

## GRANDPARENTS

If there is a breakdown in the relationship between your grandchild's parents, often the overwhelming wish is to be able to continue to see your grandchild. However, the law recognises the benefits of a grandchild growing up knowing their grandparents and the vital role grandparents play in the lives of children.

### I AM NOT ALLOWED TO SEE MY GRANDCHILD

You may wish to speak with a Mediator to help you reach an agreement with the parent(s). In most cases, before you can apply to the court for an order, you will need to attend a MIAM meeting with a mediator in any event.

If it is not possible to reach an agreement regarding arrangements to see your grandchild, you can seek to apply to the court for a Child Arrangements Order.

### WHAT IS A CHILD ARRANGEMENTS ORDER?

A Child Arrangements Order (CAO) is an order that regulates arrangements for a child, for example, where a child lives, when a child spends time with a grandparent or when and what other types of contact may take place, for example, phone calls or overnight contact

### WHO CAN APPLY?

Generally, grandparents do not have an automatic entitlement to apply for a Child Arrangements Order. You will need to get permission from the court first.

### WHAT IS THE COURT PROCEDURE?

An application for permission and a child arrangements order is lodged simultaneously with the court. It sets out the details of all the adults and the children in the case. The application form requires you to say what orders you ask the court to make and why.

The court will initially determine if permission should be granted. If successful, the court will hold a First Hearing Dispute Resolution Appointment (FHDRA). The court investigates the issues and enquires into the possibility of settlement gives directions about how the case should proceed.

If agreement cannot be reached at the FHDRA, or there are concerns regarding the child's welfare, the court will set a timetable for what happens next.

The court might order statements are filed or if there are concerns regarding the child's welfare, the court may order that a Children and Families Court Advisory and Support Service officer (CAFCASS) investigates and outlines their findings and recommendations to the court in a report.

There will then generally be another hearing called a dispute resolution appointment (DRA). Where possible, the DRA may be used as a final hearing, but ultimately, the court will fix a final hearing if an agreement cannot be reached. If you reach an agreement at any stage, the court can stop the process.

### HOW DOES THE COURT DECIDE WHAT SHOULD HAPPEN?

The first concern of the court is the child's welfare. The Children Act 1989 provides a list of factors to help and guide the Judge when considering their decision. The court will only grant a child arrangements order if it feels it is in the child's best interests

It is important to note that even if permission is granted to apply to the court for a Child Arrangements Order, it does not create a presumption that an order will be made at a subsequent hearing. The first concern of the court when considering any child arrangement application is the child's welfare.

### HOW LONG DO CHILD ARRANGEMENT ORDERS LAST?

An order regulating with whom your child is to live will generally last until the child is 18. An order that regulates when the child is to have contact with a person will usually end when the child is 16. Still, in limited circumstances, it can last until the child is 18.

*This guide is intended to be general information and not to be relied upon as legal advice. This is a complex area, and each case is different. We would suggest you contact us to obtain complete and proper legal advice.*

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