

## **Recent Family Law Changes**

New Reforms, which the Ministry of Justice have termed “the largest for a generation” came into effect on 22<sup>nd</sup> April 2014.

The main changes are:

The introduction of a new, single, Family Court in England and Wales, with “Designated Family Centres” in each area. The idea is to streamline the Court process and, to have a single point of contact in all cases, with the majority of Judges being based in the same building.

A new “Child Arrangements Programme” (“CAP”). This applies where a dispute arises between separated parents and/or families about arrangements concerning children. It is designed to “*assist families to reach safe and child-focused agreements for their children, where possible out of the Court setting. If parents/families are unable to reach agreement, and a Court application is made, the CAP encourages swift resolution of the dispute through the Court*”.

Throughout the Child Arrangements Programme, there is a clear message that resolving matters away from the Court process by other means, for example by Mediation, should be considered.

Attending a Mediation Information and Assessment Meeting (“a MIAM”) with a Mediator, is now compulsory for an applicant before they can apply to Court for many types of Orders, including those set out below, and a respondent is also expected to attend one:

- A Child Arrangements Order. (A Child Arrangements Order includes an Order about who a child is to live with and/or spend time with and for what periods).
- A Parental Responsibility Order, or an Order terminating parental Responsibility;
- An Order appointing a Child’s Guardian or terminating the appointment;
- An Order giving permission to change a child’s surname or remove a child from the UK’
- Any variation or discharge of the above types of Orders;
- For many types of financial orders.

Whilst there are some exceptions to needing to attend a MIAM, the Court will look carefully to check the exemption has been properly claimed.

Some of the terminology has now changed. We no longer have “Contact” and “Residence” Orders. Instead, bringing the two together, we have “Child Arrangements Orders” as set out above. The Government have indicated that the intention is to encourage parents to focus on the needs of children affected by separation, rather than on the rights of the parents.

The Family Justice Minister, Simon Hughes, has indicated that the intention of the reforms are to keep “*families away from the negative effects of battles or delays in Court and make sure that when cases do go to Court they happen in the least damaging way*”.

For advice about any Family Law matter, please contact Heather Weavill or Steven Barrett at Alison Fielden & Co on 01285 653261.