

CAYMAN ISLANDS



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PRACTICE DIRECTION No. 6/2012
(GCR O.1, r.12)

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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. Application is governed by rule 16 Matrimonial Causes Rules;
 - c. applications under Section 7 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 _____, 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 law 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 8th day of July 2012

The Hon Anthony Smellie QC
Chief Justice