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| **A guide to the
Child Focused
Courts pilot**

THE LAW FIRM WITH A PASSION FOR PEOPLE

About HCR Law

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We have more than 1,000 lawyers and support staff, including more than 180 partners. Our annual turnover is over £100m. Our roots go back to 1796 in Cheltenham and 1904 in Worcester, when our predecessor firms were founded. Our growth has been in response to client demand, and we have 13 offices in England and Wales, including an international HQ in London.

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**HCR Law is a
Top 50 UK law
firm with offices
in England and
Wales**

What are Child Focused Courts?

Child Focused Courts (previously known as pathfinder) are part of a pilot reshaping how the family court deals with matters involving disputes between a child's parents, known as private law.

Why was the new model introduced?

Child Focused Courts aim to put the child's voice at the forefront of proceedings, reduces parental conflict, shortens the time children spend in proceedings and improves the experience for families with a less adversarial procedure.

How is this different from the usual family court process?

The previous procedure for private law children's applications was the Child Arrangements Programme (CAP). On average, the proceedings involve children being in litigation for around 40 weeks.

Where does Child Focused Court apply?

Child Focused Courts are situated in Dorset, Bournemouth, West Yorkshire, Wales, Birmingham, Herefordshire, Worcestershire, Stoke, Staffordshire, the Black Country, Shropshire. Hampshire and the Isle of Wight. The Government has recently announced a national roll out.

What types of cases are covered?

The Child Focused Court procedure will apply to any application to the family court in the pilot areas under Section 8 of the Children Act. This includes Child Arrangements Orders, Specific Issue Orders and Prohibited Steps Orders any variation or discharge of these orders and applications to enforce a Child Arrangements Order.





How Child Focused Courts works

STAGE

1

Application and initial screening

Before applying to the court for an order, you may need to attend a mediation information and assessment meeting (MIAM). This assesses whether negotiation and agreement with your child's other parent in a mediation setting is realistic and appropriate. Only after receiving a MIAM certificate or being exempt from mediation can you apply to the court.

Once you apply, you'll be sent a copy of the issued application and assigned a Case Progression Officer (CPO), who is responsible for tracking your case and contacting both parties when necessary.

The CPO is there to explain the progression of your case; they can't make any decisions on your behalf. They may also ask you about any information in your application which is incorrect or not provided.

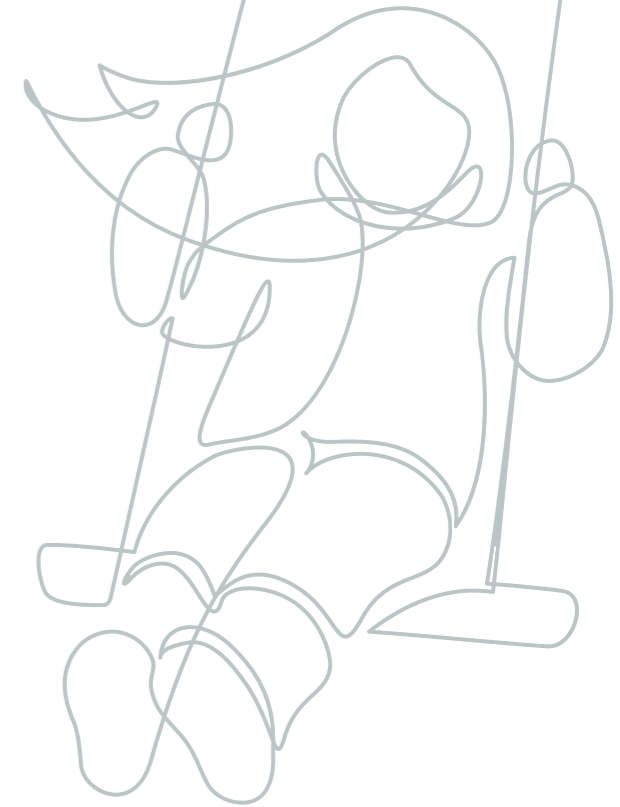
If you don't have a solicitor acting on your behalf, the CPO will contact you directly; if you do, they'll liaise with your solicitor, who should explain the process to you.

If your case is returning to court after a previous order, the court will try to keep it before the same judge unless they're unavailable.

What if my case is urgent?

If you make an urgent application requiring fast decisions about a specific issue, the court may hear it quickly and make any necessary orders. This could be, for example, if you have concerns that the other parent of your child might be about to abduct them or if your child is at a risk of harm.

Following this, the case will continue through the Child Focused Court stages unless the court believes allegations of harm need to be considered more urgently.



Key principles of Child Focused Courts



Child-focused and trauma-informed approach



Early risk assessment and safeguarding checks



Problem-solving rather than adversarial



Multi-agency collaboration (courts, CAFCASS, domestic abuse services)

STAGE 2 Child Impact Report

Following an application being issued, the Children and Family Court Advisory and Support Service (CAFCASS) or the local authority will contact you to gather information for a Child Impact Report. If the local authority is already involved with your family, it's likely that they will contact you. If the local authority is not involved with your family, or hasn't been for a long time, it's likely that CAFCASS will contact you.

What is a Child Impact Report?

A Child Impact Report is an early, comprehensive report that provides the court with a detailed picture of your child's life, needs and wishes. Depending on the age of your child or children, the person writing the report will arrange to speak to them. They will want to talk to your child or children without a parent present.

The person writing the report will run checks with the police and children's services to see if they have any information about you or your family. They may also speak to other professionals who are involved in your or your child's life, such as GPs, teachers, social workers, domestic violence advisers and so on.

The purpose of this report is for the court to understand what is going on in your child's life, what your child wants and needs, why you are in court proceedings and if there are any other risks to you or your child.

If the person preparing the Child Impact Report thinks you may be at risk of domestic abuse, or if you tell them about domestic abuse, they may suggest a risk assessment. Each area in the pilot has a local domestic abuse support service that works with the Child Impact Report to carry out assessments. You can contact the service yourself or ask the report writer to arrange this if you have experienced domestic abuse.

The domestic abuse service will complete a risk assessment to understand the level of risk to you and your children. They will then share the assessment with the person writing the Child Impact Report.



The domestic abuse service may also offer you ongoing support during the case. Many people find this support helpful, but it's optional. You can choose to ask the service what help they can provide and whether to accept support.

The Child Impact Report will then make recommendations for what type of order they believe best meets your child's needs or what step the court may need to take to decide this.

You and the other parent in the case will usually be sent a copy of the Child Impact Report unless safeguarding concerns, such as a risk of harm to a child or party, prevent this.

What's included in the report?

A Child Impact Report includes:

- A photograph of the child(ren)
- The child's wishes (if age appropriate)
- Information about your family
- Information from different agencies
- Details of interventions
- Child impact analysis
- Recommendations and views of the child and parents.

STAGE **3** Court review and next steps

Once the Child Impact Report has been received by the court, a judge/legal advisor will be allocated to your case. They will decide:

- If an interim order – a temporary order until final decisions can be made – is needed
- If the case should be given a date straight away for a decision hearing
- If the case requires any input from an independent domestic violence adviser or domestic abuse support worker.

STAGE **4** Decision hearing

The case will be listed before a district judge or magistrates. At the decision hearing, which is likely to be the first time you attend court, the magistrates or judge will investigate the issues that are not agreed and encourage parties to focus on the best interests of the child.

The court will exercise its discretion as to what order to make on the application. Consideration will also be given to how the court's decisions should be shared with the child.

A decision hearing will be listed for one hour before a judge or 90 minutes before magistrates. You will not usually be directed to make a statement for this hearing. It will be for you or your solicitor to make submissions on your behalf.

In rare circumstances, if a decision cannot be reached in the timeframe provided by the court, a final hearing will be listed where you may be required to give evidence. If you disagree with the Child Impact Report, you may be given the opportunity to challenge CAFCASS or the local authority by way of cross examination at a final hearing. In the unusual event that a final hearing is listed, you are likely to be given permission to set out in a witness statement the issues that you have upon the recommendations and the alternative child arrangements order that you seek.



STAGE **5** Enforcement (if needed)

If a court order isn't being followed, you can apply to the court for the order to be enforced. This is usually a streamlined procedure, and your application is likely to be heard quickly without a new Child Impact Report if there are no new welfare issues.

Frequently asked questions

How long does the process take?

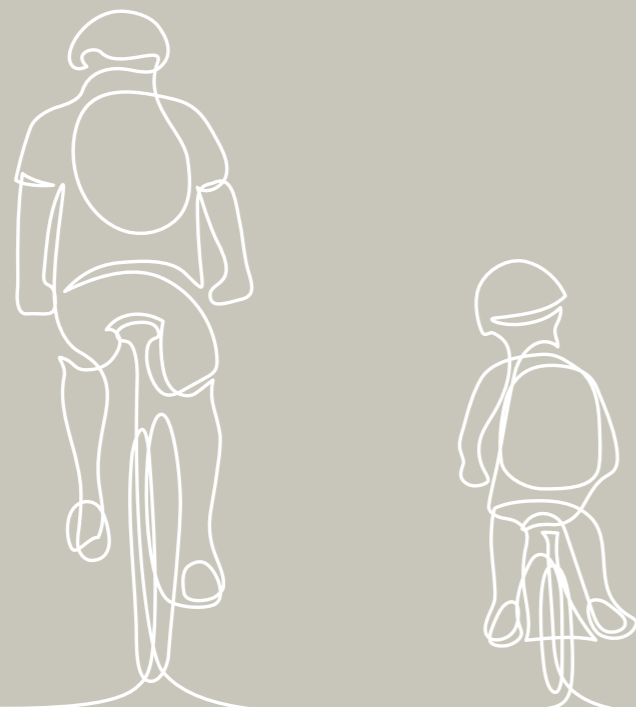
Within 48 hours, your application will be checked.

The local authority or CAFCASS will then be asked to prepare a Child Impact Report within eight to 10 weeks. An order will be issued and, if needed, a referral will be made to domestic abuse support. This all takes place at a gatekeeping hearing in your absence, known as Gatekeeping 1.

On day seven to 10, a CPO will track your case, contact you and explain the process. If you are represented, your solicitor will explain the process for you.

At weeks eight to 10, Gatekeeping 2 takes place, again in your absence. A judge/legal advisor will consider the Child Impact Report and allocate the case to a tier of the judiciary. The CPO will then contact any litigants in person. If an order is agreed, it can be made at this stage; otherwise the case will be listed for a decision hearing very quickly thereafter.

At week 12, the matter will be listed for a final hearing, but this is expected to be the exception rather than the norm.



Will my child be interviewed?

Research from England, Wales and international contexts highlights the importance of children feeling heard and understood when the court is making decisions about them and the difficulties they experience. The Child Focused Court model makes child involvement the default.

One key mechanism of this is speaking to the child before the first hearing as part of the Child Impact Report. There has been positive feedback about the benefits of the child being involved and heard.

Will I need to attend court?

The Child Focused Court aims to avoid multiple adversarial hearings. You may be required to attend a decision hearing where the court makes orders based on reports. In rare cases, you may also need to attend directions hearings or a final hearing if matters are more serious or an agreement on the Child Impact Report can't be reached.

Can the court change orders it has previously made?

The court understands that circumstances can change after a final decision has been made. Therefore, if circumstances have significantly changed, you can apply to the court to change the order. The same Child Focused Court procedure applies to this application.



What if I disagree with the Child Impact Report?

If you don't agree with the report, the case will still proceed to a decision hearing. Your solicitor will be able to guide you on the best approach.

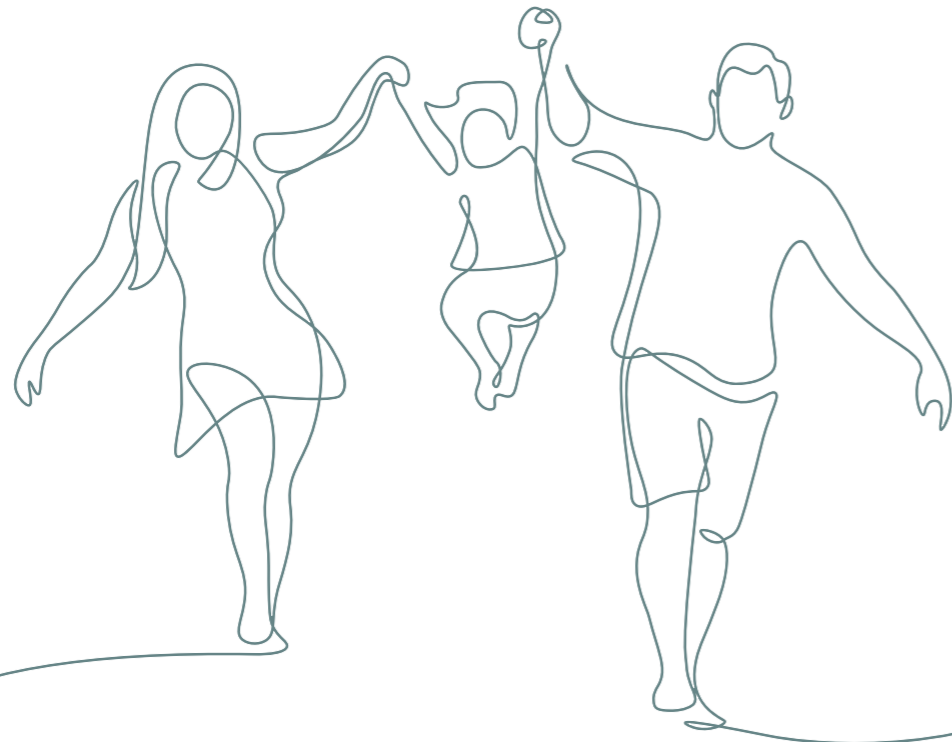
Do I still need a solicitor?

Yes. While the Child Focused Courts scheme aims for quicker, less adversarial processes, you'll still benefit from having a solicitor, especially if there are disputes surrounding domestic abuse or complex issues. Child Focused Court streamlines the process but does not remove the legal complexities where legal representation is required to achieve the best outcome for the child(ren). You will also need specialist advice to be able to challenge any decisions that are made in your absence at gatekeeping or if you wish to challenge the Child Impact Report.

Can I appeal the decision?

The court's decision is usually final. However, in certain limited circumstances, you may be able to appeal the court's decision – for example, if the judge made a very serious mistake or did not follow the proper legal procedure.

If you intend to appeal a decision of the family court, you must do so within 21 days of the decision, and you will need the court's permission to appeal.



Useful contacts and resources

Glossary and new language

CPO	Case Progression Officers
CIR	Child Impact Report
SGA	Safeguarding Gatekeeping Appointment
Stage 1	Information Gathering and Assessment [Legal Adviser and Judge]
Stage 2	Interventions and/or Decision Hearing
CAFCASS	Children and Family Court Advisory and Support Service

Links to official guidance

[GOV.UK](https://www.gov.uk)

[West Mercia Women's Aid](https://www.westmercia.org.uk)

[CAFCASS](https://www.cafcass.gov.uk)

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**Taking specialist
advice can help
ensure that all
relevant aspects
of your situation
are fully
understood and
considered.**



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