

CARE PROCEEDINGS

WHAT ARE CARE PROCEEDINGS?

Care Proceedings are started by the Local Authority when they have concerns that a child may suffer harm, or is not receiving good enough care. The Local Authority will make an application to the Court for it to hear their concerns.

WHO IS INVOLVED IN CARE PROCEEDINGS?

A Local Authority solicitor will represent Social Services and will tell the Court why they are concerned. The parents will also have their own solicitor, either together or separately depending on the situation, who will put forward their views. The child/children are represented by a Children's Guardian and their own solicitor. In addition, any other family members who are involved in the care of the children may have legal representation, too.

WHAT WILL HAPPEN?

The Court will decide what information it needs in order to make a decision. The Court will want to hear evidence from everyone involved, and might want to hear from experts. Once the Court has decided what information it needs, it will fix dates by which the evidence must be filed and will tell everyone when they have to go back to Court. You will file a statement which tells the Court your point of view.

WHICH EXPERTS WILL BE INVOLVED?

Experts may need to be involved to tell the Court if someone can look after the children, and what support they might need. These are often psychologists or psychiatrists, who are independent of everyone involved in the proceedings. They will produce a report which will have to be given to the Court, even if it might not help the people who want to look after the children.

HOW LONG WILL IT ALL TAKE?

There are guidelines in place to make sure that there is no unnecessary delay. The guidelines state that a case should be dealt with within 40 weeks. However, this is not always achievable, as there may be unexpected delays. The timetable will include a date for the Final Hearing, which marks the end of the case. Your solicitor will be able to give you more information as the case progresses.

WHERE WILL THE CHILDREN STAY DURING THE PROCEEDINGS?

Because it can take a while before the Court can make a final decision, it will make Interim Orders about what will happen in the meantime. Interim Orders last for eight weeks initially, and then will be renewed every four weeks. There will be an Interim Care Plan which will set out where the child will live and what contact should be had. When deciding whether to make an interim order, the Court must be satisfied that there are reasonable grounds for believing the children have suffered or are likely to suffer significant harm and that an order is needed. The Court will make this decision after hearing from everyone invited to the Court. However, just because an Interim Order is made, it does not mean that a final care order will be made.

WHAT DECISIONS CAN THE COURT MAKE?

The Court has to decide whether it should make an order and, if so, what order – such as a Care Order, a Supervision Order or a Special Guardianship Order.

To make this decision, the Court will consider:

1. Is the threshold criteria met?
That is whether the children have or are likely to suffer significant harm because of the care or lack of care they have received from their parents.

If it is...

2. Is an order needed?

If it is...

3. What order?

A Care Order gives the Local Authority Parental Responsibility (which I enclose information about) and will last until the child is 18. The Local Authority will have the power to remove the children from you.

A Supervision Order is an order that requires the Local Authority to advise, assist and befriend the person looking after the child. That could be you or someone in your family. A Supervision Order usually lasts for one year.

Your solicitor will give you more information about the type of Order that the Local Authority are applying for in your case, and what this may mean for you.

The family department are:

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Leaflet updated: October 2007



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Care Proceedings

Justice is not black
or **white** It's Gray