# One Family/School of Social Work and Social Policy TCD 6th Annual Commemorative Seminar in honour of Sherie deBurgh

## Thursday 13 February 2025 | 5.30-7pm

## REMARKS BY ANDREW MUNRO,

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## DEPARTMENT OF JUSTICE

* Firstly, I’d like to thank Karen, the Board, the team at One Family and all at TCD for the invitation to speak at this annual commemorative seminar in honour of your late colleague Sherie de Burgh; and also to Dr Catherine Conlon for chairing and hosting the event.
* I’d like to congratulate both the research team and One Family on the really important research from 2022 which provided the basis for the development of the best practice guidelines for contact between parents and infants/young children, which is the focus of today’s event.
* I’m going to use my time here to update you about the ongoing work in the Department of Justice to reform the family justice system. The Family Justice Strategy sets out a vision for a reformed family justice system which is coordinated, consistent and user-focused, which helps children and families obtain earlier, appropriate resolutions in a simpler, fairer, more effective way. It will put in place the foundations of a future system that upholds the rights of children and ensures their best interests are at the centre of decisions about them.
* There are quite a number of elements of the reforms we are currently progressing through the Strategy which link directly to aspects of the best practice guidelines which we heard about earlier.
* The guidelines set out a series of principles which can inform decisions made about contact between young children/infants and their parents. First and foremost amongst these is children’s rights and acting in their best interests.
* As you all know, for those involved in family law proceedings in the courts, the current system is far from satisfactory and can, at times, make what is already a stressful experience seem even more difficult.
* The Family Courts Act 2024 provides for new, dedicated family court structures which will support those who need to reach a resolution to issues such as relationship breakdown, custody and guardianship arrangements, and maintenance payments.
* Significantly, the Act contains a set of guiding principles for the family court system, making the best interests of the child a primary consideration not just in the outcome of all family law proceedings, but also in how they are conducted. These principles also re-emphasise the constitutional right of children to have their views heard in guardianship, custody and access proceedings and extends the right to any family law proceedings where the welfare of the child is involved or likely to be affected by the outcome. They also emphasise the need to ensure that the child is informed in an appropriate manner of developments and progress in proceedings, as well as the outcome.
* Additional wording was also inserted in the Act’s guiding principles during its passage through the Houses to better protect victims and survivors of domestic violence. The amendments are aimed at ensuring the safety of parties to proceedings, including when considering whether parties should engage in mediation or other forms of alternative dispute resolution. New provisions regarding prohibition on personal cross examination have also been inserted in the Act, similar to those in the Domestic Violence Act 2018.
* As many of you will be aware, the Programme for Government commits to publishing a family courts implementation plan by January 2026, and Minister O’Callaghan is working with officials to progress this.
* Promoting the voice of the child in family justice – the authentic voice, free from undue influence or manipulation - is a key aspect of the reform process. The Strategy contained a commitment to review the role of expert reports in the private family law process and bring forward proposals for reform. The Review found that these reports, which can be focused on conveying the views and wishes of a child to the court or on the views of an assessor in relation to a child’s welfare, found issues with the commissioning and availability of these reports, amongst other things.
* The Review, which refers to the research underpinning the best practice guidelines, made a number of recommendations, which included the development of a Children’s Court Advocate Pilot Project. The envisaged role of the advocate is to provide information to children who are involved in private family law proceedings and assist them in having their voice heard in those proceedings.
* €3 million was allocated for reform in this area in Budget 2025, part of it will go towards funding the pilot, which is expected to commence in the third quarter of this year.
* A Voice of the Child Working Group was established in October 2024 which I chair, with membership drawn from both statutory and voluntary stakeholders in the family justice system. The group is taking forward some of the recommendations in the Review, including the development of the Children’s Court Advocate Pilot Project, and a Voice of the Child Report template and guidelines.
* The group will be consulting with children and young people on this work, drawing on the expertise of the Department of Children’s Participation Unit and Hub na nÓg, Barnardos and the Children’s Rights Alliance, all of whom are members of the Working Group.
* I am pleased to say that both the research and these Best Practice Guidelines for Contact between Parents and Infants/Young Children in Separated Families are informing the Group’s work, in particular in exploring options to hear the voice of infants and young children.
* Specifically in relation to welfare reports, the Chief Justice has established a Judicial Committee chaired by The Honourable Ms Justice Nuala Jackson, to develop guidelines on the commissioning, content and use of these reports. The Committee is being supported by the family justice policy team in the Department, and following its consultation and stakeholder event in December last, is expected to conclude its work at the end of March.
* Once implemented, these and the other recommendations will improve the quality of expert reports in family law proceedings, standardising practices relating to how they are developed in situations where they are required. They will support the judiciary in their decision making and ensure that children are at the centre of our efforts to improve outcomes for them and their families.
* The best practice guidelines make reference to the sustainability of contact arrangements where they are devised by family members themselves. This principle underpins one of the recommendations of the Review of Enforcement of Child Maintenance Orders, namely the development of a set of child maintenance guidelines for voluntary use by families to support them in making their own arrangements.
* The Minister established a Committee to develop these guidelines, and its work is progressing. A focussed public consultation process will be launched in the coming weeks on the key elements of the guidelines and once the findings have been considered and any necessary revisions made, the final guidelines will be presented to the Minister. It is intended that when the guidelines are published, an online calculator will also made available to facilitate their use by families.
* Supporting families to come to their own, more sustainable arrangements is also a feature of mediation, which is a strong aspect of the reforms. Both the Strategy and the principles of the Family Courts Act emphasise the importance of mediation where it is safe and appropriate.
* Promoting increased transparency in the family justice system is being progressed in a number of ways. As many of you will be aware, the Department commissioned a review of the in camera rule from a team of academics from UCC and TCD.
* This is an important piece of work to help create a more transparent private family law system, while ensuring the privacy and safety of those who need to access it. We are expecting the final report very soon, and the findings and analysis will be used in the development of proposals for reform.
* The best practice guidelines also emphasise the importance of parenting and parenting confidently. Our colleagues in the Department of Children promote positive parenting in all types of family arrangements. It supports families through a range of parenting and family support services which are provided by Tusla and commissioned from many organisations around the country. The Department of Justice continues to engage with the Department of Children on increasing supports for parents.
* In closing, I’d like to congratulate all involved again in this event this evening and in the development of these evidence-based guidelines.I’m sure they will be a great support to parents and families when making contact arrangements, and have great potential for use by others in the family justice system.

Thank you.

**ENDS**