**OFFICIAL-SENSITIVE**



**Child Arrangements Programme - Schedule 2 (Pathfinder)**

**Child Impact Report**

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| Court: |  |
| Court Reference Number: |  |
| **Family Court Advisor** |  |
| Part 1 filed on: | (Insert date) |
| Part 2 filed on: | (Insert date) *Business support delete this row if this is a Part 1 Report* |

**(Delete as appropriate)**

**This report has been sent to [both participants / the applicant / the respondent / both legal representatives / the legal representative for the applicant / the legal representative for the respondent].**

***or***

**This report has not been sent to the participants or their legal representatives due to information pertaining to risk contained within the report. The Court is requested to consider whether, and if so how, some or all of the information should be disclosed to the participants. *(The expectation is that the CIR will be disclosed unless counter-indicated by the domestic abuse risk assessment. If there are live risk issues consider filing a 16A Risk Assessment Report with the Court only)***

**A need for an interpreter has been identified: State language *(delete line if not applicable)***

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| **Disclaimer**  **This report is restricted by rules of court. (Family Procedure Rules 2010 – Communication of Information: Proceedings Relating to Children and Practice Direction 12G – Communication of Information). Unauthorised communication of the information in this report is a serious matter and may constitute contempt of court.**  **If you are unhappy with the standard of service you have received from Cafcass Cymru during the preparation of this report, you can make a complaint. A copy of the organisation’s Guide to Complaints is available on** [**https://gov.wales/sites/default/files/publications/2020-04/cafcass-cymru-a-guide-to-complaints-april-2020.pdf**](https://gov.wales/sites/default/files/publications/2020-04/cafcass-cymru-a-guide-to-complaints-april-2020.pdf)**. Significant factual errors (not matters disputed by the parties) in this report should be referred to the author. Dissatisfaction with the contents or recommendation of the report must be addressed in court and cannot be dealt with as part of the complaints process.**  **The Welsh Ministers are required, under the Rights of Children and Young Persons (Wales) Measure 2011, to have due regard to the United Nations’ Convention on the Rights of the Child, when exercising their functions.**  **‘Some functions of the Welsh Ministers, in particular functions which relate to family proceedings in which the welfare of children ordinarily resident in Wales is in question, are exercised by Cafcass Cymru (through its Welsh Family Proceedings Officers). As such, the duty to have due regard to the UN Convention on the Rights of the Child applies to Cafcass Cymru and its Welsh Family Proceedings Officers.’** |

**Child/ren Subject to the Application:**

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| **Name** | **Gender** | **Date of Birth** | **Age** | **Preferred Language(s)** | **Ethnicity** |
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**Parties to the Proceedings:**

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| --- | --- | --- | --- | --- |
| **Name** | **Relationship to Child/ren** | **Date of Birth** | **Preferred Language(s)** | **Ethnicity** |
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| **Application before the Court:** |  |
| **Current Court Orders:** | Add any CAO, PSO, protective orders or injunctions currently in place |

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| **Cafcass Cymru office address:** |  |
| **Telephone number:** |  |

**(DELETE PROMPT)**

**IF CHILD IS AT IMMEDIATE RISK OF HARM PREPARE A 16A RISK ASSESSMENT REPORT AND A MAKE A SAFEGUARDING REFERRAL TO LOCAL AUTHORITY.**

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| 1. **The application and the child’s circumstances** | |
| **Current arrangements for the child/ren**: | **Who they live and spend time with; is this the status quo or has there been a recent change?**  **any known impact / concern on the child/ren of the arrangements**  ***A brief Pen Picture of the child/ren will be included where Cafcass Cymru has engaged with the child/ren***  **If there has been direct engagement with the child, it may be appropriate to include a summary of their views on the current arrangements and any proposed change** |
| **What is being sought:** | **Set out what the applicant is seeking and why? Is it an urgent application?**  **Is this an application to vary or enforce?**  **Is it opposed; has a C1A been filed by the respondent?**  **What do the participants say is the impact or the benefit for the child/ren?** |
| **Previous Cafcass Cymru involvement:** | **Brief summary of any previous applications involving the same participants and children, including dates, case numbers, issues and final outcome**  **If there have been previous proceedings involving one participant only (e.g. in relation to another child) consider what level of detail it is relevant, necessary and proportionate to disclose.** |

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| 1. **Child Impact Checklist**   **Safeguarding Enquiries: Key information relevant to early decision making** | | | |
| **2a. i. Application and supporting documents – received on *(insert date)*** | | | |
| ***State which documents have been received. Bullet point any safeguarding concerns raised (delete prompt)*** | | | |
| **2a. ii. Response and supporting documents – received on *(insert date)*** | | | |
| ***State which documents have been received. List / summarise any safeguarding concerns raised. If no documents have been received state this (delete prompt)*** | | | |
| **2a. iii. Summary of Police checks – received on *(insert date)*** | | | |
| ***Bullet point significant convictions and non-conviction information. Apply disclosure principles: disclosure must be accurate, relevant, necessary, and proportionate. The level of detail you provide should be proportionate to the issues before the court and current risks in the case. State whether there are any convictions that are not relevant to safeguarding (without including the detail). Do not cut and paste - disclosure should be summarised*** | | | |
| **2a. iv. Summary of Local Authority checks – received on *(insert date)*** | | | |
| ***Bullet point relevant information; state which LAs have provided the information Do not cut and paste, Apply disclosure principles: disclosure must be accurate, relevant, necessary, and proportionate. Consider whether LA name needs to be omitted to maintain confidentiality*** | | | |
| **2b. Domestic Abuse, Stalking and Honour Based Violence (DASH) RIC Checklist**  ***If a DASH (RIC) has been undertaken by a partner domestic abuse agency, the approved summary will be appended to this report*** | | | |
| **Has a DASH (/ DYN) been undertaken with the Applicant:** | | | Yes / No |
| **Has a DASH (/ DYN) been undertaken with the Respondent:** | | | Yes / No |
| ***If DASH has been undertaken with applicant and / or respondent use this section to outline whether they were assessed as being at high, medium, or low risk of domestic abuse, and to highlight if there has been a referral to MARAC, or ongoing support by domestic abuse agency (if agreed for disclosure)***  ***Insert the agreed summary / summaries provided by the domestic abuse agency at Appendix 1 (not the full DASH)***  ***If domestic abuse has been identified as an issue but no DASH has been undertaken explain why not – e.g. referral was offered but declined (delete prompts). If DASH was declined and you consider victim is at risk of harm file this information in a 16A RA report.***  **If the DASH / DYN indicates immediate risk or information that cannot be disclosed to either party, you should immediately file a 16A Risk Assessment Report.** | | | |
| **2c. Enquiries undertaken with the family** | | | |
| **Have enquiries been taken place with the family: Yes / No *(delete as appropriate)*** | | | |
| **Name and relationship**  ***e.g parent, child, grandparent, step-parent*** | **Date(s)** | **Type of contact**  ***(i.e. telephone call, video meeting, office meeting, home visit, observation of contact, shuttle joint meeting, email correspondence, etc. If failed attempts to contact family members were made state to whom).***  ***(If x2 failed attempts made consider sending report back sooner to Court. Do not wait for filing date)***  ***Do not include lengthy account of the contact in this section*** | |
| ***Add additional rows if needed*** |  |  | |
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| **2d. Further sources of information *(delete unnecessary rows)*** | | | |
| **Agency** | **Date** | **Brief details of their involvement and/ or information provided** | |
| Insert other sources of information considered e.g. school, health, CAMHS, probation, substance misuse service, legal representatives  ***Consider whether names / details need to remain confidential*** |  |  | |
| List any referral made to WT4C or mediation ***WT4C should be promoted in cases with low/ no safeguarding concerns*** |  |  | |

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| 1. **Analysis of risk** | | |
| **The following current concerns have been identified:** | | |
| **Domestic abuse including coercive controlling behaviour:** | | Yes / No |
| **On-going safety concerns- child/ren:** | | Yes / No |
| **On-going safety concerns- adult participant:** | | Yes / No |
| **History of inter-parental conflict:** | | Yes / No |
| **Substance / alcohol misuse:** | | Yes / No |
| **Mental health or behavioural issues impacting on parenting:** | | Yes / No |
| **Concern about abduction:** | | Yes / No |
| **Other:** | State what | |
| * ***Consider the range of information gathered from all sources, the relevance of recent and historic events and any patterns of behaviour. Refer in particular to any DASH RIC undertaken (and include in Appendix 1). Your analysis should provide a concise picture of the overall safeguarding issues for the child/ren and adults.*** * ***Distinguish past issues raised by agency information, that both participants consider to be resolved or no longer a concern, from any current concerns of either/ both participants.*** * ***Outline any action taken or necessary to safeguarding the child/ren or an adult participant*** * ***What is the significance for the child and the relevance for the application?*** * ***Outline any issue which will need to be resolved before the case can be resolved, e.g. requiring a Fact Finding Hearing or expert assessment.*** * ***Domestic Abuse Act 2021: Consider whether the child is a victim of domestic abuse (DDA section 3)*** * ***Domestic Abuse Act 2021: Consider whether either adult participant requires special measures at court, as a victim or potential victim of domestic abuse (DDA section 63)*** * ***If you consider that a Fact Finding Hearing is needed, please also complete Appendix 2.*** * ***If necessary for clarify, you can add subheadings within the section.*** * ***If there are several live safeguarding issues consider adding subheadings for clarity.***   ***Consider CA1989 s.1(3):***  ***(b) the child(ren)’s physical, emotional and educational needs;***  ***(e) Any harm which the child(ren) has suffered or is at risk of suffering and***  ***(f) How capable each of the child(ren)’s parents and any other person in relation to whom the Court considers the question to be relevant is of meeting the child(ren)’s needs*** | | |

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| 1. **Voice of the Child** |
| * ***Summarise and analyse the outcome of any direct or indirect work to ascertain the views, wishes and feelings of the child, including how, if the proceedings are not likely to be resolved at the first hearing, they would like to participate further [[1]](#footnote-1)*** * ***What is the present impact on the child of the issues in the case and what will be the impact on them of the change sought by the application?*** * ***How likely is it that the arrangements will work long term for the child and what are the implications for their long-term wellbeing and welfare - ‘forecast’ what this means for them*** * ***If you have discussed your recommendations with the child, what is their feedback?*** * ***Include the child’s view on how they would like to be informed of the outcome of Proceedings? (it is envisaged that this would usually be via one or both parents, but in more complex or sensitive cases could involve input from Cafcass Cymru or, with the agreement of the Judge, the court)*** * ***If there has been no contact with the child, explain the reason for this (e.g. professional judgement based on age of child, the issues in the case including complexity, child has an allocated social worker, a Hearing or FoF needs to take place before speaking to the child, unable to make contact)*** * ***Does the child want to meet with the Judge – consider who would facilitate this meeting***   ***Consider CA1989 s.1(3):***  ***(a) The ascertainable wishes and feelings of the child(ren) concerned (considered in the light of his/her age and understanding)*** |

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| 1. **Areas of agreement and issues that are yet to be resolved between the participants** |
| * ***Summarise the outcome of discussions with the participants including any agreement reached, their understanding of impact on the child and their response to the views of the child*** * ***Was there a joint meeting with the participants and are they able to co-operate?*** * ***What are their proposals for progressing the case? What are their views on how the child should participate and be informed of the outcome of proceedings?*** * ***Have the participants been referred to WT4C, or mediation; have attendance dates been confirmed?*** |

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| 1. **Case Analysis** |
| * ***What needs to happen? If participants have reached partial or complete agreement on a way forward, consider whether this meets the child/ren’s needs.*** * ***If further enquiries are needed state what these are and by who.*** * ***Consider whether the participants or child would benefit from further support, identifying any available suitable out of court resource.*** * ***Have the participants been referred to WT4C or if not would there be a benefit from them being directed to attend*** * ***Explain your recommended next steps and whether the participants agree with them.*** * ***Is an order necessary?*** * ***Is a Rule 16.4 appointment necessary? If so outline the workplan that the appointment would be intended to achieve.*** * ***Is an Order under CA 1989 Section 91(14) required, as amended by Domestic Abuse Act 2021 Section 63?***   ***Consider CA1989 s1 (5) the No Order principle and s1(3):***  ***(c) The likely effect on the child(ren) of any change in the child(ren)’s circumstances***  ***(d) The child(ren)’s age, sex, background and any characteristics of the child(ren) which the Court considers relevant) and***  ***(g) Range of powers available to the Court under this Act in the proceedings in question.***   * ***Post order support*** * ***Consider the likely benefits or detriment of a post-order review / “check-in” with the participants, if the case can conclude at the next hearing). Is this proportionate and what are the participants’ and child’s views? (Refer to Review Protocol) Options:*** * ***No review*** * ***Non court review / “check-in” comprising a telephone contact after 3-4 months, and signposting to community resources*** * ***A Contact Monitoring Order (i.e. monthly monitoring of compliance, followed by a review / “check-in)*** * ***A Family Assistance Order offering support outlined in a Family Assistance Order plan (append draft to CIR), if you are recommending a FAO consider the length: would a shorter order of 3-6 months be likely to provide better focus than a longer order? Note that the purpose of FAOs is to support agreed arrangements and the focus will be on supporting the adult participants in the case to implement the order*** * ***If a FAO would not assist and is not proportionate and in the child’s best interests, explain that you have considered and why you do not recommend this*** * ***An interim order and court review (if there are risk issues requiring the matter to remain before the court for review)***   ***Consider the CA1989 s1 (2) the Delay Principle: are the risk issues in the case such that it is it proportionate to prolong the proceedings and delay decision making for the child?***  ***No Order principle: the court shall not make any orders unless it considers that doing so would be better for the child than making no order at all. Is the making of a CAO, CMO, FAO or other order proportionate? If the court does not make an order it cannot order a review.*** |

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| 1. **Recommendations** |
| ***If you are making final recommendations to conclude the case, bullet point them. Include your recommendation on whether there should be a review / “check-in” and the purpose of and timeframe for this.***  ***If you are recommending a CIR Part 2 briefly state the purpose of extending your involvement and how this will aid the court to reach a decision.***  ***If you are recommending a FAO or CMO summarise what this will be intended to achieve (i.e monitoring or implementing agreed arrangements that are necessary for the child’s welfare and could not be managed without Cafcass Cymru involvement) and the proposed timescale of the order.***  ***If you are recommending a Rule 16.4 appointment set out what this will focus on and what it is intended to resolve*** |

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| 1. **Summary of advice to assist the Court** |
| **Safeguarding** (see section 3 for analysis)  No safeguarding issues  Issues would not preclude a consent order or parenting plan  Risk issues identified that will impact on the safety and suitability of Child Arrangements  **Domestic Abuse and Harm**  There are disputed allegations of domestic abuse or harm that need to be determined before the case can be concluded  A separate Fact Finding is recommended (see Appendix 2)  Special Measures are required to help the participation of either party (i.e. screens, videolink, separate waiting areas at court, separate entrances, support of IDVA)  **Recommended Next Steps**  Decision hearing  Directions hearing  Direction to attend Working Together for Children  Referral to mediation  Direct that information is disclosed to the Court by [insert name of agency] (see previous Section for details)  **Recommended further involvement of Cafcass Cymru**  None  Non-Court Review / “check in” in [ number] months  Contact Monitoring Order  Family Assistance Order  Child Impact Report Part 2  Rule 16.4 Guardian Appointment  **Voice of the Child**  [Name of child/ren] has requested to meet the Judge (See Section 4)  **Children Act Section 91(14)**  Require an order under Section 91(14) of the Children Act 1989, amended by Domestic Abuse Act Section 67, to protect the child or another individual |

**Child Impact Report - Addendum *(delete heading as appropriate)***

**Child Impact Report - Part 2 *(delete heading as appropriate)***

*(Business Support will delete sections 9 onwards 12 if filing a Part 1 Report; these will be added to your original part 1 report if Part 2 is requested by the Court; if preparing a Part 2 or Updated report, you may delete unnecessary sections or add further sections)*

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| 1. **Enquiries undertaken** |
| ***State what Part 2 / the Updated Part 1 was intended to address, what enquiries were undertaken, and the outcome of the work or enquiries you have undertaken. Summarise your work with adult participants and any progress or agreement reached.*** |

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| 1. **Voice of the child** |
| ***Provide an update on the child/ren – what has changed and what is the impact on them?***  ***What is happening for them now?***  ***include any updated views of the children?***  ***What does the child need now and in the longer term – forecast the longer term impact on the child*** |

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| 1. **Updated analysis of risk** |
| ***Your starting point is the analysis of risk and recommendations in Part 1. Is there any change? Consider the relevance of any Fact Finding that has taken place since the part 1 report was filed, information from other agencies, work undertaken with the parties.*** |

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| 1. **Case analysis** |
| ***Consider the participants’ response to the issues raised in the case and their emotional readiness to engage with the recommendations. What are the barriers to the children’s need being met and how may these be overcome? Consider the suitability of a review, and other means of supporting the family that are relevant to their circumstances.*** |

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| 1. **Recommendations** |
| ***Final recommendations to allow the court to proceed to an adjudication hearing, or directions if agreed by the participants and child.***  ***Explain how these have changed or developed from your Part 1 recommendations.***  ***What are the participants’ views in respect of your recommendations?***  ***Consider whether any of the next steps (Section 8) that were not applicable are now applicable – for example, child requesting to meet the judge, WT4C, post order review / “check-in”, order under s91(14), special measures to allow a victim of domestic abuse to participate in the court process (Domestic Abuse Act 2021 s63)*** ***, Family assistance order.***  ***How will the child be informed of the outcome? (this would usually be via one or both parents, but in more complex or sensitive cases could involve input from Cafcass Cymru or, with the agreement of the Judge, the court)*** |

In compiling this report, I have had regard in particular to the welfare checklist as required by Rule 16.20/16.33 Family Procedure Rules 2010 and I have applied a welfare checklist analysis to the facts of the case throughout.

**Family Court Advisor**

**Social Care Wales Registration Number:**

**Appendix 1 - DASH (RIC) and DYN assessments (delete if no assessment completed)**

The following summary/ summaries were provided by [name of domestic abuse agency] on [date] and it has been agreed with [name of person referred] for the contents to be included in this Child Impact Report.

*Insert the agreed Summary provided by the DA agency in full. Do not attach the main DASH checklist or include information from the full DASH that has not been agreed for disclosure. If there is information that needs to be shared with the court but not with both parties, this should be via a 16A RA report.*

**If the DASH / DYN indicates immediate risk or information that cannot be disclosed to either party, you should immediately file a 16A Risk Assessment Report (delete prompt).**

**Appendix 2 (delete Appendix 2 if not completed)**

**Fact Finding Recommendation**

Fact-finding hearings should only be directed where they are relevant, necessary and proportionate and serve a clear purpose. When making this recommendation the report writer should have regard to the provisions of the Family Procedure Rules Practice Direction 12J, paragraphs 5, 16 and 17. The court will need to consider whether there is other evidence available to the court that provides a factual basis on which it can proceed to make decisions or whether any disputed issues could form part of any final hearing.

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| Are there disputed factual allegations of domestic abuse or harm? | Yes | No |
| Has the party making allegations filed a Form C1A summarising the nature of allegations made? | Yes | No |
| If there are any disputed allegations does the report writer consider a separate finding of fact hearing is necessary? | Yes | No |

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| **Justification for recommendations on need for Fact Finding:** |
| ***Note: Fact-finding hearings should only be directed where they are relevant, necessary and proportionate and serve a clear purpose. When making this recommendation the report writer should have regard to the provisions of the Family Procedure Rules Practice Direction 12J, in particular the paragraphs 5, 16 and 17. The court will need to consider whether there is other evidence available to the court that provides a factual basis on which it can proceed to make decisions or whether any disputed issues could form part of any final hearing.*** |

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| **How are the allegations likely to be relevant in deciding whether to make a Child Arrangements Order, or its terms?** |
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| **What would be the purpose of a separate fact-finding hearing?** | |
|  | To provide a factual basis for a Child Impact Report/Section 7 report or other assessment of the factors set out in paragraphs 36 and 37 of Practice Direction 12J; |
|  | To provide a basis for an accurate assessment of risk; |
|  | Needed before the court can consider any final welfare-based order(s) in relation to child arrangements; or |
|  | Needed before the court can consider the need for a domestic abuse-related activity |

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| **Any other information the report writer considers relevant to the court’s decision on whether to hold a separate fact-finding hearing?** |
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1. Cafcass Cymru officers will seek to introduce themselves to children aged roughly 8-plus, following an assessment of whether, at this point, this is likely to be beneficial to the child. The officer will explain their role in helping the participants to make arrangements for the child, ask the child about themselves and what is happening in their life, ascertain what input and information the child would like, whether and how the child wants to share their views about the issues in the case. [↑](#footnote-ref-1)