



HM Courts & Tribunals Service

What happens after your Child Arrangements application is issued at (name of court)

During the Covid pandemic, some courts have been case managing Child Arrangements applications in a different way to make the most efficient use of the resources and to avoid delay in resolving disputes for children and their families.

Every application is referred to a Judge or Justices' Legal Adviser to decide what needs to happen.

This notice tells you what happens next in this court. If you have any questions regarding this process, please contact XXXX.

DELETE AS APPROPRIATE

A) We continue to operate the Child Arrangements Programme.

Applications will be listed for a First Hearing Dispute Resolution Appointment. This will usually take place at least 5 weeks after your application was received by the court. Sometimes it is necessary to have an urgent first hearing. The court will contact you to advise.

In most cases the court will ask Cafcass/Cafcass Cymru to complete checks with the police and local authority to find out if there are any known safety or welfare risks to your children. These are called safeguarding checks.

In most cases, Cafcass/Cafcass Cymru phone you and the other adult parties to find out if you have any concerns about the safety and welfare of your children, before the hearing. They will file a safeguarding letter (safeguarding enquiries report in Wales) with the court and will usually share a copy with the parties.

At the First Hearing Dispute Resolution Appointment the Judge and Cafcass/Cafcass Cymru will try to help the parties resolve the issues between them. If there are remaining issues, the Cafcass or Cafcass Cymru officer will advise on any recommended means of resolving them, and directions will be given for the future resolution of such issues. Any risks or safeguarding issues will be taken into account.

B)

Applications are reviewed by a Judge or Justices' Legal Adviser who will decide what needs to happen next in your children's best interests. There are several possible options:

A: Your case may be listed for a First Hearing Dispute Resolution Appointment. This will usually take place at least 5 weeks after your application was received by the court.

In most cases the court will ask Cafcass/Cafcass Cymru to complete checks with the police and local authority to find out if there are any known safety or welfare risks to your children. These are called safeguarding checks.

In most cases, Cafcass/Cafcass Cymru phone you and the other adult parties to find out if you have any concerns about the safety and welfare of your children, before the hearing. They will file a safeguarding letter (safeguarding enquiries report in Wales) with the court and will usually share a copy with the parties.

At the First Hearing Dispute Resolution Appointment the Judge and Cafcass/Cafcass Cymru will try to help the parties resolve the issues between them. If there are remaining issues, the Cafcass or Cafcass Cymru officer will advise on any recommended means of resolving them, and directions will be given for the future resolution of such issues. Any risks or safeguarding issues will be taken into account.

Sometimes it is necessary to have an urgent first hearing before the safeguarding checks are completed. The court will contact you to advise.

B: For cases where there appear to be concerns about your children's safety or welfare, a Judge or legal adviser will review the case for a second time once Cafcass/Cafcass Cymru's safeguarding letter/safeguarding enquiries report has been filed with the court. The court allows (no. of days/weeks) for filing the safeguarding letter). They then decide whether further assessments are needed. The court will inform you about what is going to happen next.

C: Urgent cases, those concerning a single issue, or cases which are returning to court after a previous case has ended, will be referred to a Judge or Justices' Legal Adviser who will decide what action is needed in your children's best interests. You will be told their decision.

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Unless an urgent first hearing is needed, in most cases the court will ask Cafcass/Cafcass Cymru to complete checks with the police and local authority to find out if there are any known safety or welfare risks to your children. These are called safeguarding checks. They will file a safeguarding letter/safeguarding enquiries report with the court and will usually share a copy with the parties. The court waits until Cafcass'/Cafcass Cymru's safeguarding letter is filed and then decides what needs to happen next. The court allows (no of days/weeks) for filing the safeguarding letter.

When the safeguarding letter is filed the court will review your case. You will receive directions from the court.

D) Other

If your court has varied the Child Arrangements Programme in a different way, please give details.

Sources of information

The legal process is explained in The Family Procedure Rules 2010 Practice Direction 12B:

https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12b

Practice Direction 36Q explains how courts can vary the Child Arrangements Programme during the pandemic:

https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/practice-direction-36q-pilot-provision-modification-of-practice-direction-12b-coronavirus

Cafcass/Cafcass Cymru's (delete as appropriate) website provides helpful sources of support:

<https://www.cafcass.gov.uk/grown-ups/parents-and-carers/divorce-and-separation/what-to-expect-from-cafcass/>

<https://gov.wales/cafcass-cymru>