

## Care Proceedings

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Children are only taken into care when social workers become seriously concerned that a child is suffering, or is likely to suffer, significant harm from the way they are being looked after by their parents or carers, or that a child is beyond a parent or carer's control. Usually before this the social worker will try to work with the family to resolve whatever concerns there are and provide support where needed. There are different levels of involvement the Local Authority can have from Child In Need support, placing a child on a Child Protection Plan and most seriously making an application to Court.

If the social worker does not think that the child's needs can be met by their carers to a good enough standard the Local Authority may apply for a Care Order or Supervision Order.

## Children's Guardian

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When the Local Authority makes an application about a child the Court will appoint a Children's Guardian. A Children's Guardian is independent of Social Services and works for a body known as CAFCASS (Child and Family Court Advisory Support Service). The Court appoints the Guardian to represent what is in the best interests of the child. The Guardian will be represented by a Solicitor who is in fact the child's solicitor.

Where the child is considered old enough to give his or her views and those views are different from the Children's Guardian's, the child may be separately represented by their own solicitor.

## Interim Orders

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At the start of the case the Local Authority will usually apply for either a Care Order or a Supervision Order. However while the Court case is running the Local Authority may ask the Court to make interim orders while it investigates matters and considers what longer-term plans should be made for the child.

Often an interim Care Order places the child in care on a temporary basis while the situation is assessed. In some cases, the child may continue to live with the parents or carers under conditions. If these conditions are not met social workers can intervene to remove the child without having to obtain another Court Order. An interim Care Order also allows the Local Authority to share Parental Responsibility with the child's parents.

The Local Authority will produce a care plan setting out what it thinks should happen, such as where the child will live, how they are going to keep in touch with their family, where they will go to school, if there any medical concerns or treatment, how they will pursue hobbies and pastimes, and for how long it proposes the child will be in care.

An interim Supervision Order still allows the Local Authority to provide support to a family but unlike an interim Care Order does not give the Local Authority Parental Responsibility and as such these Orders are usually made where the child is still at home.

## Experts

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During the course of the case the Court might agree to bring in experts to investigate certain issues which are beyond the expertise of the social worker or Children's Guardian. These can include medical professionals such as

doctors or psychiatrists or behavioural experts such as psychologists and they might be asked to assess the child or the adults or both.

## Final Orders

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From the first hearing (called the Case Management Hearing or CMH) the Court will set out a timetable for when each party involved in the case is to produce their evidence. Usually the Court will also set down a date for final decisions to be made (the Issues Resolution Hearing or IRH). In almost all cases the Court has to make final decisions for the child within 6 months or 26 weeks of the date that the Local Authority made the application.

In many cases the outcome of the case is agreed especially if children are to be cared of by their parents or a member of the wider family. If the final arrangements for the child cannot be agreed the Court can hear evidence from the social worker, the parents and the Children's Guardian plus any experts the Court brought in. In making final decisions the Judge or Magistrates must take into account the Welfare Checklist which is set out in the Children Act 1989. The Welfare Checklist required the Court to consider:-

- a. The ascertainable wishes and feelings of the child concerned (considered in light of his age and understanding)
- b. His physical, emotional and educational needs
- c. The likely effect on him of any change in circumstances
- d. His age, sex, background and any characteristics of his which the Court considers relevant
- e. Any harm he has suffered or is at risk of suffering
- f. How capable each of his parents and any other person in relation to whom the Court considers the question to be relevant is of meeting his needs
- g. The range of powers available to the Court.

The Court can make a full Care Order approving the local authority's care plan for the child, if it believes it is in the child's best interests to do so. The plan can involve the child living at home, being placed with other members of the extended family, or living in foster care or in a children's home. Care Orders last until the child is 18 or until the Court makes a further Order and as with the interim Care Order, the Local Authority would continue to have Parental Responsibility for the child. The child's care plan would be regularly reviewed by way of meetings to which the parents and carers would be invited.

The Court can instead make full Supervision Order where the concerns do not warrant a Care Order. Under a supervision order, the child is usually with his or her parents or other family and social workers have a duty to advise, befriend and assist the child. There can be conditions placed on the child's care givers, eg not to abuse drugs. If the conditions are not followed the Local Authority may seek to return the matter to Court to ask for a Care Order instead.

If by the end of the case the Local Authority thinks that it would not be in the child's best interests to live with their parents or anyone in the wider family it may seek to arrange for the child to be adopted. The first stage of this process is to apply for a placement for Adoption Order. After that, the Court will consider whether a final Adoption Order should be made.