

2008 No. 2858 L.23

MAGISTRATES' COURTS, ENGLAND AND WALES

**The Family Proceedings Courts (Children Act 1989)
(Amendment) Rules 2008**

<i>Made</i>	- - - -	<i>3rd November 2008</i>
<i>Laid before Parliament</i>		<i>6th November 2008</i>
<i>Coming into force</i>	- -	<i>8th December 2008</i>

The Lord Chief Justice with the concurrence of the Lord Chancellor, after having consulted the rule committee appointed under section 144(A1) of the Magistrates' Courts Act 1980(a), makes the following Rules in exercise of the powers conferred by section 144 of the Magistrates' Courts Act 1980:

Citation and commencement

1. These Rules may be cited as the Family Proceedings Courts (Children Act 1989) (Amendment) Rules 2008 and shall come into force on 8th December 2008.

Amendments to the Family Proceedings Courts (Children Act 1989) Rules 1991

2. The Family Proceedings Courts (Children Act 1989) Rules 1991(b) shall be amended in accordance with the provisions of rules 3 to 13.

3. In the Arrangement of Rules, in the entry for rule 11AA, omit "family assistance order".

4. In rule 1(2) after the definition of "children's guardian", insert—

““contact activity condition” has the meaning assigned to it by section 11C(2);

“contact activity direction” has the meaning assigned to it by section 11A(3);

“contact order” has the meaning assigned to it by section 8(1);”.

5. In rule 4(1A)(a)—

(a) in sub-paragraph (i), after “C1,”, insert “C100,”;

(b) in sub-paragraph (iii), after “C1”, insert “or (as the case may be) question 5 on Form C100”.

6. In rule 5—

(a) 1980 c.43. Section 144 was amended by section 125(3) of and paragraph 25 of Schedule 18 to the Courts and Legal Services Act 1990 (c.41), section 78(2) of and paragraphs 26 and 29 of Schedule 11 to the Access to Justice Act 1999 (c.22), section 109(1) and (3) of and paragraph 245 of Schedule 8 and Schedule 10 to the Courts Act 2003 (c.39), section 15(1) of and paragraphs 99 and 102 of Schedule 4 to, and section 59(5) of and paragraph 4 of Schedule 11 to, the Constitutional Reform Act 2005 (c.4), and by section 208(1) and paragraphs 42 and 43 of Schedule 21 to the Legal Services Act 2007 (c.29).

(b) S.I. 1991/1395. Relevant amending instruments are S.I. 1991/1991, 1992/2068, 1994/3156, 1997/1895, 2001/615 and 818, 2003/2840, 2004/3376, 2005/229, 413, 585, 617 and 2930 and 2007/2188.

- (a) in paragraph (3)—
 - (i) for “or” the first time it appears, substitute “,”;
 - (ii) for “or” the second time it appears, substitute “, the”;
 - (iii) after “children and family reporter” insert “or the officer of the service or the Welsh family proceedings officer who is acting or has acted under a duty referred to in rule 11AA(1)(a) to (e)”;
- (b) in paragraph (4)(a) and (b) for “preparing or has prepared a family assistance order report or a risk assessment” substitute “acting or has acted under a duty referred to in rule 11AA(1)(a) to (e)”.

7. In rule 11(1)—

- (a) omit “section 16(6), section 16A”; and
- (b) after “section 41(2)” insert “or in acting under a duty referred to in rule 11AA(1)”.

8. In rule 11AA—

- (a) in the heading, omit “family assistance order”;
- (b) for paragraph (1), substitute—

“(1) This rule applies where an officer of the service or a Welsh family proceedings officer is acting under a duty in accordance with —

 - (a) section 11E(7) (providing the court with information as to the making of a contact activity direction or a contact activity condition);
 - (b) section 11G(2) (monitoring compliance with a contact activity direction or a contact activity condition);
 - (c) section 11H(2) (monitoring compliance with a contact order);
 - (d) section 16(6) (providing a family assistance order report to the court); and
 - (e) section 16A (making a risk assessment).”;
- (c) in paragraph (2)—
 - (i) for “preparing a family assistance order report or a risk assessment” substitute “acting under a duty referred to in paragraph (1)(a) to (e)”;
 - (ii) in sub-paragraph (a), for “the report or assessment” substitute “any report or risk assessment he makes”; and
 - (iii) in sub-paragraph (b), for “the report or assessment” the first time it appears, substitute “any report or risk assessment he makes”;
- (d) in paragraphs (3) and (6), for “the report or assessment” substitute “any report or risk assessment he makes”;
- (e) in paragraph (8), for “a family assistance order report” substitute “a report as a result of acting under a duty referred to in paragraph (1)(a) to (d)”;
- (f) in paragraph (9), for “a family assistance order report or risk assessment” substitute “a report or assessment prepared as a result of acting under a duty referred to in paragraph (1)(a) to (e)”.

9. In rule 14—

- (a) in paragraph (1)(b)—
 - (i) for “a family assistance order report” substitute “a duty referred to in rule 11AA(1)(a) to (d)”;
 - (ii) for “preparing the report” substitute “acting under the duty in question”;
- (b) in paragraph (2), after sub-paragraph (m) insert—

“(n) the exercise by an officer of the service or a Welsh family proceedings officer of any duty referred to in rule 11AA(1)(a) to (c).”; and

- (c) in paragraph (11A), for “a family assistance order report or a risk assessment” substitute “a report or assessment prepared as a result of acting under a duty referred to in rule 11AA(1)(a) to (e)”.

10. In rule 15(5)(c)(ii), for “preparing or has prepared a family assistance order report or a risk assessment” substitute “acting or has acted under a duty referred to in rule 11AA(1)(a) to (e)”.

11. In rule 16, after paragraph (1) insert—

“(1A) Paragraphs (2) to (4) do not apply where—

- (a) the hearing relates to a decision about whether to make a contact activity direction or to attach a contact activity condition to a contact order; and
- (b) the court has yet to obtain sufficient evidence from, or in relation to, the person who may be the subject of the direction or condition to enable it to determine the matter.”.

12. In rule 17(1), for “preparing or has prepared a family assistance order report or a risk assessment” substitute “acting or has acted under a duty referred to in rule 11AA(1)(a) to (e)”.

13. In Schedule 1—

(a) in the list of forms—

- (i) in the entry for Form C1, in the third column, for “for an order”, substitute “Children Act 1989 except section 8 orders and orders related to enforcement of a contact order”; and
- (ii) after the entry for Form C1, in the first column insert “C100”, in the second column “Application”, and in the third column “under the Children Act 1989 for a residence, contact or other section 8 order”;

(b) for Forms C1 and C7, substitute the forms set out in Schedule 1;

(c) after Form C1, insert Form C100 set out in Schedule 2.

(d) in Form C42 (family assistance order), in paragraph (b) of the section that begins “Where” omit “who has been”; and

(e) in Form C43 (order)—

(i) immediately after the section headed “The Court orders” insert—

“Where—

- (a) there are no proceedings pending under Part 2 Children Act 1989;
- (b) an officer of the service or Welsh family proceedings officer who remains involved with the case is given cause to suspect, whilst this order is in force, that the child concerned is at risk of harm; and
- (c) as a result that officer makes a risk assessment under section 16A of that Act, the officer may apply to the court for it to revive the previous proceedings and to consider that risk assessment and give such directions as the court thinks necessary.”; and

(ii) in the section headed “Warning” after “without the leave of the Court”, insert—

“Where a contact order is in force: if you do not comply with this contact order—

- (a) you may be committed to prison or fined; and/or
- (b) the Court may make an order requiring you to undertake unpaid work (“an enforcement order”) and/or an order that you pay financial compensation.”.

Transitional provision

14. Where proceedings have been commenced before rule 5 comes into force, the Family Proceedings Courts (Children Act 1989) Rules 1991 shall apply to those proceedings as if rules 5 and 13(a), (b) and (c) had not been made.

Lord Judge, C.J.

I concur

3rd November 2008

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

SCHEDULE 1

Rule 13(b)

Application for an order

Form C1

Children Act 1989 except Section 8 orders and orders related to enforcement of a contact order.

If you are applying for a section 8 order or an order related to enforcement of a contact order you will need to use a different application form (Form C100 for Section 8 orders and Form C79 for enforcement). Booklet 'CB1 - Making an application - Children and the Family Courts' gives more information. You can get a copy from your local court or you can download a copy from our website at www.hmcourts-service.gov.uk.

Cafcass/CAFCASS CYMRU will carry out checks as it considers necessary.

Cafcass - Children and Family Court Advisory and Support Service (in England); CAFCASS CYMRU - Children and Family Court Advisory and Support Service Wales.

The court

To be completed by the court

Date issued

Case number

The full name(s) of the child(ren)

Child(ren)'s number(s)

Important Note

You should only answer question 7 if you are applying for a Parental Responsibility Order.

1 About you (the person completing this form known as 'the applicant')

State:

- *your title, full name, address, telephone number, date of birth and relationship to each child above*
- *your solicitor's name, address, reference, telephone, FAX and DX numbers.*

2 The child(ren) and the order(s) you are applying for

For each child state:

- *the full name, date of birth and sex*
- *the type of order(s) you are applying for (for example, Parental Responsibility Order, care order or supervision order).*

3 Other cases which concern the child(ren)

If there have ever been, or there are pending, any court cases which concern:

- *a child whose name you have put in paragraph 2*
- *a full, half or step brother or sister of a child whose name you have put in paragraph 2*
- *a person in this case who is or has been, involved in caring for a child whose name you have put in paragraph 2*

attach a copy of the relevant order and give:

- *the name of the court*
- *the name and contact address (if known) of the children's guardian, if appointed*
- *the name and contact address (if known) of the children and family reporter, if appointed*
- *the name and contact address (if known) of the welfare officer, if appointed*
- *the name and contact address (if known) of the solicitor appointed for the child(ren).*

4 The respondent(s)

Appendix 3 Family Proceedings Rules 1991; Schedule 2 Family Proceedings Courts (Children Act 1989) Rules 1991

For each respondent state:

- *the title, full name and address*
- *the date of birth (if known) or the age*
- *the relationship to each child.*

5 Others to whom notice is to be given

Appendix 3 Family Proceedings Rules 1991; Schedule 2 Family Proceedings Courts (Children Act 1989) Rules 1991

For each person state:

- *the title, full name and address*
- *the date of birth (if known) or the age*
- *the relationship to each child.*

6 The care of the child(ren)

For each child in paragraph 2 state:

- *the child's current address and how long the child has lived there*
- *whether it is the child's usual address and who cares for the child there*
- *the child's relationship to the other children (if any).*

7 Domestic abuse, violence or harm

Do you believe that the child(ren) named above have suffered or are at risk of suffering any harm from any of the following:

- *any form of domestic abuse*
- *violence within the household*
- *child abduction*
- *other conduct or behaviour*

by any person who is or has been involved in caring for the child(ren) or lives with, or has contact with, the child(ren)?

Please tick the box which applies

Yes

No

If you tick the Yes box, you must also fill in Supplemental Information Form (form C1A). You can obtain a copy of this from a court office if one has not been enclosed with the papers served on you.

8 Social Services

For each child in paragraph 2 state:

- *whether the child is known to the Social Services. If so, give the name of the social worker and the address of the Social Services department.*
- *whether the child is, or has been, on the Child Protection Register. If so, give details of registration.*

9 The education and health of the child(ren)

For each child state:

- *the name of the school, college or place of training which the child attends*
- *whether the child is in good health. Give details of any serious disabilities or ill health.*
- *whether the child has any special needs.*

10 The parents of the child(ren)

For each child state:

- *the full name of the child's parents*
- *whether the parents are, or have been, married to each other or civil partners of each other*
- *whether the parents live together. If so, where.*
- *whether, to your knowledge, either of the parents have been involved in a court case concerning a child. If so, give the date and the name of the court.*

11 The family of the child(ren) (other children)

For any other child not already mentioned in the family (for example, a brother or half sister) state:

- *the full name and address*
- *the date of birth (if known) or age*
- *the relationship of the child to you.*

12 Other adults

State:

- *the full name of any other adults (for example, lodgers) who live at the same address as any child named in paragraph 2*
- *whether they live there all the time*
- *whether, to your knowledge, the adult has been involved in a court case concerning a child. If so, give the date and the name of the court.*

13 Your reason(s) for applying and any plans for the child(ren)

State briefly your reasons for applying and what you want the court to order.

- ***Do not*** complete this section if this form is accompanied by a supplementary form.

14 Attending the court

State:

- *whether you will need an interpreter at court. If so, please indicate what language interpreter you will use. If you require an interpreter you must notify the court immediately so that one can be arranged.*
- *whether you have a disability for which you require special assistance or special facilities. If so, please say what your needs are. The court staff will get in touch with you about your requirements.*

15 Parenting Information – Arrangements after Separation

	Yes	No
<i>Have you received a Parenting Plan booklet? (If No, you may obtain a copy from a court office, a citizen's advice bureau or other family advice service.)</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Have you agreed to a Parenting Plan? (If Yes, please include a copy of the Plan when you send your application to the court)</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>If you did agree a Parenting Plan, has the Plan broken down?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>If Yes, please explain briefly why the Plan broke down –</i>		

Signed
(Applicant)

Date

C1

The Court

Case Number

The full name(s) of the child(ren)

Child(ren)'s number(s)

Date of [Hearing] [Directions Appointment]

Cafcass/CAFCASS CYMRU will carry out checks as it considers necessary.

Cafcass - Children and Family Court Advisory and Support Service (in England); CAFCASS CYMRU - Children and Family Court Advisory and Support Service Wales.

What you (the person receiving this form) should do

- Answer the following questions. **If the applicant is only asking for financial relief in respect of the child(ren) named above you do not need to answer questions 6 and 7.**
- If you need more space for an answer use a separate sheet of paper. Please put your full name, case number and the child(ren)'s name(s) and number(s) at the top.
- If the applicant has asked the court to order you to make a payment for a child you must also fill in a Statement of Means (form C10A). You can obtain this form from a court office if one has not been enclosed with the papers served on you.
- **If you answer "Yes" to both parts of question 6, and/or question 7, you must also fill in Supplemental Information Form (form C1A).** You can obtain this form from a court office if one has not been enclosed with the papers served on you.
- If you need special assistance or facilities for a disability or impairment please set out your requirements in full in question 10. The court staff will need to know your specific requirements for example; documents in alternative formats such as Braille or large print and/or access provision, a hearing loop or a sign language interpreter. The court staff will get in touch with you about this. If you do not make the court aware of all your needs, this may result in the hearing being adjourned.
- When you have answered the questions make copies of both sides of this form. You will need a copy for the applicant, and each party named in the application for an order (form C1, C100, C78 or C79).
- Post, or hand, a copy to the applicant and to each party. Then post, or take, this form, and the Statement of Means and Supplemental Information Form if you have filled one in, to the court at the address below. You must do this **within 14 days** of the date when you were given the Notice of Proceedings, **or** of the postmark on the envelope if the Notice of Proceedings was posted to you.

To be completed by the court
 [The Court Manager] [Chief Executive to the Justices]
 The court office is open from a.m. to p.m. on Mondays to Fridays

1 About you (the person completing this form)

Full name
Date of birth
Address

Please give a daytime telephone number if you can.

Telephone Number

2 About your solicitor

If you do not have a solicitor put **None**
(but see note 3 on the Notice of Proceedings
that was served on you).

Full Name
Address

Reference
Telephone Number
Fax Number
DX Number

3 Address to which letters and other papers
should be sent

4 The application was received on

5 Do you oppose the application?

Yes No

6 Did you receive a completed Supplemental
Information Form (form C1A) from the applicant
with the papers served on you?

Yes No

If Yes, do you wish to comment on any of the
statements made in that form by the applicant?

Yes No

7 Do you believe that the child(ren) named above
have suffered or are at risk of suffering any harm
from any of the following:

Yes No

- any form of domestic abuse
- violence within the household
- child abduction
- other conduct or behaviour
by any person who –
(a) is or has been involved in caring for
the child(ren); or
(b) lives with, or has contact, with the child(ren)?

8 Do you intend to apply to the court for an order?

Yes

No

9 Will you use an interpreter at court?

Yes

No

If Yes state the language into which the Interpreter will translate.

Note: If you require an interpreter you must notify the court immediately so that one can be arranged.

Language:

10 Do you have a disability for which you require special assistance or special facilities at court?

Yes

No

If Yes please say what your needs are. The court staff will get in touch with you about your requirements.

Signed
(Respondent)

Date

C100

Application under the Children Act 1989 for a residence, contact or other section 8 order

To be completed by the court	
Name of court	
Date issued	
Case number	
Child(ren)'s name(s)	Child(ren)'s number(s)

Before completing this application please read the booklet '**CB1 – Making an application – Children and the Family Courts**'. You can get a copy of all the forms and leaflets from your local court or they can be found at www.hmcourts-service.gov.uk

Cafcass/CAFCASS CYMRU will carry out checks as it considers necessary.

Cafcass - Children and Family Court Advisory and Support Service (in England); CAFCASS CYMRU - Children and Family Court Advisory and Support Service Wales.

Summary of application

Some people need permission to apply - See Section C of the booklet CB1

Have you applied to the court for permission to make this application? Yes Permission not required

Your name (the applicant(s))

The respondent's name(s)

See Sections G and H of the booklet CB1.

Please list the name(s) of the child(ren) and the type(s) of order you are applying for, starting with the oldest. To understand which order to apply for read the booklet CB1 Section D.

Name of child(ren)	Date of birth	Order(s) applied for
	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
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	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	

1. About you (the applicant)

Your first name

Middle name(s)

Surname

Previous surnames (if any)

Date of birth

 / /

Sex

Male

Female

Place of birth
(town/county/country)

If you do not wish your address to be made known to the respondent, leave the address details blank and complete Confidential Address Form C8.

Address

Postcode

Home telephone number

Mobile telephone number

Have you lived at this address
for more than 5 years?

Yes

No

If No, please provide details of all previous addresses you have lived at for the last 5 years.

Your solicitor's details

Do you have a solicitor acting for you? Yes No

If Yes, please give the following details

Your solicitor's name

Name of firm

Address
Postcode

Telephone number

Fax number

DX number

Solicitor's Reference

Applicant 2 (if applicable)

Your first name

Middle name(s)

Surname

Previous surnames (if any)

Date of birth Sex Male Female

Place of birth (town/county/country)

If your address details and those of your solicitor are different from the first applicant please provide details of these on a separate sheet.

What is your relationship to the applicant listed above?

2. The child(ren)

Please give details of the child(ren) and the order(s) you are applying for.
If there are more than 4 children please continue on a separate sheet.

Child 1 _____

Child's first name

Middle name(s)

Surname

Sex

Male Female

What is your relationship to
the child?

Applicant 1	Applicant 2
<input type="text"/>	<input type="text"/>

Is the child known by the Local
Authority children's services?

Yes No Don't know

If Yes, what is the name of the:

Local Authority

Social worker (If known)

Is the child subject of a
child protection plan?

Yes No Don't know

Who are the child's parents?

Who does the child live with?

Please give the full names
of any other adults living at
the same address and their
relationship to the child.

Child 2

Child's first name

Middle name(s)

Surname

Sex

Male Female

What is your relationship to the child?

Applicant 1	Applicant 2
<input type="text"/>	<input type="text"/>

Is the child known by the Local Authority children's services?

Yes No Don't know

If Yes, what is the name of the:
Local Authority
Social worker (If known)

Is the child subject of a child protection plan?

Yes No Don't know

Who are the child's parents?

Who does the child live with?

Please give the full names of any other adults living at the same address and their relationship to the child.

Child 3 _____

Child's first name

Middle name(s)

Surname

Sex Male Female

What is your relationship to the child?

Applicant 1	Applicant 2
<input type="text"/>	<input type="text"/>

Is the child known by the Local Authority children's services? Yes No Don't know

If Yes, what is the name of the:
Local Authority
Social worker (if known)

Is the child subject of a child protection plan? Yes No Don't know

Who are the child's parents?

Who does the child live with?

Please give the full names of any other adults living at the same address and their relationship to the child.

Child 4 _____

Child's first name

Middle name(s)

Surname

Sex Male Female

What is your relationship to the child?

Applicant 1	Applicant 2
<input type="text"/>	<input type="text"/>

Is the child known by the Local Authority children's services? Yes No Don't know

If Yes, what is the name of the:
Local Authority
Social worker (if known)

Is the child subject of a child protection plan? Yes No Don't know

Who are the child's parents?

Who does the child live with?

Please give the full names of any other adults living at the same address and their relationship to the child.

3. Why are you making this application?

Please give brief details about why you are making this application. You should include details of:

- any previous agreements (formal or informal), and how they have broken down
- your reasons for bringing this application to the court
- what you want the court to do.

Do not give a full statement, please provide a summary. You may be asked to provide a full statement later.

4. Agreements about residence and/or contact

Have you received a copy of the 'Parenting Plan: Putting your children first: A guide for separating parents', booklet?

Yes No

If No, you can get a copy free of charge from your local court or you can download a copy from the website www.tso.co.uk

Have you used family mediation to attempt to agree arrangements for your children?

Yes No

If you would like to find out more about mediation please ask at your local court or see the website www.familymediationhelpline.co.uk.

Please give brief details about:

- If you attended family mediation what was the outcome?
- If you did not use mediation please explain why?

5. Risk

Do you believe that the child(ren) named at Section 2 have suffered or are at risk of suffering any harm from any of the following:

Yes No Other

- any form of domestic abuse
- violence within the household
- child abduction
- other conduct or behaviour

by any person who has had contact with the child?

If Yes, please complete form C1A (Supplemental information form).

If Other, please give details

6. Other court cases which concern the child(ren) listed at Section 2

Are you aware of any other court cases now, or at any time in the past, which concern any of the child(ren) at Section 2?

Yes If Yes, please **attach a copy of any relevant order** and give additional details below

No If No, please **go to Section 7**

Additional details

Name of child(ren)

Name of the court where proceedings heard

Case no.

Date/year (if known)

Name of Cafcass/CAFCASS CYMRU officer

Name and address of child's solicitor, if known

Postcode

If the above details are different for each child please provide details on additional sheets.

Please tick if additional sheets are attached.

7. The respondents

Sections G and H of the the booklet 'CB1 - Making an application - Children and the Family Courts' explain who a respondent is.

If there are more than 2 respondents please continue on a separate sheet.

Respondent 1 _____

Respondent's first name

Middle name(s)

Surname

Previous surnames (if known)

Date of birth

 / /

Sex Male Female

Place of birth
(town/county/country, if known)

Address

Postcode

Have they lived at this address
for more than 5 years?

Yes No Don't know

If No, please provide all previous addresses for the
last 5 years below, if known.

Relationship to the child(ren)

Name of child	Relationship

8. Others who should be given notice

There may be other people who should be notified of your application, for example, someone who cares for the child but is not a parent. Sections G and I of the the booklet 'CB1 - Making an application - Children and the Family Courts' explain who others are.

Person 1 _____

Person's first name

Surname

Date of birth

Sex

Male

Female

Address

Postcode

Relationship to the child(ren)

Name of child	Relationship

Person 2 _____

Person's first name

Surname

Date of birth

Sex

Male

Female

Address

Postcode

Relationship to the child(ren)

Name of child	Relationship

9. Signature

Print full name

Signed

Applicant

Date

10. Attending the court

Section N of the the booklet 'CB1 - Making an application - Children and the Family Courts' provides information about attending court.

If you require an interpreter, you must tell the court now so that one can be arranged.

Do you or any of the parties need an interpreter at court?

 Yes No

If Yes, please specify the language and dialect:

If attending the court, do you or any of the parties involved have a disability for which you require special assistance or special facilities?

 Yes No

If Yes, please say what the needs are

Please say whether the court needs to make any special arrangements for you to attend court (e.g. providing you with a separate waiting room from the respondent or other security provisions).

Court staff may get in touch with you about the requirements

What to do now

- Check you have attached copies of any **relevant orders** (as per Section 6).
- Check you have **signed** the form Section 9.
- You must provide a **copy** of the application and attached documents for each of the respondents and one for the Children and Family Court Advisory and Support Service (Cafcass or CAFCASS CYMRU).
- Is Form C1A attached (if applicable)?
- Details of the additional children if there are more than 4 in Section 2
- Details of the additional respondents if there are more than 2 in Section 7
- Check you have attached the correct fee.
The leaflet 'EX50 County court fees' provides information about court fees you will have to pay.

Now take or send your application with the correct fee and correct number of copies to the court.

Court fees

You may be exempt from paying all or part of the fee. The combined booklet and application form 'EX160A Court Fees - Do you have to pay them' gives more information. You can get a copy from the court or download a copy from our website at www.hmcourts-service.gov.uk

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Proceedings Courts (Children Act 1989) Rules 1991 (“the 1991 Rules”).

Rules 3, 4, 6 to 12 and 13(d) and (e) amend the 1991 Rules in relation to the coming into force of sections 1 to 3 of the Children and Adoption Act 2006 (c.20), which amend the Children Act 1989 (c.41) (“the 1989 Act”).

Rule 4 amends rule 1(2) of the 1991 rules to insert new defined terms.

Rules 6, 7, 8, 9, 10 and 12 amend the 1991 Rules to ensure that various provisions that already apply in respect of certain officers of the Service or Welsh family proceedings officers will also apply in respect of such officers undertaking the roles referred to in rule 11AA of the 1991 Rules as amended by rule 8.

Rule 11 amends rule 16 of the 1991 Rules to ensure that a court cannot make specified orders in the absence of a given party where the court does not yet have sufficient information to enable it to determine the matter.

Rule 13 makes amendments to Schedule 1 to the 1991 Rules. Form C42 in that Schedule is amended by rule 13(d) to ensure consistency with the same form used in the Family Proceedings Rules 1991. Form C43 in Schedule 1 to the 1991 Rules is amended by rule 13(e) to provide that where there are no proceedings pending an officer of the Service or Welsh family proceedings officer who makes a risk assessment under section 16A of the 1989 Act has the ability to apply to the court to revive the previous proceedings and to consider the risk assessment. The amendment to the Form C43 also includes a warning notice as required by section 11I of the 1989 Act.

Rule 13(c) amends Schedule 1 to the 1991 Rules to insert a new Form C100 for use when applying for an order under section 8 of the 1989 Act. Consequential amendments to other rules and to other forms and are made by rules 5 and 13(a) and (b). Transitional provision in respect of these amendments is made by rule 14.

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