

# CAFCASS Cymru Expectation Statement

## Child Arrangements Programme

### Wishes and Feelings Reports and Addenda

Paragraph 14.13 of Practice Direction 12B (CAP14) states that reports may be ordered in accordance with Section 7 of the Children Act 1989, where there are welfare issues or other specific considerations which should be addressed in a report by Cafcass/CAFCASS Cymru or the Local Authority.

The court will generally only order a report where any of the following apply:

- There is a dispute as to with whom the children should live, spend time, or otherwise have contact;
- There is an issue concerning the children's wishes;
- children's wishes;
- Information and advice is needed which the court considers necessary before a decision can be reached in the case.

In determining whether a request for a report should be directed to the relevant Local Authority or to CAFCASS Cymru, the court should consider the Protocol for allocating responsibilities for court reporting between CAFCASS Cymru and Local Authority Children's Services.

The overriding principle of the Child Arrangements Programme is that it is the responsibility of parents and families to resolve conflict and agree arrangements in the best interests of their child/ren. Wishes and Feelings Reports are intended to assist improved decision making and better outcomes for children by facilitating greater understanding of the child/ren's experiences and situation.



## 1. Wishes and Feelings Reports

According to Paragraph 4.5 of Practice Direction 12B the Judge may want to know the child's view and this may be communicated by a Family Court Advisor/Family Court Social Worker (FCA/FCSW) providing a report to the court which sets out the child's wishes and feelings.

When the court is considering ordering a Wishes and Feelings Report, the following should be noted in relation the scope of this type of report:

- Wishes and Feelings Reports are intended to simply report on the wishes and feelings of the child/ren and how those wishes and feelings were ascertained and expressed.
- The FCA/FCSW will meet individually with the child/ren on one or more occasion to ascertain their wishes and feelings about the application.
- The FCA/FCSW will communicate with the adult parties only for the purpose of making arrangements to see the child/ren and will not undertake interviews with the parties.
- If a Wishes and Feelings Report is requested there should be no expectation that other issues will be addressed within the report; if there are other issues that need to be addressed then it would be more appropriate for the court to request a Section 7 Report with an appropriate timescale for completion.
- In cases in which inter-parental conflict is the issue, the court may wish to order a Section 7 Report to allow a full assessment. This could include using an appropriate assessment tool.
- Generally CAFCASS Cymru would expect that Wishes and Feelings Reports would not be ordered in relation to children under the age of seven years old.
- CAFCASS Cymru requires six weeks to undertake a Wishes and Feelings Report.
- CAFCASS Cymru provides an operational service Mondays to Fridays and it should not

be expected that the FCA/FCSW will arrange meetings outside of normal working hours.

- Where it is considered that a Wishes and Feelings Report has been requested inappropriately, CAFCASS Cymru will write to the court to advise of this and suggest an alternative option.

## 2. Addendum Reports

Requests for Addenda Wishes and Feelings Report should be avoided unless there is a clear purpose to such a report, as set out in paragraph 15.3 of Practice Direction 12B:

**“cases should not be adjourned for a review (or reviews) of contact or other orders/ arrangements, and/or for addendum section 7 report, unless such a hearing is necessary and for a clear purpose that is consistent with the timetable for the child and in the child's best interests.”**

## 3. Court Attendance of FCA/FCSW following the preparation of a Wishes and Feelings Report

Practice Direction 12B states that

**A direction for the FCA/FCSW to attend court will not be made without first considering the reason why attendance is necessary, and upon what issues the Cafcass officer or FCA/FCSW will be providing evidence.**

FCA/FCSWs should not be called to court to provide further dispute resolution following the filing of a Wishes and Feelings Report.

