



# Can I talk about my case outside court?

A guide for family court users

## About this leaflet

This leaflet is for people who are taking part in family proceedings concerning children. It explains:

- why there are rules about talking about a case outside court;
- when you can talk about your case; and
- how you can share information about your case safely.

It also gives information on what happens if someone talks about a case when they shouldn't.

This leaflet does **not** apply to **placement** and **adoption proceedings** or to **parental orders applications** (under the Human Fertilisation and Embryology Act), where different rules are in place.

## Are there rules for talking about a case outside court?

Yes. Sharing information about a case is sometimes called 'disclosure of information' or 'communication of information'. There are rules in the family court about what you can say and what information you can share about your case outside of court.

The rules of court allow you to give other people information about your case but only in specific circumstances. This is to protect the privacy of other people involved in your case – particularly children.

## When can I talk about my case?

You can only talk about your case in these specific circumstances.

- You can discuss anything about your case with:
  - your legal representatives;
  - other people involved in the case and their legal representatives;
  - an expert appointed by the court;
  - Cafcass officers;
  - Welsh family proceedings officers; and
  - children’s guardians involved in the case.
- You may also talk to any other person you think is appropriate but only if it is for one of the following reasons.
  - **To get confidential advice to help you present your case or to get support during proceedings** – although the discussions between you and the person you ask for the advice and help must be private.
  - **To get mediation or help to sort out a disagreement** between yourself and another person involved in the case.
  - **To get further help on a complaint you have made, or want to make**, about the proceedings or someone involved in them (such as an expert witness).

## What can I say about my case?

You can share any information about the case in the circumstances listed above, except a draft judgment (one which hasn’t yet been finalised and formally given by the court).

This includes written information about your case, or anything that was discussed inside or outside of court. This means you can share information contained in:

- documents on the court file;
- evidence given in court, such as statements in a document or given in response to questioning;
- reports;
- the judgment; or
- any reasons the judge or magistrates give for the decisions and orders they make.

The people or organisations you talk to can only use the information you share with them for the reason they received it – for example information shared for mediation purposes cannot be used for anything else. If they use the information for other purposes they could be in contempt of court and could face punishment by the court.

Always respect the privacy of the people involved in your case before sharing private information about them.

## **Can I talk about my case for any other reasons?**

If you want to talk about your case for a reason not covered in this leaflet, you should ask your legal representative what you can say and who you can talk to. This is because there are some other specific situations where you are allowed to talk about your case – although in these circumstances you are limited by certain rules as to what you can say and who you can talk to. If the reason you want to talk about your case is not covered by a specific situation, you will need to get permission to talk about it from the judge or magistrates.

If you are representing yourself, **you** should ask the judge or magistrates whether you are allowed to share information in the way you want. You should not talk about your case until you have had legal advice, or discussed the matter with the judge or magistrates.

If you want to talk about your case for a reason not mentioned in this leaflet, you will need to ask the court for permission first.

## **Who can talk about my case?**

Anyone involved in the court proceedings, for example:

- a parent;
- the local authority in care proceedings; or
- a child;

can talk about, or share information, about your case in the ways described in this leaflet. They may talk about the case in person or through their lawyer.

They can only talk about your case in the specific circumstances described earlier. If they need the judge's permission to talk about the case, you will be given the opportunity to tell the court whether you think they should be allowed to share the information or not.

## **What about the media?**

The media can attend family proceedings in any court. However, there are restrictions on what they can report – for example, they may not always be able to publish details of what happened in court and what was said in evidence – especially in cases involving children.

For more information, see leaflet '*EX711 - Can the media attend my court case?*' available from [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

## **Can the person I talk to discuss my case with anyone else?**

If you have talked to someone about your case for the purposes of mediation or investigation of a complaint, the person you talked to might want to pass your information on to someone else to help you sort out your problem or complaint. This is called 'onward disclosure'. They will have to ask you to agree to allow them to do this. You can give your agreement verbally or by writing it down. However, it is better to put your permission in writing so that there are no misunderstandings about what was agreed.

If your reason for talking to someone about your case was only to get advice or help, that person cannot talk to anybody else about what you told them. This is because court rules say this information must remain confidential.

If the person you spoke to wants to pass on your information, they can only do so for the same reason that they were given the information and they will need your agreement first. This also applies to the people the person shares the information with. For example if the information you shared was for the purposes of a complaint, the person you shared the information with may only share it with others for the purposes of that same complaint, and only if they have your permission.

## **If you had to get permission from the judge to share information**

If you had to get permission from the judge to talk about your case, you will need to ask the court whether they will allow the person you talked to about your case to pass on the information, and if so how they can do this.

## Remember...

You should bear in mind that other people involved in the proceedings can tell people about the case and share information you have provided in the proceedings without asking for your agreement. This information can also be passed on without your permission.

**You, and the people you share information with, cannot share information about your proceedings with the public in general or with a section of the public under these rules.**

**If you, or another person, want to publish information about the proceedings to the public, you will need to get the judge's permission.**

The court can authorise or restrict what information can be passed on in any case. If you have concerns about information being passed on to someone else, you should ask the court to consider restricting what information is passed on.

## How can I share information about my case?

You can share information about your case verbally or by writing it down. This includes sending documents to someone by post or email. However, you cannot share information through web forums or blogs as this would make the information available to the public. The rules only allow you to talk about your case with individual people or organisations – they do not allow you to share information with the public in general or a section of the public.

## How can I share information about my case safely?

It is essential that you share information about your case in a safe way. This is because the information may contain very personal or sensitive details about you or another person involved in the case, including children.

If you share information in a way that is not allowed by law, you could be in contempt of court, or even have committed a criminal offence, and could face serious penalties.

Here are some simple guidelines to follow when talking about your case.

- If you are sending information by post or by email, make sure the person you are sending it to is identified by name. You should also mark the information 'private and confidential'. Don't send an email to an organisation's general contact address.
- Make sure the person you are sharing the information with understands why they are receiving it and that they can only use the information for the reason they receive it.
- Make sure that person also understands whether the information you share with them is confidential, whether they can share the information with other people, and whether they need your permission to do so. It is a good idea to communicate this information in writing so that it is clear to both of you.

- Keep an accurate record of what documents you have shared, including the name, job title and contact details of the person you shared them with. You should also make a note of the reason you decided to share the information with them, and what you told them about passing the information on.

## **What happens if someone talks about a case when they shouldn't?**

If someone talks about a case when they shouldn't, you should tell the court straight away. You should give as much information as you have about:

- what that person said;
- who they talked to;
- what they know about the case; and
- what documents they have.

If the person is someone you have talked to about your case, you should also tell the court about:

- any communication you had with that person;
- the reason or reasons you talked about your case with them; and
- if you gave your permission for passing on information.

If someone talks about a case when they shouldn't, they may be in contempt of court. If you know that someone has talked about a case when they shouldn't, you should tell the court as soon as possible to protect the people – particularly children – involved in the case.

## **Where can I get more information?**

For detailed information on the procedure rules of the family court, visit [www.justice.gov.uk](http://www.justice.gov.uk)

## About us

We are an agency of the Ministry of Justice. We are responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland. This provides for a fair, efficient and effective justice system delivered by an independent judiciary.

We aim to make sure that everyone receives access to justice in good time and according to their different needs, whether as victims or witnesses of crime, defendants accused of crimes, consumers in debt, children at risk of harm, businesses involved in commercial disputes or as individuals using their employment rights or challenging the decisions of government organisations.

For more information see [www.justice.gov.uk/about/hmcts](http://www.justice.gov.uk/about/hmcts)

## For people with a disability

If you have a disability that makes going to court or communicating difficult or you would like any information in an alternative format, for example large print, please contact the court concerned who will be able to help you. You can find contact details for all of our courts online at [hmctscourtfinder.justice.gov.uk](http://hmctscourtfinder.justice.gov.uk)

