



Ministry of Justice

FAMILY PROCEDURE RULE COMMITTEE
QB1M, Royal Courts of Justice and
Remotely via Microsoft Teams (Hybrid)
At 11.00 a.m. on Monday 14 July 2025

Present

Sir Andrew McFarlane	President of the Family Division
Mr Justice Keehan	High Court Judge (Chair)
Lord Justice Baker	Court of Appeal Judge
Her Honour Judge Suh	Circuit Judge
His Honour Judge Humphreys	Circuit Judge
District Judge Foss	District Judge (County)
Graeme Fraser	Solicitor
Poonam Bhari	Barrister
Rhys Taylor	Barrister
Jennifer Kingsley JP	Magistrate
District Judge Nelson	District Judge (Magistrates)
Shabana Jaffar	Cafcass
Bill Turner	Lay Member
Helen Sewell	Legal Adviser

1) ANNOUNCEMENTS AND APOLOGIES

1.1 The Chair warmly welcomed all attendees to the Committee meeting.

1.2 Apologies were received from Mrs Justice Knowles, District Judge Cassidy, Laura Coyle and Mr Justice Peel.

2) MINUTES OF THE LAST MEETING

2.1 The Committee approved the minutes from the 9 June meeting subject to amendments made to the attendance listed in the minutes and the correction of some typos.

OFFICIAL

Action Point 1: Secretariat to arrange for the June 2025 minutes to be published on the FPRC webpages.

3) ACTIONS LOG

3.1 The Secretariat informed the Committee that 7 action points were recorded from the June 2025 FPRC Meeting

4) MATTERS ARISING

4.1 The Ministry of Justice (MoJ) tabled a paper which contained updates on the following:

Web inaccuracies

4.2 The Committee was informed the link to Practice Direction (PD) 41H on the Justice website remains unavailable. The Secretariat will continue to work with the web team to correct this.

Online Procedure Rule Committee (OPRC)

4.3 The Committee received a brief update. The OPRC will be issuing a public engagement document on Friday 11 July. This will be published on the OPRC's page on GOV.UK, along with details for engagement, this will be followed on 20 October by an open meeting of the OPRC. The OPRC is continuing to develop the first set of Online Procedure Rules for possession claims which will include a consultation to be published in Autumn. Members agreed that any responses to the OPRC's upcoming consultation should be as individuals rather than on behalf of this Committee.

G v H Update (Leave to Revoke Placement Order (2023))

4.4 The Committee received an update on the G v H Working Group which is considering the issues arising from the Court of Appeal judgment in G v H related to provisions applicable to an application for permission to apply to revoke a placement order.

4.5 The judgment considered whether current Family Procedure Rule (FPR) provision means children are, or are not, automatically parties to applications for permission to apply to revoke a placement order and (in turn) whether a children's guardian has to be appointed for the child, or whether the court has discretion on this.

4.6 The Working Group is considering this issue and will also consider similar issues in relation to applications for permission to oppose the making of an adoption order and other permission applications. MoJ will return to the Committee in the Autumn with a further update on behalf of the Working Group.

Unregulated Experts

4.7 The Committee received an update on the work to make amendments to the FPR and PDs concerning the instruction of unregulated experts. The Committee held a public consultation between 14 March and 6 June 2025 which attracted 65 responses. MoJ Policy is currently analysing the feedback and will then consider any FPR and PD amendments with the Domestic Abuse Working Group before returning to the Committee in Autumn.

PD Update No.2 of 2025

4.8 PD Update No. 2 of 2025 was signed by the President on 25 June and signed by Minister Sackman on 1 July. This Update inserted a new PD36ZI regarding Police non-molestation order (NMOs) notifications; and made amendments to PD36ZA (the pilot in North Yorkshire for the notification to the police by email of NMOs and occupation orders). The Committee noted the implementation date for PD36ZI is delayed until mid-August to allow for further operational processes to be put in place.

Police Disclosure Protocol

4.9 The Disclosure Working Group is considering revisions to the police disclosure protocol, following discussions with the judiciary and proposals from the Committee on Annex 5 of the Protocol.

Forms Update – C100 and C1

4.10 The Committee received a revised version of the C100 form following its decision in May to update it to make it clearer to applicants when permission to apply is required, such as when a Section 91(14) Children Act 1989 Order is in force. Amendments have also been made to the C100 for cases where parties reside in Scotland or Northern Ireland. HMCTS require a final version of the changes before being able to confirm when the changes will be made to the equivalent text on the Private Law Portal.

4.11 The Committee were content subject to the following changes being made:

- a copy of any barring order should be sent with the application.
- applicants should be referred to the need to use the C2 form where there are ongoing proceedings.
- Guidance notes should be included on enforcement applications.

Action Point 2: MoJ Policy to update the C100 form and send to HMCTS forms designers.

Family Drug and Alcohol Court Code

4.12 The Committee noted a request to develop a Practice Direction to encompass the Family Drug and Alcohol Court (FDAC) Code from Lord Justice Jackson and asked that Department for Education officials bring an item to the October meeting.

Action Point 3: DfE Policy to bring an item to the October meeting on FDAC Code.

Substantive Items

5) TRANSPARENCY: REVIEW OF FPR PROVISIONS, PD12G AND PD14E

5.1 MoJ Policy outlined a proposed new project to consider changes to the FPR and related PDs relating to contempt of court and the disclosure of information from proceedings relating to children. This item will involve considering several requests for rule/PD changes including from the DfE and Social Work England. It will also involve consideration around the publishing of judgments and follows the national expansion of the provision for Transparency Orders in children's cases. Officials recommended this review takes a broad approach to this

OFFICIAL

issue aligned with the open justice principles as well as considering primary legislation and data protection requirements.

5.2 The Committee welcomed the proposals, recognising it is a large project with a significant impact. The Committee asked that the project adopts a twin-track approach which considers the longer-term changes and simultaneously makes some nearer-term changes to the FPR and PDs.

5.3 The Committee asked officials to consider the interrelationship between this project and the imminent project for this Committee to consider the implications of the *Cape v Dring* judgment from the Supreme Court. Members also suggested aligning with item 10 on the Priorities Table related to disclosure from fact-finding hearings. Officials were also asked to consider whether this should be limited to children's cases or could also include financial remedy cases.

5.4 The Committee suggested the scope of the proposal in relation to disclosure to Social Work England should consider other regulators with an interest in disclosure of information from family courts. The project could consider disclosure with the Child Maintenance Service. Members pointed out there is a low level of understanding of the disclosure and contempt rules governing the family courts so members would welcome an output from this project being clear guidance for professionals and litigants in person explaining disclosure.

Action Point 4: MoJ Policy to refine the scope for the PD12G and PD14E project and return to the Committee with an update in the autumn.

6) BUNDLES – TARGETED CONSULTATION FEEDBACK

6.1 The Committee received an update from MoJ Policy on the work to update PD27A relating to the preparation of court bundles. Members received a redraft of PD27A which had been updated following discussion of the Bundles Working Group in June and the completion of a second round of consultation on the PD. Members were reminded the consultation was sent to a small group of stakeholders asking for (i) a general sense check and (ii) to seek views on the requirement for a standard typeface in court bundles.

6.2 Members agreed the following changes to the revised draft of PD27A:

- Chapter 4 will be amended to clarify that HMCTS will be expected to provide bundles in cases where all parties are in person and the court is satisfied none is able to prepare, file and serve the bundle.
- Chapters 6 and 7 will be amended so that only sealed orders or orders which are endorsed even though unsealed can be included in the bundle.
- Chapter 6 will be amended to require Forms ES1 and ES2 to set out the parties' respective positions on issues in dispute.
- Chapter 11 should be amended to allow Arial and Times New Roman typefaces to be used, with an explanation in the PD that Arial is generally considered more accessible, particularly for neurodiverse readers.
- Various minor drafting and factual changes were agreed.

6.3 The Committee asked for PD27A to be redrafted in line with their comments and for it to be circulated to all members via email over Summer. A decision will need to be made as

OFFICIAL

to how soon the PD should come into force after it is formally signed and published.

Action Point 5: MoJ Policy to circulate a revised draft of PD27A to Committee members for final approval.

7) MEDIATION VOUCHERS

7.1 MoJ Policy presented an update on the mediation voucher pilot scheme, referenced in pilot PD36V, which has been running since 2021 and has funding until March 2026. The scheme is designed to support families to attempt mediation to resolve their disputes rather than court proceedings.

7.2 MoJ explained there were 13,675 vouchers dispersed in 24/25 financial year and MoJ aims this year to increase uptake to 16,000 in the 25/26 financial year. To increase uptake there will be improvements made on GOV.UK to help families find the scheme and understand other ways to resolve disputes. Engagement is planned including a roundtable event in October and in communications with Family Hubs, AdviceNow and Local Family Justice Boards.

7.3 The Committee welcomed the update, noting there were some professionals working with families in the early intervention sector who were unaware of the voucher scheme and of other provisions to support early resolution. Members suggested engagement with the Local Government Association's Children and Young People Board. Officials proposed to give a further update to the Committee in November.

8) PATHFINDER PD36Z and the annexed PD12B (Pilot)

8.1 MoJ Policy presented draft amendments to PD provision for the Committee's approval related to the Pathfinder pilot in certain private law proceedings. The pilot has been running since February 2022 with the objective to improve the experiences and outcomes for children and families. The Committee agreed in June to approve amendments to PD12B(Pilot) and PD36Z, underpinning the pilot, which were based on lessons learned from implementation and evaluation reports. MoJ officials explained there will be an update later this year to PD12B (Pilot), and to PD12B (Child Arrangements Programme) to update the guidance and hyperlinks which relate to early resolution.

8.2 The proposed amendments to PD12B(Pilot) and PD36Z:

- Add courts in the Black Country, Staffordshire, Hereford and Worcester
- Clarify the position on engagement with children
- Require domestic abuse risk assessments to be summarised by the author and included in the Child Impact Report
- Clarify the process for enforcement cases
- Replace references to SPIPs with references to Parenting Together for Children
- Make some minor/tidying amendments

8.3 Members agreed 'virtual' should be used instead of 'digital' to refer to a form of direct engagement with children. After discussion, members agreed that the new paragraph 13.1A of PD12B (Pilot) should refer to a 'limited' number of cases where there would be an expectation where children should not be seen. There was agreement that the PD should

OFFICIAL

reference guidance for the court to write to children about the outcome of their case, but the PD should make clear this guidance was written by the Family Justice Young People's Board. Subject to these changes, the Committee was content to approve the proposal that the amendments to the PD be made in July by the President of the Family Division, and the agreement of the Minister.

Action Point 6: MoJ Policy and Legal to update the draft PD36Z and PD12B(Pilot) amendments and seek the approval of the President and Minister for the changes to be made in July.

9) DEPRIVATION OF LIBERTY ORDERS RECORDING ETHNICITY (FORM C66)

9.1 DfE Policy provided a brief update on their programme of work (in conjunction with cross-government partners) to improve outcomes for children with complex needs, deprived of their liberty. The Committee agreed in October 2023 to amend the C66 Form to record data on the protected characteristics, including ethnicity, of children subject to Deprivation of Liberty Orders (DoLOs). DfE Policy noted that they recognise that people cannot be compelled to provide data on special characteristics because that is not essential to the court process. The Committee noted the update on the programme of work on DoLOs and approved in principle work to update the C66 Form.

Action Point 7: DfE, MoJ and HMCTS to consider the practicality of updating the C66 Form and return to the Committee.

10) PD41G: ONLINE INTERIM APPLICATIONS FOR DIVORCE OR CIVIL PARTNERSHIP

10.1 HMCTS presented proposed amendments to PD41G underpinning the procedure for the system to complete certain proceedings for a matrimonial order or civil partnership order online. HMCTS and MoJ also proposed amendments to PD2C, related to functions which may be carried out by justices' legal advisers (JLAs), to allow requests that an application in matrimonial and civil proceedings be served by a bailiff to be determined by JLAs.

10.2 The Committee noted the paper and approved the amendments to PD41G and PD2C. HMCTS explained a final draft of the amendments will be circulated for approval in August.

Action Point 8: HMCTS and MoJ to seek approval for amendments to PD41G and PD2C in August 2025.

11) JADE'S LAW UPDATE

11.1 MoJ Policy presented an update on the implementation of Section 18 of the Victims and Prisoners Act (VAP) 2024, which is known as Jade's Law, which automatically restricts parental responsibility where one parent has killed the other. MoJ Policy outlined the end-to-end process from pre-charge to the family court's consideration of a Prohibited Steps Order which has been developed by a cross-jurisdictional working group since the VAP Act received Royal Assent in May 2024. The working group will continue to engage over Summer and Autumn to develop the process.

11.2 The Committee noted the update and members, commenting that the process for respondents under the Act needed to be clarified and consideration should be given to the tier of the judiciary to whom these cases would be allocated. The Committee agreed the item

OFFICIAL

should return in October and November.

Action Point 9: Item on Jade's Law to be added to the October 2025 agenda.

Secretariat Items

12) PRIORITIES TABLE

12.1 The Committee reviewed the Priorities Table and noted a potential new proposal to update Form E in financial remedies proceedings.

13) OTHER PROCEDURE RULE COMMITTEES

13.1 The Secretariat has spoken with other Secretariats from other Rule Committees and there is nothing of relevance to update the Committee at this stage.

14) FPRC WORKING GROUPS

14.1 The Working Groups table has been updated to reflect the addition of a new Sub-group, Cape v Dring, which includes four Committee members. The most recent meeting was the Bundles Working Group, held on Wednesday 18 June.

15) DRAFT OCTOBER AGENDA

15.1 The Committee noted the draft agenda for October.

16) ANY OTHER BUSINESS

16.1 Date of Next meeting will be Monday 6 October 2025 at 11:00am in-person at Royal Courts of Justice, and remote via Microsoft Teams (hybrid meeting).

FPRC Secretariat

July 2025

FPRCSecretariat@justice.gov.uk