



# Know Your Rights

## Child Custody

### About The Traveller Movement

The Traveller Movement (TM) is a UK charity challenging discrimination and promoting inclusion of ethnic Romani (Gypsy), Roma and Irish Traveller communities. TM facilitates legal education, strategic litigation and direct advocacy to support their access to justice and fair treatment.

The child custody\* webinar was prepared in partnership with Cris McCurley, a solicitor specialising in family law at [Ben Hoare Bell](#) in North East England.

**You can watch this topic on the webinar [here](#).**

Social services consist of specialist professionals with a legal duty to support children and vulnerable adults. They operate in distinct teams focused on children, mental health, or adult welfare. Their primary aim is to keep families together by providing support and interventions when needed.

Legal action can happen in some serious situations. The social workers would meet and discuss their concerns with you and offer support. Despite common fears and misunderstandings, social workers' legal duty is to help you, rather than interfere or cause distress. Be open and co-operate with them.

Social workers typically visit families following reports from parents, schools, police, or other family members. Concerns could include domestic violence, child abuse, neglect, or truancy. They may visit without warning if there is an emergency where children are at immediate risk.

Race discrimination is unlawful, but misunderstandings can arise due to lack of cultural awareness. Families are strongly advised to get support from knowledgeable advocates like TM to ensure accurate communication and fair treatment.

Social workers may request police checks on family members directly involved with children, but police cannot conduct broad, unfocused investigations. Malicious reports to social services do occur, but removal of a child requires substantial evidence of harm. Co-operation with social services reduces the likelihood of removal.

\*The term "custody" has been replaced by "child arrangements," which describes where and with whom a child lives. Orders such as "live with", "residence order", "shared care" or "special guardianship" determine these arrangements.



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## Child Custody (continued)

If the problem is with the parent, family members like grandparents may be considered suitable to care for the child. Social services will assess them first; financial status is not relevant; the focus is on providing a safe, loving home.

Special guardianship orders allow family members to make key decisions for the child while parents retain parental responsibility.

Children have the right to have contact with both parents if it can be done safely; courts won't interfere with this right. However, domestic violence, or a parent's past criminal behaviour, can affect custody and visitation rights especially if violence, abuse, or substance misuse is involved.

Parents with mental health issues are encouraged to seek treatment; courts view this positively as a proactive step to safeguard children. If required, contact can be supervised by trained professionals to ensure children's well-being.

Openness and honesty with social services is strongly recommended. Seeking help early prevents problems from worsening. Professionals and organisations like TM can support families through the challenges they face.

## Contact the solicitor

You can telephone Cris on 0191 275 2624 or request a call back from [her firm](#).

Contact The Traveller Movement on  
[020 7607 2002](tel:02076072002) for more help.