

### **PRACTICE DIRECTION UPDATE No. 3 of 2025**

The amendments to the existing Practice Directions supplementing the Family Procedure Rules 2010 are made by the President of the Family Division under the powers delegated to him by the Lady Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and are approved by Minister Sackman KC, Minister of State, Ministry of Justice.

The provisions in this Practice Direction Update come into force as follows:

<b>Provision</b>	<b>Coming into force date</b>
Amendments to Practice Direction 36Z and to the annexed Practice Direction 12B (Pilot)	14 August 2025

Signed:

\_\_\_\_\_ Date: 2025  
Sir Andrew McFarlane, The President of the Family Division

Signed:

\_\_\_\_\_ Date: 2025  
Minister Sackman KC, Minister of State, Ministry of Justice

#### **PRACTICE DIRECTION 36Z - PILOT SCHEME: PRIVATE LAW REFORM: INVESTIGATIVE APPROACH**

#### **AND THE ANNEXED PRACTICE DIRECTION 12B (PILOT) – PRIVATE LAW REFORM: INVESTIGATIVE APPROACH**

(1) In Practice Direction 36Z-

(a) in paragraph 1.3(c) after paragraph (v) insert-

“(vi) an application started in a location of the family court specified in paragraph 1.4E, the application is filed in the period commencing 11 November 2025 and ending at the end of 31 March 2026.”;

(b) in paragraph 1.4C, for “Camarthen” substitute “Carmarthen”; and

(c) after paragraph 1.4D insert-

**“1.4E** The locations of the family court referred to in paragraph 1.3(b) and (c)(vi) are-

- (a) Dudley;
- (b) Hereford;
- (c) Kidderminster;
- (d) North Staffordshire;
- (e) Redditch;
- (f) Stafford;
- (g) Stoke-on-Trent;
- (h) Telford;
- (i) Walsall;
- (j) Wolverhampton;
- (k) Worcester.”.

(2) In Practice Direction 12B (Pilot) annexed to Practice Direction 36Z-

(a) after paragraph 4.5 insert-

**“4.6** The court should consider writing to the child to explain the decisions the court has made, in accordance with guidance issued by the Family Justice Young People’s Board and endorsed by the President of the Family Division: <https://www.judiciary.uk/wp-content/uploads/2025/02/Writing-to-Children--A-Judges-Toolkit-V1.7-1.pdf>

(b) in paragraph 6.1 for “judge” substitute “court”;

(c) for paragraph 13.1(c) substitute-

“(c) subject to paragraph 13.1A, direct (for example, in person or by virtual means such as video call) or indirect engagement with the child, which must be-

- (i) in a means consistent with the child’s welfare needs;
- (ii) in a means determined as appropriate in accordance with the child’s age and understanding; and
- (iii) undertaken to determine the child’s circumstances, preferences for engagement and initial wishes and feelings;”;

(d) after paragraph 13.1 insert-

**“13.1A** There may be limited cases in which it is not appropriate to engage with the child, whether directly or indirectly, for example, where it is concluded that this would not be in the child’s best interests or where it would go against the child’s clearly expressed wishes. In such cases, the reason for not engaging with the child must be set out in the Child Impact Report.”;

(e) in paragraph 13.2 for “Independent Domestic Abuse Advisers” substitute “Independent Domestic Violence Advisers”;

(f) in paragraph 13.4-

(i) for sub-paragraph (f) substitute-

“(f) where domestic abuse is a feature of the case, a summary of any DASH or other risk assessment, prepared by the person who undertook that assessment;”; and

(ii) in sub-paragraph (i)(ii) for “SPIP” substitute “Planning Together for Children”;

(g) in paragraph 17.1-

(i) for sub-paragraph (c) substitute-

“(c) the Gatekeepers at the initial gatekeeping step must consider –

- (i) whether a hearing should be held before any decision is made on what is required at the Information Gathering and Assessment stage; or
- (ii) whether the Information Gathering and Assessment stage should include a new Child Impact Report, or an updated Child Impact Report, or that neither is needed;

(ca) if it is decided (whether by the Gatekeepers at the initial gatekeeping step or by the court at a hearing of a type referred to at sub-paragraph (c) above), that a new or updated Child Impact Report is needed-

- (i) the Gatekeepers, or the court at a hearing, must specify the timescale for filing that Child Impact Report; and
- (ii) the Gatekeepers, or the court at a hearing, must specify whether the Child Impact Report requires further safeguarding checks to be undertaken, particularly if the application for an enforcement order was issued more than three months after the order to which the application for an enforcement order relates;”; and

(ii) in sub-paragraph (d)(ii)(dd) for “SPIP” substitute “referral to Planning Together for Children”;

(h) for paragraph 17.2 substitute-

**“17.2** Enforcement cases should be concluded without delay and should be listed to be heard before the previously allocated judge, if possible. In particular-

- (a) if no new or updated Child Impact Report is to be prepared, the enforcement application should be heard within 20 working days of the application having been issued;
- (b) if a new or updated Child Impact Report is to be prepared, the enforcement application should be heard within 10 working days of that Child Impact Report having been filed with the court.”;

(i) for paragraph 17.3(a) substitute-

“(a) referral of the parents to-

- (i) in England, to Planning Together for Children;
- (ii) in Wales, to WT4C;
- (iii) non-court dispute resolution;”; and

(j) in Annex 1 (Explanation of terms)-

(i) after the row defining “Contact centre” insert-

“DASH assessment	A Domestic Abuse, Stalking, Harassment and “Honour Based” Violence Assessment”
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(ii) after the row defining “Party” insert-

“Planning Together for Children	A programme for parents, available in England”
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(iii) omit the row defining “SPIP”; and

(iv) in the row defining “WT4C”, in the second column omit “and is the equivalent of the SPIP (see above)”.