

# What to do when you separate and no agreement is in place for the children?

July 2024



If recently separated parents do not have a clear or agreed-upon plan for when the children spend time with each parent, this can cause stress and conflict. In the UK, the law provides several avenues to resolve such disputes. Whilst court proceedings are one option, they are not the only option. Mediation is often the preferred method of parents to reach an agreement as it is quicker, cheaper, and less stressful.

In this article, family solicitor [Pippa Marshall](#) explores the role of mediation in resolving disputes about child arrangements and offers guidance on what to do when there is no plan or agreement in place.

## What is mediation?

Mediation is a voluntary process in which a neutral third party, known as a mediator, helps the disputing parties reach an agreement. Couples can use mediation to resolve a wide range of issues, including who the children live with after separation and when the children spend time with each parent. The mediator does not make decisions for you but facilitates communication and negotiation between you and your former partner to help you reach a mutually acceptable solution.

## What are the benefits of mediation?

Mediation offers several advantages over litigation. It is generally quicker, less stressful, and less expensive than going to court. It also allows you to maintain control over the decision-making process, essential when dealing with sensitive issues around child arrangements. Mediation also encourages cooperation and communication, which can help improve the long-term relationship between you and your former partner, ultimately benefiting the children.

## What will happen at mediation?

The mediation process typically begins with an initial meeting, known as a Mediation Information and Assessment Meeting (MIAM). During this meeting, the mediator will explain the process, assess whether mediation suits your situation, and answer any questions you may have. Suppose you both agree to proceed with mediation. In that case, the mediator will arrange a series of sessions where you and the other parent can discuss your issues. These sessions are confidential, and the mediator will ensure you both have an equal opportunity to express your views and concerns. During the mediation sessions, the mediator will help you and the other parent to explore different options and negotiate an agreement. If you reach an agreement, the mediator will draft a Memorandum of Understanding, which outlines the terms of the agreement. This document is not legally binding but can be converted into a legally binding court order if necessary.

## Below are some steps you should take:

### *Contact a Mediator*

The first step is to contact a mediator. We can help you find one, or you can find one through the [Family Mediation Council](#) or the [National Family Mediation](#). Doing this as early as possible is helpful so you can start the process immediately.

### *Attend a MIAM*

Both parents are usually required to attend a MIAM before starting mediation. This meeting will help you understand what mediation involves and whether it's the right approach for your situation.

## *Prepare for mediation*

Before the mediation sessions, consider what you want to achieve and any potential compromises you might be willing to make. It can also be helpful to seek legal advice to understand your rights and responsibilities.

## *Participate in mediation*

During the mediation sessions, try to stay open-minded, listen to the other parent's perspective, and focus on the children's best interests. Remember, the goal is not to 'win' but to reach a solution that works for everyone and is in the children's best interests.

## Implement the agreement

If you reach an agreement, ensure you understand its terms and how you and your former partner can implement them. If necessary, you can ask a solicitor to draft a court order to make the agreement legally binding.

## Conclusion

While disputes about child arrangements can be challenging, mediation offers a constructive and cooperative way to resolve these issues. By focusing on the children's best interests and working towards a mutually acceptable solution, parents can ensure that the festive season is a time of joy and celebration for everyone.

Contact [Pippa Marshall](#) today.

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Note: This article is not legal advice; it provides information of general interest about current legal issues.

