

National Listing Protocol
for applications that seek
deprivation of liberty orders relating to children
under the inherent jurisdiction

INTRODUCTION

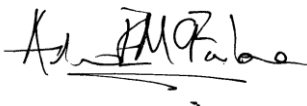
1. As from 4 July 2022 all C66 applications seeking orders that deprive the liberty of any child ('DoL orders') shall be issued in the Royal Courts of Justice via the following email: rcj.nationaldolscourt@justice.gov.uk. The C66 application must state (with brief reasons in support) whether the application needs to be heard in A - 4 hours; B - 24 hours or C - 3 days.
2. A fee of £183 is payable on submission of the application. Payment should be made by fee account (PBA). If this is not possible and payment is to be made by another method, the applicant must contact RCJ Fees office, RCJfeespayments@justice.gov.uk for a card payment.

ALLOCATION

3. The proceedings will be allocated for hearing in the Royal Courts of Justice unless in the C66 application the applicant sets out any reasons why the proceedings should not be heard at the Royal Courts of Justice but should be re-allocated for hearing at the local court, setting out the name of that court. Matters that *may* justify the case being heard at a court other than the Royal Courts of Justice will include:
 - a. Particular features of the case that require judicial continuity, for example multiple hearings are likely to be required in circumstances where a suitable placement will be difficult to find due to the circumstances of that child;
 - b. There are related care or secure accommodation proceedings in the local court;
 - c. The application is likely to require joinder of one or more local health or mental health Trusts in circumstances where the child is presently in a general hospital ward and there is an issue as to which agency has responsibility;
 - d. Significant historical difficulties in finding a placement for the child;
 - e. A significant issue relating responsibility for the placement of the child as between two local authorities.
4. At any stage of the proceedings the case may be re-allocated for hearing by a Judge of the Division.

CASE MANAGEMENT

5. As the majority of these cases being heard in Royal Courts of Justice will be from other Circuits, the default position will be that these hearings will be remote, subject to any other direction given by the court.
6. Upon issue the application will be considered by the court and any initial directions given, which may include the following matters:
 - (i) Directions for the listing of any urgent hearing, including notice being given to other persons;
 - (ii) The filing of further evidence;
 - (iii) Joinder of the child as a party to the proceedings allocated to a Children's Guardian in the local area where the child lives;
 - (iv) Whether the proceedings should remain to be heard in the RCJ, or be re-allocated for hearing in the relevant local court.
7. In the event the proceedings remain allocated for hearing at the Royal Courts of Justice, there shall continue to be active consideration at each hearing as to whether the proceedings should be re-allocated for hearing at the local court in accordance with paragraph 3 above.
8. In the event the proceedings are transferred to the local court there shall continue to be active consideration at each hearing as to whether the DoL proceedings should be re-allocated back to the Royal Courts of Justice if they no longer meet the criteria set out in paragraph 3 above.
9. Where the court considers that the proceedings should be re-allocated to the local court, or back to the Royal Courts of Justice, in accordance with paragraphs 3, 6 and 7 above, the judge dealing with the matter at the Royal Courts of Justice shall consult with *either* the Family Division Lead DoL judge (Moor J) or the relevant Family Division Liaison Judge or the Urgent Applications Judge before an order re-allocating the proceedings is made.



Sir Andrew McFarlane

President of the Family Division & Head of Family Justice

21.06.2022

