



President of the Family Division

FAMILY LISTING GUIDANCE

INTRODUCTION

The aims of this document are to assist leadership judges in their oversight of the court(s) and the welfare of judges; to provide a consistent, standard source of guidance for new and less experienced judges, and to promote consistency, where appropriate, across the family justice system.

The document is not intended to impose an inflexible national approach to listing nor to override either the independence of judicial office holders or the roles of leadership judges. It is subject to local circumstances, including demographics, judicial and court staff resources, courtroom availability and the volume and complexity of cases.

The guidance is underpinned by and subject to the following key principles:

- a. listing is a judicial function;
- b. judicial independence entitles a judge to make a decision which they consider to be the necessary or appropriate order in the particular circumstances of the individual case; and
- c. judicial continuity is of huge importance.

It is recognised that some cases will take a shorter period of time and some will take a longer period of time to reflect particular features. Where local practice consistently and materially differs from this guidance, it should be notified to the Family Presiding Judge. The frequency of any such notifications will be a matter for the Presiding Judge to determine in consultation with their Designated Family Judges (DFJs). The purpose of notification (in this case, and where notification to the leadership judge is stipulated elsewhere in the guidance) is to support oversight and leadership of local listing practices and judicial welfare.

This document will be kept under review. Any major review will involve consultation with Family Presiding Judges and DFJs.

GENERAL PRINCIPLES

1. First gatekeeping will be undertaken by a District Judge and/or legal adviser depending on local circumstances and resources.
2. The following categories of cases may need to be treated as priority. In order that such matters can be dealt with promptly it should be made clear to parties in such cases that they may have to wait for an available court and will be expected to be available immediately as soon as one is identified.
 - Emergency Protection Orders
 - Interim Care Order
 - Forced marriage
 - Injunctions
 - Prohibited Steps Order
 - FGM Protection Orders
 - Some Private Law applications e.g. child abduction from primary carer
3. It is noted that for some types of application there is an accelerated process and these will have different listing practices.
4. For guidance on hearing cases remotely, refer to existing guidance on remote and in-person hearings, for example the [President's address to the FLBA Conference, October 2021](#). Compliance hearings should usually be heard in person. Expert evidence can always be heard remotely unless the court orders otherwise. The Virtual Region and South East Recovery Court have their own structures and rules.
5. The length of a court day is five hours: either 10am – 1pm / 2pm – 4pm or 10-30 – 1pm / 2 – 4.30pm. Additional reading time may be required outside core sitting hours.

6. It is acknowledged that listing strategies (such as double listing, over-listing, block listing and first/second fixture listings) are applied to utilise available court estate and resources to maximum effect. This guidance is not intended to limit the use of listing strategies insofar as they are consistent with the principles set out in this guidance.
7. For financial remedies, the table delineates between DJ level and CJ level. However, many FRC areas designate work according to complexity, and allocate the more complex cases to the most suitable judge, which is frequently a DJ. Accordingly, DJs will sometimes do a more complex case, and CJs a less complex case. It follows that the time estimates in the table, although allocated between DJ and CJ level, are in many instances interchangeable depending on the complexity of the case.
8. High Court listing on circuit should take place in accordance with the specific directions of the Family Presider and/or DFJ. This includes, for example: Declaration of Parentage; Forced Marriage Protection Order; and FGM. For cases originating in Wales, the case should be listed in Wales if possible, or with a video link to Wales.

HEARING TYPE	LISTING PROTOCOL BY LEVEL OF JUDICIARY			Legal adviser sitting alone
	Circuit Judge/Recorder	District Judge/DJ(MC)/DDJ	Justices	
FAMILY LAW ACT				
	All contested FLA hearings must have a PTR or a paper review to ensure an effective hearing			
Injunction without notice	15- 30 minutes including drafting order	15- 30 minutes including drafting order Non molestation:15 mins Occupation order: 30 mins	1 hour including drafting order	
	Listing slots at 10am; 12pm; 2pm subject to local resources			

HEARING TYPE	LISTING PROTOCOL BY LEVEL OF JUDICIARY			Legal adviser sitting alone
	Circuit Judge/Recorder	District Judge/DJ(MC)/DDJ	Justices	
Injunction on notice	30 minutes including drafting order	30 minutes including drafting order	1 hour including drafting order	
Return dates	30 minutes (if longer required must set aside further time) Non molestation: 15 mins Occupation order: 30 mins	30 minutes (if longer required must set aside further time) Non molestation: 15 mins Occupation order: 30 mins	30 minutes - 1 hour (if longer required must set aside time)	30 minutes
	Listed at 10am; 12pm; 2pm subject to local resources			
Directions/Ground Rules/PTR	30 - 60 minutes	30- 60 minutes	1 hour	
Contested final hearing	½ a day (if standard case, as determined by the judge, e.g., no interpreters or intermediaries, no special measures, no international element and/or complex legal issues)	½ a day (if standard case, as determined by the judge, e.g. no interpreters or intermediaries, no special measures, no international element and/or complex legal issues)	Up to 1 day (if standard case, as determined by the bench, e.g. no interpreters or intermediaries, no special measures, no international element and/or complex legal issues)	
PRIVATE LAW to include all s8 Children Act 1989 applications				
Urgent application	Urgent applications must usually be fitted into the court list on the same day. The level of urgency will be determined by the judge.			

HEARING TYPE	LISTING PROTOCOL BY LEVEL OF JUDICIARY			
	Circuit Judge/Recorder	District Judge/DJ(MC)/DDJ	Justices	Legal adviser sitting alone
	30 – 60 minutes	30 -60 minutes	1 hour	
2 nd gatekeeping	N/A	3 -5 cases per hour in a listed day	Up to 6-10 a day	45 minutes per case
FHDRA	4-6 cases per day			
DRA	1 hour per case excluding drafting of the order	1 hour per case excluding drafting of the order	1 hour per case excluding drafting of the order	1 hour per case excluding drafting of the order
QLR/Ground Rules	30 – 60 minutes	30 – 60 minutes	1 hour	30 minutes
Fact finding/composite hearing	The DFJ should be notified of any hearings listed for more than five days	The DFJ should be notified of any hearing listed for more than three days.	There is an expectation that justices will not hear any contested private law application where the estimated length of the hearing is in excess of 3 days without the same having been approved by the HoLO or nominated deputy in consultation with the DFJ.	
Final welfare hearing	The DFJ should be notified of any hearing listed for more than three days	The DFJ should be notified of any hearing before a DJ listed for more than two days	There is an expectation that justices will not hear any contested private law application where the	

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	Circuit Judge/Recorder	District Judge/DJ(MC)/DDJ	Justices	
			estimated length of the hearing is in excess of 3 days without the same having been approved by the HoLO or nominated deputy in consultation with the DFJ.	
Enforcement application	30 -60 minutes	30 - 60 minutes	1 hour	
Special Guardianship Order (SGO) application, discharge or variation:				
First hearing (after report)	1 hour	1 hour	2 hours	
Contested final hearing	½ - 1 day	½ - 1 day	1 day	
PUBLIC LAW				
Emergency Protection Order (EPO) / recovery orders	Time estimate is based on proviso that parties must wait and be available for the case to be heard when the court is ready			
	30- 60 minutes	30- 60 minutes	1 hour	
Uncontested Interim Care Order (ICO)	30- 60 minutes	30 – 60 minutes	Up to 2 hours	

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Contested ICO	Up to ½ day but no more than 1 day (dealt with on submissions unless otherwise directed)	Up to ½ day but no more than 1 day (dealt with on submissions unless otherwise directed)	Up to 1 day (dealt with on submissions unless otherwise directed)	
CMH/FCMH	To be heard in person in accordance with the PLO and PFD Guidance			
	60-90 mins	60-90 mins	60-90 minutes	60-90 minutes
IRH	In accordance with the PLO there is an expectation that cases should be resolved where possible at the IRH, and the IRH should be heard in person			
	1-2 hours	1-2 hours	1-2 hours	
Ground rules/ Special measures/ PTR	30 – 60 minutes	30 -60 minutes	1 hour	30 – 45 minutes
Fact finding/composite hearing	The DFJ should be notified of any hearing listed for more than five days	The DFJ should be notified of any hearing listed for more than five days	There is an expectation that magistrates will not hear any contested hearing where the estimated length is in excess of three days without the same having been approved from time to time by the HoLO or	

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	Circuit Judge/Recorder	District Judge/DJ(MC)/DDJ	Justices	
			nominated deputy in consultation with the DFJ	
Final welfare hearing	The DFJ should be notified of any hearing listed for more than five days	The DFJ should be notified of any hearing listed for more than three days	There is an expectation that magistrates will not hear any contested hearing where the estimated length is in excess of three days without the same having been approved from time to time by the HoLO or nominated deputy in consultation with the DFJ	
Application for contact with a child in care	30 mins - 1 hour (usually on submissions)	30 mins -1 hour (usually on submissions)	2 hours (usually on submissions)	
Secure accommodation order	1 or 2 hours	1 or 2 hours	2 hours	
ADOPTION				
	Any contested applications must be referred to CJ or DJ and are not to dealt with by magistrates, unless otherwise directed by DFJ			

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Directions hearing	30-60 minutes	30-60 minutes	30-60 minutes	
Contested interim hearing e.g. permission to apply to revoke Placement Order (s24 ACA 2002), or permission to oppose the making of an Adoption Order (s47 ACA 2002)	90 minutes (longer listing encouraged where there are unusual elements to the case)	90 minutes (longer listing encouraged where there are unusual elements to the case)	2 hours	
Contested final hearing	These should be allocated to be heard by a specialist adoption judge.			
Adoption visits	To take place in accordance with local practice in light of 2018 PFD Guidance			
APPEALS				
	To be determined by the DFJ	N/A	N/A	
	Appeals from DJs should not be listed before Recorders			
FINANCIAL REMEDY				
Without notice s37 application	30 – 60 minutes	30 – 60 minutes	N/A	

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	Circuit Judge/Recorder	District Judge/DJ(MC)/DDJ	Justices	
On notice s37 application	1 – 2 hours	1 – 2 hours	N/A	
Applications for leave under MFPA 1984 (usually without notice)	30 minutes - 1 hour	30 minutes – 1 hour	N/A	
First Appointment	1 – 1 ½ hours	45 minutes – 1 hour	N/A	
Directions hearings (e.g for expert evidence/specific disclosure)	30 minutes – 1 hour	30 minutes – 1 hour	N/A	
MPS/LSPO	1 – 2 hours	1 – 2 hours	N/A	
FDR	1 – 3 hours	1 – 2 hours	N/A	
PTR	30 minutes – 1 hour	30 minutes – 1 hour	N/A	
Ground Rules hearing	30 minutes – 1 hour	30 minutes – 1 hour	N/A	
Contested final hearing	1-5 days	1-3 days	N/A	
Enforcement/REMO first hearing	30 minutes – 1 ½ hours	30 minutes – 1 ½ hours	30 minutes – 2 hours	
Oral application for Permission to Appeal	45 minutes – 2 hours	N/A	N/A	

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	Circuit Judge/Recorder	District Judge/DJ(MC)/DDJ	Justices	
Substantive appeal if PTA is granted	2 hours - 2 days	N/A	N/A	
MISCELLANEOUS				
Application for committal for a breach of an order	1 hour for directions and, thereafter for final hearing, as determined by the trial judge	1 hour for directions and, thereafter for final hearing, as determined by the trial judge	1-2 hours	