

# Relationships Scotland submission of 4 April 2023

## PE1984/G: Introduce the C100 form for child arrangement orders in Scotland

This petition has been under consideration by the Citizen Participation and Public Petitions Committee since November 2022. At the Committee meeting of 22 February 2023 it was suggested that the views of Relationships Scotland, and others, be sought.

The petitioner previously submitted petition PE1917 '*Calling on the Scottish Parliament to urge the Scottish Government to provide full legal aid to all parents who are fighting for access to their child/children regardless of their income.*' Relationships Scotland submitted a response to that petition, noting support for the principle within the petition that money should not come in-between a child having a relationship with their parents. We are aware of many families where finance is a barrier, children are losing out and the stress is contributing to serious mental health issues. The current system is failing many children and their families.

### **Response from Relationships Scotland to Petition PE1984**

Relationships Scotland welcomes this opportunity to comment further on the issue of reducing the financial barriers that prevent parents from having contact with their children.

Relationships Scotland is a network of 21 Member agencies providing a range of support to families with relationship difficulties across Scotland. In the context of family law, we work with families with issues arising from separation and divorce, parenting, contact and residence disputes. This is primarily through family mediation, which helps parents to discuss and agree arrangements for the care of their children, and through Child Contact Centres that support children to have a relationship with a parent or carer who they are not living with. We also offer counselling for adults, children and young people and separated parenting information sessions (Parenting Apart).

The current petition calls for the introduction of a Scottish equivalent to the C100 form, with a fixed fee, for making applications for child residence or child contact orders. The hope being that this would support quick resolutions of the contact arrangements for a child and

reduce the financial barriers coming in between a child seeing both parents.

Relationships Scotland supports the principle of quick, and importantly child focussed, resolutions of contact and parenting disputes that minimise financial burdens. Our understanding of the use of the C100 form in England is that mediation needs to be considered first, where appropriate, and that the form lays out the issues to be considered in the initial hearing.

We have noted the submission to the Committee from Shared Parenting Scotland of 6 December 2022 and in addition to the financial barriers we agree that the current process for raising court actions in Scotland is difficult to understand and hard to use.

We suggest a review of the current process in Scotland for making applications for child contact or residence orders be undertaken. This could consider options to attend to the financial barriers, as well as accessibility issues and help parties to identify the most appropriate route to resolve their disputes as effectively as possible. The introduction of a C100 type form, appropriate for the specific Scottish legal system, may be part of the solution but a new form alone is unlikely to deliver the outcome that the petitioner is seeking to achieve.

Guidance for the public using clear, easy to understand, accessible language would help significantly with some of the difficulties. This was a key area identified in the Family Justice Modernisation Strategy of 2019 which is well overdue.

Mandatory information sessions on alternative dispute resolution options would help parents to understand and explore the best process for them to use. These sessions are also an opportunity for parents to find out about other support that is available for them. A pilot of these sessions was included in the Children (Scotland) Act 2020 and although we understand some of the reasons, we are disappointed with the slow progress on the implementation of this pilot. ([Children \(Scotland\) Act 2020 \(legislation.gov.uk\)](#))

We are aware of recent initiatives in England to encourage separating parents to use mediation and attend co-parenting programmes. ([Plans to protect children under new mediation reforms - GOV.UK](#)). In addition, there has been investment in the Separated Parents Information Programme (similar to Parenting Apart sessions) to make this accessible online and connect it with Parenting Plans and mediation services.

We propose that investment is made in Scotland to make the support available for separated families more obvious and joined up, so that parents know where to look for help when they split up. This would support accessibility, the effective resolution of disputes and minimise financial barriers. One option could be an online portal or webpage that:

- explains the court process in clear language
- includes information about legal aid funding that is available
- identifies the various routes for resolving disputes, including mediation, and the cost implications of each
- highlights the Scottish Government Parenting Plan materials
- signposts other resources for parents who live apart, and support such as Parenting Apart information sessions
- collates information on the range of agencies that can help

In summary, we agree with the intent of the petition, to reduce financial barriers and support effective resolutions to contact arrangements. A number of initiatives have been suggested above to deliver that positive outcome for children and families.