

Media access to the family courts

As of 27 April 2009, changes to the Law have made it possible for representatives of media organisations to attend family Court Hearings. The reason for this change in the Law is to allow the general public to have more information about how the family Court system works. Interest has been growing in recent years about the family Courts making decisions behind closed doors regarding matters that are important to society as a whole, for example in cases involving Social Services and disputes between parents about where a child should live and how much contact they should have with their other parent.

We have compiled this factsheet in order to provide information about this change in the Law for the benefit of our clients. The new Rules are worded in general terms and therefore precise guidance will not be available until a number of test cases have been heard by the higher Courts.

Can media representatives attend all family Court Hearings?

Properly accredited representatives of recognised media organisations will be allowed to attend all Hearings, except for those which are designed specifically for conciliation or mediation.

Will I know that there is a media representative in Court?

Yes, all parties to the proceedings and the Judge will know that a media representative is present.

Can the media publicly name either myself or my children?

There will be restrictions on the publishing of information. No details which identify or are likely to identify a child involved in the proceedings can be made public. This will usually mean that parents cannot be identified either. Most reporting is expected to be of a general nature, designed to provide information about the Court process and the principles by which decisions are made by the Courts.

Can I object to a media representative being present at a Hearing?

Any party to the proceedings can ask the Judge to exclude the media. Also, the Judge has a right to exclude the media where s/he considers it appropriate. There is a list of reasons which would justify the exclusion of the media. These include where the presence of the media would result in a risk to a child or other party, where the presence of the media would prevent a witness from giving evidence or where exclusion is necessary in order to allow the Hearing to be conducted in an orderly manner. All parties will be allowed to state their case either for or against the exclusion of the media and the Judge will then make a decision.

Will the media representatives be allowed to see any of the Court documents?

Under the new Rules representatives of the media will not have an automatic right to see any of the Court documents. However, they may ask the Judge's permission to see certain documents which would enable them to understand the case better. In some circumstances documents with all the names removed might be made available to the media representatives.

What if the media representative publishes more information than they are supposed to under the new Rules?

Any breach of the Rules will be treated as Contempt of Court by the Court, for which a guilty party could be fined or imprisoned or both.

What if there is a significant legal dispute about the interpretation of the new Rules?

The case may be transferred to the High Court or there may be an Appeal to either the High Court or the Court of Appeal.

If you have any concerns or queries about how the new Rules may affect your case, please raise the matter with your solicitor.

