

What happens at the first hearing?

1. Your attempts at mediation didn't work. Your ex has refused to discuss things with you, has delayed and or refused mediation and you've had no option but to submit at an application to the court (C100).

It's something you've tried to avoid but you had no other option and you're dreading it. The first hearing is looming. What should I do?

2. If you can afford a solicitor or barrister they will take over from here. However Family Courts are by and large solicitor free these days. It's not something you can't manage on your own and you will be much better off if you go it alone.

The first hearing is called a First Hearing Dispute Resolution Appointment (FHDR – pronounced Fer-hydra for short).

3. You will have received a phone call from CAFCASS prior to your hearing. This is called the Safeguarding check. See the leaflet called **Making the Best of you Safeguarding Check** on the same website.

Bring the Safeguarding Check letter (if the court bothered to send it to you... they sometimes fail to do so) and all the other paperwork together in one lever arch folder with you. Keep all your paperwork in one place. Best get into good habits now. Ask the judge or CAFCASS officer for a copy of the Safeguarding letter if you haven't got one.

4. If you still want a bit of support in court you might convince one of the FNF branch members to come with you and keep you calm. They can even come into the court and give you whispered advice but they can talk on your behalf. Many FNF members will do this for free but DO offer expenses lunch or whatever.

People who help in court are called McKenzie Friends and need to sign in with you at the usher's desk. Some McKenzie Friends are very skilled and charge for their services.

5. Write a **position statement** beforehand. 2 pages max. You don't need to tell your life's history or every dot and comma of your relationship breakdown. The court is only interested in what is best for the kids. For advice on this check out **How to write your first Position Statement** on the same webpage.

Take at least 4 copies of the Position Statement on the day, handing one to the usher when you check in. That's the person at the desk outside your court where you have to sign in. Get there an hour early. And take a book and/or music. There is usually a lot of sitting around but re-read your position statement a couple of times too. Hand a second copy to your ex or her solicitor when they arrive.

6. Find out what court room you're in. They're usually on the wall with your case number (make sure you have it before you go to court. You should write it on your Position Statement). Check in with an usher so they know you are there and where you are.

Very often a CAFCASS officer will be there to see if any agreement can be made. Be child-focused at all times but clear about what it is you are seeking. Don't agree to something unless you are really sure you do agree. This is important (and make sure the court is clear on this when you go into the courtroom too).

7. If your ex has a solicitor **be nice**. Whether you feel they are being helpful or not behaving badly will likely come back to bite you one way or another. They're doing a job and don't have a personal dislike of you even though it may appear like that. They are in fact trying to impress your ex. If there are things the solicitor tells you must sign or agree to its best to get into court and ask the judge. If there are things you can agree...great, stick to what you asked for in your position statement. You don't have to agree on everything but it's all to the good if you can reduce the number of things you're arguing about. If your ex doesn't have a solicitor it's often worth waiting until you get into court to avoid inflaming an already tense situation.

You'll either see one judge or (usually three) magistrates. Call them sir' or 'madam' as appropriate. You won't be criticised for using the wrong words if you are using common courtesy.

8. Use your position statement as the basis for why you are there and what you want. Don't get side tracked. If necessary repeat what you want or even ask for permission to read it out.

Make sure you take notes (although I'd say you should never go into court alone unless you can speak, listen and take notes at the same time). Note what is said, who said it, times and what is agreed.

9. Make sure you get an electronic or paper copy of the order (the decisions reached by the judge), before you leave. The order will list what contact, etc. is ordered, when the next hearing is and anything else the court has decided to happen.

These days, if there is no agreement between yourself and your ex as to what will happen to the kids the judge will order a Section 7. This is an investigation into the parenting capacity of you and your ex. CAFCASS will (or should) look into any concerns you have raised in your position statement and make recommendation. For this you will have to wait up to 8 weeks

10. It always worth asking the judge for interim contact with your children. This will probably be supervised in a contact centre for which you will have to pay but in the world of family courts parenting opportunities like this are everything