

# Child Care

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## Contents

About Graysons	<b>3</b>
Care and Supervision	<b>3</b>
Adoption	<b>4</b>
What is a case conference?	<b>5</b>
What happens if the Social Services Department starts care proceedings?	<b>6</b>
Who will decide what happens to my child?	<b>6</b>
How long will the court proceedings take?	<b>7</b>
Will I be able to see my child in foster care?	<b>8</b>
Who else is involved in the court proceedings?	<b>8</b>
What will a Care Order mean?	<b>10</b>
What is a Supervision Order?	<b>11</b>
What other kind of orders might the court make?	<b>12</b>
Will I have to pay my solicitor for representation in the court proceedings?	<b>13</b>
Contact us	<b>14</b>

# About Graysons

Graysons has an established reputation for providing specialist, high quality advice relating to children's issues.

Our specialist legal team has substantial experience of legal proceedings involving children, and offers sensitive and effective representation in dealing with Social Services Departments and other relevant agencies.

We represent parents, grandparents, foster parents, children and other relatives within South Yorkshire and North Derbyshire.

We offer a free initial appointment to all clients. In many cases, clients are eligible for assistance under the Legal Help Scheme and/or Public Funding (Legal Aid) and we are happy to help with the necessary forms.

## Care and Supervision

If the Local Authority begins care or supervision proceedings in respect of a child we offer specialist advice and representation. We can arrange immediate public funding for parents and children and quickly assess eligibility for all others involved.

At all times we deal with these difficult matters in a sensitive and responsive manner. Our considerable knowledge enables us to ensure that your views are fully represented.

# Adoption

We are able to offer specialist representation in the following areas:

- Applications by prospective adopters
- Acting for parents, children and others in placement and adoption proceedings
- Post adoption contact
- Revocation or Freeing Orders (where parents can apply to the Court to revoke a Freeing Order if a child has not been placed within 12 months of an Order having been made)
- Contested adoptions
- Foster parent adoptions
- Special Guardianship applications

**These are the 10 questions we are asked most frequently about Child Care.**

# What is a case conference?

A case conference is a very important meeting arranged by Social Services. The meeting often makes decisions about children which will affect the child and his or her family. Often the meetings involve a large number of people including somebody from a child's school, if the child is of school age, a health visitor or GP and even the police.

The meeting can be confusing and difficult for family members who are attending. We can accompany you to such a meeting and make sure that your views are heard. We can explain the process of the meeting, the involvement of the various people attending and advise you what the decisions will mean for you and what will happen next.

The main decision that the meeting will make is whether to put the child's name on the Child Protection Register (this used to be called the At Risk Register). If this happens then a Child Protection Plan will be made. This will mean lots of visiting by the social worker and monthly "Core Group" Meetings.

If a child's name is placed on the Child Protection Register, it does not necessarily mean that a court case will follow.

# What happens if the Social Services Department starts care proceedings?

Care proceedings are started by the Local Authority if the social workers believe that a child has suffered or is likely to suffer significant harm and that harm has happened because of something that a parent has or has not done. The harm might be neglect, physical injury, emotional harm or sexual abuse.

The Local Authority can apply to the court for a Care Order (which means that a child may be placed in foster care) or a Supervision Order.

# Who will decide what happens to my child?

Although the Local Authority makes the decision to begin court proceedings, the decision about whether to make a Care Order or a Supervision Order can only be by the judge or magistrates.

This decision will be reached after there have been many months of assessments as well as other reports prepared by different professionals.

Every person with parental responsibility for a child is automatically allowed to become part of the

proceedings and have their voice heard. Some fathers may not have parental responsibility for a child, nevertheless they are entitled to ask the court if they might become involved in the proceedings, and the chances are that they will be allowed to do so.

Sometimes other family members might also be allowed to become involved in the proceedings, though they will have to make an application to the court first.

## How long will the court proceedings take?

All care proceedings should be finished within 40 weeks. However, sometimes the proceedings take much longer, for example if there are specialist assessments to be done or if the court wants to monitor how a parent is managing when a child returns home after being in foster care.



# Will I be able to see my child in foster care?

The social workers are under a legal duty to provide contact between a child and his or her parent and brothers or sisters. The court will decide how often contact will take place. For a newborn baby this may be several times a week. For an older child, his or her wishes and feelings will be taken into account.

In many circumstances, the contact between a child and his or her parent will be supervised by members of staff from the Social Services. This may be to make sure that the child is safe, or to make sure that the child is not confused about what may be said to them.

# Who else is involved in the court proceedings?

The child's social worker will always attend court and will be represented by a solicitor from the Local Authority. A child's parent will also attend court and will have their own solicitor to be able to represent their views. If there are other family members involved in the court process, they too will attend court and be represented by their own solicitor.

Finally, the child has their own solicitor, though only the solicitor (and not the child) attends the court hearing.

An older child will meet with their solicitor from time to time and will be able to explain, through their solicitor, what they think and feel about the decisions being made by the court.

In all care proceedings a person called the Children's Guardian is appointed to represent the views and interests of the child. The Children's Guardian is an experienced social worker, but is independent of the Local Authority. The Children's Guardian works with the child's solicitor to represent the child but also to express a view to the court about what is thought to be in the child's best interests.

Sometimes in care proceedings "independent experts" are asked to prepare reports about the child and his or her parents. These reports will help inform the court about whether extra help or services should be available to the child or his or her parents. The reports will help the judge or magistrate come to a decision about whether a Care Order or Supervision Order should be granted.



# What will a Care Order mean?

If a Care Order is granted to the Local Authority, it means that the Social Services Department share parental responsibility for a child, and can make decisions about where that child should live and who that child should have contact with. It may mean for example that the child does not return home to the care of his or her family but that instead the child will continue to live in foster care. Sometimes a Placement Order is made in addition to a Care Order. This means that the social workers will be able to arrange for the child to be placed for adoption.

When a Care Order is made the Social Services Department gets parental responsibility. This does not mean that a parent's parental responsibility comes to an end. Usually, a parent and child will continue to have contact with one another, though this may not be very often.

If a child is placed for adoption, it is very unlikely that a child will continue to have contact with members of his or her birth family. However, very often a link with the birth family is maintained by way of indirect contact which means that cards and letters could be exchanged between the birth family and the adoptive family once or twice a year.

# What is a Supervision Order?

If a Supervision Order is granted by the court, this places a duty on the Social Services Department to 'advise, assist and befriend' a child and a person who is caring for the child. A Supervision Order will usually last for 12 months but can last for up to three years.

The social workers will see the child on a regular basis and give help and support to make sure that the child is being properly looked after.





## What other kind of orders might the court make?

There are different orders that the court can make. A court could make a Care Order or a Supervision Order but not both at the same time. The court might make a Residence Order in favour of a parent or other family member. This Order says who the child shall live with. The Order gives parental responsibility to the person in whose favour the Order has been made. Parental responsibility then might be shared by several different people who all have to agree about the major decisions in a child's life.

The court can make Orders about contact. This will ensure that the child continues to have contact with people who are important to him or her. In some circumstances, however, an Order can be made that means there will be no contact between a child and his or her family.



A new kind of Order called a Special Guardianship Order is also one of the range of Orders that might be considered. Special Guardianship Orders are usually considered in respect of children who are living permanently away from their parents but who want to continue to keep a link with their birth parents. If a Special Guardianship Order is made, birth parents do not lose parental responsibility but they do not share in the decision making about a child's upbringing. In this sense, a Special Guardianship Order is different to a Residence Order.

During the course of the court proceedings which may take many months to conclude, an 'interim' Order might be made. At the first court hearing, an interim Care Order or interim Supervision Order can be made for up to 8 weeks. Further interim Orders need to be renewed by the court every 4 weeks. In this way it is possible for the court to review on a frequent basis whether the Order is still necessary.

# Will I have to pay my solicitor for representation in the court proceedings?

When the Local Authority make an application for a Care Order or a Supervision Order, the parents of any child involved in those proceedings are automatically entitled to Public Funding (Legal Aid). This means that as a parent of a child involved in care proceedings, you will not have to pay for your legal representation.

If another family member wishes to become involved in the court proceedings, they may be entitled to Public Funding (Legal Aid) but this will depend on whether their case is deemed to have merit and whether they qualify financially.

At Graysons we will be able to offer a 30 minute free consultation and will be able to advise you whether Public Funding is likely to be available.



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