

SECTION 14 REASONS AND WELFARE CHECKLISTS

INTRODUCTION

1. The justices are required by the rules to give reasons for their decisions and must state clearly their findings of fact. The purpose behind the giving of reasons is to explain the court's decision and to demonstrate how it arrived at its conclusion.
2. Your reasons will be read by the parties and their representatives and also by the child when they become old enough to understand them. In reaching a decision a structured approach is required and by following a structure justices can ensure that all issues raised have been addressed and that the correct threshold in public law proceedings has been applied.
3. It is also vital that any other court looking at the reasons will be able to see why the court has reached its decision. This can be at a later hearing, upon transfer or on appeal. The appellate court must be satisfied that the justices have applied the law correctly and have taken into account what they should have, and have not taken into account inappropriate matters.
4. This section is intended to assist in the process of structuring reasons in the main areas of family work. If justices find themselves dealing with one of the less common areas of work they should apply the same principles they have found here, but they should consult their legal adviser for specific advice.
5. Some panels use pro-formas¹ that can be helpful, but each case is different and is unlikely to 'fit' exactly into the pro-forma. Therefore this section sets out some 'checklists' that can form an agenda and act as an *aide-memoire* when you are drafting the reasons with your legal adviser. Attached to some of the checklists are examples of pronouncements that can be included in your reasons.

¹ See, for example, the Structured Decision Making Form in this section.

6. Remember that each case usually involves a balancing of risk and it is important that your reasons set out this balancing exercise.

What does the High Court consider?

7. A judge hearing an appeal will be examining your reasons to see whether your decision can be said to have been made:

‘under a mistake of law, or in disregard of principle or under a misapprehension of fact, or to have involved taking into account irrelevant matters or omitting from account matters which ought to have been considered, or to have been plainly wrong, ie. outside the generous ambit within which a reasonable disagreement is possible....’

CHECKLISTS

The following pages give the reasons and welfare checklists in detail.

EMERGENCY PROTECTION ORDER

All the following points need to be considered:

- Whose application, for what and in respect of whom, to include reference to parents/persons with parental responsibility for the child.
- Opposed/unopposed.
- If *ex parte*, explain why the Justices' Clerk granted leave and why the court is dealing with the application on an *ex parte* basis.
- Documents read/evidence heard.
- Brief summary of background to include how the child came to the attention of Social Services.
- In contested cases on notice, summarise each party's case.
- Make findings of fact on relevant issues that should be succinct but sufficiently clear to inform any party not present as to the reasons why an emergency order was necessary.
- Refer to criteria in the 1989 Act (i.e. that court is satisfied that there is reasonable cause to believe that the child is likely to suffer significant harm if (i) they are not removed to accommodation provided by or on behalf of the applicant; or (ii) they do not remain in the place in which they are then being accommodated).
- No order principle – justify the need for an order or for refusing to make the order.
- State the order and duration and the reasons for making the order for the period specified (that should be the minimum necessary).
- If an exclusion requirement is to be inserted into the order explain the findings for that requirement by reference to the conditions in the Act. The conditions are (a) that

there is reasonable cause to believe that, if the relevant person is excluded from a house in which the child lives then (i) the child will not be likely to suffer significant harm even though the child is not removed to accommodation provided by or on behalf of the applicant or does not remain in the place in which they are then being accommodated, or (ii) in the case of an order made on grounds of enquiries being frustrated, the enquiries will cease to be frustrated, and (b) that another person living in the house (parent of the child or some other person) is able and willing to give to the child the care which it would be reasonable to expect a parent to give to them and consents to the inclusion of the exclusion requirement.

- It may be necessary to refer to the arrangements for contact (especially in the case of a very young baby) and to make directions relating to contact or to medical/psychiatric examination.
- Such a draconian decision requires a clear statement of why it is found to be justified on the evidence before the court. Address Human Rights Act issues.

INTERIM CARE/SUPERVISION ORDERS

All the following points need to be considered:

- Whose application, for what, in respect of whom and including reference to child's parents/persons with parental responsibility.
- Opposed/unopposed.
- Documents read/evidence heard.
- Brief summary of the case to include how the child came to the attention of Social Services. If the parties have prepared a statement of agreed facts insert them here.
- If contested case, include any facts agreed and disputed facts and summarise each party's case including any case law cited.
- Make limited findings of fact (whether this is a contested hearing or not) and include limited findings on any case law cited.
- Refer to threshold criteria – reasonable grounds to believe.
- Make clear the welfare of the child has been the paramount consideration and the relevant aspects of the welfare checklist have been taken into account in deciding whether and what order to make.
- No order principle – justify the need for any order to be made and address Human Rights Act issues.
- State order made and duration.
- If an exclusion requirement is to be inserted into an interim care order make findings in respect of that requirement by reference to conditions in the Act. The conditions are that (a) there is reasonable cause to believe that if the relevant person is excluded from a house in which the child lives, the child will cease to suffer or cease to be likely to suffer significant harm and (b) that another person living in the house

(whether a parent of the child or some other person) is able and willing to give to the child the care which it would be reasonable to expect a parent to give them and that person consents to the inclusion of an exclusion requirement.

- Signposting for timetabling – current arrangements/future arrangements. Make any necessary directions including directions relating to medical/ psychiatric assessments.

Note: If the order made goes against the recommendation of the CAFCASS officer, specific reference must be made in the reasons as to why the bench find that such an order is appropriate, making reference to relevant factors in the welfare checklist.

CARE/SUPERVISION ORDERS – FINAL ORDERS

All the following points need to be considered:

- Whose application, for what and in respect of whom.
- Opposed/unopposed.
- Documents read/evidence heard.
- Brief history of court proceedings to date, i.e. explain when and what previous orders have been made in these proceedings.
- Either adopt previous reasons for background, for example, ‘The background to these proceedings is set out fully in the Justices’ Reasons dated xxxx’ or insert the statement of agreed facts prepared by the parties.
- Update situation and include reference to the care plan.
- In a contested case, include any facts agreed and summarise each party’s case including any case law cited.
- Make findings of fact on relevant issues including findings on any case law cited. If this is an agreed order it may be possible to adopt the findings of a previous bench.
- Refer to the threshold criteria – the court is satisfied that.
- Make clear the welfare of the child has been the paramount consideration and the relevant aspects of the welfare checklist have been taken into account in deciding whether and what order to make.
- No order principle – justify the need for any order to be made and address Human Rights Act issues.
- State order made.

- Refer to contact arrangements (this may be necessary either because an order as to contact with a child in care has been applied for or to demonstrate that the bench are aware of power to make orders under the Act but that there is no need for such an order in this case, for example, 'We understand that the local authority propose to allow X and Y reasonable contact with their children as follows...').

Note: If the order made goes against the recommendation of the CAFCASS officer, specific reference must be made in the reasons as to why the bench find that such an order is appropriate, making reference to relevant factors in the welfare checklist.

REQUEST FOR LEAVE FOR EXPERTS**Expert appointment application**

(Any party proposing to instruct an expert should file this information in advance of Case Management Conference and on any occasion when seeking to appoint an expert.)

- What is the expert's area of expertise?
- Should this work have been undertaken by the local authority? If yes, why has it not been?
- Has the expert proposed already been contacted? If not, why not? (The court will consider adjourning the application if no contact has been made and the expert is unavailable.)
- Has the expert confirmed that the work is appropriate, within their area of expertise, and that they are available to undertake and complete the work within the timescale identified for the child's welfare?
- What is the relevance of the expert evidence? Why is it that the evidence proposed could not be given by a social worker or the child's guardian?
- What specific questions will the expert be asked to address? (Attach draft letter of instruction.)
- Is the expert's evidence needed to address the allegation of significant harm or deal with the appropriate order:
 - significant harm
 - appropriate order.
- What is the likely cost of the report? (Both the hourly and global rate should be indicated.)
- What is the proposal for the apportionment of the costs?

- Local authority 100%
- Moiety basis (50% local authority; 50% public funding)
- equally between parties.
- The reason for this apportionment
- What is the timescale for preparation of the report?
- Can the expert attend court on the proposed hearing date(s)?
- Is this a joined instruction? If not, why not?
- Who will be responsible for sending the letter of instruction and by what date?
(Confirm that the expert is aware of their duty/contents of the Protocol.)
- What directions are sought re: disclosing papers/child/timetable/dates for court, etc.?

CONTACT ORDERS

All the following points need to be considered:

- Whose application, for what and in respect of whom to include reference to the child's parents/persons with parental responsibility.
- Opposed/unopposed.
- Documents read/evidence heard.
- Brief summary of background including what prompted the application to be made. If this hearing is the final hearing after interim order or one of series of interim hearings, adopt previous reasons for background and give brief updating information.
- If the application is agreed include any agreed statement of facts prepared by the parties.
- If contested, include any facts agreed and then summarise each party's case including any case law cited.
- Make findings of fact on relevant issues including findings on any case law cited. If a contested hearing, it is desirable that magistrates in their reasons expressly refer to presumption in favour of contact between a natural parent and child with reference to *Re H (Minors)(Access)(1992)* or any of the several other relevant decisions (seek the advice of the legal adviser).
- Make clear the welfare of the child has been the paramount consideration and the relevant aspects of the welfare checklist have been taken into account in deciding whether and what order to make.
- No order principle – justify the need for any order. If a contact order is to be made at an interim hearing, at an early stage in proceedings, before the CAFCASS officer's report is completed, have regard to the decision in *Re D (Contact: Interim*

Order)(1995) and explain why the bench feels able to make an order without hearing full oral evidence or having the advice of the CAFCASS officer. Address Human Rights Act issues.

- State order made.

Note: If the order is made or refused against the recommendation of the children and family court reporter, specific reference must be made in the reasons as to why the bench find that such an order is appropriate, making reference to relevant factors in the welfare checklist.

PROHIBITED STEPS/SPECIFIC ISSUE ORDERS

All the following points need to be considered:

- Whose application, for what and in respect of whom to include reference to the child's parents/persons with parental responsibility.
- Opposed/unopposed.
- If *ex parte* explain why the Justices' Clerk granted leave.
- Documents read/evidence heard.
- Brief summary of background including what prompted the application to be made. If the application is agreed, include any agreed statement of facts prepared by the parties.
- If contested, include any facts agreed and summarise each party's case including reference to any case law cited.
- Make findings of fact on relevant issues including findings on any case law cited.
- Make clear the welfare of the child has been the paramount consideration and the relevant aspects of the welfare checklist have been taken into account in deciding whether and what order to make.
- No order principle – justify the need for an order making explicit reference to the restriction imposed in the Act (i.e. no court shall make a specific issue order or prohibited steps order with a view to achieving a result that could be achieved by making a residence or contact order). Address HRA issues.
- State order/refuse order.

Note: If an order is made or refused against the recommendation of the CAFCASS officer, specific reference must be made in the reasons as to why the bench find that

such an order/refusal is appropriate making reference to relevant factors in the welfare checklist.

PARENTAL RESPONSIBILITY ORDERS

All the following points need to be considered:

- Whose application, for what and in respect of whom to include reference to the child's mother.
- Opposed/unopposed.
- Documents read/evidence heard.
- Brief summary of background to the application. If application is agreed include any agreed statement of facts prepared by the parties.
- If contested, include any agreed facts and summarise each party's case including reference to any case law cited.
- Make findings of fact on relevant issues to include specific reference to the three conditions set out in *Re H (1993)* (commitment, attachment, applicant's reason for applying) and any other case law cited. Address Human Rights Act issues.
- State order/refuse order.

Note: If order is made or refused against the recommendation of the CAFCASS officer, specific reference must be made in the reasons as to why the bench find that such an order/refusal is appropriate.

RESIDENCE ORDERS

All the following points need to be considered:

- Whose application, for what in respect of whom and including reference to child's parents/persons with parental responsibility.
- Opposed/unopposed.
- Documents read/evidence heard.
- Brief summary of background including what prompted the application to be made. If the application is agreed, include any agreed statement of facts prepared by the parties.
- If contested, include any facts agreed and summarise each party's case including any case law cited.
- Make findings of fact on relevant issues including in relation to any case law cited.
- Make clear the welfare of the child has been the paramount consideration and the relevant aspects of the welfare checklist taken into account in deciding whether and what order to make.
- If the order to be made is an interim order there is a need to make it clear as to why the bench finds it necessary to make an order at such an early stage in proceedings without the benefit of advice from the CAFCASS officer or full written/oral evidence.
- No order principle – justify the need for an order if considering making one. This is particularly important where the order to be made is simply confirming the status quo. Address Human Rights Act issues.
- State order made or refuse application.
- If residence order made in favour of father who does not already have parental responsibility, remember to make a parental responsibility order.

Note: If the order is made or refused against the recommendation of the CAFCASS officer, specific reference must be made in the reasons as to why the bench find that such an order/refusal is appropriate, making reference to relevant factors in the welfare checklist.

SECURE ACCOMMODATION ORDERS

All the following points need to be considered:

- Whose application, for what and in respect of whom, to include reference to the parents/persons with parental responsibility for the child.
- Opposed/unopposed.
- Documents read/evidence heard.
- Brief summary of background including what prompted an application to be made. In an agreed case insert any statement of agreed facts prepared by the parties.
- In a contested case, include any facts agreed and summarise each party's case including any case law cited.
- Make findings of fact on relevant issues including findings on any case law cited.
- Refer to criteria in the Act, i.e. that it appears that the child has a history of absconding and is likely to abscond from any other accommodation and if they abscond is likely to suffer significant harm or that if they are kept in any other description of accommodation are likely to self-injure or injure other persons.
- *No order principle, paramountcy principle and welfare checklist do not apply so do not refer to them.*
- Make order or refuse order.
- Explain the reasons for length of order chosen.
- If interim order, explain what further enquiries are necessary before final length of order can be assessed.
- The court has determined that the order is compliant with the principles of the Human Rights Act 1998 because:

- i. The court has the power to make such an order as is prescribed in the Children Act 1989 and the regulations thereunder.
- ii. The order pursues the legitimate aim of protecting the health or morals of [insert name(s)] or protecting the rights of others, namely [insert name(s)].
- iii. The order is proportionate in that it is the minimum intervention necessary to ensure that _____
- iv. The parties and the child/ren have rights to an independent and impartial tribunal, disclosure, an adversarial hearing, reasons and decisions made within a reasonable time. The court has concluded that _____

WELFARE CHECKLIST- CHILDREN ACT 1989

All the following points on the welfare checklist need to be considered:

- the ascertainable wishes and feelings of the child concerned (considered in the light of their age and understanding);
- their physical, emotional and educational needs;
- the likely effect on them of any change in their circumstances;
- their age, sex, background and any characteristics of which the court considers relevant;
- any harm which they have suffered or are at risk of suffering;
- how capable each of their parents and any other person in relation to whom the court considers the question to be relevant, is of meeting their needs;
- the range of powers available.

SPECIAL GUARDIANSHIP ORDERS

All the following points need to be considered and referred to:

Whose application it is and include reference to child's parent/guardian or those with parental responsibility.

- Opposed/unopposed.
- Documents read which must include a report from the local authority/evidence heard.
- Brief summary of the case to include what prompted the application to be made. If the application is agreed, include any agreed statement of facts prepared by the parties.
- If a contested case, include any facts agreed and any disputed facts and summarise each party's case including any case law cited.
- Make necessary findings of fact and include findings on any case law cited.
- Make clear the welfare of the child has been the paramount consideration and the relevant aspects of the welfare checklist have been taken into account in deciding whether and what order to make.
- Contact.

If a special guardianship order is appropriate, before making the order the court must consider whether to make a contact order and the discharge of any section 8 orders in force.

- CAFCASS recommendations.

If the court goes against the recommendation a clear explanation must be given.

- No order principle – justify the need for the order to be made and address Human Rights Act issues (see *Section 2: General Principles in Family Cases* earlier).
- Give the decision.

PLACEMENT ORDERS

All the following points need to be considered and referred to:

- Opposed/unopposed.
- Documents read/evidence heard.
- Brief summary of the case to include why the local authority is making the application. If parties have prepared a statement of agreed facts insert them here.
- If a contested case, include any facts agreed and any disputed facts and summarise each party's case including any case law cited.
- Make findings of fact and include findings on any case law cited.
- Which of the following applies:
 - a. the child is subject of a care order; or
 - b. the court is satisfied that the threshold conditions for the making of a care order are met; or
 - c. the child has no parent or guardian; or
 - d. where the child has a parent or guardian that
- Consent – is the court satisfied that the:
 - a. parent/guardian consented and has not withdrawn that consent? or
 - b. parent/guardian's consent should be dispensed with?
- Make clear the welfare of the child throughout his or her lifetime has been the paramount consideration and the relevant aspects of the welfare checklist have been taken into account in deciding whether to make the order.

- Children’s guardian’s recommendations – if the court goes against the recommendation a clear explanation must be given.
- No order principle – justify the need for the order to be made and address Human Rights Act issues (see *Section 2: General Principles in Family Cases* earlier).
- Contact – is any order necessary?
- Give the decision.

ADOPTION ORDERS

All the following points need to be considered and referred to:

- Whose application this is including reference to the child's parents/guardians.
- Opposed/unopposed.
- Documents read/evidence heard.
- Brief summary of the case to include how the child comes to be living with the applicants. If the application is agreed, include any agreed statement of facts prepared by the parties.
- If a contested case, include any facts agreed and any disputed facts and summarise each party's case including any case law cited.
- Make necessary findings of fact and include findings on any case law cited.
- Dependent on the basis of the application (e.g. foster parent or placement by an agency) is the required period of residence satisfied (see section 15 paragraph 3 of this bench book)?

Under which of the three possible regimes was the issue of parental consent considered:

- a. Placement by an adoption agency (i.e. where the child has been placed by an adoption agency with prospective applicant adopters) and the court is satisfied:
 - i. that the child was placed with the consent of each parent/guardian and the consent of the mother was given when the child was at least six weeks old; or
 - ii. that the child was placed under a placement order: and
 - iii. no parent/guardian opposes the making of the adoption order (if a parent or guardian has been given leave to oppose the making of

the order then the court must proceed under condition c. below and consider dispensing with the consent of the parents); or

- b. The child is free for adoption by virtue of a court order; or
 - c. In all other cases where the residence conditions are satisfied consider if:
 - i. the parent/guardian consents to the application;
 - ii. the parent/guardian gave advance consent that has not been withdrawn, and does not oppose the application; or
 - iii. the parent/guardian's consent should be dispensed with.
- Where the court has to consider dispensing with the parent's/guardian's consent the court may do so only if satisfied that:
 - i. the parent/guardian cannot be found or is incapable of giving consent; or
 - ii. the welfare of the child requires the consent to be dispensed with.
 - Make clear the welfare of the child throughout his or her lifetime has been the paramount consideration and the welfare checklist has been taken into account in deciding the orders available and which, if any, is the most appropriate.
 - What, if any, recommendation is made by CAF/CASS? If the court goes against this recommendation a clear explanation must be given.
 - No order principle – justify the need for the order to be made and address Human Rights Act issues (see *Section 2: General Principles in Family Cases* earlier).
 - Contact under the Adoption and Children Act 2002 – is any order necessary? The court must consider whether there should be arrangements for allowing any person contact with the child, and must consider any proposed or existing arrangements and obtain any views of the parties to the proceedings.
 - Give the decision.

**WELFARE CHECKLIST-
ADOPTION AND CHILDREN ACT 2002**

All the following points on the welfare checklist need to be considered:

- the child's ascertainable wishes and feelings regarding the decision (considered in the light of the child's age and understanding);
- the child's particular needs;
- the likely effect on the child (throughout his life) of having ceased to be a member of the original family and become an adopted person;
- the child's age, sex, background and any of the child's characteristics which the court or agency considers relevant;
- any harm (within the meaning of the Children Act 1989) which the child has suffered or is at risk of suffering;
- the relationship which the child has with relatives, and with any other person in relation to whom the court or agency considers the relationship to be relevant, including:
 - a. the likelihood of any relationship continuing and the value to the child of doing so;
 - b. the ability and willingness of any of the child's relatives, or of any such person, to provide the child with a secure environment in which the child can develop, and otherwise met the child's needs;
 - c. the wishes and feelings of any of the child's relatives, or of any such person, regarding the child.

OCCUPATION ORDERS AND NON-MOLESTATION ORDERS

(See *Section 11: Family Law Act – domestic violence orders* for more detailed information)

All the following points need to be considered:

- Whose application, for what and in respect of whom.
- Who are the parties and why are they connected parties.
- Whether respondent is present in court today and if they are not present or represented ought the court proceed in their absence.
- Is the court satisfied that the applicant/applicant's solicitors effected personal service of the application form, statement of the applicant and notice of hearing on the respondent, pursuant to Rule 3A(5), Family Proceedings Courts (Matrimonial Proceedings) Rules 1991, on (date).
- Is the application opposed/unopposed.
- Has the applicant, if applying for an application order, sent a copy of the application to the mortgagee/landlord with a notice in Form FL416 informing them of their right to make representations, by first class post pursuant to Rule 3A(10), Family Proceedings Courts (Matrimonial Proceedings) Rules 1991.
- Consider whether it is appropriate to transfer the application for a non-molestation order and occupation order. *Note:* If the respondent is under 18 years of age, the court must transfer the proceedings to the county court.
- Documents read/evidence heard, and any agreed statement of facts prepared by the parties, including reference to any case law cited.
- Make findings of fact on relevant issues. Having regard to the above findings state whether the respondent poses a serious threat to the applicant and child/ren.

- State, if dealing with an application for a non-molestation order, whether order to secure their health and safety. State terms of the order.
- Consider the necessary duration of the order, which should be the shortest necessary to achieve its aims.
- *Ex parte* orders: Do all the circumstances including any risk of significant harm to the applicant or a relevant child if the order is not made immediately justify the making of the order without notice. The court should also consider whether or not it is likely that the applicant will be deterred or prevented from pursuing the application if an order is not made immediately. The court should consider making an *ex parte* order where there is reason to believe that the respondent is aware of proceedings but is deliberately evading service.
- If an *ex parte* order is granted the court will decide how long is appropriate for the order to remain in place before the court reconsiders it on an on-notice basis.
- Power of arrest: having made a non-molestation order do you find that the respondent has used and/or threatened violence against the applicant/and relevant child/ren? If 'Yes' you must attach a power of arrest unless you are satisfied that the person protected by the order is adequately protected without the power of arrest. If you are dealing with an *ex parte* order the power is discretionary.
- Human rights: The rights of those concerned under Article 8 of the Human Rights Convention will be affected by the order(s) but you must consider whether for the necessary protection of the applicant and relevant child(ren) the order(s) are proportionate in all the circumstances.

THE ASSESSMENT OF MAINTENANCE

1. Ascertain the net income of each family unit. A man cannot be made to pay maintenance out of his second spouse's or partner's income but her income is relevant in seeing what he can afford to pay in so far as her income relieves him of a proportion of the expenses of the household which he would otherwise be shouldering alone.
2. Assess the essential expenditure of each family unit excluding food, clothing and any luxury (i.e. non-essential) items that the court deems unnecessary.
3. Subtract the expenditure from the income.
4. Compare the remaining figures to decide how much the payer shall be ordered to pay to the other family unit.
5. Decide on a proposed figure for maintenance. As a guideline, you can always have regard to an offer that is made, any maintenance currently being provided voluntarily, any existing order which is sought to be varied and DSS benefit rates for children
6. Have regard to any tax relief.
7. What is the net effect – i.e. the impact of making this particular order on the respective households? Would an order in these terms be a fair distribution of income? The court should alter this proposed order up or down if necessary so as to produce a result which is as just as possible to both households in the light of all the circumstances and the statutory criteria.
8. It is important not to make an order that will reduce the payer to below subsistence level. This is usually regarded as the amount a person would receive from the State if on income support. Therefore, it is usual to make a nominal order for maintenance if the payer is in receipt of state benefits.

In considering the net effect of the order, it is important to have regard to the DSS rates, particularly if the payer is on a low income. The court should look at the figure the payer would receive if on income support and add on any other financial benefits to the payer if they are not working (e.g. rent paid, no longer any travelling expenses to work).

STRUCTURED DECISION-MAKING PROFORMA

Family Proceedings Court

REASONS IN FAMILY PROCEEDINGS

DATE	
APPLICANT	
RESPONDENT	
OTHER PARTIES	

NATURE OF PROCEEDINGS

SECTION 8 ORDERS	
FINANCIAL ORDERS	
CARE PROCEEDINGS ORDERS	
OTHER PROCEEDINGS	

JUSTICES	(1)
	(2)
	(3)
LEGAL ADVISER	
SITTING AT	

Parties	Represented by
Guardian/Children and Family Court Reporter	
Duration of Proceedings	

1. AGREED FACTS/ FACTS NOT IN DISPUTE
[Summarise the history and agreed facts]

THE WELFARE CHECKLIST

(a) The ascertainable wishes and feelings of the child concerned (considered in the light of their age and understanding).

(b) Their physical, emotional and educational needs.

(c) Likely effect on them of any change of their circumstances.

(d) Their age, sex, background and any characteristics that the court considers relevant.

(e) Any harm which they have suffered or are at risk of suffering.

(f) How capable each of their parents, and any other person in relation to whom the

court considers the question to be relevant, is of meeting their needs.
(g) The range of powers available to the court.

THE REQUIREMENTS OF THE PARTICULAR SECTION UNDER CONSIDERATION

6. HUMAN RIGHTS

In making the order(s) in this case the court has considered the rights of the parties and the child(ren). In doing so the following rights are engaged:
The court has determined that the order is compliant with the principles of the Human Rights Act 1998 because:
<ul style="list-style-type: none"> • The court has the power to make such an order as is prescribed in
<ul style="list-style-type: none"> • The order pursues the legitimate aim of protecting the health or morals of [insert name(s)] or protecting the rights of others, namely

<ul style="list-style-type: none">• The order is proportionate in that it is the minimum intervention necessary to ensure that
<ul style="list-style-type: none">• The parties and the child/ren have rights to an independent and impartial tribunal, disclosure, an adversarial hearing, reasons and decisions made within a reasonable time. The court has concluded that
Secure accommodation orders only:
<ul style="list-style-type: none">• The court has considered the right to liberty and security of the child under Article 5 European Convention of Human Rights. The court is satisfied that the making of this order comes within the exception to the right to liberty under Article 5 (i)(d)

7. ORDER(S)

SECTION 8
FINANCIAL
OTHERS (eg care)

8. REASONS FOR [NO] ORDER(S)

[Explain why it is better for an order to be made or not made. State the recommendation of the children’s guardian and if it is not being followed explain why.]

Signed