

The Family Court Survival Guide

Produced by Both Parents Matter Cymru

Both Parents Matter (BPM) Cymru are here to help. We support non-resident parents (and grandparents) and help give a voice to male survivors of domestic abuse.

We offer a range of different services to support our service users; both legal and emotional. We can provide access to a solicitor for a free initial consultation to advise you on your next steps. We can help you complete your court forms for the family court and help support you in making an application for legal aid (if you are eligible). In addition to this, we offer a free weekly Wednesday legal advice meeting wherein you can speak to one of our case advisers and meet our other service users who are going through the court process.

We encourage all our male registered service users to join our online closed Buddy Facebook group where our service users can share their experiences. We hold monthly face to face meetings (in Cardiff and Swansea) for all our service users as an opportunity to meet each other. We hold fortnightly online Buddy meetings to help connect our service users from across England and Wales. We have our Buddy Scheme which offers one-to-one contact with a dedicated Buddy volunteer. Our Buddy volunteers do not offer legal advice. However, they offer a listening ear to help service users unload and help process the trauma they have gone through. One of our service users has said

“my Emotional Buddy has been fantastic for me and has restored my personal faith in society when others have made me feel useless, worthless, and suicidal. I would go as far to say if the Both Parents Matter Organisation had not come into my life when they did then I most probably would not be here now.” (Current service user, father of 4)

In order to access support from our Charity, you will need to complete one of our Service User Packs. You can start the process of completing one of these packs by calling our helpline on 0333 050 6815 (Monday to Friday 10am - 7pm) or via our contact form on <https://bpmuk.org/>

In the meantime, we have put together our BPM Survival Guide which we hope will go some way to providing you with some support until you feel ready to contact us.

Best wishes,

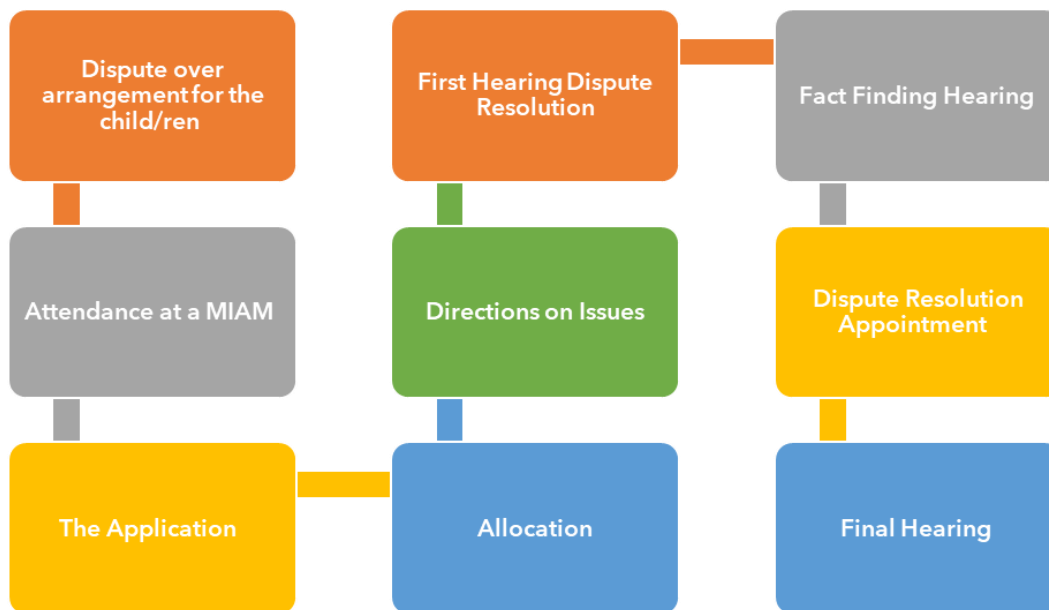
The BPM Team

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The Family Court Process

We have put together a general roadmap of the family court process in relation to child arrangements (called “private law”). It can vary from case to case depending on the complexities of the case but, overall, this is what the process looks like.



Please refer to page 9 for explanations of abbreviations.

Dispute over arrangements for the child/ren

Seek advice from a legal professional if you find yourself needing to use the private law process, BPM can help arrange free legal advice for you and a legal aid assessment in appropriate cases. These cases arise where contact for the children, or where they live, cannot be agreed between the parents.



We can help you seek free legal advice and refer you for a legal aid assessment

Attendance at a MIAM

This is a compulsory element for the applicant unless an exemption applies. The other party will be notified and will be encouraged to attend mediation. The purpose of a MIAM is for a mediator to provide the parties with information about mediation to assess their suitability for mediation. There are limited exceptions to mediation e.g. where there is evidence of domestic abuse, where there are child protection concerns or where the matter is urgent.

Mediation

If both parties agree to attend a mediation session or if no exemption applies then, the parties are required to try and reach an agreement out of court. These sessions are usually very informal in front of an independent trained mediator who will try and help the parties to reach agreement. If no agreement is reached, then the parties can make an application to court.



We can help you find a mediator

It is advisable to reach an agreement out of court if you possibly can. You should not expect the court to have a magical solution. But the court is there when there is no other option.

The Application

To make an application to the family court you should use form C100. You can fill this form on paper or use the online service.

To enforce an existing order, you should use form C79.

To raise issues with serious issues of domestic abuse (domestic abuse which affects the care of the children) you should also complete form C1A alongside C100.



We can provide you with help and advice with these forms if you do not have a solicitor.

Allocation/Gatekeeping

Allocation means the process of the court deciding where your case should be heard, and what level of court and judge your case requires. Your case will always be allocated to the court that is nearest to where the child lives at the time of the application.

If this is your first court application, then your case will likely be allocated to the bench of Magistrates. If you have been to court before, then it is more likely that your case will be allocated to a District Judge if the issues from your previous case are still continuing. If your case is very serious or has been going on for many years, it may be allocated to a Circuit Judge.

The Gatekeeper is a legal professional and will make these decisions before you come to court.

Directions on Issue

If the applicant has not attended a mediation session, and/or did not have a valid reason (e.g., victim of domestic abuse), then the Gatekeeping Judge may insist mediation is attended first or may make other decisions before the case can be allocated. It may be that your application form has a mistake, or other things need to happen.

During this time, safeguarding enquiries will be undertaken and completed by CAFCASS. The safeguarding enquiries should be completed after the receipt of the application. The purpose of these enquiries is to identify whether the child's safety is at risk. A letter will be provided to the court. The letter is known as the 'Safeguarding Letter.'

First Hearing Dispute Resolution Appointment (FHDRA)

This hearing is attended by both parties and CAFCASS may be in attendance. The judge will give the parties time to negotiate. If an agreement is reached it will be drawn up and sealed. If an agreement cannot be reached, the court will give directions which the parties are required to comply with. Some of the directions which are commonly made are: (i) a Section 7 report, (ii) witness statements, (iii) expert evidence, and, (iv) listing of the next hearing.

Court Order

A new court order will be made after every hearing, and any older order you may have had will become extinguished unless the court states otherwise. A court order is usually drafted by the Applicant's solicitor, or if the applicant does not have a solicitor, the Respondent's solicitor. If neither have legal representation, then the order will be drafted by the court.

It is important to take notes at every hearing, to make sure you know what is going to be in your court order. Sometimes it may take a couple of weeks for you to receive the order in the post, but it is valid as soon as it is handed down. Handed down means when it is spoken by the Judge or Magistrates at the end of the hearing, just before the matter concludes. An Order helps the parties know what needs to happen, and what is going to happen moving forward.

Interim Order

An Interim Order is an order made in the short term. For example, an Interim Order might be made at the first hearing for some contact. This contact might not be what you have asked for, but it is put in place in the interim whilst other matters in the case are being decided.

Sometimes, interim contact is not awarded in an Interim Order. This is because the other matters are so serious that the court cannot rightly make an order at this stage, and the proceedings will need to progress more before contact can be awarded.

Fact Finding Hearing

A Fact Finding hearing is a trial to determine the ‘facts’ of a case, namely whether allegations are true or not, or whether certain events happened or not. Sometimes a Fact Finding is necessary before the case can properly continue. Only a small minority of allegations progress to a Fact Finding hearing, and the allegations must be relevant to the care of the children for such a hearing to be considered.

Issues that have been reported to police can become part of a Fact Finding hearing, regardless of whether they have been deemed No Further Action by police in the past.

At a Fact Finding hearing, both parties will have an opportunity to put their allegations forward and to make responses in a statement, and the court will decide which allegations should be heard at a hearing. If your allegations are not heard, that does not mean they are not important, but they are not considered necessary to discuss in terms of whether it is safe for the children to have contact with the parties to the application.

If you are representing yourself, you will not be able to ask a former partner questions directly. The judge will invite you to write your questions down, and the judge will ask the questions for you, or you can employ an advocate just for that purpose.

Dispute Resolution Appointment (DRA)

The purpose of this hearing is to consider whether any of the remaining issues are capable of being determined at this hearing. If the case cannot be resolved at this hearing, directions will be made which will need to be complied with before the final hearing.

Final Hearing

It is rare for a private child/ren case to run all the way to a final hearing as many parties are able to reach an agreement in the earlier stages in the proceedings. If not, the parties will be required to give oral evidence at this hearing. At the end of the hearing, the judge will hand down a judgement for the application with reasons.

Throughout the process, the parties will always be encouraged to attend mediation and reach a solution.

At the end of a Final Hearing, a judgment will be given by the judge or Magistrates in your case. You will usually get a judgment at the end of the final day, or sometimes you may get another hearing to hear the judgement, or you may get it in writing. This is your final court order and the order which determines contact.

What we can and cannot help with

We can provide you with help with:

- ✓ Referring you for free one-off specialist legal advice
- ✓ Refer you to mediation
- ✓ Provide you with support from our male domestic violence team
- ✓ Provide emotional support via our Buddy Scheme
- ✓ Provide access to our monthly digital and face-to-face meetings
- ✓ Referring you for a legal aid assessment
- ✓ Helping you find a solicitor
- ✓ Help litigants in person fill out forms C100, C1A and C79
- ✓ Help litigants in person complete position and general court statements
- ✓ Provide emotional support via our buddy scheme

What we cannot help with

- We cannot represent you in court or attend court with you
- We cannot act as your representative
- We cannot provide you with specific legal advice
- We cannot contact your former partner on your behalf or act as a third-party contact or handover supervisor
- We cannot solve any urgent situation or emergencies, such as those needing Children's Services, Police or Health services – if you or someone else is at risk, you should contact the police or the relevant agency that can deal with your emergency
- We cannot provide you with case assistance or advice when you have a solicitor instructed, and our service is not intended to replicate those provided by a solicitor
- We cannot provide help with public law issues unless you are a parent who is seeking contact with a child after proceedings have ended and contact has stopped
- We cannot provide advice on appeals

Our Do's and Don'ts

Your relationship with your children has been blocked which is understandably causing you a lot of stress and anxiety. Inevitably, this is then making you feel upset and like everyone is against you. This is a completely natural reaction, but you must not show it! You must appear calm and reasonable – even if it is the last thing you want to be doing.

What we suggest you should be doing:

1. Don't give up

It is rare that a court orders no contact but, a lot of people give up part way through the process because they cannot cope. Don't let that be you! Make sure you are aware of the process (in general), and you are ready to fight in the court for your child/ren. Lean on your support network and engage in our Buddy Scheme to help guide you through the tough times.

2. Come up with a plan

Get 1 piece of A4 paper and write down the arrangements you are seeking for you and your child/ren. Be specific in dates, time, and location. You need to pinpoint exactly what it is you want; therefore, you will need to consider the practicalities of your situation. This is commonly referred to as a called a “Parenting Plan” but should be very simple, not exceeding one page, preferably as “bullet points”.

3. Be solution focused

It can be easy to get wrapped up in the problems around you however, the courts and other professionals are only interested in hearing the solutions. This is why it is so important to stay focused on what is in the best interests of your child/ren, and to have a clear plan! Make it easy for the court to agree.

4. Put everything in writing

You must communicate via written correspondence. You must keep a written trail wherever possible. Anything and everything that is not recorded will be used against you. Do not give them the opportunity to twist or misinterpret your words. Do not speak to your ex-partner, their representative or any other professional body, e.g. CAFCASS (excluding interviews) unless it is in writing.

5. Record all your interactions

Keep a diary of all correspondence and copies of all interactions you have had. There are phone apps which enable you to record all your conversations. There is no law against doing this (though social services and CAFCASS may try to dissuade you) but, talk to us before using these recordings.

You must not record any court hearing by any means (visually or by audio) as this is against the law.

6. Make a diary

Write down details of all key events, e.g., your relationship with your ex-partner, when access stopped and everything that has happened since. Try and keep things short and to the point. This diary needs to keep running until you have reached a solution. This diary will help you when going to court and dealing with professionals in your care.

7. Keep active and fit

You must try and keep your head as clear as possible. The other side will try to get under your skin as much as possible to try and to confuse you so that you feel like giving up. Do not allow them this opportunity – you must seek support for your mental health. Exercising has proven to be a very good way to help individuals cope with trauma and stress. Through our Buddy Scheme, we hold various group activities and work

alongside various activity groups. Please call our helpline or take a look at our website for further information.

8. Take action

Do not allow a period of not seeing your child/ren to develop in hopes that it will somehow change. This is highly unlikely and there is always the risk things will collapse and you will be back to the start. If your time with your child/ren is being unreasonably controlled, then do something about it – speak to us.

You must not do these under any circumstances

1. Do **not** post anything on social media about your situation

Anything you post on social media will be used against you. Avoid the temptation to put up posts, comments, or videos on social media. If you are a victim of cyber-bullying, you can report this to the social media platform. Often, social media posts are a way of point scoring and petty revenge neither of which work towards a solution for the child/ren.

2. Do **not** engage in petty squabbles

If the other side have falsified the truth or are making false allegations to try and undermine your character- do not address them directly with the other party. Inform your legal counsel who will do their best to have them addressed in a professional matter. If you receive messages or calls from your ex-partner, make a note of them, and pass them on to your representative.

3. Do **not** breach any interim orders that are in place

During court proceedings, there are several interim orders which can be made. You must follow all interim court orders in place. For example, if there is a non-molestation order in place, you must follow the order. Typically this means staying away from your ex, staying away from where they live, and not communicating with them. You may breach an order even if your ex phones you and you pick up – don't pick up! If you need to respond or interact with the other side, you must do this via your legal counsel.

4. Do **not** give up

We know we have put this twice but, this is how important it is. No matter how you are feeling or what is surrounding you - never give up. You do not want to look back and feel like you gave up. Keep fighting for your right to have access to your child/ren.

The Legal Jargon Buster

The Family Court process can be complicated and full of abbreviations. So, we decided to put together a Legal Jargon Buster to help you understand what some of these abbreviations are and what they mean.

Applicant, Respondent and The Other Side

An applicant is the person who has made the application. If you have submitted a court application which has started proceedings, then you are the Applicant.

The person who has received the application and is the person on the other side will be the Respondent. There can be more than one Respondent in any application but there can only be one Applicant, this is the person who has made the original application to start the proceedings.

You may hear the parties being called the Applicant Father and the Respondent Mother by the court, or in whichever order the application has been made, or you may just hear Applicant and Respondent or Mother and Father depending on the court's preference.

The other side simply means your opponent, or the party (usually a parent) on the other side of the case. You will frequently hear solicitors and the court using this term.

Party

A party can be a parent or any other person who has been joined to the proceedings or who is named on the court application. Usually, both parties are the parents of the children (Mum and Dad) but grandparents, aunts and uncles, and other people who ordinarily have care of the children can also become 'parties to the proceedings' if they are named on the application or make an application to join at a later date.

McKenzie Friend

If you are attending court as a litigant in person (without a legal representative) you can have someone with you during a hearing to provide moral support. They cannot offer legal advice nor speak on behalf unless permission has been granted by the court.

Proceedings and Matter

These are other words for 'court case'. You may hear the Judge, or a solicitor say, 'in these proceedings' or 'in this matter', which simply means in this current case.

'Previous proceedings' means a case that has happened before, such as on a previous occasion where you may have attended court in the past.

File and Serve

File means to send something to the court to place it upon the official court record. For example, when you submit your statement, you will send your statement to the court for 'placing upon the court file'.

Serve (or service) means to send your paperwork to the solicitor or party on the other side, your opponent.

The court will not send your paperwork to the other side once proceedings have begun, you must therefore 'file and serve' all your documents to both the court and the other party unless you are ordered to do something differently.

It is important you send your documents to the other party when you are meant to, as otherwise this may cause significant delays and may cause issues for your case.

Disclosure

If proceedings progress, sometimes a party may ask to see certain paperwork or records, and if the court agrees, it will make an order for those records to be disclosed. This is called court ordered disclosure and forms part of the evidence in the case.

There are very few limits upon the family court on what disclosure they can order, and can include police records, social services records, DWP records, school records, and many more.

You can also ask for your own records outside of the family court by way of a Subject Access Request, and then later asking the court to allow you to disclose them if you think they are helpful, or you can attach some of the records to your statements.

Wishes and Feelings

You may hear this term used when CAFCASS are speaking to your children and ascertaining what they want to happen. If your children are around nine years old, then the chances are that the court will allow them more of an opinion on what they would like to happen.

This is not a firm age bracket, and can depend on the personality of the child, their maturity, and many other things. The older the child, the more weight their feelings and opinions hold. A teenager will have more of a say on whether they should have contact with their parent than a younger child, for example.

In some cases, a Wishes and Feelings report may be undertaken by CAFCASS, and it will look specifically at the wishes and feelings of the children, and whether these should be followed and why. A child does not have to give reasons why they do or do not want to have contact.

Best Interests of the Children – Welfare Checklist

The Children Act 1989 states that all decisions in relation to the children have to be determined based on their best interests. This is called the Best Interests Principle and can be found in the Welfare Checklist. A copy of this list is attached below and can be seen at Section 1 of the Children Act 1989.

You may have heard about the No Order Principle. This means that the court should only make an order when it is in the best interests of the child to do so, and when this cannot be established, no order should be made. The Welfare Checklist contains the items that the court must consider in weighing up this decision.

CAO – Child Arrangements Order

A CAO is a legally binding order which details the arrangements made for a child including where a child will live and how they will spend time with each parent.

A good Child Arrangements Order will be specific about when, where and what times things will happen.

You can ask us for advice if you do not have legal aid or do not have a solicitor about what a Child Arrangements Order should look like, including contact, school holidays, Christmas and so on.

PSO – Prohibited Steps Order

A PSO is an order that stops the person named in the order from doing something. This may or may not be a parent but is ordinarily a person named in the application.

Examples include stopping someone from leaving the country with a child, stopping a parent changing their child's name, or otherwise prohibiting or stopping someone from taking a court of action.

SIO – Specific Issue Order

A SIO gives directions from the court to determine a specific question on a particular issue that those with parental responsibility are disputing. This is an order which requires one party to undertake a course of action that the other parent or party is prohibiting e.g., the child attending a specific school or medical treatment.

CO – Consent Order

A CO is used where the parents have reached an agreement regarding contact and residence. Therefore, they are asking the court to make the informal agreement legally binding and enforceable through the family court.

NMO – Non-Molestation Order

An NMO is a very powerful order which is used to prohibit an abuser from contacting the other party both directly and indirectly. It is used to prohibit the abuser from using or threatening physical violence, intimidating, harassing, communicating, and stalking with the victim. It is commonly known as a ‘restraining order.’

OO – Occupational Order

An OO allows the court to decide who should and should not live in the home. The order can exclude the other person from an area around the home.

MIAM – Mediation Information & Assessment Meeting

A MIAM is the first step before applying to the court. It is an opportunity to tell the mediator about your situation and the issues which need to be decided. The mediator then decides whether mediation is suitable. A MIAM is not mediation. A MIAM is to help you understand the options available to sort out the issues that need to be resolved.

C100 – Application for making a Section 8 order.

A C100 is the initial application form which needs to be completed carefully. This is the first opportunity to give the court an insight into your situation. The details you put into the C100 will be shared with CAFCASS and CAFCASS Cymru who will do their assessments to help protect the welfare of the child/ren.

- ✔ You can ask us for advice and assistance on completing a C100 and how to do so if you do not have legal aid or if you do not have a solicitor.

CAFCASS/CAFCASS Cymru – (Children and Family Court Advisory and Support Service)

CAFCASS are qualified social workers that work specifically for their organisation to assist the court. They do not work for the Local Authority or Children's Services and are independent from social services.

CAFCASS are involved in child dispute hearings and can perform different functions if they are involved in your case.

The role of CAFCASS is to provide the judge with advice, information, and recommendations regarding the child. They are the representatives of the child/ren in the family court cases in England and Wales, and in some circumstances, they may complete a report if the case cannot be agreed.

Safeguarding Enquiries

The purpose of these enquiries is to identify whether the child/ren's safety is at risk. This will involve CAFCASS speaking to each parent to identify risk factors, making enquiries with the Local Authority, and carrying out police checks.

The convictions of any party named on the application will show on these checks, as well as any historical or current problems with social services.

Prior or around the First Hearing, you will receive a short report detailing what has been said by either party, what they are looking to achieve, and a summary of any of the above police or social services information if any are present.

FHDRA – First Hearing Dispute Resolution Appointment

At the FHDRA, the court will focus on what the issues are and how they will progress your case. The court will want to know what you are looking for and why, if there are allegations of domestic abuse, the court will consider if a finding of fact hearing is necessary.

A CAFCASS Officer will ordinarily be present at this hearing to determine whether your case can be settled at any early opportunity. They will speak to both parties and report back to court what they have seen and heard, and whether the case is suitable for early resolution that day.

Section 7 Report

This report is produced by CAFCASS usually where there is an application for a CAO. The CAFCASS officer will meet each party individually and may observe the child interacting with each parent. They may speak to the child on their own (age dependent) and visit the child/ren in a neutral setting, e.g., school. The report usually contains observations of the child's wishes and feelings and concludes with a recommendation to the court as to the appropriate order.

If there are serious safeguarding concerns, or there have been social workers from the Local Authority involved in the past, Children's Services or an independent social worker may also in some circumstances undertake a section 7 report.

Position Statements and Witness Statements

The court may order the parties to file and serve statements to get to the bottom of certain things.

A position statement can be filed before each and every hearing to summarise to the court what you would like to achieve during that hearing only, and what your ultimate goal is. This may help you if you are shy and do not have a legal representative, as your case will be set out before you go into court. They are short and to the point and you do not need permission from the court to submit one.

A witness statement is very different and forms part of your evidence. They are your words that you are saying about your case, and it is very important that they are correct, and you must sign these to state that they are the truth. You can attach evidence to witness statements if you need to show certain things to the court. You need permission from the court to file these kinds of statements, and the court will usually tell you what exactly it wants you to talk about.

Both statements must be focused, specifying the issues at hand – remember you are telling the court why it is in the best interests of the children to know and spend time with you, that is why you are making an application.

You can ask us for help if you need to complete either a position statement or witness statement and do not have legal aid or a solicitor.

Expert Evidence

An expert is someone specifically appointed to give an expert opinion on something in the case. Expert's costs thousands of pounds and so are only ever used when absolutely necessary and only ever in complex or serious cases.

This could be a doctor, psychiatrist, or someone else who can speak expertly on a problem in the case that cannot be otherwise decided.

An example could be where a child has been caused a very serious injury and it is alleged that a parent has been responsible, or where a child psychologist is required to ascertain whether emotional or psychiatric damage has been caused to a child.

Finding of Fact Hearing

Finding of Fact Hearing is also known as fact-finding hearing. This is a special hearing which is arranged to determine whether the allegations made are true or not. Where there are multiple allegations of abuse, the judge will consider which allegations are most pressing and decide on the important issues to determine whether an alleged incident took place.

Final Hearing

The judge will summarise what each party has said and will set out the court's decision on the child's future. The judge will provide reasons for the decision.

The Welfare Checklist Criteria

Best Interests Principle – Section 1 Children Act 1989

1. The ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);

As mentioned earlier in this document, the Wishes and Feelings of the child(ren) are very important, and the older the child is, the more important those wishes, and feelings will become. However, this is not the only thing the court must consider, and they must be balanced with other factors in the welfare checklist.

It is the job of CAFCASS to enable the child to share their wishes and feelings, but in some cases, the Judge may ask to speak to the child directly so that they can be satisfied that the wishes and feelings are indeed that of the child.

2. His physical, emotional and educational needs;

A child's needs change as they grow and mature, and the court is tasked with examining which parents (one, other, or both) can meet both their physical and emotional needs as they grow. This includes ensuring access to education, healthcare, and other vital services which will be needed throughout the child's young life.

For example, if you are asking the court for a child to live with you and you live a three-hour journey away from their school and it is not in their best interests to change schools during their GCSE years, it will consider that his needs will not be met by travelling three hours every day if he were to live with you. However, it may decide that he can travel those hours on Mondays and Fridays to spend time with you on the weekend and on school holidays, as the benefit of spending time with you will outweigh travelling on those two days.

Other basic care needs include spending quality time with your child, providing a safe and clean home, and keeping them away from harmful substances and domestic violence. It may also include spending time with family members, siblings and friends.

3. The likely effect on him of any change in his circumstances;

The court are required to consider the potential impact of any change on the wellbeing of the child, such as contact arrangements changing, or them moving home.

You will often hear that the court favours the status quo. This means that it is generally considered in the best interests of the child for their arrangements to stay stable over the long term, with no unnecessary and drastic changes. For example, if you have asked the court for your 11-year-old child to come and live with you, when their home life is settled and they are happy in that home, then the court will consider whether the change may have a negative effect on their circumstances rather than a positive one.

Consider that any change you ask for should be in the best interests of the child, and not simply what you would like to happen.

4. His age, sex, background and any characteristics of his which the court considers relevant;

The court are required to consider the child's age, cultural and religious background and other characteristics which are unique to that child and their family.

There are certain considerations which are of a more cultural nature, such as attending church, prayers or abiding by certain diets or other requirements. If you seek to have contact where these things are relevant, continuing these traditions will be an important part of their wellbeing and will ensure your child has a consistent link with their heritage and identity.

There are also more general considerations specific to the child itself which may not be too cultural, but are relevant to their age, sex and interests. For example, if your child plays a lot of sports, then it will be important for that child to participate in after school activities and clubs and it will be an important part of their early life. If you are making an application for them to spend time with you on these days and times, you will need to be prepared to make sacrifices to your time to make sure the child's needs are met by continuing to facilitate their activities, hobbies and interests.

5. Any harm which he has suffered or is at risk of suffering;

Harm is defined as “ill treatment or the impairment of health or development”.

Harm can arise in many different circumstances, such as domestic abuse, drug and alcohol use, sexual abuse or other safeguarding concerns. CAFCASS begin these investigations early on in proceedings and parties are invited to highlight any safeguarding issues in their application and in their initial discussions with CAFCASS.

The findings from these investigations will inform the court of any concerns which may impact how the proceedings continue and ultimately the final outcome. If something is raised and needs further investigation, the court has a range of powers open to it to investigate, such as ordering disclosure, asking for expert's reports, or speaking to the parties and the relevant children.

Harm need not always be directed physically to the child, but it may be that the child has seen or heard abuse. This is equally as serious as experiencing it directly and can have dramatically negative effects on developing children.

6. How capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;

The court will want to ensure that both parents are putting the child first and are able and willing to meet the child's needs. This means putting the child's needs before your own.

Each case is different, but as a bare minimum, parties are expected to provide suitable, safe and clean accommodation for the child to stay and spend time in, and to be able to provide adequate warmth and food. These are your child's basic needs.

7. The range of powers available to the court under this Act in the proceedings in question.

The court has a range of options and orders open to it in order to achieve the best interests of the child, and this could be through a range of methods.

At the conclusion of each case, the court will 'consider the range of options/orders open to it' and will make an order using these powers on a case-by-case basis. CAFCASS in compiling their report may also suggest some options to the court and will explain why they have made these suggestions.

Emotional Wellbeing

It is vital you look after your mental health throughout the whole family court process. As part of the family court process, you need to show you are in a position where you can meet the needs of your child/ren. Remember the saying “you cannot pour from an empty cup” well, this could not be truer. You need to look after yourself and process the trauma you have gone through. There is no one quick fix, it will take time and it may be difficult at times, but the benefits far outweigh the work you will put in.

Here are some of our top tips to look after your mental health.

1. Exercise

We know we mentioned it earlier, but it is a really good way to clear your head. Even going for a quick 5-minute stroll can help clear your mind and help you focus. Please call our helpline or take look at our website for further information about the current activities we support and/or hosting.

2. Have a Routine

To make sure you keep on top of the practicalities of everyday life, have a routine. As well as keeping your life on track, mundane activities like shopping, cooking, washing, etc., can help you stay focused on the path ahead.

3. Keep a gratitude journal

We know when you are in the thick of it – it can be very difficult to focus on the positives. It is important to focus on what you do have along with what you do not. Listing even 3 things every morning and night will help combat those intrusive thoughts.

4. Do a brain dump

When you have intrusive thoughts or ideas going around in your head it can be difficult to make them stop. We suggest 'brain dumping' your ideas onto a piece of paper. Then going back to that piece of paper after a few hours to comb through what is actually within your control. This exercise should enable you to re-prioritise and help you move in a practical (and positive) direction.

5. Sleep

The golden rule of thumb seems to be that getting 8 hours of sleep is essential for your body to work at an optimal level. However, we know that it can feel impossible to get any sleep when your child/ren are involved, and you are under a lot of stress. We suggest you start tracking your sleeping habits to try and create a healthy bedtime routine for yourself. When you are in court, you need to be alert and sharp, therefore, it is essential you give your body the best possible chance it has to be alert and ready.

6. Connecting with other people

Going through the family court process is incredibly personal and unique for everyone. It can feel like no-one understands what you are going through. Therefore, we feel it is vital to connect with people who have walked in your shoes. There are community groups you could join, e.g., walking groups, craft groups or even DIY groups. We have our 1 on 1 Buddy Scheme wherein you can share your own experiences with one of our volunteers if you do not feel ready to share your experiences in a group setting.

7. Practice mindfulness

This is probably something you've heard about everywhere recently. Well, we also think it is important. The purpose of mindfulness is to try to help your mind 'pause' for just a few moments. When you are going through the family court process it can be very overwhelming which can make you feel more impulsive. Practicing mindfulness

does not have involve you sitting in the middle of a room in silence. It can mean going for a walk along the beach with a podcast, it can mean going for a run in the park, it can mean reading a book or even doing a little DIY. Mindfulness can help you feel calmer and change the way you approach challenges.

8. Eat well

There is strong research linking how we feel to what we eat. It is not only important for your physical health but also for your mental health to try and maintain a healthy diet. A healthy diet does not mean cutting out all the 'good stuff' it means incorporating a better mix of nutrients to your diet. The more balanced your diet is the better you will feel and the more confident you may feel about going through the court process, e.g., you may feel less anxious if you cut down on caffeine, more alert if you increase your water intake or you may feel like you can 'present' yourself in a more confident manner in court.

9. Seek professional help

There are a variety of different professional agencies out there to help support you. These organisations and agencies have a lot of experience and are here to help you move in a positive direction and help you work through your trauma at your own pace.