

## Guide: major issues in childcare

### **Residence**

The aim is to help you reach an agreement with the other parent as to where the child will reside. If this is not possible, then applications will have to be made to the court for a Residence Order.

### **Contact**

If your children are not living with you, we endeavour to ensure that they maintain their relationship with you. If there are difficulties in seeing your children on a regular basis, then efforts will be made to negotiate a settlement with the other parent.

In the absence of such an agreement, an application will be made to the court for a Contact Order.

### **Parental responsibility**

If you were not married to the mother of your children or post-December 2003 your name does not feature on the children's birth certificates, then it is important for you to obtain parental responsibility. This can be done either by agreement with the mother or, in the absence of this, by applying for a Parental Responsibility Order. Parental responsibility ensures that you as a father have the right to be consulted about major decisions affecting your child's welfare and upbringing e.g. schooling.

### **Prohibited Steps/Specific Issue Orders**

These are free-standing, one-off orders that prevent or require a parent to do something. They are most commonly used in cases where one parent has made a unilateral decision without consulting the other parent in cases where they were required to do so, e.g. change of school.

### **Applications to remove children from the jurisdiction**

We have experience of representing both parents who want to remove the children from England and Wales and parents who wish to oppose such a course of action. These are difficult applications as they can have a life-altering effect on the relationship between the child who is taken abroad and the parent who remains in the UK.

### **Abduction**

We can assist in obtaining the return of a child taken abroad illegally. Provided the child has been removed to a country which is either within the EU or a signatory to the Hague Convention, then court intervention is swift and children can be ordered to be brought back to the jurisdiction within weeks of the original abduction.

### **Adopting a child**

There are two different types of adoption. One type is known as step-parent adoption. This is usually where a step-father wishes to adopt his step-children. Step-parent adoption will be phased out when the new Adoption and Children Act comes into force in 2005. Under that Act, there will be new orders available to provide for the granting of parental responsibility to step-parents.

The other type of adoption is by a married couple or single unmarried applicant who seek to adopt a child placed through an adoption agency. We have experience of representing both the applicants, and indeed, the birth parents in such proceedings.

#### **Care proceedings**

These arise when Social Services Departments get involved in the life of a family as there are child protection concerns. Very often the difficulties can be resolved by the parents working in partnership with social workers. We have extensive experience in representing parents in such situations and negotiating agreements with the local authority to prevent court proceedings. If this is not possible, then the local authority may start care proceedings.

Care proceedings do not always mean that children are removed from their parents' care. We regularly represent birth parents including opposing the making of Interim Care Orders where there is a Care Plan for removal. These are very difficult and fraught situations for families. We ensure that when we represent parents in such a situation it is done with sensitivity, understanding and skill.

#### **Contact**

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