



# FAMILY COURT BAR ASSOCIATION

New Administrative Building, "B" Wing, 5th Floor, Bandra Kurla Complex, Bandra (E), Mumbai - 400 051.  
Telefax: 26591801

Date: -03/08/2021

PRESIDENT  
**Sasidharan V.K Nair**  
9820466566

VICE PRESIDENT  
**Angana Pradhan**  
9820123320

SECRETARY  
**Shraddha Dalvi**  
9699302403

TREASURER  
**Sangeeta Mali**  
9561458105

JT. TREASURER

COMMITTEE MEMBERS  
**Sarika P. Mhatre**  
9833279442

**Ashish Dhuri**  
7977785877

**Maheshwari Dave**  
9833319995

**Kanchan Prajapati**  
9867875809

The Hon'ble I/C Principal Judge,  
Through Registrar,  
Family Court, Bandra -East,  
Mumbai 400050.

Subject: - Formation of panel for Child/Children  
Independent Lawyer (CIL) in Family Court, Mumbai

Respected Sir,

This is with reference to above mentioned subject for forming a panel for Child Independent Lawyer (CIL) in Family Court, Mumbai. A Child's Independent Lawyer can be appointed by the Hon'ble Family Court to represent and protect the child's interest in maintenance, custody/access and other related issues to the welfare and upbringing of the children. In many cases the maintenance and access are avoided and it is affecting the upbringing of the children. At times the children are used as a tool to settle their personal score in matrimonial proceedings. It is observed that the children are the silent sufferers and most unheard and not represented parties in the matrimonial proceedings. In many cases Parenting Alienation Syndrome (PAS) are at high risk which is affecting the mental health and psychological aspects of children. It is brought to our notice that Presiding Officer of Court Room No.2 of Family Court Mumbai, is the first Judge to appoint Child's Independent Lawyer in few matters placed before said court.

*Ujjwal*  
03/08/21  
Bandra Kurla Complex  
Bandra (E), Mumbai



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The Child Independent Lawyer (CIL) is appointed with specific roles. We appreciate and welcome such new steps taken for the betterment of the children and their upbringing. As per Family Court Act and Family Court Rules, The Principal Judge has liberty and power to frame own rules as per the requirements and need of the circumstances. It is a need of the hour to form panel and appoint Child's Independent Lawyer to eliminate Parenting Alienation aspects and encourage Shared Parenting Plan (Guidelines drawn by the Hon'ble Bombay High Court). We would like to give inputs for framing the guidelines for an appointment and role of the Child's Independent Lawyer.

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Proposed Guidelines for Child's Independent Lawyer (CIL) at Family court :-

Any party who is part of the proceedings involving child maintenance or child access issues can move an application for appointment of the Child's Independent Lawyer. The Child's Independent Lawyer can appointed in following cases: - a) Serious Allegation of Child Sexual assault, or any Physical assault.

b) Child is matured to express his views.

c) High Conflicts between the parties affecting children's mental health.

Any serious mental health issues of the child because of the marital discord between the parents.



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Role of Child's Independent Lawyer (CIL) :-

a) CIL shall be in regular touch with the child before every date and shall express child's views before the Hon'ble Court.

b) CIL can visit the child's school and speak with his/her teacher/principal to know their academic performance and their academic fee structure or any other extra curriculum activities. The same can be reported to Hon'ble Court with their academic performance sheet and fee structure brochure.

c) CIL shall inform the regularities of the child access and child maintenance payment or child's school fees dues.

d) In case of any child sexual abuse, the CIL shall visit to Children's Welfare Committee (CWC) or Police Authorities or any other concern authorities and shall report the same before the Hon'ble Court.

e) CIL shall report every quarterly about the child access. If requires the CIL can seek help of Child Psychologist available through Muskaan to know child's bonding with non-custodial parent.

f) CIL can update about child's medical/mental health and if required can consult the doctor to seek medical report.

g) CIL can inspect the documents related to child, produced in proceedings. If required can examine the witnesses including both the parents or any experts.

h) In short, the CIL shall represent the child to establish the right of the child and to look after the affairs related to the emotional trauma happened to the child during the period of litigation between their parents.

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It is therefore prayed and humbly suggested to appoint a panel of child independent lawyers (CIL) in family court, Bandra and same may be circulated amongst the Hon'ble Judges and maybe shared to FCBA to inform the lawyers accordingly.

Expecting prompt steps for the establishment of the panel of CIL at the earliest.

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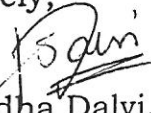
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Sincerely,

  
**Shraddha Dalvi,**  
Secretary - FCBA

