

PE2166/C: Establish a standardised timeframe for civil proceedings in child custody cases

Minister for Victims and Community Safety written submission, 20 November 2025

The Citizen Participation and Public Petitions Committee considered the above petition at a meeting on 8 October 2025, and agreed to write to the Scottish Government to seek the following information:

- Our view on the Petitioner's revised suggestion of a 4 to 6 week timeframe and whether the longer timeframe has any impact on whether the Scottish Government considers the asks of the petition to be practical or achievable.
- When the Children (Scotland) Act 2020 will come into force, particularly section 30 which makes provision on delay in court proceedings being likely to prejudice child welfare.

The letter containing the Committee's request was sent from the Assistant Clerk to my officials in the Family Law Unit on 14 October 2025.

The Scottish Government does not think that the Petitioner's revised 4 to 6 week timescale (replacing the 14 day timeframe included in the original Petition ask) is either practical or achievable. I refer back to the [initial written submission](#) that my officials provided to the Committee in June this year, and note that all of the reasons provided in that document still apply to the ask of this Petition, even with a different proposed timescale.

I would like to state that the Scottish Government has sympathy with the Petitioner's position and agrees that any undue delay in family court proceedings will usually not be in the best interests of the child.

That is why, in 2019, we included provisions on this in the [Children \(Scotland\) Bill](#), which, following parliamentary scrutiny, became [section 30](#) of the [Children \(Scotland\) Act 2020](#) (the 2020 Act). We have no plans at the present time to legislate further on this matter, including to set a timescale (of any length) in law as asked for by the Petitioner.

I would also like to reiterate what was set out in our previous response regarding the changes to case management rules in family actions that came into effect on 25 September 2023. A key aim of these rules is for cases to be resolved more quickly through greater judicial case management, particularly to prevent undue delay in proceedings relating to the welfare of children. This is outlined on [the Scottish Civil Justice Council website](#).

I would like to highlight the perspective provided by Committee Member Fergus Ewing MSP during the 8 October meeting (see the [Official Report](#), columns 13 and 14). Noting that he has some experience with family-related actions in the civil courts as a former solicitor, his opinion that many delays experienced in Children (Scotland) Act 1995 section 11 cases are as a result of *'the reluctance of the parties to come to a deal'* and not because of the court or court processes is worth highlighting. This supports and expands on one of the points made to the Committee in the initial written submission by my officials:

‘Cases under section 11 can vary enormously. Some may be undefended. In others, the parties may be far apart on what they consider to be in the child’s best interests. In some cases there can be a high level of conflict. A standardised timetable would not recognise the different complexities in individual cases.’

He also suggests that, in his experience, section 11 cases are ‘*often ancillary to divorce proceedings*’. Again, this supports the following point made by my officials in the initial submission on this Petition:

‘A crave (request) in a court action for child contact or residence may be a stand-alone action or may be part of a wider court action (e.g. covering divorce as well). It’s not clear whether a standardised timeframe would apply just to stand-alone court actions for contact or residence or would also include court actions covering other matters as well.’

Finally, Mr Ewing opines that a timescale of any length ‘*may be arbitrary in some cases and therefore potentially produce adverse anomalies and consequences*’. This is a point which I agree with, and supports the overall position intimated to the Committee by my officials in the aforementioned initial written submission.

As regards the implementation of the 2020 Act, I would refer the Committee to the [update letter](#) I provided to the Equalities, Human Rights and Civil Justice Committee on 26 September 2025. The letter builds upon [previous correspondence](#) sent to that Committee on 11 March 2025, and I also discussed the topic directly with them in a session on 24 June 2025 (see the [Official Report](#), columns 10 to 14).

By way of a further update to that letter, the secondary legislation to regulate child contact services has been approved by Parliament and I signed the instruments on 19 November. The status of any provision in the 2020 Act that has not otherwise been referenced in the September letter remains as set out in the other updates linked-to above.

Section 30 is currently in force, with the exception of section 30(2) (delay in contact and residence proceedings). As noted in my September implementation update letter, the Scottish Government is working on the next set of regulations (which we now expect to be next year) to implement further provisions in the 2020 Act and section 30(2) should be included in the Commencement Regulations.

I hope the Committee finds this information to be of assistance in its consideration of the petition.

Yours sincerely,

SIOBHIAN BROWN