

STANTONS

SPECIALIST FAMILY LAWYERS

Children Handbook

OUR HANDBOOK FOR SEPARATING PARENTS

**TO HELP YOU AND YOUR KIDS COPE WITH
SEPARATION**

INTRODUCTION

Stantons is a Specialist Family Law Solicitors Practice based at 24 Wrotham Road, Gravesend, Kent DA11 0PA.

Our team of highly experienced specialist lawyers take a non-confrontational approach to family law matters, with the needs of any children that are involved and the impact on them of family breakdown uppermost in our thoughts.

We have prepared this Handbook based on the experiences of our clients and the advice that we have given them and Jan Stanton's knowledge as a part time Judge in the Principal Registry of the Family Division of the High Court.

If you want more information about Stantons and its services, go to www.stanlaw.co.uk or telephone us on 01474 579940.

CONTENTS

Introduction

Chapter 1 - Your Relationship's Over – The Early Stages

Chapter 2 - How to Help Your Child

Chapter 3 - Communication, Compromise and Concord

Chapter 4 - Parental Responsibility

Chapter 5 - Contact and Residence

Chapter 6 - Letter to Father Christmas

Chapter 7 - Mediation

Chapter 8 - Flexible Working

Chapter 9 - Going to Court

Chapter 10 - Why You Must Make a Will

Chapter 11 - Children's Rights

CHAPTER 1

THE END OF YOUR RELATIONSHIP

THE FIRST STAGES FOR ALL OF YOU

At Stantons we understand the process of separation is painful whether you decided to end the relationship or it was ended by your partner.

If you did not want the relationship to end then you are likely now to be feeling a mixture of shock, anger, disbelief, betrayal, sadness and you will have a real worry about your future.

If you made the decision to end the relationship then you, also, will be feeling guilt and disorientation and a fear of the unknown.

Your children may also be feeling insecure, confused, angry, and guilty – just like you. They may become withdrawn, difficult or very “good” or may swing between all three.

All of these feelings are normal and many experts believe that it can take two years or more to come to terms with the end of a relationship. You need to understand and acknowledge that your partner and children will see the breakdown in a different way from you.

You will both need to go through a process of adjustment in your own minds and it is important during the early stages that you take care of yourself physically and emotionally. Launching quickly into a new relationship is unlikely in the longer term to be in your best interests.

FOCUS ON YOUR CHILDREN

We cannot stress strongly enough the need for both of you to make it a priority to remember that what you say to your children at this time and how they see what you are doing and saying to each other, will permanently affect all of your relationships as members of the same family.

We at Stantons recommend that you both go to a Workshop run by Resolution called “Parenting After Parting” as soon as you can. All our clients who have attended these courses have been very positive about them.

CHAPTER 2

HOW YOU CAN HELP YOUR CHILDREN

Children very often feel that they are somehow responsible for their parents separating. Children suffer the stress of separation as much as parents do and you must both give the children a continual message that the separation is entirely because you do not feel you can live together anymore and not because your children are in any way responsible.

The majority of children will also hope that they will be able to reunite their parents. You must be clear that the separation is permanent. This will help your children adjust more quickly.

Whatever you think of your partner, remember that to your children he/she is simply dad/mum. Your children will build up resentment (spoken or not) if you do not:

- allow your children to talk about the other parent
- speak respectfully about the other parent in your children's presence
- accept the other parent's role in your children's life
- ensure that you exchange important information about your children with your former partner.

Exchanging information between parents is all-important. It ensures that you are both well-equipped to meet your children's needs. It also provides your children with a sense of continuity and a feeling that they still have two parents who are fully engaged in their lives.

Your children are likely to be as distressed and confused about the separation as both of you are. You can help them in many ways:

- talk to your children about how they are feeling (and not about how you are feeling)
- if you have a family friend trusted by both of you to support your child/children, enable that person to be available for your kids and orchestrate arrangements for them to talk
- acknowledge their upset rather than trying to gloss over it
- give them time to work things through and don't expect this to happen quickly
- make sure that you are not looking to your children to support you in any emotional way, whatever their age
- be where you say you will be, when you say you will be there

- carry on with their usual activities and routines as far as you can

BOOKS FOR YOUR CHILDREN

There are a number of books available (Amazon is a good source) for children of different ages and Stantons would recommend the following (which we have in our office if you would like to see them):

- Dinosaur's Divorce : this is an American book and is one that is designed to be read to children with pictures for them to look at as well as for children who are able to read themselves. (ISBN 0-316-10996-7)
- Two Homes : this is a very simple book for younger children with very basic reading skills or it can be read to them. (ISBN 0-7445-8925-8)
- Children Don't Divorce : a good book for young independent readers but also a source to work with your children. (ISBN 1-899248-02-1)
- It's Not Your Fault, Koko Bear : a book to be read together for parents and young children with helpful footnotes for parents. (ISBN 0-916773-47-7)
- Two Of Everything : a humorous look at having two homes, for children to read themselves. (ISBN 0-09-922062-8)
- Family Break Up : this is for teenagers to read themselves. (ISBN 0-340-88394-4)
- Ben's Story : this is a book specifically about seeing a parent at a Contact Centre and what to expect. (ISBN 0-9536548-0-X)
- The Suitcase Kid : a well known Jacqueline Wilson book, with a child's take on having two families. (ISBN 1-84403-068-7)

BOOKS FOR YOU:

- Caught In The Middle : Its subtitle is Helping Children to Cope With Separation and Divorce, and does exactly what it says on the tin. (ISBN 1-84403-068-7)
- Helping Your Kids Cope With Divorce The Sandcastles Way : if you want a text book on all aspects of this issue then this may be the one for you but it is quite readable. (ISBN 0-679-77801-2)

CHANGING NEEDS

It's important to remember that your care and contact arrangements are for the wellbeing of your children. Be prepared to be flexible if it is in the interests of your children even if you really don't feel like being co-operative with your children's mum/dad.

It's also important to remember that your children's needs will change over time and what is appropriate when they are five may not be appropriate when they are ten.

BE CAREFUL ABOUT INTRODUCING NEW PARTNERS

Introducing new partners into your children's life may prove to be more difficult than you imagine. Your children may take time to adjust and may well resent a new woman's / man's presence in their lives. You should not introduce new partners too quickly. Talk to your children about how it makes them feel.

CHAPTER 3

COMMUNICATION, COMPROMISE AND CONCORD

The key to being good parents is good communication. This does not mean that you have to be chatting every five minutes but it does mean that you must exchange important information about your children's needs and experiences.

This is simply the information that you both need to maintain your children's wellbeing. The following list gives you the basics but you might want to build on it:

- issues around health (e.g. how a bruise or cut was sustained)
- reactions to the separation
- unusual behaviour
- school attendance and performance
- information about other family members
- things that are happening with friends

When parents are living together, information about the wellbeing of your children passes between you almost unnoticed. When you separate, it becomes crucial that you establish new ways of communicating that important information. This may require you to establish more formal mechanisms for doing so.

The best way to pass information between you is to continue to talk. Some parents agree regular times to deal with things in one session. If there is any chance at all that you may argue, discuss things away from your children.

If talking face-to-face is too difficult try using the telephone, email or even text. If arguments are likely, agree an agenda in advance and stick to it. Never withhold information as a means of undermining the other parent as this only puts your children in a difficult situation. Never require your children to be the conduit for information.

If all else fails have a "contact" book that you pass between you. The other parent needs to know if in his/her absence your children have been ill, upset or have sustained a bruise (and if so, how).

You may each need to "give" a bit to reach workable arrangements for your children but seeing their parents working together will make your children feel much more comfortable and reassure them that they can rely on their parents to remain stable. It also shows them a co-operative adult relationship, which they will draw on in their own adult life.

If you need some help in reaching agreement, you could use a trained mediator. You may also wish to consult a solicitor. Stantons can assist with legal advice and often objective practical advice.

You will need to make decisions about your children's wellbeing. You may need to make arrangements to agree things such as diets, religious upbringing, schools, bed times, ways of

guiding behaviour and even hours spent on the computer, as well as the time you will each spend with the children. If you cannot reach agreement, you can ask the Court to make these decisions. Stanton's can assist you on an Application for a Specific Issue Order.

CHAPTER 4

PARENTAL RESPONSIBILITY

Surprisingly the law does not define in detail what Parental Responsibility is but the Government suggests that these are the key roles:

- providing a home for the child
- having contact with and living with the child
- protecting and maintaining the child
- disciplining the child
- choosing and providing for the child's education
- determining the religion of the child
- agreeing to the child's medical treatment
- naming the child and agreeing to any change of the child's name
- accompanying the child outside the UK and agreeing to the child's emigration, should the issue arise
- being responsible for the child's property
- appointing a guardian for the child, if necessary
- allowing confidential information about the child to be disclosed

WHO HAS PARENTAL RESPONSIBILITY

In England and Wales, if the parents of a child are married to each other at the time of the birth, or if they have jointly adopted a child, then they both have parental responsibility. Parents do not lose parental responsibility if they divorce.

This is not automatically the case for unmarried parents. According to current law, a mother always has parental responsibility for her child. A father, however, has this responsibility only if he is married to the mother when the child is born or has acquired legal responsibility for his child through one of these three routes:

- (from 1 December 2003) by jointly registering the birth of the child with the mother
- by a parental responsibility agreement with the mother
- by a parental responsibility order, made by a court

Living with the mother, even for a long time, does not give a father parental responsibility and if the parents are not married, parental responsibility does not always pass to the natural father if the mother dies.

HOW CAN SOMEONE GET PARENTAL RESPONSIBILITY

With the mother's agreement a birth can be re-registered to name a father.

You can both sign a Parental Responsibility Agreement. This document can be downloaded from the Court Service website and explains the procedure. Alternatively, Stanton's can assist you with this.

As an alternative you can apply to the Court for Parental Responsibility and if you have taken an active role in your child's life, it is probable that such an order would be granted. Stanton's can help you with that application.

Courts can also award Parental Responsibility for other people if they are taking the role of a parent. If one parent has remarried, it is possible for the new spouse to get Parental Responsibility and Stanton's can advise on this procedure.

WHY DOES PARENTAL RESPONSIBILITY MATTER?

Having Parental Responsibility is also important to you. It gives you the legal authority to make decisions about important aspects of your child's life. These can include their name, school, religious upbringing and place of residence.

Fathers without Parental Responsibility cannot authorise medical treatment for their children (except in emergencies), see their medical records, manage any money they have inherited, or prevent their adoption or change of surname or removal abroad.

Having Parental Responsibility doesn't make you liable for paying child support: the biological father has to pay child support, whether or not he has Parental Responsibility.

CHAPTER 5

CONTACT AND RESIDENCE

RESIDENCE ORDER

A residence order is an order saying where a child will live. It can be granted to more than one person. It lasts until the child is 16 unless the circumstances of the case are exceptional and the court has ordered that it should continue for longer.

A residence order also prevents anyone changing a child's surname without the agreement of everyone with parental responsibility or an order of the court. Someone with a residence order can take a child out of the UK for up to one month without the agreement of the other parent.

Stantons have years of experience in making residence applications and all other applications under the Children Act.

A CONTACT ORDER

A contact order requires the person with whom a child lives to allow the child to have contact with a person named in the order. Orders generally continue until the child is 16 years old.

Residence and contact orders are orders of the court and failure to comply with them can be a contempt of court. This can lead to serious consequences.

WHOSE RIGHTS?

Contact is the right of a child, not a parent. If you and the child's mother/father are unable to agree arrangements for contact and residence you will need to turn to the court for help. The courts will base their decision on the welfare check list set out in the Children Act, i.e.

- (a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
- (b) his physical, emotional and educational needs;
- (c) the likely effect on him of any change in his circumstances;
- (d) his age, sex, background and any characteristics of his which the court considers relevant;
- (e) any harm which he has suffered or is at risk of suffering;
- (f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;
- (g) the range of powers available to the court under this Act in the proceedings in question.

Contact orders vary greatly from one family to another but as a starting point, where it is safe for the children, the court will endeavour to give each parent a fair share of a child's time insofar as that fits in with what is right for the child.

After an order has been made, parents can agree a different arrangement and some arrangements will be relaxed with parents agreeing through ongoing discussion. Others will be specific in terms of times and dates. Bear in mind that children, especially younger ones, like routine.

In Stanton's experience one of the most serious sources of conflict between parents (which will directly affect your children) is when parents do not keep to agreed handover times. If a child is not returned on time without an explanation it is a natural parental reaction to think the worst – communicate!

Contact can either be direct, for example:

- visits
- night stays
- face-to-face meetings

or indirect, for example:

- by letter
- by telephone
- by email

SHARED RESIDENCE

This is where a child lives with both parents. Arrangements around time spent with each parent and patterns of contact vary greatly. Some parents agree that their children literally spend half their time with each of them. You may wonder whose needs an arrangement like this is meeting.

STAYING CONTACT

Where shared residence is not appropriate, a contact arrangement where a child lives mostly with one parent but stays with the other often works well. This could be one night a week, one weekend in two and for parts of every school holiday. It is important that the parent with whom the child lives remembers at all times that contact is your child's right and not something which that parent can give or withhold to punish or manipulate the other parent.

VISITING CONTACT

If one parent does not have suitable accommodation or there is some other reason why an overnight stay may not be practical, this offers an alternative.

SUPERVISED CONTACT

This may be decided by a court where there are particular problems, for example, when there are initial concerns that a parent can keep a child safe. This usually takes place at a supervised contact centre and because these are so rare, the local authority would normally have to be involved if supervised contact was required.

SUPPORTED CONTACT

Alternatively, where there are initial concerns about whether a parent can keep a child safe or where a parent needs to be reintroduced to a young child, the court may order that contact takes place initially at a contact centre where trained assistants will keep an eye on what is happening but will not actually be supervising the contact.

INDIRECT CONTACT

Where no direct contact is possible it is important to use other methods of keeping in touch with your children. This might be through letters, postcards, gifts, telephone calls or emails.

CHAPTER 6

A LETTER TO FATHER CHRISTMAS

October 2010

Dear Father Christmas

As you know I am now 10 and I am not sure you exist but I haven't got anyone else to ask about this.

Mum and dad separated in the Spring of last year so last Christmas was the first one that we were apart. I stayed with mum and dad got a new house.

Mum and dad told me that I would spend Christmas with both of them and I was really looking forward to it until they told me that actually I was going to have part of Christmas with each of them. I could see that there was going to be trouble.

Dad came to pick me up early on Christmas Eve. Mum opened the door and dad stood on the doorstep as I wasn't quite ready. I think dad has to stay on the doorstep because mum said he was never to darken our door again and I think she's worried that if he comes in, he's going to paint it. I like it the colour it is too.

When I got my coat on, mum hugged me and kissed me for so long that I wondered whether I was going off for much longer than just overnight. She then started to drop tears on my head so I started crying as well. Dad shouted "now look what you've done" and pulled me out of the door so mum just cried some more.

On Christmas Day morning at dad's we all opened our presents and I was really excited because dad had bought me a Wii. He said we could play with it for a bit and his friend Jane joined in and so did nanny and granddad. Because we played for so long, Jane then laughed and said that we were going to have lunch very late so I started to get really worried because mum had said I had to be home by 4 o'clock as granny and grandpops were going to be there to see me with mum.

We had our lunch with turkey and sprouts and Christmas pudding (why can't dad remember I don't like sprouts) and granddad said it was the best Christmas lunch he'd ever had. I felt really angry because mum had always cooked Christmas lunch for granddad and the rest of us since I was very little and I thought I was going to cry but I knew then that dad would get angry because I would be spoiling the party.

Dad was drinking wine at the table so I was worried as well because I knew he was going to drive me home later. He said he was "under the limit" but sometimes he gets a bit scary when he has wine.

When it was time for me to go I started putting the Wii in its box but dad said that I couldn't take the Wii home because mum wouldn't know how to look after it and he said it was probably better if I didn't tell mum that he'd bought me a Wii anyway as she would say it was too expensive.

I knew we were going to get home late and hoped that mum wouldn't cry again. When we got to the front door at home, dad started walking towards the gate before grandpops came to the door. Grandpops shouted "and what sort of time do you think this is" and as I could see that dad couldn't hear him and I was surprised that grandpops couldn't tell the time, I told him it was 4.30. He just then looked very angry at me. Not a good start to the rest of Christmas.

When I got in mum asked immediately whether dad had given me any presents as I hadn't bought anything home. I thought it best to say that I hadn't had any presents and then she got angry saying that dad had got loads of money and should have spent some of it on me. I was embarrassed as dad had spent lots of money on me and so I actually told her that he had bought me a Wii but I couldn't bring it home. She then said that it was alright for dad to spend that sort of money when she was having to save up just to give us Christmas dinner.

Mum had said that we were going to have "our" Christmas on Boxing Day so for lunch on Boxing Day we had turkey and sprouts and Christmas pudding (why can't mum remember I don't like sprouts) and then it was time to open presents.

The size of the box that mum gave to me looked very familiar and when I opened it it was a Wii with exactly the same games as dad had bought me. I said "great mum, just what I wanted" but we both knew.....

So Father Christmas if you do exist, could you please get mum and dad to talk to each other about my Christmas or if they can't, can you just cancel Christmas altogether. After all, Christmas is a time for children isn't it?

Love

David

CHAPTER 7

MEDIATION

(This information is from the National Family Mediation Service)

WHAT IS FAMILY MEDIATION?

Mediation is a confidential, voluntary, "without prejudice" process in which a neutral third party, the mediator helps you to discuss and negotiate all issues surrounding your divorce or separation. Research shows that mediation improves communication and helps you build for the future in your new circumstances. In particular it can help your children maintain their family relationships.

WHO IS FAMILY MEDIATION FOR?

- Parents - before or after separation
- Divorcing couples
- Teenage parents
- Grandparents
- Adult siblings
- Parents & adult children
- Other members of the extended family where communication and/or relationships are problematic.

Family mediation can help improve communication, help you make decisions about future arrangements for the children and help you make decisions about property and finance as it affects your separation.

WHAT CAN BE MEDIATED?

- Contact arrangements
- Residence of children
- Parenting
- Communication
- Maintenance
- Child support
- Finance
- Holiday arrangements
- Property
- Sharing possessions
- Re-establishing contact
- Education

WHAT CAN MEDIATION PROVIDE?

- A safe neutral environment in which to discuss things
- Impartiality

- An organised and constructive process
- Options for you to explore
- A lasting agreement for the future

MEDIATORS DO NOT:

- Give legal advice
- Offer counselling or therapy
- Make decisions for you

WHAT CAN MEDIATION ACHIEVE?

- Improved future relationships - you are able to move forward and make a new start.
- Exploration of all issues - mediators can help you identify the real issues and guide the discussion in an open and fair way.
- Simplicity - the process is informal, straightforward and constructive.
- Control - you remain in control and as mediation is voluntary you can stop the process at any time.
- Flexibility - unique solutions negotiated to suit each particular case.
- Saves time - and avoids the stress of a lengthy legal process.
- Saves money - Legal costs are kept to a minimum.

IS THERE A CHARGE FOR MEDIATION?

Mediation is free for those on a low income who are eligible for public funding (legal aid). If you are not eligible for public funding mediation services have a charging policy. For more information please contact your local service.

At your initial meeting, the mediator will assess your eligibility based on information provided about your current income and expenditure. The assessment form is available on the LSC website at www.legalservices.gov.uk.

If you want to know more about mediation visit www.nfm.org.uk.

In Kent local mediation providers recommended by Stantons are Resolutions at www.resolutionfamilymediation.co.uk (Tel: 01233 650900) and Kent Family Mediation Service at www.kentfms.co.uk (Tel: 01795 429689)

CHAPTER 8

FLEXIBLE WORKING

WHAT IS FLEXIBLE WORKING?

Flexible working isn't just part-time hours. You might for example work full-time but need to start and finish early to pick your child up from the childminder and work longer hours at another time of the week.

You are asking for a change in the way you do your job, not a new job. Think carefully about your request because, unless you say you want a temporary change, any change agreed will be permanent.

To make a formal request you must be an employee with 26 weeks' service. You also must be "responsible" for a child who is under six (or under 18 if they get Disability Living Allowance), or the carer of a disabled adult. You cannot make a request if you have made one to this employer in the past 12 months.

HOW DO I MAKE A REQUEST?

You can download a form from the internet via www.directgov.co.uk as well as guidance on how the procedure works, or your employer might have their own form or you can put your request in a letter. If you do not use the standard form you have to make sure that all the detail you need is included, otherwise your employer doesn't have to follow the procedure.

WHAT HAPPENS ONCE MY EMPLOYER RECEIVES MY REQUEST?

Unless your employer agrees to your request straight away, they must meet with you within 28 days to discuss what you want.

Your employer then has 14 days to write to you, agreeing to your request or turning it down.

If they turn it down they have to give you reasons. There are specified business reasons they must give but they must also give some explanation so you can understand their reasons.

You have 14 days to appeal by writing to your employer, who must meet with you within 14 days and give you a final decision 14 days after the appeal meeting.

You have the right to be accompanied by a colleague at both the initial and the appeal meeting.

WHAT IF MY EMPLOYER IGNORES OR REFUSES MY REQUEST?

If your employer fails to follow the procedure set down in law, you can take them to a tribunal. A tribunal will only compensate you for the failure of procedure and will not normally look at whether or not your employer should have allowed your flexible working although they may look at if your employer relied on incorrect facts.

CHAPTER 9

GOING TO COURT

Sometimes, there is no choice but to go to Court for the Court to sort out the arrangements for your children but it should be a last resort:

REASONS FOR NOT GOING TO COURT

- Courts generally try to find a solution that everyone can work with. This means that they seldom give either of you exactly what you want.
- It is likely to make your relationship as parents more difficult afterwards. To make your case both of you will emphasise and even exaggerate your positions. Sadly many solicitors encourage their clients to paint the worst possible picture of the other parent and it is difficult to ignore that advice even if the person receiving it is uncomfortable about what they are being asked to do. After that, it can be hard to get back to a co-operative relationship as parents. (Stantons solicitors do not take this approach and will encourage you in your statements to the Court to put a fair picture of both of your strengths and failings but that does not mean your partner and/or his/her solicitors will do the same).
- The process will probably feel out of your control. Once a case has got going you may feel quite powerless.
- It will cost you a lot of money if you are represented by solicitors in Court. Even if you get Legal Aid (sadly Stantons do not offer Legal Aid), you may well have to pay the costs back by the Statutory Charge. It might be better to spend the money on your family.
- It will be very stressful. Going to Court is often a very worrying experience for everyone. The children may feel stressed too, even if they don't have to come to Court as it is likely they will be aware of the process and may at some stage be asked by the Court through CAFCASS to say what their wishes and feelings are.
- Court orders will not transform the other parent into a reasonable person.
- Going to Court isn't the best way of showing your children how much you love them.

REASONS FOR GOING TO COURT

- To protect a child in an emergency.
- If you have real and genuine concerns about your child's safety or welfare, and you need a Court order to protect them.
- There may be an issue between you that you simply cannot resolve. Someone else may have to take responsibility for the decision.
- If one of you has been preventing contact, you may want the Court to enforce an order about contact. Courts now have powers to do this.
- During the Court process, Courts can order one or both of you to go to a parenting course, a mediation assessment meeting, or a domestic violence advice programme, which may be helpful.

- Your partner may refuse to discuss or negotiate arrangements with you. Sometimes a Court application helps you to talk. The Court process can stop at any time if an agreement is reached.

WHAT YOU CAN DO

- Be patient. It can take time to sort things out in Court. If you are finding it stressful, find ways to look after yourself. Talk to someone you trust.
- Remember that the other parent is likely to feel upset as well.
- Make sure you have a break from thinking about Court all the time. Ask friends and family not to talk about it at times, even though they are just concerned for you.
- Make sure you feel comfortable with your lawyer, if you have one. Make sure your lawyer really understands what you want but listen to their advice about what is realistic. Stantons have a number of people doing this work with different personalities and if you feel that the person acting for you does not have the approach you want, then talk to us and we will try to match your needs.

HOW TO HELP YOUR CHILDREN

- It is worth making a big effort to sort things out together to avoid going to Court. Children often don't know much about Court and when they hear the word 'Court' they can think it's about punishment, getting taken away or going to prison. It's important that they don't have these worries.
- Parents have to help children not worry about Court proceedings. When you feel confused and anxious, your children can quickly pick this up and then feel scared or uncertain. Children can feel they have to take sides. This is not fair.
- Think about whether your children have to know you are going to Court.
- If you tell them, simply explain that a judge is helping you and the other parent make a decision. Don't go into details. Don't show your children Court papers or leave them around so children can see or read them. While you may want to talk to others, don't talk about Court in front of your children.
- Don't let other people talk about the Court process in front of your children.
- Even if you think the other parent is being unreasonable, don't tell your children. Find another person you trust to talk to, a family member or friend (who will listen without getting too upset) or you may even want to consider counselling.
- If the other parent is talking about Court to your children, let him or her know this is not okay. If necessary the Court can make an order that this is not to happen.

CHAPTER 10

WHY YOU MUST MAKE A WILL

If you were to die while your children are under 18 and you were not married and had not made a valid Will then your children will inherit your Estate.

Well that's exactly what you would want isn't it?

But maybe it wouldn't turn out as you expected!

As your children will share your Estate unless you make a Will saying otherwise, it will be their parent i.e. your former partner who will be responsible for administering your Estate and together with another person who he or she chooses, will decide when and in what circumstances the children can have their money. Your former partner could decide for example that the children could "have their money" by your Estate paying for luxury holidays for the whole family.

At the age of 18 the children then automatically become entitled to whatever their mum or dad has left in the Estate for them, just at a time when they may be very likely to squander it.

By making a Will you can appoint people you trust to look after the children's money wisely and you can specify that they can only have an automatic right to what is in the Trust Fund at a later age that you think is right for them e.g. 21 or more often 25.

Your Will can allow the people you appoint (called Trustees) to use the Trust Fund to help with maintenance and education until the children grow up and you will know that you have chosen people you can trust to do that.

Stantons will prepare a single Will for you at a fixed fee of £145.00. Please speak to Emma Harris or Jan Stanton at Stantons on 01474 579940 for this service.

CHAPTER 11

WHAT ABOUT YOUR CHILDREN'S RIGHTS?!

YOUR CHILDREN HAVE THE RIGHT:

1. to know and love both of you throughout their childhood
2. not to be asked to choose sides
3. not to be told the details of the legal proceedings going on between their parents
4. not to be told bad things about the other parent's personality or character – remember your child is aware that he/she comes from both of you.
5. not to be interrogated after spending time with their other parent
6. not to be asked to tell lies to their other parent
7. not to be used as a confidant in regard to the legal proceedings between parents
8. not to be an emotional prop to either parent
9. not to be asked to be a messenger from one parent to the other
10. to express feelings whatever they may be, including love for the other parent
11. to be shielded from parents' conflict
12. not to be made to feel guilty for loving both parents