

## WHAT TO EXPECT AT COURT IN FAMILY PROCEEDINGS

When there are court proceedings to decide the future of a child, whether dispute between the parents or Care Proceedings brought by the Local Authority the Court has to frequently investigate allegations and decide whether or not those things happened.

You may be asked to give evidence to the Family Court. If so you will be expected in the first instance to file a written statement. This will serve as your main evidence in the case and must be a truthful representation of the facts and be taken from records as well your memory. Your legal representative can advise you on the structure and official format of your statement.

Your witness statement will be shared with The Court and all the named parties in the Family Court proceedings.

If there is some evidence in dispute, or if a party wants to amplify your evidence, then you may then be asked to attend Court to give evidence in person. It is important to try to establish the reason you are being called, importantly whether there is an accusation against you, so that your legal team can consider whether you should be represented at the hearing and/or whether you and your team should be made a party to proceedings.

If you have been asked to attend a Court hearing, unless you are a party to proceedings, it is unlikely that you will be required to attend the whole hearing. Nor will you be allowed to sit in Court to hear any other evidence/discussions before the Court. You will be notified by the Court as to the date and time that you should attend Court. It is likely that you may have to wait if the case is overrunning or busy that day so be prepared to be sitting around.

### The layout of the Court

The Judge will be sitting at the front of the Court room, facing you as you enter the room. You should bow to the Judge as you enter the Court.

The witness box will be on one side of the Judge and the usher will take you to it.

As you face the rest of the Court room, there will be a number of rows of tables which are usually laid out as follows:

First Table: Lawyers who will be asking the questions

Second Table: Lawyers or other representatives for the parties or the clients (the social workers, the parents, any connected parties and the Guardian (CAFCASS) for the child).

Third table: the parties themselves.

There will also be court staff in the room.

Family Care Proceedings are not open to the general public so there will not be a lot of people in the Court room however, there may be a reporter recording the case.

### Upon attendance

- Go to the enquiries desk and ask what Court room you will be in and head to that area.
- When you have found the Court room, there will be an usher going in and out of the Court room. Let them know that you have arrived for the hearing so that they can let the Court know.
- If you are represented, then find your legal representative and let them know that you are there. If you are not represented, then find the Local Authority representative and inform them.

- When you are called into the Court room to give evidence, you will be directed to the witness box. A copy of your statement will be available within the trial bundle and you will be asked to confirm that it is your statement signed by you.
- You will be asked to confirm who you are and swear an oath/affirm that you will be truthful in giving evidence. Note that there are penalties which are available to the Court should you be found to have lied.
- You will then be asked questions about your role in the case. The questions can come from any of the legal representatives in the case or from one of the parties if they are representing themselves. Usually the parties consist of: the Local Authority, the parents (each parent will have separate representation), the child and any other parties who have an interest in the case such as grandparents who may be seeking care of the child or individuals accused of causing harm to the child.
- After the legal representatives have asked questions, the Judge may also ask you some questions.

The questions should not go beyond the information in your statement or outside of what you may have witnessed.

When giving evidence it is helpful to keep the following in mind:

- Re-read and review your statement before you attend Court.
- Listen carefully to the question being asked and be sure to answer it to the best of your knowledge. You are not required to expand or elaborate. Try not to go off on a tangent.
- If you do not know the answer to a question, then it is ok to say so. Similarly, if you do not understand the question then it is fine to say that you do not understand the question.
- When answering, speak slowly and clearly as the Judge and the other parties will be trying to make a note of what you say. It is helpful to take a breath before answering to collect your thoughts. The silence may feel like a long time in your head but usually it is mere seconds and goes unnoticed. It can also be useful to watch the Judge's hand to see how quickly they are noting down the evidence.
- Avoid medical jargon, explain acronyms, explain complex concepts and use full names.
- Direct your answers to the Judge and check the correct form of address for the Judge. E.G. Sir, Ma'am, Your Honour, My Lord, My Lady.
- Sometimes, a legal representative may seem aggressive in their questioning. It is important that you remain calm and open with the Court. An aggressive lawyer is likely to simply be pushing their client's case which may be in question.
- If you find that you are becoming upset or stressed by the process, then you can ask the Judge for a break. This may be useful if you have been giving evidence for a long period of time.
- After you have finished giving evidence, you will be allowed to leave the Court room. However, you must wait for permission from the Court to leave the Court itself as you may be called back to clarify a point. If you find that you have been waiting for some time to be discharged, ask the usher to confirm that you are allowed to leave.
- If there are any further issues arising from your evidence, then you may be asked by the Court to return at a later date to clarify a point. This is rare but can happen.

- If you are not legally represented or a party to proceedings, then it is unlikely that you will hear anything more about the case after you have finished giving evidence.

Here at Alison Fielden & Co our solicitors have many years experience in Court Proceedings and can advise you regarding these matters. Tel 01285 653261