

The Court and your child:

when social workers get involved

easy words and pictures



The Court and your child

when social workers get involved



parent's solicitor



parent's doctor



parent's sister



parent's friend

People

These are the people who appear in the booklet.



parent



child



child's teacher



barrister



social worker



social worker's
solicitor



senior social worker



psychologist



children's guardian



children's guardian's
solicitor

Text

1. Most children are brought up by their parents, either together or on their own without any worries.

Sometimes though people involved with a family might become worried about children in a family or a baby who is about to be born. They may have worries about how the mum or dad is coping.





2. Sometimes the people who get worried are people in the family, sometimes they are workers like midwives, health visitors, or teachers. If someone is worried about how a child is being looked after they can tell Social Services. They will check to see if the child is okay

3. If someone is worried about how you are looking after your child or might look after a new baby, the social worker may come to see how you are doing. Their job is not to blame you and they may see that you are doing some things very well. However, what they have to work out is whether overall everything you are doing is good enough and the baby or child is okay.



4. The social worker will visit you and will talk to people who are involved with you to get more information about how you are doing. They might talk to your family, your doctor, midwife, or health visitor.

5. If the social worker is worried about things, they may decide to set up a meeting called a Case Conference ("Child Protection Conference"). This is a meeting where lots of people get together to talk about the child. A senior worker who has never been involved with the family will run the meeting. The first social worker will be there and other workers involved with the family will be invited to be there. You can go and take someone with you to support you, such as a member of your family or an advocate.





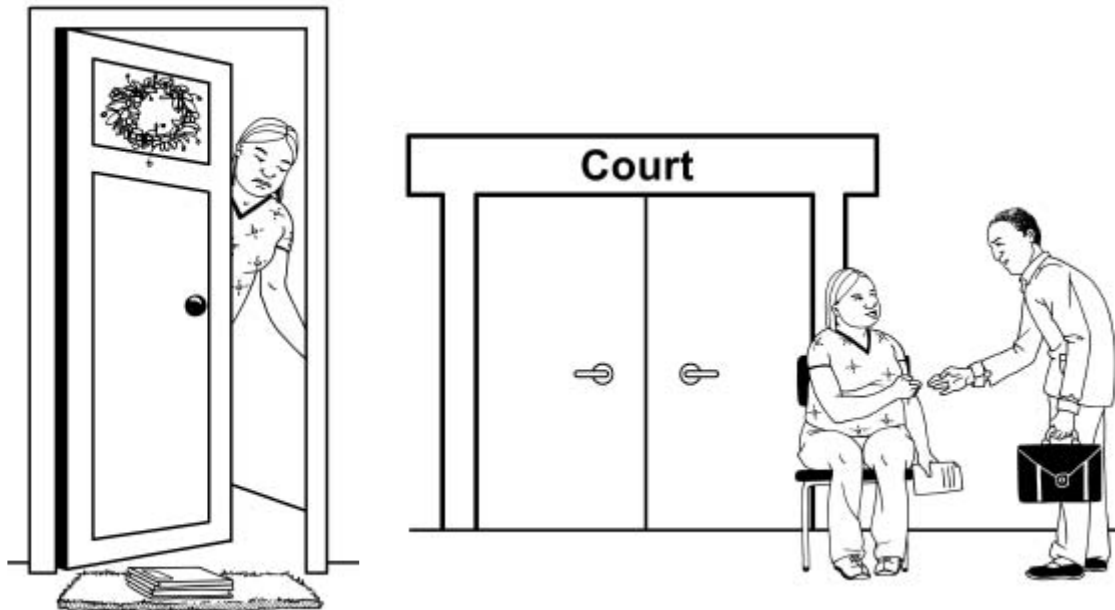
This is a good time to speak to a solicitor, just to get some advice and help. They may be able to come to the meeting as well. It is best if you can find a solicitor who is on the Children Panel. You can get information about these solicitors from advice centres or by looking in the Yellow Pages or the social worker can get a list of these people from their solicitor. At the meeting everyone, including you, has a turn to say what they think.



6. The meeting can make recommendations about what should happen including what support could be given to you, whether somebody in your family could help you to look after your child for a while, or it could recommend that a court becomes involved. If they are really worried then they can put the child's name on the Child Protection Register and they then have to work out how to help that child.



7. Very occasionally, in a real emergency, a court case could be begun without you being told (an emergency protection order) but this is very unusual. Normally if the social worker decides to begin a court case then she will give a statement to her solicitor who prepares the other court papers.



The papers will be delivered to your house and if you have not already done so you then need to get a solicitor. Give the papers to your solicitor who will make sure someone comes to court to speak for you. If possible your solicitor will see you before the day of the hearing but there is not always time. If they cannot they will spend time talking to you at court on the first day. Make sure you know the first name of the person you are meeting and where you will meet them.



8. The first hearing is normally in the Family Proceedings Court, sometimes called the Magistrates Court. You will be at that hearing with your solicitor and the social worker will go with her solicitor.



9. The court also asks a Children's Guardian, an independent social worker from a government organisation called CAFCASS, to become involved to look from the outside at what might be best for your child.



That person will also choose a solicitor to come to court for your child. They will normally be at the first hearing. The children's guardian is an important person in the court case. They will do their own investigating, seeing you and all the other people involved with your child as well as coming to all the hearings.



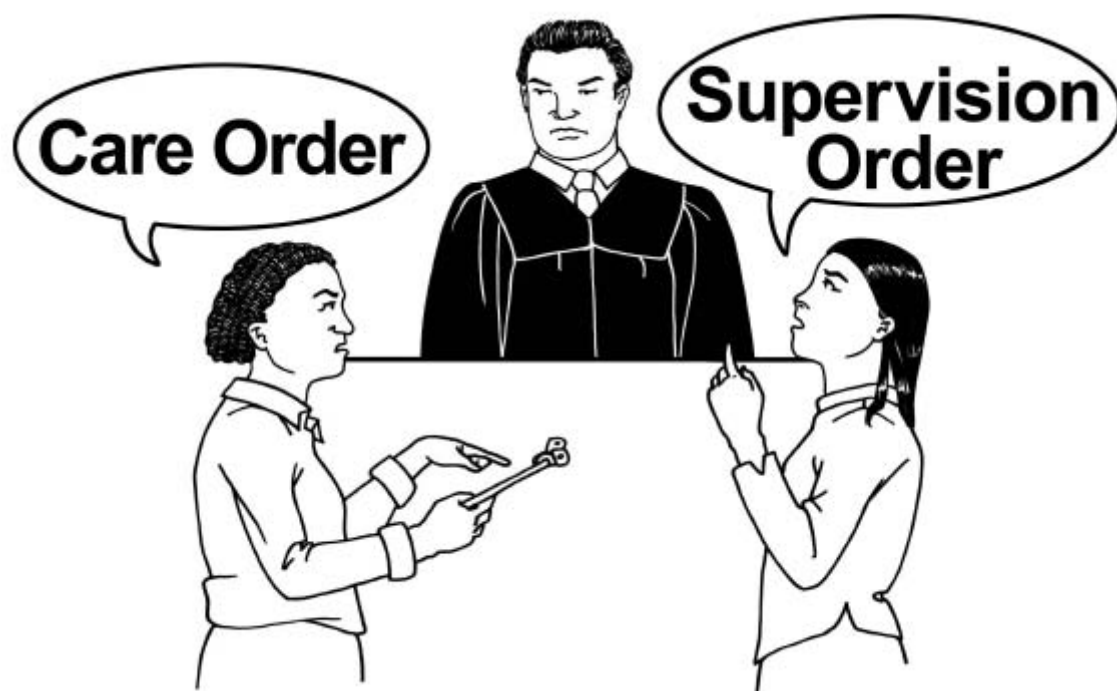
One of their particular jobs is to tell the court what your child wants if they are old enough to say that.



10. At court there is going to be a lot of time where you are waiting around and it may be easier if you bring someone with you to keep you company. That person cannot come into to the actual hearing unless everyone agrees with that, but they will be able to wait with you outside.



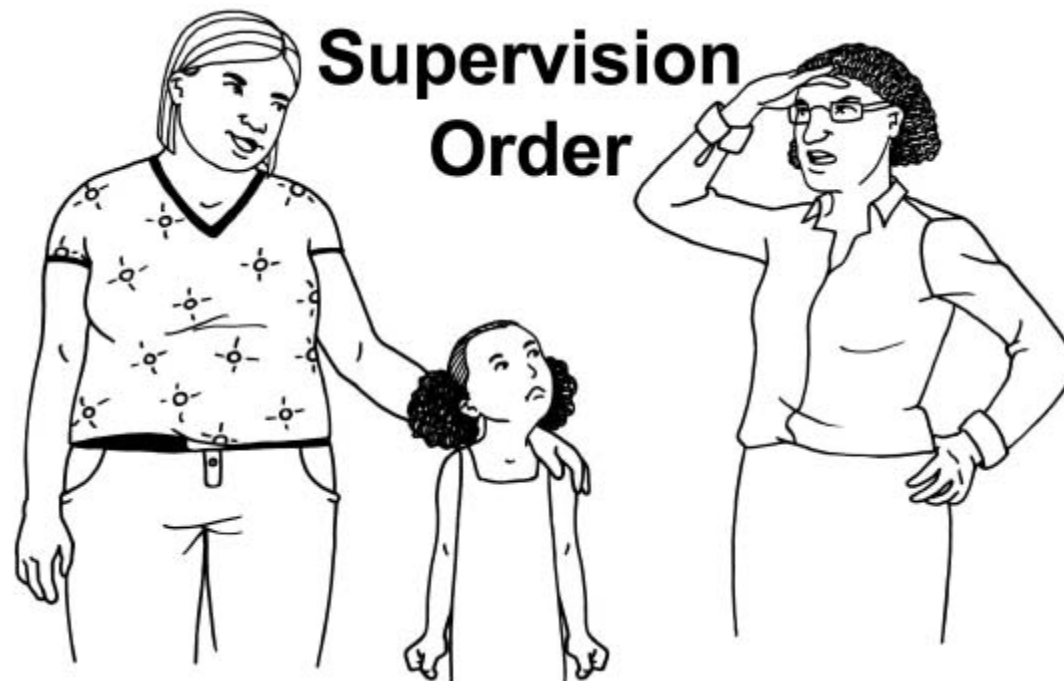
11. Your solicitor will go off and talk with the other solicitors, the social worker and the guardian at court and will keep coming back to tell you what is happening and to ask you what your views are.



12. The court might be asked to make a Care Order or a Supervision Order.



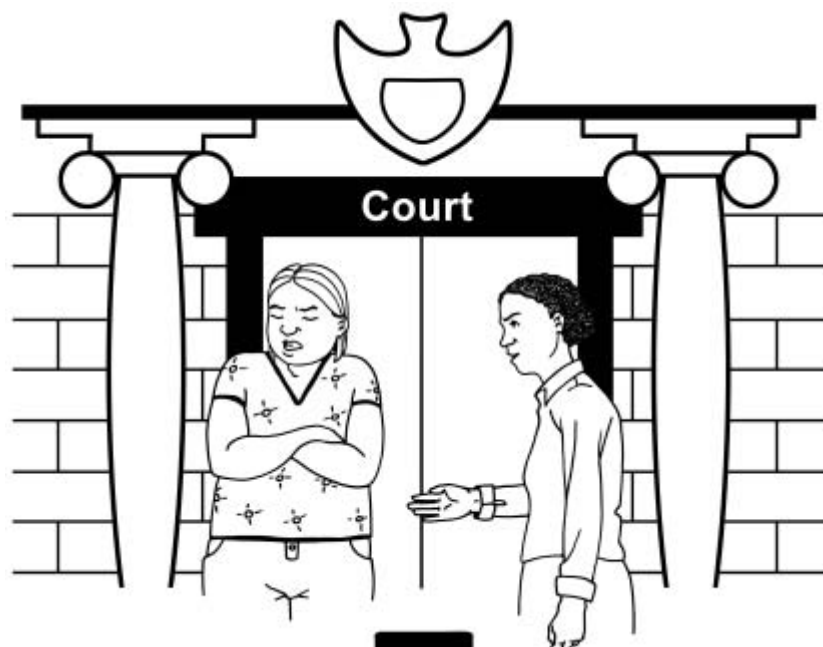
Normally a child's parents are the only people with parental responsibility for them which means that they have responsibility for the child. A Care Order means that social services also get parental responsibility and they can decide things like where a child lives and who they see. If things are very bad then that could mean that they decide to take your child away from you.



13. Another order which the court could make is a Supervision Order. This does not give social services parental responsibility for your child but does mean that they are legally involved with your family and can come and see the child and keep an eye on what is happening.



14. Orders like these will only be made if you agree or if the Court decides that the order is needed anyway. Often it is possible to agree outside the courtroom what will happen at that first hearing.



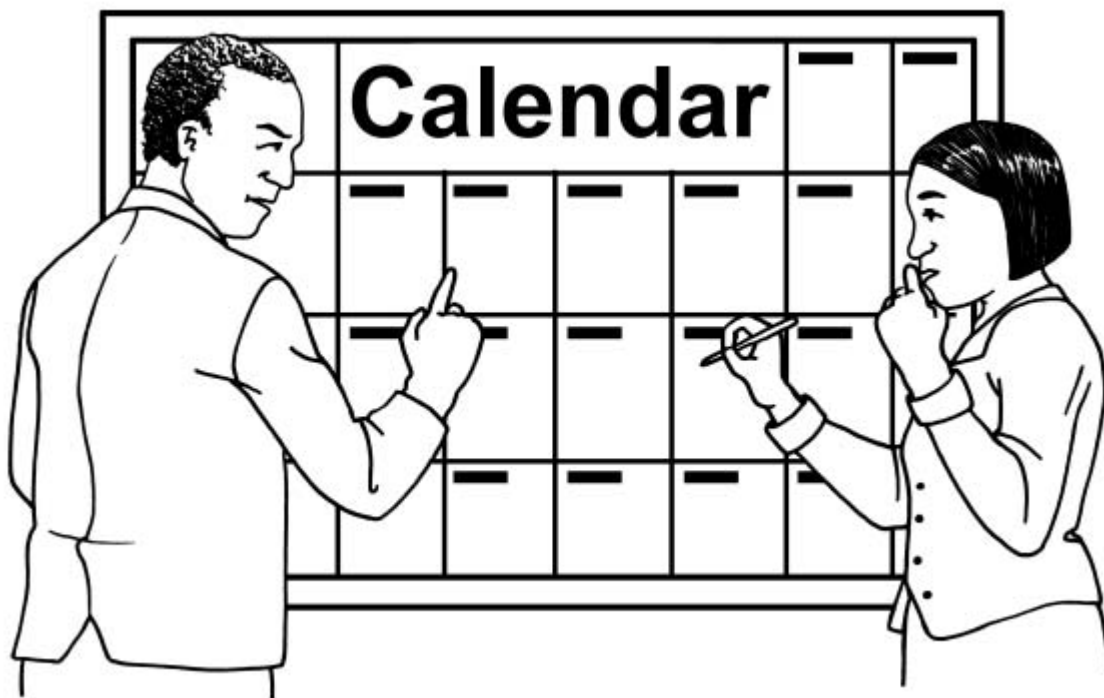
If you do not agree, the Court will have a hearing where everybody tells the magistrates what they think should happen and the magistrates then decide.



15. At that first court hearing, people also might talk about what they want you to do to look after your child. It may be written down as an agreement which you would sign as well as the social worker signing it.



16. The magistrates might also decide that your case needs to go to another court for future hearings. If so they will fix up a date for that hearing. You should always leave court knowing when the next hearing is going to be.



17. At the next court hearing the solicitors will try to work out the timetable for the whole case which will normally be finished in about eight to nine months. That will probably seem like a very long time to you but people will need to see how you are doing and maybe to look at anyone else who might want to care for your child if you cannot, such as a relative of yours.



18. If your child is young, you may find at this hearing that people talk about “twin tracking”. This can be quite upsetting for parents. The court always has to think about what will happen to a child if no one in their family is good enough to care for them. The court therefore tells social workers that they have to think about whether one day in the future a child might have to be adopted if no one is right in the family to look after the child. The social workers have to then keep this in their minds while the court case goes on and may mention it to you from time to time.

It is important to remember that, even though it is talked about at this very early stage, it will always be the last thing a court will choose out of all the options for a child. Social workers and courts are very clear that children should always be brought up by their parents or by another family member if at all possible. Adoption will always be a last choice for a child.



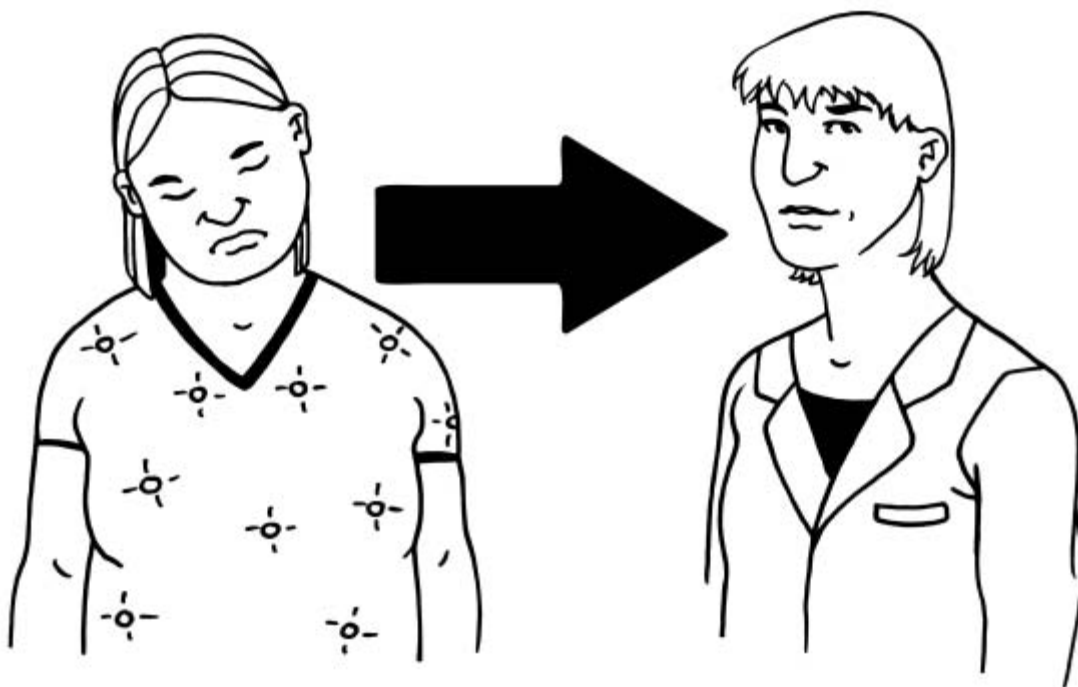
19. During the court case the social worker will keep seeing you to do what is called “an assessment”. This is working out whether or not they think you can be a good enough parent for your child. They will probably want to have quite a few meetings with you. It is very important that you keep appointments with the social worker and try to answer their questions, even if you do not find them easy to get on with.



Again, keep talking to your solicitor about how things are going and tell them if you have any problems with the social worker.



20. The judge also has to think about whether it would be helpful to know more about you than the social workers can say. The judge may want you to see a psychiatrist or psychologist. They will write a report for the court which may help you look after your child better.





21. A psychologist might be asked to look at why you are the way you are, including looking at what happened to you when you were a child. There may be things that you have learned, maybe without realising it, which are not good for your child. These things could be changed so that you can look after your child better.



22. You will see that by this time there might be quite a lot of people involved in your case! It is important that you always keep checking with your solicitor who is involved and what they are doing.

You may also find it helpful to get a diary and keep a note of everyone who wants to come and see you. Your solicitor may also be able to find out when people are going to first get in touch with you so that you know what to expect.



It is also really important that you tell your solicitor if there are any things that are worrying you. You may not always understand what people want you to do. It is much better to keep letting your solicitor know things which worry you as he or she may be able to sort things out for you.



23. Occasionally children are not able to live with their parents while a court case is going on, if people are really worried. If that happens they may go to live with someone in your family or they may live with foster carers.



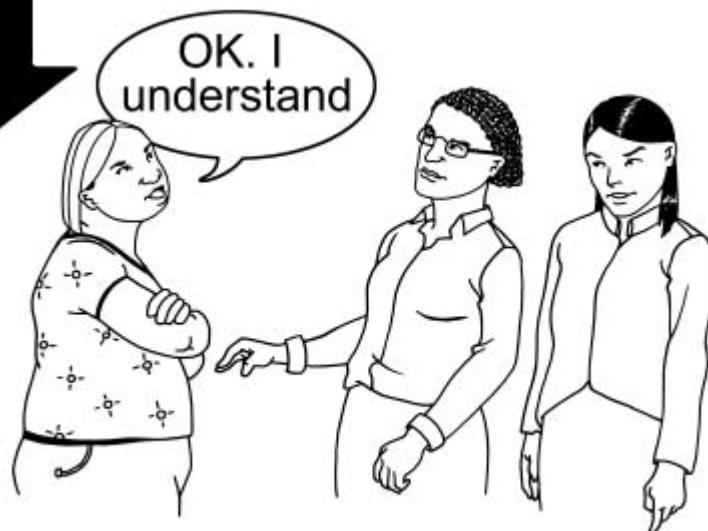
Foster carers are people who are used to looking after other people's children. Normally you should be able to know who they are and may be able to meet them, so talk to the social worker about this.



If your child is not living with you the social worker will organise times for you to see your child, quite often with someone else there to make sure the child is okay. This is called "supervised contact". It is really important that you go to all contact sessions which are set up.



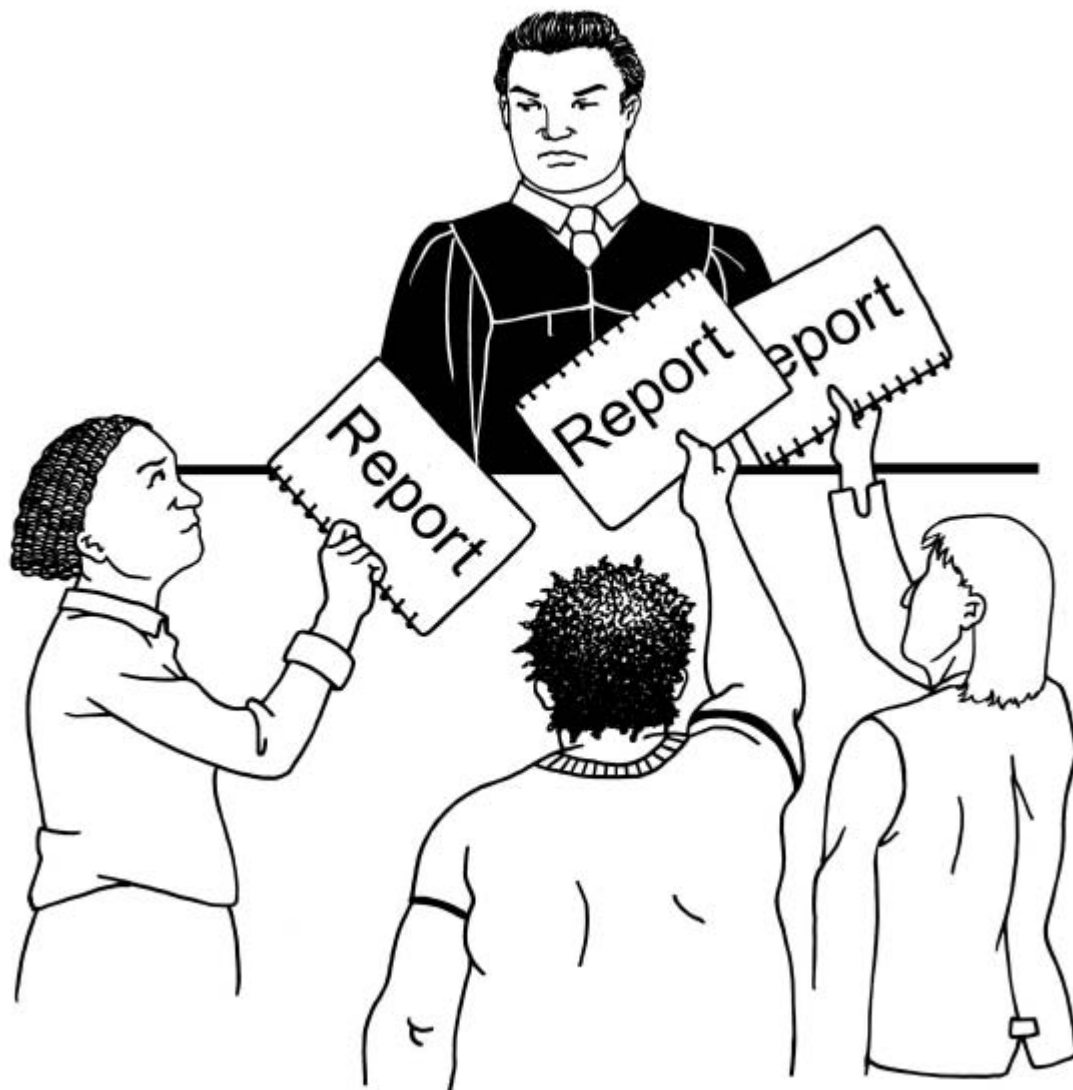
Tell the social worker or your solicitor if you are having problems, for example with buses or with bus fares, as they may be able to help.



24. People often ask what the best thing is that they can do to get their children back or make sure they stay with them. The best approach is to listen carefully to the advice you get from the workers who talk with you and from your solicitor.

This may mean having to face up to things which have gone wrong. It may also mean understanding why these things happened and learning ways to make sure they do not happen again. It may well be difficult but if you really do try to do this you will find that people will work hard to help you.

All the workers start out wanting to try to keep your children with you but at the end of the day it all depends on you.



25. As the case goes on people involved will prepare reports which will be sent to the court and to everyone involved in the case. This will include people like the social worker, health visitor, midwife, teacher, or the psychiatrist or psychologist if one is involved.

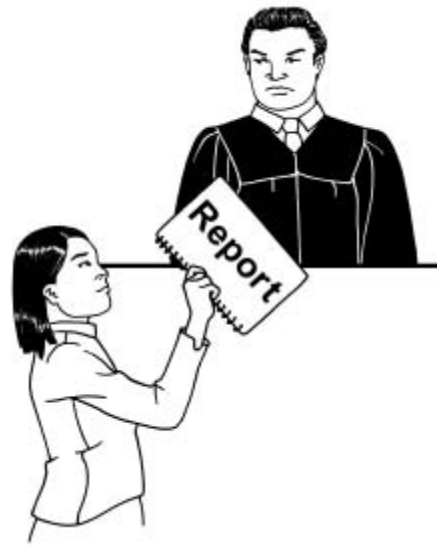


You will be able to see those statements and read them although you need to remember that they are private and you should not normally show them to other people without the court's permission. If there is someone who supports you who you would like to read through the report with you then talk to your solicitor to see if it is okay. If you have problems reading then do tell your solicitor this.





26. Once all those statements have been prepared, you will go and see your solicitor to talk about the statements. Your solicitor will then do a statement for you to sign saying what you want the judge to know. Your solicitor may also ask you if there are other people who are helping you as the judge may want to hear what they think. They can then give a statement to your solicitor as well for the judge to read.



The last person to send in their report is the children's guardian.



27. If at the end of the case everyone does not agree what should happen to your child then there will be a hearing so the judge can hear from all the witnesses.

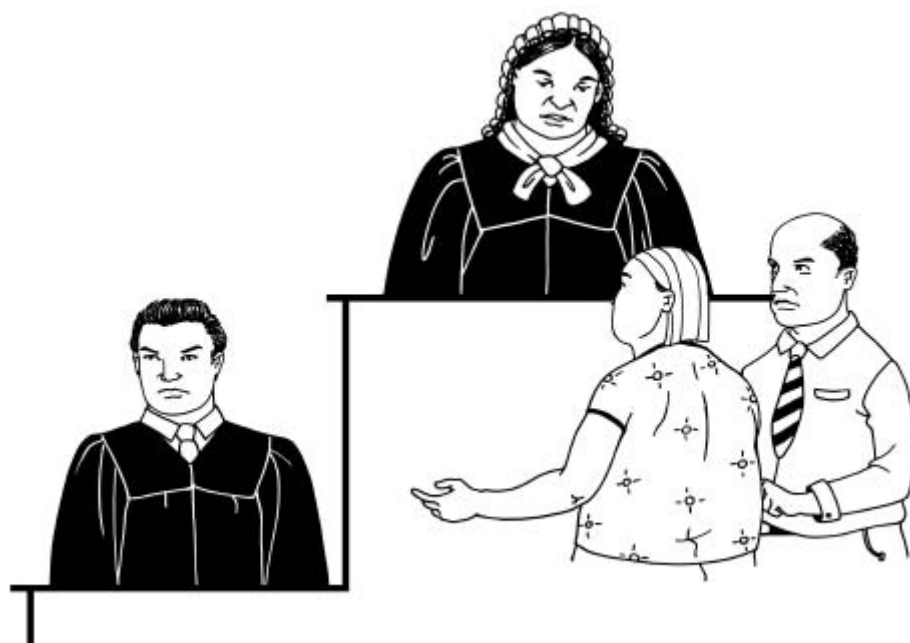


Your solicitor will talk to you about this as it is important for them to know what you want to happen and whether you want to talk to the judge yourself. This is an important decision for you to make as it is a hearing where the judge will make a final decision about your children.

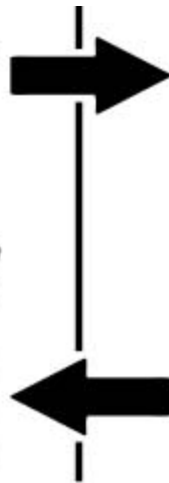
You may find that your solicitor gets a special lawyer called a barrister to come to court with you for that last hearing. If they do they will try to arrange for you to meet your barrister before the hearing so you know who it is who will be talking for you.



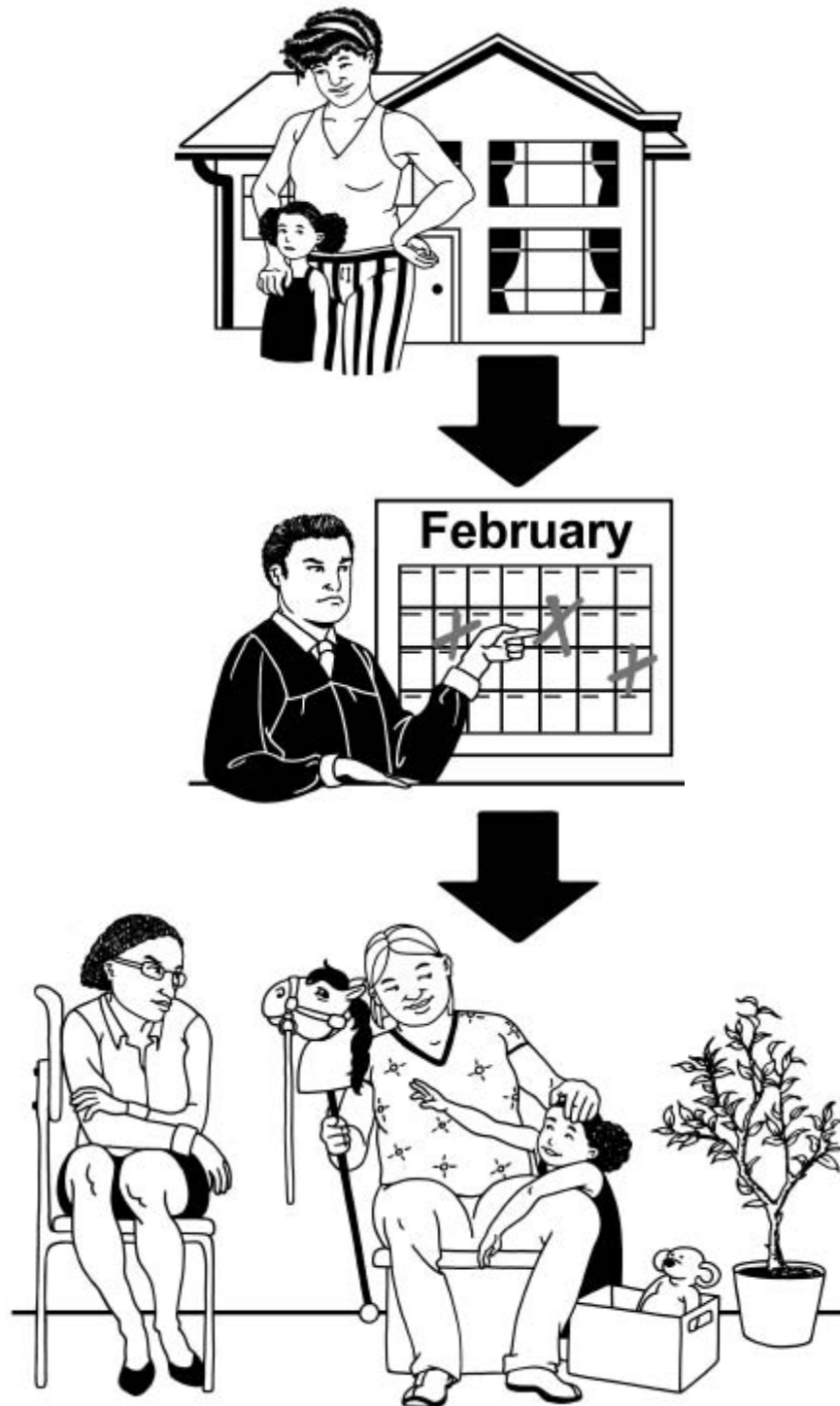
28. After the final court hearing the judge will say what he or she has decided shall happen to your child. Almost always this is a final decision and you will not be able to change it, even if you do not like it.



Extremely rarely it is possible to ask a more senior judge to say if he agrees, something called "an appeal", but this hardly ever happens. This is why it is so important to make sure you tell your solicitor everything which is important to put in your statement and also, if you want to, to talk to the judge (called "giving evidence").



29. The court will always try where possible to make sure children are brought up in their families. If this cannot happen then your child may be adopted or may live in foster care. If he or she is adopted then you are unlikely to be able to see the child but you will normally be sent information and photos once a year and will be able to send a letter yourself.



If your child is in foster care then at the last hearing the judge will work out how often you will be able to see your child.



If after that there are problems with your child, do make sure you go back to your solicitor and talk to them about it. It may be that they can sort out the problem or they may be able to take the case back to court.



Words to Pictures

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