October 2026

President of the Family Division

Context: Newborn Baby Protocol England and Wales

This Newborn Baby Protocol aims to provide a greater level of fairness for child and parents when care proceedings are issued **immediately following the birth of the child**.

Definition

In accordance with the Public Law Outline (PLO), all care applications made for a hearing before day 12 post issue are considered as urgent/short notice. The protocol differentiates urgent applications where the request is for a hearing on *the same day* the application is lodged with the court, from short-notice applications where a first hearing is requested/scheduled *within five days* of the application. The protocol aims to ensure that urgent applications ('same-day') are only granted in highly exceptional circumstances, with clear evidence that alternatives have been rigorously explored and ruled out.

Alignment with Children's Social Care and Health

It is recommended that this protocol is applied in partnership with local authorities and safeguarding leads from local maternity units.

In England, the protocol is designed to be consistent with wider preventative objectives of children's social care reform, including the timely provision of Family Help to prevent family breakdown and inclusive decision-making with families. Regarding Family Group Decision-Making (FGDM), the protocol adopts the language and definition of the Children's Wellbeing and Schools Act 2026. The Act *requires* that, before a local authority applies for a care or supervision order, it must offer a FGDM meeting to parents or others with parental responsibility, where this is in the child's best interests. The purpose of the meeting is to enable the family network to consider the welfare of the child/ren and to make a proposal regarding local authority concerns.

In Wales, the protocol is designed to be consistent with established early intervention and prevention and children's social care services in keeping with the Early Intervention and Prevention Framework 2026. This will include the timely provision of Families First (which is a Welsh specific programme separate to Families First in England) for early intervention, or children's services for those needing care and support, to prevent family breakdown and inclusive decision-making with families. In Wales the statutory requirement for Family Group Decision-Making (FGDM) does not apply however, Family Group Conferences or Meetings are established good practice and would be expected to establish the wider support network to consider the welfare of the child/ren and to make a proposal regarding local authority concerns leading to a family support plan.

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Child and Family Participation and Information Sharing

The protocol centres the rights of parent and child in respect of participation, legal representation and information sharing during the pre-birth period and in care proceedings:

- regarding the newborn baby, the protocol requires notification of Cafcass / Cafcass Cymru pre-birth if care proceedings are intended, so that they are able to allocate a children's guardian at the earliest opportunity post birth.
- regarding parents' participation needs, consideration must be given where possible at the point of court gatekeeping to domestic abuse, learning disability, language barriers or mental health, the needs of mothers in the immediate postpartum period regarding physical recovery, medication and emotional distress.
- regarding information sharing with parties, the hospital and Cafcass / Cafcass Cymru, principles of necessity, proportionality, accuracy and transparency must apply, as well as safety considerations regarding domestic abuse.

Useful references

- The Children's Wellbeing and Schools Act 2026
- Working Together 2026
- The Department for Education's Family First Partnership Programme
- The Born into Care: Best Practice Guidelines, Nuffield Family Justice Observatory and Lancaster University.
- Best Practice in Family Group Conferences
- The Welsh Government's Families First Programme
- Social Services and Well-being (Wales) Act 2014