

Major changes on the horizon for parents' access to their children – The Family Justice Bill 2017

The Family Justice Bill is currently going through Parliament, which could see major changes in family law.

If it is brought into law, then the primary change will be when separating parents are trying to agree on the terms of child access. One of the main aims will be to enhance the ability to enforce the terms of orders made by the courts. These are called Child Arrangement Orders.

A Child Arrangement Order is a court order setting out the contact and living arrangements for children with their respective parents. In the majority of cases, Child Arrangement Orders are complied with, but currently, those parents who do not comply with them are often subject to little punishment or enforcement.

The Bill has been introduced by Conservative MP for Fareham, Suella Fernandes, who has campaigned to make the practical use of Child Arrangement Orders fairer to both parents.

Currently, the low level of enforcement of these orders means that the parent who lives with the child has the ultimate control over the other parent's access to their child. In extreme cases, a parent who does not have custody can be denied contact with their child for years.

Giving non-resident parents more power and making new rules on times for enforcement action on the defaulting parent are aimed to speed up family justice for both parents. A commission is also expected to be formed in order to review and make recommendations on how family justice operates.

The Bill therefore seeks to establish a presumption in favour of shared parenting. This is intended to help families avoid court battles and a lengthy and very stressful process.

Other possible changes to the law will be to give greater rights to cohabiting couples, who are the fastest growing type of family in the UK. Currently, cohabiting couples have very limited rights in the event of a split.

Ms Fernandez has also argued for greater enforcement of prenuptial agreements, thereby providing assurance to the growing numbers of people in the UK who build up their assets and marry later in life.

The Bill will still need to go through all of the stages in the House of Commons, the House of Lords and then receive Royal Assent, before becoming law. It is currently at its second stage in the House of Commons.

If you think you may be affected by any of the issues raised in this article, or for advice on parenting plans and arrangements concerning your children, please contact our family team on 01626 332266 or visit www.wollenmichelmores.co.uk