

CASE PLAN (FAMILY - PRIVATE LAW CHILDREN)

Format in accordance with Funding Code Guidance Para 15.3.9.

NAME OF CLIENT

NAME OF FIRM

NATURE OF PROCEEDINGS

Residence/Contact

Public Funding Certificate

INSERT NO XXX

L/A Account No. XXX

CASE INFORMATION

A. Summary of Case

Enclosed is a chronology of significant events from which it can be seen that this is a case where our client XXX XXX the mother of XXX XXX was herself a child in the care of the Local Authority and only 16 years of age when she gave birth to her daughter. XXX XXX is the product herself of a care system having suffered a sexually abusive childhood and indeed had been further abused whilst accommodated by the Local Authority during her pregnancy. As such, she has required a consistent and sensitive approach by XXX XXX as her Solicitor. In addition to this, until November 2002, approximately one year after the birth of XXX XXX, mother and child lived in a residential unit in Southend on Sea and therefore it was necessary for XXX XXX to travel a considerable distance in order to take instructions and to build up a relationship with the mother so that she had trust and confidence in her. The placement eventually ended by the Court as a result of a hearing which took place in the Leeds Care Centre over 5 days beginning on the 30th September, 2002. XXX XXX has played a full part in all the proceedings representing her client at all hearings, including the contested Section 38 interim hearing as previously stated. A child psychologist has been appointed in the case by the mother's Solicitor and the matter remains listed for a final hearing on the 17th February, 2003 with a time estimate of 5 days. The mother is now pregnant with her second child and living independently in the Dewsbury area. The mother will wish to challenge the eventual care plan of the Local Authority at the final hearing which is now for XXX XXX to be freed for adoption and placed without the benefit of direct contact between mother and child. During the interim period the further report of the expert psychologist will have to be considered and this young mother seen on a regular basis and preparation made for the final hearing. The final hearing will have to be conducted by XXX XXX and an assistant present to take notes.

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B. Objectives

The objectives to ensure that this young vulnerable mother's views are taken into account during the interim period up to the final hearing, that the experts report is received and the views of all the professionals challenged if they are not supportive of the mother's position. The mother will also require representation at the final hearing and there will have to attendance at the interim hearings and a detailed statement taken from the mother.

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C. Case Analysis

The legal issues are:

1. Whether or not XXX XXX should be the subject of a final care order to XXX XXX Council.
2. What contact should be offered to the mother of XXX XXX prior to the hearing and thereafter.
3. Whether a freeing order should be made in respect of XXX XXX.
4. What order should be made in respect of the child in relation to the Local Authority being given permission to terminate contact.

The Favourable Facts are:

1. XXX XXX is the mother of the child and as such her views are significant.
2. There is a bond between mother and child and she is having ongoing contact and wishes the child to be returned to her.

The Unfavourable Facts are:

1. It is a young emotionally damaged mother who is struggling with the role of parenthood.

D. Funding Code Assessment

The merits of this case are assessed as balanced. It is essential that the mother receives a fair trial and that she is represented in this difficult complex matter relating to her child.

C. Case Theory

The mother continues to seek the return of her daughter XXX XXX to her and to exercise contact with her during the interim period and after the hearing even if the child is freed for adoption.

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CASE ACTIVITIES AND COSTS INFORMATION

F. & G. (i) Costs to Date

WORK	COSTS		
See summary of case contained within this case plan	Profit costs VAT Disbursements VAT Total	0.00	

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	<u>Profit Costs</u>	<u>Counsel's Fees</u>	<u>Disbursements</u>	<u>Total</u>
Section F. & G. Part (I) Costs inc. VAT	22,210.46	-	1,434.96	23,645.42
Section F. & G. Part (ii) inc. VAT	17,497.22	-	3,368.40	20,865.62
Total of F. & G. ParI) and F. & G. Part (ii)				£44,511.04
H. Costs Sharing Agreement				
Not Applicable.				

CASE MANAGEMENT INFORMATION

I. Team Personnel (including Solicitors Employees, Experts and Counsel and/or Solicitor Advocate)

XXX XXX Solicitor Advocate who is a partner in the family law department and member of the Law Society Children Panel who is acting throughout without recourse to Counsel together with an assistant at relevant hearings to assist with taking instructions from the client and to take notes during the hearing

I confirm that a copy of this case plan has been sent to the client.

Dated this XXX XXX

Signed _____