

## **The Children and Families Bill 2013: reform of the family justice system**

The Children and Families Bill seeks to reform legislation in various areas including the family justice system. One of the government's aims is to deliver better outcomes for children and families who go to court after family separation.

The Children and Families Bill had its second reading in Parliament on 25<sup>th</sup> February 2013 and is now at Committee stage. The Committee is expected to report by 23<sup>rd</sup> April 2013.

- The Bill will send a clear message to parents who separate that courts will start from the presumption that **both should be involved in their children's lives** where that is safe and consistent with the child's welfare. The proposed wording states "the involvement of [each] parent in the life of the child concerned will further the child's welfare."

Many separated parents may take this to mean that this gives them an equal division of time with their children but this is not necessarily the case. There is no doubt however that a shared parenting approach will be encouraged.

- The Bill will also introduce new **child arrangement orders** which will focus parents on the child's needs rather than their own perception of their "rights". The orders will set out with whom a child is to live, spend time or otherwise have contact and when a child is to live, spend time or otherwise have contact with any person. There will no longer be "residence" and "contact" orders which often have a negative connotation, leading one parent to think they have "won" or "lost" residence of their children.

Removing labels such as "residence", "contact" and "shared residence" can only be a positive thing in our opinion. We would encourage and promote separating parents to discuss and agree the sharing of their children's time which is not only in the children's best interests but which allows them to maintain a positive relationship with both parents.

- The Bill will also ensure that, before resorting to court proceedings, more families will have the opportunity to explore **mediation**.

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