



# Children and Adoption Act 2006

## 2006 CHAPTER 20

### PART 1

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

##### *Contact with children*

#### **1 Contact activity directions and conditions**

After section 11 of the Children Act 1989 (c. 41) insert—

##### **“11A Contact activity directions**

- (1) This section applies in proceedings in which the court is considering whether to make provision about contact with a child by making—
  - (a) a contact order with respect to the child, or
  - (b) an order varying or discharging a contact order with respect to the child.
- (2) The court may make a contact activity direction in connection with that provision about contact.
- (3) A contact activity direction is a direction requiring an individual who is a party to the proceedings to take part in an activity that promotes contact with the child concerned.
- (4) The direction is to specify the activity and the person providing the activity.
- (5) The activities that may be so required include, in particular—
  - (a) programmes, classes and counselling or guidance sessions of a kind that—
    - (i) may assist a person as regards establishing, maintaining or improving contact with a child;
    - (ii) may, by addressing a person's violent behaviour, enable or facilitate contact with a child;

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- (b) sessions in which information or advice is given as regards making or operating arrangements for contact with a child, including making arrangements by means of mediation.
- (6) No individual may be required by a contact activity direction—
  - (a) to undergo medical or psychiatric examination, assessment or treatment;
  - (b) to take part in mediation.
- (7) A court may not on the same occasion—
  - (a) make a contact activity direction, and
  - (b) dispose finally of the proceedings as they relate to contact with the child concerned.
- (8) Subsection (2) has effect subject to the restrictions in sections 11B and 11E.
- (9) In considering whether to make a contact activity direction, the welfare of the child concerned is to be the court's paramount consideration.

#### **11B Contact activity directions: further provision**

- (1) A court may not make a contact activity direction in any proceedings unless there is a dispute as regards the provision about contact that the court is considering whether to make in the proceedings.
- (2) A court may not make a contact activity direction requiring an individual who is a child to take part in an activity unless the individual is a parent of the child in relation to whom the court is considering provision about contact.
- (3) A court may not make a contact activity direction in connection with the making, variation or discharge of a contact order, if the contact order is, or would if made be, an excepted order.
- (4) A contact order with respect to a child is an excepted order if—
  - (a) it is made in proceedings that include proceedings on an application for a relevant adoption order in respect of the child; or
  - (b) it makes provision as regards contact between the child and a person who would be a parent or relative of the child but for the child's adoption by an order falling within subsection (5).
- (5) An order falls within this subsection if it is—
  - (a) a relevant adoption order;
  - (b) an adoption order, within the meaning of section 72(1) of the Adoption Act 1976, other than an order made by virtue of section 14 of that Act on the application of a married couple one of whom is the mother or the father of the child;
  - (c) a Scottish adoption order, within the meaning of the Adoption and Children Act 2002, other than an order made—
    - (i) by virtue of section 14 of the Adoption (Scotland) Act 1978 on the application of a married couple one of whom is the mother or the father of the child, or
    - (ii) by virtue of section 15(1)(aa) of that Act; or

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- (d) a Northern Irish adoption order, within the meaning of the Adoption and Children Act 2002, other than an order made by virtue of Article 14 of the Adoption (Northern Ireland) Order 1987 on the application of a married couple one of whom is the mother or the father of the child.
- (6) A relevant adoption order is an adoption order, within the meaning of section 46(1) of the Adoption and Children Act 2002, other than an order made—
- (a) on an application under section 50 of that Act by a couple (within the meaning of that Act) one of whom is the mother or the father of the person to be adopted, or
  - (b) on an application under section 51(2) of that Act.
- (7) A court may not make a contact activity direction in relation to an individual unless the individual is habitually resident in England and Wales; and a direction ceases to have effect if the individual subject to the direction ceases to be habitually resident in England and Wales.

### **11C Contact activity conditions**

- (1) This section applies if in any family proceedings the court makes—
- (a) a contact order with respect to a child, or
  - (b) an order varying a contact order with respect to a child.
- (2) The contact order may impose, or the contact order may be varied so as to impose, a condition (a “contact activity condition”) requiring an individual falling within subsection (3) to take part in an activity that promotes contact with the child concerned.
- (3) An individual falls within this subsection if he is—
- (a) for the purposes of the contact order so made or varied, the person with whom the child concerned lives or is to live;
  - (b) the person whose contact with the child concerned is provided for in that order; or
  - (c) a person upon whom that order imposes a condition under section 11(7)(b).
- (4) The condition is to specify the activity and the person providing the activity.
- (5) Subsections (5) and (6) of section 11A have effect as regards the activities that may be required by a contact activity condition as they have effect as regards the activities that may be required by a contact activity direction.
- (6) Subsection (2) has effect subject to the restrictions in sections 11D and 11E.

### **11D Contact activity conditions: further provision**

- (1) A contact order may not impose a contact activity condition on an individual who is a child unless the individual is a parent of the child concerned.
- (2) If a contact order is an excepted order (within the meaning given by section 11B(4)), it may not impose (and it may not be varied so as to impose) a contact activity condition.

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- (3) A contact order may not impose a contact activity condition on an individual unless the individual is habitually resident in England and Wales; and a condition ceases to have effect if the individual subject to the condition ceases to be habitually resident in England and Wales.

#### **11E Contact activity directions and conditions: making**

- (1) Before making a contact activity direction (or imposing a contact activity condition by means of a contact order), the court must satisfy itself as to the matters falling within subsections (2) to (4).
- (2) The first matter is that the activity proposed to be specified is appropriate in the circumstances of the case.
- (3) The second matter is that the person proposed to be specified as the provider of the activity is suitable to provide the activity.
- (4) The third matter is that the activity proposed to be specified is provided in a place to which the individual who would be subject to the direction (or the condition) can reasonably be expected to travel.
- (5) Before making such a direction (or such an order), the court must obtain and consider information about the individual who would be subject to the direction (or the condition) and the likely effect of the direction (or the condition) on him.
- (6) Information about the likely effect of the direction (or the condition) may, in particular, include information as to—
- (a) any conflict with the individual's religious beliefs;
  - (b) any interference with the times (if any) at which he normally works or attends an educational establishment.
- (7) The court may ask an officer of the Service or a Welsh family proceedings officer to provide the court with information as to the matters in subsections (2) to (5); and it shall be the duty of the officer of the Service or Welsh family proceedings officer to comply with any such request.
- (8) In this section “specified” means specified in a contact activity direction (or in a contact activity condition).

#### **11F Contact activity directions and conditions: financial assistance**

- (1) The Secretary of State may by regulations make provision authorising him to make payments to assist individuals falling within subsection (2) in paying relevant charges or fees.
- (2) An individual falls within this subsection if he is required by a contact activity direction or condition to take part in an activity that promotes contact with a child, not being a child ordinarily resident in Wales.
- (3) The National Assembly for Wales may by regulations make provision authorising it to make payments to assist individuals falling within subsection (4) in paying relevant charges or fees.

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- (4) An individual falls within this subsection if he is required by a contact activity direction or condition to take part in an activity that promotes contact with a child who is ordinarily resident in Wales.
- (5) A relevant charge or fee, in relation to an activity required by a contact activity direction or condition, is a charge or fee in respect of the activity payable to the person providing the activity.
- (6) Regulations under this section may provide that no assistance is available to an individual unless—
  - (a) the individual satisfies such conditions as regards his financial resources as may be set out in the regulations;
  - (b) the activity in which the individual is required by a contact activity direction or condition to take part is provided to him in England or Wales;
  - (c) where the activity in which the individual is required to take part is provided to him in England, it is provided by a person who is for the time being approved by the Secretary of State as a provider of activities required by a contact activity direction or condition;
  - (d) where the activity in which the individual is required to take part is provided to him in Wales, it is provided by a person who is for the time being approved by the National Assembly for Wales as a provider of activities required by a contact activity direction or condition.
- (7) Regulations under this section may make provision—
  - (a) as to the maximum amount of assistance that may be paid to or in respect of an individual as regards an activity in which he is required by a contact activity direction or condition to take part;
  - (b) where the amount may vary according to an individual's financial resources, as to the method by which the amount is to be determined;
  - (c) authorising payments by way of assistance to be made directly to persons providing activities required by a contact activity direction or condition.

### **11G Contact activity directions and conditions: monitoring**

- (1) This section applies if in any family proceedings the court—
  - (a) makes a contact activity direction in relation to an individual, or
  - (b) makes a contact order that imposes, or varies a contact order so as to impose, a contact activity condition on an individual.
- (2) The court may on making the direction (or imposing the condition by means of a contact order) ask an officer of the Service or a Welsh family proceedings officer—
  - (a) to monitor, or arrange for the monitoring of, the individual's compliance with the direction (or the condition);
  - (b) to report to the court on any failure by the individual to comply with the direction (or the condition).
- (3) It shall be the duty of the officer of the Service or Welsh family proceedings officer to comply with any request under subsection (2).”

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**Commencement Information**

**II** S. 1 in force at 7.11.2008 for specified purposes by [S.I. 2008/2870](#), **art. 2(1)**

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