

# THE ART OF SUCCESSFUL CO-PARENTING

Co-parenting can be an ideal family building solution if you are in a same-sex relationship. Successful co-parenting is not, however, for the faint-hearted.



## WHAT IS CO-PARENTING?

Co-parenting usually involves between two and four adults who want to conceive and parent a child together. This could involve a lesbian couple and a single or gay man or perhaps a single woman and a gay couple. It may also involve a lesbian couple and a gay couple.

A co-parent is different from a known donor in that he or she will play a more active parental role in the child's life and upbringing. A co-parent does not, however, have to have a genetic link with the child, making it a versatile family building option for same-sex couples and those conceiving with donor gametes.

## WHO ARE THE PARENTS?

It may sound like an obvious question, but in a co-parenting situation it can result in a far from obvious answer. A child can only ever have two legal parents under English law. In a co-parenting situation, this can create problems and issues when there are more than two adults involved, especially when it comes to registering the birth and deciding who will be named as the parents on the birth certificate. To make matters worse, legal parenthood does not always follow biology in co-parenting cases.

The birth mother will always be legal mother (even if she conceives with a donor egg or uses her same-sex partner's egg).

Who will be the second legal parent is, however, more complex and relevant factors include whether the birth mother is single or in a civil partnership and whether conception takes place at a UK licensed fertility clinic or by private arrangement at home.

It is therefore important for prospective co-parents to get to grips with who will be the legal parents from the outset and agree this. It is

equally important to tackle what legal status and responsibilities the remaining adults will have (in the absence of being legal parents) and agree what further legal steps are needed to achieve this.

## PARENTAL RESPONSIBILITY

Obtaining parental responsibility for a child is one way of achieving significant legal status and responsibility for a child within a co-parenting situation (although it does not confer legal parenthood status).

Parental responsibility gives the right in law to make (or share) the decision making process to secure a child's welfare and upbringing. For example, consent to medical treatment and immunisations or apply for a school place. Parental responsibility is therefore different from legal parenthood, since legal parenthood dictates financial responsibility for a child, citizenship and inheritance rights under English law.

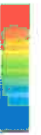
More than two adults can hold parental responsibility for a child. In a co-parenting situation, it is possible to hold both legal parenthood and parental responsibility for a child, one or the other or neither. Parental responsibility can be obtained by agreement or court application, making it a flexible legal tool in co-parenting cases.

## CARE AND RESIDENCE

It is possible to obtain a shared residence order in a co-parenting situation to formalise arrangements for the care and residence of a child. This will also confer parental responsibility upon the adults in question, although it is not always necessary or desirable. It is important for prospective co-parents to decide and agree from the start how they intend to care for the child and how they will share parenting time.

The needs of a newborn baby need to be a primary focus and care arrangements may well be dictated by breastfeeding arrangements in





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the early months. Adult work schedules are also likely to be relevant, especially if work timetables operate Monday to Friday or involve shifts.

There may need to be some care and understanding in terms of everyone's involvement and actual care of the child. It might be the case that the two legal parents will take the lead parental roles and that their partners will take more of a backseat in practice. As a rule of thumb, the greater the number of adults actively involved in the day to day care and upbringing of a child, the harder they will need to work to manage the mechanics of this.

There also needs to be care and thought over the management of key events such as the child's birthday, Christmas, Easter (and other bank holidays) and family holidays. It can require a significant degree of time and care to strike a happy balance and a good deal of compromise all round to try and manage and meet everyone's expectations.

Arrangements for the care and upbringing of a child will also inevitably change and evolve over time, as the child becomes more independent and begins to develop interests and activities. This requires an element of flexibility on the part of co-parents and an ability to review and re-assess arrangements on a regular basis.

### DO I NEED A CO-PARENTING AGREEMENT?

A well crafted co-parenting agreement is an important tool. If you are armed with one of these, it could save a lot of trouble and misunderstanding. A co-parenting agreement is not one hundred percent binding in law, but it could be of important evidential benefit if a dispute were ever to arise.

To hold maximum weight, it should be drafted by a legal expert, entered into before or contemporaneously with conception and the parties should be independently legally advised. This helps to ensure that everyone understands the relevant legal issues and what this will mean in practice. In the absence of a well drafted co-parenting agreement and expert legal advice, co-parents risk mismatched expectations, misunderstandings and a general lack of clarity about precisely what they are hoping to achieve in legal and practical terms.

The preparation of a well constructed co-parenting agreement will help prospective co-parents tackle and understand the legal status that everyone will have and what additional legal status can be achieved. It will also help to manage expectations, map out a legal action plan and help everyone to set some ground rules in terms of day to day parenting.

### AVOIDING DISPUTES

The key to a successful co-parenting agreement is communication, mutual care and respect, planning and an element of flexibility.

It is important to regularly review arrangements and re-work things if they are not working well. Never underestimate the importance of getting on top of little niggles before they develop into full scale problems. Look ahead and pre-empt situations too if you think something is likely to become an issue.

All co-parents must prepare for the unexpected. Life is rarely straightforward and the parenting journey is bound to have its ups and downs along the way. A whole raft of curved balls could be thrown your way, ranging from sickness, relationship breakdown and new relationships, redundancy, death, relocation or the development of special needs by your child. The risk factor is multiplied in a co-parenting situation and co-parents need to work even harder in practice to plan for and deal with these sorts of events. If you fail to do so, the implications could be disastrous all round.

Sometimes when things get tough, maintaining a sense of humour can make all the difference too. A sense of humour can break the ice, ease built up tension and bring some much needed breathing space. There is some truth in the expression "parents that laugh together stay together" and this applies to co-parenting situations as well.

If you do need to tackle a sensitive issue or problem, do so with care. Plan what you want to say in advance and pick a sensible time to discuss matters to avoid a knee-jerk reaction. Choose your language carefully and try to avoid blaming your co-parent if something has gone wrong, and instead suggest possible ways of solving the problem.

If problems arise that cannot be resolved, litigation should always be a last resort. Court proceedings can be complex, costly and stressful. It is always better to try and resolve matters between yourselves, or if possible consider mediation, round-table meetings with a specialist lawyer, or the collaborative law model as an alternative. Specialist input from an expert lawyer at an early stage can make all the difference in tackling difficult issues and helping to reach a workable solution.


### THE IMPORTANCE OF A WILL

A co-parent, like any other parent, should make a Will to decide what to do with any inheritance and provide for their child. As part of this exercise and depending upon the basis of the co-parenting arrangement, co-parents may also look to appoint legal guardians in their Will to care for their child in the event of their death. However, legal guardianship appointment can be complex in a co-parenting situation, making it important to seek expert legal help and guidance.

### THE BENEFITS OF CO-PARENTING

Co-parenting at its best can bring great benefits and reward. It can give gay or single men who want to become fathers the opportunity to play an active parental role in a child's life beyond that of a sperm donor. It can also give lesbian couples and single women the opportunity to introduce a male figure into their child's life.

Co-parents can invest time, energy and love into their child's life and this can bring joy and happiness. Co-parenting can bring new perspectives and introduce new experiences into the life of a child and the other adults involved. Co-parents can also care and support each other along the parenting journey, at a time when many other parental relationships are under strain or have broken down altogether.

A successful co-parenting agreement can enrich everyone's life. A co-parenting agreement is both the catalyst for the creation of new life, as well as a life changing event for the adults involved. 

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