

Family Law

Child Issues Jargon Buster.

Here is a useful guide to common terms and phrases that are used in children's proceedings – either in Court or other methods of alternative dispute resolution.



Terms	Definitions
Cafcass	Cafcass (Court and Family Court Advisory and Support Service) independently advise the family courts about what is safe for children and in their best interests. They have a duty to promote the welfare of children and will be asked to provide safeguarding reports on every child arrangement application going through the Court. They are qualified social workers.
Child Arrangements Order	A Child Arrangements Order decides where your child lives and when your child spends time with each parent and what other types of contact can take place ie. telephone contact. A child arrangements order replaces "residence" and "contact" orders. These orders are only applied for if you cannot sort out arrangements yourselves. If you make an application to the Court for a Child Arrangements Order, then a Judge or a bench of Magistrates will ultimately make decisions about what the best arrangements are for your child if you cannot agree them first.
C100	This is the form that is most usually used when making applications to the Court for child arrangements Orders. It sets out the details of the children and parents and any other people involved with the children including social services etc. It should set out what the application is about and what action you want the Court to take.
Mediation	The process of talking to couples separating and involved in disagreements over financial or children matters to try and negotiate an agreed outcome. A mediator is independent and cannot provide legal advice but is impartial to try and resolve conflicts without the need to go to Court. You will need separate legal advice at the same time, but it is a good option to consider as an alternative to Court proceedings.
MIAM	This is a Mediation Information Assessment Meeting. It is a requirement of court proceedings for children or financial matters that you firstly meet with a mediator to see if you can resolve the matters without attending Court. There are exceptional circumstances when a MIAM is not necessary, but these are rare.
Prohibited Steps Order	A Prohibited Steps Order is an order which prohibits a party (usually a parent) from taking certain action relating to children or making certain decisions about their child's upbringing. It could prevent a parent from moving a child from school/nursery/moving a child from their home or local area or moving a child outside of the UK. It can also prevent a parent from allowing a child to undergo medical treatment or vaccinations if these cannot be agreed.

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Parental Responsibility	<p>All mothers and most fathers have legal rights and responsibilities as a parent – known as parental responsibility. If you have parental responsibility your most important roles are to provide a home for the child and protect and maintain the child. You are also responsible for choosing and providing education, agreement to medical treatment, naming the child and agreement to any change of name. If you have parental responsibility for a child but you do not live with them, it does not mean you have a right to spend time with your children.</p> <p>However, the other parent must include you when making important decisions about their lives. If it's a major decision (such as moving abroad with a child) both parents with responsibility must agree in writing. If you do not agree you can apply for a Specific Issue Order or a Prohibited Steps Order.</p> <p>If you do not automatically have parental responsibility you can apply to the Court for this.</p>
Specific Issue Order	<p>A Specific Issue Order is a type of Court Order that helps to settle a specific dispute about child arrangements after divorce or separation. When the Court issues a Specific Issue Order it gives permission to the person apply to for the Order to make decisions without the permission of the other parent. This can include making decisions about where a child goes to school, medical treatment or where a child should move to either in the UK or abroad.</p>

Court Hearings

FHDRA (First Hearing Dispute Resolution Appointment)	<p>If you make an application to the Court for a Child Arrangements Order or for any other order relating to children, this is the first court hearing that is held. It is to assist the Court in identifying issues between the parties at an early stage and to see if it is possible for the parties to reach an agreement. A Cafcass Officer should also be in attendance. Cafcass should have prepared a report which includes background checks on the parties, who the parents are and what they want. Cafcass will speak to you before the preparation of the report.</p>
Dispute Resolution Appointment (DRA)	<p>This is a hearing that takes place before the final hearing. By this point the Court will have all reports, statements, and any other information that it needs to help the parties make a decision. The purpose of the DRA is to try and resolve as many issues as possible and for the parties to be involved in those decisions. If it cannot be resolved the Court will fix the case for a final hearing.</p>
Fact Finding Hearing	<p>Sometimes there is a factual dispute about what has happened in the past between parties and/or the children that is so important that the court needs to decide who is telling the truth before working out what to do next. This often happens when someone alleges domestic violence or child abuse which is denied by the other person. In such cases the Court may hold a separate trial to deal with those allegations first before going on to think about what is best for the children. The judge will decide on the balance of probabilities whether something did or did not happen.</p>
Trial/Final Hearing	<p>If the Court has been unable to resolve the dispute at any earlier hearings it will list a longer hearing giving time for the parties to have their say and give evidence together with hearing evidence from any other person that is relevant including Cafcass or other witnesses. Following that then a Judge or a group of Magistrates will make Orders and give their reason for the same.</p>



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