

## Cumbrian Local Practice Direction 1/2024

### Protocol for Applications to Discharge Care Orders

#### Application

1. A protocol to enable applications for the discharge of care orders to be dealt with proportionately and with minimum delay. The protocol also covers applications for a Child Arrangements Order (live with) and Special Guardianship Order for a child(ren) in care which would result in the discharge of a care order.

#### Purpose

2. This protocol now covers **all** applications to discharge a care order / which would result in discharge of the care order.
3. For cases that are not opposed by parents, those with parental responsibility or family members with whom the child / children are placed, it provides an accelerated procedure where substantive directions are made at the gatekeeping stage.
4. The majority of discharge applications fall into the following categories:
  - A. Unopposed applications where the child / children are placed with a parent / parents – Accelerated Procedure.
  - B. Unopposed applications where the child / children are placed with a carer(s) who are proposed to be appointed as Special Guardian(s) – Accelerated Procedure.
  - C. Opposed applications where the Local Authority has given a parent / family member notice of intention to remove the child / children.
  - D. Any other application by family members / carers which are not supported by the Local Authority which may include an application for a Child Arrangements Order (live with) or Special Guardianship Order, the making of which would result in the automatic discharge of the care order.
5. This protocol sets out the procedure to be followed in each scenario, with different requirements upon Local Authorities, Children's Guardians and gatekeeping.
6. In all cases, the gatekeeping court will consider whether there are reasons why the matter should be listed before the same tribunal that made the final care order. However, unless there is good reason identified, it is considered that unopposed applications may be allocated to the lay bench.
7. In all cases, the gatekeeping court will consider if there are welfare, procedural or other reasons why the relevant process below should not be followed. In those circumstances, the gatekeeping court will make such allocation and case management decisions that it considers necessary.

## (A) Unopposed applications where the child / children are placed with a parent / parents – Accelerated Procedure

1. Applications **must** be made by the Local Authority and not by the parent / parents.
2. The Local Authority should include the following documents with their application in a paginated electronic bundle:
  - a. A copy of the care order;
  - b. A copy of the final report of the Children’s Guardian within the care proceedings.
  - c. A copy of any expert psychological or psychiatric assessments from the previous proceedings;
  - d. The original care plan presented as the final care plan during the care proceedings and amendments of or revisions to it;
  - e. A statement from the team manager or key social worker setting out:-
    - The reasons for the application;
    - A summary of the concerns which led to the care proceedings;
    - Any outstanding concerns;
    - The number of times the child has been seen by social services in the 24 months prior to issue;
    - The current arrangements for the child’s care and education;
    - Any change in the child’s circumstances since the conclusion of the care proceedings;
    - If any specific work / treatment / services were identified within the Local Authority final care plan / Home Placement Agreement (e.g. life story work, engagement by a parent with a particular agency), the extent to which those matters have been completed.
    - The views of the parents and significant others;
    - A consideration of the welfare checklist factors;
    - Up to date information from the child’s school where applicable (attendance, lateness, presentation, academic progress);
    - In the case of a child under school age, up to date information from the health visitor;
    - Up to date information from other relevant services involved with the family (e.g. education welfare, CAMHS, YOT, drug service, mental health, learning disabilities); and
    - Details of arrangements for continuing post discharge support if relevant;

- If the statement relies upon a Child and Family Assessment that was completed over 3 months ago, the statement must provide up to date details as set out above.
  - If any child is an eligible child who is over 16 years of age to exhibit, if available, a copy of the assessment of needs of the child and pathway plan prepared in accordance with regulations 42 and 43 of the Care Planning and Case Review (England) Regulations 2010. If those documents are not available, to provide timescales regarding their availability.
- f. Minutes of any LAC reviews at which the question of discharge has been actively considered;
  - g. Relevant current medical evidence;
3. The Local Authority should include a draft gatekeeping order in the form below marked “**DCO Protocol – Order A**” – a copy of this template order can be downloaded from <https://cumbriadfj.info/template-orders>.
4. The gatekeeping court will **not** make a referral to Cafcass for a safeguarding letter.
  5. The gatekeeping court shall consider the documents and draft order. The court will consider any additional directions that are required or the need for an earlier Case Management Hearing.
  6. When the Children's solicitor and Children's Guardian make enquiries, if they consider that further directions should be made by the court and completed before the hearing takes place, or that the matter is not appropriate to be dealt with under the accelerated procedure, the solicitor should liaise with the parties and make an application to the court.

#### (B) Unopposed applications where the child / children are placed with a carer(s) who are proposed to be appointed as Special Guardian(s) – Accelerated Procedure

1. Applications **must** be made by the Local Authority and not by the proposed Special Guardian(s). If the application is made by the Special Guardian, Cumbria Family Applications must refer the matter to gatekeeping **before issuing** for them to consider deferring the issue of the application whilst enquiries are made of the Local Authority regarding them making the application instead. If it transpires that the application is opposed by the Local Authority, use the procedure at **(D)** below.
2. The court identified in the case of *Re: P-S [2018] EWCA Civ 1407* that the residual power of the court to consider making a special guardianship order of its own motion in section 14A(6)(b) of the Children Act 1989, as opposed to a formal Special Guardianship application being made, should not be the normal or default process. To avoid procedural unfairness, the court at the gatekeeping stage will deem an application for a Special Guardianship Order to have been made by the proposed Special Guardians. This avoids unnecessary delay in the need for the proposed Special Guardians to issue their own separate application which would need to be subsequently consolidated with the discharge application.
3. The Local Authority should include the following documents with their application in a paginated electronic bundle:

- a. A copy of the care order;
- b. A copy of the final report of the Children’s Guardian within the care proceedings.
- c. A copy of any expert psychological or psychiatric assessments from the previous proceedings;
- d. The original care plan presented as the final care plan during the care proceedings and amendments of or revisions to it;
- e. A copy of the Special Guardianship assessment;
- f. A copy of the Special Guardianship support plan;
- g. A copy of the regulation 15 letter to the proposed Special Guardians and including any relevant response letters from the proposed Special Guardians / their solicitors;
- h. A statement from the team manager or key social worker setting out:-
  - i. The reasons for the application;
  - ii. A summary of the concerns which led to the care proceedings;
  - iii. Any outstanding concerns;
  - iv. The number of times the child has been seen by social services in the 24 months prior to issue;
  - v. The current arrangements for the child’s care and education;
  - vi. Any change in the child’s circumstances since the conclusion of the care proceedings;
  - vii. If any specific work / treatment / services were identified within the Local Authority final care plan (e.g. life story work, engagement by a carer with a particular agency), the extent to which those matters have been completed.
  - viii. The views of the parents, proposed Special Guardians and significant others;
  - ix. Confirmation that the proposed Special Guardians have been offered free legal advice, whether this was taken and any relevant information received from them or their solicitors (including any outstanding or unagreed issues in relation to the support plan);
  - x. A consideration of the welfare checklist factors;
  - xi. Up to date information from the child’s school where applicable (attendance, lateness, presentation, academic progress);
  - xii. In the case of a child under school age, up to date information from the health visitor;
  - xiii. Up to date information from other relevant services involved with the family (e.g. education welfare, CAMHS, YOT, drug service, mental health, learning disabilities);
  - xiv. Details of arrangements for continuing post discharge support if relevant; and

- xv. Whether the Local Authority is seeking for a supervision order or Child Arrangements Order to be made alongside the Special Guardianship Order and, if so, the welfare reasons for this.
- xvi. If the statement relies upon a Child and Family Assessment that was completed over 3 months ago, the statement must provide up to date details as set out above.
  - i. Minutes of any LAC reviews at which the question of discharge has been actively considered;
  - j. Relevant current medical evidence;
  - k. If any child is an eligible child who is over 16 years of age, to provide if available, a copy of the assessment of needs of the child and pathway plan prepared in accordance with regulations 42 and 43 of the Care Planning and Case Review (England) Regulations 2010. If those documents are not available, to provide timescales regarding their availability within the statement directed above.

7. The Local Authority should include a draft gatekeeping order in the form below marked “**DCO Protocol – Order B**” a copy of this template order can be downloaded from <https://cumbriadfj.info/template-orders>.

- 4. The gatekeeping court will **not** make a referral to Cafcass for a safeguarding letter.
- 5. The gatekeeping court shall consider the documents and draft order. The court will consider any additional directions that are required or the need for an earlier Case Management Hearing.
- 6. When the Children's solicitor and Children's Guardian make enquiries, if they consider that further directions should be made by the court and completed before the hearing takes place, or that the matter is not appropriate to be dealt with under the accelerated procedure, the solicitor should liaise with the parties and make an application to the court in advance of the listed hearing.

(C) Opposed applications where the Local Authority has given a parent / parents notice of intention to remove the child / children.

- 1. The gatekeeping court will identify the urgency for listing a hearing. Unless the Local Authority have undertaken not to remove the child / children in advance of the hearing, the matter should be listed in advance of the date of intended removal.
- 8. The court should use draft gatekeeping order below marked “**DCO Protocol – Order C**”. A copy of this template order can be downloaded from <https://cumbriadfj.info/template-orders>.
- 2.

(D) Any other applications for discharge of a care order not supported by the Local Authority

1. This includes applications for a Child Arrangements Order (live with) or Special Guardianship Order in relation to a child in care as the effect of the court making such an order would be to also discharge the care order.
2. The gatekeeping court should **not** refer the case to Cafcass for safeguarding to be undertaken.
3. If the application is for discharge of the care order (which, apart from a Local Authority, can only be made by a person with parental responsibility or the child), they are specified proceedings and a direction should be made for the appointment of a Children's Guardian and children's solicitor.
4. The matter should be listed for a Case Management Hearing. The gatekeeping court should consider whether leave of the court is required to bring the application.
5. If the application is for a Child Arrangements Order (live with) or Special Guardianship Order, consideration should be given at the Case Management Hearing of whether, pursuant to rule 16 and PD61A Family Procedure Rules 2010, the child(ren) should be made party to the proceedings and appointed a Children's Guardian. In appropriate cases, the court may consider making this direction at gatekeeping. If leave is given to bring an application, this direction will normally be made.
6. If the application is for a Special Guardianship Order which is opposed by the Local Authority, gatekeeping should have regard to whether the relevant notice of 3 months applies regarding notice being given to the Local Authority [*see s14A(7) Children Act 1989*].
9. The court may use the draft gatekeeping order below marked "**DCO Protocol – Order D**", though the circumstances of each individual case may determine that alternate or additional allocation and issue directions are appropriate. A copy of this template order can be downloaded from <https://cumbriadfj.info/template-orders>.

HHJ C Baker

Designated Family Judge for Cumbria

25<sup>th</sup> July 2024

**DCO Protocol – Order A**



**In the Family Court**

**Case no.** \_\_\_\_\_

**Sitting at** Choose an item.

**The Children Act 1989**

**The child[ren]**

<b>Name</b>	<b>Gender</b>	<b>Date of Birth/ Age</b>

**Directions on Issue**

Choose an item. has made an application for an order to discharge a care order.

**The Court Records That:**

- 1) These directions are made in accordance with Cumbria Protocol (CLPD1/2024) to discharge care orders. The Local Authority application states that the application is not opposed by the parents.

**The Court Orders:**

- 2) A Children's Guardian and solicitor shall be appointed for the [child / children]. Cafcass will use their best endeavours to appoint [name of Children's Guardian], who represented the [child / children] in the previous care proceedings.

- 3) The children's solicitor shall file and serve a short position statement on behalf of the Children's Guardian no later than 4.00pm **four working days** before the hearing addressing the following matters:
  - a) Whether the application is suitable to be resolved under this accelerated process;
  - b) Whether and, if so, what further enquiries or investigations are necessary before the court should determine the matter.
  - c) A review of all the documentation filed by the Local Authority;
  - d) The child's wishes and feelings as ascertained directly by the Children's Guardian unless this it is considered inappropriate;
  - e) A description of the Children's Guardian's visit to the child(ren) at home and any observations of the child with his parent(s);
  - f) The views of the parents and any relevant/significant other
  - g) The child's school attendance record, lateness, presentation and academic progress;
  - h) A consideration of the relevant welfare checklist factors and in particular whether the child would be at risk of significant harm if the care order were to be discharged.
  - i) To provide a copy of the final Children's Guardian's report from the care proceedings if the local authority have not already done so.
- 4) If the Children's Guardian supports the application to discharge the care order, the Children's Guardian need not attend the hearing unless they consider it necessary or they wish to do so.
- 5) Each other party, if so advised, may send to the court and other parties a short position statement in reply to that of the Children's Guardian no later than 9.00am **two working days** before the listed hearing. If the other parties agree the position of the Children's Guardian, then they need not file position statements.
- 6) Issues Resolution Hearing/Final Hearing:
  - a) There will be an Issues Resolution Hearing and if possible a Final Hearing on **Click or tap to enter a date.** at **Choose an item.** allowing **Choose an item..**
  - b) The parties and their legal representatives must attend 30 minutes before the time listed for pre-hearing discussions.
  - c) The hearing will take place at: **Choose an item..**
  - d) The hearing shall be **Choose an item..**
  - e) The hearing may proceed as a Final Hearing.
- 7) The Local Authority shall by 12.00pm **one working day** before the hearing electronically file and send directly to the Court a PDF bundle which must include all and only essential documents that the court requires to determine the issues that fall for determination at the hearing.
- 8) Video Hearings (delete if remote hearing not ordered):
  - a) The local authority must email **Choose an item.** with:

- i) The Case Number (found at the top of this order) followed by the short form case name, in the Subject Line;
  - ii) The date and time of the relevant hearing in the body of the email;
  - iii) The relevant email addresses in the body of email; and
  - iv) The relevant contact telephone numbers in the body of the email.
- b) This must be done **no less than 48 hours** before the hearing is due to start or as soon as possible if the hearing is listed as an emergency.
- c) If a party and/or legal representative does not provide to the local authority the appropriate details in good time to comply with these directions, the information used by the Court will be the last known contact details held on the court file (e.g. from the Application Form or Acknowledgement Form). If an attendee fails notify the local authority of up-to-date contact details the hearing is likely to proceed and the Court may make orders in their absence.
- d) It is each party's responsibility to ensure that the Court has up to date contact details before any hearing via the local authority. **The Court Office will not 'chase' the attendees for contact information.**
- e) Any legal representatives attending the hearing must comply with these directions.
- f) No unauthorised person may be present at any remote hearing. When asked, each legal representative and party must be able to confirm that no unauthorised person is in attendance or able to listen to or record the hearing. No party may make any video and/or audio recording of the hearing. The hearing must be recorded by the court and the authorised telephone conference host facilities.
- g) For the avoidance of doubt this direction applies until the conclusion of this matter unless varied by later order of the Court.

Ordered by:

Date: [Click or tap to enter a date.](#)

### **Notes on Completing this order:**

1. **Please delete any irrelevant paragraphs, including these notes.**
2. **When completed please:**
  - a. **Select all of the text by pressing [CTRL] + A**
  - b. **Change the colour of all the text to black by Right Clicking on the highlighted text and clicking on the capital A and selecting "Automatic"**
  - c. **With all the text still highlighted, Right Click again and select "Remove Content Control". This will 'fix' all the dropdown boxes in place.**
  - d. **Save the final version of the order.**
  - e. **Upload the order to FPL.**

**DCO Protocol – Order B**



**In the Family Court**

**Case no.** \_\_\_\_\_

**Sitting at** Choose an item.

**The Children Act 1989**

**The child[ren]**

<b>Name</b>	<b>Gender</b>	<b>Date of Birth/ Age</b>

**Directions on Issue**

Choose an item. has made an application for an order to discharge a care order.

**The Court Records That:**

- 9) These directions are made in accordance with Cumbria Protocol (CLPD1/2024) to discharge care orders. The Local Authority application states that the application is not opposed by the parents.
- 10) The Local Authority have completed a Special Guardianship assessment of [insert name(s)] and recommends that, alongside discharge of the care order, they are appointed as Special Guardians for the [child / children].

**The Court Orders:**

- 11) [insert name(s) of proposed Special Guardian(s)] [is/are] made party to the proceedings.
- 12) The Local Authority shall serve a copy of the application and this order upon the proposed Special Guardian(s). Subject to any objections raised by the parents, the

Local Authority shall also serve a copy of the supporting papers upon the proposed Special Guardian(s). If objection is raised, this shall be considered at the hearing directed below.

- 13) A Children's Guardian and solicitor shall be appointed for the [child / children]. Cafcass will use their best endeavours to appoint [name of Children's Guardian], who represented the [child / children] in the previous care proceedings.
- 14) The children's solicitor shall file and serve a short position statement on behalf of the Children's Guardian no later than 4.00pm **four working days** before the hearing addressing the following matters:
  - a) Whether the application is suitable to be resolved under this accelerated process;
  - b) Whether and, if so, what further enquiries or investigations are necessary before the court should determine the matter.
  - c) A review of all the documentation filed by the Local Authority;
  - d) The child's wishes and feelings as ascertained directly by the Children's Guardian unless this it is considered inappropriate;
  - e) A description of the Children's Guardian's visit to the child(ren) at home and any observations of the child with his parent(s);
  - f) The views of the parents and any relevant/significant other
  - g) The child's school attendance record, lateness, presentation and academic progress;
  - h) A consideration of the relevant welfare checklist factors and in particular whether the child would be at risk of significant harm if the care order were to be discharged.
  - i) To provide a copy of the final Children's Guardian's report from the care proceedings if the local authority have not already done so.
- 15) If the Children's Guardian supports the application to discharge the care order, the Children's Guardian need not attend the hearing unless they consider it necessary or they wish to do so.
- 16) Each other party, if so advised, may send to the court and other parties a short position statement in reply to that of the Children's Guardian no later than 9.00am **two working days** before the listed hearing. If the other parties agree the position of the Children's Guardian, then they need not file position statements.
- 17) Issues Resolution Hearing/Final Hearing:
  - a) There will be an Issues Resolution Hearing and if possible a Final Hearing on **Click or tap to enter a date.** at **Choose an item.** allowing **Choose an item..**
  - b) The parties and their legal representatives must attend 30 minutes before the time listed for pre-hearing discussions.
  - c) The hearing will take place at: **Choose an item..**
  - d) The hearing shall be **Choose an item..**
  - e) The hearing may proceed as a Final Hearing.

18) The Local Authority shall by 12.00pm **one working day** before the hearing electronically file and send directly to the Court a PDF bundle which must include all and only essential documents that the court requires to determine the issues that fall for determination at the hearing.

19) Video Hearings (delete if remote hearing not ordered):

- a) The local authority must email **Choose an item.** with:
- i) The Case Number (found at the top of this order) followed by the short form case name, in the Subject Line;
  - ii) The date and time of the relevant hearing in the body of the email;
  - iii) The relevant email addresses in the body of email; and
  - iv) The relevant contact telephone numbers in the body of the email.
- b) This must be done **no less than 48 hours** before the hearing is due to start or as soon as possible if the hearing is listed as an emergency.
- c) If a party and/or legal representative does not provide to the local authority the appropriate details in good time to comply with these directions, the information used by the Court will be the last known contact details held on the court file (e.g. from the Application Form or Acknowledgement Form). If an attendee fails notify the local authority of up-to-date contact details the hearing is likely to proceed and the Court may make orders in their absence.
- d) It is each party's responsibility to ensure that the Court has up to date contact details before any hearing via the local authority. **The Court Office will not 'chase' the attendees for contact information.**
- e) Any legal representatives attending the hearing must comply with these directions.
- f) No unauthorised person may be present at any remote hearing. When asked, each legal representative and party must be able to confirm that no unauthorised person is in attendance or able to listen to or record the hearing. No party may make any video and/or audio recording of the hearing. The hearing must be recorded by the court and the authorised telephone conference host facilities.
- g) For the avoidance of doubt this direction applies until the conclusion of this matter unless varied by later order of the Court.

Ordered by:

Date: **Click or tap to enter a date.**

**Notes on Completing this order:**

**3. Please delete any irrelevant paragraphs, including these notes.**

**4. When completed please:**

**a. Select all of the text by pressing [CTRL] + A**

**b. Change the colour of all the text to black by Right Clicking on the highlighted text and clicking on the capital A and selecting "Automatic"**

This Cumbrian Local Practice Direction may be referred to in orders and other documents by the short form name CLPD1/2024

- c. **With all the text still highlighted, Right Click again and select “Remove Content Control”. This will ‘fix’ all the dropdown boxes in place.**
- d. **Save the final version of the order.**
- e. **Upload the order to FPL.**

**DCO Protocol – Order C**



**In the Family Court**

**Case no.** \_\_\_\_\_

**Sitting at Choose an item.**

**The Children Act 1989**

**The child[ren]:**

<b>Name</b>	<b>Gender</b>	<b>Date of Birth/ Age</b>

**Directions on Issue**

The **Choose an item.** has/have made an application for an order to discharge a care order.

**The Court Records That:**

- 20) These directions are made in accordance with Cumbria Protocol (CLPD1/2024) to discharge care orders.
- 21) The Local Authority have given notice of their intention to remove the subject child(ren) from the care of the parent(s) with whom the child(ren) now live(s).
- 22) The **Choose an item.** have applied to the court for discharge of the care order **[and an injunction pursuant to Human Rights Act 1998 preventing removal of the children from their current placement]**.

**The Court Orders:**

- 23) A Children's Guardian and solicitor shall be appointed for the [child / children]. Cafcass will use their best endeavours to appoint [name of Children's Guardian], who represented the [child / children] in the previous care proceedings.
- 24) At least **three working days** *[may need to be later depending on urgency of listing]* in advance of the hearing, the Local Authority shall file and serve an electronic bundle which shall include:
- a) The documents within these proceedings;
  - b) Statement setting out:
    - i) A chronology of relevant events since the final care order was made,
    - ii) The reasons for the decision to give notice of intention to remove, to include reference to the welfare checklist and a comparative analysis of the realistic options,
    - iii) Their placement proposals, and
    - iv) Their contact proposals,
  - c) Home Placement Agreement;
  - d) The following documents from the previous proceedings:
    - i) Final evidence and care plan of Local Authority,
    - ii) Final evidence of adult parties,
    - iii) Final Report of the Children's Guardian,
    - iv) Any expert assessments undertaken,
    - v) The last case summary prepared in those proceedings, and
    - vi) Any other documents considered to be relevant for the first hearing.
- 25) At least **two working days** *[may need to be later depending on urgency of listing]* in advance of the hearing, the parent(s) shall send to the court and the other parties a position statement in support of their case.
- 26) If there is sufficient time before the hearing, The children's solicitor shall file and serve a position statement on behalf of the Children's Guardian.
- 27) If the Applicant is represented, they shall file and serve a case summary in advance of the hearing. If not, the Local Authority shall do so.
- 28) Contested Removal Hearing:
- a) There will be hearing to determine whether the children should be removed from the care of the parent(s) or other such order made preventing their removal on **Click or tap to enter a date.** at **Choose an item.** allowing **Choose an item.**
  - b) The parties and their legal representatives must attend 1 hour before the time listed for pre-hearing discussions.

- c) The hearing will take place at: **Choose an item..**
  - d) The hearing shall be **Choose an item..**
  - e) The hearing may proceed as a Final Hearing.
- 29) The Local Authority shall by 12.00pm **two working days** [*may be later depending on the listing*] before the hearing electronically file and send directly to the Court a PDF bundle which must include all and only essential documents that the court requires to determine the issues that fall for determination at the hearing.

**30) Video Hearings (delete if remote hearing not ordered):**

- a) The local authority must email **Choose an item.** with:
  - i) The Case Number (found at the top of this order) followed by the short form case name, in the Subject Line;
  - ii) The date and time of the relevant hearing in the body of the email;
  - iii) The relevant email addresses in the body of email; and
  - iv) The relevant contact telephone numbers in the body of the email.
- b) This must be done **no less than 48 hours** before the hearing is due to start or as soon as possible if the hearing is listed as an emergency.
- c) If a party and/or legal representative does not provide to the local authority the appropriate details in good time to comply with these directions, the information used by the Court will be the last known contact details held on the court file (e.g. from the Application Form or Acknowledgement Form). If an attendee fails notify the local authority of up-to-date contact details the hearing is likely to proceed and the Court may make orders in their absence.
- d) It is each party's responsibility to ensure that the Court has up to date contact details before any hearing via the local authority. **The Court Office will not 'chase' the attendees for contact information.**
- e) Any legal representatives attending the hearing must comply with these directions.
- f) No unauthorised person may be present at any remote hearing. When asked, each legal representative and party must be able to confirm that no unauthorised person is in attendance or able to listen to or record the hearing. No party may make any video and/or audio recording of the hearing. The hearing must be recorded by the court and the authorised telephone conference host facilities.
- g) For the avoidance of doubt this direction applies until the conclusion of this matter unless varied by later order of the Court.

Ordered by:

Date: **Click or tap to enter a date.**

**Notes on Completing this order:**

- 5. Please delete any irrelevant paragraphs, including these notes.**
- 6. When completed please:**

This Cumbrian Local Practice Direction may be referred to in orders and other documents by the short form name CLPD1/2024

- a. Select all of the text by pressing [CTRL] + A**
- b. Change the colour of all the text to black by Right Clicking on the highlighted text and clicking on the capital A and selecting “Automatic”**
- c. With all the text still highlighted, Right Click again and select “Remove Content Control”. This will ‘fix’ all the dropdown boxes in place.**
- d. Save the final version of the order.**
- e. Upload the order to FPL.**

**DCO Protocol – Order D**



**In the Family Court**

**Case no.** \_\_\_\_\_

**Sitting at** Choose an item.

**The Children Act 1989**

**The child[ren]:**

Name	Gender	Date of Birth/ Age

**Directions on Issue**

[Name] has made an application to [order applied for].

**The Court Records That:**

- 1) These directions are made in accordance with Cumbria Protocol (CLPD1/2024) to discharge care orders. The application is not made with the support of Local Authority.
- 2) *[if the application is for a Child Arrangements Order or Special Guardianship Order in relation to a child in care which is not supported by the Local Authority]* At the hearing listed below the court will consider if, pursuant to rule 16 and PD16A Family Procedure Rules 2010, the child/children should be made party to the proceedings and appointed a Children's Guardian.

**The Court Orders:**

- 3) *[if the application is to discharge a care order]* A Children's Guardian and solicitor shall be appointed for the child/children. Cafcass will use their best endeavours to appoint [name of Children's Guardian], who represented the child/children in the previous care proceedings.
- 4) *[if the application is for a Child Arrangements Order or Special Guardianship Order in relation to a child in care which is not supported by the Local Authority]* The application shall be served on Cafcass by the Court. If Cafcass object to the child being made party

to the proceedings and being appointed a Children's Guardian they provide their reasons in writing to the court and parties in advance of the hearing.

5) Case Management Hearing:

- a) There will be case management hearing on **Click or tap to enter a date.** at **Choose an item.** allowing **Choose an item..**
- b) The parties and their legal representatives must attend 1 hour before the time listed for pre-hearing discussions.
- c) The hearing will take place at: **Choose an item..**
- d) The hearing shall be **Choose an item..**

6) The Local Authority shall by 12.00pm **two working days** [*may be later depending on the listing*] before the hearing electronically file and send directly to the Court a PDF bundle which must include all and only essential documents that the court requires to determine the issues that fall for determination at the hearing.

7) **Video Hearings (delete if remote hearing not ordered):**

- a) The local authority must email **Choose an item.** with:
  - i) The Case Number (found at the top of this order) followed by the short form case name, in the Subject Line;
  - ii) The date and time of the relevant hearing in the body of the email;
  - iii) The relevant email addresses in the body of email; and
  - iv) The relevant contact telephone numbers in the body of the email.
- b) This must be done **no less than 48 hours** before the hearing is due to start or as soon as possible if the hearing is listed as an emergency.
- c) If a party and/or legal representative does not provide to the local authority the appropriate details in good time to comply with these directions, the information used by the Court will be the last known contact details held on the court file (e.g. from the Application Form or Acknowledgement Form). If an attendee fails notify the local authority of up-to-date contact details the hearing is likely to proceed and the Court may make orders in their absence.
- d) It is each party's responsibility to ensure that the Court has up to date contact details before any hearing via the local authority. **The Court Office will not 'chase' the attendees for contact information.**
- e) Any legal representatives attending the hearing must comply with these directions.
- f) No unauthorised person may be present at any remote hearing. When asked, each legal representative and party must be able to confirm that no unauthorised person is in attendance or able to listen to or record the hearing. No party may make any video and/or audio recording of the hearing. The hearing must be recorded by the court and the authorised telephone conference host facilities.
- g) For the avoidance of doubt this direction applies until the conclusion of this matter unless varied by later order of the Court.

Ordered by:

Date: [Click or tap to enter a date.](#)

**Notes on Completing this order:**

- 7. Please delete any irrelevant paragraphs, including these notes.**
- 8. When completed please:**
  - a. Select all of the text by pressing [CTRL] + A**
  - b. Change the colour of all the text to black by Right Clicking on the highlighted text and clicking on the capital A and selecting “Automatic”**
  - c. With all the text still highlighted, Right Click again and select “Remove Content Control”. This will ‘fix’ all the dropdown boxes in place.**
  - d. Save the final version of the order.**
  - e. Upload the order to FPL.**