

# Care Proceedings

## Fact Sheet

### Legal Framework

Family care proceedings are primarily governed by the Children Act 1989, which sets out the responsibilities of local authorities and the legal framework for protecting children at risk.

### Threshold Criteria

For a local authority to initiate care proceedings, it must demonstrate that the child is suffering or is likely to suffer significant harm due to inadequate parental care or the child being beyond parental control.

### Interim Care Orders

During the proceedings, the court may issue an ICO, placing the child temporarily in the care of the local authority while the case is being decided.

### Parental Rights

Parents retain their parental responsibility even if a care order is made, although the local authority gains the power to make decisions about the child's care and welfare.

### Care Plan

The local authority must present a detailed care plan outlining how they intend to care for the child, including where the child will live and the support they will receive.

### Representation and

#### Advocacy

Both the child and the parents are entitled to legal representation. The child is usually represented by a Children's Guardian, an independent advocate appointed to represent the child's best interests.

### Appeal Process

Decisions made by the family court can be appealed. Parents, children, or the local authority can appeal if they believe there has been a significant error in the handling of the case.

### Duration and Review

Care orders are usually reviewed periodically. Care Proceedings should conclude within 26 weeks, unless the Judge authorises otherwise

### Possibility of Reunification

The goal of family care proceedings is not always to remove the child permanently but to ensure the child's safety and welfare. Efforts may be made to support the parents to rectify issues and reunite the family if it is in the child's best interest.

