



Preparing Section 7 and Section 37 reports for court

TUESDAY 25TH APRIL
COMMUNITY CARE LIVE

His Honour Judge Robert Jordan
Circuit Judge

Sandie Hayes
Assistant Director, Cafcass



Framework

- Children Act 1989
- Welfare of Child
- Welfare Checklist

Family Procedure Rules

- The overriding Objective
- Duty Of the Parties
- Courts Duty to Manage Cases

Child Arrangements Programme (CAP)

- When does the CAP apply
- MIAM
- Court Process
- Capacity
- Representation

Cafcass

- Applications From Court
- Safeguarding Letters
- Police – PNC
- LA Information
- Telephone Interviews with parties
- Impact on the Child

First Hearing Dispute Resolution

- FHDRA
- Purpose
- How a FHDRA is Conducted
- Who Attends
- What can happen

First Hearing Dispute Resolution

- What Happens Next
- Agreement
- No Agreement – who does Report?
- Children Made Party

Welfare Reports

- S 7 Welfare report
- S37 Powers of the court in certain family proceedings

Section 7/Section 37

- Read the Order
- Welfare report
- Format
- Child Impact

Section 7/Section 37

- Evidence Based Recommendations
- Practice Tips
- Section 8 Orders – Three Types
 - Child Arrangements Order
 - Prohibited Steps Order
 - Specific Issue Order

Section 7/Section 37

- You are the Expert
- Dos and Don'ts
- Contents and Length
- Voice of the Child

Dispute Resolution Appointment

- The Court shall list the application for a Dispute Resolution Appointment ('DRA') to follow the preparation of Section 7/Section 37
- The author of the section 7 report will only attend this hearing if directed to do so by the Court.

What Happens at the DRA

- Identify the key issue(s) to be determined and the extent to which those issues can be resolved or narrowed
- Consider whether the DRA can be used as a final hearing;
- Resolve or narrow the issues by hearing evidence;
- Identify the evidence to be heard on the issues which remain to be resolved at the final hearing

Contested Hearing

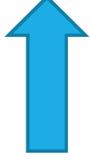
- How it works, order of witness
- Witness statements (affects of not filing)
- Domestic Violence
- Finding of Fact Hearings

Contested Hearing

- Vulnerable Witnesses
- Use of intermediaries

Giving Evidence

- A Good Practice Guide
- Being Prepared!



Preparation

- ❖ Prepare your court statement carefully
- ❖ Re-read your statement before attending court
- ❖ Arrive in good time
- ❖ Dress smartly
- ❖ Take case files/recordings with you
- ❖ Behave neutrally when at court

Process of giving evidence

- ❖ You will take the Oath or Affirmation at the start
- ❖ Lawyers from both/all sides will ask you questions
- ❖ Always address the judge or magistrates when talking.
- ❖ Know the correct way to address the judge or magistrates
- ❖ Stand (don't sit!) and speak slowly, audibly and confidently

Top tips!

- ❖ Answer the questions you are asked, directly and simply
- ❖ If you don't understand the question, say so!
- ❖ Be balanced in your responses
- ❖ Don't be defensive
- ❖ Remain polite and calm
- ❖ Be robust in your views, especially in relation to risk
- ❖ ENJOY IT!

Judgments

- Experts
- Clarity
- Further Applications

Enforcements

- Unpaid Work
- Further applications

Manchester Protocol

- 10 Local authorities
- Agreement in place
- Cafcass/ADCS Protocol
- Templates

• Questions?

