

A FOSTER CARER'S GUIDE

Care proceedings in England

How the court decides whether children are removed from their parents, and what it means for the carers who look after them

The court decides, not the council

Question 1 · The threshold

Is the child suffering, or likely to suffer, significant harm because of the care they receive?

Children Act 1989, section 31. Measured against what a reasonable parent would provide.

Question 2 · Welfare

If so, what order, if any, is best for this child?

The child's welfare is the court's paramount consideration. Passing the threshold alone is not enough.

WHO IS INVOLVED

Everyone in the room, and you

Local authority

Brings the case and writes the care plan

Parents

Parties with their own solicitors; legal aid regardless of means

Children's Guardian

Independent, from Cafcass; represents the child with a solicitor

Judge

Or magistrates for simpler cases; makes every key decision

Wider family

May join the case if they want to care for the child

Foster carer

Not a party. A key witness to daily life; rarely in court

BEFORE COURT

Most cases start with a chance to change

1

Plans and assessments

Child in need or child protection plan

2

Legal planning meeting

Social workers and lawyers test whether the threshold is likely met

3

Letter before proceedings

Sets out concerns; must offer a family group meeting (2026 Act)

4

Pre-proceedings meeting

A plan for change, typically 12 to 16 weeks; relatives assessed early

5

Decision

Enough change: step down. If not: issue proceedings

Section 20 accommodation: parents agree to foster care without a court order. They keep full parental responsibility and can, in principle, remove the child at any time. Usually a short bridge into proceedings.

WHEN CHILDREN ARE REMOVED

Four routes into care

Route	Who acts	How long	Typical use
Police protection (s46)	Police, no court	Up to 72 hours	Immediate danger
Emergency protection order (s44)	Court, often same day	8 days, plus up to 7	Urgent risk
Interim care order (s38)	Court, start of case	Until final hearing	The usual route
Section 20 agreement	Parents consent	Until consent ends	Cooperative families

THE TEST FOR REMOVAL

Before the final hearing, a child is separated from their parents only if their safety demands it, and only if removal is necessary and proportionate.

The council must show it has considered alternatives first, such as a relative or a parent-and-baby placement. A judge can later reverse a removal, so placements can end suddenly in either direction.

THE COURT PROCESS

Seven stages under the Public Law Outline

Day 1	Within days	Day 12–18	Weeks 3–18	Late stage	Late stage	Target: week 26
Issue	First hearing	Case Management Hearing	Assessments	Final evidence	Issues Resolution Hearing	Final hearing
Application, threshold and interim care plan filed	Where the child lives; parents' contact	Issues set, assessments ordered	Parents and relatives assessed; your notes feed in	Final care plan; guardian's report	Disputes narrowed; many cases end here	Judge decides the order, if any

A **fact-finding hearing** may be added where facts are seriously disputed, such as how a baby was injured. This often adds months.

HOW LONG IT TAKES

The target is six months; reality is often longer

26

weeks: the legal target

Section 32, Children Act 1989, counted from the day the application is issued

38

weeks: national average, 2025–26

Extensions are granted up to 8 weeks at a time, only where needed to decide the case justly

POSSIBLE OUTCOMES

Least drastic first; adoption last

Outcome	Where the child lives	What it means
No order	With parents	Case ends; support may continue
Supervision order	With parents	Council monitors, usually for a year
Special guardianship	Relative or friend	Carer gains parental responsibility to 18
Care order	Foster or residential care	Council shares parental responsibility to 18
Placement order	Adoptive family	Only where nothing else will do

Parents keep seeing their child

The council must allow reasonable contact with parents, and since 2026 with siblings too

Children Act 1989, section 34. Norfolk calls it Family Time.

Who decides	The care plan; the court if parents dispute it
Supervision	Usually supervised at a family centre, with notes that become evidence
Babies	More often than older children, to protect attachment
Stopping it	Council up to 7 days in an emergency; longer needs a court order
After the case	Usually reduces; after adoption often letters once or twice a year

YOUR ROLE

Familiar caring, alongside a live court case

Shared authority

Parents keep parental responsibility; your delegated authority sets your everyday decisions

Daily care

Routine, feeding, sleep and health checks, starting with an initial health assessment

Recording

Dated, factual daily logs, free of opinion about the parents

Family Time

Prepare the child, often transport them, report how they were before and after

Reviews

Chaired by an IRO: within 20 working days, at 3 months, then every 6 months

Transitions

A planned, gradual move home, to relatives or to adopters

TWO THINGS TO KNOW

A distinct route, and a firm rule

Fostering for Adoption

Carers approved as both foster carers and prospective adopters look after a baby during proceedings. If the court approves adoption, they adopt, sparing the child a later move. If the child goes home, they let them go. Needs separate approval.

Confidentiality

Family court proceedings are private. Case details stay within your fostering team: not with friends or wider family, and never on social media.

NEXT STEPS

Questions for your fostering service

- 1 How often do you place babies during proceedings?
- 2 What does Family Time usually look like for under-twos?
- 3 Do you run Fostering for Adoption, and would it suit us?