

Access to Children

Parents can suffer a lot of **stress** when trying to arrange access. It can be difficult for a person who has to deal with **unhappiness, rejection, and anxiety** to help organise a practical access arrangement.

However, separated parents can continue to play vital roles in their children's lives. If parents can work together and **place their children's interests and welfare** first, they will find that the children benefit from having contact with both parents.

Most couples find that having free counselling at the Family Court helps them **come to terms with the breakdown of their relationship, put "unfinished business" behind them and focus on their children's best interests.**

They can then reach a suitable access settlement and prevent a lot of access problems from arising.

Access arrangements vary but the commonest ones are:

- The whole of every second weekend.
- An overnight stay every weekend.
- The whole of every second weekend, plus an overnight stay every alternate weekend.

Some parents suggest that they have access for the whole of every weekend. However, this can mean one parent gets all the "**fun time**" with the children, while the other parent has only the "drudge time."

Access arrangements will vary according to the children's ages and the parents' commitments.

A parent who has custody and is working will need to spend some weekend time with the children. A baby being breastfed can spend only short periods of time with the father. The children's interests, such as sport, music, or dancing, can affect access. An access parent may find that transporting a child to and from an activity during the week is a practical way of having extra input into the child's life.

Generally parents need to be careful about having access on weeknights. It can leave children too tired to cope well at school the next day and prevent them from completing their homework adequately. A child's usual bedtime should be respected.

Parents often find it hard to decide how much access there should be. Again, the court will decide this according to the best interests of the child. It believes that:

- a child's routine should not be upset
- the child should not be made tired or unhappy
- homework should be supervised adequately
- the child's schooling should not suffer
- the child's reasonable outside interests should be continued.

The court considers that access must be given unless it is against the child's best interests. However, it may feel some concern about how well a child will be cared for during access occasions.

In these circumstances a parent may have to fulfil conditions such as completing:

- **a parenting course**
- **a stopping violence course**
- **counselling**
- **treatment to overcome drug or alcohol abuse.**

The court tries to get parents to be reasonable in exercising access. Children should not have to see their parents arguing or being rude when they are picked up for access or returned. They should not be exposed to drug abuse, heavy drinking or criminal behaviour. During access, parents are expected to supervise their children, keep them safe, give them the care that is appropriate for their ages and attend to any health problems.

Parents who **abuse** their children during access are likely to have the access ended. Where an access parent has been violent towards the other parent before or after separation, the court will need to be sure that the children will be safe in that parent's care before it makes an order. If an access parent has been **violent** towards the children, it is likely that access will not be granted.

The court prefers to help parents settle their own disputes. It usually refers a dispute to a counsellor. If the parents do not reach agreement in counselling, the court will set the case down for a mediation conference.

At the conference the parents will talk to a judge and try to reach an agreement. No order can be made at a mediation conference unless both parents consent to it.

If the parents still can't agree, the court will appoint a lawyer to represent the children ("counsel for the child").

The lawyer will talk to the parents and the children, report to the court and try to help the parents reach an agreement. He or she may decide that a **psychologist's report** is needed. Defended court hearings have become rare in access disputes. Giving evidence in court is not the best way to deal with a child's future and should be used only as a last resort.

If you have any concerns in this area or would like to know more, contact your solicitor.

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