

What happens at Family Court?

The judge in family court listens to what everyone has to say. It is their job to make sure that the right decisions are made to keep a child safe and well.

The judge will check that children's social care have done everything they can to keep a child with their parent.

They will ask someone called a 'Children's Guardian' to help the court decide what is best for the child to keep them safe and well. This person is independent. That means they don't work for the council or court.

Who will be in family court?

Hearings are private.

Only certain people are allowed in family court.

This can include:

- The judge
- Parents
- Barristers or Solicitors (for the child, parents, local authority)
- Children's Guardian
- Social worker
- Independent Advocate

How long will care proceedings last?

The court will try to decide what is to happen to the child within 26 weeks of an application being made. This is about six months.

Sometimes if the case is difficult, it can take longer.

During this time lots of work will be happening.

There will be different types of hearings that a parent needs to go to. Hearings are like a meeting that take place in the court.

What do people wear?

The judge will not wear a wig or gown.

Professionals will wear smart clothes.

The court know that parents will be nervous so try to make sure that parents feel comfortable and are not frightened.

First court hearing

At this hearing it will be decided:

- If the court agrees with the interim care plan
- Where the child will live whilst the hearings take place
- Who the child will see until the last hearing has happened
- Tell everyone what needs to be done and what information and evidence is needed

The court will then decide what type of order is needed just while the proceedings take place.

There are four types of care orders.

1. Interim care order

This order is needed if the court thinks there has been or likely to be significant harm to the child, if they stay with their parents.

Children's social care will share parental responsibility with the parents, and will decide where the child will live.

The court must protect the child but also look at the danger of taking the child away from their family.

Sometimes the child will go into foster care or be looked after by another family member.

2. Interim supervision order

This order will be used if the court thinks the child has been or is likely to be significantly harmed.

The court decides where the child lives, though sometimes this can still be with the parents.

The court will decide who the child can see.

Children's social care do not have parental responsibility but will still work the family.

3. Interim residence order

This allows a person within the family to look after the child until the final hearing. The child cannot live with their parents.

4. Interim contact order

The court will look at how and when the parent can see the child.

Interim hearings

Between the first and final hearing there will be at least two more hearings.

These hearings help the court to look at who a child should see and live with.

It is important that parents work with their solicitors and get ready for each hearing.

It is important that parents try to do everything they are asked to do.

Case management hearing

This takes place within 45 days of the first hearing. Two days before the hearing solicitors get together to try and agree on a care plan.

The care plan will say what the main concerns are, what work has been done and what work still needs to be done.

The court will then look at the care plan.

Issue resolution hearing

This normally takes place between 16 and 25 weeks after the first hearing.

The court will look at the care plan to see how it is working. They will look at what has been done and what still needs to be done. They will also find out what has and has not been agreed by everyone.

It is important that you meet with your solicitor before this hearing to say what you think.

Getting ready for the final hearing

It is important that you meet with your solicitor and read through all the reports and other paperwork.

It is important that you ask your solicitor to explain things to you in a way that you understand.

It is important that you ask your solicitor any questions you may have.

You will also work with your solicitor to write a statement for the final hearing.

Contested hearing

This happens when parents or professionals disagree with the plan for where a child should live

The judge will ask people to give evidence in court. This means parents and professionals will be asked questions about why they disagree.

The judge can also ask for experts to give evidence. This is usually people like doctors or psychologists.

The judge will make sure that parents are treated fairly when giving evidence. This could mean they have to look at reasonable adjustments that a parent might need.

Reasonable adjustments means things people have to do to help a parent understand and be involved. It could be having breaks, not using long words, or making sure questions are clear and make sense.

What can happen at the final hearing?

At this hearing the judge will decide where the child will live.

The judge may decide on a care order.

1. Care order

A care order gives the local authority parental responsibility of a child.

Parents may still have some responsibilities, but the local authority can decide not to follow the parent's wishes.

Children's social care will make a plan saying where the child may live, who they will live with and who they can see. The child might live with a parent, another family member or a foster carer.

2. Supervision order

Children's social care will usually put a plan in place that tells the parent what they will do and children's social care will do.

Parents will have parental responsibility and children's social care will watch how the parent looks after child. This will usually last one year.

3. Residence order

This means the child will not live with a parent. They might live with another family member but parental responsibility will be shared with the parent.

The court will decide when a parent can see their child.

4. Special guardianship order

This means a child will live with someone else until they are 18 years old. The special guardian or sometimes they are called children's guardian will share parental responsibility.

This is a more permanent arrangement.

Parents cannot ask for the order to stop without the court giving permission to ask.

5. Contact order

This tells a parent when and where they can see their child.

It also says when other people who are close to the child can see them.

Adoption

This is when a child lives with someone else permanently.

The child will become part of another family.

Adoption cannot be removed once the court has made it legal.

Adoption can be suggested by children's social care during a child protection process.

The court may also decide adoption is the best decision for a child.

You can contact an advocate on 01925 246888