

## THE MEDIA IN FAMILY COURTS

Did you know from 27 April 2009 family Courts were opened to the media in an attempt to increase transparency and understanding of the legal process? Although this sounds ominous, the Judges have a wide discretion to exclude the media or restrict reporting and will consider the requests of the people actually appearing in the court as well as his own opinion. Also, the media do not have the right to see documents which have been used in the court process. .

### How will this affect you if you are going through a divorce?

There are a number of different stages before a divorce is complete and it depends on the complexity of the marriage as well. For a marriage to legally come to an end, you must go through the Court system, however for the majority of cases divorce proceedings rarely result in Court attendances. The actual divorce itself does not automatically dismiss the parties' financial claims against one another. These need to be formally dismissed by the Court within a system known as 'ancillary relief' proceedings. In addition, if there are disputes concerning the children these have to be dealt with within different proceedings. Both ancillary relief and children proceedings can result in Court attendances if agreement cannot be reached between the parties.

### What happens if you cannot agree?

In relation to financial matters, the Court process allows parties to negotiate a settlement with the assistance of the Court at a Financial Dispute Resolution Hearing (FDR). The media will not be granted access into these types of Hearings.. However, if the parties do not reach settlement at an FDR the case might proceed to a Final Hearing, this is quite unusual as the majority of cases settle on or before an FDR. It is at this point at the discretion of the Judge the media may be granted access to this Hearing, The changes regarding the media access are more likely to affect cases concerning children, in particular those involving social services and care proceedings. However, reporting will be subject to restrictions and children's identity will continue to be protected. In addition, the press will also have access to cohabitation disputes, and Children Act Proceedings hearings.

Sophia Constantinou is a trainee solicitor within the Guildford branch of Howell Jones LLP. The Guildford Family Team offers a fixed fee one hour meeting for new clients at £100 plus VAT. Readers of The Pepperpot can receive a further 10% off this meeting by bringing along The Pepperpot June 2009 edition to their interview. For further information please call 01483 302 000