

K. H. TOUGH
HER MAJESTY'S GREFFIER

REGISTRAR-GENERAL
OF
BIRTHS
MARRIAGES AND DEATHS

TELEPHONE: (01481) 725277
FASCIMILE: (01481) 715097

*Greffie,
Royal Court,
Guernsey,
PM 2PB.*

PRACTICE DIRECTION NO. 6 OF 2004

MAGISTRATE'S COURT DOMESTIC PROCEEDINGS

1. This Practice Direction applies to domestic proceedings in the Magistrates court where there are contested issues relating to:
 - The custody care and control of children
 - Children's contact / access with their parents or others
 - Specific issues in relation to the children for example, schooling issues, or jurisdictional issues as to the residence of the children, contact with other family members (this list is not exhaustive).
2. It is proposed that as of the date of this practice direction the following procedure will take effect. This is intended to complement but not replace existing practice.
3. The parties to a case are expected to attend all court hearings I person even if they are represented.
4. At the first hearing the Magistrate will consider whether to make directions relating to
 - The filing of a position statement by the parties or their respective advocates setting out inter alia (but not exclusively): -
 - (i) If the position statement is being filed by or on behalf of the applicant, then it will set out the exact applications that the applicant will be asking the court to determine at any final hearing.
 - (ii) If the position statement is being filed by or on behalf of the respondent, then it will set out their response in general terms to the application(s) before the court.
 - (iii) The position statement will set out in practical and/or factual items as to what the issues are (for example, staying contact, residence, etc.).

(iv) Both parties should set out what orders in general terms they will be asking the court to make.

(v) Any other relevant issues that the court should take into consideration in determining the application(s) before the court.

(vi) The position statement should not exceed 2 sides of A4 paper. A specimen is attached for guidance only.

(vii) The relevant party or their advocate should sign and date the position statement.

(viii) When the statement is served upon the other party (or if they are represented, their Advocate), a copy should be filed with the court and a copy also forwarded to the Court Welfare Service.

- Any other time tabling directions which will assist in the efficient listing of the case before the court.

Dated 2nd day of July 2004

J.R. Finch
C.A. McMillen