

Chapter 31: Guidance on answering the self-test questions

Question 1: Your firm has been asked by a children's guardian to act in care proceedings. The local authority believes that the child's parents cannot look after their child due to their heroin addiction. Proceedings have already been issued and the case must be prepared for the first appointment. Explain what steps must be taken to prepare for the first appointment and what duties the court has in relation to case management.

Before the first appointment, the following steps should be taken:

The parties notify local authority and court of need for a contested hearing and the court makes arrangements for a contested hearing (if applicable).

Initial case management by court includes:

- confirming timetable for the child;
- confirming allocation or transfer;
- identifying additional parties and representation (including allocation of children's guardian);
- identifying 'early final hearing' cases;
- scrutinizing the care plan.

The court gives standard directions on first appointment including:

- case analysis and recommendations;
- Local Authority case summary;
- other parties' case summaries;
- parties' initial witness statements;
- for the advocates' meeting;
- list Case Management Conference or (if appropriate) an early final hearing.

The first appointment is the first hearing in the proceedings. The main objectives of the first appointment are to confirm allocation and to give initial case management directions having regard to the Public Law Outline

The court will confirm the timetable for the child and make arrangements for any contested interim hearing such as an application for an interim care order. The court will confirm the allocation of the case and transfer the case, if necessary. The court will request the children's guardian and scrutinize the care plan. If necessary, the court will consider giving directions relating to those matters in the Public Law Outline that remain to be considered and the joining of a person who would not otherwise be a respondent under the Rules as a party to the proceedings.

Question 2: Explain the purpose of the Case Management Conference.

The CMC is the main hearing at which the court manages the case. The main objectives of the conference are to identify key issues and give full case management directions.