



Association of **Lawyers for Children**

Promoting justice for children and young people

Practice Guidance: Standard Family Orders

Consultation, dated 13.3.18

Response dated 16.4.18

Addendum response dated 19.4.18

Addendum Response of the Association of Lawyers for Children

Contact:

Ms Natalia Dawkins

ALC Operations and Development Officer

PO Box 283

East Molesey, KT8 0WH

Telephone: 020 8224 7071

Email: admin@alc.org.uk

Details: The Association of Lawyers for Children (hereafter “ALC”) is a national association of lawyers working in the field of children law. It has over 1,000 members, mainly solicitors and family law barristers who represent children, parents and other adult parties, or local authorities. Other legal practitioners and academics are also members. Its Executive Committee members are drawn from a wide range of experienced practitioners practising in different areas of the country. Several leading members are specialists with over 20 years experience in children law, including local government legal services. Many have written books and articles and lectured about aspects of children law and hold judicial office. The ALC exists to promote access to justice for children and young people within the legal system in England and Wales in the following ways:

- i. lobbying in favour of establishing properly funded legal mechanisms to enable all children and young people to have access to justice;
- ii. lobbying against the diminution of such mechanisms;
- iii. providing high quality legal training, focusing on the needs of lawyers and non-lawyers concerned with cases relating to the rights, welfare, health and development of children;
- iv. providing a forum for the exchange of information and views on the development of the law in relation to children and young people;
- v. being a reference point for members of the profession, governmental organisations and pressure groups interested in children law and practice; and
- vi. funding or co-funding research where we perceive gaps in knowledge or evidence relating to changes in policy and practice in children proceedings.

The ALC is a stakeholder in respect of all government consultations pertaining to law and practice in the field of children law.

The ALC welcomes this opportunity to comment on this second batch of proposed standard orders. We did not respond to the consultation in relation to the first batch of orders, which related primarily to financial matters, because the subject matter falls outside our area of expertise.

In our primary response dated 16 April 2018 we focused on the public law orders. In this short addendum we go beyond that to look briefly at some other of the orders that touch on our core business.

COMMENTS ON SPECIFIC ORDERS

ORDER	COMMENT
ORDER 7.2	<p>The orders should be in a sequence more reflective of the way they will be used.</p> <p>The wording for less commonly used orders such as for disclosure of information from DWP and for children giving evidence are placed before the "live with" and "spend time" orders.</p> <p>It may make the totality of the orders more manageable if the more unusual or less used orders such as joining children and appointing a Guardian (which is only likely to be used once, if at all) could be in an appendix.</p> <p>In the section on safeguarding there is no longer a paragraph to the effect that the check is complete; it should be recorded if it is/is not complete</p> <p>Given number of Litigants in Person in private law cases it is positive to note that "file and serve" has been replaced with provision for statements to be sent to court, CAFCASS and other parties. The guidance as to how to set out Schedule of Allegations is also welcome.</p>
ORDERS 15.5 & 15.6	<p>Generally, the orders do not include standard paragraphs re: control of travel documents and prohibition of travel out of the jurisdiction - propose this is included as in many cases the respondents are in attendance and can hand over the passport to the LA without the need for the Tipstaff to be involved, so a separate Passport Order would not be drawn. Further, as applications for forced marriage orders are heard within the Family Court, such as at CJ level, where the</p>

	Tipstaff are not on hand, provision for travel needs to be included within the standard order so that this crucial protection is not overlooked when the order is drafted, not least as the order may need to be drafted speedily.
ORDER 16.1	As for the forced marriage orders, the FGM order does not include standard paragraphs re: control of travel documents and prohibition on travel out of the jurisdiction. It should do so. Comments in respect of forced marriage are repeated.

Association of Lawyers for Children

19 April 2018