

**GUIDANCE FOR COURT USERS**  
**PREPARATION OF FORM F9 (SHERIFF COURT)**  
**AND FORM 49.8A (COURT OF SESSION)**

**INTRODUCTION**

This guidance document has been produced by the Family Law Committee of the Scottish Civil Justice Council.

The purpose of the guidance is to help court users prepare a Form F9 / Form 49.8A before it is sent.

**COMPLETING THE CASE REFERENCE, CHILD'S NAME, ETC**

The court reference must be inserted into the top right-hand corner of the letter and on every page of the 'What I Think' form.

The child's name and address should be inserted into the letter. His or her first name only should be inserted into the start of the letter (for example, Dear Sarah). The child's full name should be inserted where indicated at the start of the 'What I Think' form.

**DESCRIBING THE DISPUTE**

The section 11 order(s) sought must be described in child-friendly language in the first paragraph of the letter. Wording based on this can then be inserted into the first question of the 'What I Think' form.

The description should give the child a short summary of the issue that the court is being asked to decide. Parties must not go into detail and should focus only on the section 11 order sought. The language should be kept simple and should be as neutral as possible.

As an illustration of the sort of language and level of detail expected, some suggested samples are set out in the appendix. It is not possible to cover every potential dispute, so the list of samples is not exhaustive and is only intended to be a guide.

**PRINTING AND SENDING THE FORM**

The form has been designed to be printed in colour, so that it will be more engaging for children. Parties are therefore asked to use a colour printer.

The covering letter to the child is signed off with the words: '*From the Sheriff Clerk*' / '*From the Clerk of Court*'. This is to keep the names of parties and their solicitors out of the letter, so that it is neutral. Parties and their agents must not replace the sign-off with their own names or signatures.

The child must be sent a stamped / postage paid addressed envelope for the child to use when returning the completed form. The envelope must be addressed to the sheriff clerk at the relevant sheriff court (or, for Court of Session cases, to the family clerks at the Court of Session).

## APPENDIX

### SAMPLE TEXT DESCRIBING SOME COMMON DISPUTES

1. Your dad would like you to stay at his house every second weekend.  
*The question in the form could be phrased as: How do you feel just now about staying at your dad's house every second weekend?*
2. Your mum would like to see you more during the week, after school and in the evenings.  
*The question in the form could be phrased as: How do you feel just now about seeing your mum more during the week, after school and in the evenings?*
3. Your mum thinks your dad should not be allowed to see you anymore.  
*The question in the form could be phrased as: How do you feel just now about your dad not being allowed to see you?*
4. Your dad thinks your mum should only be allowed to see you in a safe place where there are other adults to make sure you are okay.  
*The question in the form could be phrased as: How do you feel just now about only being able to see your mum in a safe place where there are other adults to make sure you are okay?*
5. Your dad would like to be able to spend time with you at his house or to take you to different places, instead of having to meet you at the contact centre (*or insert name of contact centre, if that's more familiar to the child*).  
*The question in the form could be phrased as: How do you feel just now about spending time with your dad at his house or in other places, instead of having to meet him at the contact centre (*or insert name of contact centre, if that's more familiar to the child*)?*
6. Your mum would like to take you to France for two weeks during the summer holidays.  
*The question in the form could be phrased as: How do you feel just now about going to France for two weeks with your mum during the summer holidays?*
7. Your dad would like you to move to a different school to be nearer his house.  
*The question in the form could be phrased as: How do you feel just now about moving to a different school nearer your dad's house?*
8. Your mum would like your last name to be the same as hers, and would like it to be changed to Smith.

*The question in the form could be phrased as:* How do you feel just now about your last name being changed to Smith, the same as your mum's?