



Llywodraeth Cymru
Welsh Government

GUIDANCE, DOCUMENT

Family Assistance and Monitoring Orders: factsheet

Explains the role of Cafcass Cymru when the Family Court makes a Family Assistance Order or Contact Monitoring Order.

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Introduction

The court can make a Family Assistance Order or Monitoring Order requiring Cafcass Cymru to advise and assist with establishing, improving, and maintaining child arrangements, or to monitor these arrangements.

The court's main concern is the child's welfare, and the court will not make an order unless doing so would be better for the child than making no order at all.

Family Assistance Orders

What is a Family Assistance Order?

Family assistance orders (FAOs) are orders which parents and/or carers will have agreed to the court making. If the court makes an FAO, this will usually be after it has made decisions about who children live and spend time with (a child arrangements order).

An FAO directs Cafcass Cymru to give advice or assistance to the people named in the order about establishing, improving or maintaining child arrangements. The court can make the FAO if it takes the view that without Cafcass Cymru being involved, the child's parents or carers would not be able to make their arrangements work.

FAOs can last for up to 12 months, but many FAOs will be shorter, for example lasting 3 to 6 months. All named parties must consent to the FAO. The court decides how long the FAO will last and can direct Cafcass Cymru to file a report with the court when the FAO ends.

When will a Family Assistance Order be recommended?

The court must ask for Cafcass Cymru's opinion before making an FAO, about whether it is in the best interests of the child to make an FAO, how this could operate and for how long.

Cafcass Cymru practitioners will only recommend an FAO if they assess that assistance or advice is needed, for a short period of time, for the welfare of the child and for the child's arrangements to work.

Before recommending a FAO, the practitioner will have spoken to the adults and, where appropriate to the child to find out their views. They will be satisfied that all the adults will work to an agreed plan with clear aims, that focusses on meeting the welfare needs of the child and has a realistic chance of success.

Cafcass Cymru practitioners might make this recommendation in a report to the court or might give their opinion at a court hearing.

What will happen?

The Cafcass Cymru practitioner will make a clear plan with the named adults that focuses on the needs and welfare of the child and sets out:

- The issues that the FAO aims to assist with, and how this will benefit the child
- The actions that will help the family to establish, improve or maintain the arrangements for the child
- Who is responsible for what actions
- In what way and how often the practitioner will check with the people named in the FAO and / or the child on their progress
- Any meetings that will take place as part of the FAO

- Whether there will be a report or review at the end of the FAO.

Important points to note

Family assistance orders provide short term support to families to establish, improve or maintain the child arrangements that are set out in a child arrangements order. They aim to improve things for the child.

- FAOs are not suitable for managing risky or unsafe child arrangements
- FAOs are not a way to try to progress arrangements that have not been ordered by the court or agreed by the children and adults involved
- Practitioners do not supervise family time as part of a FAO, they do not undertake life story work or therapeutic work with children or adults.
- Cafcass Cymru operates from Monday to Fridays and practitioners do not provide advice or assistance out of normal working hours.

Monitoring Orders

What is a Monitoring Order?

The court can make a monitoring order, which directs Cafcass Cymru to check whether a person is complying with a child arrangements order. The monitoring order can last up to 12 months. The court can ask Cafcass Cymru to report to the court during or at the end of the monitoring order.

The court does not need the agreement of parents or carers to make a monitoring order.

What will happen?

Cafcass Cymru will make arrangements with the adults involved to monitor whether the child arrangements order is being complied with. This is usually by way of one or more telephone calls.

Cafcass Cymru will follow the directions made by the court about how to inform the court if the person being monitored does not comply with the order. This is usually by writing a short report to the court.

Important points to note

Cafcass Cymru's role is to monitor compliance with the arrangements for the child, as set out in the child arrangements order.

- Cafcass Cymru is not responsible for making or facilitating arrangements
- Cafcass Cymru does not provide advice and assistance as part of a monitoring order
- Cafcass Cymru operates from Monday to Fridays and practitioners do not monitor compliance out of normal working hours

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