

# Child Arrangements Orders

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## What is a Child Arrangements Order?

Child Arrangements Orders replaced Residence and Contact Orders on 22nd April 2014. The new order sets out who a child should live, spend time or otherwise have contact with.

## Is this new order different?

No. The only change is a single order will be issued rather than a separate residence and contact order.

The new order talks of parties in terms of “the person with whom the child lives” (i.e. the resident parent by another name) and the person with whom the child spends time or otherwise has contact (the non-resident or contact parent). When the order states the child lives with both parents (albeit in different places at different times) it's comparable to the old shared residence order (as before, the times spent at each parent's homes can be different).

The same features of the resident parent and non-resident parent exist e.g. a parent with whom the child lives (what was called the resident parent) can take children abroad for up to a month without the non-resident parent's or court's consent, while the non-resident parent (parent who the child spends time with or otherwise has contact) cannot.

While the order itself just combines the two previous orders, the enforcement measures previously available only for the enforcement of

contact orders now apply to holders of child arrangements orders irrespective of whether the children live with them, spend time with them or otherwise have contact with them.

## What if I applied for an old type order?

If you already have an application before the court for a residence or contact order, the court will treat this as an application for the new Child Arrangements Order, albeit with you applying to be a person with whom the child will live, or one with whom the child spends time or otherwise has contact.

## What about existing residence/contact orders?

Existing residence and contact orders will be treated as child arrangements orders. Bear in mind that if you were a resident parent (including a parent with shared residence) you'll be considered a person with whom the child lives (with the same status/rights as you had as a resident parent), while if you had a contact order, you'll be considered a person with whom the child spends time or otherwise has contact (again, with the same status/rights as existed before the new order was introduced).

## How long does the order last?

Until the child is 16, or 18 in exceptional circumstances and where stated in the court order. If you move back in with your ex-partner, the order will cease after a period of 6 months of your living together.

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## Who can apply for a Child Arrangements Order?

Any parent or guardian of the children can apply.

People who meet any of the following criteria also have the automatic right to apply for contact with your children.

- any party to a marriage where the children were a part of their family.
- if they lived with the children for at least three years within the last five years, and their application to the Court is made within three months of the children no longer living with them.
- if there is a Child Arrangements Order in force, and they have the consent of the person with whom the children legally reside.
- if the children are in Local Authority care and they have the consent of the Local Authority.
- if they have the consent of each person who holds Parental Responsibility for the children.

For people who don't meet these criteria, when reaching the decision to grant permission, the Court will consider the merits of their application, their connection with your children and whether granting the order would cause harm to the children.

It is worth noting that your children could also ask the Court's permission to make a Child Arrangements Order although the Court must be satisfied that they have sufficient understanding to make such a request.

## Are there different types of contact?

Yes. There are two types of contact, direct and indirect. Direct contact includes staying contact (overnight), visiting contact, supported and supervised contact (with a third party present). Indirect contact includes contact by phone and via correspondence.

## Will an order include specific times that my child spends with me?

Not necessarily. The orders can be general, in terms of just reminding the parent with whom the child lives of their responsibility to "make the child available for contact" or specific, to the extent of specifying dates and times that you see your children.

## Holidays Abroad

If there is a child arrangements order in force and you are named as a person with whom the child spends time or otherwise has contact, you cannot take your children abroad without the consent of the person with whom the child lives or the court.

If you are named in a child arrangements order as a person with whom the child lives, you can take your children abroad for up to a month without anyone else's consent. For longer periods, you need the consent of each holder of

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parental responsibility for the children, or a court order which grants the court's consent (via a specific issue order).

## Changing a child's surname

When a child arrangements order is in force, you cannot change a child's name without the agreement of each holder of parental responsibility, or failing this, the court's consent (via a specific issue order).

## Must a parent see the children?

Sadly no. A child arrangements order doesn't compel a parent to see their children, but places a responsibility on the parent with whom the child lives to make the children available for contact.

## What form to apply to Court?

You would use Form C100.

If you have applied for a child arrangements order, and are not seeing your children currently, you may wish to apply for "interim contact". Make sure you include this request in your application (if you are the applicant) or on the C7 form you'll be sent as the respondent.

## Applying to court

If you are using a solicitor, they will do this for you. Otherwise, complete Form C100 (included in this pack).

Print and sign three copies of the form.

Check how much the court fees are (£215 at the time of writing this guide) and either take a cheque, postal order or cash for that amount when you go to your local family court.

It will assist both you and the judge if you write a brief Position Statement. Try to keep the position statement to two to three pages, setting out briefly why you are applying for contact, and why you believe it to be in the children's best interests. Be factual, and try to be objective in what you write, and the language you use.

A position statement is not essential, but it helps inform the judge, briefly and ideally succinctly, why you are applying for the order, and can assist you in court so you do not forget any points you wish to raise.

Before setting off for the court building, ensure you have with you:

- Three completed and signed copies of the forms;
- The cash, cheque or postal order to pay the court fee;
- Three copies of your Position Statement;
- Hand in the court forms, fee and position statement to the court's administration department.