

childlaw

The Welfare Principle



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Where divorcing or separating parents can't agree child care arrangements such as:

- Who their child or children should live with
- Who they should visit
- How often they should visit
- Where the visits should take place

Then a Judge at Court may have to make the final decision(s). When a Court has to make a decision on the upbringing of a Child, the Child's welfare is the Court's priority. This is known as the Welfare Principle. In other words, the question for the Court is: What is in the best interests of that child or children?

Both parents get an opportunity to give their view on what they think the answer is.

Another factor which the Court has to take into account when making the decision is the wishes and feeling of the child themselves. How much impact this has on the final arrangements depends on the child's age and level of understanding.

Ultimately though, it's the Court's decision. Even if one or both parents disagree with the Order made by the Court, they'll have to accept it.

This article was written by Jeff Garland, a specialist solicitor in Divorce and Child Law. If you have any questions or need more help, please don't hesitate to give Jeff a call or drop him an e-mail using the details below. Don't forget to visit and follow our instagram page: [instagram.com/littlebitsoflaw](https://www.instagram.com/littlebitsoflaw)