

Information for Courts: Cafcass / Cafcass Cymru funding for DNA tests in Child Arrangements Cases

1. From 23rd November 2015, Cafcass and Cafcass Cymru are able in defined circumstances to facilitate and fund the provision of DNA tests which are directed under section 20 of the Family Law Reform Act 1969 (the Act) by Courts in England and Wales. The service will be limited to the following circumstances:
 - a. An application has been made for a Child Arrangements order under section 8 of the Children Act 1989, and
 - b. The application cannot be determined unless a dispute about the paternity of the child is resolved, and
 - c. The parents or persons with care of the child are prepared to cooperate with the direction made by the court
2. This document sets out guidance for the court when such a direction is made and is intended to assist the court in ensuring there is consistency across the different courts.
3. If when dealing with an application for a Child Arrangements order the court concludes that a determination cannot be reached without a DNA test the court should :
 - a. Complete the template form contained in Schedule 1 to the Blood Tests (Evidence of Paternity) Regulations 1971 (form BD1) and ensure that any CAP 02 form contains reference to the fact that the order for DNA tests has been made.
 - b. Ensure that the order contains a reference to Cafcass /Cafcass Cymru meeting the costs of the DNA test facilitated by them and that the direction is made of the courts own volition. Section 20 (6) of the Act requires the party making the application for a DNA test to meet the cost but Cafcass/Cafcass Cymru will meet the costs of the DNA test provided it is directed within the CAO application.

For cases involving children ordinarily resident in England the order must be sent to the Cafcass National Business Centre, preferably by secure e-mail:

DNA Requests
Cafcass National Business Centre
Millburn Hill Road
University of Warwick Science Park
Coventry CV4 7JJ
DNArequests@cafcass.gsi.gov.uk
Telephone number 0300 456 4000

For cases involving children ordinarily resident in Wales:
CAF/CASS Cymru's Central Administrative Team (CAT) –

Welsh Government,
Rhydycar Business Park, Merthyr Tydfil CF48 1UZ –
CafcasscymruCAT@wales.gsi.gov.uk

Information for Courts: Cafcass / Cafcass Cymru funding for DNA tests in Child Arrangements Cases

- c. The order should specify who is the person with care and control who is to bring and take the sample from the child, under supervision.
 - d. Ensure that the parents are provided with a copy of the Service User leaflet which explains the process [a copy is attached for information]
4. Cafcass/Cafcass Cymru will arrange with the parties for the sample to be obtained, and tested in accordance with MoJ Regulations for Court ordered tests. Cafcass have a contract with Eurofins Medigenomix Forensik GMBH in Germany to undertake the test (this is an MoJ accredited Laboratory) and DNA Legal, their representatives in England and Wales. Cafcass/Cafcass Cymru and the Laboratory have a timescale for filing of the report with the court that is 30 working days from the receipt of a sealed order. This allows for sufficient notice of appointments, and for second appointment dates to be offered to participants where needed. Performance will be reviewed after 6 months of delivery and the turnaround time will be reduced if possible.
5. Eurofins will file the report directly with the court. It will be the responsibility of the court to serve the report if appropriate on the parties.
6. Cafcass/Cafcass Cymru will facilitate DNA reports only in those cases for which it holds a current private law case record and only for those cases in which there is a disputed child arrangements order. A direction made in any other proceedings (such as maintenance or a declaration of parentage under section 55A of the Family Law Act) would not be paid for by Cafcass/Cafcass Cymru and the party making the application would have to meet the cost themselves.
7. Cafcass/Cafcass Cymru will be operating a robust system for obtaining samples from parents, which involves the participants in taking a cheek cell swab from their mouth under supervision of an officer of Cafcass/Cafcass Cymru who has had appropriate training, or where the subject of the test is a child, the person with responsibility for the child taking a swab from them. If either of the parties subject to the order fail to attend or in other ways do not cooperate with the obtaining of the sample, Cafcass/Cafcass Cymru will refer the matter to court.
8. In the event that the information in the court direction does not match with the data held on the Cafcass/Cafcass Cymru file they will revert back to the court to query the content of the order.
9. The provision of facilitating and funding of DNA tests involving children ordinarily resident in Wales will be offered to the courts for a limited period of 12 months only.