

NOTES OF GUIDANCE FOR LISTING TO THE EARLY RESOLUTION FORUM IN PRIVATE LAW CHILDREN'S ORDER CASES

[1] The Early Resolution Forum, led by a judge, will be convened in Laganside Court with the primary objective of improving the welfare of the child(ren) who are the subject of proceedings before the Family Proceedings Court. The purpose of the Early Resolution Forum is to identify the issues in a case at an early stage through judicial case management and by focusing the parties on the impact on the child(ren) of the dispute, seeking early resolution of specific matters as appropriate.

[2] This purpose will be achieved by the application of the provisions of the Children (Northern Ireland) Order 1995¹, by reducing delay and by acknowledging that agreement between parents as to the future well-being of a child is clearly beneficial for that child.

[3] Listing of cases will be at the sole discretion of the Laganside Family Proceedings Court judge - initially focusing on cases within Belfast Family Proceedings only. At the First Directions Hearing in the Family Proceedings Court, the judge will determine whether the case is suitable for referral to the Early Resolution Forum and cases deemed suitable will be listed through the standard listing process.

Cases not suitable:

Cases involving allegations of domestic abuse/violence, or where a child's wishes and feelings are required to be explored directly by a CCO before the case can be progressed, will not be appropriate for inclusion in the Forum.

Legal representatives should identify and raise with the Judge at the referral stage, any matters which may impact upon the suitability of a case for inclusion in the Forum including any concerns regarding a party's capacity or fitness to engage effectively with the Forum process.

¹ [Article 4 of the Children \(NI\) Order 1995](#) applies - particularly for the purposes of the Court Children's Officers participation and their subsequent reports to the court.

A Judge may determine that a case is unsuitable for inclusion in the Forum where other factors or circumstances exist that would make participation inappropriate or inconsistent with the objectives of the Forum.

[4] Where a First Directions Hearing has already taken place and a case is referred by practitioners to the Laganside Family Proceedings Court Office requesting inclusion in the Forum, an administrative review will be carried out by the judge to determine suitability.

[5] The Early Resolution Forum will take place one day per month, commencing on Wednesday 6th May 2026, and will be supported by Court Children Officers (CCO), they will be available on Early Resolution Forum days to resource and support the Forum. CCOs will be allocated to a case for the duration of the day the case is listed in the Early Resolution Forum only.

[6] If a case is deemed suitable for inclusion in the Early Resolution Forum the judge will direct the following should be completed and lodged with the court office, and designated CCO service, no later than 2 weeks in advance of the Forum date.

(NB: it is the responsibility of legal representatives to share the relevant papers with the CCO Service by the deadline, any documents received outside of this timeframe will be listed for consideration at the next scheduled Early Resolution Forum day).

- CCO referral [form](#) - the judge will direct which party should submit a joint referral form to the CCO and Laganside Family Proceedings Court Office, only the most up to date version of the published referral [form](#) will be accepted;
- short position papers;
- proposed draft order; and
- the grounding application.

NB: no further documentation should be lodged at this stage unless directed by the court. Subject to the court's direction, failure to lodge the relevant papers by the submission deadline, share papers with the CCO Service by the submission deadline and/or failure to use the current version of the CCO referral form, including required consents from clients, may result in a case being unable to proceed on the requested Forum listing date.

[7] On the Early Resolution Forum day parties are required to arrive at court 1A in Laganside Court at the allocated listing time which will be issued by the Court Office in advance (each case in the Forum will be allocated an individual start time). A preliminary meeting will take place between the judge, CCO, and the profession (excluding parties). The purpose of the meeting is to establish an initial pathway, with a clear emphasis on promoting the best interests of the child.

[8] Following the preliminary meeting, the parties will be invited to participate in resolution discussions. This will include joint discussions with parties and the CCO (no other persons present), followed by a short consultation between legal representatives and their clients. A second discussion, between the judge, CCO, and the profession (excluding parties) will take place during which the judge will give an indication as to what they see as a resolution, before all parties will be allowed time outside of court to discuss this judicial indication. Thereafter, the judge will determine whether or not to speak directly with the parties. The judge will address all parties as and when required throughout the day. No direct evidence from any party will be required during an Early Resolution Forum. This is an Early Resolution Forum with judicial oversight and not a constituted Family Proceedings Court where evidence can be heard by a panel.

[9] The case will be listed as 'Early Resolution Forum' on the court list. No party-party costs shall be ordered in relation to any Early Resolution Forum case.

[10] For the removal of doubt any statement contained in a bundle directed to be lodged for the Early Resolution Forum can be used at a

subsequent hearing by agreement. The judge, either on his/her own motion or on application from a party, can refer anything said or heard at an Early Resolution Forum to an appropriate authority should it, in the view of the judge, raise a safeguarding issue in relation to any child. In such circumstances that information, should it relate to a child who is the subject of the proceedings, can be used at a subsequent hearing.

[10A] Subject to paragraph [10], all discussions within the Early Resolution Forum shall be treated as confidential and conducted on a without prejudice basis. Such discussions, including any views expressed by the Court Children's Officer, shall not be referred to or relied upon in any subsequent hearing if the matter is referred back to the FPC, unless the court otherwise directs or where disclosure is necessary in the interests of safeguarding a child.

[11] The Early Resolution Forum is not a Financial Dispute Resolution scheme and will not be conducted as such. There will be no potential costs penalty attaching to any party concerning same.

[12] The Early Resolution Forum will focus on the early determination of single issues identified by the parties. The Early Resolution Forum will be conducted in the courtroom and attached consultation rooms.

[13] If an agreement is reached by parties at the Early Resolution Forum, the legal representatives will be expected to complete a draft order, have it signed by the parties and presented to the judge before the conclusion of the Forum. The next available sitting of the Family Proceedings Court will then consider the draft order and if satisfied will make it an order of the Court administratively.

[14] Should the case revert back to the Family Proceedings Court without agreement, if there had already been an FPC referral to the CCO service, the case will join the listing queue in the normal way and the original CCO referral will remain unaffected. It is not, however, the case that the FPC will make a referral to the CCO service as a "holding position" pending the outcome of the Early Resolution Forum.

[15] It shall be the duty of solicitors and counsel to advise their clients as to the content of this Guidance and to fully explain the Forum process and expectations (including participation in joint discussions with the CCO and direct engagement with the Judge). Practitioners are required to seek agreement from their clients for their cases to be included in the Early Resolution Forum before making the application to the court and confirm parties consent to the Trusts reviewing case information to assess the suitability of the case in advance of the Early Resolution Forum in addition to confirming all other consents required in the CCO referral [form](#).

[16] The operation of the Early Resolution Forum will be monitored on an ongoing basis. A short, focused review will take place after six months and a formal review after 12 months.

[17] Information on the Early Resolution Forum including guidance, the CCO referral form and listing/submission dates is available on the JudiciaryNI website: <https://www.judiciaryni.uk/early-resolution-forum>.