

**NORTH LANARKSHIRE COUNCIL  
REPORT**

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| To: SOCIAL WORK (OPERATIONS & SERVICES) SUB COMMITTEE |               | Subject: IMPLEMENTATION OF THE FAMILY LAW (SCOTLAND) ACT 2006 |
| From: DIRECTOR OF SOCIAL WORK                         |               |   |
| Date: 03 OCTOBER 2006                                 | Ref: ST/HS/JH |   |

**1. Purpose of Report / Introduction**

- 1.1 To advise committee of the implementation of the Family Law Act 2006, and to highlight implications for social work practice.

**2. Background**

On 4 May 2006, the Family Law (Scotland) Act 2006 came into force. The Act updates the law to reflect the way families live today and makes several important changes in the areas of marriage, cohabitation, divorce and parental rights.

- 2.1. Three core principles underpin the reforms made in the Family Law (Act) 2006. They are:
- Safeguarding the best interests of children, no matter what form their family takes
  - Promoting and supporting stable families
  - Updating the law to reflect the reality of family life in Scotland

**3. Proposals / Considerations**

- 3.1. Key provisions in the Act include:
- Establishing parental responsibilities and rights for unmarried fathers who jointly register the birth of a child
  - Reducing separation periods for consent divorce from two years to one year and for non-consent divorce from five years to two years
  - Introducing new legal safeguards for cohabiting couples (whether in a heterosexual or same sex relationship), or when a partner dies
  - Creating "domestic interdicts" which are similar to matrimonial interdicts but which apply to people who are cohabiting

3.2. The reforms introduced in the Act are fairly wide ranging. The following issues are of particular relevance to social work practice :

- Joint registration of the birth of a child by unmarried parents confers automatic parental rights and responsibilities to both the mother and the father of the child. This provision will only apply to children born after 4 May 2006.
- Matrimonial interdicts and the new domestic interdicts can now be used to prohibit a spouse or partner from entering the home or place of work of their spouse or partner and a child's school.

#### 4. Recommendation

4.1. Committee is asked to:

- (1) Note the contents of this report



**Jim Dickie**  
**Director of Social Work**  
**30 August 2006**

For further information on this report please contact Susan Taylor, Manager, children, Families & Justice or Heidi Southall, Project Manager, Sure Start on telephone 01698 332032