

FAMILY MATTERS

PARENTING AGREEMENT FOR SCOTLAND - GUIDE



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scotland
SCOTTISH EXECUTIVE

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INTRODUCTION

This Parenting Agreement for Scotland has been designed for parents who are separating.

The aim is to help separating parents to agree on future arrangements for their children. If you have separated from your child's other parent, or have agreed to do so, you may find this helpful.

The *Parenting Agreement for Scotland* is not a legal contract and it isn't intended to be enforced by a court. In fact, it is intended to help separated parents stay out of court by encouraging them to make practical and workable arrangements for their children by themselves.

The break-up of a relationship is one of the most stressful times in anyone's life. But for the children of these relationships, experiencing their parents' separation can be especially difficult. Children can be badly affected by the separation of their parents in terms of their emotional development, their achievement at school and in other areas. But problems can be minimised when the break-up is sensitively managed by both parents working together to agree on what is best for their children's future.

Naturally, as parents who have separated or who have agreed to separate, you will want to protect your children from unnecessary upset and you will want to take all available steps to help your children cope with this major change in their lives. The *Parenting Agreement for Scotland* is intended to help you do this.

"I hate it when Mum and Dad argue about me. They think I can't hear them but I do."



USING THE PARENTING AGREEMENT

The Parenting Agreement for Scotland comes in two parts and it is simple to use. This part is the 'Guide'. The Guide is intended to encourage separating parents to focus on some of the important areas of their children's lives which they will want to make plans for.

For example, you and your former partner may need to reconsider your children's living arrangements, their schooling, holidays, healthcare and so on. Having come to an agreement about these matters, you might then want to write down what you've decided in the 'Plan' document which forms the second part of the *Parenting Agreement* pack.

The *Parenting Agreement* is intended to be used by people in different family situations. Not all children are cared for by their two biological parents. For example, children who are in a step-family which is breaking up may attach as much importance to maintaining their relationship with the step-parent as they would in relation to their natural parent. The *Parenting Agreement* is intended to be able to be used by all.

All families are different and the arrangements which you will make for your children may not be exactly the same as those agreed by other parents. So use as much or as little of this document as you both feel is helpful. You can fill in some, all, or none of the Plan document. You might want to leave out some sections if they are not relevant to you or perhaps if you and your former partner can't come to an agreement yet. Equally, you may want to add in some additional arrangements which you both feel are important. You may not even want to write anything down and instead just use the *Parenting Agreement* as a starting point for discussion.

"I know he's not my real Dad but he is my Dad. My real Dad left my Mum when I was a baby and I've never even met him. My Dad has always been there for me and I love him."

AGREEMENT MUST BE MUTUAL

The important thing is to remember that arrangements which parents can agree amicably together are much more likely to work in the long-term for you as parents and, most importantly, for your children. But agreement must genuinely be mutual. If one parent feels that they have been pressured into consenting to any arrangement then it simply won't work, either for you as parents or for your children. Compromise may be necessary.

If you can't agree on something now, it may be best to wait until some time has passed and tensions have eased and then see if you can bring up the matter again. It probably won't help if one of you keeps trying to push the other into accepting an arrangement which they're not comfortable with, but neither should you agree to something you're not comfortable with just to satisfy the other parent.

Whatever agreement you both come to, it's important that you always keep up regular contact with your children, even if you and your former partner haven't finalised arrangements yet. Your children need you.

It's also worth bearing in mind that if you have difficulty communicating with your former partner there are sources of help, such as Relationship Counselling and Mediation services. Details of organisations who offer these services are included in the Further Advice & Information section of the pack. Some of these organisations may assist you in working through the *Parenting Agreement* pack with your former partner.

YOUR CHILDREN'S VIEWS

While the *Parenting Agreement for Scotland* is intended for use by parents, depending on the age and maturity of your children, you mustn't forget to take account of their views as well. The arrangements your family puts in place for the future care and welfare of the children are more likely to succeed if everyone is involved in making key decisions.

YOUR CHILDREN'S SAFETY - AND YOURS

In some cases, a parent might be concerned about the safety of their children left alone in the care of the other parent – or perhaps even about their own safety. Naturally, if you have any fears of this kind, you should consider taking appropriate action to protect your children and yourself from harm. In such cases, it may not be appropriate for you to complete a *Parenting Agreement* of this kind.

If you do have concerns about domestic abuse, in the first instance you may wish to contact your solicitor, your local Social Work Department, or one of the support bodies whose details are included in the *Parenting Agreement* folder.



LIVING ARRANGEMENTS

WHAT'S PRACTICAL AND BEST FOR YOUR CHILDREN?

When you and your partner separate, probably the first thing you will want to agree on is your children's living arrangements.

Many different kinds of arrangement are possible. In some cases, parents have been able to make arrangements allowing the children to spend an equal amount of time living with each parent.

However, in most cases, children live with one parent and spend time with the other parent on a regular basis. Equally, for practical reasons, one parent may have to make certain day-to-day decisions about the children without consulting the other.

Usually both parents want to play a full role in their children's lives and it can be difficult to agree on living arrangements. The most important thing to consider here are your children's needs, and what arrangements will provide them with stability and security at what can be a very difficult time in their lives.

Most children benefit from maintaining real and lasting involvement with both parents, so you should plan living arrangements which will allow this to happen. Regular visits may be best. Alternatively, short or prolonged periods when the children stay overnight might work better. The time spent with each parent should be sufficiently often and for long enough to help parent and child to strengthen the bond beneficial to both of them.

“Why do I have to go for contact visits at the same time every week? Sometimes I have other things to do with my mates but it's no use saying anything. I don't know who decided. Nobody asked me.”

Time - quantity and quality

When a family all live together under the same roof, parenting is a simpler matter. After separation, parents have to be better organised. You and your former partner need to co-operate not only about allocating the time you will each spend with the children but also to ensure that good use can be made of that time. The over-used phrase “quality time” is important.

In circumstances where children are living with one parent, it is essential that the other parent can spend enough time with them so that this contact is enjoyable and relaxed for the children and not seen as a chore or a duty. So think about all the options, including overnight stays, weekends and holidays rather than just falling into a regular pattern such as every other Sunday.

You and your former partner might be able to agree that the one who doesn't normally live with the children can spend time with them in the house where the other lives with the children. This is an arrangement that could suit younger children, though naturally there would need to be a high level of trust and understanding between parents for this to work.

Whatever arrangements you come to, remember that your children need to feel that both of their parents are actively involved in their lives. You should each agree to encourage your children to enjoy the time they spend with the other parent and promote the strengthening of the bonds between them. Be sure to find out from your children what they really want.

Be respectful

Feelings between you and your partner may be running high before, during or after your separation. Do try to recognise the effect that separation has on your children and put them first. Some children are left with a fear that somehow they may be to blame. Many wish, no matter how unrealistic it may be, that you will get back together again. You may be very angry with your former partner, but it is important that your children are not caught up in this and that you do not make abusive or critical remarks about the other parent in front of your children. The best way to show your love for your children is to demonstrate to them that whatever your differences and difficulties, each of you is committed to working out together what is best for them.

“I wish I could spend more time with my Dad. I know he's busy but once a fortnight for 4 hours doesn't give us time to do much. Every time it's the same: go to a film; then to a café; then home. It's boring.”



Be flexible

However difficult your relationship is with your former partner, do try to be reasonable and put your children's needs first. You may have to try several different arrangements before settling on a routine which works best for everyone. Flexibility is essential as there will be times when arrangements have to be changed. You both need to work out how to deal with these situations. And don't forget how important it is to include your children in decisions which affect them.

Keep your children informed

So, if you have to cancel or postpone a visit, make sure you explain the reasons to your children and try to rearrange another time. You should do everything you can to avoid your children feeling that they've been let down. It is equally likely that, on occasion, your children might need to postpone their time with you because of some school activity, a party or some other commitment. You need to be understanding when these situations arise.

Additional ways of staying in touch

As well as spending regular time with your children, you can keep in touch with them in other ways. You could phone them on a certain day, email them, send text messages or write them letters. This may be particularly important if you do not live near them or if you spend time working away from home. Discuss these things with your former partner and try to reach agreement about when and how often this kind of contact takes place to ensure that it doesn't cause any difficulties between you later on.

Some things to consider

- Where will your children live?
- How much time will they spend with each of you?
- How can they best keep in regular touch with both of you?
- Will they be able to stay overnight?
- Where will the children's toys, games and other things be kept?
- Who else (e.g. grandparents) might they spend regular time with?
- How will you agree on the suitability of people to act as babysitters or childminders for your children?
- Have you asked your children what they want?

At page 7 of the *Parenting Agreement for Scotland – Plan* document, you will see a series of similar questions where you and your former partner may want to keep a record of what you agree.



KEEPING IN TOUCH

Wider family - and friends

Before you and your partner separated, your children will have had regular contact with a fairly wide range of other adults and children. There will have been family members (grandparents, cousins, aunts and uncles) and non-family members (school friends, neighbours, parents' friends and so on).

Reducing the disruption in their lives

Now that your children have experienced their parents' separation, you will understand the value of minimising the disruption in their lives in other ways. So you'll want to ensure that they keep up contact with these other people who are important to them and who they're used to seeing regularly.

It is up to you and your former partner to decide how best to do this. You may feel upset at the breakdown of your relationship but that is not a reason to exclude your former partner's family from your children's lives.

Ask your children

You might want to discuss with your children who they feel they would like to keep up contact with. We have included an example of a diagram which they might draw for themselves – or you could help them. Alternatively, they might want to simply write a list. Some of these people might see your children every day, for example, a grandparent who collects them from school. Other people may see them less often, but it is important to think about your child and who matters to them. You might be surprised to learn some of the people your children feel are important to them, such as a teacher or a friend's parents.

"I've got my own mobile phone now, so I can go to my room and talk to Dad whenever I want to. I've taught him how to 'txt' though he's still pretty slow. I can keep in touch with my Gran as well."

"I never see Granny and Grandad now. I used to go to their house a lot but since Dad fell out with Mum he won't let them come near me. When Granny phoned up, Dad wouldn't even let her speak to me."



SCHOOL

In addition to their education, school has a huge influence on children's emotional and social development.

It's natural that, following separation, both parents will want to be kept informed about, and involved in, their children's schooling.

Even though you're no longer partners, you are still parents

However, when parents separate, this can often prove difficult for the parent with whom the children are not living. Perhaps this is because these parents don't know how to engage with the school following the separation or perhaps they are even discouraged from doing so by the other parent. Not only is this unfair on the parent who is excluded but it can have adverse effects on the children too.

We know that children's education and their general development can suffer if they are upset over their parents' break-up. But there is clear evidence that if parents remain courteous to one another and united in their approach to their children's welfare, including education, adverse effects on children can be greatly reduced.

Keep the school informed

The more information available to the school, the easier it will be for them to accommodate your family's new circumstances. So as soon as possible after you and your partner break-up, you should let the school know. If you can agree to do this jointly, all the better.

Tell the school if the children's address will change. Let them know about the children's living arrangements and be sure to tell them the contact details for *both* parents so that they can keep each of you informed about the children's progress. The school may also need to know what arrangements have been made to collect a child from school. You may have to vary these arrangements from time to time, for example, if the children are staying overnight with their other parent.

You should find that your children's school is understanding and helpful. After all, they too want what's best for your children and you will be helping them to help you.

“Both my parents want to go to Parents' Evening but they refuse to go together. My mate's parents are divorced but they go to these things together. Why can't mine?”

Some things to consider

- How will you let the school (or nursery) know about your separation?
- Does the school know about the children's living arrangements?
- Who should the school get in touch with in the event of an emergency?
- Does the school know to keep you both informed about your children's progress?
- What about parents' evenings and other school functions – who will attend and will you attend together?
- How will you and your former partner make decisions about which school your children will attend; how will you help them make decisions about their choice of subjects and future careers?

At page 11 of the *Parenting Agreement for Scotland – Plan* document, you will see a series of similar questions where you and your former partner may want to keep a record of what you agree.



HOLIDAYS AND OTHER 'SPECIAL' DAYS

School holidays present both challenges and opportunities for separated parents.

On the one hand, you will need to speak to one another to make arrangements about who will look after the children when they're not at school. On the other hand, the holidays are an ideal opportunity for each parent to spend time with their children in a relaxed way outwith the usual routines.

Challenges...

Even when you and your former partner were together, you will have had to juggle your time to accommodate school holidays. This is especially true when both parents work full-time. But now that you have separated, it is even more important that you work out when each of you will have responsibility for the children during the holidays. Try to be flexible and take account of each other's needs – and, of course, the needs and wishes of your children.

...and opportunities

If you and your former partner are taking holidays at different times it creates opportunities for each of you to have extended periods where you can strengthen the bonds you have with your children. This can also mean the children spending more time with other members of the wider family, such as grandparents.

You should discuss with your former partner how they feel about you taking the children away on holiday with you. While this should be an enjoyable and positive experience for you and your children, you should recognise that your partner may have sensitivities about it – especially if you are considering taking the children abroad. So it's best that you discuss your plans well in advance and seek to come to an arrangement which both of you are happy with.

Other 'special' days

Apart from holidays, there are other specific days such as a child's birthday, New Year, Christmas or other religious festival, which you will want to think about. For example, where and how will your child's birthday be celebrated and who will be invited? You may find that it is better to discuss these things with your former partner now, rather than waiting until the day arrives only to find that you both have very different expectations about what is going to happen. And don't forget to ask your children for their views.

Discussing possible gifts with your former partner is also a good idea as it can help ensure that the children don't end up receiving presents they don't need or perhaps already have. (This approach might also help ensure that children can't play one parent off against the other in order to get what they want!)

Some things to consider

- When the school holidays come along, how will you share responsibility for caring for your children?
- What will happen when schools are closed for single days such as inservice days?
- Can either of you take the children away on holiday? Abroad?
- What arrangements will you make for birthdays and other 'special' days?
- Have you asked your children for their views?

At page 13 of the *Parenting Agreement for Scotland – Plan* document, you will see a series of similar questions where you and your former partner may want to keep a record of what you agree.

"I had a great summer this year. I had 3 weeks with my Dad and the rest with my Mum. Dad and his new girlfriend took me to Spain and Mum took me away for a week with my Gran."

"Every Christmas it's the same. First my Dad insists that I have a huge turkey lunch at his house, then a few hours later my Mum makes me eat the same thing for my dinner. I don't even *like* turkey!"



HEALTH

Decisions about a child's health are a matter for both parents.

You will want to agree with your former partner about arrangements for routine procedures, such as dental check-ups. You will also want to think about how to deal with any continuing health problems a child may have and perhaps even what to do in the event of a medical emergency.

If your children are living with you, for practical reasons it is likely that you will be the one who ensures that regular medical and dental appointments are kept. If one of your children has a chronic health problem, such as asthma, you and your former partner will want to ensure that you each know the details of any necessary medication or treatment.

Sharing information is key

Each parent should keep the other up-to-date about all matters relating to the children's health. This doesn't just mean in the case of medical emergencies but also in relation to general health issues and illnesses such as colds or recurring headaches.

By coming to an agreement over health matters, not only will this help both of you to exercise appropriate care but it will also reassure your children that their parents are both fully committed to their well-being.

“I had a great day out with my Dad but there was a bit of a panic when I had an asthma attack – we had forgotten to bring my inhaler.”

Some things to consider

- Who will be responsible for ensuring that the children keep routine medical and dental appointments?
- Have you informed your children's GP practice about:
 - your separation?
 - your children's living arrangements?
 - The fact that you will both continue to be involved in the children's lives?
- Do you both know the details of any medication your child takes?
- Who will give parental consent to medical treatment when consent is required by a GP or hospital?
- Remember that, depending on their age, your children's views may also have to be taken into account.

At page 15 of the *Parenting Agreement for Scotland – Plan* document, you will see a series of similar questions where you and your former partner may want to keep a record of what you have discussed and agreed.



MONEY MATTERS

You may already have made arrangements for the financial support of your children.

In order to arrive at a sensible and workable arrangement, you and your former partner will need to carefully consider your children's current and future needs, as well as how much money can be afforded to meet these needs.

Consider one another's situation

It's a fact that money can be the most common source of disputes between separating parents. This may be understandable but it needn't be inevitable. When considering financial provision for your children, each parent should try to understand the position of the other. Children are expensive and the parent who has in the past dealt with the costs out of the household budget, such as buying new shoes or paying for hobbies, may feel that the other parent does not have a realistic view of the true cost of raising children.

Think of the children

On the other hand, parents without the day-to-day care of children will often complain that the additional financial burdens they have to cope with (e.g. having to pay for new accommodation) are not always appreciated by their former partners. So, listen to each other and try to understand the other's position but always bear in mind that you are aiming to come to an arrangement which will be best for your children.

As parents you both have a financial responsibility towards your children, so it's important that you each honour whatever financial arrangements have been put in place. This is essential for the future welfare of your children.

Some things to consider

- Have you considered the likely cost of bringing up your children?
- How will children's clothes and shoes be paid for?
- How will school trips be decided on and paid for?
- How will bigger items be decided on and paid for, such as a computer or sports equipment?
- How will you take account of your children's changing needs as they get older?

At page 17 of the *Parenting Agreement for Scotland – Plan* document, you will see a series of similar questions where you and your former partner may want to keep a record of what you have agreed.



MAKING CHANGES

Remember that the arrangements you make for your children now are not fixed for good.

As children grow, their lives, their interests and activities and their needs develop and change. So it's important that you and your former partner take a flexible approach to making arrangements for your children.

New partners

And remember, it's not just your children whose lives will change over the next few years. As you and your former partner move on, there will be new developments in your lives which might also have an effect on your children. For example, what will happen if one of you meets a new partner? This is something which can be difficult for children to come to terms with and it can be difficult for former partners too. You should think carefully and sensitively about how you introduce the new situation. Don't expect children to just 'adapt' or to see your new partner as a substitute for their other parent.

Whether or not you choose to write down what you have agreed in the *Parenting Agreement – Plan* document, you should aim to regularly review the decisions you have jointly made to see if they are still appropriate and think about whether you need to make any changes.

If you feel you need further **advice or information** about your situation, a list of useful contacts are included in the *Parenting Agreement* folder.

“I can't stand Dad's new girlfriend”

Some things to consider

- Will you arrange to regularly review the arrangements you have agreed on?
- What kind of changes in circumstances do you each consider will require you to look again at the arrangements you have made for your children?
- As your children get older and their needs change, how will you involve them in discussion about making changes to arrangements for their care?

On page 19 of the *Agreement for Scotland – Plan* document, you will see a series of similar questions about making changes to the arrangements you have made and where you and your former partner may want to record what you have agreed.

“I like Dad’s new girlfriend.
She’s good fun. When I told
Mum she went ballistic!
I just keep quiet about it now.”



ANNEX: YOU, YOUR CHILDREN AND THE LAW

This section of the Parenting Agreement – Guide is not intended to be a comprehensive explanation of family law in Scotland. It merely touches on some of the more common aspects of the law as it relates to parents and children.

Firstly, it is important to remember that the *Parenting Agreement* itself is not a legal contract and is not intended to be enforced by the courts. By completing and signing the *Parenting Agreement* you are not making a legally binding commitment, this is not its purpose. The *Parenting Agreement* is for use by separated parents in a voluntary way for the benefit of their children and themselves.

Children in law – the underlying principles

The principal law relating to children is contained in:

- The 'Common Law'
- The Family Law (Scotland) Act 1985
- The Children (Scotland) Act 1995
- The Family Law (Scotland) Act 2006

'Common law' is the law which has gradually built up as a result of decisions taken by the courts over time. The Acts of Parliament (or 'statutes') set out the basic principles which must be observed by anybody taking decisions which affect children. These principles should guide parents who make these decisions for themselves.

The principles are:

- i) In any decision about a child, the paramount consideration is what will be in the best interests of the child.
- ii) Both parents enjoy and have clear, equal responsibilities and rights in respect of their children. These continue beyond the child's 16th birthday. Both parents, whether separated or together, should exercise these parental responsibilities constantly and consistently.
- iii) A court order should not be made unless it would be better in all the circumstances of a case to make one.
- iv) In any decision about children, their views and wishes must be taken into account. The extent to which these wishes will guide the decision will vary according to their age and maturity.
- v) Unless the contrary can be proved, it is in children's best interests that they maintain significant relationships with both parents, whether they are living together or apart.

It is better for separated parents to agree on arrangements for their children in keeping with these principles. This avoids hostile and potentially expensive court actions. Disputes in court seldom provide satisfactory solutions and may reinforce bitterness between the two parents. They can be upsetting for the adults involved, their extended families and, particularly, the children themselves. It is unrealistic to expect any judge - a stranger to the children - to reach a better decision than one decided by the two people who are closest to them.

Some cases will, however, still be decided in court.



Parental responsibilities and rights

Following changes made in the Family Law (Scotland) Act 2006, regardless of whether the parents are married to one another or not, a child's parents are both given Parental Responsibilities and Rights (PRRs) if they register the child's birth together, i.e. both of their names appear on the birth certificate.

It is not necessary for both parents to be at the registration office at the time the birth is registered. There are special forms that can be filled in.

For children born in Scotland prior to the changes made by the Family Law (Scotland) Act 2006, if the child's parents were married to each other at the time of the birth or got married later, then both parents were given PRRs. If a child's parents were not married, then only the mother was given PRRs. The changes to the law made by the Family Law (Scotland) Act 2006 will not change that situation.

The father can get PRRs in one of the following ways:

- By marrying the mother.
- By signing and registering a Parental Responsibilities and Rights Agreement (PRRA) form with the mother. (The mother needs to agree and the form needs to be registered in the Books of Council and Session, a public register kept in Edinburgh). Forms are available from many places including Citizens Advice Bureaux, on the internet at www.scotland.gov.uk/familylaw or by phoning 0131 244 3581.
- By asking the court to give them to him.

Other people with an interest in the child can also apply to the courts for PRRs, for example step-parents, grandparents, aunts or uncles. When making a decision about a child, the Sheriff will be concerned about what is best for the child not for the adults in the child's life. The Sheriff will ask the child what they would like to happen and will take the child's views into account.

It is important to know if you have PRRs for your children as only those people with PRRs have a legal say in what happens to them.

Where more than one person has PRRs, they don't have to ask each other about everything they want to do but they must agree if one of them wants to take the child away from Scotland (even on holiday). It is expected that people with PRRs will always do what's best for the child.



Relationship breakdown: parents who are married to each other

There are two grounds for divorce in Scotland:

- ir retrievable breakdown of the relationship or
- an interim gender recognition certificate has been issued to either spouse (this means that the person has gone through the first stages of legally changing their gender from the one on their birth certificate)

Ir retrievable breakdown of the relationship can be proved in 4 ways:

- adultery
- unreasonable behaviour
- living apart for 1 year (where both parties agree to the divorce)
- living apart for 2 years (where one party does not agree to the divorce)

Application must be made to a court. Either the wife or husband can apply to a court, normally it would be to the local Sheriff Court.

Where there are children of the marriage under 16 years of age, the papers presented to the court must include their details and proposed arrangements for their future care. These should include details of whom the children will live with in the future. The papers must include 'affidavits' from two people. (An affidavit is simply a signed, written statement giving evidence to the court.) The affidavits should set out the proposed future arrangements and they should be able to satisfy the court that the children's interests have been safeguarded. Courts are not allowed to grant a divorce unless they are satisfied about this.

Courts now expect that those affidavits will include information not only on the child's residence but also what future contact the children will have with both parents. Affidavits should show how significant relationships with both parents will be maintained.

Courts would be likely to recognise and value highly any affidavit that indicated parents had reached their own agreement. Where a court is satisfied the children's interests are safeguarded and that parents are in agreement, they will simply grant decree of divorce. When parents cannot come to an agreement, one or other of them may apply to the court for an order relating to their child. Such issues can be raised in divorce proceedings.



Relationship breakdown: parents who are not married to each other

When a couple who were not married separate, there is not a legal process to formally end the relationship. If you have children you need to discuss and agree arrangements regarding their future care. When parents cannot come to an agreement, either of them can apply to the court for an order relating to their child.

If parents cannot agree arrangements for their children

If parents can't agree about arrangements for their children, one or other of them may apply to the court. There may be disputes about whom a child should mainly live with, or about the amount of time the child should spend with each parent. Courts would normally appoint an early 'Child Welfare Hearing' where the points at issue can be discussed.

In practice Child Welfare Hearings tend to be quite informal occasions. They are held in private. Though their legal representatives will be present, parties are required to appear personally and participate in the decision making process. Sheriffs will normally try to persuade the two parties to compromise and reach agreement. Sheriffs may appoint an independent person to make inquiries and report to the court to assist early decisions.

If parties are unable to reach agreement, disputes may have to be decided after often lengthy and expensive 'proof hearings' where the parties give spoken evidence and are subject to cross examination.

Where there is a dispute which affects the interests of a child, the law says that the child must be given the chance to say what they want to happen. They don't have to say anything if they don't want to but they must be asked. If they do say what they want to happen, the Sheriff will take what they have said into account when making a decision. When making a decision the most important thing for the Sheriff will be to make sure the arrangements are best for the child, not for the adults in the child's life.

Court decisions on children recognise the possible need for change. Where a parent applies to vary previous decisions, courts normally require that the parent should demonstrate that the change in circumstances was important (or 'material'). The person seeking change would have to satisfy the court that the best interests of the child would be served by altering what had previously been decided. Although '*Parental Agreements*' may be new to the courts, they would almost certainly approach them in the same way. Any change would have to be in the best interests of the child.

Contact orders

Where courts are required to and do make decisions, parents must stick by them. These decisions are enforceable. If a parent fails to obey the terms of a Court Order he or she could be held to be in contempt of court and liable for punishment for that contempt.

Children at risk

Despite the emphasis on parents reaching decisions for themselves, and the expectation that both parents share equal responsibilities and rights, situations can arise where a responsible parent may need to take steps to protect a child. For example, the current living arrangements for the child might constitute a dangerous or undesirable situation. Similarly, a parent may consider that contact with the other parent might place the child at risk.

There may be concerns about domestic violence, a parent's involvement with alcohol or drugs, or of him or her associating with unsuitable people. There may have been previous ill-treatment of the child or of the other parent. Alternative accommodation which is suggested for the child may be wholly unsuitable for any number of reasons.

A court would consider such allegations carefully and, if necessary, take a decision designed to protect the child, such as by 'interdicting' or forbidding a parent contact. In doing so the court will require to recognise that their paramount consideration is that of the best interests of the child.



Children and the children's hearings system

Where any person has reason to believe that a child may be in need of compulsory measures of supervision, they may refer that case to the Reporter to the Children's Panel. It is not unknown for a parent or other relative who is concerned about a child to do so. The child may then be referred to a Children's Hearing and become the subject of a supervision requirement.

In such a situation the responsibility for making any decision where there are issues about where and with whom a child shall live, and what contact he or she will have with either or both parents, will rest with the Hearing. Any person with parental responsibilities and rights is bound by its terms but may appeal to the Sheriff to have the order reconsidered.

Detailed information on the Children's Hearings System is available from the local Reporter to the Children's Panel or from the Scottish Children's Reporter Administration at Ochil House, Sprinkerse Business Park, Stirling FK7 7XE.

FURTHER ADVICE AND INFORMATION

In the *Parenting Agreement for Scotland* folder is a list of organisations which offer advice and information for parents. As well as giving advice in person and producing leaflets and other written materials, some of these bodies have a telephone helpline which you can call, and others have a website which you can browse.

In addition, there are a great many books available on families, children and parenting. Some of these are aimed at parents and others are for children themselves. You can ask the organisations listed to recommend books, or you can ask about them in your local library or bookshop.

For legal advice you will have to consult a solicitor but in the first instance you may wish to contact your local Citizens Advice Bureau for advice about your situation. If you do wish to find a solicitor, the Law Society of Scotland can direct you to solicitors in your area who specialise in family law.

Further copies of this document are available, on request, in audio and large print formats and in community languages. Please contact 0131 244 3581,

اس دستاویز کی مزید کاپیاں آڈیو کیسٹ پر اور بڑے حروف کی چھپائی میں اور کمیونٹی کی زبانوں میں طلب کیے جانے پر دستیاب ہیں، برائے مہربانی اس پتہ پر رابطہ کریں:

এই ডকুমেন্ট-এর (দলিল) অতিরিক্ত কপি, অডিও এবং বড়ো ছাপার অক্ষর আকারে এবং সম্প্রদায়ভাষার ভাষায় অনুরোধের মাধ্যমে পাওয়া যাবে, অনুগ্রহ করে যোগাযোগ করুন:

Gheibhear lethbhreacan a bharrachd ann an cruth ris an èistear, ann an clò mòr agus ann an cànan coimhearsnachd. Cuir fios gu:

इस दस्तावेज़/कागज़ात की और प्रतियाँ, माँगे जाने पर, ऑडियो टेप पर और बड़े अक्षरों में तथा कम्प्यूटरी भाषाओं में मिल सकती हैं, कृपया संपर्क करें:

ਇਸ ਦਸਤਾਵੇਜ਼/ਕਾਗਜ਼ਾਤ ਦੀਆਂ ਹੋਰ ਕਾਪੀਆਂ, ਮੰਗੇ ਜਾਣ 'ਤੇ, ਆੱਡਿਓ ਟੇਪ ਉੱਪਰ ਅਤੇ ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਕੰਪਿਊਟਿਰੀ ਭਾਸ਼ਾਵਾਂ ਦੇ ਵਿਚ ਮਿਲ ਸਕਦੀਆਂ ਹਨ, ਕ੍ਰਿਪਾ ਕਰਕੇ ਸੰਪਰਕ ਕਰੋ:

此文件有更多備份，如果需要，語音版本和大字體版本及少數種族語言版本也可提供，請聯絡：

يمكن أن تطلب النسخ الأخرى من هذا المستند كالتسجيل الصوتي والخط المكبر ونسخ بلغات أخرى، يرجى الإتصال على:

The Scottish Executive has produced a range of Family Matters documents. These are available from www.scotland.gov.uk/familylaw, by e mail family.law@scotland.gsi.gov.uk or by phoning 0131 244 3581

Part of Family Matters Parenting Agreement
Not available separately

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