

## Information on care proceedings: ‘public law cases’

‘Care’ or ‘supervision’ proceedings are where the Minister for Children (the Children’s Service) has applied to the court to protect a child, where there are serious concerns about a child’s safety or welfare.

Children can be taken into care because there are serious safeguarding concerns that they are suffering, or likely to suffer, significant harm from the way they are looked after, or they are beyond the control of a parent or carer.

The types of concerns that may result in the Children’s Service making an application to the court to protect the child include:

- Neglect
- Physical abuse
- Emotional abuse
- Sexual abuse

The Children’s Service will provide evidence to the Court setting out their concerns for the child, and a plan that details safe arrangements for the child, and any assessments needed. There will be more than one court hearing about this as assessments are undertaken.

The Court will consider all the evidence carefully to make a decision which is safe for the child.

This includes:

- If an court order is needed to safeguard the child

- Where the child is to live
- Contact arrangements for the child and family

During this time, professionals will be carrying out work to further understand the child's situation and will make recommendations to help the court make final decisions about the child.

## **What is the role of JFCAS?**

JFCAS are an independent service, we do not work for the Children's Service.

In public law cases, a JFCAS officer will be appointed by the court as a children's guardian. This is an independent social worker who will consider the case, and ensure the child's voice is heard in court. A children's guardian will make sure that decisions made about children are in their best interests.

Some of the key duties of the children's guardian involve:

- Requesting that a lawyer is appointed for the child and instructing that lawyer if the child is too young to do so directly
- Analysing all of the evidence and making recommendations to the court about what they consider to be in the child's best interests
- Meeting with the child, and sharing the child's wishes and feelings with the court
- Meeting with parents, carers, family members and key professionals as part of their assessment

## **What happens at the end of proceedings?**

The outcome for the child will usually be one of the following:

- Returning home – if the safety and quality of the parenting improves
- Going to live with a friend or relative
- Going to live with a foster parent or residential care home
- Being adopted

The Children's Service have a responsibility to carry out the decisions made by the Court and may stay involved with the child.

The children's guardian role is finished at the end of proceedings, when the court has made final decisions about the child.

The guardian will explain to the child that their role has finished and write to the IRO to pass on any important information about the child.

Throughout the process the guardian will try and answer any questions you may have, but cannot give legal advice.

## Helpful advice/support services

If your children are the subjects of care proceedings, you have the right to your own lawyer. You can obtain one by contacting the legal aid department (details below)

It is important that you get legal advice and let the court, JFCAS and the Children's Service know what you feel is right for your child, and any objections you have.

Your child will also have an Independent Reviewing Officer (IRO) appointed to review the Children's Services care plan, and you can speak to them, attend reviews, and give your views.

Citizen's Advice Bureau: [Jersey Citizens Advice - Home \(cab.org.je\)](http://cab.org.je) 01534 724942

Legal Aid in Jersey: [Legal Aid in Jersey | Welcome](#)

Jersey Cares (independent advocacy and support for children) [A charity to care about \(jerseycares.je\)](http://jerseycares.je)