



Prioritising Children
in Family Breakdown
Proceedings



Vision for Reforming Family Law

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Children's lives are invariably changed significantly once their parents make the decision to break up, separate and / or divorce. The extent of this impact, either positive or negative, varies with each child but often there are feelings of confusion, fear and heartbreak. The current structures and services that handle parental separation are adult-focused and children sometimes get lost in the chaos of separation. The Minister for Justice and Equality is currently looking at reforming the family law system in Ireland. Barnardos wants to influence that reform by putting the focus on children in separation cases and to stress the need for the best possible supports to help families deal with the upheaval of family breakdown.

This reform must be informed by international best practice and be underpinned by the following guiding principles:

- **Best interest of the child:** Making decisions in children's best interests as per Article 3 of the UN Convention on the Rights of the Child.
- **Voice of the child:** Listening to the wishes and feelings of the children involved in family law cases, as per Article 12 of the UN Convention on the Rights of the Child. The principles of best interest and voice of the child are to be enshrined in Irish law following the passing of the Children's Referendum.
- **Meaningful participation:** Preparing children for the processes involved, engaging with them during these processes and enabling them to contribute, while reassuring them that making the final decision does not rest with them.
- **Parenting positively:** Encouraging and facilitating parents to set aside their differences and concentrate on the needs of their children. Ensuring that mediation is the first step as long as there are no child protection or domestic violence concerns.

Barnardos' vision for reform is to capitalise on the emerging understanding of the short and long-term implications of family breakdown on the emotional well-being of children. Family separation is not a once-off event and children need to be supported throughout the process. The establishment of specific family courts will be a significant and positive development. Also, ensuring greater use of mediation, support services such as therapeutic services and child contact centres, will result in disputes being resolved more quickly, familial relationships being less conflicted, and will reduce the cost to both the families and Exchequer, both in the medium and long-term. Barnardos' proposed integrated approach aims to link existing systems with a greater emphasis on availability of support services. The essential components to the reform are as follows:

- Comprehensive and holistic information for parents who decide to separate, and for their children;
- An entry point to the system that assesses a family's needs and refers them to appropriate services i.e. mediation, wherever possible, or courts if issues such as domestic violence or child protection concern are a factor;
- Court Welfare Officers to act as a liaison between the courts and mediation services, to keep courts informed and updated on mediation progress;
- Standardised and regulated *Guardian ad Litem*, service to represent children's voice and best interest in all cases;
- Support services, such as contact centres and therapeutic / counselling services, that can support children and parents to continue, or to develop, strong, positive relationships throughout and beyond separation.