



Preparing for court hearings and safety in the Family Court

This guide gives information on preparing for a Family Court hearing. It also covers what to expect on the day and safety whilst in court.

Common terms

People who are involved in court proceedings are called litigants. If a litigant does not have a lawyer they are called a **litigant in person**.

A litigant is also known as a party. There are usually two parties in each case. Sometimes, instead of being called a litigant in person, a party that does not have a lawyer is called an **unrepresented party**.

In the Family Court the party who started the proceedings by making an application is usually called the **applicant**. The party responding to the application is called the **respondent**. There can be more than one respondent.

Different types of court hearings

Different types of court hearings have different names. The name of the court hearing indicates what stage the proceedings are at and what the purpose of the hearing is. It is helpful to identify what the purpose of your hearing is so you know what to expect and what the court will expect from you. Before each hearing you will receive either a notice or a court order from the court, which states the time and place of the next hearing. It is important to carefully read the order or notice as it may include directions that the court requires you and the other party to do before the next court hearing.

- **First Appointment/First Hearing Dispute Resolution Appointment (FHDRA):** a hearing where the court will consider the applications for the first time to find out what the parties' positions are. The parties will be encouraged to come to an agreement if possible. If the parties cannot reach an agreement, the court will usually direct them to provide more evidence and arrange a further court hearing. The court may make some temporary orders about child contact, maintenance or about other issues which arise, depending on the subject matter of the hearing. These are called **interim** orders and are only intended to be in place while the court decides what the final decision should be.
- **Financial Dispute Resolution (FDR) appointment:** a hearing designed to encourage parties to come to an agreement about their finances. At this hearing the judge will consider all the financial documents and the positions of each of the parties. This is not a final hearing and the court will not make any final

decisions, but it will give guidance to the parties as to what the likely outcome would be if there were to be a final hearing. If the parties are able to reach an agreement about their finances, the court can approve the agreement and turn it into a final order. This hearing only applies to applications for financial orders.

- **Fact Finding Hearing:** when one party has made allegations of domestic abuse or child abuse and the other party disputes the allegations, the judge may list a fact finding hearing. The court will only arrange a fact finding hearing if it considers that the case cannot properly be decided without the truth of the allegations being determined.
- **Dispute Resolution Appointment (DRA):** a hearing that takes place before the final hearing. By this point the court will have all the reports, statements and any other information required to make a decision. The purpose of the DRA is to try to resolve as many issues as possible by agreement.
- **Final Hearing:** This is the hearing at which the judge makes a final decision based on all the evidence, reports and all the points put forward by both parties.
- **Directions Hearing:** a hearing for the judge to review the case and consider whether there needs to be further information or action taken by the parties, Cafcass or anyone else.
- **Review Hearing:** a hearing for the judge to review the child arrangements since the last order was made and consider whether to amend the order.
- **Ground rules hearing:** a hearing for the judge to consider whether any of the parties need special measures to help them give evidence, for example an intermediary or screens and how the fact finding or final hearing should be conducted if, for example, allegations of abuse are going to be heard.

Remote and in person hearings

Carefully read your notice of hearing or your court order from the last hearing. Check whether the hearing is going to be in person at court or a remote hearing online.

If the hearing is online then ensure that you have followed any instructions the court has sent to you (for example the court might ask you to test a link). If the court has asked you to provide a telephone number or email address then make sure you do this in good time. If you do not want the other party to know your contact details then make sure this is made very clear when you are providing the details to the court. If the other party does not know

where you live then make sure nothing that can identify where you are can be seen on the screen.

The most senior judge of the Family Court has given guidance on safety and remote hearings which you can read here: [President's guidance on Safety from Domestic Abuse and Special Measures in Remote and Hybrid Hearings.](#)

If the hearing is in person at court then, unless the order or notice of hearing states otherwise, you should attend court at least 30 minutes before the hearing starts. Be prepared to be at court all day even if the hearing is listed for 30 minutes.

Bring copies of all of the documents you have received from the court and all of the documents you have provided to the court. Sometimes the court misplaces documents or files and it may be helpful to provide the court with a spare copy or a particular document when you are there.



Position statements

It is helpful to provide a position statement to the court and the other party before the hearing. A position statement is a short document which sets out your position for that particular hearing. It can be a helpful way of getting your point across to the judge and the other party clearly and concisely, particularly if you are nervous about speaking to the judge. See [How to write a position statement for a Family Court hearing](#) for further information.

Court bundles

For most hearings the court will require all the documents and information that the court has to consider to be put into a file in a certain order with an index. This file is called a bundle. Bundles are used in court by the judge and the parties. Bundles make it easier for the judge and parties to refer to documents quickly.

Normally the applicant in the case is responsible for preparing the bundle. If you are the applicant but you do not have a lawyer and the other party does, then they may offer or be told by the court to prepare the bundle. If none of the parties in the case have a lawyer then the court normally expects the applicant to prepare the bundle. Check with the court if you are unsure.

See [A guide to preparing a bundle for a family court hearing](#) for further information.

Always keep copies of anything you send to the court or to the other party and always keep anything you receive from the court or the other party.

Safety at court and special measures

If you are, or are at risk of being, a victim of domestic abuse from one of the people listed below then the court must assume that this impacts on your ability to take part in court proceedings and your evidence:

- another party in the case
- the relative of another party in the case
- a witness in the case



The court has a duty to consider whether to make **participation directions**. These are special measures that can be put in place to help you give evidence and take part in the proceedings.

There are various special measures that can be put in place to help you. The measures that are right for you will depend upon the circumstances of your case, the risks to your safety, and the impact that giving evidence and taking part in proceedings might have on you. Here are some examples of special measures:

- You can ask the court to provide you with a separate waiting room to wait in before you are called in front of the judge. This will limit your contact with the other party when you are not in front of the judge. You should ask for the separate room before the hearing, as there may be limited space in the court.
- If you are afraid that the other party will follow you out of the court then you can ask the judge or usher to help you by asking the other party to remain in the court building for a certain period of time after you have left.
- You can ask the court to place a screen in between you and the other party, so that you cannot see each other.
- You may request to attend the hearing remotely for example via a video link or live link so you do not have to be in the room with the other party.

How to ask for special measures

You can ask the court for special measures that you think will help you attend hearings or give evidence. You can do this in various ways:

- If you are about to start an application then you can make the request for special measures on the same form you are using to make the application. For example, if you are starting a child arrangements case you can put the request on the C100, or if you are applying for a non-molestation order you can put the request on the FL401.
- If you are already part way through the proceedings then you make the request on a general application notice. For example, if your case is about children then you can apply for special measures using form C2, or if the case is about divorce and financial orders then you can use form D11.

You should include the following information in your application:

- whether you are, or are at risk of being, a victim of domestic abuse, and who the abuser is in relation to your case
- which measures you would like the court to put in place to help you give evidence or take part in court proceedings
- why the measures you have requested will help you give evidence or take part in court proceedings

The judge will decide which special measures you should have.

Once the decision about what special measures will be made available has been made, it is a good idea to contact the court a few days before each hearing to make sure your special measures have been arranged.

If the court decides that you need a special measure which is not available at the court the case is heard then the court may decide to have the hearing at the closest court that does have the special measure instead.

Ground rules hearings

There may be a ground rules hearing in a case where one or more of the parties or witnesses have been identified as a victim of domestic abuse or as vulnerable and they are required to give

evidence. Giving evidence means telling the court about what has happened, and being questioned by the other parties or their lawyers. It is most likely to happen at a fact finding hearing or final hearing. The purpose of a ground rules hearing is for the judge to consider which special measures might need to be put in place to help the victim of domestic abuse or vulnerable party give evidence.

The court might decide to have a ground rules hearing if you or one of the other parties ask for special measures. The court might also decide to have a ground rules hearing if the judge has identified that you or one of the parties might need special measures, even if nobody has asked for them.

Cross-examination

For some types of hearings, such as fact finding hearings and final hearings, parties and witnesses will give evidence to the judge.

Cross-examination is the term that is used to describe when one party or their lawyer questions another party or another party's witness.

If you are giving evidence then the other party's lawyer will cross-examine you (ask questions to challenge your evidence). If the other party does not have a lawyer and you have experienced domestic abuse from the other party then they should not be allowed to cross-examine you directly. The judge will have to decide who should cross-examine you instead of the other party, and what special measures should be put in place.

At the time this guide is being written new laws and procedures are expected which prohibit direct cross-examination between a victim of domestic abuse and the abuser and enable courts to appoint a solicitor to conduct the cross-examination. A guide on cross-examination will be available on [Rights of Women's website](#).

Disabilities

You should provide the court with details of any adjustments you may require to take part in the hearing, at the earliest opportunity. This can include, for example, wheelchair access and communication aids. There is space to include this information on your court forms, however it is also a good idea to contact the court directly to ensure that they have made the appropriate arrangements.

Interpreters

If you require language support then you can ask the court to provide an interpreter for your preferred language. The court will pay the interpreter's fees. This includes sign language interpreters.

You should request the interpreter as soon as possible before the first hearing and check a couple of days before the hearing that it has been arranged. You should also check that an interpreter has been arranged for each subsequent hearing as the court may not automatically do this.

McKenzie friends

If you are attending court without a lawyer you may bring a friend, relative or support worker to court with you, to sit next to you and give you support. This person is called a McKenzie Friend.

You will need to inform the judge that you are bringing a McKenzie Friend to assist you. The judge should only refuse to allow your McKenzie Friend for compelling (strong) reasons. The judge must explain those reasons fully to you and your McKenzie Friend.

A McKenzie Friend can sit with you, take notes, provide suggestions to you and help you organise documents. A McKenzie Friend will not be allowed to speak on your behalf to the judge or the other party's lawyer unless they obtain special permission from the judge.

Generally, McKenzie Friends will be somebody you know. This could be your independent domestic violence advisor (IDVA) or other support professional. It could also be a friend or family member.

There are organisations and individuals who offer services as McKenzie Friends either free of charge or for a fee. Please be aware however, that they are not regulated and may not be legally qualified.

If you are bringing a McKenzie friend to court, you should tell the usher when you sign in at court. See [McKenzie Friends – support at court without a lawyer](#) for more information.



Arriving at court – in person hearings

When you arrive, security staff will normally ask you to walk through a metal detector and check your bags. After you have been through security you need to find your court room. Ask court staff if you are unsure where to go. They will point you to the lists of hearings taking place that day and what court room they are in. You will need your case reference number to find your case. It will be on any documents the court has sent you.

When you arrive you should let the court staff know that you are there. You will usually be asked to sign in at reception or with the court usher outside the courtroom. If you feel able to speak to the other party or to their lawyer then you can also let them know that you have arrived.

If the other party has a lawyer then the lawyer may approach you for one of more of the following reasons:

- to tell you the other party's position or views for the hearing
- to find out your position or views for the hearing
- to see if you and the other party can come to an agreement on some or all of the issues
- to give you their position statement and to take a copy of your position statement, if you have not already exchanged these documents

The other party's lawyer can be a helpful way of communicating with the other party and resolving some of the issues before going in front of the judge. However, if you feel uncomfortable you do not have to speak to the lawyer. There are professional codes of conduct that barristers and solicitors should follow when dealing with litigants in person. You should inform the judge if you feel the lawyer is being aggressive or taking advantage of the fact that you do not have a lawyer.

If your court case is about your child then you may also be approached by an officer from Cafcass who will want to find out your views and discuss issues that you may be able to agree upon.

If the other party approaches you without your permission or if the other party becomes abusive, seek assistance from the court usher, or call the police.

When the judge is ready to hear your case you will be called into the court room by the court usher.

After the hearing

At the end of the hearing the judge will tell you their decision. It is very important that you understand and make a note of what the judge has decided. If you are unsure what the judge has said then ask them to explain the order to you again.

The judge might ask the lawyers representing the parties to write up the order and send it to the judge to approve and seal. If you are a litigant in person and the other party has a lawyer then the lawyer will be asked to write up the order. Make sure the lawyer has your contact details so you can comment on the draft order before it goes to the judge.

Sometimes after a hearing a party and the other party's lawyer might disagree on the wording of the order. If this happens and you cannot reach an agreement then you should ask the lawyer to:

- highlight clearly on the order which parts are not agreed
- include your position either on the order or in the email that goes with the order to the judge. You can set out your position in your email to the lawyer and ask them to make this available to the judge or copy it into their email to the judge.
- copy you into the email to the judge or the judge's clerk

The judge will then decide upon the correct wording of the order.

The most senior judge of the Family Court has issued a memorandum on drafting orders which you can read here:

[President's Memorandum: Drafting Orders](#)



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.

Rights of Women's family law advice lines

We have two family law advice lines, one national and one for women in London.

Women living or working in London: **call 020 7608 1137**

For all women: **call 020 7251 6577**

For a full list of Rights of Women's legal guides and information about our advice lines go to

www.rightsofwomen.org.uk

Useful contacts

Emergency Contacts

Police (emergency)

999

24 hour domestic violence helpline

0808 200 0247

www.nationaldomesticviolencehelpline.org.uk

National LGBT Domestic Abuse Helpline

0300 999 5428 or

0800 999 5428

Find a lawyer

The Law Society

0207 320 5650

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

Ministry of Justice

<https://find-legal-advice.justice.gov.uk/>

Resolution

020 3841 0300

www.resolution.org.uk

Public Access Portal

www.directaccessportal.co.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

Advice Now

www.advicenow.org.uk

Disability Law Service

020 7791 9800

www.dls.org.uk

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