

CHAPTER 8: Applying to court

Social Work Practice and the legal context

K. Holt and N. Kelly, 'Rhetoric and reality surrounding care proceedings: family justice under strain' (2012) *Journal of Social Welfare and Family Law* 34(3): 155. This article explores the issues surrounding the boundary of decision making between the courts and the local authority following the publication of the Family Justice Review.

K. Holt and Kelly, N (2018) Limits to partnership working: developing relationship-based approaches with children and their families. *Journal of Social Welfare and Family Law*, 40:2, 147-163. This paper explores relationship based practice in social work with children in the context of recent legal reforms.

The work of the courts

J. Masson, 'Fair trials in children protection' (2006) *Journal of Social Welfare and Family Law* 28(1): 15.

J. Dickens and J. Masson, 'The Courts and Child Protection Social Work in England: Tail Wags Dog?' (2014) *British Journal of Social Work* 46(2): 1.

Threshold criteria

There has been a wave of commentary on the *Re B* case which you will find helpful. For example, see A. Gupta and E. Lloyd Jones, 'Re B-S: a glass half full? An exploration of the implications of the *Re B-S* judgment on practice in the family courts' (2014) *Child and Family Social Work*.

Similar commentary has emerged in the *MA, SA and HA (Children, by their Children's Guardian) v MA, HA, The City and County of Swansea* Court of Appeal case which appears at the beginning of this chapter and makes for interesting reading.

H. Keating, '*Re MA*: the significance of harm' (2011) *CFLQ* 23(1): 115.

Protecting babies

M. Freel, 'Baby K's unlawful removal: practice issues in the emergency protection of children' (2010) *Child Abuse Review* 19(3): 158.

J. Masson and J. Dickens (2014) Protecting Unborn and Newborn Babies *Child Abuse Review* [Volume 24, Issue 2](#) 107-119

Historical overview

J. Masson, 'From Curtis to Waterhouse: state care and child protection in the UK 1945–2000' in S. Katz, J. Eekelaar, and M. Macken (eds), *Cross-Currents: Family Law and Policy in the United States and England* (Oxford University Press, 2000).

J. Eekelaar, 'Then and now—family law's direction of travel' (2013) *Journal of Social Welfare and Family Law* 35(4): 415. This article explores similarities and differences between cases from the 1960s and those of the present day to examine the direction of travel in family law.