

CAFCASS Cymru Expectation Statement

Child Arrangements Programme

Contact Monitoring Orders

Paragraph 15.5 of the Practice Direction 12B – Child Arrangements Programme, confirms that “where active involvement or monitoring is needed”, the court may consider making:

A Contact Monitoring Order

The key components under this order are:

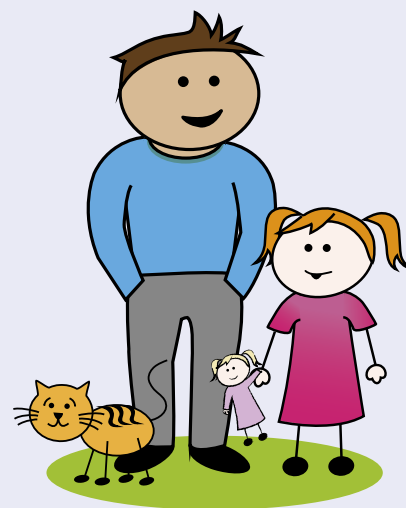
- To make an Family Court Advisor/Family Court Social Worker (FCA/FCSW) available to monitor compliance with the Contact Order.
- This Order remains in force for up to 12 months.
- The Order can specify who and in what way the parties should work with the FCA/FCSW for the duration of the Order.
- The FCA/FCSW can write a report to the court if the Order is not being complied with and provide advice on whether the Order should be varied or discharged.

The position of the child is the court’s paramount consideration when making a Final Order. This includes when considerations are being made in relation to arrangements for contact within a Child Arrangements Order and in the decision to make a Monitoring Order. A Monitoring Order, therefore, needs to operate in the best interests of the child.

CAFCASS Cymru’s role in relation to Monitoring Orders, is to check the progress of contact for the duration of the Order.

Where the court is considering making or has made a Monitoring Order, it should note the following in relation to what CAFCASS Cymru can and cannot deliver as part of its role:

- CAFCASS Cymru provides an operational service Monday to Fridays, and it should not be expected that FCA/FCSWs will monitor or observe contact outside of normal working hours.



- CAFCASS Cymru does not supervise, observe or facilitate contact for the purposes of a Monitoring Order.
- CAFCASS Cymru will not be responsible for setting up any arrangements for contact (arrangements will have been outlined in an Order prior to or at the same time as the making of a Monitoring Order).
- The FCA/FCSW will check with the parties regarding the progress of any contact arrangements. These checks will normally be conducted by telephone and take place approximately once every month for the duration of the Order.
- The FCA/FCSW will not need to see or visit the child, nor will s/he need to undertake an “assessment” of the situation.
- It should be clear that as part of a Contact Monitoring Order, the FCA/FCSW will not be available to “advise, assist and befriend” nor will s/he be available to provide “support”. The FCA/FCSWs role is to check on the level of compliance with any order that has been made.
- If Ordered or as appropriate (ie: if the Order is not being complied with) the FCA/FCSW will provide a report to the court.
- The FCA/FCSW will not be responsible for pro-actively “repairing” or “re-building” arrangements that have broken down. The FCA/FCSWs role is to advise the court through a report where the Order is not being complied with.

CAFCASS Cymru would always be available should the court be minded to consult with CAFCASS Cymru prior to the making of a Contact Monitoring Order. Any Order for Monitoring should outline the rationale behind the making of such an Order.

