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04 May 2020

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Uncertainties and searching for a new normal to resolve family crises

Family court proceedings in France have virtually ground to a halt reports Frances Goldsmith



Frances Goldsmith: 'The French courts are currently at a standstill until at least mid-June, with the exception of emergency proceedings'

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The French courts are currently at a standstill until at least mid-June, with the exception of emergency proceedings, leaving most families with a very uncertain time frame of when they may move on.

Non-emergency procedures

Order n°2020-304 of March 25th states that all deadlines and mandatory periods for submissions have been interrupted until the end of the pandemic. During this period all hearings are automatically adjourned, often without the parties receiving a new hearing date

Furthermore, the government has not included the judiciary among the services resuming when quarantine is gradually lifted from 22 June, leaving it uncertain as to when family law proceedings may resume.

Even when hearings resume, the backlog caused by the pandemic means that parties will be lucky to obtain a hearing before the end of the year, as the Ministry of Justice has refused the possibility of using video-conference for hearings to ease the backlog. Families are therefore forced to live without any clear path forward on how or when they separate without an agreement.

From a practical aspect, international families are faced with a tangible dilemma when having to travel for a hearing in France if hearings resume at a normal pace this summer – either risk border controls or quarantine restrictions in their home state upon return or having their hearing postponed to 2021. The possibility of quarantine in France for non-EU travellers is also still a possibility.

The crisis has also affected amicable divorce agreements, as they must be signed in the presence of both parties and their attorney after respecting a cooling off period, which can be considered as having been suspended during the pandemic.

Emergency Proceedings

Emergency basis hearings open to adjudication during the pandemic only concern civil protection orders and international child abduction (excluding domestic child abduction).

For these proceedings, service of the summons date may currently be difficult however as magistrates have reduced their staff to 15-20% creating delays. In addition, the threshold for civil protection orders is already very high in France in comparison with other countries and one can only imagine they would be more difficult to obtain.

As concerns abduction cases, while the question of moving the child during a pandemic could be raised, the left-behind parent may face difficulties returning to their home country if it has a stricter border policy.

The pandemic has thus placed families in France, as in most of the world, in a situation that not only prolongates what is already a stressful period, but exacerbates it due to the uncertainties in timing and when they may be able to take their next steps to resolve a family crisis.

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Frances Goldsmith is a partner at Libra Avocats in Paris, France

This article is part of the Family Law During Lockdown series. [Click here for more commentary](#) on how courts around the world are adapting to the impact of the pandemic.

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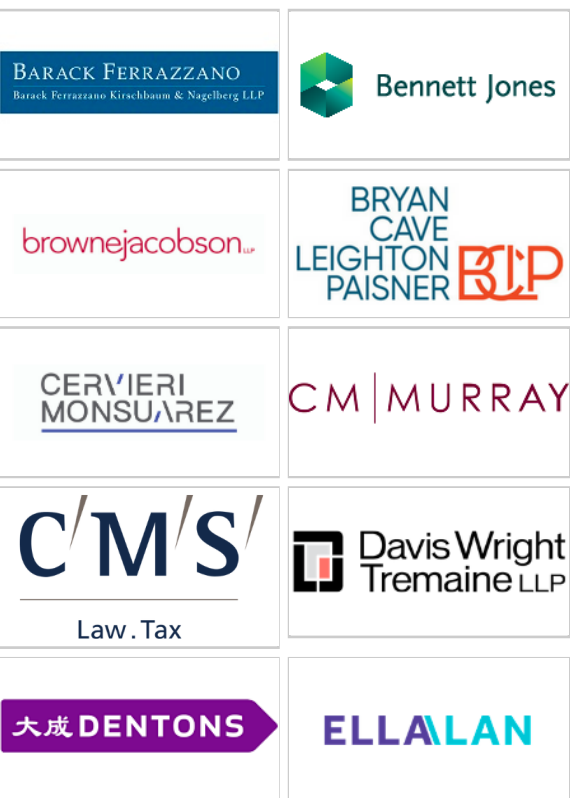
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