



## Family Court Statistics Quarterly, England and Wales, January to March 2019

### Main points

|   |  |   |
|---|--|---|
| <p><b>Increase in number of cases started in Family courts</b></p>  |  | <p>66,340 new cases started in Family courts in January to March 2019, <b>up 5%</b> on January to March 2018, due to a 6% rise in matrimonial cases (44% of all case starts, mainly divorce proceedings), and an increase in domestic violence (15%) and private law (12%) cases.</p> |
| <p><b>On average, care proceedings took longer with fewer disposals within 26 weeks</b></p>               |  | <p>The average time for a care or supervision case to reach first disposal was <b>33 weeks</b> in January to March 2019, more than three weeks up from the same quarter in 2018.</p>  |
| <p><b>Increase in divorce proceedings timeliness</b></p>  |  | <p><b>42%</b> of cases were disposed of within 26 weeks – <b>down 7 percentage points</b> compared with the same period for 2018.</p>   |
| <p><b>Increase in private law applications and number of cases started</b></p>                            |  | <p>The average time from petition to Decree Nisi was 33 weeks, and Decree Absolute was 59 weeks, - <b>up 6 and 8 weeks</b> respectively compared to the equivalent quarter in 2018.</p>   |
| <p><b>Increase in the number of domestic violence remedy applications and orders made</b></p>             |  | <p>In January to March 2019, there were 13,677 <b>private law cases started</b>, up 12% on the same quarter in 2018. <b>Applications</b> also increased by 12%.</p>   |
| <p><b>Increase in forced marriage protection orders (FMPOs) made</b></p>                                  |  | <p>The number of <b>domestic violence remedy order applications increased by 15%</b> compared to the equivalent quarter in 2018. The number of domestic violence remedy <b>orders made increased by 10%</b> over the same period.</p>   |
| <p><b>Adoption applications and orders up for second quarter in a row, following a downward trend</b></p> |  | <p>There were 126 <b>FMPOs</b> made in January to March 2019, more than double the equivalent quarter in 2018 but similar to the previous quarter.</p>  |
| <p><b>Increase in applications and orders made in relation to deprivation of liberty</b></p>              |  | <p>In January to March 2019, there were 1,324 <b>adoption applications, up 1%</b> on the equivalent quarter in 2018. Over the same period the number of adoption <b>orders issued increased by 3%</b> to 1,331.</p>   |
| <p><b>Increase in applications and orders made in relation to deprivation of liberty</b></p>              |  | <p>There were 1,326 <b>applications</b> relating to deprivation of liberty in January to March 2019, <b>up 9%</b> on the equivalent quarter in 2018. Deprivation of liberty <b>orders were up 17%</b> over the same period, but down 4% compared to the previous quarter.</p>         |

This publication presents statistics on activity in the Family courts of England and Wales and provides figures for the latest quarter (January to March 2019). 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  
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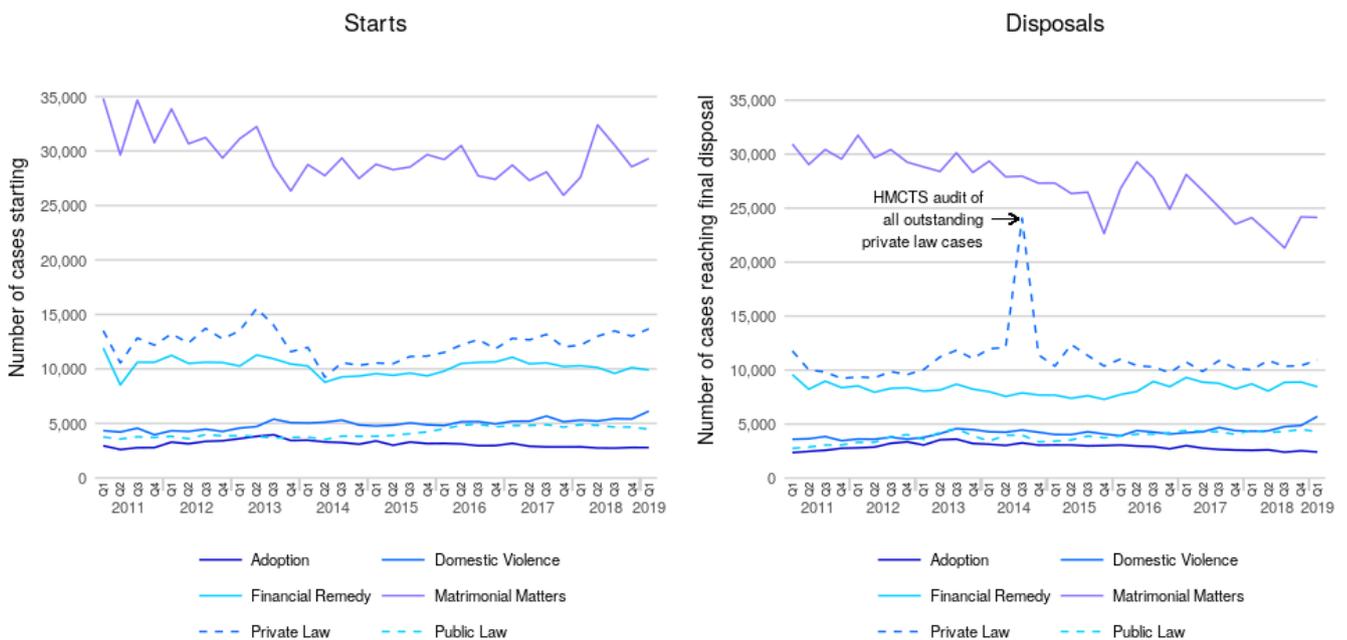
# 1. Overview of the Family Justice System

## Increase in the number of cases started and cases disposed of in Family Courts

In January to March 2019, 66,340 new cases started in Family courts, up 5% on the equivalent quarter in 2018. This was due to a 15% rise in domestic violence cases started, along with increases in private law (12%) and matrimonial (6%) case starts compared to the same period last year. However, there were decreases in new public law (9%), financial remedy (4%), and adoption (2%) cases started.

There were 56,088 case disposals in January to March 2019, up 3% on the equivalent quarter of 2018. This was due to increases in domestic violence (32%) and private law (9%) cases reaching a final disposal, while there were decreases in adoption (6%), public law and financial remedy (both 3%) case disposals.

**Figure 1: Cases started and disposed, by case type, January to March 2011 to January to March 2019 (Source: Table 1)**



In January to March 2019, 44% of new cases within Family courts related to matrimonial matters, the same proportion as in the equivalent quarter of 2018.

## 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). From 2011, the average fell steadily and by 2016, almost halved to reach 26 weeks.

However, it increased in 2017 to 27 weeks. For January to March 2019, the average was 32 weeks, up from 29 weeks in January to March 2018.

The average time for divorce and annulment cases to reach first disposal was up 6 weeks compared to the equivalent quarter in 2018 and Private law cases also saw an increase in

timeliness, with the average time to first disposal in January to March 2019 taking 16 weeks, up a week compared to same period in 2018. (Table 10).

The Government has recently announced that it will be taking steps to recruit and retain more judges and this extra judicial resource should improve the waiting times in family court proceedings.

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

The vast majority of Private law cases involve one applicant and one respondent only (Table 6). However, for Public law cases whilst 99% have only one applicant, approximately three quarters involve two or more respondents.

A very small proportion of Public (2%) and Private (1%) law cases started were indicated as being a High Court case during January to March 2019, consistent with the long-term trend (Table 7).

## 2. Public Law

### The number of Public law case starts and final disposals has fallen

There were 4,460 Public law cases started in January to March 2019, down 9% compared to the equivalent quarter in 2018, and the lowest number of cases started since the final quarter of 2015. There were 4,290 cases that reached a final disposal, 3% lower than the same period in 2018.

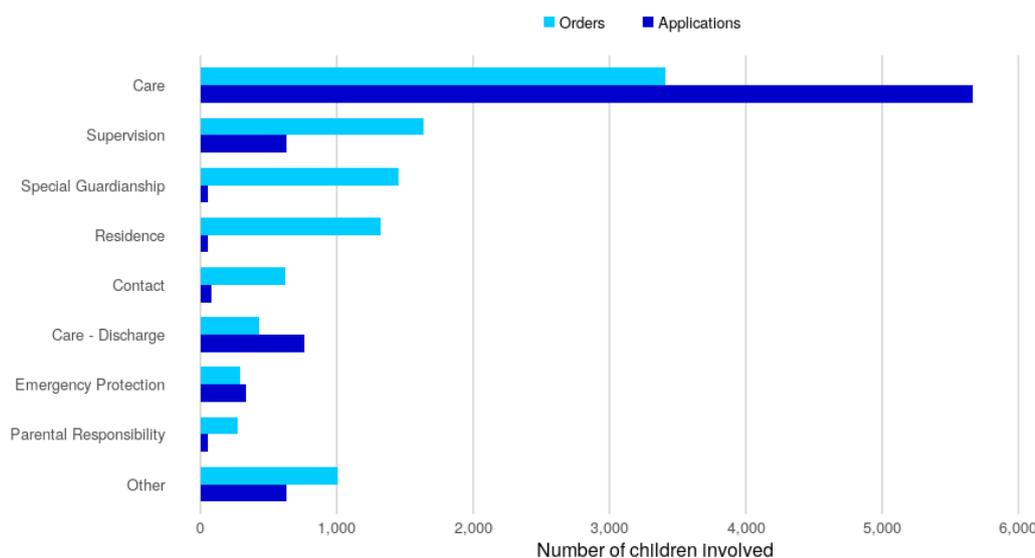
### Timeliness for care proceedings continues upward trend

The average time for a care and supervision case to reach first disposal was 33 weeks in January to March 2019, 3 weeks up from the same quarter in 2018. It is the longest average time to first disposal since the final quarter of 2013. Under half (42%) of these care proceedings were disposed of within the 26-week limit introduced in the Children and Families Act 2014.<sup>1</sup>

There were 4,749 new Public law applications in January to March 2019, 8% less than the equivalent quarter in 2018. There were 8,258 children involved in those applications and 10,441 children involved in Public law orders in January to March 2019, down 8% and 9% on the same quarter in 2018 respectively. This reflects the fall in the number of applications and disposals, down 8% and 7% respectively from the equivalent period in 2018.

Figure 2 shows the most common types of Public law orders applied for and made in January to March 2019, 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, January to March 2019 (Source: Tables 3-4)**



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

### 3. Private Law

#### Increase in the number of Private law case starts and disposals

The number of Private law **cases<sup>2</sup> started** and the number of **applications** increased by 12% in January to March 2019 compared to the equivalent quarter in 2018.

The number of Private law **cases disposed of** in January to March 2019 was up 9% on the equivalent quarter in 2018, with the number of **disposals** up 11%.

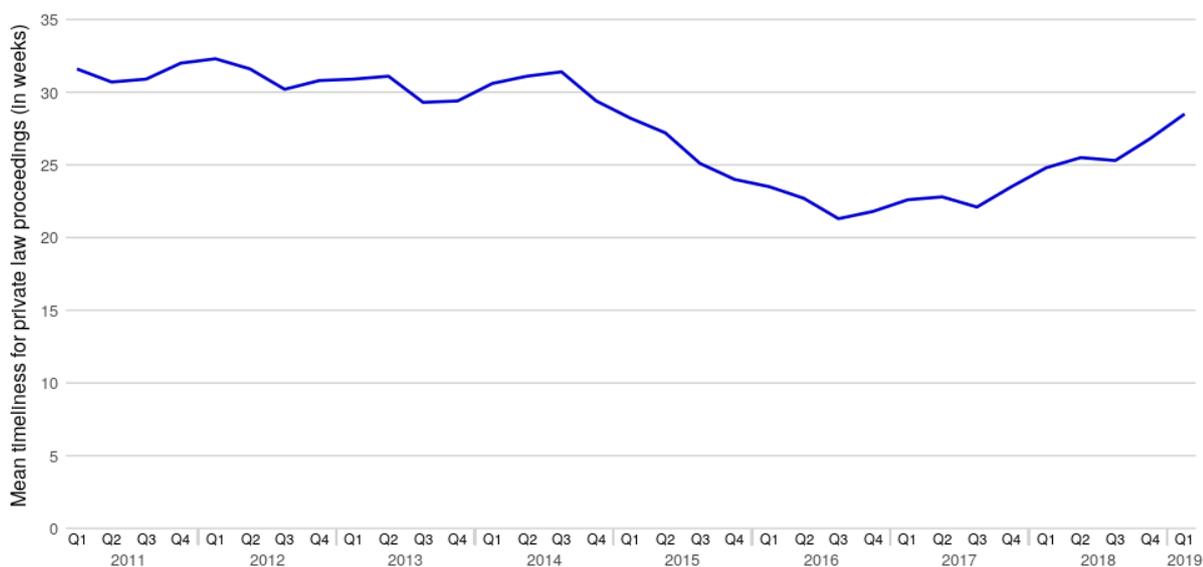
There were 14,131 new Private law applications in January to March 2019, up 12% on the equivalent quarter in 2018 – these applications involved 32,092 children; 2.3 children involved in each application on average, compared to 2.2 in the same period in 2018.

The number of Private law disposals in January to March 2019 was 20,441, up 11% on the equivalent quarter in 2018, whilst the number of children involved was up 12% to 48,416. The average number of children involved in each disposal was 2.4 for January to March 2019, the same as in the equivalent quarter in 2018.

#### Timeliness of Private law cases

In January to March 2019, it took on average 29 weeks for Private law cases to reach a final order, i.e. case closure, up nearly 4 weeks on the same period in 2018. This continues the upward trend seen since the middle of 2016, where the number of new cases started overtook the number of disposals, creating a greater number of outstanding cases.

**Figure 3: Private law timeliness from case start date to final order in the family court, January to March 2011 to January to March 2019 (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

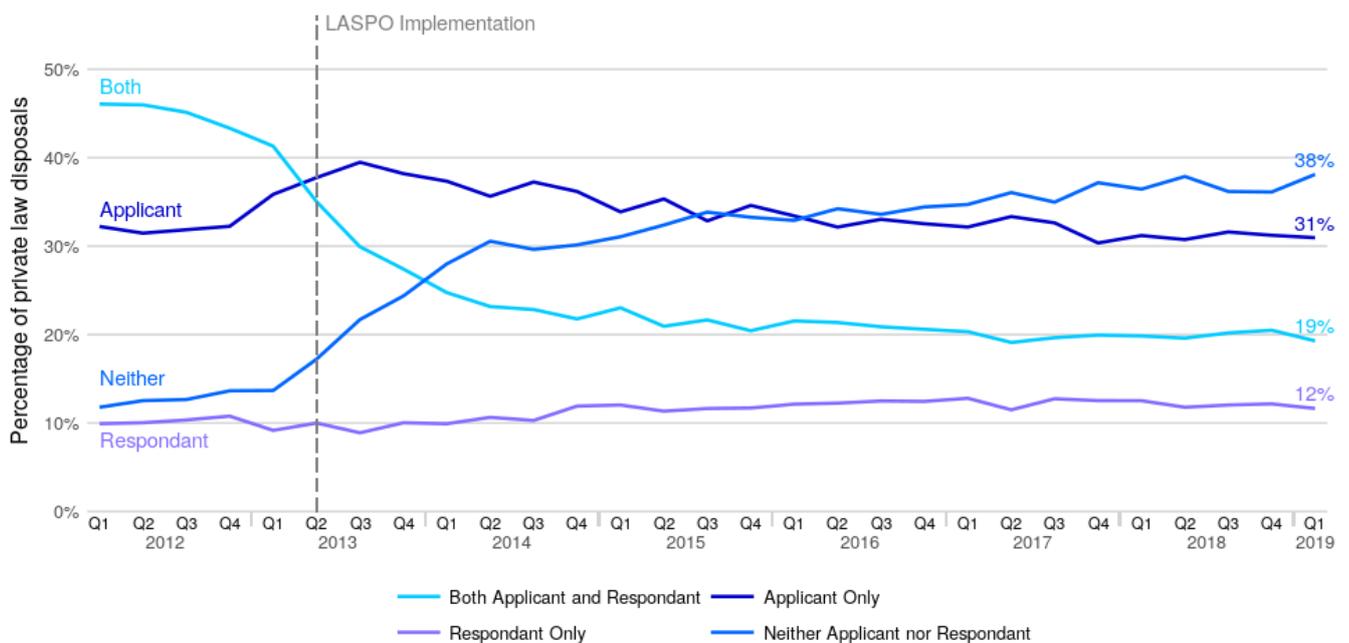
### Cases with legal representation take longer on average

In general, cases where **either both parties** or the **respondent only had legal representation took longer** to be disposed than those cases where only the applicant was represented or where both parties were without legal representation (Table 10).

### 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 January to March 2019, the proportion of disposals where neither the applicant nor respondent had legal representation was 38%, an increase of 24 percentage points since January to March 2013, and up 2 percentage points from January to March 2018. Correspondingly, the proportion of cases where both parties had legal representation dropped from 41% in January to March 2013 to 19% in January to March 2019, 1 percentage point lower than the same period in 2018 (Figure 4).

**Figure 4: Proportion of private law disposals by type of legal representation of the parties, January to March 2012 to July to September 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 stood at 59% in 2012 compared to 31% in January to March 2019.

The proportion of parties with legal representation in cases with at least one hearing varies by case type and range from around 71% for financial remedy to 2% for adoption cases (Table 11), with figures subject to change as new cases progress.

<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 6% in January to March 2019 compared to same period in the previous year.

Average time from petition to decree nisi increased to 33 weeks in January to March 2019, from 27 weeks in the same quarter of 2018.

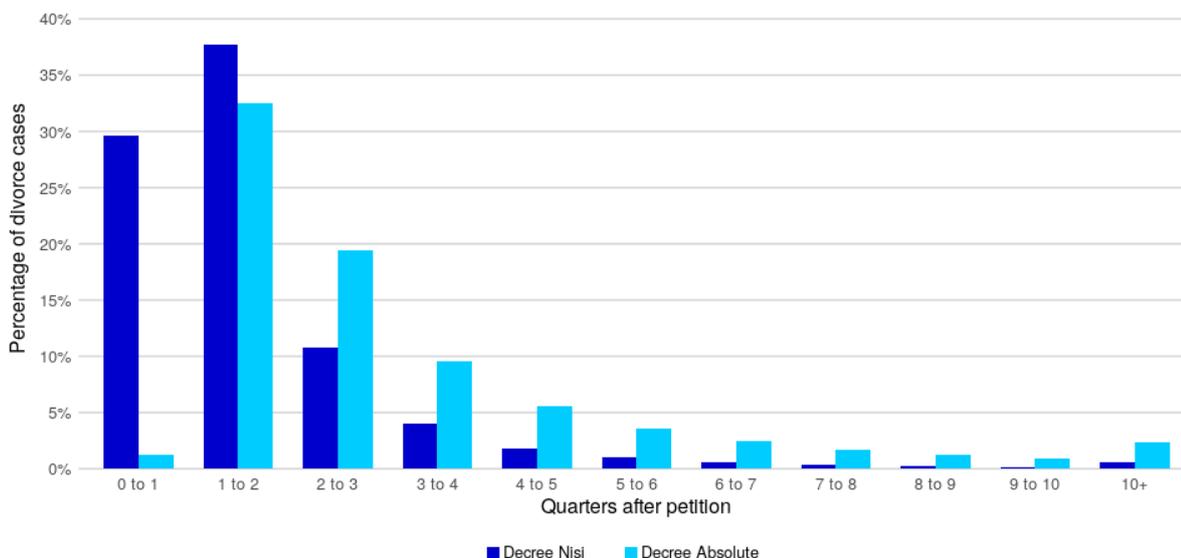
There were 29,136 divorce petitions made during January to March 2019, up 6% from the same quarter in 2018, although similar to the level seen at the end of 2018.

There were 24,029 decrees absolutes granted in January to March 2019, similar to the same quarter in 2018 (Table 12).

For those granted decree nisi in January to March 2019, the average time from the date of petition was 33 weeks, up 6 weeks from the same period in 2018, whilst the average time from petition to decree absolute was 59 weeks. These represent the highest figures so far for the periods covered by this bulletin, and is a result of divorce centres processing a backlog of older cases.

Table 14 and Figure 5 shows 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 Q1 2019 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 March 2019 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, 32% within 1 to 2 quarters and 19% within 2 to 3 quarters).

## 6. Financial Remedy

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### Decrease seen in financial remedy applications and disposals

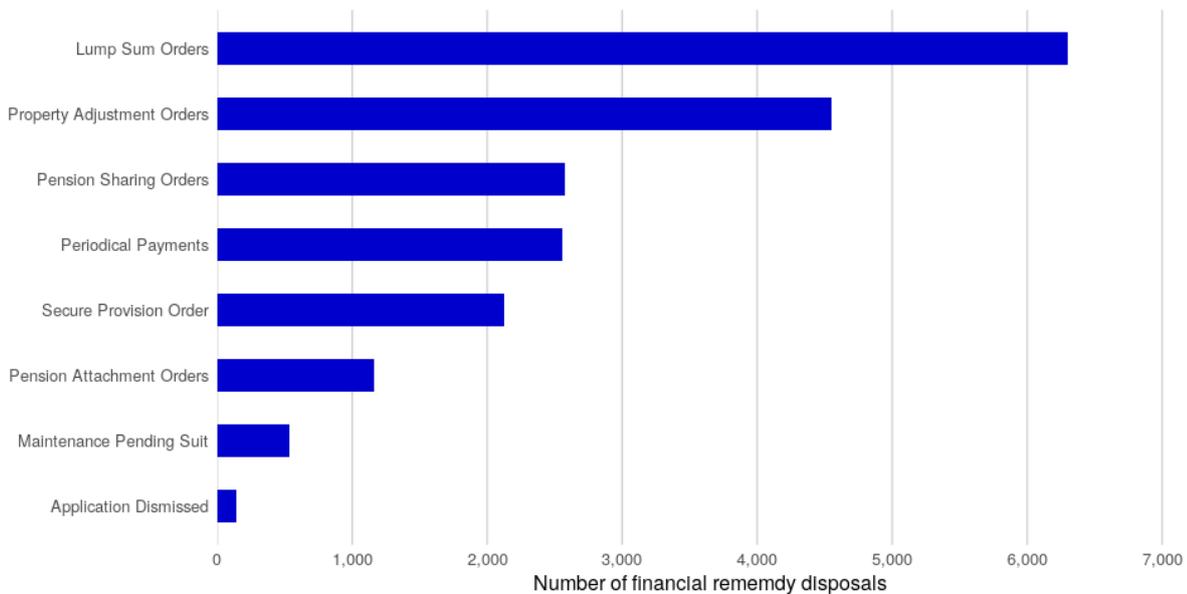
The number of financial remedy applications and disposals in January to March 2019 fell 5%, compared to the same period in 2018.

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There were 10,567 financial remedy applications and 10,119 financial remedy disposals in January to March 2019, both down 5% on the equivalent quarter in 2018. During this period, 68% of disposals were uncontested, 20% were initially contested and 12% were contested throughout. (Tables 15 and 16)

In January to March 2019, 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 disposal types, January to March 2019 (Source: Table 16)**



## 7. Domestic Violence Remedy Orders

### Number of domestic violence remedy applications and orders increase

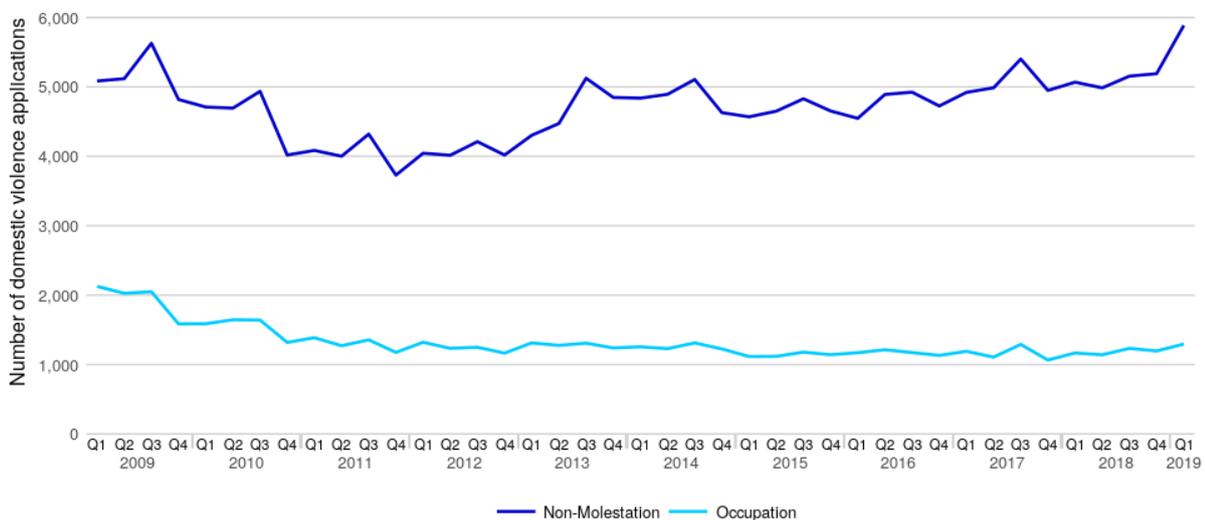
In January to March 2019, the number of applications increased by 15% compared to January to March 2018, whilst the number of orders made increased by 10% over the same period.

In January to March 2019, there were 7,180 applications made for a domestic violence remedy order, up 15% on the same quarter in 2018 and the highest quarterly number of applications since the time series began at the start of 2009 (Table 17). Most of the applications were for non-molestation orders (82%) compared to occupation orders (18%), these proportions have remained relatively consistent in recent years. Applications for non-molestation orders in January to March 2019 were up 16% compared to the same period in 2018, while occupation order applications increased by 11%

There were 7,976 domestic violence orders made in January to March 2019, up 10% from the same period last year, also representing the highest number since the beginning of the time series in 2009. 93% were non-molestation orders and 7% were occupation orders, with non-molestation orders up 9% and occupation orders up 16% compared to the equivalent quarter in 2018.

Figure 7 below shows that applications for non-molestation orders have shown a gradually increasing trend over time, while applications for occupation orders have remained steady.

**Figure 7: Applications for domestic violence remedy orders, January to March 2009 to January to March 2019 (Source: Table 17)**



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

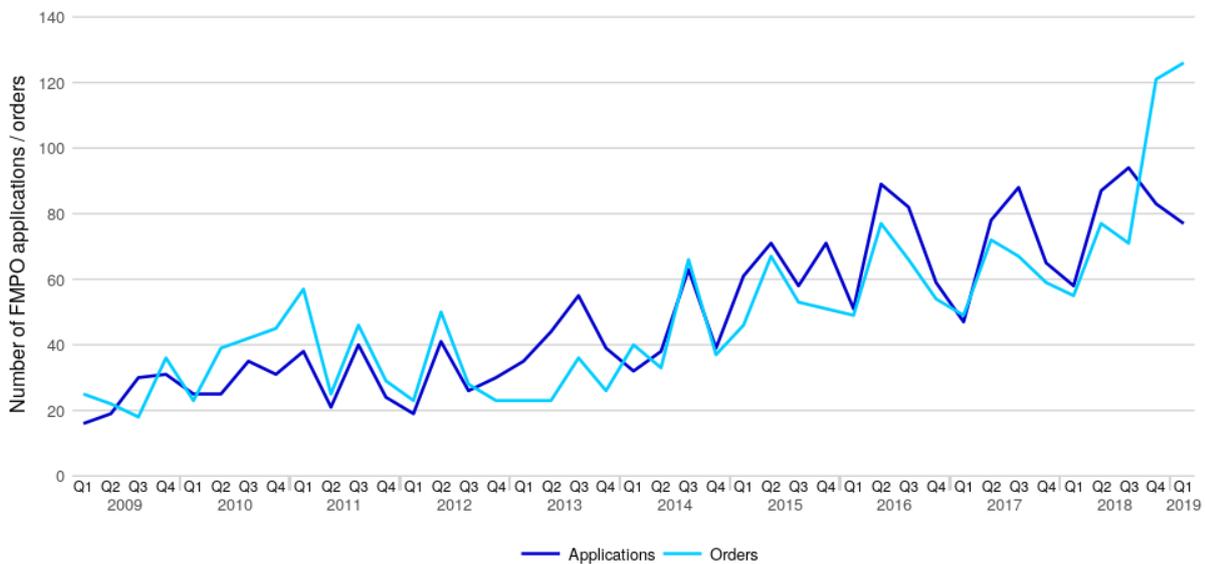
### General upward trend in the number of Forced Marriage Protection Orders and Female Genital Mutilation Protection Orders.

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. In January to March 2019, there were 77 applications, of which 79% of applicants were aged 17 and under.

Over the same period, there were 126 orders made, more than double the same period from the previous year but similar to the previous quarter (Table 18). Often there are multiple orders granted per case, which can explain why this increase is not reflected to the same degree in the number of applications.

The increase in the number of orders does not necessarily represent an increase in the prevalence of forced marriage, but potentially it relates to a greater awareness of forced marriage being a crime and the support available.

**Figure 8: Applications and orders made for Forced Marriage Protection Orders, January to March 2009 to July to September 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 29 and 35 made respectively in January to March 2019 (Table 19). In total, there have been 350 applications and 402 orders made up to the end of March 2019, since their introduction in July 2015.

## 9. Adoptions

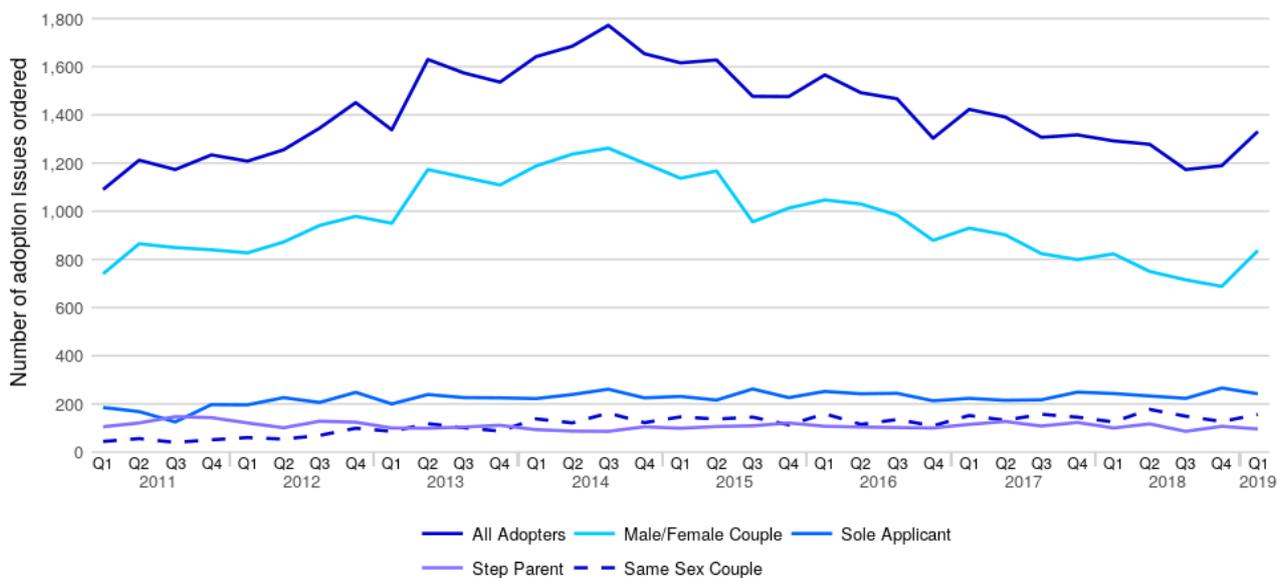
### Number of adoption applications and orders up for second quarter in a row following downward trend

During January to March 2019, there were 1,324 adoption applications made, up 1% from the equivalent quarter in 2018. Over the same period, the number of adoption orders issued increased by 3% to 1,331 (Tables 20 and 21).

There were 2,789 applications under the Adoption and Children Act 2002, including placement orders during January to March 2018, a 3% decrease on the same quarter in the previous year. Total disposals fell by 6% to 2,436 over the same period.

Figure 9 below shows the trend of adoption orders by the type of adopter. This shows that during January to March 2019, 63% of all adoption orders were issued to male/female couples, 18% to sole applicants, 12% to same-sex couples and a further 7% to step-parents.

**Figure 9: Adoption orders issued, by adopter, January to March 2011 to January to March 2019 (Source: Table 21)**

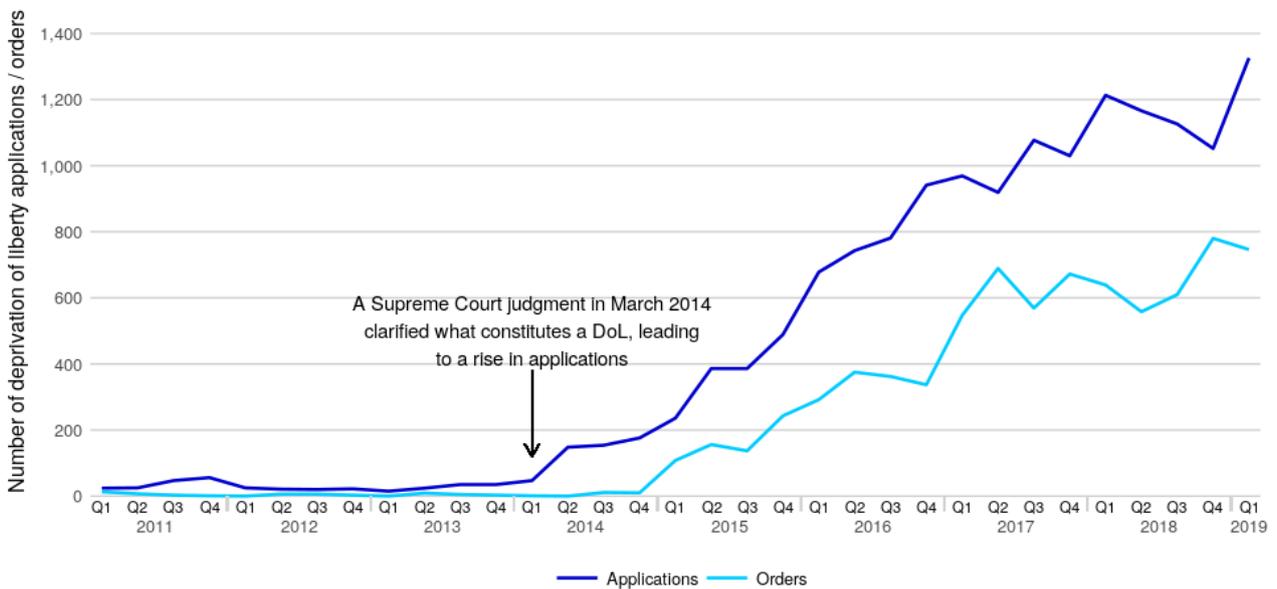


## 10. Mental Capacity Act - Court of Protection

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

There were 1,326 applications relating to deprivation of liberty made in the most recent quarter, up 9% on the number made in January to March 2018. Orders made for deprivation of liberty increased by 17% over the same period, from 639 to 746 respectively.

**Figure 10: Deprivation of Liberty applications and orders, January to March 2008 to January to March 2019 (Source: Table 22)**



In January to March 2019, there were 8,770 applications made under the Mental Capacity Act 2005 (MCA), up 8% on the equivalent quarter in 2018 (8,089 applications). Just under half (47%) related to applications for appointment of a property and affairs deputy (Table 22).

In comparison, there were 11,846 orders made under the MCA, 15% more than the same quarter in 2018. This increase is largely due to a 65% increase in orders by an existing deputy or registered attorney, which accounted for 38% of all orders made under the MCA.

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

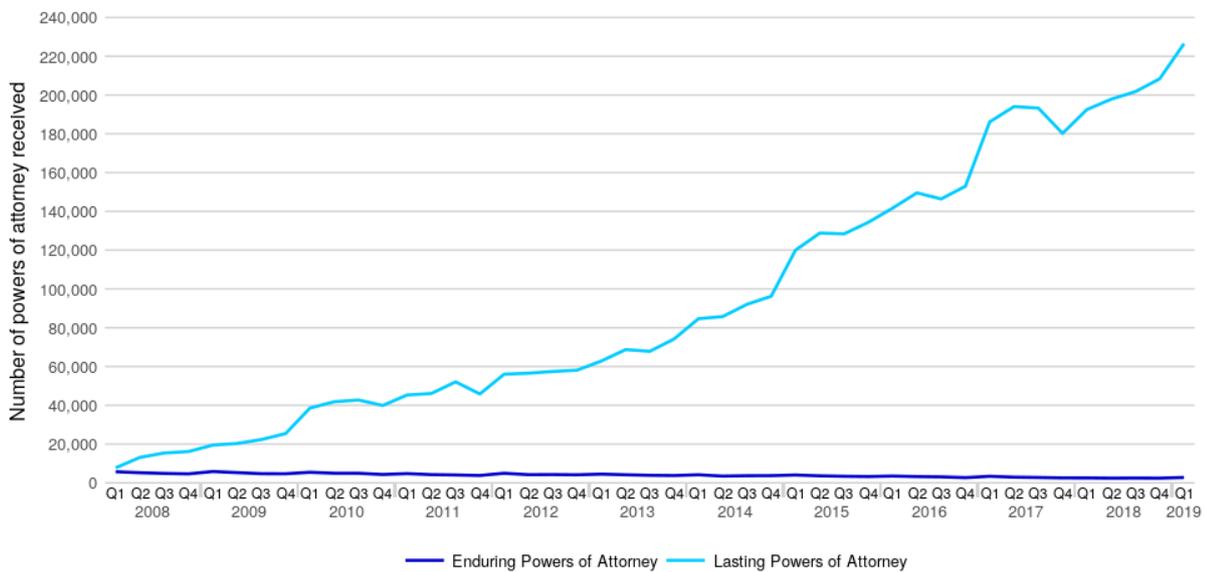
### Continuing increasing trend in Lasting Powers of Attorney (LPAs)

In January to March 2019, there were 229,244 LPAs received, up 18% from the equivalent quarter in 2018.

There were 226,452 Lasting Powers of Attorney (LPAs) received in January to March 2019, up 18% on the same quarter for 2018 (Table 24). The sharp increase seen during 2015 and 2016 was largely due to increased publicity and the new online forms introduced in July 2015 making it simpler and faster to apply for LPAs.

There were 2,792 Enduring Powers of Attorney (EPAs) in January to March 2019, up 10% on the equivalent quarter in 2018.

**Figure 11: Powers of attorney received, January to March 2008 to January to March 2019 (Source: Table 24)**



## 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.

## 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/FamilyCourtsStatisticstool2018Q3/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 Authority's regulatory arm. The Authority 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.

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