



Cafcass Cymru Expectation Statement

Child Arrangements Programme

Making of Rule 16.4 appointments in Private Law Cases

When the court is considering making a child party to the proceedings as provided for by Rule 16.4 of the Family Procedure Rules 2010, this appointment allows a child to be made a 'party' in the proceedings and obtain legal representation in their own right.

The decision to make the child a party will always be exclusively that of the court, made in the light of the facts and circumstances of the particular case. The court may consider making a child party to proceedings if it is satisfied that the case meets one or more of the following criteria:

- where a Family Court Advisor / Family Court Social Worker (FCA / FCSW) has recommended the child should be made a party;
- the dispute between the adult parties is such that the interests of the child are not being met;
- where there is an intractable dispute or where there is implacable hostility to contact or where the child may be suffering harm associated with the contact dispute;
- where the views and wishes of the child cannot be adequately met by a Section 7 Report to the court;
- where an older child is opposing a proposed course of action;
- where there are complex issues that necessitate separate representation of the child;
- where there are international elements to the case which may necessitate discussions with overseas authorities or a foreign court;
- where there are serious allegations of abuse to the child and/or allegations of domestic violence;
- where the proceedings concern more than one child and the welfare of the children is in conflict or one child is in a particularly disadvantaged position;
- where there is a contested issue about scientific testing.





Appointment of Children's Guardian

When the court is considering the appointment of a Children's Guardian from Cafcass Cymru, it should first ensure that enquiries have been made of the appropriate Cafcass Cymru manager in accordance with paragraph 7.4, Part 4 of the Practice Direction 16A. This should either be in writing before the hearing or by way of case discussion with the relevant Cafcass Cymru manager via the Hotline Protocol.

The court should consult with Cafcass Cymru, to consider any advice in connection with the prospective appointment and the timescale involved.

- To assist with this consultation requirement, Cafcass Cymru will make available to HMCTS and the judiciary one telephone number for each area as follows:

Gwent – 0300 025 2800

South Wales – 0300 062 8877

South West Wales – 0300 025 5600

Mid & West Wales – 0300 025 3370

North Wales – 0300 062 5821

- When considering making an appointment the court shall take account of the demands on the resources of Cafcass Cymru that such an appointment would make.
- The court should make clear on the face of any order the purpose of the appointment and the timetable of any work to be undertaken by the FCA/FCSW.

If the court is considering making a 16.4 appointment it should note the following in relation to what Cafcass Cymru can and cannot deliver as part of its role:

The FCA/FCSW:

- Will instruct a solicitor who specialises in Family Law and is on the Children's Panel to act for the child.
- Will meet with the child and parties.
- Will (if age appropriate) obtain the child's wishes and feelings.
- Will advise the court about any work, including extra services such as expert opinions, that they believe are necessary to assist the court.
- Will write (if Ordered), a report for the court and attend appropriate court hearings.
- Will provide expert advice to the court and make recommendations as to what is considered to be in the child's best interests.

Cafcass Cymru provides an operational service Monday to Fridays and it should not be expected that FCA/FCSWs will provide a service outside of normal working hours.

Cafcass Cymru does not "supervise" contact for the purposes of their investigations.

