

Dunn & Baker Family Team

6. CHILDREN – WHAT IS CAFCASS ?

Cafcass stands for Children and Family Court Advisory Support Service. Cafcass is independent of the courts, social services, education and health authorities and all similar agencies.

Cafcass was set up on 1st April 2001 under the provisions of the Criminal Justice and Court Services Act which brought together the family court services previously provided by the Family Court Welfare Service, the Guardian ad Litem Service and the Children's Division of the Official Solicitor's Office.

WHAT ROLE DOES CAFCASS PLAY IN FAMILY PROCEEDINGS?

You will often hear your solicitor referring to CAFCASS and just how important their role is within Family Proceedings but what is that Role? Cafcass has a statutory responsibility in England to ensure that children and young people are put first in family proceedings and that their voices are properly heard. The court may ask a person from Cafcass to speak to the children who are the subjects of proceedings. People who work for Cafcass are called either Children and Family Reporters or Children's Guardians. It is very unusual for a child to attend Court and therefore it is very important that the child's side of things are presented to the Court. The information obtained from the child about what their wishes and feelings are will be communicated to the Court. CAFCASS are there to ensure that the decisions made about children by courts are in their best interests and that they and their families are supported throughout the process.

In a nutshell, Cafcass operates within the law set by Parliament and under the rules and directions of the family courts. Their role is to:

- safeguard and promote the welfare of children
- give advice to the family courts
- make provision for children to be represented
- provide information, advice and support to children and their families.

The main types of cases in which the courts ask Cafcass to help are when:

- parents or carers are separating or divorcing and have not reached agreement about arrangements for their children
- social services have become involved and children may be removed from their parents' care for their safety
- children could be adopted.

The court often asks the Children and Family Reporter to write a report about what he or she thinks is best for the child. A report should be prepared in about 10 weeks but can take up to 16 weeks to prepare. Even though a report is being prepared it does not mean that agreement cannot be reached during that time and indeed quite often is. The report is provided to the parties and to the Court. The report will make recommendations to the Court as to how the CAFCASS officer thinks the matter should proceed. The Court will place great importance upon the report in determining how the case should be resolved.

CAFCASS will want to speak with any child involved and will want to find out what the child wants to happen and how he or she feels about things. The CAFCASS officer is trained in trying to make sure that the child is not made to feel guilty with divided loyalties and will not be asked to 'take sides'. The CAFCASS officer will also wish to take to other people who can provide information about the child such as doctor, teachers, relatives, health visitors and social workers. . It is normal to make enquiries of the police, social services and to see information already held by Cafcass. CAFCASS needs to speak with the parties involved. The information obtained is confidential but will be provided to the Court and to the parties within proceedings and other people involved in the report process. They could contact the Local Authority or the police child protection unit if a child is at risk.

If for whatever reason you were not happy with what had been written in the report then it is important that these concerns are raised by you or by your solicitor at the Court hearing.

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Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case. Dunn and Baker will be responsible only for advice specifically given to you.