Education's figures.
5. Addressing the delay in adoption by Local Authorities in finding the perfect match for a child if there are suitable adopters available. The ethnicity of a child and prospective adopters will come second, in most cases, to the speed of placing a child in a permanent home.

For information about Family Law matters, please contact Heather Weavill at Alison Fielden & Co, The Gatehouse, Dollar Street, Cirencester GL7 2AN. Tel: 01285 653261.