COLLAS CRILL

Family Proceedings Advisory Service (FPAS)

DECEMBER 2020

FPAS used to be known as the Safeguarder Service, and prior to that as the Court Welfare Service. The English equivalent is called CAFCASS.

The role of the Family Proceedings Adviser (FPA) is primarily to promote the interests of children involved in family court proceedings and to ensure that the children's views are heard. If requested by the Court, FPAS will investigate any dispute about children.

As part of every investigation, FPAS will interview the parties and make enquiries of all the relevant authorities, including Social Services and the Police.

The individual FPA in any particular case will decide whether the children should be interviewed. The general principle is that children from around the age of ten and above will normally be interviewed to ascertain their views. Depending upon the circumstances, the views of a sensible mature child will be a major factor in determining the outcome of a particular case.

Any referral to FPAS can take several months to complete, assuming that a full report is necessary. Much of the work of FPAS is an attempt to find a settlement acceptable to both parties and in the best interests of the children. If an agreement is reached along the way, then the FPA can write to the parties and their advocates setting out the terms of the agreement. The whole process is then short circuited and a consent order will be presented to the Court for approval.

If this cannot be done, then a detailed report is prepared. The report will set out the background of the case, the views of the parties and any other relevant individuals and also the views of the child, dependent upon age and maturity. The report will include an analysis of the welfare checklist, as set out in 'The Children (Guernsey & Alderney) Law, 2008', as it applies to the facts of the particular case. The report will conclude with a detailed recommendation as to what the FPA believes is in the best interests of the child.

Once the FPA's report has been completed, it is filed at Court and served upon the parties and their advocates. If the parties are still in dispute having considered the recommendations of the FPA's report, then the case is listed for a trial. The FPA would normally attend that hearing at which witnesses are called by the parties. The Court will then make a decision on the basis of what is in the best interests of the children, applying the welfare checklist.

In practice, it is unusual for the Court to depart from the recommendations of FPAS, but there are occasions when this occurs and the ultimate decision always lies with the Court.

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