



Royal Court of Jersey  
Family Division

PROCEDURE FOR VARIATION OF  
NON-FINANCIAL CHILDREN  
ORDERS MADE IN DIVORCE, CIVIL  
PARTNERSHIP OR FREE-  
STANDING CHILDREN  
PROCEEDINGS

Judicial Greffe  
Royal Court House  
Royal Square  
St Helier  
JE1 1JG  
Tel: 01534 441300  
Fax: 01534 441399  
[www.gov.je/familycourt](http://www.gov.je/familycourt)

**This guide does not give a statement of the law and will not help you to decide what to ask the Court to do or whether going to Court is the best way of helping a child. You must decide what to do and what order/s you want to ask the Court to make but you are strongly recommended to obtain legal advice as a Court order may affect your life, or the child's life, in ways you may not have thought about.**

**Try to reach agreement as to arrangements for the children as a constructive approach will help the children to adjust to the changes.**

As you know your child[ren] best, you should be best able to make arrangements which best suit their needs. It is better for you to sort matters out yourselves if at all possible, but if you cannot agree on the arrangements, you may be able to sort these out by attending mediation.

You may ask the Court staff for information regarding Court procedures, but Court staff are **NOT** allowed to offer legal advice or advise you about your different legal options.

### **Where to find the Law**

Links to the Law and Rules can be found within the Divorce, separation and relationship breakdown guidance section on [www.gov.je/familycourt](http://www.gov.je/familycourt). See the [Children \(Jersey\) Law 2002](#), [Children Rules 2005](#) and [Children \(Parental Responsibility Agreement\) Rules 2005](#).

### **The welfare of the child and the 'no order' principle**

The child's welfare is the main consideration when the Court considers the upbringing of a child, and it will have regard to the 'welfare checklist' as set out in Article 2 of the Law.

The Court will only make an order if it thinks that it would be best for the child, and sometimes the Court may decide that it would be best not to make any order. This is known as the 'no order' principle.'

## **Form C100 or Form C2**

If you want to vary a non-financial children order made in divorce, civil partnership or free-standing children proceedings and are unable to get agreement to do so, you must file a **C100 Form**, obtainable from the Judicial Greffe or from **Children Forms and Applications** section at [www.gov.je/familycourt](http://www.gov.je/familycourt) unless the case is currently before the Court in which event file a **C2 Form**.

You should give the date of the order you want varied and give an explanation in a line or so why you want the order varied.

### **If you apply for:-**

- an order for more than one child; or
- for more than one order.

You have to use the **SAME** form.

**In emergency cases, the Court may allow you to apply without telling the other party or parties, (ex parte) but in such circumstances you are advised to seek legal advice.**

## **Court Fees**

Court fees will be payable in the form of Court receipt which can be obtained from Treasury, Customer and Local Services, La Motte Street, St Helier. The Court fees payable are shown under **Family Division – Services and Fees** at [www.gov.je/familycourt](http://www.gov.je/familycourt) but your financial circumstances may be such that you are not required to pay. Further information can be obtained on request from the Viscount's Department.

You may be eligible for Legal Aid. Check with the Acting Bâtonnier (responsible for the allocation of lawyers to litigants under the Legal Aid Scheme) Tel: **0845 8001066** or go to [www.legalaid.je](http://www.legalaid.je).

## **Service of the C100 or C2**

When the Court gets your application form it will check it, and if you have given all the information required, and where necessary, provided the Court fee, the Court will give you a file number and the date and time endorsed on

the **C100** or **C2 Form**, called a **Preliminary Directions Hearing (“PDH”)**, when the Court will first consider (hear) your application. The **C100** or **C2 Form**, once it has been processed by the Court, will be returned to you so that **YOU ARRANGE FOR IT TO BE SERVED** on the other party to the proceedings. If he or she has an advocate or a solicitor, then it is the advocate or solicitor who must be served instead. You need to serve the papers on the other party giving two clear working days’ notice of the PDH.

### **The Preliminary Directions Hearing (“PDH”)**

This takes place before the Registrar. If you have lawyers acting for you, they will attend and you don’t have to. However, if you do not have lawyers acting for you, you **MUST** attend the PDH.

The Registrar will find out firstly whether the parties are willing to attend mediation. If so, the application is likely to be adjourned so that mediation can take place.

### **Meeting with a Jersey Family Court Advisory Service (“JFCAS”) Officer**

If mediation is not possible (or fails), then a date for a **Case Review Hearing (“CRH”)** will be given when the parties and their lawyers (if instructed) must attend. The Registrar normally requires each party to speak to a **Jersey Family Court Advisory Service (“JFCAS”)** officer before the CRH (see p6 below) and will, unless not appropriate, expect parties to attend the **“Keeping Children In Mind”** course.

You will be required to attend a meeting with a JFCAS officer. JFCAS look after the interests of children involved in family proceedings and advise the Court on what they consider are the best interests of the children. They carry out checks with other organisations in particular the Children’s Service and the police and you will be required to complete police check forms. The court expects parents to attend the **“Keeping Children In Mind”** course (see p6 below), but the JFCAS officer will inform the Court if someone should not attend the course.

### **The Case Review Hearing (“CRH”)**

All parties **AND** their lawyers **MUST** attend.

The purpose of the case review hearing is to determine whether anything can be done to sort out the dispute, and find out what outstanding areas of disagreement need to be addressed.

Sometimes, as a result of this process, agreed orders can be made. Even if there is not full agreement, there may be agreement as to certain aspects of the dispute, and interim or full orders may be made.

However, it may be necessary for a welfare report to be ordered and a date set for a final full hearing of the case. Directions may be made as to the filing of evidence, including what witnesses, if any, are to attend and if necessary, medical reports.

A welfare report will be prepared by a JFCAS officer.

### **The Final Hearing**

You, your lawyer and the witnesses, together with the JFCAS officer must attend the final hearing. Difficult or lengthy cases may be referred to the Inferior Number of the Royal Court (i.e. the Bailiff or the Deputy Bailiff sitting with two Jurats).

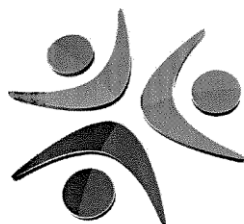
### **Privacy in Children cases**

The Children (Jersey) Law 2002 and Rules say you can only talk about your case and show court papers to your lawyer (if you have one) other parties, the JFCAS officer, a children’s guardian (if appointed) and an expert authorized by the Court or in mediation.

## **USEFUL NUMBERS**

**The Jersey Family Mediation Service TEL 638898**

**Acting Bâtonnier (responsible for the allocation of lawyers to litigants under the Legal Aid Scheme) TEL: 0845 8001066**



## Parenting Support Services

The Bridge, Le Geyt Road, St Saviour. Jersey JE2 7NT

Tel: +44(0)1534 449481 Fax +44 (0)1534 449451

Email: [parentingadmin@gov.je](mailto:parentingadmin@gov.je)

### “Keeping Children in Mind”

**A three hour course looking at:**

- Talking to your children about separation and divorce
- The effects of this life changing event on children and adults
- Practical ideas on developing a co-operative parenting relationship with your ex-partner
- How to deal with less than ideal situations

Courses are run on the last Wednesday evening and Friday morning of each month. You will be offered the next course available.

Wednesday evening 6pm - 9pm at The Bridge

Friday morning 9.30am - 12.30pm at The Bridge

If you would like a place on the “**Keeping Children in Mind**” course

Please fill in this application, tick the boxes and send to the address above

I enclose a cheque for £40.00 Payable to “The Treasurer of the States”

Alternatively, the name of the person we should invoice is:.....

Name.....

Address.....

Postcode.....

E-mail address.....Telephone.....

If you do not wish to attend the same course as your partner/ex-partner, could you please enter their name? (Optional)

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Are there any safety issues that we should be aware of?.....

Where did you hear about us?.....



States  
of Jersey

Education, Sport and Culture

Data Protection Fair Processing Statement. \*Your personal information has been collected by Parenting Support Services for the purpose of administering your application for a course with us. Your information will not be passed to any third parties without your prior consent