

Training Document

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Final Hearing Notes: Child Arrangements

Arrive 1 hr before the court hearing time stated on the Order



Book in at reception / with the Usher / Clerk.



Present a copy of your McKenzie Friend CV. The Court may require you to complete one of their forms. However, still attach a copy of your CV.

(Sign up to Module 8 for Phil's CV and the courts CV)



Present a copy of your CV to the other side.

The Hearing

If Cafcass are present the court may allow Cafcass to sit in court during proceedings to listen to all the evidence before giving their evidence.

Step 1: The Judge will ask the Applicant to verify their statement as true and accurate and will accept the statement as 'Evidence in Chief'. This means that the content does not have to be repeated.

Step 2: The Applicant will be asked if there is any new information to add to the statement.

Step 3: The Applicant will then be placed on oath and the Respondent or their Barrister can cross examine them.

Step 4: The Judge / Magistrates may then ask questions.

Step 5: The above steps (1-4) are then repeated for the Respondent with the Applicant or their legal representative asking questions.

Notes A: There may be times when your client is still under oath and giving evidence and the court breaks for lunch. During this period, you are not allowed to discuss any aspects of the case with your client. The best position is to separate from each other during the lunch break to prevent any allegations of improper communication.

Notes B: You are not permitted to assist your client in anyway whilst they give evidence. You can assist and advise them when they are cross examining the other party.

Step 6: After the evidence and cross examination of both parties, the same steps are repeated for Cafcass as the Section 7 Report is admitted as evidence. Both parties have the opportunity to cross examine the Cafcass Officer.

Step 7: At the conclusion of all evidence and cross examination, the court will allow both parties to present a summary of their case, also known as submissions. Typically, this can last anywhere from 10 minutes to half an hour. This provides both parties to highlight any aspects of the evidence that supports their case, to clarify anything that may have not been fully presented or understood, to state what they are seeking and why this is reasonable.

Step 8: At the conclusion of submissions, the Judge or Magistrate Chair will verbally give their Final Order and reasons. This will be in relation to the parameters of the Child Welfare Check List.

