

Some tips for those of you representing yourself or with legal representation.

1. At the outset you may well be feeling lost, upset, bewildered and numb from events leading up to the involvement of the State or private law bodies in your private life and interfering with your family. Don't worry these feelings are normal but also very important to make sure you have friends who you can talk to (without boring the pants off them too much), people that can help advise so you can see clearly, and someone to look carefully at the paperwork to make sure that that which you are alleging is factually stated in the evidence. Many people make mistakes as under duress and emotion they cannot see clearly.
2. During this time take care of yourself. You will need to be strong for your children.
3. Take advice and make your own decision. With all legal advice you have the right to a second opinion.
4. There are golden rules with the involvement of CAFCASS, social services and other state bodies. They may not always have your best interests at heart. So;

Tape record all conversations.

Never go to a meeting without an independent observer to take notes and always record the meeting.

Either tape record phone conversations or even better refuse telephone calls and make sure all communications are in writing.

All letters must go by recorded delivery so you can prove that they were received and when and by whom.

Certificate of posting shows that you sent it but not that the other body received it.

Seek independent legal advice.

Plan what your concerns are or what you want to happen and you believe to be in the families best interests.

Prepare a parenting plan.

Don't raise un-necessary allegations unless they really do affect your child.

Re-but any allegations made against you.

Prepare witnesses if necessary and evidence to rebut allegations.

Never lie – difficulties may happen in most relationships but you can always present the facts in a way that takes the steam out of them.

Rely upon your rights and in particular International laws such as Universal declaration of human rights, European Convention on Human Rights as enshrined in the Human

Rights Act 1998 and decisions of that Court which over-rides the UK Courts.

Get CAFCASS/ social services procedures and make sure they obey them.

Use the findings of child abuse inquiries e.g Cleveland inquiry or Climbie Inquiry.

Use your rights and those of your children to a family life and to proper practice and to have the material properly tested.

REMEMBER; You the know the facts of the case better than anyone else.

Start a diary and fill it in everyday as to where you were, what you did etc.

Get written down as much as you can on events over the time leading up to the intervention of the Courts or State bodies.

Prepare a chronology; a list of events from the beginning to now with all relevant facts. This is very important for anyone you are seeking advice from. Too often parents are in severe stress and cannot focus. This may mean that the actual problem is not properly understood. It may help to record yourself saying everything you can remember and then getting it all written down from the recording.

Keep away from Court if possible. It is expensive, often divisive, and a lengthy process.

Never apply for contact in Private law. Only residence/ shared residence unless you are a real risk to your children. By applying for contact you are in effect admitting that you are a third class parent and give the other parent residence automatically. The Court will then view anything which upsets or stresses the resident parent as reason to reduce contact.

In Public law get advice straight away. Adoptions seem to have become easier to obtain and there is a vested interest in getting children adopted including financial gain for the Adoption agencies.

Get the local Authority to state clearly in writing at the beginning what their grounds are for intervention so they cannot alter the grounds later on.

Remember there is no property in a witness and you have the right to get your own statements from social workers, CAFCASS officers etc.

In private law do not accept supervised contact. Often reports are done on these contacts by people with no training in child psychology or child development. Ask for an expert Child psychologist. There are a whole host of reasons to avoid the use of contact reports against you in the middle of stressful events. If you do accept make sure an independent observer is present and record the contact if possible. Contact Centers have now been opened up for a whole host of reasons which they were not intended for.

In Private law DO NOT ACCEPT supervised contact. It is a farce unless here is serious concern for your parenting with risk of abuse, violence or drug/ alcohol issues.

Obtain the Procedures to be used by the Local Authority or CAFCASS. Get their complaint procedures so you know what you have to do if you need to complain.

Contact your MP and keep him/ her informed of events. Also use the County Councilor so the Council know you are not going to just give up and walk away.

If you have legal representation remember they must act on your instructions unless they believe your instructions to be wrong and they are not willing to carry them out. Get their refusal in writing.

Make sure your solicitor gives you a copy of all the documents that they have. You have the right to them.

Your instructions must be in writing with proof they have your instructions.

If your solicitor does not seem willing to help seek second opinion or represent yourself.

Get everything going right from the beginning. We have seen a problem that once a Judgement is made and since UK law is discretionary, the Courts are reluctant to change decisions upon Appeal.

In Court remember that the Judge does not know you. He does not have a clue as to the facts of the matter. If you do not bring matters to the Court's attention then you can hardly complain that the Judge did not agree with you or did not raise the issues. It is your responsibility to inform the Court of relevant matters, legal argument and to disabuse the Court if the other party(ies) raise matters which are untrue or taken out of context.

5. If you are unhappy with a decision of the Court you may Appeal. If you do Appeal you have to show the Judge was plainly wrong in fact or in law. Lawyers are unlikely to want to Appeal. Check which Court you should Appeal to and there are strict time limits to Appeal in usually 14 days after Judgment but you cannot Appeal without an order and orders often arrive late so keep the envelope it was sent in.
6. Final warning- We have noticed an increased incidence of the failure of the Courts to follow precedent or law. In Canada there is use of the phrase cake hole law; whereby the law is what ever comes out of the Judge's mouth is the law for the day. **Be warned.**

