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Your questions answered

HOW TO: GET A CHILD ARRANGEMENTS ORDER

[Watch the supporting 'Get a Child Arrangements Order' video](#)

This Stowe talks: How to guide explains how you apply for and obtain a child arrangements order.

One of the biggest considerations for separating parents is agreeing how their children will spend time with each parent. There is no doubt the best way to do this is to reach an agreement directly with the other parent.

However, sometimes this is not possible, so parents can explore options such as solicitor led negotiations, mediation, collaborative law and a court application for a child arrangements order.

What is a child arrangements order?

A child arrangement order is a legal binding order from the family court that sets out the arrangements for children following their parent's divorce or separation.

They generally expire when a child turns 18 years, unless otherwise stated. However, the court will be reluctant to enforce a child arrangements order if the child is 16 years or over.

What does a child arrangements order cover?

Child arrangement orders can cover things including where a child should live, who should have contact and when, and even cover off issues such as schooling and holidays etc.

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Why do you sometimes need a child arrangements order?

Sometimes parents or those with parental responsibility need a child arrangements order, because they cannot reach an agreement on contact arrangements between themselves.

What do you need to do to apply for a child arrangements order?

Before you can apply for a child arrangements order, you must have tried to attend mediation to resolve matters outside of court. If mediation proves unsuccessful or not appropriate by the mediator, for example, if there are domestic abuse allegations, you will receive a certificate which will allow you to start the application process.

How do you apply for a child arrangements order?

You apply for a child arrangements order by filling out a C100 form in as much detail as possible and paying a court fee of £263.

You can apply online or download the form, complete and send in the post, with 3 additional copies, to your nearest court that deals with cases involving children.

On the form, you will be asked to provide details about you and the children, and a statement including why you are making the application, any previous agreements you have had in place, including a parenting plan, and what you want the court to do.

You will also need to detail your proposed timescales, if the hearing is urgent and without notice, which means the other party will not be given prior warning of the application, and if there are other court cases involving the children.

It is a long and complex form, and it is highly recommended you seek legal advice to help you complete it correctly.

Do you have to go to court?

You will need to go to court to obtain a child arrangements order. This may be in person or a remote hearing, which will take place by video call.

What factors does the court consider before approving a child arrangements order?

The courts will consider what is in the best interests of the child using the welfare checklist, which considers the following:

- The wishes and feelings of the child concerned dependent on their age and level of understanding
- The child's physical, emotional and educational needs
- The likely effect on the child if circumstances changed due to the court's decision
- The child's age, sex, background and any other characteristics which may be relevant to the court's decision
- Any harm the child has suffered or may be at risk of suffering
- The capability of the child's parents (or any other person the courts find relevant) to meet the child's needs
- The powers available to the court in the given proceedings.

What happens next?

Once your child arrangements order is granted, it is important to stick to the details. Should matters arise down the line, you may need to consider changing the arrangements or applying to enforce the order.

Can a child arrangements order be changed?

It is possible to change a child arrangements order as parents' circumstances often change with time, and a child's needs change as they get older, for example:

- Your employment has changed, and you cannot see the children at the current times
- You are moving house
- The child's needs have changed.

If you wish to change a child arrangements order, it is best to work with the other parent to reach an agreement. If you cannot decide between yourselves, consider whether mediation is appropriate. If you still cannot agree, seek legal advice and consider making an application to the court.

What if someone breaches the child arrangements order?

Unfortunately, despite the child arrangements order being legally binding, these orders are not always complied with.

If you are experiencing difficulties with a child arrangements order, try to discuss the breach (s) with the other parent in the hope that you can reach an agreement without having to return to court. Mediation can also help here.

If you have to return to court, an application for enforcement is made on a Form C79.

Enforcement proceedings must be dealt with without delay, and if possible, listed before the judge who dealt with matters previously. A hearing will be listed within 20 working days of the application being issued.

The importance of legal advice

It is important to get legal advice, because children cases can become complex and lengthy.

Family lawyers are specialists in this area and qualified to advise you on your legal position throughout. They are experienced in guiding clients through the application and court process.

This will ensure you have all the relevant paperwork and evidence required, understand what is expected of you at each stage, and can present your case in the best way possible from the outset.

Useful links

Online application for a child arrangement order: <https://www.gov.uk/looking-after-children-divorce/apply-for-court-order>

C100: Apply for a child arrangements order <https://www.gov.uk/government/publications/form-c100-application-under-the-children-act-1989-for-a-child-arrangements-prohibited-steps-specific-issue-section-8-order-or-to-vary-or-discharge>

Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit www.stowefamilylaw.co.uk

C79: Apply to the court to enforce a child arrangements order <https://www.gov.uk/government/publications/form-c79-application-related-to-enforcement-of-a-child-arrangement-order>

CB001: Guidance document on family court applications that involve children, what to expect in family legal proceedings, and which orders you can apply for. <https://assets.publishing.service.gov.uk/media/5fff01268fa8f563fd0c474a/cb1-eng.pdf>

C8: Apply to keep your details private in the family court https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/993551/c8-eng.pdf

Help with court fees

Find out more about help paying court fees here: <https://www.gov.uk/get-help-with-court-fees>

You can apply for help with court fees online here https://helpwithcourtfees.service.gov.uk/checklist?_ga=2.49897317.291397894.1693818360-2023738386.1683294732

Or download and complete Form EX160, for help with court fees here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1139233/EX160_0422_save.pdf

Search for your local family court <https://www.gov.uk/find-court-tribunal>

Additional support

CAFCASS advises the family courts about the welfare of children and what is in their best interests <https://www.cafcass.gov.uk/>

For more Stowe talks: How to videos and further free resources, visit: <https://stowefamilylaw.co.uk/support>