



Shared Residence Quiz - Answers

1) **Residence orders were replaced by child arrangements orders in April 2014. The new style orders still allow the court to opt for shared residence. Is this statement...**

- a. True.
- b. False.

Answer (a) - *The draft Child Arrangements Order (CAP04) allows for this at paragraph 7.*

2) **How did shared residence change following the introduction of the Children and Families Act 2014?**

- a. There was no change.
- b. The contact enforcement measures introduced by the Children and Adoption Act 2006 can now be applied where shared residence orders and orders for shared living arrangements are breached.
- c. The Government introduced a presumption of shared residence in law.

Answer (b) - *Enforcement measures for contact orders were made generally applicable to Child Arrangements Orders which replaced contact and residence orders.*

3) **Orders for shared residence/shared living arrangements can only be made when both parents agree to the order. Is this statement...**

- a. True.
- b. False.

Answer (b) - *The principle that parents need not be in agreement was first established in the case D v D (Shared Residence Order) [2001] 1 FLR 495.*

4) **Orders for shared living arrangements (under a child arrangements order) cannot be made if the parents live in different countries. Is this statement...**

- a. True.
- b. False.

Answer (b) - *The case Re F (Children) [2003] EWCA Civ 592 established that shared living arrangements could be appropriate, depending on circumstances, even when the parents lived in different countries.*



5) **The amount of time children spend in each parent's household need not be near equal for an order for shared living arrangements to be made. Is this statement...**

- a. True.
- b. False.

Answer (a) - *The case Re K (Shared Residence Order) [2008] 2 FLR 380 included the proposition that there is no requirement for the care to be approximately equal to qualify for a Shared Residence order (or shared living arrangements within a CAO, as would now be the case).*

6) **Which judge said "...the whole tenor of recent authority has been to liberate trial judges to elect for a regime of shared residence, if the circumstances and the reality of the case support that conclusion and if that conclusion is consistent with the paramount welfare consideration"?**

- a. Sir James Munby
- b. Sir Nicholas Wall
- c. Lord Justice Thorpe

Answer (c) - *In the case C (A Child) [2006] EWCA Civ 235.*

7) **Having an order which grants you shared residence or residence gives you a greater legal right to be involved in decisions about the children's schooling or medical treatment?**

- a. True
- b. False
- c. Only if you otherwise did not have legal parental responsibility for the children.

Answer (c) - *Parental responsibility grants you the right to be included in decisions about schooling or medical treatment. A parent with a residence order or child arrangements order in their favour (naming them as the person with whom the child lives) does not have any greater legal right compared to a parent with contact and legal parental responsibility.*



8) Your ex-partner has applied for a child arrangements order, for sole residence. You want to apply for shared living arrangements under a child arrangements order. You need to file and serve which forms?

- a. The C7 Form in response to their application (indicating that you also wish to apply for an order), and a C2 Form applying for shared living arrangements.
- b. The C7 Form in response to their application (indicating that you also wish to apply for an order), and a C100 Form applying for shared living arrangements.

Answer (a) - The C2 Form is used to apply for further orders during existing proceedings.

9) Which paragraph, of the draft child arrangements order, provides the option of a child living with more than one person named in the order?

- a. Paragraph 7.
- b. Paragraph 9.
- b. The draft order does not provide this option

Answer (a) - Paragraph 7 of the Draft Child Arrangements Order (CAP04) allows the court to make an order that the child lives with more than one person (and yes... even when they are living in separate homes).

10) It's important when advancing an argument for shared living arrangements, that you draw the court's attention to...

- a. Such an order being in the specific child's best interests and explaining why.
- b. Such an order being fair to all parties, and respecting their Article 8 Human Right to Family Life

Answer (a) - The court must consider the best interests of the child before other considerations. Arguments put forward which suggest a parent wants certain arrangements to be equal to the other parent are less powerful, and risk the parent being viewed as thinking about their own needs before those of their children.



Further Reading

Topics covered in this quiz are covered by the following guides on The Custody Minefield site:

- Child Arrangements Orders
- Parental Responsibility
- Shared Living Arrangements
- Shared Living Arrangements Case Law