

Glossary of Common Terms in Family Proceedings.

**Any comments on this glossary or suggestions for additional entries
(with suggested definitions) should be sent to**

fjc@hmcourts-service.gsi.gov.uk

**Glossary of Common Terms in Family proceedings
(in alphabetical order)**

Adoption	to take another person's child into your own family and legally raise him or her as your own child
Adoption Order	An order giving parental responsibility for a child to adopters made on their application to the court. The order extinguishes the parental responsibility which any person had for the child immediately before the making of the order
Advocate	A barrister or a solicitor representing a party in a hearing before a court
Allocation Hearing	First hearing in care proceedings
Ancillary Relief	Additional claims arising out of a divorce, judicial separation or nullity petition most commonly for financial provision
Appeal	Application to a higher court for review of a decision of a lower court
Arranged Marriage	a marriage in which the parents choose who their son or daughter will marry
Barrister	A member of the bar: the branch of the legal profession which has rights of audience before all courts
CAFCASS	Children and Family Court Advisory and Support Services. Government Agency which looks after the interests of children involved in family proceedings. It works with children and their families, and then advises the courts on what it considers to be in the children's best interests. CAFCASS only works in the family courts.
Care Order	An order placing a child in the care of a designated local authority
Care Plan	In an application for a care order, the local authority must provide basic information to the court and to the parties about case management and long term planning. The court cannot make a final care order unless it has considered a care plan
Case Management Conference	A hearing in care proceedings to consider what directions are necessary to ensure that a fair hearing takes place and to timetable proceedings to ensure that the final hearing takes place in good time
Child	A person under the age of eighteen
Child Abduction	The unauthorised removal of a child from the care of the person with whom he normally lives

Child Assessment Order	An order permitting the applicant (usually a local authority) to carry out an assessment of a child's health and development or of the way in which the child has been treated
Child Protection Conference	A multi-disciplinary meeting to discuss the case of a particular child, convened at the request of a local authority, or any other agency involved, but chaired by a local authority officer
Child Protection Plan	An inter-agency plan to protect a child once the child has been found to be at continuing risk of significant harm at a Child Protection Conference
Child Protection Register	A central register kept by a local authority listing all the children in its area who are judged to be at continuing risk of significant harm and for whom there is a child protection plan. The principal purpose of the register is to make agencies and professionals aware of children judged to be at risk of significant harm and in need of active safeguarding.
Child Support Agency (CSA)	A government agency responsible for the calculation, collection and payment of child support maintenance
Children's Guardian	A person who acts for a child who is subject to specified public law proceedings usually care proceedings
Circuit Judge	A judge who sits in the county court and/or Crown Court
Clean break	In Ancillary Relief proceedings the court has a duty, when exercising its powers to make an order, to consider whether it would be appropriate to exercise those powers so that the financial obligations of each party towards the other will be terminated as soon as the court considers just and reasonable
Committal to Prison	Sending a person to prison for breaching a court order
Conciliation	A structured process in which parties to a dispute meet voluntarily with one or more impartial third parties who help them explore the possibilities of reaching agreement without having the power to impose a settlement on them or the responsibility to advise any party individually
Conciliation Appointment	A hearing at which the court and a CAFCASS officer will consider the case and attempt to assist the parties to reach an agreement
Contact Centre	is a supervised venue that exists to support and promote contact between parents, grandparents,

	guardians and children that do not live together
Contact Order	An order requiring the person with whom a child lives, or is to live, to allow the child to visit or stay with the person named in the order
Core Assessment	is an in-depth assessment carried out by a local authority to assess the needs of a child and the capacity of their caregivers to respond appropriately to these needs, including the need to be protected from harm where this is a concern, to assess the impact of wider family and community factors upon the family and to inform planning and service provision regarding the child and their family.
County Court	A court dealing with civil matters which can hear family cases usually by District Judges and/or Circuit Judges
Decree Absolute	The final certificate for divorce dissolving a marriage
Decree Nisi	Order for divorce unless cause to the contrary is shown within a set period. This is NOT a final certificate of divorce
District Judge	A judge who sit in the county court
District Judge (Magistrates' Court)	A judge who sits in the Magistrates' Court
Divorce	Dissolution of marriage
DNA testing	Scientific test usually used to determine paternity and maternity of a child
Domicile	The place where a person lives
Emergency Protection Order (EPO)	An urgent order allowing an authorised person (usually the local authority) to remove a child into accommodation or to prevent the child being removed from hospital or other place if the court finds that there is reasonable cause to believe that the child is likely to suffer significant harm if he is not removed or does not remain where he is then. The order can only be made for 8 days but can be one extension for a maximum of 7 days
Emotional Abuse	A form of ill-treatment of a child. No precise definition.
Expert	a person with a high level of knowledge or skill, a specialist usually instructed to give or prepare evidence to the court on matters within his or her expertise
Family Assistance Order	An order requiring an officer of a local authority or CAFCASS to advise, assist and (where appropriate) befriend any person named in the order
Family Centre	A centre (usually provided by a local authority)

	<p>where a child, his parents or any other person looking after him may attend for:</p> <ol style="list-style-type: none"> 1. occupational, social, cultural or recreational activities 2. advice, guidance or counselling 3. accommodation while receiving advice, guidance or counselling
Family Proceedings Court	A magistrates court dealing with family cases
Final Hearing	The hearing at which the court will make the final determination in relation to any applications before it
Financial Dispute Resolution Hearing	Hearing in Ancillary Relief proceedings where the court assists the parties in discussion and negotiation in order to reach a settlement. The court is unable to force an agreement on the parties at this hearing.
First Directions Appointment	First hearing in Ancillary Relief proceedings. The purpose of this hearing is to define the issues, save costs, make directions in relation to the future conduct of the case, and, where possible, reach a settlement
Forced Marriage	Forcing or attempting to force another person to enter into a marriage or purported marriage without the other person's free and full consent
Form E	An obligatory sworn financial statement filed in Ancillary Relief proceedings intended to encapsulate everything the court needs to know about the financial position and what orders the parties are seeking
Foster Parent	A person who takes care of a child, usually for a limited time, without being the child's legal parent:
Freezing Injunction	An order which prevents or sets aside the disposition or transfer of any property or asset
Hague Convention	A convention signed by a number of countries to enforce rights of custody and prevent wrongful removal of children
Harm	Under the Children Act 1989, is defined as ill-treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill-treatment of another
High Court	<p>A civil court consisting of 3 divisions:</p> <ol style="list-style-type: none"> 1. Queen's Bench – civil disputes for recovery of money, including breach of contract, personal injuries, libel/slander 2. Family – concerning matrimonial matters and proceedings relating to children

	3. Chancery – property matters including fraud and bankruptcy
Ill-treatment	To treat someone badly. Under the Children Act 1989 is stated to include sexual abuse and forms of ill-treatment which are not physical
Inherent Jurisdiction of the High Court	The general jurisdiction of the High Court is, broadly speaking, unrestricted and unlimited in all matters of law, which means that the court can make almost any order except in so far as any power has been taken away in unequivocal terms by statute
Injunction	an official order given by a court, usually to stop someone from doing something
Interim Care Order	A time limited (usually 28 days) but renewable short term care order usually made leading up to a final hearing in care proceedings
Interim Supervision Order	A time limited (usually 28 days) but renewable short term supervision order usually made leading up to a final hearing in care proceedings
Judicial Separation	The court approving formal separation of parties to a marriage but not actually dissolving the marriage.
Local Authority	the group of people who govern an area, especially a city. The council of a county or metropolitan district.
Looked after child	Under the Children Act 1989, a child who is in the care of a local authority or is provided with accommodation by the local authority
Lump Sum Order	In Ancillary Relief proceedings an order that one party to the marriage pay the other party a fixed sum of money in either one payment or by installments
Maintenance Pending Suit	In Ancillary Relief proceedings, a party can apply for interim periodical payments which the court may order before the conclusion of the proceedings
Matrimonial Home	The principal home in which parties to the marriage reside or resided
Mediation	talking to two separate people or groups involved in a disagreement to try to help them to agree or find a solution to their problems
Neglect	Failing to give enough care or attention to a child
No order principle	Under Section 1 of the Children Act 1989, a court must not make an order unless it considers that doing so would be better for the child than making no order at all
Non-molestation Order	An order under the Family Law Act 1996 prohibiting a person from molesting another

	person. The order usually prohibits that person from harassing, pestering, intimidating, threatening or actually using violence against the other person
Occupation Order	An order under the Family Law Act 1996 regulating occupation of a home. It includes the power to either allow a person back into a home or to exclude a person from a home and/or from a defined area in which the home is included
Nullity	A void or voidable marriage pursuant to Sections 11 and 12 of the Matrimonial Causes Act 1973 on grounds including: <ol style="list-style-type: none"> 1. at least one of the parties was under age at the time of the marriage 2. the parties are within the prohibited degrees of relationship e.g. brother and sister 3. either party was already married 4. the parties are not respectively male and female 5. a polygamous married outside England and Wales but either party being domiciled in England and Wales 6. marriage not consummated due to incapacity of either party or wilful refusal 7. either party to the marriage did not validly consent to it whether through duress, mistake, unsoundness of mind or otherwise
Official Solicitor	A government agency which represents minors or adults under legal disability, and sometimes others, in county court or High Court proceedings in England and Wales, and in the Court of Protection. It also acts as last resort personal representative of the estate of a deceased person, or trustee of a trust, and other functions
Paediatrician	a doctor who has special training in medical care for children
Paramountcy Principle	Under Section 1 of the Children Act 1989, when a court determines the upbringing of a child or the administration of a child's property, the child's welfare shall be the court's paramount consideration
Parental Responsibility	Under Section 3 of the Children Act 1989 this is defined as all rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to a child and his property. Aspects of parental responsibility include:

	<ol style="list-style-type: none"> 1. determining the child's religion 2. determining the child's education 3. naming the child 4. appointing a guardian for a child 5. consenting (or not) to medical treatment 6. consenting to blood testing 7. consenting (or not) to marriage 8. representing the child in legal proceedings 9. consenting (or not) to adoption 10. lawfully correcting the child 11. arranging the child's emigration 12. consenting to the temporary removal of the child from the jurisdiction for holidays or extended stays 13. protecting and maintaining the child 14. administering the child's property 15. having physical possession of the child 16. having contact with the child 17. providing for the burial or cremation of the deceased child 18. allowing the child to be interviewed 19. allowing confidential information relating to the child to be published
Pension	a sum of money paid regularly by the government or a private company to a person who does not work any more because they are too old or they have become ill
Pension Earmarking	An order in divorce or nullity proceedings allowing the court to order the pension scheme of one party to divert a portion of the pension or lump sum to the other party
Pension Sharing Order	An order in divorce or nullity proceedings allowing the court to provide that one party's shareable rights under a pension scheme (which may include any pension, lump sum or gratuity, given on or in anticipation of retirement) be subject to pension sharing for the benefit of the other party through specifying a percentage value to be transferred. This order splits the pension before retirement
Periodical Payments Order	In Ancillary Relief proceedings an order that either party to the marriage shall make to the other such periodical payments, for such term, as may be specified in the order.
Petition	A method of commencing proceedings whereby the order required is expressed as a prayer e.g. in a divorce petition a prayer that the marriage be dissolved

Physical Abuse	A form of ill-treatment of a child. No precise definition.
Placement Order	An order authorising a local authority to place a child for adoption with any prospective adopters who may be chosen by the authority
Police Protection Order (PPO)	Under Section 46 of the Children Act 1989, where a police constable has reasonable cause to believe that a child would otherwise be likely to suffer significant harm he may: (a) remove the child to suitable accommodation and keep him there; or (b) take such steps as are reasonable to ensure that the child's removal from any hospital, or other place, in which he is then being accommodated is prevented. A child can be kept in police protection for a maximum of 72 hours.
Power of Arrest	Can be attached to a Non-Molestation or Occupation Order allowing a police constable to arrest a person whom he or she has reasonable cause for suspecting to be in breach of the order and bring that person before the court within 24 hours of arrest
Pre Hearing Review	A directions hearing usually shortly before the final hearing
Prohibited Steps Order	An order that no step which could be taken by a parent in meeting his or her parental responsibility for a child, and which is of a kind specified in the order, shall be taken by any person without the consent of the court
Property Adjustment Order	In Ancillary Relief proceedings an order that a party to the marriage shall transfer or settle such property specified in the order to or for the benefit of the other party or child of the family
Psychiatrist	A doctor specialising in mental illness
Psychologist	someone who studies the human mind and human emotions and behaviour, and how different situations have an effect on them
Recovery Order	Under Section 50 of the Children Act 1989, where it appears to the court that there is reason to believe that a child who is in care is missing or has been unlawfully taken or kept away or has run away or is staying away it may make a Recovery Order. The order requires any person who has knowledge of the whereabouts of the child to disclose this information and allows the police to enter any specified premises named in the order to search for the child, using reasonable

	force if necessary.
Residence Order	An order settling the arrangements to be made as to the person with whom a child is to live
Sale of Property Order	In Ancillary Relief proceedings, where a court makes a secured periodical payments order, lump sum order or property adjustment order, it may make a further order for the sale of such property as may be specified in the order
Section 8 Order	Order under Section 8 of the Children Act 1989, namely residence order, contact order, prohibited steps order or specific issue order
Secure Accommodation	Accommodation provided for the purpose of restricting liberty
Secure Accommodation Order	Under Section 25 of the Children Act 1989, a looked after child may not be placed, and if placed, may not be kept, in secure accommodation unless it appears: (a) that (i) he has a history of absconding and is likely to abscond from any other description of accommodation; and (ii) if he absconds, he is likely to suffer significant harm, or (b) that if he is kept in any other description of accommodation he is likely to injure himself or other persons A Secure Accommodation Order can only be made for up to 6 months at a time
Secure Periodical Payments Order	In Ancillary Relief proceedings an order that either party to the marriage shall secure to the other to the satisfaction of the court such periodical payments, for such term, as may be specified in the order.
Sexual Abuse	A form of ill-treatment of a child. No precise definition.
Significant Harm	Considerable, noteworthy or important harm
Social Services	Services provided by local or national government to help people who are old or ill or need support in their lives
Social Worker	a person who works for the social services or for a private organization providing help and support for people who need it
Solicitor	Member of the legal profession mainly concerned with advising clients and preparing their cases and representing them in some courts. May also act as advocates before certain courts or tribunals
Solicitor for the Child	A solicitor appointed by the court to represent a

	child in children's proceedings
Special Guardian	A person who has parental responsibility for a child, and subject to any other order in force, is entitled to exercise parental responsibility to the exclusion of any other person who has parental responsibility for that child (apart from any other special guardian)
Special Guardianship Order	An order appointing one or more individuals to be a child's special guardian. The order is intended to place a child through with a non-parent with a degree of permanence, which is greater than a simple residence order, but less final than full adoption
Specific Issue Order	An order giving directions for the purpose of determining a specific question which has arisen, or which may arise, in connection with any aspect of parental responsibility for a child
Threshold Criteria	A court may only make a Care or Supervision Order if the threshold criteria are met i.e. that the court is satisfied that: <ul style="list-style-type: none"> (a) that the child is suffering or is likely to suffer significant harm; and (b) that the harm or likelihood of harm is attributable to: <ul style="list-style-type: none"> (i) the care given to the child, or likely to be given to the child if the order were not made, not being what it would be reasonable to expect a parent to give to him; or (ii) the child being beyond parental control
Undertaking	A formal and binding promise to the court to do or not to do something
Voluntary Accommodation	Under Section 20 of the Children Act 1989, a local authority has a duty to provide accommodation for a child in need who appears to require accommodation where; <ol style="list-style-type: none"> 1. there is no one with parental responsibility for him 2. he is lost or abandoned 3. the person caring for him is prevented from providing him with suitable accommodation or care for whatever reasons and for however long 4. he is over 16 and the local authority considers his welfare to be seriously prejudiced without the provision of accommodation A local authority may not provide

	<p>accommodation under this section for any child if any person who has parental responsibility for him and is willing and able to either provide or arrange to provide accommodation for the child objects. Also any person who has parental responsibility for a child may at any time remove the child from accommodation provided by or on behalf of the local authority under this section. This section allows for children to be legally placed voluntarily in local authority accommodation without the need for the local authority to apply for a court order</p>
Wardship	<p>High Court action making a child a ward of court meaning that no important step can be taken in the child's life without the permission of the court. Wardship has been described as the 'parental jurisdiction' of the High Court because once a child is a ward of court, the ultimate responsibility for him rests with the court.</p>
Welfare Checklist	<p>Under Section 1(3) of the Children Act, where a court is considering whether to make a Section 8 Order or a Special Guardianship Order, it is directed to have regard to the following particular circumstances:</p> <ul style="list-style-type: none"> (a) the ascertainable wishes and feeling of the child (b) his physical, emotional and educational needs (c) the likely effect on him of any change in his circumstances (d) his age, sex, background and any other characteristics which the court considers relevant (e) any harm which he has suffered or is at risk of suffering (f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs (g) the range of powers available to the court under the Act.
Welfare Report	<p>Under Section 7 of the Children Act 1989, the court when considering any question with respect to a child may order a report relating to the welfare of a child to be prepared by CAF/CASS or a local authority</p>