



Arrangements for Children

What are Child Arrangements Orders?

Child arrangements orders (CAO) regulate with whom a child is to live, spend time or otherwise have contact and when a child will live, spend time or otherwise have contact with a person. For example, if you and your partner have separated and you want your child to live with you, but cannot agree on this, then you will need to apply to the court for a CAO regulating your child's living arrangements. Alternatively if you have agreed that your child will live with one parent but cannot agree the amount of time that your child will spend with the non-resident parent, you will need to apply to the court for a CAO regulating contact arrangements. A CAO regulating contact arrangements requires the person with whom the child lives to allow the child to visit or stay with the person named in the order, or for that person and the child to otherwise have contact with each other. The order will set out when the child is to spend time or otherwise have contact with the person named in the order.

What are the benefits of having a child arrangements order naming you as the person with whom the child is to live?

Being named as a person with whom a child is to live in a CAO, means that you have the right to take the child abroad for up to one month without the consent of the other parent or the permission of the court. A parent who is not named as the person with whom the child lives in a CAO does not have this right.

Orders regulating contact arrangements

If you and your former partner cannot agree on contact arrangements or if the parent with whom the child lives is unreasonably preventing contact from taking place, it will be necessary to apply to the court for a CAO to settle these arrangements. The court may order any of the following types of contact to take place under a CAO:-

- **Direct and indirect contact arrangements.**

Direct contact arrangements involve the child having contact with a named person by staying with or visiting them. Indirect contact is where the contact takes place by letter, e-mail, Skype, text or telephone. Indirect contact arrangements are ordered if it is not appropriate for the child to see the person directly (for example, where there is a potential risk to the child).

- **Overnight and visiting contact arrangements.**

Direct contact arrangements can involve the child visiting the person named in a CAO for a few hours or staying with them overnight. Contact arrangements can also be phased. If the child has spent no

- **Supervised and unsupervised contact arrangements.**

If the court considers that there is a risk to the child's welfare through direct or indirect contact arrangements, it can order contact arrangements to be supervised by a third party, such as in a contact centre. If there are no welfare concerns, contact arrangements are likely to be unsupervised.

When do child arrangements orders come to an end?

CAO regulating contact will continue until the child is 16 years old, or 18 years old in exceptional circumstances. The court can also stipulate the duration in the order. CAO regulating with whom the child is to live or when the child is to live with any person or both continue until the child is 18 years old. CAO end automatically if a child's parents live together for a continuous period of more than six months.

How to apply for child arrangements orders?

Before issuing an application, a prospective applicant must attend a MIAM and invite your former partner to attend, unless an exemption applies. Thereafter an application can be made in form C100.

The Court process

First Hearing Dispute Resolution Appointment (FHDRA)

A FHDRA is used to identify the issues in dispute and try to resolve them as quickly and inexpensively as possible. All parties must attend the FHDRA. A court welfare officer also known as a CAFCASS officer will attend as well. CAFCASS is responsible for safeguarding the interests of children involved in court proceedings. At the FHDRA, the CAFCASS officer and the judge will try to help the parties agree a resolution. Problems will be discussed openly and solutions suggested. If an agreement can be reached, the court can make an order recording the agreement. If an agreement cannot be reached, the court will make directions for the gathering of evidence and next hearing.

Dispute Resolution Appointment (DRA)

A DRA is usually scheduled if CAFCASS have been directed to produce a report to assist the court in deciding the issues in dispute. The court will first identify the extent to which the dispute can be narrowed or resolved at the DRA. The court will resolve or try to narrow the issues in dispute by hearing evidence from the parties. If an agreement is reached, the court will make an order reflecting the parties agreement. If no final agreement is reached at the DRA the court will direct the parties to file any further evidence and schedule a final hearing.

Final hearing

A final hearing will consider all of the evidence and the Judge will make a final decision. The court will hear evidence from the parties and other witnesses. If there is a CAFCASS officer, they will attend court to give evidence if the court considers it necessary. Anyone who gives evidence will be asked questions about their written evidence by their own legal representative. the other party's legal representatives and sometimes by the judge. After hearing the evidence and the legal argument, the judge will make a final order.

time with the non-resident parent, contact arrangements may begin as indirect arrangements by letter or email to reintroduce the child to the absent parent, progressing to visiting contact for a few hours. Contact arrangements can gradually be extended to longer periods of time, ultimately leading to overnight stays.

