

## **New provisions allowing domestic abuse advocates to attend family court hearings**

From 6 April 2023, Independent Domestic Violence Advisers (IDVAs) and Independent Sexual Violence Advisers (ISVAs) will generally be permitted to attend court hearings to provide support to parties in the Family Court.

Guidance has been issued by the President of the Family [Division in support of a new Practice Direction 27C](#). IDVAs and ISVAs are widely defined as ‘*an independent adviser, however described, who works with people (whether adults or children) who have experienced or are said to have experienced domestic abuse (in the case of an IDVA) or rape and/or sexual assault (in the case of an ISVA) by providing them with support, advice and help*’.

The President’s guidance makes clear that support from IDVAs and ISVAs in respect of family proceedings can include ‘*providing practical, emotional or moral support for a litigant; ... assistance and support to engage with the court process as well as with out of court discussions; and help in dealing with authorities or other support services*’. They are not to be treated as legal representatives or McKenzie Friends.

The new Practice Direction means that IDVAs and ISVAs now hold general permission to attend court hearings to support people they work with, subject to a court deciding to refuse to permit their attendance. The Practice Direction and guidance provides detail on how the court should be notified of an intention for an IDVA or ISVA to attend a hearing, and the factors to consider in dealing with any disagreement on their proposed attendance. In the event of any disagreement regarding the attendance of an IDVA or ISVA it is not for the person receiving support to have to justify their presence, it will be for the objecting party to provide reasons as to why the person should not receive such support during the hearing and the IDVA or ISVA should be present at any such hearing where their participation is to be determined.

The following examples are not to be used as reasons to exclude IDVAs or ICVAs from a hearing,

- a. The case or application is simple or straightforward (for example, it is simply listed as a directions or case management hearing);
- b. The litigant appears capable of conducting the case without support;
- c. The litigant is unrepresented through choice;
- d. The other party is not represented;
- e. The proposed IDVA or ISVA belongs to an organisation that promotes a particular cause;
- f. The proceedings are confidential and the court papers contain sensitive information relating to a family’s affairs.

The President’s guidance importantly confirms that ‘*IDVAs or ISVAs may not: i) act as the litigant’s agent in relation to the proceedings; ii) manage a litigant’s case outside court, for example by signing court documents; iii) address the court, make oral submissions or examine witnesses*’. However a litigant will be allowed to share information relating to the proceedings including any written evidence with the IDVA or ISVA for the purpose of receiving support and assistance.

Jamie Niven-Phillips

Cafcass Legal

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