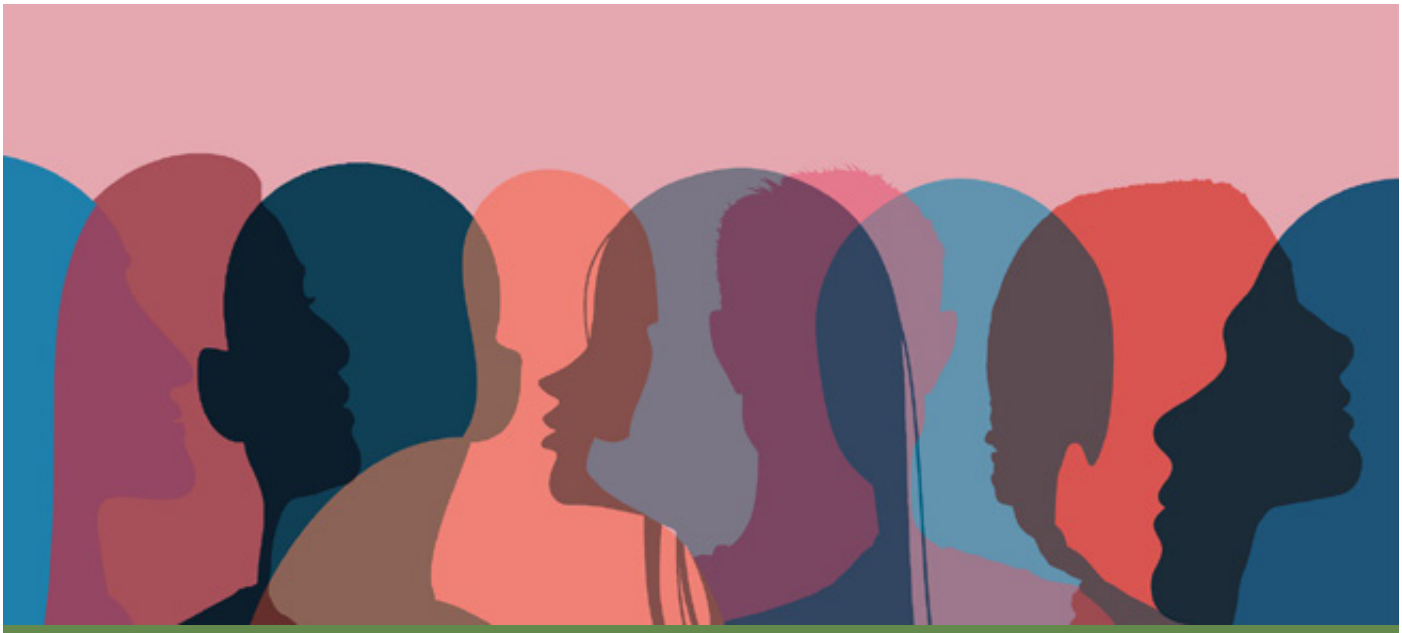


Summary of the information meeting

Information on custody, residence and access

FAMILY LAW
AND PARENTAL
SUPPORT AUTHORITY

Solutions in the best interests of the child

In order to strengthen the child rights perspective in the custody process and, if possible, avoid a dispute in court, the Government has decided to introduce a law on information meetings.

In practice, this means that parents who are considering initiating court proceedings regarding a dispute over custody, residence and access must first be informed about the help and support available to help them find a solution without going to court, with the best interests of the child in focus.

The following is a brief summary of the information meeting, and the steps that may be taken after this meeting.


"It had been a difficult time, for everyone involved. But thanks to the information meeting, they saw a glimmer of hope"

Summary of the information meeting and key next steps

The new law on information meetings went into force on 1 January 2022. As of 1 March 2022, any parent who wishes to initiate court proceedings regarding a dispute about custody, residence and access must have first taken part in an information meeting.

The meeting will provide an overview of what support is available to find a consensual solution and thus avoid court proceedings. The information meeting will also clarify what happens if there is no agreement or if a consensual solution is not appropriate.

The information meeting is primarily the responsibility of the Social Welfare Committee/Family Law Unit in the municipality where your child is registered, and is always free of charge for the parents.

Voluntary co-parenting meetings

Often it is best for the child if the parents can reach an agreement themselves. As part of the information meeting, you will therefore be informed about the possibility of so-called co-parenting meetings. These are structured meetings under safe and expert guidance. The aim is for parents to resolve issues relating to custody, residence, access and child support by jointly agreeing on what is in the best interests of the child.

The meetings can take place at the time of or after a separation, as well as with parents who have not lived together at all. In addition to reaching an agreement on issues related to the children, the aim of the meetings is for parents to improve their ability to work together in relation to the needs and wishes of the child.

NOTE: Co-parenting meetings do not replace any family counselling sessions, as these sessions have a different focus. Family counselling focuses on the relationship between you and your partner. Co-parenting meetings focus on the conditions for working together and communicating about the children after a separation.

If you agree

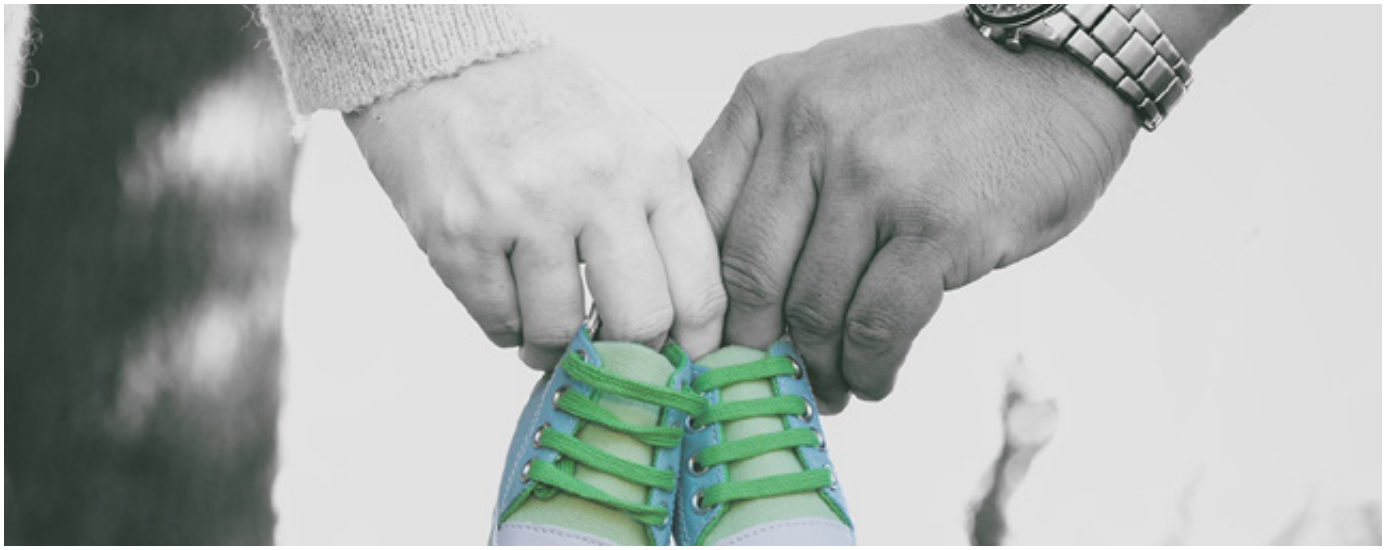
If you and the other parent agree on the child's residence or access, you can make either a verbal or a written agreement. The agreement becomes legally binding when it is approved by the Social Welfare Committee. The best interests of the child are always the deciding factor and the main focus when the agreement is reviewed for approval.

Custody of the child can either be sole or joint, and can be changed in three ways – through an agreement approved by the Social Welfare Committee, through a ruling by the district court, or through joint notification to the Swedish Tax Agency. However, the last option is only possible when the notification concerns joint custody and no previous official decision on custody has been made.

An agreement drawn up by the Family Law Unit is legally binding in the same way as a district court ruling. The child is always the focus of the assessment, and an investigation is conducted to determine whether the agreement is in the child's best interests before it is approved by the Social Welfare Committee in the municipality where the child is registered.

When it is NOT possible to find consensual solutions

There are situations where it is not possible or appropriate to find consensual solutions. One example is where violence or



other abuse has occurred. In these situations, it may be wisest for the court to decide what is best for the child.

It is difficult to say how long the court process will take in a custody, access and residence case. It may take up to a year, but there are examples of cases that have taken both shorter and longer. This is partly due to the fact that attempts are made to reach consensual solutions and agreements even after the court process has begun, but also because a ruling can be appealed.

About the court process

Petition

In order for a court to deal with a custody, access or residence matter, one of the parents must file a petition. An exception may be made if there is already a divorce case pending in the district court, as this case may also include issues of custody, access and residence.

If one of the parents has filed a petition, both parties can ask the district court to decide in a certain way. If you want to file a petition, you can write your own or use the form provided by the Swedish Courts Administration. The filing fee is SEK 900 (for 2022). For the district court to begin processing your petition, you must also attach a population registration certificate (personbevis) for the child, which you obtain from the Swedish Tax Agency. You can also attach an attendance certificate showing that you have taken part in an obligatory information meeting. The certificate is issued by the administrator who conducted the information meeting. If the certificate is not submitted, your petition may be rejected by the district court.

Legal expenses cover and legal aid

The person who represents you in court is called your legal representative. A legal representative is usually a lawyer or another person with legal training. It is up to you whether you want a legal representative or not, and you will have to pay the costs yourself. In cases involving custody, residence or access, the parties normally have to pay their own legal costs.

If you have home insurance (hemförsäkring), you may be able to receive reimbursement from it in the event of a dispute. This is called legal expenses cover (rättsskydd). Legal expenses cover is included in most home, house and holiday home insurance policies. Your insurance company can provide more detailed information about what is included in legal expenses cover.

In some cases, it is possible to get help from the Government to pay part of your legal costs. This is called legal aid. Legal aid is financial help for people who do not have legal expenses cover. To be eligible for legal aid, your income must not exceed a certain level, which is currently SEK 260,000 per year (2022).

The main rule is that you should take advantage of the legal expenses cover in your insurance when you need financial help in a dispute. If you do not have insurance or your insurance does not provide this cover, you can contact a lawyer or other legal representative for advice. The legal representative can help you resolve the dispute, either out of court or in court. An application for legal aid can be submitted to the Legal Aid Authority (Rättshjälpsmyndigheten), or to the court, if the case is already before the court. The Legal Aid Authority or the court will then decide whether you are entitled to financial aid.

Links to more information (in swedish)

- Form for filing a petition
- Current filing fee amount
- Form for ordering a population registration certificate (personbevis)
- Are you eligible for legal aid? / How much is the current amount?

Preliminary hearing

The district court will summon you to a preliminary hearing. The purpose of this hearing is for you, the parents, to tell the judge what you think is best for the child. The judge's role is to consider the case. They also have the duty to, if possible, help parents reach a consensual solution that is in the best interests of the child.

You and the other parent may agree on a temporary or final solution for the child during the preliminary hearing. In such case, the district court may decide in accordance with what you have decided. For this to occur, what you have agreed on must be in line with the best interests of the child. If you are not in agreement, the judge may decide what will apply until further notice, i.e. until the time point the dispute is settled. In legal language, this temporary decision is called an interim order. The judge may also decide on co-parenting meetings or mediation.

Information for an interim order

Prior to issuing an interim order, the court may request information from Social Service's Family Law Unit. This means that an administrator from the Family Law Unit will obtain information from the social services register, police register and, unless inappropriate, from you, the other parent and the child. However, the administrator does not make their own proposal for a decision.

The court can then issue an interim order on custody, residence and access.

Co-parenting meetings, mediation and investigation

Co-parenting meetings

If you have not previously participated in co-parenting meetings, the district court may require this. In such case, the Social Welfare Committee is instructed to organise co-parenting meetings based on the child's needs. The district court will

decide on the time frame, and the court proceedings may be suspended during this period. Once the Social Welfare Committee has completed its work, the district court will be informed whether an agreement has been reached or not.

Mediation

If the district court instructs a mediator to try to help you reach a consensual solution that is in the best interests of the child, the mediation should generally be carried out within four weeks. The district court may give the mediator more detailed instructions on what they should observe when carrying out the assignment. At the end of the assignment, the mediator will submit a report to the court on the measures taken.

Investigation

If neither co-parenting meetings nor mediation is appropriate, the court may instruct the Social Welfare Committee to conduct a more extensive investigation into what is best for the child.

The Social Welfare Committee/Family Law Unit will then appoint an investigator, who will arrange a first meeting with the parents, either jointly or individually. At this meeting, you will be given information about the investigation work. A home visit will be made to both of you, and both parents and the child will be interviewed. Further interviews with you and the child will usually take place at the office of the Family Law Unit. Information is collected from the school, preschool, social register and police register. If consent is given, information will also be collected from healthcare providers. The information is then compiled in an investigation report, describing the different solutions and their consequences for the child. The assessment is based on what is best for the child. This means that, in the assessment, the investigator must take into account the child's need for close and good contact with both parents and describe whether there is a risk of harm to the child or anyone else in the family. The parents are given the opportunity to comment on the assessment, which must be completed within four months. The assessment and the proposed decision are then submitted to the court and the parents.

Additional preliminary hearings, main hearing and ruling

The district court may hold several preliminary hearings in a case. If the parents are unable to reach an agreement, the district court will hold a main hearing, which will usually include the parents and any witnesses. Written evidence may also be presented. The court will then decide what will apply in terms of custody, residence and access. The decision is based on what is best for the child.

The ruling is usually pronounced at a later date. The presiding judge of the district court will let you know what date and time the ruling will be pronounced. Once the ruling has been pronounced, it will be sent to you and your legal representative.

In deciding whether you should have joint custody or one of you should have sole custody, the court pays particular attention to your ability to put the child's needs first and to take joint responsibility for matters concerning the child.

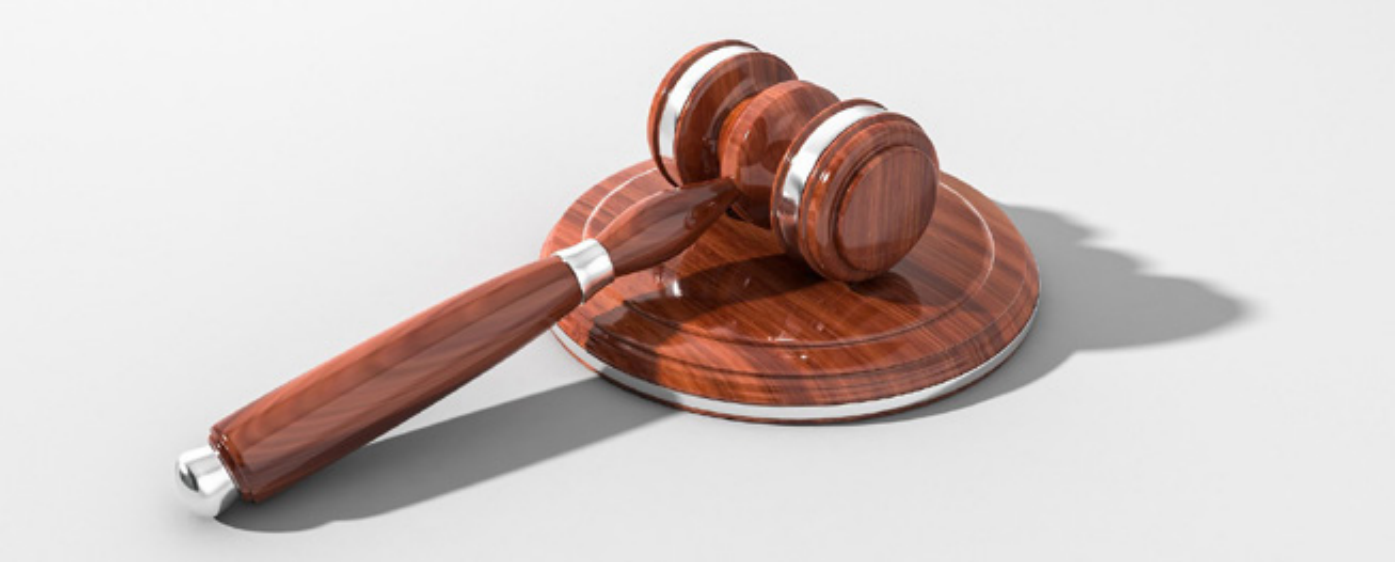
Appealing a ruling

A parent who wishes to appeal an interim order or the ruling of the district court in a civil case must do so in writing. The letter must be sent to the district court, but addressed to the court of appeal. The letter must be received by the district court within three weeks from the date the order or ruling was pronounced, or (in some cases) the date on which the party was notified of the order. The order or ruling will state how to appeal.

In order for the court of appeal to review the order or ruling, the court of appeal must grant leave to appeal, i.e. the court of appeal must consider the ruling of such importance that it can help district courts to rule on similar cases – referred to as a precedent.

If leave to appeal is granted, the appeal must be served to the opposing party, who in turn must respond in writing within a certain time period.

The temporary (interim) orders cannot be appealed to the supreme court. However, an appeal may be lodged against the ruling of the court of appeal, but the supreme court must also grant leave to appeal before the supreme court will hear the case.




For more information:
www.mfof.se/informationssamtal
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