

CHILD ARRANGEMENTS COURT PROCESS

Issuing the application

Before making an application to Court all applicants must firstly attend a MIAM unless they are exempt. A MIAM is a Mediation Information and Assessment Meeting, the aim of which is to explore settling the problem by Mediation. If the case is not suitable for mediation or it breaks down the mediator will confirm this, which allows an application to be made to court.

The application for a child arrangements order is made on a form C100 and once issued this sets a timetable in motion. The person making the application is known as the Applicant and they must serve the paperwork on the other party at least 14 days before the first court hearing.

The other party should acknowledge receipt of the application and they are known as the Respondent.



Early CAFCASS involvement

Once the application has been issued CAFCASS (Children and Families Court Advisory and Support Service) will start making basic safeguarding enquiries with the Police and Social Services. Both parties will be contacted by CAFCASS for an initial discussion. At this stage they will only want to discuss any safety issues regarding the children.



First Hearing

The First Hearing Dispute Resolution Appointment (FHDRA) will usually not be less than 4 weeks after issue of the application. At the FHDRA the Court will consider the safeguarding information and will try and encourage the parties to resolve the matter by agreement. If everything can be agreed the Court will make a final order and the case will end.

The Court will listen to both parties at this hearing but will not hear any evidence. In the event matters cannot be fully agreed the Court will make directions to progress the case or prepare for a fuller hearing. Interim orders can be made at this stage about the children's arrangements for example interim contact- whether this is direct or indirect, unsupervised or supported by a third party or formal contact centre.

If there are welfare concerns about the children raised by one or both parties the Court may order CAFCASS to prepare a report. These usually take 12 weeks to prepare and will include at least one meeting between the allocated officer and the parties. In some cases where the wishes and feelings of the children are deemed an important factor the officer may wish to meet with the children directly. This will always be conducted safely and sensitively. Cafcass will make recommendations at the end of their report as to what the arrangements for the children should be.

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If there are factual disputes that are important to the decision the Court has to make about the children (such as domestic abuse allegations that are denied) the Court might decide to deal with those first and direct a Finding of Fact hearing. Both parties would have to prepare written evidence and then give oral evidence on the day of the hearing. In the event findings are made at the Fact Find the rest of the proceedings continue on the basis of those findings.

Other directions can be made such as one or both parties attending parenting programmes, drug or alcohol testing and mental health assessments. All directions are made with the view of progressing matters in the best interests of the children concerned.



Dispute Resolution Appointment.

Once directions have been adhered to and any CAFCASS report received, a further hearing will take place. This is to see whether the matter can now be agreed, if so a final order will be made.

If there is continued disagreement the case will be listed for a final hearing. The Court usually will direct the parties to file and serve statements of evidence they seek to rely on prior to the final hearing.



Final Hearing

This is a form of trial when usually both parties will give evidence and will be able to challenge the other parties' evidence by asking them questions. If Cafcass have prepared a report in the proceedings the officer will often be present at the final hearing and can be examined on his or her recommendations.

The Judge will listen to all evidence and come to a decision making a final order for the arrangements for the children.

This is usually the end of the matter however in some circumstances if the order is not being complied with there may need to be an additional application to court for enforcement.