

**LOCAL PRACTICE GUIDANCE FOR SOUTH YORKSHIRE FAMILY PROCEEDINGS: COVID 19 – (2) 24
MARCH 2020**

As you will know, the situation is changing and evolving on an hourly basis. This guidance is issued to cover all cases currently listed or that are issued up to and including 10 April 2020. Where it differs from the earlier policy document – the guidance in this document should be followed

The procedure we intend to implement from this point onwards is as follows: –

1. No advocates, parties or witnesses should attend any South Yorkshire court unless specifically directed by the allocated Judge to do so. In the exceptional cases where an “in person” hearing is approved by the judge with conduct, arrangements will need to be made and approved by the judge to ensure that such attendance can be safely managed.
2. It will not be possible at the present time for prisoners to be produced at court for a family hearing.
3. All cases that are currently listed with a time estimate of more than one hour are hereby reduced to a time estimate of one hour only.
4. We will try to ensure that practitioners know as far in advance as possible which judge is due to deal with a particular case and the applicant should liaise with the judge’s clerk (if known) or the judge directly by email (in correspondence open to all parties other than in cases involving litigants in person in which case liaison must take place with the court clerk) to arrange for provision of relevant electronic documents and to make proposals and seek directions for how the hearing is to proceed. The Judge is unlikely to have access to the court file.
5. The applicant is directed to arrange an advocates meeting in advance of the listed hearing to agree wherever possible the issues to be resolved at the forthcoming hearing. If there are issues that the parties are unable to agree then they should agree how it is proposed to deal with the outstanding issues remotely.
6. It is unlikely at this present time that the court will be able to hear any oral evidence but this is being reviewed very regularly and can be reviewed on a case-by-case basis. Similarly, as things stand, the court does not have the IT provision to deal with a Skype or other web-based video hearings. Please therefore consider whether the case can be dealt with by way of written submissions to the judge who can deliver a written response or by way of a telephone hearing with oral submissions. At this stage it may not be possible for the lay parties to be present for a telephone hearing but again we will explore with advocates on a case-by-case basis whether they can be “present” by way of telephone conferencing.
7. The Judge will determine the way in which the case is to proceed and the arrangements for that. Early liaison between parties and then with the court clerk/Judge is therefore extremely important.

8. Given the very real limitations at the current time, the court is unlikely to be in a position to determine contentious issues unless they fall within the guidance of the SPJ and “there is genuine urgency and no remote hearing is possible”,

9. Please avoid sending any non urgent correspondence to the court.

10. Please avoid issuing non-urgent applications during this period as personnel resources are extremely limited and applications and hearings will be strictly monitored to ensure that they fit the urgency criteria:

Priority will be given to urgent cases, in particular to the following:

Emergency protection orders

Removal under interim care orders

Non-molestation injunctions

Removal/abduction cases

Private law cases where contact has been stopped completely

Because priority must be given to urgent and time critical cases, parties should expect that non-urgent cases may have to be adjourned. It is incumbent on all parties to try to resolve cases or issues without the need for a hearing whenever possible. Parties may be asked to explain what steps they have taken to try to resolve their case.

We have been extremely impressed and grateful at the constructive and practical response of the court staff, stakeholder agencies and all local practitioners at this extremely difficult time. Also, for the parents and carers who find themselves unable to have their cases progressed as they had hoped and anticipated.

Thank you.

The South Yorkshire Judiciary