

## Contact order

A contact order requires the person the child lives with to allow that child to visit or stay with the person named in the order, usually the other parent. These used to be called orders for access.

For example, if the children are living with their mother, the father can ask the court to order that the children stay with him at particular times.

The court can also order that contact takes place by telephone or letter. Sometimes the court will make detailed orders about pick-up times or places if needed or about any other area that needs its attention.

Here are some frequently asked questions about contact.

### **What is usual for contact – once a week, once a fortnight?**

Generally speaking, there is a presumption in favour of a child having regular contact with the parent with whom he or she does not live. Having said that, there are no hard and fast rules about how frequent that contact should be. The yardstick is the child's best interests and the court will apply the welfare checklist to determine that.

Much will depend upon practical matters such as:

- how close do the parents live to each other (ie, geographically, is it practical for the children to see the parent with whom they do not live other than at weekends); and
- how old are the children (often babies and very young children will not want to be away from their primary carer overnight or for prolonged periods of time)?

### **What is the best way of sorting out these problems without legal expenses?**

The court will only seek to intervene between divorcing parents and their arrangements for contact with their children where there is a disagreement between them. That is where the potential for costly argument comes in. If the parents are unable to agree between themselves what the pattern of contact for their children should be, the obvious alternative to instructing a solicitor to issue an application to the court is to try to mediate an agreement. See the [approaches](#) section.

### **I don't want the children to meet his/her new partner – do they have to?**

It is not surprising that many parents feel anxious about the prospect of their children meeting the new partner of the other parent. There is often a fear that the new partner will somehow usurp the mother's/father's role in the child's life. Particularly where one parent has left the marriage to be with the new partner, the prospect of that new partner having a role to play in the lives of his or her children can be emotionally very difficult to come to terms with.

There is no law dealing with this point specifically, but again the welfare checklist applies in the event of there being a dispute. Common sense dictates that, where a child is just coming to terms with the break-up of its immediate family unit, it is rarely going to be in the best interests of that child to introduce a third party into the equation until such time as it is clear what, if any, role that person is to have in the child's future. Where a parent has formed a stable relationship with a new partner, however, it is only natural that they should be introduced to the children. It is a question of balance.

In circumstances where there are genuine concerns about a child's welfare if he or she is introduced to a new partner then it is possible for the court to impose conditions upon the parent exercising the contact. This may include not bringing the child into contact with a new partner.

### **What happens if I am stopped from seeing the children?**

See a solicitor. Unless the parent who is denying contact can demonstrate that it is not in the children's best interest that contact should take place, then there is a presumption in favour of contact and your solicitor will advise you on how to go about making an application to the court. Your solicitor will, in the first instance, normally make contact with the other parent in writing to see whether a solution can be found.