



HOW TO: **GET A PROHIBITED STEPS ORDER**

Your questions answered by
Becka Headley - Paralegal at Stowe Family Law

CONTENTS

What is a prohibited steps order?	3
What is an emergency prohibited steps order?	4
Who can apply for a prohibited steps order?	5
What factors does the court consider before approving a prohibited steps order?	6
How do I apply for a prohibited steps order?	7
Important information	8
The importance of legal advice	10

Parenting after a divorce or separation can be challenging, especially if you are not amicable with your ex. If you find yourself in the situation where the other parent, or someone with parental responsibility, wants to make a decision regarding your child that you do not agree with, you can apply to the court for a prohibited steps order which can stop them progressing any actions.



WHAT IS A PROHIBITED STEPS ORDER?

A prohibited steps order prevents a parent or someone with parental responsibility from making decisions about a child's upbringing without the express approval or permission of the court.

They are usually used in cases where parents have separated and there are child arrangement issues.

Once a prohibited steps order is in place, the parent or person who is under the order must ask the court's permission before performing any action detailed in the order.



The order can cover a range of actions which would normally be permitted for a parent or someone with parental responsibility to make including:



Changing the child's school or removing them from school



Changing their surname



Changing the child's GP or making medical decisions



Relocating the child, either in the UK or abroad



Prohibiting the child from seeing a particular person



WHAT IS AN EMERGENCY PROHIBITED STEPS ORDER?

Some orders are 'standard' which means the applying parent has to serve notice to the receiving parent. However, in most cases, it is necessary to fast track the prohibited steps order, for example in cases of domestic abuse. This application can be made 'without notice', which means that the other party is not aware of the application.

It is important to note that an emergency prohibited steps order requires compelling evidence that the child is at immediate risk of harm.

Seek legal advice if you need an emergency order. Your lawyer can advise on the relevant evidence, and will help you fill in and submit the correct form.



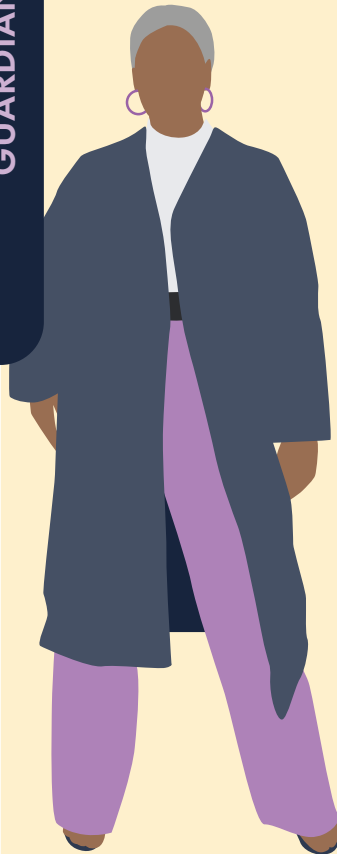
WHO CAN APPLY FOR A PROHIBITED STEPS ORDER?

You may have an automatic right to apply for a prohibited steps order if you have parental responsibility for the child, for example you are the:

CHILD'S PARENT



GUARDIAN



SPECIAL GUARDIAN



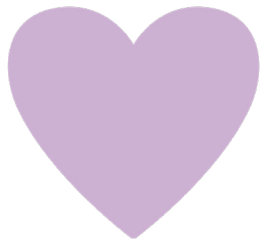
You may also apply if you are named within a child arrangements order which states that the child lives with you.

If you do not have parental responsibility for the child, for example you are an extended family member, you must seek permission from the court to apply for the order.

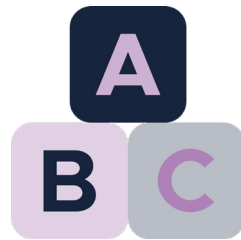
If possible, and safe to do, mediation can help people reach an agreement without the need to go to court.

WHAT FACTORS DOES THE COURT CONSIDER BEFORE APPROVING A PROHIBITED STEPS ORDER?

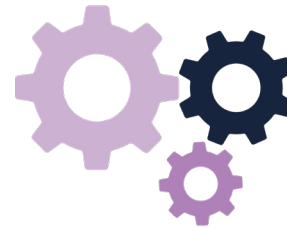
The court will consider what is in the best interests of the child using the welfare checklist, which covers the following:



The wishes and feelings of the child (depending on their age and level of understanding.)



The child's physical, emotional and educational needs.



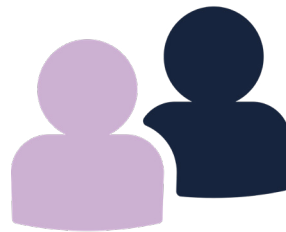
The likely effect on the child if circumstances changed due to the court's decision.



The child's age, sex, background and any other characteristics which may be relevant to the court's decision.



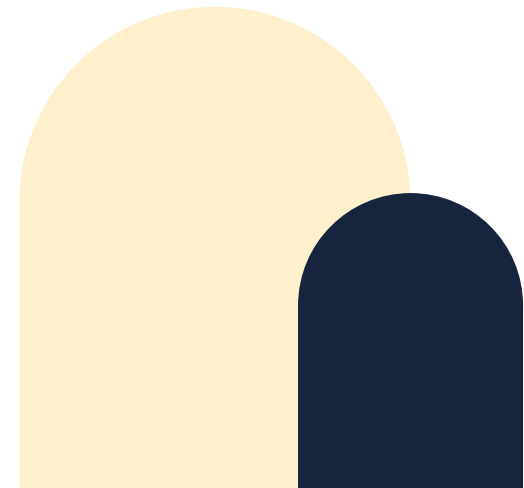
Any harm the child has suffered or may be at risk of suffering.



Whether the parent or any other relevant person can meet the child's needs.



The powers available to the court in the given proceedings.



HOW DO I APPLY FOR A PROHIBITED STEPS ORDER?

STEP 1



Fill in Form C100, and submit to your local family court, confirming you are seeking a prohibited steps order and why. You can apply online or print and send the form.

STEP 2



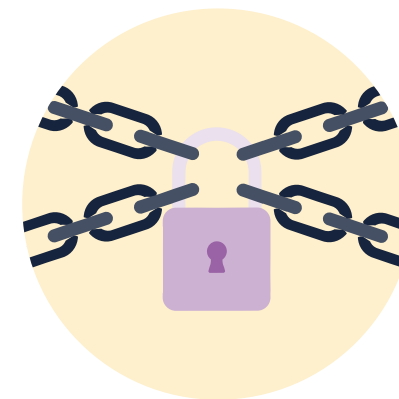
Attend a court hearing to discuss the issues leading to your application.

STEP 3



The court will decide whether the prohibited steps order is necessary.

STEP 4



If the order is granted, the restrictions will be implemented immediately.

Please note, before the application, you may need to attend a Mediation Information and Assessment Meeting (MIAM), unless you are exempt.

If your order is a 'with notice' order, the respondent parent will be made aware of the hearing and may have opportunity to file evidence to demonstrate that the prohibited steps order is not necessary ahead of the first hearing. If the order is without notice, it will be a temporary order, and a hearing will be listed shortly thereafter where the other parent can make their case and, if they choose to, contest the order.

IMPORTANT INFORMATION

HOW MUCH DOES A PROHIBITED STEPS ORDER COST?

The court fee for submitting Form C100 is currently **£263**. Other costs may include legal fees, although you may be eligible for legal aid.

Please note Stowe Family Law does not offer legal aid.



HOW LONG DOES A PROHIBITED STEPS ORDER LAST?

A prohibited steps order will last until a further order is made which supersedes the prohibited steps order. If no subsequent order is made, it will last until the child turns 16, or 18 in exceptional circumstances.



DO I NEED TO GO TO COURT?

You may need to attend the hearing at court where the judge will consider your prohibited steps order application. Your hearing will either be at a court or remote, depending on the court.



IMPORTANT INFORMATION

DOES THE OTHER PARENT HAVE TO CONSENT TO THE PROHIBITED STEPS ORDER?

Consent from the other parent is not necessary for either a with notice or without notice order. Had their consent been given, there would be no need for an application for the prohibited steps order.



CAN THE PROHIBITED STEPS ORDER BE OVERTURNED?

Prohibited steps orders can be overturned, but only by the court and the original applicant will need to request that the order be lifted.

The court will not rescind the order if this would negatively impact the child.



WHAT HAPPENS IF THE PROHIBITED STEPS ORDER IS BREACHED?

Prohibited steps orders are legally binding. If someone breaks the order, i.e. actions a decision contained in the order without permission, they will be in contempt of court. This can be punishable by imprisonment, fines or unpaid work.





THE IMPORTANCE OF LEGAL ADVICE

It is extremely important if you are concerned about the welfare of your child during or after separation to seek legal advice. This is a complex area of family law and an expert family lawyer can help fill in the Form C100, submit the relevant evidence to court, and support you with any hearings. They can also help you work with a mediator, if appropriate, to try and resolve the issue out of court.

If you are at any immediate risk of domestic abuse, please call the police or the National Domestic Abuse Helpline on 0808 2000 247



USEFUL LINKS

Form C100 Apply for a child arrangements, prohibited steps, specific issue order or to vary or discharge or ask permission to make a section 8 order

CLICK HERE

Search for your local family court

CLICK HERE

MIAM exemptions

CLICK HERE

