## F7. ICO / case management checklist

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| **THE INTERIM CARE DECISION** |  |
| **JURISDICTION** |  |
| Is there any issue about jurisdiction (based on HR)?  If so, the court can make emergency orders under Art 20 BIIA. |  |
| **URGENCY** |  |
| Is the ICO sought on the day of issue/short notice?  If so, has the LA provided evidence of the urgency?  Can the hearing safely be delayed to give the parties more time?  If an ICO is made, should the order be short term (with a further hearing)? |  |
| **ISSUES RELATING TO PARTIES** |  |
| The parents:   * Does the LA know who has PR for the child? * Have parents/others with PR been served with the proceedings? * Has a parent without PR been notified of the proceedings? * If not, is it appropriate to proceed without service/notice? * Are the respondents (parents/others with PR) present at court and represented? * If not, is it appropriate to proceed? |  |
| Representation of the child:   * Has a children's guardian/solicitor been allocated? * If a CG has not yet been appointed, does the child’s solicitor have instructions from a duty CG/Cafcass management? |  |
| **FORM OF HEARING** |  |
| Can the hearing proceed on submissions or is oral evidence required?  *NB: see CA in Re G (Children: Fair Hearing) [2019] EWCA Civ 126* |  |
| **THRESHOLD** |  |
| * Has the LA provided a schedule of threshold findings? * Do the respondents make any concessions? * If not, are there ‘reasonable grounds’ in accordance with s.38(1)?   *NB – findings of fact should rarely be made at an ICO hearing (Re G above)* |  |
| **WELFARE DETERMINATION** |  |
| If interim threshold is established, applying s.1 (including s.1(3)):   * What order, if any, is required? * Has the LA met the test for immediate removal of the child? |  |
| **INTERIM CARE PLAN** |  |
| Does this reflect the order made/arrangements approved – direct further CP if required. |  |
| **CASE MANAGEMENT DIRECTIONS TO CONSIDER AT ICO HEARING** |  |
| **JURISDICTION** |  |
| If there is/may be an issue about jurisdiction:   * Direct statements and skeleton arguments; * If the case is allocated to magistrates/DJ, refer the issue to the DFJ. |  |
| **ALLOCATION** |  |
| Cases should not be reallocated at the ICO hearing without good reason. |  |
| **PARENTAGE** |  |
| Is the birth certificate available? If not, direct it to be filed.  Is the identity/whereabouts of the child’s parents known?  Make an HMRC order if required.  If paternity is in issue, direct DNA testing (with Pt. 25 application to follow if necessary) before joining a putative father. |  |
| **APPOINTMENT OF CHILDREN’S GUARDIAN** |  |
| Can the name of the allocated CG be confirmed in the order? |  |
| **CAPACITY** |  |
| Consider whether a capacity assessment is required.  If so, give directions ASAP (with Pt. 25 application to follow if required). |  |
| **INTERNATIONAL ISSUES** |  |
| Where any party is a foreign national:   * Direct the LA to give notice of the proceedings/CMH date to the relevant Embassy (provided it is safe to do so); * Make an EX660 order where immigration status is unclear. |  |
| **NARRATIVE STATEMENTS** |  |
| Direct statements relating to significant factual issues (eg circumstances surrounding alleged NAI) ASAP – 7 days generally appropriate. |  |
| **VIABILITY ASSESSMENTS** |  |
| Can directions be given (whether for short term/long term carers)? |  |
| **PART 25 APPLICATIONS** |  |
| Direct date for filing in advance of CMH. |  |
| **POLICE DISCLOSURE** |  |
| Record whether the Protocol has been/will be invoked. Is a TPO required? |  |
| **MEDICAL RECORDS** |  |
| Ensure the relevant parent(s) have given written consent (and record that they have done so). Record who is to obtain the records.  Consider whether a TPO is required. |  |
| **CASE MANAGEMENT HEARING** |  |
| Has a date been fixed in the standard directions?  Is this the most appropriate date for the CMH (confirm/re-list accordingly)?  Confirm dates for filing of parental responses/CG initial analysis. |  |
| **PARTICIPATION DIRECTIONS** |  |
| Are any required? |  |