



# Making an application

Children and the family courts

## Family mediation

Before you begin court proceedings you are required to attend a mediation information assessment meeting (MIAM). In mediation, an impartial, trained mediator, not connected with your case, helps you and your partner to sort out your disputes.

Mediation is not about getting back together. It is a chance for couples who are splitting up to meet with someone who has been properly trained. This will help you to make arrangements for any number of things, including your children, your money or your home.

You should attend a mediation information and assessment meeting before you begin court proceedings in order for your application to be processed.

To find your nearest family mediation service, visit the Government's website GOV.UK and search using the words 'family mediation'. You will find a database of family mediation services on the website.

The mediation information and assessment meeting does not take long and will provide you with an assessment of your situation and whether mediation could solve your problems. Depending on your personal circumstances you may need to pay for the meeting. It's important to bear in mind that successful mediation can reduce costs for you in the long term.

You may be able to get help with the cost of mediation. For more information, go online to [www.gov.uk/legal-aid](http://www.gov.uk/legal-aid)

## **Parenting Plans: Putting children first – a guide for separating parents**

*'Parenting Plans: Putting children first - a guide for separating parents'* is a free booklet designed to help parents reach agreement about arrangements for their children following separation or divorce. You can get a copy from your local family court or you can download a copy from [www.tsoshop.co.uk](http://www.tsoshop.co.uk). You can get a Welsh version from any CAFCASS Cymru office or any Welsh court.

'Parenting Plans' looks at issues you may need to consider in making arrangements for your children, and includes practical examples of how other parents in a variety of family structures and circumstances have solved problems. It also provides a list of organisations that can give further advice and help.

The court makes most decisions about children using a law, called the Children Act 1989. If you want the court to make a decision about a child, you need to apply to the court for an 'order'. An order will be made when either the judge, legal advisor or panel of magistrates makes a decision.

## A – How the court can help you

Some of the orders you may want to apply for are described below. These are just some of the decisions a court can make under the Children Act 1989.

Type of order	Description
<b>Child arrangements order</b>	<p>A child arrangements order decides the arrangements for whom a child is to live with, spend time with or otherwise have contact with and where a child is to live, spend time or otherwise have contact with any person.</p> <p><i>For example, if your child lives with your ex-partner and you want to see your child at weekends, or you cannot agree which parent the child is to live with, you might want to apply for a child arrangements order.</i></p>
<b>Specific issue order</b>	<p>These orders give instructions about a specific issue that has arisen about an action normally done by a parent.</p> <p><i>For example, if you and your ex-partner cannot agree which school to send your child to.</i></p>
<b>Prohibited steps order</b>	<p>These orders mean a person must have the court's permission before doing something set out in the order that would normally be done by a parent.</p> <p><i>For example, if a parent needs the court's permission before taking the child to a foreign country.</i></p>
<b>Parental responsibility order</b>	<p>Parental responsibility means all the rights, duties, powers, responsibility and authority which by law a parent of a child has in relation to the child and his property.</p> <p><i>For example, if you are the father of a child but you were not married to the child's mother and were not named on the birth certificate when the child's birth was registered, but you want to be recognised legally as the child's father, you may apply for a parental responsibility order.</i></p>

<p><b>Financial provision</b></p>	<p>Child maintenance is regular, reliable financial support that helps towards a child's everyday living costs.</p> <p>Child maintenance can make a real difference to children's lives and can help pay for things like clothing, food and other essentials.</p> <p>Many parents choose to work together to set up a child maintenance arrangement. These family-based arrangements can include other things and do not have to be just about paying money. If an arrangement is not possible there are other options.</p> <p>There is a helpful free service called Child Maintenance Options which can tell you more about child maintenance and help you set up an arrangement. Call Child Maintenance Options on 0800 988 0988, visit <a href="http://www.cmoptions.org">www.cmoptions.org</a> or text OPTIONS to 66644 for a free call back.</p> <p>(Calls to 0800 numbers are free from BT landlines but you may have to pay more if you use another phone company, a mobile phone, or if you are calling from abroad. Calls from mobile phones can cost considerably more a minute, so check the cost of calls with your service provider. SMS texts will be charged at your standard network rate. They prompt a call back to your phone from a Child Maintenance Options agent. You will not be charged for the call.)</p>
<p><b>Appointment of a guardian</b></p>	<p>A guardian appointed under this section will generally take over parental responsibility for the child after the death of a parent.</p> <p><i>For example, if your niece or nephew has lost both their parents you might apply to be a guardian.</i></p>

## **Special guardianship**

The special guardian of a child can take most decisions about the child until the child is 18. Unlike adoption, the child will keep their ties to their birth family. If you want to know more you should read leaflet '*CB4 Special Guardianship - a guide for court users*'.

## **Order related to enforcement of a child arrangements order**

If you were involved in proceedings where a child arrangements order was made, and the order is not being kept to, you might be able to apply to the court to have that order enforced. You should read leaflet '*CB5 Applications related to enforcement of a child arrangements order*' to learn more about enforcing a child arrangements order and how to make an application.

## **Adoption**

If you want to apply to adopt a child you should read leaflet '*A20 Adoption - a guide to court users*'.

You can get a copy from any family court office or you can download it from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

## **B – What a court might decide**

A court will only make an order if it thinks that would be best for the child. Sometimes a court may decide that it would be best not to make any order.

A court might:

- make an order;
- change an order (called 'varying' the order); or
- end an order (called 'discharging' the order).

If the court makes an order it will be based on what is best for your child. This might mean that you, or the other person, will not get exactly what you have asked for.

Once a case has started a court may make other decisions. These include:

- giving instructions that people must follow (these are called 'directions'); or
- transferring a case to another court.

The law

You do not need to know the law to apply but if you want to read more about the law you need a copy of:

- the Children Act 1989; and
- the Family Procedure Rules.

The accompanying Practice Directions are available on the internet or from your local court, or they may be available at your local library.

## **C – Who can apply for an order – do I need to apply for permission?**

Some people have the right to apply for an order, and some people must first get the permission of the court to make an application.

You have the right to apply without getting permission from the court if you are listed in the next section, 'The orders you can apply for'.

When you read the next section you may find that you need to consider whether you need to have 'parental responsibility' in order to make an application. We explain parental responsibility in section E.

### **Do I need to apply for permission?**

If you do not have the right to make an application you may still be able to apply, but you must first get the court's permission. Section F will tell you which form to use to get permission.

### **The child**

If you are the child and the order you want to apply for is about you (for example, your contact with a parent), you must get the court's permission before you apply for the following orders.

- Child arrangements order (including to vary or discharge an existing order)
- Specific issue order (including to vary or discharge an existing order)
- Prohibited steps order (including to vary or discharge an existing order)
- Discharge of the appointment of a guardian
- Discharge of a parental responsibility order or agreement

### **Children and young people**

If you are a young person whose family is changing you may find the Children and Family Court Advisory Support Service (Cafcass or CAFCASS Cymru) leaflets helpful. They are available on the Cafcass website if you live in England or the CAFCASS Cymru website if you live in Wales. Follow the links below.

England: [www.cafcass.gov.uk](http://www.cafcass.gov.uk)

Wales: [www.cymru.gov.uk/gcclbtvcymru](http://www.cymru.gov.uk/gcclbtvcymru)

## About the 'parties' in a case

The parties to a case are those involved in the court proceedings and may include:

- everyone who has the right to apply for an order (see section D);
- people with parental responsibility (see section E); and
- anyone who the court has made a 'party' to the case.

If someone else has applied for an order you may not be a party to that case, but you may apply 'to be joined as a party' to it. Section F will tell you which form to use.



## **D – The orders you can apply for**

If you want to apply for an order related to enforcing an existing child arrangements order you should read leaflet '*CB5 Applications related to enforcement of child arrangements order*'.

If you want to apply for an adoption order you should read leaflet '*A20 Adoption - a guide to court users*'.

If you want to apply for a special guardianship order you should read leaflet '*CB4 Special Guardianship - a guide for court users*'.

For all other applications, read the paragraph below that applies to you to find out what orders you can apply for. The first sentence will tell you who the section applies to, for example if you are the child's mother you need to read paragraph 1.

An application to have an existing order changed is called an application to vary the order.

An application to have an existing order brought to an end is called an application to discharge the order.

### **1. Mother**

If you are the child's mother you can apply for the following orders.

- Child arrangements order (including to vary or discharge an existing order)
- Specific issue order (including to vary or discharge an existing order)
- Prohibited steps order (including to vary or discharge an existing order)
- Financial provision (including to vary or discharge an existing order)
- Discharge of a parental responsibility order

### **2. Father or parent (under section 42 or 43 of the Human Fertilisation and Embryology Act 2008)**

If you are the child's father or parent under section 42 or 43 of the Human Fertilisation and Embryology Act 2008 you can apply for the following orders.

- Child arrangements order (including to vary or discharge an existing order)
- Specific issue order (including to vary or discharge an existing order)
- Prohibited steps order (including to vary or discharge an existing order)
- Financial provision (including to vary or discharge an existing order)

Also, if you are the child's father or parent under section 42 or 43 of the Human Fertilisation and Embryology Act 2008 and you have parental responsibility, you can apply for:

- discharge of the appointment of a guardian; or
- discharge of a parental responsibility order or agreement.

If you are the child's father or parent under section 42 or 43 of the Human Fertilisation and Embryology Act 2008 and you do not have parental responsibility, you can apply for:

- appointment of yourself as a guardian if the child has no parent with parental responsibility; or
- a parental responsibility order.

### **3. Step-parent**

You are a step-parent if you are not the child's parent but are married to, or a civil partner of, a parent of the child who has parental responsibility for that child and you have treated the child as your child.

If you are the child's step-parent you can apply for the following order.

- Child arrangements order (including to vary or discharge an existing order)

Also, if you are the child's step-parent and you have parental responsibility, you can also apply for:

- a specific issue order (including to vary or discharge an existing order);
- a prohibited steps order (including to vary or discharge an existing order);
- discharge of a parental responsibility order, if it is your parental responsibility you want to discharge;
- discharge of a parental responsibility order of an unmarried father; or
- discharge of the appointment of a guardian.

If you are the child's step-parent and do not have parental responsibility you may also apply for:

- appointment of yourself as a guardian, if the child has no parent with parental responsibility; or
- a parental responsibility order.

## 4. Grandparent

If you are the child's grandparent you can apply for the following order.

- Appointment of a guardian

## 5. Guardian

If you have been appointed as the child's guardian you can apply for the following orders.

- Child arrangements order (including to vary or discharge an existing order)
- Specific issue order (including to vary or discharge an existing order)
- Prohibited steps order (including to vary or discharge an existing order)
- Financial provision (including to vary or discharge an existing order)

## 6. People with a child arrangements order

If you have a child arrangements order that is in force you can apply for the following orders.

- Child arrangements order (including to vary or discharge an existing order)
- Specific issue order (including to vary or discharge an existing order)
- Prohibited steps order (including to vary or discharge an existing order)
- Financial provision (including to vary or discharge an existing order)
- Discharge of the appointment of a guardian
- Discharge of a parental responsibility order

**Remember:** If you do not have the right to make an application you may still be able to apply, but you must first get the court's permission. Section F will tell you which form to use.

## 7. Other people

If you are not a parent or guardian as above you may still be able to apply for an order as follows.

If you have an interest in the child's welfare:

- Appointment of a guardian

If the child has been living with you for at least three years during the last five years and within the last three months:

- child arrangements order (including to vary or discharge an existing order)

If the local authority caring for the child has agreed that you may apply for an order:

- child arrangements order (including to vary or discharge an existing order)

If you are married or in a civil partnership, or have been married or in a civil partnership and the child is or was regarded as a child of the family:

- -child arrangements order (including to vary or discharge an existing order)

If you have the permission of everyone who has parental responsibility for the child and there is no child arrangements order in force and the child is not in the care of the local authority:

- child arrangements order (including to vary or discharge an existing order)

If you have the permission of everyone who has a child arrangements order for the child:

- child arrangements order (including to vary or discharge an existing order)

## E – About parental responsibility

### What is 'parental responsibility'?

If you have parental responsibility you have all the duties, rights and authority which, by law, a mother or father has for their child. This is described in full in the Children Act 1989.

A child's mother always has parental responsibility for the child. However, sometimes a child's father or other parent does not have parental responsibility.

You have parental responsibility if you have, since 1 September 2009, been registered as the child's parent under section 10A(1B) of the Births and Deaths Registration Act 1953.

The list below will help you decide if you have parental responsibility. The list also shows that sometimes a person who is not a parent may have parental responsibility.

You have parental responsibility if any of the following applies.

- You are the child's mother.
- You are the child's father and you were married to the child's mother when the child was born.
- You are the child's parent under section 42 of the Human Fertilisation and Embryology Act 2008 as you were the mother's civil partner, or married to the mother, when the child was born.
- You are the child's step-parent (married to or a civil partner of a parent with parental responsibility) and you have made a parental responsibility agreement with the child's mother (and father if he also has parental responsibility) or you have a parental responsibility order.
- You hold a child arrangements order for the child.
- You hold an emergency protection order for the child.
- You are the child's guardian.
- You have adopted the child.
- You are the child's special guardian.
- You are the child's father and you were not married to the child's mother when the child was born but you now have a parental responsibility order, or any of the following applies.
  - You have made a parental responsibility agreement with the child's mother.
  - You have since married or entered into a civil partnership with the child's mother.

- You are the child's parent under section 43 of the Human Fertilisation and Embryology Act 2008 and you have since entered into a civil partnership or marriage with the child's mother.
- You have, since 1 December 2003, been registered as the child's father under paragraphs (a), (b) or (c) of sections 10(1) or 10A of the Births and Deaths Registration Act 1953 or the corresponding law in Scotland or Northern Ireland.
- You are the child's parent under section 43 of the Human Fertilisation and Embryology Act 2008 and you have, since 1 September 2009, been registered as the child's parent under paragraphs (a), (b) or (c) of section 10A (1B) of the Birth and Deaths Registration Act 1953.

If you or the child (or both of you) has links with Scotland or Northern Ireland you should contact the authorities there for more information on parental rights.

If none of the above applies but you or the child (or both of you) has links to a country outside the UK you may have parental responsibility rights in that country. You should contact the authorities for the relevant country to find out if this affects you.

## **What is a parental responsibility agreement?**

A parental responsibility agreement is a legal document in which a child's mother and father agree that the father has parental responsibility for the child, or in which a child's mother and father (if he already has parental responsibility) agree that the child's step-parent has parental responsibility for the child. (A step-parent is someone who is not a parent but is married to or the civil partner of one of the parents with parental responsibility.)

You must make a parental responsibility agreement on form C (PRA1) for a father, form C (PRA2) for a step-parent or form C (PRA3) for a second female parent under section 42A of the Children Act 1989. Each of these forms comes with notes that will tell you more about how to make a parental responsibility agreement. You can get these forms from any family court office or download them from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

## F – The forms and leaflets you need

The table below shows which forms you must use to make your application. You can get all forms and leaflets at any family court office, or download them from our website at [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk).

If you are applying for an order related to enforcing an existing child arrangements order you should read leaflet '*CB5 Applications related to enforcement of a child arrangements order*'.

If you are applying for a special guardianship order you should read leaflet '*CB4 Special Guardianship - a guide for court users*'.

Type of application	Forms needed
Child arrangements order	C100
Prohibited steps order	C100
Specific issue order	C100
Appointment of a guardian	C1
Discharge of appointment of a guardian	C1
Parental responsibility order (section 4)	C1
Step-parental responsibility order (section 4A)	C1
Discharge of a parental or step-parental responsibility order	C1
For an order in existing proceedings	C2
To be joined as a party in existing proceedings (for example if you have received a C6A notice of proceedings)	C2
Permission to apply for a court order	C2

If you would like to apply for an order that is not listed above you may want to get advice from a solicitor or a citizens advice bureau.

## **G – Telling respondents and other people about your application**

Later, depending on the application form you need to use (see section F), you will have to tell people that you have made an application. These people are referred to as the respondents. These might include the child's parents or someone who is looking after the child or other people named on the application. Telling people about your application and providing a copy of your application form to the respondents is called 'service'. The next sections, H and I, will help you identify who are the respondents and other people you need to tell about your application.

- If you are making a form C100 application the court will give the respondents a copy of your application form. However, if you are making an application on form C1 or C2, you will need to give the respondents a copy of your application form and other documents provided by the court. This will give them the opportunity to send in their own form in response to your application.

If you are applying for more than one order you may have different respondents or other people you have to tell for each order using form C1 or C2.

If a respondent is under 18 years of age and does not have a solicitor you need the court's permission to tell them about your application.

Sometimes there will be no one for you to tell about your application.

Regardless of the application form you use, you have to tell other people you have told about your application that you have applied for a court order, but you do not have to give them a copy of your application form.

### **When do I tell people about my application?**

The court will tell you later when and how to tell the respondents (if you have made an application using form C1 or C2) and other people (whichever application form you have used).

Telling people about your application and providing a copy of your application form to the respondents is called 'service'. There is more information about this in section Q.



## H – Who are the respondents?

The list below will tell you who the respondents are to your application.

In any application, if the child is the subject of a care order the respondents will include every person you believe to have had parental responsibility immediately before the care order was made. You may want to refer back to section E 'About parental responsibility'.

If you apply for a:

- child arrangements order;
- specific issue order;
- prohibited steps order;
- parental responsibility order; or
- the appointment of a guardian;

the respondents are everyone you believe has parental responsibility for the child.

If you apply to vary or discharge a:

- child arrangements order;
- specific issue order; or
- prohibited steps order;

the respondents are:

- everyone you believe has parental responsibility for the child; and
- the parties in the application for the order to be varied or discharged.

If you apply for financial provision, the respondents are:

- everyone you believe has parental responsibility for the child; and
- everyone you believe may be affected by your application.

If you apply to vary or discharge an order for financial provision, the respondents are:

- everyone you believe has parental responsibility for the child; and
- the parties in the application for financial provision.

If you apply for the discharge of a guardian, the respondents are:

- everyone you believe has parental responsibility for the child; and
- if a guardian was appointed by a court order, the parties in the application for the appointment of the guardian.

If you apply to vary or discharge of a parental responsibility order, the respondents are:

- everyone you believe has parental responsibility for the child; and
- the parties in the application for the parental responsibility order.

## I – Who are the other people I have to tell?

If you apply for, or apply to vary or discharge, a:

- child arrangements order;
- specific issue order; or
- prohibited steps order;

you have to tell the following people.

- If the child is in local authority accommodation (this might be a children's home or with foster carers who could be related to the child), the social services department of the local authority.
- Everyone who is caring for the child.
- The person who provides the home in which the child is staying if the home is a registered children's home or a voluntary home, and it is a refuge.
- Everyone who you believe is named in a court order which:
  - concerns the child and is in force, unless you believe that order is not relevant to your application; and
  - you think applies to your application.
- Every person you believe to be a party (see section C) in court proceedings which are taking place now, unless you believe those proceedings are not relevant to your application.

If you apply for a parental responsibility order, the other people you have to tell are:

- if the child is in local authority accommodation, the social services department of the local authority;
- if the child is staying in a home that is a registered children's home or a voluntary home, and it is a refuge, the person who provides the home; and
- everyone who is caring for the child.

If you apply for the appointment of a guardian, the other people you have to tell are:

- the social services department of the local authority if the child is in local authority accommodation;
- if the child is staying in a home that is a registered children's home or a voluntary home, and it is a refuge, the person who provides the home;
- everyone who is caring for the child; and

- the child's father if he does not have parental responsibility for the child.

(We explain parental responsibility in section E of this booklet.)

If you apply for financial provision, the other people you have to tell are:

- if the child is in local authority accommodation, the social services department of the local authority;
- if the child is staying in a home that is a registered children's home or a voluntary home, and it is a refuge, the person who provides the home; and
- everyone who is caring for the child.

If you apply to vary or discharge an order for financial provision, the other people you have to tell are:

- if the child is in local authority accommodation, the social services department of the local authority;
- if the child is staying in a home that is a registered children's home or a voluntary home, and it is a refuge, the person who provides the home; and
- everyone who is caring for the child.

If you apply to vary or discharge a guardian, the other people you have to tell are:

- if the child is in local authority accommodation, the social services department of the local authority;
- everyone who is caring for the child; and
- the person who provides the home in which the child is staying if the home is a registered children's home or a voluntary home, and it is a refuge.

If you apply to vary or discharge a parental responsibility order, the other people you have to tell are:

- if the child is in local authority accommodation, the social services department of the local authority;
- everyone who is caring for the child; and
- if the child is staying in a home that is a registered children's home or a voluntary home, and it is a refuge, the person who provides the home.

## **J – Why do you need the information you have asked for?**

### **Filling in form C100**

It is very important that you fill in form C100 carefully. You must provide full details about yourself and the respondents in sections 9, 10 and 11 or your case will be delayed while we ask for the information. Cafcass and CAFCASS Cymru need this information to help protect the welfare of the children. Both applicants (if there is more than one) have to sign the application form.

### **Address (including keeping your address secret)**

We need your address to contact you. We will also give your address to other parties (the other people involved) so that they can give you a copy of their response to your application.

If you do not want someone to know your (or the child's) address, phone number or email address, you do not have to put it on the application form. But you will still have to give your contact details to the court and there is a special form for you to do this. You should fill in form C8 '*Confidential contact details*' with your application. You can get a copy of form C8 from any family court office or from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

### **Who the child lives with**

You should tell us about any other people who live with the child, for example, new partners of a parent, aunts, uncles, and grandparents. You should also tell the court if the child lives at more than one address. This will help give the court a complete picture of the child's living arrangements.

### **Social services**

We also need to know if the child is the subject of a child protection plan or known to local authority children's services (you may know this as social services). The court may decide to ask for further information or advice from the local authority.

### **Cafcass and CAFCASS Cymru**

Cafcass – Children and Family Court Advisory and Support Service (in England)

CAFCASS Cymru – Children and Family Court Advisory and Support Service Wales

Cafcass and CAFCASS Cymru look after the interests of children involved in family proceedings. They work with children and their families, and then advise the court on what they consider to be in the best interests of the child.

Cafcass and CAFCASS Cymru are responsible for protecting and promoting the welfare of children who are the subject of family court cases. They do this by working with the children and families and by providing advice to the courts. They also carry out checks with other organisations, in particular local authorities and the police, as part of their work to make sure that children are safe, and report their findings to the court.

## **K – About evidence**

There are two kinds of evidence you may use to support your case:

- oral evidence; and
- written (or documentary) evidence.

### **About oral evidence**

At the court hearing you may want to tell the court something or you may want someone else to go to court as a witness and tell the court something to support your case. What you or your witness say is called 'oral evidence'.

However, the court may not allow you or your witness to speak to the court unless you first give the court office a written statement of what you or your witness will say. The statement must end with the following words.

'I believe the statement to be true and I understand it may be placed before the court.'

You must sign and date the statement.

Take the statement to the court office with the other forms and papers.

### **Copies of court orders**

Some parts of the forms ask you to provide copies of court orders. You can get a copy of an order from the court which made it. Ask the family court office for a certified copy. You may have to pay a fee.

### **Rules about written evidence**

You must get the court's permission before you ask an expert to prepare a report to use in the proceedings.

If you want a report made on the child you must have the court's permission before you ask someone to assess or examine the child.

You must write to the court with your request before the first hearing dispute resolution appointment and the court will normally expect you to be ready to discuss this.

If you apply for a child arrangements order, specific issue order or prohibited steps order you must fill in the form and give only the information it asks for.

If you are also filling in a supplemental information form (form C1A), again give only the information it asks for. There are Notes for Guidance on filling in form C1A. You can get these from the court office.

You must have the court's permission if you want to:

- refer the court to written information; or
- give information which a form does not ask for.

If you apply for an order which is not a child arrangements order, specific issue or prohibited steps order, you may refer to written evidence on your forms but you must provide the family court office with copies of the evidence.

## **L – About fees and costs**

You may have to pay a court fee to apply for an order.

If you have to ask the court for permission to apply for an order you will have to pay a fee. This fee is not refundable. If the court gives you permission you will not have to pay another fee when applying for the order.

There may be other costs (for instance, you may have to pay expenses to a witness who goes to court to give evidence for you) but that depends on your case and what you decide to do.

For more information about fees, please see booklet '*EX50 Civil and Family Court Fees*'. This booklet lists the most common family fees. You can get a copy from any family court office or from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

### **Methods of payment**

Courts accept payment by debit or credit cards, cash, postal orders or cheques, which you should make payable to 'HM Courts & Tribunals Service'. If you pay by cheque and it bounces, the court will take steps to recover the money. If you do not pay a court fee your case may be stayed (suspended) or even struck out. (If your case is struck out it will be permanently removed from the court and you would need to apply again.)

### **What if I cannot afford to pay a court fee?**

If you cannot afford to pay a court fee, you may be eligible for a reduced fee or you may not have to pay. The booklet '*EX160A Court and Tribunal Fees - Do I have to pay them?*' gives all the information you need. You can get a copy from any family court office or from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)



## **M – The court you apply to**

You should normally make your application to your nearest family court. You can find the full list of courts, and information about what type of work they do, online at [courttribunalfinder.service.gov.uk](http://courttribunalfinder.service.gov.uk)

The court you apply to will usually deal with your case. However, sometimes a court may decide a case should be dealt with by another court and will transfer it there.

## **N – Attending court – special arrangements**

### **If you need special help**

If you need special help or facilities, for example because of a disability, please set out your requirements in full on your application form.

The court staff will need to know what you will need, for example, documents in alternative formats such as Braille or large print, certain access, 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, your hearing may be adjourned (postponed).

If you need a foreign-language interpreter you should also contact the court immediately so that court staff can arrange one for you.

### **Security**

If for any reason you are worried about security at court please let the court staff know as soon as possible. They will consider your needs and how they can help you.

## O – What to do next

### Check the form

Check that you have said everything you want to say. Once you have submitted the forms to the family court office you will need the court's permission if you want to change anything on the forms.

### Copy the forms

Make a copy of each form for yourself, a copy for Cafcass or CAFCASS Cymru and, if you have made an application using form C1 or C2, a copy for each respondent whose name you have provided in your application. Make the same number of copies of any other papers which you will give to the court with your forms.

These papers may include:

- a court order;
- bank statements and accounts, if you filled in form C10A;
- the supplemental information form (form C1A); and
- written evidence which you want to use to support your application.

Your total papers given to the court must include the original and a copy for you. However, if you have made an application using form C1 or C2, you must also include a copy for each respondent and a copy for Cafcass or CAFCASS Cymru.

Make sure any extra sheets you may have used include the child's or children's names and the section number of the C1 or C100 you are answering.

Then you must take or send the forms and copies to the family court with the correct fee. This is called 'lodging' or 'filing' your application.

In an emergency the court may allow you to make an application without telling the other parties. This type of application is called 'without notice' or may be referred to as 'ex-parte' at court. If the court then makes an order you may have to provide a copy of the order to anyone who will be affected by it. Tell the family court office if you want the court to deal with your application 'without notice'.

## **P – What the court will do next**

### **How the court will deal with your case**

This depends on many things and the court is unlikely to deal with your case on one occasion (the 'hearing').

When the court office gets your forms it will check you have filled in the forms correctly and included any relevant papers. It will give you a date and time when the court will first consider (hear) your case. This is usually called a directions hearing, or a 'first hearing dispute resolution appointment'.

The date of the directions hearing must give you enough time to let certain people know you have applied for an order and give them time to reply.

You will be provided with copies of the application forms and notices of hearings for each of the respondents. You will have to give a copy of these documents to each respondent. We explain this in section Q – Telling the respondent and others people about your application.

The law says there must not be any unnecessary delay in a case which concerns a child, and at the directions hearing the court will decide a timetable for your case.

You should make a note of the child's number or the case number, which the court office has put on the forms. You will need that number if you write to, or phone, the court office.

Once you have taken steps to start a court case, the law places restrictions on the information about the case that you can then share with other people.

Leaflet '*EX710 - Guidance on disclosing information about Family Proceedings involving children which are heard in private*' explains what these restrictions are. You can get a copy from any family court office or you can download it from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

### **If the child needs help urgently**

If you think the child needs help at once, and the court agrees, it can give directions (instructions) or make a temporary order.

### **If you do not want the case to continue**

When you have given your forms to the court, you may apply for 'permission to withdraw your case' but only the court can decide what to do.

## **Q – Telling the respondents and other people about your application**

After the court office has issued your application and sent you the documents listed in the previous section, you must then, if you have made an application using form C1 or C2, tell the respondents and, regardless of which application form you used, anyone else you have to tell about your application. This is called 'service'. You must by law serve all these people unless the court has told you not to.

When the court sends you the copies of your application form, and any new forms, it will also send you a leaflet, '*CB3 – Serving the forms – Children Act 1989*'. This leaflet gives detailed instructions about what you must do.

You may ask a court official for information but court staff are not allowed to advise you about what to do in your case.

You may be able to get free legal advice. Go online to [www.gov.uk/legal-aid](http://www.gov.uk/legal-aid) to find out more information.

### **Getting advice in your case**

A court official can give you information about court procedures but cannot give legal advice. You can get advice from the following.

- A solicitor – you can get the names and addresses of solicitors who specialise in Children Act work from:
  - the Law Society's 'Children Panel' (020 7242 1222); or
  - Yellow Pages or the Solicitors' Regional Directory. (You can find these at a public library.)
- A citizens advice bureau ([www.citizenadvice.org.uk](http://www.citizenadvice.org.uk)).
- A legal advice centre or a law centre.
- The Law Society website ([www.lawsociety.org.uk](http://www.lawsociety.org.uk)).

You may have asked a solicitor for some advice. However, the solicitor is only acting for you if you have appointed them to do so.

### **You may apply on your own**

If you decide to apply on your own you may want to get legal advice about the order you want the court to make. A court order may affect your life, or the child's life, in ways you may not have thought about.

## People under the age of 18

If any of the people (for example the parents of the child) involved in the case are under 18, an adult must handle the court proceedings on their behalf as well as any legal representation. This adult is called a litigation friend. A litigation friend must be able to handle proceedings on behalf of the person aged under 18 and must not have interests in the case that do not agree with the child's interests. Any steps and decisions taken by the litigation friend in the proceedings must be made for the benefit of the child. A person can become a litigation friend as a result of the court making an order appointing them, or by filling in a certificate of suitability in form FP9 and filing it at the court.

## Help from a layperson (sometimes called a McKenzie Friend)

If you decide to apply on your own without legal representation, a layperson or friend, sometimes called a McKenzie Friend, may be able to help you in court. That person might:

- provide moral support;
- take notes;
- help with case papers; and
- quietly give advice on:
  - points of law or procedure;
  - issues that you want to raise in court; and
  - questions you may want to ask witnesses.

A McKenzie Friend has no right to act on your behalf, speak to the court, examine witnesses or sign the court documents.

You should tell the court at the start of the hearing if you want to have a layperson or McKenzie Friend present.

## If you do not apply on your own

You may be able to get help from the Legal Help Scheme. A solicitor, a law centre or a legal advice centre will be able to tell you whether you are eligible for legal help. You must apply for legal help through a solicitor.

## Children and young people

If you are a young person whose family is changing you may find the Children and Family Court Advisory Support Service (Cafcass or CAFCASS Cymru) leaflets helpful. They are available on the Cafcass website if you live in England or the CAFCASS Cymru website if you live in Wales. Follow the links below.

England: [www.cafcass.gov.uk](http://www.cafcass.gov.uk)

Wales: [www.cymru.gov.uk/gcclbtcmru](http://www.cymru.gov.uk/gcclbtcmru)

