



# Proceedings Involving Social Services

The Local Authority, commonly referred to as Social Services, are responsible for ensuring children are safe and well in the care of their parent or guardian. If Social Services receives information which raises concerns about the welfare of the child they are under a duty to look into the matter and see whether the concern is justified. If they feel the child is at risk of harm they will be required to take action to protect the child

If a protection plan cannot be agreed with you as the child's parent or if the welfare of the child does not improve and the child is considered to still be at risk of harm Social Services will apply to the Court to take more substantive action.

Before Court proceedings are issued Social Services should work with you to resolve matters, Court proceedings are issued if Social Services believe your child is suffering or is likely to suffer serious harm.

If Social Services issue Court proceedings you will be advised of this either directly by them or by way of Notice from the Court confirming when the first hearing will take place.

Proceedings are started in the Family Proceedings Court but may be transferred immediately to the County Court and follow the Protocol for Judicial Case Management in Public Law Children Act Cases which states that such proceedings should be dealt within a maximum of 40 weeks, unless the case is complicated.

Our aim is to assist you throughout the entire process and we will be able to advise you at each and every stage with particular regard to how any evidence can be challenged where it is appropriate and how best to present your case.

## Emergency steps that may be taken

- ⊕ asking the person they believe is a danger to your child to leave the home or keep away
- ⊕ having the child looked after by the Local Authority in a way you agree to
- ⊕ take your child into police protection for up to 72 hours
- ⊕ apply to the Court for an Emergency Protection Order, which will last initially for up to eight days. Social Services can ask the Court to extend this for up to seven more days

## Initial Court Steps

- ⊕ appoint a Guardian for the children
- ⊕ if the application is not opposed the Court will grant the Order requested whilst assessments are undertaken if the Court is satisfied there are grounds to do so
- ⊕ if the application is opposed a contested hearing will happen to hear evidence from the parties to enable the Court to decide whether to grant the Order and to consider the next steps

The Court can make a number of Orders at the first hearing. When any Interim Care Orders are made the Court will oversee any arrangements for you to have contact with your child whilst the proceedings are underway.

## Interim Orders

### No Order

The Court may decide that no interim order is necessary and will adjourn the proceedings to a later date

### Interim Care Order (ICO)

Social Services share parental responsibility for your child with you.

This includes the power to decide where the child will live, even if you don't agree with it.

Social Services must have an interim care plan that sets out where and whom the child shall live with and arrangements for contact with members of the child's family.

If you do not agree with the care plan and you feel that someone in your family could look after the child, you must tell Social Services, your Solicitor and the Court so this possible carer can be assessed

### Interim Supervision Order (ISO)

This does not give Social Services parental responsibility but it does mean that they can monitor how your child is being cared for

### Interim Residence Order

This Order confirms you or a member of your family can care for the child until the final hearing. You would share parental responsibility with that person, if not you, for your child.

The Local Authority would not have parental responsibility

After the initial Orders have been made the Court will continue to monitor the arrangements and see how the case will proceed. This will include deciding whether or not the original Orders and arrangements should continue or be changed. Any contact arrangements made with the original Order will also be monitored and reviewed as the proceedings continue and may change if this is felt appropriate.

As the proceedings continue it is important that you keep us updated about any changes in your current arrangements or your position.

During the proceedings various assessments and Reports will be carried out. These will include parenting assessments for each parent and any family members proposed as possible carers. Psychiatric or Psychological Assessments may be carried out on each or both parents if there are concerns about mental health. Where there are concerns about the safety of any child a risk assessment will also be undertaken.

In addition to expert assessment you as parents will be asked to provide a written Statement setting out your position and what arrangements you wish to be made for the children.

When the Court has all the written evidence it can obtain the matter will be listed for a final hearing. During this hearing both parents may be asked to give oral evidence in support of their position and some of the experts who have provided assessments may also be asked to attend.

## Final Orders

### Care Order

This Order places your child in the care of the Local Authority and gives them parental responsibility.

You do not lose parental responsibility but the Local Authority can override your wishes if it believes this would be best for your child.

Social Services should support you so that, unless the risks to your child are too high he or she can be returned to your care, or if this is not possible, to the care of other members of your family.

Case reviews must be held every six months to consider their plans and you should attend. If you cannot attend Social Services should give you the information on the decisions made.

### Supervision Order

This means that you will be responsible for your child's care but Social Services have the power to 'supervise' how you care for your child.

The order can last from one to two years.

### Special Guardianship Order

This is an Order placing the child with someone who is not a parent, often a family member.

A parent cannot apply to revoke or cancel the Order without the Court's permission.

A Special Guardianship Order does not break the legal relationship between a parent and child.

The special guardian will gain parental responsibility for the child and although you will still have parental responsibility as well, the special guardian has the right to override your wishes if you cannot agree.

### Residence Order

This would order your child to live with you or someone else, such as a family member, without Social Services being involved.

It would give that person parental responsibility for the period of the Order if they did not already have parental responsibility.

Whatever the final Order the Court will make an order confirming your contact arrangements with the child following the end of the proceedings. Any variations to these arrangements after the proceedings have ended should be agreed with Social Services if possible. If agreement on any changes cannot be made the matter can be returned to Court.

## Care Orders

A Care Order lasts until the child is 18 years old unless alternative Orders are made.

After a Care Order has been made Social Services can apply to place your child for adoption. This can take place if either you give formal consent to the placement or the Court makes a Placement Order. Separate proceedings are required for an adoption application.

You may ask the Court to discharge the Care Order after the proceedings have concluded. You will need to obtain the Court's permission to make this application more than once in any six month period. For the Court to consider such an application you will need to show it is in your child's best interests for the Order to be discharged. If the Court agrees and the Care Order ends, you and any other person with parental responsibility will take over caring for the child. If the Local Authority had parental responsibility with you this will stop.

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