President of the Family Division

October 2026

Family Court Short Notice Application Guidance

Allocation and Gatekeeping Protocol for Public Law Applications

1. This document is to assist members of the Judiciary, the Allocation and Gatekeeping Teams and the Administration Teams in exercising the Allocation and Gatekeeping functions required as part of the Family Court allocation and listing process.

2. In this document, *Judge/Judiciary* refers to all Judicial Office Holders including Magistrates.

3. This Guidance is to be read with the Public Law Outline ('PLO'), and the Family Allocation and Listing Guidance.

Principles

4. Listing is a judicial function. Where a case is not considered urgent, the judge will decline to list it with short notice and the application will be given a listing between days 12-18. The court will be rigorous in refusing to deal with cases that do not meet the criteria for a short notice hearing.

5. Applicants for emergency or short notice listings will be required to justify with evidence why a case requires an emergency or short notice listing. Applicants must clearly set out in their application form details of why the case meets the necessary criteria, and the listing proposed. Applicants must always provide full contact details, including a telephone number that will be answered in the event the court needs to check a detail.

Receipt and issue of applications

6. In accordance with the Revised Public Law Outline, Day 1 is the day of receipt and issue and whilst the HMCTS business hours for accepting applications are from 10.00 until 16.00 Local Authorities should submit their applications, wherever possible, before 2pm on Day 1.

7. Any application received after 4pm will normally be processed by the Court the next business day.

8. Any application for an emergency or short notice listing will be dealt with by the gatekeeping team. Any decision to agree or refuse an emergency or short notice application MUST be made by a judge.

9. If the judge does not agree with the local authority's position on allocation and urgency, the case will be given a standard listing, and reasons recorded for that on the gatekeeping order.

10. Same day emergency hearing requests should be truly exceptional.

11. If an emergency or short notice hearing is sought, then the Local Authority should provide a detailed explanation of why this case is said to meet the criteria for an emergency or short notice hearing within the C110A application form, along with information to assist with listing the hearing. Local practice may vary, and some Courts may require that to also be set out in a separate statement with a draft of the order sought in Word format.

12. All the required documents must be uploaded/filed with the application.

13. The Allocation proposal must be fully completed with specific case sensitive reasons provided.

14. The fact that an application made during court business hours fulfils the criteria for it being an emergency, and justifies a same day hearing does not absolve the applicant from presenting that application in a timely manner.

15. Ordinarily, any emergency application made during court business hours should be ready to come before the Judge **no later than 2pm**. In any event, any emergency application requesting a same day hearing and made during court business hours **must be ready** to come before the Judge for hearing ***no later* than 4pm**. If the parties are not **ready to proceed** at hearing by **4pm at the latest**, then the application must be presented to Urgent Court Business Out of Hours service or await a hearing on a subsequent day.

16. All courts must have in place a clear agreed process for dealing with emergency applications seeking a same day hearing which are made after 4pm, and instructions for the local authority on how to contact the out of hours emergency service.

17. The Urgent Court Business service operates out of hours between 4.00pm and 8.30am Monday to Friday and from Friday at 4.00pm to Monday at 8.30am each weekend and bank holiday.

18. Any application that fulfils the criteria for an emergency, and which justifies a same day hearing, but has not been made by 4.00pm **must** be made to the Urgent Court Business service and will be dealt with out of hours.

Cases should be considered as follows:

(1) Standard notice.
Where listing only for CMH with no short notice hearing; days 12-18.

The expectation is that most cases can be listed to a CMH without an interim short notice hearing.

(2) Short Notice (within 5 days).
Where the case requires a CMH with an interim hearing prior to the CMH

The reasons for a short notice interim (not same day) hearing may include (but are not limited to) cases where without immediate protective orders a child's safety would be compromised.
These cases will be listed within 5 days of issue; anything which is not so urgent as to justify listing within 5 days will be listed between days 12-18.

(3) Emergencies (including same day hearings)

The reasons for seeking a same day hearing will be that the case merits a short notice hearing but even a day's delay would mean that a child's **immediate** safety would be compromised, and the facts demand that the court intervenes immediately. Such cases are likely to meet the criteria for emergency protection orders.

The expectation is that it would be extremely rare for an application to be made for a same day hearing. Local Authorities and gatekeepers should bear in mind the requirements for emergency proceedings under FPR 2010, Section 44 CA 1989 and the caselaw (Children Act 1989)

When the gatekeeping team is considering such a listing, they will need to be satisfied that such a hearing can be conducted fairly to all parties. Particular consideration must be given to mothers who may still be in hospital, or have just given birth, and the child/children being properly represented by a guardian.

All care centres are encouraged to operate a Newborn Infant protocol.

If circumstances change between issue/allocation and CMH such that the Local Authority now seeks an emergency or short notice hearing, a C2 application setting out clear reasons for that should be submitted.
All courts must provide specified email addresses/telephone numbers for urgent communication and parties must inform the hearing centre, in addition to the CTSC if there is an emergency or short notice hearing sought.

If an emergency or short notice hearing has taken place, the court will still always list a Case Management Hearing between days 12-18.

Monitoring of short notice applications

19. Data about the nature and number of emergency and short notice applications will be captured (in accordance with these guidelines) and made available to each DFJ or their nominee.