

Children (Access to Parents) Bill

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TO

Require courts, local authorities and other bodies, when determining or enforcing issues of residence and contact, to operate under the presumption that the rights of a child include the right to grow up knowing and having access to and contact with both of the parents involved in the residence or contact case concerned, unless exceptional circumstances are demonstrated that such contact is not in the best interests of the child; to create an offence if a relevant body or person does not operate under or respect such a presumption; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendment of the Children Act 1989

After section 1(1) of the Children Act 1989 insert—

“(1A) In respect of subsection (1), the court must act on the presumption that the child’s welfare is best served through having reasonable access to and contact with both parents unless exceptional circumstances are demonstrated that such access and contact is not in the best interests of the child.”. 5

2 Duties of local authorities and other bodies

(1) When a local authority or other body carries out any functions or makes any decisions in connection with the upbringing of a child, the child’s welfare shall be the paramount consideration. 10

(2) In respect of subsection (1), the local authority or other body must act on the presumption that the child’s welfare is best served through having access to and contact with both parents sufficient to enable him or her to have a meaningful relationship with both parents unless exceptional circumstances are demonstrated that such contact is not in the best interests of the child. 15

(3) Breach of the duties under this section shall be an offence.

- (4) The Secretary of State may make regulations by statutory instrument setting out the scale of sentences for an offence under this section.

3 Short title, commencement and extent

- (1) This Act may be cited as the Children (Access to Parents) Act 2011.
- (2) This Act shall come into force at the end of a period of 12 months beginning with the day on which it is passed. 5
- (3) This Act extends to England, Wales and Northern Ireland.

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To require courts, local authorities and other bodies, when determining or enforcing issues of residence and contact, to operate under the presumption that the rights of a child include the right to grow up knowing and having access to and contact with both of the parents involved in the residence or contact case concerned, unless exceptional circumstances are demonstrated that such contact is not in the best interests of the child; to create an offence if a relevant body or person does not operate under or respect such a presumption; and for connected purposes.

*Ordered to be brought in by Charlie Elphicke,
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Margot James, Caroline Dinenage,
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*Ordered, by The House of Commons,
to be Printed, 29 March 2011.*

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