
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 16

**REPRESENTATION OF CHILDREN AND REPORTS
IN PROCEEDINGS INVOLVING CHILDREN**

CHAPTER 3

WHEN A CHILDREN'S GUARDIAN OR LITIGATION FRIEND WILL BE APPOINTED

Appointment of a children's guardian in specified proceedings or proceedings to which Part 14 applies

16.3.—(1) Unless it is satisfied that it is not necessary to do so to safeguard the interests of the child, the court must appoint a children's guardian for a child who is—

- (a) the subject of; and
- (b) a party to,

proceedings—

- (i) which are specified proceedings; or
- (ii) to which Part 14 applies.

(Rules 12.6 and 14.6 set out the point in the proceedings when the court will appoint a children's guardian in specified proceedings and proceedings to which Part 14 applies respectively.)

(2) At any stage in the proceedings—

- (a) a party may apply, without notice to the other parties unless the court directs otherwise, for the appointment of a children's guardian; or
- (b) the court may of its own initiative appoint a children's guardian.

(3) Where the court refuses an application under paragraph (2)(a) it will give reasons for the refusal and the court or a court officer will—

- (a) record the refusal and the reasons for it; and
- (b) as soon as practicable, notify the parties and either the Service or the Assembly of a decision not to appoint a children's guardian.

(4) When appointing a children's guardian the court will consider the appointment of anyone who has previously acted as a children's guardian of the same child.

(5) Where the court appoints a children's guardian in accordance with this rule, the provisions of Chapter 6 of this Part apply.