

Making contact work

Meryll Llewelyn-Jones, family paralegal for Vanderpump & Sykes solicitors, looks at the problems surrounding contact orders

YOU'VE been to court and the good news is that you have a contact order confirming how, when and where you can see your children. The bad news is your ex-partner still isn't letting you see them – what now?

Since December 2008, when new regulations under the Children and Adoption Act 2006 came into force, the court has greater powers to promote and enforce contact.

When making an order, the court can order a party to the proceedings to take part in an activity which may promote contact.

This is seeing a marked upturn in required attendances on parenting courses, counselling sessions, anger management training and the like.

So, you could apply back to court and ask for your ex-partner to attend such an activity, which may help them to address issues and be more amenable to encouraging contact.

If a party does not comply with the terms of a contact order, then the court also now has greater sanctioning powers.

These new powers of enforcement extend to being able to make an order that the party who has failed to comply with the contact order has to undertake unpaid work, similar to the concept of 'community service' in criminal law.

The aim is for this to act as a deterrent and to encourage parties to stick to the terms of the order.

The court can also require the party in breach of the order to pay financial compensation to the other party, in



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respect of any loss they may incur as a result of missed contact sessions.

For example, if a father travels to see a child, in accordance with the terms of an order, and is told upon arrival that the mother will not allow contact to take place, then he could seek compensation for his travel costs.

As well as these new powers the court still has the ability to hold a non-compliant party in contempt of court.

This can result in a fine or, as a last resort, committal to prison, although of course the courts are reluctant to take this drastic and draconian step.

In cases where a parent with care consistently and repeatedly breaches an order for contact, the court can even make an order that the children should live with the other parent instead.

Although this approach has become more prevalent in the last few years, it is still relatively unusual and only used in cases where the parent with care is repeatedly and unreasonably resistant to contact taking place.

For further advice on any area of family law, contact our Family Law team on: 020 8370 2898 or by emailing markheselton@vanderpumps.co.uk. We offer a fixed fee of £75 plus VAT, for first appointments.