

**CHILD ARRANGEMENTS PROGRAMME**

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**1. When does the Child Arrangements Programme Apply?**

- 1.1 The Child Arrangements Programme (the 'CAP') applies where a dispute arises between separated parents and/or families about arrangements concerning children.
- 1.2 The CAP is designed to assist families to reach safe and child-focused agreements for their child, where possible out of the court setting. If parents / families are unable to reach agreement, and a court application is made, the CAP encourages swift resolution of the dispute through the court.
- 1.3 It is well-recognised that negotiated agreements between adults generally enhance long-term co-operation, and are better for the child concerned. Therefore, separated parents and families are strongly encouraged to attempt to resolve their disputes concerning the child outside of the court system. This may also be quicker and cheaper.

## **2. Signposting Services, Parenting Plans, & Public Funding**

2.1 **Services:** Where a dispute arises in relation to a child, or children, parents and families are encouraged to obtain advice and support as soon as possible.

2.2 There are many services available for such families, who seek advice about resolving disputes concerning their child.

2.3 The following services are recommended:

- (1) For more information about family mediation and to find the nearest mediation service (including those providing a MIAM): [www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk);
- (2) For a Guide about children and the family courts for separating parents (including representing yourself in court): the form 'CB7': <http://www.cafcass.gov.uk/media/168195/cb7-eng.pdf>
- (3) For Cafcass (England): [www.cafcass.gov.uk](http://www.cafcass.gov.uk);
- (4) For CAFCASS Cymru (Wales): [www.wales.gov.uk/cafcasscymru](http://www.wales.gov.uk/cafcasscymru);
- (5) To find a legal adviser or family mediator: <http://find-legal-advice.justice.gov.uk>;
- (6) To check whether you can get financial help (legal aid) to pay for non-court dispute resolution, &/or advice and representation at court, and to find a legal aid solicitor or mediator: <https://www.gov.uk/check-legal-aid>
- (7) For general advice about sorting out arrangements for children, the use of post-separation mediation, &/or going to court: <http://www.advicenow.org.uk>;  
<http://www.advicenow.org.uk/advicenow-guides/family/sorting-out-arrangements-for-your-children/>
- (8) For general advice on separation services and options for resolving disputes: [www.sortingoutseparation.org.uk](http://www.sortingoutseparation.org.uk);
- (9) For general advice about sorting out arrangements for children: <http://theparentconnection.org.uk/>
- (10) For advice about Contact Centres, which are neutral places where children of separated families can enjoy contact with their non-resident parents and sometimes other family members, in a comfortable and safe environment; and information about where they are: [www.naccc.org.uk](http://www.naccc.org.uk);

- (11) For the form to apply for a child arrangements order:  
<https://www.gov.uk/looking-after-children-divorce/apply-for-court-order>;
- (12) For help with taking a case to court without a lawyer, the Personal Support Unit: <http://the PSU.org/>;
- (13) For guidance on representing yourself at court, including a list of commonly used terms that you may come across:  
<http://www.barcouncil.org.uk/instructing-a-barrister/representing-yourself-in-court/>;
- (14) For advice about finding and using a family law solicitor see: Law Society <http://www.lawsociety.org.uk>, and Resolution (family law solicitors): <http://www.resolution.org.uk>;
- (15) For advice about finding using a family law barrister: see <http://www.barcouncil.org.uk/about-the-bar/find-a-barrister/>, and for arrangements for using a barrister directly see <http://www.barcouncil.org.uk/instructing-a-barrister/public-access/>.

2.4 **Parenting Plan:** A Parenting Plan is widely recognised as being a useful tool for separated parents to identify, agree and set out in writing arrangements for their children; such a plan could appropriately be used as the basis for discussion about a dispute which has arisen. It is likely to be useful in any event for assisting arrangements between separated parents.

2.5 The Parenting Plan should cover all practical aspects of care for the child, and should reflect a shared commitment to the child and his/her future, with particular emphasis on parental communication (learning how to deal with differences), living arrangements, money, religion, education, health care and emotional well-being.

2.6 A Parenting Plan is designed to help separated parents (and their families) to work out the best possible arrangements for the child; the plan should be understood by everyone, including (where the child is of an appropriate age and understanding) the child concerned.

2.7 For help on preparing a Parenting Plan, see:

- (1) Cafcass "Putting Your Children First: A Guide for Separated Parents" (see also paragraph 4 below);
- (2) A draft of a Parenting Plan for parents or families to complete:  
[http://www.cafcass.gov.uk/media/190788/parenting\\_plan\\_final\\_web.pdf](http://www.cafcass.gov.uk/media/190788/parenting_plan_final_web.pdf).

2.8 **Publicly funded mediation and/or legal advice:** If parents need access to mediation, and legal advice in support of that mediation, they may be eligible for public funding. The Legal Aid Agency (LAA) will provide funding for Mediation Information and Assessment Meetings (MIAMs) and family mediation for all those who are eligible:

- (1) Where at least one party is eligible, the LAA will cover the costs of both parties to attend a MIAM to encourage any non-eligible client to find out about the benefits and suitability of mediation without incurring any costs.
- (2) The LAA will provide public funding for eligible parties to participate in family mediation and they may also receive some independent legal advice connected to the mediation process and where a settlement is reached can receive legal assistance to draft and issue proceedings to obtain a consent order.
- (3) Parties may find out if they are likely to be eligible for legal aid at the following link: <https://www.gov.uk/check-legal-aid>
- (4) To find the nearest publicly funded mediation service a client can use the search at [familymediationcouncil.org.uk](http://familymediationcouncil.org.uk). Publicly funded legal advisors can be found at: <https://www.gov.uk/check-legal-aid>

2.9 Public funding for legal advice and/or representation at court is available in limited circumstances. Further information can be found here: <http://www.justice.gov.uk/legal-aid-for-private-family-matters>

### 3. **Explanation of terms**

3.1 Some of the terms used in this document, and in the websites referred to above, may not be familiar to those who seek help and support.

3.2 A guide to some of the relevant terms is attached in the Annex at the end of this document.

### 4. **The child in the dispute**

4.1 In making any arrangements with respect to a child, the child's welfare must be the highest priority.

4.2 Children and young people should be at the centre of all decision-making. This accords with the Family Justice Young People's Board Charter ([https://www.cafcass.gov.uk/media/179714/fjyjb\\_national\\_charter\\_1013.pdf](https://www.cafcass.gov.uk/media/179714/fjyjb_national_charter_1013.pdf)).

4.3 The child or young person should feel that their needs, wishes and feelings have been considered in the arrangements which are made for them.

4.4 Children should be involved, to the extent which is appropriate given their age and level of understanding, in making the arrangements which affect them. This is just as relevant where

- (1) the parties are making arrangements between themselves (which may be recorded in a Parenting Plan),

as when:

- (2) arrangements are made in the context of dispute resolution outside away from the court,

and/or

- (3) the court is required to make a decision about the arrangements for the child.

4.5 If an application for a court order has been issued, the judge may want to know the child's view. This may be communicated to the judge in one of a number of ways:

- (1) By a Cafcass officer (in Wales, a Welsh Family Proceedings Officer (WFPO)) providing a report to the court which sets out the child's wishes and feelings;
- (2) By the child being encouraged (by the Cafcass officer or WFPO, or a parent or relative) to write a letter to the court;
- (3) In the limited circumstances described in paragraph 18 below, by the child being a party to the proceedings;

and/or:

- (4) By the judge meeting with the child, in accordance with approved Guidance (currently the *FJC Guidelines for Judges Meeting Children subject to Family Proceedings* (April 2010)). [http://www.judiciary.gov.uk/JCO%2fDocuments%2fFJC%2fvoc%2fGuidelines\\_+Judges\\_seeing\\_+Children.pdf](http://www.judiciary.gov.uk/JCO%2fDocuments%2fFJC%2fvoc%2fGuidelines_+Judges_seeing_+Children.pdf)

## **5. Non-court resolution of disputed arrangements for children**

5.1 Dispute resolution services, including mediation, are available to provide opportunities for parents and families to work in a positive and constructive way, and should be actively considered and attempted where it is safe and appropriate to do so. Information about mediation and other non-court dispute resolution is available widely (see 'Signposting Services for Families'

– paragraph 2 above).

5.2 It is not expected that those who are the victims of domestic violence should attempt to mediate or otherwise participate in forms of non-court dispute resolution. It is also recognised that drug and/or alcohol misuse and/or mental illness are likely to prevent couples from making safe use of mediation or similar services; these risk factors (which can be discussed at a MIAM – see below, paragraph 5.3) are likely to have an impact on arrangements for the child. Court Orders, including those made by consent, must be scrutinised to ensure that they are safe and take account of any risk factors, in accordance with Practice Direction 12J FPR.

**5.3 Attendance at Mediation Information and Assessment Meeting (“MIAM”):** Subject to paragraph 5.6 (below), before making a family application to the court (a ‘relevant family application’ as defined in paragraph 23 below), the person who is considering making such application must attend a family MIAM. A prospective respondent is expected to attend a MIAM – whether this is a separate MIAM or the same MIAM attended by the prospective applicant. At the MIAM, information will be provided about mediation of disputes of the kind to which the application relates, ways in which the dispute may be resolved otherwise than by the court, and the suitability of mediation (or any other way of resolving the dispute) for trying to resolve the dispute. The mediator will also assess whether there has been, or is a risk of,

- (1) domestic violence, and/or
- (2) harm by a prospective party to a child that would be the subject of the application.

5.4 It is the responsibility of the prospective applicant (or that person’s legal representative) to contact a family mediator to arrange attendance at a MIAM.

5.5 Only an authorised family mediator can carry out a MIAM. An authorised family mediator means a mediator who is a member of a mediation organisation affiliated to the Family Mediation Council (and is therefore subject to the Family Mediation Council’s Code of Conduct), and is authorised to undertake MIAMs by the professional practice consultant supervising the mediator’s practice.

5.6 A prospective applicant is not required to attend a MIAM where one of the circumstances set out in rule 3.8(1) or 3.8(2) FPR applies.

5.7 Information on how to find a family mediator may be obtained from [www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk) website which hosts the “find a local family mediator” database (see also ‘Signposting Services for Families’ – paragraph 2 above).

5.8 The prospective applicant (or the prospective applicant’s legal

representative) should provide the mediator with contact details for the other party or parties to the dispute ('the prospective respondent(s)'), so that the mediator can contact the prospective respondent(s) to discuss their willingness and availability to attend a MIAM.

- 5.9 The prospective applicant and, where they agree to do so, the prospective respondent(s), should then attend a MIAM arranged by the mediator. If the parties are willing to attend together and where it is assessed by the mediator to be safe, the meeting may be conducted jointly; otherwise, separate meetings will be held.
- 5.10 The Family Mediation Council sets the requirements for mediators who conduct MIAMs. In summary, a mediator who arranges a MIAM with one or more parties to a dispute should consider any risk factors present and how these should be managed, and should also consider with the party or parties concerned whether public funding may be available to meet the cost of the meeting and any subsequent mediation. Where neither of the parties is eligible for, or wishes to seek, public funding, any charge made by the mediator for the MIAM will be the responsibility of the party or parties attending, in accordance with any agreement made with the mediator.
- 5.11 Mediation is a confidential process; none of the parties to the mediation may provide information to the court as to the content of any discussions held in mediation and/or the reasons why agreement was not reached. Similarly, the mediator may not provide such information, unless the mediator considers that a safeguarding issue arises.
- 5.12 However, it is important that the parties, or either of them, introduce at the MIAM (or any subsequent court application) any other evidence of attempts to resolve a dispute and to focus on the needs of the child.

## **6. Resolution of disputed arrangements for children through the Court**

- 6.1 The judge is obliged to consider, at every stage of court proceedings, whether non-court dispute resolution is appropriate.
- 6.2 The parties should also actively consider non-court dispute resolution even if proceedings are issued and are ongoing.
- 6.3 If the court considers that another form of dispute resolution is appropriate, the court may direct that the proceedings, or a hearing in the proceedings, be adjourned for such specified period as it considers appropriate:
- (1) to enable the parties to obtain information and advice about non-court dispute resolution; and
  - (2) where the parties agree, to enable non-court dispute resolution

to take place.

6.4 Where the court adjourns proceedings, it shall give directions about the timing and method by which the parties must tell the court if any of the issues in the proceedings have been resolved.

6.5 It is to be noted that some courts operate an at-court mediation scheme, and at-court MIAMs, with providers contracted to the Legal Aid Agency. Some mediators may prefer to conduct mediation outside of the court premises. A mediation assessment may be possible at court; alternatively, the court may help in making an appointment with a local mediator for a MIAM or for mediation. Information about mediation arrangements should be advertised in the local court.

## **7. Local Good Practice**

7.1 The CAP is designed to provide a framework for a consistent approach to the resolution of the issues in private family law in England & Wales.

7.2 Local practices and initiatives can be operated in addition to, and within, the framework

## **8. Application to court**

8.1 Unless one of the MIAM exemptions applies (see rule 3.8 FPR), an application to court for determination of most issues concerning a child (see the definition of 'relevant family application' in rule 3.6 FPR and paragraphs 11 and 12 of PD3A) can be made only after a MIAM has taken place (at which meeting mediation and other forms of non-court dispute resolution will have been considered). One of the exemptions may be that the case is urgent, in which case see 'Urgent and Without Notice Applications' in paragraph 12 below. The grounds for urgency are defined in rule 3.8(c) FPR.

8.2 The application for a child arrangements order or other Children Act 1989 private law order shall be made on the relevant prescribed form.

8.3 For section 8 Children Act 1989 applications, the applicant will be required, on the form C100, to confirm attendance at a MIAM or specify that an exemption applies **unless** the application is for a consent order, or if the application concerns a child who is the subject of ongoing emergency proceedings, care proceedings or supervision proceedings, or if the child concerned is already the subject of an emergency protection order, care order or supervision order (see paragraphs 11 and 12 of PD3A).

8.4 The relevant part of the form C100 must be completed showing that either:

- (1) the applicant has attended a MIAM; or
- (2) the applicant has not attended a MIAM and claims one of the exemptions (rule 3.8(1) FPR) – exemptions include (but are not limited to) evidence of domestic violence, child protection concerns, urgency, previous MIAM attendance or exemption; or
- (3) an authorised family mediator confirms in the form that he or she is satisfied that
  - (a) mediation is not suitable because the respondents is (if more than one respondent, any one of them is) unwilling to attend a MIAM;
  - (b) mediation is not suitable as a means of resolving the dispute because the respondent (if more than one, any of them) failed without good reason to attend a MIAM; or
  - (c) mediation is otherwise not suitable as a means of resolving the dispute.

8.5 The C100 form may be obtained from the Family Court or from [www.gov.uk](http://www.gov.uk).

8.6 If the parties have previously prepared a Parenting Plan, this shall be attached to the Form C100.

8.7 If possible at the time of issue, and in any event by no later than one working day after issue, or in courts where applications are first considered on paper by no later than two working days after issue, the court shall send or hand to the Applicant the following:

- i) A copy of the application form C100 (together with the Supplemental Information Form C1A),
- ii) The Notice of Hearing;
- iii) The Acknowledgment Form C7;
- iv) A blank Form C1A, (if required);
- v) Information leaflets for the parties (which must include the CB7 leaflet)

8.8 Unless the applicant requests to do so, or the court directs the applicant to do so, the Court will serve the respondent(s) with:

- i. A copy of the application form C100 (together with Supplemental Information Form C1A)(if provided);
- ii. The Notice of Hearing;

- iii. The Acknowledgement Form C7;
- iv. A blank form C1A;
- v. Information leaflet for the parties (which must include the CB7 leaflet).

8.9 The court shall send to Cafcass / CAF/CASS Cymru a copy of the Form C100 (and the form C1A, if supplied), and the C6 Notice of Hearing no later than 2 working days after the date of issue. This will be in electronic format where possible.

8.10 The court shall not send to Cafcass / CAF/CASS Cymru any other application under the Children Act 1989, or any other private law application, unless the Court has made a specific direction requesting the assistance of Cafcass/CAF/CASS Cymru. Therefore, any application which is not in Form C100 or which does not contain a direction to Cafcass/CAF/CASS Cymru will be returned to the court at which the application has been issued.

## **9. Allocation and Gatekeeping**

9.1 It is important that the form C100 is fully completed (including the provision of telephone numbers of the relevant parties), otherwise there may be a delay in processing the application; where the form is not fully completed, the court staff may request further information before the application form is accepted for issue.

9.2 The application shall be considered by a nominated Legal Adviser &/or nominated District Judge ("the Gatekeeper(s)") within one working day of the date of receipt in accordance with the appropriate Rules of Procedure.

9.3 An application for a relevant family order shall be allocated to a level of judge in the Family Court in accordance with the Guidance issued by the President on "Allocation and Gatekeeping for Proceedings under Part II of the Children Act 1989 (Private Law Proceedings) and the Family Court (Composition and Distribution of Business) Rules 2014, together with the Allocation Schedule.

9.4 Gatekeepers shall be able to issue Directions on Issue (on Form CAP01) in the following circumstances:

- (1) where, on the basis of information provided on the application form and any additional information provided on a C1A Supplemental Information Form, the Gatekeeper finds that the exemption from attending a MIAM has not been validly been claimed, the Gatekeeper will direct the applicant, or direct the parties to attend a MIAM before the FHDRA, unless the

Gatekeeper considers that in all the circumstances of the case the MIAM requirement should not apply to the application in question; the Gatekeeper will have particular regard to the matters set out in rule 3.10(3) FPR when making this decision;

- (2) where it appears that an urgent issue requires determination, the Gatekeeper may give directions for an accelerated hearing;
- (3) exceptionally, where it appears that directions need to be given for the service and filing of evidence, he/she may give directions for the filing of evidence.

## **10. Judicial continuity**

10.1 All private law cases will be allocated to a level of judge within the Family Court upon issue.

10.2 Continuity of Judicial involvement in the conduct of proceedings from the FHDRA to the making of a final order should be the objective in all cases.

10.3 Where the case has been allocated to be heard before lay justices, the expectation of judicial continuity should apply where

- (1) There has been a hearing to determine findings of fact,
- (2) A decision yet to be made in the interests of a child by a court depends upon rulings or judicial assessments already made in the proceedings,

in which case, wherever possible, the hearing shall be listed before the same lay justices; alternatively, it shall be listed before the same the legal adviser and at least one lay justice (preferably the chairman) to provide that continuity. Where a case is adjourned part-heard the court which resumes the hearing shall, wherever possible, be composed of the same lay justices as dealt with the previous part of the hearing (see rule 8 of the Family Court (Composition and Distribution of Business) Rules 2014).

## **11. Key welfare principles**

11.1 Section 1 of the Children Act 1989 applies to all applications for orders concerning the upbringing of children. This means that:

- (1) the child's welfare is the court's paramount consideration;
- (2) delay is likely to be prejudicial to the welfare of the child, and

- (3) a court order shall not be made unless the court considers that making an order would be better for the child than making no order at all.

11.2 Parties, and the court, must also have regard to the FPR in particular the following:

- (1) FPR Rule 1. The 'overriding objective' will apply, so that the court will deal with a case justly, having regard to the welfare issues involved and specifically will
  - (a) Ensure that the case is dealt with expeditiously and fairly;
  - (b) Deal with the case in ways which are proportionate to the nature, importance and complexity of the issues;
  - (c) Ensure that the parties are on an equal footing;
  - (d) Save expense;
  - (e) Allot to each case an appropriate share of the court's resources, while taking account of the need to allot resources to other cases.
- (2) Rule 3, and Practice Direction 3A;
- (3) FPR Part 4 'General Case Management Powers';
- (4) FPR Part 15 (Representation of Protected Parties) and Practice Direction 15B (Adults Who May Be Protected Parties and Children Who May Become Protected Parties in Family Proceedings);
- (5) FPR Part 16 (Representation of Children) (and see also paragraph 18 below);
- (6) FPR Part 18 (procedure for Other Applications in proceedings);
- (7) FPR Part 22 (Evidence);
- (8) FPR Part 24 (Witnesses, depositions generally and taking of evidence in Member States of the European Union);
- (9) FPR Part 25 (Experts) and the Experts Practice Directions;
- (10) FPR 27.6 and Practice Direction 27A (Court Bundles).

11.3 Where a fact-finding hearing is required, this shall take place in accordance with revised Practice Direction 12J FPR.

11.4 The court shall exercise its powers flexibly. The flexible powers of the court include the ability for the court to cancel or repeat a particular hearing.

## **12. Urgent and Without Notice Applications**

12.1 **Urgent:** Where an order is sought as a matter of urgency, an application may be made to the Court for an emergency order without the requirement for the Applicant to have attended at a MIAM. The categories of urgent application justifying such an exemption are set out in rule 3.8(c) FPR and include cases in which:

- (1) There is a risk to the life, liberty, or the physical safety of the prospective applicant or his or her family, or his or her home;

- (2) Any delay caused by attending a MIAM would cause:
  - (1) A risk of harm to the child;
  - (2) A risk of unlawful removal of a child from the United Kingdom or a risk of unlawful retention of a child who is currently outside England and Wales;
  - (3) A significant risk of a miscarriage of justice;
  - (4) Unreasonable hardship to the prospective applicant;
  - (5) Irretrievable problems in dealing with the dispute (including the irretrievable loss of significant evidence).
- (3) There is a significant risk that in the period necessary to schedule and attend a MIAM, proceedings relating to the dispute will be brought in another state in which a valid claim to jurisdiction may exist, such that a court in that other State would be seised of the dispute before a court in England and Wales.

12.2 **'Without Notice'**: Applications to court made 'Without Notice' to the respondent(s) shall be allocated in accordance with the Family Court (Composition and Distribution of Business) Rules 2014, and determined by reference to the provisions of Practice Direction 18A, paragraph 5.1, with further regard to the principles set out in Practice Direction 20A, paragraph 4.3-4.5 FPR (noting particularly paragraph 4.3(c)).

12.3 Without Notice Orders should be made only exceptionally, and where:

- (1) If the applicant were to give notice to the respondent(s) this would enable the respondent(s) to take steps to defeat the purpose of the injunction; cases where the application is brought without notice in order to conceal the step from the respondent(s) are very rare indeed; or
- (2) The case is one of exceptional urgency; that is to say, that there has been literally no time to give notice (either by telephone, text or e-mail or otherwise) before the injunction is required to prevent the threatened wrongful act; or
- (3) If the applicant gives notice to the respondent(s), this would be likely to expose the applicant or relevant child to unnecessary risk of physical or emotional harm.

12.4 Any Order which follows an emergency 'without notice' hearing should specify:

- (1) the reason(s) why the order has been made without notice to the respondent(s),

- (2) the outline facts alleged which have been relied upon by the court in making the order, unless the facts are clearly contained in the statement in support; and
- (3) the right of the respondent(s) to apply to vary or discharge the order.

12.5 **Gatekeeping decisions:** Following any urgent or 'without notice' hearing, unless all issues have been determined or the application has been dismissed without any further directions given, the judge may make gatekeeping decisions, including allocation and venue of future hearing, (and if so, shall notify the Gatekeeping team responsible for the area in which the child resides), or shall refer the application to the relevant Gatekeeping team for a decision on allocation and venue of future hearing; in either event, a copy of the C100 shall be sent to Cafcass for safeguarding checks, and (depending on the Gatekeeping decision) the file shall be sent to the court where future hearings will take place (if at a different court centre from the court where the urgent hearing occurred).

### 13. **Safeguarding**

13.1 Where an application is made for a child arrangements order (but not necessarily for specific issue or prohibited steps orders), before the FHDRA (see paragraph 14 below) Cafcass / CAF/CASS Cymru shall identify any safety issues by the steps outlined below.

13.2 Such steps shall be confined to matters of safety. The Cafcass Officer or (in Wales) the Welsh Family Proceedings Officer (WFPO) shall not discuss with either party before the FHDRA any matter other than one which relates to safety. The parties will not be invited to talk about other issues, for example relating to the substance of applications or replies or about issues concerning matters of welfare or the prospects of resolution. If such issues are raised by either party, they will be advised that such matters will be deferred to the FHDRA when there is equality between the parties and full discussion can take place which will be a time when any safety issues that have been identified can also be taken into account.

13.3 In order to inform the court of possible risks of harm to the child Cafcass / CAF/CASS Cymru will carry out safeguarding enquiries. For all child arrangements orders this will include seeking information from local authorities, and carrying out police checks on the parties. For all other applications received from the court on the form C100, Cafcass / CAF/CASS Cymru will carry out a screening process and will undertake those checks if in the professional judgment of the Cafcass officer, or the WFPO in Wales, such checks are necessary.

13.4 Cafcass / CAF/CASS Cymru will, if possible, undertake telephone risk identification interviews with the parties and if risks of harm are identified,

may invite parties to meet separately with the Cafcass Officer, or WFPO in Wales, before the FHDRA to clarify any safety issue.

- 13.5 Cafcass / CAF/CASS Cymru shall record and outline any safety issues for the court, in the form of a Safeguarding letter (in Wales, this is called a 'Safeguarding report').
- 13.6 The Cafcass officer, or WFPO, will not initiate contact with the child prior to the FHDRA. If contacted by a child, discussions relating to the issues in the case will be postponed to the day of the hearing or after when the Cafcass officer or WFPO will have more knowledge of the issues.
- 13.7 Within 17 working days of receipt by Cafcass / CAF/CASS Cymru of the application, and at least 3 working days before the hearing, the Cafcass Officer or WFPO shall report to the court, in a Safeguarding letter / report, the outcome of the risk identification work which has been undertaken.
- 13.8 Further, Cafcass and CAF/CASS Cymru are required, under section 16A Children Act 1989, to undertake (and to provide to the court) risk assessments where an officer of the Service ('Cafcass Officer' or WFPO) suspects that a child is at risk of harm.

#### **14. First Hearing Dispute Resolution Appointment (FHDRA)**

- 14.1 The FHDRA may (where time for service on the respondent(s) has been abridged) take place within 4 weeks, but should ordinarily take place in week 5 following the issuing of the application; at the latest it will take place in week 6 following the issuing of the application.
- 14.2 The respondent(s) shall have at least 10 working days' notice of the hearing where practicable, but the court may abridge this time.
- 14.3 The respondent(s) should file a response on the Forms C7/C1A no later than 10 working days before the hearing, unless the court has abridged this time.
- 14.4 Unless the court otherwise directs, any party to proceedings, and any litigation friend of the parties must attend this (and any other) hearing. If a child is a party and represented by a children's guardian, the children's guardian need not attend directions hearings if represented.
- 14.5 A party may choose to be accompanied at this (or any) hearing by a McKenzie Friend to support them (a McKenzie Friend is someone who can provide moral support at court for the party; take notes; help with case papers; quietly give advice on any aspect of the conduct of the case.) If so, the McKenzie Friend must comply with the relevant Guidance (currently set out in the Practice Guidance: McKenzie Friends (Civil and Family Courts): July 2010:

<http://www.judiciary.gov.uk/Resources/JCO/Documents/Guidance/mckenzie-friends-practice-guidance-july-2010.pdf>).

- 14.6 A Cafcass Officer or WFPO shall attend this hearing. A mediator may attend where available.
- 14.7 The Cafcass Officer or WFPO shall, where practicable, speak separately to each party at court before the hearing in particular where it has not been possible to conduct a risk identification interview with either party.
- 14.8 The FHDRA provides an opportunity for the parties to be helped to an understanding of the issues which divide them, and to reach agreement. If agreement is reached,
- (1) The Court will be able to make an order (which in many cases will be a final order) reflecting that agreement;
  - (2) The Court will assist the parties (so far as it is able) in putting into effect the agreement/order in a co-operative way.
- 14.9 The FHDRA is not privileged. That is to say that what is said at the FHDRA may be referred to at later court hearings.
- 14.10 By the time of the hearing, the Court should have the following documents:
- (a) C100 application, and C1A (if any);
  - (b) Notice of Hearing;
  - (c) C7 response and C1A (if any);
  - (d) Cafcass/CAFCASS Cymru safeguarding letter/report.
- 14.11 At the FHDRA the judge, working with the Cafcass Officer, or WFPO, will seek to assist the parties in conciliation and in resolution of all or any of the issues between them. Any remaining issues will be identified, the Cafcass Officer or WFPO will advise the court of any recommended means of resolving such issues, and directions will be given for the future resolution of such issues. At all times the decisions of the Court and the work of the Cafcass Officer or WFPO will take account of any risk or safeguarding issues that have been identified.
- 14.12 The court should have information obtained through safeguarding checks carried out by Cafcass / CAFCASS Cymru, to ensure that any agreement between the parties, or any dispute resolution process selected, is in the interests of the child and safe for all concerned.
- 14.13 The FHDRA will be conducted in the most appropriate way in the interests of the child. In particular the court shall consider the following matters:

▪ **Safeguarding**, in this respect:

- (a) The court shall inform the parties of the content of the safeguarding letter/report provided by Cafcass/CAFCASS Cymru, where it has not already been sent by Cafcass/CAFCASS Cymru to the parties, unless it considers that to do so would create a risk of harm to a party or the child. The court may need to consider whether, and if so how, any information contained in the checks should be disclosed to the parties if Cafcass/CAFCASS Cymru have not disclosed the letter/report.

The court will further consider:

- (b) Whether a fact finding hearing is needed to determine allegations which are not accepted, and whose resolution is likely to affect the decision of the court.
- (c) Risk identification followed by active case management including risk assessment, and compliance with the Practice Direction 12J.

Further:

- (d) If the safeguarding information is (contrary to the arrangements set out in the CAP) not available at the FHDRA, the court should adjourn the application until the safeguarding checks are available. Interim orders (unless to protect the safety of a child) should not be made in the absence of safeguarding checks.

And further:

- (e) Where the court so directs, a safeguarding letter/report ought to be attached to any referral to a supported or supervised child contact centre in the event the court directs supported or supervised contact.

▪ **MIAM**, specifically:

- (a) Whether, if a MIAM exemption has been claimed, the Applicant has validly claimed the exemption;
- (b) Whether the Respondent has attended a MIAM;
- (c) If the court finds that a MIAM exemption has not been validly claimed the court will direct the applicant or direct the parties to attend a MIAM and if necessary adjourn the proceedings to enable a MIAM to take place, unless the court considers that in all the circumstances of the case, the MIAM requirement should not apply to the application in question; when making the decision the court

will have particular regard to the matters contained in rule 3.10(3) FPR..

- **Mediation, At-Court Mediation assessment, and other Dispute Resolution:** allowing the parties the time and opportunity to engage in non-court dispute resolution.

- (a) At the FHDRA, the judge will specifically consider whether, and the extent to which, the parties can safely resolve some or all of the issues with the assistance of the Cafcass Officer, WFPO, or a mediator.
- (b) There will be, at every FHDRA, a period in which the Cafcass Officer, or WFPO, will seek to conciliate and explore with the parties the resolution of all or some of the issues between them if safe to do so. The procedure to be followed in this connection at the hearing will be determined by local arrangements between the Cafcass manager, or equivalent in Wales, and the Designated Family Judge or the Justices' Clerk where appropriate.

The court will further consider:

- (c) What is the result of any such meeting at Court?
  - (d) What other options there are for resolution e.g. may the case be suitable for further intervention by Cafcass/CAFCASS Cymru; Should a referral for mediation be made? Is collaborative law appropriate? Should the parties be advised to complete a Parenting Plan?
  - (e) Would the parties be assisted by attendance at an Activity Separated Parents Information Programme, (or in Wales, Working Together For Children (WT4C)) or other Activity or intervention, whether by formal statutory provision under section 11 Children Act 1989 or otherwise;
  - (f) An at-court assessment of the suitability of the parties for mediation.
- **Consent Orders:**
    - (a) Where agreement is reached at any hearing or submitted in writing to the court, no order will be made without scrutiny by the court.
    - (b) Where safeguarding checks or risk assessment work remain outstanding, the making of a final order may be deferred for such work. In such circumstances the court shall adjourn the case for no longer than 28 days to a fixed date. A written notification of this work is to be provided by Cafcass/CAFCASS

Cymru in the form of an updating Safeguarding letter/report, or if deemed relevant by Cafcass/CAFCASS Cymru, a section 16A risk assessment in accordance with the timescale specified by the court. If satisfactory information is then available, the order may be made at the adjourned hearing in the agreed terms without the need for attendance by the parties. If satisfactory information is not available, the order will not be made, and the case will be adjourned for further consideration with an opportunity for the parties to make further representations

▪ **Reports:**

- (a) Reports may be ordered where there are welfare issues or other specific considerations which should be addressed in a report by Cafcass/CAFCASS Cymru or the Local Authority. Before a report is ordered, the court should consider alternative ways of working with the parties such as are referred to in paragraph 5 ('non-court resolution of disputed arrangements') above.
- (b) If a report is ordered in accordance with section 7 of the Children Act 1989, the Court should direct which specific matters relating to the welfare of the child are to be addressed. Welfare reports will generally only be ordered in cases where there is a dispute as to with whom the child should live, spend time, or otherwise have contact with. A report can also be ordered :
  - i. If there is an issue concerning the child's wishes, and/or
  - ii. If there is an alleged risk to the child, and/or
  - iii. Where information and advice is needed which the court considers to be necessary before a decision can be reached in the case.
- (c) General requests for a report on an application should be avoided; the Court should state on the face of the Order the specific factual and/or other issue which is to be addressed in the focused report.
- (d) In determining whether a request for a report should be directed to the relevant local authority or to Cafcass/CAFCASS Cymru, the court should consider such information as Cafcass/CAFCASS Cymru has provided about the extent and nature of the local authority's current or recent involvement with the subject of the application and the parties, and any relevant protocol between Cafcass and the Association of Directors of Children's Services.

- (e) The court may further consider whether there is a need for an investigation under section 37 Children Act 1989.
- (f) A copy of the Order requesting the report and any relevant court documents are to be sent to Cafcass/CAFCASS Cymru or, in the case of the Local Authority to the Legal Adviser to the Director of the Local Authority Children's Services and, where known, to the allocated social worker by the court forthwith.
- (g) Is any expert evidence required? If so, section 13 Children and Families Act 2014, and Part 25 of the FPR must be complied with. This is the latest point at which consideration should be given to the instruction of an expert in accordance with Rule 25.6(b) of the FPR; the court will need to consider carefully the future conduct of proceedings where the preparation of an expert report is necessary but where the parties are unrepresented and are unable to fund the preparation of such a report.

- **Wishes and feelings of the child:**

- (a) In line with the Family Justice Young People's Board Charter, children and young people should be at the centre of all proceedings.
- (b) The child or young person should feel that their needs, wishes and feelings have been considered in the court process
- (c) Each decision should be assessed on its impact on the child.
- (d) The court must consider the wishes and feelings of the child, ascertainable so far as is possible in light of the child's age and understanding and circumstances. Specifically, the Court should ask:
  - i. Is the child aware of the proceedings?
  - ii. Are the wishes and feelings of the child available, and/or to be ascertained (if at all)?
  - iii. How is the child to be involved in the proceedings, and if so, how; for example, should they meet the judge/lay justices? Should they be encouraged to write to the court, or have their views reported by Cafcass/CAFCASS Cymru or by a local authority?
  - iv. Who will inform the child of the outcome of the case, where appropriate?

- **Case Management:**

- (a) What, if any, issues are agreed and what are the key issues to be determined?
  - (b) Should the matter be listed for a fact-finding hearing?
  - (c) Are there any interim orders which can usefully be made (e.g. indirect, supported or supervised contact) pending Dispute Resolution Appointment or final hearing?
  - (d) What directions are required to ensure the application is ready for a Dispute Resolution Appointment or final hearing – statements, reports etc?
  - (e) Should the application be listed for a Dispute Resolution Appointment (it is envisaged that most cases will be so listed)?
  - (f) Should the application be listed straightaway for a final hearing?
  - (g) Judicial continuity should be actively considered (especially if there has been or is to be a fact finding hearing or a contested interim hearing).
- **Allocation:**
    - (a) The Allocation decision will be considered by the Court;
    - (b) If it is necessary to transfer the case to another court within the DFJ area or another area, or re-allocate it, the court shall state the reasons for transfer/re-allocation, and shall specifically make directions for the next hearing in the court.
  - **Order (other than a final order):** Where no final agreement is reached, and the court is required to give case management directions, the following shall be included on the order [CAP02]:
    - (a) The issues about which the parties are agreed;
    - (b) The issues that remain to be resolved;
    - (c) The steps that are planned to resolve the issues;
    - (d) Any interim arrangements pending such resolution, including arrangements for the involvement of children;
    - (e) The timetable for such steps and, where this involves further hearings, the date of such hearings;
    - (f) A statement as to any facts relating to risk or safety; in so far as they are resolved the result will be stated and, in so far as not resolved, the steps to be taken to resolve them will be stated.

- (g) Whether the parties are to be assisted by participation in mediation, Separated Parents Information Programme, WT4C, or other types of parenting intervention, and to detail any activity directions or conditions imposed by the court;
- (h) The date, time and venue of the next hearing;
- (i) Whether the author of any section 7 report is required to attend the hearing, in order to give oral evidence. A direction for the Cafcass officer or WFPO to attend court will not be made without first considering the reason why attendance is necessary, and upon what issues the Cafcass officer or WFPO will be providing evidence.
- (j) Where both parties are Litigants in Person, the court may direct HMCTS to produce a Litigant in Person bundle;
- (k) The judge will, as far as possible, provide a copy of the order to both parties before they leave the courtroom, and will, if necessary, go through and explain the contents of the order to ensure they are clearly understood by both parties. The parties should know the date, time and venue of any further hearing before they leave the court.

## **15. Timetable for the child**

- 15.1 Court proceedings should be timetabled so that the dispute can be resolved as soon as safe and possible in the interests of the child.
- 15.2 The judge shall, at all times during the proceedings, have regard to the impact which the court timetable will have on the welfare and development of the child to whom the application relates. The judge and the parties shall pay particular attention to the child's age, and important landmarks in the immediate life of the child, including:
- (a) the child's birthday;
  - (b) the start of nursery/schooling;
  - (c) the start/end of a school term/year;
  - (d) any proposed change of school;
  - and/or
  - (e) any significant change in the child's family, or social, circumstances.
- 15.3 While it is acknowledged that an interim order may be appropriate at an early stage of court proceedings, cases should not be adjourned for a review (or reviews) of contact or other orders/arrangements, &/or for addendum section 7 report, unless such a hearing is necessary and for a clear purpose that is consistent with the timetable for the child and in the child's best interests.

15.4 When preparing a section 7 report, Cafcass / CAF/CASS Cymru (or, where appropriate, the local authority) is encouraged to make recommendations for the stepped phasing-in of child arrangements (i.e. recommendations for the medium and longer term future for the child) insofar as they are able to do so safely in the interests of the child concerned;

15.5 Where active involvement or monitoring is needed, the court may consider making:

- (1) An order under section 11H Children Act 1989 (Monitoring);
- (2) A Family Assistance Order under section 16 Children Act 1989 (in accordance with the Practice Direction 12M FPR, and if all the named adults in the order agree to the making of such an order and if the order is directed to a local authority, the child lives (or will live) within that local authority area or the local authority consents to the making of the order.

## **16. Capacity of Litigants**

16.1 In the event that the judge has concerns about the capacity of a litigant before the court, the judge shall consider

- (1) the Guidance issued by the Family Justice Council in relation to assessing the capacity of litigants;
- (2) Practice Direction 15B (Adults Who May Be Protected Parties and Children Who May Become Protected Parties In Family Proceedings).

## **17. Evidence**

17.1 No evidence shall be filed in relation to an application until after the FHDRA unless:

- (1) It has been filed in support of a without notice application
- (2) It has been directed by the Court by the Directions on Issue (CAP01);
- (3) It has been directed by the Court for the purposes of determining an interim application.

## **18. Rule 16.4 children's guardians**

- 18.1 The Court should be vigilant to identify the cases where a rule 16.4 children's guardian should be appointed. This should be considered initially at the FHDRA.
- 18.2 Where the court is considering the appointment of a children's guardian from Cafcass/CAFCASS Cymru, it should first ensure that enquiries have been made of the appropriate Cafcass/CAFCASS Cymru manager in accordance with paragraph 7.4, Part 4 of the Practice Direction 16A. This should either be in writing before the hearing or by way of case discussion with the relevant Cafcass service manager; for cases in Wales, the 'hotline' protocol agreed with CAFCASS Cymru will ensure that such a discussion can take place. The court should consult with Cafcass / CAFCASS Cymru, so as to consider any advice in connection with the prospective appointment, and the timescale involved.
- 18.3 When the court decides to appoint a children's guardian, consideration should first be given to appointing an Officer of the Service or WFPO. If Cafcass/CAFCASS Cymru is unable to provide a children's guardian without delay, or if there is some other reason why the appointment of a Cafcass officer is not appropriate, the court should (further to rule 16.24 of the FPR) appoint a person other than the Official Solicitor, unless the Official Solicitor expressly consents.
- 18.4 In considering whether to make such an appointment the Court shall take account of the demands on the resources of Cafcass/CAFCASS Cymru that such an appointment would make. The court should also make clear on the face of any order the purpose of the appointment and the timetable of any work to be undertaken.

## **19. Dispute Resolution Appointment (DRA)**

- 19.1 The Court shall list the application for a Dispute Resolution Appointment ('DRA') to follow the preparation of section 7 or other expert report, or Separated Parenting Information Programme (SPIP) (or WT4C in Wales), if this is considered likely to be helpful in the interests of the child.
- 19.2 The author of the section 7 report will only attend this hearing if directed to do so by the Court.
- 19.3 At the DRA the Court will:
- (1) Identify the key issue(s) (if any) to be determined and the extent to which those issues can be resolved or narrowed at the DRA;
  - (2) Consider whether the DRA can be used as a final hearing;
  - (3) Resolve or narrow the issues by hearing evidence;
  - (4) Identify the evidence to be heard on the issues which remain to

be resolved at the final hearing;

- (5) Give final case management directions including:
- (a) Filing of further evidence;
  - (b) Filing of a statement of facts/issues remaining to be determined;
  - (c) Filing of a witness template and / or skeleton arguments;
  - (d) Ensuring Compliance with Practice Direction 27A (the Bundles Practice Direction);
  - (e) Listing the Final Hearing.

## 20. **Fact-finding hearing**

20.1 If the court considers that a fact-finding hearing is necessary it shall conduct that hearing in accordance with revised Practice Direction 12J

## 21. **Enforcement of Child Arrangements**

21.1 On any application for enforcement of a child arrangements order, the court shall:

- consider whether the facts relevant to the alleged non-compliance are agreed, or whether it is necessary to conduct a hearing to establish the facts;
- consider the reasons for any non-compliance;
- consider how the wishes and feelings of the child are to be ascertained;
- consider whether advice is required from Cafcass/CAFCASS Cymru on the appropriate way forward;
- assess and manage any risks of making further or other child arrangements order;
- consider whether a SPIP or referral for dispute resolution is appropriate;
- consider whether an enforcement order may be appropriate, and
- consider the welfare checklist.

21.2 The Gatekeepers shall list any application for enforcement of a child arrangements order for hearing, before the previously allocated judge if possible, within 20 working days of issue. Enforcement cases should be concluded without delay.

- 21.3 An application made within existing proceedings in the family court shall be allocated to the level of judge in accordance with rule 17 of the Family Court (Composition and Distribution of Business) Rules 2014.
- 21.4 The Gatekeepers shall, if considered necessary, direct that further safeguarding checks are required from Cafcass/CAFCASS Cymru. On any application for enforcement issued more than three months after the order which is the subject of the enforcement, safeguarding checks shall be ordered.
- 21.5 The court has a wide range of powers in the event of a breach of a child arrangements order without reasonable excuse.
- 21.6 This range of powers includes (but is not limited to):
- (a) referral of the parents to a SPIP, or in Wales a WT4C, or mediation;
  - (b) variation of the child arrangements order (which could include a more defined order and/or reconsidering the contact provision or the living arrangements of the child);
  - (c) a contact enforcement order or suspended enforcement order under section 11J Children Act 1989 ('Enforcement order' for unpaid work), (see paragraph 21.7 below);
  - (d) an order for compensation for financial loss (under section 11O Children Act 1989);
  - (e) committal to prison or
  - (f) a fine.
- 21.7 In the event that the court is considering an enforcement order for alleged non-compliance with a court order (under section 11J Children Act 1989) or considering a Compensation order in respect of financial loss (under section 11O Children Act 1989), the court shall (in the absence of agreement between the parties about the relevant facts) determine the facts in order to establish the cause of the alleged failure to comply.
- 21.8 Section 11L Children Act 1989 provides that if the court finds that a breach has occurred without reasonable excuse it may order the non-compliant party to undertake unpaid work if that is necessary to secure compliance, and if the effect on the non-compliant party is proportionate to the seriousness of the breach. The court must also consider whether unpaid work is available in the locality and the likely effect on the non-compliant party. It is good practice to ask Cafcass/CAFCASS Cymru to report on the suitability of this order. Section 11L(7) also requires the court to take into account the welfare of the child who is the subject of the order for contact.

## **22. Court timetable**

- 22.1 Working Day 1: Paperwork received. Court office checks whether the revised form C100 has been completed correctly. The application will not be issued unless the form has been completed correctly.

22.2 Working Day 2: Case considered by Gatekeeping team. Case allocated by Gatekeepers in accordance with the President's Guidance on allocation and the Family Court (Composition and Distribution) Rules 2014. The Gatekeeper(s) undertaking allocation to check whether form C100 has been completed. If there has been no MIAM, and there are reasons to believe that the applicant should have attended a MIAM, the Gatekeeping judge can direct that a MIAM should take place before the FHDRA.

22.3 17 working days from the date of its receipt of the application Cafcass/CAFCASS Cymru will provide the safeguarding letter / report to the Court (20 working days in the area of CAFCASS Cymru).

22.4 Week 5 (or latest, week 6): Case listed for FHDRA (before week 5 if requirements of notice have been abridged).

22.5 Thereafter, case may be listed for fact-finding hearing, DRA &/or final hearing.

### **23. Relevant Family Application (definition)**

23.1 A relevant family application for the purposes of the CAP is an application that

- (1) Is made to the court in, or to initiate, family proceedings, and
- (2) Is of a description specified in the Family Procedure Rules.

**Annex: Explanation of terms**

Abuse	Any behaviour which causes harm
Adjourn / Adjournment	Where the case, or a hearing, is directed to take place or continue at a later time (which might be on the same day or another day)
Allegation	A claim that someone has done something wrong
Applicant	The name given to someone who is asking the court for a court order
Application	How a person asks the court to do something
Cafcass	Cafcass stands for the 'Children and Family Court Advisory and Support Service'. Cafcass is independent of the courts, social services, education and health authorities and all similar agencies. Cafcass workers (sometimes called 'Family Court Advisers' or 'officers') are specialist social workers who help the court by making safeguarding checks, helping parties at the FHDRA to consider solutions, and if necessary writing reports for the court &/or monitoring arrangements after court.
CAFCASS Cymru	This is Cafcass in Wales. CAFCASS Cymru is part of the Department of Health and Social Services in the Welsh Government.
Child Arrangements Order	This is an order which will set out arrangements relating to (a) <b>with whom</b> a child is to live, spend time or otherwise have contact, and (b) <b>when</b> a child is to live, spend time or otherwise have contact with any other person.
Collaborative law	One of the ways of trying to sort out disputes away from court; each party appoints their own lawyer, and you and your lawyers all meet together to work things out face to face.
Consent order	When you have reached an agreement with the other parent, which resolves the dispute, the judge may agree to make that agreement into an order called a consent order
Contact centre	A place for a parent to see their child in a neutral and 'safe' environment. 'Supervised' contact centres provide a safe and neutral place for contact. 'Supported' contact centres, which are often run by volunteers, offer a neutral

	place for contact in cases where no safety concerns exist
Designated Family Judge	This is the judge who has responsibility to provide leadership to the family judiciary within the court centre or group of courts
Dispute Resolution	The method of solving disagreements
Domestic violence	<p>This phrase is used to describe a wide range of behaviours including any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality.</p> <p>This can encompass, but is not limited to, the following types of abuse: psychological, physical, sexual, financial, or emotional.</p> <p>Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.</p>
DRA	Dispute Resolution Appointment. This is a court hearing which takes place towards the end of the court's involvement, and is another opportunity to see if the dispute can be sorted out with the help of a judge.
Enforcement	Making sure that an order is complied with
Expert evidence	Evidence and opinions provided by someone with special skills and knowledge (but, for these purposes, does not refer to a social worker employed by, and giving evidence on behalf of, a local authority who is a party to the case).
Fact finding hearing	A court hearing set up for the court to decide on issues of fact or allegations which are in dispute.
Family Assistance order	An order of the court which allows Cafcass or local authorities to provide social-work support to help parties to establish contact arrangements which might otherwise fail

PD 12(B): (CAP 2014) Issued 22 April 2014	
FHDRA	First Hearing Dispute Resolution Appointment. This is a court hearing which takes place at the beginning of the court's involvement.
File	This means to send / deliver to the court office
FPR	Family Procedure Rules 2010; the rules of court which govern family cases.
Gatekeeper(s)	The nominated District Judge and/or nominated Legal Adviser responsible for deciding which level of judge in the family court should initially deal with an application
Hearing	The name given to a meeting or court appointment with a judge
Indirect contact	Any contact which is not face-to-face (for example, letters, birthday cards, phone calls).
Interim contact	Contact that takes place between the first court hearing and the final hearing
Investigation under section 37	Where it appears to a judge that a child is or may be at risk of significant harm and it may be appropriate for local authority children's services to apply for a court order giving them responsibilities towards a family, the judge can direct the local authority to investigate the child's circumstances
Judge	Where the term 'Judge' is used, this refers to any judge of the Family Court including lay justices (magistrates) and judges of the High Court
Judgment	The decision of the Judge, and the reasons why the decision has been made
LAA	Legal Aid Agency; this is the body responsible for providing public funding for legal representation.
Litigant in Person or LiP	This is the name given to a person in court proceedings who does not have a lawyer
Litigant in Person Bundle	A bundle of court documents, contained in a file, which contains the following: Section A: Applications, Section B: Orders, Section C: Statements, Section D: Cafcass safeguarding letter, analyses and any expert reports, and Section E: Police, medical, other documents
McKenzie Friend	A friend or other person who can help you prepare your case and go to court with you to give you support and take notes

MIAM	Mediation Information and Assessment Meeting. At this meeting, a trained mediator will explain what mediation is and how it works, explain the benefits of mediation and the likely costs, answer questions, assess whether the person is eligible for legal aid for mediation, assess whether mediation is suitable in the case. A MIAM should be held within 15 working days of contacting the mediator.
NACCC	National Association of Child Contact Centres: NACCC has in its membership about 350 child contact centres and services throughout England (including the Channel Isles), Wales and Northern Ireland.  Child contact centres and services are neutral places where children of separated families can enjoy contact with the parent with whom the child does not live and sometimes with other family members, in a comfortable and safe environment.
Parental responsibility	All the legal rights and responsibilities normally associated with being a parent
Part-heard	Means a hearing which has started but which has not been finished within the day, and then continues on another day
Party	Someone involved in the court proceedings – either the person who has made the application, or the person(s) against whom the application has been made.
Practice Direction	This is a document which sets out good practice in supporting the FPR (Family Procedure Rules) or other Rules (see above) and /or may contain provisions which could otherwise be contained in rules of court and have same effect as rules
Private family law / private law	Family disputes between individuals about arrangements for children.
Respondent(s)	This is the name given to the person or people who receive the court application
Review	To look at something again
Rule 16.4 children's guardian	A person (usually a specialist social worker) appointed by the court to look after the interests of a child in the case
Safeguarding	Making sure that people are safe

Section 7 report	A welfare report, prepared under section 7 of the Children Act 1989; the report will be on such matters relating to the welfare of that child as are required to be dealt with in the report; the report may be in writing or oral.
Serve	Delivery of court documents
SPIP	Separated Parents Information Programme; this is available across England, and is for both parents and for grandparents.
Statement or Witness Statement	A document setting out what you want to say to the Judge about the case. You should sign it and date it. What you say in the statement must be true.
Undertaking	A solemn promise to the court to do, or not do, something
WFPO	Welsh Family Proceedings Officer. A Cafcass officer in Wales.
WT4C	The Working Together For Children programme which runs in Wales – and is the equivalent of the SPIP (see above)