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Research Evidence: What Works for contact/access time for young children in separated families?

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Timeframe of research

- September 2021 - August 2022.
- Pre-dates proposals for family law reform.
- Timely to emphasise some of the points reflected in our research that are being considered & those that are not.

Research: 2 elements

Snapshot of current family law system

- Parents survey
- Two focus groups
- Interviews with members of judiciary

Extensive interdisciplinary literature review

- UN Committee on the Rights of the Child
- International peer reviewed literature

Principles to Guide Decisions about Contact





The infographic features a central blue circle with the text "Child's Rights & Interests". Surrounding this central circle are five smaller blue circles, each containing a specific principle. The circles are arranged in a circular pattern around the center. The background is white with decorative geometric shapes in blue and yellow in the corners.

Child's Rights & Interests

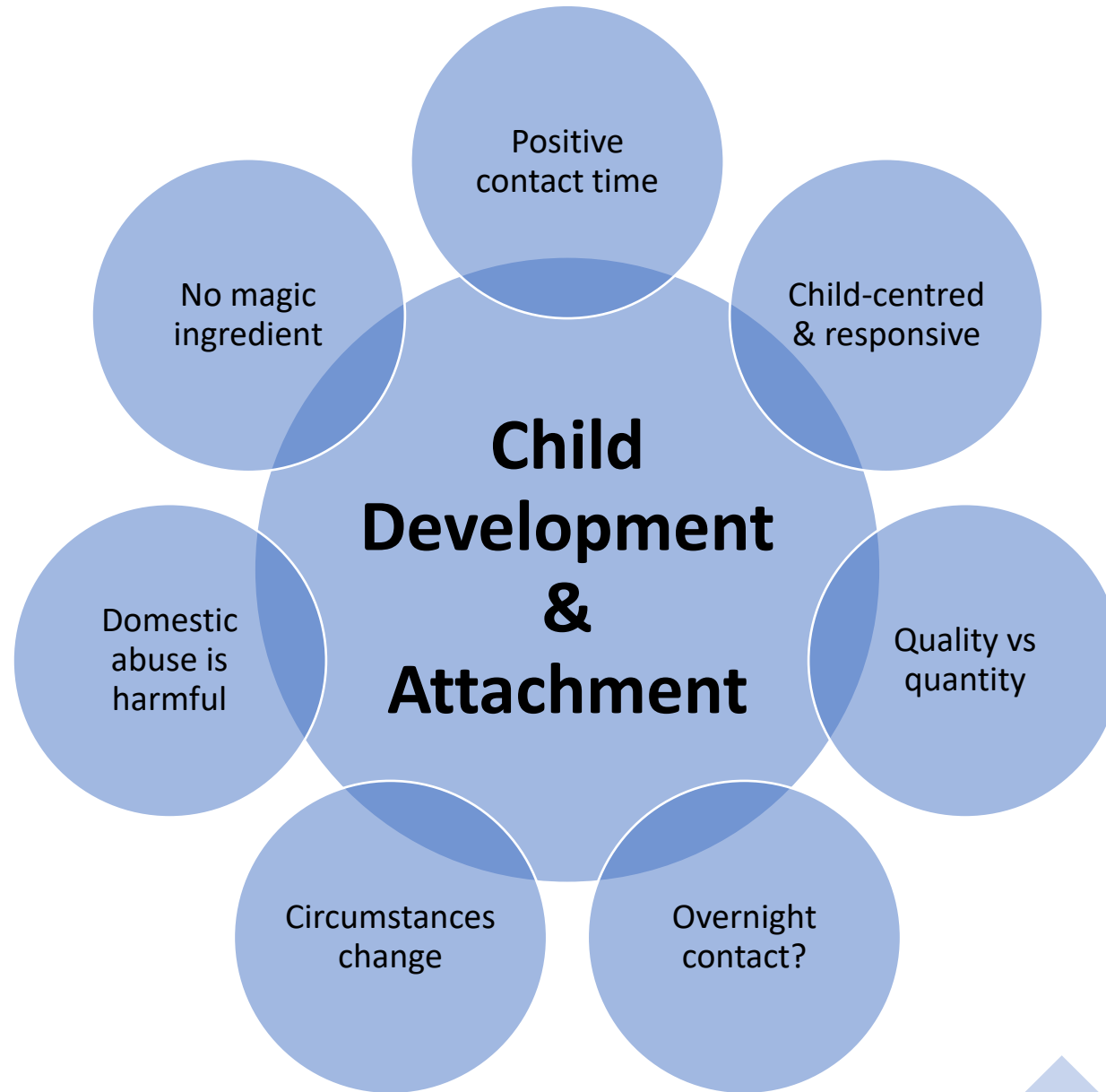
Voice of the
child

Best interests
of the child a
guiding factor

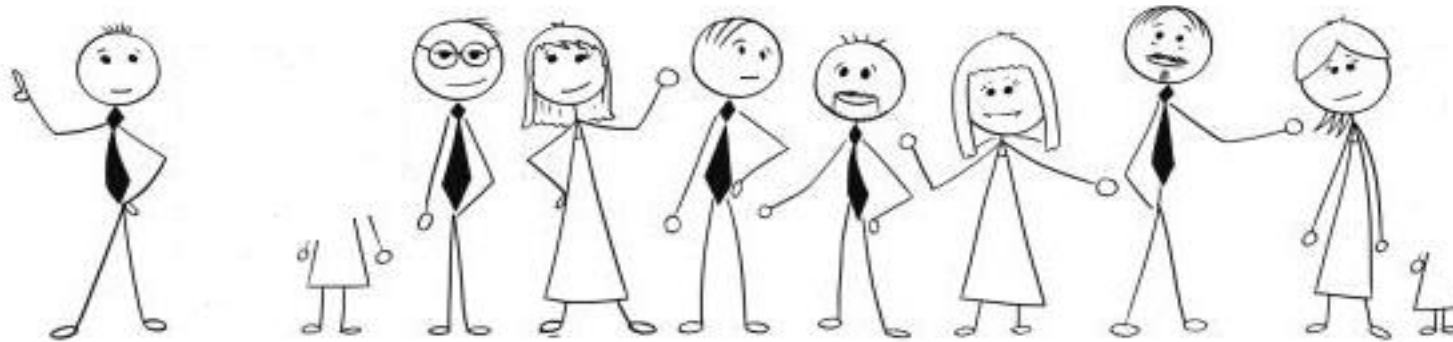
Each child in
each family is
unique

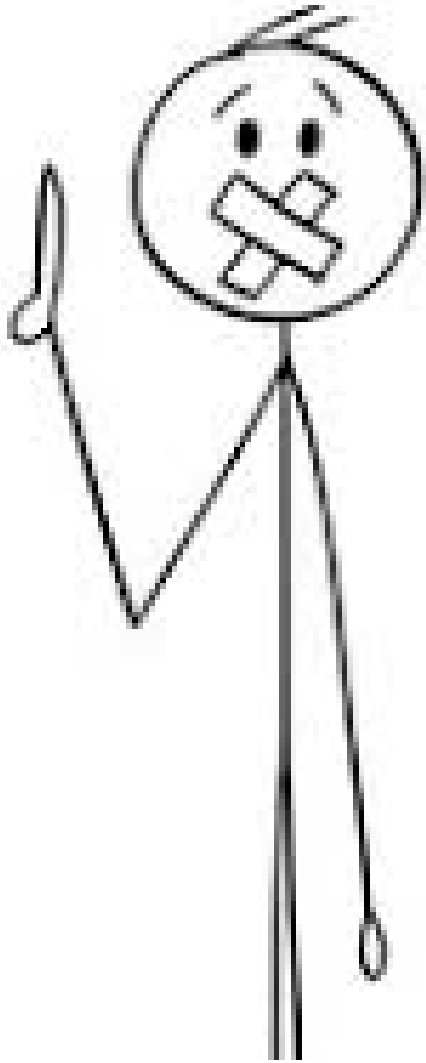
Child's right
to healthy &
positive
development

Child's right
to a
relationship



Challenges in current family law system





- Adversarial family law system.
- System designed by adults for adults.
- Rapid rate of child development not matched.
- Voice of the child.

*'a shocking model, it's dreadful,
it's dreadful for us as a judiciary,
it's dreadful for the parties and
the solicitors.'*

(Judge)

'It's a court of law, and not a child-care setting.'

(Judge)

“[It is] left to children to appease the court.”

(Social professional)

'I think there are very few actually good reporters out there. I think there's a predominance of bluffers who make up stuff and it's rarely evidence-based and... my experience, and it is only my experience, is in 99.9% of cases, beleaguered Judges follow whatever the recommendations are without any critical assessment of what those recommendations are. If there are factual errors that are pointed out within reports, and those factual errors can be gross, you know, and I mean that in the truest sense of the word, they're rarely corrected.'

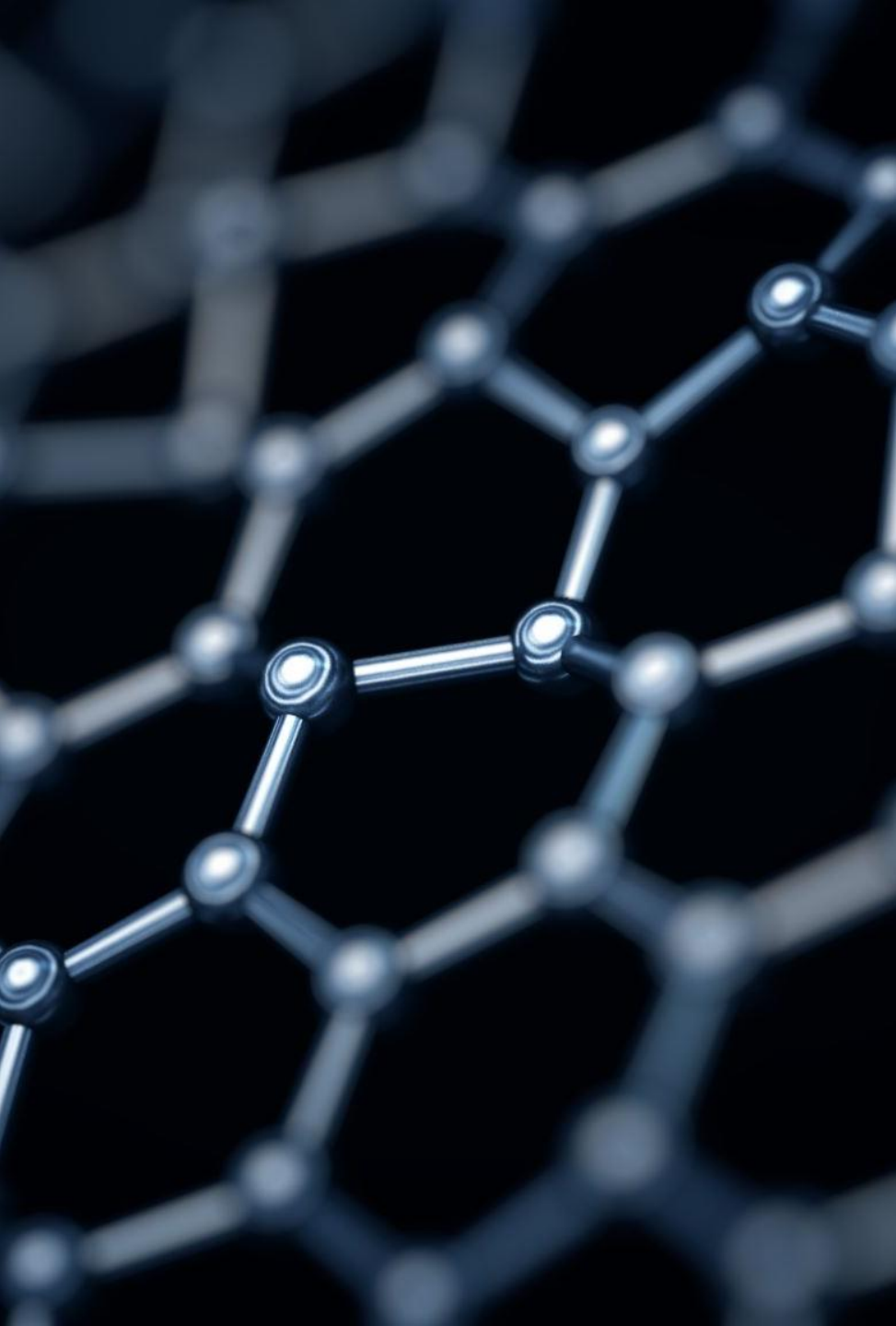
(Solicitor)

Recommendations

- Family-sensitive court system that is more focused and responsive to the needs of children and less adversarial in nature.
- Provision of a state-funded service for all family law cases.
- A specialised advocacy service for children in the 0-6 years age cohort.
- Multi-disciplinary training for Judges working in the area of Irish family law.
- Single Judge case management.

‘sticky plaster solutions put on each month to try to move it onto the next month...and to get a full contested hearing which might take a couple of hours.’

(Judge)



So...

For now, we can
only document
what might
improve a
dysfunctional
system



Need to avoid
more 'sticky
plaster'
solutions