



## Checklist



### Contact & Residence **03**

Who will I live with? ✓

Parental disagreement and you ✓

Telling the court what you want ✓

## MORE INFORMATION

If you need more information about this you can contact Clan Childlaw on our Freephone number 0808 129 0522. You can send us a text message to 075 275 66682 (texts will be charged at your normal network rate). You can also send us an email to [info@clanchildlaw.org](mailto:info@clanchildlaw.org), or send us a question through our website.

This leaflet is intended as a guide to the law in Scotland as at December 2016 and not as an authoritative statement and interpretation of the law.

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## CONTACT US

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# Contact & Residence



LAWYERS FOR CHILDREN & YOUNG PEOPLE

[CLANCHILDLAW.ORG](http://CLANCHILDLAW.ORG)



## CONTACT & RESIDENCE

### ✓ Who will I live with if my parents don't live together anymore?

Usually, your parents will have parental rights and responsibilities (There is a separate leaflet on [Parental Rights and Responsibilities](#)) which means that they have the right to have you living with them. This is called "residence".

### ✓ Will I still be able to see the parent I don't live with?

If you live with one parent, then the parent who does not live with you still has the right to see you. This is called "contact". This means that usually you should not be stopped from having contact with a parent who you want to see.

### ✓ Can my parents agree this without going to court?

If your parents are not living together they have to come to an agreement about which of them you should live with and how much contact you should have with the parent that you don't live with. Your parents should think about your views when they are agreeing these things.

### ✓ What happens if my parents can't agree?

If they can't agree then a parent may be able to ask the court to make an order about where you live - this is called a "residence order" and about the contact you are to have with the parent you do not live with - a "contact order".

The court should always hear your views before any order is made.

### ✓ Telling the court what you want

If you are old enough to understand you should get a letter telling you about the case being in

court, and you should be asked to tell the court what you think about where you should live and about contact.

You will be sent a letter asking for your views, which you can fill in and send back to the court. You can ask someone who is not in your family and involved in the disagreement to help you do this, such as a solicitor, teacher or advocacy worker.

You may also be able to get a solicitor to go to court for you and tell the court what you think and what you want to happen.

The court may ask someone called a "Child Welfare Reporter" to meet with you to discuss where you live and contact. They will also speak to everyone else involved. They will tell the Sheriff where they think is the best place for you to live and the best way for contact to happen.

### Useful further information:

For more information on disputes between parents in relation to contact and residence see: <http://www.scotland.gov.uk/Publications/2010/12/08145916/4>