

PRACTICE DIRECTION No. 6/2012

(GCR O.1, r.12)

LISTING OF FAMILY LAW PROCEEDINGS

1. Application and Commencement

- 1.1 This practice direction applies to “family law proceedings” defined as including any of the following –
- a. applications under Section 20, Section 21 Matrimonial Causes Law;
 - b. applications governed by rule 16 of the Matrimonial Causes Rules;
 - c. applications under Section 7 of the Guardianship and Custody of Children Law;
 - d. applications concerning affiliation orders;
 - e. applications under the Protection from Domestic Violence Law
 - f. applications under the Children Law 2012 (When Promulgated)

1.2 This Practice Direction shall come into force on 15th July, 2012

2. Introduction

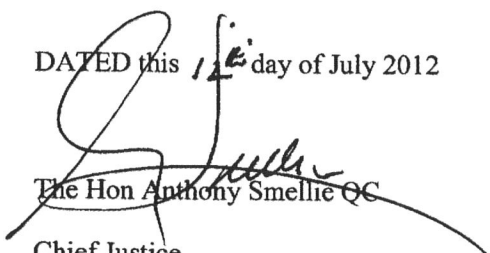
- 2.1 Applications brought for orders within family law proceedings should come before the Court in a timely manner. The purpose of this practice direction is to ensure that all applications made within family law proceedings will be allocated a first mention date within 28 days of filing. Emergency applications may nonetheless be brought before a judge on a more urgent basis.
- 2.2 The Listing Office will allocate at least two days each month as family proceedings mention days. The maximum hearing time that may be given for any case listed on a mention day will be 30 minutes. New applications will be allocated a first appointment hearing for a specific time. The applicant must ensure that the application and affidavit are in the appropriate form and that there is prompt service of the same. The parties must be punctual in their attendance for all appointments and a party shall attend all appointments of which he or she has been given notice, unless the Court otherwise directs.

3. New Practice

- 3.1 The applicant shall file the application in the appropriate form along with supporting affidavit(s). There should be sufficient copies for them to be served on each respondent.

- 3.2 The applicant shall serve a copy of the application (endorsed with the date, time and place of the hearing) and supporting affidavit(s) on each respondent, such minimum number of days prior to the date fixed as may be specified in Rules of Court.
- 3.3 On receipt of the documents filed, the Listing Office in conjunction with the Court Registry shall;
- (i) fix the date, time and place for a first appointment, allowing sufficient time for the applicant to comply with paragraph 3.2. The allocated first appointment should be within 28 days of the date of the issuing of the application;
 - (ii) endorse the date, time and place so fixed upon the copies of the application filed by the applicant; and
 - (iii) return the copies to the applicant forthwith.
- 3.4 An application for an urgent or ex parte hearing may, with leave of the Court, be made in which case the applicant shall upon making the application file with the Court Registry the application in the appropriate form along with supporting affidavit (which should set out the reasons why an urgent or ex parte hearing is necessary).
- 3.5 Where the Court refuses to make an order on an ex parte application it may direct that the application be made inter partes.

DATED this 12th day of July 2012


The Hon Anthony Smellie QC

Chief Justice

The following reference number should
be quoted in any reply

No.....

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Grand Cayman KY1-1106
CAYMAN ISLANDS

CIRCULAR MEMORANDUM

TO: All Attorneys practicing in the Family Division of the Grand Court;
Court Staff

FROM: Chief Justice

DATE: October 3 2012

SUBJECT: Circular Practice Memorandum
In the Grand Court
The Family Division

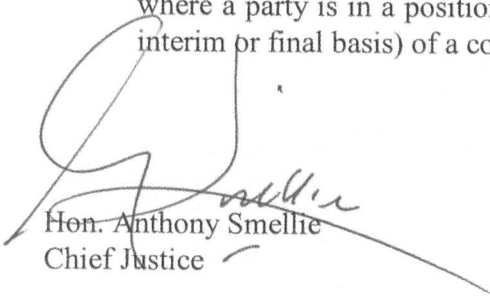
Practical difficulties in complying with the requirement of Practice Direction No. 6 of 2012 for the filing of affidavits have been brought to my attention.

That concern, as well as the recent implementation of the Children Law, require the extensive revision of the practice in relation to Family and Children matters before the Family Division and before the Summary Court.

It is therefore intended that Practice Direction No. 6 of 2012 will in short order, be revoked and replaced.

In the meantime, in order to address the immediate concern about the filing of affidavits mentioned above, the following practice will be adopted until further notice; with Practice Direction No. 6 of 2012 otherwise continuing to apply:

Instead of the requirement for the filing of an affidavit in support of a summons for a hearing, the parties shall file (within four (4) days prior to the family mention day hearing) a brief chronology, a statement of issues and, where a party is in a position to make a proposal for settlement (either on the interim or final basis) of a contentious issue; a position paper.


Hon. Anthony Smellie
Chief Justice