

**Q Who sees the Children's Guardian report?**

The Judge or Magistrates read the report. Everyone who is a party to the proceedings will be shown a copy of the report by their solicitor. In adoption proceedings the parties do not have an automatic right to see the report though the Court may decide that all or parts of the report may be seen.

**Q What can I do if I don't agree with what the Children's Guardian says?**

If you are a party to the proceedings you can ask your solicitor to make your view clear in Court. If you are not party to the proceedings ask the Children's Guardian to record your disagreement in his/her report. If you are dissatisfied with the Children's Guardian's work in general you can make a complaint to C.A.F.C.A.S.S, however this will not change any decision made by the Court.

**Q Will the Children's Guardian remain involved after the hearing?**

No, the Children's Guardian is only involved for the duration of the court proceedings.

# Fact Sheet

## Grandparents and the Children's Guardian

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This series of leaflets tries to answer the questions put to the Grandparents' Association most often. We hope it will help you. If after reading it you are still unclear about anything, please contact us again.

The Children's Guardian was formerly called Guardian ad Litem.

### **Q What is a Children's Guardian?**

A Children's Guardian is an independent person who is appointed by the Court to look after the child's interests in certain court proceedings. Most Children's Guardians have experience in social work but do not work for the Social Services Department dealing with the child. They are employed or commissioned by the Children and Family Court Advisory and Support Service. (C.A.F.C.A.S.S.S)

### **Q Is a Children's Guardian appointed to every type of court case involving a child?**

No, a Children's Guardian is appointed in specified proceedings. These are public law proceedings such as applications for care orders or contact orders for children in care and other proceedings to which the local authority is, or may become, a party. A Children's Guardian is appointed in specified proceedings unless the court considers an appointment is not necessary to safeguard the child's interests. Children's

Guardians may be appointed in private law cases such as sorting out residence and contact issues after divorce but this is very unusual. However the court may call for a welfare report from C.A.F.C.A.S.S.S or, if Social Services has been involved, from the local authority. Sometimes the child's circumstances are so worrying that the Court may order the local authority to investigate and consider whether they should take care proceedings. If this is the case the Court will appoint a Children's Guardian.

A Children's Guardian will also be appointed in adoption proceedings when the adoption is opposed.

### **Q What does the Children's Guardian do?**

The Children's Guardian represents the child and has to investigate all the circumstances relevant to the welfare of the child. Then he/she writes a report for the Court saying what he/she thinks is best for the child and what the child's views are. The Children's Guardian also instructs a solicitor for the child and may also instruct experts to make medical or psychological reports.

### **Q Who does the Children's Guardian see?**

The Children's Guardian will see the child and people who are important to the child eg parents, grandparents, other family members, teachers, social workers, carers etc.

### **Q What if the Children's Guardian doesn't ask to see me?**

If you feel the Children's Guardian should hear your views about the child you can contact him/her by leaving a message with the child's solicitor or with the Clerk of the Court. If you do not have the contact details for either of these the child's social worker can give them to you.

### **Q Do Social Services and the Children's Guardian work together?**

The Children's Guardian is independent of Social Services but he/she talks to the Social Worker in order to discuss the local authority's plans for the child's future, and to give his/her views on the suitability of those plans.

The Children's Guardian reads the Social Services records and any other reports that have been written about the child and family. The Children's Guardian report will comment on the quality of services offered to the child and family and on the plans for the future.