

2004 No. 3376 (L. 26)

MAGISTRATES' COURTS, ENGLAND AND WALES

**The Family Proceedings Courts (Children Act 1989)
(Amendment) Rules 2004**

Made - - - - - *19th December 2004*

Laid before Parliament *22nd December 2004*

Coming into force - - *31st January 2005*

The Lord Chancellor, in exercise of the powers conferred upon him by section 144 of the Magistrates' Courts Act 1980(a), and after consultation with the rule committee appointed under that section, makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Family Proceedings Courts (Children Act 1989) (Amendment) Rules 2004 and shall come into force on 31st January 2005.

(2) In these Rules a reference to a rule, Schedule or form by number alone means the rule, Schedule or form so numbered in the Family Proceedings Court (Children Act 1989) Rules 1991(b) ("the 1991 Rules").

Transitional provisions

2. Where proceedings have been commenced before these Rules come into force, the 1991 Rules shall apply to those proceedings as if these Rules, except rule 7(d), had not been made.

Amendments to the 1991 Rules

3. In rule 4(1)(b), after "Forms" insert "C1A,".

4. In rule 4(1A)(a)—

(a) in sub-paragraph (i), for "C1 to C5" substitute "C1, C2, C3, C4, C5"; and

(b) in sub-paragraph (ii), after "as may be appropriate," insert—

" and (iii) in the case of an application for a section 8 order or an order under section 4(1)(c) where question 7 on Form C1, or question 4 on Form C2, is answered in the affirmative, supplemental Form C1A,".

5. In rule 4(2)(b)(ii), at the end add " and, in the case of an application for a section 8 order or an order under section 4(1)(c), Form C1A".

6. In rule 9—

(a) after "service of" insert "an application for an order under section 4(1)(c),";

(a) 1980 c. 43. Section 144 is amended by paragraphs 95 and 116 of Schedule 13 to the Access to Justice Act 1999 (c. 22) and by paragraph 245 of Schedule 8 to the Courts Act 2003 (c. 39) from a date to be appointed. There are other amendments not relevant to these Rules.

(b) S.I. 1991/1395 as amended by S.I. 1994/3156 and S.I. 2001/615; there are other amending instruments but none is relevant.

- (b) after “Form C7” insert “and, if both parts of question 6 or question 7 (or both) on Form C7 are answered in the affirmative, Form C1A”.
7. In Schedule 1—
- (a) in the list of forms after the entry relating to Form C1, in the first column insert “C1A” and in the third column insert “Supplemental Information Form”;
 - (b) substitute the forms set out in Schedule 1 to these Rules for Forms C1, C2 and C7;
 - (c) insert as Form C1A the form set out in Schedule 2 to these Rules; and
 - (d) for “registered health visitor” substitute “registered midwife” in—
 - (i) question 4 in Form C11;
 - (ii) question 3 in Form C12;
 - (iii) question 6 in Form C19; and
 - (iv) the section headed “The Court Directs” in Forms C25 and C28.

Dated 19th December 2004

Falconer of Thoroton, C.

Application for an order

Form C1

Children Act 1989

The Court

To be completed by the court

Date Issued

Case Number

The full name(s) of the child(ren)

Child(ren)'s number(s)

Important Note**You should only answer question 7** if you are asking the court to make one of the following orders:**A Contact Order, A Residence Order, A Prohibited Steps Order, A Specific Issue Order or a Parental Responsibility Order.****1 About you (the person completing this form known as ‘the applicant’)***State:*

- *your title, full name, address, telephone number, date of birth and relationship to each child above*
- *your solicitor's name, address, reference, telephone, FAX and DX numbers.*

2 The child(ren) and the order(s) you are applying for*For each child state:*

- *the full name, date of birth and sex*
- *the type of order(s) you are applying for (for example, residence order, contact order, supervision order).*

3 Other cases which concern the child(ren)

If there have ever been, or there are pending, any court cases which concern:

- *a child whose name you have put in paragraph 2*
- *a full, half or step brother or sister of a child whose name you have put in paragraph 2*
- *a person in this case who is or has been, involved in caring for a child whose name you have put in paragraph 2*

attach a copy of the relevant order and give:

- *the name of the court*
- *the name and contact address (if known) of the children's guardian, if appointed*
- *the name and contact address (if known) of the children and family reporter, if appointed*
- *the name and contact address (if known) of the welfare officer, if appointed*
- *the name and contact address (if known) of the solicitor appointed for the child(ren).*

4 The respondent(s)

Appendix 3 Family Proceedings Rules 1991: Schedule 2 Family Proceedings Courts (Children Act 1989) Rules 1991

For each respondent state:

- *the title, full name and address*
- *the date of birth (if known) or the age*
- *the relationship to each child.*

5 Others to whom notice is to be given

Appendix 3 Family Proceedings Rules 1991: Schedule 2 Family Proceedings Courts (Children Act 1989) Rules 1991

For each person state:

- *the title, full name and address*
- *the date of birth (if known) or the age*
- *the relationship to each child.*

6 The care of the child(ren)

For each child in paragraph 2 state:

- *the child's current address and how long the child has lived there*
- *whether it is the child's usual address and who cares for the child there*
- *the child's relationship to the other children (if any).*

7 Domestic abuse, violence or harm

Do you believe that the child(ren) named above have suffered or are at risk of suffering any harm from any of the following:

- *any form of domestic abuse*
- *violence within the household*
- *child abduction*
- *other conduct or behaviour*

by any person who is or has been involved in caring for the child(ren) or lives with, or has contact with, the child(ren)?

Please tick the box which applies

Yes

No

If you tick the Yes box, you must also fill in Supplemental Information Form (form CIA). You can obtain a copy of this from a court office if one has not been enclosed with the papers served on you.

8 Social Services

For each child in paragraph 2 state:

- *whether the child is known to the social services. If so, give the name of the social worker and the address of the Social Services department.*
- *whether the child is, or has been, on the Child Protection Register. If so, give details of registration.*

9 The education and health of the child(ren)

For each child state:

- *the name of the school, college or place of training which the child attends*
- *whether the child is in good health. Give details of any serious disabilities or ill health.*
- *whether the child has any special needs.*

10 The parents of the child(ren)

For each child state:

- *the full name of the child's mother and father*
- *whether the parents are, or have been, married to each other*
- *whether the parents live together. If so, where.*
- *whether, to your knowledge, either of the parents have been involved in a court case concerning a child. If so, give the date and name of the court.*

11 The family of the child(ren) (other children)

For any other child not already mentioned in the family (for example, a brother or half sister) state:

- *the full name and address*
- *the date of birth (if known) or age*
- *the relationship of the child to you.*

12 Other adults

State:

- *the full name of any other adults (for example, lodgers) who live at the same address as any child named in paragraph 2*
- *whether they live there all the time*
- *whether, to your knowledge, the adult has been involved in a court case concerning a child. If so, give the date and the name of the court.*

13 Your reason(s) for applying and any plans for the child(ren)

State briefly your reasons for applying and what you want the court to order.

- ***Do not*** give a full statement if you are applying for an order under Section 8 of the Children Act 1989. You may be asked to provide a full statement later.
- ***Do not*** complete this section if this form is accompanied by a supplementary form.

14 Attending the Court

State:

- *whether you will need an interpreter at court (parties are responsible for providing their own). If so, please indicate what language interpreter you will use. If you require an interpreter you must notify the court immediately so that one can be arranged.*
- *Whether you have a disability for which you require special assistance or special facilities. If so, please say what your needs are. The court staff will get in touch with you about your requirements.*

15 Parenting Information – Arrangements after Separation

	Yes	No
<i>Have you received a Parenting Plan booklet? (If No, you may obtain a copy from a court office, a citizen's advice bureau or other family advice service.)</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Have you agreed to a Parenting Plan? (If Yes, please include a copy of the Plan when you send your application to the court)</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>If you did agree a Parenting Plan, has the Plan broken down?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>If Yes, please explain briefly why the Plan broke down –</i>		

Signed
(Applicant)

Date

C1

- for leave to commence proceedings
Family Proceedings Rules 1991 Rule 4.3
Family Proceedings Courts (Children Act 1989) Rules 1991 Rule 3
- for an order or directions in existing family proceedings
Children Act 1989
- to be joined as, or cease to be, a party
in existing family proceedings
Family Proceedings Rules 1991 Rule 4.7(2)
Family Proceedings Courts (Children Act 1989) Rule 7(2)

The Court	To be completed by the court
	Date Issued
	Case Number
The full name(s) of the child(ren)	Child(ren)'s number(s)

Important Note

You should only answer question 4 if you are asking the court to make one of the following orders: **a Contact Order, a Residence Order, a Prohibited Steps Order, a Specific Issue Order or a Parental Responsibility Order.**

1 About you (the person making the application)

State:

- *your title, full name, address, telephone number, date of birth and relationship to each child above*
- *your solicitor's name address, reference, telephone, FAX and DX numbers*
- *if you are already a party to the case, give your description (for example, applicant, respondent or other).*

5 Your reason(s) for applying and any plans for the child(ren)

State briefly your reasons for applying.

***Do not** give a full statement if you are applying for an order under Section 8 Children Act 1989. You may be asked to provide a full statement later.*

6 Attending the Court

State:

- *whether you will need an interpreter at court (parties are responsible for providing their own). If so, please indicate what language interpreter you will use. If you require an interpreter you must notify the court immediately so that one can be arranged.*
- *whether you have a disability for which you require special assistance or special facilities. If so, please say what your needs are. The court staff will get in touch with you about your requirements.*

Signed
(Applicant)

Date

C2

The Court

Case Number

The full name(s) of the child(ren)

Child(ren)'s number(s)

Date of [Hearing] [Directions Appointment]

What you (the person receiving this form) should do

- Answer the following questions. **If the applicant is only asking for financial relief in respect of the child(ren) named above you do not need to answer questions 6 and 7.**
- If you need more space for an answer use a separate sheet of paper. Please put your full name, case number and the child(ren)'s name(s) and number(s) at the top.
- If the applicant has asked the court to order you to make a payment for a child you must also fill in a Statement of Means (form C10A). You can obtain this form from a court office if one has not been enclosed with the papers served on you.
- **If you answer “Yes” to both parts of question 6, and / or question 7, you must also fill in Supplemental Information Form (form C1A).** You can obtain this form from a court office if one has not been enclosed with the papers served on you.
- If you need special assistance or facilities for a disability or impairment please set out your requirements in full in question 10. The court staff will need to know your specific requirements for example; documents in alternative formats such as Braille or large print and/or access provision, a hearing loop or a sign language interpreter. The court staff will get in touch with you about this. If you do not make the court aware of all your needs, this may result in the hearing being adjourned.
- When you have answered the questions make copies of both sides of this form. You will need a copy for the applicant, and each party named in Part 4 of the Application for an Order (form C1).
- Post, or hand, a copy to the applicant and to each party. Then post, or take, this form, and the Statement of Means and Supplemental Information Form if you have filled one in, to the court at the address below. You must do this **within 14 days** of the date when you were given the Notice of Proceedings, **or** of the postmark on the envelope if the Notice of Proceedings was posted to you.

To be completed by the court

[The Court Manager] [Chief Executive to the Justices]

The court office is open from _____ a.m. to _____ p.m. on Mondays to Fridays

C7 (01.05)

1 About you (the person completing this form)	Full name Date of birth Address
<i>Please give a daytime telephone number if you can.</i>	Telephone Number
2 About your solicitor <i>If you do not have a solicitor put None (but see note 3 on the Notice of Proceedings that was served on you).</i>	Full Name Address Reference Telephone Number Fax Number DX Number
3 Address to which letters and other papers should be sent.	
4 The application was received on	
5 Do you oppose the application?	Yes <input type="checkbox"/> No <input type="checkbox"/>
6 Did you receive a completed Supplemental Information Form (form CIA) from the applicant with the papers served on you?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If Yes, do you wish to comment on any of the statements made in that form by the applicant?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7 Do you believe that the child(ren) named above have suffered or are at risk of suffering any harm from any of the following: <ul style="list-style-type: none"> • any form of domestic abuse • violence within the household • child abduction • other conduct or behaviour by any person who – (a) is or has been involved in caring for the child(ren); or (b) lives with, or has contact, with the child(ren)?	Yes <input type="checkbox"/> No <input type="checkbox"/>

8 Do you intend to apply to the court for an order?

Yes No

9 Will you use an interpreter at court?

Yes No

If Yes state the language into which the Interpreter will translate.

Note: If you require an interpreter you must bring your own.

Language:

10 Do you have a disability for which you require special assistance or special facilities at court?

Yes No

If Yes please say what your needs are. The court staff will get in touch with you about your requirements.

Signed:
(Respondent)

Date:

Supplemental Information Form

Form CIA

Children Act 1989

<p>The Court</p>	<p>To be completed by the court</p>
<p>The full name(s) of the child(ren)</p>	<p>Date Issued Case Number Child(ren)'s number(s)</p>

Important Note

Please read the CIA Notes for Guidance before completing this form.

Section 1 About You (the person completing this form)

1 Personal details

Full Name (including any title):

Date of Birth:

*Do not state your address if you have asked the court to withhold your address

Address*:

Day time telephone number:

Your relationship to each child named above:

2 Your solicitor's details

Name:

Address:

Reference:

Telephone Number:

Fax Number:

DX Number:

Section 2 Respondent's comments on allegations made by the Applicant

About this section:

- **Go straight to Section 3 below (Further information) if:**
 - (a) you are the **Applicant**; or
 - (b) you are the **Respondent** and the Applicant has not filed form C1A Supplemental Information Form with his or her application.
- This section of the form should only be completed **by the Respondent** where the Applicant has served a completed form C1A with his or her application for an order.
- **You do not have to complete this section unless you wish to comment on any of the information given by the Applicant in his or her form C1A.** This section should not be used to comment on any other information given by the Applicant in his or her application.
- **Please comment in summary form only.** You will have an opportunity to make a more detailed statement later in the proceedings.

Comments on allegations made by the Applicant:

Section 3 Further Information

1 Involvement with outside authorities and organisations

If as a result of any incidence of domestic abuse, other harm or risk of harm to you or the child(ren) there is, has been or there is pending any known involvement with the police, social services, mental health services or other support services in respect of:

- *any child(ren) whose name(s) is/are given at the top of this form;*
- *a full, half or step brother or sister of a child(ren) whose name(s) is/are given at the top of this form; or*
- *a person who is or has been involved in caring for the child(ren) or is having or has had contact with the child(ren) whose name(s) is/are given at the top of this form*

please provide details and identify:

- *which agency or service has been involved;*
- *the name of the person who has been the main contact in that agency or service;*
- *the date or dates of any involvement;*
- *whether there is any current or continuing involvement;*
- *whether or not you have any documents, reports or correspondence relating to the agency or service's involvement.*

2 Incidents of abuse, violence or harm

For each alleged incidence of violence, domestic abuse or harm, please provide in summary form the following information:

Note: you shall have an opportunity later in the proceedings to provide a more substantial statement

- *the date(s) on which the incident occurred*
- *the nature and seriousness of the alleged abuse, violence or harm*
- *by whom and against whom it was directed*
- *how frequently the alleged abuse, harm or violence occurred and the date(s) of the most recent occurrence(s)*
- *whether any hospital or medical treatment has been sought by the child(ren) whose name(s) is/are given at the top of this form, the applicant or other person in respect of any injuries sustained, and*
- *whether you consider there is a likelihood of further harm, abuse or violence occurring.*

3 Involvement of the child(ren)

If the child(ren) whose name(s) is/are given at the top of this form have seen or heard any of the alleged incident(s) of abuse within the household or been aware of any alleged abuse and its impact on the family, please give details and in particular state how you believe the child(ren) have been affected by this experience:

CIA

4 Witnesses

Has anyone else seen, heard or had reported to them any alleged incidence of violence, domestic abuse or harm? If Yes, would that person be able to provide supporting evidence?

5 Medical treatment or other assessment of the child(ren)

If any child(ren) whose name(s) is/are given at the top of this form have been referred for treatment or psychiatric or psychological assessment, by any medical or health service relating to his/her emotional, social or behavioural development (or where any such treatment or referral is pending), please state:

- *when and to whom such a referral was made*
- *details of any treatment or assessment recommended*
- *whether there is any continuing involvement with the relevant service in relation to the referral, and*
- *whether you are aware of or have in your possession any reports or other correspondence in relation to any treatment or assessment recommended.*

6 Abduction

If you feel the child(ren) whose name(s) is/are given at the top of this form are at real risk of being abducted please give the following information:

- *your reason for believing that the child(ren) may be abducted*
- *whether the child(ren) have previously been the subject of a threatened abduction, an attempted abduction or have been abducted*
- *whether the police or any other organisation has been involved in any alleged previous incident identified above, and*
- *whether each child has their own passport and who has that passport at the moment?*

7 Steps or orders required to protect you and the children

Please indicate what steps or orders you believe the court should take or make in order to protect the safety of the child(ren) whose name(s) is/are given at the top of this form and/or yourself.

8 Attending the Court

Please also indicate whether the court needs to make any special arrangements for you to attend court (e.g. providing you with a separate waiting room from the respondent or other security provision). Do you consider the court should give consideration to any special measures for you or any witnesses to give evidence at the hearing (e.g. use of video link equipment where available)? If Yes, please explain why.

Signed
(Applicant/Respondent)

Date

CIA

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Proceedings Courts (Children Act 1989) Rules 1991 (S.I. 1991/1395) (“the 1991 Rules”) to make changes linked to the amendments to the Children Act 1989 in respect of the definition of “harm”.

Where a section 8 order or an order for parental responsibility is sought, the applicant will give the court information where a child has suffered or is at risk of suffering harm.

Rules 3, 4 and 5 make an amendment to provide for the service of new Form C1A as part of the application filed under rule 4(1)(a) of the 1991 Rules. Rule 4 provides that the applicant’s Form C1A is to be filed with an application for a section 8 order or an order under section 4(1)(c) if question 7 on Form C1, or question 4 on Form C2, is completed in the affirmative. Rule 5 provides that a blank Form C1A should be given to the applicant with the copies of the application when the documents are filed, in order that it may be served on the respondent(s). Rule 3 provides that the applicant shall serve the blank copy of Form C1A on each respondent.

Rule 6 amends rule 9 of the 1991 Rules to provide that in applications for an order for parental responsibility or for a section 8 order, the respondent shall file and serve Form C1A in addition to the acknowledgement of application Form C7 if both parts of question 6, or question 7, on Form C7 are answered in the affirmative.

Rule 7 amends the list of forms at the beginning of Schedule 1 to the 1991 Rules to provide for new Form C1A, substitutes Forms C1, C2, C7 and inserts new Form C1A into Schedule 1. Rule 7 makes amendments to Forms C11, C12, C19, C25 and C28 which are consequential to the amendments made to the Children Act 1989 by paragraph 10 of Schedule 5 to the Nursing and Midwifery Order 2001 (S.I. 2002/253).

2004 No. 3376 (L. 26)

MAGISTRATES' COURTS, ENGLAND AND WALES

**The Family Proceedings Courts (Children Act 1989)
(Amendment) Rules 2004**

£4.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1565 1/2005 141565 19585

ISBN 0-11-051461-0



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