

Appendix C

Child Arrangements Order

The 'residence' aspects of a Child Arrangements Order (i.e. with whom a child is to live/when a child is to live with any person) can last until the child reaches 18 years unless discharged earlier by the Court or by the making of a Care Order.

The 'contact' aspects of a Child Arrangements Order (with whom and when a child is to spend time with or otherwise have contact with) cease to have effect when the child reaches 16 years, unless the court is satisfied that the circumstances of the case are exceptional.

A person named in the order as a person with whom the child is to live, will have Parental Responsibility for the child while the order remains in force. This does not remove Parental Responsibility from others, who should be consulted about significant decisions; similar to SGO as detailed above.

Where a person is named in the order as a person with whom the child is to spend time or otherwise have contact, but is not named in the order as a person with whom the child is to live, the court may provide in the order for that person to have Parental Responsibility for the child while the order remains in force.

Child Arrangements Orders are private law orders, and cannot be made in favour of a local authority. Where a child is the subject of a Care Order, there is a general duty on the local authority to promote contact between the child and the parents. A Contact Order can be made under section 34 of the Children Act 1989 requiring the local authority to allow the child to have contact with a named person.

A court which is considering making, varying or discharging a Child Arrangements Order, including making any directions or conditions which may be attached to such an order, must have regard to the 'paramount' principle, the 'no order' principle and the welfare checklist under the Children Act 1989.

Interim Child Arrangements Orders can be made.

Where a child would otherwise have to be placed with strangers, a placement with family or friends/Connected Persons may be identified as a preferred option and the carers may be encouraged and supported to apply for a Child Arrangements Order where this will be in the best interests of the child.

The holder of a Child Arrangements Order does not have the right to consent to the child's adoption nor to appoint a guardian; in addition, he/she may not change the child's name nor arrange for the child's emigration without the consent of all those with Parental Responsibility or the leave of the court.

Whilst support may continue for as long as the Child Arrangements Order remains in force, the aim will be to make arrangements which are self-sustaining in the long run.

As was the case with Contact and Residence Orders, any person can apply for a Child Arrangements Order. The following can apply for a Child Arrangements Order without needing the leave of the

court. In addition, any person who is not automatically entitled to apply for a Child Arrangements Order may seek leave of the court to do so:

- Any parent (whether or not they have Parental Responsibility for the child), guardian or special guardian of the child;
- Any person named, in a Child Arrangements Order that is in force with respect to the child, as a person with whom the child is to live;
- Any party to a marriage (whether or not subsisting) in relation to whom the child is a child of the family - this allows step-parents (including those in a civil partnership) and former step-parents who fulfil this criteria to apply as of right;
- Any person with whom the child has lived for a period of at least three years - this period need not be continuous but must not have begun more than five years before, or ended more than three months before, the making of the application; or
- Any person:
 - Who has the consent of each of the persons named in a Child Arrangements Order as a person with whom the child is to live;
 - In any case where there is an existing order for care in force, has the consent of each person in whose favour the order was made;
 - In any case where the child is in the care of a local authority, who has the consent of that authority;
 - In whose favour a Child Arrangements Order has been made in relation to the 'contact' aspects and who has been awarded Parental Responsibility by the court (i.e. they would be able to apply for a Child Arrangements Order in relation to the 'residence' aspects);
 - In any other case, has the consent of everyone with parental responsibility for the child.
- A local authority foster parent is entitled to apply for a Child Arrangements Order, if the child has lived with him for a period of at least one year immediately preceding the application;
- A relative of a child is entitled to apply for a Child Arrangements Order, if the child has lived with the relative for a period of at least one year immediately preceding the application. (A relative is a child's grandparent, brother, sister, uncle or aunt (by full or half blood), or by marriage or civil partnership).