

Sending documents to the court and the other parties

This guide will give you general information about court documents including how and when to send them to the other party, and what the court expects when you are managing court papers.

This guide will give you general information about court documents including how and when to send them to the other party, and what the court expects when you are managing court papers. We have other guides about preparing documents that you may find helpful, such as **A guide to preparing witness statements for the Family Court** and **How to write a position statement for a Family Court hearing**.

What does “file and serve” mean?

It is common for the court to make directions like this one:

- The applicant shall file and serve all evidence upon which they intend to rely by 4pm on 13th February 2019

The words **file** and **serve** have a specific legal meaning.

If you are told to **file** a document, this means you must provide the document to the court. You need to make sure the court has the document by the date set in the direction.

If you are told to **serve** a document, this means you must provide the document to all the other parties in the case. You need to make sure they have the document by the date set in the direction. If the other parties are represented by a solicitor, you must serve the documents on their solicitor.

Directions from the court may state that you have to file, serve or do both with documents. You should make sure you follow what you are asked to do in the directions.

If you prepare a document, it is your responsibility to make sure it is filed at the court and served on all the parties.

Make sure you keep copies of all documents you send to the court or the other parties

What is personal service?

Sometimes, the court will require you to **personally serve** documents on the other party. This means you must arrange for the document to be handed to the other party in person. You may be asked to do this for orders that are made when the other party is not in court.

If you can afford to pay for someone to do this, then you can find a **process server** online whose job it is to personally serve court documents. You will need to provide the process server with an address and details of the other party, so they can find them. It helps if you can provide a photo of the person too.

Alternatively, you can ask the court to arrange for the **court bailiff** to serve the documents. This is called **bailiff service**. You can do this by completing **form D89**. There is a court fee for bailiff service. You can ask the court staff what the fee is. If you are on a low income, you may not have to pay a fee. To ask the court to waive the fee, you should fill in **form EX160** and send it to the court with **form D89**. The bailiff will take longer to serve the documents than a process server.

If your application is for a non-molestation order, occupation order, forced marriage protection order, or female genital mutilation protection order, there is no fee for bailiff service. However, you should be aware that the orders are not effective until they have been personally served.

For more information about domestic violence injunctions, ask for a copy of our **DV Injunctions Handbook**.

When to send documents to the court

Normally, you need the court's permission before you can send documents to them. If the court has made a direction like the one above, this means you have the court's permission to provide the document requested.

The directions will have a time by which you have to provide the document requested. You should make sure the court, or the other parties have the document by that date. If you are not able to provide the document by that date, you should write to the court and the other parties explaining why and ask them to extend the time. You can suggest a new date for when you will send the document.

If you don't have permission to file and serve a document, you can request it.

There are some documents you do not need the court's permission to send because the Family Procedure Rules enable you to send them. They are not evidence but summarise information for the court before the hearing so that the judge can understand the issues quickly. These are helpful documents which you can prepare and send without the court's permission before a hearing but you do not have to. They are:

- case summary
- position statement
- chronology
- skeleton argument
- list of essential reading
- time estimate

See our guide on **How to write a position statement for a Family Court hearing**.

If you have requested an urgent hearing, you may be able to provide evidence in support of your request. See the section below on **Urgent hearings**.

How do I send it?

It is your responsibility to make sure that the court or the other parties get your documents on time. There are rules about when the court assumes someone received a document if it is sent by post or other methods. These are:

Method of delivery	Time it is received
First class post	The second day after it was posted.
Delivering or leaving it in person	If left before 4.30pm on a working day, it is received that day. If after 4.30pm, it is received the next working day.
Email	If sent before 4.30pm on a working day, it is received that day. If it is sent after 4.30pm, it is received the next working day.

This means that if you file or serve documents by first class post, the court will assume it is received on the second day after it was posted.

Many courts now have a drop box in the court building where you can deliver documents in person without having to see court staff. Make sure your documents are in a sealed envelope and well labelled. See the section below on **What information to include on documents**. Documents need to be delivered to a drop box before 4.30pm or it is assumed it was received on the next working day.

When you send documents to the other parties in the case, most will be happy to accept these documents by email. If the other parties have solicitors, you can ask for an email address for the solicitor dealing with the case. You should double check the other party, or their solicitor are happy to receive documents by email by asking if they will **accept service by email**. If they are happy with this, then it will be easier in most cases to send your documents by email.

'...If you don't have permission to file and serve a document, you can request it...'

What information to include on documents

When you send any documents to the court or the other party, you should make sure that all documents you prepare have the **case number** and the **name of the parties** on the front.

If you are providing documents from other people, then you should make sure the court knows what the document is for. You can do this by writing a short letter and sending it with the document that has the case number and parties' names on it. If the case is about children, the children's names can go on the letter too. If you have a hearing coming up and you want to make sure the judge sees the documents before the hearing, put this on the letter. Put the letter at the front of your documents before sending them to the court.

'...make sure that all documents you prepare have the case number and the name of the parties on the front...'

Example

Ms Baker is the applicant in a case at the Family Court. At a hearing on 11 September 2018 the judge asked her to file and serve copies of all police records relating to any incidents between her and the other party in the case which occurred between 1 January 2008 and 1 January 2016. Ms Baker could start her letter to the court as follows:

Dear madams/sirs,

**Re: Case Number: HX18F0002
Baker v Smith
Hearing: 12 October 2018**

I am the applicant in the above case. Further to the order of District Judge Palmer dated 11 September 2018, I enclose a copy of all relevant police records from 1 January 2008 to 1 January 2016.

Urgent hearings

If you are making an urgent application to the court or requesting an urgent hearing during a case, you may want to provide evidence or documents to support your application even though you do not have permission. The court will generally accept documents and evidence provided as part of an urgent application.

For some applications, such as an application for a non-molestation order, you must support your application with a witness statement.



Sending confidential information to the other party

Normally, any document that you send to the court must be sent to the other parties in the case too. If you send documents to the court that are not sent to the other parties, the court may decide not to take them into account or the other party can ask the court to provide them with a copy.

If you want to keep your contact details confidential from the other parties, you still have to provide this information to the court. You can do this by completing **form C8**. You must not send the form C8 to the other party.

The court should keep your address and any other contact details that you include on your form C8 confidential. Remember not to put your address on any other documents that you send to the court as the other party should also have a copy of those documents.

If you want to provide the court with evidence or documents that you do not want the other party to see, you will have to make an application to the court to do this. It is extremely unusual that the court will allow documents to be used in a case that have not been seen by all the parties. The person trying to prevent the other parties seeing the documents must prove that there would be a real possibility of significant harm to a child if they were disclosed. The court may decide that some parts of the documents or redacted documents should be disclosed instead.



What do I do if the other party was meant to send me something, but I haven't received it?

The other parties in the case have the same responsibility as you to make sure that you receive their documents and that they comply with court directions.

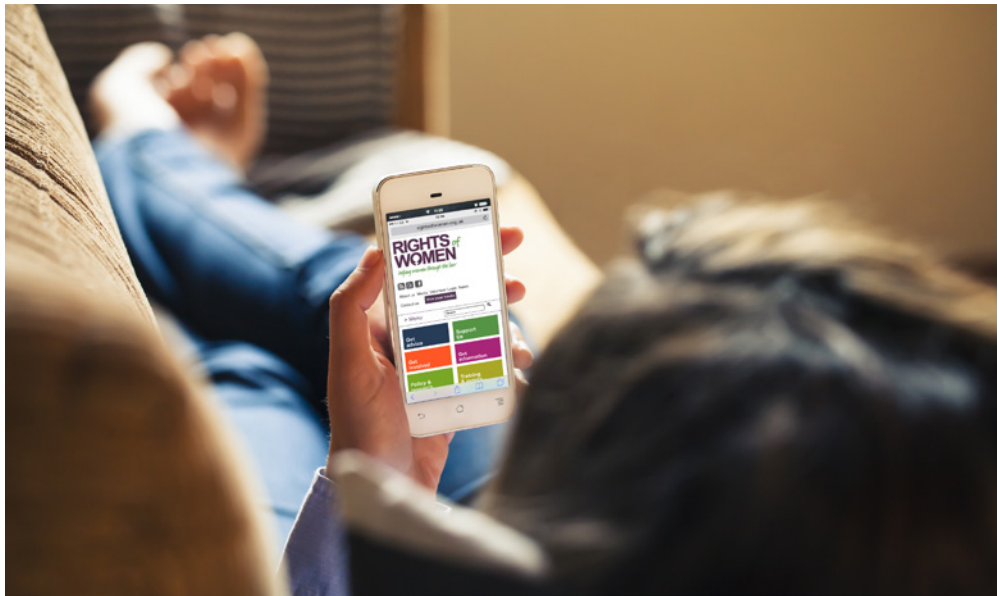
If you have not received a document by the date set by the court, contact the other party and ask them why. Make sure they have a way of sending the document to you. You can ask them to post it or, if it is easier, to send it by email. Make sure they have the right email address and check your spam folder.

You can also check whether the court has received the document and ask them to send you a copy.

If you haven't received anything, then you can write to the court making them aware that the other party has not complied with court orders.

'...If you have not received any explanation why the documents are late and there are other court directions that you need the documents for, you can make an application to the court for a directions hearing...'

If you have not received any explanation why the documents are late and there are other court directions that you need the documents for, you can make an application to the court for a directions hearing. The court may make a new timetable for the directions. The judge will ask for an explanation why the documents have not been provided. The judge may take action as a result of the failure to comply with the direction, such as make orders relating to costs, dismiss an application, or in extreme cases put the party on notice that if they do not comply with the direction they may go to prison.



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.

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

Women living and working in London: call **020 7608 1137** 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 law visit **www.rightsofwomen.org.uk** for our advice line details.

Useful contacts

Emergency contacts

Police (emergency)

999

24 hour domestic violence helpline

0808 200 0247

www.nationaldomesticviolencehelpline.org.uk

Finding a solicitor

The Law Society

0207 320 5650

www.lawsociety.org.uk/find-a-solicitor

Resolution

01689 820272

www.resolution.org.uk

Ministry of Justice

020 3334 3555

www.find-legal-advice.justice.gov.uk

Legal advice and support

Citizens Advice

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

Personal Support Unit

020 7947 7701

www.thepsu.org

Law Centres Network

020 7749 9120

www.lawcentres.org.uk

Disability Law Service

020 7791 9800

www.dls.org.uk

Law Works Clinic Network

www.lawworks.org.uk

Advocate

(previously Bar Pro Bono Unit)

www.weareadvocate.org.uk

Rights of Women,

52 – 54 Featherstone Street, London EC1Y 8RT

Office: 020 7251 6575

Email: info@row.org.uk

Website: www.rightsofwomen.org.uk

Charity number: 1147913

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