



Media in Court under the Care of Children Act 2004: Guidelines for Family Court staff

Introduction

The Care of Children Act 2004 provides for greater openness in Family Court proceedings involving disputes over guardianship issues or day-to-day care or contact with children.

One element of this is the right of “accredited” news media reporters to attend court hearings. The Act also allows wider publication of reports about court proceedings. However, these new provisions are still subject to important limitations.

Attendance in court by “accredited” news media reporters

News media reporters may attend a court hearing if the organisation that employs or has contracted them has been **accredited** by the Ministry of Justice.

The Ministry will accredit a news organisation if the organisation is subject to a code of ethics or professional standards and a relevant complaint procedure. This is both to encourage a professional standard of reporting and to ensure that there is an

appropriate process for dealing with complaints about inaccurate or unbalanced reporting.

Receiving the media at court and checking accreditation

News reporters arriving at court will need to establish that they are accredited by producing identification and a standard form letter from their organisation that introduces them as an bona fide member of the organisation's staff, or in the case of commissioned writers, a bona fide representative.

Court staff will check the name of the news organisation against a list of accredited news media organisations held by the Ministry of Justice. This list will be available on the intranet.

If a reporter is not able to verify that they are accredited, court staff should not allow them into the courtroom without the permission of the presiding Judge.

Court staff should provide reporters with a copy of the Ministry's "Guidelines for the Media Attending Hearings under the Care of Children Act 2004".

Attendance by non-accredited reporters

Reporters from news media organisations that have not been accredited have no right to attend court hearings. However, they may be permitted to attend by the Judge in individual cases. If they consider they have a legitimate reason for attending a particular hearing but are not accredited, they will need to seek the approval of the Judge through the court staff.

Seating for the media

Some courtrooms may be too small for a separate media bench. In those cases, court staff will need to advise reporters where they are to sit. If a number of reporters wish to attend, seats should be made available on a first come, first served basis.

The court list

Court staff may, on request, allow accredited news media reporters to have access to the Court list to assist them in carrying out their duties. Court staff should not allow reporters to have access to the Court list without first establishing that they are an accredited news media reporter. The information contained on the list is subject to the same reporting restrictions as information produced at the hearing.

How news reporters are to be identified in court

Once a reporter's credentials have been verified, court staff should provide them with a sticker to wear, bearing the word "Media" and the day's date, which authorises the reporter to attend court on that day.

The sticker also identifies the reporter to the parties and others involved in the proceedings.

Restrictions on media reporting of court proceedings

Although accredited news media reporters can attend court hearings there are strict limitations on what they can report. A published report cannot include names or any information that would be likely to identify:

- the children
- the parents
- others involved in the case, such as support people for the parents
- witnesses
- speakers on cultural issues

without the expression permission of the presiding Judge.

Requests for permission should be made in writing to the court. The Judge may ask the parties and the lawyer for the children for their views before making a decision.

Proceedings involving more than one Act

The right of accredited reporters to attend hearings applies only to proceedings under the Care of Children Act. When proceedings also involve another Act, reporters may be permitted to attend under the Judge's general powers to admit people other than the parties and other authorised people. Court staff will therefore need to refer all such requests to the presiding Judge before the particular hearing.

Requests for information about the hearings for the day

Reporters may ask you for details about the names of the parties in court that day and what the cases are about. Provided you have verified that they are an accredited news media reporter, you may provide them with information from the Court list.

Requests for information about hearings and decisions

Requests for information about decisions in hearings, affidavits and other details from the court file must be made in writing. A request from a reporter to look at the court file must be treated like any request from a person who is not entitled to search a court file as of right. Details of how searches are to be dealt with are set out in the Registrars Power's manual. Court staff should not give out information from court files to reporters over the phone. The attendance of a reporter at a hearing does not automatically entitle them to search a file.

When a request is made over the phone, court staff should respond along the following lines:

"I'm sorry, I can't look up a court file for you over the phone. You'll understand that a great deal of information is confidential and we do need to have a written request. If you make a written request you must set out the reasons why you want to search the file.

"The Registrar will need to be satisfied that you have a proper interest and check to see whether the Judge has given any directions about searches on that particular case".