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client_no }/{ MERGEFIELD matter_no }

Your Ref:

{ QUOTE { DATE \@ "d MMMM yyyy" } }

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Re: { MERGEFIELD MATTER MATTER_DESCRIPTION }

I am { MERGEFIELD CALCULATION_FEE_EARNER_DESCRIPTION }, a JOB TITLE, in the
Family Department. I will have conduct of your matter throughout. I am supervised by NAME, a
JOB TITLE.

Your Instructions

Our Advice

The Local Authority will issue 'Care Proceedings' where they are concerned about the care you
provide to your children. This means the Local Authority will make an application to the Court
asking that your child is put into care permanently.

The Court have to look at the Welfare Checklist when they decide what is best for your child.

This includes:

- The wishes and feelings of your child, considering his or her age and understanding.
- The effect on your child of a change of circumstances
- The age, sex and background of your child which could be relevant to the Court's
decision
- Any harm that your child has suffered or is at risk of suffering

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- How capable each parent is of meeting your child's needs
- The different options available to the Court

When the Local Authority make the application to the Court, the Court will look at it within 24 hours. The Local Authority will always make the application to the Family Court which is closest to where your child is living.

A Guardian will be appointed on behalf of your child. The Guardian is a social worker from CAFCASS (Children and Families Court Advisory and Support Service), who is completely separate and independent from the Local Authority's social worker. This is to make sure your child's best interests are represented fairly in the case.

The Court will set out a timetable of dates, which are sometimes called 'directions'. These directions set out when each party must give their evidence in support of their case, or a date when evidence from an expert must be given (for example, an expert doctor might need to give an opinion on an injury). Sometimes evidence is needed from third parties, such as police evidence or medical evidence.

Case Management Hearing

The Court will also arrange for the first hearing to take place, which is called the Case Management Hearing. The Court will not make a final decision about your child at this hearing. The purpose of it is to find out some further information. The Court will try to find out the following:

- What the main issues are in your case
- Creating the timetable for the case
- What evidence is needed, for example witness statements or expert reports
- Whether you disagree with what the Local Authority say about the care you give to your child, or whether you disagree with the other parent. This helps the Judge to decide whether he will need to hear evidence from anyone.
- Whether there are any other people who should be joined to the case, for example a family member or a third party who has been accused of abusing your child.
- The Court will also set a date for the Local Authority to prepare their final evidence and Care Plan. You and the other parent will be able to give a statement replying to the Local Authority's evidence.

Issues Resolution Hearing

After the Case Management hearing, the Court will list the next hearing which is called the 'Issues Resolution Hearing'.

At the next hearing, all the evidence will have been supplied to the Court and to each party. If the parties are in agreement, then a final order can be made at this hearing.

Final Hearing

If the parties do not agree, then Court will list a final hearing where the parties can give evidence, and the Court will decide what order should be made.

Usually, this happens because the Local Authority say that your child should not live with you, but you disagree with this.

These are the main hearings which take place in Care Proceedings, however sometimes there will be other hearings which you need to attend. This could happen where an urgent decision needs to be made, for example. You should always ensure you go to Court hearings.

Timescales

The guidelines say that the Care Proceedings should take no longer than 6 months (26 weeks), so the Court will try to make sure it does not take longer than this. Sometimes in complicated cases it will take longer than this, but I will keep you updated about the timescale of your case regularly.

Costs

You are entitled to free Legal Aid in this type of case. It does not matter how much you earn, or whether you have a job or not. This includes the cost of me or another solicitor at this firm attending Court to represent you, or a barrister.

There are a few things you need to know about Legal Aid though.

You must let me know if your address changes, as I will need to notify the Legal Aid Agency straight away.

You must give me your instructions throughout the case and attend any hearings which the Court tells you to. If you do not do these things, then the Legal Aid Agency can cancel your Legal Aid, and I would not be able to help you anymore. You would then need to represent yourself in your case which you may find difficult. Therefore, it is very important that you keep in contact with me during your case, and I will keep you regularly updated.

Next Steps

You must sign and return the copy of this letter as soon as possible. It is important you do this, otherwise I cannot start work on your case.

My Firm uses a secure internet portal where I can send you documents and you can contact me. I will send you a login for this portal soon. If you don't have access to the internet, please let me know so I can send documents to you in the post instead.

If you have any questions, please do not hesitate to contact me.

Yours sincerely

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