

Honourable Mr Justice Keehan

"The following list of issues and points of practice have been seen and approved by all DFJs and all the Chairs of the Circuits' LFJBs.

**1 Special Guardianship Orders** – further to my letter of May last, when I wrote to you about the proper approach to be taken in respect of these applications and orders, I have been asked to clarify a matter. In public law proceedings where the court is being invited to consider a placement with prospective special guardians should the court, assuming the threshold criteria are satisfied –

- (i) make a care order and leave it to the local authority and the prospective guardians to decide when the time is right to place the child with them and/or to support the prospective special guardians making an application for an SGO or
- (ii) keep the proceedings open under interim orders pending a time when the court considers it appropriate to make a SGO in favour of the prospective special guardians?

The answer is that it all depends on the particular circumstances of each case. I suggest the following points may be of assistance to determine what is the right course in any particular case:

1. SGO must not be made without the court having a full special guardian assessment report. It is an essential component of the court's decision making process;
2. SGO should not be made, absent compelling and cogent reasons, until the child has lived for an appreciable period with the prospective special guardians;
3. the special guardianship assessment report process must not be curtailed in an attempt to conclude proceedings within 26 weeks;
4. in some cases a child arrangements order may be the order which meets the welfare best interests of the child;
5. where the care plan (providing for placement with the prospective special guardians and, in time, support for the prospective special guardians to apply for a SGO) is agreed and/or is approved by the court, the proceedings should be concluded with the making of public law or private law orders;
6. where a local authority cannot approve a placement of a child with prospective special guardians under the auspices of an

interim care order (i.e. the requirements of placement or fostering regulations cannot be met) the court may sanction a placement under an interim CAO or, if the circumstances justify the same, under wardship;

7. only in exceptional cases should care proceedings be prolonged solely for the purpose of awaiting the outcome of a trial placement of a child with prospective special guardians and/or the completion of a SGO assessment report.

**Kinship Assessments** - the issue of family members, especially those living abroad, as alternative carers continues to be a feature in the delay of far too many cases being brought to a timely conclusion. There is a pressing need for authoritative guidance to be given on the proper approach to be taken where alternative carers emerge at a very late stage of proceedings. Pending the same, it remains vital that:

- i in pre-proceedings the issue of family members is thoroughly explored with the parent(s);
- ii a full genogram is filed with the court on issue of the proceedings; and
- iii at the First Appointment the parent(s) is directed to file and serve a statement setting out all possible individuals who may be alternative carers for the child.

I am acutely conscious of the heavy burden, which all local authorities bear with scarce resources. However, the Chairs of the LFJBs and I agree that local authorities must take a more active and investigative role in searching for potential alternative 'family' carers, most especially those whom the parent has chosen not to put forward.

The front loaded costs of this exercise are very likely to result in a significant saving of costs in consequence of more timely concluded proceedings. More importantly, it will bring the additional benefit to the child of an earlier resolution of their long term placements. May I urge you to consider your approach to this issue?

**Family Group Conferences** – these have rather fallen out of fashion. I understand a renewed approach to FGCs in Plymouth has led to a considerable reduction in the issue of proceedings with associated costs benefits."