



**PUBLIC PETITION NO.**

**PE01570**

### Name of petitioner

Alan Lee

### Petition title

Parental Rights To Child Contact

### Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to change or review the laws that govern parental rights and child access, and their implementation, to ensure the resident parent cannot stop the non-resident parent from contact with his/her child.

### Action taken to resolve issues of concern before submitting the petition

I have met with my local MSPs, Sandra White and Hanzala Malik, to discuss my petition. I have also emailed Pauline McIntyre at the Scottish Children's Commissioners Office and all Glasgow MSPs regarding my petition.

### Petition background information

Article 9 of the UN Convention on the Rights of the Child states that children have a right not to be separated from their parents against their will (except where this is necessary in order to protect their best interests). The length of time for the absent parent to seek legal advice, lawyers to write to the care-giver parent stopping the other parent from seeing their child(ren), apply to the court for a Child Welfare Hearing, takes far too long and during this time, the bond is being ripped apart and not in the best interest of the child.

During this process, the absent parent does not have any rights. What right, or who gives that right, for the care-giver parent to stop the other parent from having any contact with the child? The absent parent cannot speak to the child via any means: don't know what is going on with the child, whether they are ill, in hospital or anything.

Once a Child Welfare Hearing takes place and an Order has been issued with contact times, dates etc., the care-giver parent can decide not to adhere to it and, in doing so, does not necessarily break the law in Contempt of Court.

The whole process:-

- 1.Is a waste of tax payers' money if applying for Legal Aid;
- 2.Is a waste of time and precious bonding time with the child;
- 3.Is not designed to provide for suitable outcomes;
- 4.Affects the child severely; and

5.Is not in the best interest of the child.

My recommendations are:

1.Children should always have immediate contact with both their parents when couples separate;

2.Local Authority social work can have involvement, such as initial supervised contact, assessment of absent parent's ability to parent, deal with contact drop off or pick up;

3.The process could be enforced by the Sheriff Court or Children's Hearing System;

4.It needs to be a speedy process to avoid missing contact gaps. For example: where applicable, the SLAB should prioritise the processing of child contact applications to speed up the process of obtaining legal aid.

Children's welfare is always paramount and their best interest is always a priority of the parents. The Scottish Government needs to tighten current legislation, if no new legislative programme is planned.

### Unique web address

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/parentalrightstocontact>

### Related information for petition

**Do you wish your petition to be hosted on the Parliament's website to collect signatures online?**

**YES**

**How many signatures have you collected so far?**

0

**Closing date for collecting signatures online**

15 / 07 / 2015

### Comments to stimulate online discussion

- Do you think both parents should have the right for contact with their child/children at all times especially during their separation/divorce?
- Should there be a law or a fine for resident parents who stop the non-resident parent from contact with their child?
- Do you think contact for a child to their parent is in the best interest of the child?
- Do you think there should be tightened legislation which will not allow anyone stopping them from seeing their child unless it's by the court?

