

Who is involved in care proceedings? What is their role?  
Will they be legally represented? Will they get legal aid?

**The table below explains more about the key people that are likely to be involved in care proceedings**

Who?	What is their role?	Legal representation and legal aid?
<b>The applicant local authority and the child's social worker</b>	<p>The children's services department of the local council where the child lives is the organisation which applies to court for a care or supervision order to start care proceedings.</p> <p>They will be referred to as the 'applicant local authority' by the Family Court.</p>	<p>Local councils have legal departments. They provide them with legal advice. A solicitor from the local authority legal team who specialises in care proceedings will be responsible for all the legal work on their case.</p>
<b>Mother</b>	<p>The child's mother will automatically be a <a href="#">party</a> to the proceedings.</p> <p>Usually the mother is the 'first respondent' to the proceedings to the application.</p>	<p>Automatically entitled to non means and non-merits tested legal aid.</p> <p>This means legal advice and representation in the care proceedings is provided without the mother needing to pay.</p>
<b>Father with parental responsibility</b>	<p>Automatically a <a href="#">party</a>. Will usually be the 'second respondent' to the application.</p>	<p>Automatically entitled to non means and non-merits tested legal aid.</p> <p>This means legal advice and representation in the care proceedings is provided without the father needing to pay.</p>
<b>Parent without parental responsibility</b>	<p>Not automatically a <a href="#">party</a> to proceedings.</p> <p>But will receive notice that care proceedings have been issued (started).</p> <p>Usually then 'joined as a party to the proceedings by the court.</p> <p><b>Example:</b> An unmarried father who is not on the child's birth certificate.</p>	<p>In this situation, the parent should see a solicitor as soon as they receive a notice of care proceedings.</p> <p>The solicitor will be able to advise them, and apply for them to be joined as a party to the care proceedings.</p> <p>See our <a href="#">Working with a solicitor guide</a> for information about how to find a solicitor.</p>
<b>Others with parental responsibility for the child</b>	<p>Anyone else who has parental responsibility for the child will automatically be a party to the care proceedings.</p> <p><b>Example:</b> a child's special guardian, or someone they live with under a 'lives with' child arrangements order.</p> <p>Any other people with parental responsibility for the child will be a party, and referred to as the 'third respondent', and so on.</p>	<p>Automatically be entitled to non means and non-merits tested legal aid.</p> <p>This means legal advice and representation in the care proceedings is provided without the needing to pay for it.</p>

Who?	What is their role?	Legal representation and legal aid?
<b>Other family members who do not have parental responsibility for the child</b>	Family members who do not have parental responsibility for the child will not be a <a href="#">party</a> to the care proceedings. But the Family Court can make an order to make them a party. Whether the court does this will depend on the precise situation. This includes whether they have a distinct case to present to the court.	Not entitled to automatic free legal aid. Instead, they need to be assessed under the Legal Aid Agency's means and merits test. See the Legal aid information box on our main <a href="#">Who will be involved in the care proceedings?</a> FAQ page for more information about what this means.
<b>Child or children the care proceedings are about</b>	<p>Sometimes a child is described as 'the subject of care proceedings'. This just means that the proceedings are about them.</p> <p>The child or children the care proceedings are about will also always parties to the proceedings.</p> <p>The child's interests are represented by a children's guardian. They have their own solicitor, who is chosen by their children's guardian.</p>	<p>Children subject to care proceedings are automatically entitled to non means and non-merits tested legal aid.</p> <p>This means legal advice and representation in the care proceedings is provided without the child or their parents needing to pay for it.</p> <p>The child's solicitor will obtain a legal aid certificate for the child to represent the child through their guardian.</p>
<b>Children's Guardian</b>	<p>The children's guardian is an experienced social worker. They provide the court with information and an opinion about what is best for the child</p> <p>Their role is independent of children's services. They do not work for children's services</p> <p>The children's guardian is appointed from an organisation called <a href="#">Cafcass</a> (Children and Family Court Advisory and Support Services)</p> <p>The guardian then appoints a solicitor to act on the child's behalf.</p>	The child's solicitor will obtain a legal aid certificate for the child to represent the child through their guardian.
<b>Child's solicitor</b>	<p>Appointed by the children's guardian to be the child's legal representative.</p> <p>They must be a specialist in children's law. The Law Society must agree that they are a specialist. This is called 'accreditation'.</p>	The child's solicitor will obtain a legal aid certificate for the child to represent the child through their guardian.