

Your guide to enforcing a child arrangement order

If you believe that a person is not adhering to the terms of a child arrangements order, you can apply to the court and ask it to intervene. The court has a wide range of powers and may order one or more of the following steps:

- Varying the child arrangements order which could include a more defined order or reconsideration of the child's living or contact arrangements.
- An order for your ex-partner to pay compensation (financial loss order).
- Ordering your ex-partner to attend a SPIP (Separated Parents Information Programme) or ordering the parties to attend mediation.
- Committing your ex-partner to prison (in the most serious cases).
- Ordering your ex-partner to pay a fine.
- An enforcement order (or suspended order) against your ex-partner. By making an enforcement order the court can impose on a person a requirement to do between 40-200 hours of unpaid community service (referred to as an "unpaid work requirement").

1. Who can apply for an enforcement order?

In the vast majority of cases, the person making the application will be the person who lives with the child(ren), or the person who is supposed to be having contact with the child(ren) under the terms of the child arrangements order.

2. How to apply for an enforcement order

Unlike applying for a child arrangements order, you do not need to attend mediation before making an enforcement application. For current information regarding the standard court fee for making such an application, please see the HMCTS website which can be accessed here [Family Court Fees](#).

The application will normally need to be issued at the court which is nearest to the home address of the child(ren) involved in the proceedings.

The speed with which the court will deal with your application will vary from court to court. Some courts will deal with documents within seven days. However, some courts can take up to 28 days and perhaps even longer.

Once the court has issued the application and scheduled a hearing or directions appointment, the relevant papers will be sent to you (or your legal representatives). Those papers will also need to be served on the respondent (or their legal representatives), at least 14 days before the hearing or directions appointment.

3. What does the respondent need to do?

Within 14 days of receiving the papers from us, the respondent must file at court and send you their response to the application. This will normally include such things as: the date they received the application; whether or not they oppose the application; and whether or not they intend to apply for a separate court order.

4. The court's consideration of an application

When considering an application, the court will be mindful of the following things:

- whether or not the facts about the alleged non-compliance are agreed between the parties.
- the possible reasons for the respondent failing to comply with the child arrangements order.

- the wishes, feelings and general welfare of the child(ren).
- whether or not an enforcement order is proportionate and appropriate in the circumstances.

5. Monitoring compliance with an enforcement order

After having made an order, the court may ask CAFCASS to regularly check that the respondent is complying with the order. It will be CAFCASS' responsibility to report back to the court should there be any issues regarding the respondent's compliance with the order.

6. When will the court decline to make an enforcement order?

The court will not make an enforcement order if it believes that the respondent has a reasonable excuse for failing to comply with a child arrangements order.

7. What if the respondent does not comply with the enforcement order?

If this happens, the respondent is first given a formal warning. Should the problems persist, the respondent runs the risk of having the order amended to be more severe. For instance, the number of hours of unpaid work may be increased (up to a total of 200 hours) and/or the period of the order may be extended beyond 12 months.

This guide is for general guidance only and should not be treated as a definitive guide or be regarded as legal advice. If you need more information about the issues referred to in this guide, please seek formal advice.