



**CHAMBER
OF ADVOCATES**
MALTA

Guidance Note

**FAMILY COURT PROCEEDINGS
REGULATIONS, 2026**

Introduction

Legal Notice 216 of 2026 introduces the Family Court Proceedings Regulations, 2026, replacing the previous procedural regime under S.L. 12.20. The new Regulations create a more structured framework for family proceedings, with greater emphasis on early disclosure, defined mediation timelines, representation of children, multidisciplinary support, interim relief, evidentiary discipline and enforcement of court decrees.

Entry into Force

The Regulations do not come into force automatically on publication. Regulation 1(2) provides that they will come into force on such date or dates as the Minister responsible for justice appoints by notice in the Gazette, and different dates may be fixed for different provisions or purposes.

For practitioners, the central theme is front-loading: more information, more concrete proposals and more documentary preparation will be required at the outset of proceedings, while the Court and mediators operate within more clearly defined procedural parameters.

Key changes in summary

Change	What it does	Ref.
Mediators and mediation coordination	Two-part list of mediators; parties may agree on a mediator or the Court may appoint one by roster. A mediation coordinator within the Court Services Agency oversees assignments and documentation.	Reg. 3
Children's Advocate	Defined role as guardian ad litem, including legal assistance to minors, presenting their views and making submissions in their best interests.	Regs. 15–16
Support persons	Formal framework for court experts and therapists, including therapeutic assessments and court-ordered support.	Regs. 5–10
Early financial disclosure	Sworn disclosure of assets, liabilities and the matrimonial home, together with three years of income documentation and concrete proposals on patrimonial and child-related issues.	Reg. 17
Response period	Responding party must answer proposals and, where applicable, file counter-proposals and supporting documentation within 20 days.	Reg. 18
Mediation timetable	At least six sessions within eight months, extendable by a maximum of four months.	Reg. 19

Change	What it does	Ref.
Domestic violence / manipulation	Fast-track court intervention, with power to suspend mediation and appoint a Children's Advocate or support person.	Regs. 20–21
Interim decisions	Specific deadlines for decrees on maintenance, custody, residence, therapeutic, educational and other substantial issues.	Reg. 29
Maintenance enforcement	Express provision for salary deduction and bank standing orders.	Regs. 30–31
Access as an obligation	Access is framed as an obligation on both the parent exercising it and the parent required to facilitate it.	Reg. 32
Breach of decrees	Court may suspend or vary rights in cases of repeated non-compliance.	Regs. 34, 50
Evidence timetable	Up to six months for each party's affidavit and documentary evidence, subject to reasoned extension on serious grounds.	Reg. 47

1. Institutional framework for family proceedings

Mediators and mediation coordinator

Regulation 3 establishes two lists of mediators: one from which parties may choose by agreement, and another for Court appointments on a roster basis. It also creates the role of mediation coordinator within the Court Services Agency, responsible for coordinating assignments, checking documentation and monitoring compliance with mediation requirements.

Children's Advocates

Regulation 4 provides for a list of advocates who hold a warrant to practise as Children's Advocates and have experience in family law.

Support persons

Regulation 5 establishes a list of experts in family and juvenile matters who may serve either as Court-appointed experts or as therapists. Appointments are made according to specialisation and by roster, with remuneration borne by the Court Services Agency.

2. A defined role for the Children's Advocate

Guardian ad litem

Under regulation 15, the Children's Advocate acts as guardian ad litem for minors. The role includes providing legal assistance and advice, acting in the child's best interests, presenting the child's views to the Court, filing judicial acts where necessary, explaining the possible consequences of the child's wishes and assisting the child in mediation and court sittings.

Appointment and scope

Under regulation 16, a Children's Advocate may be appointed where minor children are involved, on the request of a party or the mediator and after consideration of the circumstances and the best interests of the child. The ordinary merits and means test for legal aid does not apply to this appointment.

Potential conflicts between siblings

Where more than one child is involved, one Children's Advocate will generally represent all children, unless the Court considers that a conflict of interest requires separate representation.

3. Financial and parenting disclosure

Sworn patrimonial disclosure

Regulation 17 requires the spouse initiating separation proceedings to file, together with the mediation letter, a sworn note listing assets and liabilities within the relevant matrimonial regime, paraphernal and common property, debts, credits and the matrimonial home, to the best of that party's knowledge.

Three years of income documentation

The initiating party must also produce an FS3, a statement of income for the preceding three calendar years, a profit and loss statement covering the same period, or another official document evidencing income. Where such documents are unavailable, a sworn declaration must explain this.

Concrete proposals at the outset

The same note must contain proposals concerning the liquidation and division of assets and debts, the matrimonial home, care and custody, residence, access, maintenance and the allocation of health, education and extracurricular expenses.

Responding party

Under regulation 18, the counterparty must respond within 20 days and, where applicable, file counter-proposals together with the same categories of information and documentation.

4. A time-limited mediation process

Minimum and maximum timetable

Regulation 19 requires the mediator to schedule not fewer than six sessions within a maximum period of eight months. The period may be extended by no more than four months, by agreement of the parties or by Court order for a valid reason.

Early closure where settlement is unrealistic

Under regulation 37, the mediator may inform the Judge before the end of that period where reconciliation or agreement is unlikely, allowing the Court to proceed with the requested authorisation.

Non-attendance

Regulations 22 and 35 create a mechanism for reporting unjustified non-attendance or non-compliance to the Court, which may take such conduct into account in pending applications.

5. Domestic violence and intentional manipulation of minors

Domestic violence

Where evidence substantiating domestic violence accompanies the initial filing, regulation 20 allows the Court to suspend mediation and appoint the matter for hearing within four days, after service on the counterparty and an opportunity to reply. The Court may then take protective measures and determine whether mediation should continue or terminate.

Intentional manipulation

Where intentional manipulation of a minor is alleged, the counterparty may be given up to ten working days to reply. The Court may suspend mediation and appoint a Children's Advocate and/or a support person as Court expert.

False or misleading evidence

If the Court finds that evidence concerning alleged domestic violence or intentional manipulation was false or misleading, it must refer the matter to the Executive Police for investigation.

Mediator's duty to report

Regulation 21 requires the mediator to inform the Judge immediately if domestic violence or intentional manipulation becomes known or is suspected during mediation.

6. Interim relief and enforcement

Interim decisions

Regulation 29 allows either party to seek Court intervention on unresolved issues during mediation, including maintenance, care and custody, residence, therapeutic needs and educational or extracurricular matters. The Court may decide in camera within 20 days, or

appoint the application for hearing within 20 days and issue the pendente lite decree within 15 days after the hearing.

Maintenance

Regulations 30 and 31 require reasoned maintenance decisions and expressly contemplate salary deductions and bank standing orders for maintenance payments, including, insofar as possible, health, education and extracurricular expenses.

Access obligations

Regulation 32 provides that access is not only a right but an obligation. Both failure to facilitate access and failure to exercise access may constitute breach of a Court decree.

Repeated breaches

Regulations 34 and 50 strengthen enforcement by allowing the Court, in cases of repeated breach, to suspend or vary rights of the defaulting party, subject to proportionality and without prejudice to other legal consequences.

7. Wider application of mediation and consensual procedures

Other family disputes

Regulation 39 extends the mediation framework to disputes between unmarried parents concerning children, maintenance between spouses, and applications to vary matters regulated by separation or divorce judgments, contracts or agreements.

Medical treatment and therapy

Where medical treatment or therapy for a child is alleged to be necessary, the Court may determine the application directly or refer the parties to mediation.

Consensual separation and divorce

Regulations 40 to 43 create a structured route for consensual separation contracts and joint divorce applications, with the mediator reviewing the draft and the Court ultimately approving, amending or rejecting it.

Agreed variations

Under regulation 44, where parties agree to vary an approved contract or alter the effects of a judgment, they may apply jointly without undergoing mediation. Where a minor is affected, the Court may appoint a Children's Advocate.

Unmarried parties and common property

Regulation 45 gives the Family Court jurisdiction, in specified circumstances, to determine the division and sale of property owned by unmarried parties who have pending Family Court proceedings concerning their common children.

8. Evidentiary and case-management deadlines

Two-month period to institute proceedings

Under regulation 47, once authorisation is granted to proceed with separation or divorce, either party may commence proceedings within two months of the decree, subject to extension for serious reason.

Six-month evidentiary periods

The plaintiff may be given up to six months to file affidavit and documentary evidence, followed by up to six months for the defendant. The Court should continue hearing the case during those periods, and extensions require a reasoned order on serious grounds.

Priority to non-patrimonial issues

Regulation 48 allows the Court to determine other issues first where liquidation of the community of property cannot be decided within a short period. The property issue may be dealt with later, and the Court may encourage arbitration where appropriate.

What this means for practitioners

- Clients will need to be asked for substantially more financial and patrimonial information before mediation is commenced.
- Initial instructions should include concrete proposals on property division, maintenance, care and custody, residence and access, rather than leaving these matters to develop later in the process.
- Respondents will need to be prepared to provide counter-proposals and supporting documentation within a relatively short 20-day period.
- Deadlines during mediation and litigation will require closer diary management, particularly the eight-month mediation period, the two-month period to institute proceedings after authorisation, and the evidentiary periods in regulation 47.
- Applications involving domestic violence or alleged manipulation of minors should be supported by evidence from the outset, given both the accelerated procedure and the express consequences of false or misleading evidence.
- The increased involvement of Children's Advocates and support persons means that family proceedings will operate within a more multidisciplinary framework than before

Chamber of Advocates

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Publication note

This briefing is intended as a general overview of the Family Court Proceedings Regulations, 2026 (L.N. 216 of 2026). It is not a substitute for the text of the Regulations or for legal advice in any individual matter. Practitioners should also verify the relevant notice bringing the Regulations, or individual provisions of them, into force before relying on them procedurally.