GUIDE 3

From first meeting to family court: what happens, and how to be heard

A plain-English guide for parents. What each stage means, what your rights are, and what you can do at every step to keep your family together.

Dr Charlotte Ritchie October 2026 England Reading time 15 minutes

Child Protection: A Public Health Approach · Guide 3 · October 2026
Based on chapter 5 of *Child Protection – A Public Health Approach: Reducing the Numbers in Care* (2021), updated with the law as it stands in 2026.

In brief

- **This guide is general information, not legal advice.** If children's services have written to you about court, or about a "pre-proceedings" meeting, contact a solicitor straight away.
- If the council tells you in writing that it is thinking of going to court, you can get free legal advice whatever your income. If it applies for a care order, you get free legal representation whatever your income.
- Councils must now offer a family group decision-making meeting before they apply to court. Say yes, and bring in your wider family early.
- Put forward a relative or friend who could care for your child if the court decides your child cannot stay with you. Do it at the start, not the end.
- Keep calm, keep records, and never go to a meeting alone if you can avoid it.

1 Before you start

If social workers have become involved with your family, you may already feel frightened, judged and angry. That is understandable. In my experience, by the time parents reach court they are often seething about the way they have been treated, or about inaccurate statements made about them, and are sick to the back teeth of meetings where no one is there to speak for them.

But the system has the full might of the state behind it, and it is not emotionally involved in your case in the way you are. A parent who stays calm, gets advice early and understands each stage is in a far stronger position. This guide is here to help with that.

THREE THINGS TO DO TODAY

- Call one of the free advice lines at the end of this guide.
- Start a notebook: dates, who you spoke to, what was said, what you were asked to do.
- Think about who in your family, or among your friends, could support you, and could care for your child if it ever came to that.

2 The stages, step by step

Most families never go past the first one or two steps. Each stage can end with the concern being dropped, or with your family getting support instead.

1

Referral and assessment

Someone (a school, GP, health visitor, police officer, neighbour, or you yourself) contacts children's services. A social worker will assess your child's needs. The matter may be closed, or your child may be treated as a "child in need".

2

Child in need (section 17)

Councils have a general duty to support children in need and, where possible, to help them be brought up by their own families. Support can include practical help and, in some cases, money.[1] Ask what is available.

3

Enquiries about significant harm (section 47)

If the council suspects your child is suffering, or is likely to suffer, significant harm, it must make enquiries. Your child may be spoken to without you present.

4

Strategy discussion

Professionals (at least a social worker and manager, the police and a health professional) meet to share information and decide what happens next. Parents are not usually invited.

5

Child protection conference

A formal meeting, which you should be invited to, decides whether your child needs a child protection plan.

6

Letter before proceedings and family meeting

If the council is thinking of going to court, it must write to you. Since July 2026 that letter must usually include an offer of a family group decision-making meeting (the council can decide not to offer one if it believes a meeting would not be in your child's best interests).[2] From this point you can get free legal advice without a means test.[3]

7

Care proceedings

The council applies to the family court. You get free legal representation without a means test.[3] The court must aim to decide the case within 26 weeks.[4]

8

Placement and adoption

If the court decides your child should be adopted, it can make a placement order. Later, when adopters apply for an adoption order, you can ask the court for permission to oppose it.[5]

3 Meetings and conferences

The strategy discussion

At this crucial information-gathering stage, when professionals are forming a view and deciding the next step, parents are not invited. Neither you, an advocate nor your wider family can put your views. Government guidance also allows information to be withheld from you if sharing it might jeopardise a police investigation or put a child at risk.

You cannot insist on attending. But you can write to the social worker before it happens, setting out your side and the support you think would help, and ask for your letter to be shared at the meeting.

The child protection conference

Conferences can feel hostile and intimidating. Reports may arrive late, the language may be hard to follow, and you may be facing a room of professionals who all appear to be on the same side. Assessments are sometimes written by trainee or inexperienced social workers, and other professionals will usually back a colleague. You may sit fuming, but feel you can say little for fear of making things worse.

Before any meeting

- [ ] Ask for any report at least a few days before, and read it carefully.
- [ ] Write down every point you disagree with, and what is true instead.
- [ ] Ask whether you can bring a supporter, friend, relative or advocate. Family Rights Group can help you find one.
- [ ] Prepare what you want to say about the help that would make a difference: housing, money, childcare, treatment, a break.
- [ ] Ask each professional what they could do to help, not just what they are worried about.
- [ ] Ask for the minutes and the plan in writing afterwards.

Bring in the wider family

Family group conferences give your family, not the professionals, the chance to make a plan for your child, with an independent coordinator. Aunts, uncles, grandparents and friends can all take part. They work: in a randomised trial in England, children whose families were referred for one were less likely to be in care a year later.[6] If you are offered a family meeting, accept it. If you are not, ask for one.

A parent who is thinking clearly will also have a fallback ready. Put forward any family member who could be a suitable carer if a care order is made, and ask the council to assess them. Do it at the start. I have come across grandparents who were distraught to be ruled out late in the day because of disability, or because they were thought too close to the parents.

4 Money while this is going on

It is often poverty, not risk of significant harm, that brings parents to the attention of social services, sadly often because they went to them for help. And the process itself can make things worse. If your child is removed from your care, benefits paid for that child can stop or be reduced, and your housing support may change. Get benefits advice straight away.

Councils can give help under section 17 in kind or in cash, for example towards rent while proceedings are going on.[1] This is not widely known or advertised. Ask your social worker, in writing.

> "Some days I could not afford the train fare to get to court. None of this was taken into account by the local authority when assessing me and, in fact, my need to use a food bank was then presented as evidence of a 'chaotic lifestyle'."
>
> A mother writing in *Community Care*, 2016

If you are struggling to pay for travel to meetings, contact or court, tell your solicitor and your social worker. A social worker in the same discussion put it simply: councils spend hundreds of thousands on residential placements and thousands on taxis, but frown when a parent asks for a bed so that they can have overnight contact with their child.

5 If it goes to court

Care proceedings are heard in the family court, under civil law. There is no jury. A judge decides, on the balance of probabilities, whether the council has made its case.[7] That means asking whether something is more likely than not to be true, not whether it has been proved beyond reasonable doubt as in a criminal trial.

At this point you **must** have a solicitor and must take part in the proceedings. Otherwise, decisions may be made about your child without you.

What happens

1. **First hearing**
   The court decides where your child will live until the final hearing, who they will see, what reports are needed and the timetable.

2. **Interim care order**
   The court may make an interim order while the case goes on. It lasts as long as the court specifies, and ends when the case is decided.[8]

3. **Assessments and reports**
   Social workers, the children's guardian from Cafcass and sometimes experts will report to the court. Read every report with your solicitor.

4

Final hearing

The court decides whether to make a care order, and approves the council's plan. The aim is to finish within 26 weeks.[4]

Staying in control

The emotional strain can lead any parent to act in ways that harm their case: refusing to engage, missing meetings, shouting. Whatever you feel, the court will be watching how you work with others. Keep going to contact. Keep records. Let your solicitor do the arguing.

When children return to care after a visit home, they are often upset. Sadly, that distress is sometimes blamed on parents and used as a reason to cut contact. If this happens, talk to your solicitor and to the children's guardian.

Reporting and privacy

Since 27 January 2025, accredited journalists and legal bloggers can report on family court cases in England and Wales where a transparency order is made, and the starting presumption is that one will be. Your family's anonymity is protected.[9] You yourself must not share information about your case publicly; your solicitor can explain what you can and cannot say, and to whom.

If adoption is planned

If a placement order is made and adopters later apply to adopt your child, you can ask the court for permission ("leave") to oppose the adoption. The court must be satisfied that there has been a change in circumstances since the placement order. You can get free legal representation for this, whatever your income.[5] The court should not make the adoption order at the same hearing where it refuses your application.[10] Get advice the moment you are told adopters have applied.

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6 Common questions

▶ **Can I bring someone with me to meetings?**

▶ **Do I have to agree to my child being "accommodated" (section 20)?**

▶ **Will I have to pay for a solicitor?**

▶ **Can journalists be in court?**

▶ **What happens to my benefits?**

▶ **Can I appeal?**

Free, confidential advice

- **Family Rights Group advice line:** 0808 801 0366. Free, independent advice for parents and wider family whose children are involved with children's services in England.
- **Child Law Advice (Coram):** 0300 330 5480. Free legal advice by phone, email and webchat.
- **Civil Legal Advice:** 0345 345 4345. The government legal aid helpline.
- **PAC-UK (Family Action):** 0808 802 6666. Support for birth parents and relatives whose children have been, or may be, adopted.

This guide is general information about the law in England in October 2026. It is not legal advice about your situation.

Sources

1. Children Act 1989, section 17(1) and (6).
2. Children Act 1989, section 31ZA, inserted by the Children's Wellbeing and Schools Act 2026, section 1; in force 15 July 2026 (SI 2026/803).
3. Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (SI 2013/480), regulation 5(1)(c), (da) and (e).
4. Children Act 1989, section 32(1)(a), as amended by the Children and Families Act 2014, section 14.
5. Adoption and Children Act 2002, sections 21, 46 and 47(5) and (7); Legal Aid Order 2023 (SI 2023/150).
6. Foundations and Coram (2023) *Randomised controlled trial of family group conferencing at pre-proceedings stage*.
7. *Re B (Children)* [2008] UKHL 35.
8. Children Act 1989, section 38(4).
9. Judiciary of England and Wales (2025) *Open reporting provisions extended to all family courts*.
10. *R (A Child: Leave to Oppose Adoption)* [2026] EWCA Civ 673.
11. *Williams and another v London Borough of Hackney* [2018] UKSC 37.

Photo

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