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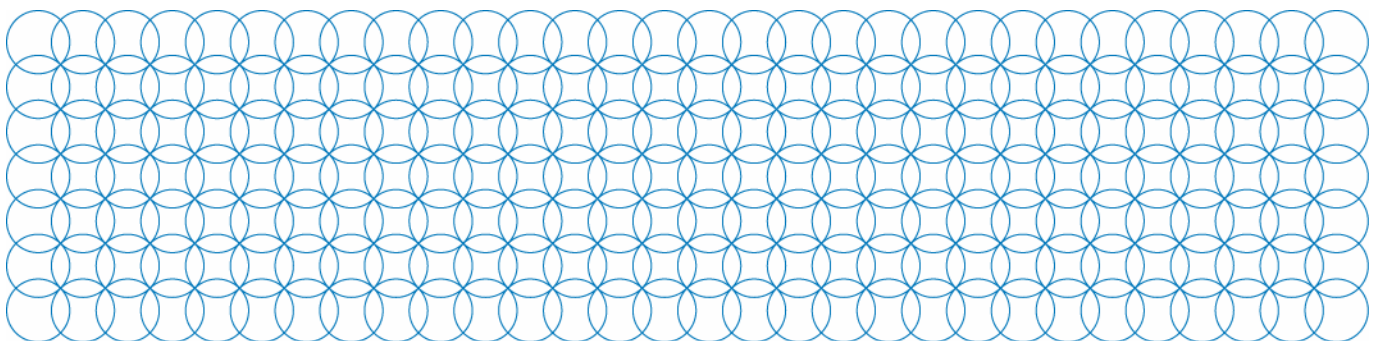
Children and Adoption Act 2006 – Court Rules

Amendments to the Family
Proceedings Rules 1991

Consultation Paper CP07/08

Published on 7 May 2008

This consultation will end on 20 June 2008





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Amendments to the Family Proceedings Rules
1991

A consultation produced by the Ministry of Justice.

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Executive summary

The Children and Adoption Act 2006 (“the 2006 Act”) received Royal Assent on 21 June 2006. The amendments made by the 2006 Act to the Children Act 1989 (“the 1989 Act”) will give the courts more flexible powers to facilitate child contact and enforce contact orders made under the 1989 Act. New facilitative measures inserted in the 1989 Act include giving courts the power to require parents to undertake a “contact activity” such as attending relevant parenting programmes or classes, or information sessions, before a contact order is made. The 1989 Act as amended will also provide the courts with the power to attach conditions to contact orders, which may require a parent to undertake a “contact activity” and to require a Children and Family Court Advisory Support Services (“Cafcass”) officer to monitor contact.

Where a contact order has been breached, there are provisions in the 1989 Act as amended to enforce contact orders, enabling the courts to impose an unpaid work requirement on the person who breaches a contact order, or to require them to pay financial compensation. This will give the courts greater flexibility in dealing with breaches of contact orders, and will be in addition to the existing powers to treat the breach of the order as a contempt of court.

The 1989 Act as amended also improves the flexibility of family assistance orders requiring Cafcass officers, CAF/CASS Cymru or local authority officers to assist advise and befriend named individuals by extending the period for which the court can make such an order to twelve months and removing the requirement that the circumstances of the case must be exceptional before such an order can be made.

New section 16A of the 1989 Act, as inserted by the 2006 Act, requires Cafcass officers, or Welsh family proceedings officers, to carry out risk assessments where they consider that there is cause to suspect that a child is at risk of harm. The officers are then required to inform the court of their findings in respect of the risk of the child suffering harm.

The provisions in Part 1 of the 2006 Act making amendments to the 1989 Act in relation to Family Assistance Orders and risk assessments were implemented from October 2007, together with supporting amendments to court rules. The rules contained in this consultation paper will support the implementation of the remaining provisions of Part 1 of the 2006 Act.

For the High Court and county courts, the rules (and the statutory forms which form part of those rules) in relation to this implementation take the form of amendments to the existing Family Proceedings Rules 1991 (FPR 1991). A draft of these amending Rules is included in this consultation document.

For the Magistrates' courts, there will be amendments and modifications made to the Family Proceedings Courts (Children Act 1989) Rules 1991. Drafts of these Rules are not included in this consultation document. The effect of such Rules will be the same as those made for the High Court and county court.

Amendments to the FPR 1991 are made by the Family Proceedings Rule Committee, and the Lord Chancellor then allows the Rules before they are laid before Parliament. Amendments to rules applying in the Magistrates' courts are made by the Lord Chief Justice, after consultation with the Magistrates' Court Rule Committee. The Lord Chancellor then concurs with the making of the Rules before they are laid before Parliament.

The Family Proceedings Rule Committee has already considered the draft rules included within this consultation document and approved them for consultation.

This consultation sets out the general approach adopted by the draft rules. Those familiar with existing family court rules and procedure will be in a position to comment.

Rules of court and the statutory forms are a detailed and technical aspect of the implementation of the 2006 Act. Consequently, this consultation is aimed at professional family court users who are familiar with family court rules and procedure as provided by (among others) the FPR 1991. Such professional users will be in a position to advise and explain the rules to applicants and respondents when the provisions of the 2006 Act come into force.

We recognise the need for the public to have clearly written leaflets and information to ensure that anyone making an application knows what to do, and this public information will be developed for the implementation of the 2006 Act.

Introduction

This paper sets out for consultation the court rules and draft statutory forms to support the implementation of the remaining provisions of Part 1 of the Children and Adoption Act 2006 (“the 2006 Act”).

The consultation is aimed at professional family court users in England and Wales with existing knowledge and understanding of the rules for Part 2 of the Children Act 1989 (“the 1989 Act”) applications as provided by the Family Proceedings Rules 1991 (“the FPR 1991”), the County Court Rules 1981 and the Rules of the Supreme Court 1965.

We have sought to gear the various new application forms towards the needs of the litigant in person completing them without the help of a legal representative. In addition to this consultation, we will also be testing the completion of the forms by members of the public to determine whether any changes are required to make the forms easier to use.

Although in the main this consultation follows the Code of Practice on Consultation issued by the Cabinet Office, Ms Bridget Prentice MP, Parliamentary under Secretary of State for Justice, has decided that a reduced consultation period of six weeks is appropriate in the circumstances. This is because the consultation concerns technical changes to court rules which in themselves will be of limited interest to the general public. The proposed amendments are intended to support the coming into force of the remainder of Part 1 of the Children and Adoption Act 2006. The Bill that became the 2006 Act was subject to full public consultation in 2005¹. In order to ensure that this consultation is as effective as possible, it is being sent to a range of interested stakeholders. The proposed new application forms will also be tested to help ensure that they are user-friendly.

Copies of the consultation paper are being sent to:

Association of Lawyers for Children

Association of District Judges

Bar Council

Cafcass

CAFCASS Cymru

Childline

Children’s Society

Council of HM Circuit Judges

¹ Draft Children (Contact) and Adoption Bill Cm6462 Published February 2005
<http://www.parliament.uk/documents/upload/CCABill.pdf>

Equal Parenting Coalition
Families Need Fathers
Family Justice Council
Family Law Bar Association
Grandparents' Association
Institute of Legal Executives
Justices' Clerks' Society
Law Society
Legal Services Commission
Magistrates' Association
NCH Action for Children
National Council for One Parent Families
National Family and Parenting Institute
Official Solicitor and Public Trustee
Parentline Plus
Department for Children, Schools and Families
Senior Judiciary
Resolution
Welsh Women's Aid
Women's Aid

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with views on the subject covered by this paper.

The proposals

Sections 1 to 7 of, and Schedule 1 to, the 2006 Act amend the 1989 Act to make provision for:

- contact activity directions and conditions (sections 11A to 11F of the 1989 Act)

- enforcement orders where contact orders have been breached (sections 11J to 11L of the 1989 Act)

- the revocation or amendment of enforcement orders (paragraphs 4 to 7 of Schedule A1 to the 1989 Act)

- the making of second enforcement orders where an enforcement order has been breached (paragraph 9 of Schedule A1 to the 1989 Act)

- orders for financial compensation where contact orders have been breached (sections 11O to 11P of the 1989 Act)

- amendments to section 16 of the 1989 Act in relation to family assistance orders

- the preparation and filing of risk assessments by Cafcass officers or Welsh family proceedings officers (section 16A of the 1989 Act)

- the monitoring (by Cafcass officers or Welsh family proceedings officers) of compliance with contact activities, contact orders and enforcement orders (sections 11G, 11H and 11M of, and paragraph 3 of Schedule A1 to, the 1989 Act)

- the attachment of warning notices to contact orders and enforcement orders (sections 11I and 11N of the 1989 Act)

In addition, section 8(2) of the 2006 Act makes a freestanding transitional provision for the attaching of warning notices to pre-existing contact orders made under section 8 of the 1989 Act.

Sections 6 and 7 of the 2006 Act came into force on 1 October 2007. Accompanying amendments were made to the Family Proceedings Rules 1991 (“FPR 1991”) and the Family Proceedings Courts (Children Act 1989) Rules 1991.

The second stage of implementation will involve the commencement of the remaining provisions of Part 1 of the 2006 Act and the making of accompanying amendments to court rules.

The draft rules

The proposed Family Proceedings (Amendment) Rules 2008 (“the draft rules”) will amend the FPR 1991 to make provision in relation to the coming into force of the remaining provisions of Part 1 of the 2006 Act for the High Court and the county courts.

This section outlines the approach taken in the draft rules.

Terminology

The FPR 1991 contain an index and various rules defining terms used throughout the Rules. Rules 3, 4 and 5 of the draft rules amend the index and the definition rules to reflect the new rules and terminology needed in light of the coming into force of the remainder of Part 1 of the 2006 Act.

Notification of an enforcement application

The amendments made to rule 4.4 FPR 1991 by rule 6(c) of the draft rules provide that, where a child was a party to the original contact proceedings and the person who was the child’s children’s guardian, guardian ad litem, next friend or legal representative is notified of an application for enforcement of the contact order, that person should receive a copy of the enforcement application as well as the Form C6A notification. This is to enable that person to consider whether the child should be a party to the enforcement proceedings.

The notified person must inform the court of his opinion on this issue: this is provided for in draft new rule 4.13B FPR 1991, inserted by rule 13 of the draft rules.

Rule 9 of the draft rules makes an amendment needed in consequence of the amendments made by rule 6 of the draft rules.

Applications for warning notices under section 8(2)(a) of the 2006 Act

The FPR 1991 already set out the procedure to follow when various types of application are made to the court.

Rule 7 of the draft rules inserts a new rule 4.4A in the FPR 1991 to deal with an application for a warning notice under the transitional provisions in section 8 of the 2006 Act. The enforcement powers in respect of breaches of contact orders contained in the 1989 Act as amended by the 2006 Act are only available if the contact order in question contains a “warning notice”. All contact orders made after the 2006 Act comes into force will have a warning notice included automatically, but the transitional provisions allow for a warning notice to be added to a contact order which existed before the 2006 Act comes into force.

Section 8 (2) of the 2006 Act provides that the court shall attach a warning notice to a pre-existing contact order when a question arises in respect of the order (when it comes back to court for any reason) or when a person entitled to enforce the contact order applies to have a warning notice attached.

The amendment made by rule 7 of the draft rules provides for this second situation and outlines the procedure for such an application. Although the court does not have any discretion to refuse the application and it is anticipated that cases will normally be dealt with without a hearing, the rule enables the court to require a hearing (for example the court might find it helpful to explain the effect of the warning order and diffuse animosity between the parties).

Rules 6(a) and (b) of the draft rules make amendments to the FPR 1991 needed in consequence of the amendments made by rule 7 of the draft rules.

Filing of an acknowledgement of service

Rule 4.9 FPR 1991 already makes provision for when a respondent to an application must file an acknowledgement to a specified type of application. Rule 10 of the draft rules amends rule 4.9 FPR 1991 to specify new applications in respect of which an acknowledgement must be filed, namely applications for an enforcement order, an order for financial compensation, the additional of a warning notice to an existing contact order, and orders under Schedule A1 to the 1989 Act to revoke or amend an enforcement order or to deal with a breach of an enforcement order.

Duties of Cafcass officers and Welsh family proceedings officers

Rule 4.11AA of the FPR 1991 currently makes provision in respect of the duties of Cafcass officers and Welsh family proceedings officers when preparing family assistance order reports and risk assessments.

Rule 12 of the draft rules amends rule 4.11AA of the FPR 1991 to extend the provisions to include the new duties imposed by the provisions the 1989 Act as amended by of Part 1 of the 2006 Act. The full list of the new duties is as follows:

- a. providing the court with information as to the making of a contact activity direction or a contact activity condition under section 11E(7) of the 1989 Act;
- b. monitoring compliance with a contact activity direction or a contact activity condition under section 11G(2) of the 1989 Act;
- c. monitoring compliance with a contact order under section 11H(2) of the 1989 Act;
- d. providing the court with information as to the making of an enforcement order under section 11L(5) of the 1989 Act;
- e. monitoring compliance with an enforcement order under section 11M(1).

These are in addition to the duties which were brought into force in October 2007, namely:

- a. providing a family assistance order report to the court under section 16(6) of the 1989 Act; and
- b. making a risk assessment under section 16A of the 1989 Act.

Cafcass or CAFCASS Cymru will usually provide the information required in respect of these new duties in the form of a written report, but the rule provides flexibility for information to be presented orally when appropriate.

Rules 8, 11, 14 and 15 of the draft rules make amendments to various provisions in the FPR 1991 that are needed in consequence of the amendments made to rule 4.11AA FPR 1991 by rule 12 of the draft rules.

Attendance at hearings

Rule 16 of the draft rules amends the provisions of the FPR 1991 about attendance at hearings. The amendments apply when the court is deciding whether or not to make a contact activity direction or condition, or to make a financial compensation order, an enforcement order or a second enforcement order (following the breach of an enforcement order). The amendments ensure that the court cannot proceed in the absence of the respondent where the court has yet to obtain sufficient information from, or about, the person to enable it to decide whether to make the direction, condition or order in question.

Service of enforcement orders

Rule 19 of the draft rules inserts a new rule 4.21AA in the FPR 1991 dealing with the service of enforcement orders and amended enforcement orders. Because of the serious nature of the order and the consequences of failure to comply, the rules provide that the applicant shall personally serve any enforcement order or second enforcement order on the person required to carry out the unpaid work. The court will serve copies of the order on the other parties to the application, the Cafcass or CAFCASS Cymru officer required to monitor the enforcement order (all enforcement orders will be monitored in this way) and the local probation service required to operate the order for unpaid work.

In respect of applications to amend enforcement orders by means of change of address (moving the order to a new local justice area), to alter the hours of unpaid work required by the enforcement order, to extend the period of time required to complete the unpaid work and to revoke an enforcement order, the rules provide that the court will serve copies of the order on all parties, the Cafcass officer or Welsh family proceedings officer and the probation officer required to operate the order.

Rule 18 of the draft rules makes an amendment needed in consequence of the amendments made to the FPR 1991 by rule 17 of the draft rules.

Committal proceedings

The amendments made to the FPR 1991 by draft rules 20 and 21 relate to the enforcement of contact orders and enforcement orders by means of an application for committal. The enforcement provisions introduced by the 2006 Act are intended to be in addition to rather than in place of the existing provisions, therefore the application for committal is still available. The effect of the amendments made by the draft rules is that the contact order (or enforcement order) with the warning notice attached must be personally served on the person who is alleged to have failed to comply with it before an

application to commit can be made in respect of the alleged breach of the order.

Rule 21 of the draft rules amends the way the provisions of County Court Rules Order 29 on enforcement is applied to contact orders with a warning notice attached, enforcement orders and second enforcement orders made following a failure to comply with an enforcement order. The effect is that attachment of a penal notice will not be required. County Court Rules Order 29 will operate in respect of these orders so that personal service of the application to commit will be required.

Amendment of Form C43 application

Rule 22 of the draft rules amends the existing Form C43 (section 8 Order). Firstly, the amendment adds wording to enable a Cafcass or CAF/CASS Cymru officer to apply to re-open the case to enable the court to consider a risk assessment. This is to address the situation where a child is found to be at risk and the officer prepares a risk assessment where the final contact order has already been made and there are no proceedings pending. This would arise where the Cafcass or CAF/CASS Cymru officer is monitoring contact or monitoring compliance with a contact activity condition attached to the contact order and has reason to believe a child may be at risk. This provision, which has already been introduced for Cafcass or CAF/CASS Cymru involvement with family assistance orders, will provide greater protection for children.

Secondly, the amendments to Form C43 add the warning notice which will be attached to all contact orders made after the amendments made to the Children Act 1989 Act by the 2006 Act come into force.

Parties/notification

Rule 23 of the draft rules amends Appendix 3 to the FPR 1991 in respect of the details of periods of notice, respondents and people to whom notice must be given of applications for family proceedings. The amendments add the following new applications:

- a. applications for enforcement orders under section 11J of the 1989 Act.
- b. applications for orders for financial compensation under section 11O of the 1989 Act;
- c. applications to amend or revoke enforcement orders under paragraphs 4 to 7 of Schedule A1 to the 1989 Act.
- d. applications under paragraph 9 of Schedule A1 to the 1989 Act for the court consider a failure to carry out the unpaid work required by an enforcement order.

In all these applications a Cafcass or CAF/CASS Cymru officer monitoring contact or monitoring an enforcement order would receive notice of the application. In respect of applications to revoke or amend enforcement orders the probation service officer responsible for the operation of the order for unpaid work would also be notified of the application, as it is important that the local probation service should be aware of the application being made.

Where a child has been a party to the original contact proceedings, the child's children's guardian, guardian ad litem, next friend or legal representative in those proceedings will receive notification of an application for an enforcement order or an order for financial compensation. Where a child has been a party to an application for an enforcement order, the child will be a party to any application to revoke the enforcement order or any application for the court to consider any failure to comply with the enforcement order. The person who originally applied for the enforcement order will also be a respondent.

New application forms

The 1989 Act as amended by the 2006 Act provides for people to make an application for an enforcement order and for an order for financial compensation for losses incurred when a contact order is not complied with. The following people can apply for an enforcement order or an order for financial compensation:

- a. a person with whom the child was required to live;
- b. a person who was entitled to have contact with the child under the contact order;
- c. a person made subject to a condition in a contact order (for example someone who is required to help contact take place); and
- d. the child concerned (subject to the court being satisfied that the child understands what is required in the application).

This section of the consultation document outlines the approach taken in respect of the application forms for applications relating to the new provisions of the 1989 Act as amended by the 2006 Act.

The use of the current 1989 Act forms was considered. However, it is felt the introduction of new forms allows the questions to be tailored to exactly what is needed. There will be guidance notes to accompany these forms which will help ensure applicants understand the process.

The grouping of applications has enabled one form to cover the majority of applications, with another for an application to attach a warning notice under the transitional provision in section 8(2) of the 2006 Act.

It was decided to keep the application to attach a warning notice on a separate form, as this type of application will eventually no longer be needed (as all contact orders made after the 2006 Act comes into force will automatically have a warning notice attached).

Application types

The first form, referred to as **C79 enforcement application**, covers:

- an application for an enforcement order under section 11J(5) of the 1989 Act
- an application for enforcement of an enforcement order under paragraph 9(5) of Schedule A1 to the 1989 Act
- an application to revoke the enforcement order (paragraph 4 of Schedule A1 to the 1989 Act)
- an application to amend the enforcement order by reason of change of residence (paragraph 5 of Schedule A1 to the 1989 Act)
- an application for amendment of the hours specified in the order (paragraph 6 of Schedule A1 to the 1989 Act)
- an application to extend the period of 12 months set for completion of the unpaid work (paragraph 7 of Schedule A1 to the 1989 Act)
- an application for an order for compensation for financial loss under section 11O(6) of the 1989 Act

A separate application form, referred to as **C78**, is used for an application for attachment of a warning notice under section 8(2)(a) of the 2006 Act to a contact order which exists before the 2006 Act comes into force.

The forms are designed along the style of applications under the Adoption and Children Act 2002. The aim is to make the forms more user friendly, to simplify the language where possible and to provide more direct questions and 'tick box' responses.

The application forms will be supported by comprehensive guidance notes on completion and list the documents that should be attached.

Fees for new applications

Some of the provisions of the 1989 Act as amended by the 2006 Act and also section 8(2) of the 2006 Act allow for new applications to be made. These new applications will attract court fees, details of which will be set out in the Family Proceedings Fees order. The fees charged will comply with the legal and policy principles that apply to all services where the Government charges fees under statutory powers.

New Order Forms

The rules contain three new order forms in respect of the new orders the court can make under the provisions of the 1989 Act as amended by the 2006 Act.

Form C80: enforcement order, second enforcement order, amendment of enforcement order

Form C 80 is the most complicated of the order forms and is intended to contain all the information needed by the person required to carry out the unpaid work under an enforcement order, the Cafcass or CAF/CASS Cymru officer required to monitor the enforcement order and the probation officer required to operate the order.

As well as recording the result of an **application for an enforcement order**, the form is also intended to record the results of an application to the court to consider a **breach** of the enforcement order under paragraph 9 of Schedule A1 of the 1989 Act. The court has two possible means of dealing with a failure to comply with the enforcement order:

To make the enforcement order more onerous by increasing the number of hours of unpaid work and/or extending the period to complete the unpaid work. The draft form is intended to record all the amended information to enable the order to be taken forward.

To make a second enforcement order in addition to or in place of the first enforcement order. The court would record this by issuing a further enforcement order using the standard form.

The order Form C80 is also intended to contain the necessary information to record the outcome of applications (or orders made by the court on its own motion) in respect of orders under paragraphs 5 to 7 of Schedule A1 to the 1989 Act, namely:

- a. amendments to the enforcement order by reason of change of address,
- b. amendments to reduce the number of hours of unpaid work required in the enforcement order,
- c. amendments to extend the period of twelve months to complete the unpaid work required by the enforcement order.

The results of any of these applications will be recorded by issuing a new version of the enforcement order containing the amended information to enable the order to be taken forward without having to issue any other additional documentation to either the person required to do the work, the Cafcass or CAF/CASS Cymru officer or the local probation service required to operate the order.

The enforcement order contains a **warning notice** outlining the consequences of failure to comply with the order both in terms of the provisions of paragraph 9 of Schedule A1 to the 1989 Act and contempt of court proceedings.

In order to provide for the situation where a Cafcass or CAFCASS Cymru officer may complete a risk assessment whilst monitoring an enforcement order where the proceedings had been completed, the draft form contains direction from the court enabling an application to be made by the officer in order to revive the proceedings to enable the court to consider what action should be taken in respect of any such risk assessment.

Form C81 Revocation of enforcement order

This order records the order of the court to bring an enforcement order requiring a person to carry out unpaid work to an end (that is, an order under paragraph 4 of Schedule A1 to the 1989 Act).

Form C82 Order for financial compensation

This form records the fact that the court has ordered a person to pay financial compensation for losses arising from their failure to comply with a contact order and gives instructions as to how the amount due is to be paid.

Conclusion

The consultation sets out the general approach adopted by the draft rules for the implementation of the remaining provisions of Part 1 of the 2006 Act. We would welcome your views on the draft rules. A summary of your responses will be provided to the Family Proceedings Rule Committee and the Lord Chancellor before a final decision on the content of the rules is made. A Statutory Instrument for the rules will be made in time for the implementation of the remaining provisions of Part 1 of the 2006 Act.

Questions

- 1. Do you have any comments on the draft rules? If so, please state them.**
- 2. Do you have any comments on the draft application forms C78 and C79? If so, please state them.**
- 3. Do you have any comments on the draft order forms? If so, please state them.**
- 4. Do you have any comments on any other part of this consultation? If so, please state them.**

Thank you for participating in this consultation exercise.

STATUTORY INSTRUMENTS

2008 No. X

FAMILY PROCEEDINGS

SUPREME COURT OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

**The Family Proceedings (Amendment) Rules
2008**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Family Proceedings Rule Committee makes the following Rules in exercise of the powers conferred by section 40(1) and (4) (aa) of the Matrimonial and Family Proceedings Act 1984⁽¹⁾:

Citation and commencement

1. These Rules may be cited as the Family Proceedings (Amendment) Rules 2008 and shall come into force on XX 2008.

Amendments to the Family Proceedings Rules 1991

2. The Family Proceedings Rules 1991⁽²⁾ shall be amended in accordance with the provisions of these Rules.

⁽¹⁾ 1984 c.42. Section 40(1) was amended by paragraph 50, Schedule 18 to the Courts and Legal Services Act 1990 (c.41), section 62(5) of the Children Act 2004 (c.31) and paragraphs 379 and 380 of Schedule 4 to the Constitutional Reform Act 2005 (c.4) and will be repealed (on a date to be appointed) by paragraph 278 of Schedule 8 to, and Schedule 10 to, the Courts Act 2003 (c.39).

⁽²⁾ S.I. 1991/1247. Relevant amending instruments are SI xx/ xx.

3. In the Arrangement of Rules—

- (a) after the entry for rule 4.4, insert—
 - “4.4A Application for a warning notice”;
- (b) in the entry for rule 4.11AA, omit “family assistance order”;
- (c) after the entry for rule 4.13A, insert—
 - “4.13B Section 11J or 11O: duties of person notified”;
- (d) after the entry for rule 4.21, insert—
 - “4.21AA Service of enforcement order or order amending or revoking enforcement order”;
 - and
- (e) after the entry for rule 4.21A, insert—
 - “4.21B Order with notice attached: committal”

4. In rule 1.2, after the definition for “the Act of 2004”, insert—

““the Act of 2006” means the Children and Adoption Act 2006⁽³⁾”.

5. In rule 4.1—

- (a) in paragraph (1)—
 - (i) after the definition of “children’s guardian”, insert—
 - “ “contact activity condition” has the meaning assigned to it by section 11C(2);
 - “contact activity direction” has the meaning assigned to it by section 11A(3);
 - “contact order” has the meaning assigned to it by section 8(1);”;
 - (ii) after the definition of “emergency protection order” insert—
 - ““enforcement order” has the meaning assigned to it by section 11J(2);”
 - (iii) after the definition of “family assistance order report”, insert—
 - ““financial compensation order” means an order made under section 11O(2);”
 - (iv) after the definition of “risk assessment”, insert—
 - ““second enforcement order” means an enforcement order made under paragraph 9(2)(b) of Schedule A1;”;
 - and
 - (v) after the definition of “specified proceedings”, insert—
 - ““warning notice” means a notice attached to a contact order pursuant to section 8(2) of the Act of 2006;”;
 - and
- (b) in paragraph (2)—
 - (i) in sub-paragraph (c), after “6(7),” insert “11J(5), 11O(5),”;
 - (ii) after sub-paragraph (d), insert—
 - “(da) on an application under paragraph 4(3), 5(3), 6(4), 7(3) or 9(5) of Schedule A1;”;
 - and
 - (iii) after sub-paragraph (h), insert—
 - “(i) on an application for a warning notice.”.

6. In rule 4.4—

- (a) in sub-paragraph (1) after “paragraph (4)” insert “and rule 4.4A”;

³ 2006 c.20.

- (b) in sub-paragraph (1A)(a)(i)—
- (i) for “or”, substitute “,”; and
- (ii) after “C51”, insert “or C79”; and
- (c) after paragraph (3), insert—

“(3A) In relation to an application under—

- (a) section 11J; or
- (b) section 11O,

in addition to complying with paragraph (3), the applicant shall serve a copy of the application on the person who was the children’s guardian, guardian ad litem, next friend or legal representative as referred to in the relevant entry in column (iv) of Appendix 3 to these rules.”.

7. After rule 4.4, insert—

“Application for a warning notice

4.4A.—(1) This rule applies in relation to an application for a warning notice.

(2) The application shall be made ex parte on Form C78.

(3) The court may deal with the application without a hearing.

(4) Where the court determines that the application shall be dealt with at a hearing—

- (a) rule 4.4(1)(b) and (3) shall apply; and
- (b) rule 4.4(2) shall apply as if for the words before “the proper officer” there were substituted “On the court determining that the application shall be dealt with at a hearing”.”.

8. In rule 4.5—

- (a) in paragraph (3)—
- (i) omit “either”; and
- (ii) for “preparing or has prepared a family assistance order report or a risk assessment” substitute “ who is acting or has acted under a duty referred to in rule 4.11AA(1)(a) to (g)”; and
- (b) in paragraph (4)(a) and (b) for “preparing or has prepared a family assistance order report or a risk assessment” substitute “acting or has acted under a duty referred to in rule 4.11AA(1)(a) to (g)”.

9. In rule 4.8(7)—

- (a) in sub-paragraph (a), after “respondent,” delete “and”; and
- (b) after sub-paragraph (b), insert—
 - “and
 - (c) a copy of the application has been effected under rule 4.4(3A);”.

10. In rule 4.9—

- (a) for paragraph (1) substitute—
 - “(1) Within 14 days of service of an application for—
 - (a) an order under section 4(1)(c);

- (b) a section 8 order;
 - (c) an enforcement order;
 - (d) a financial compensation order;
 - (e) a special guardianship order;
 - (f) an order under Schedule 1;
 - (g) an order under Part 2 of Schedule A1; or
 - (h) an order for a warning notice to which rule 4.4A(4) applies,
- each respondent shall file, and serve on the parties, an acknowledgement of the application in Form C7 and, if both parts of question 6 or question 7 (or both) on Form C7 are answered in the affirmative, Form C1A.”; and

(b) for paragraph (3) substitute—

“(3) Following service of an application to which this Part applies, other than—

- (a) an application under rule 4.3; and
- (b) an application referred to in paragraph (1)(a), (b), (e) or (h),

a respondent may, subject to paragraph (4), file a written answer, which shall be served on the other parties.”.

11. In rule 4.11(1)—

- (a) for “section 16, section 16A” substitute “or”; and
- (b) after “section 41(2)” insert “or in acting under a duty referred to in rule 4.11AA(1)”.

12. In rule 4.11AA—

- (a) in the heading, omit “family assistance order”;
- (b) for paragraph (1), substitute—

“(1) This rule applies where an officer of the service or a Welsh family proceedings officer is acting under a duty in accordance with —

- (a) section 11E(7) (providing the court with information as to the making of a contact activity direction or a contact activity condition);
- (b) section 11G(2) (monitoring compliance with a contact activity direction or a contact activity condition);
- (c) section 11H(2) (monitoring compliance with a contact order);
- (d) section 11L(5) (providing the court with information as to the making of an enforcement order);
- (e) section 11M(1) (monitoring compliance with an enforcement order);
- (f) section 16(6) (providing a family assistance order report to the court); and
- (g) section 16A (making a risk assessment).”;

(c) in paragraph (2)—

- (i) for “preparing a family assistance order report or a risk assessment” substitute “acting under a duty referred to in paragraph (1)(a) to (g)”;
- (ii) in sub-paragraph (a), for “the report or assessment” substitute “any report or risk assessment he makes”; and
- (iii) in sub-paragraph (b), for “the report or assessment” the first time it appears substitute “any report or risk assessment he makes”; and

- (d) in paragraphs (3), (6) and (6)(c), for “the report or assessment” substitute “any report or risk assessment he makes”;
- (e) in paragraph (8), for “a family assistance order report” substitute “a report as a result of acting under a duty referred to in paragraph (1)(a) to (f)”;
- (f) in paragraph (9), for “a family assistance order report” substitute “a report prepared as a result of acting under a duty referred to in paragraph (1)(a) to (f)”.

13. After rule 4.13A, insert—

“Section 11J or 11O: duties of person notified

4.13B. Where there has been a notification in accordance with rule 4.4(3A), the person notified shall—

- (a) consider whether it is in the best interests of the child for the child to be a party to the proceedings to which that application relates; and
- (b) before the date fixed for the first hearing or directions appointment, notify the court, orally or in writing, of his opinion on this question, together with the reasons for this opinion.”

14. In rule 4.14—

- (a) in paragraph (1)(b)—
 - (i) for “a family assistance order report” substitute “ a duty referred to in rule 4.11AA(1)(a) to (f)”;
 - (ii) for “preparing the report” substitute “ acting under the duty in question”;
- (b) in paragraph (2), after sub-paragraph (m) insert—

“(n) the exercise by an officer of the service or a Welsh family proceedings officer of any duty referred to in rule 4.11AA(1)(a) to (e).”;
- (c) in paragraph (9A), for “a family assistance order report” substitute “a report prepared as a result of acting under a duty referred to in rule 4.11AA(1)(a) to (f)”.

15. In rule 4.15(2)(ii), for “preparing or has prepared a family assistance order report or a risk assessment” substitute “acting or has acted under a duty referred to in rule 4.11AA(1)(a) to (g)”.

16. In rule 4.16, after paragraph (1) insert—

“(1A) Paragraphs (2) to (4) do not apply where—

- (a) the hearing relates to—
 - (i) a decision about whether to make a contact activity direction or to attach a contact activity condition to a contact order; or
 - (ii) an application for a financial compensation order, an enforcement order or a second enforcement order; and
- (b) the court has yet to obtain sufficient evidence from, or in relation to, the person who may be the subject of the direction, condition or order to enable it to determine the matter.”.

17. In rule 4.17(1), for “preparing or has prepared a family assistance order report or a risk assessment” substitute “ acting or has acted under a duty referred to in rule 4.11AA(1)(a) to (g)”.

18. In rule 4.21(6), after “paragraph (7)” insert “and rule 4.21AA”.

19. After rule 4.21, insert—

“Service of enforcement order or order amending or revoking enforcement order

4.21AA.—(1) Paragraphs (2) and (3) apply where an enforcement order or a second enforcement order is made by the court.

(2) As soon as practicable after an order has been made, a copy of it shall be served by the proper officer on—

- (a) the parties, except the person against whom the order is made;
- (b) the officer of the service or the Welsh family proceedings officer who is obliged to comply with a request under section 11M;
- (c) the responsible officer.

(3) Unless the court directs otherwise, the applicant shall serve a copy of the order personally on the person against whom the order is made.

(4) As soon as practicable after an order had been made under paragraph 4, 5, 6 or 7 of Schedule A1, a copy of the order shall be served by the proper officer on—

- (a) the parties;
- (b) the officer of the service or the Welsh family proceedings officer who is obliged to comply with a request under section 11M;
- (c) the responsible officer; and
- (d) in the case of an order made under paragraph 5 of Schedule A1, the responsible officer in the former local justice area.

(5) In this rule, “responsible officer” has the meaning given in paragraph 8(8) of Schedule A1.”.

20.In rule 4.21A, after “section 8 orders” insert “(except those referred to in rule 4.21B(a))”.

21. After rule 4.21A, insert—

“Order with notice attached: committal

4.21B. CCR Order 29, rule 1 (committal for breach of order or undertaking) shall apply to—

- (a) contact orders within the meaning of section 8(1) of the Children Act 1989 to which a notice has been attached under section 11I of that Act or under section 8(2) of the Children and Adoption Act 2006;
- (b) enforcement orders made under section 11J of the Children Act 1989;
- (c) enforcement orders amended or made pursuant to paragraph 9 of Schedule A1 to the Children Act 1989

as if paragraph (3) were omitted.”.

22.In Appendix 1—

- (a) in Form C43 (order)—
 - (i) immediately after the section headed “The Court orders” insert—

“Where—

- (a) there are no proceedings pending under Part 2 Children Act 1989;
- (b) an officer of the service/ Welsh family proceedings officer who remains involved with the case is given cause to suspect, whilst this order is in force, that the child concerned is at risk of harm; and
- (c) as a result that officer makes a risk assessment under section 16A of that Act,

the officer may apply to the court for it to revive the previous proceedings and to consider that risk assessment and give such directions as the court thinks necessary.”; and

- (ii) in the section headed “Warning” after “without the leave of the Court”, insert—
 - “Where a contact order is in force: if you do not comply with this contact order—
 - (a) you may be held in contempt of court and be committed to prison or fined; and/or
 - (b) the Court may make an order requiring you to undertake unpaid work (“an enforcement order”) and/or an order that you pay financial compensation.”;
 - and
- (b) after Form C77, insert the forms in the Schedule.

23. In Appendix 3—

- (a) in the row beginning “Section 4(1)(c)”, in column (i), after “Schedule 14” insert “or, where rule 4.4A(4) applies, section 8(2)(a) of the Act of 2006”;
- (b) after the row beginning “Section 4(1)(c)”, insert—

Section 11J or 11O	14 days	Only the person who the applicant alleges has failed to comply with the contact order	<p>Any officer of the service or Welsh family proceedings officer exercising a duty conferred on him by section 11H(2) (monitoring compliance with a contact order)</p> <p>Where the child was a party to the proceedings in which the contact order was made-</p> <ul style="list-style-type: none"> (a) the person who was the children’s guardian, guardian ad litem or next friend of the child in those proceedings; or (b) where there was no children’s guardian, guardian ad
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litem or next friend, the person who was the legal representative of the child in those proceedings.

”; and

(c) after the row beginning “Section 25”, insert—

“

Paragraph 4 of Schedule A1	14 days	Only- the person who was the applicant for the enforcement order, and where the child was a party to the proceedings in which the enforcement order was made, the child	Any officer of the service or Welsh family proceedings officer exercising a duty conferred on him by section 11M(1) (monitoring compliance with an enforcement order) and the responsible officer (as defined in section 197 of the Criminal Justice Act 2003 as modified by Schedule A1)
Paragraphs 5 to 7 of Schedule A1	14 days	Only the person who was the applicant for the enforcement order	Any officer of the service or Welsh family proceedings officer exercising a duty conferred on him by section 11M(1) (monitoring compliance with an enforcement order) and the responsible officer (as defined in section 197 of the Criminal Justice Act 2003 as modified by Schedule A1)
Paragraph 9 of Schedule A1	14 days	Only – the person who the applicant alleges has failed to comply with the unpaid work requirement imposed by an enforcement order, and	Any officer of the service or Welsh family proceedings officer exercising a duty conferred on him by section 11M(1) (monitoring

	where the child was a party to the proceedings in which the enforcement order was made, the child	compliance with an enforcement order) and the responsible officer (as defined in section 197 of the Criminal Justice Act 2003 as modified by Schedule A1)
--	---	---

”.

Mark Potter, P
xx
xx

I allow these Rules

Jack Straw
Lord Chancellor

SCHEDULE

[New forms - to be inserted.]

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Proceedings Rules 1991 (“the FPR 1991”) in relation to the coming into force of sections 1 to 5 and 8 of the Children and Adoption Act 2006 (c.20).
Rule 1....

Application for attachment of a warning notice to a contact order

To be completed by the court
Name of court
Date issued
Case number
Child(ren)'s numbers

If you have a contact order that was made before [DN date as finalised] you may apply for a warning notice to be attached to the contact order.

A warning notice explains that if a person does not comply with the contact order the court may fine or imprison them for contempt of court, or may make an enforcement order or an order for financial compensation.

You cannot apply for an enforcement order or for financial compensation regarding any person's failure to comply with the contact order if this failure took place before that person had been given a copy of the order with the warning notice attached or informed of the terms of the warning notice.

1. About the current contact order

See Note xx

Court case number if known

Date of contact order

/
/

Please attach a copy of the order where available.

3. The Children

If there are more than 4 children please continue on a separate sheet.

Child 1 _____

Child's full name

Date of birth

/ /

Sex

 Male Female

What is your relationship to the child?

Child 2 _____

Child's full name

Date of birth

/ /

Sex

 Male Female

What is your relationship to the child?

Child 3 _____

Child's full name

Date of birth

/ /

Sex

 Male Female

What is your relationship to the child?

Child 4 _____

Child's full name

Date of birth

/ /

Sex

 Male Female

What is your relationship to the child?

4. The Respondents details as stated on the contact order

See Note xx

If there are more than 2 respondents please continue on a separate sheet.

Respondent 1 _____

Respondent's full name

Date of birth

/ /

Sex

Male

Female

Address

Postcode

Respondent's solicitor _____

Name of respondent's solicitor

Address

Postcode

Telephone number

Fax number

DX number

Respondent 2 _____

Respondent's full name

Date of birth

/ /

Sex

Male

Female

Address

Postcode

Respondent's solicitor _____

Name of respondent's solicitor

Address

Postcode

Telephone number

Fax number

DX number

5. Signature

Print full name

Signed

(Applicant) (Solicitor)

Date

Checklist _____

Please check that you have completed all parts of the form and attached all the relevant documents:

- a copy of the contact order
- appropriate fee enclosed [appropriate reference to Fees leaflet to be inserted]
- details of additional children (if applicable)

Return your completed form to the court.

Application related to enforcement of a contact order

[Signpost to be added to relevant section of guidance notes once prepared]

To be completed by the court

Name of court

Date issued

Case number

Child(ren)'s numbers

1. About the current contact order

See Note xx

Court case number if known

Date of contact order

/
 /

Please attach a copy of the contact order.

2. What type of order(s) are you applying for?

See Note xx

- an enforcement order**
If the contact order is not being complied with

- to revoke the enforcement order**
To cancel the enforcement order

- an order for compensation for financial loss**
If you have lost money because the contact order is not being complied with

- to amend the enforcement order by reason of a change of residence**
To change the area where you completing the unpaid work

- for the court to take action following breach of an enforcement order**
If the unpaid work requirement in the enforcement order has not been complied with

- for amendment of the hours specified in the order**
To reduce the hours in the order

- to extend the period of 12 months set for completion of the unpaid work**
To allow you to do the work over a longer period

3. About you (the applicant)

Your full name

Sex

Male

Female

Address

Postcode

Home telephone number

Mobile telephone number

Do you have a solicitor acting for you?

Yes

No

 See Note xx

If Yes, please give the following details

Your solicitor's name

Address

Postcode

Telephone number

Fax number

DX number

4. The Children in respect of whom this order is sought

If there are more than 4 children please continue on a separate sheet.

Child 1 _____

Child's full name

Date of birth

/ /

Sex

Male

Female

What is your relationship to
the child?

Child 2 _____

Child's full name

Date of birth

/ /

Sex

Male

Female

What is your relationship to
the child?

Child 3 _____

Child's full name

Date of birth

/ /

Sex

Male

Female

What is your relationship to
the child?

Child 4 _____

Child's full name

Date of birth

/ /

Sex

Male

Female

What is your relationship to
the child?

5. The Respondent's details

See Note xx

If there are more than 2 respondents please continue on a separate sheet.

Respondent 1 _____

Respondent's full name

Date of birth

/ /

Sex

Male

Female

Address

Postcode

Respondent's solicitor _____

Name of respondent's solicitor

Address

Postcode

Telephone number

Fax number

DX number

Respondent 2 _____

Respondent's full name

Date of birth

/ /

Sex

Male

Female

Address

Postcode

7. Why are you making this application?

7a. If you are applying for:

- **An enforcement order**

please tell us about why you are making this application, otherwise go to 7b.

This might include:

- How the contact arrangements have been broken
- When this happened
- How long since you had contact with the child(ren)

7b. If you are applying for:

- **An order for compensation for financial loss**

please tell us about why you are making this application, otherwise go to 7c.

Amount claimed (total figure)

£

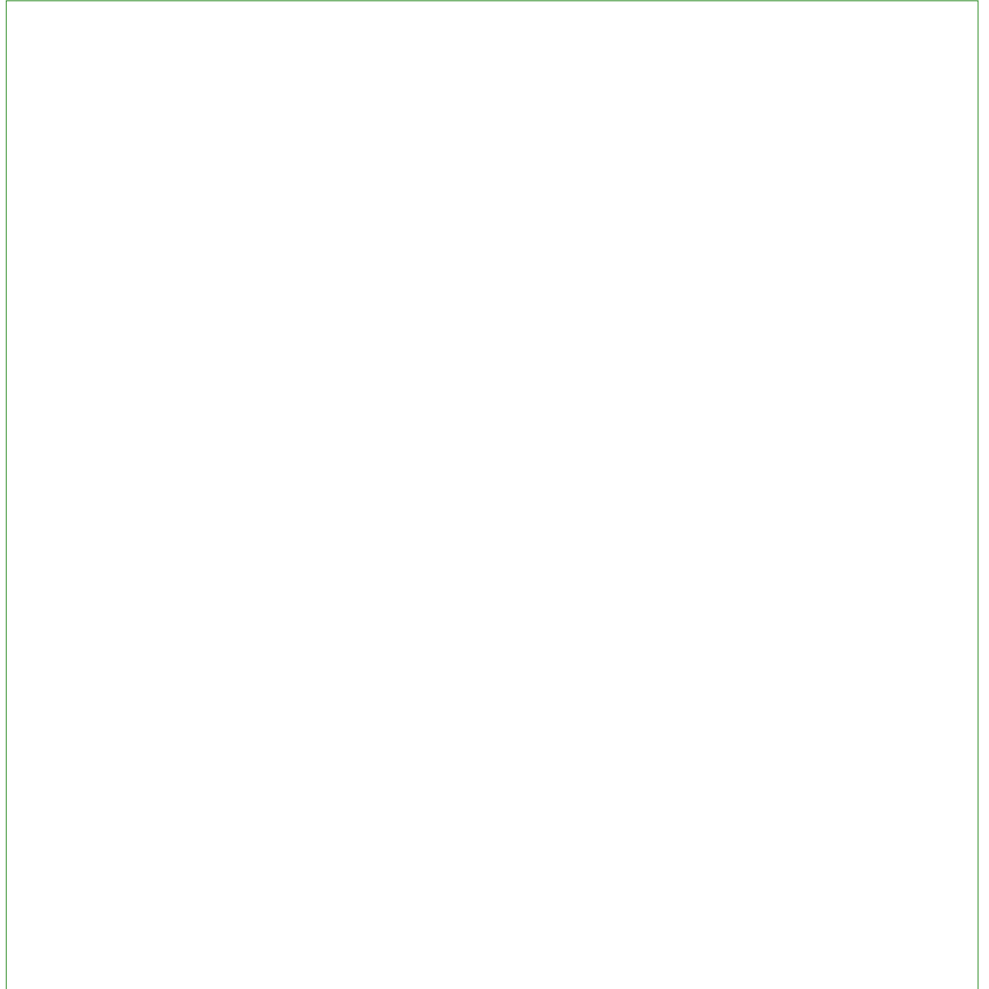
Please explain why you are doing this and attach any receipts or other evidence of financial loss.

7c. If you are applying for:

- **Action as a result of breach of an enforcement order**

please tell us about why you are making this application, otherwise go to 7d.

Please tell us how the enforcement order has been breached



7d. If you are applying to:

- **Revoke an enforcement order**
- **Amend an enforcement order**
- **Amend the hours specified in an enforcement order**
- **Extend the period of 12 months for completion of unpaid work in an enforcement order**

please tell us why you are making this application.

This might include:

- How your circumstances have changed since the enforcement order was made
- How often contact is now taking place
- Why you think the hours or time period should be amended.

Please attach a copy of the enforcement order.

 See Note xx

Name of justice area responsible for the enforcement order

Date enforcement order made

□□□/□□□/□□□□□

Number of hours of unpaid work required

Number of hours of unpaid work completed

Number of hours of unpaid work outstanding

What are the new proposed hours?

If requesting extension of the 12 month period for completion, what is the new proposed completion date?

□□□/□□□/□□□□□

 See Note xx

If you are applying to amend the order due to a change of residence, what is the name of the new justice area?

8. Signature

Print full name

Signed

(Applicant) (Solicitor)

Date

/ /

9. Attending the court

If attending the court, do you or any of the parties involved have a disability for which you require special assistance or special facilities?

Yes

No

If Yes, please say what your needs are
(court staff will get in touch with you about your requirement)

Do you need an interpreter at court?

Yes

No

If Yes, please state which language is needed.

You must notify court staff immediately so an interpreter can be arranged.

Checklist

Please check that you have completed all parts of the form and attached all the relevant documents:

- a copy of the contact order
- appropriate fee enclosed
- a copy of the enforcement order (if any previously made)
- any receipts or other documentary evidence to support financial loss claim (if applicable)
- details of additional children (if applicable)
- details of additional respondents (if applicable)

Return your completed form to the court.



In the

Case number

Enforcement order

The Children Act 1989

Applicant
Ref.
Respondent
Ref.

The full name(s) of the child(ren)

Date(s) of birth

Child(ren)'s number(s)

To

Address

Warning

If you do not comply with this enforcement order you may be held in contempt of court and be committed to prison or fined, and/or the court may amend this order to make the unpaid work requirement more onerous, or make a second enforcement order.

The application

An application has been made to the court by

for an enforcement order in respect of the contact order relating to
the child(ren) dated

[For enforcement
orders]

The court orders that

of

carry out

hours of unpaid work

in the

Local Justice Area

by
enforcement order)

(the date for completion of the unpaid work under the

[For second enforcement orders]

The court orders that

of

carry out

hours of unpaid work

in the Local Justice Area

by (the date for completion of the unpaid work under the enforcement order)

And that

[this order takes effect in addition to the enforcement order made on]

[this order takes effect in place of the enforcement order made on

so that

the total number of hours of unpaid work required is ()

less the hours of unpaid work already completed, ()

making a total of hours unpaid work now required as above ()]

[For orders

amending

enforcement orders]

The court orders that

(a) the unpaid work under the enforcement order be carried out in the local justice area.

Or

(b) the total number of hours of unpaid work required under the enforcement order be reduced to hours, less the hours of unpaid work already completed.

So that

the total number of hours of unpaid work required is ()

less the hours of unpaid work already completed, ()

making a total of hours of unpaid work now required as above ()

Or

(c) the date for completion of the unpaid work under the enforcement order be extended to (date)

The court also
directs that

(a)
(officer of the service or Welsh family proceedings officer)

monitor performance of the unpaid work under the enforcement order [and report
to the court as required.] [and report to the court on the following

]

(b) Where

- there are no proceedings pending under Part 2 of the Children Act 1989;
- an officer of the service/Welsh family proceedings officer who is monitoring compliance with this enforcement order is given cause to suspect, whilst this order is in force, that the child(ren) concerned [is][are] at risk of harm; and
- as a result that officer makes a risk assessment under section 16A of that Act, the officer may apply to the court for it to revive the previous proceedings and to consider that risk assessment and give such directions as the court thinks necessary.

This order has been made on notice.

Ordered by [Mr] [Mrs] Justice
[His] [Her] Honour Judge
District Judge [of the Family Division]
Justice[s] of the Peace

on



In the

Case number

Revocation of enforcement order

The Children Act 1989

Applicant
Ref.
Respondent
Ref.

The full name(s) of the child(ren)

Date(s) of birth

Child(ren)'s number(s)

To

Address

The application

[An application has been made to the court by

(the person required to carry out the unpaid work)

for the enforcement order made on

in respect of the contact order relating to the child(ren) dated

to be revoked.]

The court orders

that the enforcement order be revoked.

Ordered by [Mr] [Mrs] Justice
[His] [Her] Honour Judge
District Judge [of the Family Division]
Justice[s] of the Peace

on

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

- 1. Do you have any comments on the draft rules? If so, please state them.**
- 2. Do you have any comments on the draft application forms C78 and C79? If so, please state them.**
- 3. Do you have any comments on the draft order forms? If so, please state them.**
- 4. Do you have any comments on any other part of this consultation? If so, please state them.**

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 20 June 2008 to:

Yvonne Dreckett
Ministry of Justice
Family Justice Division
4.17 Selborne House
54-60 Victoria Street
London
SW1E 6QW

Tel: 020 7210 2619

Fax: 020 7210 8681

Email: childrenandadoptionact.enquiries@hmcourts-service.gsi.gov.uk

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.justice.gov.uk/index.htm>.

Alternative format versions of this publication can be requested from the above address.

Publication of response

A paper summarising the responses to this consultation will be published in 3 months time. The response paper will be available on-line at <http://www.justice.gov.uk/index.htm>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as

confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Impact Assessment

A regulatory impact assessment was completed for the Children and Adoption Bill on its introduction to Parliament in June 2005. The changes proposed in the draft rules will not, in our view, particularly affect any specific groups and are unlikely to lead to additional costs or savings for businesses, charities or the voluntary sector. The likely public sector costs were considered in the regulatory impact assessment. It has been agreed that appropriate resources will be made available to HM Courts Service, Cafcass and CAF/CASS Cymru as appropriate to enable them to carry out their functions in relation to these provisions. Resources have been made available to commission contact activities as required under the provisions of the Act and also to provide financial assistance with the cost of contact activities for those who are eligible.

The consultation criteria

The six consultation criteria are as follows:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the time scale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out an Impact Assessment if appropriate.

These criteria must be reproduced within all consultation documents.

Consultation Co-ordinator contact details

If you have any complaints or comments about the consultation **process** rather than about the topic covered by this paper, you should contact Gabrielle Kann, Ministry of Justice Consultation Co-ordinator, on 020 7210 1326, or email her at consultation@justice.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

Gabrielle Kann
Consultation Co-ordinator
Ministry of Justice
5th Floor Selborne House
54-60 Victoria Street
London
SW1E 6QW

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given under the **How to respond** section of this paper at page 48.

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2619 or childrenandadoptionact.enquiries@hmcourts-service.gsi.gov.uk.