



Information for Parents and Carers

The Role of the Children's Court Guardian in Freeing Proceedings

The Family Court

The Family Court will appoint a Children's Court Guardian when the Court receives an application to free a child for adoption.

The granting of a Freeing Order is a significant decision. Parental responsibility for the child/ren transfers from a birth parent/s to an adoption agency (HSC Trust). The child/ren are

then free to be adopted with or without parental consent.

The Children's Court Guardian Agency

The Children's Court Guardian Agency is responsible for allocating a Children's Court Guardian to children and young people when their family's situation is in the Family Court.

The Children's Court Guardian remains involved until the Family Court makes the final decision.

What is a Children's Court Guardian?

A Children's Court Guardian is a qualified social worker who is employed by the Children's Court Guardian Agency.

Their role is to make sure the Judge hears from the child/ren during the court proceedings. The Children's Court Guardian provides a report for the Court which includes the child/ren's wishes and feelings and what they would like to see happen.

The Children's Court Guardian will meet with and engage with the child/ren in a way that reflects their age and understanding.

The Children's Court Guardian role is to ensure that the child/ren's best interests are paramount in the court proceedings.

What will the Children's Court Guardian do?

The Children's Court Guardian will appoint a Solicitor to represent the child/ren in the court proceedings.

The Children's Court Guardian will provide a report to the Family Court which is separate to and independent of the other parties in the court proceedings.

The report is based on information which the Children's Court Guardian has gathered and enquiries which they have made.

The Children's Court Guardian will make a recommendation in their report to the Court about

what they think is in the child/ren's best interests.

In order to provide a report to the Court, the Children's Court Guardian has to meet and engage with the child/ren (depending on the age and level of understanding of the child/young person). They will also speak to other people who are important to the child. This includes birth parents, carers, prospective adoptive parents and other family members and teachers and health professionals.

The Children's Court Guardian will speak with the social workers, read information about the child/ren on relevant HSC Trust files, attend court and attend other Trust meetings as appropriate.

The Children's Court Guardian may also seek access to the

prospective adoptive parent's assessment in the HSC Trust file.

The Children's Court Guardian may recommend that additional assessments are required to assist the Family Judge to make the best decision.

What happens when the Children's Court Guardian meets the child/young person ?

Depending on the child/young person's age and level of understanding, the Children's Court Guardian will

- Meet the child/young person where they live, to talk about how they think and feel about their situation and what they would like to see happen.
- Ask if the child/young person wants to speak to them alone or not. This is to make sure that

child/young person's voice is heard especially.

- Make sure that they have understood what the child/young person has said to them and write their report using the child/young person's words.
- Keep children and young people updated throughout the proceedings in the Family Court until the Judge has made a decision.
- Share the Judge's decision with the child/young person at the end of the court hearings.

Children and Young People's participation

Children and young people's participation in the proceedings, depends upon the child/young person's age and understanding and how much they would like to participate.

The Children's Court Guardian will ask the child/young person if they would like to meet with the Family Judge so they can speak to the Judge face to face, whether they want to write a letter, or if they are happy that the Judge will hear their wishes and feelings through the Guardian.

When the Court Proceedings End

It is important that we hear from children and young people about what helped most, and what could have been done differently, so we send a feedback form to children and young people after the final decision is made.

This will help us to make sure we hear what children and young people say about our service to them, what worked, how we can improve, so we can

help other children and young people in the future.

We send the feedback form by post or send a phone app which can be sent directly to the young person or to parents/carers when the young person does not have a phone.

We also have a Youth Board where as a group, young people share their views and ideas based on their experiences of our service.

The Youth Board also participate in consultation sessions in order to ensure that their experiences inform improvements and developments in our service which will benefit children and young people in the future.

What happens when parents/carers do not agree with the Children Court Guardian's recommendation to the Court?

If a parent/carer does not agree with the Children's Court Guardian's recommendation to the Court, they are advised to seek legal advice.

Feedback

The Children's Court Guardian Agency is keen to hear feedback on our service.

If parents/carers wish to provide feedback comments, they can be sent to the Children's Court Guardian Agency at the address below, or by email to the email address detailed.

Children's Court Guardian Agency |
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