



THE COURT-BASED ROUTE IN DETAIL

2. ISSUES CONCERNING CHILDREN

Once your application has been issued, there may be a wait of a week or so before receiving a date from the court for the first hearing. Although practice differs from court to court, you may expect the first hearing to be a 'directions hearing' where the judge (or magistrates in a family proceedings court) will hear a little about the case and give directions as to how it is to proceed.

Usually there will be an expectation for you to meet at court with a mediator who may be a lawyer mediator or a CAFCASS reporter who will listen to what is said to the judge and then try and assist you outside of court to reach an agreement.

If an agreement is reached, the case may end on the day with the court making an order by consent but if agreement cannot be reached, the court will give directions for the filing of further evidence such as witness statements. If there is an issue concerning the welfare of the children which the court needs help with, you may find that the judge orders a CAFCASS reporter to investigate the children's circumstances and file a report with a recommendation as to what the outcome should be.

CAFCASS resources are stretched and the court will generally allow between 12 and 16 weeks for a report to be prepared by which time the statements prepared in support of your case will have been filed with the court, disclosed to CAFCASS and to the other party. Once the CAFCASS report is available, there is likely to be a further directions appointment with the court to see if, with the assistance of the report, you are able to agree terms of an order.

If, even at this stage, agreement is not possible, the court will direct that the case be listed for a final hearing when you may have to give evidence and be cross-examined. The CAFCASS Reporter will almost certainly be asked to attend court to give evidence and the court will make a decision based on what is considered to be in the best interests of the children, in turn based on the evidence that has been given.

If cases proceed as far as a final hearing, you may expect to wait for anything between 6 and 9 months for a resolution.

As with all family matters, it is generally better for all involved, to keep them out of court and try and resolve them with the assistance of a mediator or a collaborative professional so that you remain in charge and do not risk an order being imposed upon you by the court. If a court application is the only way forward, we will represent your interests and those of your children and act as swiftly as possible to avoid any delay in the all important decisions concerning your children's future. If you feel an initial informal telephone discussion would assist, we are pleased to explain the process in further detail before steps are taken to put a matter before the court.

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