

One Family

We are Ireland's organisation for people parenting alone, sharing parenting and separating. We provide a range of specialist family support services some of which are specifically designed to decrease conflict in separated families. Since 2018 Tusla has funded us €180K/year for our *Separating Well for Children* project which is completely oversubscribed and only available from our premises in Dublin 7. Our full range of services can be reviewed at onefamily.ie.

We have been delivering services for 47 years and consistently see parents and children unnecessarily struggle through the family law system. As a result we have undertaken research, developed position papers and made submissions on a wide range of relevant issues including:

- Child Contact Centres
- Child's Views Experts
- Courts Service Strategies
- Law Reform Commission
- Shared Parenting
- Child Maintenance
- Pre-Budget Submissions.

These can be reviewed here: <https://onefamily.ie/policy-campaigns/>.

Our CEO represents the interests of court users on the Courts Service Board; she sits on the Family Law Development Committee, the Dublin Circuit Family Court User's Group and the Legal Aid Board's External Consultative Panel.

Court Welfare:

Ireland requires a world class, comprehensive Court Welfare Service to provide a range of specialist supports to children and their families using private family law courts.

This is a standard service in many other jurisdictions including our nearest neighbours in the UK who have CAFCASS – the Children & Family Court Advisory Support Service <https://www.cafcass.gov.uk/>.

There is almost no public provision in this area in Ireland possibly due to the legacy of the privatised nature of family life, the relatively recent introduction of divorce and an associated lack of investment. However it is incumbent on the Irish state to ensure that the rights of children are vindicated, that families are not subject to unnecessary conflict and that our courts services run effectively and efficiently.

We have observed that many agencies are trying to fill the chasm that exists in the lack of court welfare services in many disparate small ways which is time consuming and ultimately ineffective. The lack of services in this area is significant and requires strategic investment following strategic planning.

The following is what One Family believes a Court Welfare Service should encompass:

Court Assessments and Representation

There is a dearth of any coordinated, standardised approach to the provision of professional experts to undertake necessary assessments and present them in court in order for appropriate, child-centred decisions to be made in private family law cases. This does not seem to be anybody's responsibility in terms of quality and parents bear the brunt of costs. Where costs are not affordable, the child and family may not benefit from an expert report.

- **Section 47 reports:** these are to examine the best interests of a child in family law proceedings. Some of the problems with this currently are that there is no regulation of Section 47 assessors; courts can order them and own the reports but parents pay between €4-8K for them; there is a severe shortage of people who undertake this work; and there is no standardised approach to the work.
- **Section 32 reports:** this new regulation is part of the Children & Family Relationship Act and seeks to determine the views of children in family law proceedings under Section 32.1.b and the welfare of children under S32.1.a. The Department of Justice & Equality recently introduced regulations in relation to fees and professional qualifications required by Child's Views Experts. However we do not believe they are currently fit for purpose and there is no body tasked with implementing or enforcing the guidelines. We also are concerned whether the regulatory bodies of the approved professions will operate in this arena given this work is outside the scope of the normal work of some of these roles.
- **Guardian ad Litem Practitioners:** it is very welcome that DCYA has taken on the task of the regulation and development of GAL practitioners however this work only applies to public childcare cases and not to private family law cases and this must be addressed.
- **Court Support:** There are no services to accompany people to court other than some *ad hoc* services provided by the voluntary sector in relation to domestic abuse. There are no services similar to that provided by CAFCASS where Family Court Advisors are in court available to support families and the court where required.
- **High Conflict Families:** there is insufficient expertise and accessibility to experts and associated supports for families who experience difficult issues such as parental alienation; coercive control; toxic parenting etc. It is impossible to resolve these issues solely through court representations.

Family Support Services

Ireland requires a range of specialist family support services (frequently referred to as 'ancillary services' by legal practitioners) to assist family members to resolve difficulties outside court, to progress difficult emotional issues and to form lasting family arrangements. Currently some of these services are provided by the voluntary sector on a very *ad hoc* basis. The provision of these services significantly reduce the levels of family conflict, child protection issues, the use of courts and loss of income. We constantly hear that courts would like to have ancillary services available that they could refer families to and this would greatly assist in case management of challenging cases.

- **Therapeutic services:** we require a range of brief and longer term therapeutic services for children, parents and entire families to avoid the inappropriate and unnecessary use of courts for resolving complex personal and emotional issues. This requirement could be delivered through the network of funded counselling services already in place through Tusla but services may benefit from specialist up-skilling.
- **Parenting Services:** we require a range of short and longer term parenting support services for parents in private family law disputes who require assistance to have a child-centred perspective in developing working agreements. Again this could be delivered through the network of Family Resource Centres and other funded agencies where specialist up-skilling is provided to practitioners. Specialist programmes are available in Ireland and in other jurisdictions; expert trainers are also available.
- **Child Contact Centres:** we require contact centres to ensure safe contact and handovers between children and their non-resident parents in private family law cases, where required. Extensive work has been undertaken on this by One Family including primary research, a 3 year pilot in partnership with Barnardos, external evaluation of the pilot, and a suite of policy recommendations. We estimate the cost of 17 contact centres throughout the country to be €3.5m <https://onefamily.ie/policy-campaigns/research-reports/>. Child Contact Centres are extensively available throughout Europe, there is a national agency called NACCC in the UK and a European organisation called CEPREP. In the US the work of contact centres are also focussed on contact in families that have experienced violence and abuse. There is almost no provision in Ireland, there is no regulation, quality standards or strategic investment.
- **Mediation/ADR:** whilst Ireland has a publicly funded Family Mediation Service it requires additional resourcing to be truly national and to provide timely services to people who require it. Further development could be undertaken to embed services into family law courts, to provide shuttle mediation and to develop partnerships with the legal community, the voluntary sector and legal mediators.

- Domestic abuse: the current provision of supports for victims and perpetrators of domestic abuse is under-resourced and is therefore not readily accessible. The full impact of domestic abuse, particularly on children, and the necessary actions arising from that is not fully understood within the legal community. Children and parents can be harmed or killed in court-ordered contact visits due to a lack of expert information and specialist services.

Other Issues

There are other issues that cause additional difficulties for families navigating the family law courts which include:

- the lack of specialist family law courts;
- inappropriate buildings and facilities;
- the lack of clear, accessible and predictable information on what may happen;
- long delays and wait-times for court appearances;
- lack of coordinated case management;
- a siloed approach to competing family issues within courts;
- requirements by the Dept of Employment Affairs & Social Protection to seek maintenance through courts;
- a lack of knowledge or policy direction on contact with abusive or violence parents;
- a lack of specialist services;
- the need to self-represent in court due to financial constraints;
- a reluctance from Tusla to become involved in private family law cases;
- the inability of the judiciary to call witnesses; and
- a lack of focus on the primary needs of children.

In conclusion, the private family law system as it stands is dangerously dysfunctional, woefully outdated and under-resourced.

However there are arising opportunities such as the anticipated Family Courts Bill, the development of Hammond Lane, the reduction in the wait time for divorce, an undertaking by the Ombudsman for Children's Office to undertake research on children and contact in abusive families, new legislation on mediation and domestic violence and the reform of the GAL process. We also note significant engagement and a strong desire from key members of the judiciary, legal practitioners, family support organisations and of course parents for reform in this area.

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