



JUDICIAL STUDIES  
BOARD

# FAMILY COURT REFERENCE CARDS

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The following is a list of orders referred to in the Family Proceedings Court Bench Book which have no corresponding reference in this guidance.

Always consult your legal adviser and your Family Proceedings Court Bench Book if such an order is requested.

## Private law orders

- Specific issues
- Prohibited steps
- Family assistance

## Public law orders

- Contact with a child in care
- Education supervision
- Secure accommodation
- Child assessment
- Recovery

## Family protection orders

- Occupation

## Maintenance

- New orders for spousal or child maintenance
- Declaration of parentage
- Appeal against deductions from earnings

The following is summary reference information only. For full details, refer to Section 2 of your Family Proceedings Court Bench Book. Always consult your legal adviser.

## What is it?

- A non-exhaustive list of factors to be taken into account to determine the welfare of the child.

## What must we take into account for Children Act 1989 cases?

- The ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding).
- His physical, emotional and educational needs.
- The likely effect on him of any change in his circumstances.
- His age, sex, background and any characteristics of his.
- Any harm that he has suffered or is at risk of suffering.
- How capable each of his parents, and any other person in relation to whom we consider the question to be relevant, is of meeting his needs.
- The range of powers available to the court under this Act in the proceedings in question.

## When must we take it into account?

- See the cards for relevant orders.

### What must we take into account for Adoption and Children Act 2002 cases?

- The child's ascertainable wishes and feelings regarding the decision (considered in the light of the child's age and understanding).
- The child's particular needs.
- The likely effect on the child throughout their life of having ceased to be a member of the original family and become an adopted person.
- The child's age, sex, background and any of the child's characteristics.
- Any harm that the child has suffered or is at risk of suffering.
- The relationship that the child has with relatives, and with any other person in relation to whom we consider the relationship to be relevant, including:
  - the likelihood of any such relationship continuing and the value to the child of its doing so;
  - the ability and willingness of any of the child's relatives, or of any such person, to provide the child with a secure environment in which the child can develop and otherwise to meet the child's needs; and
  - the wishes and feelings of any of the child's relatives, or of any such person, regarding the child.

### When must we take it into account?

- See the cards for relevant orders.

The following is summary reference information only. For full details, refer to Section 3 of your Family Proceedings Court Bench Book.

**Always consult your legal adviser.**

### What is it?

- The Allocation Order and corresponding Practice Direction set out where family proceedings must be commenced and the criteria for transfer.
- Proceedings should be heard at the appropriate level of court and the capacity of the magistrates' court properly utilised.
- The court considering transfer must have regard to delay and therefore listing availability of the court and of neighbouring magistrates' and county courts must be taken into account.

### What must we take into account when considering transfer?

- **To another magistrates' court, only if:**
  - Transfer will significantly accelerate proceedings;
  - It is more convenient for the parties or the subject child; or
  - There is another good reason.

- **To the county court, only if one or more of the following applies:**
  - Transfer will significantly accelerate proceedings;
  - There is a real possibility of difficulty in resolving conflicts in the evidence of witnesses;
  - There is a real possibility of conflict in the evidence of two or more experts;
  - There is a novel or difficult point of law;
  - There are proceedings concerning the child in another jurisdiction or international law issues;
  - There is a real possibility of enforcement proceedings and county court powers would be required;
  - There is a real possibility of appointment of a guardian ad litem for a child who has been made a party;
  - There is a real possibility that a party lacks the mental capacity to conduct proceedings;
  - Another good reason (e.g. length of hearing and judicial continuity may be relevant).
  - **Before transfer to the county court, the magistrates' court considering allocation must first consider whether another magistrates' court would have sufficient experience to deal with the issues. It must also consider how speedily each court could deal with the case.**

## When must we consider the question of allocation/transfer?

- Must be done speedily, as soon as there is sufficient information to decide whether the case meets the criteria for hearing in that court.
- Must be kept under review at all times.
- It may be appropriate for a case to be transferred to the county court for resolution of a single issue and then to be transferred back to the family proceedings court.

The public law outline is contained in the President's Practice Direction, *Guide to Case Management in Public Law Proceedings*. It prescribes the main principles by which public law children cases should be managed by every member of the family judiciary. You should have your own copy of the complete document. The following contains the main actions, and the days by which they must be completed.

<b>Pre-proceedings</b>	<b>Stage 1</b>	
<b>Pre-proceedings checklist</b>	<b>Issue</b>	<b>First appointment</b>
	On day 1 and by day 3	By day 6
	Objectives: To ensure compliance with pre-proceedings checklist; to allocate proceedings; to obtain the information necessary for initial case management at the FA	Objectives: To confirm allocation; to give initial case management directions

<b>Stage 2</b>	
<b>Advocates' meeting</b>	<b>CMC</b>
No later than two days before CMC	No later than day 45
Objectives: To prepare the draft case management order; to identify experts and draft questions for them	Objectives: To identify issue(s); to give full case management directions

<b>Stage 3</b>	
<b>Advocates' meeting for the IRH</b>	<b>IRH</b>
Between two and seven days before the IRH	Between 16 and 25 weeks
Objective: To prepare or update the draft case management order	Objectives: To resolve and narrow issue(s); to identify any remaining key issues

<b>Stage 4</b>
<b>Hearing</b>
In accordance with the timetable for the child
Objective: To determine remaining issues

The following is summary reference information only. For full details, refer to Section 6 of your Family Proceedings Court Bench Book.

Always consult your legal adviser, even if they are not with you.

### What is it?

- It is a draconian measure, taken only in extreme circumstances.
- It removes a child who is at risk of harm to (or keeps them in) a safe place.
- It provides limited parental responsibility to the applicant.
- An exclusion requirement regarding a specific individual can also be incorporated.

### What must we take into account?

- That there is reasonable cause to believe the child will suffer significant harm if they are not removed to or kept in a safe place.
- One day's notice should have been provided, although it is possible to apply without notice.
- If the application is without notice, we must decide whether notice should be given.
- The welfare checklist does not have to be taken into account.
- Human rights issues must be addressed.

### How long does it last?

- A specified period of not more than 8 days.

### Can the order be extended?

- Yes – an extension can be granted for a further 7 days.

### How can the order be discharged or varied?

- On application by a person entitled to apply.

### Order of submissions/evidence

- Applicant
- Respondents with parental responsibility, e.g. parents
- Other respondents, e.g. grandparents
- Child's guardian

**NOTE: If child and guardian split, we decide when child goes – evidence and speeches.**

### Order of closing speeches at discretion of court, but usually

- Respondents
- Applicant
- Child's guardian

The following is summary reference information only. For full details, refer to Section 6 of your Family Proceedings Court Bench Book.

**Always consult your legal adviser.**

## What is it?

- An order that places the child in the care of the local authority on an interim basis pending a final hearing; the local authority is required to accommodate and maintain the child.
- It can also be made when adjourning for a Section 37 direction to look into a child's circumstances.
- The local authority acquires parental responsibility, shared with the parent(s).
- An exclusion requirement regarding a specific individual can also be incorporated.

## What must we take into account?

- We must be satisfied that, at the time the applicant first took protective measures, there were reasonable grounds to believe:
  - that the child was suffering or was likely to suffer significant harm; and
  - that this was attributable to a lack of reasonable parental care or the child being beyond parental control.
- The welfare checklist.
- Reasonable contact is presumed between a child and a parent, guardian or anyone who held a residence order.

### How long does it last?

- For a maximum of 8 weeks.

### Can the order be extended?

- Yes – for a maximum of 4 weeks at a time if the original order was for 8 weeks. A first extension longer than 4 weeks is allowed if the original order was for less than 4 weeks.

### How can the order be discharged or varied?

- On application by a person entitled to apply.

### Order of submissions/evidence

- Applicant
- Respondents with parental responsibility, e.g. parents
- Other respondents, e.g. grandparents
- Child's guardian

**NOTE: If child and guardian split, we decide when child goes – evidence and speeches.**

### Order of closing speeches at discretion of court, but usually

- Respondents
- Applicant
- Child's guardian

The following is summary reference information only. For full details, refer to Section 6 of your Family Proceedings Court Bench Book.

Always consult your legal adviser.

## What is it?

- An order that places a child in the care of the local authority which is required to accommodate and maintain the child.
- The local authority acquires parental responsibility for the child, which it shares with the parent(s).

## What must we take into account?

- We must be satisfied that, at the time the applicant first took protective measures:
  - the child was suffering or was likely to suffer significant harm; and
  - that this was attributable to a lack of reasonable parental care or the child being beyond parental control.
- The welfare checklist.
- The care plan.
- Reasonable contact is presumed between the child and a parent, guardian or anyone who held a residence order.

## How long does it last?

- Until the child's 18th birthday.

## Can the order be extended?

- No.

## How can the order be discharged or varied?

- By way of an adoption order, residence order, special guardianship order, supervision order or on application.

## Order of submissions/evidence

- Applicant
- Respondents with parental responsibility, e.g. parents
- Other respondents, e.g. grandparents
- Child's guardian

**NOTE:** The evidence of an expert may be taken out of turn.

If child and guardian split, we decide when child goes – evidence and speeches.

## Order of closing speeches at discretion of court, but usually

- Respondents
- Applicant
- Child's guardian

The following is summary reference information only. For full details, refer to Section 6 of your Family Proceedings Court Bench Book.

**Always consult your legal adviser.**

## What is it?

- An order that places the child under the supervision of a local authority, social worker or probation officer on an interim basis pending a final hearing.
- It can also be made when adjourning for a Section 37 direction into a child's circumstances.
- The supervisor advises, assists and befriends the child.

## What must we take into account?

- We must be satisfied that, at the time the applicant first took protective measures, there were reasonable grounds to believe:
  - that the child was suffering or was likely to suffer significant harm; and
  - that this was attributable to parental care or the child being beyond parental control.
- The welfare checklist.

## How long does it last?

- For a maximum of 8 weeks.

### Can the order be extended?

- Yes – for a maximum of 4 weeks at a time if the original order was for 8 weeks. A first extension longer than 4 weeks is allowed if the original order was for less than 4 weeks.

### How can the order be discharged or varied?

- On application by a person entitled to apply.

### Order of submissions/evidence

- Applicant
- Respondents with parental responsibility, e.g. parents
- Other respondents, e.g. grandparents
- Child's guardian

**NOTE: If child and guardian split, we decide when child goes – evidence and speeches.**

### Order of closing speeches at discretion of court, but usually

- Respondents
- Applicant
- Child's guardian

The following is summary reference information only. For full details, refer to Section 6 of your Family Proceedings Court Bench Book.

Always consult your legal adviser.

## What is it?

- An order that places a child under the supervision of a local authority, social worker or probation officer.
- The supervisor advises, assists and befriends the child.

## What must we take into account?

- We must be satisfied that, at the time the applicant first took protective measures:
  - the child was suffering or was likely to suffer significant harm; and
  - that this was attributable to parental care or the child being beyond parental control.
- The welfare checklist.

## How long does it last?

- For a maximum of 1 year, but not beyond the child's 18th birthday.

### Can the order be extended?

- Yes – 1 year at a time to a maximum length of 3 years.

### How can the order be discharged or varied?

- By way of a care order or by application.

### Order of submissions/evidence

- Applicant
- Respondents with parental responsibility, e.g. parents
- Other respondents, e.g. grandparents
- Child's guardian

**NOTE:** The evidence of an expert may be taken out of turn.

If child and guardian split, we decide when child goes – evidence and speeches.

### Order of closing speeches at discretion of court, but usually

- Respondents
- Applicant
- Child's guardian

The following is summary reference information only. For full details, refer to Section 9 of your Family Proceedings Court Bench Book.

**Always consult your legal adviser.**

### What is it?

- An order giving the applicant all the rights, duties, powers, responsibilities and authority which, by law, a parent of a child has in relation to the child and his or her property.

### Who can apply?

- Father without parental responsibility.
- Spouse or civil partner of a parent with parental responsibility (i.e. a step-parent).

### What must we take into account?

- The child's welfare is our paramount consideration.
- All the relevant circumstances, and in particular when considering an application made by a natural father:
  - degree of commitment shown;
  - degree of attachment; and
  - reasons for applying for the order.
- Different considerations may apply in relation to step-parent applications.

### Parental responsibility can also be acquired in other ways

- See the Family Proceedings Court Bench Book.

### How long does it last?

- Until the child's 18th birthday, unless brought to an end earlier.

### How can the order be brought to an end earlier?

- By order of the court on the application of:
  - any person with parental responsibility; or
  - with the leave of the court, the child.
- On the making of an adoption order.

### Order of submissions/evidence

- Applicant
- Respondent

### Order of closing speeches at discretion of court, but usually

- Respondent
- Applicant

The following is summary reference information only. For full details, refer to **Section 9** of your **Family Proceedings Court Bench Book**.

**Always consult your legal adviser.**

## What is it?

- An order that determines the person with whom a child is to live.

## Who can apply?

- As of right: any parent or guardian.
- With leave: anyone else, including the child.
- The court is able to make an order on its own motion.
- The local authority cannot apply.

## What must we take into account?

- The welfare checklist, if the order is opposed.
- The paramouncy and no order principles.

## What powers and duties does it confer?

- It gives the person in whose favour it is made parental responsibility.
- It ensures that the child's surname is not changed without the written consent of all those with parental responsibility for the child or leave of the court.
- It ensures that the child is not removed from the UK without the same consent as above for more than one month.

## When does it cease to have effect?

- On the child's 16th birthday (or on their 18th birthday if directed by the court).
- If both parents with parental responsibility live together for a continuous period of 6 months.
- On the making of some other orders (consult your legal adviser).

## How can the order be discharged or varied?

- On the application of anyone entitled to apply for a Section 8 order.
- On the application of anyone on whose application the order was made.

## Order of submissions/evidence

- Applicant
- Respondent

## Order of closing speeches at discretion of court, but usually

- Respondent
- Applicant

The following is summary reference information only. For full details, refer to **Section 9** of your **Family Proceedings Court Bench Book**.

**Always consult your legal adviser, particularly where issues of domestic violence are raised.**

## What is it?

- An order that requires the person with whom a child is living or is to live to allow the child to visit, stay with or have direct or indirect contact with the person named in the order.

## Who can apply?

- As of right: any parent, guardian, special guardian or person with a residence order (for others consult your legal adviser).
- With leave: anyone else, including the child.
- The court is able to make an order of its own motion.
- The local authority cannot apply.

## What must we take into account?

- The welfare checklist, if the order is opposed.
- The paramountcy and no order principles.
- Domestic violence – requires careful scrutiny even if agreement is reached.

## What powers and duties exist under the order?

- The court can make an order:
  - containing directions as to how it is to be carried out;
  - imposing conditions that must be complied with; and
  - that it is to have effect for a specified period.
- The court can request Cafcass or CAFCASS CYMRU to monitor and report back on certain individuals' compliance with the order for a maximum period of 12 months.
- The court must attach a warning notice to new or varied contact orders. (See Sections 9 and 14 of your Family Proceedings Court Bench Book for full wording.)

## When does it expire?

- On the child's 16th birthday (or on their 18th birthday if directed by the court).

## How can the order be discharged or varied?

- On the application of anyone entitled to apply for a Section 8 order.
- On the application of anyone on whose application the order was made.
- By the making of a care order, a placement order or an adoption order.

## Order of submissions/evidence

- Applicant
- Respondent

## Order of closing speeches at discretion of court, but usually

- Respondent
- Applicant

### What is it?

#### Contact Activity Direction

- The court can make a contact activity direction:
  - when contact is in dispute and
  - when the court is considering whether to make, vary or discharge a contact order;
  - requiring a party to the proceedings to participate in an activity which promotes contact with the child concerned;
  - except on final disposal.

#### Contact Activity Condition

- The court can make a contact activity condition:
  - when making or varying a contact order;
  - requiring an individual to take part in an activity which promotes contact with the child concerned; and
  - which can apply to the person with whom the child lives, the person whose contact with the child is being decided, and a person subject to a condition in a contact order.

### What must we take into account?

- Information relating to the activity and the effect on the person in question – report can be requested from Cafcass or CAFCASS CYMRU
- The activity must be appropriate, within reasonable travelling distance and administered by a suitable provider
- The effect on the person includes conflict with religious beliefs and interference with work or education
- Welfare of the child is paramount

### Enforcement order

#### What is it?

- An unpaid work requirement of 40 to 200 hours
- The court can make an enforcement order if satisfied beyond reasonable doubt that a person has failed to comply with the contact order, unless there is a reasonable excuse for non-compliance.
- The court may only make an enforcement order or an order for financial compensation on application – please check with your legal adviser as to who may apply.

#### What must we take into account?

- Must be necessary and proportionate
- Availability of unpaid work in the area
- Effect on the person of the order, including conflict with religious beliefs and interference with work or education
- Welfare of the child

This information should be available in a report from Cafcass or CAFCASS CYMRU.

#### Breach of enforcement orders

- The court can, if satisfied that the person has failed to comply with the enforcement order, increase the number of hours up to the maximum of 200 or extend the 12 month limit for compliance.

#### Order for Financial Compensation

- The court can compensate for financial loss resulting from breach of a contact order. The order is enforceable as a civil debt.
- The court may not make an order where it is satisfied that the person in breach had a reasonable excuse for not complying.

#### What must we take into account?

- Finances of the person in breach
- Welfare of the child.

The following is summary reference information only. For full details, refer to Section 9 of your Family Proceedings Court Bench Book.

**Always consult your legal adviser.**

### What is it?

- An SGO appoints one or more persons as the ‘special guardian’ of the child.
- The child’s parents retain their parental responsibility, but the special guardian has overriding parental responsibility.

### Local authority report

- Notice must be given to the relevant local authority 3 months before making an application.
- The local authority must prepare a report on the suitability of the applicants.
- The court cannot make an SGO without the local authority report.

### What must we take into account?

- The welfare checklist.
- The paramountcy and no order principles.
- Human rights.

### Other orders

- The court must consider whether a contact order should be made.
- The court must consider whether to vary or discharge any existing Section 8 orders that are in force.

### When does it cease to have effect?

- When the child is 18 years old.
- When a care order is made.
- When an adoption order is made.
- In the event that the order is discharged.

### Order of submissions/evidence

- Applicant
- Respondent

### Order of closing speeches at our discretion, but usually

- Respondent
- Applicant

The following is summary reference information only. For full details, refer to **Section 11** of your Family Proceedings Court Bench Book.

**Always consult your legal adviser.**

## What is it?

- An order requiring a person to not harass, pester, molest or conduct other specified acts towards another person or child.

## What is molestation?

- It requires deliberate conduct that is intended to bring about a high degree of harassment.

## What must we take into account?

- All circumstances, including the need to secure the health, safety and well-being of an applicant, a party to other family proceedings or a relevant child.

## When can an order be made?

- By free-standing application.
- In any family proceedings to which the respondent is a party.
- Without notice to the respondent in limited circumstances (ask your legal adviser).
- The court may accept an undertaking instead of making an order (when no violence has been used or threatened).

## How long does it last?

- For a specified period.
- Until a further order is made.
- If made in other family proceedings, when those proceedings are withdrawn or dismissed.
- Can be varied or discharged upon application by either party.

## Order of submissions/evidence

- Applicant
- Witness(es) for applicant
- Respondent
- Witness(es) for respondent

The following is summary reference information only. Always consult your legal adviser, as your considerations and powers will vary depending on the type of application you are dealing with.

### Who can apply?

- Payee or payer on complaint or by way of application (varies depending upon the statutory provision upon which the order was made).

### What must we take into account?

- Reason for the application.
- Any change in circumstances since the original order was made.
- Matters such as:
  - financial needs of the recipient or child;
  - income, earning capacity, property and other financial resources of the child;
  - manner in which the child was or was expected to be educated or trained;
  - income, earning capacity, property and other financial resources that each party to the order has or is likely to have in the foreseeable future;
  - financial needs, obligations and responsibilities that each party to the order has or is likely to have in the foreseeable future;
  - standard of living enjoyed by the parties before the order was originally made;
  - any physical or mental disability of either of the parties to the order or the child; and
  - any other circumstances of the case.

### What are our powers?

- To grant the variation application and order a decrease or increase in the amount to be paid, depending on what is applied for.
- To dismiss the complaint/application.
- If dealing with a variation of a registered county court order, to remit the application to be dealt with by the original court if for any reason we deem it appropriate.

### Order of submissions/evidence

- Applicant/complainant
- Respondent/defendant

### Order of closing speeches at discretion of court, but usually

- Respondent/defendant
- Applicant/complainant

The following is summary reference information only. For full details, refer to Section 13 of your Family Proceedings Court Bench Book.

Always consult your legal adviser.

**NOTE:** These are NOT family proceedings.

### How does the debtor appear before the court?

- A complaint for arrears may be heard in the court that made the order or in which the order is registered.
- If the debtor resides in a different area, the complaint can be sent to that area for enforcement. (If the case is listed before you, this decision should have already been made.)
- On complaint, either a summons or a warrant (if the complaint is substantiated on oath) is issued.

### What is the procedure?

- Check that the arrears figure is still accurate.
- The debtor should be placed on oath/affirmation.
- Consider the reasons for non-payment.
- Conduct a means enquiry.
- Consider any representations made by the person in whose favour the order is made. The payee/complainant may make representations in writing or may attend the hearing.

### What are our powers?

- Make an order in respect of payment of the arrears (in addition to the existing order).
- Remit all or part of the arrears (court should not remit without first inviting representations from the complainant/payee).
- Issue a distress warrant.
- Make an attachment of earnings order.
- Order payment by standing order or similar method.
- Committal to prison on proof of wilful refusal or culpable neglect. Maximum period is 6 weeks. Consider suspending imprisonment in the first instance.

### Effect of committal to prison

- No arrears accrue under the order while debtor is in prison, unless court directs otherwise.
- Does not wipe out the arrears; however, the debtor may not be imprisoned for the same arrears twice.
- Full payment of the arrears brings the committal order to an end.
- Part payment reduces the period of imprisonment by a proportionate number of days.

The following is summary reference information only. For full details, refer to Section 13 of your Family Proceedings Court Bench Book.

Always consult your legal adviser.

**NOTE:** These are NOT family proceedings.

## What is it?

- An order that allows the Child Support Agency (CSA) (which is the operating arm of the Child Maintenance and Enforcement Commission (C-MEC)) to commence enforcement action in county and magistrates' courts.

## What must we be satisfied of?

- That a liable person has failed to make one or more payments of child maintenance support.
- That the CSA has given the respondent at least 7 days' notice of their intention to apply for an order.
- That the CSA considers a deduction from earnings order (DEO) to be inappropriate or a DEO has proved ineffective.

## How are we satisfied of the above?

- By admission of the respondent; or
- By evidence from the CSA on a balance of probabilities.

## What are we not permitted to consider?

- The child maintenance assessment.

## Other factors we need to be aware of

- Complaint may proceed in the absence of the respondent if the court is satisfied of service of the summons.
- The respondent has no right to consult the court duty solicitor.
- Facts and reasons are desirable in a contested application.

The following is summary reference information only. For full details, refer to Section 13 of your Family Proceedings Court Bench Book.

Always consult your legal adviser.

**NOTE:** These are NOT family proceedings.

### What must we be satisfied of?

- That the CSA has attempted to levy distress, or garnishee or charging order proceedings in the county court; and
- That some, or all, of the amount of the liability order remains unpaid; and
- That the default is due to wilful refusal or culpable neglect to a criminal standard of proof.

### How are we satisfied of the above?

- By admission of the respondent; or
- By evidence in relation to means of enforcement and lack of payment from the CSA on a balance of probabilities.

### What options are available to us?

- Commit the respondent to prison for a maximum of 42 days (either forthwith or suspended on terms).
- Order that the respondent is disqualified (either forthwith or suspended on terms) from holding or obtaining a driving licence for a period not exceeding 2 years.

### Other factors we need to be aware of

- The respondent must be present – a warrant of arrest can be issued to secure attendance which must include sum of recognisance.
- The respondent has no right to consult the court duty solicitor but must have been advised of his or her entitlement to legal advice.
- Facts and reasons are to be given.
- The court cannot remit all or part of the unpaid amount.
- The CSA or liable person may apply to the court to reduce or revoke period of disqualification.

The following is summary reference information only. For full details, refer to Section 15 of your Family Proceedings Court Bench Book.

Always consult your legal adviser.

## What effect does the order have?

- The order significantly reduces the natural parents' entitlement to challenge the making of an adoption order.
- The natural parents retain parental responsibility, but the adoption agency determines the extent to which they can exercise this power.

## Who applies for the order?

- The local authority must apply for the order.

## Cafcass or CAFCASS CYMRU reports

- A report must be obtained from a guardian to advise the court on matters concerning the welfare of the child and the appropriateness of the placement order.

## What must we take into account?

- The welfare checklist for Adoption and Children Act 2002 cases applies.
- If the parents do not consent, the court must be satisfied that they cannot consent or that the welfare of the child dictates that consent should be dispensed with.
- The paramountcy and no order principles.
- Human rights.

## Contact

- Court must consider contact with specified persons while the placement order is in force.
- Any contact order made at this time can be varied or discharged later.

## Order of submissions/evidence

- Always consult your legal adviser.

The following is summary reference information only. For full details, refer to Section 14 of your Family Proceedings Court Bench Book. Always consult your legal adviser.

## What is the effect of this order?

- Parental responsibility for the child is vested permanently with the adopters by a court order.
- Any other person's parental responsibility held immediately before the making of the adoption order is extinguished – except for step-parent adoptions where the resident natural parent's rights are not affected.

## Who can apply?

- Anyone satisfying the requirements relating to domicile and residence.

## What age must the child be?

- Under 18 at the time of the application, and under 19 at the time the order is made.

## Conditions on making an adoption order

- Where a placement order has been made:
  - the child has been placed with the consent of the parents; or
  - there is a placement order; and
  - no parent/guardian opposes the making of the adoption order.

- Where a placement order has not been made:
  - the parent/guardian consents;
  - the parent/guardian has given advanced consent and does not oppose the making of the order; or
  - the parent/guardian opposes the making of the order and the court has determined that the parent/guardian cannot be located or is incapable of giving consent, or the welfare of the child requires consent to be dispensed with.

## Cafcass or CAFCASS CYMRU reports

- Where the parents consent to the adoption order, the Reporting Officer must prepare a report confirming that consent was freely given.
- Where the parents oppose the order, the child's guardian must prepare a report on the appropriateness of an order.

## What must we take into account?

- The welfare checklist.
- The paramountcy and no order principles.
- Human rights.

## Order of submissions/evidence

- Always consult your legal adviser.

