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Hot Topic – Media access in family cases

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An end to privacy in family cases?

The Sunday Times recently publicised a front page article about a mother who had been sent to prison by the Court for telling her son that she loved him. The mother, who was the subject of an injunction ordering her to stay away from her children, had been arrested a number of times for breaching the injunction and faces a further hearing after posting a video about her case on YouTube.

The case has prompted calls from some quarters for even greater media access to the family courts. Until recently, it would have been unthinkable for the media to be present in Court during hearings about children. However, changes were introduced on 27 April 2009 which allow the media to attend hearings and to report on what they hear. The changes were introduced following considerable criticism of the family courts for its traditional culture of secrecy.

However, this does not mean that the media can attend every hearing or report everything that they hear. Just because the media is allowed to attend a hearing does not mean that they have a right to see private documents or identify children involved in those proceedings. If the media reports on specifics of what takes place, they may be in contempt of court. The Court still has a power to exclude the media from court when it is necessary to protect the interests of a child, for the safety of a party or witness, for the orderly conduct of proceedings or if justice would be impeded or prejudiced by admitting them.

The new regulations are basically a balancing act between the desire of the parties to keep details of their personal lives secret and the need for justice to be seen to be done.

It remains to be seen how common it will be for the media to attend family cases.

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