

# CHILDREN AND FAMILIES ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2 – FAMILY JUSTICE**

#### *Section 12: Child arrangements orders*

111. *Subsection (2)* removes the definitions in section 8(1) of the Children Act 1989 of a residence order and a contact order. These orders are replaced by a child arrangements order, in line with the recommendation made by the Family Justice Review.
112. *Subsection (3)* inserts into section 8(1) of the Children Act 1989 the definition of the new child arrangements order. A child arrangements order is an order regulating arrangements relating to with whom a child should live, spend time, or have other types of contact, or when they should do so. The “other types of contact” a child arrangements order may provide for could include indirect contact such as a telephone call by the parent. As previously, specific matters which arise in connection with the exercise of parental responsibility for a child (including matters giving rise to a need to limit the exercise of that parental responsibility), and that do not relate to who the child should live with or have contact with, will be dealt with by means of a specific issue order or a prohibited steps order (as defined in section 8(1) of the Children Act 1989) as appropriate.
113. Entitlement to apply for a child arrangements order in general mirrors the previous entitlement in respect of section 8 orders. But there is one extension of that entitlement, which arises as a result of consequential amendments to sections 10 and 12 of the Children Act 1989, detailed further below.