



# Prohibited Steps & Specific Issue Orders

## What is a Specific Issue Order?

A Specific Issue Order (SIO) is an order deciding a specific dispute that has arisen, or may arise, in connection with a person's exercise of PR for the child.

## When to apply?

An SIO allows the court to decide a specific question concerning the child's welfare where those with PR cannot agree. SIOs are usually made to resolve disputes about the following matters (this list is not exhaustive):

- **Education:** A dispute may arise over which school a child will attend.
- **Religion:** A dispute may arise over the extent to which the child can be involved in practices associated with one parent's religion, that the other parent does not consider to be in the child's best interest.
- **Medical treatment:** A dispute may arise over whether the child is to receive a particular type of treatment in preference to another.
- **Relocation:** A dispute may arise where one parent wants to relocate with the child to another part of the country or abroad, permanently or temporarily, against the other parent's wishes.

## What is a PSO?

A person with PR has the right to make decisions about a range of matters relating to the child. A PSO can curtail the right and responsibility to make these decisions. The court has the power to make a PSO to restrain a person from taking a step set out in the order during the exercise of their PR for the child, unless they have the court's permission. When making a PSO the court considers to be in the child's best interests.

## When to apply?

PSOs are usually made to prevent a person from taking the following steps when exercising their PR:

- Changing the child's school.
- Changing the child's name.
- Relocating the child to another part of the country or abroad.
- Deciding the child's religious instruction.
- Choosing a particular course of medical treatment.

## Mediation information and assessment meeting (MIAM)

Before issuing an application, a prospective applicant must attend a mediation information and assessment meeting (MIAM) and invite the other party to do so unless an exemption applies. At these meetings, a mediator discusses the dispute with each party and assesses whether other forms of dispute resolution could help to avoid court.

If you need to obtain a court order urgently (for example, a PSO to prevent a person from removing the child from the country), the requirement to attend a MIAM can be dispensed with. If a party refuses to attend the MIAM or the mediator considers that none of these methods of dispute resolution are suitable or appropriate or an exemption to the requirement to attend a MIAM applies, an application must be made to the court.

## **How to apply for SIOs and PSOs – The Court Process**

### Making an urgent application

If there is an urgent need for an order to be made, you can ask the court to make an SIO or PSO without informing the other party. This is sometimes referred to as a without notice application. Without notice orders will only be made by the court in exceptional circumstances. The order will not be effective until it is personally delivered to the other party. Within 48 hours of receiving the order, the person against whom an order has been made has the opportunity to apply to set aside the order. An application made without notice will be for a limited period of time until the court can have a full hearing with all parties present.

If the matter does not fall within the court's strict urgency criteria, the MIAM requirement must be met before an application can be made in form C100. A form C1A may also be required where it is alleged that the child(ren) has suffered, or is at risk of suffering, harm from domestic abuse or violence. Once the application is issued by the court, a date will be set for the First Hearing.

### First Hearing Dispute Resolution Appointment (FHDRA)

A FHDRA is used to identify the issues in dispute and try to resolve them as quickly and inexpensively as possible. All parties must attend the FHDRA. A court welfare officer also known as a CAFCASS officer will attend as well. CAFCASS is responsible for safeguarding the interests of children involved in court proceedings. At the FHDRA, the CAFCASS officer and the judge will try to help the parties agree a resolution. Problems will be discussed openly and solutions suggested. If an agreement can be reached, the court can make an order recording the agreement. If an agreement cannot be reached, the court will make directions for the gathering of evidence and list either a DRA or final hearing.

### Dispute Resolution Appointment (DRA)

A DRA is usually scheduled if CAFCASS have been directed to produce a report to assist the court in deciding the issues in dispute. The court will first identify the extent to which the dispute can be narrowed or resolved at the DRA. The court will resolve or try to narrow the issues in dispute by hearing evidence from the parties. If an agreement is reached, the court will make an order reflecting the parties agreement. If no final agreement is reached at the DRA the court will direct the parties to file any further evidence and schedule a final hearing.

### Final hearing

A final hearing will consider all of the evidence and the Judge will make a final decision. The court will hear evidence from the parties and other witnesses. If there is a CAFCASS officer, they will attend court to give evidence if the court considers it necessary. Anyone who gives evidence will be asked questions about their written evidence by their own legal representative. the other party's legal representatives and sometimes by the judge. After hearing the evidence and the legal argument, the judge will make a final order.

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