

## **The hearings**

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## **Preliminary Directions Hearings (PDHs)**

- A PDH hearing is the first step in the process. The PDH usually lasts about 15 minutes and the Registrar will make directions orders. A date for the next stage, the Case Review Hearing (CRH), will be fixed.
- In financial cases, you and the other party will be ordered to provide information/documentation. The purpose of disclosure is to make sure that the court has enough information on which to make fair decisions.
- In children cases, you and the other party will usually be ordered to speak to a Jersey Family Court Advisory Service (JFCAS) Officer. The JFCAS Officer cannot give legal advice. The JFCAS officer will comment on your proposals. The JFCAS officer will then normally provide a short report setting out his/her interim recommendations, a “pre-CRH report”.

## Case Review Hearings (CRHs)

- The Registrar will find out what you can agree and can't agree. In children cases the Registrar will want to know if your children are at risk. The JFCAS officer may be asked to speak first and provide any update on a pre-CRH report.
- Even if there is no final agreement, interim orders may be made. If needed, a full welfare report will be ordered and sometimes other expert reports.
- At financial CRHs, the court may make interim orders, such as for interim maintenance, and may make further disclosure orders. A date will be set for a further CRH or final hearing.

## Time Limits

- The court makes orders about what you have to do and by when. You are likely to be asked by when you can provide information, eg copies of bank statements. Give realistic time estimates. The Registrar may however not accept what you say.
- All orders for directions come with time limits, stating the date and the time of day by which any direction is to be obeyed.
- **Orders must be obeyed to the letter and on time.** If you are going to be unable to meet the time limit set, apply before the time is up for more time.
- Be aware that the court may not agree to give you more time, so you should aim to meet the time limits ordered.

## Penalties for failing to follow what has been ordered

- Failing to meet time limits may mean that a costs order is made against you.
- If you fail to provide the information ordered this may be seen as suspicious e.g you are trying to hide something.
- Your failure may be referred up to the Bailiff's court.

## **Affidavits /statements and documents**

- An order may say you have to file and serve an affidavit or statement.
- Give the original document to the court and serve the other party/ies with a copy.
- There is a template for an affidavit of means. See [Draft Affidavit of Means](#). There is also a template for how to set out an affidavit. Keep a copy of the documents yourself.
- It is a good idea to take legal advice about the contents of your affidavit/statement before you file and serve it. Avoid emotional wording if at all possible.
- You and the other party may be asked to file a statement of issues in financial cases. This may include whether eg you think there should be a clean break or the other party is not maximising his or her income.
- The Registrar does not want a large number of pages with irrelevant material.
- All documents filed at court must be served on the other party/ies, or if they have a lawyer, on the lawyer.

## **Disputes about facts**

- There may be disputes about facts.
- You must be clear what is relevant to your case and what is not.
- Do not spend time disputing facts which are not relevant. Concentrate on the facts that are relevant.
- There may need to be a fact finding hearing.

## **Issues of Law**

- Some cases take place without there being issues on what the law is. However there may be a dispute about an “issue of law” which is relevant to your case.

## **Make sure you think about what is relevant to your case**

- What are the issues?
- What will you say to prove those issues?
- What written evidence will you need to prove those issues?
- What will the court need so that it understands the issues and documents?
- Have you obeyed the court directions?
- Has the other party obeyed the court directions made so far?
- Have you provided an overview of the history of the case, a “chronology”? This helps the court understand when things happened.

## **A court bundle**

- A bundle is a file of the relevant papers in the case. It is to make sure that everyone can see the same documents during the hearing.
- The Registrar will order who should provide the bundle and by when. It is normally the applicant who prepares it.
- One bundle will be needed for each party in the case, plus one for the Registrar and one for a witness, if a witness is to give evidence in the hearing.
- There must be an index, and each bundle should have the same numbered pages. See [Procedure for Ancillary Relief Bundles](#).

## **The Final hearing**

- The final hearing is when the Registrar hears the evidence and makes a decision.
- The Registrar decides the case on the evidence produced by each party.
- She/he may reserve (delay) the decision.

- In children cases, any expert evidence is heard first.
- At the beginning of the hearing you will outline your case on the basis of the evidence.
- The applicant will present his/her case first. He/she will then be cross examined by the other party's lawyer or if none, by the other party.
- The applicant's witness(es), if any, will then be heard.
- The same sequence will take place for the respondent and any of the respondent's witnesses.
- Make sure when you ask questions that they are questions and not speeches.
- Take notes to help you ask questions.
- Speak politely during the hearing, do not talk over other people and try to remain calm.
- Be clear. Keep what you have to say to the point. You do not have to use long words.
- Ask questions if you feel unsure about what is going on.
- Witnesses do not hear the evidence of other witnesses. You must not discuss with future witnesses the evidence that has already been given.
- You have the right to object to inadmissible evidence ie evidence you think should not be given at the hearing.
- At the end of the hearing you will be able to summarise your case and make legal submissions (arguments).
- Anything you say in outlining or summarising your case **must** have been in the evidence, ie you cannot introduce new matters which should have been brought up during evidence.
- Take notes of the Registrar's order if made at the end of the hearing.

- Ask the Registrar what the order means if you don't understand it.