

PLAN FOR WORKING AT CFC UNTIL END APRIL 2020: CHILDREN'S CASES

1. This plan may be subject to change and evolution as circumstances alter. In present circumstances and for the immediate future it is possible only to offer a scaled down service. Further or other guidance may be given in the near future.
2. Detailed guidance has been and will continue to be issued separately for FRC money cases.
3. The hearings which will be listed will be those set out in paragraph 8 of the President's National Guidance for the Family Court of 19 March 2020.
 - a. All directions and case management hearings:
 - b. Public Law Children
 - i. Emergency Protection Orders
 - ii. Interim Care Orders
 - iii. Issue Resolution Hearings;
 - c. Private Law Children:
 - i. First Hearing Dispute Resolution Appointments
 - ii. Dispute Resolution Appointments
 - iii. Other interim hearings
 - iv. Simple short contested cases
 - d. Injunction applications where there is no evidence that is to be heard (or only limited evidence)
 - e. Financial Cases (separate guidance)
 - f. Appeals
 - g. Other hearings as directed by the judge concerned.

4. Within this category, priority will obviously be given to urgent cases. The vast majority of these hearings should be able to be dealt with remotely.
5. Telephone hearings will be listed at 1½ hour intervals, at 10am, 11.30am, 2pm and 3.30pm with judges dealing with four such cases a day, unless an individual judge otherwise directs a longer hearing. Such a direction should only be given after consultation with the Designated Family Judge. The listing in this way is because experience has shown that telephone hearings take longer. Longer hearings should generally be avoided, because of the backlog of cases and the need to free up judges to hear the short urgent cases, but maybe unavoidable in some instances.
6. Subject to prior review by the DFJ in order to identify really urgent matters, all final hearings and fact finding hearings until the end of April 2020 will be adjourned. If a directions hearing has not already been listed, it shall take place on the day or first day of the otherwise adjourned final hearing. The directions hearing shall be listed, if possible, before the allocated judge if there is one.
7. Two duty judges will be present in court each day, one of whom shall be a FRC judge. They will deal with urgent business and urgent referrals, both children and financial. They will also triage if any litigant represented or otherwise attends in person to assess whether the hearing is of such urgency that it needs to go ahead. If it goes ahead, PHE guidance on social distancing must obviously be observed.
8. The aim should be for all other judges to be able to work remotely from home, A judge may however, in their discretion, attend CFC to hear cases remotely in court, carry out boxwork or, exceptionally, to hear a case with the party or parties present.
9. It is essential to work remotely in private law cases for the judge to receive a pdf bundle. In accordance with PD27A, if the Applicant is represented it will be for his/her solicitors. If the Respondent is represented and the Applicant is not, for the Respondent's solicitors. If Litigants in Person, the standard directions provide for them to produce limited information.

10. It will still be for staff to send out orders in the usual way. In case staff levels drop below what is needed to enable this to happen, every order going out, unless there is good reason, will include the provision that it will have immediate effect without being sealed and that service may be by email. A judge will send the order, unsealed, to all parties, including litigants in person, as well as to court staff.

11. The orders and Notices to be used are attached to this guidance. They have been approved by the FDLJ. They are:
 - i. Standard directions public law
 - ii. Standard directions private law
 - iii. Standard directions vacating final hearing
 - iv. Standard directions for remote hearing

HHJ Robin Tolson QC

30 March 2020.