

Writing to children – A toolkit for judges

February 2025



**President of the
Family Division**



A foreword from the Family Justice Young People's Board

We hope this toolkit will help more judges feel confident in writing to children and young people.

We have given our time and energy to this project because we want children and young people involved with the family courts to have what we didn't have, but really needed.

The decisions the family courts make are a big deal. They can last forever. Even if the decision made seems routine to a judge, our whole life and future is affected by it.

These letters give judges a chance to explain the reasoning behind their decisions and show they care.

When everything is high pressure and high emotion it can be really hard to remember things. We think having a letter to look back on could really help children and young people to understand what happened and move forwards with their lives.

Remember – these letters don't have to be perfect. Something is better than nothing! Make an effort to get the small details right and treat us as individuals, and that will make a huge difference to us. We want you to get this right and we have every confidence you can.

The Right Honourable Sir Andrew McFarlane, President of the Family Division

The publication of this toolkit for judges writing to children is a most welcome event. The benefit of judges communicating with the child at the centre of proceedings has long been recognised, yet few of us have ever written to a child to explain our decision in their case. There is an understandable judicial reluctance in this regard, partly because of the realisation that the letter will be important and there is a fear of saying the 'wrong thing'. In addition, judges may be worried that it will take a good deal of time to get the letter 'right', coupled with the well-known inertia that comes from staring at a blank page, without a template or previous experience to guide the writer.

As is made plain throughout by direct quotation from children, a child is entitled to be given an accurate and informative account of what was decided, and why, from the judge who made the decision. This will be important for the young person in understanding that their wishes and feelings have been taken into account by the court, and in supporting them to accept or make sense of the decision as they move forward with their life thereafter.

This very readable 'toolkit' does a great deal to break down the factors that may have inhibited judges in the past. To get past 'blank page' inertia, the content of a typical letter is built up, sentence by sentence, with suggestions, explanations and examples, and the whole is rounded off with worked up examples.

I am very grateful to all who have been involved in developing this most valuable resource, but I would particularly like to thank the young people who have contributed. Their endorsement of what is said here should give judges solid confidence that, if they follow these guidelines, they are likely to produce a message that will be of real and lasting value to the young person who has been the centre of their concern.

My hope is that, like many things, once judges have used this toolkit and have written to children in a few cases, doing so will rapidly become the norm and no longer a task to be avoided. I would urge all judges to read this guide and to use it from now on in their cases. The publication of the toolkit has the potential to change the culture and to make the sending of a short letter from the judge the norm in all substantive cases; I earnestly hope that it does indeed do so.

Introduction

This toolkit has been produced to support family judges in writing to children. It applies to private and public law cases. It is not intended to replace judicial discretion or individual practice but is aimed at supporting judges in this element of their judicial role.

Writing to children is one important way of ensuring that children have the opportunity to participate in family court proceedings. A child's right to participate in proceedings and to have the final decision communicated to them in a way they can understand is enshrined in international and domestic legislation and guidance – as a way of both informing welfare-based decisions and upholding children's rights and access to justice (Stalford & Hollingsworth, 2020).

The toolkit has been co-developed with input from children and young people, judges, researchers and academics, social workers, clinical psychologists, communication experts and others who work with children and the courts. It is a gathering together of evidence and good practice, and a helpful reference point for judges when they are trying to decide if and how to write to the child or children involved in their cases.

The toolkit includes

- A summary of the evidence on children's experiences of proceedings and how judges writing to children can influence these experiences
- A discussion of the different purposes served by writing to children in different circumstances
- A summary of key things to consider when writing to children
- Examples of language, tone and format drawn from previous letters judges have written to children and a list of published judgments as examples



What does the evidence say?

The importance of judges writing to children needs to be understood in the context of the wider evidence base relating to children's experiences of family court proceedings. Research from England, Wales and international contexts highlights the importance of children feeling heard, understood and kept informed when the court is making decisions about their lives (see for example Jones 2023; Rehill et al., 2022; Roe, 2021; Symonds et al., 2023). When this does not happen, it can increase the distress, uncertainty and confusion children experience.

Children involved in family court proceedings often describe a sense of being 'left in the dark' about what is happening in court, including at the end of proceedings when important decisions about their lives have been made. Young people describe feeling like they are being 'done to' rather than 'worked with' (Rehill et al., 2022).

One study (Tisdall & Morrison, 2012) found that the failure of the court to explain the final decision directly to children was a significant factor in children's perceptions that their views were not considered important.

By contrast, evidence suggests that feeling heard and understood in court proceedings can be incredibly empowering for children. A study by Cafcass (2010) found that the more children felt that they had been listened to, the more satisfied they were likely to be with the outcome of proceedings – even if the decision was different to what they wanted. When children understand the court's decision, they may also be more likely to accept it (Cashmore, 2002).

Judges directly communicating the outcome of proceedings to children – in a letter or a judgment – can play an important part in ensuring children feel listened to and valued by the court, and to ensure that they understand the outcome of proceedings (Stalford & Hollingsworth, 2020). Research has shown that children and young people often want direct communication with the judge as the ultimate decision maker (Kilkelly, 2010).

Writing to children can also provide an important record of what has happened, that children may want to access later in life to help them understand their own life stories and the role of the family court in that. Research with care-experienced people has shown that having access to their files, and a record of what has happened to them, can be critical to their sense of identity and belonging in later life (Shepherd, 2022).

"Children are by and large, completely invisible in court"

(Sir James Munby, then President of the Family Division, 2015)

"Like you are just like a case, and you are one of a thousand [...] They just see the case and they see what needs to be done and what boxes need to be ticked. You're no longer a person. You're not even a number. You're a piece of paper and I think that's the hardest part."

(Young person, 16; from Rehill et al., 2022)

"You're not even informed of the decisions, they're already made."

(Young person, 17; from Rehill et al., 2022)

"I definitely prefer that [being told by the judge/third party] because then I know it's coming from someone who like is not part of whatever is happening. So like, they're just doing their job and finding the facts. Definitely someone in the middle ground to tell you what's going on. someone not to do with the family or not on a side. Or someone on my side, someone on my side who understands it all because I don't even understand what I'm doing to be honest with you."

(Matt, 16; from Jones, 2023)

Understanding the purposes of judges writing to children

Each child or young person the court is involved with is different, and therefore the different possible advantages and disadvantages of writing to them will need to be considered on a case-by-case basis.

In making that decision, judges may wish to consider the following possible purposes of a judicial letter to a child. At a headline level, writing to children is a way of upholding their rights to participate, but beyond that there are a range of specific purposes that it can be helpful to consider.

To provide an accurate and informative account of what was decided and why

- A judicial letter is one way to help ensure that the final decision is explained to the child, in a way they can understand.
- It enables a child to be told not only WHAT was decided but WHY the decision was made, and HOW their wishes and experience informed the decision-making process. This explanation comes directly from the person best placed to understand that decision making process – the decision maker themselves.
- If there is concern that the child will not get an accurate report of what the judge has decided from the adults around them, a letter to the child can be an important opportunity to provide a clear narrative of what has been decided, directly from the person who made the decision. In situations where there is less of a professional network around the child, such as in contentious private law cases, this can be particularly important.

To support the child to feel that their views and experiences are considered important and valued by the court

- Children and young people told us that letters can be a vital mechanism through which they are reassured that they have been seen and heard by the judge – that the judge has tried to understand their lives and they are not just 'another case'. This can support them to feel valued by the court and provide a sense of agency at a difficult time in their lives.
- Where children have themselves written to the court or provided artwork or other feedback, letters provide an opportunity to acknowledge this contribution and explain how it shaped decision making.

To support children's ability to accept decisions made about them

- Providing a clear articulation of what was decided and why can help children understand and accept what has been decided, even in situations where the court has done something other than what the child has said they wanted.
- Writing to children in this way, particularly older children, can demonstrate a level of care and respect, which can in turn help support their 'buy in' to the decision.

To support future understanding and life story work

- Letters give a child something to look at in the future to help them understand the decisions that were made about their care.
- For very young children, particularly in situations of placement orders, adoption orders or leave to oppose decisions, a judge's letter can be an important element of life story work in the future.
- Even for children who are old enough to have some or all of the decision making explained to them at the time, a letter can provide a written record they can go back to if they are struggling to remember or make sense of things. Research shows that, at times of stress, we remember a very small proportion of the information told to us – having something to go back to can help provide reassurance and increase understanding over time.

“I think a letter would have completely changed my life. If I'd been given the proper information I would have been able to make decisions. Having that piece of paper can finalise so many things. Even if you don't want to look at it then, you can go back and look at it later.”

Family Justice Young People's Board member

“As a judge the challenge of sitting down and writing a letter can feel daunting (and time-consuming) particularly after delivering a tricky judgment but really writing to children can be a critical part of the decision-making process, and not an adjunct to it. Letters do not need to be long but they do need to be honest and child focused. For a child, getting a letter from the judge may be almost as important as its content. It lets them know that the judge was thinking about them.”

Comment from a judge

“It would be so helpful to have a concrete, factual version of what happened, not warped by time or other people's opinions.”

Family Justice Young People's Board member

“From the feedback I have had, different children will react differently. I was told that one child slept with my letter under his pillow, a couple of children have not wanted to open the letter and one tore it into pieces only then to ask for it to be sellotaped back together. I write to children in many cases. Most of the time the feedback is really positive and the professionals working with the children have told me how useful the children find the letters and pleased that the judge has taken time to write to them directly.”

Comment from a judge

“It is never lost on me, children having to navigate a complex web of emotions once a final decision is made. I am certain your letter supported Alex in doing so and left him feeling part of proceedings and valued.”

Feedback to a judge from a Cafcass manager

“[Having a letter] would have given me more trust in the decision.”

Family Justice Young People's Board member

“When everything is high pressure and high emotion it can be hard to remember things. Having a letter to look back on could help.”

Family Justice Young People's Board member

Things to think about when writing the letter

It is important that letters for children are tailored to their individual needs (their age, understanding and experiences). In developing this toolkit there was a strong consensus that it was important that letters were not formulaic and responded to children as individuals. Children, young people and professional contributors did however identify some key elements and principles that it would be useful for judges to consider.

- **Introduce yourself** – explain who you are and your role in proceedings. Some children will need an explainer of what a judge is and may need reassurance in terms of the difference between the decisions judges make in family proceedings and criminal proceedings. Other children or young people may have already met with you or had conversations with their social worker, family court adviser or children's guardian about you and your role so may need less context. Some examples other judges have used:

Dear [A] and [B],

My name is John and I am a judge. I met your mum and dad at court in London last week. Your mum and dad have asked me to make decisions for you both about where you should live.

Dear Alice,

Thank you so much for coming to see me last week at court with Miss Brown. It was lovely to meet you.

When we met, I explained that my role is to listen to everyone and to read a lot of information about you and your family. I must do what I think is best for you and your brother and sister. Sometimes, parents cannot agree what the best thing to do is. It is my job to make decisions, which sometimes can be very difficult.

- **Explain the purpose of the letter** – are you writing to explain the final decision, or to provide an update on the case? Is the letter meant for the child or young person now, or is it something they may want to read later (e.g. in cases involving very young children)?

When we met at the end of September, I said that I would write to you to tell you about my decision and, hopefully, explain it to you.

I am writing to you as I think it must be very odd and difficult for you to know some stranger (me!) is making decisions about you without you ever getting to meet them.

- **Include personal details about the children** – let the child know that you are interested in and have tried to understand their lives. Mention brothers or sisters, their school, hobbies, upcoming holidays or other details about their lives that are important to them. It is really important to get the details right – if you are not sure about something, check with someone that knows the child, or leave it out.

I heard from your mum and dad that you really enjoy being a Brownie and I hope your camp this week went well.

It was clear to me from what you said to your guardian, Lindsey, that even though you might like different things and think different things, you are very close as sisters and love each other a lot.

- **Reflect back what the child has said** – this lets them know that their wishes have been heard and acknowledged by the person making the decision. If possible, quote back what the child has said in their own words, or make use of the language they used to describe their situation. It might be helpful to explain that, while you took the child's view into account, the final decision was ultimately yours and they are not responsible for the outcome.

I have listened to what you would like. I know that you have told Jessica [your guardian] and others that you do not want to see your dad. I know that you have also said that you want the court proceedings to come to an end.

You met a lady called Shelley in July and you told her what you wanted. She told me you both liked the idea of living with your mum in Somerset.

Thank you for writing to me. I heard loud and clear that you do not want to see your mum and you want people to stop bothering you. I take what you say seriously. I respect your views. Your welfare is my number one concern.

- **Explain who else you listened to in making your decision and your role as the ultimate decision maker** – briefly explain who else you heard from (mum, dad, social workers, children's guardian, other experts). If appropriate, summarise what they said. It might be helpful to explain that while you listened to everyone's views, it was ultimately you who made the decision on your own.

You met with Brian from Cafcass Cymru. It is Brian's job to:

- tell me what you want to happen.
- tell me what he thinks is best for you.

You told Brian that you would like to live with your dad and see your mum.

Brian thinks it would be best for you to live with your dad because you are happy and settled in your home with your dad.

I have listened to what your mum said, what your dad said, what you have said and what Brian has said. It is important that I listen to everyone, but it is my job to make the final decision.

I hope you both understand that I have made the decision and not your mum or your dad. Judges sometimes have to make decisions when parents cannot agree.

- **Communicate your decision** – explain what the decision means for the child clearly. Think about what will matter most from the child's perspective – where they will be sleeping, who is looking after them, what school they will go to, if and when they will see family members, what will happen at important events (birthdays, school holidays, religious holidays). Mention if this is a long-term arrangement or if it might change again at some point in the future.

I have listened very carefully. I decided that you and Sam should stay living with your nanny and grandad. I have made what's called a special guardianship order. This will help your nanny and grandad care for you now and in the future. It means that they can make decisions about you without having to come back to see me or the social workers, or check with your mum and dad.

Your grandad and grandmother have told me that they love you dearly. They have worked really hard for you to live with them. I have thought carefully about what they have said and about what you want. But sadly, at this point, I think there are too many problems if you live with your grandparents all the time. I know that this may make you feel very sad, but I hope that you can keep enjoying your two houses as you explained them to Gemma, the guardian.

- **Explain how you came to the decision** – describe the things that influenced your decision and why you made it. If it is not the outcome that the child or young person said they wanted, acknowledge this and explain why. In some cases, and for older children in particular, it may be appropriate to plainly acknowledge the issues involved (e.g. with drugs and alcohol), as they will have a clear lived experience of it. In appropriate cases this may also include telling a child that they were believed.

I have made this decision after thinking very carefully about what I know about you both, what you both need and things like your education, happiness and your relationship with your family.

Your parents understand that there is a lot more work that they need to do to make sure they are able to care for you safely. They told me that they sometimes struggled to cope when things got difficult. This led to them getting angry and upset with each other, and drinking too much, which put you at risk. Your parents have worked with the social worker and guardian to put together a plan of things they need to do to support them in the future. I hope that your parents will do all they can to complete the work, but it is unlikely that this will be done quickly and this means that you will be staying in foster care.

I have decided that you should move to a foster placement. I think this is the best option to keep you safe and well.

I thought about my decision very carefully. I had to weigh up your worries about your mum and your real fear for her. The fact that you have moved about so much. The fact you have not been properly looked after for a long time. And the fact that you've been out of school for so long. I have decided that you need and deserve to be looked after and that arrangements need to be made for your mum to be looked after properly so she can get well. This is why I have made my decision.

- **Let the child know you care** – acknowledge that what has happened will have been difficult for them, be empathetic, and let the child know that you want the best for them. Do not avoid the difficult or potentially sensitive messages – these often tell the child that you understand and care. It can also be important to use this opportunity to reiterate that the child is not to blame for what has happened to them and/or the decision that has been made.

It is clear that you love your family. What you say about Dan having a loving family in the future and that he deserves to be happy must have been very difficult for you. It shows how mature you are. Don't forget that you deserve these things too.

I know from reading and hearing a lot about your family, that for many years your mum and dad have not got on very well with each other. This must have been very difficult for you, having two parents who did not get on and who struggled to hide that from you.

- **Be forward-focused and emphasise cooperation** – avoid being judgmental or placing the blame on a particular individual. Whenever you can, emphasise that everyone wants what is best for the child in the long run.

I want to say that I believe that your mother, father and grandmother all love you very much and want the best for you. At times in your life, they have had different views on what best looks like. This must have been very difficult and confusing for you. They have told me that they accept my decision and will work together to make it happen for you.

When I met your parents they always told me how much they love you and want what is best for you. But they aren't very well. They need more help from doctors to get better. They haven't been able to get better in time for you to go back to live with them. But this doesn't mean they don't love you.

- **Think carefully about the language you choose, especially when describing people's feelings** – try to use factual rather than value-laden language and avoid making assumptions about how a child or adult might feel about the decision. It is also important that issues are explained in a way that does not leave a child feeling blamed or responsible for adults' emotions.

I have made the decision that you will not see your father. This was a very difficult decision to make.

I listened very carefully to what your mother, father and Robert had to say about you.

I have no doubt that your mother and father love you all very dearly and you love them.

Your mother told me that she has tried very hard to understand your father's point of view and why he behaves in certain ways but that it has been very difficult for her to do this. After hearing all the evidence I understood and accepted why she found things difficult.

Your father told me that I should not believe everything that your Mother has said about their relationship and that she is exaggerating some of the difficulties she spoke about.

After listening very carefully to them both I accepted and believed what your mother was telling me. I did not think that she was exaggerating or telling me lies and I believe her about the times when your father has behaved in ways that have been very upsetting and difficult for her and also for you.

- **Reinforce that their future happiness matters.**

Hanifar, I wish you all the very best for the future. I hope you feel happy and settled with your father and Bess and that you work hard at school. Enjoy your time with Alex and your mother and grandmother. Have confidence in yourself and have big dreams.

It has been lovely to hear about what a bright and lovely boy you are, and I want to end by wishing you all the best for the future.

Other top tips

- **Tailor the letter to the child's individual needs and circumstances.** You might want to consider:
 - **Age- and developmentally-appropriate language** – use language that the child will be able to understand. Avoid legalistic language and explain complicated phrases or terminology. Remember that a child's developmental age may differ from their chronological age.
 - **Additional speech, language and communication needs** – children with additional learning needs or neurodevelopmental conditions (such as autism spectrum disorder, dyslexia, learning disabilities or attention-deficit-hyperactivity disorder) may communicate and process information differently to their peers. Letters might take different forms depending on the child's needs, including for example a video or recorded message.
 - **Cultural background** – children's experiences and what's important to them can vary massively from child to child and family to family, including as a result of their ethnicity, religion or heritage.
 - **Writing to children in their language** – where English is not a child's first language consideration should be given to providing a translated version. In Wales, some children may prefer to receive the letter in Welsh, or in both English and Welsh.
 - **There are some further tips and guidance on language linked below.**
- **Keep it short** – short sentences and very short paragraphs can help make text more digestible. However, sometimes you might need to use more words to explain something clearly, rather than relying on a shorter but less accessible word or phrase (such as 'position', 'secure' or 'placement' for example).
- **Use the professional network for support** – where involved, children's guardians, family court advisers, local authority social workers and other experts working with children can provide good insight in to how to compose a letter – they might have a good understanding of what questions the child is most likely to have or what language or approach will be accessible for that child. Asking professionals who have a relationship with the child to read over letters can be a helpful way to ensure the content is pitched at the right level for the child. Try to think in advance about who will need to see the letter and when.
- **Consider how to present the letter to maximise accessibility** – choose clean, simple fonts and avoid very small text. Different children will have different needs. Some children might find letters easier to read if they are printed on a certain colour of paper for example. Again, it can be helpful to ask professionals working with the child if they have any particular suggestions.
- **Think about whether to write individual or joint letters** – this will vary for different children. It is important to remember that even within a sibling group children will have unique experiences and this might suggest individual letters meet their needs best. There will however be situations where children would prefer to receive information in a joint way.
- **Reference where the child can go to ask questions or for further support** – children and young people have indicated it would be helpful for letters from judges to suggest who might be able to offer further explanation or provide further support, if needed. For younger children in particular, having an adult sit down and read the letter with them may help their understanding. If

necessary, ensure there are plans in place about who will do this (e.g. parent or carer, children's guardian, solicitor).

- **Do not over promise** – It is important for children to understand when the letter is an ending to proceedings rather than as the beginning of correspondence. Where the letter refers to support children can get from other professionals, it is important to check this will be available.
- **Think about the practicalities of sending the letter** – judges can write to children in different ways. Some might write a letter on a court headed template, others provide a short email. Another option is to address a specific paragraph of a spoken judgment to a child and ask for a transcript of that section to be provided to the child. In some cases, judges have written the full judgment in child accessible language, or made a letter to a child a formal part of the judgment (e.g., the first section or an annex at the end). Different situations call for different approaches. Ensure that there is a copy of the letter saved in the court file and shared with Cafcass or Cafcass Cymru for future reference.
- **'Do not let perfection be the enemy of the good'** – young people told us that even if a letter was not perfect, as long as it was written compassionately and clearly, receiving something would, in many cases, be better than nothing.
- **An opportunity for engagement but not the only one** – judges writing to children is of course only one type of engagement. For some children meeting the judge and having a verbal explanation might work better. For others, having a letter and then a chance to meet the judge afterwards could be the best way to meet their needs. As in the examples above, there will be situations where children have met the judge prior to letters being written. In other cases, you might consider addressing the full judgment to the child. The wider research on children's participation suggests different children want different things, so it can be helpful to have conversations with professionals early on in cases to work out what approach the child or young person would like and if and how that is practical.

Helpful resources and wider reading

- [The Family Justice Young People's Board top tips on speaking or writing to children and young people, including jargon-busting and a list of words or phrases to avoid](#)
- [Guidance on communicating with people with a learning disability](#) from Mencap
- The Communication Trust's series of resources on the ages and stages of children's communication development, for children from [birth to age 5](#), [aged 5-11](#) and [11-18](#)
- [Family Law Advice for the Neurodivergent Community \(FLANC\) resources](#)
- [Research report on the identities and expressions-of-self of minoritised children and young people in care](#) (Cheruvallil-Contractor, Halford & Anand, 2024)
- [Briefing on the identities and expressions-of-self of minoritised children and young people in care](#) (Cheruvallil-Contractor, Halford & Anand, 2024)
- [Guidance on writing judgments for children, including the children's rights judgments project](#) led by Kathryn Hollingsworth and Helen Stalford
- [Guidance for judges in the criminal courts to effectively communicate sentencing decisions to children, including a checklist and glossary](#) (see Appendix III)

Examples of letters

Here are some examples of letters for children of different ages that we have developed in collaboration with young people, judges, and other experts. The examples are fictional and intended to be illustrative – they may not suit every circumstance or child.

Example 1 – Public law, 9-year-old child

Dear Laura

My name is Beverley Marsh. I am the judge whose job it is to decide where you and Jack should live.

I have made the decision that you and Jack should stay living with your granny and grandad. As my decision is about you, I wanted to write to you to explain the decision that I have made and why.

I want you to know that I have had to think very carefully about what is right for you and Jack. I have listened to what your mum and granny and grandad have said, as well as your social worker and guardian, Rebecca, and other professionals.

My job as a judge is to consider carefully what everyone tells me and then to decide what I think is best for you now and also in the future.

Rebecca has told me that you want very much to be able to live with your mum in London again. You miss her and you miss your life and friends in London. I understand this.

Your mum has told you that she loves you and Jack very much, and wants you both to be happy. She knows that she has sometimes found it difficult to look after you all on her own. This has meant that sometimes you have had to look after yourself and Jack more than you should. This is a big responsibility for someone your age and is getting in the way of your friendships, hobbies and schoolwork.

Your mum has told me that she is going to work with the professionals to get some help with her mental health – sometimes we all need some extra help. I am really pleased that she has accepted this help but it will take time for things to improve.

This is why I have decided that you and Jack should stay living with your gran and grandad. They have told me that they love you and want you to stay living with them. You will still be able to see your mum – this will be every two weeks with your gran and grandad for now. Should everyone agree (you, your mum, gran and grandad, and the local authority), this can increase as you get older.

I think you might be upset with my decision. I am sorry about this. But the most important thing is that you are safe and being well looked after. I believe that you have to stay living with your gran and grandad for this to happen.

Laura, I wish you all the best for your future. I hope you will continue to settle in your new home and school. Keep working hard and keep up with your dancing!

With very best wishes, Judge Beverley Marsh

Example 2 – Private law, 7-year-old child

Dear Omar

My name is Amos and I am a judge. Judges help families make decisions when they can't agree or when people are worried that children are not safe.

Your mum and dad needed my help to make a decision about whether you should see your dad.

I have listened to your mum and your dad. They both told me that you are a lovely, kind boy who enjoys spending time outside. They both told me how much they love you. Your dad wants to spend time with you. Your mum is worried this might not be safe for you.

I also listened to Grace from Cafcass. She told me she met you at school and you did some drawing together. She showed me the letter you wrote to me and the pictures you drew for her. Thank you for your letter. You told me your wishes and feelings really clearly. Your letter helped me to make my decision.

You told me in your letter that you miss your dad but you are worried about seeing him. You remember him getting angry and hurting your mum when you all lived together. You are right, it was not ok for your dad to hurt your mum. It is really important that you know what he did was never your fault. I can understand why you are worried that if you see your dad he might get angry again, and he might hurt your mum, or hurt you.

Your dad told me he is sorry for hurting your mum, and for frightening you. I know he wrote you a letter telling you that he is sorry for what he did. He has been working hard to change his behaviour. He has learned that if he does get angry feelings, it is never ok to make someone else scared or to hurt them. He has now learned ways to behave which are kinder and calmer.

I have listened to what everyone thinks should happen next. I have decided that it would be a good idea for you to start by seeing your dad on Sunday afternoons at your nanny and grampy's house. I understand that you might be worried about seeing your dad. That is why I have decided that your nanny and grampy must be there too, to make sure you are safe. You being safe is the most important thing for me.

After you have seen your dad three times, your mum and dad will come and see me again, and we will make a plan for what happens next. Grace will come and visit you at school. You can tell her how the Sunday visits have been going. You can tell Grace if you have any more worries or if there is anything else you want to say. You can write me another letter, or ask Grace to tell me what you said.

I will listen to what everybody says, and together we will work out a plan for you, your mum and your dad.

Thank you again for your letter and for talking to Grace. I hope the next couple of months go well for you, and you enjoy seeing your friends again when school starts in September.

With best wishes

Judge Amos.

Example 3 – Public law, child under a year old

Dear Erik,

My name is Judge Carys Finnick.

Today is the 15th October 2024 and you are eight months old. Today I have made the decision that you should be adopted. I know you are too little to read this now, but I hope that when you are older this letter will help you make sense of what happened.

Erik, I have met your mother and father and listened to what they want. It is clear they love you dearly and that they want to care for you. The professionals working with them felt this wouldn't be safe for you. Your parents both struggle with their mental health and, at times, have used drugs and alcohol to get through difficult times. This means I that I don't think they are able to provide you with safe care at the moment. Whilst both your parents have told me that they are determined to deal with the problems they have in the future, I don't think this will be in time to look after you as you grow up.

Deciding to separate you from your parents has been a very difficult decision. I have made it to try and give you the best chance of a safe and loving upbringing. I hope this decision will provide you with security.

I very much hope you will continue to have a relationship with your older sister, Hannah, and brother, Lewis. I have made it clear to everyone involved that I think this is really important and they should work together to make this happen.

I know that reading this letter might be hard but I want you to know that I thought very carefully about my decision and what was best for you. I hope you are doing well and I wish you well for the future Erik.

My very best wishes,

Judge Finnick

Examples of published judgments and letters

Letters

Ms D v Mr D [2022] EWFC 164 (03 September 2022).

<https://www.bailii.org/ew/cases/EWFC/OJ/2022/164.html>

A letter to the two brothers involved in the case is published as an appendix to the main judgment. The case concerned whether the brothers should move to Somerset with their mum.

Letter from Sheriff Anwar.

<https://www.msmlaw.co.uk/wp-content/uploads/2017/08/Letter-to-the-children.pdf>

An example from Scotland where the Sheriff writes to two siblings to explain their decision-making. The case concerns whether the children should continue to see their dad.

Mother v Father [2024] EWFC 252 (B) (14 August 2024).

<https://www.bailii.org/ew/cases/EWFC/OJ/2024/252.html>

This judgment includes a letter addressed to the four children involved in the case, regarding a mother's application to spend time with the children.

B, Re A Child (Disengaged mother letter to child) (11 November 2024)

<https://www.casemine.com/judgement/uk/67339f01baa36b540d4ba97b>

This judgment includes a letter to a baby explaining the circumstances that led the judge to agree a care plan adoption.

Judgments

"Dear Sam" A (Letter to a Young Person), Re (Rev 1) [2017] EWFC 48 (26 July 2017).

<https://www.bailii.org/ew/cases/EWFC/H CJ/2017/48.html>

This judgment is addressed directly to 'Sam', a 14-year-old. It concerns his living arrangements, and whether he should move to Scandinavia with his dad.

E (A Child) Step-parent Adoption) [2022] EWFC B3 (24 January 2022).

<https://www.bailii.org/ew/cases/EWFC/OJ/2022/B3.html>

In this case, the judge delivers the judgment directly to the 17-year-old involved in the case. It concerns an application to the court for an adoption order in respect to their step-mum.

Tom v M & Anor [2024] EWFC 313 (B) (22 October 2024).

<https://www.bailii.org/ew/cases/EWFC/OJ/2024/313.html>

A judgment written for 'Tom', a 13-year-old who applied for permission to make an application to the court in ongoing proceedings. The application was denied.

References

Cafcass. (2010). *Private law consultation: how it looks to me*. London: Cafcass.

Cashmore, J. (2002). Promoting the participation of children and young people in care. *Child Abuse & Neglect*, 26(8), 837–847. [https://doi.org/10.1016/S0145-2134\(02\)00353-8](https://doi.org/10.1016/S0145-2134(02)00353-8)

Hollingsworth, K. & Stalford, H. (2020). *Judgments for Children*. Newcastle Law School Research Briefing No.18. [https://www.ncl.ac.uk/mediav8/law/files/research-briefings-pdf/Briefing%20\(KH\)%20-%20Judgments%20for%20Children.pdf](https://www.ncl.ac.uk/mediav8/law/files/research-briefings-pdf/Briefing%20(KH)%20-%20Judgments%20for%20Children.pdf)

Jones, R. (2023). *Children's experiences of participation in private proceedings in the family courts*. Cardiff: Welsh Government, GSR report number 114/2023. <https://www.gov.wales/children-and-young-peoples-experiences-participation-private-proceedings-family-courts>

Kilkelly, U. (2010). *Listening to children about justice: Report of the Council of Europe's consultation with children on child-friendly justice*. Council of Europe. <https://rm.coe.int/168045f81c>

Munby, J. (2015). *Unheard voices: the involvement of children and vulnerable people in the family justice system*. The annual lecture of The Wales Observatory on Human Rights of Children and Young People.

Rehill, J. et al. (2022). *The care files: Exploring the experiences of teenagers entering the care system*. Nuffield Family Justice Observatory. <https://www.nuffieldfjo.org.uk/resource/the-care-files-exploring-the-experiences-of-teenagers-entering-the-care-system>

Roe, A. (2021). *Children's experience of private law proceedings: Six key messages from research*. Spotlight series. Nuffield Family Justice Observatory. <https://www.nuffieldfjo.org.uk/resource/childrens-experience-of-private-law-proceedings-six-key-messages-from-research>

Shepherd, E. (2022). *Good practice in recording and access to records: Strategic Briefing*. Research in Practice. <https://www.researchinpractice.org.uk/children/publications/2022/january/good-practice-in-recording-and-access-to-records-strategic-briefing-2022/>

Stalford, H. & Hollingsworth, K. (2020). "This case is about you and your future": Towards Judgments for Children. *Modern Law Review* 83(5), pp. 1030-1058. <https://doi.org/10.1111/1468-2230.12536>

Symonds, J. et al. (2022). *Separating families: Experiences of separation and support*. Nuffield Family Justice Observatory. <https://www.nuffieldfjo.org.uk/resource/separating-families-experiences-of-separation-and-support>

Tisdall, K. & Morrison, F. (2012). Children's participation in court proceedings when parents divorce or separate: legal constructions and lived experiences. *Law and Childhood Studies: Current Legal Issues*, 156. Oxford: Oxford University.

A note on how this toolkit was produced

This toolkit was co-developed in 2024 with input and feedback from 21 children and young people and over 50 other professionals who work in around the family courts, including judges, magistrates, researchers and academics, social workers, clinical psychologists, lawyers and communication experts.

It is based on insights from research evidence and a series of workshops with children and young people and judges. In order to inform its development, the President of the Family Division gave permission for judges to share anonymised, unpublished letters with colleagues at Nuffield Family Justice Observatory. Drafts of the toolkit were shared for further feedback with those involved in the initial workshops and then with a wider group of children and young people, judges and other professionals.

We would like to offer our particular thanks to the following groups and individuals for their input:

The Family Justice Young People's Board and young people working with Barnardos Cymru and the Somerset In Care Councils.

The judiciary, including Sir Andrew McFarlane (President of the Family Division), Mrs Justice Gwynneth Knowles, Lord Justice Peter Jackson, HHJ Karen Venables, HHJ Rebecca Brown, HHJ Robin Bedford, HHJ Matthew Entwistle, Ms Justice Sonia Harris, District Judge Grant Bird, HHJ Jayne Scannell and HHJ Joanna Vincent.

Jude Eyre, Alice Roe and colleagues from the Nuffield Family Justice Observatory.

Professors Helen Stalford and Kathryn Hollingsworth.

Barnardos Cymru, Cafcass Cymru, Cafcass, The Intermediary Cooperative, Cafcass Family Forum, and Rotherham Metropolitan Borough Council.

Dr Jaime Craig, Dr Sheena Webb, Dr Nicola Cosgrave, Professor Eamon McCrory, Andrew Powell, Jenny Beck KC, Natalia Schiffrin, Ben Collins, Clare Carter and Chris MacDonald.

The toolkit has been developed as a first step rather than a final statement. We hope it will promote discussion and support practice development, but we also hope it will generate learning which, in time, may lead to further revisions of the toolkit and/or the production of additional resources. Work is underway to consider how the impact and effectiveness of the toolkit will be evaluated. Any feedback on the toolkit is warmly welcomed and can be sent to Nuffield Family Justice Observatory at contactfjo@nuffieldfoundation.org.