

## **The Welfare Checklist Criteria**

The seven criteria included in the checklist under s1(3) Children Act 1989:

1. The wishes and feelings of the child concerned
2. The child's physical, emotional and educational needs
3. The likely effect on the child if circumstances changed as a result of the courts decision
4. The child's age, sex, backgrounds and any other characteristics which will be relevant to the courts decision
5. Any harm the child has suffered or may be at risk of suffering
6. Capability of the child's parents (or any other person the courts find relevant) at meeting the child's needs
7. The powers available to the court in the given proceedings

### **1. Wishes and Feelings of the child concerned**

When making a decision regarding a child the courts will consider the wishes and feelings of the child with consideration given to the age and level of understanding of the concerned child.

The Courts will take into consideration whether or not a child's wishes and feelings are their own or whether there could have been outside factors that may have influenced their decisions. There may also be a conflict of opinion between the parents/Guardians views and that of the child, in these circumstances as long as the child is of an understanding age and mature enough to make their own decisions.

### **2. The child's physical, emotional and educational needs**

The courts will consider who is in the best position to cater for the child's emotional, physical and educational needs. The courts try in most cases to uphold the natural parents presumption that a child should stay with their natural parents in circumstances where all parties involved could provide equal care.

### **3. The Likely effect on the child due to changing circumstances**

The courts will try in all circumstances to issue an order that has the least impact or effect on a child's life where a decision of changed could cause more harm than good.

### **4. Child's age, sex, background and any other relevant characteristics**

The court's may consider issues such as religion and culture when making a decision. They may also take the parents/ guardians hobbies and lifestyle choices into account if they feel this will impact the child's life now or in the future.

### **5. Any harm which the child may or could suffer**

The courts will look at any previous harm possible suffered, if there is a risk of harm in the future and the whether the harm is severe or significant and likely to cause distress and impairment of health and development.

### **6. Capability of parents to meet the child's needs**

Under this criteria the courts will consider how able the parents/guardians are for caring for their child, this will include scenarios where the child may suffer an illness or where a guardians lifestyle choice may have an impact on the needs of the child.

### **7. The Range of powers available to the courts**

The courts will have to consider all orders available for them to issue before making a decision, this will include orders such as residence, care, contact orders etc.