

SCHEDULES

SCHEDULE 2

CHILD ARRANGEMENTS ORDERS: AMENDMENTS

PART 1

AMENDMENTS OF THE CHILDREN ACT 1989

- 21 (1) Section 12 (residence orders and parental responsibility) is amended as follows.
- (2) For subsections (1) and (1A) (court making residence order in favour of father without parental responsibility is also to make order giving parental responsibility to the father) substitute—
- “(1) Where—
- (a) the court makes a child arrangements order with respect to a child,
 - (b) the father of the child, or a woman who is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, is named in the order as a person with whom the child is to live, and
 - (c) the father, or the woman, would not otherwise have parental responsibility for the child,
- the court must also make an order under section 4 giving the father, or under section 4ZA giving the woman, that responsibility.
- (1A) Where—
- (a) the court makes a child arrangements order with respect to a child,
 - (b) the father of the child, or a woman who is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, is named in the order as a person with whom the child is to spend time or otherwise have contact but is not named in the order as a person with whom the child is to live, and
 - (c) the father, or the woman, would not otherwise have parental responsibility for the child,
- the court must decide whether it would be appropriate, in view of the provision made in the order with respect to the father or the woman, for him or her to have parental responsibility for the child and, if it decides that it would be appropriate for the father or the woman to have that responsibility, must also make an order under section 4 giving him, or under section 4ZA giving her, that responsibility.”
- (3) In subsection (2) (residence order in favour of person other than parent or guardian) —
- (a) for “residence order in favour of any person who is not the” substitute “child arrangements order and a person who is not a”,

Status: This is the original version (as it was originally enacted).

- (b) after “concerned” insert “is named in the order as a person with whom the child is to live,”, and
 - (c) for “residence order remains in force” substitute “order remains in force so far as providing for the child to live with that person”.
- (4) After subsection (2) insert—
 - “(2A) Where the court makes a child arrangements order and—
 - (a) a person who is not the parent or guardian of the child concerned is named in the order as a person with whom the child is to spend time or otherwise have contact, but
 - (b) the person is not named in the order as a person with whom the child is to live,the court may provide in the order for the person to have parental responsibility for the child while paragraphs (a) and (b) continue to be met in the person’s case.”
- (5) In subsection (3) (limits on parental responsibility given by subsection (2)) after “subsection (2)” insert “or (2A)”.
- (6) In subsection (4) (where order giving parental responsibility was made in compliance with subsection (1) or (1A), order not to be revoked while residence order remains in force)—
 - (a) omit “or (1A)”,
 - (b) for “in respect of the” substitute “in respect of a”, and
 - (c) for “residence order concerned remains in force” substitute “child arrangements order concerned remains in force so far as providing for the child to live with that parent”.
- (7) In the title for “Residence” substitute “Child arrangements”.