

**TEMPORARY EMERGENCY MEASURES  
IN SURREY  
FAMILY COURTS  
COVID-19**

IF YOU ARE EMAILING THE COURT ABOUT THESE ISSUES YOU MUST PUT THE WORDS ‘**COVID 19 URGENT**’ INTO THE SUBJECT LINE AND PUT THE CASE NAME AND NUMBER INTO THE BODY OF THE EMAIL. FAILURE TO DO THIS MEANS THAT YOUR EMAIL MAY NOT BE READ

To contact the Court: Public law cases (where Surrey County Council is bringing the proceedings) use [cposurrey@justice.gov.uk](mailto:cposurrey@justice.gov.uk)

All other family cases use [surreyfamily@justice.gov.uk](mailto:surreyfamily@justice.gov.uk)

1. *Generally: The current plan is that all hearings will continue to be heard as listed and the family court remains fully operational. The parties must continue to comply with all court directions. All cases continue to be dealt with as directed by the court. However, this is a changing environment and government guidelines must be followed.*
2. If you do not have a lawyer: Litigants in Person who are ill: If you are asking for an adjournment of a hearing (which has already been listed) due to current illness then please email the Court (or ask someone to do so on your behalf) with the following information:-
  - Whether you would be able to attend this hearing by telephone or by skype if this could be arranged; if so, please give your telephone number where you could be contacted for the hearing.
  - Whether you are ill or self-isolating
  - If you are ill, your symptoms, whether you have sought medical advice, when the symptoms started and whether you have been tested;
  - If you cannot attend the listed hearing, when do you expect to be able to attend a hearing in person or remotely?

Your request for an adjournment will be put before a Judge who will decide whether to adjourn the case or to hear the case remotely. Without

all this information the Judge will not be able to make the decision. The information will also remain on the Court file so that when the case is heard (which may be at some point in the future) the Judge understands why the case was not able to go ahead.

If you are represented, then your lawyer is asked to consider

3. If you do not have a lawyer and are self-isolating:-

The Court will try to hear your case on the telephone at the time already given. Please email the Court with your contact phone number where you can be reached, and tell the Court whether you can be reached on skype or only by phone. Please let the Court know why you are self-isolating and when it began and when your self-isolation is likely to end. This will help the Court reach a decision about how your case can be progressed.

4. Hearings Generally

Where possible, all suitable hearings must be conducted using the available technology such as skype or telephone or occasionally video link ('remote hearings'). These will usually be shorter hearings and directions appointments but it may be necessary for longer trials to be conducted in this way if there is an urgent issue. Physical presence in the court building should be kept to a minimum and reserved for cases where there are no other reasonable alternative means to conduct the hearing. Consideration should be given to witnesses attending by a remote method.

Parties should ensure that they have allowed suitable time for negotiation/discussion before the hearing so that the hearing will only take the allotted time.

Urgent steps are being taken to try to use larger court rooms with more generous waiting areas as much as possible to allow physical space between people.

Please be aware that your case may have a last minute change of judge or court on the day depending on available resources.

5 Remote hearings: Legal Representatives

If one or both of the parties is legally represented, then the representative(s) must discuss with the other parties (or their representative) whether a remote hearing is feasible, and if so, the parties shall submit a consent order **giving the information in the draft Consent Order attached**. It is very important that there is only one point of contact for the Court office for arranging the hearing. That person can be a solicitor, counsel or their admin support. It is vital that the Court communicates with that one person about what arrangements are being made and can ensure that the Judge approves the arrangements. **The consent order can be used if one party is in person and the other(s) are represented, but the person responsible for liaising with the Court should be a represented party.**

The Court's ability to use technology is developing but the following are currently under consideration:-

1. Telephone hearings. These can take place before any judge. They will need to be recorded and usually a BT conference facility is needed which will have to be arranged by a represented party if possible. BT conferencing will provide for a recording.
2. Video-link: Not every court will have access to video-link facility and it needs to be pre-booked. This should be reserved for the more serious and long-running cases where a particular witness can join a hearing via video link on a particular day or for a prisoner.
3. Skype: Each Judge now has access to Skype for Business which should have a recording facility on it. In the alternative, the Judge could sit in Court with the recording equipment running.

#### 6. Bundles/Documents for Remote Hearing

If there is a public law hearing listed to be heard remotely, then the main bundle will be available through Caselines and position statements etc can be emailed to the Judge or Court as currently.

If there is a private law hearing, then it is essential that the Court has the physical bundle in advance of the hearing. If it is a short hearing, then an electronic bundle can be submitted, but the judicial system does not cope with large volumes of material being sent by pdf. This will need to be discussed with the Court staff after the consent order is filed.

## 7: Attendance at court

Where attendance at court is unavoidable, in cases where no live evidence is called, attendance may be limited to the advocates if they can readily contact their clients and take necessary instructions.

In other circumstances please use your discretion and discuss the necessity of your clients' attendance at court. These may be raised with the trial judge and reviewed on an ongoing basis. Please limit the witnesses to those that are necessary and where possible make necessary arrangements for their evidence to be given by video link, skype or telephone. This must be approved by the trial judge. Where there is agreement by the parties on these issues, please send the trial judge a draft consent order for approval. These should always be sent to the above email addresses.

Thank you for your continuing help and co-operation. if you have any comments or suggestions, please email the Court office for the attention of the DFJ. Please remember to look after your own health and well-being and that of your family.

HH Judge Raeside, Designated Family Judge for Surrey  
18<sup>th</sup> March 2020

Please make sure that you are familiar with the government advice on Covid-19 (including any updates) that is available at <https://www.gov.uk/guidance/coronavirus-covid-19-information-for-the-public> and <https://www.gov.uk/guidance/coronavirus-covid-19-courts-and-tribunals-planning-and-preparation>

Attached: Information needed for Consent Order

**CONSENT ORDER**

Case Name:

Case Number:

Date of Next Hearing:

Time of Next Hearing:

Time Estimate for Next Hearing:

1. The parties agree that the above hearing is suitable to be conducted remotely
2. The following arrangements have been agreed between the parties:-
  - That there will be a BT conference Call arranged by \_\_\_\_\_ (name of party)
  - That Skype for Business will be used arranged by \_\_\_\_\_ (name of party)
  - That a video-link is required for (name of party) \_\_\_\_\_ because (give reasons)
  - That the attendance of (name of person) \_\_\_\_\_ should be excused but that they will be available to give instructions on the telephone to their legal representative
  - Other arrangements (including arrangements for bundles/documents):-
3. The parties understand that this Consent Order needs to be approved by the Judge. They agree that Confirmation of this Order and further arrangements can be made through the following person who has agreed to be the point of contact for the hearing:

Name

Position

Telephone

Email address

This Order has been agreed by the following parties:-

[This does not need signatures as long as a written consents from all parties have been obtained by the person lodging the consent order]

