



PARK
SQUARE

BARRISTERS

Christopher Ferguson discusses Living with Parents in Alternate Weeks

I am wondering (and inviting views or anecdotal evidence) about this concept. Over several years, in my experience I have found that colleagues, Cafcass officers and courts, when applying the criteria of the welfare checklist, have generally said the security and stability of a child is better provided for when the child has one distinct home. This has been the case even in shared care arrangements and when the relationship and time spent with the other parent has been healthy and substantial. It has usually been acknowledged to be the pragmatic way forward and to help to prevent disruption, particularly in term time, for a child. Evenly divided holidays, which appear to be more commonplace than equal term time division, are an entirely different matter, as the school routine disruption argument does not then apply.

It may, however, be that other practitioners disagree, or have had different experiences regarding this matter. Very recently I was involved in a case in South Yorkshire involving two parents, each with adequate facilities, where the youngish children seemed to have lived pretty much with their mother for the last few years since the parents separated. The matter was listed before a bench of lay magistrates. When asked for some extra last minute time for court door negotiations between the parties, the justices sent back a message indicating that their preliminary view was along the lines of a “week on, week off arrangement”.

I confess that I was surprised by this uninvited initial indication more than counsel for the other parent was. Ultimately we reached an agreement that did not involve such an even split. Nevertheless, it led me to wonder whether this is, in fact, a more popular and fashionable resolution to this ever-recurring problem than I had previously realised. I have no problem, of course, with the concepts of joint parental responsibility and the importance of sharing the significant decisions in the life of a child. These are part of a fundamental platform, surely. I also appreciate the sensitivity required and frequently demonstrated by the family courts when

addressing the “labels” of “living with” and “spending time with” in orders for child arrangements. But alternating homes on a weekly basis in term time...?

When applying the paramountcy principle and the welfare checklist criteria, can it be said that a child’s interests will be best promoted by an arrangement that involves two alternating homes while the child is at school? The experiences and views of other practitioners would be welcome. For a start, is the idea of alternating weeks more frequently found in magistrates courts, or is it about the same in all of the family courts? Is it a more fashionable feature in South Yorkshire, perhaps, or throughout the area? Again, views from colleagues will be welcome.

[Christopher Ferguson](#) has specialised in family law for several years. His extensive experience in private and public children’s law includes representing parents, extended family members, local authorities and children via guardians, including the Official Solicitor and the National Youth Advocacy Service.

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