

1 Introduction

One Family welcomes the opportunity to submit to the Courts Service on the development of a long-term strategy 2019-2025. 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 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.

Our CEO serves on the Board of the Courts Service as a representative of court users; the Family Law Development Committee; the Family Law User's Group of Phoenix House Circuit Family Law Court; as well as the Legal Aid Board's External Consultative Panel.

We made a submission in 2017 in relation to the current strategy of the Courts Service 2017-2020 and our recommendations are still relevant.

We note that the functions of the Courts Service are to:

- to manage the courts,
- to provide support services for the judges,
- to provide information on the courts system to the public,
- to provide, manage and maintain court buildings,
- to provide facilities for users of the courts.

We note the extensive expert testimony provided this month to the Joint Oireachtas Committee on Justice in relation to 'Reform of Family Law'. The numerous recommendations and observations should be reviewed and considered in terms of the needs of court users.

We recognise that many difficulties faced by both court users, the judiciary and legal practitioners are due to the lack of a sophisticated family law system in Ireland. We are decades behind other countries in the EU, as well as other developed nations.

We note that many of our recommendations are resource-dependent and require funding from the Department of Justice & Equality.

We note that the Courts Service is currently going through a time of transition.

One Family believes that the vision of the Courts Service should focus on meeting the needs of their most vulnerable users and all processes, services and procedures should be developed in order to achieve that.

2 Recommendations

2.1 ICT and Data:

We recommend that additional focus is given to the provision of information on the courts system to the public and that the improvement of facilities for users is prioritised.

As an organisation that both provides services to families and advocates for positive policy change based on the challenges faced by one-parent families; we note the lack of information and data that is available to the Courts Service and other bodies.

Whilst there is an extensive suite of reforms and works required to standardise data collection across all courts; we recommend that the development of an IT system that can track District Court family law users is prioritised in order to form an evidence

base of the needs and use of these customers. A solid understanding of the journey and use of courts by vulnerable families in private family law proceedings would greatly assist in the development of policy, the allocation of resources and the appropriate support of families.

We recommend that innovative approaches to case management, list management, as well as the allocation of court resources are piloted with the objective of making the experience of court better for the court user, particularly in relation to family law cases.

We recommend that additional access routes to courts and justice should be piloted through online means. These need to be accessible by phone and focussed on customer usability.

The provision of services, policy development and resource allocation should be evidence-based and this is impossible to attain without appropriate data collection and analysis. This should include the development of logic models to understand what the purpose of various services and processes are so that appropriate evaluation of outcomes can then be measured to gauge effectiveness.

2.2 Family Law Courts:

We note that the Government has still not progressed the Family Law Courts Bill and that this was a commitment as part of the Programme for Government. This should be a priority for the Dept of Justice & Equality and the necessary accommodation to be provided in tandem. We note that there is a shortage of judges, consulting rooms, appropriate facilities and registrars in some parts of the country. These are necessary in order to reduce wait times and improve efficiencies, but most particularly to improve outcomes for users of courts.

A strategy should be clarified in relation to the appropriate level of provision of specialist family law courts per region or country given resource constraints.

International comparisons should be used to indicate the appropriate levels of judges, court sittings and ancillary services necessary to serve court users.

There should be increased standardisation in relation to processes, including the approach of Courts, to the consideration of common family law issues nationally to bring certainty and predictability to families. This would also ease the levels of conflict within families and accusations of gender prejudice.

2.3 Children:

We are concerned at the ongoing lack of systems and resources to ensure that a child's right to be heard in certain proceedings relevant to them is not being currently vindicated. We are concerned about the lack of consistency, training for judiciary and practitioners and the lack of data being collected in relation to children being heard.

Whilst the recent legislation on Childs Views Experts is insufficient, there is now a lack of management in relation to this. The Courts Service could pilot the assessment, approval and management of a panel of Childs Views Experts in order to resource Courts and court users. The Courts Service could liaise with the Dept of Children & Youth Affairs in relation to their redevelopment of the GAL service to ensure that a reformed system will be accessible in practice. The Courts Service could work with the Dept of Justice & Equality and other relevant parties to seek minimum standards for Section 47 and other relevant assessors. A campaign is required to

recruit additional qualified assessors. These need to be assessed, approved, and managed through a panel or another relevant system to ensure high quality, consistent, relevant reports for Courts and court users.

2.4 Skills & Information:

The Courts Service could recruit experts on children involved in family law issues; domestic abuse; parental conflict and associated issues; parenting and emotional supports in order to inform the development of best practice guidelines, standards and to increase knowledge for all relevant parties including the judiciary, legal practitioners, parents and other organisations.

The Courts Service could hold relevant information events to provide as broad a range of relevant information to court users as possible, particularly in relation to sensitive family law matters.

2.5 Court Welfare Service:

Many of the difficulties experienced by Courts, practitioners and most particularly family members could be ameliorated by the provision of a comprehensive Court Welfare Service. We are singular in Ireland by having extremely limited state-funded resources to support and assist courts in coming to complex decisions in relation to families and children; we do not provide supports to parents to reach decisions that they can agree and implement but we force them into an adversarial system; we do not provide Government funding for ancillary services to courts such as parenting supports, Child Contact Centres, counselling or family assessments.

All of these services would be of immense benefit to the judiciary, legal practitioners and of course family members. The Courts Service could undertake research on the challenges faced by all relevant stakeholders by the lack of relevant services in these areas.

2.6 Appropriate Resourcing:

We recommend the establishment of systems that can reasonably predict the impact and costs of legislative changes on the courts in order to seek associated funding from the Dept of Justice & Equality in advance of the introduction of relevant legislation.

2.7 Evaluation & Learning:

The Courts Service potentially has a massive amount of relevant information and learning that could inform the development of policy and practice. This approach should be prioritised so that correct decisions can be made into the future that are child-centred and court user-centred.

Ends