



CARE PROCEEDINGS



The information set out below is not intended to provide all the answers, and should be read in conjunction with the detailed advice provided.

It is a local authority which in practice applies for a Care or Supervision Order. A Care Order means that the local authority shares parental responsibility for the child with those who already have parental responsibility. It means that the local authority can say who the child should live with. A Care Order lasts until the child is 18 unless it is discharged earlier.

A Supervision Order means that the local authority shall advise, assist and befriend the child who is the subject of the order. The local authority does not share parental responsibility under a Supervision Order, which can in the first instance last up to 12 months. If

the local authority wants to extend the Supervision Order it must apply to do so before the first one expires, and it can be extended for up to two further years. Sometimes conditions are put on Supervision Orders.

Threshold

If a local authority is seeking a Care or a Supervision Order it must establish what is called "threshold". This means it must show to the Court that at the time it took protective measures, or started the proceedings, the child was suffering significant harm, or was at risk of suffering significant harm, as a result of the care it was receiving. A Court cannot make a Care or Supervision Order unless the local authority can prove threshold.

During the course of proceedings there is sometimes a request for an Interim Order. These can be made for up to eight weeks when a case first comes before a Court, but after that they can only be extended either for the balance of the eight weeks or, if they have already been made for more than four weeks, at further four-week intervals. The Court still has to be satisfied that the threshold is proved, but only on the basis that there are reasonable (rather than definite) grounds to believe there is evidence of the threshold. A lower standard of proof is therefore required for an Interim Order than for a full Order.

Proceedings relating to Care and Supervision Orders are kept to a tight schedule. The Court will fix timetables for the conclusion of the proceedings, and these usually need to be within 40 weeks. However, the proceedings will sometimes be much shorter than that, and sometimes longer.

Assessments

In most Care Proceedings there will be some assessments of the people who were giving care to the children. There will also be assessments of other family

members who might be in a position to provide care. There may be a need for expert assessments by psychologists and psychiatrists.

It can be the case that there are many appointments - with the Court, with experts, with social workers, and with other people as well. It is vital to the progression of the case that people keep appointments, and keeping a calendar or a diary can be a very good idea.

Ultimately, it is not the right of a local authority to remove children permanently from people who were previously caring for them unless there is no option. In certain circumstances, particularly with younger children, the local authority may consider adoption if the child cannot be cared for within the family. If the local authority does consider adoption it may apply for a Placement Order, which is an Order preliminary to full adoption. You will be given detailed advice about this should the situation arise.

On the other hand, Courts do not have to make Care or Supervision Orders even if the threshold is established. They can make other Orders such as residence contact, or with extended family member-special guardianship. Again, you will be given detailed advice depending on the circumstances of the case.



THE FAMILY DEPARTMENT



Jonathan Brock

Jonathan is head of the family department, and is a court advocacy specialist handling matrimonial, divorce, co-habitee and childcare matters.

David Bloomfield

David is a childcare specialist and has been a Hatch Brenner partner since 1985. David is a member and former interviewer for the Law Society's Children's Panel and the Norfolk & Norwich Medico-Legal Society



Richard Dilks

Richard has always specialised in family matters including financial settlements after divorce or separation, and child-related issues such as contact and residence disputes. Richard is a Family Law accredited specialist and trained Collaborative Lawyer.



Jo Mayes

Jo joined the firm in 1985, and has had experience in civil litigation, personal injury and divorce matters. Jo is a member of the Norfolk & Norwich Medico-Legal Society.



Hatch Brenner LLP is a limited liability partnership regulated by the Solicitors Regulation Authority and registered in England and Wales with registered number OC343110. The registered office is 4 Theatre Street Norwich NR2 1QY. A list of members may be inspected at any of our offices. The term 'Partner' is used to refer to a Member of Hatch Brenner LLP.

The content of this brochure is for general information only. As always, specific professional advice should be taken on each individual matter. Copyright in this publication belongs to Hatch Brenner.

► Solicitors

4 Theatre Street
Norwich, NR2 1QY
DX 5237 Norwich 1

T 01603 660811
F 01603 619473
E info@hatchbrenner.co.uk
www.hatchbrenner.co.uk