

CONTACT ORDERS

What does Contact mean?

“Contact” in the context of Children Act Proceedings means the time that the child spends with the non-resident parent, i.e. the parent that the child does not live with for the majority of the time. “Contact” is the new term for what used to be called “access”.

Ideally, separating parents agree between themselves where the child/ren of their relationship will live and how much time they will spend with the non-resident parent, but as emotions run high in the wake of a breakdown of a relationship, it is not always possible to agree on the arrangements of the child/ren. If you and your former partner cannot agree on what contact the child/ren should have with the non-resident parent, then there are three main options:-

Mediation: this is a process designed to lessen conflict and aims to bring both parties to an agreed outcome. We have trained mediators who can assist in this process.

Instruct a barrister or solicitor to contact your former partner on your behalf to try and negotiate the desired outcome, or alternatively instruct a barrister or solicitor to correspond with your former partner’s legal representative. All our direct access trained barristers can assist you with this, and the clerks can provide you with fixed fees for fixed pieces of work.

Commence court proceedings to seek a Contact Order.

What is a Contact Order?

A “contact order” is a Court Order, which sets out the periods of time that the child will spend with the non-resident parent.

Who can apply for a Contact Order?

The following can apply to the Court without applying to the Court to ask for permission:

A parent

A step-parent, who has treated the child as a “child of the family”.

A person who has a Residence Order in their favour.

Any person who has obtained the consent of all parents with parental responsibility

Anyone who the child has lived with for at least three of the last five years.

Anyone who does not fall into the above categories needs to apply to the Court for permission.

How do I apply for a Contact Order?

If there have been no previous court proceedings involving your child, then you will need to fill out a C100 form and file this with the court. This form can be downloaded from www.justice.gov.uk, or alternatively you can pick one up from your local county court. It currently costs £200 to apply to the Court for a contact order; you may be eligible for help with court fees if you are on benefits or on a low income.

Once you have completed the C100, you will need to file three copies of it with the Court as well as payment of the court fee by cheque, postal order or cash.

If there have been previous court proceedings involving your child, then you will need to fill out a C2 form (this can be downloaded from www.justice.gov.uk) and file this with the court.

If you require permission to make an application then you need to fill out the C2 form.

What happens once I have made the application for a Contact Order?

The Court will write to you (the Applicant) and your former partner (the Respondent) with a date and time to come to Court. The letter will include a “notice of proceedings”, which tells you when and where to come to Court. It is always helpful to come to court at least 30 minutes before the time of the hearing to enable you to have discussions with your former partner or

their legal representative before going into Court, or alternatively to meet your barrister to give them instructions to have those discussions on your behalf. It is common for a CAFCASS worker to contact you before the court hearing to ask you some questions about your application and to ask your permission to carry out safeguarding checks, e.g. checking whether you have criminal convictions or not. This is your opportunity to give them more information about why you feel it is necessary to make an application to the court and to voice any concerns you have. CAFCASS stands for “Children and Family Court Advisory and Support Service”, the CAFCASS workers are independent and will speak to both you and your ex partner at Court to ascertain both your views.

The first hearing that you attend will usually be a “CAFCASS appointment” and directions hearing, although local courts have different practices. It is usual for you to speak to a CAFCASS worker at Court, and for them to speak to your former partner as well, prior to going in to see the Judge. CAFCASS can assist in coming to an agreement with your former partner.

What benefits are there to having a Contact Order?

You will have certainty about when you are going to see your child, which can avoid tension in attempting to negotiate contact on a weekly or monthly basis. It is also important to remember that contact orders can be flexible, often including provision for there to be “such further, or alternative, contact as may be agreed between the parties”; this means that you are able to alter contact times if a contact is missed due to illness and also you can enjoy more contact, if the resident parent agrees.

In the worst case scenario that the resident parent stops contact unilaterally and refuses to let you see your child/ren, a contact order in your favour means that you can apply to the court to enforce your contact order, i.e. to ask the court to consider imposing sanctions, which may include unpaid work in the community or a fine, on the parent who is withholding contact.

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Members of the family team at 12 College Place understand how difficult it can be for someone without legal training to navigate their way round the legal system. We all specialise in family law and have lots of experience of helping our clients make the right decisions about these complex issues. We can discuss your case with you, talk through the options, and guide you through your court case. Remember: we are here to help.