

FAMILY PROCEEDINGS BUSINESS CONTINUITY ARRANGEMENTS: COVID-19

ISSUED 20 March 2020

Further to the Lord Chief Justice's statement regarding **Court Business Continuity Arrangements: COVID-19** issued on 17 March 2020 a number of queries have been raised about the practical application of the arrangements in family courts.

The Lord Chief Justice has approved the following approach across all tiers of the Family Courts (children order and matrimonial) with effect from **20 March 2020**:

1. We are dealing with a public health emergency which requires court adaptations. Courts are not closed but they are working in different ways, principally by judges and Masters only having oral / in person court hearings in urgent cases, and using remote methods such as telephone and video technology to deal with less-urgent cases and reviews. The enabling provisions for the use of live link are now contained in section 55 of, and Schedule 26 to, the [Coronavirus Bill](#), which is anticipated to pass into law shortly.
2. The courts will prioritise hearings for matters which might affect the immediate liberty, health, safety and wellbeing of individuals, which will include urgent public law children order applications, declaratory judgments in patients' cases, non-molestation orders, and child abduction.
3. The Lord Chief Justice considers that, where appropriate, applications may be dealt with administratively by way of correspondence in writing or by secure email via the appropriate court office. In some cases it may be appropriate to adjourn non-urgent matters to a later date to facilitate the interim arrangements.
4. There will inevitably be private law children order, matrimonial and other cases where some delay cannot be avoided, and others where orders, particularly contact orders, may not be complied with, or cannot be enforced, due to Public Health Agency (PHA) guidance during this period.
5. Judges should utilise interim orders as a means of managing cases. There may be a need to look at indirect forms of contact if social services offices or contact centres are closed as is likely to be the case. It must be noted however that new emergency legislation makes it an offence to record or transmit an image or sound which is being transmitted via audio or video live link.
6. Parties in the case, and witnesses should not be compelled to attend court given the escalating issues around COVID-19. Similarly Counsel and Solicitors will not be required to attend at court depending on their own individual circumstances. Where both parties are legally represented, and they have not been advised of any administrative change to the listing date, they should in the first instance complete FORM FCI1 and submit it by **secure** email to the relevant court office (Email

addresses are listed at Annex A). The judge will then decide how to proceed after receipt of the form.

7. Where litigants in person are involved in a family case, it is not practical to require a form to be completed. The judge will review the application and existing papers and consider what case management steps are appropriate given the circumstances at that time. All communication must be via the court office who will advise what steps should then be taken. Any interim orders or further directions will be communicated to all parties in writing.
8. ALL contact must be made **via the appropriate court office email** address provided. These are accessible and monitored by multiple court staff, who will correspond with the assigned judge. NO contact should be made directly with any individual member of the court staff or the judiciary, who may have cause to be absent at any time.
9. Many orders already in place can be renewed on an interim basis via a paper determination. First time orders will require some evidence in written format or via audio or video live link technology, but it is unlikely that parties and their representatives will be required to attend court.
10. If it is felt that a hearing should be conducted, scheduling arrangements will be made by the office in advance, and suitable arrangements should be put in place to cover where people sit/stand in the courtroom, ensure that only the parties in that one case are in the courtroom at that time and the hearing should be kept as short as possible. Legal submissions could be made by telephone conference or evidence may be given via Sight-link, as long as they are loud enough to be recorded on the FTR in court where this is required. It is the responsibility of the legal representatives to ensure suitable arrangements are made in line with PHA guidance for those appearing by remote means.
11. The main difficulty arises in orders of an emergency nature which have a significant impact on a respondent, e.g. secure accommodation orders, occupation orders, and care orders removing children from their home. In those cases a respondent must have some input, ideally via audio or video live link technology, but if that is not feasible a written submission will be required. This is going to be a difficult area if factual findings need to be made, therefore courts need to explore all technology options find a way to allow a party to make their case.
12. Judges may relax the requirement for a signed statement of evidence given the circumstances. Instead a solicitor can confirm that an unsigned statement is agreed by a client.

These arrangements will be kept under review and will be revisited as circumstances develop.

Court Office Contact Details

Court Office	Email
High Court Children Order	Rcjchildrenoffice@courtsni.gov.uk
High Court Matrimonial	Matrimonial@courtsni.gov.uk Matrimonialmastersteam@courtsni.gov.uk
Laganside Courts	BelfastFamily&Domestic@courtsni.gov.uk BelfastFamilyCareCentre@courtsni.gov.uk
Antrim	antrimcourtoffice@courtsni.gov.uk
Ballymena	ballymenacourthouse@courtsni.gov.uk
Lisburn	lisburncourtoffice@courtsni.gov.uk
Craigavon	craigavoncourthouse@courtsni.gov.uk
Dungannon	Dungannoncourtoffice@courtsni.gov.uk
Omagh, Strabane & Enniskillen	Omaghcourtoffice@courtsni.gov.uk
Newtownards & Downpatrick	NewtownardsFamilyandDomestic@courtsni.gov.uk
Newry & Armagh	Newrycourtoffice@courtsni.gov.uk
Londonderry	LondonderryFamily@courtsni.gov.uk

Telephone contact via NI Direct: 0300 200 7812