

Going to court without a lawyer can feel daunting. This legal guide is designed to give information on how to prepare for a court hearing in the Family Court. It also covers what to expect on the day and safety whilst in court.

Rights of Women publishes a number of other legal guides that may be useful including **Children and the law: when parents separate** and **A guide to financial arrangements after marriage breakdown** and **Domestic violence injunctions**. You can access our full range of legal guides at www.rightsofwomen.org.uk

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**.

Litigants are also known as parties. There are usually two parties in each case. 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 read carefully the order or notice as it may include directions as to things 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 interim orders about child contact, maintenance or about other issues which arise, depending on the subject matter of the hearing. This hearing only applies to child arrangements and some other types of children cases.
- **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, such as maintenance or transfer of property.

- **Fact Finding Hearing:** when one party has made allegations of domestic violence or child abuse and it is unclear whether or not the allegations are true, 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.
- **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.

Before going to court

Read carefully your notice of hearing or your court order from the last hearing.

Unless the order or notice of hearing states otherwise, you should attend court at least 30 minutes before the hearing starts.

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.

The kinds of things you may wish to include in a position statement:

- Which hearing the position statement is for (date, case number, names of parties)
- What has happened since the last hearing (for example, documents you have sent to the court, documents you have received from the other party, any documents the other party was supposed to send to you which you have not received)
- If you have failed to comply with any court directions then provide a short explanation
- If the other parent has been seeing the children then your views on how contact has gone
- If you have concerns about the child arrangements or incidents of domestic violence since the last hearing then provide a short and concise summary of these concerns
- What directions you want the judge to make at the hearing (for example if you want permission to file a statement or to instruct an expert or if it is a financial case perhaps you require disclosure of your husband's bank statements or valuation of a property)
- If you are bringing a friend, relation or support worker to court to support you and sit next to you provide brief details

A position statement should not contain evidence. It is different to a witness statement. Position statements should not usually be longer than 2 sides of A4 paper.

They 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.

If you prepare a position statement you should ideally send it to the court and the other party at least a day before the hearing. Bring extra copies to court for the judge, Cafcass and the other party.

Court bundles

For certain 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. Each page of the bundle should have a letter and a number, for example A1, A2, B1, B2. Bundles make it easier for the judge and parties to refer to documents quickly. There should be an index, which is like a contents page, at the beginning of the bundle that lists all of the documents and page numbers.

If the party who is the applicant in the case has a lawyer, then the applicant's lawyer is required to prepare the court bundle. If the applicant does not have a lawyer, then the respondent's lawyer should prepare the bundle. If neither the applicant nor the respondent have a lawyer, then nobody needs to prepare the bundle.

If you receive just the index to the court bundle and not the bundle itself then you will need to number your documents yourself in accordance with the index. If you do not have any of the documents then you will need to request them from the other party or the court. Remember to take your copy of the court bundle with you to court.

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

If you are concerned about your safety, or that seeing the other party face to face will make it difficult for you to take part in the hearing then you should consider the following:

- 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. You can do this when you make your application or respond to the other party's application. You can also contact the court directly to request a separate waiting room.
- If you are afraid that the other party will follow you out of the court then you can ask the judge or the Cafcass officer 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 parent, so that you cannot see each other. The judge will decide whether or not to allow the screens. It is rare for judges to allow screens in the courtroom and you will need to provide reasons as to why the screens should be placed in the courtroom.
- In the most serious cases, you may request to attend the hearing via a video link or live link so you do not have to be in the room with the other parent. The judge will decide whether you can attend the hearing via a live link. Again, this is very rare and there will need to be strong reasons.

- If you are worried about being questioned directly by your abuser, or you are worried about having to question him directly at a final hearing or a fact finding hearing, you can request that the judge asks the questions as an intermediary.

An example of why you may need screens or a live link is if you have been diagnosed with post-traumatic stress disorder and being in the room with the other parent will trigger a reaction or make it difficult for you to participate in the hearing. You may be required to provide a supporting letter from the doctor or psychiatrist.

If you intend to request screens or a live link you must inform the court as soon as possible to ensure that the equipment is available at the hearing.

Always contact the court a few days before a hearing to make sure your special measures have been arranged.

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.

Arriving at court

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.

There will normally be more than one case in each court room. 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 should 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.

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. You have a right to a McKenzie Friend and 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 proposed 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. 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.

The Personal Support Unit

The personal support unit (PSU) is a charity which provides assistance for people attending the Family Court who do not have legal representation. The PSU does not provide legal advice, but offers practical guidance and emotional support to help their clients solve their problems in a number of courts in England and Wales. The service is free. For further information about which courts they operate in visit their website:

www.thepsu.org

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.

For free, confidential, legal advice on family law including domestic violence, divorce and relationship breakdown and issues relating to children:

Women living and working in London: call **020 7490 2562** the advice line is open Mon 11am–1pm, and Tues – Thurs 2–4pm.

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 visit **www.rightsofwomen.org.uk** for our advice line details.

Useful contacts

Finding a solicitor

The Law Society
0207 320 5650
www.lawsociety.org.uk/find-a-solicitor/

Ministry of Justice
020 3334 3555
http://find-legal-advice.justice.gov.uk/

Resolution
01689 820272
www.resolution.org.uk/

Emergency contacts

Police (emergency)
999

24 hour domestic violence helpline
0808 200 0247
www.nationaldomesticviolencehelpline.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/

Law Works Clinic Network
http://lawworks.org.uk/

Bar Pro Bono Unit
www.barprobono.org.uk/

Personal Support Unit
020 7947 7701
www.thepsu.org/

Disability Law Service
020 7791 9800
http://www.dls.org.uk/

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