**CHILDREN AND FAMILIES ACT 2014**

**SECTIONS RELEVANT TO CHILDREN SOCIAL CARE IN WALES**

The whole Act is [here](http://www.legislation.gov.uk/ukpga/2014/6/contents) on the legislation website. Most of the Act relates to England but the following sections relate to Wales and change or add to the Children Act 1989 or the Adoption and Children Act 2002

**Part 1 Contact**

**Section 8**

**Contact with children in care**

Amends section 34 Children Act 1989 by adding **a new section 34(6A)**

This relates to a court order under s 34(6) which allows a local authority to refuse contact between a child subject to a care order (or interim care order) and their parent(s). This is commonly known as ‘termination of contact’. The new section removes the duty of a local authority to endeavour to promote contact between a looked-after child and their family under Schedule 2 paragraph 15 Children Act 1989.

**Section 9**

**Post adoption contact**

This section adds **new sections 51A and 51B to the Adoption and Children Act 2002.**

Under these sections, a court making an adoption order can also make an order either allowing or prohibiting future contact between the adopted child and a named person. The application can be made by the adopter(s), the child or by another person who obtains leave of the court. This means that a person who wishes to apply for future contact first needs to get the court’s permission to make the application. The detail about how these orders will be made is set out in s 51B.

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**Part 2 Family Court changes**

**Section 10**

**Mediation and Assessment Information Meetings (MIAMs)**

This is a new provision relating to section **8 Children Act 1989** (child arrangements orders).

If a parent wants to apply for a child arrangements order (about residence or contact) they will first be referred to a MIAM to find out about the alternative of using mediation to reach an agreement. There are exceptions where the relationship is subject to child protection risks or domestic violence. MIAMs do not apply to court proceedings where the local authority is a party.

**Section 11**

Amends **section 1 Children Act 1989** to introduce a legal **presumption of continuing parental involvement** when a s 8 order is made.

It introduces **new sections 1(2A); s 1(2B); and s 1(6).**

These sections state that the court’s starting point is that a child’s welfare will benefit from the continuing involvement of both parents. However this does not mean that the child’s time is to be split between their parents in any fixed way. It only applies if the child is not at any risks of harm from such involvement.

**Section 12**

This section replaces residence and contact orders (in private law) with **child arrangements orders**. It amends **section 8 Children Act 1989** as follows:

12.

(1)     Section 8(1) of the Children Act 1989 is amended as follows.

(2)     Omit the definitions of “contact order” and “residence order”.

(3)     After “In this Act—” insert—

““child arrangements order” means an order regulating arrangements relating to any of the following—

(a)     with whom a child is to live, spend time or otherwise have contact, and

(b)     when a child is to live, spend time or otherwise have contact with any person;”.

All previous laws about ‘residence orders’ or contact orders’ automatically now refer to child arrangements orders.

**Section 13**

**Control of expert evidence**

This is a new section about case management, for the court to meet the 26 week deadline under s 14 below. Independent experts can only be instructed when the court decides that this is necessary. As a result of the change, fewer e.g psychologists and independent social workers are instructed than in the past, and the courts will rely on the local authority and Cafcass social workers as the experts needed.

[Guidance on sections 13-15 was published in 2014.](http://gov.wales/topics/health/publications/socialcare/guidance1/orders/?lang=en)

**Section 14**

**Court timetables**

Section 32(1)(a) Children Act 1989 is amended by adding a requirement that care cases under s 31 be within 26 weeks of issue. Under s 14(5), this time limit may be extended by the court when necessary. Guidance given in the case of [*Re S (A Child)* [2014] EWCC B44 (Fam)](http://www.bailii.org/ew/cases/EWCC/Fam/2014/B44.html) indicates three types of situation where an extension may be given:

1.Where the case can be identified from the outset, or at least very early on, as one which it may not be possible to resolve justly within 26 weeks. Four examples are:

(a) very heavy cases involving the most complex medical evidence where a separate fact finding hearing is directed

(b) Family Drug & Alcohol Court cases

(c) cases with an international element where investigations or assessments have to be carried out abroad

(d) cases where the parent's disabilities require recourse to special assessments or measures

2. where, despite appropriately case management, something unexpectedly emerges to change the nature of the proceedings too late in the day to enable the case to be concluded justly within 26 weeks. Examples are:

(a) cases proceeding on allegations of neglect or emotional harm where allegations of sexual abuse subsequently surface

(b) cases which are unexpectedly 'derailed' because of the death, serious illness or imprisonment of the proposed carer

(c) cases where a realistic alternative family carer emerges late in the day

3.Where failure on the part of one or more of the parties to provide sufficient evidence makes it impossible to complete the case justly within 26 weeks.

Section 38 Children Act 1989 is also amended regarding **interim care orders and interim supervision orders**. These were previously time limited to 8 weeks or 4 weeks but are now made of such duration as the court decides at a case management or directions hearing.

**Section 15**

**Care plans**

A care plan must be submitted to the court under section 31A Children Act 1989. The new section 15 restricts the role of the court in scrutinising this plan to its ‘permanence provisions’ as follows:

The permanence provisions of a section 31A plan are such of the plan's provisions setting out the long-term plan for the upbringing of the child concerned as provide for any of the following—

(a)     the child to live with any parent of the child's or with any other member of, or any friend of, the child's family;

(b)     adoption;

(c)     long-term care not within paragraph (a) or (b).

The intention of section 15 is that the court is not expected to consider detailed aspects of the plan, such as future therapy needs of the child, that may delay its decision making.