



## Family Court Statistics Quarterly, England and Wales, Annual 2018 including October to December 2018

### Main points

Increase in new cases started in 2018 compared to 2017



262,399 **new cases started** in family courts during 2018, **up 3%** compared to 2017, primarily as a result of an increase in divorce cases.

64,331 of these **cases started** between October and December, **up 6%** on October to December 2017.

After increases seen during 2015 and 2016, steady trend in Public law cases started in 2017 and 2018 but case disposals up



Over the full year, the number of Public law **cases started** in 2018 was **down by less than 1%** compared to 2017. There was **no change** in the number of **cases started** in October to December 2018 compared to the same period in 2017.



In contrast, the number of **disposals** in 2018 **increased by 3%** to 17,588 reflecting the time lag from application to first order being made. There was a **12% increase** in the number of disposals in October to December 2018 compared to the equivalent period in 2017.

On average, care proceedings took longer with fewer disposals within 26 weeks



The average time for a care or supervision case to reach first disposal was **30 weeks** in 2018, **up two weeks** from 2017. Cases also took **two weeks longer** to reach a first disposal in October to December 2018 compared to the same period of 2017 (30 weeks, up from 28).



In 2018, **49%** of cases were disposed of within 26 weeks – **down 8 percentage points** compared to 2017. A similar proportion of cases were disposed of within 26 weeks in the latest quarter (**47%**).

Increase in number of Private law case starts and applications



The number of Private law **cases started increased by 2%** in 2018 compared to 2017, and the number of **applications also increased by 2%**.

For the latest quarter the **increase in cases started and applications** was **8%** and **9%** respectively compared to the same quarter in 2017.

<p><b>Increase in the number of divorce petitions with a fall in Decree Absolutes</b></p>	<p> </p>	<p>There were 118,141 <b>divorce petitions</b> made during 2018, <b>up 8%</b> on 2017 - more in line with the number of petitions seen annually prior to the low number in 2017.</p> <p>There were 91,961 <b>Decree Absolutes</b> granted in 2018, <b>down 11%</b> compared to 2017 (reflecting the low number of petitions in 2017).</p>
<p><b>Increase in the number of domestic violence remedy applications and orders made</b></p>	<p></p>	<p>In 2018, there were 25,135 <b>domestic violence remedy order applications</b>, <b>up 1%</b> on 2017, the highest figure since the peak in 2009. The <b>number of orders</b> made also <b>increased, by 4%</b> over the same period.</p> <p>In October to December 2018, the <b>increase in applications</b> and <b>orders</b> were <b>6%</b> and <b>5%</b> respectively compared to the same period in 2017.</p>
<p><b>Increase in the number of forced marriage protection orders and female genital mutilation protection orders made</b></p>	<p></p>	<p>General <b>upward trend</b> continues in the number of forced marriage protection orders and female genital mutilation protection orders, although <b>numbers are relatively low</b> - there were 324 FMPO orders and 143 FGMPO orders made in 2018.</p>
<p><b>Number of adoption applications and orders continue overall downward trend</b></p>	<p></p>	<p>In 2018, there were 5,104 adoption order <b>applications</b>, <b>down 6%</b> on 2017. The number of adoption <b>orders issued</b> also <b>decreased</b> in 2018, by <b>9%</b> compared to 2017, reaching the lowest annual total since 2011.</p> <p>In the final quarter of the year, the number of adoption <b>orders</b> was <b>down 10%</b> compared to the equivalent quarter in 2017.</p>
<p><b>Continued increase in applications and orders made in relation to deprivation of liberty</b></p>	<p></p>	<p>There were 4,557 Deprivation of Liberty (DoL) <b>applications</b> in 2018, <b>up 14%</b> compared to 2017. Similarly, DoL <b>orders</b> were <b>up 4%</b> over the same period.</p> <p>There were 1,052 DoL <b>applications</b> in October to December 2018, <b>up 2%</b> on the same period of 2017, and continuing the overall upward trend. The number of DoL <b>orders</b> made <b>increased by 16%</b> over the same period.</p>
<p><b>Continued increase in Lasting Powers of Attorneys (LPAs) received</b></p>	<p></p>	<p>LPAs received <b>increased by 6%</b> between 2017 and 2018, and by <b>16%</b> in October to December 2018 compared to the same period in 2017. This continues the long term upward trend seen since beginning of 2015 due to increased publicity and new online forms.</p>

This publication presents statistics on activity in the family courts of England and Wales and provides figures for the calendar year 2018, in addition to the latest quarter (October to December 2018). For further information and technical details please refer to the accompanying '[Guide to Family Court Statistics](#)'.

For feedback related to the content of this publication, please let us know at [familycourt.statistics@justice.gov.uk](mailto:familycourt.statistics@justice.gov.uk)

# 1. Overview of the Family Court System

## Increase in the total number of cases started and a decrease in the number of cases concluded in family courts in 2018 compared to 2017

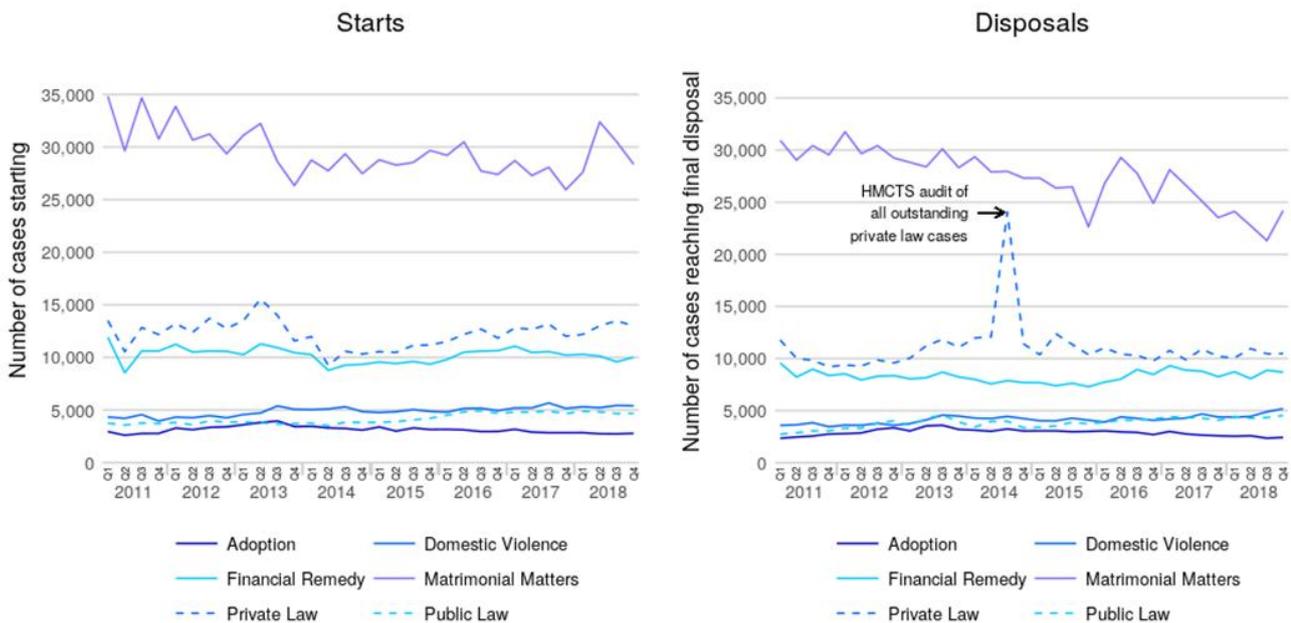
In 2018, there were 262,399 new cases started in family courts, up 3% on 2017. This was primarily as a result of an 8% rise in matrimonial cases and a 2% rise Private law cases. In contrast, there were decreases in the number of financial remedy and adoption cases started, both falling 5% compared to 2017.

There were 214,209 case disposals in 2018, down 5% compared to 2017, due to a decrease in the number of matrimonial, adoption and financial remedy case disposals, down 11%, 10% and 2% respectively.

There were 64,331 new family court cases in the final quarter of 2018 (October to December), up 6% compared to the equivalent period in 2017. This again was mostly due to an increase in the number of matrimonial (9%) and Private law (8%) cases started.

In contrast to the annual trend, there was an increase in the number of cases disposed in October to December 2018 compared to the same period in 2017, up 5% to 55,651. This was primarily as a result of an increase in disposals of domestic violence (18%) and matrimonial (3%) cases.

**Figure 1: Cases starting and concluding, by case type, January to March 2011 to October to December 2018 (Source: Table 1)**



In 2018, 45% of new cases within family courts related to matrimonial cases, with the percentage for October to December at 44% (up slightly from 43% over the same periods in 2017).

## Timeliness by Case Type

Average time to first disposal varies by case type – Public law cases generally take the longest and in 2011 on average, they took nearly a year to reach a first disposal (50 weeks). Since 2011, this fell steadily and by 2016, almost halved to reach 26 weeks. However, it increased to 27 and 29 weeks in 2017 and 2018. For the latest quarter (October to

December 2018), it stood at 30 weeks – the longest average time since the end of 2013. There were also increases in timeliness for divorce and financial remedy cases in 2018, up 5 weeks and 3 weeks respectively compared to 2017. (Table 10).

### **Public and Private law cases – number of parties, and High Court cases**

Most Private law cases involve one applicant and one respondent only (Table 6). In contrast, whilst 99% of Public law cases have only one applicant, around three quarters (77%) involve two or more respondents.

Table 7 shows that 2% of new Public law cases and 1% of new Private law cases were indicated as a High Court case in 2018, unchanged from the previous year and consistent with the long-term trend.

## 2. Public Law

**Following an increasing trend in 2015 and 2016, the number of Public law case starts showed little change in 2017 and 2018 while disposals have consistently increased**

There were 19,037 Public law cases started in 2018, down less than 1% compared to 2017, whilst the number of cases disposed has increased by 3% over the same period to 17,588.

4,675 of the Public law cases started between October and December 2018, similar to the number in the same period of 2017, whilst the number of disposals was up 12% to 4,538 over the same period.

**Timeliness for care proceedings increased in 2018 for the third year in a row**

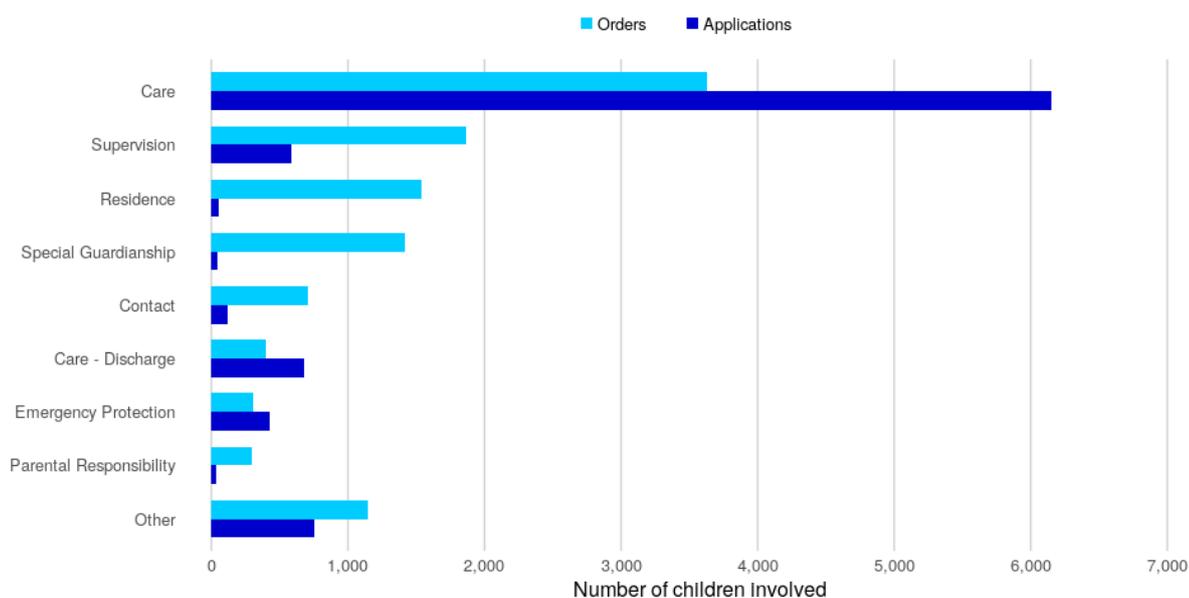
The average time for a care or supervision case to reach first disposal was 30 weeks in 2018, up two weeks from 2017. 49% of these care proceedings were disposed of within the 26-week limit introduced in the Children and Families Act 2014<sup>1</sup> – down 8 percentage points compared to 2017.

There were 5,026 new Public law applications in October to December 2018, up 3% on the same period in 2017. Over the longer term, there were 20,205 applications in 2018 maintaining the steady trend seen since 2016. In 2018, there were 35,673 children involved in applications, with an average of 1.8 children being involved in each application (no change from 2017).

The number of children involved in Supervision and Special Guardianship Orders (SGOs) made at the same time more than tripled from 630 children in 2011 to a peak of 2,084 children in 2015. There were 1,837 instances in 2018, no change from 2017.

Figure 2 shows the most common types of Public law orders applied for and made in the latest quarter (October to December 2018), illustrating the different pattern between the types of orders applied for and the orders that are given, i.e. an application for one type can result in an order of a different type being made.

**Figure 2: Public law applications and orders made, showing the number of children involved in each order type, October to December 2018 (Source: Tables 3-4)**



<sup>1</sup> See the accompanying technical guide for more information.

### 3. Private Law

#### Increase in the annual number of Private law case starts while the number of disposals remains steady

There were 51,658 Private law **cases<sup>2</sup> started** in 2018, up 2% compared to 2017. The number of Private law **cases disposed** was 41,939 in 2018, similar to the number in 2017.

In October to December 2018, there was an increase in the number of private law cases started (8%) and cases disposed (3%) to 12,986 and 10,478 respectively.

In 2018 there was a 2% increase in private law applications compared to 2017 continuing the upward trend seen in both case starts and applications following the steep drop in 2014. These 53,306 applications involved 118,921 children; on average there were 2.2 children involved in each application (no change from 2017).

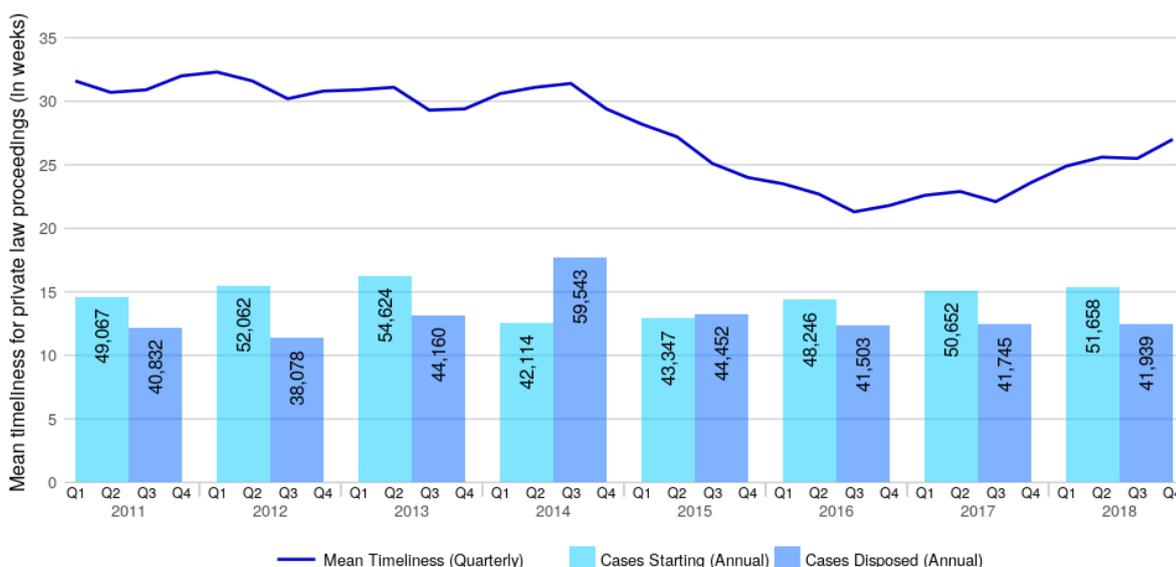
In the most recent quarter (October to December 2018), there were 13,372 Private law applications, up 9% from the equivalent period in 2017.

The number of Private law disposal events in October to December 2018 was 20,022, up 4% on the equivalent quarter in 2017, and the number of children involved also increased by 6% to 47,699 over the same period. As a result, the average number of children involved in each disposal in 2018 was 2.4, up from 2.3 in 2017.

#### Timeliness of Private law cases

In 2018, it took on average 26 weeks for Private law cases to reach a final order, i.e. case closure, up three weeks compared to 2017. This continues the upward trend seen since the middle of 2016. Figure 3 shows that this coincides with the period for which the number of cases starting has been greater than the number disposed, creating a backlog of cases leading to the increase in timeliness.

**Figure 3: Private law timeliness from case start date to final order in the family court, January to March 2011 to October to December 2018 (Source: Table 9)**



<sup>2</sup> The Children and Family Court Advisory and Support Service (Cafcass) also publishes (England only) data on the number of private law cases. A comparison of Cafcass and MoJ data and further information can be found in the accompanying guide.

## 4. Legal representation

### Cases with legal representation take longer on average

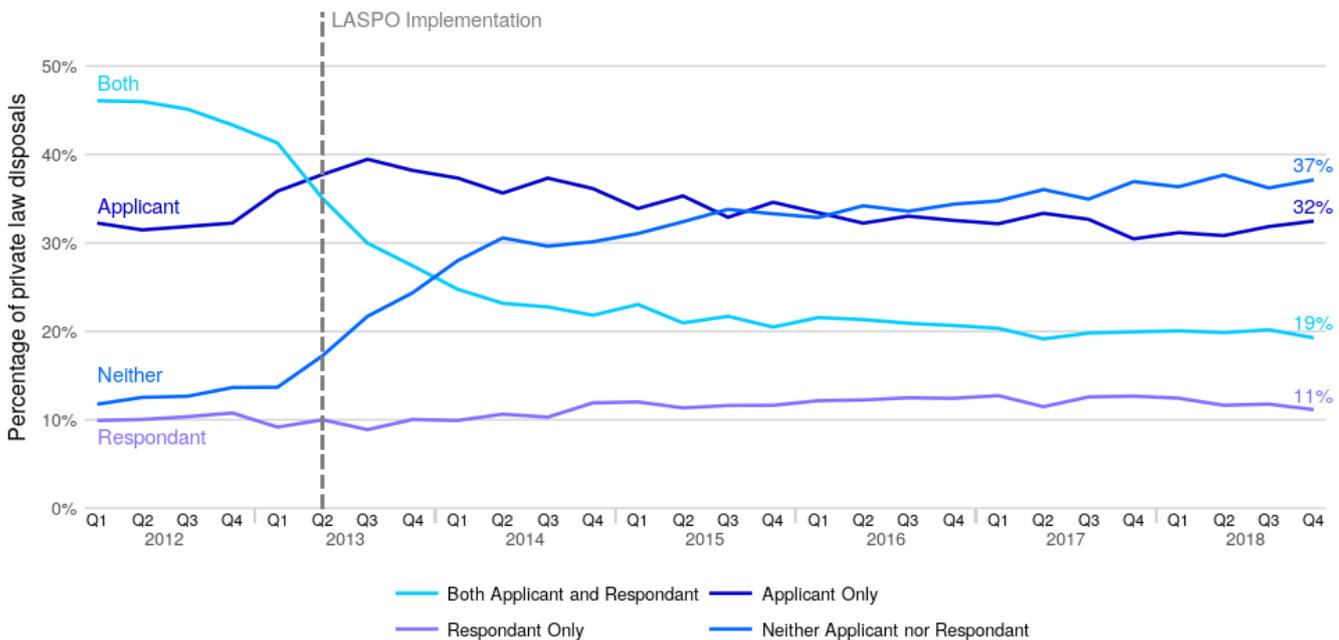
For most family case types, cases where either **both parties** or the **respondent only** had legal representation **took longer than average to be disposed** (Table 10).

In 2018 the proportion of cases where at least one party had legal representation varied by case type. At least one party had legal representation in almost 100% of Public law cases and 92% for financial remedy, compared to just 7% for adoption.

### Legal representation in Private law cases

The removal of legal aid for many Private law cases in April 2013 resulted in a change in the pattern of legal representation over time<sup>3,4</sup>. In 2018, the proportion of disposals where neither the applicant nor respondent had legal representation was 37%, up 24 percentage points compared to 2012, and up 1 percentage point from 2017. Correspondingly, the proportion of cases where both parties had legal representation dropped by 25 percentage points to 20% over the same period (Figure 4). In the final quarter of 2018 the proportion of disposals where neither the applicant nor respondent had legal representation was 37%, unchanged from the same period in 2017.

**Figure 4: Proportion of private law disposals by type of legal representation of the parties, January to March 2012 to October to December 2018 (Source: Table 10)**



The change seen in the pattern of legal representation is also demonstrated in Private law cases with at least one hearing where the proportion of parties with legal representation dropped from 59% in 2012 to 35% in 2018 (Table 11). This is down 1 percentage point from 2017.

<sup>3</sup> Please see the accompanying guide for further details.

<sup>4</sup> Removal of Legal Aid was a result of the Legal Aid, Sentencing & Punishment of Offenders Act 2012 (LASPO).

## 5. Divorce

### Increase in the number of divorce petitions, alongside an increase in timeliness of proceedings

Divorce petitions were up by 8% in 2018 compared to 2017 which had seen a sharp drop, potentially indicating a return to the previous upward trend.

Over the same period, the average time from petition to decree nisi and decree absolute were each up 5 weeks to 29 weeks and 54 weeks respectively.

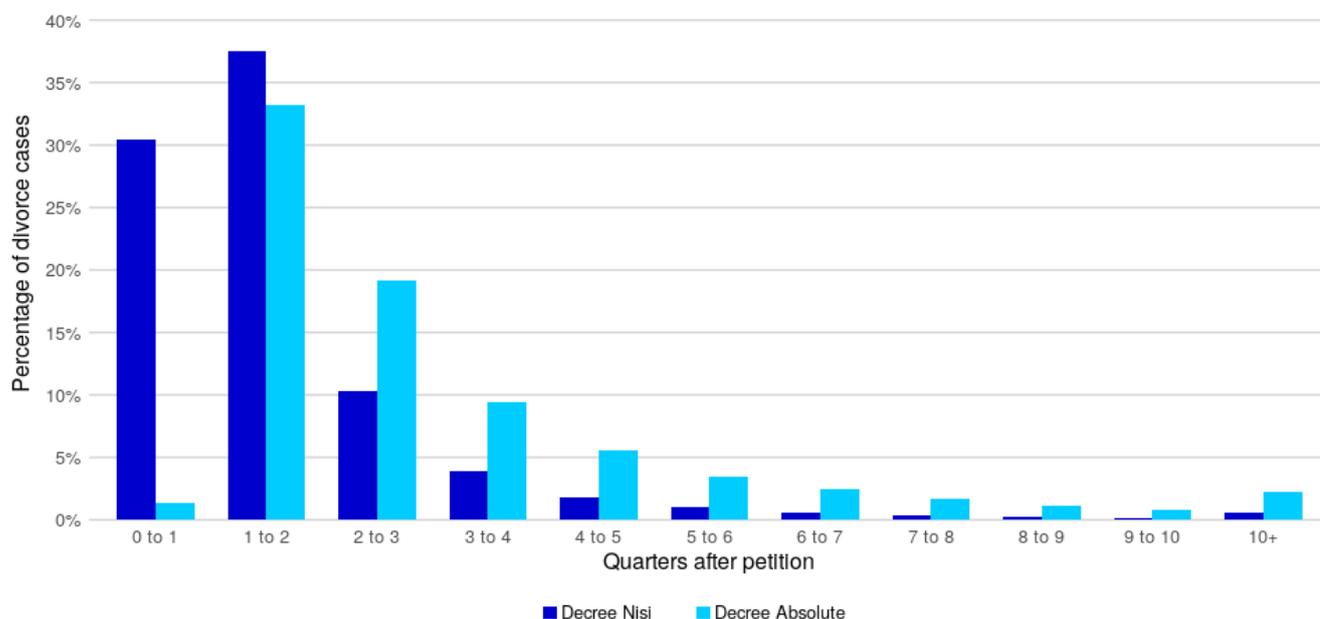
There were 118,141 divorce petitions made in 2018, up 8% from 2017, back in line with the previously seen trend after a particularly low number of petitions in 2017 (Table 12) – the increase can be attributed to divorce centres processing a backlog of outstanding work early in 2018.

Following the fall in divorce petitions in 2017, there were fewer cases reaching decree nisi (91,559) and decree absolute (91,961) in 2018, down 12% and 11% respectively.

For those granted Decree Nisi in 2018, the average time from the date of petition was 29.1 weeks, whilst the average time from petition to Decree Absolute was 54.3 weeks, both up 5 weeks compared to 2017 – again a result of divorce centres processing the backlog of older cases.

Table 14 and Figure 5 show how long it takes, on average, for petitions to reach certain stages in the process, counted by the number of quarters elapsed.

**Figure 5: Percentage of divorce cases started between Q1 2011 to Q4 2018 reaching Decree Nisi or Decree Absolute, by the number of quarters since petition (Source: Table 14)**



30% of divorce petitions made between 1 January 2011 and 31 December 2018 reached Decree Nisi in the first quarter after the petition was made, with a further 38% reaching this stage within the second quarter. Over half the petitions reached Decree Absolute within three quarters after petition (1% in the first quarter, 33% within 1 to 2 quarters and 19% within 2 to 3 quarters).

## 6. Financial remedy

### Decrease in the number of financial remedy applications and disposals

Number of financial remedy applications was down 7% in 2018 compared to 2017, with the number of disposals also down 3% over the same period.

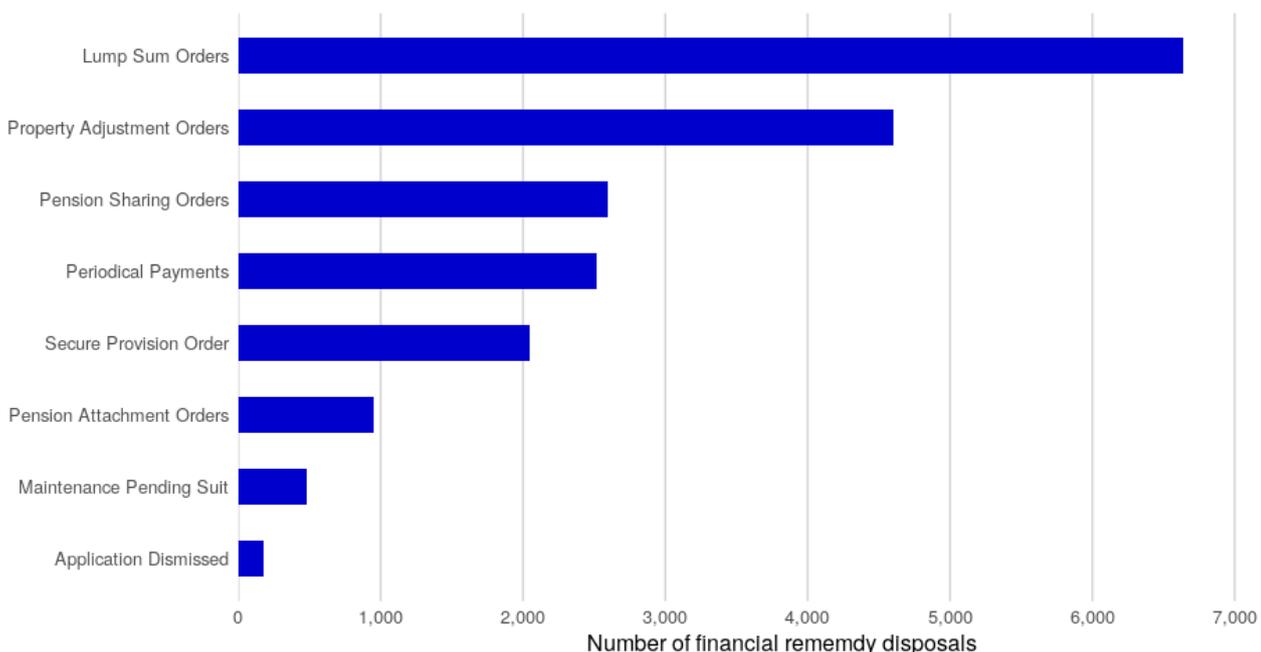
Between October to December 2017 and the same period in 2018, applications fell by 3% and disposals rose by 2%.

There were 10,682 financial remedy applications in October to December 2018, down 3% compared to the same period in 2017. The overall number for 2018 also fell, down 7% compared to 2017 to 43,018 applications (Table 15).

Although the number of financial remedy disposals was up slightly in October to December 2018 compared to the same period of 2017 (by 2%), for 2018 overall there was a decrease of 3% compared to 2017, the first annual decrease since 2015. During 2018, 68% of disposals were uncontested, 22% were initially contested and 10% were contested throughout.

In 2018, lump sum and property adjustment orders were the most common types of order given, accounting for over half (54%) of all financial remedy disposal types (Table 16 and Figure 6).

**Figure 6: Financial remedy disposals, by type, 2018 (Source: Table 16)**



## 7. Domestic violence remedy orders

### Increase in number of domestic violence remedy order applications and orders

In 2018, the number of applications was up 1% compared to 2017, the highest figure since the peak in 2009. The number of orders made was also up 4% over the same period.

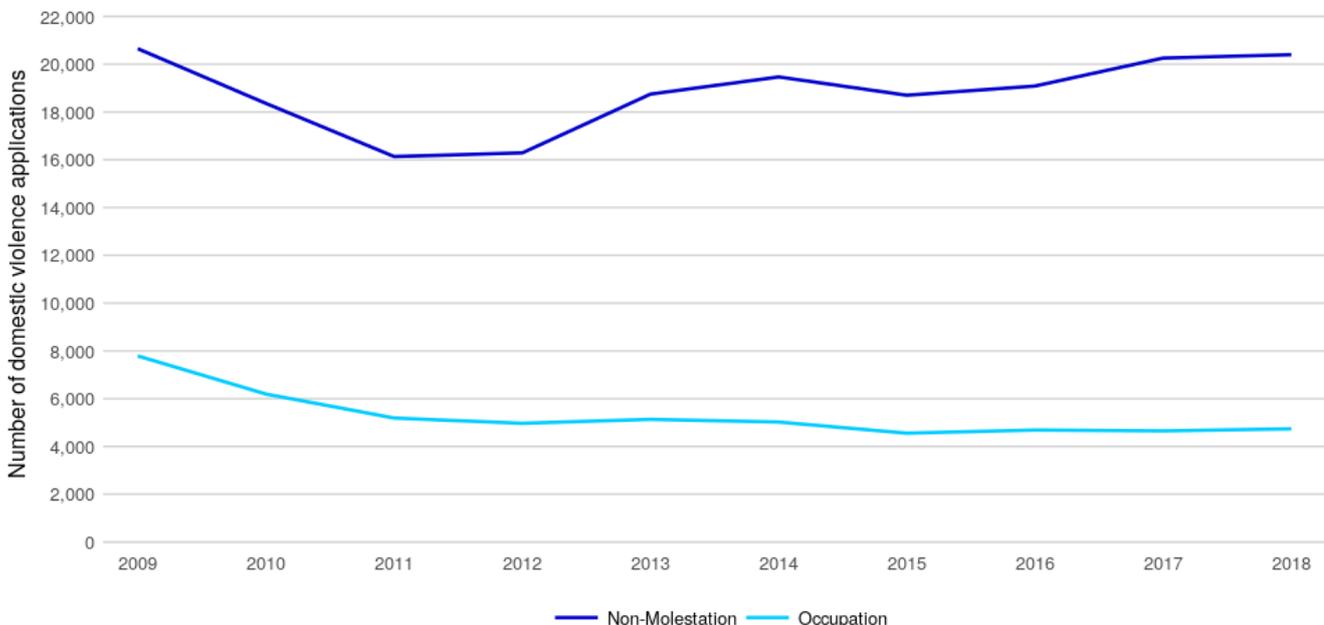
In the most recent quarter (October to December 2018) applications and orders were up by 6% and 5% respectively compared to the equivalent quarter in 2017.

In October to December 2018, there were 6,385 applications made for a domestic violence remedy orders, up 6% on the equivalent quarter in 2017. In 2018 there were 25,135 applications, up 1% on 2017, continuing the long-term upward trend seen since 2012 (Table 17). The majority of applications were for non-molestation orders (81%) compared to occupation orders (19%).

There were 7,399 domestic violence remedy orders made in October to December 2018, up 5% on the same period of 2017. Similarly, over the full year, there was an 4% increase between 2017 and 2018, with the largest number of orders made since 2006. Of those orders made in 2018, 92% were non-molestation orders and 8% were occupation orders.

Figure 7 below shows that the upward trend in applications is driven by the increase in non-molestation order applications, whilst applications for occupation orders has been relatively stable since the downward trend seen to 2013.

**Figure 7: Applications for domestic violence remedy orders, January to March 2009 to October to December 2018 (Source: Table 17)**



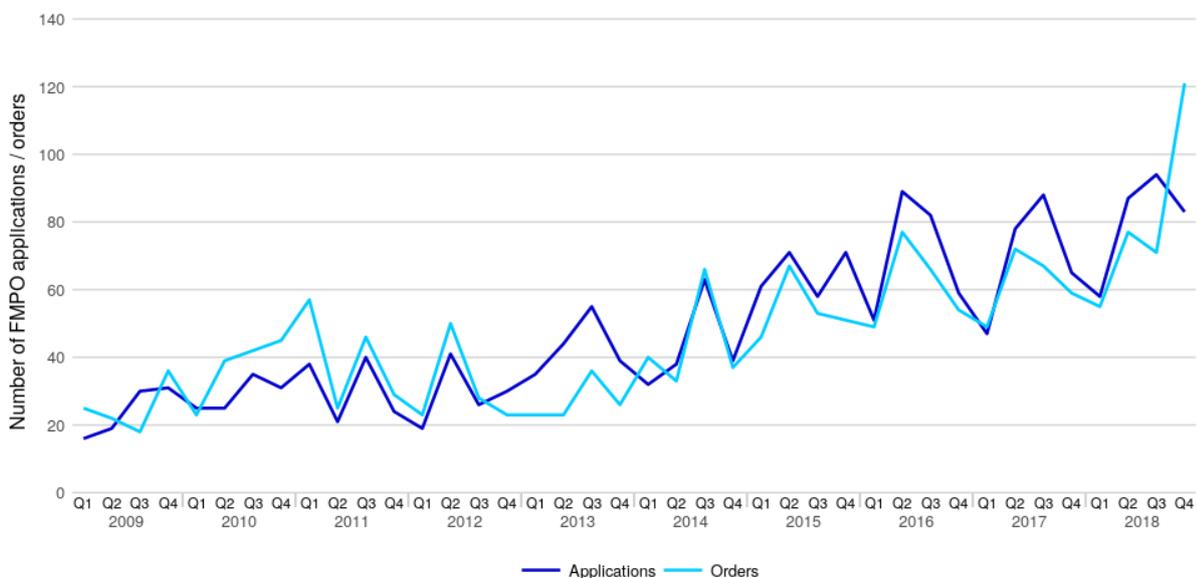
## 8. Forced Marriage Protection Orders and Female Genital Mutilation Protection Orders

**General upward trend in the number of forced marriage protection orders and female genital mutilation protection orders.**

The number of applications and orders made for Forced Marriage Protection Orders (FMPOs) is very small. Consequently, as Figure 8 shows, numbers fluctuate each quarter but overall there has been a general upward trend since their introduction in November 2008 (Table 18). In 2018 there were 322 applications and 324 orders made, the highest annual totals since their introduction. Of the applications, 72% of the applicants were aged 17 and under.

In the most recent quarter (October to December 2018) there were 83 applications, a 28% increase compared to the same period in 2017. Of those applications, 75% of the applicants were aged 17 and under. Over the same period, the number of orders made more than doubled from 59 to 121.

**Figure 8: Applications and orders made for Forced Marriage Protection Orders, January to March 2009 to October to December 2018 (Source: Table 18)**



As with FMPOs, the number of applications and orders made for Female Genital Mutilation Protection Orders (FGMPOs) is very small with only 97 and 143 made respectively in 2018 (Table 19) – in the most recent quarter (October to December 2018), there were 29 applications and 52 orders made. In total, there have been 321 applications and 348 orders made since their introduction in July 2015 up to the end of December 2018 (most cases have resulted in multiple orders, hence the higher number of orders than applications).

## 9. Adoptions

### Number of adoption applications and orders continues downward trend

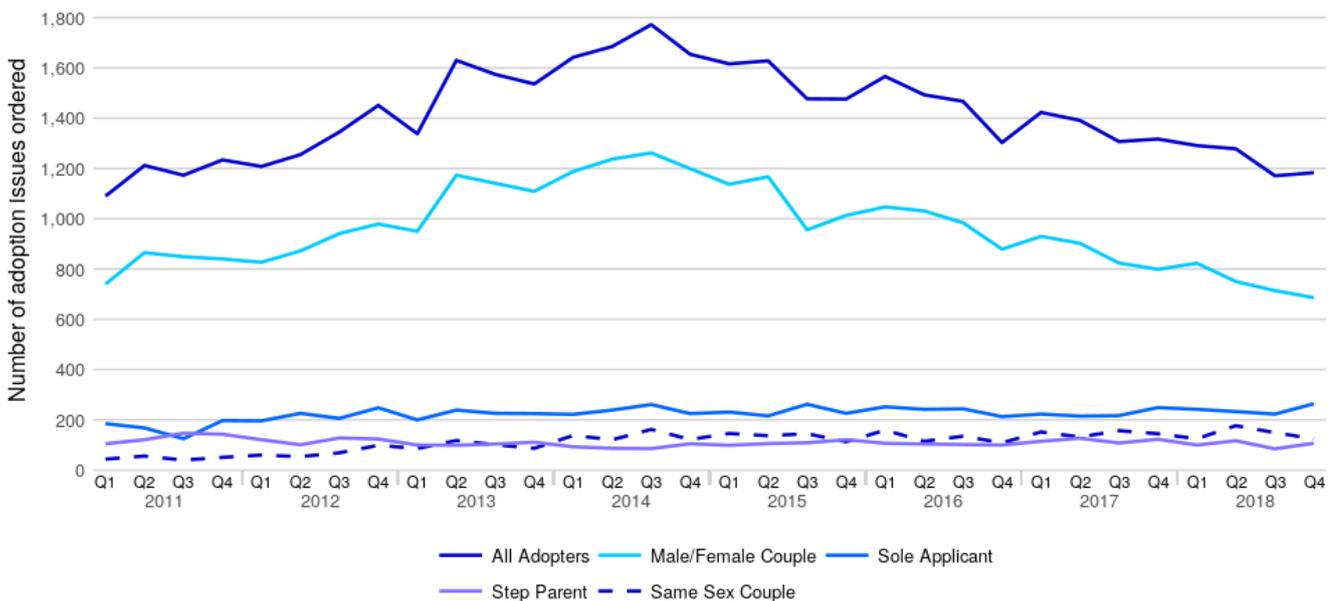
During 2018, there were 5,104 adoption order applications made, down 6% from 2017. Similarly, the number of adoption orders issued also dropped to 4,923 (down 9%) over the same period. This continues the downward trend seen in applications made and orders issued since 2014 (Tables 20 and 21).

There were 2,795 applications under the Adoption and Children Act 2002, which include placement orders, during October to December 2018, down 2% on the same quarter in 2017. Over the whole year, there were 11,144 applications in 2018, down 6% on 2017 and continuing the downward trend seen since 2013 (Table 20).

Similarly, disposals dropped 6% in October to December 2018 compared to the same period of 2017, and annually have been on a downward trend since 2013, to 10,035 disposals in 2018.

Figure 9 below shows the trend of adoption orders by the type of adopter. During 2018, 60% of all adoption orders were issued to male/female couples, 20% to sole applicants, 12% to same-sex couples and a further 8% to step-parents.

**Figure 9: Adoption orders issued, by adopter, January to March 2011 to October to December 2018 (Source: Table 21)**



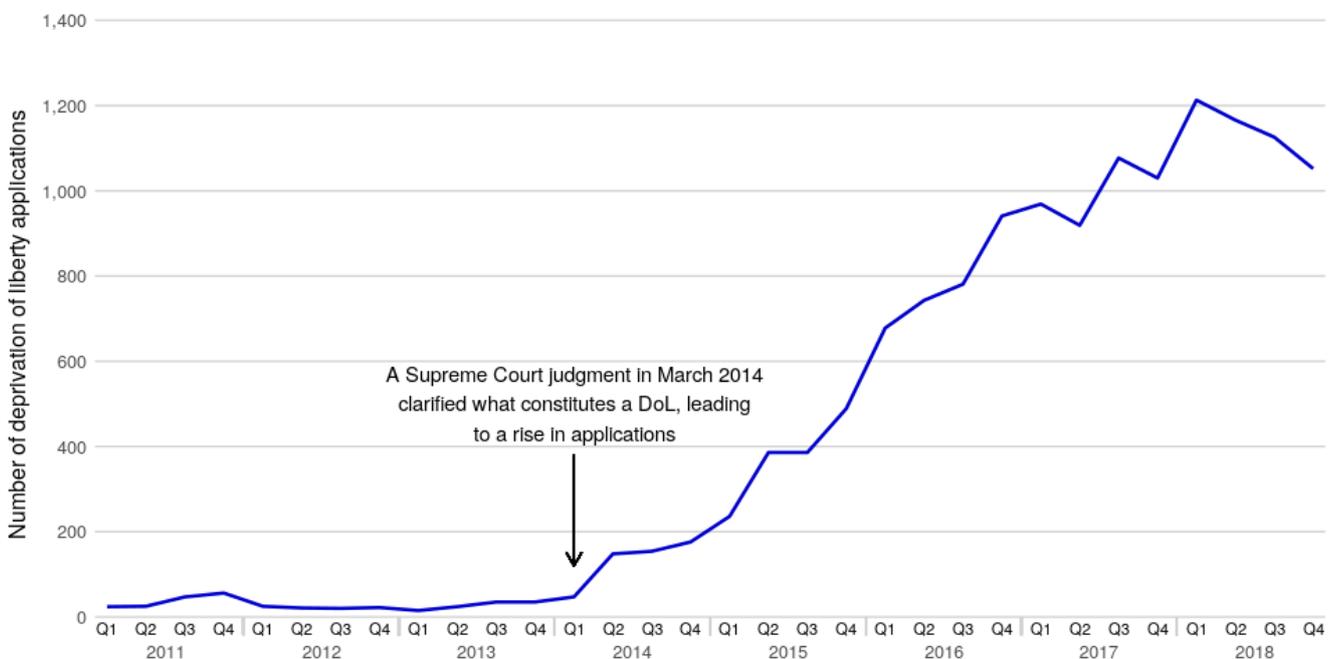
## 10. Mental Capacity Act - Court of Protection

### Continued increasing trend in applications and orders made in relation to deprivation of liberty

There were 4,557 applications relating to deprivation of liberty made in 2018, up 14% on 2017. Deprivation of liberty orders made also rose over the same period by 4%.

There were 1,052 Deprivation of Liberty (DoL) applications in October to December 2018, up 2% on the same period of 2017, and continuing the annual upward trend despite a drop since the start of 2018 (Table 22). The number of DoL orders made increased by 16% over the same period. The upward trend in orders made follows that of applications, albeit lagged to reflect the time it takes to progress an application through to an order being made (Table 23).

**Figure 10: Deprivation of Liberty applications, January to March 2009 to October to December 2018<sup>4</sup> (Source: Table 22)**



In October to December 2018, there were 8,626 applications made under the Mental Capacity Act 2005 (MCA), up 10% on the same quarter for 2017. Over the longer term, there was a 2% increase in 2018 compared to 2017, continuing the upward trend seen since 2009. Half of applications made in 2018 related to applications for appointment of a property and affairs deputy (Table 22).

In comparison, there were 38,242 orders made under the MCA in 2018, a decrease of 2% compared to 2017. 9,782 of these orders were made between October and December, no change compared to the same period in 2017. A third (33%) of the orders made in 2018 related to the appointment of a deputy for property and affairs (Table 23).

<sup>4</sup> Details of The Supreme Court Judgement: <https://files.digital.nhs.uk/BD/508957/dols-eng-1718-annx-i-background.pdf>

## 11. Mental Capacity Act - Office of the Public Guardian

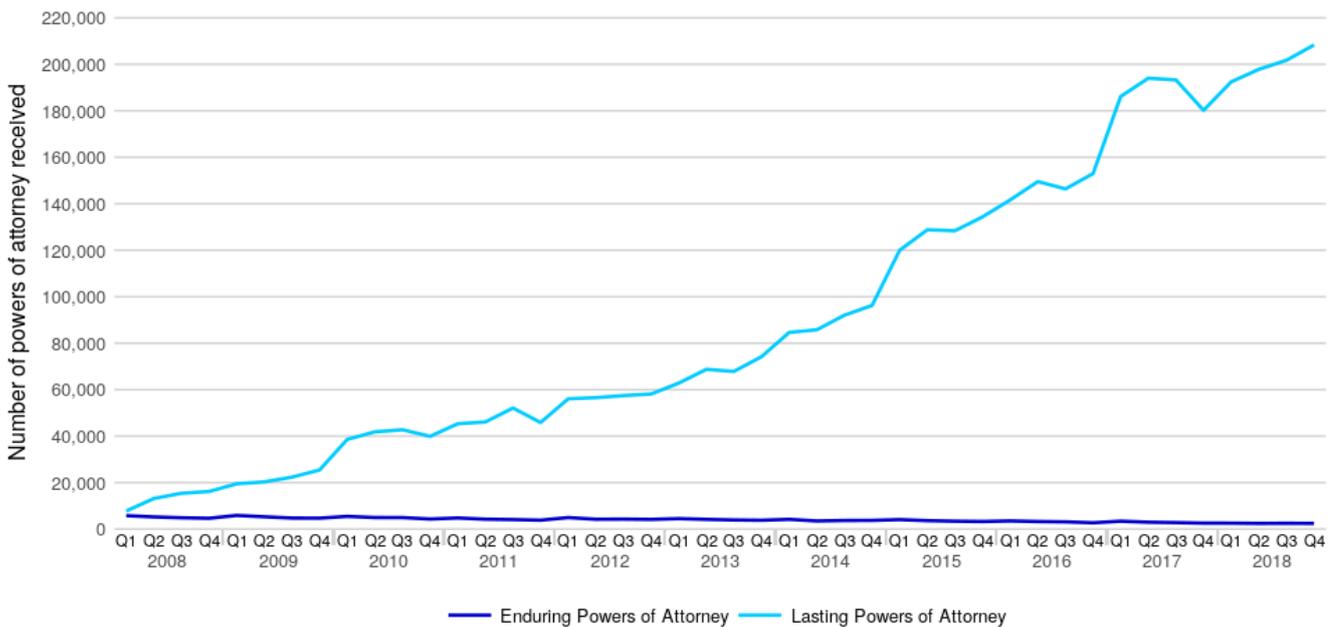
### Continued increasing long term trend in Lasting Powers of Attorneys (LPAs)

LPAs received increased by 16% in October to December 2018 compared to the same period in 2017; and by 6% between 2017 and 2018

There were 208,352 Lasting Powers of Attorney (LPAs) received in October to December 2018, up 16% on the equivalent quarter in 2017. Across the whole year, there were 800,410 LPAs received in 2018, up 6% compared to 2017, continuing the long term upward trend (Table 24). The increase seen in recent years is largely due to increased publicity and new online forms which were introduced in July 2015 making it simpler and faster to apply for LPAs.

There were 2,422 Enduring Powers of Attorney (EPAs) in October to December 2018, down 5% on the same quarter in 2017. Annually, there was also a decrease of 16% in 2018 compared to 2017, continuing the long-term downward trend.

**Figure 11: Powers of attorney received, January to March 2008 to October to December 2018 (Source: Table 24)**



## 12. Probate Service

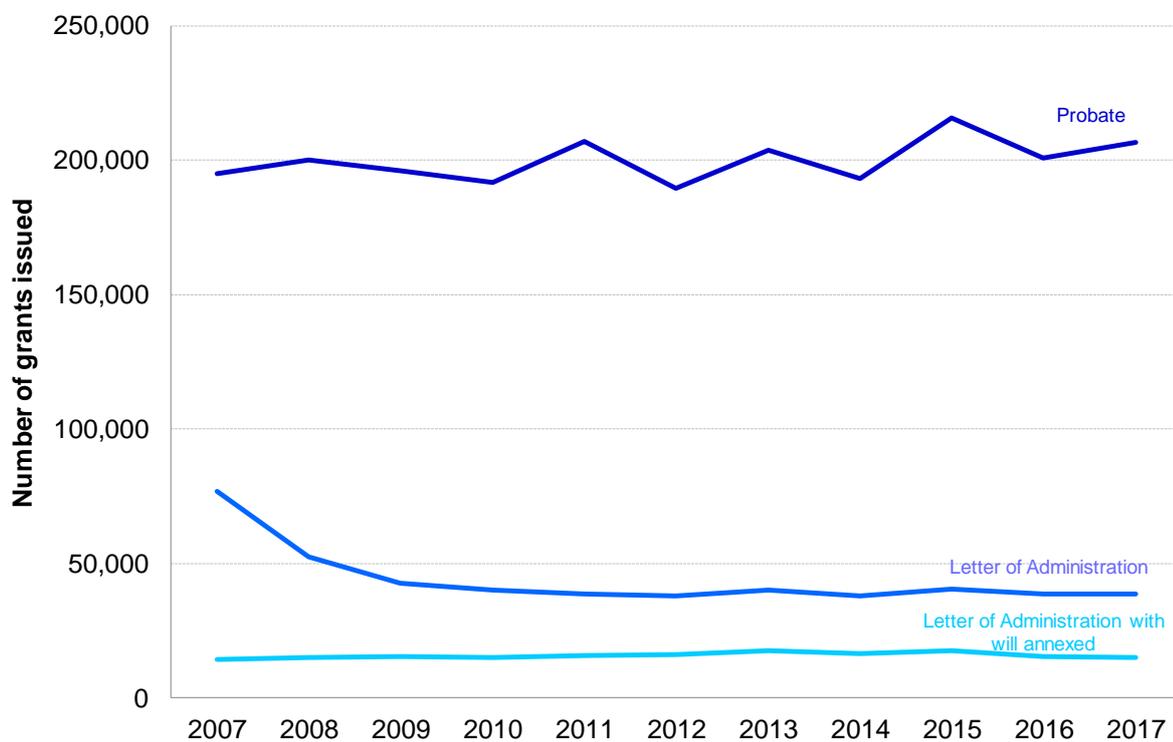
### Increase in the number of grants of representation

Over a quarter of a million grants of representation were issued in 2018, up slightly (2%) on the previous year (Table 27).

As Figure 12 shows, probate grants make up the majority (80%) of all grants made.

In 2018, 63% of the applications were made by solicitors and 37% were personal applications (Table 26).

**Figure 12: Grants of representation issued by the Probate Service, 2007 to 2018**  
(Source: Table 27)



When a probate case is contested, the Chancery Division of the High Court deals with the matter. In 2018, there were 86 contested probate cases, up 8% from the number seen in 2017 (80 cases).

## Further information

The data presented in this publication are from live administrative databases. Therefore, previously published data is liable to be updated in the latest bulletin, following any further data cleaning or the incorporation of additional cases not available in the extracts used to produce previous bulletins. A refresh of all data published is produced for each bulletin.

## Accompanying files

As well as this bulletin, the following products are published as part of this release:

- A [technical guide](#) providing further information on how the data is collected and processed, as well as information on the revisions policy and legislation relevant to family court and background on the functioning of the family justice system
- A set of overview tables and CSV files, covering each section of this bulletin
- A family court statistics visualisation tool available at <https://public.tableau.com/profile/moj.analysis#!/vizhome/FamilyCourtStatisticstool2018Q4/Frontpage>.

## National Statistics status

National Statistics status means that official statistics meet the highest standards of trustworthiness, quality and public value. All official statistics should comply with all aspects of the Code of Practice for Official Statistics. They are awarded National Statistics status following an assessment by the Office for Statistics Regulation (OSR). The OSR considers whether the statistics meet the highest standards of Code compliance, including the value they add to public decisions and debate.



It is the Ministry of Justice's responsibility to maintain compliance with the standards expected for National Statistics. If we become concerned about whether these statistics are still meeting the appropriate standards, we will discuss any concerns with the Authority promptly. National Statistics status can be removed at any point when the highest standards are not maintained, and reinstated when standards are restored.

This bulletin recently underwent a compliance check with the Office for Statistics Regulation and retained its National Statistics status in January 2019.

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