



What Happens When an Interim Care Order Is Made?

Key Takeaways:

- An interim care order allows Local Authority to share parental responsibility when there are concerns for a child's welfare
- The order can only be made if there is reasonable evidence of significant harm or that the child is beyond parental control
- Whilst the order is in place, the Local Authority assesses parents and family members to see if they can provide safe long-term care for the child

If the [Local Authority](#) are involved with your family and decide to take your case to court because they are worried about the safety of your children, we understand that you may be feeling anxious as to what this means for you and your child.

Our [Child Care solicitors](#) can explain what this order is, why it may come into effect, and what the next steps are, ensuring you're equipped with the knowledge and information you need to navigate this process.



What is an interim care order?

An interim care order is a holding order, not a permanent order, and allows the Local Authority to share [parental responsibility](#) with the parents when there is a concern about a child's welfare. It is a solution to provide protection and temporary care either with a family member or with Foster Carers for a child whilst assessments of the parents and the home situation are conducted.

How long does an interim care order last?

An interim care order will usually last until the end of the proceedings or until a different order is made.

Does an interim care order remove parental responsibility?

[Parental responsibility](#) includes the rights and duties of a parent towards their child, such as:

- providing a safe home
- meeting the needs of their child
- providing proper arrangements for their care, education, and health.



When is an interim care order made?

An interim care order can only be made if there are reasonable grounds to believe that:

- The child has suffered significant harm
- Is at risk of suffering significant harm
- Or the child is considered to be beyond parental control.

The Court should only make an interim care order, and remove the child, if it is necessary to keep the child safe because the child is at imminent risk and decisions about the child cannot wait until the final hearing when all the evidence is available. The Judge must also consider the Welfare Checklist and the parents' and the child's human rights, because the child's welfare is the court's priority, along with any safety measures that could be put into place to prevent the child from being removed from the parents' care.

Therefore, the Local Authority can only apply to the court for an interim care order to be made when there are serious concerns about the safety and well-being of a child. Significant harm can include physical, emotional, sexual harm and neglect.



Physical harm is when the child has sustained injuries in the parent's care, this includes:

- The parent caused the injuries
- The parent failed to stop someone else from hurting their child

Emotional harm can include:

- The parent is not giving their child enough love and attention
- The parent is not there when the child needs them
- Allowing the child to witness domestic violence arguments or shouting and threatening incidents

Neglect involves parents failing to meet their child's needs such as:

- Failing to make sure the child is fed
- Failing to make sure their home is stable, clean and tidy and free from risk of harm
- Failing to protect the child from the risks that other people may present
- Failing to supervise the child properly so that they harm themselves
- Failing to take the child to school regularly so that they fall behind



Sexual harm includes:

- When a child has been abused by the parent
- The parent has allowed someone else to sexually harm the child whilst they are in the parent's care
- The parent allowed the child to watch sexual activity

Other reasons for an interim care order being issued include:

Parental incapacity or absence

When a parent is incapacitated due to factors such as illness or imprisonment

Voluntary accommodation breakdown

In some cases, a child may have been voluntarily accommodated by the Local Authority with the parents' consent. If this agreement has broken down, an interim care order may be sought.

What happens once an Interim Order is made?

The Local Authority will assess the parents, and any family members put forward within the care proceedings, to see if they can provide safe long-term care for the child. It may be necessary for independent evidence to also be provided.



The Guardian, who is independently appointed by the court, will meet with the parents and the child during the investigation. This is because the Guardian will need to file a report setting out the child's wishes and feelings, but also, what the Guardian thinks should happen at the conclusion of the case.

The Local Authority will also arrange meetings for parents and all professionals involved to attend, so that information can be shared about how the child is. An Independent Reviewing Officer will be appointed to review whether it is still in the best interest of the child to remain in care and separated from his or her parents.

The Local Authority have a duty to arrange reasonable contact between the child and the parents during this time.

Can you appeal against an interim care order?

In very rare circumstances, an appeal against an interim care order can be explored. A parent will have 21 days from the date the order is made to appeal the order.

This is different from discharging an order. You can only discharge an order once it has been made and in place for a period of time.



Can you get legal aid to discharge a care order?

Whilst legal aid for discharging a care order is not automatically available, there may be limited circumstances where it can be provided taking into account whether your application is likely to succeed and your individual financial circumstances.

How we can help?

At Smith Partnership, we can help you throughout the Local Authority's involvement. We have solicitors across the East Midlands who are experienced in interim care orders. If you would like to discuss this further, please contact us on 0330 123 1229.