



# COVID-19 & CHILD CONTACT ARRANGEMENTS

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You may be worried about how the coronavirus situation will affect any child contact arrangements you have. This is understandable, and though each family's circumstances are different, the Scottish Courts have given the following official guidance: [www.scotcourts.gov.uk/coming-to-court/attending-a-court/coronavirus](http://www.scotcourts.gov.uk/coming-to-court/attending-a-court/coronavirus)

Below is a summary of the guidance, and general information on questions you might have. For advice specific to your situation, contact a solicitor or one of the legal services listed at the end. Please note: we use 'parent' to mean 'someone with "parental rights and responsibilities"'. Parental rights and responsibilities (PRRs) is a legal term, and means someone who – amongst other things – has a right to have the child living with them, or to have regular contact with them.

## Can I continue with my normal child contact arrangements during lockdown?

- Under government guidance, children under 18 can keep seeing both parents during lockdown. This does not mean that they have to; this will depend on what kind of child contact arrangements you have in place, and what feels safe (see below)
- There are two main types of child contact arrangements: informal, and formal:

- Informal is when you haven't been to court about your child contact arrangements. You and the other parent might have reached an agreement between yourselves, OR you might disagree about what to do, but do not have an order from the court telling you what you must do.

- Formal is when you have a court order, telling you what you must do – e.g. your child must live with you ('residency', previously known as 'custody'), and have contact with the other parent on certain days.

## We have informal child contact arrangements, so how do the coronavirus rules affect this?

- You can continue to make arrangements informally, by agreeing what's best with the other parent
- If you and the other parent can't come to an agreement, seek advice from a solicitor or legal specialist (see below – 'Where can I get more support?')



## We have formal (court-ordered) child contact arrangements – do I still need to follow this?

- If there is a court order or formal agreement in place, you should try to stick to this unless:
  1. You and the other parent agree to make a change to this (e.g. you agree that during lockdown your child will see the parent they don't live with less often, to reduce travelling)
  2. You are worried that following the order would go against government coronavirus advice
- If you are worried about this, you can change the child contact arrangement (without the other person's agreement) to one which you feel is safe. For example, they could keep in contact online using something like Skype or Zoom, or through talking on the phone.

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## Will I get in trouble if I don't follow the court-ordered contact arrangements?

- If you change the contact arrangements, and the other parent has not agreed to this, there is a chance they could later try to take this to court. If this happens, the court is likely to look at whether you acted reasonably and sensibly, based on the government guidance in place at that time, together with any specific evidence about your children or family.

### Consider:

- Writing down the reasons you feel it would be unsafe to follow the court order, based on the current government guidance.
- It will be good to show that you have made every reasonable effort to allow contact, e.g. using the means above (phone, Skype, etc).

## I have a residence order, but my ex-partner is refusing to return the children

If you have a residence order, but your partner will not let you have your children back, there are several things you can do:

### 1. Contact your solicitor

- If you have a residence order saying that the children live with you, your ex-partner must return them after contact.
- Tell your solicitor if your ex-partner breaks this order. Your solicitor should contact your ex-partner's solicitor, and demand that the children are given back.
- If your ex-partner still refuses to return the children, the case may need to go to court. Your solicitor will be able to give more information about this, including how long they expect the process to take during the lockdown.

### 2. Phone the police

- If you believe that your children are unsafe, phone them on 999
- If you don't think the children are in danger, but your ex-partner is breaking the residence order, you can still phone the police on their non-emergency number, 101

- It is important to tell them straight away if your ex-partner has used, or is using domestic abuse of any kind (it is useful for the police to know that refusing to let you have the children isn't a one-off issue, but part of a longer term pattern.)
- Tell the police if there are any ongoing investigations (e.g. police, social work), or previous convictions.



## Can I get a new court order put in place, or change the one I have?

- It depends on your situation, but is unlikely unless there is an urgent need to protect your children.
- Non-urgent children's hearings have been cancelled for the time being.

There is more information about this here: [www.clanchildlaw.org/blog/guide-to-new-law-for-childrens-hearings-during-covid-19](http://www.clanchildlaw.org/blog/guide-to-new-law-for-childrens-hearings-during-covid-19)

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## Where can I get more support?

1. Your solicitor (see our page on finding a solicitor)
2. Legal information and advice services:

**Scottish Child Law Centre** – offers free legal advice and information to children, their families, and professionals.

- Email: [advice@sclc.org.uk](mailto:advice@sclc.org.uk)

**Clan Child Law** – runs a free enquiry line for children, young people, and adults that support them.

- Phone: **0808 129 0522**
- Email: [admin@clanchildlaw.org](mailto:admin@clanchildlaw.org)

**Scottish Women's Rights Centre** – runs a free legal helpline for women who have experienced any kind of abuse. They also have online legal guides, including on child contact and have produced a **blog** with answers to common questions about child contact and coronavirus.

- Phone: **08088 010 789**  
(Mon 2-5pm, Tues 6-8pm,  
Weds 11am-2pm, Fri 10am-1pm)
- Email: [www.scottishwomensrightscentre.org.uk/contact/](http://www.scottishwomensrightscentre.org.uk/contact/)

### 3. Support services:

**Scotland's Domestic Abuse and Forced Marriage Helpline** – open 24/7, for anyone looking for support around domestic abuse or forced marriage:

- Phone: **0800 027 1234**
- Web chat: [sdafmh.org.uk](http://sdafmh.org.uk)
- Email: [helpline@sdafmh.org.uk](mailto:helpline@sdafmh.org.uk)

**Women's Aid** – local groups throughout Scotland which support women and children experiencing domestic abuse: [womensaid.scot/find-nearest-wa-group/](http://womensaid.scot/find-nearest-wa-group/)

**Parentline** – free helpline, email, and web-chat service, for anyone caring for or concerned about a child.

- **Open 9am – 9pm**  
Monday to Friday
- Phone: **08000 28 22 33**
- Webchat: [www.children1st.org.uk](http://www.children1st.org.uk)
- Email: [parentlinescotland@children1st.org.uk](mailto:parentlinescotland@children1st.org.uk)