

Making an application to the court for child arrangements

What do I do next?

Step One

Once you have attended a MIAM appointment, or if your mediation has finished without resolving all of the issues, your mediator will send to you one page (page 9) of the C100 court form, containing information that will enable you to complete your application.

Step Two

Applying online

Start your online application for a child arrangements order at - <https://www.gov.uk/looking-after-children-divorce/apply-for-court-order>

Mediators' details – when making the application online you will be asked to provide information added by the mediator and told to bring the form with you to the first court appointment as evidence that you have attended a MIAM. Keep the original signed page safe.

- **Court fee** - You will need to pay the court fee of **£232.00** before the court can process your application, you may be able to get help paying if you are on a low income, receive certain benefits or have little or no savings.
- If you need to apply for help with paying the court fee, you must do that first. You will need a code confirming that you are eligible, which you can then use for your C100 application. Apply for that at <https://www.gov.uk/get-help-with-court-fees>. You can also apply for help with fees by filling in a paper form.

Applying by post

- Fill in your C100 form. When you are applying using a paper form, you will need to substitute the page we have signed with the blank page 9 from your form. You will need to provide three copies of it (and keep one for yourself).
- **Court fee** - You will need to pay the court fee of **£232.00** before the court can process your application. You can pay by card – the court will call you when it receives your form so that you can pay over the phone. You may be able to get help paying if you are on a low income, receive certain benefits or have little or no savings.

- If you need to apply for help with paying the court fee, you must do that at the same time, and send in a completed EX160 form with your C100. You can download that form from www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees.

Step Three

The court will issue the claim and send the other person a copy of the application. You will both receive details for your first hearing (this might be online, by telephone or in court, so make sure you check).

A copy of the application will also be sent to CAFCASS so that they can undertake background checks and see if there is anything relevant that the court needs to know. CAFCASS will contact the Police and Local Authority to see if there are any concerns or worried about the children or parties involved.

They will also speak to both of you by telephone. CAFCASS then produce a letter for the court, setting out their findings. This also usually includes a recommendation about what could happen next.

Step Four

At the hearing the court will see whether your case could be settled together; it might suggest going back to mediation. If, at this hearing, you cannot agree, the court will ask you to prepare a statement about your case, setting out what you would like. CAFCASS will only stay involved if there are concerns about the welfare of the children, and usually their involvement stops here. If they are still involved, they will be asked to prepare a report and may visit both of you and speak to your children. Everyone will be given deadlines for providing their statements and reports and you will be asked to come back to another hearing, called a Dispute Resolution Appointment.

Step Five

The CAFCASS report (if any) will give recommendations for how your children should spend time with each of you. If you and the court agree with that advice, your case will end and you will be able to have an Order, which sets out everything you have agreed. This is usually sent by post or email afterwards, but you might get a copy on the day. If you still cannot agree with each other, or with the CAFCASS recommendation, you will be given a date for a final hearing.

Step Six

At the final hearing you will each tell the Judge what you would like and why, and the Judge will talk to you about the CAFCASS recommendations. Once the Judge has finished listening,

they will make the final decision for you. Sometimes you will have a copy of the Order to take away with you, but usually it is sent out by email or post.

Additional help and information is available here -

www.gov.uk

www.familymediationcouncil.org.uk

www.resolution.org.uk

www.supportthroughcourt.org

www.cafcass.gov.uk

www.advicenow.org.uk/family-court

