



The Children's Law Centre

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**Do you know your rights about ...
Being Looked After/Being in Care ?**



Being Looked After/Being in Care

Being looked after, means that the Trust (social services) looks after you. This can mean that there is either a care order in place or you are being accommodated by a Trust. Sometimes you will be living in social services accommodation, maybe in foster care or residential care and sometimes you will be living at home. Whatever your situation, you have rights under The Children (NI) Order 1995 and the Rules, which go with it.

The Court Process

When the Trust social workers apply to court for a care order the following things happen:

Guardian Ad Litem

A Guardian Ad Litem will be brought into your case to make sure that your views and opinions are heard by the court, which is dealing with your case. The Guardian Ad Litem is a person who is independent of the court and the Trust. S/he will come and talk to you and write a report about your case, which s/he sends into the court. This report will say what the Guardian Ad Litem thinks is in your best interests.

Solicitor

The Guardian Ad Litem will ask a solicitor to represent you. This solicitor has to have special knowledge about cases involving children and young people. Each time your case goes to court, your solicitor will represent your views. If you wish to attend court you can ask your solicitor or your Guardian Ad Litem to arrange this. If you disagree with what the Guardian Ad Litem says it is important to tell your solicitor.

The Right to Have Your Wishes and Feelings Considered

You have the right to have your wishes and feelings taken into account by the

court and in all decisions made about you. Most cases start in one of the family proceedings courts. In these courts there is a magistrate and two other people who have been specially trained to deal with your case. Some cases are heard in other courts called The Family Care Centre or High Court where one judge would hear the case.

The Right to Have Decisions Made Which are in Your Best Interests

All the courts have to decide your case in the same way and have to look at what is in your best interests. This is the most important matter for the court to consider.

The Care Plan

The social workers that are involved in your case have to write out a very detailed plan about you called a care plan.

You can ask your Guardian Ad Litem, solicitor or social worker to explain the care plan to you. It has to set out arrangements for contact with your family, arrangements for your education, details about your foster placement if you are going to stay with foster parents or your residential placement if you are going to stay in a residential home.

Don't be afraid to ask questions about this plan, as it is very important!

The Care Order

Usually there will be a number of interim (temporary) care orders made first and then the court must decide whether a final care order will be made.

Sometimes everyone involved in your case will agree to the care order being made. This means that your case does not have to go to a full hearing. The

magistrate or judge still has to be sure that the care order should be made and s/he will have all the information about your case.

Sometimes, however no agreement can be reached and the case has to be heard by the magistrate or judge. Everyone involved has to give evidence. You may be able to give your own evidence to the court, which really means telling the judge your story. This depends on what age you are and your understanding. On the other hand you may not want to go to court.

You can talk about giving evidence with your Guardian Ad Litem or solicitor and ask them for advice. It is important to remember that the family proceedings courts are private, so the public cannot listen to your case.

If a care order is made it lasts until you are 18, although you can go back to court earlier than this and ask the judge to stop the Order. **If you are looked after by a Trust, you have the following rights:**

Independent Visitor

You have the right to an Independent Visitor, which means that if you want someone independent can be appointed to visit you and talk to you.

Right to Legal Advice

Once a final care order has been made your solicitor and Guardian Ad Litem will be discharged from your case, which means that they are no longer representing you. However you still have the right to legal advice and should contact your solicitor or The Children's Law Centre if you have any queries.

The Right to Review

You have the right to have your care plan reviewed. The social services must have their first review within two weeks and

the next review not more than 3 months later. After this reviews should take place no more than six months apart. Arrangements about where you are living, your health, education and contact with your family will be discussed at reviews. The social services must inform you in writing about these meetings.

You have the right to express your wishes and feelings about any issues, which concern you.

You have the right to attend these review meetings, subject to your age and understanding.

You can bring a representative with you, but this should always be agreed in advance with the Trust/ social workers concerned.

After the Review you have the right to be notified in writing of the main points, which were discussed.

Contact

You have the right to maintain contact with your family as long as this is in your best interests.

Records

The Trust has to keep records about your case and if you have "sufficient understanding" you are entitled to have access to these files.

Complaints

You have the right to make a complaint if there is something, which you are not happy about whilst you are being looked after. This complaint should be made under The Children (NI) Order 1995 complaints procedures.

If you would like further information or advice about your rights you can contact The Children's Law Centre. Our details are on the back of this leaflet.