

## Family Courts

In March 1996, the Commission published a [\*Report on Family Courts \(LRC 52-1996\)\*](#) following on from its 1994 [\*Consultation Paper on Family Courts \(LRC CP 8-1994\)\*](#) and as part of its First Programme of Law Reform. This report is concerned with the processes and procedures whereby family law disputes are resolved and remedies are obtained. This report is complete in itself. However, many of the issues with which it deals were explored in depth in the Consultation Paper, and repetition of that detailed treatment was felt to be unnecessary. This is particularly so in relation to the issues surrounding mediation and other forms of alternative dispute resolution. Furthermore the Report dealt with several areas which had not been covered by the Consultation Paper, including systems of case management, the appeals process, issues surrounding confidentiality in the mediation process and issues surrounding the appointment and secondment of judges.

The strategy recommended involves a combination of measures designed to promote agreement and avoid litigation where possible, and to improve the organization and quality of the family courts service where its use is unavoidable. This report makes 67 separate recommendations under the following headings:

1. A reformed family courts structure
2. Number and locations of regional family court centres
3. The unified jurisdiction
4. The District Court
5. Judicial appointments to the regional family court
6. Suitability for assignment to the regional family courts
7. Assignment to the regional family court
8. Appeals
9. Diversion and family court information centres
10. Pre-trial procedures and case management
11. Mediation
12. Legal advice and review of agreements by legal advisers
13. Judicial review of agreements
14. Representing the rights, interests and wishes of children
15. Family assessment services
16. The privacy of family proceedings
17. Judicial studies and the training of lawyers
18. Research and statistics
19. Miscellaneous

Amongst the main recommendations of the Commission are:

- The establishment of a system of Regional Family Courts, operating as a division of the Circuit Court, and having a unified family law jurisdiction;
- The limitation of the jurisdiction of the District Court in family matters to making emergency and interim orders;

- The introduction of a comprehensive system of case management and its implementation by means of Rules of Courts;
- The establishment of Family Court Information Centres, one of which would be attached to each Regional Family Court;
- The increased use of mediation in the family law system;
- That the courts should have the power to appoint an independent representative for a child whose welfare is in issues in family proceedings.

### **Draft Legislation in Report**

### **Information on Implementation**

Recommendations of the Commission were implemented in part by the *Children Act 1997, s.28* (appointment of guardian for litigation); *Civil Liability and Courts Act 2004, s.40* (reform of in camera rule); *Government Legislation Programme, Autumn Session 2017*, Heads of Family Courts Bill under preparation for pre-legislative scrutiny.