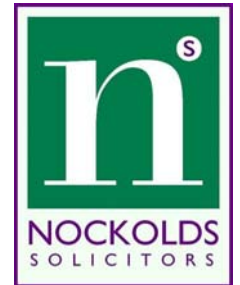


## **CONTACT** **Information Sheet**



- **Can I still apply for an access order?**

No. The Children Act 1989 has replaced 'access' and 'access orders' with 'contact' and 'contact orders'.

- **If I get a contact order, what will my position be?**

A contact order is an order requiring the person with whom the child lives to allow the child to visit or stay with you.

The usual form of order is for 'reasonable' contact. This leaves it up to yourself and the party with residence to sort out satisfactory arrangements between you.

If you are unable to do this, then the court will state in the order what contact you are to have.

Most other matters relating to the child's upbringing depend upon who has parental responsibility. Neither a contact nor a residence order affect parental responsibility.

- **What does parental responsibility mean?**

Parental responsibility means the legal power and obligation to consider, decide and control the many varied aspects of a child's upbringing.

This will include matters such as education, medical treatment, correction and discipline, etc.

- **Who has parental responsibility?**

The married parents or the mother of a child or a person granted a residence order or an unmarried father named on the child's birth certificate for births after 1<sup>st</sup> December 2003 automatically have parental responsibility.

Anyone else has to apply to the court to obtain it.

If you do not have parental responsibility at the present time, you need to consider whether to make an application to obtain it.

- **Do I have to discuss and agree decisions with another person who has parental responsibility?**

No. Each person with parental responsibility can exercise it independently.

- **If I do not have a residence order, can I still exercise parental responsibility?**

Yes, if you have parental responsibility automatically or by court order or by entering into a parental responsibility agreement.

Parental responsibility is unaffected by a residence order. The residence order only regulates where a child is to live - nothing more.

This is because the Children Act seeks to encourage the view that a parent does not cease to be a parent and be involved with their child/children where he or she is no longer primarily responsible for looking after the child/children on a day-to-day basis.

You have the right to exercise your parental responsibility independently of the person who has a residence order. In practice, it is best to seek to 'pull together' with that other person as far as possible in the best interests of the children.

- **Can I stop someone else with parental responsibility doing something with which I disagree?**

It depends upon the 'something'. If you are aware of a proposed action in sufficient time, you can apply for a prohibited steps order or a specific issue order.

A prohibited steps order prevents a person with parental responsibility from taking a particular step without the consent of the court. The 'particular' step will be defined in the order.

A specific issue order is an order by the court directing how a particular question concerning any aspect of parental responsibility for a child should be sorted out.

- **How do I obtain a contact order?**

You need to make application to a Court. This will usually be the Magistrates Court, though may be the County Court or even High Court in a difficult case.

- **Can the person with a residence order change the child's name?**

Not if you or anyone else has parental responsibility. In such circumstances, the child's name can only be changed with the consent of all persons having parental responsibility or with leave of the court. However, it is always advisable to seek the consent of the other parent and in the absence of consent to apply for a court order.

- **Can the person with a residence order or myself take the child out of the country?**

Either of you with parental responsibility can take the child anywhere within the United Kingdom without any consent.

Also the person with a residence order can take the child abroad for a period of less than a month without any consent. This is intended to cover holidays.

The consent of all persons having parental responsibility or the leave of the court is required by you to take the child abroad for any period and by the person with a residence order to take the child abroad for a month or more.