

## Care Proceedings Fact Sheet

### 1. What are Care Proceedings

Care proceedings are court proceedings issued by the Local Authority where an application is made for an Order in respect of a child. If the Local Authority believe a child is at risk of significant harm, they can apply to the court for permission to take action to protect the child.

### 2. What are the possible orders that could be made in Care Proceedings?

The following public law orders can be made in care proceedings:

- (a) **Interim Care Order**
- (b) **Care Order**
- (c) **Interim Supervision Order**
- (d) **Supervision Order**
- (e) **Placement Order**

The following private law orders can be made in care proceedings:

- (f) **Special Guardianship Order**
- (g) **Child Arrangements Orders**
- (h) **Other s.8 Orders**
- (i) **Non-Molestation Orders**

### 3. What is an interim Care Order (ICO)

An Interim Care Order, like a Care Order grants the Local Authority parental responsibility. This means that the Local Authority are able to make decisions about your child's living arrangements and do not need the parents' permission to do so.

This is an Order that is made at the first hearing after care proceedings have been issued. This Order can last up until the conclusion of the proceedings. The Order can only be granted if the Court feels there is good reason to believe that a child may be at serious risk of harm.



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When social services apply for an Interim Care Order, they have to have prepared an Interim Care Plan which sets out where the child should live until the final hearing. This will include contact arrangements between the parent and the child. Social services must show the Care Plan to the parent(s) and should ensure that the plan suits the child's cultural, religious and racial heritage.

You can either consent to the ICO, oppose or neither consent to nor oppose the making of this Order.

#### **4. What is a Care Order**

This is an order made at the conclusion of care proceedings. The Local Authority gain parental responsibility for the child and the child becomes a looked-after child until the age of 18.

There is a possibility to issue proceedings to seek a discharge of a Care Order – this should be discussed with your legal representative.

#### **5. What is an interim Supervision Order (ISO)?**

A Supervision Order can be made within care proceedings if the threshold criteria are met. The Supervision Order places the child under the supervision of the Local Authority and does not give parent responsibility to the Local Authority. This order permits the Local Authority to advise, assist and befriend the child and the Court may attach certain requirements to the Order for the child (and the parents) to comply with.

#### **6. What is a Supervision Order?**

A Supervision Order lasts for a maximum of 12 months and may be extended up to a maximum of 3 years but cannot be extended beyond the child's 18<sup>th</sup> birthday. It can be discharged on application and will be discharged automatically by the making of a Care Order, Placement Order, Adoption Order or Special Guardianship Order.

**7. What is a Placement Order?**

A Placement Order is an Order made by the Court authorising the local authority to place a child for adoption with any prospective adopters who may be chosen by the Local Authority, even if the child's parents do not provide consent.

A Placement Order will usually be made if a child is at significant risk, and if there is no prospect of the child being able to be cared for safely by his/her parents or family members within a reasonable timescale.

Please refer to [Placement Orders](#) for additional information.

**8. How long will Care Proceedings last?**

It can take up to 26 weeks for a court to decide what should happen to the child, and some complex cases can take longer.

**9. What types of hearings can there be in Care Proceedings?**

**(a) Interim Care Order hearing**

This is ordinarily the first hearing in the case, although they can arise during the course of a case depending upon the circumstances. The hearing will be listed to consider whether the children should be removed from their current carer and placed elsewhere (either with another family member or into foster care)

**(b) Case Management Hearing:**

This is a court hearing where directions will be set as to how the case will progress. The court will review the Local Authority's application, including the proposed care plan for the child.

**(c) Fact Finding Hearing:**

In certain complex cases a separate multi-day hearing is listed where the court is being asked to make a determination upon findings that the Local Authority seek against certain parties in the proceedings.

**(d) Issues Resolution Hearing**

This is a court hearing to address if the court proceedings can be concluded early and to see whether the parties can reach agreement on the child's long term plans. It

will be listed to take place after the date upon which the Local Authority have filed its final evidence. Depending on the court you may also have final evidence from the other parties filed before it take place. If this is not possible, the hearing determines the issues to be identified for the final hearing.

**(e) Final Hearing**

If the parties have not reached an agreement at the Issues Resolution Hearing, the case will proceed to a Final Hearing. The Court will make final decision about the long-term care arrangements for the child and determine whether an Order is required to safeguard the welfare of the child at this hearing. If the court agrees that a Court Order is necessary given the circumstances, final decisions will also be made regarding with whom the child will live and contact arrangements for the parents and wider family.

*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.*

*Information up to date as at 10/03/2023*