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### Family Matters: New child contact powers

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Most parents manage to agree when and how they will maintain contact with their children when their relationship ends. Of the minority who cannot agree, most will comply with a Contact Order made by the Court.

However, there are a minority of parents who refuse to obey a Contact Order. The Court may then warn that parent that if he or she does not allow the other parent to have contact with the children, a prison sentence may be the result. However, there are still some parents who simply refuse.

The Judge is then faced with an unedifying choice; he or she either has to send that parent to prison or make an order that the child goes to live with the other parent.

Judges have often been very reluctant to do either. Imprisoning a difficult mother is often seen as detrimental to the children's emotional welfare. Therefore Judges are sometimes more inclined to send the child to live with the other parent, but sometimes that parent may not be in a position to offer the child a home.

Legislation has recently been introduced to provide the Court with other options. The Court can now impose an unpaid work requirement on a parent, in effect a Community Service Order. It can also direct that a parent attend counselling and guidance classes, or information and advice sessions. Some parents may be eligible for legal aid to cover the expenses, but many will have to fund it out of their own pockets.

The most controversial part of the new legislation is the Court's power to award compensation for financial loss caused by a parent breaching a contact order. Theoretically, if a father fails to turn up for contact with the children and the mother has to cancel a holiday as a result, he could be ordered to pay her compensation. This appears to provide a solution for the cases where a parent cannot be bothered to spend time with his or her children, but there are doubts among family lawyers that the Courts will readily exercise these new powers.

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#### KEY CONTACTS

					
<b>Jon Armstrong</b> Tel: 01206 719680	<b>Nicky Coates</b> Tel: 01255 851000	<b>Patsy Phillips</b> Tel: 01206 719668	<b>Peter Brook</b> Tel: 01206 719627	<b>Stuart Connal</b> Tel: 01255 421248	<b>Lisa Dawson</b> Tel: 01206 719637

Email: [firstname.surname@ellisonslegal.com](mailto:firstname.surname@ellisonslegal.com)