

Care Proceedings in England: A Foster Carer's Overview

Oct 23, 2026 · @Jamie

What care proceedings are

Care proceedings are the court case a local authority brings when it believes a child is suffering, or likely to suffer, significant harm at home. The court decides; the local authority cannot remove a child permanently on its own say-so. This overview covers England (and broadly Wales); Scotland and Northern Ireland run different systems.

The legal basis. The Children Act 1989 is the core law. Section 31 sets the "threshold": the court can only make a care or supervision order if the child is suffering, or likely to suffer, significant harm, and that harm comes from the care given (or likely to be given) not being what a reasonable parent would provide. Passing the threshold is necessary but not enough. The court must then decide what is best for the child, with the child's welfare as its paramount consideration.

Who is involved.

- **The local authority** (children's services) brings the case and writes the care plan.
- **The parents** (and anyone else with parental responsibility) are parties, each with their own solicitor. Legal aid is automatic for them, regardless of means.
- **The child** is a party too, represented by a **Children's Guardian** from Cafcass, who appoints a solicitor for the child. The guardian is independent of the local authority and advises the court on the child's interests.
- **The judge** (or magistrates for simpler cases) makes every key decision.
- **Wider family** may join if they want to care for the child.

Foster carers are **not** parties. You are a key witness to the child's daily life, but you will rarely attend court.

Before court: the pre-proceedings stage

Most cases do not start in court. Unless there is an emergency, the local authority first tries to make things safe with the family.

1. **Child in need or child protection plan.** Concerns lead to assessments and, if serious, a child protection conference and plan.
2. **Legal planning meeting.** If things do not improve, social workers and council lawyers decide whether the legal threshold is likely to be met.
3. **Letter before proceedings.** Parents receive a formal letter saying court is being considered, setting out the concerns and what must change. It unlocks free legal advice. Since the [Children's Wellbeing and Schools Act 2026](#), the letter must also offer a **family group decision-making meeting**, where the wider family can plan how to keep the child safe, unless that would not be in the child's interests.
4. **Pre-proceedings (PLO) meeting.** Parents, their solicitors and social workers agree a plan, typically for around 12–16 weeks. Relatives who might care for the child are identified and assessed early.
5. **Decision.** If enough changes, the case steps back down. If not, the local authority issues care proceedings.

Section 20 "voluntary accommodation". Sometimes parents agree to the child going into foster care without a court order (section 20 of the Children Act). Parents keep full parental responsibility and can, in principle, remove the child at any time. Courts have criticised its overuse as a long-term arrangement, so it is usually a short bridge into proceedings. You may well receive children this way.

When children are removed

A child can only be removed from parents against their wishes by a court order or, in a true emergency, by the police. There are four routes:

Route	Who acts	How long it lasts	When it's used
Police protection (s46)	Police, no court	Up to 72 hours	Immediate danger, e.g. police called to a home at night
Emergency protection order (s44)	Court, often same day	Up to 8 days, extendable once by 7	Urgent risk; can be granted without parents present
Interim care order (s38)	Court, at the start of proceedings	Until the final hearing	The usual route into foster care during a case

Route	Who acts	How long it lasts	When it's used
Section 20 agreement	Parents consent, no order	Until consent is withdrawn	Cooperative families, often as a bridge

The test for removal before the final hearing is deliberately strict. For an interim care order the court only needs "reasonable grounds" to believe the threshold is met. But separating a child from parents at that stage is a separate, tougher question. The Court of Appeal has said [separation under an interim order is only justified where it is both necessary and proportionate](#): the child's safety or welfare must demand immediate separation, and the local authority must show it has considered alternatives, such as a relative or a parent-and-baby placement.

What this means for you. Babies and young children often arrive at short notice: from hospital after birth, straight after an urgent hearing, or after police protection. Removal can be reversed if a judge later decides it was not justified, so a placement may end suddenly in either direction.

The court process

The law (section 32 of the Children Act) says proceedings should finish within **26 weeks** of the application being issued. In practice they often run longer: [Cafcass reported a national average of 38 weeks](#) in 2025–26. Extensions are granted up to 8 weeks at a time, and only where needed to decide the case justly. The court runs the case under the **Public Law Outline**, which sets the stages:

- 1. Issue (Day 1).** The local authority files its application, a social work statement, the threshold document and an interim care plan.
- 2. Urgent or first hearing.** If the child needs protecting now, the court decides interim arrangements: where the child lives and what contact parents have. This is often within days.
- 3. Case Management Hearing (around Day 12–18).** The judge identifies the issues, orders assessments (parenting, relatives, sometimes psychological or medical experts) and sets the timetable. The court should only allow expert evidence where it is necessary.
- 4. Assessments (roughly weeks 3–18).** Social workers and experts assess the parents and any relatives. Parents may attend a residential unit or a contact-based parenting assessment. Your observations feed into this.

5. **Final evidence.** The local authority files its final care plan; the Children's Guardian files a final analysis and recommendation.
6. **Issues Resolution Hearing (IRH).** The court narrows what is still disputed. Many cases finish here if everyone agrees.
7. **Final hearing.** If parents still contest, witnesses give evidence and the judge decides whether the threshold is met and which order, if any, is best for the child.

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

Possible outcomes

The court must choose the least drastic option that keeps the child safe. Adoption without parental consent is a last resort, only where "nothing else will do".

Outcome	Where the child lives	What it means
No order / return home	With parents	Case ends; support may continue voluntarily
Supervision order	With parents	Local authority advises and monitors, usually for a year
Child arrangements or special guardianship order	With a relative or friend	That carer gains parental responsibility; SGO lasts to 18
Care order	Foster care, residential care, or sometimes home	Local authority shares parental responsibility until 18
Care order + placement order	Adoptive family	Authorises the local authority to place for adoption

For younger children whose parents are not able to change in time, the realistic outcomes are often special guardianship with family or adoption. Long-term fostering is more common for older children.

Parents' contact ("family time")

Parents keep the right to see their child throughout proceedings. Under section 34 of the Children Act, a local authority must allow a child in care **reasonable contact** with parents. Since 2026 the same section also requires [reasonable contact with siblings](#), including half- and step-siblings.

How it works in practice.

- **Who decides.** The interim care plan sets frequency and supervision; the court can make specific orders if parents dispute it.
- **Supervision.** During proceedings, contact is usually supervised, typically at a family centre, by a contact worker who writes notes. These notes often become evidence.
- **Frequency for babies.** Babies usually see parents more often than older children, commonly several sessions a week of 1–2 hours, to protect attachment if they go home. Exact levels follow each council's policy. Norfolk's [Children's Services Procedures Manual](#) uses the term "Family Time" and shapes arrangements around each child's needs rather than setting fixed levels; where possible, supervisors should already be known to the child and family. For typical frequency for under-twos in proceedings, ask your supervising social worker.
- **Stopping contact.** The local authority can refuse contact for up to 7 days in an urgent situation. Anything longer needs a court order under section 34(4).
- **Contact is assessed.** How parents engage, arrive on time and respond to the baby is watched closely and feeds into the final decision.

After a final order, contact usually reduces. With adoption, it often becomes letterbox contact once or twice a year.

The foster carer's role during proceedings

Much of your day-to-day caring will feel familiar. What changes is that the child's future is undecided, so everything you do happens alongside an active court case.

Parental responsibility is shared. Under an interim care order, the local authority shares parental responsibility with the parents. Parents keep theirs and should be consulted on significant matters: religion, a first haircut, major medical treatment, holidays abroad. Your **delegated authority** agreement sets out which everyday decisions you can make yourself.

Your core tasks.

- **Daily care and routine.** Feeding, sleep, health appointments, development checks. The child will have an initial health assessment soon after arriving.
- **Recording.** Your daily logs are factual evidence of the child's needs, progress and reactions to contact. Keep them dated, objective and free of opinion about the parents.
- **Contact.** You prepare the child, often transport them, and report how they were before and after. A brief, respectful handover with parents can make contact calmer for the baby.
- **Reviews.** An Independent Reviewing Officer chairs the child's looked-after reviews: the first within 20 working days, then at 3 months, then every 6 months. Your views are sought.
- **Supporting assessments.** Social workers and the Children's Guardian may visit to observe the child. You may be asked for a short written statement; attending court is rare.
- **Transitions.** At the end of the case, you help the child move: home to parents, to relatives, or to adopters. For babies, this is usually a planned, gradual handover over days or weeks.

Fostering for Adoption and concurrent planning. Some councils place babies with carers approved as both foster carers and prospective adopters. The carer fosters during proceedings and, if the court approves adoption, adopts the child, sparing a later move. If the child goes home, the carer must let them go. This is a distinct route and needs separate approval.

Confidentiality. Family court proceedings are private. You must not discuss case details outside your fostering team, including on social media.

Key terms

Term	Meaning
Cafcass	Children and Family Court Advisory and Support Service; provides the Children's Guardian
Children's Guardian	Independent social worker representing the child in court
CMH / IRH	Case Management Hearing / Issues Resolution Hearing

Term	Meaning
ICO	Interim care order: the temporary order during proceedings
IRO	Independent Reviewing Officer: chairs the child's care reviews
PLO	Public Law Outline: the court's framework and timetable
Parental responsibility	The legal rights and duties of a parent
SGO	Special guardianship order: long-term care by a relative or friend
Threshold	The legal test of significant harm in section 31

Worth asking your fostering service: how often they place babies during proceedings, their family time policy for under-twos, and whether they run Fostering for Adoption.

Sources

- [Children's Wellbeing and Schools Act 2026, section 1](#)
- [Re C \(A Child: Interim Separation\) \[2020\] EWCA Civ 257](#)
- [TBI Law: How long do care proceedings take? \(July 2026\)](#)
- [Solicitor News: new duties under the 2026 Act \(June 2026\)](#)

This is a general overview, not legal advice.