

A Guide To Preparing A Bundle For A Family Court Hearing

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Rights of Women produces a number of other legal guides that you may find useful including **Sending documents to the court and the other parties**, **How to write a position statement for a Family Court hearing** and **A guide to preparing witness statements for the Family Court**. You can access our full range of legal guides at www.rightsofwomen.org.uk/get-information

The rules about bundles are set out in the Family Procedure Rules at Practice Direction 27A. You can find the Family Procedure Rules here: https://www.justice.gov.uk/courts/procedure-rules/family/rules_pd_menu

The rules explained in this guide only apply if the court has not specifically given different directions in the court order. Make sure you check the court orders in case the judge has asked for something specific in the bundle.

What is a bundle?

A bundle is a folder of court documents provided to the court before a hearing that should contain all of the documents the court may need for that hearing. It is sometimes called a court bundle.

The bundle will be different for each hearing but if you are updating an old bundle, try to keep the same page numbers for the documents already in the bundle unless you are removing a document altogether.

'...A bundle is a folder of court documents provided to the court before a hearing that should contain all of the documents the court may need for that hearing....'

When do you have to prepare a bundle?

In family cases, the court expects a bundle to be prepared for every hearing in the Family Court or in the High Court. Whether you have to prepare the bundle will depend on what your position is in the case.

Normally the solicitor for the applicant (the person who made the court application) prepares the bundle.

If there are cross-applications, then the solicitor for the person who made their application first, prepares the bundle.

If the applicant does not have a solicitor, then the solicitor for the **respondent** (the other person in the case who is responding to the application) prepares the bundle.

If no one in the case has a solicitor, then you only have to prepare a bundle if you have been ordered to do this by the court. Check the court order to see if the court has decided who will prepare a court bundle.

If no one is preparing a bundle, then you may prepare a bundle but do not have to. If you decide to prepare a bundle, you have to make sure you comply with all of the rules about bundles which are explained in this guide.

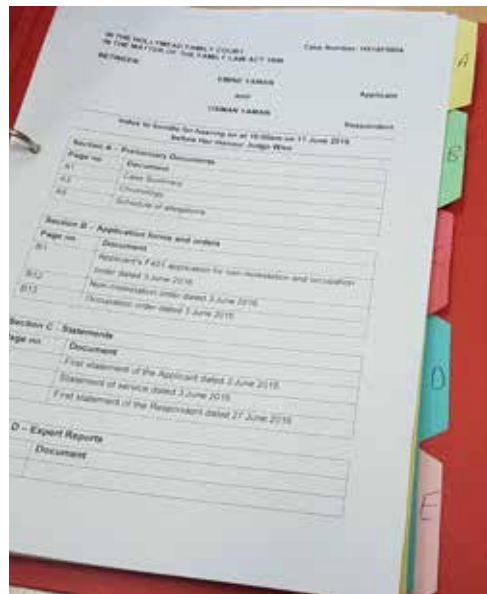
What goes in the bundle?

The bundle will have the documents that the court needs for each hearing. If you are preparing a bundle for a short directions hearing, the court is unlikely to need supporting evidence such as police records for that hearing.

The court needs one bundle for the hearing that includes all of the documents from you and the other side in the case and any other papers prepared by other people, for example, CAFCASS.

You should not include documents in the bundle that you have not filed and served. See our guide on **Sending documents to the court and the other parties**.

Bundles are always broken up into sections which are divided by file dividers that are given a letter: a, b, c, d, ...



The following sections will appear in every bundle and you should use these letters for the sections:

- Preliminary documents
- Application forms and court orders
- Witness statements and affidavits (these are like witness statements but have to be signed in front of someone else)
- Expert reports and other reports, including CAFCASS reports
- Other documents divided into more sections if necessary

Other documents, such as police records, medical records or correspondence should only be included if you intend to refer to them during the hearing. This means that for most directions hearings, the bundle will not include these documents. However, for a fact finding hearing or final hearing, you should include documents that you plan to refer to, for example, police records relating to an allegation that is being decided at the fact finding hearing or financial records you will refer to at the final hearing in a finances case.

What order should the documents go in?

The documents should be separated into the sections explained above and each section should be in chronological order, starting with the oldest document.

Each section should be numbered so that when you want the judge to look at a particular document or page during the hearing, you can direct them to the page number of the bundle.

What are preliminary documents?

Preliminary documents are not evidence, they are meant to summarise information for the judge so that the court can understand what the case is about and what the purpose of the hearing is quickly.

The preliminary documents are:

- **A case summary**
A summary of the background to the hearing limited to the issues that are relevant to the hearing. This document should be neutral between you and the other party. For example, it may say that you have raised allegations of domestic abuse but that these are denied by the other party. If you are summarising something and are unsure how much information to put in, you can always include a reference to the page of the bundle where the judge can read more information, for example, to where your witness statement is.
- **A statement of issues**
This document should set out what the questions are that the court will be asked to decide at that hearing and at the final hearing.

- **A position statement**

This document is individual for each party – it should explain to the court what your position is for that hearing. See our guide **How to write a position statement for a Family Court hearing**. You only need to prepare your own position statement. If the other party gives you a position statement they have prepared then you should add this to the bundle.

- **A chronology for a final hearing or if you think the case summary is not enough**

This is a list of dates, starting with the oldest, when important things happened, for example, the dates of birth of any children, dates of incidents of domestic violence, dates of applications to court and hearings.

- **A skeleton argument**

You do not need to prepare a skeleton argument. This is a document summarising the legal points you wish to make and how they relate to your case.

- **A list of essential reading for the hearing**

A list of the documents that the judge must read before that hearing.

- **Time estimate for the hearing**

This is used at fact finding or final hearings when the judge will hear from witnesses, each witness should be listed with a time estimate for roughly how long it will take the court to hearing from them. You

should include time for the judge to read the bundle before the hearing starts and time for the judge to give a judgment at the end of the hearing.

If you are preparing preliminary documents, then you should provide these to the other party as early as possible. However, the latest they can be provided is by 11 am on the working day before the hearing.

This means that the bundle may already have been sent to the court without the preliminary documents. If this is the case, you should number the preliminary documents when you send them to the court in keeping with the rest of the bundle.

What size should the bundle be?

Bundles should not be any larger than 350 pages.

If your bundle is larger than this, you should raise this with the court and they may include a direction that you have permission for the bundle to be larger than 350 pages.

If your bundle is larger than 350 pages, you should separate it into 2 or more lever arch files and label each file A, B, C, ... etc.

What does it mean to agree the bundle with the other party?

Only 1 bundle needs to be prepared for each hearing. This bundle should be an agreed bundle. This means it will include all of the documents that you and the other party want the court to see for that hearing.

The party who has to prepare the bundle will put together the documents and prepare a draft index. If you are not trying to agree the bundle then you must send the index to the other party in the case at least 4 days before the hearing.

However, if you are trying to get an agreed bundle with the other party, you will need to send them a draft index with enough time to make suggestions for changes. At this stage, do not write the numbers on your documents in case you have to change them later. The other party in the case should be sent the index and asked if they are happy with it.

If changes need to be made or documents added or removed, then this can be done before the index is finally agreed.

Once you have an agreed index, you can number all of the pages.

**IN THE HOLLYMEAD FAMILY COURT
IN THE MATTER OF THE FAMILY LAW ACT 1996**

Case Number: HX16F0004

BETWEEN: **EMINE YAMAN** **APPLICANT**
-and-
OSMAN YAMAN **RESPONDENT**

Index to bundle for hearing on at 10:00am on 20 June 2019 before Her Honour Judge Wise

Section A – Preliminary Documents

Document	Date	Page no
Schedule of allegations	07.06.19	A1
Case Summary	12.06.19	A3
Chronology	12.06.19	A5

Section B – Applications and orders

Document	Date	Page no
Application for non-molestation and occupation order (FL401)	03.06.19	B1
Non-molestation order	03.06.19	B7
Occupation order	03.06.19	B9

Section C - Statements

Document	Date	Page no
First statement of the Applicant	03.06.19	C1
Statement of service	03.06.19	C18
First statement of the Respondent	14.06.19	C19

Section D – Expert Reports

Document	Date	Page no
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Section E – Other relevant documents

Document	Date	Page no
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How to send the bundle to the court and the other party

You must ensure the other party in the case has a copy of the final index. You do not need to send them a bundle if they have previously been sent all of the documents included in the bundle. They will be able to put together their own bundle from the index.

You must send a complete bundle to the court. If your case will be heard by magistrates, you should send 4 copies of the bundle to the court. This is normally the court where the hearing is taking place. However, some areas have individual arrangements. If you are unsure, check with the court.

Make sure you put the case number, case name, name of court and date of hearing on the front of the bundle when you send it.

If you are attending a hearing when witnesses will be called, you should bring an extra copy of the bundle to court with you for the witness.

You must make sure your bundle arrives at the court at least 2 days before the hearing.

See Sending documents to the court and the other parties for information about posting things on time.

What about urgent hearings?

You do not have to prepare a bundle for urgent hearings if you do not have the time to do so.

However, if you attend an urgent hearing, you should make sure that you know exactly what documents you will want the court to look at and make sure the court and the other parties have copies of these documents as early as possible.

What happens when the other party has to prepare the bundle?

The other party has to comply with the rules explained in this guide.

If you have been sent a draft index by the other party and believe that documents have been left out of the bundle, then you should respond to the other party, setting out a list of the missing documents. If you are emailing the other party, it may be helpful to attach copies of the documents that you would like to be included.

Remember, for a directions hearing, the court will probably not need to see all of the additional evidence like police records or medical records. These do not need to be included in the bundle unless you intend to refer to them during the hearing.

You can also double check that you have sent the documents to the other party before. They can only include documents that they have received. If they have not received them, this may explain why they have left them out of the bundle.

If the other party is refusing to include documents in the bundle that you wish to refer to during the hearing, you can make an additional bundle of missing documents. The best way to do this is to use the index provided by the other party as the starting point and add your documents to the relevant sections of their bundle. Number your documents to follow on from the documents already in the bundle.

For example, if the other party has not included your most recent witness statement, you can add this to the end of section C of the bundle and number it, starting from where the other party's section C ends.

Send your bundle of missing documents to the court and the other party explaining that you believe they are missing from the bundle in the same way as you would if you were preparing the bundle. The judge can simply add your documents to the relevant parts of the bundle and everything will be in one place.

If the other party has included documents in the index that you have never seen, you should ask them to send you a copy of those documents as soon as possible. You may be able to argue that the other party cannot rely on those documents at the hearing, depending on the circumstances. **See Sending documents to the court and other parties** for information about filing and serving documents.

If the other party has prepared preliminary documents, such as the case summary, that you believe are biased or contain inaccurate information, you can raise this with them and ask them to correct it. If they refuse to do so, the case summary should state at the start that it is not agreed. Remember that the case summary should be neutral. You can also prepare your own case summary for the court. If you are the applicant this will be called Applicant's Case Summary. If you are the respondent this will be called Respondent's Case Summary.

You can also raise your concerns about inaccurate documents in your position statement and during the hearing. You can ask the court to include in the next order that the case summary should be agreed by both parties.

'...Remember, for a directions hearing, the court will probably not need to see all of the additional evidence like police records or medical records..'



The law is complex and may have changed since this guide was produced. This guide is designed to provide general information only for the law in England and Wales. You should seek up-to-date, independent legal advice.

Rights of Women does not accept responsibility for any reliance placed on the legal information contained in this guide.

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For confidential legal advice on family law:

Women living and working in London: call **020 7608 1137** the advice line is open **Mon 11am–1pm, and Tues 2–4pm, Wed and Thurs 10am–12noon and 2pm–4pm.**

For all women: call **020 7251 6577** the advice line is open **Tues-Thurs 7–9pm and Fri 12–2pm.**

For free, confidential, legal advice on immigration and asylum law or criminal and sexual violence law visit **www.rightsofwomen.org.uk** for our advice line details.

Useful contacts

Emergency Contacts

Police (emergency)

999

24 hour domestic violence helpline

0808 200 0247

www.nationaldomesticviolencehelpline.org.uk

Find a Lawyer

The Law Society

0207 320 5650

www.lawsociety.org.uk/find-a-solicitor

Ministry of Justice

020 3334 3555

www.find-legal-advice.justice.gov.uk

Resolution

01689 820272

www.resolution.org.uk

Legal advice and support

Citizens Advice

www.citizensadvice.org.uk/index/getadvice.htm

Law Centres Network

020 7749 9120

www.lawcentres.org.uk

LawWorks Clinic Network

www.lawworks.org.uk

Advocate (previously the Bar Pro Bono Unit)

www.weareadvocate.org.uk

Personal Support Unit

020 7947 7701

www.thepsu.org

Disability Law Service

020 7791 9800

www.dls.org.uk

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