

# **Legal Roundup - November 2021**

On 28 October 2021 the President of the Family Division published his findings on the Transparency review. The review sets out the President's vision for the way the press will have access to the family court in the future.

The [full report](#) is available to download. Cafcass was part of the panel which informed the review and will have a place on the new TIG (Transparency Implementation Group).

However, before any changes are implemented there is to be a pilot which will run in two local authority areas. The [Family Justice Young Peoples Board](#) will be involved in the pilot. The President is also planning to issue further practical guidance for lawyers and all those involved in Family Justice and will also hold a further consultation before there are any changes made to the FPR.

## **Re D (Care Proceedings: 1996 Hague Convention: Article 9 Request) [2021] EWHC 1970 (Fam)**

In this case Knowles J declined to request a transfer of proceedings from Switzerland to England. The judgment helpfully sets out the process and criteria to be considered when a transfer request is made between jurisdictions given the UK has now fully exited the European Union. The procedural rules which govern a transfer under the 1996 Convention are set out in Rule 12.65 of the Family Procedure Rules 2010. The criteria for making an Article 9 request for transfer of proceedings under the 1996 Convention are:

1. The child has a 'substantial connection' with the requesting state.
2. The purpose of the underlying request must not be outside the Convention.
3. The authorities of the requesting state must '*consider they are better placed in the particular case to assess the child's best interests*'.

Read [the full case](#)

Read the [latest legal alert on Deprivation of Liberty orders](#).