



# Children Act 1989

## 1989 CHAPTER 41

### PART II

#### ORDERS WITH RESPECT TO CHILDREN IN FAMILY PROCEEDINGS

##### *General*

#### **[<sup>F1</sup>11J Enforcement orders**

- (1) This section applies if a [<sup>F2</sup>child arrangements] with respect to a child has been made.
- (2) If the court is satisfied beyond reasonable doubt that a person has failed to comply with [<sup>F3</sup>a provision of the child arrangements] order, it may make an order (an “enforcement order”) imposing on the person an unpaid work requirement.
- (3) But the court may not make an enforcement order if it is satisfied that the person had a reasonable excuse for failing to comply with the [<sup>F4</sup>provision ].
- (4) The burden of proof as to the matter mentioned in subsection (3) lies on the person claiming to have had a reasonable excuse, and the standard of proof is the balance of probabilities.
- (5) The court may make an enforcement order in relation to the [<sup>F5</sup>child arrangements order ] only on the application of—
  - (a) [<sup>F6</sup>a person] who is, for the purposes of the [<sup>F5</sup>child arrangements order ], the person with whom the child concerned lives or is to live;
  - (b) [<sup>F7</sup>a person] whose contact with the child concerned is provided for in the [<sup>F5</sup>child arrangements order ];
  - (c) any individual subject to a condition under section 11(7)(b) or [<sup>F8</sup>an activity] condition imposed by the [<sup>F5</sup>child arrangements order ]; or
  - (d) the child concerned.
- (6) Where the person proposing to apply for an enforcement order in relation to a [<sup>F9</sup>child arrangements] order is the child concerned, the child must obtain the leave of the court before making such an application.

*Changes to legislation: Children Act 1989, Section 11J is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (7) The court may grant leave to the child concerned only if it is satisfied that he has sufficient understanding to make the proposed application.
- (8) Subsection (2) has effect subject to the restrictions in sections 11K and 11L.
- (9) The court may suspend an enforcement order for such period as it thinks fit.
- (10) Nothing in this section prevents a court from making more than one enforcement order in relation to the same person on the same occasion.
- (11) Proceedings in which any question of making an enforcement order, or any other question with respect to such an order, arises are to be regarded for the purposes of section 11(1) and (2) as proceedings in which a question arises with respect to a section 8 order.
- (12) In Schedule A1—
  - (a) Part 1 makes provision as regards an unpaid work requirement;
  - (b) Part 2 makes provision in relation to the revocation and amendment of enforcement orders and failure to comply with such orders.]

<sup>F10</sup>(13) . . . . .

<b>Textual Amendments</b>	
<b>F1</b>	S. 11J inserted (8.12.2008) by <a href="#">Children and Adoption Act 2006 (c. 20)</a> , <b>ss. 4(1)</b> , 17 (with s. 8); <a href="#">S.I. 2008/2870</a> , <b>art. 2(2)(c)</b>
<b>F2</b>	Words in s. 11J(1) substituted (22.4.2014) by <a href="#">Children and Families Act 2014 (c. 6)</a> , s. 139(6), <b>Sch. 2 para. 16(2)</b> ; <a href="#">S.I. 2014/889</a> , <b>art. 4(f)</b> (with transitional provisions in <a href="#">S.I. 2014/1042</a> , arts. 3, 4, 6-10)
<b>F3</b>	Words in s. 11J(2) substituted (22.4.2014) by <a href="#">Children and Families Act 2014 (c. 6)</a> , s. 139(6), <b>Sch. 2 para. 16(3)</b> ; <a href="#">S.I. 2014/889</a> , <b>art. 4(f)</b> (with transitional provisions in <a href="#">S.I. 2014/1042</a> , arts. 3, 4, 6-10)
<b>F4</b>	Word in s. 11J(3) substituted (22.4.2014) by <a href="#">Children and Families Act 2014 (c. 6)</a> , s. 139(6), <b>Sch. 2 para. 16(4)</b> ; <a href="#">S.I. 2014/889</a> , <b>art. 4(f)</b> (with transitional provisions in <a href="#">S.I. 2014/1042</a> , arts. 3, 4, 6-10)
<b>F5</b>	Words in s. 11J(5) substituted (22.4.2014) by <a href="#">Children and Families Act 2014 (c. 6)</a> , s. 139(6), <b>Sch. 2 para. 16(5)(a)</b> ; <a href="#">S.I. 2014/889</a> , <b>art. 4(f)</b> (with transitional provisions in <a href="#">S.I. 2014/1042</a> , arts. 3, 4, 6-10)
<b>F6</b>	Words in s. 11J(5)(a) substituted (22.4.2014) by <a href="#">Children and Families Act 2014 (c. 6)</a> , s. 139(6), <b>Sch. 2 para. 16(5)(b)</b> ; <a href="#">S.I. 2014/889</a> , <b>art. 4(f)</b> (with transitional provisions in <a href="#">S.I. 2014/1042</a> , arts. 3, 4, 6-10)
<b>F7</b>	Words in s. 11J(5)(b) substituted (22.4.2014) by <a href="#">Children and Families Act 2014 (c. 6)</a> , s. 139(6), <b>Sch. 2 para. 16(5)(b)</b> ; <a href="#">S.I. 2014/889</a> , <b>art. 4(f)</b> (with transitional provisions in <a href="#">S.I. 2014/1042</a> , arts. 3, 4, 6-10)
<b>F8</b>	Words in s. 11J(5)(c) substituted (22.4.2014) by <a href="#">Children and Families Act 2014 (c. 6)</a> , s. 139(6), <b>Sch. 2 para. 16(5)(c)</b> ; <a href="#">S.I. 2014/889</a> , <b>art. 4(f)</b> (with transitional provisions in <a href="#">S.I. 2014/1042</a> , arts. 3, 4, 6-10)
<b>F9</b>	Words in s. 11J(6) substituted (22.4.2014) by <a href="#">Children and Families Act 2014 (c. 6)</a> , s. 139(6), <b>Sch. 2 para. 16(6)</b> ; <a href="#">S.I. 2014/889</a> , <b>art. 4(f)</b> (with transitional provisions in <a href="#">S.I. 2014/1042</a> , arts. 3, 4, 6-10)
<b>F10</b>	S. 11J(13) omitted (22.4.2014) by virtue of <a href="#">Crime and Courts Act 2013 (c. 22)</a> , s. 61(3), <b>Sch. 11 para. 103</b> ; <a href="#">S.I. 2014/954</a> , <b>art. 2(e)</b> (with <b>art. 3</b> ) (with transitional provisions and savings in <a href="#">S.I. 2014/956</a> , arts. 3-11)

**Changes to legislation:**

Children Act 1989, Section 11J is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)