
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 12

**PROCEEDINGS RELATING TO CHILDREN EXCEPT PARENTAL
ORDER PROCEEDINGS AND PROCEEDINGS FOR APPLICATIONS
IN ADOPTION, PLACEMENT AND RELATED PROCEEDINGS**

CHAPTER 5

SPECIAL PROVISIONS ABOUT INHERENT JURISDICTION PROCEEDINGS

Where to start proceedings

12.36.—(1) An application for proceedings under the Inherent Jurisdiction of the court must be started in the High Court.

(2) Wardship proceedings, except applications for an order that a child be made or cease to be a ward of court, may be transferred to the county court unless the issues of fact or law make them more suitable for hearing in the High Court. (The question of suitability for hearing in the High Court is explained in Practice Direction 12D (Inherent Jurisdiction (including Wardship Proceedings)).)

Child as respondent to wardship proceedings

12.37.—(1) A child who is the subject of wardship proceedings must not be made a respondent to those proceedings unless the court gives permission following an application under paragraph (2).

(2) Where nobody other than the child would be a suitable respondent to wardship proceedings, the applicant may apply without notice for permission to make the wardship application—

- (a) without notice; or
- (b) with the child as the respondent.

Registration requirements

12.38. The court officer will send a copy of every application for a child to be made a ward of court to the principal registry for recording in the register of wards.

Notice of child's whereabouts

12.39.—(1) Every respondent, other than a child, must file with the acknowledgment of service a notice stating—

- (a) the respondent's address; and
- (b) either—
 - (i) the whereabouts of the child; or
 - (ii) that the respondent is unaware of the child's whereabouts if that is the case.

Status: Point in time view as at 06/04/2011.

*Changes to legislation: There are currently no known outstanding effects for the
The Family Procedure Rules 2010, CHAPTER 5. (See end of Document for details)*

(2) Unless the court directs otherwise, the respondent must serve a copy of that notice on the applicant.

(3) Every respondent other than a child must immediately notify the court in writing of—

- (a) any subsequent changes of address; or
- (b) any change in the child's whereabouts,

and, unless the court directs otherwise, serve a copy of that notice on the applicant.

(4) In this rule a reference to the whereabouts of a child is a reference to—

- (a) the address at which the child is living;
- (b) the person with whom the child is living; and
- (c) any other information relevant to where the child may be found.

Enforcement of orders in wardship proceedings

12.40. The High Court may secure compliance with any direction relating to a ward of court by an order addressed to the tipstaff. (The role of the tipstaff is explained in Practice Direction 12D (Inherent Jurisdiction (including Wardship Proceedings)).)

Child ceasing to be ward of court

12.41.—(1) A child who, by virtue of section 41(2) of the Senior Courts Act 1981, automatically becomes a ward of court on the making of a wardship application will cease to be a ward on the determination of the application unless the court orders that the child be made a ward of court.

(2) Nothing in paragraph (1) affects the power of the court under section 41(3) of the Senior Courts Act 1981 to order that any child cease to be a ward of court.

Adoption of a child who is a ward of court

12.42. An application for permission—

- (a) to start proceedings to adopt a child who is a ward of court;
- (b) to place such a child for adoption with parental consent; or
- (c) to start proceedings for a placement order in relation to such a child,

may be made without notice in accordance with Part 18.

Status:

Point in time view as at 06/04/2011.

Changes to legislation:

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