

FAMILY ASSISTANCE ORDERS: CONSULTATION

- 1.1** This Practice Direction applies to any family proceedings in the High Court, a county court or a magistrates' court in which the court is considering whether to make a family assistance order under section 16 of the Children Act 1989, as amended ('the 1989 Act'). It has effect from 1st October 2007.
- 1.2** Before making a family assistance order the court must have obtained the opinion of the appropriate officer about whether it would be in the best interests of the child in question for a family assistance order to be made and, if so, how the family assistance order could operate and for what period.
- 1.3** The appropriate officer will be an officer of the Service, a Welsh family proceedings officer or an officer of a local authority, depending on the category of officer the court proposes to require to be made available under the family assistance order.
- 1.4** The opinion of the appropriate officer may be given orally or in writing (for example, it may form part of a report under section 7 of the 1989 Act).
- 1.5** Before making a family assistance order the court must give any person whom it proposes be named in the order an opportunity to comment upon any opinion given by the appropriate officer.
- 1.6** Issued by the President of the Family Division, as the nominee of the Lord Chief Justice, with the agreement of the Lord Chancellor.

