



Children Act 1989

1989 CHAPTER 41

PART II

ORDERS WITH RESPECT TO CHILDREN IN FAMILY PROCEEDINGS

General

[^{F1}11H Monitoring contact [^{F2}and shared residence]

- (1) This section applies if in any family proceedings the court makes—
 - [^{F3}(a) a child arrangements order containing provision of a kind mentioned in section 11C(1)(a)(i), (ii) or (iii), or
 - (b) an order varying a child arrangements order so as to add, vary or omit provision of any of those kinds.]
- (2) The court may ask an officer of the Service or a Welsh family proceedings officer—
 - (a) to monitor whether an individual falling within subsection (3) complies with [^{F4}each provision of any of those kinds that is contained in the child arrangements order (or in the child arrangements order as varied);]
 - (b) to report to the court on such matters relating to the individual's compliance as the court may specify in the request.
- (3) An individual falls within this subsection if the [^{F5}child arrangements order] so made (or the [^{F5}child arrangements order] as so varied)—
 - [^{F6}(za) provides for the child concerned to live with different persons at different times and names the individual as one of those persons;
 - (a) imposes requirements on the individual with regard to the child concerned spending time or otherwise having contact with some other person;
 - (b) names the individual as a person with whom the child concerned is to spend time or otherwise have contact; or]

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- (4) If the [F⁷child arrangements order] (or the [F⁷child arrangements order] as varied) includes [F⁸an activity] condition, a request under subsection (2) is to be treated as relating to the provisions of the order other than [F⁹the activity] condition.
- (5) The court may make a request under subsection (2)—
- (a) on making the [F¹⁰child arrangements order](or the order varying the [F¹⁰child arrangements order]), or
 - (b) at any time during the subsequent course of the proceedings as they relate to contact with the child concerned [F¹¹or to the child's living arrangements].
- (6) In making a request under subsection (2), the court is to specify the period for which the officer of the Service or Welsh family proceedings officer is to monitor compliance with the order; and the period specified may not exceed twelve months.
- (7) It shall be the duty of the officer of the Service or Welsh family proceedings officer to comply with any request under subsection (2).
- (8) The court may order any individual falling within subsection (3) to take such steps as may be specified in the order with a view to enabling the officer of the Service or Welsh family proceedings officer to comply with the court's request under subsection (2).
- (9) But the court may not make an order under subsection (8) with respect to an individual who is a child unless he is a parent of the child with respect to whom the order falling within subsection (1) was made.
- (10) A court may not make a request under subsection (2) in relation to a [F¹²child arrangements] order that is an excepted order (within the meaning given by section 11B(4)).]

Textual Amendments

- F1** S. 11H inserted (8.12.2008) by [Children and Adoption Act 2006 \(c. 20\)](#), **ss. 2**, 17; S.I. 2008/2870, **art. 2(2)(b)**
- F2** Words in s. 11H heading inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 14(8)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F3** S. 11H(1)(a)(b) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 14(2)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F4** Words in s. 11H(2)(a) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 14(3)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F5** Words in s. 11H(3) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 14(4)(a)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F6** S. 11H(3)(a)(b)(za) substituted for s. 11H(3)(a)(b) (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 14(4)(b)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F7** Words in s. 11H(4) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 14(5)(a)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F8** Words in s. 11H(4) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 14(5)(b)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F9** Words in s. 11H(4) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 14(5)(c)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F10** Words in s. 11H(5)(a) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 14(6)(a)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)

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- F11** Words in s. 11H(5)(b) inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 14\(6\)\(b\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042, arts. 3, 4, 6-10](#))
- F12** Words in s. 11H(10) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 14\(7\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042, arts. 3, 4, 6-10](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)