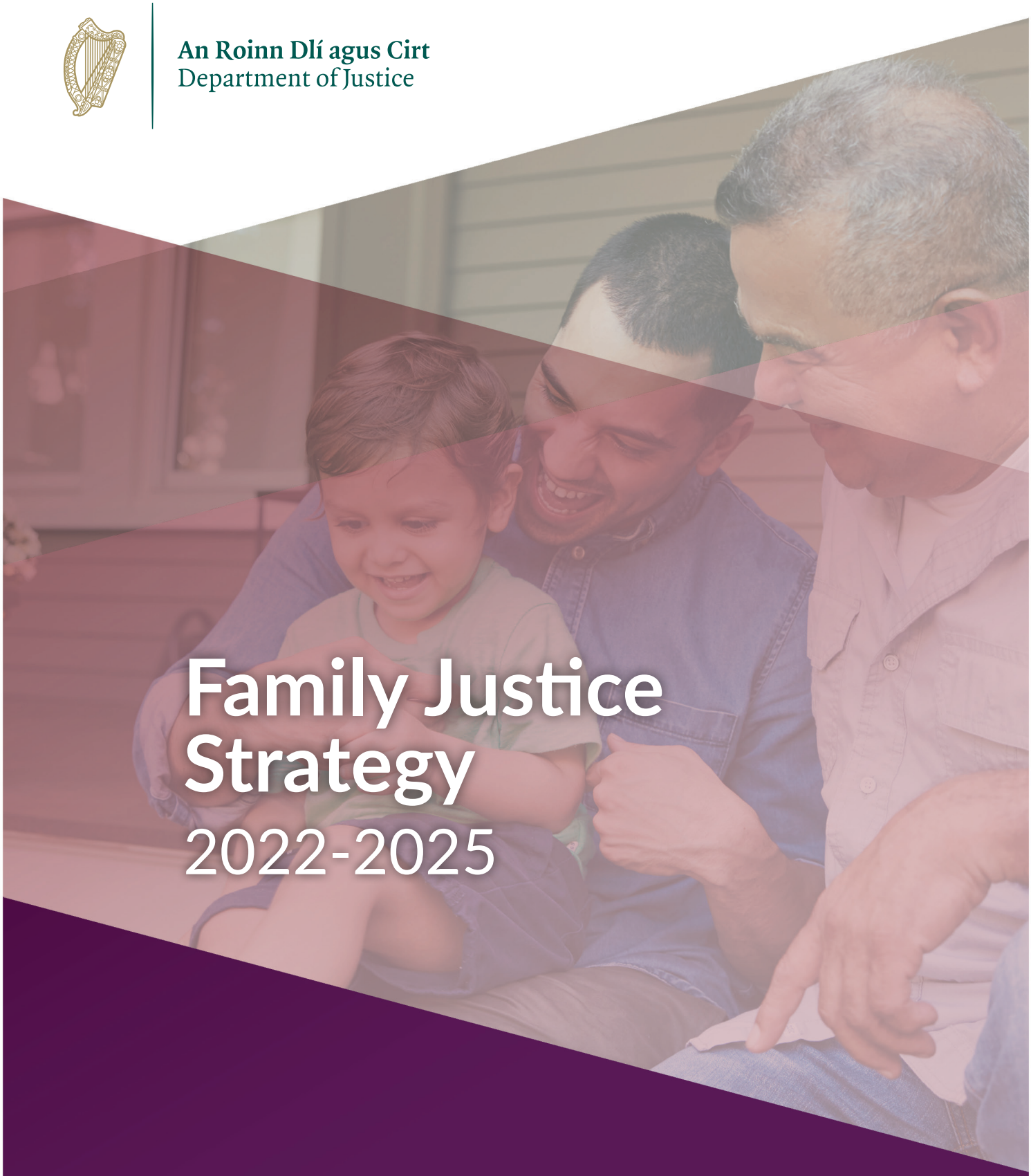
An Roinn Dlí agus Cirt
Department of Justice



Family Justice Strategy
2022-2025

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An Roinn Dlí agus Cirt
Department of Justice

Family Justice Strategy

2022-2025

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Glossary

ADR	Alternative Dispute Resolution
Access Order[1]	A Court Order supporting the right of a child to maintain direct contact with the parent with whom the child does not reside
Care Order[2]	A Court Order made to protect a child who has been or is being assaulted, ill-treated, neglected or sexually abused or that the child's health, development or welfare has been or is likely to be impaired or neglected. When a care order is made the child remains in the care of Tusla for the length of time specified by the order.
Coercive Control[3]	a criminal offence where a person knowingly and persistently engages in behaviour that: is controlling or coercive, has a serious effect on a relevant person, and a reasonable person would consider it likely to have a serious effect on a relevant person.
Collaboration	the action of working with someone to produce something.
Custody[4]	the day-to-day care, residency and upbringing of children who are regarded as dependent children.
CSO	Central Statistics Office
DoJ	Department of Justice
Digital First	providing applicable services and content through digital channels.
DSGBV	Domestic, sexual and gender-based violence.
FJOG	Family Justice Oversight Group
Future State Design	a vision of how we would like services to be offered and delivered in the future
Guardianship[5]	the legal responsibility of parents to make decisions and perform duties in relation to their child's upbringing.
IASW	Irish Association of Social Workers
Litigants in Person	a party in a legal proceeding who is participating in that proceeding without legal representation.
LSRA	Legal Services Regulatory Authority
MII	The Mediators' Institute of Ireland
Mediation	is a process in which an independent, neutral mediator assists two or more disputing parties in resolving the dispute in a collaborative, consensual manner.[6]
NGO	Non-Governmental Organisation
OGCIO	Office of the Government Chief Information Officer
OPW	Office of Public Works
Parental Alienation	generally refers to a process through which a child becomes estranged from a parent as the result of the psychological manipulation of the other parent. It may also refer to situations where one parent is wrongfully influencing their child or children against the other parent.

1 https://www.courts.ie/guardianship-custody-and-access

2 https://www.citizensinformation.ie/en/birth_family_relationships/services_and_supports_for_children/children_in_care.html#:~:text=A%20care%20order%20may%20be,to%20be%20impaired%20or%20neglected

3 https://www.irishstatutebook.ie/eli/2018/act/6/section/39/enacted/en/html

4 https://www.courts.ie/guardianship-custody-and-access

5 https://www.courts.ie/guardianship-custody-and-access

6 https://www.themii.ie/about-mediation/about-mediation

Foreword from the Minister for Justice, Helen McEntee

For some, family life begins and continues with relatively little upheaval. Where problems arise – and we all know they can – many people can resolve them by themselves.

For others, however, these problems can lead to disagreements, disputes and conflict about different aspects of family life – about remaining together as a couple; about how, when and by whom children are cared for; about who a child's guardians can and should be; about the amount of money that one parent should provide to another when caring for children.

These types of situations can be stressful. While some can manage to resolve them between themselves, others may have to seek the support of the courts and the justice system to reach a resolution. Despite the best intentions of many involved, we unfortunately know that this route has not always been the best way to help people find such resolutions and get on with their lives.

It is a system which is unfamiliar to many, complex in its operation, can be slow to work and marked by delays at many points. It is a system which, in parts, emphasises and accentuates confrontation more than it seeks to build consensus. It is a system, which sees children and young people as objects of dispute, not as active participants in proceedings impacting them.

With this first Family Justice Strategy, we begin the process of changing how the family justice system works for children and families.

The strategy reflects an understanding that the current system has many problems which need fixing, but that there also things which can be done to help people now.

Through the implementation of its nine key goals and related actions, it will establish a firm foundation for further improvements.

It is a strategy which recognises the importance of putting children at the centre of family justice in matters which affect them, and adequately hearing their voice in the family justice system.

It emphasises the need to provide more information and supports to people, including about encouraging the use of less adversarial solutions to help them resolve their problems. It stresses the importance of those working with children and families across the justice system being trained and supported to engage with them.

Where people do need to go to court, the establishment of a family court structure will aim to provide dedicated spaces or times away from other court sittings for family cases to be heard.

It also underscores the information gap about elements of the current system, and how potential innovations might work in the Irish context. In that sense, it places a strong emphasis on research and learning for future actions.

I want to thank all those who participated in the consultation elements which informed the development of this strategy: the children and young people, the NGOs, professionals and researchers, and the members of the public who responded to the public survey and shared their experiences of the current system.

I also want to thank the members and secretariat of the Family Justice Oversight Group who developed the strategy and who I have asked to continue in an implementation oversight role.

This strategy represents the start of much needed reform in the family justice space. I believe it will establish a strong foundation for a future system which will be child and family-centred, more streamlined and user-friendly.

Helen McEntee

Helen McEntee
Minister for Justice
November 2022

Foreword from the Chair of the Family Justice Oversight Group

In September 2020, the Minister for Justice established the Family Justice Oversight Group. The function of the Group was to develop a high-level vision for the family justice system in Ireland, and identify medium and long term objectives for its reform. In short, the task was to develop the first family justice strategy.

The membership of the Group was drawn from the Government Departments and agencies who all play a central role in the current system.

The Group began its work immediately, knowing that much needed to be done to improve the experience of children and families who require better support to resolve their family difficulties.

Group members shared their own professional experiences of the system and we heard from external experts on a range of issues, including the voice of the child, assessments, and the importance of research and data collection in any reformed system.

More importantly, we heard from consultees who were more than willing to provide their own insights into the current system: adults, children and young people who have direct experience of trying to navigate the system; NGOs; legal professionals; researchers and academics; and a range of others who have an interest or expertise in the area.

The findings of the consultation demonstrate how dedicated many are to improving the system and helping those who need it. They also paint a stark picture of the difficulties with the current system - one which is difficult to understand, hard to navigate, marked by delay, antiquated in its administration, slow to respond and lacking in options about how families might resolve their problems.

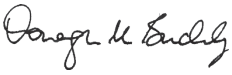
It is a system based on a traditional adversarial legal model, a model in which disputes must result in a winner and a loser – even if this is not always the case – and which characterises everyone other than the parties, including the children of the family, as passive observers or, worse, as central to the conflict.

It is a system which has evolved from the broader civil justice system, but when it relates to ordinary families, it requires of them reserves of endurance at a bad time in their lives which many simply do not have.

The publication of this Strategy marks the beginning of the reform process. It is clear that there is much to be done to develop a system which is flexible and responsive to the needs of those who most need it and which places children at the heart of the family justice process.

The Family Court structure to be established by the Family Courts Bill will need supporting infrastructure to ensure its operation improves the experiences of those who most need it, while providing options for those issues may be resolved before court. We must ensure that the future system has strong foundations and a solid base on which to build. This Strategy begins to put those supports in place.

I want thank all those who took the time to share their experiences and expertise, which have informed our work in developing the Strategy. I also want to thank the members of the Group and the secretariat for their commitment to this work.



Oonagh Buckley,
Chair
Family Justice Oversight Group
Deputy Secretary General, Department of Justice
November 2022

Part 1–
Introduction & Background

1 Introduction

Many families live their lives without a need for support or access to legal services. For some, life changes can mean they need help from an expert when making a decision, when they need legal support or when they need a decision from a court. New family formations may require guardianship rights to be extended; old marriages or partnerships may be dissolved so that in some cases new ones can be created. For others, access to the legal system is critical for them to safely live their lives.

These changes can be upsetting, stressful and sometimes traumatic for all members of a family and the process of going through the family justice system should not add to that stress. Unfortunately, the family justice system today does not always offer a smooth transition through these changes in a family's life. Long waiting times, multiple journeys to court buildings as well as overly bureaucratic processes, a lack of available information about the system, and at times high legal costs add to the already heavy burden of stress on families. The family justice system should support families, children and parents when they need to go to court or resolve a dispute.

There have been constitutional amendments in relation to children's rights, hearing the voice of the child and marriage equality. There has also been legislation introducing divorce, addressing domestic violence, child and family relationships, and child protection and welfare. These changes have been supported by the continued development of agencies like the Courts Service, the Legal Aid Board and Tusla, the Child and Family Agency and the work of a dedicated government department for children and young people. Alongside these, a wide range of voluntary and community sector organisations have evolved and developed to respond to families' needs. All of these organisations continue to have an important role in responding to and supporting families in all their forms and the issues they face.

> *Now is the time to set out a vision for a family justice system of the future - a system that will focus on the needs and rights of children, assist their parents in making decisions that affect all of the family...*

The family justice system in Ireland is changing, albeit slowly. There have been many calls for reform of the current systems over many years but little progress has been made, so far.

Now is the time to set out a vision for a family justice system of the future - a system that will focus on the needs and rights of children, assist their parents in making decisions that affect all of the family, that makes it easier for vulnerable parents and families to get support and make informed decisions, a system that is less concerned with winning and losing but more focussed on achieving working solutions that families can live with.

To this end, the Minister for Justice established the Family Justice Oversight Group (the Group) in

September 2020 to develop a high-level vision and medium and long-term objectives for the development of a national family justice system. The Group is chaired by the Department of Justice and is made up of representatives across the family justice system - the Departments of Children, Equality, Disability, Integration and Youth (DCEDIY) and Public Expenditure and Reform (DPER); the Courts Service; the Legal Aid Board, County Registrars, and members of the judiciary from the district, circuit and high courts.

The work of the Group has been supported by two expert advisory groups, comprising stakeholder representatives from NGOs, legal practitioners, researchers and academics. These advisory groups were consulted on a number of issues relating to family justice and shared their insights with the Group.

Group members have brought their extensive experience working in the family justice sector as well as the valuable outputs from the consultations with advisory groups, the public and children and young people to develop this, the first family justice strategy. The strategy will run for a period of three years, with a six month review period at the end. It will mark the first step on the journey of reform, setting the groundwork for a modern, flexible system that will take us closer to a simpler and more effective way for families to resolve their issues.

1.1 The First Strategy –Vision and Values

1.1.1 Vision

A coordinated, consistent and user-focused family justice system, which helps children and families, obtain earlier, appropriate resolutions in a simpler, fairer, more effective way.

1.1.2 Values

There are a number of core values which will underpin the work involved in delivering this strategy:

User-focused

Always being aware of the needs and experiences of children, families and individuals who use and engage with the system.

Collaboration

Working together to forge strong relationships to build an improved family justice system.

Engagement

Engaging regularly with all stakeholders to increase awareness, resolve problems and build confidence in the system.

Evidence led

Using evidence to inform our decision making and to evaluate progress.

1.1.3 Goals

The journey towards a modern family justice system that reflects the needs of society, is fit for purpose and is easier to navigate begins with this strategy. The strategy contains nine goals:

1. Supporting Children

- To ensure that the needs of children are at the centre of the family justice system, their voices are heard and considered, and that they are supported in their own individual journey through the system.

2. Services & Supports

- To improve the experiences of those engaging in the family justice system by enhanced signposting of services and supports, and identifying gaps in service provision and existing needs to build a better model for service delivery in the future.

3. Information & Awareness

- To improve access to information so that people, children and families making their way through the family justice system will know where to go to get information when they need it, and will understand it.
- To facilitate professionals, staff and agencies within the family justice system to work together to have better awareness of each other and their role in the system.

4. Alternative Dispute Resolution (ADR)

- Promoting more co-operative, less adversarial ways for people, children and families to try to resolve disputes, providing information and support to help people make the best choices for their own circumstances and to help legal and ADR practitioners provide the best service they can to their clients.

5. People Development

- Developing, training and upskilling the family justice workforce to one that is trauma-informed, empathetic, responsive to the needs of all users of the family justice system including children and survivors of DSGBV while continuing to provide a professional quality service to users of the family justice system.

6. Data & Information Management

- To develop better ways to manage, collect and share information within the family justice system, maintaining privacy and dignity of users but allowing for better case management, statistical reporting and evidence based decision making.

7. Digitalisation

- Building on progress already made to adopt a Digital First approach, promoting increased use of digital solutions for families to access and legal professionals to participate in the family justice system.

8. Facilities, Infrastructure & Case Management

- To improve facilities and infrastructure to provide appropriate, safe, secure and private environments for families to try to solve their problems effectively and for professionals to deliver a more efficient service.

9. Legislative Reform

- Supporting the legislative process that develops and enacts legislation reforming the family justice system.

1.1.4 Interdependencies

Reforming the family justice system is a complex task and the goals set out are not independent of each other. They are interlinked in many ways. For example, the goal of supporting children and ensuring that their needs are at the centre of the system will involve developing a workforce that is trained and responsive to their needs – actions under the People Development goal - and that information about the system is delivered in way that children can understand - involving actions under the Information and Awareness goal. Similarly, the promotion of ADR and provision of information and support to help people make choices are linked to the goals dealing with Digitalisation, Services & Supports and People Development.

The actions arising from all of these goals (outlined later in the document) and the interlinkages and interdependencies between them will be considered as part of the implementation process.

1.2 Context and Background to Family Justice Strategy

1.2.1 What is the Family Justice System in Ireland?

As a term 'family justice' may not resonate with the general public. However, some may experience a family justice issue in their life. For example, going through a breakdown in a relationship can result in many issues that need be resolved like living arrangements, financial support, parenting and custody of children. Some of these issues may require legal advice from a solicitor, a visit to court with a barrister, a decision by a judge or reaching an agreement through a mediator. Going through the breakdown of a relationship is difficult and stressful. Support from legal and other services may be required to find a way forward. While many families may seek to resolve matters between themselves without any court attendance or support, it is not always possible for people to reach agreement without help. It is also worth considering that in some cases where individuals can reach an agreement, they may still require some legal advice or a court order.

All of the agencies, practitioners, NGOs/support bodies and government departments that a family deals with when trying to resolve their issues can be considered as the family justice system. It is not a clearly identifiable system, like the criminal justice system, rather it is a collection of services, structures and supports for families who are seeking help to respond to changes they experience in family life. The family justice system can be viewed as part of the wider civil justice system: it straddles private and public law. However, it can also interact with the criminal justice system at times. For example divorce and child custody issues come under private family law, child protection and welfare are part of both the private and the public law system and some issues such as breaches of court orders relating to maintenance could be dealt with as a criminal matter. Domestic violence, which is a crime, has family justice elements to it also. A family may deal with some or all of these elements and have to make their way through various systems to try to resolve their specific issues.

1.2.2 Who is involved?

There are many groups and organisations who work directly or indirectly in family justice.

The Courts Service is responsible for managing the courts where family law cases are heard, providing support services to the judges hearing them, providing information on the courts system, and providing court buildings and facilities to court users.

The Judiciary are in charge of family law hearings and decide any legal issues arising in these cases. Judges are completely independent in the performance of their functions.

Practitioners and Legal Professionals provide advice and assistance to those who are looking for a resolution to their family justice issue. This group consists of solicitors, barristers, mediators and other practitioners who are at the coalface of family justice.

Government Departments are responsible for different aspects of the system. The Department of Justice leads on developing policy on private family law matters and legislating for the courts system. The Department of Children, Equality, Disability, Integration and Youth (DCEDIY) has responsibility for public child care (child protection and welfare). The Department of Public Expenditure and Reform oversees the expenditure required to underpin the family justice system.

The Legal Aid Board provides legal aid and advice to individuals, including to those involved in family law matters under the Civil Legal Aid Scheme. It also provides a free, confidential family mediation service from a network of offices around the country.

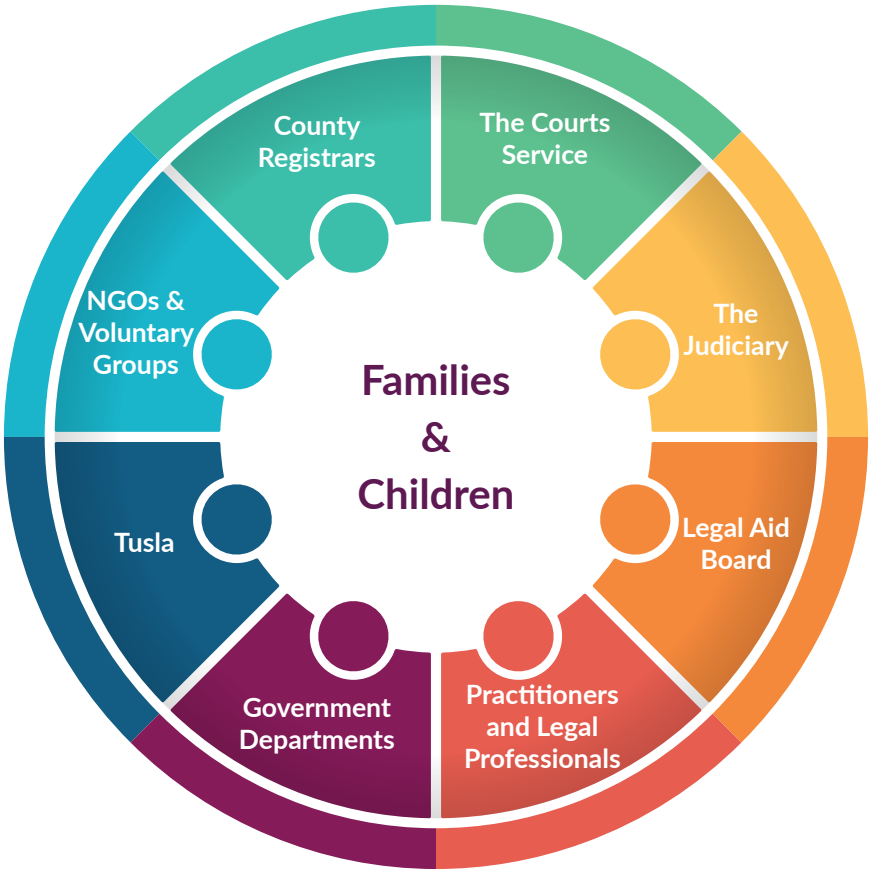


Fig 1. *The Family Justice System*[7]

Tusla, the Child and Family Agency, is the dedicated State agency responsible for improving wellbeing and outcomes for children. Tusla supports and promotes the development, welfare and protection of children, and the effective functioning of families. It also provides funding for the provision of low cost marriage and relationship counselling services.

NGOs & Voluntary Groups - There is a range of services and supports which seek to meet the needs of those with family justice issues. These can include publicly funded organisations who provide mediation services, support to survivors of DSGBV, counselling services, child-focussed services and family supports.

County Registrars oversee the preparation of family law cases for hearing, monitor the progress of the case pre-hearing and make final arrangements for the hearing. They establish what steps need to be taken to prepare a case for hearing and set a timetable for these steps to be completed. They can give a range of pre-hearing directions and/or orders. County Registrars are independent in their function.

1.2.3 What does it look like now?

Today, how a family tries to resolve their issue depends very much on the nature of the problem. Sometimes a court visit is required. Sometimes the issue can be resolved outside of court. Where a family lives and how much they have to spend, for example on legal advice or counselling, will also impact the services available to them and may ultimately affect the outcome.

If a family needs to go to court, the court they go to depends on the problem they are experiencing and the solution they want. Family law cases are dealt with in

[7] The diagram does not list all the parties involved in the family justice system. The journey through it can be a complex one, depending on the issue at hand and a family may deal with more organisations than those shown. For example, families may require assistance from the HSE for counselling or contact the Garda Síochána to report domestic violence. It is not intended that this diagram represents a closed family justice system rather an illustration of the main participants.

all court jurisdictions from district to high court, largely depending on the nature of the issues in dispute. For example, the district courts deal with protective orders in domestic violence cases, childcare and maintenance cases. The circuit and high courts deal mainly with divorce and judicial separation cases.

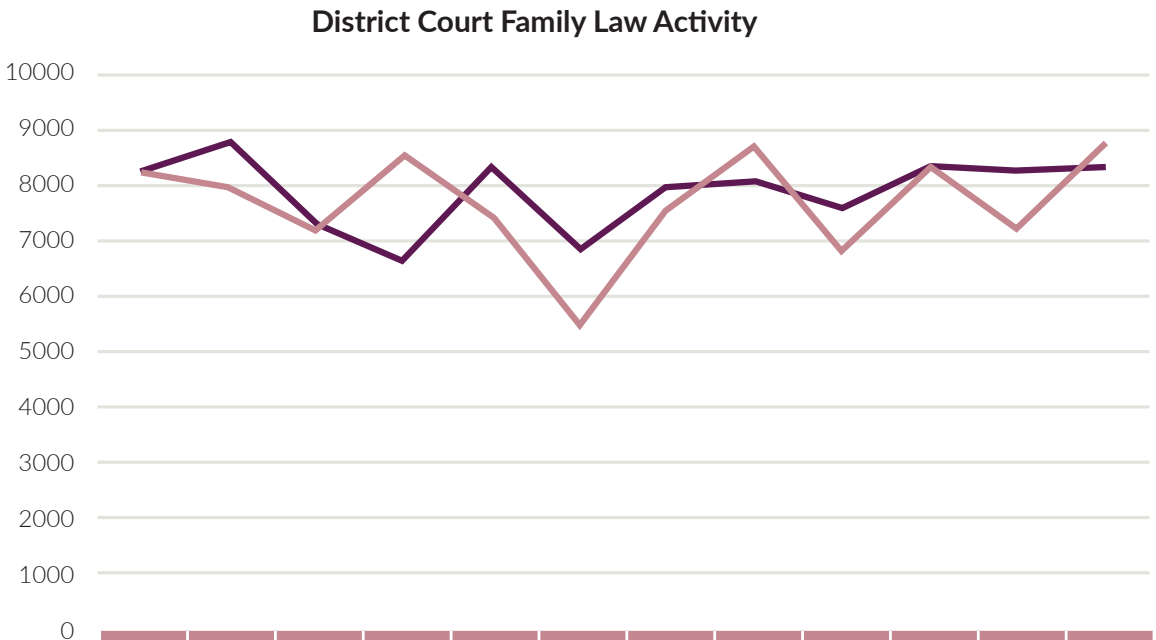
If a family wishes to resolve their issue without having to go court, they may try mediation. The Legal Aid Board has a number of family mediation offices that provide a free service. Eight of these are co-located with law centres: Jervis House, Dundalk, Tallaght, Kilkenny, Letterkenny, Sligo, Limerick and Portlaoise. The service also has one full time court based service in the Dublin District Court Family Law Office (Dolphin House). Some families will receive assistance with legal advice and costs or find help with community organisations e.g. counselling, financial advice but others will not. They may also access low cost marriage and relationship counselling services funded by Tusla.

It can be expensive for families to go through the system as it stands today. Part of the expense can be due to travelling to court, childcare costs when parents are attending court as well as the high cost of accessing legal services privately or engaging professional experts.

Waiting Times and Caseloads

Different regions handle family law cases differently. For example, in Dublin the District Court at Dolphin House is dedicated to hearing family law matters and four courts sit daily while many courts outside Dublin only deal with family law cases once or twice per month. This leads to different waiting times for courts across the country and long lists of sometimes up to 80 cases a day. The lists in those courts are too long for judges to get through, particularly in the district courts, and families have to continue to attend court buildings several times until their case is first heard. Further hearing dates may be required until the issue is resolved. Also, the increase in use of interpreters and legislative change providing for more diverse family applications can lead to more time needed to hear and adjudicate cases.

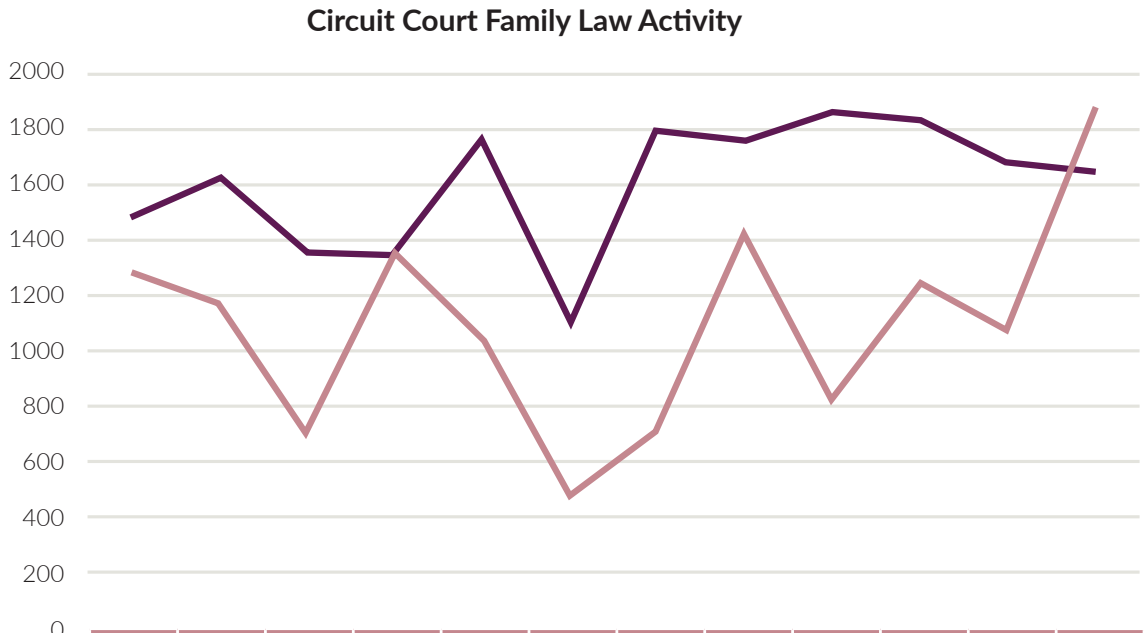
The volume of family law cases in the district and circuit courts over the last two years can be seen in the charts below.



	Q1 2019	Q2 2019	Q3 2019	Q4 2019	Q1 2020	Q2 2020	Q3 2020	Q4 2020	Q1 2021	Q2 2021	Q3 2021	Q4 2021
Incoming	8275	8783	7339	6647	8363	6876	7931	8060	7612	8374	8262	8358
Disposed	8223	7946	7208	8529	7444	5500	7569	8707	6836	8347	7221	8750

Source: Courts Service, 2022

Chart 1. *District Court Family Law Activity*



	Q1 2019	Q2 2019	Q3 2019	Q4 2019	Q1 2020	Q2 2020	Q3 2020	Q4 2020	Q1 2021	Q2 2021	Q3 2021	Q4 2021
Incoming	1502	1671	1401	1384	1838	1102	1859	1803	1891	1886	1720	1682
Disposed	1324	1216	732	1413	1082	506	744	1439	854	1283	1131	1902

Source: Courts Service, 2022

Chart 2. *Circuit Court Family Law Activity*

As well as the volume of cases going through the courts, the length of waiting times is an issue. In September 2021, a family in Naas could wait up to 32 weeks for Naas District Court to hear their family law maintenance application while a family in Bray could wait 6 weeks. In Ballina, a domestic violence application was listed for full hearing with interim orders in place in 4 weeks while a similar application took 23 weeks in Tullamore. If a family needs to attend the circuit court, the waiting times can be the same and often longer. In September 2021, a Cavan family could make an appeal to the circuit court and would have waited 12 to 18 months to be heard while in Dublin the same appeal would take 3 months.

Trying to solve matters outside court can be a long process too. Again, depending on the area in which a family lives, the waiting times vary greatly for access to a consultation with a solicitor or a family mediator from the Legal Aid Board. More waiting times in the district and circuit courts related to family justice matters as well as the Legal Aid Board services seen below in Table 1. Full tables can be found in Appendix IV.

It is important to note that waiting times at different courts, law centres and family mediation centres can change depending on a range of factors and that the waiting time at a particular point in time is not necessarily an indicator that that waiting time will be as long or as short in the future.

Once a case is under way, most court buildings are not suitable for these types of family law cases. Many of the buildings owned by the Courts Service are heritage buildings, originally designed for criminal trials and do not have adequate facilities for solicitors to meet their clients privately or do not have waiting areas suitable for children or those with mobility challenges.

Table 1: *Waiting Times (Weeks) for Family Justice Applications and Services up to December 2021*

Service/ Application	Letterkenny	Dundalk	Dublin	Kilkenny	Limerick	Cork	Castlebar	Galway
Domestic Violence (Family Law)	Next Sitting	8 - 12	Same Day	1	4	Next Sitting	Next Sitting	12
Maintenance/ Guardianship (District Court)	8	16 - 20	25	10 - 12	8	13	16	12
Contested Family Law (Circuit Court)	36	36 – 48	16 - 24	24	24	36	12	12 - 24
Family Law Appeal (Circuit Court)	36	24 - 36	6	24	12	24 - 36	12	12 - 24
1st Consult with Legal Aid Board	11	21	20 (Blanchardstown)	23	11	34 (South Mall)	14	13 (Seville House)
Family Mediation Service*	12	16	12 (Blanchardstown)	16	14	8	4	12

**As of June 2022*
Source: Courts Service, 2021, LAB Statistics Sep 2021 & LAB website[8]

[8] https://www.legalaidboard.ie/en/our-services/family-mediation/find-a-mediation-office/ (June 2022)

1.2.4 Family Law Day in the District Court

The chart below provides a snapshot of a family law day in different district courts around the country.

Chart 3: *District Court Family Law Day*

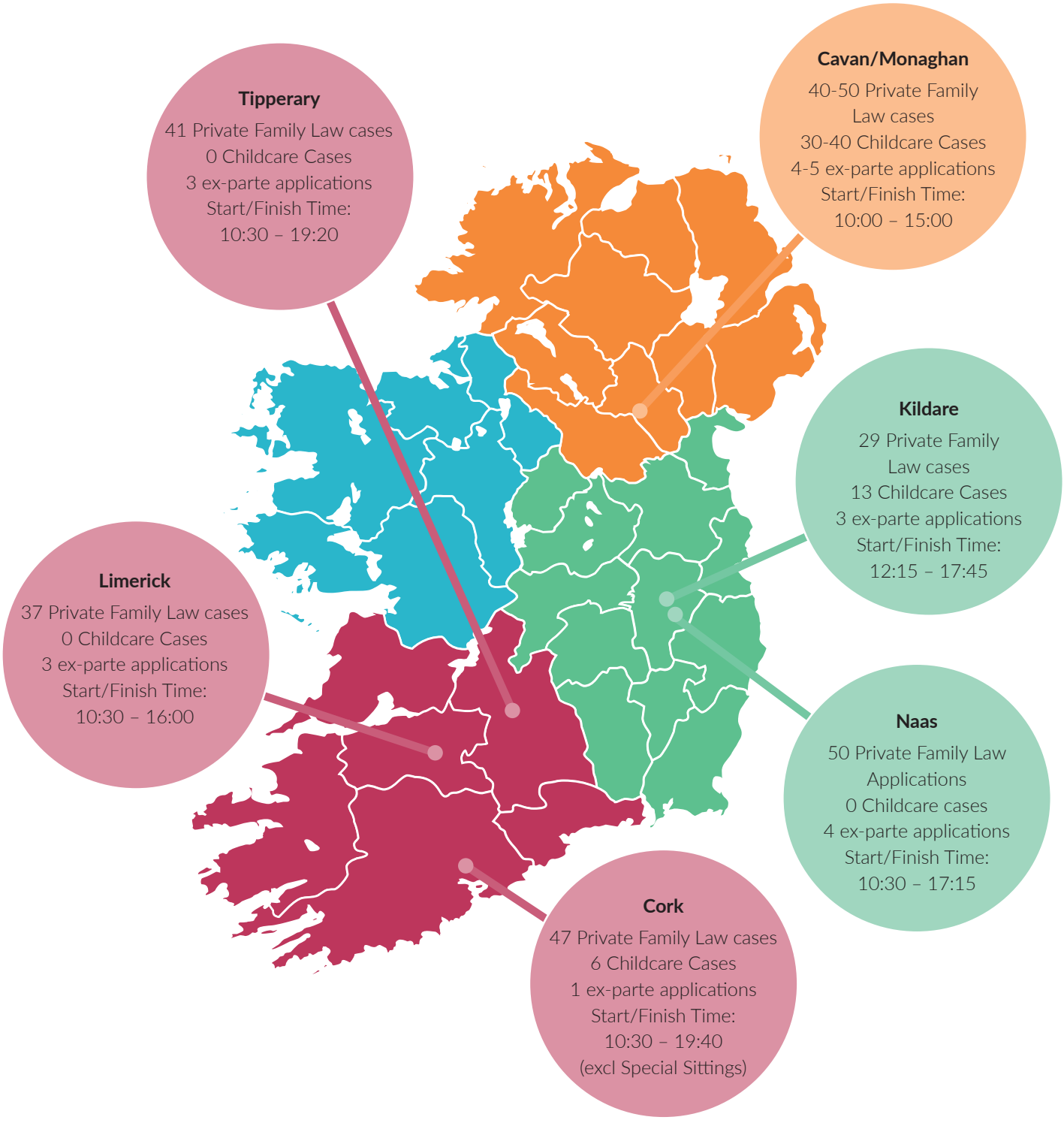


Image Source: https://commons.wikimedia.org/wiki/File:Ireland_location_provinces.svg
Data Source: President of the District Court

1.3 Time for Change

The problems within the current system are not new and have been identified in recent years by other bodies and groups. The Law Reform Commission (LRC) published a report on the Family Courts in 1996 and offered 67 recommendations for structural and legal reform. These included the establishment of a regional family courts system, better training for judges, proper case management, the establishment of Family Court Information Centres and support services, alternatives to litigation and the establishment of a national database on family law.

In 2019, the Joint Oireachtas Committee on Justice and Equality examined the issue of family law reform and met with key stakeholders in the area. The Committee published its report in October 2019 making a number of recommendations relating to the family court structure, specialisation, transparency, resources, the voice of the child and the imbalances within the court system. The Family Law Reporting Project[9] and the Child Care Law Reporting Project (CCLRP)[10] have both made a number of recommendations to improve the system of family law and child care law respectively since 2007. The most recent report of the CCLRP, which analysed childcare proceedings only, recommended the immediate progression of the Family Courts Bill, provision of an independent service to carry out assessments and provide expert advice to the Family Court, provision of therapeutic supports for children at risk, and research on the needs of ethnic minorities and children with severe difficulties.

While some of these recommendations have been implemented, the majority have not. The problems with the system still exist - families looking for help to resolve their issues still face delays and may have to wait a number of weeks or even months to meet with a mediator from the Legal Aid Board or to get a maintenance or custody application heard in court. The waiting times depend very much on where families live. Their options for legal assistance or professional counselling can be limited depending on financial circumstances. The provision of supports and services for children varies between regions and families dealing with cognitive disabilities find it especially difficult to navigate the system. Although there have been many reports recommending change, little change has been achieved so far.

The problems with the system still exist - families looking for help to resolve their issues still face delays and may have to wait a number of weeks or even months to meet with a mediator from the Legal Aid Board or to get a maintenance or custody application heard in court.

It is in the context of these issues that the Family Justice Oversight Group was set up by Government in September 2020 and has developed this ambitious but realistic strategy informed by these reviews, as well as a detailed consultation process and inputs from external experts at its meetings. The necessary building blocks for substantial, lasting reform in family justice are contained in the goals and actions in this document.

[9] Family Law Reporting Project was a pilot project set up in October 2006 and ran for over two years, publishing reports of family law proceedings from the District, Circuit and High Courts.

[10] Child Care Law Reporting Project was set up in November 2012, and provides information to the public on the operation of the child care system in the courts by conducting conduct research on child care proceedings to promote debate and inform policymakers. Its latest report 'Ripe for Reform' (2021) and all its reports are available on www.childlawproject.ie

Part 2–
Strategy Development, Goals and Actions

2 Strategy Development, Goals and Actons

2.1 Strategy Development

This strategy was developed using a number of processes. Initially, the Family Justice Oversight Group met on a monthly basis, to develop a work programme. During its meetings, it heard from group members and experts on particular elements of the family justice system. These included the role of assessments and assessors in the system, data collection and use, the voice of the child, the Limerick Family Court Dispute Resolution Centre Pilot Project, and the role of County Registrars.

2.1.1 Consultations

The Oversight Group also developed a multi-strand consultation process to hear the views of relevant stakeholders and the public to inform its work.

The first phase targeted stakeholders with a known expertise or interest in family justice. These included NGOs, government agencies, legal practitioners, mediator groups, researchers and academics. A webinar was held, after which these groups were invited to send in submissions on a defined range of topics.

Following this, two expert advisory groups (an NGO group and a professionals and academic/researcher group) were established with membership selected from those organisations and individuals who made submissions to the Oversight Group. The purpose of these advisory groups was to provide for further consultation and engagement. Consultation occurred on a range of issues, including the journey of family justice users, services and supports, the use of alternative dispute resolution, and the cross-over of civil and criminal proceedings affecting families. These advisory groups met between June and December 2021.

The second phase involved an online public consultation survey, launched in May 2021. The survey was live for four weeks and garnered over 900 responses.

The final phase of the consultation was with children and young people who had experiences of the family justice system. This part of the consultation process was managed by the participation unit in DCEDIY through Hub na nÓg, working with youth and family support organisations to invite children and young people to participate. In total, 12 children, young people and young adults volunteered to participate in one-to-one consultations about their experiences. The voices of these children and young people were supplemented by consultation findings shared by DCEDIY arising from its reviews of the Child Care Act and the Guardian *ad litem* service.

The issues raised by stakeholders, children, the public and the advisory groups during the consultation process have directly influenced the direction of this strategy and the scope of reform that the Oversight Group proposes to address.

2.1.2 Ongoing Reforms and Legislative Change

The family justice system has evolved and changed over the course of the past number of years as new legislation has come into effect and new services developed. This strategy has developed in the context of these changes, some of which will have a direct

impact like the Courts Modernisation Programme and the Family Courts Bill. The key areas are summarised below with further detail provided in Appendix III.

- **The Family Courts Bill**

The Family Courts Bill, when enacted, will provide for the establishment of a District Family Court, a Circuit Family Court and a Family High Court as divisions within the existing court structures. The Bill will also provide:

- A set of guiding principles to help ensure that the Family Court system will operate in an efficient manner, encourage active case management by the courts and make the best interests of the child a primary consideration in all family law proceedings.
- For judges to be assigned on a full-time basis to the Family High Court, Family Circuit Court and Family District Court. These will be judges who are deemed, by reason of their training or experience, suitable to deal with matters of family law. Ongoing professional training in the area of family law will be required.
- For the designation and the geographic boundaries of Family Circuit Court circuits and for the division of these into Family District Court districts.

- **Courts Service Modernisation Programme**

The Courts Service has embarked on an ambitious ten year Modernisation Programme to fundamentally transform how it delivers services and create a modern, best in class courts system that delivers a quicker, easier and more efficient courts experience for those who use it and work in it. It seeks to move to a more digital and user-focused system. As part of this programme, a Family Law Reform work stream has been established to take a more person-centred approach to ensure better outcomes for court users and their families. The work of the reform programme will include improved provision of information, simplified and standardised processes and optimising digital services to provide a better experience for those using family law services.

The Family Courts Bill, when enacted, will provide for the establishment of a District Family Court, a Circuit Family Court and a Family High Court as divisions within the existing court structures.

- **Hammond Lane**

The Courts Service is also planning the development of a modern, purpose built Family Court complex at Hammond Lane in Dublin under the National Development Plan. The proposed development will allow for the replacement of the existing sub-standard family law facilities at Dolphin House, Phoenix House and Chancery Street Courthouse.

- **The Child Care Act Review**

The Child Care Act 1991 is the primary piece of legislation regulating child care and child protection policy in Ireland. DCEDIY presented proposals for reform to Government in 2021 after an extensive review process, including consultation with a wide range of stakeholders. Drafting has begun on a General Scheme and Heads of Bill arising out of these proposals with a view to publication at the end of 2022.

- **Domestic, Sexual and Gender-Based Violence (DSGBV) Strategy**

The third Domestic, Sexual and Gender-Based Violence Strategy was published in June 2022. Survivors of

It will take time to bring about long-lasting reform. It will also take a sustained effort from everyone involved in family justice...

DSGBV can face particular difficulties when trying to resolve family justice matters. From a system perspective, there is a need to identify ways in which the criminal, family law and child care strands of the legal system can improve the experiences of these families, promote their protection and welfare and support them to live their lives.

- **Judicial Planning Working Group**

The Judicial Planning Working Group (JPWG) was established in April 2021 to consider the number and type of judges required to ensure the efficient administration of justice over the next five years. The establishment of a Family Court as proposed by the Family Courts Bill will require consideration regarding additional judicial capacity. The Working Group hopes to complete its work and submit its report in Q4 2022.

- **Review of Civil Legal Aid**

The first comprehensive review of Civil Legal Aid commenced in June 2022. It is the first review since the scheme was established, initially in 1979 before being set out in law in 1995. Legal aid is currently available to those who meet eligibility criteria for the scheme (including a means test). While available for a range of areas of law, provision is mainly in the area of family law.

- **Reform of Guardian ad Litem services**

Guardian *ad litem* (GAL) arrangements for children who are the subject of public law child care proceedings are currently provided for under the Child Care Act 1991. GALs inform the court of the child's views and advise the court regarding the child's best interests. The Child Care (Amendment) Act 2022, which provides for reform of the guardian *ad litem* (GAL) system, was signed into law on 19 July 2022. This will address significant inadequacies in existing arrangements and will provide a statutory basis for a national Guardian *ad litem* service.

Reforms across these areas will have distinct relevance to the actions contained in this and subsequent family justice strategies. The actions in this family justice strategy align as much as possible to actions already underway in other areas. As implementation progresses, actions can be refined or adjusted as necessary to take account of developments in related policy areas.

2.2 Strategic Goals

It is clear from the consultation process, and from what is known about the system currently, that there are opportunities to improve the user experience across the entire system. As people try to obtain resolutions to their problems, as lawyers and legal practitioners try to get the best solutions for their clients, there are clear possibilities to make positive changes. Information deficits, access to the courts and the costs involved, and the need for a more empathetic system are areas which, if reformed, would dramatically improve the journey through a family justice process by all involved.

It will take time to bring about long-lasting reform. It will also take a sustained effort from everyone involved in family justice, involving continued collaboration and engagement with the judiciary, the Courts Service, legal professionals and practitioners, Government Departments and all of the organisations involved in assisting families to resolve their disputes.

The goals contained here and their associated actions have been developed as a set of building blocks along the journey towards a modern family justice system that reflects the needs of society, is fit for purpose and is easier to navigate.

Chart 4: *Strategic Goals*

The chart below outlines the timeline for progression of these goals over the next three years.

Chart 5: *Timeline for Progression of Strategic Goals*

GOAL 1

Supporting Children

To ensure that the needs of children are at the centre of the family justice system, their voices are heard and considered and that they are supported in their own individual journey through the system.

It is important to ensure that children are at the centre of the family justice system. As of 2015 the voice of the child in child care, adoption, guardianship, custody and access proceedings has been enshrined in the Constitution and as such it is the responsibility of all those working within the family justice system to ensure that the voice of the child is heard and considered. It was regarded as the single most important focus for the family justice system by the majority of consultees in the public consultation.

> *Children should be included to some degree because it affects their lives as much as the parents, they deserve to be informed".*
>
> (Participant in Children's Consultation)

> *The children are priority but it's all adults making a decision without any train-ing how to work with children and the child is not involved."*
>
> (Member of the public)

The actions outlined below provide a number of opportunities for reform, including (but not limited to) the development of new bespoke services for children, better provision of information tailored for children and young people and improved training for those working with children. This will enable the system to clearly hear the voice of children, to ensure that they are supported in their own right and that their safety, security and best interests are paramount.

1. Supporting Children			
Actions	**Lead/ Participating Organisations**	**Start Date**	**Delivery Date**
1. Establish a Working Group to: 1.1. Review the effectiveness of the current arrangements for hearing the voice of the child in private family law cases and alternative dispute resolution (ADR) processes (if appropriate). If required: 1.2. Develop and pilot mechanisms to enhance hearing the voice of the child in all family justice matters, ensuring children's welfare and best interests are considered in conjunction with their constitutional rights. 1.3. Evaluate and recommend how these mechanisms should be present across all proceedings – private, public family law as well as ADR proceedings and how they should be overseen and quality assured.	**DoJ** DCEDIY Courts Service Legal Aid Board NGOs Legal Professional Bodies (Council Of Europe group)	Q4 2023 Q1 2025 Q3 2025	Q4 2024 Q2 2025 Q4 2025

1. Supporting Children			
Actions	**Lead/ Participating Organisations**	**Start Date**	**Delivery Date**
2. Develop and deliver child friendly information to explain family justice processes to children, enabling them to understand the nature of the decisions that can be made concerning them and how their voice can contribute to these decisions and processes: 2.1. Review existing information provision to children and young people affected by family justice issues and identify new opportunities for sharing information. 2.2. Produce child friendly and accessible material to explain family justice judgements and decisions (where appropriate and feasible) tailored for children.	**DoJ** Tusla Courts Service DCEDIY Judiciary NGOs	Q3 2023 Q2 2024	Q1 2024 Q4 2024
3. Establish a Working Group to decide on the location of the new national GAL service and prepare for the opening of the GAL office.	**DCEDIY** DoJ Courts Service DPER Tusla	Q1 2023	Q2 2024
4. Research the potential role of a Child Liaison Officer to help guide children through the family justice system. This will include: 4.1. Researching how Child Liaison Officers (CLO) are used in other jurisdictions, identifying potential opportunities where a CLO could assist children and their families in the current system and reporting on the outcome. 4.2. If deemed appropriate: • Develop role requirements for potential CLOs • Implement a pilot or demonstration project on a CLO 4.3. Evaluate the outcomes of the pilot project, for children, families, professionals and the system.	**DoJ** DCEDIY Courts Service Judiciary	Q2 2023 Q3 2024 Q2 2025	Q2 2024 Q1 2025 Q3 2025
5. Engage with the Judicial Council and professional bodies to identify and deliver common and standardised child-focused training to all professionals working within the family justice sector i.e. a training package which would include training on communicating with children, child sensitivity training etc.	**DoJ** Judicial Council LSRA DCEDIY Tusla Bar Council Law Society IASW	Q3 2023	Q1 2025
6. Develop protocols and guidance to assist judges when speaking to or interviewing children in family law cases.	**Judicial Council** Courts Service DCEDIY/Tusla	Q1 2023	Q1 2023
7. Consider the outcomes of the research and consultation on parental alienation and develop appropriate proposals.	**DoJ** DCEDIY Tusla	Q1 2023	Q2 2023
8. Examine the role of expert reports in the family law process, including: • the commissioning and availability of them; • their content and use, and make recommendations regarding their future application and function.	**DoJ** DCEDIY Judiciary	Q1 2023	Q4 2023
9. Review the enforcement of child maintenance orders: 9.1. Review the enforcement of child maintenance orders. 9.2. If required, identify proposals for reform.	**DoJ** Courts Service	Q1 2023 Q2 2023	Q2 2023 Q3 2023

GOAL 2

Services & Supports

To improve the experiences of those engaging in the family justice system by enhanced signposting of services and supports, and identifying gaps in service provision and existing needs to build a better model for service delivery in the future.

Support services are an integral part of any real transformation of the family justice system and have an essential role in enabling families to solve their problems, in some cases without constant recourse to the courts. Consultation findings noted the desire for the comprehensive provision of services and supports covering a range of different areas, many of which are not traditionally judicial or legal in nature. There are a number of areas where improvements can be made within existing structures to improve the experiences of children and families within the family justice system over the lifetime of this strategy. Making families and professionals aware of the range of services which their clients may be able to access while engaging with the family justice system is a crucial part of this work. Identifying particular needs or gaps in services and supports will help to inform the development of an 'ideal' delivery model for services and supports accessible in the future by all those in the family justice system.

For many, the costs of accessing family justice is a barrier. The Civil Legal Aid scheme helps those on limited incomes to access legal advice and representation. Most of those who seek civil legal aid do so in relation to a family law matter. The review of Civil Legal Aid – to be completed during the implementation phase of this strategy – will likely have recommendations relevant to this area and will be taken forward as part of the implementation process.

"All services need to be accessible to the diverse range of families in Ireland today including those where English is not their first language; or where there are disabilities that may need additional supports; or those families who are hard to reach or mistrustful of the state".

(One Family)

2. Services & Supports			
Actions	**Lead/ Participating Organisations**	**Start Date**	**Delivery Date**
1. To enhance current signposting for third party supports such as counselling services, family and parent support services, mental health services etc. This includes:	**DCEDIY** **Tusla** **DoJ**		
1.1 Engaging with State funders and commissioners of services to collate information on services available on a regional basis.	Courts Service Children and	Q2 2023	Q1 2024
1.2 Creating a directory of services.	Young People's	Q1 2024	Q2 2024
1.3 Developing ways to share information and promote awareness about services amongst all those engaging with the family justice system.	Service Committees Citizen's Information Services Local Authorities HSE	Q3 2024	Q4 2024

2. Services & Supports			
Actions	**Lead/ Participating Organisations**	**Start Date**	**Delivery Date**
2. In line with the work on the Family Courts Bill: a. Design an 'ideal' service delivery model for family courts, informed by the Family Courts Bill, putting the user at the centre and supporting a Digital First approach where appropriate. b. Implement the above service delivery model.	**Courts Service**	Commenced Q3 2022	Q3 2022 Phased implementation
3. Examine the provision of civil legal aid in family law cases, in particular: a. Its responsiveness and flexibility to meet the needs of those it is intended to serve; b. The relationship between civil legal aid and family mediation; c. The relationship between the civil legal aid scheme and other forms of support for litigants in public and private law.	**DoJ** Civil Legal Aid Review Group Legal Aid Board	Commenced	Q2 2023
4. Consider findings of research commissioned by the Department of Justice, which explores the interface and interaction of civil family law, public criminal law and the child protection justice systems, and develop proposals as required for the family justice system.	**DoJ** Courts Service	Q3 2023	Q1 2024

GOAL 3

Information & Awareness

To improve access to information so that people, children and families making their way through the family justice system will know where to go to get information when they need it, and will understand it.
To facilitate professionals, staff and agencies within the family justice system to work together to have better awareness of each other and their role in the system.

Information on the family justice system needs to be universally accessible and understandable, including for those who are not digitally literate or who have particular needs. This will be done by engaging with stakeholders, users and families to identify their needs and assessing the best ways to ensure that the right information is available at the right time. There is a need for consistency in communications with the public so they can understand how the family justice system works.

> *56% of respondents said they did not get the information they needed to help resolve the issue they were facing. Of those that did, the most common source of information was from a legal professional or a support organisation – "my solicitor and Women's Aid and friends who had experience of the courts."*
>
> (Phase 2 - Public Consultation Report)

> *It was extremely difficult to get clear, accurate and timely information about court procedure & documents necessary. It was very difficult to get an answer to a telephone call, email was only possible as I have contacts in the courts and even then, responses were very slow."*
>
> (Member of the public)

Information on the family justice system needs to be universally accessible and understandable, including for those who are not digitally literate or who have particular needs. This will be done by engaging with stakeholders, users and families to identify their needs and assessing the best ways to ensure that the right information is available at the right time. There is a need for consistency in communications with the public so they can understand how the family justice system works.

3. Information & Awareness			
Actions	**Lead/ Participating Organisations**	**Start Date**	**Delivery Date**
1. Commence a project to review provision of information on all processes and services within the family justice system, with a view to: a. Identifying what information is needed, at what points, and by whom? b. Identifying user needs in accessing, understanding and using information (e.g. language, culture, accessibility). c. Develop an action plan based on the result of the above review including structures and mechanisms to support people engaging in the family justice system.	**DoJ** Courts Service DCEDIY Tusla Legal Aid Board	Q4 2023 Q1 2025	Q4 2024 Q4 2025
2. Support the online provisioning of coherent and consistent information and services across all family law court services, including directions to relevant support services.	**Courts Service** DoJ Legal Aid Board DCEDIY Tusla Law Society Bar Council	Commenced	Q4 2023
3. Set up a regular cross-functional communication group to: a. Monitor and deliver ongoing communication with the public and stakeholders about family justice. b. Co-ordinate shared messaging on public campaigns that target specific areas that are related to family justice. c. To ensure that public information services such as the Citizens Information Board have access to the most up to date information and advice on family justice issues and local supports.	**DoJ** Courts Service Legal Aid Board DCEDIY	Q4 2023	Q1 2024

GOAL 4

Alternative Dispute Resolution

Promoting more co-operative, less adversarial ways for people, children and families to try to resolve disputes, providing information and support to help people make the best choices for their own circumstances and to help legal and ADR practitioners provide the best service they can to their clients.

Exploring all potential options to support families to resolve their problems was a key theme of the consultation with stakeholders as well as the public consultation. Although alternative dispute resolution (ADR) may not be suitable in all cases, when it is appropriate it often leads to better and more sustainable outcomes. The feedback from the public consultation was that mediation was underutilised; however, those who used ADR were generally happy with the outcome.

Parties should be referred to mediation, if the facts of their case deem it suitable. However, if there is no likely prospect of resolution through mediation, the parties should not be delayed by having to engage in the process but should be permitted to advance towards a court hearing."

(Dr Connie Healy)

Key aims should be; early intervention to help the family with mediation and other supports as soon as possible. Focus should be on keeping families out of court, with Judges also supporting mediation, as a norm people should be encouraged to self-determine and settle with the assistance of mediation. Legal professionals should promote mediation as the first step and be realistic about the likely costs of litigating."

(Member of the public)

Promoting the most appropriate ways to help families resolve their problems is a central aim of this strategy, including the increased use of non-court options. In many cases, ADR has the potential to save time and resources as matters may be resolved more quickly than in court. ADR may reduce conflict and provide more sustainable outcomes for families by alleviating the adversarial nature of family law proceedings. Even when a case is in court, it is proposed that ADR may be used as a way to agree other matters that may not need a court decision e.g. family visits and access agreements, and judges or other court officers should be able to refer cases to ADR, at any stage throughout a court process.

To provide the most appropriate resolution options for families, in a timely manner, those options need to be appropriately resourced. It is important that the professionals providing resolution services are regulated and standardised. It is also crucial that ADR agreements are given the same weighting when dealing with public services. In practical terms, this would mean a public body accepting an ADR agreement in certain situations where a court decision is normally sought.

4. Alternative Dispute Resolution			
Actions	**Lead/ Participating Organisations**	**Start Date**	**Delivery Date**
1. Increase awareness and promotion of alternative dispute resolution processes among professionals, families and service users by: 1.1. Identifying information gaps and developing information modules to fill these gaps, supporting a Digital First approach; 1.2. Integrating these modules into existing or developing information platforms e.g. courts service website, and embedding these modules as gateways to assist users to make informed decisions about what process serves them best to resolve their issue. 1.3. Collaborating to measure effectiveness and approach and reporting on the outcome.	**Courts Service** DoJ Legal Aid Board Law Society Bar Council MII/ADR Practitioners Citizens Information Board	Q4 2022 Q4 2023 Q2 2025	Q3 2023 Q4 2024 Ongoing
2. Develop and trial different approaches to increasing awareness and engagement in mediation and other forms of ADR and evaluating results.	**Legal Aid Board** Courts Service DoJ	Q1 2023	Q4 2023
3. Ensure all appropriate court processes support awareness of ADR and provide opportunities for service users to access ADR at different points.	**Courts Service** County Registrars Legal Aid Board Law Society Bar Council Judiciary	Q4 2022	Ongoing
4. Develop capacity in the family justice system to ensure there are enough suitably trained and experienced individuals who can resolve matters via ADR.	**DoJ** County Registrars Legal Aid Board Law Society Bar Council	Q2 2023	Ongoing
5. Identify the tools and techniques that will assist people working within the family justice system to identify domestic violence and abuse, coercive control, high-conflict disputes and child protection risks **ahead of** engaging in ADR and disseminate widely.	**Legal Aid Board** Courts Service DoJ DCEDIY Tusla Garda Síochána-NPSB Law Society Bar Council NGOs	Q1 2023	Q4 2023
6. Provide training supports for legal practitioners to guide their clients through the most suitable resolution process. The training will focus on non-court solutions where appropriate.	**Legal Aid Board** Law Society Bar Council Judiciary DoJ	Q1 2023	Q4 2023

4. Alternative Dispute Resolution			
Actions	**Lead/ Participating Organisations**	**Start Date**	**Delivery Date**
7. Work with mediators and other resolution practitioners to establish common standards and training for ADR service providers.	**Legal Aid Board** CORU DCEDIY	Q2 2023	Q2 2024
8. Identify opportunities for use of ADR to resolve secondary issues in public child care cases e.g. care plans, holiday access and to build more positive relationships between all parties in public childcare proceedings.	**DCEDIY** DoJ Tusla Legal Aid Board Law Society Bar Council	Q1 2023	Q3 2023
9. Examine the potential to widen the acceptance of ADR settlements by the State to enable families to avail of public services (e.g. use of ADR settlements in place of court settlements for maintenance, for housing etc.) 9.1. Review existing policies across government and public sector bodies requiring legal agreements/documents for families to access public services. 9.2. Engage with the public sector to change policies and accept ADR settlements/ agreements.	**DoJ** Relevant Government Departments	Q4 2023 Q2 2024	Q2 2024 Q2 2025
10. Establish a Pilot Private Practitioner Family Mediation Scheme to support the existing provision of family mediation by the Legal Aid Board and review after a year of operation.	**DoJ** **Legal Aid Board**	Q4 2022	Q1 2024

GOAL 5

People Development

Developing, training and upskilling a family justice workforce to one that is trauma-informed, empathetic, responsive to the needs of all users of the family justice system including children and survivors of DSGBV while continuing to provide a professional quality service to users of the family justice system.

Professionals who work within family justice need to be well trained, aware of the roles others have in the system and supported in their development. Stakeholders and service users perceive staff working in the system as not sufficiently trained or are poorly trained. For example, 27.5% of respondents to the public consultation, when asked what they would change about the system, referred to poor training of legal staff. Stakeholders and service providers have said that they are not fully informed about the different roles their colleagues in other disciplines perform and the various services that are available to assist their clients. In particular, placing a focus on trauma-informed training and child sensitivity training can lead to a more empathetic service, aimed at addressing the needs of families and children resolving issues quickly, in a less adversarial way.

> *Not to be insensitive when asking questions'*
>
> (Participant in Children's Consultation)

> *Family courts deal with particularly sensitive and painful disputes that require a panoply of specific and unique skills that need to be developed. In some countries, notably Canada, continuous professional training on an annual basis is an obligation for Judges to undertake. Similar requirements would be welcomed here."*
>
> (EPIC)

Staff should have a standardised level of knowledge across the system and maintain a high level of quality service within their discipline. Upskilling and training staff in key areas will be important – in trauma-informed practice, early intervention and resolution. Bringing professionals from different backgrounds together on a regular basis through staff networks, conferences and interdisciplinary training, will result in improved awareness and a more collaborative approach to tackling shared problems or issues. There is a need to examine the current resourcing of critical service areas and increase capacity where it is most required, ensuring that those working within a family justice system are sufficiently supported and the system is properly resourced. Engagement with the Judicial Council will be required to explore further opportunities for judicial training.

5. People Development			
Actions	**Lead/ Participating Organisations**	**Start Date**	**Delivery Date**
1. Establish a Working Group to review existing training needs for those working within family justice: 1.1. Research the minimum standards and recommended training required for professions working in the family justice area. 1.2. Identify professional development opportunities to address identified gaps relevant to profession/relevant to all where appropriate. 1.3. Engage with educational and professional bodies and associations to develop and implement training across professions in core family justice areas e.g. child-centred approach, dispute resolution, trauma-informed practice.	**DoJ** Courts Service Legal Aid Board DCEDIY Judicial Council LSRA Law Society Bar Council MII Tusla	Q3 2023 Q4 2024 Q2 2025	Q3 2024 Q1 2025 Ongoing
2. Examine the development of the family justice workforce by reviewing and analysing resource allocation to State bodies and Government Departments, supporting and responding to service needs as appropriate and feasible.	**DoJ** DPER	Ongoing	Ongoing
3. Establish formal networks and develop online learning hubs to develop collaborative learning and interdisciplinary awareness across professions and services within the system. This will be achieved initially through the organising of multi-disciplinary conferences as well as through awareness campaigns.	**DoJ** Courts Service Legal Aid Board DCEDIY Judicial Council Law Society Bar Council MII Tusla NGOs	Q1 2024	Ongoing
4. Support the ongoing work of the Judicial Council to provide training opportunities focussed on family justice to all judges and to identify a set of training requirements for Family Court judges.	**DoJ** Judicial Council Tusla	Q4 2023	Ongoing

GOAL 6

Data and Information Management

To develop better ways to manage, collect and share information within the family justice system, maintaining privacy and dignity of users but allowing for better case management, statistical reporting and evidence based decision making.

It is important that accurate and relevant data is available to users of the family justice system when they need it – different information is needed by different users at different stages in a family justice process. The range and type of data needed is not currently easily accessible or available.

> *IT solutions should be developed to collect statistical and anonymised data on the prevalence of custody and access cases with allegations of domestic violence/child abuse in the Family Law Court and on the outcomes of such cases."*
>
> (Women's Aid)

To have a family justice system that is informed, responsive and transparent, the necessary changes required for enhanced data collection systems and court reporting need to be identified and addressed. Over the course of this strategy, actions set out under this goal will lead the move to digital management of information that is safe, secure and easy to navigate. The limits of the *in camera* rule will be explored, and the necessary changes identified to provide a system where court decisions and judgements are accessible to those who need them, while still protecting the privacy of all those involved in family court proceedings. By taking the actions outlined below, overall transparency in the system will be improved. Better data management will support better communication between organisations and departments involved in family law hearings or other resolution processes to reduce duplication of effort, reduce repetition and promote a culture of information sharing and collaboration.

6. Data and Information Management			
Actions	**Lead/Participating Organisations**	**Start Date**	**Delivery Date**
1. Establish a Working Group to improve data sharing, data collection and data quality across the family justice sector:	**DoJ** Courts Service	Q1 2023	Q2 2025
1.1. Establish formal statistical reporting, initially to the family justice implementation body, to provide an overall view of the current performance of the family justice system and to allow for better monitoring and evaluation.	DCEDIY CSO Tusla An Garda Síochána	Q1 2023	Q2 2023
1.2. Identify areas of misunderstanding or roadblocks in collecting, processing or sharing data between family justice bodies and make recommendations to improve processes, systems and amend or develop legislation to enable sharing, improve efficiencies and reduce duplication of effort.	OGCIO	Q1 2023	Q2 2024

6. Data and Information Management			
Actions	**Lead/Participating Organisations**	**Start Date**	**Delivery Date**
1.3. Scope requirements for either a new or improved data collection methods across the sector and make recommendations, initially looking at: • defining what data should be collected and for what purpose; • how this data can be more easily collected, collated and reported; • the potential to use a single identifier in family justice cases; • the legislative provisions required to underpin the operation of such a system; • identifying opportunities to link in with other systems (e.g. criminal justice systems).		Q2 2024	Q2 2025
2. Commission research to examine the operation of the *in camera* rule, including: • Reviewing the current operation of the rule. • Analysing the issues with current statutory exceptions which permit research and reporting on cases and recommend any legislative changes.	**DoJ** DCEDIY Courts Service	Q1 2023	Q1 2024
3. Examine the feasibility of establishing a family law case reporting system, to include: • trialling a project to analyse case outcomes, judgements and decisions to produce summaries in plain language of various case types. • producing a guideline for regular, established public reporting of case outcomes, decisions and judgements in family law as a matter of course across all court jurisdictions.	**DoJ** DCEDIY Courts Service	Q4 2023	Q4 2025
4. Consider the Law Reform Commission's report on the issue of contempt of court, and informed by this, finalise proposals in relation to contempt arising from violation of social media rulings.	**DoJ**	Q2 2023	Q3 2023

GOAL 7

Digitalisation

Building on progress already made to adopt a Digital First approach, promoting increased use of digital solutions for families to access and legal professionals to participate in the family justice system.

Accessing courts through the use of technology over the last two years has worked well in allowing for the continuity of urgent and essential family law proceedings. The Courts Service Modernisation Programme includes a focus on moving to a more digital and user-focused systems. The use of technology has been beneficial in particular cases, such as those involving domestic violence, where remote participation allows for parties to be kept apart and reduces the chance of intimidation.

The (Law) Society welcomes the fact that it is envisaged that the new court system will incorporate the use of technology in a fundamental and comprehensive way, both in relation to administrative type hearings but also in terms of how the new family court offices operate, making particular provision for the electronic filing of certain documents.."

(Law Society)

It was very helpful to have an online district court date with Dolphin House. Being online was less intimidating for us than having to travel to a courthouse'

(Member of the public)

The provision of digital services that is already underway needs to continue to allow court staff to better manage their work and time, to allow legal professionals and the public to make basic applications and engage with the family justice system online. Using virtual courts where appropriate, can provide safety for survivors of DSGBV and result in reduced costs for those needing to go to court. Evaluating the impact of these developments on the court user's experience and its overall effectiveness will be important so any learning can be potentially applied to other types of cases.

Access to technology and broadband by families, in particular those living in poverty or in areas with limited broadband will pose a challenge but overall moving towards a digitally enhanced family justice system will result in a system that is user-friendly, user-focused, more collaborative and less reliant on paper-based processes and outdated technology.

7. Digitalisation			
Actions	**Lead/ Participating Organisations**	**Start Date**	**Delivery Date**
1. Invest in ICT resources to assure security of data and architecture, effective case management systems, continuity of service and future linkages between family justice stake-holders.	DoJ Courts Service Legal Aid Board DCEDIY CSO DPER OGCIO	Ongoing	Ongoing

7. Digitalisation			
Actions	**Lead/ Participating Organisations**	**Start Date**	**Delivery Date**
2. Support the development of an ideal service delivery model focussed initially on a single family law journey, supporting a Digital First approach.	**Courts Service** DoJ Rules Committee DCEDIY Legal Aid Board County Registrars	Ongoing	Q4 2023
3. Evaluate the impact of remote hearings to measure effectiveness, value, performance and user experience including: • conducting a study on operability with the *in camera* rule; • how to improve accessibility for all participants, and • if appropriate, make recommendations regarding widening and enhancing remote access to all family justice proceedings.	**Courts Service** DoJ Legal Aid Board County Registrars Bar Council Law Society	Q1 2023	Q4 2024
4. Commence pilot of an end-to-end digital system for a single family law application including online portals for court users and for managing cases.	**Courts Service** DoJ Law Society Bar Council Judiciary County Registrars	Commenced	Q4 2023
5. Embed a Digital First approach to Rules of Court by engaging with the Family Court Rules Committee.	Rules Committees **Courts Service**	Q3 2022	Q2 2023
6. Develop and launch an online information hub to host family law digital services	**Courts Service**	Commenced	Ongoing
7. Promote collaborative opportunities between partners in the family justice system to: • provide digital solutions to shared problems; • scope potential for other processes to move to an online system, and • test for future compatibility with other systems where appropriate.	**DoJ** Legal Aid Board Courts Service County Registrars DCEDIY OGCIO Garda Síochána Tusla	Q1 2024	Q1 2025

GOAL 8

Facilities & Infrastructure

To improve facilities and infrastructure to provide appropriate, safe, secure and private environments for families to try to solve their problems effectively and for professionals to deliver a more efficient service.

In line with the work undertaken in the Courts Service Modernisation Programme, there is room for reform regarding the facilities and infrastructure that are needed to provide appropriate, safe, secure and private environments for families to try to solve their problems effectively. The feedback received from consultations points to much needed investment in improving the facilities and infrastructure. There is a real opportunity to improve what is provided for families when they attend court such as better scheduling of time slots and the potential provision of a Court Liaison Officer.

It is also acknowledged that improvements need to be made to court buildings across the Courts Service estate in order to make them more family and child friendly. At the core of this goal is the Hammond Lane project, which will see the building of Ireland's first dedicated family court building.

Improve the facilities where at least there are proper spaces to try to work out an agreement. We were squashed in corners in an open foyer where everyone could hear my business. Why aren't there private spaces?"

(Member of the Public)

If children are brought to the court, they wait in the same public waiting areas, often including people attending for criminal and/or civil proceedings as well as those for a number of individual child care cases. Also, in most Irish courts, there is very rarely any opportunity for privacy. With overcrowding in the waiting areas and a lack of private spaces in which consultations between clients and their legal representatives can take place, details of a child's personal circumstances may well be overheard by other members of the public."

(Children's Consultation)

Research needs to be undertaken regarding the feasibility of making these changes within the capital budgets provided, as well to increase understanding of where improvements to services can be made.

8. Facilities and Infrastructure			
Actions	**Lead/ Participating Organisations**	**Start Date**	**Delivery Date**
1. Support the creation of specialist family courts, explore opportunities to provide more suitable facilities, information and co-located services in courthouses and a digital environment.	**Courts Service** Legal Aid Board DoJ DCEDIY OPW DPER	Commenced	Ongoing
2. Evaluate approaches to scheduling (time slots) and include in design of the 'ideal' service delivery model.	**Courts Service** County Registrars Judiciary	Q4 2022	Q4 2023
3. Review current systems for managing case progression across the sector and explore opportunities for improvement in quality of information, efficiencies and reduction in duplication e.g. • The expansion of the role of County Registrars to assist in triaging cases. • The establishment of a working group to improve the current systems for managing and progressing cases across family law proceedings.	**Courts Service** DoJ County Registrars Legal Aid Board Judiciary Law Society Bar Council DCEDIY	Q1 2023	Q1 2024
4. Scope the possible improvements of physical environments in court buildings taking account of the Courts Service's ideal future state family law building and facilities document to include estimation of funding requirements.	**Courts Service** DoJ DPER DCEDIY Tusla OPW	Q1 2023	Q1 2025
5. Continue the work of the Hammond Lane project.	**Courts Service** DoJ DPER	Q1 2023	Ongoing
6. Research the potential of Court Liaison Officers (CLOs) to help guide families through the family justice system (alongside the research into the role of Child Liaison Officers at Goal 1). This will include: • Researching how Court Liaison Officers are used in other jurisdictions. • Identifying potential opportunities where a CLO could assist litigants in person and their families in the current system. Arising from this research, and if appropriate: • Develop role requirements for potential CLOs, as well as clear demarcation of the limits of the role (e.g. not providing legal advice). • Implement and evaluate a pilot project.	**DoJ** Courts Service DCEDIY Judiciary	Q4 2023 Q4 2023	Q4 2024 Q4 2024

GOAL 9

Legislative Reform

To develop better ways to manage, collect and share information within the family justice system, maintaining privacy and dignity of users but allowing for better case management, statistical reporting and evidence based decision making.

Promoting and adopting reforms in the current family justice system may require legislative changes to ensure a working system. The enactment of the Family Courts Bill alone represents an initial structural change in how the family courts will operate in the future. The legislation on its own cannot deliver transformation. Its success will depend on the delivery of all the other strategic and operational aspects of this strategy. Collaboration will be central to identify where change is needed, to review and evaluate the impact of those changes and to plan for implementation. Ongoing review of the legislative landscape will also be required in order to support the architecture of a modern family justice system that is reflective of today's society.

"The current plan of work to establish a specialised family court and the related General Scheme of the Family Courts Bill 2020 are very welcome, if long over-due. Research by academics, the Law Reform Commission (1996), the Child Care Law Reporting Project and advocacy by service user groups have for some time identified changes required to make the courts system in Ireland more child and family centred, to implement international best practice standards and principles, and to ensure that children, young people and families receive the best possible service in a specialised Family Court system."

(Kenneth Burns, UCC)

9. Legislative Reform			
Actions	**Lead/ Participating Organisations**	**Start Date**	**Delivery Date**
1. Support the development and drafting of the Family Courts Bill and its commencement.	**DoJ** Courts Service	Ongoing	Publication Q4 2022; Phased commencement after enactment.
2. Engage with the Courts Service to implement changes to be provided for in the Family Courts Bill.	**DoJ** Courts Service	Ongoing	Ongoing

9. Legislative Reform			
Actions	**Lead/ Participating Organisations**	**Start Date**	**Delivery Date**
3. Develop and draft Rules of Court for new Family Courts as necessary, in particular for the Family District Court, Family Circuit Court and Family High Court to be established by the Family Courts Bill.	Courts Service/ **Rules of Court Committee** DoJ	Ongoing	Phased commencement within 6 months of enactment of Bill
4. Progress the development and drafting of the Child Care (Amendment) Bill: a. Publish Scheme and Heads of Child Care (Amendment) Bill providing for reforms developed as part of the Child Care Act Review. b. Publish Child Care (Amendment) Bill providing for reforms developed under Child Care Act Review.	**DCEDIY**	Ongoing	Q4 2022 Q2 2024
5. Progress the development of a general scheme(s) relating to legislative requirements identified via other actions under this strategy as required (e.g. data collection system, contempt.)	**DoJ**	Ongoing	Ongoing
6. Support the Courts Service modernisation and relevant legislation to ensure delivery.	**DoJ** Courts Service	Ongoing	Ongoing
7. Support the regular review process of legislation in the family justice area and progress implementation of reforms in a timely manner.	**DoJ** DCEDIY Courts Service	Ongoing	Ongoing

2.3. What does Success Look Like?

Through the implementation of the goals and actions in this strategy:

- It will be easier to access information about the family justice system.
- Services and supports will be easier to find.
- People will have better awareness of their options when seeking to resolve their issues.
- The family court structure will be in place.
- The Hammond Lane Family Courts Complex will be advanced.
- Children and those most vulnerable will be provided with improved supports.
- The family justice system will be more accessible, easier to understand, access and navigate, and more responsive to its users' legal needs.
- More will be known about different aspects of the system, which can support the development of further reforms.

For those accessing the family justice system:

- At the beginning of your journey, you will have access to better information and be more aware of the options available to you to try and resolve your issue and the services available to support you.
- The people you deal with will be better equipped with the tools they need to help you through your journey.
- Should you need to attend court there may be increased opportunities to attend online, where appropriate/suitable.
- For those who would prefer an alternative to court there will be increased opportunities to allow you to conduct your business and resolve your issue in a less adversarial way, where appropriate/suitable.
- By the end of this strategy the work on the Hammond Lane project will be well advanced, which is set to be Ireland's first dedicated family court complex.
- When your journey ends, you will understand the outcome and how it impacts you and your family.

For children this means:

- They will have access to information that they can understand;
- The way their voices are heard in court will be improved.

For parents this means:

- They will have the option to attend court at a designated time;
- Their children will have better access to supports as well as information that they can understand;
- They will have improved ways of dealing with their family justice issue with the aim of it being less adversarial and conflict-based.

Part 3–
Monitoring and Implementation

3 Monitoring and Implementation

The actions set out in this strategy will establish the core structures and processes for a reformed family justice system. Implementing these actions will be the responsibility primarily of the majority of the organisations comprising the Family Justice Oversight Group. However, some of them will require engagement with and expert input of other bodies for their implementation to be successful.

3.1 FJIG, Minister led Development Forum with Subgroups

In recognising this, the majority of the membership of the Family Justice Oversight Group will become the Family Justice Implementation Group (FJIG) and will act as the primary implementation structure for the strategy. It will provide leadership across the system and within the respective member organisations, embed reforms and drive their implementation – all with the aim of enhancing user experience. Meetings will be held once a quarter to monitor progress, informed by six-monthly update reports. These meetings may also provide an opportunity for other stakeholders to participate in a structured manner with the Group on particular themes, issues or actions being progressed as part of the implementation process.

A Family Justice Development Forum will also be created and will be chaired by the Minister of Justice. The Forum will provide an opportunity to update stakeholders on the implementation process, gather feedback on that process and engage on particular issues or pieces of work emerging from this strategy.

Membership of the Forum will comprise stakeholders and members of the previously identified advisory groups. The advisory groups played an important role in the consultation process, which informed the development of this strategy. Membership of the Development Forum will be reviewed periodically and, where identified, additional groups will be invited to participate. It is intended that meetings of the Development Forum will be twice a year.

Many of the actions contained in this strategy involve the creation of subgroups to undertake specific pieces of work. It is envisaged that these subgroups will be led by organisational members of the main Implementation Group, include representatives of other member organisations, and where required, incorporate representatives of the Department. The chair of each subgroup will report to the Implementation Group on progress related to their area of work at the quarterly meeting. Chart 6 overleaf illustrates this implementation and monitoring structure.

An annual progress report will be published, identifying our achievements to date and future work to further develop the system.

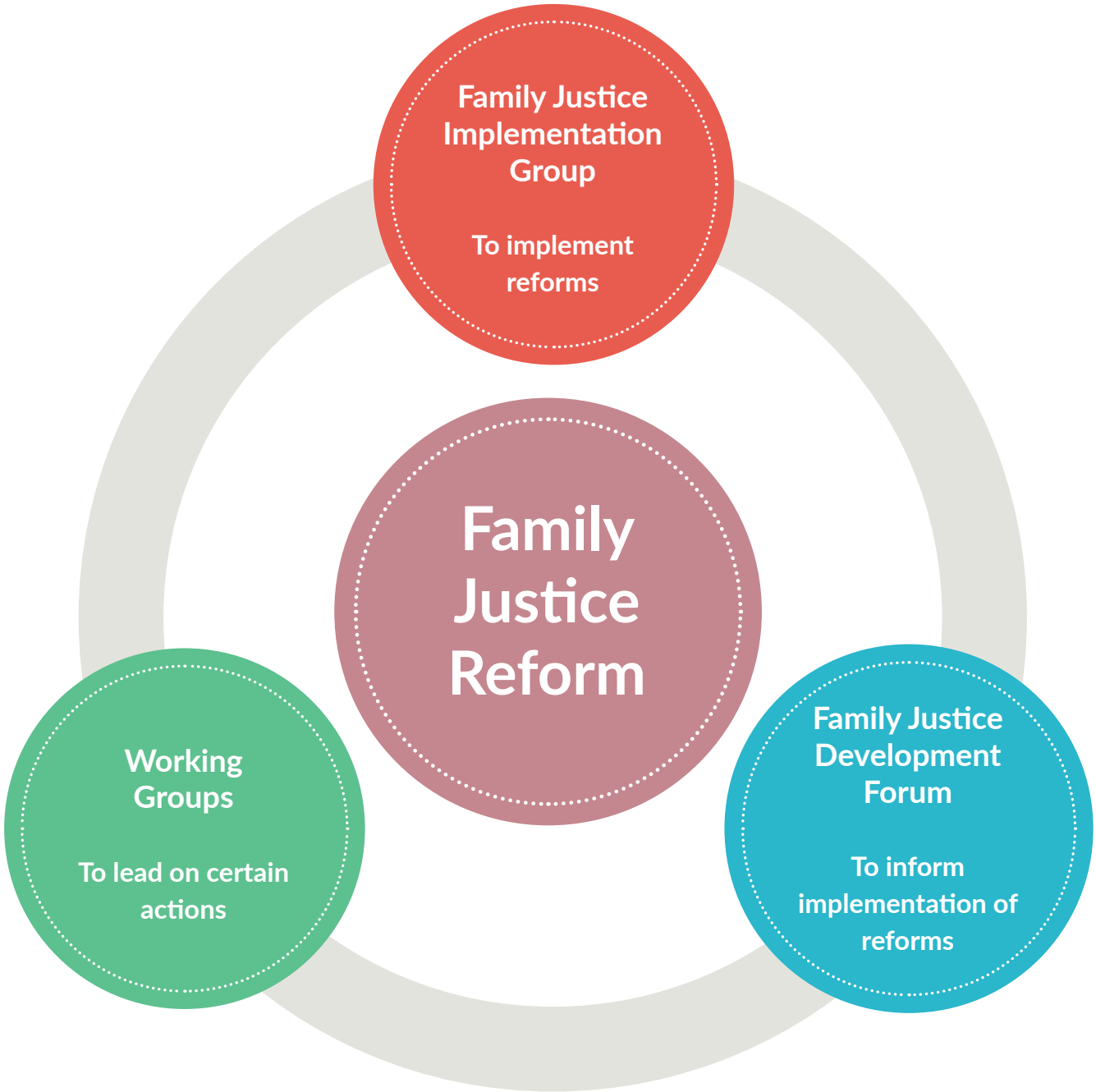


Chart 6: *Family Justice Monitoring and Implementation Structure*

Appendix I

Membership of Family Justice Oversight Group

Department of Justice

- Oonagh Buckley (Chair) – Deputy Secretary General
- Andrew Munro – Assistant Secretary, Civil Policy and Legislation
- Stjohn O'Connor – Director, Civil Justice Governance
- Liam Coen – Principal Officer, Civil Justice Policy (Access to Justice)
- Tracy O'Keeffe - Principal Officer, Civil Justice Legislation
- Gerry McDonagh – Principal Officer, Civil Justice Governance
- Louise Sandom - Principal Officer, Transparency
- Louise O'Meara (Secretary) – Assistant Principal, Civil Justice Policy (Access to Justice)

Judiciary

- The Hon Mr Justice John Jordan – High Court
- His Honour Judge Paul Kelly - President of the District Court

County Registrar

- Deirdre Burke – County Registrar for Wexford and Kilkenny

Department of Children, Equality, Disability, Integration and Youth

- Ciara Pigeon – Principal Officer, Parenting Support Policy Unit
- Lara Hynes – Acting Assistant Secretary, Tusla Governance and Child Policy Division (from February 2022), Principal Officer, Child Care Legislation and Children's Rights Policy Unit (to February 2022)

Department of Public Expenditure and Reform

- Marianne Nolan – Principal Officer, Justice Vote, Public Expenditure Division

Legal Aid Board

- John McDaid – Chief Executive
- Joan Crawford –Director of Internal Service Delivery

Courts Service

- Peter Mullan - Head of Directorate, Circuit and District Courts Operations
- Emer Darcy - Head of Family Law Reform

With special thanks to former Group members:

- His Honour Colin Daly – President of the District Court
- Her Honour Judge Petria McDonnell – Circuit Court
- John O'Callaghan – DoJ, Assistant Secretary, Civil Policy and Legislation
- Yvonne White – DoJ, Head of Civil Governance Function
- Angela McDonnell – Legal Aid Board, Director, Strategy & Decision-Making
- Regina Terry – DoJ, Principal Officer, Civil Justice Policy (Access to Justice)
- Mary O'Callaghan (Secretary) - DoJ, Assistant Principal, Civil Justice Policy (Access to Justice)
- Matthew Sewell (Secretary)- DoJ, Administrative Officer, Civil Justice Policy (Access to Justice)

Appendix II

Legislation and Reforms in Family Justice linked to this Strategy

Rights Conventions

The constitutional referendum on children's rights in 2012 and subsequent legislation in 2015 has relevance to how children and young people are engaged with in legal and family court settings. Ireland reports regularly to the UN Committee on the Rights of the Child on areas such as the provision of child experts to hear the voice of children in legal and administrative proceedings. The Child Care (Amendment) Act 2022 strengthens children's constitutional rights to be heard in legal proceedings concerning them. Ratification of the United Nations Convention on the Rights of People with Disabilities in 2018 also requires Ireland to promote respect for family life and access to all forms of justice for people with disabilities.

The Family Courts Bill

In September 2020, the Government approved the drafting of the Family Courts Bill to provide for the establishment of a Family High Court, Family Circuit Court and Family District Court as divisions within the existing court structures. When enacted, this legislation will form an intrinsic part of the reform of the family justice system, providing many of the building blocks essential to the development of a more efficient and user-friendly family court system; a system that puts families at the centre of its activities, facilitates access to specialist supports and encourages the use of appropriate dispute resolution in family law proceedings.

The Bill provides:

- A set of guiding principles to help ensure that the Family Court system will operate in an efficient manner, encourage active case management by the courts and make the best interests of the child a primary consideration in all family law proceedings.
- For judges to be assigned on a full-time basis to the Family High Court, Family Circuit Court and Family District Court. These will be judges who are deemed, by reason of their training or experience, suitable to deal with matters of family law. Ongoing professional training in the area of family law will be required.
- For the designation and the geographic boundaries of Family Circuit Court circuits and for the division of these into Family District Court districts.

It is the intention that the Family Court will sit to hear family law proceedings (including child care proceedings) in a different building or room from that in which other court sittings are held or on different days or at different times from other court sittings.

Maintenance Reform

Child maintenance payments help one-parent families in the parenting and raising of their children – as such, it is an important element of child and family income to support parents in raising their children. This is particularly the case for those in receipt of social welfare payments.

A Review Group was established in 2020 by the then Minister for Social Protection to examine and make recommendations on (i) the place of maintenance income in the conditions attached to the provision of social protection schemes and payments and related issues and (ii) the establishment of a Child Maintenance Agency. The Group submitted its report to the Minister for Social Protection in April 2022.

Domestic, Sexual and Gender-Based Violence (DSGBV) Strategy

The Department of Justice published the third National Strategy on Domestic, Sexual and Gender-Based Violence in June 2022. Building on the principles outlined in the Istanbul Convention, the strategy has at its core four central pillars: prevention, protection, prosecution and policy co-ordination.

Survivors of DSGBV can face particular difficulties when trying to resolve family justice matters. They may find themselves involved in concurrent or consecutive criminal and family law proceedings. In such situations, they may be required to re-live their experiences of the criminal proceedings in the family law space. Survivors may also need information and support, enhanced awareness of the particular difficulties they face, and enhanced access to legal advice and representation. From a system perspective, there is also a need to identify ways in which the criminal, family law and child care legal systems can improve the experiences of these families, promote their protection and welfare and support them to live their lives.

Courts Service Modernisation Programme

The Courts Service has embarked on an ambitious ten year Modernisation Programme to fundamentally transform how it delivers services and create a modern best in class courts system that delivers a quicker, easier and more efficient courts experience for those who use it, work in it and pay for it. It seeks to move to a more digital and user-focused system. As part of this programme, a Family Law Reform work stream commenced in March 2021. The programme is tasked with designing reformed Family Law Services, including:

- examining the potential to minimise the number of cases that need to be dealt with by the courts system and provide information on alternative disposal and resolution solutions;
- reducing the requirement for attendance at court and increasing the range of matters that can be dealt with, thus freeing up court time, and
- reducing the amount of engagements formally with the courts by way of hearings and applications, i.e. a simpler, clearer process is a cornerstone of this strategy.

The development of a modern, purpose built Family Court complex at Hammond Lane in Dublin is the key Courts Service project under the National Development Plan. The proposed development will allow for the replacement of the existing sub-standard Family Law facilities at Dolphin House, Phoenix House and Chancery Street Courthouse. Work will progress on this throughout the lifetime of this strategy.

Judicial Planning Working Group

The Judicial Planning Working Group (JPWG) was established in April 2021 to consider the number and type of judges required to ensure the efficient administration of justice over the next five years. The establishment of a Family Court as proposed by the Family Courts Bill will require consideration regarding additional judicial capacity. The Working Group hopes to complete its work and submit its report to the Minister towards the end of 2022.

Review of Civil Legal Aid

The Civil Legal Aid scheme was initially established in 1979 before being set out in law in 1995. Legal aid is currently available to those who meet eligibility criteria for the scheme (including a means test). While available for a range of areas of law, provision is mainly in the area of family law. The scheme is administered by the Legal Aid Board. The Board also provides a family mediation service free of charge, to those who seek a more informal resolution to their family problems.

In June 2022, the Minister for Justice announced the establishment of a group to review the Civil Legal Aid Scheme, under the chairpersonship of former Chief Justice Frank Clarke. The Group is expected to report in 2023.

Reform of Guardian Ad Litem services

A Guardian *ad litem* (GAL) may be appointed by the court in order to independently establish the wishes, feelings and best interests of children. GAL arrangements for children who are the subject of public law child care proceedings are currently provided for under the Child Care Act 1991. The Child Care (Amendment) Act 2022 was signed into law in July 2022. It provides a statutory basis for a national Guardian *ad litem* service.

The Child Care Act Review

The Child Care Act 1991 is the primary piece of legislation regulating child care and child protection policy in Ireland. In Better Outcomes Brighter Futures – The National Policy Framework for Children and Young People 2014-2020, Government committed to 'review and reform as necessary, the Child Care Act 1991.' DCEDIY presented proposals for reform to Government in 2021 after an extensive review process, including consultation with a wide range of stakeholders. Drafting has begun on a General Scheme and Heads of Bill arising out of these proposals with a view to publication at the end of 2022.

Appendix III
International Developments relating to Family Justice

Northern Ireland[11]

As part of the Civil Justice Modernisation Delivery Plan in Northern Ireland, there are plans to make a number of changes to the current family justice system. These changes include improving the availability of information and "demystifying" the court through an Early Resolution Action Plan which will also include supports for lay litigants. There will also be a number of supports and measures put in place for vulnerable citizens (including those with physical and intellectual disabilities but also victims of domestic violence). ADR will continue to be used in private law with the possible introduction of online ADR (which is currently being tested). In public family law cases, there are plans to streamline the appointment of experts. A public consultation on an announced plan to introduce pro bono costs orders (similar to regular costs orders, however it allows the fees that would have been incurred by the awardee to pay the legal representatives who acted pro bono or to be donated to support future pro bono work) was also being prepared.

Scotland[12]

In Scotland's Family Justice Modernisation Strategy there are plans to review the way in which a court hears of the views of the child. The strategy includes a requirement for the court to explain its decisions to the child. A separate strategy has been established for children's hearings, which will reimagine how the voice of the child is heard using a variety of digital tools. In regard to supports and services, the provision of information regarding the courts procedures and ADR and the establishment of child contact centres are key components of this strategy. In child care proceedings authorities will prioritise the sibling relationships of children in care, and will even seek out the views of a child's siblings in such proceedings (if deemed suitable).

England and Wales[13]

In England and Wales, family justice reform and the strategies that resulted were largely centred on developing and maintaining a dedicated independent service for representing children and family law issues. CAFCASS, acts as a representative body for children in the justice system while also advising the courts on the best way to incorporate the needs, feelings and wishes of children. The current strategy looks at improving transparency, integrating NGO services with the current justice system and looking at the management of resources and demand and trying to determine how to use its resources more effectively. There is also reform underway in regards to the availability of information and in expanding the use of technology to improve access to justice.

Canada[14]

In Canada there have been a number of reforms in family law. In 2018, legislation was proposed in relation to divorce, separation and parenting. This legislation would promote the best interests of the child (changing the wording that is used to describe parenting arrangements, and using more child-focused terminology), while also addressing family violence and reducing poverty. There was also a number of measures introduced to make the family justice system more accessible, efficient and affordable. These measures include: allowing service users to recalculate child support at any time, rather than sticking to a fixed schedule; allowing only one court to be involved in certain family law cases (current system allows users in different provinces and territories to involve their local court in requesting a support order, which complicates the process); and also to mandate the encouragement of the use of ADR over litigation.

New Zealand[15]

In 2014, New Zealand conducted a number of reforms in the family justice space. By way of oversight the Ministry of Justice organised a review of the 2014 report in 2018. This review took the form of an independent panel which ran two rounds of public consultation. This Panel issued a report making 70 recommendations for changes to law, policy and practices regarding family justice. Some of these

11 https://www.justice-ni.gov.uk/sites/default/files/publications/justice/2021-civil-justice-modernisation-delivery-plan-5.pdf

12 https://www.gov.scot/publications/family-justice-modernisation-strategy/documents/

13 https://www.cafcass.gov.uk/about-cafcass/reports-and-strategies/ and https://gov.wales/sites/default/files/publications/2020-06/cafcass-cymru-strategic-plan-2020-2025.pdf

14 https://www.justice.gc.ca/eng/csj-sjc/pl/famil/index.html#:~:text=On%20May%2022%2C%202018%2C%20the,responsive%20to%20Canadian%20families'%20needs .

15 https://www.justice.govt.nz/justice-sector-policy/key-initiatives/family-court-rewrite/#:~:text=The%20Government%20is%20establishing%20a,introduced%20into%20Parliament%20in%202022.

recommendations include legislative change, while others look at things such as the promotion of early resolution through accessible information and encouraging parents to engage with "the right service, at the right time, in the right way". There are also a number of reforms considered in the training of professionals and court staff, in resource allocation and the role of therapeutic solutions.

In 2020 the Government implemented the report's recommendations through enacting the Family Court (Supporting Families in Court) Legislation Act 2020. This legislation provided for "new Kaiārahi-Family Court Navigators to provide guidance and information about the resolution and support options available to parents, caregivers and whanau (extended family) who are considering applying to the Family Court" as well as providing "quality, accessible resources and information that will help children, parents and whānau to navigate Care of Children matters. The material will be produced in a range of formats and languages. Children, parents and whanau (will have access to the information they need to understand their options both in and out of court". In August 2021 the Government passed the Family Court (Supporting Children in Court) Legislation Act 2021 which will introduce an emphasis on children's participation in dispute resolution. The Ministry of Justice has also commissioned a report on children's involvement in ADR.

Australia[16]

In 2021, Australia passed the Federal Circuit and Family Court of Australia Act 2021 and the Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Arrangements) Act 2021 through parliament, signifying the unification of the Family Court of Australia and Federal Circuit Court into a single entity. This reform is aimed at simplifying the process for families who wish to solve their family law issue. The new court will prioritise children and the vulnerable, and to ensure their safety they will improve early risk identification screening measures. The court will focus on resolving disputes efficiently through improved case management pathways, and they will encourage the use of ADR where safe to do so ("Court proceedings should see seen as a last resort").

[16] https://www.fcfcoa.gov.au/news-and-media-centre/changes-fcfcoa

Appendix IV
Family Justice Data

1. District Court Family Law Waiting Times

Table 2: *District Court Waiting Times (Weeks): Up to 31 December 2021*

Office	Family Law Domestic Violence Applications (1)*	Family Law Maintenance/ Guardianship Applications (2)
Athlone	Next Sittings	4 - 8
Ballina	4	4
Bray	6	6
Carlow	10	10
Carrick on Shannon	Next sitting	Next sitting
Castlebar	Next Sitting	16
Cavan	12	12
Clonakilty	Next Sitting	4
Clonmel	6 - 8	6 - 8
Cork	Next Sitting	13
Donegal	Next Sitting	4 - 8
Dublin (Dolphin House)	same day	25
Dundalk	8 - 12	16 - 20
Ennis	2 - 8	8
Galway	12	12
Kilkenny	1	10 - 12
Letterkenny	Next Sitting	8
Limerick	4	8
Longford	Next Sitting	4 - 12
Loughrea	Next Sitting	8
Mallow	Next Sitting	4 - 6
Monaghan	0	4
Mullingar	Next Sitting	4 - 8
Naas	4	32
Nenagh	26	26
Thurles	8	8
Portlaoise	14	14
Roscommon	Next Sitting	Next sitting
Sligo	Next Sitting	10 - 12
Tralee	4	8
Trim	16	16
Tullamore	23	23
Waterford	4	4
Wexford	Next Sitting	12
Youghal	Next Sitting	4 - 6

Source: Courts Service, 2022

**Urgent interim applications are dealt with immediately i.e. on next sitting day in every District*

(1) Time from receipt of application to listing for hearing in domestic violence matters

(2) As (1) but for other family law applications

2. Circuit Court Family Law Waiting Times

Table 3: *Circuit Court Waiting Times (Months): December 2021*

Office	Family Law Contested (3)	Family Law Non-contested (4)	Family Law Appeals (5)
Carlow	6	3	6
Carrick on Shannon	6 - 9	Next Sitting	Next Sitting
Castlebar	3	3	3
Cavan	12 - 18	3	12 - 18
Clonmel	6 - 12	0 - 3	3 - 6
Cork	9 +	3 – 6	6 - 9
Dublin (Phoenix House)	4 - 6	2	1.5
Dundalk	9 - 12	6 - 9	6 - 9
Ennis	12	6	9
Galway	3 - 6	3	3 - 6
Kilkenny	6	Next Sitting	6
Letterkenny	9	Next Sitting	9
Limerick	6	2	3
Longford	6 - 9	Next Sitting	Next Sitting
Monaghan	6	3	6
Mullingar	6 – 9	Next Sitting	6 - 9
Naas	26	Next Family Law Sitting	Next Sitting
Portlaoise	6	6	3
Roscommon	6	3	3
Sligo	8	Next Sitting	Next Sitting
Tralee	6	2	6
Trim	18 - 24	3 - 6	6 - 9
Tullamore	9 - 12	3 - 6	3 - 6
Waterford	9 - 12	3	9 - 12
Next Sitting	12	Next Sitting	Next Sitting
Wicklow	6	3	6

Source: Courts Service, 2022

(3) Time from receipt of notice of trial/notice of motion to listing for hearing in contested matter

(4) As (3) but for uncontested matters

(5) Time from receipt of District Court Appeal to date of appeal hearing

3. Family Mediation Office – Waiting Times

Table 4: *Family Mediation Office Waiting Times in Weeks*

Location/Year	2015	2016	2017	2018	2019	2020
Athlone	8	12	24	12	20	49
Blanchardstown	8	16	8	20	16	24
Castlebar	8	12	12	8	24	Vacant
Cork	12	12	24	28	14	24
Dundalk	4	12	20	36	10	32
Galway	8	4	16	8	12	16
Jervis House	4	12	16	16	16	24
Kilkenny	0	0	0	20	8	8
Letterkenny	8	4	16	16	16	20
Limerick	16	12	6	12	20	12

Source: Legal Aid Board Annual Report 2020