



/guide

Your questions answered

WHAT IS A SPECIFIC ISSUE ORDER?

The purpose of this Stowe guide is to explain what a Specific Issue Order is and in what circumstances they can be used.

What is a Specific Issue Order?

A Specific Issue Order is a legal order determined and granted by the family court to resolve a specific disagreement or questions relating to child arrangements.

They are typically used by separated parents who are unable to reach amicable agreements on decisions relating to their children's upbringing and wellbeing.

Who are Specific Issue Orders for?

Specific Issue Orders can be applied for by parents or anyone with parental responsibility:

- Parents
- Step-parents
- Legal guardians
- Anyone with parental responsibility
- Anyone named on a Child Arrangement Order

Those without parental responsibility can still apply for a Specific Issue Order but will first need to seek permission from the court.

When are Specific issue Orders used?

When separated or divorced parents cannot make decisions about their child's future together, one parent can apply to the family courts and ask that they make the decision instead. The courts will consider all of the facts, and base their decision on the best interests of the child.

The court's ruling will then be set out in a Specific Issue Order, a legally binding form of Child Arrangements Order. This legal order must then be followed by all parties involved.

Examples of Specific Issue Orders

Specific Issue Orders can be used to resolve various family disputes, including:

- What school should a child attend?
- Agreeing changes to a child's name
- Whether children should be vaccinated
- Agreeing medical treatments for our children
- Preventing contact with specific individuals (in certain circumstances)

- When and where you can travel with a child
- What will happen on special occasions and holidays
- Agreeing on clubs and extracurricular activities?

How can I apply for a Specific Issue Order?

To apply for a Specific Issue Order you must make an application to the family courts under section 8 of the Children Act 1989.

We recommend that you seek legal advice before making an application. A specialist child law solicitor will help guide you through the legal process, work towards resolving issues without court intervention wherever possible, and clarify arrangements as quickly and amicably as possible.

Specific Issues Order procedure

1. In most cases, before applying for a Specific Issue Order, it's mandatory for both parents to attend an initial Mediation Information and Assessment Meeting (MIAM).
2. The purpose of the MIAM is to determine whether Mediation is appropriate and gauge whether it's possible to resolve the issue without court intervention.
3. If Mediation is unworkable or unsuccessful, you can file your application for a Specific Issue Order with the Family Court.
4. Once the application has been issued a representative from Children and Family Court Advisory and Support Services (CAFCASS) will speak to both parties and undertake some basic safeguarding checks then send a short report to the Court summarising the outcome of their checks.
5. The Court will then schedule a First Hearing Dispute Resolution Appointment (FHDRA) where the case will be heard by a Judge or Magistrates. A CAFCASS officer will usually be present. The Court will consider the safeguarding information and will encourage the parties to reach an agreement.
6. If the first hearing does not resolve the issue the Court will set out how the case should proceed. The Court may order CAFCASS to prepare a report. Typically, these take about 12 weeks to prepare and once the report

is finished, the parties will attend a Dispute Resolution Appointment (DRA) to see if an agreement can be reached.

7. In the event that the issue remains unresolved, the case will go to a Final Hearing in which the Court will hear the evidence from the parties involved, the Cafcass officer, and other experts to make a legally binding decision.

What factors are taken into consideration?

Decisions made by the court are centred around the child's welfare and best interests. The Children Act 1989 outlines guidelines for judges to consider when reaching a decision:

- The wishes and feelings of the child
- Their physical, emotional, and educational needs
- The impact on the child should their circumstances change
- Characteristics including age, sex, and background
- Whether the child is at risk of harm or whether harm has already been suffered
- How capable the child's parents are of meeting their needs.

How long does a Specific Issue Order last?

A family court specific issue order usually ends when a child reaches 16 years of age. In some cases, the court can set the order for a specific period of time or, in exceptional circumstances, they can last until the child reaches 18 years of age.

How is a Specific Issue Order different to a Prohibited Steps Order?

A prohibited Steps Order is another form of Child Arrangements Order. While the process is similar to a Specific Issue Order, the purpose is different.

A specific issue order is made to agree on a particular course of action, while the purpose of a prohibited steps order is to prevent action, for example removing a child from school, changing their surname, or taking them out of the country.

Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit www.stowefamilylaw.co.uk

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