

IN THE HIGH COURT OF JUSTICE FOR NORTHERN IRELAND

FAMILY DIVISION

NOTES OF GUIDANCE FOR LISTING FOR RESOLUTION HEARINGS IN PRIVATE  
LAW CHILDREN'S ORDER CASES

[1] Resolution hearings will be convened in the High Court with the primary objective of improving the welfare of the children who are the subject of proceedings before it. The purpose is to achieve resolution of disputes in a timely fashion. This purpose will be achieved by the application of the provisions of Order 1A of the Rules of the Court of the Judicature, 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.

[2] The Resolution Court will be convened to provide a court listing for the potential listing, and resolution, of a case.

[3] A pilot will commence in September 2022. One day a month (the last Friday of each month or an alternative day in the event of that Friday not being regarded as suitable) will be set aside for the exclusive listing of cases for the Resolution Court, with up to four cases per day.

[4] Whether a case is listed will be at the sole discretion of the Family judge.

[5] A case will be considered for listing on the application of either or both parties, or on the motion of the judge. Form CRH should be completed and can be accessed at this link; [Family Resolution Hearings | Judiciary NI](#). A hearing will not be convened unless each party agrees.

[6] The pilot will deal primarily with private family law disputes involving applications under Article 8 of the Children (NI) Order 1995. No case will be excluded from consideration for listing, although some may not be regarded as suitable for listing.

[7] No evidence will be given during a Resolution hearing. The judge will make no findings of fact or determine any issue as between the parties during the hearing, or thereafter arising out of anything said at the hearing.

[8] Save as mentioned below, nothing said during a Resolution hearing will be permitted to be used during any subsequent hearing of the case. For the removal of doubt any statement contained in a bundle directed to be lodged for the hearing 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 at a Resolution hearing 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.

[9] Should the case not resolve, any judge involved in a Resolution hearing will not sit in any subsequent hearing of the case.

[10] The case will be listed as a 'Resolution Hearing' on the court list.

[11] No party-party costs shall be ordered in relation to any Resolution hearing.

[12] A Resolution hearing is not an FDR scheme and will not be conducted as such. There will be no potential costs penalty attaching to any party concerning same.

[13] After listing, the judge will direct what documents should be filed in preparation for the Resolution hearing. Such direction will include a bundle of core documents and a statement of core issues, which should take the form of, or include, a 'Scott Schedule' of outstanding issues. The direction will include which party will take responsibility for lodging these documents and by which date they should be lodged.

[14] If an Article 4, or similar, report has been lodged in the case, the judge may direct that the author of the report should attend at the Resolution hearing if the judge considers that the author's attendance at the Resolution hearing would be conducive to resolution of the case.

[15] The conduct of the Resolution hearing shall be informal in nature and shall be determined by the judge after receiving submissions from, or on behalf, of the parties. It is envisaged that the judge will convene a Resolution hearing with counsel/solicitors, with or without the parties present. Hearings can take place in the judge's chambers or in a courtroom setting as the judge shall direct. The court FTR will be in operation during any hearing conducted in a courtroom with the judge.

[16] It shall be duty of solicitors and counsel to advise their clients as to the content of this Guidance.

[17] The operation of the pilot for the Resolution Court will be monitored on an ongoing basis, a short focused review will take place after six months and a formal review after 12 months.