

Your Legal Questions

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Q: My partner and I have separated but we cannot agree on contact, what are my options?

A: A child has a right to have a relationship with both its parents unless there are any risks to the child due to abuse or other conduct on the part of the parent such as drug or alcohol abuse.

Both parents should try and resolve contact arrangements between them. If not then Mediation may be an option. Indeed, it is now a requirement that mediation is attempted before any Court proceedings can begin.

The parents can either contact The Family Mediation Service themselves or be referred by their solicitor. A Mediator is a trained professional, usually either a solicitor or Children's Guardian who will be independent and will see if they can help to negotiate contact with the parents, either in joint meetings or separately. Mediation is not always suitable especially in cases where one parent alleges the other has been domestically abusive towards them.

If Mediation is not successful or considered unsuitable then the last option is to make an application for a Contact Order under the Children Act 1989. A formal application will need to be paid to the local court and this will incur a fee.

Once the Court receives the application they will set a hearing date on a day when a Child and Family Court Advisor will be at Court and both parents will need to attend. The parents will then be offered a chance to meet with a designated officer to see if agreement can be reached. If it cannot, then the court will ask that a report be prepared on the issue of Contact.

If either party disagrees with the report then the Court will have to hear evidence and then make a decision and then it will be out of both parents hands. That is why it is always better to try and agree things between you.

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