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# What happens in a child arrangements application

Published on: 2026-07-27

When parents cannot agree about where their child should live or how much time they should spend with each parent, either person may be able to apply for a child arrangements order.

The process can involve several hearings, safeguarding checks and professional assessments. Some applications are resolved at the first hearing, while more complicated cases can take considerably longer.

This guide explains the usual process in England and Wales. The precise route will depend on the issues, the court dealing with the application and whether any safeguarding concerns are raised.

## What is a child arrangements order?

A child arrangements order can determine:

- where a child will live
- who the child will spend time with
- when that time will take place
- whether communication should happen by telephone, video call or another method

An order may state that a child "lives with" one parent or both parents. It may also set out detailed arrangements for weekends, weekdays, school holidays, special occasions and travel.

A "lives with both parents" order does not automatically mean that the child spends exactly half their time in each home. The practical arrangements should reflect the child's individual needs.

Read the official overview of child arrangements orders.

## Try to reach an agreement first

Court proceedings should not be the automatic starting point for every disagreement.

Where it is safe and appropriate, parents may be able to reach an agreement through:

- direct discussion
- solicitor-led negotiation
- family mediation
- collaborative law
- another form of non-court dispute resolution

Any discussion should remain focused on the child rather than what either parent regards as fair for themselves.

Mediation is not suitable in every case, particularly where there are concerns about domestic abuse, coercive behaviour or a person's ability to negotiate safely.

Video: <https://www.youtube.com/watch?v=0y3vOktZMIM>

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## Step 1: Attend a MIAM

Before making most child arrangements applications, the applicant must normally attend a Mediation Information and Assessment Meeting, known as a MIAM.

At the MIAM, an authorised family mediator will:

- explain mediation and other non-court options
- consider the nature of the dispute
- assess whether mediation may be suitable
- explain what happens if mediation does not proceed

The other parent does not need to attend the same meeting.

Valid exemptions may apply in circumstances involving domestic abuse, urgency, child-protection concerns or certain previous mediation attendance. Evidence may be required to support an exemption.

Attending a MIAM does not mean that you must proceed with mediation.

## Step 2: Submit the C100 application

The usual application form is Form C100. It can be used to apply for:

- a child arrangements order
- a prohibited steps order
- a specific issue order

- permission to make an application where permission is required
- the variation or discharge of an existing order

The application should explain what order is being requested and why it is considered appropriate for the child.

Avoid using the form to provide a lengthy history of every disagreement. Concentrate on the current arrangements, the issues the court needs to resolve and any genuine safeguarding concerns.

The current court fee is £270, although fees can change. Help with fees may be available depending on your financial circumstances. The current C100 form and guidance are available from HMCTS.

### **Step 3: The application is issued and served**

Once the court accepts the application, it will usually:

- issue the proceedings
- provide a case number
- send the documents to the other party
- arrange the first hearing
- refer the case to Cafcass or Cafcass Cymru

The other party becomes the respondent. They will have an opportunity to explain their position and raise relevant concerns.

Neither person automatically has an advantage because they made the application first.

### **Step 4: Cafcass safeguarding checks**

Before the first hearing, Cafcass usually conducts safeguarding enquiries. In Wales, this work is generally undertaken by Cafcass Cymru.

These enquiries normally include:

- police checks
- enquiries with the relevant local authority
- telephone discussions with each party
- consideration of any reported safety or welfare concerns

Cafcass then provides the court with a safeguarding letter. This normally summarises the current arrangements, the outcome of the checks and any initial recommendations about what should happen next.

Cafcass is not acting for either parent. Its role is to advise the court about the child's welfare. Cafcass explains what is included in a safeguarding letter.

## Step 5: The first hearing

The first hearing is often called a First Hearing Dispute Resolution Appointment, or FHDRA.

At this hearing, the court will usually:

- identify the issues that remain in dispute
- consider the Cafcass safeguarding information
- explore whether any agreement is possible
- consider whether interim arrangements are needed
- decide whether further evidence or assessment is required
- give directions for the next stage

A judge or magistrates may hear the case. A Cafcass officer may also attend.

If an agreement is reached and the court considers it appropriate, the proceedings may conclude at this stage. If not, the court will decide what further work is necessary.

## What are interim arrangements?

An interim child arrangements order is a temporary order made while the case continues.

It might address:

- where the child will stay
- the frequency and duration of time with a parent
- handovers
- telephone or video contact
- supervised or supported contact
- arrangements during school holidays

An interim arrangement does not determine the final outcome. It provides a structure until the court has enough information to make a final decision.

## What happens if allegations are made?

If allegations of domestic abuse or other harmful behaviour are raised, the court must consider whether they are relevant to the child's welfare and its eventual decision.

The court may:

- request written allegations and responses
- obtain information from the police or local authority
- impose temporary safety arrangements

- direct a fact-finding hearing
- decide that a separate fact-finding hearing is unnecessary

A fact-finding hearing determines whether particular disputed allegations are more likely than not to have happened. It is not a criminal trial, and the family court applies the civil standard of proof.

Not every allegation results in a fact-finding hearing. The court considers whether deciding the disputed facts is necessary to resolve the child arrangements application.

## **Step 6: Further assessment**

If the court requires more information, it may direct Cafcass or the local authority to prepare a report under section 7 of the Children Act 1989.

The assessment may involve:

- speaking to each parent
- meeting or observing the child
- considering the child's wishes and feelings
- contacting schools or other relevant professionals
- examining the proposed arrangements
- assessing welfare and safeguarding concerns

The child's wishes are considered according to their age and understanding, but children are not normally asked to choose between their parents.

The report will usually make recommendations to the court. Those recommendations can be influential, but the court makes the final decision. Cafcass provides further information about section 7 reports.

## **Step 7: Dispute Resolution Appointment**

Once further evidence or reports are available, the court may arrange a Dispute Resolution Appointment, commonly called a DRA.

The purpose is to:

- review the evidence
- consider professional recommendations
- narrow the disputed issues
- explore whether an agreement can be reached
- identify what must be decided at a final hearing

If the parents agree and the court considers the proposed arrangements suitable, a final order may be made at the DRA.

## **Step 8: The final hearing**

If no agreement is possible, the application may proceed to a final hearing.

At the hearing, the court may consider:

- written statements
- Cafcass or local-authority reports
- findings from any earlier hearing
- relevant documents
- oral evidence from the parties
- submissions from solicitors or barristers

Each party may be questioned about their evidence. The judge or magistrates will then make a decision based on the child's welfare.

The court is not deciding which parent has "won". Its task is to determine what arrangements are best for the child.

## **What does the court consider?**

The child's welfare is the court's paramount consideration.

Relevant factors may include:

- the child's wishes and feelings, considered in light of their age and understanding
- their physical, emotional and educational needs
- the likely effect of a change in circumstances
- their age, background and relevant characteristics
- any harm they have suffered or may be at risk of suffering
- each parent's ability to meet their needs
- the range of orders available to the court

The court must consider the individual child and evidence before it. There is no automatic entitlement to an equal division of time.

## **What can the final order include?**

A final child arrangements order may address:

- where the child lives

- the days and nights spent with each parent
- school-term and holiday arrangements
- birthdays, Christmas and other occasions
- collection and return arrangements
- telephone or video communication
- international or domestic travel
- indirect or supervised contact
- other practical conditions

The order should be followed unless it is changed by agreement where appropriate or formally varied by the court.

## **What does a "lives with both parents" order mean?**

A child arrangements order can state that a child lives with both parents, even where time is not divided equally.

The wording recognises that both homes form part of the child's living arrangements. It should not be treated as a declaration that either parent has won or that both parents must receive identical time.

The court makes this type of order where it considers the wording and practical arrangements appropriate for the child.

## **Does the order determine child maintenance?**

No. Child arrangements and child maintenance are separate issues.

The number of overnight stays can affect a Child Maintenance Service calculation. A court order may be used as evidence of those arrangements, but a shared "lives with" order does not automatically remove either parent's maintenance responsibilities.

The calculation depends on the applicable child-maintenance rules and the actual or agreed pattern of overnight care. GOV.UK explains how shared care can affect child maintenance.

## **How long does an application take?**

There is no standard timescale.

Some cases conclude at the first hearing. Others take longer because the court requires:

- a section 7 report
- a fact-finding hearing

- expert or local-authority evidence
- testing of interim arrangements
- multiple dispute-resolution hearings
- a final hearing

Court availability, safeguarding concerns and the complexity of the evidence can all affect the duration.

A long case does not necessarily indicate that either parent has done something wrong. It may mean that the court needs more information before making a final decision.

## How to prepare

Practical preparation may include:

- keeping proposals focused on the child
- following existing orders and court directions
- meeting every deadline
- preparing a concise chronology
- keeping relevant communications
- organising school and medical information
- proposing workable arrangements
- avoiding hostile or excessive messages
- separating financial disagreements from parenting issues
- obtaining legal advice where necessary

Do not coach a child, ask them to choose between parents or involve them in adult disputes.

## Final thoughts

A child arrangements application is intended to establish arrangements that promote the child's welfare, not to reward or punish either parent.

The process may involve safeguarding checks, interim orders, professional assessments and several hearings. Remaining organised, following court directions and keeping proposals focused on the child can help the court understand the issues it needs to resolve.

Divorcify provides plain-English information to help users understand common family-court terminology and understand the divorce process, organise their questions and identify professional support. It cannot predict the outcome of an application or replace advice based on an individual family's circumstances.

This article provides general information about child arrangements applications in England and Wales. It does not constitute legal or safeguarding advice. Procedures may vary, and urgent professional assistance should be sought where a child or adult may be at risk.