

Shared Parenting Scotland submission of 6 December 2022

PE1984/A: Introduce the C100 form for child arrangement orders in Scotland

Shared Parenting Scotland has been established as a separate Scottish Charity since 2010, initially as Families Need Fathers Scotland. We changed our name to Shared Parenting Scotland in February 2020 to reflect the increasing diversity of the individuals who contact us for information and advice - that is non-resident mothers as well as non-resident fathers, new partners, grandparents and brothers and sisters.

We had just over 1,000 active enquiries during 2021. We staff a daily telephone helpline for individual enquiries. We run monthly support group meetings in Edinburgh, Glasgow, Stirling, Dundee and Aberdeen. We run one online meeting a month for people who are still uncomfortable with in person gatherings. All our meetings now have a family law solicitor in attendance on a pro bono basis for general advice about the law and legal procedures.

We publish several free 'user guides' to help inform individuals about rights and responsibilities of parents in relation to maintaining and nurturing a meaningful relationship with their children after divorce or separation. [Downloadable guides and publications from Shared Parenting Scotland - Shared Parenting Scotland](#)

We also provide the [New Ways For Families® training and coaching programme](#) to calm potentially high-conflict separation and help separated parents to communicate and reach agreement.

Our general advice for those who get in touch with us is to avoid going to court if at all possible. Family courts are unpredictable, slow, expensive and, sitting within the adversarial approach of civil justice, often generate entirely new tensions and disagreements between the parties as they seek to 'win time' with their children rather than collaborate to be as good co-parents as possible.

WE NEED A NEW ONLINE SUPPORT PROCESS FOR SEPARATED PARENTS, NOT JUST A NEW FORM

We agree with the petitioner that there are significant financial barriers facing parents who are trying to restore or establish a schedule of contact with their children after separation. We consider that the current process for raising court actions is unduly difficult to understand and very hard for a lay person to use.

While the introduction of a C100-type online form would remove some of these barriers, we would suggest that far more than a form is needed to support separated parents in Scotland.

The Scottish Courts and Tribunals website does not have any specific information for parents about how they can initiate and structure an action for contact issues in court. It does have limited guidance about actions for divorce. To find the necessary court rules it is necessary to know that they are contained under the heading of “Ordinary Cause Rules” then “Special provisions in relation to particular causes” then under one of seven versions of Chapter 33 Family Actions. Having reached this destination you have to wade through sections on Averments, Warrants, Intimations and Productions before hopefully ending up grappling with condescendences and averments in the initial writ.

Even these are the nuts and bolts of process and do not guide a party on what will be seen as relevant to the sheriff.

Introducing a C100 form would avoid needing to enter this maze of verbiage. However, we suggest that it would be far better for an online process to start far earlier in the dispute resolution process.

ONLINE GUIDANCE TO RESOLVE DISPUTES

Systems that have been recently introduced in the Netherlands and in Australia start by asking simple questions designed to sort out what are the issues at stake.

They go on to help each parent to compile a set of requirements and conditions, which are then automatically compared with the equivalent set prepared by the other parent to identify what is still in dispute. By using an online set of questions and hints this process avoids the acrimonious to and fro that often is produced from face-to-face discussion between ex-partners. It also allows for introduction of the views of the children on issues that concern them.

Once this assessment of the position of the two ex-partners has been produced, the system then helps them to produce their own parenting agreement. If the assessment shows that there are major differences outstanding parents are guided towards appropriate sources of support such as family mediation or family lawyers. It also suggests organisations providing support on topics like shared parenting, child support, domestic abuse, parental alienation or child abduction.

Court action may be the final destination for some, but this process will help to avoid the milder disputes from escalating into major confrontations. It also accelerates any resulting court decision using information that has already been collected from the parents to prepare their initial statements.

These online processes avoid some of the current delay which is so damaging to the children.

The **Uitelkaar.nl** online system in the Netherlands and the **AMICA** system in Australia support both separated parents through this process.

We suggest that development of an online support gateway for the 30,000 parents who separate every year in Scotland would be far better than producing a new form to initiate court disputes. The initial cost of this change would easily be recouped in savings to the public purse from all the separation disputes that don't have to go anywhere near the family court.