

RAYDEN SOLICITORS

Powers of the Court under Section 8 Children Act 1989

The court has a number of powers under Section 8 of the Children Act 1989. Firstly, the court has the power to hear applications and to make orders in relation to specific issues. Secondly, the court can hear applications and make orders in relation to parenting time. This means that if the parents are not able to agree the division of the children's time between the two of them, the court can deal with this issue. Thirdly the court can also hear applications and make orders in relation to the amount of time the children reside with each parent. Fourthly, the court can make prohibited steps orders, namely orders forbidding either parent from taking any specific steps in relation to the children.

In accordance with the Children Act the court generally does not intervene unless it feels that it would be in the children's best interests to do so.

If the court does intervene, it will regard the children's welfare as the paramount consideration and will apply the welfare checklist. The factors that the court will consider are as follows:

- 1. The ascertainable wishes and feelings of the children concerned**
- 2. The children's physical, emotional and educational needs**
- 3. The likely effect on the children of any change in their circumstances**
- 4. The children's age, sex, background and characteristics which the court feels are relevant**
- 5. Any harm which the children have suffered or are at risk of suffering**
- 6. How capable each of the children's parents are in meeting the children's needs**

