

Contact with children in care

Introduction

When children are looked after in the care system it is really important for their well-being that they maintain positive relationships with members of their family. Keeping in touch with their family network is therefore essential unless this would put them at risk eg: if they were in touch with someone who had harmed them in the past.

This advice sheet is for parents and relatives who want to have ‘contact’ with their child when they are looked after in the care system under a care or emergency protection order. It is quite long so we have divided it up into sections to make it easier to read:

- [Part 1](#): Key information about arrangements for contact with a child who is in care (page 3)
- [Part 2](#): Tips on arranging contact (page 10)
- [Part 3](#): How to apply for a contact order (page 11)
- [Part 4](#): Where can I get more information? (page 17)

Since things can seem quite complicated when Children’s Services are involved with your family, you may want to ask a friend or your solicitor to go through this advice sheet with you and explain anything that you don’t understand.

If your child is in care with the agreement of the parents or anyone else with parental responsibility for the child and there is no care or emergency protection order, the rules about contact are a bit different so you should look at FRG advice sheet [Contact with children accommodated by Children’s services](#):

<http://www.frg.org.uk/need-help-or-advice/advice-sheets>

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We have included the references for all the legal and practice requirements in endnotes which you can find at the end of the advice sheet. For full details of all the documents referred to in the endnotes, see the references section also at the end of the advice sheet.

Note: “Social services” are now known as “Children’s Services”. This is how they are referred to throughout this advice sheet.

Key words used in this advice sheet include:

- **‘Accommodation’** means that a child is being looked after by Children’s Services with the agreement of the parents/those with parental responsibility.
- **‘Contact’** means visits, overnight stays, letters, phone calls, the exchange of photos, and any other ways that children and their families can keep in touch, including electronically, for example skype, email, messaging or texts.
- **Child Arrangements order** (saying who the child should see): this is a new order, which replaces contact orders under s.8 Children Act) in which the court can set out the arrangements for a child, including the contact they have with members of their family whilst they are accommodated where this is not agreed.
- **‘In care’** means that a child is being looked after by Children’s Services under an interim or full care order or an emergency protection order.
- **Parental responsibility** means the legal right to make decisions about how a child is raised. Those who have parental responsibility include: mothers; fathers who have been married to the mother at any time since the birth of the child or are jointly registered on the birth certificate as the father (after 1.12.03) or have acquired PR by formal agreement with the mother or by court order; anyone who has a residence order, child arrangements order (saying who the child should live with), a special guardianship order or adoption order in their favour on the child; guardians; step-parents who have acquired PR by formal agreement or court order. For more information about parental responsibility, see FRG advice sheet Parental Responsibility: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

PART 1: KEY INFORMATION ABOUT ARRANGEMENTS FOR CONTACT WITH A CHILD WHO IS IN CARE:

I am a parent or I have parental responsibility for the child. Do I have a right to see them when they are in care?

Yes, although you can be stopped from seeing them in some circumstances.

The law says that unless the court gives Children's Services permission to refuse contact, Children's Services **must allow** the child to have *reasonable* contact with:¹

- their parents,
- their guardian and/or special guardian,
- anyone who had a residence order or a child arrangements order (saying the child should live with them) immediately before the care order was made and
- their step-parents who also have parental responsibility for them.

This contact must be '*reasonable*' which has been interpreted to mean that if contact is not agreed between Children's Services and the parents it should be 'objectively reasonable'. This is not the same as contact at their discretion.² So

If you are a parent, guardian, special guardian, step-parent with parental responsibility or you are not a parent but you had a residence order or child arrangements order (saying the child will live with you) immediately before the care order was made, Children's Services must allow the child '*reasonable contact*' with you. In fact, they **cannot stop** contact with you unless they have the court's permission to do so.³

However, Children's Services do have the power to suspend contact for up to seven days in an emergency, "*where they are satisfied it is necessary to do so in order to safeguard and promote the child's welfare*".⁴ Regulations say that when making this decision, they should have regard to the child's care plan.⁵ In these circumstances, they must immediately explain in writing why contact is suspended, for how long, and how their decision can be challenged including through court. The written notice must go to the child (unless it's not appropriate) and to the parents and those listed above, the Independent Reviewing Officer and any one else they think relevant.⁶

Important note

These rules apply even if your child is placed in a foster for adoption placement. This is when Children's Services are considering adoption as the permanence plan for your child and they place your child with foster carers who may go on to adopt them (if they cannot return to your family) even though adoption has not yet been formally decided or authorised.

I am a relative or friend of a child in care but I don't have parental responsibility for them. Can I see them when they are in care

Yes, unless the social worker thinks it would not be in the child's best interests to see you.

The law says that Children's Services must try to '**promote**' contact between a child in care and their relatives, friends and others connected with them "**unless** it is not reasonably practicable or consistent with the child's welfare".⁷ This means that Children's Services should also take positive steps to arrange for a child in care to be in touch with their grandparents, brothers and sisters and others in their family network whilst they are looked after⁸ unless this would not be good for them. The only exception to this is if there is a court order setting out what the contact arrangements will be⁹;

To make these contact arrangements, the social worker should **assess the child's contact needs**. This assessment should identify those people in the child's network with whom it is important they maintain contact including grandparents and brothers and sisters. ***If the social worker has not contacted you, then you should contact them to ask to be allowed to see the child.***¹⁰

What about brothers and sisters keeping in touch?

It may be the case that only one of your children is in care, or that it has not been possible to place brothers and sisters (siblings) together. Research has shown that children say that keeping in touch with their siblings (from both the same or different parents) is one of their highest priorities when they are in care.

Children's services have a duty to promote contact between a child and their siblings unless it is not consistent with their welfare. The care plan should set out the arrangements for contact between brothers and sisters.¹¹ The Independent Reviewing Officer (IRO) has a duty to ensure that review meetings consider contact between siblings and should make sure that your child is happy with the contact they are having.¹² If the social worker has said that your child should not see their siblings, you should ask them to give reasons for this. You could also politely remind them that government guidance says

- It is important to ensure that contact arrangements between siblings are given very careful attention and plans for maintaining contact are robust. Contact must be meaningful and take place where children feel safe and supported.
- It is important that children and young people understand the contact arrangements in place and are fully supported to understand the reasons for contact not happening, including when arranged visits are cancelled. All parties will need support to ensure that contact is a positive experience for all siblings.¹³

If you are not happy about the contact that your child is having, talk to the IRO, your solicitor or Family Rights Group advice line.

Who does the social worker have to talk to about plans for contact?

The law says that the social worker must find out, and take into account the wishes and feelings of the child, their parents, anyone else with parental responsibility, and other relevant people about important decisions for a child in care.¹⁴ This means that they should speak to parents and anyone else with a significant relationship with the child, including relatives and important friends, when planning contact arrangements.

Are plans for contact written down?

Yes. They must record the contact arrangements in the care plan and the placement plan for the child. This should normally happen before the child is placed or if that is not possible then straight away afterwards. Copies of these plans must be given to

the parents, the child, anyone else with parental responsibility and other relevant people.¹⁵

Can I get help with my contact expenses?

Children's Services **may** help with the contact arrangements by paying for travel and other contact expenses, such as meals out and activities, but only if they believe that the visit could not otherwise be made without 'undue hardship' and that the circumstances 'justify payment'. In other words Children's Services can help with these expenses, if the visit might not happen if they don't pay, but they do not have to. Talk to the child's social worker about whether they can help you.

Will the contact arrangements be reviewed?

Yes. Once a child is in care, Children's Services must keep the care plan (including the child's contact arrangements) under review at regular intervals (no later than 4 weeks after the child becomes looked after; and then within a further 3 months and then 6 monthly after that) and whenever a substantial change to the plan is needed.

The social worker must also tell the Independent Reviewing Officer (IRO), who chairs the review, of any major change in contact arrangements or complaint by the child or parent.¹⁶ If you are worried that this isn't happening, you can contact the IRO directly yourself. The IRO must consider whether a Review is needed and let you know.

All of this means that Children's Services must keep contact arrangements under review.

For more information about the duties on Children's Services to make and review care plans, see FRG advice sheet [Powers and duties of Children's Services towards children in the care system](http://www.frg.org.uk/need-help-or-advice/advice-sheets): <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

What can I do if the social worker says that contact would not be good for the child?

Whether or not Children's Services can stop contact and the steps you can take to challenge this, will depend on your relationship with the child:

- ***if you are a parent or other person with parental responsibility***, Children's services can stop your contact for up to seven days without a court order. If they want to stop it for longer, they need to apply to court for an order giving them permission to refuse you contact. They will only be able to get this order if they can prove to the court that continuing contact will be harmful to your child. Children's services must consider your child's care plan when making this decision.

If they make a court application you will receive papers from the court telling you about it.

Sometimes Children's Services reduce contact but do not stop it completely in which case they do not need a court order.

- ***if you are relative or friend who does not have parental responsibility***, Children's services can stop your contact without going to court (unless there is already a court order saying you can have contact), but they should explain why and they should act reasonably. See the questions below about the steps you can take to negotiate about contact. If but you still cannot reach agreement with them, you could consider applying for a court order about contact – see part 3 of this advice sheet.

Whichever category you are in, the starting point is to talk to the social worker. Ask them to explain in writing why they think contact would not be in the child's best interests, so you can think about what you might change to address their worries.

You could also:

- ask to meet with the social work manager to discuss what they would need you to do differently to be able to have contact with the child. This might include, for example, having someone else present during contact so they are satisfied the child is kept safe; and
- mention, politely, the messages from guidance and research about why contact is generally good for children in care (see pages 7-9).

If you still cannot agree, then you should take legal advice either from a solicitor specialising in children law or FRG advice line (see part 4 of this advice sheet for contact details) straight away to find out what you can do to get contact.

What does government guidance say about contact for children in care?

Government's guidance to Children's Services about contact says:

- *'the interests of the majority of looked after children are best served by sustaining or creating links with their birth families including wider family members... contact, however occasional, may continue to have value for the child even where there is no question of return to his or her family'.¹⁷*
- *'grandparents and other relatives can provide a sense of family history and continuity where the child cannot live with his/her birth parents yet contact may easily be lost if the child becomes looked after';¹⁸*
- One of the key principles of the Children Act 1989 ...is the presumption that there should be continued contact between the child and their family while the child is in the care of the local authority;¹⁹
- the first weeks during which the child is looked after by the responsible authority are likely to be crucial to the success of the relationship between the parent, the social worker and the child's carers, and to the level of successful future contact between the parents and the child.²⁰
- placements made in an emergency require special care if parents are to be reassured from the outset that they have a continuing role in their child's life and to minimise distress for the child. Early visits are essential though parents may need help to cope with both their own and their child's distress.²¹

What does the research say?

Like the government's guidance, research evidence highlights the fact that most children who do not live with their family do better if they can maintain links with their parents and other family members. It also says that:

- Continuing contact is the key to children returning home early from the care system.²²
- Continuing contact helps to protect children against the more adverse effects of public care.²³ There are fewer breakdowns of foster placements when contact is maintained. It is more possible than many social workers believe to find foster carers willing to encourage contact. Barriers to contact stem more from the

attitudes of social workers than foster carers.²⁴ Children need contact with important people from the past in order to develop their sense of identity which is essential for their well-being.²⁵

- Continuing contact with grandparents is almost wholly beneficial, and is particularly important for older children.²⁶
- Continuing contact with sisters and brothers is very important, and the most common type of contact for children in permanent placements. Geographical distance can be a barrier to this contact, so local authorities need to plan for the payment of the associated travel expenses.²⁷
- The venue for contact can affect the quality of the contact visit. Although visits in the family home only occur in a minority of cases, both children and parents value such visits because they enable children to see other relatives and friends and re-acquaint themselves with typical family activities, whilst parents are also enabled to continue to parent their child. By contrast, social services venues are seldom popular as they offer little privacy and restrict family activities.²⁸
- Continuity of social work support for, and the involvement of the foster carers in, planning the arrangements for contact also helps to make contact successful.²⁹
- Contact arrangements may be more positive with some members of the family than others, and therefore arrangements for contact may need to vary for selected family members. In some cases, this may involve indirect contact where direct physical contact is not considered to be of benefit to the child.³⁰
- Maintaining emotional relationships at a distance is immensely difficult in any circumstances, but all the more so for disadvantaged children who move around and whose family structures change whilst they are away.³¹

You may want to refer to this guidance and the research evidence in your discussions with the social worker about contact.

PART 2: TIPS ON ARRANGING CONTACT

If you want to make (or change) arrangements for you to see your child, you need to talk to the social worker. Here are some tips to help you negotiate:

- be clear about the sort of contact you think will be best for your child. This might include: seeing your child at your family home (rather than the foster or children's home), or when others are around to help you, or having arrangements which fit in with your child's activities, your work, times of buses etc;
- ask the social worker to write to you with the detailed arrangements for contact, so everyone is clear about the plans;
- if you have difficulty paying the costs of contact visits, you can ask the social worker for help with this (see page 5 above). They can pay for things like travel, meals or the cost of a special outing. It could be paid to anyone visiting the child, not just parents, or to help a child visit their family. They don't have to pay but if contact can't happen without financial support and there are no other sensible options, you could consider making a complaint (see FRG advice sheet on [Complaints](http://www.frg.org.uk/need-help-or-advice/advice-sheets) <http://www.frg.org.uk/need-help-or-advice/advice-sheets>);³²
- keep a note for yourself about how each visit goes. This might be useful when you have meetings to discuss progress;
- if you are unhappy about any restrictions imposed on the contact arrangements, ask for the reasons in writing, and try and work out ways to overcome the social worker's worries;
- if you want the arrangements to be changed, ask for this in writing, giving your reasons, and ask for a written reply;
- if you need to, remind the social worker politely about the legal duties and research evidence about contact (above); and
- if Children's Services fail to follow the legal requirements and/or government guidance, you could consider making a formal complaint. For more information on making a complaint see FRG advice sheet on [Complaints](http://www.frg.org.uk/need-help-or-advice/advice-sheets): <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

If you cannot reach agreement with Children's Services about the amount or type of contact with your child, you may want to apply to the court for a contact order.

PART 3: APPLYING TO COURT FOR A CONTACT ORDER UNDER S.34 CHILDREN ACT 1989

What is a contact order?

A contact order is an order of the court which tells Children's Services what contact should take place and requires them to make the child available for contact with the person named in the order.³³

When a child is the subject of a care order, an application for contact can be made at the time the care order is made, or at any other time (provided a similar application has not been made in the previous 6 months – see page 15 below). The order can be very simple just saying that contact between the child and the named person should take place or it can contain detailed directions about contact including dates or conditions that need to be complied with.

If they do not comply with a contact order they could be warned about, or occasionally punished, for being 'in contempt of court'.

Parents and other family members sometimes need to apply for a contact order where they cannot reach agreement with the social worker about the contact arrangements. This includes people who had contact with the child before they went into care (such as a father who did not live with his child or a grandparent) who is now being refused from having the contact they want.

Do I need to see a solicitor?

Although many people prefer to instruct a solicitor to help them make an application to court, it is possible to apply on your own as a 'litigant in person' if you cannot afford or do not want a solicitor.

If you do want a solicitor, it is important to find one who specialises in children law – See part 4 of this advice sheet.

Do I have to pay legal costs

If you are a parent and there are current care proceedings, the costs of any contact application will be paid by the Legal Aid Agency as part of the costs of you having a solicitor in the care proceedings.

BUT if you are either:

- **A parent and there are no current care proceedings;** or
 - **A friend or relative of the child without parental responsibility for them**
- you will have to pay your solicitors costs unless you are eligible for legal aid from the Legal Aid Agency.

To be eligible for Legal Aid you must satisfy two tests set by the Legal Aid Agency³⁴:

- **Merits Test:** you will have to show that you have a reasonable chance of succeeding in your application; and
- **Means Test:** you will meet the requirements of the means test if:
 - you or your partner are receiving benefits, such as Income Support ,income related Jobseeker's Allowance, income related Employment and Support Allowance or the guaranteed credit part of Pension Credit; AND
 - your capital is below the financial limit set by the Legal Aid Agency;
 - or you and your partner's capital and joint disposable income is below the financial limit set by the Legal Aid Agency .

To find out more details about whether you are entitled to public funding, talk to the solicitor or contact Civil Legal Aid (see details at the end of this advice sheet).

Note: Legal Aid can also be refused if there is some other way your legal costs could be funded; or someone else who is funded is already arguing for the same thing; or if no-one opposes your application and it's not complicated.

What can I do if I am not able to get legal aid?

If you are not able to get legal aid, you could see if there is a way you can find the money to pay a solicitor. If you decide to do this, it is very important that you discuss with the solicitor what the costs are likely to be, and how much you would need to

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pay at each stage. You could also ask them to help you at key stages like preparing the initial application or representing you at a contested hearing if one is eventually needed but otherwise managing the case yourself.

If you can't pay a solicitor, you can still make the application to the court for a contact order yourself as a 'litigant in person'. (See below)

How do I apply on my own if I don't have a solicitor?

First of all you should contact your local family court office and explain that you are applying for a s.34 contact order as a "litigant in person". Ask them to give you the forms you need to complete. They will usually advise you about how to fill in the form and about any procedural steps you need to take. For example they will explain to you:

- whether you need to apply for permission (leave) (see below) and if so, how to do it;
- who the "respondents" will be, and who you need to give notice to;
- how to "serve" the application on the other parties in the case;
- the timetable of the case, when you need to attend court, what a directions hearing is etc.;
- which documents you need to prepare; and
- how much you need to pay as a court fee. If you are on a low income ask them about whether you are entitled to pay a reduced court fee (or no court fee)

The Bar Council have produced a useful Guide to representing yourself in court. You can find a copy here:

http://www.barcouncil.org.uk/media/203109/srl_guide_final_for_online_use.pdf

You can also contact Family Rights Group for further advice on this – contact details in part 4 of this advice sheet.

Do I need permission to apply for a contact order?

You have a right to apply to court for a contact order if:

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- you are a parent or guardian or special guardian of the child; or
- you had a residence order or child arrangements order (saying the child should live with you) immediately before the care order was made on the child.

If you are none of the above, you will need to ask the court for permission to apply for a contact order.³⁵ This is usually necessary for grandparents and other relatives or friends.

How does the court make a decision about contact?

The court must hear the evidence, and then follow the welfare principle in s.1 Children Act 1989 when deciding whether or not to make a contact order. This requires the court:

- to make the child's welfare the paramount consideration;³⁶
- to apply the welfare checklist which includes things like: the child's wishes and feelings; physical and emotional needs; any risk of harm; the effect on him/her of any change in circumstances; his age, sex and background; and the extent to which his/her parents or others are capable of meeting his/her needs³⁷
- not to make the order unless it will positively benefit the child.³⁸

How do the courts approach contact applications?

The court must carry out a careful balancing exercise when applying the welfare principle, taking account of the potential benefits to the child of maintaining important relationships with his/her family without undermining his/her new placement.³⁹

In the short term, the courts favour maintaining contact for children in care and it has been held that the court should not make an order refusing contact where it is still possible that the child may return home.⁴⁰ However, the court:⁴¹

- has the power to make a temporary order (often called an 'interim order') giving Children's Services permission to refuse contact leading up to a final hearing if it is in the child's interests to do so, but this should only happen where the circumstances are so exceptional and the risk so severe that contact must be stopped.⁴²

- may make a temporary (interim) contact order as a holding position even after a full care order has been made as long as it is not doing this in order to review the local authority's implementation of the care plan.⁴³

In the long term, local authorities often want to reduce or end contact when children cannot return home on the basis that the child needs to settle in their new placement. However, the Court of Appeal has confirmed that in some circumstances continued contact may still be of benefit to a child in care even if s/he cannot return home, provided that his/her welfare requires it.⁴⁴

Where contact is considered by the court to be of benefit to the child, the court should not give Children's Services permission to terminate it on the basis that circumstances may change in the future.⁴⁵

In one case it was held by the Court of Appeal that contact between parents and children was generally to be ended only where there was no likelihood of rehabilitation and post adoption contact was not considered to be in the child's best interest. The fact that Children's Services in this case felt that stopping contact was necessary in order to 'ensure the safe passage from foster care to adoption' [it is often easier for social workers to find potential adopters if there is no direct contact with birth parents required] did not justify a departure from this general principle.⁴⁶

What contact orders can the court make?

The court has the power to make "such order as it considers appropriate" about contact between a child and a named person, when an application about contact is made by Children's services, the child, or anyone else who has a right to apply or has been given permission to apply for a court order.⁴⁷ It must also consider the arrangements for contact before making a care order.⁴⁸

The range of orders it can make about contact include:

- defining the arrangements for contact;

- attaching conditions to a contact order, for example about how often it will occur, where it will take place etc.⁴⁹
- authorising Children's Services to refuse contact with a named person on the application of the LA or the child. But it cannot make an order *requiring* that there should be no contact.⁵⁰

What if I have already applied for contact and it was refused by the court?

If you have made an application for a contact order in the past and this was refused, you will not be able to make another application for a contact order for a further 6 months without the permission of the court. This rule applies whether your child is under an interim or full care order at the time of the first application.⁵¹

PART 4: WHERE TO GET FURTHER INFORMATION

Citizens Advice: is an independent organisation providing free, confidential and impartial advice on all subjects to anyone. The address and telephone number of your local CAB can be found in the telephone directory. There is also advice on line on their website.

Website www.citizensadvice.org.uk

Advice on line Website www.adviceguide.org.uk

Civil Legal Advice (CLA): This is a free and confidential advice service run on behalf of the government. It provides information and legal advice directly to the public on common legal issues; helps people work out if they are eligible for free legal advice from a solicitor; and helps them find a solicitor if so.

Website: <https://www.gov.uk/civil-legal-advice> Telephone: 0845 345 4345

Family Mediation: To find a mediator, you can contact:

Your local National Family Mediation (NFM) service in your area. A list of services can be found at the following weblink; <http://www.nfm.org.uk> or you can call NFM on 01392 271610 - open 9.00am - 5.00pm (Monday - Friday) or email: general@nfm.org.uk; or

The Ministry of Justice's Family Mediation Helpline (on 0845 602 6627) who can refer you to a mediator from their joint register. www.familymediationcouncil.org.uk
Email: info@familymediationcouncil.org.uk Address: Family Mediation Council, PO Box 593, Exeter, EX1 9HG

Family Rights Group: is an organisation which provides free telephone and email advice to family members who are involved with Children's Services about the care and protection of their children.

- Contact FRG's advice line for specific advice about your case on 0808 801 0366. It is open Monday-Friday 9.30am-3.00pm. You can also email to advice@frg.org.uk.
- You can also visit www.frg.org.uk/advice_sheets.html where you can download other relevant advice sheets.
- Or join the FRG parents' or family and friends carers' discussion boards.

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- Family Rights group can also put you in touch with a **Family Group Conference Service**. Email office@frg.org.uk

Specialist child welfare solicitor: To find a specialist solicitor contact:

1. Solicitors Regulation Authority, Ipsley Court, Redditch, Worcestershire B98 0TD
Telephone: 0870 606 2555 <http://www.sra.org.uk/consumers/find-use-instruct-solicitor.page>;
2. The Law Society of England and Wales, 113 Chancery Lane, London WC2A 1PL
Tel: 020 7242 1222 Minicom: 0870 600 1560 Fax: 020 7831 0344
E-mail: info.services@lawsociety.org.uk www.lawsociety.org.uk
You can search their website for details of local solicitors who are members of the Children Panel:
<http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>
3. Civil Legal Advice (CLA) See details above.
4. Citizens Advice may be able to recommend a local solicitor specialising in children law. For contact details, see previous page.

References

CA	Children Act 1989 http://www.legislation.gov.uk/ukpga/1989/41/contents
CPPCRR	Care Planning, Placement and Case Review Regulations 2010 http://www.legislation.gov.uk/uksi/2010/959/contents/made
CYPA	Children and Young Persons Act 2008 http://www.legislation.gov.uk/ukpga/2008/23/contents
ECHR	European Convention on Human Rights and Fundamental Freedoms http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm
G&R Vol 2	Children Act 1989, Guidance and Regulations, 2010, Department of Education , Volume 2:Care Planning, Placement and Case Review https://www.education.gov.uk/publications/standard/Childrenandfamilies/Page3/DCSF-00185-2010
HRA	Human Rights Act 1998 http://www.legislation.gov.uk/ukpga/1998/42/contents

Last updated 3rd November 2014

¹ s.34 Children Act 1989

² *Re: P (Minors) (Contact with Children in Care)*(1993) 2 FLR 156

³ Note: the government is trying to change this basic legal duty but for the moment it still applies.

Clause 7(4) of the Children and Families Bill 2012

⁴ s.34(6) Children Act 1989

⁵ Para 8ZA CPPCRR

⁶ Reg 8 CPPCRR

⁷ Schedule 2 para 15(1) Children Act 1989

⁸ Regs 5 & 9; CPPCRR; Schedules 1 & 2 CPPCRR; Para 2.44 G & R Vol 2

⁹ *Re: C (Care: Consultation with parents not in child's best interests)* [2006] 2 FLR 787

¹⁰ Regs 4(i)&(3) & 5 CPPCRR & Sched 1 & 2 CPPCRR; Paras 2.15 & 2.81-2.82 G&R Vol 2

¹¹ CPPCRR sch 1 Para 3

¹² Vol 2 G&R para 2.85

Please note: The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

- ¹³ Vol 2 G&R 2.85
- ¹⁴ Section 22(4-5) Children Act 1989;
- ¹⁵ Regs 5 & 9; Schedules 1 & 2 CPPCRR
- ¹⁶ s. 26 CA Reg 33 CPPCRR
- ¹⁷ Para 2.78 & 2.86, Chapter 2 G&R Vol 2
- ¹⁸ Para 2.84, Chapter 2 G&R Vol 2
- ¹⁹ Para 2.78, Chapter 2 G&R Vol 2
- ²⁰ 2.82, Chapter 2 G&R Vol 2
- ²¹ Para 2.83, Chapter 2, G&R Vol 2
- ²² Bullock, R, Gooch, D and Little, M, 1996, Children Going Home: The Reunification of Families (Aldershot, Ashgate).
- ²³ Wedge and Mantel, 1991, Sibling Groups and Social Work (Avebury Gower)
- ²⁴ Berridge and Cleaver, 1987, Foster Placement Breakdown (Blackwell) Fratter, 1989, Family Placement and Access (Barnardo's Barkingside)
- ²⁵ Thoburn, 1994, Child Placement: Principles and Practice (Wildwood House)
- ²⁶ Rowe, J., Cain, H., Hundleby, M., Keane, A., 1984, Long Term Foster Care (Batsford)
- ²⁷ Berridge and Cleaver (as above); Macaskill (2002) Safe Contact? Children in Permanent placement and Contact with their Birth Relatives, (Lyme Regis, Russell House)
- ²⁸ Macaskill (2002) as above; Cleaver, H (2002) Fostering Family Contact in Department of Health Children Act Now, 2002 (Stationery Office)
- ²⁹ Schofield, G and colleagues (2002) Growing Up in Foster Care (BAAF, London); Cleaver, H, (2002) as above
- ³⁰ Bullock, R, Gooch, D and Little, M, 1996, Children Going Home: The Reunification of Families (Aldershot, Ashgate)
- ³¹ Bullock, R, Gooch, D and Little, M, 1996, Children Going Home: The Reunification of Families (Aldershot, Ashgate).
- ³² Schedule 2 para 16 Children Act 1989
- ³³ s.34 Children Act 1989
- ³⁴ Para 1(1)(b) Schedule 1 LASPO 2012 exempts all Part Four Children Act 1989 applications from removal from scope of legal aid.
- ³⁵ s.34(3) Children Act 1989
- ³⁶ s.1(1) Children Act 1989
- ³⁷ s.1(3) Children Act 1989
- ³⁸ S1(5) Children Act 1989
- ³⁹ Berkshire County Council –v- B [1997] 1FLR171;
Re D and H (Care: Termination of Contact) [1997] 1 FLR 841
- ⁴⁰ West Glamorgan CC –v- P [1992] 2 FLR 369
- ⁴¹ A –v- M & Walsall MBC [1993] 2 FLR 244
- ⁴² Re T (Termination of Contact: Discharge of Order) [1997] 1 FLR 517
- ⁴³ West Glamorgan CC –v- P [1992] 2 FLR 369
- ⁴⁴ Berkshire County Council –v- B [1997] 1FLR171;
- ⁴⁵ Re: E (A Minor)(Care Order: Contact) [1994] 1FLR146
- ⁴⁶ Re H (Termination of Contact) [2005] 2 FLR 408
- ⁴⁷ Section 34 (2,3&5) Children Act 1989
- ⁴⁸ Section 34(11) Children Act 1989
- ⁴⁹ Section 34(7) Children Act 1989
- ⁵⁰ Section 34 (4) Children Act 1989
- ⁵¹ s.91(17) Children Act 1989