

Chapter 24: Guidance on answering the self-test questions

Question 1: Imagine that you are advising a client on the CA 1989. Explain to them what the central principles of the CA 1989 are in language that a non-lawyer would understand.

It is always useful to consider how you explain complex legal ideas to a lay client. There are some main ideas in private Children Act 1989 proceedings which have to be explained early in the case in order for the client to be clear on how the court will decide a case.

The first concept must be the welfare of the child as the paramount consideration. This means (from the client's point of view) that the child is at the centre of the court's decision and it is the welfare of the child which the court considers above all other parties.

The court will also try to avoid any delay within the proceedings as this will have an impact on the child's welfare. The court will only use its powers to make orders if it is necessary to do so as the courts will always prefer for the parties to agree.

As part of their decision making, the court uses a checklist (sometimes called the 'welfare checklist') which thinks about all aspects of the child and the child's life to ensure that the court considers everything.

You, of course, will develop your own style!