

Going to court can feel daunting, especially if you do not have a lawyer. It is usually helpful to prepare a position statement for the court and the other party to read before each court hearing.

This legal guide will give you information about how to write a position statement. Rights of Women publishes a number of other legal guides that may be useful including **Family Court proceedings: where can I get advice and support?** and **A guide to preparing for court hearings and safety in the Family Court.** You can access our full range of legal guides at www.rightsofwomen.org.uk

What is a position statement?

A position statement is a short statement, usually 1 or 2 sides of A4 paper, which sets out your position for a particular court hearing. You can prepare a position statement for each court hearing you attend.

Position statements can be a helpful way of getting your points across to the judge and the other party clearly and concisely, particularly if you are nervous about speaking in court.

The position statement should not contain evidence. Your evidence will be included in a separate witness statement either when you make your application or later on if the court asks you to prepare one.

What to include in a position statement

You should put a heading at the top of your position statement containing useful information about the case, such as the case number, the name of the court, yours and the other party's names and the date and

time of the court hearing. Including this information at the top of your position statement will ensure that the court staff and the judge know which court room and which case the position statement is for. See the example at the end of this guide.

These are the kinds of things you may wish to include in a position statement:

General

- Who each of the parties are and their relationship to one another. For example "I am the Respondent mother. The Applicant, Joe Brown, is my husband and the child's father".
- If you are the applicant and this is the first hearing – what has caused you to make the application? Have you tried to negotiate? Is the matter urgent?
- Has there been domestic violence? Are you able to safely communicate with the other party? Is your address confidential?
- If you do not have a lawyer you may choose to bring a friend, relation or professional with you to support you in the court room – if so you may need to complete a form provided by the court or provide a short CV with details of the person you are bringing.
- What has happened since the last hearing (for example, documents you have sent to the court, documents you have received from the other party, any documents the other party was supposed to send to you which you have not received)?

- If you have not complied with any court directions then provide a short explanation (a direction is when the court asks you do something and they will be recorded on a court order).
- Any court directions that the other party has failed to comply withl.
- What directions do you want the court to make at the hearing? (for example, you may want permission to file a statement or instruct an expert).
- What outcome do you want?

If your case is to do with your children

- What is your relationship to the children? What is the other party's relationship to the children?
- Is the other party having contact with the children? How is contact going? Provide a short and concise summary of any concerns.
- What outcome you want (for example, the child should live with you and see the other parent every other weekend, or for there to be no contact between the child and the other parent).
- Do your children have any special needs?
- Do you want permission to file any further evidence, if so, what sort of evidence? (For example a witness statement from you, a letter from the children's school).

If your case is for a domestic violence injunction

- Have you served the other party with the documents? Has he tried to contact you or breached the order in any way?
- What orders do you need the court to make to keep you safe?
- What directions do you want the court to make at the hearing? (for example you may want permission to file police records or a letter from your GP).

If your case is to do with finances

- What is your current financial position?
- What outcome do you want?
- Have you filed all of your financial documents? If any of your financial disclosure is outstanding, when will you obtain it?
- Has the other party provided all of his financial disclosure? Which documents are still missing?
- What directions do you want the court to make at the hearing? (for example you may want to instruct an expert to value a property or for the other party to provide some bank statements or company accounts).

How do you provide the position statement to the court and the other party?

If you prepare a position statement you should send it to the court and the other party so they receive it by at least 11am the day before the hearing. Most courts have email addresses for family cases which can be found on the court's website. If you email in your position statement make sure you include your name and the case number in the subject line so it goes to the correct judge. Make sure you take extra copies with you to court for the judge, the other party and the officer from Cafcass / CAF/CASS Cymru, just in case.

Sometimes the judge may direct you to prepare a position statement for a hearing, in which case you must send the position statement to the judge and the other party (and the officer from Cafcass / CAF/CASS Cymru) by the date specified on the order.

An example:

CASE NO: FD15P00001

**IN THE FAMILY COURT (SITTING AT THE CENTRAL FAMILY COURT)
IN THE MATTER OF SUSIE HOGARTH (BORN ON 01/12/2009)
B E T W E E N :**

FRANK HOGARTH

APPLICANT

-AND-

NICOLA HOGARTH

RESPONDENT

**POSITION STATEMENT OF THE RESPONDENT, NICOLA HOGARTH, FOR THE HEARING
ON 15TH JUNE 2015 AT 10:30AM BEFORE DISTRICT JUDGE WISE**

This matter is listed for a First Hearing Dispute Resolution Appointment in the Applicant, Frank Hogarth's, application to spend time with our daughter, **Susie Hogarth, aged 5**. I, Nicola Hogarth, am the Respondent and Susie's mother. My position for the hearing is as follows:

1. I received the Applicant's application for a child arrangements order at my work address on 28th May 2015. I have provided my home address to the Court using a form C8. I wish to keep my address confidential from the Respondent. I have also filed a form C1A.
2. The Applicant has been physically and sexually violent towards me throughout our relationship, often in front of our daughter. I sought assistance from my GP several times and went to the hospital with serious injuries on two occasions. I sought assistance from the police following the last incident on 12th April 2014. I decided not to take the matter further with the police, but I have not been in a relationship with the Applicant since this incident.
3. The Applicant is seeking regular, unsupervised contact with our daughter. I am opposed to this. The Applicant has not seen our daughter since 12th April 2014 nor has he sent her any letters, birthday or Christmas cards. Before our separation the Applicant had never been alone with our daughter or shown any interest in her. I am concerned about the impact the violence has had on our daughter, and the risk that she may witness or experience further violence or verbal abuse by the Applicant. Before the Court considers allowing any contact (including indirect contact) between the Applicant and our daughter, I would like the opportunity to file a statement setting out my concerns in detail and to provide police and medical records.
4. I would agree to a full risk assessment being carried out to consider the risk of harm the Applicant poses to me and our daughter if he were to have contact with her. If the Applicant disputes his behaviour towards me and our daughter then a fact finding hearing may be required.
5. I do not have legal representation. I intend to bring a McKenzie Friend with me to the hearing on 15th June 2015. A CV of the McKenzie Friend is being provided with this position statement.

14th June 2015
Natasha Gill

The law is complex and may have changed since this guide was produced. This guide is designed to provide general information only for the law in England and Wales. You should seek up-to-date, independent legal advice.

Rights of Women does not accept responsibility for any reliance placed on the legal information contained in this guide.

For free, confidential, legal advice on family law including domestic violence, divorce and relationship breakdown and issues relating to children:

Women living and working in London: call **020 7490 2562** the advice line is open Mon 11am–1pm, and Tues – Thurs 2–4pm.

For all women: call **020 7251 6577** the advice line is open Tues – Thurs 7–9pm and Fri 12–2pm.

For free, confidential, legal advice on immigration and asylum law or criminal and sexual violence visit **www.rightsofwomen.org.uk** for our advice line details.

Useful contacts

Finding a solicitor

The Law Society
0207 320 5650
www.lawsociety.org.uk/find-a-solicitor/

Ministry of Justice
020 3334 3555
<http://find-legal-advice.justice.gov.uk/>

Resolution
01689 820272
www.resolution.org.uk/

Emergency contacts

Police (emergency)
999

24 hour domestic violence helpline
0808 200 0247
www.nationaldomesticviolencehelpline.org.uk

Legal advice and support

Citizens Advice
www.citizensadvice.org.uk/index/getadvice.htm

Law Centres Network
020 7749 9120
www.lawcentres.org.uk/

Law Works Clinic Network
<http://lawworks.org.uk/>

Bar Pro Bono Unit
www.barprobono.org.uk/

Personal Support Unit
020 7947 7701
www.thepsu.org/

Disability Law Service
020 7791 9800
<http://www.dls.org.uk/>

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