# Submission on Family Court Review

First name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Surname: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Contact phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Representing group/organisation (if applicable): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Purpose of group/organisation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Position within the group/organisation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I/We oppose the following proposals. Circle [Agree/Disagree] where applicable:

## Mandatory Family Dispute Resolution [Agree/Disagree]

Parties to pay $897 for a mandatory dispute resolution service.

**Reasons (tick ☑ where applicable / add additional points):**

* The cost will be prohibitive for many families.
* About parties, not about children. Who checks that the outcomes are best for the child and in line with the law?

**Recommendations:**

## New Family Court process [Agree/Disagree]

There are three ways for parties to be heard in the Family Court. ‘Simple’ disputes are decided by the judge without lawyers representing. ‘Standard’ disputes relating to multiple or serious issues are only allowed legal aid until hearing. Only ‘urgent’ disputes are allowed court process as normal.

**Reasons (tick ☑ where applicable / add additional points):**

* Need lawyers to refocus on the legal issues
* Self-representation is likely to slow down the process and cost more money
* Lawyers help to right the power imbalances

**Recommendations:**

## Lawyer for child not available unless dispute is serious [Agree/Disagree]

Lawyers are only available for serious issues

**Reasons (tick ☑ where applicable / add additional points):**

* It is a breach of the United Nations Convention On Rights Of the Child and Care of Children Act 2004 if the child’s view is not taken into account.
* Lawyer for child helps keep the focus on the child. Parents have their own agendas in family disputes and the child can be forgotten.

**Recommendations:**

## Interim orders no longer offered [Agree/Disagree]

All orders to be final orders unless there are material changes in circumstances.

**Reasons (tick ☑ where applicable / add additional points):**

* Need time to trial interim arrangements and to build or re-build trust.
* The fact that something can be interim encourages parties to come to an agreement.
* The practical reality is that there is not enough information before the Court to make a final order at the start.

**Recommendations (opposed/for):**

## Court counselling limited [Agree/Disagree]

Free court counselling will only be available by order of the Judge and in matters involving children.

**Reasons (tick ☑ where applicable / add additional points):**

* Reconciliation should be the first port of call.
* The weaker party may be barred from their only accessible form of mental support.

**Recommendations:**

## Additional information

We wish to exercise our right to have an audience with the Select Committee and directly address the Select Committee regarding our submissions. (Yes / No)

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_