



# What to expect when the court appoints a guardian under Rule 16.4 for my child

## What is a 16.4 appointment?

Rule 16.4 of the Family Procedure rules can be used when circumstances for a child in a child arrangements applications are complicated.

Under the 16.4 rule (Practice Direction 16a and Rule 16.4 of the Family Procedures Rules), the court has the power to make a child a party to private law proceedings and appoint a Children's Guardian from Cafcass.

A Children's Guardian is a qualified social worker from Cafcass (Children and Family Court Advisory & Support Service) with experience in working with children and families. The guardian will instruct a solicitor to represent the child, and they will present the child's case during the proceedings.

If the family court is considering whether an appointment of a guardian is necessary, it will discuss this with Cafcass and may order Cafcass to appoint a Children's Guardian. This may involve a family court adviser who may have already worked with you but who will now take on a slightly different role.

The guardian gives advice to the family court and represents your child's best interests making sure their voice is heard in their proceedings. The guardian will work with your family to try and reach the best possible arrangements and help to resolve disputes between the adults involved. Where an agreement cannot be reached, the guardian helps the family court judge make a decision.

Sometimes a guardian may be appointed if there is a specific area of disagreement involving international issues or other complexities or because additional expert professional assessment (e.g., a psychologist) is needed to help the family court make decisions. It might also be because the court believes that neither parent can represent the child's best interests and it is asking Cafcass to refocus the dispute onto what is best for the child.

The guardian's role ends when the court has made the final decision or if the family court decides that having a guardian is no longer necessary.



## What happens next?

Following the court's decision to order Cafcass to appoint a guardian, Cafcass will allocate a guardian to your family proceedings. The guardian instructs a solicitor on behalf of your child who will provide legal advice to their guardian. The guardian chooses the solicitor to represent the child.

The guardian will arrange an introductory meeting with you to explain more about their role and what you might expect. They will also speak with you to identify what steps are needed to reach safe and final arrangements for your child.

The guardian will arrange to meet with your child. Depending on the child's age, the solicitor may also consider it necessary for them to meet with your child to explain more about their role and listen to your child's views.



## What will a 16.4 be like for me and my child?

Cafcass have recently agreed with the family courts, a new way of working with children and families who are involved in 16.4 proceedings.

This includes:

- Working with the court to ensure a clear timetable, aiming to conclude proceedings within 6 months.
- Involvement of parents in an early planning meeting so that everyone is clear about what they will need to do next and what changes they need to make to improve things for the child.
- Working with you and your child to identify solutions where possible.
- Signposting to other support resources if this is felt helpful.
- Identifying what further information is needed.

However, every family is different and therefore Cafcass will always consider what makes your family unique. The guardian will be respectful of you and your family and will always be honest with you about what they are thinking. The guardian's role includes keeping your child at the centre of the family proceedings. Therefore, it will be important for the guardian to meet with your child/ren soon after the 16.4 order is made (within 15 days); they are then likely to meet again with your child and the timing of this can be confirmed at the planning meeting.

The guardian will also work with your child/ren to help make sure that they:

- a) understand what is happening in their family proceedings so that they know what to expect.
- b) are able to share their day-to-day experiences and that they are heard by everyone involved in their family proceedings. This includes what is special and unique about your child and who and what is important to them.
- c) can share their views about their living arrangements and that their voice is heard. Where at all possible, the guardian will use your child's words, and let you know what they are saying.
- d) understand the recommendations being made to the family court by their guardian and their views about these recommendations are heard and communicated to the family court.
- e) understand the agreements or decisions made in the family courts.
- f) understand how to give feedback to Cafcass about their experiences.

The guardian may keep in touch with your child by visiting them at home, school or somewhere else that your child feels comfortable with. How often they visit your child will vary. They may also write a letter to them, and they may keep in touch with older children through email, video call or text messages.

The guardian will also speak to other people involved in the wellbeing of your child such as teachers, social workers, or other family members. They will also read any information provided to the family court from agencies or organisations such as schools, doctors, or other expert professionals.

The guardian informs the family court of their recommendation, usually by writing a report. You will receive a copy of this report. Sometimes the guardian also gives advice to the court through the child's solicitor. You will also hear what this advice is.

The guardian will continue to review the safety of your child. If they become worried about your child's safety, they will tell you (unless telling you may cause your child to be less safe). They may also need to tell the family court or children's social care.

## Where can I find out more information?

- You can find further information on the [Cafcass website](#) and by asking any questions you may have when you meet with the children's guardian. It may be helpful to write down any questions you have so you can bring these up when you meet.
- They will also provide you with contact details so you can phone or e-mail them.

