

How to

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# Apply for a child arrangements order without a lawyer

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## Who is this guide for?

This guide is for you if you are a parent and you disagree with your child's other parent or other family members about things like:

- where your child lives,
- who they live with and when,
- how often they see the parent they don't live with most of the time, and
- who else they should see.

You may have split up recently or years ago, shared a home or never lived together. Maybe you had an informal agreement between you about your children but it no longer works for some reason. It doesn't matter what is behind your disagreement – this guide is still for you. This guide will also be useful if it is not you but your child's other parent or another family member who is applying for a court order.

If you are a grandparent or other family member wanting contact with a child in your family you can find more information in the section called [More help and Advice](#).

It is also for people supporting others in this situation, for example Support Through Court volunteers, CAB volunteers, housing support workers, advice workers and court staff as well as relatives and friends.

## What does this guide do?

It explains how to apply for a court order about the arrangements for your children. These orders are called child arrangements orders. A child arrangements order sets out who your child or children will live with in the future, who they will spend time or have contact with, and when these arrangements will take place.

It does not explain how to apply for an order for contact with your child if your child is in the care of the local council. If you are in this situation, you can [apply for legal aid](#) to get free legal advice.

## How to use the links in this guide

If you are reading a digital version of this guide you can simply click on the links in the text to get to other useful websites. These links are underlined and coloured light blue. If you are reading a printed version of the guide, we tell you which words you need to search for online so that the website should be the first one to come up in the list of results. If the link is just to a name of an organisation for example, the 'Family Mediation Council' you just need to use the name to search online.

This is just one of our many resources about family law issues. You will find all the ones that will be helpful in your situation at [www.advicenow.org.uk/family-court/](http://www.advicenow.org.uk/family-court/)

- [A survival guide to sorting out child arrangements](#)
- [A survival guide to divorce or the dissolution of a civil partnership](#)
- [A survival guide to sorting out your finances when you get divorced](#)
- [A survival guide to family mediation](#)
- [Representing yourself in family court – a film](#)
- [A survival guide to going to court when the other side has a lawyer and you don't](#)
- [Getting help to pay a court fee in the civil or family court](#)

## Getting just a little bit of legal help

We know that many people can't afford to pay a solicitor to do everything for them, or want to do as much as possible themselves to save money. But there are times in this process when you will find it really useful to get a bit of expert help from a family lawyer.

To help with this, we have teamed up with [Resolution](#) to provide a panel of family law solicitors that can help you at the most important points of this process for a fixed fee. You will see up front exactly what areas of your case they can advise you on and how much their help will cost you – so that you can be certain you can afford it. Because we know many of our users have limited funds, we have designed a process to make getting this help as cheap as possible for you, by making sure that you use the solicitor's time as efficiently as possible.

We hope that this will take some of the worry and stress out of the process for you.

### How it works

As you go through this guide, you will see various points where we suggest you get some legal advice if you can possibly afford it. At these points you will see this logo. We only do this when we think it will be really useful.



We set out clearly what the solicitor can advise you on and how much it will cost you. There are no hidden extras. The prices you see include VAT.

In return, you will use the solicitor's time effectively by:

- 1 Reading the relevant sections of this guide, which will enable you to understand the process and where you are in it.

- 2 Completing the form we send you as fully as possible and sending it to the solicitor two working days before your appointment. This will tell the solicitor everything they need to know about your case in order to give you their advice.

You can choose whether you have an appointment over the phone, by video conference, or face to face.

During the appointment, you are encouraged to take notes of the advice given. The solicitor can help make sure you have got all the most important details. Make sure you ask the solicitor to explain anything you don't understand or repeat anything you need repeating.

We have kept the cost of advice through this service as low as possible. If you were to see one of our panel members outside of this service you would pay on average £295 per hour (including VAT).

All of the solicitors on our panel are members of Resolution. Resolution members are family lawyers committed to helping people resolve their family disputes constructively and in a way that considers the needs of the whole family, and in particular the best interests of your children.

If you decide to get some legal advice from one of our panel members, you will still be in charge of your own case – the lawyer will not be on the court record as acting for you, and their name won't be on any of the paperwork.

We are testing if this approach works, so please [let us know what you think](#). If you use the service, you will be contacted to ask how it worked for you so that we can learn and improve.

If you don't want to use the service, you don't have to. This guide will still be extraordinarily helpful.

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# Things to understand

**It is totally normal to feel stressed, anxious, disappointed or angry about things not going the way you imagined for your family.**

If you are going through a break-up or you have been through one recently, you are probably going through a very stressful time. It's hard being a parent. You may be feeling that you can't cope or you want it all to go away. Most people have days when they feel like they want to go back to being a child themselves. This makes it hard to make any decisions. Be kind to yourself.

Sometimes your emotions around your break-up may get in the way of working out what is right for your children. There are a number of organisations who offer support and help for adults and children when they are dealing with family difficulties. You can find some listed in the section called [More help and advice](#).

It may help to know:

- As parents, you share responsibility for sorting out arrangements for your children. It is up to you to make every effort to agree how you will bring them up, as long as it is safe for you and the children to do this. If talking is difficult, help is available.
- There is one court called the Family Court, which works in different places across England and Wales, and which deals with disagreements among separated families. These are not the same courts where people who are accused of doing something wrong go.
- In most cases, courts expect both parents to see their children. This is because it is usually in a child's best interests to spend time with the parent they are not living with day to day. Sometimes there may be reasons why contact is not safe or in the best interests of the children. Sometimes courts make an order restricting or monitoring this time, for example, contact between a parent and child may be limited to letters, cards and presents, if this would be best for the child.
- If your child's other parent does not pay maintenance or pays late that does not give you the right to stop them seeing the children. If your child's other parent stops you seeing the children that does not give you the right to stop paying maintenance. These issues are not linked in this way, although people commonly think they are.
- A lot changes as children grow up. The arrangements you make now for your children may not be the right arrangements for them next year or in 5 years' time. This is normal. Be ready to recognise this and adapt to meet the changing needs of your children.
- Whatever your situation, going to court is not the place to start. Before you apply for a court order about the arrangements for your children, you must find out about family mediation first, unless you can show that your case is exceptional (for example, where there has been violence or abuse between you). If you haven't already seen [A survival guide to sorting out child arrangements](#), it would be helpful to start there to see if you can avoid going to court.

- Family mediation is available whether you split up recently or years ago, shared a home or never lived together. Family mediation is not the same as marriage guidance – it is not about getting back together. In fact it is the opposite. Family mediation aims to help you to agree how you will live apart. In a situation where you cannot agree the arrangements for your children, a family mediator can help you discuss possible solutions. But it is not the mediator who makes the decisions or agrees to a plan – it is you.
- If you do end up going to court, the court will help you and your child's other parent agree things between you where possible, if this is in the best interests of your children and safe for everyone involved. Courts prefer not to make a decision for you and think your own agreement is usually better in the long term for your children.
- If you represent yourself in any court proceedings without the help of a solicitor or barrister, then the law calls you a 'litigant in person'. It is possible that you and your child's other parent are both litigants in person. You may also hear people talk about 'self-representing'. This means the same thing.



- We talk about the court 'doing' things quite a lot in this guide. For example, the court may 'send' out a form, 'make' a decision or 'think' about something. It sounds a bit odd because most people think of a court as a place, a building. But 'the court' is often used to mean the people working in the court, whether they are a judge or court staff. And that's how we use the term here and how you will probably hear other people use it too.
- We use the word 'ex' in this guide to mean your child's other parent.



# Legal aid

**Legal aid is a government scheme to help people who live on a low income, have few savings and meet specific other criteria, pay for legal advice, representation and other help.**

Legal aid is no longer available to pay for legal advice from a solicitor to help you apply for a child arrangements order unless you can prove you have suffered domestic abuse or that your child is at risk of abuse from your ex.

Legal aid is still available to pay for family mediation, without the need to provide evidence of domestic abuse. Eligibility for legal aid depends on your financial circumstances. You can check if you are financially eligible for legal aid by searching online for '[Check legal aid](#)'. This will take you to the GOV.UK calculator.

## Domestic violence and abuse

Domestic violence and abuse is any controlling, coercive, or threatening behaviour, violence or abuse. The abuse may be psychological, physical, sexual, financial or emotional. If you think you might be in this situation there are organisations that can help you. See the section called [More help and advice](#).

If you have experienced domestic abuse in your relationship with your child's other parent it is really important to get legal advice before you make any big decisions. In this situation, reaching an agreement about contact may well not be the right thing to do to keep you and your children safe. You will need legal advice on this to understand how the court would look at your case. Make sure you look into whether or not you can get legal aid.

To apply for legal aid, you must be able to give your solicitor some evidence that you have suffered domestic abuse or that your child is at risk of abuse from your ex. For more help take a look at our guide called [How to get legal aid for a family law problem](#). You may be entitled to free or subsidised legal help from a family law solicitor. Search online for '[Check if you can get legal aid](#)'. If you are entitled, look for a family law solicitor who can take legal aid cases. You can find a family law solicitor who does legal aid by searching online for '[Find a legal aid adviser](#)'. If there has been violence or other forms of abuse between you, it may well not be a good idea for you to try and sort things out between yourselves.

Before making any big decisions, it is best to start by getting some help from a good family law solicitor. You can find one on the [Resolution](#) website. They will be able to help you work out what the best thing for you to do is, and if you can do it yourself or if you will need legal help. Not all Resolution member solicitors offer legal aid - you need to look for the green tick next to their name when you use their online search options. Don't be afraid to phone around and compare prices or see who gives free first appointments.

If you cannot get legal aid or afford to pay for a family law solicitor, don't give up. It is really important to get some legal advice on your exact situation. It may be that it is not safe for you or your children to agree on contact because of what has happened with your ex. There are other places where you can get help on these issues such as [Rights of Women](#) and [RCJ Advice](#), the [Child Law Advice service](#) or law centre clinics. For more information go to the section called [More help and advice](#).

# Getting some legal advice early on to find out where you stand

Getting some legal advice early on to find out where you stand

Going through a break-up can be very demanding. There can be a lot to sort out, just at the time when you are least ready to face a long list of things to do. It can be hard to work out what is a priority and what can wait, if you are experiencing lots of different emotions all at once. **Not understanding your legal position is, understandably, another serious worry.**

At this stage, if you can possibly afford it, you should get some legal advice early on in the process. This will help you get a good sense of where you stand and where you want to go from here. For example, with some legal advice you may find that you change your mind about applying to court.

Some people can get legal aid but if you can't this next bit will help.

## Get some legal advice

If you can afford it, it is very helpful to get some legal advice on your options early on to help you work out where you stand.

Get expert legal advice



for just £120 on

- ✓ Where you stand legally on the problems that are most worrying you now
- ✓ What the court might recommend in your situation
- ✓ What your next steps should be

[FIND OUT MORE | >](#)

or go to [www.advicenow.org.uk/children-0](http://www.advicenow.org.uk/children-0)



# What the court takes into account when it makes a decision

**The law explains what a court needs to take into account when it makes a decision about your child. The court will consider your child's welfare above all else. This is about trying to decide, sometimes in difficult circumstances, what is in your child's best interests. It means putting what your child needs first, before what each parent may want or need.**

The law makes it clear that the court must only make an order if doing that is better for your child than making no order at all. You may hear lawyers call this the 'no order principle'.

The court must also avoid any delay, where possible, as it is generally agreed that delaying a decision is not usually good for children and can sometimes cause them harm. If it is important that the court makes a decision before a particular event takes place, for example, your child starts nursery or goes back to or changes school or moves to live with another family member, then the court should take this into account when they organise the hearing in your case.

The law gives the court a checklist of other things to think about when deciding what is best for your children. You may hear this called the 'welfare checklist'. These are the factors on the checklist:

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## ● Your child's wishes and feelings

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This does not mean that the court will do whatever your child says they want. But if your child is old enough to understand the questions they are asked and the court (with the help of a Family Court Advisor) can find out what they think, then it will consider what they say. (For more information about Family Court Advisors see the section called [The Children and Family Court Advisory and Support Service](#)) The court will want to know that your child's wishes and feelings are their own and have not been influenced by either of their parents. The court will pay more attention to the wishes and feelings of a child the older they are. In a few cases, the court may want to meet your child, or get a letter from them giving their views.

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## ● Your child's physical, emotional and educational needs

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This includes your child's need for love and affection as well as for education, a home and food. It also includes things that can affect your child's emotional well being. So if, for example, your proposals involve separating one child from his/her brother or sister, the court will consider how this will impact on their emotional needs. If you and your ex argue or resort to violence with your children around, again the court will take this into account.

What the court takes into account when it makes a decision



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- **The likely effect of any change in circumstances on your child**

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Change can be disruptive for children so the court will want to think about the effect on your child of any change you are suggesting, for example, in where they live or who they live or spend time with. Does the benefit of any change outweigh any possible negative effects?

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- **The age, sex, background and any relevant characteristics of your child**

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This includes any cultural, religious or language needs as well as any disabilities.

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- **Any harm your child has suffered or is at risk of suffering**

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Harm can mean ill treatment or damage to your child's health or development, the impact caused by them seeing or hearing domestic violence or abuse or by preventing contact without a good reason. Can you protect your child from this kind of harm?

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- **How capable you and the child's other parent are of meeting your child's needs**

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Do you have the skills to look after your child and meet their needs? If, for example, you have drug or alcohol problems and these problems affect your ability to meet your child's needs then this is something the court will take into account.

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- **The power of the court to make a different order from the one you have asked for**

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The fact you have asked for a particular order does not restrict what the court can do. The court's view about what is best for your children may or may not be the same as yours. There is always a possibility that neither you nor your ex gets what you asked for. The court's duty to protect a child is so important that if, for example, it thinks your child is at risk of possible significant harm it could ask the local council's child protection team to get involved.

# Sorting out arrangements for your children by negotiation and agreement

**You can sort out the arrangements for your children by agreement at any time – either before or after you start court proceedings or without there being any court proceedings at all. Whether you manage to do this will depend partly on you and your ex’s attitude to solving your problems this way. Any agreement usually means being prepared to compromise – accepting less or giving more. But it may be worth doing this to avoid the uncertainty and expense of going to court. And even if you do go to court, often the court will expect you both to compromise anyway.**

If you have experienced any kind of domestic abuse during or after the relationship with your ex it would be very sensible to find out if you can get free legal help from a family law solicitor so that you don’t have to deal with your ex. They will listen to what has happened and advise you on whether the family court is likely to say that contact is in the children’s best interests or not. Bear in mind that it may well not be safe for you to try and sort out arrangements yourself if your ex was or continues to be abusive towards you.



## Reasons for agreeing the arrangements for your children:

- ✓ You decide what happens rather than somebody who does not know your child.
- ✓ It can be less stressful.
- ✓ It can be quicker.
- ✓ It can be cheaper.
- ✓ It can create more certainty about the outcome.

Sorting out arrangements for your children by negotiation and agreement

There are many services available to help you resolve your differences and come to an agreement about the arrangements for your children. You can find a list of recommended services by typing ‘[family procedure rules pd 12 b](#)’ into a search engine. The list is in paragraph 2.1.

## Parenting plans

A parenting plan is a written plan worked out following negotiation between you and your child’s other parent or other family members. It sets out your decisions about the everyday, practical issues to do with caring for your children including how you are going to communicate about the children, living arrangements, money, education, religion and healthcare.

A parenting plan can be a useful way of making sure everyone involved knows what is expected of them and creating some certainty for the future. Have a look at the [cafcass website](#) for more information on parenting plans and to complete your own.

## Get some legal advice

If you can afford it, it can be very helpful to get some legal advice on your options at the start to help you negotiate with your ex and avoid court.

It might be that it is not you but your ex (or another family member) who has come to you talking about their view on how arrangements are not working. If your ex has suggested changes to the current arrangements for your child that you are not sure about or are definitely unhappy about then it would be really sensible to get some legal advice now about your position.

Sorting out arrangements for your children by negotiation and agreement

### Get expert legal advice



for just £120 on

- ✓ How to avoid going to court by approaching your ex with a fair proposal
- ✓ What the court might recommend in your situation
- ✓ How to draft a letter which sets out the difficulties with the current arrangements and your proposal for future arrangements
- ✓ What your next steps should be

[FIND OUT MORE | >](#)

or go to  
[www.advicenow.org.uk/children-1](http://www.advicenow.org.uk/children-1)

### Get expert legal advice



for just £120 on

- ✓ How to respond to your ex's (or other family member's) proposal
- ✓ What the court might recommend in your situation
- ✓ What your next steps should be

[FIND OUT MORE | >](#)

or go to  
[www.advicenow.org.uk/children-2](http://www.advicenow.org.uk/children-2)



# Before you can go to court

**In this section we explain what you need to do before you start court proceedings.**

As long as it is safe for you to do so, reaching an agreement yourselves is usually better than the court telling everyone what to do. You are more likely to be satisfied with the outcome and stick to the decisions you have made together. And children do better when their parents and relatives cooperate with each other.

Sometimes people think that by going to court they will get everything sorted out for them by the judge. In fact, often the judge will ask you and your ex to compromise when you get to court and agree on as much as you can without them making an order. So, it is usually better to avoid the time, costs and stress involving in going to court and try and agree things between yourselves. You may need some help with this. Mediation can be a good way to find a middle ground with your ex.



## Mediation Information and Assessment Meetings (MIAM)

Anyone thinking of going to court has to attend a Mediation Information and Assessment Meeting (MIAM) unless they are exempt. This is true whether you are applying for a court order yourself without the help of a lawyer (you are a 'litigant in person') or you are represented by a lawyer and whether you have legal aid or not.

The purpose of this meeting is to:

- give you information about how you might be able to sort out your disagreement without going to court, and
- assess whether mediation is a safe way for you and your ex (or other family members) to try and sort out your disagreement.

You need to contact an accredited family mediator to set up a Mediation Information and Assessment Meeting. They will invite you to attend a MIAM either separately or together with your ex. You can find an accredited family mediator on the [Family Mediation Council](#) website.

Traditionally, mediation sessions usually take place at the mediator's offices. But more and more mediators are offering online mediation now, by video call. This can be really helpful if you can't or don't want to travel to a meeting.

**Before  
you can go  
to court**

## What happens at a Mediation Information and Assessment Meeting?

The meeting will probably last about 40-45 minutes. The mediator:

- Explains what family mediation and other forms of dispute resolution are and how they work.
- Explains the benefits of mediation, other forms of dispute resolution, and the likely costs.
- Answers any questions you have about your situation and how mediation might work for you.
- Assesses whether you are eligible for legal aid for mediation or will have to pay for it.
- Assesses whether mediation or other form of dispute resolution is suitable in your case
- Completes the relevant part of the C100 form if you want to make a court application.

If you want to know more about how these meetings work you can look at the [Family Mediation Council website](#).

Mediation aims to help you communicate with one another now and in the future and to reduce any dispute and conflict within your family.

Trained mediators can help you talk to each other and find solutions, even when it is hard. They are there to assist you both and can provide you with a safe and supportive environment where you can work out solutions together. They are not allowed to take sides – they have to be impartial. Mediation is voluntary which means that nobody has to use mediation after going to the first Mediation Information and Assessment meeting about how it works. Once you have been to the Mediation Information and Assessment Meeting, you or the

family mediator may decide there are reasons why mediation will not work. This may be because there has been domestic abuse in your relationship. It may be that one or both of you have a drug or alcohol problem or mental health difficulties. That problem or illness may create such a big risk or obstacle that it isn't safe for mediation to take place.

## Circumstances when you don't have to attend a MIAM

There are some circumstances when you don't have to attend a Mediation Information and Assessment Meeting. For example, if your application is urgent or you have already tried mediation in the past 4 months. If you can show that you have been a victim of domestic abuse you do not have to attend a MIAM.

You can find the full list of circumstances where you can ask the court to excuse you from going to a MIAM by searching '[family procedure rules part 3](#)' and going to rule 3.8 or in [the C100 application form](#) that you need to fill in to apply for a court order. You can also find lots more help and guidance on going to mediation in [A survival guide to family mediation](#).

If you want to claim exemption from attending a Mediation Information and Assessment Meeting, there is a section of the C100 application form you must complete if or when you apply for a court order.

### Forms and rules



[C100 form](#) is the application form that starts the process of asking for an order about the arrangements for your children – for more information about this form, see [page 25](#).

Before you can go to court





## How much does it cost to go to a Mediation Information and Assessment Meeting?

Charges vary from service to service and often according to your gross annual income. When you phone a family mediator to arrange a Mediation Information and Assessment Meeting, ask about how much they charge and about legal aid. Some make no charge for the Mediation Information and Assessment Meeting itself but charge for completing the relevant section of the C100 form – if you end up needing this to apply to court.

If either you or your ex are entitled to legal aid then the initial Mediation Information and Assessment Meeting, completing the relevant part of the C100 form and the first mediation session are free for both of you. After that, any further mediation sessions will only be free for the person who has legal aid. You may also be able to get legal aid for help from a solicitor during the mediation process. If you are the person who isn't eligible for legal aid, you will have to pay for any mediation sessions after the first one.

You must provide the mediator with documents proving what your income is and what savings you have. Take a look at the [National Family Mediation](#) website to see what evidence you need to take or ask the mediation service what evidence of your income they need to see in more detail. Without this evidence you risk getting charged because the service won't be able to assess your eligibility for legal aid.

### Forms and rules

You can find these forms and rules by simply searching the names in an online search engine.

[C100](#) is the form you need to fill in to apply for a child arrangements order. You can now complete this online which can save time. If you prefer to do a paper version and post it, you can. Details about both are on the [GOV.UK website](#).

You can find the Child Arrangements Programme in the [family procedure rules PD 12B](#)

You can find more detailed information on Mediation Information and Assessment Meetings (MIAMs) [in the family procedure rules PD 3A](#)

For more information about making an application, see [court leaflet CB1](#)

For more information about the court process, see [court leaflet CB7](#)

Before  
you can go  
to court

# The process in pictures

Have a look at our route map. It is designed to give you an overall picture of what is involved in a typical application for a child arrangements order. Even though your case may be different, we hope it makes the process seem a bit less daunting.

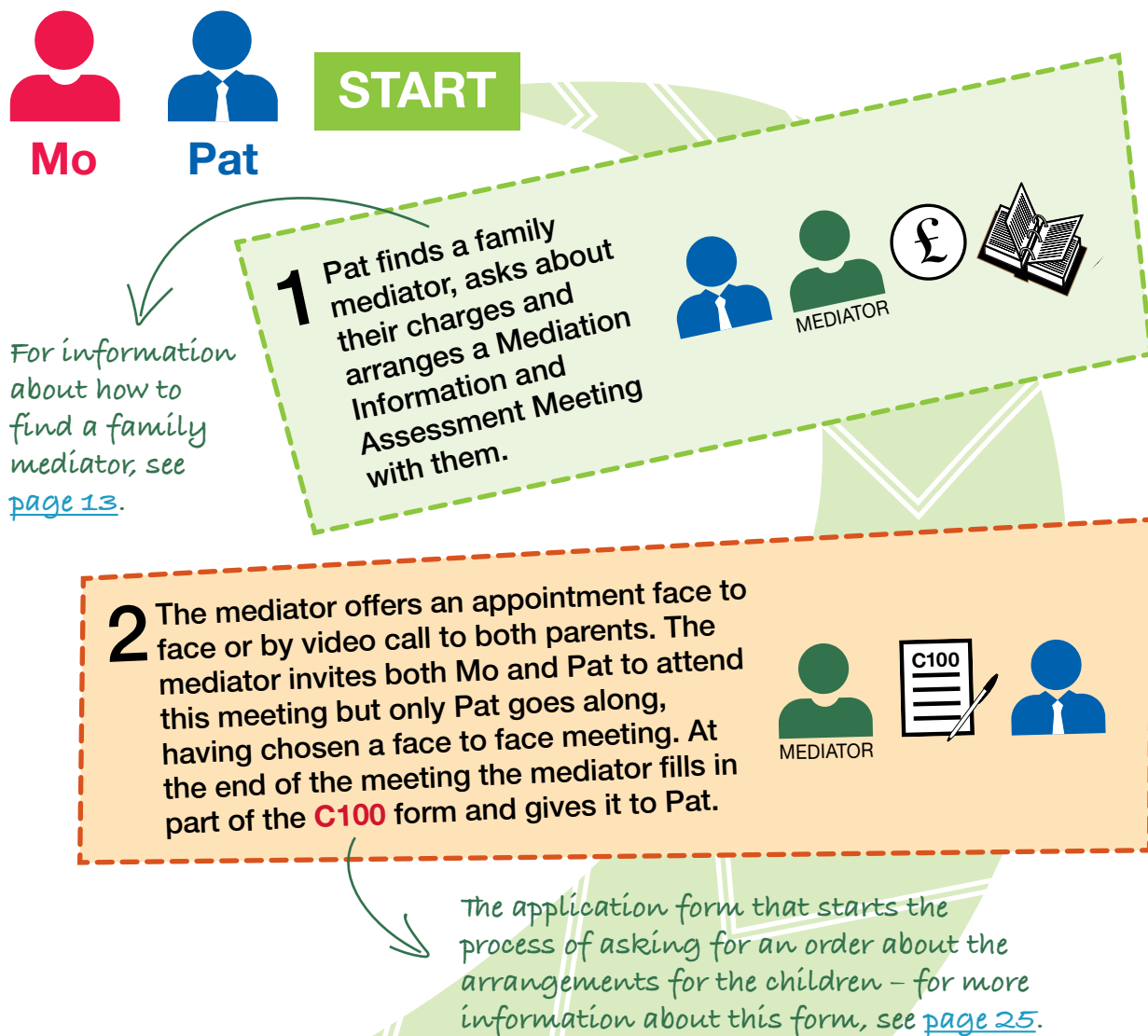
You will probably come across lots of new technical words. This is the jargon that lawyers and court staff use. There is no getting around it – you have to understand what it means too.

In the route map, we have put all the jargon in red. We then explain these words the first time they appear. Follow the arrow to find out what they mean. You can also find them in [What does it mean?](#)

The story so far.....Pat and Mo have 2 children – one is 7 years old and the other is 5. Pat and Mo no longer live together. Mo looks after the children on a day to day basis. Pat used to see the children regularly but Mo is now telling him that his visits unsettle the children and that he cannot see them for the time being. Pat suggests they visit a family mediator but Mo is not willing to do this.

This is a step by step description of how Pat applies for a child arrangements order.

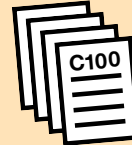
## The process in pictures



**3** Pat chooses to fill in the rest of the paper version of the **C100** form as fully as possible and signs and dates it. It is very important Pat provides all the information the form asks for about Mo including details of her previous addresses for the last 5 years. If he doesn't, this will hold up his case (he could also do this form online if he wanted to. The online form has a section on mediation where he could just add in the important information from the mediator himself).



**4** Pat goes to his local library and makes 3 photocopies of the completed **C100** form (This isn't necessary if he decided to do the form online).



**5** Pat checks whether the family court charges a fee for this kind of application and whether he is eligible for help to pay the fee.

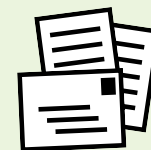


**6** Pat sends the original **C100** form and 3 copies to the family court. He includes a cheque for the correct court fee. If Pat does not have a bank account he can send a postal order instead or take the forms to the court and pay the fee in cash. (Another option is to pay online or by phone with a debit or credit card).



*officially start court proceedings*

**7** The court **issues** the proceedings and sends Pat a copy of his application together with a **Notice of hearing**.

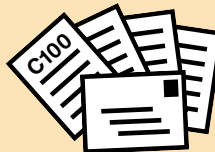


*This tells you when and where your first meeting with a judge will take place.*

The process in pictures

Delivery of court documents, usually by post. If the parent applying, does the form online, the paperwork gets sent by email.

**8** The court **serves** a copy of the **C100** form together with a **Notice of hearing**, **Directions on issue** and **Acknowledgement form (Form C7)** on Mo (or Pat can ask to do this herself, if she wants to).



Instructions given at the very beginning of a case telling you what to do and when.

The Acknowledgement form (Form C7) is the form the respondent must use to tell the court that they have seen the application about the children. For more information about Form C7 see [page 32](#).

Cafcass officers (in Wales, Welsh Family Proceedings Officers), sometimes also called family court advisors, are specialist social workers whose job is to help parents agree the arrangements for their children (where this is possible) and write reports for the court about the needs of children.

**9** The court sends a copy of Pat's application to **Cafcass** or **CAFCASS Cymru**. A **Cafcass officer** checks to see whether the council or the police have any knowledge or worries about the children and also speaks to both parents separately on the phone. The court also tells Pat and Mo if there is anything else they need to do before the first hearing (for Pat and Mo this will be at a court building but sometimes hearings will take place by video or phone).



Cafcass stands for Children and Family Court Advisory and Support Service. Cafcass operates in England and CAFCASS Cymru in Wales.

**10** Pat and Mo go to the family court for the **First Hearing Dispute Resolution Appointment (FHDRA)**. They don't take the children with them as it is best not to involve them, unless the judge has specifically asked to meet them.



The first meeting where a judge and a Cafcass officer (in Wales, a Welsh Family Proceedings Officer) will talk to both of you about what it is you cannot agree about. They will also discuss whether mediation is suitable for you and could help you reach an agreement about the arrangements for your children.

The process in pictures



These are instructions for how a case will be dealt with.

**11** Pat and Mo cannot agree about allowing Pat to see the children and so the judge makes **directions** instead. The judge tells both Pat and Mo to write a **statement** setting out their views and gives them a deadline for doing this. The judge also asks the **Cafcass officer** to prepare a report and make a recommendation and fixes a date for the next hearing, a **Dispute Resolution Appointment**.

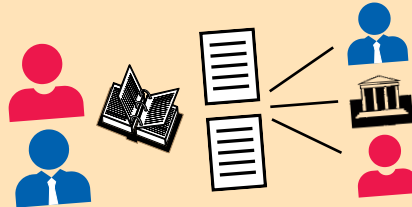


This is a written summary of the background to the disagreement, any recent events that have caused the court application and your view about what should happen in the future.

A court hearing which takes place towards the end of the court's involvement in your case. It gives you another opportunity to see if you can sort out your disagreement with the help of a judge.

The process in pictures

**12** Pat and Mo write their **statements** and **file** them at court in good time before the deadline. They each send a copy of their statement to the other, and the **Cafcass officer**.



You file something, for example, legal forms or documents, when you either take, post or email them to the court office.

**13** The **Cafcass officer** visits Pat and Mo separately, meets the children and writes a report recommending that Pat spends time with the children once during the week and has them to stay every other weekend.

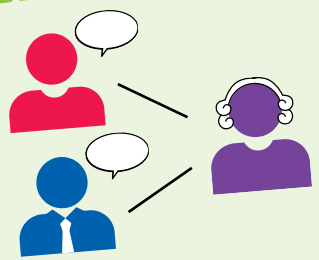


**14** At the **Dispute Resolution Appointment**, the judge explains to Mo that the Cafcass report recommends that the children spend time with Pat, and that this is likely to influence the judge's decision if the case goes to a final hearing. The judge encourages Mo and Pat to reach an agreement in line with the report's recommendation. Despite the Judge's encouragement, Mo and Pat still cannot agree.



The process in pictures

**15** At the final hearing, Mo and Pat take it in turns to tell the judge what they are finding difficult to agree and what result they are looking for.



**16** The judge discusses the recommendation in the **Cafcass** report with Pat and Mo.



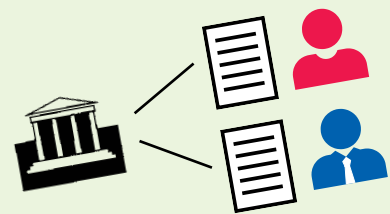
**17** Mo and Pat each decide that they will go along with the **Cafcass** officer's recommendation.



**18** The court makes an order.



**19** The court gives Mo and Pat a copy of the order before they leave court. (If their hearings took place by video or phone call, court orders would be posted or emailed to them).



**FINISH**



# Going to court – the basics

In this section we explain which court to use, where you can find the forms you will need and information about court fees and court rules (Family Procedure Rules). We also talk about how much it could cost and how long it may take.

## Which court?

You can apply to any family court, but you should normally make your application to the family court nearest to the children. You can find the contact details and opening times of all courts by searching online for '[Find a court or tribunal](#)'.

## How long will the case take?

It is hard to say, but the length of a case is likely to depend on the number and complexity of things you disagree about. For example, the case will take longer if one of you raises concerns about safety issues such as allegations of domestic abuse, serious mental health issues or drug or alcohol misuse.

The court is very aware that any delay in decisions affecting children is not good. So, most cases take several weeks or months to conclude rather than years. However, there is a big backlog of cases in the family court so you may have a long wait from the date you send or give your application to the court until you get a date for the first hearing.

## Forms

You can find the forms you need on the [GOV.UK website](#) by searching 'court and tribunal forms'. We will try and help by including a link to those forms that are most relevant in this guide. You can now also do the C100 form online so you don't have to worry about printing



it or making copies. It is likely to be quicker that way too. If you prefer to do a paper form that is still available. You can find details about both the online and paper applications by searching online for '[Form C100](#)'. This takes you to the GOV.UK page with information on both processes.

Most court forms seem a bit intimidating when you first look at them. A large part of most form (or online box) filling involves giving factual information. Read though each form a couple of times to find out what information it asks for. Then get together the information you need before you start filling it in. Once you have done this, the job may turn out to be a bit easier than you first thought. It is unnecessary to use long words and legal language. The best thing is to keep it short and simple. Stick to what is relevant and try not to repeat yourself. If you want to do the form online, you can see what it is going to ask you by looking through the paper version of the form first.

## How much it will cost?

How much it costs you will depend totally on whether you deal with all the paperwork yourself or pay a lawyer to do some or all of it for you.

Lawyers charge for their time. So, usually, every time you write, email or phone, they will charge you for the time

Going to court – the basics

they spend reading what you say, thinking about what advice to give you and giving you that advice. The more often you contact them, the more time they spend negotiating on your behalf or representing you at court hearings, the greater the cost – to you.

If you use a lawyer, the key thing is to use their time carefully. So prepare a list of the points you want to make and questions you want to ask before you speak to them (take a look at [How to prepare for seeing a solicitor or adviser](#) for more help). Legal costs can quite easily add up to thousands of pounds. This is one reason why the courts encourages people to mediate and reach an agreement either without going to court at all or if you end up in court, at each hearing you have to attend.

Some lawyers offer packages of legal services for a fixed fee. Sometimes these services include a free first meeting. We suggest you ring round or email several to check what they offer for the price they are quoting. What will they do for you? What do they expect you to do?

You can also pay for a lawyer to give you a specific piece of advice or do a specific task. So, for example, you could decide to pay them just to prepare your application. If so, ring round and ask for a quote for doing this job. You might want to pay them to be available on the phone on the date of the first hearing to answer your queries or to represent you at the final hearing. Some firms offer a pay as you option so you don't get any nasty surprises when it comes to paying your bill.

Another option to help you stay on top of your costs is our Affordable Advice scheme. While reading this guide you will see that, at various points, we suggest you get some legal advice if you can possibly afford it. We only do this when we think it will be really useful. We



set out clearly what the solicitor can advise you on and how much it will cost you. There are no hidden extras. For more information on this scheme take a look at [Getting affordable advice from a family solicitor via Advicenow](#).

You could also consult a barrister directly without involving anyone else (for example, a solicitor). This is often called 'direct access'. Not all barristers offer this service though. For more information about finding a barrister to work directly for you take a look at the [Bar Council direct access portal website](#).

If you have a specific amount of money you can afford, think about whether it is best to use this to help you prepare (for example spend it on legal advice or drafting), or to pay a lawyer to represent you at the hearing. What is likely to be best will depend on the issues in your case.

You should only have to pay your own costs (and not your ex's as well) unless the court decides you have run your case unreasonably. That might include not doing what the court has ordered, failing to turn up for hearings, misleading the court or your ex or continuing to trying and make unreasonable arguments.

## Family court fees

You usually have to pay a family court fee when you start proceedings about the arrangements for your children. The court calls this 'issuing proceedings'. For information about family court fees and when and how to pay them, search online for '[EX50](#)'. This takes you to the GOV.UK pages all about fees.

You may not have to pay a fee at all or only a reduced fee if you have a low income. For example, you will not pay anything if you can prove that you get Income Support, income-based Jobseeker's Allowance, Pension Credit guarantee credit, Universal Credit with gross annual earnings of less than £6,000, or income-related Employment and Support Allowance as long as your savings or other capital don't go over certain limits.

To ask for help with paying court fees, search online for '[Getting help paying court and tribunal fees](#)'. This takes you to the GOV.UK page on the topic where you can choose to apply online or print off a paper form. You can work out if you are likely to be eligible for help with fees by using the online Fee Remissions Contribution Calculator (EX160C). To find this calculator go to the [Getting help paying court and tribunal fees](#) page and scroll down until you see a document called 'Fee remissions contribution calculator'.

We have a short guide called [Getting help to pay a court fee in a civil or family case](#) that gives you more help on this.

You have to do a separate application for each court fee you want help paying. This may mean you have to complete this form more than once during your case.

## Family Procedure Rules

These rules explain what you need to do when. You may hear lawyers talk about the 'FPR'. What they are referring to are these rules. You need to follow the ones that apply to your case. You can find the rules on the by searching online for '[the Family Procedure Rules](#)'.

A quick look will probably just confirm your worst fears – there are loads of them. And an individual rule often comes with one or more additional bits of guidance, called 'Practice Directions'. The good news is that only a few rules and Practice Directions are likely to apply to your case, unless it is very complicated. So it is not like a book, you don't have to start at the beginning and read all the way through to the end. You need to pick out the rules that are relevant to your case. We will try and help you do this by including any key rules in this guide.

Going to court – the basics

# Applying for a child arrangements order

In this section we explain who can apply for this kind of court order, how you apply, what forms you must fill in and what happens next.

## Before you apply

You must attend a Mediation Information and Assessment Meeting (MIAM) before you can apply for a court order about the arrangements for your children – unless you fall into the limited circumstances that mean you don't have to attend. At this meeting a mediator will explain the services available to help you and your ex reach an agreement. For more information about Mediation Information and Assessment Meetings, see the section called [Before you can go to court](#).

## Who can apply

Some people are entitled to apply for child arrangements orders while others need the court's permission first. If you are the child's mother or father you are entitled to apply. You can also apply if you are a step parent and you have treated the child as your child. A step parent is someone who is married to or the civil partner of a parent who has parental responsibility for the child. Other people, such as grandparents, will generally need the court's permission to apply for a court order unless the child has already lived with them for a set period of time – this time varies depending on the order you want to apply for. For more information about who needs permission to apply, search online for '[CB1 form](#)'. You will find it on the GOV.UK website.

If you are the person who starts the proceedings, you are called the 'applicant'. If you are the other party, you are called the 'respondent'.



## Where do I start?

The [Child Arrangements Programme](#) (you may hear lawyers and court staff call it the 'CAP') sets out the process for dealing with applications for child arrangements orders – what happens if you have a dispute with your ex or another family member about your child or children. It is designed to help you reach an agreement, where possible without going to court. It is set out in the Family Procedure Rules Practice Direction 12B. You can find it by searching online for 'Child Arrangements Programme'.

For an overview of what happens, have a look at this short video [Making your application to court](#) on YouTube.



## How to apply for an order about the arrangements for your children

If there is no case already in court about your children then you apply for a court order online by filing in [Form C100](#). It is likely to be quicker if you do the form online. If you prefer not to do it online, you can download the [Form C100](#) instead and either fill it in on your computer or by hand. You will then need to print it off. It is really important that you provide all the information the form asks for including details of your ex's name, date of birth and current and past addresses for the last 5 years.

If you don't want the respondent to know your contact details (your address, telephone number, email address) or the contact details of your child or children, leave those spaces blank and complete the confidential contact details [form C8](#) instead (see the Forms and rules box on [page 29](#)). Form C8 is just for the court – so they know where you are and how to get hold of you. The information you give on it will be kept secret unless the court orders differently.

If there already is a court case about your children and you are not yet involved but want to be (perhaps, for example, you are the child's father and the proceedings are between the child's mother and step father), or you need the court's permission to start proceedings, then you need to complete [Form C2](#) (see the Forms and rules box on [page 29](#)).

## Domestic abuse, violence or harm

If you or any of your children have suffered or are at risk of suffering domestic abuse, violence or harm then you should also complete the supplemental information [form C1A](#) (see the Forms and rules box on [page 29](#)). The form is called 'Allegations of harm and domestic violence'. An allegation is a claim that someone has done something wrong. The form asks for details about the kind of abuse that you or the children have experienced and what happened. This is also the form to fill in if you think your child is at risk of being taken away from you by force or by tricking you (abduction).

The phrase 'domestic abuse' covers a wide range of behaviour including controlling, coercive or threatening behaviour as well as violence or abuse.

Controlling behaviour, for example, is when someone:

- isolates you from the people or things you rely on for support,
- deprives you of your ability to be independent, resist control or escape from a relationship,
- makes rules about what you can and can't do in your everyday life.

Coercive behaviour is assaults, threats, humiliation or intimidation used to harm, punish or frighten you. Abuse can be psychological, physical, sexual, emotional or economic.

Applying for a child arrangements order



## Get some legal advice

If you can afford it, it will be very helpful to get some legal advice before you take the plunge and take your application to the family court.

### Get expert legal advice



for just £120 on

- ✓ The right time to apply to the family court, if at all, and what other options might be available to you.
- ✓ Reassurance on which forms you need to complete and what to include in them, including help with any bits you find difficult.
- ✓ What is likely to happen next in your case once you have taken your application to the court.

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or go to  
[www.advicenow.org.uk/children-3](http://www.advicenow.org.uk/children-3)



## What do I do if my case is urgent?

Everyone tends to think their own case is urgent but as far as the court is concerned only a very few cases really are.

The court will only treat a case as urgent if there is a risk to the life, liberty or physical safety of you or your family, a risk to your home, or any delay would cause

- a risk of harm to your child,
- a risk your child might be removed unlawfully from the UK
- a significant risk of a miscarriage of justice,
- you to suffer unreasonable hardship, or
- problems in dealing with the dispute that could not be fixed later (for example, the loss of significant evidence).

Normally the court will not make any decisions without hearing from both you and your ex (or other family member). If your case is urgent, the court may, be prepared to make an order without first telling your ex about the hearing or giving them a chance to have their say. The law calls this 'without notice'.



But the court will only do this if:

- giving notice would allow your ex the time to take steps to defeat the purpose of the order, or
- it is so urgent that there has been literally no time to give notice even by telephone, text or e-mail, or
- giving notice would expose you or your child to an unnecessary risk of physical or emotional harm.

The court might accept that your case is urgent but still want to give your ex an opportunity to have their say. If so, the court might wait for short while so that your ex (or whoever the respondent is) can be given a chance to come to the hearing. There may not be time to give them the amount of warning usually required (you may hear this called ‘full notice’) and so the court may shorten the notice period.

If the court does make an order without notice, it will arrange a further hearing to give your ex (or other family member) a chance to have their say. If you are not the applicant and you were not given notice of a hearing, you have the right to ask the court to reconsider the order it made. You must do this straight away by writing to the court. You must also tell the applicant that you have asked the court to reconsider the order.

You apply for an urgent hearing by ticking the box on Form C100 against the question: Is an urgent hearing or without notice hearing required? You must also complete the relevant sections of the form explaining the urgency and claiming exemption from attending a Mediation Information and Assessment Meeting.

## Get some legal advice

If you can possibly afford it, you should get some legal advice on whether or not you need to make an urgent application to the family court.

### Get expert legal advice



for just £120 on

- ✓ Whether you need to ask the court for an urgent hearing or not.
- ✓ How to draft a letter which sets out the difficulties with the current arrangement and your proposal for future arrangements.
- ✓ If you do need an urgent court hearing, how to go about it.
- ✓ What the court would consider a fair proposal.
- ✓ The next steps you should take.

**FIND OUT MORE | >**

or go to  
[www.advicenow.org.uk/children-4](http://www.advicenow.org.uk/children-4)

Applying  
for a child  
arrangements  
order

## Special arrangements for your hearing

If you have a hearing, will you need:

- an interpreter?
- special help or facilities because you have a disability – for example, a loop or signer?
- arrangements made to help keep you safe – for example, a separate waiting room, a video link or screens to shield you from the respondent when you are giving information and answering questions in person at court (the law calls this ‘giving evidence’)?

If you do, make sure you tell the court in the relevant section of forms C100 or C2. The court should contact you to find out more about your specific needs.

What you might need could depend on the type of hearing you have. The court might decide that your hearing should take place over video call or by phone. If this happens the court will tell you what special arrangements are possible, to help you take part properly. If you get a letter or email from the court telling you the hearing is going to take place by video or phone make sure you let them know as soon as possible if you think this will be difficult for you. You can also take a look at our guide called [Court and tribunal hearings by video or phone call](#) for more help.

If you decide to do a paper application, once you have got the right forms for your case, filled them in and checked you have not missed anything out, sign and date them and make enough copies to take or send to the court.

You will need one copy for:

- the court,
- Cafcass or (if you live in Wales) CAFCASS Cymru,
- each respondent,
- you, to keep.

Then take or send the forms to the court office with the correct number of copies and the court fee if you have to pay one. You may hear lawyers and court staff use the words ‘lodging’ or ‘filing’. This just means taking or sending forms or other documents to a court. So if someone asks you to ‘lodge’ or ‘file’ a copy of a document they are just asking you to take it or send it to the court.



### Forms

You will need some or all of these forms:

- [C100](#) (application form for applying for a child arrangements order)  
You can now do this form online if you want to. It is likely to be quicker for you and the court might process your application quicker this way too.
- [C2](#) (application to join a case about your child that has already started or for permission to apply)
- [C1A](#) (extra form to fill in if you are making allegations of abuse or harm or replying to allegations made by your ex against you)
- [C8](#) (application form to keep your address and contact details secret)
- [EX160 – Apply for help with fees](#)  
– you can do this online or you can use a paper form.

You can find all of these forms by simply typing in the name of the form into a search engine.

### Rules

You can find the court rules about child arrangements by searching online for '[family procedure rules pd 12b](#)'

You can find the court rules about domestic violence and harm in cases about making arrangements for children by searching online for '[family procedure rules pd 12j](#)'.

For more information about making an application, search online for court leaflet '[CB1](#)'.

For more information about the court process, search online for 'guide for separated parents ([CB7](#))'.

Applying  
for a child  
arrangements  
order

## Checklist for starting an application for a child arrangements order

(If you have worked out you only need to do the C100 form you can [do this online](#). It will probably be a fair bit quicker and you won't need to do any printing or photocopying)

- ✓ Identify the right forms for your case (C100 or C2? +C1A? +C8?)
- ✓ Read them through to find out what information they ask for.
- ✓ Collect any information you need, for example, a copy of a previous court order about your child or children, previous addresses in the last 5 years.
- ✓ Answer **all** the questions that apply to you.
- ✓ Fill in your contact details correctly.
- ✓ Sign and date the form.
- ✓ Work out how many copies of the completed forms you need. If you are not sure, ask the court office.
- ✓ Attach any Parenting Plan you have completed in the past or any summary of the progress you are making with producing a Parenting Plan.
- ✓ Make the required number of copies of the completed forms.
- ✓ Copy any previous court orders about your children.
- ✓ Attach the correct court fee or completed form EX160 applying for help with fees (see [page 23](#)) to your application.
- ✓ Send by post or email or take your application and other documents together with the correct number of copies to [your local family court](#).

## What happens next?

Once the court has your application, a member of court staff will:

- check you have filled in the forms correctly,
- check that you have attended a MIAM (or that you can give a reason not to attend that is in the list of reasons that means you don't have to),
- check that you have included all other relevant documents
- check that you have paid the correct fee or filled in the Help with fees form correctly, or ring you if you are paying by debit or credit card.

If you have, it will officially start your case (called issuing your application) and give your application a case number. You will know whether you have started your case successfully when the court sends you a Notice of proceedings. This tells you when and where your first meeting (hearing) with a judge will take place. This date is usually about 4-6 weeks ahead, but it could take longer to get a hearing as there is a big backlog of cases in the family court.

The court sends a copy of your application to the Children and Family Court Advisory and Support Service (for more information see the section called [The Children and Family Court Advisory and Support Service](#)).

## Who do I have to tell about my application?

There are certain people who have to be given a copy of your application. This person, or people are called the 'respondents'. Sometimes there will be people you need to tell that aren't respondents but are still entitled to know about the application you are making. To work out who needs to be told in your case, search online for '[CB1](#)'.



Applying  
for a child  
arrangements  
order

This takes you to the GOV.UK page with the CB1 leaflet. Sections H and I explain who you need to tell about your application.

If you want, you can also read the [court rules](#) about who you have to tell. You can find these by searching 'family procedure rules pd 12c'.

## Who sends my application to the people who need to see it?

The process of getting your application to the people who must see it or notifying those who must know about your application but don't usually get to see a copy of it is called 'service'.

Usually, the court will take care of sending your application to the people who need to know about it unless you want to do this. Usually, this will be your ex (or other family member involved in the dispute) and Cafcass (or CAFCASS Cymru).



# What to do if you have received court papers and are the respondent

**So, you have been sent a copy of your ex's application for an order about the arrangements for your children. What do you do now?**

Read through what you have been sent carefully. You should have at least 3 different forms:

- A Notice of hearing – this tells you the date, time and place for the first meeting (hearing) with a judge. This hearing with the judge may be at a court building or by video or phone. The court will let you know how the hearing will take place.
- Form C100 – this explains why your ex is making the application.
- Acknowledgement ([Form C7](#)) – this is the form you use to tell the court that you have received your ex's application. The legal term for this is 'acknowledgement of service'.

There are instructions on Form C7 telling you what you need to do. It gives you space to reply to your ex's application, asks for details about you (and your solicitor, if you have one), whether you disagree with the application, whether you want to apply for a court order yourself and if you think you or your children have suffered or could be at risk of suffering violence, abuse or other harm.

If your ex says that they or your children have suffered or are at risk of suffering domestic abuse, violence or harm you will also get the supplemental information [form C1A](#). This form is called 'Allegations of harm and domestic violence'. There is a section at the back of this form for you to complete if you want to comment on the allegations.

It may be that your ex has applied to court for contact because you aren't agreeing to it due to safety concerns you have about your ex's behaviour – either to you, your children or both. If you have serious concerns about the safety or the welfare of your children then you will need to raise these concerns in your own C1A form. Try and get legal advice at this stage. You may be able to get legal aid. If you cannot get legal aid but you cannot afford to pay a family law solicitor, don't give up. [RCJ Advice](#) may be able to help you or [Rights of Women](#).

Once you have filled in form C7 (and C1A if necessary) take or send it by post or email to the court office. You can find the address of the court office on the forms you have been sent. You must do this within 14 days of the date when you were given the Notice of hearing or of the postmark on the envelope if the Notice of hearing was posted to you.

What to do if you have received court papers and are the respondent

## Get some legal advice

If you can afford it, it will be very helpful to get some legal advice on the application you have received before you decide how you want to respond.

### Get expert legal advice



for just **£120** on

- ✓ The merits of the application your ex (or other family member) has made
- ✓ How you should respond and get advice about how to do it
- ✓ How to fill in the C7 form.
- ✓ Whether or not you might be able to get legal aid, and if not, how else you might fund the case.
- ✓ What steps to take if you or your child are at risk of harm due to the other parent's behaviour.
- ✓ The next steps you should take.

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or go to  
[www.advicenow.org.uk/children-5](http://www.advicenow.org.uk/children-5)

What to do if you have received court papers and are the respondent

# The Children and Family Court Advisory and Support Service (Cafcass or CAFCASS Cymru)

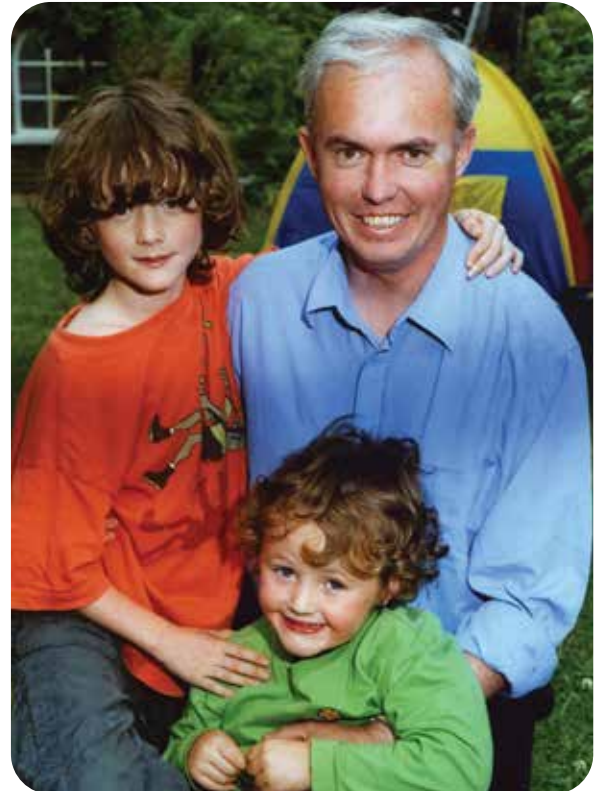
**In this section we explain what the Children and Family Court Advisory and Support Service is and what they do.**

There are two of these services – one in England and one in Wales. The service in England is called [Cafcass](#) which is short for the Children and Family Court Advisory and Support Service. In Wales the organisation is called [CAFCASS Cymru](#). Both organisations provide advice and support to help the family courts and families make decisions in the best interests of children.

Cafcass have some videos on YouTube to help families have a better understanding of who they are and what they do. The video [Cafcass – who is Cafcass and what do we do](#) is a good place to start.

A Cafcass officer (in Wales, a Welsh Family Proceedings Officer) – sometimes also called a Family Court Advisor – is a specialist social worker whose job is to help you agree the arrangements for your children if possible, carry out safeguarding enquiries and, if asked by the judge, write a report for the court about your children's needs.

Once they get a copy of your application, Cafcass or CAFCASS Cymru will carry out safeguarding checks (you may also hear these called screening checks or enquiries) to make sure your child is safe and not at risk of harm. This is the process of asking for, receiving and closely inspecting information about the adults and children involved in your application.



A Cafcass officer carries out enquiries by:

- Looking at your application form to see if you have ticked any of the boxes to say that you are concerned about the risk of harm to your child or children. (Sometimes even if you haven't ticked any of these boxes, there may be something in your application that suggests there could be a risk. So, for example, if you mention that your children's other parent is about to be released from prison, they will probably look into this further.)
- Looking at the C1A form (if you have filled one in) and deciding whether they think there is a genuine risk of harm.

- Checking whether the police or council have been involved with you, your ex, or your family if they have any concerns about either parent.

Before the Cafcass officer finalises their enquiries they will usually try and speak to you and the respondent. The Cafcass officer will send a letter to the court to tell the court the results of their enquiries. You might hear this letter being called a Schedule 2 letter. If the Cafcass officer speaks to you or the respondent before they send this letter to the court they will include what you say in this letter. So, if you can, it is a good idea to really think about the most important things you want to say to the Cafcass officer before they call you.

This information is provided to the court, usually in time for the first hearing. Cafcass or CAF/CASS Cymru will usually give this information to you too. If they don't then the court will tell you what's in the information unless it thinks that doing this might create risks for you or your ex (or other family member) or your child or children. Search YouTube for the Cafcass video '[What happens when I receive a letter](#)' about what to expect when you first hear from them.

If the judge asks, a Cafcass officer will write a report for the court about your children's needs. The judge may ask the Cafcass officer to focus on one or more particular issues which you disagree about. Cafcass have made a short video [Working with you and your children](#), which you can find on YouTube, about what to expect if the court orders that a Cafcass officer needs to write a report about your family.

When a Cafcass officer is asked to write a report about your case they will speak to all the important people in your child's life. This could be other family members, neighbours, teachers, nursery staff, support workers etc. – as well as you and your ex of course. Their aim is to find out what is happening for your child now and what is in your child's best interests going forward. They will then



make recommendations on what care arrangements should be put in place for the future for your child. They will use the welfare checklist (see [page 9](#)) to help them make their recommendations to the court.

## Working with the Cafcass officer in your case

Even if the court does not ask Cafcass to do a detailed report about your family you will still speak or meet with a Cafcass officer right at the start of your case. The Cafcass officer will usually call you and your ex as part of their enquiries before the hearing and also speak to you both at the first hearing.

If your first hearing takes place in a court building, a Cafcass officer will be there, but it is highly likely they will have other families to meet too and you will have to wait to be seen. After you have both spoken to the Cafcass officer there will be time to go into the court room with your ex and the Cafcass officer who will report back to the judge. The judge will then decide if the Cafcass officer needs to carry on being involved in the case or not. If your hearing takes place by phone or video call then the Cafcass officer will join the hearing at the same time as you, the other people in the case and the judge. In this situation the Cafcass officer will usually try and have a meeting with you beforehand, by phone or video call.

The Children and Family Court Advisory and Support Service

This can be nerve-racking for everyone involved. Here are our top tips for working well with your Cafcass officer.

### Top tips for working with your Cafcass officer

- ✓ Try really hard to focus on your child and their needs for the future, not yours.
- ✓ Try to stay calm and be polite to the Cafcass officer even if you are feeling frustrated, angry, anxious or upset.
- ✓ Plan what you want to say about your case – write it down so you don't forget anything important. This will help you feel calmer too.
- ✓ Be honest and open with the Cafcass officer whenever you speak to or meet with them.
- ✓ Avoid criticising your ex. This is not good for your child to hear and if you criticise your ex to the Cafcass officer they will worry that you might do this when your child can hear it too. They will also think you are more focused on your ex and the past rather than your child and the future. Remember though, there is a difference between criticism and raising any concerns you have about how your ex's behaviour if you think this poses a risk of harm to your child.
- ✓ Remember that, even if you don't agree with the Cafcass officer, they are just doing their job which is to work out what is in the best interests of your child as the law sees it.
- ✓ When talking about the arrangements for your child with the Cafcass officer, clearly explain your proposal to show that you have thought things through for your child. For example, who will look after your child when you are ill or at work?
- ✓ Focus on the positives about your family life – what you enjoying doing together with your child and what your role was in your child's care before the separation. This will help the Cafcass officer to understand you as a family better and the reasons why you are asking for the arrangements you are putting forward.



- ✓ If the court orders that the Cafcass officer needs to write a report about your case make sure you get to all the appointments (or rearrange in good time if you really can't make it) and that you arrive on time or, better still early! If your meeting with Cafcass is by video or phone make sure you are ready for it. For example, try to find a private and quiet space for the meeting and make sure that you understand how to join the meeting. If you are unsure about any of it, make sure you ask the Cafcass officer how it will work.
- ✓ If the Cafcass officer comes to do a home visit make sure you are ready and the house is tidy and welcoming when they arrive.
- ✓ Ask when you can expect to receive a copy of the Cafcass officer's report but don't hound them for information. Try to bear in mind that they have lots of families to work with. The more reasonable you are with the Cafcass officer the more they will trust you to be reasonable about your child and the future plans.

## Get some legal advice

We have set out lots of information about Cafcass above but if you want to talk through your particular case, one of our panel of Resolution members can do this.

The Children and Family Court Advisory and Support Service

### Get expert legal advice

for just **£114** on



- ✓ How best to present your case to Cafcass.
- ✓ What you can do if you are not happy with the Cafcass officer's recommendations.
- ✓ How to work with what Cafcass recommends.
- ✓ The next steps you should take.

**FIND OUT MORE | >**

or go to  
[www.advicenow.org.uk/children-6](http://www.advicenow.org.uk/children-6)

# The First Hearing Dispute Resolution Appointment

**In this section we explain what happens at the first meeting (called a hearing) you have with a judge. The name given to this hearing by the court is the First Hearing Dispute Resolution Appointment or FHDRA. You may hear court staff and lawyers call it this, or they might just call it the first hearing.**

## Before the first hearing

In some cases you may be told to do something before the first hearing – if so, you will receive an order from the court. For example, you may have to provide a summary explaining what progress you and your ex have made in producing a Parenting Plan or attend a Mediation Information and Assessment Meeting if you have not been to one, and the Judge decides that you have wrongly claimed that you don't have to go to one.

## The first hearing

The first hearing usually takes place about 4-6 weeks after you start your case, but it could be longer than this due to the backlog of cases in the family court. You and the respondent must both attend. If you don't turn up, the court can refuse your application or go ahead without you. If the respondent does not turn up, the court can go ahead as long as it thinks the respondent knew about the hearing. If neither of you attend, the court may refuse your application.

The hearing usually lasts between 30 minutes and 1 hour. You will meet a judge, or often, a panel of three Magistrates, and a Cafcass officer (in Wales, a Welsh Family Proceedings Officer). They will want to be clear what you agree about and where you disagree. They will try and help you find a solution to some or all of the issues you can't agree about. The Cafcass officer will try and talk to each of you before the hearing. If you have concerns about the safety of yourself or your children now is the time to raise them with the Cafcass officer.

You can find a short Ministry of Justice film called [Attending the first hearing](#) on YouTube to give you an idea of what usually happens at the first hearing.

More and more hearings are taking place by video call or over the phone. The court will decide if this should happen in your case or if you need to go to a court building. If the hearing takes place by video or phone call then it will be a bit different to how we have described it above.

The court will contact you by letter, email or phone to let you know how the hearing will take place. If it is by video or phone they will explain more about the process for joining the hearing and how Cafcass will be involved. To understand more about hearings that don't take place in a court building you can take a look at our guide [Court and tribunal hearings by video or phone call](#).

The first hearing (the First Hearing Dispute Resolution Appointment)



Regardless of how the hearing takes place the court will decide whether:

- your child should be involved in the proceedings, and if so how,
  - it needs a report from the Cafcass officer or from the local authority (if a local authority has been involved in your family's life),
  - it needs expert evidence, for example, from a child psychologist,
  - you and the respondent must prepare and file a statement (for more information about how to do this see [Statements](#)),
  - a fact finding hearing should take place. This is a special hearing which the court may arrange so that a judge can decide on whether there is any truth in the allegations of domestic violence or abuse made by either of you. This hearing will be arranged if the judge considers that the allegations (if true) would be likely to affect the final decision of the court and there is no other way of dealing with the case properly ([Rights of Women](#) have useful information on this),
  - to make an interim order, about what should happen in the short term about child arrangements before a final order can be made,
- to postpone (the law calls this 'adjourn') the case, for example, to allow a MIAM to take place or to give you time to complete a parenting plan or the opportunity to attend mediation,
  - to ask HM Courts and Tribunals Service to produce a bundle, if both parties involved in the dispute are litigants in person,
  - to arrange a Dispute Resolution Appointment or a final hearing, or
  - to make a final order.

If you or your ex makes any allegations of domestic abuse or harm the court must consider these carefully, at this hearing in particular, to work out how the case will be managed. To understand more about this, you can see the rules in the Family Procedure Rules. Search online for '[Practice Direction 12J](#)'.

If the court cannot make a final order, it will make an order for directions. This is a list of instructions telling you and your ex (or other family member) what to do and when. This is how the court manages the case to make sure it progresses.

If possible, the court will give you a copy of the order it makes before you leave the courtroom. If there are things in it you do not understand, say so, politely. You should know if there is going to be another hearing in your case and the date, time and location of that hearing before you leave the court. If you don't, make sure you ask. If your hearing is by video or phone, any court orders will be emailed or posted to you.

## Get some legal advice

If you can possibly afford it, it will be very helpful to get some legal advice on how to prepare for the first hearing, also known as the First Hearing Dispute Resolution Appointment.

The first hearing (the First Hearing Dispute Resolution Appointment)

## Get expert legal advice

for just £120 on



- ✓ If you need to ask for an adjournment to have more time to prepare – this is where the court postpones the hearing to another date.
- ✓ If you might be able to reach agreement and avoid the hearing altogether.
- ✓ How to clearly define the key issues in the case.
- ✓ If you should try and get representation from a solicitor or barrister.
- ✓ What you should prepare for the hearing and how to do it.
- ✓ What issues you should talk to Cafcass about.
- ✓ The contents of the Cafcass letter and how you should proceed (if you have already received this).
- ✓ If you need to prepare the court bundle and how to go about it.

**FIND OUT MORE | >**

or go to  
[www.advicenow.org.uk/children-7](http://www.advicenow.org.uk/children-7)

## Involving children

The judge will think about how your child or children should be involved in any decision made. Depending on how old they are, their wishes and feelings must be considered. Often a Cafcass officer or social worker will do this by talking to your child. Sometimes a child might want to write a letter to the judge or meet them. The judge will ask for your views about this. If the judge does talk to your child they won't ask them what they want to happen. Instead it's an opportunity for your child to see that the judge has understood their wishes and feelings. It also allows your child to see the place where important decisions are being made about them and meet the person making them. The judge might ask to meet your child over video or phone. If this happens and you are not sure how this will work, make sure you ask a member of court staff to explain.

The judge will also want to think about how your child should be told about the decision once it is made. It may be that you or your ex can do that or perhaps a Cafcass officer or social worker will do it if that would make things easier for your child.

## Consent orders

It is common for arrangements for the children to be sorted out by negotiation and agreement at the first hearing.

The details of what you have agreed will be recorded and approved by the court. If the court thinks you can stick to what you have agreed, it may decide not to make a court order at all, even an order that you both agree to (known as a consent order). However the court will make an order if it thinks that would be best for your child or children.

## Forms and rules



If you want to read more about the First Hearing Dispute Resolution Appointment you can search online for '[family procedure rules Para 14.1](#)'.

The first hearing (the First Hearing Dispute Resolution Appointment)

## Who can come to the hearing

The first hearing (and any later hearings in your case) will be held in private, whether it takes place in a court building, or by video or phone. However, if your hearing is in a court building, that doesn't stop you bringing a friend or family member along for moral and practical support. If you want them to be in the court hearing with you, you will have to ask the judge. Sometimes that will be okay, especially if you can explain why it would help you for them to be with you. But be prepared for the judge to say no. If your hearing takes place by phone or video call you cannot have anyone else in the room with you unless the judge gives you permission.

Often you can have someone in the hearing with you if you want them to act as what is known as your 'McKenzie friend' but they will not be able to speak on your behalf. You need to ask the permission of the judge beforehand. The person you want to support you will almost certainly need to tell the Judge who they are, and a little about themselves. A McKenzie friend can act as your eyes and ears for you during the hearing, for example, by taking notes and reminding you of things you want to say to the judge. They should have no personal involvement in the case. Tell the court as soon as possible if you want someone to take on this role. If you would like to read more about what McKenzie friends can and cannot do you can look the [Courts and Judiciary guidance on McKenzie friends](#).

The judge can ask your McKenzie friend to leave the hearing if they behave in a way that interferes with the court doing its job, for example, if they make loud comments.

Again, if your hearing is by phone or video call you will need to get permission from the judge to have someone with you to act as your McKenzie friend. This means that they will need to be in another room until the judge says they can join you in the hearing.

## Rules about whether the media are allowed to be at your court hearing

There are strict rules about whether and when the media are allowed to attend hearings in family cases. For information about whether and when the media can attend the hearing about the arrangements for your children, search online for the EX711 leaflet: '[Can the media attend my court case?](#)'

The first hearing (the First Hearing Dispute Resolution Appointment)



## What to do if you are frightened of meeting your ex at court

If your hearing is going to take place in a court building and you are worried about meeting your ex because they have been violent or abusive to you in the past, phone the court and tell them this. Ask them to make arrangements for you to wait for the hearing in a safe place. When you arrive at court, ask security to show you where to go. You can also ask them to help you arrive and leave the court separately from your ex, via a different exit.

[Support through Court](#) has volunteers based in some courts who may be able to help, for example, by accompanying you to and from a hearing. They also have some volunteers who may be able to support you if you have a hearing by phone or video call. Look at their website for more information on their service.

If your hearing is going to take place by video or phone there are different things to think about. If you can, try to be in room or place that is not private to you so that your ex doesn't get to see your private space. If your ex doesn't know your new address or whereabouts at all, try and make sure that you have plain background behind you. If you possibly can, arrange for someone supportive to be there for you when the hearing finishes so you can talk things through.



The first hearing (the First Hearing Dispute Resolution Appointment)

# Dispute Resolution Appointment

**If you are unable to reach agreement at the first hearing, it may be that the court will postpone the case (this is called adjourning the case) so a report can be prepared by Cafcass (see [page 34](#)) or for other evidence to be obtained. When this further information is available, the judge may ask you to attend another hearing for something called a Dispute Resolution Appointment. At this hearing the judge will explore with you again whether you and your ex (or other family member) can agree arrangements for your children.**



If you are unable to reach agreement, the judge will order that the case is listed for a final hearing.

The judge can do a number of things at a Dispute Resolution Appointment, for example:

- identify the key issue(s) that need to be decided and how far they can be sorted out at this hearing,
- consider whether your case can be dealt with and finished at this hearing,
- listen to the evidence as a way of resolving or narrowing down the areas of disagreement (the law calls these 'issues') between you,
- identify what evidence there is on the areas of disagreement which remain to be sorted out at the final hearing,
- give final case management directions. These can include instructions about what further evidence you must file, whether you must file a statement, whether you need to prepare a bundle (this what lawyers call a file with all the key documents about the case), and the date of the final hearing.

**Dispute  
Resolution  
Appointment**

## Get some legal advice

If you can possibly afford it, you should get some legal advice on what evidence would help support your case. Evidence can come from different places and in different forms. For example, a paternity test, drug and alcohol testing, medical records or a statement from you or a witness who supports your case.

### Get expert legal advice

for just £120 on



- ✓ The different types of evidence that you should give to the court and how to make best use of them.
- ✓ Key things to put in your statement (be aware that the solicitor can give advice on your statement but cannot tell you exactly what to put in it or write it for you in this session).

[FIND OUT MORE | >](#)

or go to  
[www.advicenow.org.uk/children-8](http://www.advicenow.org.uk/children-8)

If you didn't get any legal advice before the first hearing, it would be really sensible to get some now before you attend the Dispute Resolution Appointment.

### Get expert legal advice

for just £120 on



- ✓ If you need to ask for an adjournment to have more time to prepare – this is where the court postpones the hearing to another date.
- ✓ If you might be able to reach agreement and avoid the hearing altogether.
- ✓ How to clearly define the key issues in the case
- ✓ If you should try and get representation from a solicitor or barrister
- ✓ What you should prepare for the hearing and how to do it.
- ✓ What issues you should talk to Cafcass about.
- ✓ If you need to prepare the court bundle and how to go about it.

[FIND OUT MORE | >](#)

or go to  
[www.advicenow.org.uk/children-9](http://www.advicenow.org.uk/children-9)

## Forms and rules



If you want to read more about the Dispute Resolution Appointment you can search online for the '[family procedure rules 12b Para 19.1](#)'.

# The Final Hearing

**In this section we explain what a final hearing is, what happens in it and how to get ready for it.**

The final hearing is when a judge hears the evidence and makes a decision. But this only happens if you cannot reach an agreement yourselves. People often think that the judge will run the hearing, ask their ex questions, give them a hard time or unpick the evidence to get at the truth. Judges will help where they can (particularly if they think that you are struggling) but if you are the person who applied generally you have to be prepared to take the lead.

Judges vary in how they start a final hearing. They should explain what is going to happen and put you at your ease. The judge may invite you to speak, or not. They may just expect you to stand up and start. If you are not sure what to do, just stand up and say something like, 'Would you like me to start now?' If you don't know the judge's name or how senior they are, it is best to call a man 'Sir' and a woman 'Madam'.

Sometimes hearings take place in rooms rather than in courts and you may not need to stand up when speaking. If you're not sure about where you should sit and whether to stand or stay sitting when speaking, just ask the judge.

You and your ex will each have a chance to tell your story (the law calls this 'giving evidence'). You will have to make a formal promise to the court to tell the truth (the law calls this 'take an oath' or 'affirm'). Whoever is the applicant goes first and the respondent second. If your ex is represented by a lawyer, then the lawyer will get them to tell their story by asking them questions. When your ex finishes telling their story, you and the judge can ask them questions. When you finish telling your story, the judge (or your ex's lawyer if they have one) can

ask you questions. The Judge will help with asking questions where necessary. When you ask questions, make sure they are questions and not speeches.

If Cafcass or CAF/CASS Cymru has prepared a report, the author of the report usually attends court for the final hearing. This will give you, your ex and the judge an opportunity to ask them questions about what the report says and the recommendations.

The judge decides what order to make about the arrangements for your children and explains the reasons for their decision. Sometimes this will not happen on the same day as the full hearing because the judge needs more time to think about your case. In this situation you will be asked to come back to court another day. You won't have to wait too long, maybe another week or so.



If you don't turn up to the hearing, perhaps because you are feeling sick with nerves, it will usually still go ahead. To avoid this, try and get a friend to go with you. If you don't go, it is likely that you will lose your case. If you have a good reason for not being able to get to court, it is really important that you phone the court office and ask them to get a message to the judge explaining the reason. The judge will then know that you are not simply avoiding the hearing. If you are genuinely too ill to attend court, you will have to provide a letter from your doctor to confirm this. You will need to tell the doctor that you have a court hearing as your doctor's letter will need to be very clear about whether you are fit to attend court or not.

The Final Hearing

## How to prepare for the final hearing

### Getting ready for the hearing: a checklist

- ✓ Make sure you have done everything the court has asked you to do.
- ✓ Have you sent all the documents you were told to send to the court?
- ✓ Make clear, easy to read notes of what you want to say at the hearing so that you can refer to it. This will help you remember the most important things you want to say. You may think that what you want to say on the day will just occur to you at the time. But you cannot rely on this.
- ✓ Think about and plan the questions you want to ask your ex.
- ✓ Get your papers organised.
- ✓ Have a summary ready of what you want the court to order.

You can find a short Ministry of Justice film called [Attending a full hearing](#) on YouTube which shows you what happens at the final hearing.



It is possible that your final hearing will take place over video or even phone. The judge is likely to prefer a video hearing over a phone hearing as it helps to see people's faces when they are giving evidence.

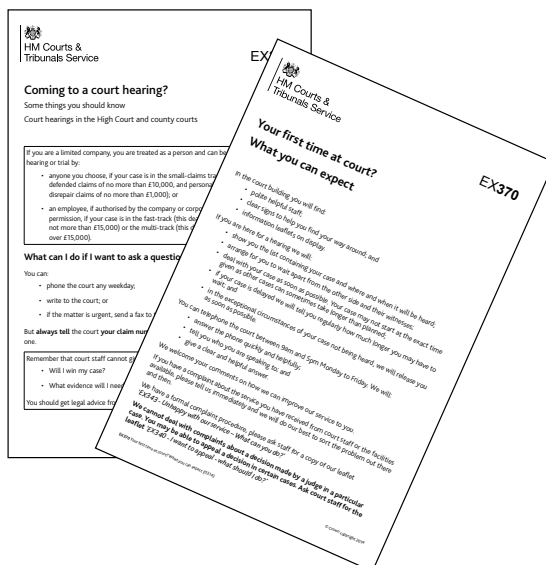
A final hearing over video or phone will be quite different to one in a court building but all the same rules apply. It is likely to take longer as everyone will need to take a break from the screen at some point.

The court will tell you in advance about the type of hearing you will have. You will be sent information on how to join the hearing and how to prepare – for example what equipment you will need.

Next is a list of things to remember if your hearing is by video call.

- Dress in something you would wear to a hearing in a court building – not your loungewear!
- Keep your camera on unless, for example, everyone is asked to take a short break.
- Look at your camera when you speak rather than yourself on the screen or the judge's image on the screen.

## The Final Hearing





- Put your microphone on mute unless you are asked to speak – this helps keep down background noise for everyone.
- Do not record or take any screen shots or photos of the hearing – this is a criminal offence!
- Try and sit in a place where any light is in front of you. If there is a window behind your face will be in shadow and it will be hard for the other people to see your face.

For more information on hearings by video and phone take a look at our guide called [Court and tribunal hearings by video or phone call](#).

## Get some legal advice

If you can possibly afford it, you should get some legal advice on how to prepare for the final hearing. As the name suggests this is the hearing when the judge will give a final order about the arrangements for your children. There have to be very good reasons for the court to make changes to a final order so it is really important that you prepare for this hearing thoroughly.

## Get expert legal advice



for just £120 on

- ✓ What more you need to do to get ready for your final hearing.
- ✓ How to respond to the Cafcass report (you might want to challenge it in some areas).
- ✓ How to give oral evidence on the day and what your strategy should be.
- ✓ If you need to call witnesses, who they should be, and how to do that.
- ✓ If you should try and get a solicitor or barrister to represent you.
- ✓ Whether or not you need to apply to the court to ask for more time to prepare (called an adjournment).
- ✓ How to get the court bundle ready, if you need to.

**FIND OUT MORE | >**

or go to [www.advicenow.org.uk/children-10](http://www.advicenow.org.uk/children-10)

The Final Hearing

### Top tips!

- ✓ You don't have to speak in legal language or long words – use plain English.
- ✓ Ask questions if you feel unsure about what is going on.
- ✓ The Judge is not 'for' or 'against' you; that is not their job. They will usually help or prompt you when necessary.
- ✓ Take notes of what the other person says. There may be a point you disagree with and having notes will help you to argue your case more convincingly.
- ✓ When someone asks you a question listen to it carefully and answer the question you are being asked. If you don't understand the question, say so and ask for it to be put in a different way.
- ✓ Arrange for someone else to be with you, if possible and if the judge allows it, to take notes for you when you are speaking. There will be times when you can't do both!
- ✓ In some courts a volunteer from [Support Through Court](#) may be able to come with you if your final hearing is in a court building.
- ✓ Take careful notes of the Judge's order at the end.
- ✓ Ask the Judge what the order means if you don't understand it.

# Rules about who you can communicate with about your case

**There are strict rules about who you can communicate with about your case.**

Communication doesn't just mean talking to someone. It includes, for example:

- talking
- texting
- tweeting
- blogging
- messaging
- videoing
- emailing
- posting information on a website or online forum
- posting information on Facebook – whatever your privacy settings
- via any other social media or online tool
- phoning
- publishing something in a newspaper, magazine or book
- writing and posting a letter



For information about who you can communicate with about your case outside court, search online for [‘Talking about family proceedings outside court \(EX710\)’](#)

Rules about who you can communicate with about your case

# Statements

## In this section we explain:

- ✓ what a statement is,
- ✓ when you have to prepare one,
- ✓ show you what one looks like,
- ✓ suggest some top tips to think about if you have to write one yourself.



A statement is a written summary explaining your view of the background to the disagreement between you and your ex, what has caused you to come to court, what you want the court to do and why you think this would be best for your children.

If the court asks both you and your ex to write a statement, it may accept your statement in a letter or it may want you to produce a more formal statement. If so, it may ask for something in the format shown on [page 52](#), or it may give you something called a 'template' and ask you to fill it in. You may be asked to use a statement template which you can find by searching online for '[C120 form witness statement](#)'. You could simply look at it yourself to help you organise your own. The judge is likely to tell you how they would like you to do your statement – for example by saying it should be no more than 10 pages long and what evidence you can or cannot include. It is best, if you are not sure, to ask exactly how they would like you statement to be.

You only need to prepare a statement if the court orders you to do this. If it does, it will also give you a deadline for doing this and tell you who you should send or deliver the statement to. The court will expect you to send or deliver a copy of

your statement to the court office, to anyone else involved in the case, (usually just your ex, but there might be other people involved too), and to the Cafcass officer if there is one involved at this point.

Your statement should concentrate on the issues which you have asked the court to resolve. You should set out the relevant facts, based on your own knowledge – not what someone else has told you or your opinion about something. A court will only take account of someone's opinion about something if it is given by an expert witness about something they are experts in that is relevant to the case, for example, a child psychologist's opinion about whether your child has suffered damage to their health or development. You must not ask an expert to prepare a report without the court's permission.

You can ask a friend or family member to help you if you think that would make it easier. But court rules say that any discussions you have with them must be private (confidential). You need to explain this to them at the beginning.

Here are some top tips to help you prepare your statement:

## Top tips!

- ✓ Plan carefully what you want to say.
- ✓ Try to keep it brief.
- ✓ Write the court name and your case number on the front page of your statement.
- ✓ Number each paragraph.
- ✓ Describe the background to your case.
- ✓ Set out events in date order.
- ✓ Explain what led to you asking the court for help.
- ✓ Explain what you want the court to do and why you think this would be best for your children.
- ✓ Be specific about what you want. So, for example, if you are asking for an order about when you and your child will spend time with each other, explain what you want to happen on weekdays and weekends during term time, birthdays and other special days (for example birthdays, religious festival days, Mother's Day, Father's Day). Do you want to suggest that you alternate school half term holidays? And that the children spend half of the school summer holidays with each of you? Where will you spend time together with your children? Do you want to say who is to deliver and who is to return the children and at what time? Who is going to pay any handover/travel costs?
- ✓ If you and the other parent agree about some things, tell the court this.
- ✓ Also explain what you still disagree about.
- ✓ Don't go on and on about what a poor parent your ex is – focus on the children's welfare.
- ✓ If your ex has behaved in a way that might harm the children, then explain what they have done and how this affected or might affect the children. Be as factual as possible.
- ✓ Focus on showing that there is no reason why the children should not spend a reasonable amount of time with you.
- ✓ If possible, type up your statement on A4 paper. It will be easier for everyone to read than if you write it by hand.
- ✓ Add a statement of truth: 'I believe that the facts stated in this witness statement are true', and then sign and date it.
- ✓ When you send it to the court, send a copy to the other parent or their solicitor (if they have one).
- ✓ If there is a Cafcass officer involved make sure you give or send a copy of your statement to them too.
- ✓ Keep a copy for yourself and take some spare copies to court for other people who may need to read it. If your hearing is by video or phone the court will ask you to send your statement by post or email.

Statements



## An example of a statement

**The Family Court sitting at** *[insert name]*

**Court No:** *[insert number]*

**In the matter of the Children Act 1989**

**And in the matter of Arun Jones (D.o.B: 02.12.13)**

**And Jasmin Jones (D.o.B: 05.03.16)**

**Between:-**

**PAT JONES**

**Applicant**

**and**

**MO JONES**

**Respondent**

---

### **FIRST STATEMENT OF PAT JONES**

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- 1** I am Pat Jones, *[insert occupation]* of *[insert address]*. I am the Applicant and this is my statement in support of my application for an order making arrangements for me to spend time with my children.
- 2** The Respondent, Mo, is the children's mother.
- 3** Mo and I lived together from about March 2012 to May 2019.
- 4** We have two children, Arun born 2 December 2013 (now 7 years old) and Jasmin, born 5th March 2016 (now 5 years old).
- 5** The children live with Mo and she looks after them on a day to day basis. From May 2019 until March 2021, the children came to stay with me every other weekend. We had no difficulties organising this and the children were very happy to come and stay with me. I think Mo quite enjoyed having some time on her own, to go out and see her friends. I always turned up on time. If by any chance I was going to be a bit late I would text her and she was fine with that.
- 6** I was going to have the children to stay for the first weekend in March but Mo contacted me during the week before to ask if we could put it off as her parents were coming to stay and would be very disappointed if the children were not there. I felt I had to agree for the children's sake although I did ask her to try and arrange for her parent's visits to coincide with weekends when the children were with her rather than when they were coming to stay with me in the future. She seemed OK with that. We agreed that the children would come and stay with me the following weekend.

*(continued)*

- 7** On Friday March 7th 2021, just as I was about to leave to collect the children, my phone rang. It was Mo. She said she was going to have to cancel the children's visit as Arun was running a temperature and had been sick that afternoon. I said I would be happy to look after Jasmin but Mo said she did not think this was a good idea. She was in a hurry to get off the phone as Arun was calling for her.
- 8** The next day I phoned to check how Arun was doing. Mo said he was a bit better but that he was asleep and I couldn't talk to him. I phoned again on Sunday, but Mo said she was too busy to talk.
- 9** The following week I tried to arrange the children's next visit. Mo said there was no point discussing it as the children were very unsettled and staying at my house was not helping. I was upset and tried to explain to Mo why it was important for both me and the children that we saw plenty of each other. She seemed to agree but then moments later was again saying I could not see them.
- 10** Mo continued to make excuses about why I could not see the children. One weekend I turned up as agreed and no one was in. It turned out she had taken the children to stay at her sister's.
- 11** She kept putting me off until I had not seen them at all for 6 weeks. I told her that unless we reached an agreement before the end of April and I was seeing the children again I would have no choice but to go to court.
- 12** I asked Mo to go to family mediation. I had a Mediation Information and Assessment Meeting, about how it all works but Mo refused to go. So, all I could do was apply to court.
- 13** I don't understand what is going on or what has changed. We made our own arrangements about when the children would stay with me for nearly two years. All of a sudden this seems impossible.
- 14** I would like to collect the children from school on alternate Fridays during term time and for them to stay with me for the weekend. I will then return them to Mo's home on Sunday's at 6pm. I would like the children to stay with me for half of half term and other school holidays. I would also like to be able to speak to the children on the telephone during the week.

### **STATEMENT OF TRUTH**

I, Pat Jones, believe the facts stated in this witness statement are true.

SIGNED:

DATED: 20th May 2021

Statements

# Top tips!



- ✓ Get organised!
- ✓ Write your case number on any letters, documents or forms you send to the court. If you email the court make sure you put the case number in the title of the email and include the next hearing date. This way they will get linked up with your case. The case number is how the court is able to identify all the papers in your case. You will find your case number on any letters or documents about this case that you have had from the court.
- ✓ Keep copies of all letters and emails you send and receive, as well as court papers in date order in a folder.

Your statement, (if you are asked by the court to prepare one), is a very important part of the evidence the court receives. If you would like help on how to prepare your statement you can get this from one of our panel of expert solicitors. Take a look at the help our solicitors offer on getting your evidence ready on [page 44](#).

Top tips!

# What does it mean?

In this section we explain the legal jargon we think you are likely to come across.

## **Acknowledgement (Form C7)**

– is the form the respondent uses to tell the court that they have seen the application about the arrangements for the children.

## **Acknowledgement of service**

– the respondent ‘acknowledges service’ when they reply to the court (usually by filling in and returning Form C7) agreeing that they have received the application about the children.

**Allegation** – a claim that someone has done something wrong.

**Applicant** – the name given to someone who applies to a court for a court order.

**Application** – how you ask a court to do something.

**Bundle** – an information pack that pulls together all the information and evidence relevant to a case in one place. It makes it easier to refer to information during a hearing.

**C100 form** – the application that starts the process of asking for an order about the arrangements for the children.

**Cafcass** – Cafcass stands for Children and Family Court Advisory and Support Service. Cafcass operates in England.

**CAFCASS Cymru** – CAFCASS stands for Children and Family Court Advisory and Support Service. CAFCASS Cymru operates in Wales.

**Cafcass officers** (sometimes also called family court advisors) – are specialist social workers whose job is to help parents agree the arrangements for their children (where this is possible) and write reports for the court about the needs of children.

## **Child arrangements orders**

– an order which sets out the arrangements about who a child is to live, spend time or have contact with and when.

## **Confidential contact details (Form C8)**

– The form you fill in if you don’t want to reveal your contact details (your address, telephone number, email address) or the contact details of your child or children. Form C8 is just for the court – so they know where you are and how to get hold of you. The information you give on it will be kept secret unless the court orders differently.

## **Directions on issue**

– instructions given at the very beginning of a case telling you what to do and when.

## **Dispute resolution**

– this refers to ways of sorting out disagreements without going to court. It includes methods such as mediation and arbitration.

What does it mean?

*(continued)*

**Dispute Resolution Appointment (DRA)** – this is a court hearing which takes place towards the end of the court’s involvement in your case. It gives you another opportunity to see if you can sort out your disagreement with the help of a judge.

**File** – you file something at court, for example legal forms or documents when you either take or post them to the court office.

**First Hearing Dispute Resolution Appointment (FHDR)** – the court hearing which takes place at the beginning of the court’s involvement in your case.

**Hearing** – the name given to a meeting with a judge or magistrates.

**Issue** – officially start court proceedings.

**Litigant in person** – this is what the law calls you if you represent yourself in court proceedings without the help of a solicitor or barrister.

**Notice** – a notice is a bit like a letter. They are the way courts tell you what is going on and what you need to do next.

**Notice of hearing** – this tells you that a court case has started and when and where your first meeting with a judge will take place.

**Order for directions** – this is a list of instructions telling you what to do and when.

**Party** – this kind of ‘party’ isn’t about balloons and dancing. It’s a person or group of people forming one side in a dispute.

**Pre-action** – before court proceedings start.

**Proceedings** – court action taken to settle a dispute.

**Respondent** – this is the name given to the person or people you have to give a copy of your application for a court order to. A respondent can then reply (respond) to your application.

**Serve** – delivery of court documents, usually by post. In some circumstances, the courts also allow delivery by email.

**Settle** – sort out the case with your ex or other family member by reaching an agreement.

**Statement** – this is a written summary of the background to the disagreement, any recent events that have caused the application and what should happen in the future.

**Statement of issues** – An issue is something you disagree about. A statement of issues is a brief summary of what you want the court to decide for you because you can’t agree them with your ex.

What does it mean?



# More help and advice

## How to find a family mediator

Ask friends and family for a recommendation, or your solicitor if you have one. Or, look at the [Family Mediation Council](#) website. If you follow up a recommendation, check the name of the mediator on the Family Mediation Council website to be sure they person recommended is accredited.

[www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk)

It is fine to phone around, ask how much they charge and compare prices. For more useful information on mediation as a process have a look at [A survival guide to family mediation](#).

## How to find legal advice

[LawWorks](#) can be a good place to start. LawWorks supports a network of over 280 free legal advice clinics that provide initial advice to individuals on various areas of law. Use their [search](#) to see if there is a clinic near you that offers family law advice.

[www.lawworks.org.uk](http://www.lawworks.org.uk)

Another option might be a law centre where lawyers sometimes give free legal advice on family law issues. Use the [Law Centre Network](#) search option to see if there is a law centre near you.

[www.lawcentres.org.uk](http://www.lawcentres.org.uk)

For help finding a family lawyer a good place to start is [Resolution](#) where you can find lawyers by searching using your postcode. Resolution members must commit to helping you work out your legal problem in a non-confrontational way. A green tick next to the lawyer's name tells you that they offer legal aid.

[www.resolution.org.uk](http://www.resolution.org.uk)

You can also search for a specialist lawyer near you who has been accredited by the Law Society. This means they

have a significant amount of experience and expertise and have passed a Law Society assessment – go to [Law Society Find a solicitor page](#). You can also find a family lawyer via the [GOV.UK website](#).

[solicitors.lawsociety.org.uk](http://solicitors.lawsociety.org.uk)

[find-legal-advice.justice.gov.uk](http://find-legal-advice.justice.gov.uk)

Some family law specialists do extra training in an approach to solving legal problems called collaborative practice. If you use this approach, each of you agree to use a collaboratively trained lawyer and have meetings together to try and solve the issues without going to court. You can search for a collaboratively trained lawyer on the [Resolution website](#) by choosing 'Collaborative practitioner' in the Service offering box.

The Child Law Advice service provide free advice on all areas of English child and family law from the [Child Law Advice Line](#) on **0300 330 5480** Monday to Friday 8am-6pm.

[www.childlawadvice.org.uk](http://www.childlawadvice.org.uk)

[Rights of Women](#) offers free, confidential legal advice for women in England and Wales on family law matters (for example, about domestic violence and abuse, divorce, cohabitation, finances and property on relationship breakdown, parental responsibility and arrangements for children and lesbian parenting).

For women in England and Wales, call: **020 7251 6577**. Line open Tuesday to Thursday, 7pm-9pm, Fridays 12pm-2pm (closed on public holidays).

For women in London, call: **020 7608 1137**. Line open: Mondays 10am-12pm and 2pm-4pm, Tuesdays 2pm-4pm, Wednesdays 2pm-4pm, Thursdays 10am-12pm and 2pm-4pm (closed on public holidays).

[www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)

More help  
and advice

[RCJ Advice family services](#) include free legal advice delivered daily through legal appointments and FLOWS, a national domestic abuse legal service linking women to legal aid for family law. The service is currently working remotely and offering appointments by phone and zoom. To book an appointment please complete an Assessment Form on their website.

[www.rcjadvic.org.uk/family](http://www.rcjadvic.org.uk/family)

Another way to get legal advice is to speak to a barrister who is qualified to represent members of the public directly (without a solicitor being involved). There are limits on what a barrister can do outside of representation at court but it is often a cheaper option if you just want to get some advice rather than have a solicitor to negotiate on your behalf. The details of appropriately qualified barristers and an explanation of the way the system works can be found by searching online for '[Direct Access Portal](#)'. Don't be afraid to phone around to compare prices or see if you can find someone who will give you the first appointment for free. Try and get organised before you make any calls, so that you can answer questions about your case clearly.

[www.directaccessportal.co.uk](http://www.directaccessportal.co.uk)

## Help at court or help with a court hearing by phone or by video call

Court staff may be able to explain court procedures and help you find a court form. They are not able to give you legal advice.

[Support Through Court](#) supports people going through the court process without a lawyer. Volunteers offer a free and confidential service at some court buildings. You can look at their website to see if they have an office at your local court. The volunteers aim to help you manage your own case yourself. They cannot give legal advice or act on your

behalf, but can offer practical help such as going to your hearing with you and supporting you with your forms. They can also help you if your hearing is by video or phone, by talking you through the process and sometimes joining the hearing too.

[www.supportthroughcourt.org](http://www.supportthroughcourt.org)

They run a free national helpline **03000 810 006**, open Monday to Friday 10.30am-3.30pm. This is a good place to start for information on what they can do to help you.

## Child contact centres

Child contact centres are neutral places where children of separated families can spend time with the parent they don't live with day to day and sometimes other family members, in a comfortable and safe environment. For more information go to [National Association of Child Contact Centres website](#).

[www.naccc.org.uk](http://www.naccc.org.uk)

## Domestic violence and abuse

**Always dial 999 in an emergency.**

For support or to discuss your options you can call the 24 hour [National Domestic Violence Helpline](#) on **0808 2000 247** or in Wales, [Live Fear Free](#) on **0808 80 10 800**.

Both help lines are for anyone who is experiencing, or has experienced domestic abuse, or for anyone who is worried about domestic abuse happening to a friend, family member or colleague. It is free, confidential and the number will not show up on a BT telephone bill.

If you are a man and you or your children are affected by domestic violence or abuse you can contact the [Men's Advice Line](#) on **0808 801 0327**.

[The National Centre for Domestic Violence](#) provides a free, emergency

injunction service to survivors of domestic violence regardless of their financial circumstances, race, gender or sexual orientation. You can contact them on: **0800 970 2070**. Alternatively you can text: NCDV to **60777** and they will call you back.

[Galop](#) runs a national helpline for lesbian, gay, bisexual and trans people experiencing domestic abuse. You can contact them on **0800 999 5428**.

You can find more information and support from:

[www.refuge.org.uk](http://www.refuge.org.uk)

[www.womensaid.org.uk](http://www.womensaid.org.uk)

[www.welshwomensaid.org.uk](http://www.welshwomensaid.org.uk)

[www.survivingeconomicabuse.org](http://www.survivingeconomicabuse.org)

## Parenting help and support

Cafcass (Children and Family Court Advisory and Support Service) work with children and their families, and then advise the courts on what they consider to be in the best interests of individual children. They have lots free and useful information on their website for parents and children.

[www.cafcass.gov.uk](http://www.cafcass.gov.uk) or  
[www.gov.wales/cafcass-cymru](http://www.gov.wales/cafcass-cymru)

[Gingerbread](#) provides expert advice, practical support and other help for single parents on their website:

[www.gingerbread.org.uk](http://www.gingerbread.org.uk)

If you can't find what you need on their website you can call their Single Parent Helpline: **0808 802 0925**.

Mondays: 10am-6pm, Tuesdays/  
Thursdays/Fridays: 10am-4pm,  
Wednesdays: 10am-1pm and 5pm-7pm.  
The helpline is closed on all public holidays.

[Family lives](#) is a national charity providing help and support in all aspects of family life:

[www.familylives.org.uk](http://www.familylives.org.uk)

Their helpline can give information, advice, guidance and support on any aspect of parenting and family life.  
Family Helpline: **0808 800 2222**  
Monday to Friday 9am-9pm,  
Saturday and Sunday 10am-3pm.

[OnlyMums](#) offers online support to parents going through divorce or separation. The site has a free web chat facility and email exchange service. OnlyMums and OnlyDads run the Family Law Panel, which links you up to specialist family law solicitors, barristers or mediators near you for a free initial conversation either on the phone or by email to help you work out how to go forward.

[www.onlymums.org](http://www.onlymums.org)

[OnlyDads](#) offers online support to parents going through divorce or separation. The site has a free web chat facility and email exchange service. OnlyMums and OnlyDads run the Family Law Panel, which links you up to specialist family law solicitors, barristers or mediators near you for a free initial conversation either on the phone or by email to help you work out how to go forward.

[www.onlydads.org](http://www.onlydads.org)

[MATCH – mothers apart from their children](#) is a charity that offers non-judgemental support and information to mothers apart from their children in a wide variety of circumstances.  
E-mail: [enquiries@matchmothers.org](mailto:enquiries@matchmothers.org).  
Helpline: **0800 689 4104** 9am-1pm and 7pm-9.30pm, Monday-Friday.

[www.matchmothers.org](http://www.matchmothers.org)

## Help for grandparents seeking contact

[Kinship](#) is a charity supporting grandparents and other family members or family friends involved in caring for children when their parents can't. They also have a useful section if you are a grandparent who is losing or has lost touch with your grandchildren.

[www.kinship.org.uk](http://www.kinship.org.uk)

More help  
and advice

## Disclaimer

The information in this guide applies to England and Wales and is for general purposes only. The law is different in Scotland or Northern Ireland.

The law is complicated. We have simplified things in the guide to give you an idea of how the law applies to you. Please don't rely on this guide as a complete statement of the law. We recommend you try and get advice from the sources we have suggested.

The quotes and cases we refer to are not always real but show a typical situation. We hope they help you think about how to deal with your own situation.

**advicenow.org.uk**  
Making sense of the law and your rights

If you would like this guide in another format please email [guides@lawforlife.org.uk](mailto:guides@lawforlife.org.uk)

This guide was written and produced by Advicenow with funding from the [Family Justice Council](#) and later updated thanks to funding from [The Legal Education Foundation](#). This version of the guide was updated thanks to funding from the Ministry of Justice and The Access to Justice Foundation through the Legal Support for Litigants in Person grant.

Advicenow would like to thank all those who provided feedback on this version of the guide, particularly Polly Morgan, Associate Professor of Law.

**Published by Law for Life – April 2022**

This is just one of our guides to help you deal with family law problems. We have plenty more and most are free. Find them all at [www.advicenow.org.uk/help-deal-family-problems](http://www.advicenow.org.uk/help-deal-family-problems)



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We are always trying to improve our service. If you have any comments on what you like or don't like about this guide please go to [www.advicenow.org.uk/feedback](http://www.advicenow.org.uk/feedback).

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