

Guidance to family courts: payment for special measures

Internal staff guidance sets out how certain court-ordered measures including intermediaries and intermediary assessments may be paid for in family cases.

There is no statutory requirement for HMCTS to fund an intermediary or intermediary assessment in family proceedings. However, where it appears to the court that this is the only way a party or witness can properly participate in proceedings, or be questioned in court, the judge may order that there should be (i) an assessment to determine the nature of support that should be provided through an intermediary in the courtroom, and (ii) funding for that intermediary. HMCTS may then provide the funding if there is no other available source of funding.

Intermediaries are usually appointed to support vulnerable witnesses or parties to participate in or understand proceedings inside the courtroom. HMCTS can also if necessary fund the cost of an intermediary to assist with preparation work outside the court but only if this is directly relevant to matters to be dealt with in the court room and there is a judicial order to this effect. HMCTS is not able to fund the general provision of intermediaries outside the court room.