

# Gráinne's story



## Children in Care

Gráinne is a foster carer and came to us for advice about Lucy, a child she has in her care. Lucy did not want to have overnight stays with her father and Gráinne wanted to know what options were available to her as a foster carer. Lucy was becoming increasingly anxious and upset about the overnight stays and the foster carer was concerned that the stays were being introduced without court oversight and before a parenting assessment had taken place.

**Issue** Children not wanting to go on access visits with a parent is something we have heard about a lot through the service. This can arise in both family law cases and cases where children are in care. We have heard directly from children that these visits can cause increased anxiety and stress. Again, this case shows the confusion around hearing the child's view in court and how legal professionals need to ensure that children and their families are having decisions and processes explained to them in a way they can understand.

**How we helped** In this case, a *Guardian ad Litem* had been recently appointed. A *Guardian ad Litem* (GAL) is a person that provides children with an independent voice to make sure a child's opinion is heard in court and taken into account when decisions are made about the child within care proceedings. The solicitor explained that this was the primary way for the child's voice to be heard in care proceedings and that the GAL would prepare a report for the Judge. This report should set out the child's wishes, detail any impact that overnight stays were having on the child and advise as to the child's best interests.

Gráinne was concerned that decisions were being made outside of court between the father and Tusla, the Child and Family Agency that affected Lucy without considering her views. The solicitor advised that if she was concerned that the direction of the court was required on a question affecting the welfare of the child, it was possible to seek such directions under section 47 of the Child Care Act 1991.

Featured stories are indicative of the issues that we hear through our Helpline and our Legal Advice Clinics. (Names and some details have been changed to protect the anonymity of the families).