**TEMPLATE STATEMENT: APPLICATION TO DISCHARGE CARE ORDERS**

**WHERE CAFCASS PROTOCOL APPLIES and the application is not opposed**

1st: *name of author*

Dated:

Durham County Council

**IN THE *(Newcastle or Middlesbrough)* FAMILY COURT**

**IN THE MATTER OF S39 (1) (C) CHILDREN ACT 1989 APPLICATION TO DISCHARGE A CARE ORDER**

**IN THE MATTER OF (*Name of child)***

**STATEMENT OF (*Name of social worker)***

I (*NAME)* have been the social worker for *(name of child)* since *(date).* Include your qualifications.

I believe the facts stated in this witness statement are true

Signed:

Dated:

**1. The reasons for the application**

Give an overview about why the application is being made, when child was placed in the current placement, why DCC no longer needs to share parental responsibility

**2. Briefly summarise the concerns which led to the care proceedings**

Keep this brief, just 2 or 3 paragraphs

**3. Any currently outstanding concerns**

Set out any matters of concern and what is being done to address these. If none, just say: *There are no outstanding concerns*

**4. The current arrangements for the child’s care and outline the current contact arrangements with parents and siblings**

Confirm where the child lives, who else lives in their home, whom they have contact with and give details of contact

1. **Any change in the child’s circumstances since the conclusion of the care proceedings**

Give a brief overview of any changes in the child’s care and contact arrangements

1. **The number of times the child has been seen by children’s services in the 24 months prior to issue**

Just provide a list of dates the child was seen, by whom, where that was (school/home/other venue)

**7. The views of the parents and significant others (including IRO) about the application to discharge the care order**

If you are unable to provide the view of a parent, explain why not and confirm the date of CiC review when it was agreed to apply to discharge the care order. if there has been a delay in progressing the application you will need to explain this

**8. Provide information from any other relevant services involved with the family**

Do a summary or say “no other services involved”.

**9. Welfare Checklist in s1(3) Children Act 1989**

**(a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);**

**(b) his physical, emotional and educational needs; including information from the child’s school about attendance, punctuality, presentation, and academic progress and any relevant medical information about the child**

**(c) the likely effect on him of any change in his circumstances;**

**(d) his age, sex, background and any characteristics of his 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 this Act in the proceedings in question.**

You need to check that father has parental responsibility and if not, consider whether to suggest that court makes a PR order. Also, if parents don’t live together, does court need to be invited to make a child arrangements order

Also consider situation where there is a step parent involved – court may need to make either a PR order to the step parent, or a child arrangement order in favour of parent and step parent.

**10. Provide details of the proposed arrangements for any continuing support if the order is discharged.**

Or if there is to be no further involvement by DCC make that clear

**11. Conclusion**

The court is invited to discharge the Care order dated *(add date of order)*

NB Remember to number the paragraphs.

Once your team manager has reviewed the statement and you have made any necessary amendments, send to Kelsey Clayton who will arrange to submit the application to court.