



Rule 16.4 Cases



If you are involved in a particularly difficult or complicated family court case, the judge may decide to make your child a 'party' to the case under rule 16.4 of the Family Procedure Rules 2010. This means that a Cafcass worker (also called a Guardian) will be appointed to represent your child and to make sure that the decisions made about them are in your child's best interests. These kinds of cases are called Rule 16.4 cases.

What is the role of the Cafcass worker in a Rule 16.4 case?

The Cafcass worker's most important roles are to help keep your child safe and to advise the court on what they think is best for your child, based on their assessment of your case.

The Cafcass worker will also do the following.

- * They will instruct a solicitor who specialises in family law to act for your child. Sometimes the court may allow older children to instruct their own solicitor but this is usually something that the Cafcass worker will do. Children's solicitors are free because they are paid for through Legal Aid.
- * They will tell the court about any work, including extra services such as expert opinions or medical tests, that they believe are needed.
- * They will meet both you and any other adults in the case (called a 'party') and, depending on your child's age and understanding, spend time with your child.
- * They will contact the police and local authority's children's services to see whether they have any relevant information on the safety of your child. They may also contact other individuals such as teachers, doctors, counsellors or psychiatrists.
- * They will go to all relevant court hearings and write a report for the court, advising it on what they believe is best for your child. This may not be the same as what your child wants, but the Cafcass worker will always tell the court what your child's wishes and feelings are.



Why does the Cafcass worker need to meet me?

The Cafcass worker will meet separately with you and any other parties in the case to find out more about you and your child. They will want to find out practical things about your child, such as their health and emotional well-being and any special needs they may have. They will also want to know whether your child has suffered any harm or has witnessed or been a victim of domestic violence. You should tell the Cafcass worker anything that you think is relevant to your case, particularly if it concerns the safety of you or your child. Depending on your case, they may meet or talk with you several times.

What will happen when the Cafcass worker meets my child?

The Cafcass worker will spend time getting to know your child. Depending on your child's age and understanding, the Cafcass worker will usually talk to your child alone and discuss with them what they think and how they feel. They will not ask your child to take sides. One of the Cafcass worker's most important roles is to tell the court about your child's wishes and feelings. This means it is really important that these meetings take place so that the Cafcass worker can include the information in their report to court.



The court will make the final decision about what should happen to your child after reading the Cafcass worker's report.

What will be in the Cafcass worker's report?

The court will ask the Cafcass worker to write a report to help it make a decision about your child. The report will include information on your child's wishes and feelings and a recommendation from the Cafcass worker on what they think is best for your child. The report will also include information from you, any other parties, and other individuals such as experts, together with any relevant information from the safety checks carried out with the police and local

authority. The report is confidential and we will send it to you (and your solicitor, if you have one) and any other parties, usually 14 days before the final hearing. If you are unhappy with what is in the report, you must tell the court at the hearing.



What will the court decide?

The court will make the final decision about what should happen to your child after reading the Cafcass worker's report and listening to what you and the other party have said. The court will pay particular attention to your child's wishes and feelings but may not always do what your child wants. The court will make a decision based on what it believes is best for your child. The court's decision will be put in 'a court order' which you must stick to. If you are not happy with the court's decision, you must raise this at court. You cannot make a complaint to us about the court's decision.

Throughout the whole process the Cafcass worker will be able to answer any questions you may have. However, you may also want to get specialist legal advice through a solicitor who is experienced in children law cases and who is a member of the Law Society Children Panel, or from the Citizens Advice Bureau.



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