
1 Introduction

One Family welcomes the opportunity to submit to the Courts Service on your Strategic Plan 2017-2020. As Ireland's organisation for people parenting alone, sharing parenting and separating we are acutely aware of the challenges facing families accessing the private family law courts.

One Family was established in 1972 as Cherish – Ireland's first organisation for single parents. We celebrated our 45th anniversary this year by moving premises to Smithfield, Dublin 7. We provide a wide range of specialist family support services for people living in one-parent families as well as providing policy analysis on relevant issues in order to deliver systemic and positive change.

One Family deals with thousands of queries every year via our national helpline – askonefamily. To date this year, 25% of calls have had a family law related query on issues such as supervised access, Child Contact Centres and mediation. Queries around access/contact with children are the most frequent.

We provide a number of services that are designed to specifically support people as they deal with the challenges of using the family law courts and then proceed to share parenting of their children following separation. These services including specialist parenting programmes¹; mediated parenting plans; counselling; play therapy; parent mentoring and, previously, Child Contact Centres.

We are a member of Dublin's Circuit Family Court Users' Group and we were a member of Dublin's District Family Court Users' Group when it was in place. We have excellent working relationships with the staff in both the District and Circuit Courts in Dublin and find them to be professional, client-centred and innovative.

2 One Family Research

Many of the parents we provide services to are users of the family law courts. Many are sharing parenting of their children and experience significant difficulty in coming to agreement about how to manage this. One Family has undertaken research and developed service responses to assist parents to negotiate and manage long-term shared parenting.

In 2009 we launched research² entitled *Supporting Child Contact: the Need for Child Contact Centres in Ireland*. Following that, we developed and ran pilot Child Contact Centres in two locations in Dublin in partnership with Barnardos. Our policy

¹ <https://onefamily.ie/education-training/for-parents/parenting-skills/>

² <https://onefamily.ie/policy-campaigns/research-reports/>

recommendations arising from this pilot were launched in 2014 – *Child Contact Centre: Key Learnings*. An independent evaluation was also undertaken and published in 2014.

In late 2016 we undertook Ireland’s first national survey on people who share parenting of their children or who attempted to do so. We received over 1,000 responses to our online survey, including over 3,500 individual comments. We launched an analysis of this survey in January this year entitled *National Shared Parenting Survey- Results & Recommendations*³. Quotes from parents who responded to the survey and told us about their experiences within the court system and what would help them are included with our recommendations below.

3 Recommendations

Our recommendations to the Courts Service Strategic Plan 2017-2020 are as follows:

3.1 Court Welfare System

Whilst the Courts Service offers a good service to court users, it operates within severe constraints which impact on how a court experience could be and should be for vulnerable users. Ireland requires a comprehensive and well-resourced court welfare system to support families, judiciary and practitioners. In particular this is required to ensure that children’s best interests, voice and views are of paramount importance and supported in a meaningful way with impartial, expert information available to courts on what is actually happening within a family.

It has also been the experience of One Family (and this is widely documented internationally) that the diversion of private family court users to ancillary family support services, as well as mediation, can in some circumstances, decrease conflict, tension and return court visits. These services need to be professional, holistic, accessible and child-centred. The co-location of such services in or adjacent to, court buildings should be strongly considered as being the most impactful model of decreasing conflict and the repeated use of the court system to resolve issues.

“I attended with the Family Mediation Service. It was an excellent experience and if properly supported and promoted it could save many from the unnecessary combat engendered by the legal profession.” (Father of 1)

Whilst this might appear to be an issue outside the direct remit of a Strategic Plan for the Courts Service, it is clear that if a court welfare system were in place, the work of the Courts Service would be less onerous and the impact on court resources would be lessened. Therefore, it is imperative that the importance of such a service is named at every opportunity if we are to truly value the people who use family courts in Ireland.

³ <https://onefamily.ie/policy-campaigns/one-family-campaigns/national-shared-parenting-survey/>

Many other challenges faced both by court users and court personnel could be avoided if a comprehensive accessible court welfare system were put in place.

Possible services to include as part of a court welfare system:

- Mediation including shuttle mediation and mediated parenting plans
- Specialists to hear the voice of the child
- Specialists to represent the interests of the child
- Specialists to undertake parenting capacity assessments
- Specialists to undertake assessments re the functioning of the family, extent of domestic abuse, risks for children etc
- Counselling for parents, together or separately
- Parent mentoring to focus on the best interests of the child and improve parenting skills
- Specialist parenting programmes such as those provided by One Family and other non-profit organisations
- Play therapy for children
- Child Contact Centres.

We are aware of the cost and lack of regulation of those carrying out Section 47 reports. As part of a court welfare system this requires significant reform to ensure appropriate standards to protect the public, value for money, a child-centred approach and ultimately as a tool for the court.

“I could afford legal support and secured this (Section 47) report, had I not been in a position to do this as many aren’t my child’s life would have a very different outcome. Essential reports like this which affect a child should not be left to be funded privately.” (Mother of 3)

3.2 Case Management

We are aware of extremely long wait lists in some courts around Ireland. We know that this causes stress in families and increases the direct costs of separation and divorce as documents require ongoing renewal. We know that long wait times to appear in courts and long wait times in court causes hardship for families and parents. These wait times may be normal to those working within the courts system but they are not always adequately explained to court users to manage their expectations.

“Different judges all the time. Never really felt heard, just a number. We’re all going there for the kids, trying to do the right thing, but it ends up ‘tit for tat’. I know that kids can’t be in court, but I think they should have some sort of say.” (Mother of 2)

There is the potential to streamline court rules so that they are less cumbersome and more user-friendly. Given the rise in lay litigants, the provision of the court rules in plain English should be provided to the public.

We are aware of cases where the turnover of judges on the family law bench means that there is a lack of case continuity. This is of particular concern in lengthy and complex cases where there are significant risks to children or a parent.

“The courts in my experience are often uncaring and provide no help. They give less than 5 minutes to make a decision, and don’t hear you out.” (Mother of 1)

We look forward to a future Family Court Bill and legislation in this area to develop a family law court structure that is streamlined, less costly and more efficient.

Increased resources for courts are required to reduce wait lists. Enhanced communications from the courts may assist in managing the expectations of court users. Case management to ensure judicial continuity in complex cases is advisable.

“I wanted to go down a collaborative route but my ex’s solicitor advised him against it ... Court needs to be the very last option.” (Mother of 2)

3.3 Court Accommodation

Whilst plans are underway for a state of the art Children and Family Law Courts building in Hammond Lane, Dublin 7 the direct impact of inadequate and unsuitable courts continue. This is well documented in the consultations on the new premises but we are particularly concerned about the challenges of bringing children to courts either in order to hear their voice or due to necessity and lack of childcare.

It is also well documented how inadequate consultation and waiting areas are and how this causes increased stress in separation, divorce and particularly in domestic violence cases. Courts should absolutely not increase risks to vulnerable people.

It is essential to consider the provision of ancillary family support services as well as mediation in conjunction with improved court accommodation into the future. The success of the Dolphin House Mediation Project supports this.

“Mediation was our saviour ... No slagging matches on the court steps or any of the other sad goings on that you see hurt people partake in.” (Mother of 3)

It is also essential to provide for appropriate spaces for those representing children or hearing children’s’ voices in courts as well as safe spaces for those who have experienced abuse or violence.

3.4 Supporting the Judiciary

Through our work in the pilot Child Contact Centres, we are aware of complex family law cases where the judiciary may not have sufficient information available to them on what is really happening in a family. This may be because there is no means to access appropriate, impartial, affordable assessments on the child, on the parents and the family dynamics.

We are aware that some members of the judiciary may not be aware of family supports services in the community that could assist court users. It may be of benefit to consider enhanced formal communication and cooperation between the Courts Service and family support services on a regional and/or topical basis.

“(We need) more places to share access- contact centres, e.g. between my ex moving out and leaving the country, I wasn’t comfortable with him in my home (previous issues) so we needed somewhere safe and suitable to meet for him to spend time with baby.” (Mother of 1)

Ends