

Can an application be made without informing the respondent(s)?

An application for a prohibited steps or specific question order may be made without notice. Whether or not the court will hear any matter without service is up to the judge.

In this case the applicant must:

- file one application per child using the appropriate form; and
- serve a copy of the application on each respondent immediately after the order has been made.

Answer to application

Within 14 days of service of an application for an order, each respondent must file and serve on all the parties their answer to the application.

Other leaflets in the series:-

CHI01—What the court expects from parents considering asking for a court order

CHI02—Court Orders regarding children

CHI03—How do I apply for a court order in a children's matter?

CHI04—How do I apply for Parental Responsibility?

CHI05—Children's matters—directions appointments and hearings



ISLE OF MAN
COURTS OF JUSTICE

How do I apply for a court order in a children's matter? **CHI03**

Children's Matters

How do I apply for a court order in a children's matter?

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Before you make an application you should read the leaflets **CHI01**—What the court expects from parents and **CHI02**—Court orders regarding children to make sure that you are allowed to make the application. In some cases you may have to apply to the court for permission to make an application.

Family Mediation

Before you begin proceedings you may want to consider mediation. In mediation, an impartial, trained mediator, not connected with your case, helps you and your partner to resolve your disputes (this is through the Isle of Man Children's Centre)

This section is for anyone who thinks that a court should make a decision about a child such as where the child will live and who the child will see.

A court will only make an order if it thinks that would be best for the child. Sometimes a court may decide that it would be best not to make any order

Which form should I use?

- Contact Order—**C100**
- Residence Order—**C100**
- Specific Issue Order—**C100**
- Prohibited Steps Order—**C100**
- Parental Responsibility Order—**C1** (see leaflet **CHI104**—How do I apply for Parental Responsibility)
- Appointment of a Guardian—**C1**

These forms can be downloaded from the Courts of Justice website (www.courts.im), or you can collect them from the Court Office/public counter at the courthouse.

Who is the respondent?

The following must be named as respondents to any application:

- every person whom the applicant believes to have parental responsibility for the child;
- the Department of Health and Social Security, where the child is in care; and
- where application is to extend, vary or revoke an order, the parties to the proceedings leading to the original order.

Making an Application

Any person wishing to make an application for an order using a **C100** form must:

- file and serve one **C100** application per child in the appropriate form, making sure you have submitted enough copies for one to be served on each respondent party; and
- when the court has received the documents, the Chief Registrar will fix a time and date for a directions appointment and endorse the date on the documents before returning them to the applicant; then
- the applicant must serve a copy of the application (endorsed by the Chief Registrar) on each respondent at least 14 days before the date fixed for the directions appointment.

Will I need an advocate?

Although it is not necessary to have an advocate, the court strongly recommends that you seek legal advice before making any application for an order regarding a child.

Be aware that courts staff cannot give you any advice about what to put in your application.

How much does it cost?

You should ask a member of the courts staff how much the application will cost.

Serving the application on the respondent(s)

Where a document is required to be served, it may be served:

- if the person to be served does not have an advocate:
 - by delivering it personally to them; or
 - by sending it by post to their residence or their last known residence.
- if the person to be served is acting through an advocate:
 - by delivering or posting the document to the advocates address for service; or
 - by sending a legible fax to the advocate's office.

Does anyone else need to be informed that I am making an application?

The following people must be given written notice of the proceedings as well as the date and place for the appointment or hearing:

- Department of Health and Social Security or any voluntary body, where it is providing accommodation for the child;
- any person who is caring for the child at the time when the proceedings began;
- in the case of a guardianship appointment the father of the child if he does not have parental responsibility;
- in the case of an application under s.11, every person whom the applicant believes
 - to be named in a court order with respect to the child which has not ceased to have effect (unless the applicant feels that this court order is not relevant to their application);
 - to be a party to pending proceedings in respect of the child; or
 - be a person with whom the child has lived with for at least 3 years before the application.