

SPECIFIC ISSUE AND PROHIBITED STEPS ORDERS

Under the Children Act 1989, a 'specific issue order' is used to determine a specific question connected with any aspect of Parental Responsibility for a child. A 'prohibited steps order' stops or prevents a parent from making a decision that affects the child's upbringing. Generally, these orders are sought because an issue has arisen that parents' cannot agree upon, and these matters need to be decided by the court.

SPECIFIC ISSUE ORDERS

A specific issue order is an order to deal with a specific question or matters concerning a child's upbringing. For example, to resolve issues such as where the child should go to school, whether they should be given permission to change a child's name or have a particular course of medical treatment.

PROHIBITED STEPS ORDERS

A prohibited steps order is an order which places a restriction on the exercise of parental responsibility. For example, to prevent the removal of a child from a particular area to live or from moving abroad, to prevent a specific course of medical treatment or to prevent a child moving from their school/nursery.

WHO CAN APPLY?

Any person with Parental Responsibility for the child may apply to the court for a specific issue or prohibited steps order without requiring the court's permission to do so. However, anyone else, including the child, will need the court's permission.

You may wish to speak with a Mediator to help you reach an agreement. In most cases, before you can apply to the court for an order, you must attend a MIAM meeting with a mediator.

If it is impossible to reach an agreement regarding the issue in question, you can apply to the court for an Order.

WHAT IS THE COURT PROCEDURE?

The court procedure is the same for applications for both specific issues and prohibited steps orders.

An application is lodged with the court and sets out the details of your case, the orders you are asking the court to make, and why.

If your application is urgent, your family lawyer will advise you as to what you need to do. It may mean you make the application without telling the other parent what you are doing. Still, in most cases, your application will be sent to the child's other parent and any other relevant adults. When the court receives the application, it will set a time and place for a "First Hearing Dispute Resolution Appointment" (FHDRA) when all parties must attend.

At the FHDRA, the court investigates the issues, enquires into the possibility of settlement and gives directions about how the case should proceed. If agreement cannot be reached at the FHDRA, or there are concerns regarding the child's welfare, the court will set a timetable for what happens next. For example, the court might order statements are filed and/or a Cafcass (Children and Families Court Advisory and Support Service) officer prepares a report. After that, there will generally be another hearing called a dispute resolution appointment (DRA). The DRA may be used as a final hearing, but ultimately, the court will fix a final hearing.

HOW DOES THE COURT DECIDE WHAT SHOULD HAPPEN?

The first concern of the court is the child's welfare. The Children Act 1989 provides a list of considerations for the judge who has to decide the case, which helps guide them in making a decision. The court will only grant a specific issue or prohibited steps order if it is in the child's best interests.

An order can be for a specified length of time, or it can last until the child reaches 16 years of age. In limited circumstances, orders can stay until the child is 18 years of age.

This guide is intended to be general information and not to be relied upon as legal advice. This is a complex area, and each case is different. We would suggest you contact us to obtain complete and proper legal advice.