



Children Act 1989

1989 CHAPTER 41

PART II

ORDERS WITH RESPECT TO CHILDREN IN FAMILY PROCEEDINGS

Family assistance orders

16 Family assistance orders.

- (1) Where, in any family proceedings, the court has power to make an order under this Part with respect to any child, it may (whether or not it makes such an order) make an order requiring—
 - (a) [^{F1}an officer of the Service][^{F2}or a Welsh family proceedings officer] to be made available; or
 - (b) a local authority to make an officer of the authority available, to advise, assist and (where appropriate) befriend any person named in the order.
- (2) The persons who may be named in an order under this section (“a family assistance order”) are—
 - (a) any parent [^{F3}, guardian or special guardian] of the child;
 - (b) any person with whom the child is living or in whose favour a contact order is in force with respect to the child;
 - (c) the child himself.
- (3) No court may make a family assistance order unless—
 - (a) ^{F4}.....
 - (b) it has obtained the consent of every person to be named in the order other than the child.
- (4) A family assistance order may direct—
 - (a) the person named in the order; or
 - (b) such of the persons named in the order as may be specified in the order,

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to take such steps as may be so specified with a view to enabling the officer concerned to be kept informed of the address of any person named in the order and to be allowed to visit any such person.

[^{F5}(4A) If the court makes a family assistance order with respect to a child and the order is to be in force at the same time as a contact order made with respect to the child, the family assistance order may direct the officer concerned to give advice and assistance as regards establishing, improving and maintaining contact to such of the persons named in the order as may be specified in the order.]

(5) Unless it specifies a shorter period, a family assistance order shall have effect for a period of [^{F6}twelve months] beginning with the day on which it is made.

[^{F7}(6) If the court makes a family assistance order with respect to a child and the order is to be in force at the same time as a section 8 order made with respect to the child, the family assistance order may direct the officer concerned to report to the court on such matters relating to the section 8 order as the court may require (including the question whether the section 8 order ought to be varied or discharged).]

(7) A family assistance order shall not be made so as to require a local authority to make an officer of theirs available unless—

- (a) the authority agree; or
- (b) the child concerned lives or will live within their area.

^{F8}(8)

^{F8}(9)

Textual Amendments

- F1** Words in s. 16(1)(a) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 89(a)**; S.I. 2001/919, **art. 2(f)(ii)**
- F2** Words in s. 16(1) inserted (1.4.2005) by Children Act 2004 (c. 31), s. 40, **Sch. 3 para. 7**; S.I. 2005/700, **art. 2(2)**
- F3** Words in s. 16(2)(a) substituted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 58 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F4** S. 16(3)(a) repealed (1.10.2007 for certain purposes and 8.12.2008) by Children and Adoption Act 2006 (c. 20), ss. 6(2), 15, 17, **Sch. 3**; S.I. 2007/2287, **art. 2(2)(a)(d)**; S.I. 2008/2870, **art. 2(2)(f)**
- F5** S. 16(4A) inserted (1.10.2007) by Children and Adoption Act 2006 (c. 20), **ss. 6(3)**, 17; S.I. 2007/2287, **art. 2(2)(a)**
- F6** Words in s. 16(5) substituted (1.10.2007) by Children and Adoption Act 2006 (c. 20), **ss. 6(4)**, 17; S.I. 2007/2287, **art. 2(2)(a)**
- F7** S. 16(6) substituted (1.10.2007) by Children and Adoption Act 2006 (c. 20), **ss. 6(5)**, 17; S.I. 2007/2287, **art. 2(2)(a)**
- F8** S. 16(8)(9) repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 89(b), **Sch. 8**; S.I. 2001/919, **art. 2(f)(ii)(g)**

Commencement Information

- I1** S. 16 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

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[^{F9}16A Risk assessments

- (1) This section applies to the following functions of officers of the Service or Welsh family proceedings officers—
 - (a) any function in connection with family proceedings in which the court has power to make an order under this Part with respect to a child or in which a question with respect to such an order arises;
 - (b) any function in connection with an order made by the court in such proceedings.
- (2) If, in carrying out any function to which this section applies, an officer of the Service or a Welsh family proceedings officer is given cause to suspect that the child concerned is at risk of harm, he must—
 - (a) make a risk assessment in relation to the child, and
 - (b) provide the risk assessment to the court.
- (3) A risk assessment, in relation to a child who is at risk of suffering harm of a particular sort, is an assessment of the risk of that harm being suffered by the child.]

Textual Amendments

F9 S. 16A inserted (1.10.2007) by Children and Adoption Act 2006 (c. 20), ss. 7, 17; S.I. 2007/2287, art. 2(2)(b)

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