

The Children Order Advisory Committee

Eighth Report



The Children Order Advisory Committee

Eighth Report

April 2008

CONTENTS

Foreword

Chapter 1

The Children Order, The Courts and The Committee.....	1
---	---

Chapter 2

Work of Sub-Committees during 2006/07	5
Best Practice Standing Committee	5
Child and Adolescent Mental Health Services (CAMHS).....	5
Child Contact Centres.....	7
Children's Services	8
Domestic Violence	9
Early Intervention	10
Future of the Children Order Advisory Committee (COAC).....	12
Integrated Family Justice Courts	13
Multi-disciplinary Literature	14
Secure Accommodation	15

Chapter 3

Work of Family Court Business Committees during 2006/07 ..	17
Belfast	17
Craigavon	18
Dungannon.....	19
Londonderry	20

Chapter 4

Issues Considered/Addressed by The Committee during 2006/07.....	23
Adoption	23
Article 4 Reports.....	24
Expert Witnesses.....	25
Guardians ad Litem and Case Management.....	26
Judicial Continuity	28
Recovery Orders	29
Securing the Future.....	29
Transparency and Format	31

Appendix 1

The Membership of The Committee (1st April 2006 to 31st March 2007).....	35
---	----

Appendix 2

Statistics	37
------------------	----

FOREWORD

The 8th Report of the Children Order Advisory Committee (COAC) covers the period 1 April 2006 to 31 March 2007. This session carried forward the momentum generated last year with an added emphasis on solution finding in the wake of problems identified.

The Committee completed the work on the new concept of an all-embracing family justice court bringing within its remit not only conventional family matters such as ancillary relief, divorce, finance, contact, residence, Public and Private law proceedings but also domestic violence courts and appropriate juvenile cases with the idea of “one family, one judge”. The resulting paper ‘Solving the Problem’ was circulated for limited comment having received the approval of the full Committee. This coming year will see the Family Justice Courts sub-committee considering positive steps to take forward the concepts contained therein.

COAC is very conscious of the changing times within which we find ourselves. In particular it is a time of considerable change for health and social services in light of the review of public administration. The proposed introduction of the Health and Social Services Authority, the merging of Trusts and the creation of the Regulation and Quality Improvement Authority all heralded significant changes to which we have had to adapt. A sub-committee on Children’s Services reviewed the Department of Health, Social Services and Public Safety (DHSSPS) draft circular ‘Responsibilities, Accountability and Authority of the Department for Health and Social Services; and Health and Social Services Trusts in the Discharge of Statutory Functions to Safeguard and Promote the Welfare of Children’. Our Committee identified a number of matters for clarification and closely analysed the circular.

In addition, the possibility of local legislative changes with our new devolved Assembly has opened up a new avenue of approach for our deliberations. In this context our Early Intervention sub-committee adopted a number of important proposals in the short, medium and long term to address the limited infrastructure of resources currently available for early intervention. Innovative schemes such as the new court welfare system and collaborative law in order to achieve pre-court services have all come under the close scrutiny of that sub-committee. The detailed planning proposals laid out for the future all work towards taking the rancour out of separation and divorce and reducing the acrimony within the family justice system.

The breadth of the diverse tasks that COAC undertakes was well illustrated by the sub-committee on Child and Adolescent Mental Health Services. In Northern Ireland, there are significant gaps in provision of such services and

Foreword

the sub-committee undertook two specific pieces of work to better understand the extent of the difficulty and seek to develop alternative solutions. Identifying the problem was the first step; this involved a scoping exercise to identify the extent and nature of the problem. Thereafter, work endeavoured to identify alternative solutions and was more qualitatively based. It is intended that further work will be undertaken by independent researchers identified by a limited tendering process.

One of the most progressive pieces of work undertaken by COAC this year was the decision to pilot an innovatory case management report for the court in Public Law proceedings. That report was one of the recommendations emanating from a COAC multi-disciplinary task group which considered the issue of growing delay in the process of Public Law cases. The purpose of the report is to ensure more effective and efficient case management by directing the Guardian ad Litem to consult all of the parties at an early stage in the proceedings and advise the court on a number of key issues. A pilot scheme was undertaken in the County Court Division of Londonderry and an evaluation carried out. The protocol for the use of the case management report in Public Law proceedings throughout the jurisdiction will be part of a revised edition of the COAC Best Practice Guidance. Multi-disciplinary seminars will be arranged to ensure the protocol is fully utilised.

Moving from the particular to the general, COAC is actively involved in addressing specific problems generating delay which have been drawn to its attention through one or more of the Family Court Business Committees (FCBC's). Judicial continuity in one of the Family Care Centres had presented as a problem and under the spur of the FCBC meetings and via this medium to COAC, a contribution was made to the resolution of this issue by discussions with senior judiciary.

Despite its innovative and creative spirit, COAC has continued to address longstanding issues which have become part of the fabric of our work over the years. Hence the Best Practice Standing Committee has continued its work to update the much used Best Practice Guidance which is regularly referred to at courts throughout the jurisdiction. An independent qualitative assessment has been invoked and the outcome of that will be available for next year's report.

The Multi-disciplinary Literature sub-committee has been going from strength to strength with a newsletter that makes full use of information technology to make available articles dealing with matters of common interest throughout the family justice system including Law Reports, child welfare, medicine and psychology. All the newsletters can be accessed via the Northern Ireland Court Service website at www.courtsni.gov.uk in order to maximise awareness of this publication. Efforts go on to promote as substantial a circulation as possible to ensure that this multi-disciplinary concept is widely used.

The problems of secure accommodation have continued to be dealt with throughout this period. Proposed arrangements, including a draft protocol outlining the practicalities on the use of a television live link/alternative venue in exceptional circumstances have been canvassed while of course the young person's attendance at court remains the preferred option. The Committee has compiled a preliminary analysis of the responses to that exercise and in the coming year will reflect on those responses and make recommendations on the way forward.

The use of welfare reports under Article 4(1) of the Children (Northern Ireland) Order 1995 has been addressed in the context of increasing concerns about delay and delivery of such reports particularly in Private Law cases. In order to address these concerns and in the spirit of interdisciplinary working, the Committee invited the chairs of the four FCBC's and the local court administrators to have their family court offices provide bi-monthly reports on the issue. This has provided the opportunity to identify and address any local concerns which may arise.

Domestic violence still commands our attention and in October 2006, a sub-committee convened a meeting in the Royal Courts of Justice in Belfast to discuss and consider the impact of domestic violence upon children with delegates from a diverse multi-disciplinary group of experts.

The ever changing context in which COAC works and the passage of time requires us to stand back and assess the nature of the role that COAC has in the family justice system. Time does not stand still and our approach must move with the grain of our times. Hence a sub-committee has been established to formally review the role of COAC with a view to assessing the effectiveness of the current structure, remit and operational practices. There is a strong relationship between COAC and the FCBC's and they are to be considered in the same exercise.

The FCBC's remain the cornerstone of our work. Our minutes are circulated to them. We draw our inspiration and our ideas from the comprehensive and conscientious work that they carry out. It is important to appreciate that a key ingredient of the work of COAC is to promote through the FCBC's commonality of administrative practice and procedure in Family Proceedings Courts and Family Care Centres and to advise on the impact on Children Order work of other family initiatives. Hence the enormous work which these Committees put in is the very life blood of COAC. This Report contains a brief summary of the tasks that all of the FCBC's have carried out throughout the year.

During the year we have lost another distinguished servant in Mrs Jacqui Durkin, who has been replaced on the Committee by Mr Eric Strain. COAC could not operate without the skilled assistance of the Northern Ireland Court Service and the Department of Health, Social Services and Public Safety (DHSSPS) who continue to provide a conscientious and hardworking secretariat to the Committee.

Foreword

This year, with the transfer of my duties to the Judicial Review Division of the High Court, I have stepped down from membership of COAC. It has been both a privilege and an honour to have chaired such a committed and dedicated group of men and women over the period. I have found that the members of this Committee ceaselessly deployed a breadth of vision and creative spirit which I have never encountered before. It is with enormous sadness that I now step down but I do so secure in the knowledge that the ongoing work of COAC within the family justice system will continue with the same dedication.

The incoming Chair is now the senior Family Judge in Northern Ireland, Mr Justice Weir. I welcome his appointment with the conviction that the future of COAC could not be in more experienced or creative hands than those of this distinguished judge. I wish him and the entire Committee every success in the tasks that lie ahead.

A handwritten signature in black ink, appearing to read 'John Gillen'. The signature is written in a cursive style with a large initial 'J' and 'G'.

The Honourable Mr Justice Gillen
Outgoing Chair of the Children Order Advisory Committee

The Children Order, The Courts and The Committee

1

The Order

The Children (Northern Ireland) Order 1995 ('the Order') came into operation on 4 November 1996. Widely recognised as the most comprehensive legislation relating to children ever introduced in Northern Ireland, it enshrines a number of key principles:

- The child's welfare shall be the paramount consideration in court proceedings
- Any delay in determining the question with respect to the upbringing of a child is likely to prejudice the welfare of the child
- No order or orders should be made unless that would be better for the child than making no order at all
- Where possible, children should be brought up and cared for with their own families
- Children should be safe and protected by effective intervention, but such intervention should be open to challenge
- Children should be kept informed about what happens to them and should ordinarily participate (subject to age and understanding) when decisions are made about their future and
- Parents continue to have parental responsibility even when their children are no longer living with them. They should be kept informed about their child and participate when decisions are made about their child's future

Court proceedings under the Order are known as 'family proceedings'. The term also encompasses a range of proceedings under other legislation including:

- The inherent jurisdiction of the High Court in relation to children
- The Matrimonial Causes (Northern Ireland) Order 1978
- The Domestic Proceedings (Northern Ireland) Order 1980
- The Adoption (Northern Ireland) Order 1987
- Part IV of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989
- Section 30 of the Human Fertilisation and Embryology Act 1990
- The Family Homes and Domestic Violence (Northern Ireland) Order 1998 and
- Chapter 2 of Part IV of, or Schedule 15, 16 or 17 to the Civil Partnerships Act 2004

1

The main court orders available under the Order are set out below under the broad headings of Private Law and Public Law. Orders concerning financial matters are not included:

PRIVATE LAW

- Contact, Prohibited Steps, Residence and Specific Issues Orders (Article 8)
- Family Assistance Orders (Article 16)
- Parental Responsibility Orders (Article 7)

PUBLIC LAW

- Care and Supervision Orders (Article 50)
- Child Assessment Orders (Article 62)
- Education Supervision Orders (Article 55)
- Emergency Protection Orders and Extension of Emergency Protection Orders (Article 63)
- Parental Contact with Children in Care Orders (Article 53)
- Secure Accommodation Orders (Article 44)

In any family proceedings in which a question with respect to the welfare of a child arises, the court may make an Article 8 order. This can occur either where a person entitled to do so makes an application, or where the court gives that person leave, or if the court itself considers that such an order is necessary. There are four types of Article 8 orders. These may determine with whom a child is to **reside** or have **contact**, may **prohibit particular steps** being taken concerning the child without the consent of the court or any other directions regarding **specific issues** concerning the child.

A family assistance order is available in exceptional cases and is the only order where the consent of all parties is required. The order offers short-term support and advice to a family, perhaps following a divorce or separation and usually where one or more Article 8 orders have also been made.

The Courts

The Children (Northern Ireland) Order 1995 confers concurrent jurisdiction on the High Court, county courts and magistrates' courts. It provides for two specialist classes of courts to hear any proceedings under the Order. At the county court level, these are Family Care Centres and at the magistrates' court level they are Family Proceedings Courts.

Family Care Centres – these courts are presided over by county court judges. Their function is to hear cases transferred to them and appeals from the family proceedings court. There are four family care centres, situated in Belfast, Craigavon, Dungannon and Londonderry.

Family Proceedings Courts – these courts are constituted as juvenile courts presided over by a resident magistrate who sits with two lay magistrates. There are seven family proceedings courts – one for each county court division and they exercise jurisdiction throughout the division in which they are situated.

The concurrent jurisdiction referred to above is regulated to ensure that children’s cases are heard at the appropriate level of court and that proceedings regarding the same child are heard in the same court. Subject to the overriding principle that delay is likely to prejudice the welfare of the child, Children Order cases may be transferred upwards to the higher courts when specific criteria have been established. These criteria can include where the matter is exceptionally grave, complex or important, or to consolidate with other family proceedings.

The general rule is that all Public Law proceedings are to be commenced in the family proceedings court. This is also the case with free standing Private Law applications i.e. those applications made when there are no other ongoing family proceedings. As regards connected Private Law applications e.g. where there are divorce proceedings pending in the county court or High Court, such applications are required to be made at that court.

The Committee

In recognition of the importance of the Order to children and their families, COAC was established:

- To advise Ministers on the progress of Children Order cases through the court system with a view to identifying special difficulties and reducing avoidable delay and
- To promote through Family Court Business Committees commonality of administrative practice and procedure in family proceedings courts and county courts and to advise on the impact on Children Order work of other family initiatives

COAC is chaired by the Judge of the Family Division of the High Court of Justice in Northern Ireland and its membership reflects the broad spectrum of disciplines and professions engaged in working with children, both in the courts and in other spheres. The membership of the Committee during the currency of the report is set out at Appendix 1.

BEST PRACTICE

The current Best Practice Guidance¹ (launched on 8 December 2003) has served as a very useful case management tool for effective implementation of Children Order cases through all three tiers of family courts.

This sub-committee is tasked with reviewing the legislation, case law and existing guidance together with the drafting of new guidance to discuss the aims and objectives of this first major review, the mechanism and proposed timescales.

Initially, it had been hoped that the various groups would complete the review within this reporting period with a draft Revised Best Practice Guidance available for consultation in early autumn. Many convenors have completed the review of their sections but several areas still require attention.

New sections – such as ‘Video Link’ require changes to Court Rules. This has happened with the Rules of the Supreme Court but equivalent amendments to the Family Proceedings Rules (Northern Ireland) 1996 and the Magistrates’ Courts (Children (Northern Ireland) Order 1995) Rules (Northern Ireland) 1996 are outstanding. Whether the proposed amendments to Rules will include cases involving secure accommodation applications and “parties” rather than just witnesses is yet to be confirmed. If parties are to be allowed to give evidence by video link this may require amendment to primary legislation.

Finally, the Institute Of Child Care Research, QUB are conducting an independent survey of the effectiveness of the current Best Practice Guidance, with the intention that their findings will be reflected in the Review. They are nearing the completion of their task and the sub-committee looks forward to considering their findings.

CHILD AND ADOLESCENT MENTAL HEALTH SERVICES (CAMHS)

Across the UK there are significant gaps in the provision of Child and Adolescent Mental Health Services (CAMHS). Despite recent significant improvements, this is also the position in Northern Ireland. Many of these difficulties arise, not because of financial pressures but because there is not a readily available pool of specialist trained staff. This problem is not amenable to quick solutions.

¹ Copy available at www.courtsni.gov.uk

2

Concerns have been raised about the ongoing difficulties of delivering a responsive service to the courts. Consequently, it was thought advisable to create a sub-committee of COAC to look at this issue. A current concern for COAC is the number of children with significant emotional, psychological or psychiatric problems appearing before the family courts and the inadequacy of existing arrangements to assist those courts to determine what is in the children's long term best interests.

The sub-committee, after consideration, decided it should undertake two specific pieces of work to better understand the extent of this difficulty and seek to develop alternative solutions. A sum of money has been identified to appoint independent researchers to carry out this work on behalf of COAC.

The first piece of work involves a scoping exercise to identify the extent and nature of this problem. A questionnaire has been designed and agreed by the sub-committee. Its purpose is to elicit through a review of the last one hundred closed cases involving the Northern Ireland Guardian ad Litem Agency (NIGALA), the number of cases where CAMHS issues have been a difficulty in the interface between the courts and health and social services.

The questionnaire will also:

- Identify the types of problems that were encountered
- How this played out in the various stages of the judicial process and
- Whether these issues were being experienced equally across the Province

The objective of this work is to gather more reliable data as to the prevalence of this problem across the region as a whole.

The second piece of work which endeavours to identify alternative solutions is more qualitatively based. It involves examining in some detail a number of cases where significant problems have been identified. These cases will all meet the criteria of having generated a high level of concern from all of the professionals involved in relation to the vulnerability of the child and/or the potential danger they posed to themselves and others. Through the use of focus groups involving key members of the legal, health and social services professions alongside some wider review of practice across the UK, the expectation is to develop some different thinking as to how these issues might be addressed.

It is intended that this piece of work would be undertaken by independent researchers who would be identified through a limited tendering process. The individuals appointed would be required to meet the following professional standards:

- A knowledge of the Children (Northern Ireland) Order 1995, the Mental Health (Northern Ireland) Order 1986, the Adoption (Northern Ireland) Order 1987 and other relevant legislation, Rules and procedures
- A knowledge of children's rights
- An understanding of the interface between the court and children's services
- Previous experience in conducting audits of this nature

For both pieces of work, the final report would be very much focused on the collection and analysis of the data. There is no intention that the report will identify any child or their family and great care will be taken by the sub-committee in the quality assurance of any report so as to ensure confidentiality.

These proposals are currently being considered by the judiciary to ensure that they are compliant with expected protocols in relation to the handling of confidential court material. A decision is awaited. Once this has been made, the sub-committee will reconvene to decide how best to proceed.

CHILD CONTACT CENTRES

The establishment of Child Contact Centres in Northern Ireland has been a major step forward in assisting children in establishing (and re-establishing) contact with a parent or relative.

Difficulties - real, imaginary or contrived can arise when the parent with the residence order expresses concerns about contact with the absent parent. The availability of Child Contact Centres goes a long way to allaying those fears and removing obstacles in the path of contact. The children can be brought to centres, usually based in church or other community facilities and can meet and play with their absent parent or relative. This contact takes place in a safe and supervised yet not intrusive atmosphere.

The existence of a Child Contact Centre in a locality makes the task of the courts much easier when it comes to the making of contact orders which require a degree of supervision. With the expansion in the number of centres and their success, we have been pleased to note that in some cases parents are agreeing to contact in these centres without any application to the courts.

It has been long recognised that the establishment and running of a Child Contact Centre had to be driven by local community initiative. Whilst the staff in these centres are unpaid volunteers, it was necessary to establish a degree of secure income in the medium to long term so that centres would not have to rely solely on their own fund raising. Such income was required to assist in training, an element of administration and running costs. COAC established this sub-committee to provide impetus to the representations that

2

had already been put forward to the Government concerning the lack of any coherent funding strategy. In last year's report, we were happy to advise that through these efforts and the efforts of many others, some progress was made.

With the funding position secure in the medium term, it was felt that a sub-committee solely dedicated to this issue was no longer required and a decision has been made to terminate its role. COAC remains committed to the concept of Child Contact Centres and will provide its full support to the National Association of Child Contact Centres (NACCC) and to local groups attempting to establish centres in their locality.

CHILDREN'S SERVICES

This sub-committee was tasked with reviewing the DHSSPS draft circular 'Responsibilities, Accountability and Authority of the Department for Health and Social Services; and Health and Social Services Trusts in the Discharge of Statutory Functions to Safeguard and Promote the Welfare of Children'.

The general view of the sub-committee was that the document was a helpful clarification of the respective roles of the Department, Health & Social Services Boards and Trusts. As such there was broad-based support for the paper. It was felt that in the absence of formal legal determination in a "test case" that the document clarified for all parties their legal roles and responsibilities.

It was noted that the document had been issued at a time of considerable change for health and social services in the light of the review of public administration. The proposed introduction of a Health and Social Care Authority, the merging of Trusts and the creation of the Regulation and Quality Improvement Authority meant that new roles and relationships were in the process of being developed.

This document was thought to assist this process, particularly in the light of the clarification that the Chief Executives of the five Trusts will be accountable to the Chief Executive of the Health Authority and Social Care Authority. This was felt to provide a clear line of accountability from the Trusts through the Boards/Authority to the Department.

A number of issues were identified for further clarification. As always it was recognised that there were issues of resourcing which would impact upon the priorities developed as a consequence of this guidance. In general terms however, it was welcomed.

DOMESTIC VIOLENCE

Domestic violence and abuse remains a serious problem in our jurisdiction. It has a devastating impact on victims and their families. Each year in Northern Ireland over 700 families are forced to be re-housed as a result of violence in the home. Violence in the home is particularly disturbing for children and local research² suggests that at least 11,000 children in this jurisdiction are living with domestic violence on a daily basis. It is believed that a large number of those children have either been in the same or next room when the violence has taken place.

One in 14 children in the United Kingdom may receive poor exam results because of the effects of domestic violence in their homes. Children may suffer from a range of effects including low self-esteem, aggression, behaviour and adjustment problems. Young people who grow up with violence are more likely to be abused themselves and may suffer some of the same behavioural problems as direct victims.

In October 2006, the sub-committee convened a meeting in the Royal Courts of Justice, Belfast. The objective was to discuss and consider the impact of domestic violence upon children.

The delegates consisted of a diverse multi-disciplinary group of experts who through their own professional disciplines are involved directly or indirectly with children who experience domestic violence.

The Public Prosecution Service (PPS) gave a brief outline of their Domestic Violence Policy which had launched earlier that year. The Family Judge described the evidential hurdles to be surmounted when presenting domestic violence cases in court. He also promoted the COAC discussion paper 'Solving the Problem' which proposed a court system to deal with families as a whole under the theme of "one family, one judge". This paper included a recommendation for integrated domestic violence courts, where related criminal and civil matters in suitable cases would be dealt with in the one court venue with access to appropriate support services.

The National Society for the Prevention of Cruelty to Children (NSPCC) promoted their Young Witness Service, set up in 1999 to support children giving evidence in criminal trials, to include cases which embrace domestic violence. NSPCC have piloted a TV link service for young people involved in certain Crown Court trials which has been very successful. NSPCC hoped to extend this service regionally to include magistrates' courts.

The Office of Law Reform highlighted the Northern Ireland Law Reform Advisory Committee's preliminary exploration of legislative provision to provide a range of special measures for vulnerable witnesses and children involved in civil cases, to include domestic violence.

2 Behind Closed Doors: The Impact of Domestic Violence on Children, UNICEF August 2006

2

The family master described how COAC Best Practice Guidance, launched in December 2003, is currently under review. The revised Guidance will include a commentary on the use of video link in the family courts. Video link is already widely used in the High Court to facilitate expert witnesses giving evidence from remote site locations. It is hoped to extend this service to children and other vulnerable witnesses in appropriate cases. This initiative enhances the Northern Ireland Law Reform Advisory Committee's current project.

There was considerable discussion regarding the availability and evaluation of programmes for alleged perpetrators of domestic violence and how this might be considered alongside the development of the new regional comprehensive assessment of children in need, UNOCINI. There was a proposal that the Regional Steering Group on Domestic Violence (RSG) should consider collating data in respect of perpetrators programmes, to include evaluation and consideration of the risk assessment models used.

Representatives from the RSG also provided an overview of the first year of the Regional Domestic Violence Strategy 'Tackling Violence at Home', particularly those parts relating specifically to children and young people.

The meeting provided everyone who attended with the opportunity to learn more about other professional's initiatives on a common and important issue.

EARLY INTERVENTION

In last year's report from this sub-committee a number of questions were posed. Shortly thereafter, we made a number of decisions in relation to those questions and a set of proposals was submitted to COAC.

Before summarising these, the Chair would like to thank the sub-committee members who gave the benefit of their expertise from a number of different disciplines.

The sub-committee concluded that there is currently a limited infrastructure of resources for early intervention such as family mediation services, Relate NI or Barnardo's. We also looked to the court welfare officer system and collaborative law as means of achieving pre-court services and bore in mind the Government document 'Parental Separation: Children's Needs and Parents' Responsibilities' wherein it was declared: "the government does not plan to make mediation compulsory".

The sub-committee then considered what bodies should be involved in services, ranging from general practitioners (GP's) - who could provide leaflets and advice, Barnardo's, Women's Aid and police domestic violence officers to lawyer-led pre-court interventions using services like the court welfare officers or family mediation.

We also concluded that the gate-keeping role was important. There are times when child protection, abduction threats, cases of mental instability of one partner or where criminal proceedings against one party are ongoing (to name but a few) completely rule out negotiation at that time. Who will decide when the issues are such that early settlement is impossible? The Trusts or safeguarding boards will have a role here as will courts dealing e.g. with an associated criminal case.

The following are the proposals of the sub-committee:

In the short term

- That lawyers be encouraged to avail of their expertise to negotiate and if appropriate undertake further training in that regard
- To encourage the Law Society to make available guidance on dispute resolution
- To encourage the collaborative law model
- Make available literature on mediation services to groups such as Relate NI, Women's Aid, Citizens Advice Bureau, GP's etc
- Consider funding to run an advertising campaign to raise awareness

In the medium term

- To encourage and promote a dramatic increase in the number of counsellors and mediators
- To move towards legislation to provide mediation as a requirement before initiating proceedings, subject to a suitable screening process for domestic violence, child abuse etc
- To avail of forthcoming changes in legal services provisions to access public funding for a range of alternative professional services

In the long term

- To work towards a unified family justice court
- To provide a one-stop system to provide advice, counselling and mediation
- To divert children from offending and parents from disputing trivial points

One of the main requirements is the new legal aid scheme in the Access to Justice provisions, now due in 2008. In cases of personal payers, access to mediation services is easier. Also, harmonisation of the court welfare officer system throughout the jurisdiction will greatly assist.

In any event, the sub-committee are strongly of the view that with necessary safeguards, we should work towards a scheme which takes the rancour out of separation and divorce which impacts so much on children.

2

Perhaps the final note should be one of optimism, as our own local Assembly may now provide the means to move forward boldly with changes in the legal framework to provide early intervention.

FUTURE OF THE CHILDREN ORDER ADVISORY COMMITTEE (COAC)

When COAC was formed in 1997, it was envisaged that it would remain in place for a number of years but in due course its existence would be reviewed to determine if it still had a productive role to play in this important area.

During the period of this report, a number of discussions were held about the remit and future of the Committee in its present format. Increasingly there has been frustration expressed by some members in respect of its present remit. The view is that it is too narrow and restrictive and it has been suggested that a remit similar to the Family Justice Council (FJC) in England & Wales would be more appropriate.

Taking into consideration that COAC has been operating for 10 years, it was agreed that it was appropriate to formally review its role with a view to assessing the effectiveness of the current structure, remit and operational practices. There is a strong relationship between COAC and the Family Court Business Committees (FCBC's) and it was agreed that they have also to be considered in the same exercise.

To take this work forward, the following terms of reference were agreed:

- Evaluate how effective COAC has been in meeting its terms of reference i.e. "To advise Ministers on the progress of Children Order cases through the court system with a view to identifying special difficulties and reducing avoidable delay; and
To promote through Family Court Business Committees commonality of administrative practice and procedure in the family proceedings courts and county courts and to advise on the impact on Children Order work of other family initiatives"
- Assess the need to retain an advisory group to comment on the progress of Children Order cases through the court system
- Make recommendations on the future direction, structure and role of COAC

The final decision on how this review should be taken forward will be made by the DHSSPS and Northern Ireland Court Service taking account of the views of the new Chair and Committee.

INTEGRATED FAMILY JUSTICE COURTS

2

This sub-committee was established to consider the concept of an overarching family justice court which would adopt a more holistic, joined up approach to incorporating Public Law, Private Law, aspects of youth justice and domestic violence all within a new family court setting.

The sub-committee drew up and found approval from the Advisory Committee as a whole for a paper entitled ‘Solving the Problem’. This has been circulated to a wide group of agencies throughout Northern Ireland including all the Health and Social Services Boards and Trusts.

The key proposal contained in this lengthy document is the merit of having relevant proceedings linked together. The practical and resource restraints are impediments that have to be surmounted but the general principle seems unanswerable. Consideration is being given to a pilot scheme within the family proceedings courts following implementation of the ICOS (Integrated Court Operations System) family module.

‘Solving the Problem’ is a wide embracing and inclusive attempt to deal with the wide ranging problems of family justice. Sections deal with the concept of “one family, one judge”, domestic violence courts, the care interface with youth justice and the need for transparency throughout the process.

The paper chimes with the gathering momentum of concern for children in the justice system. In the current climate of fear regarding youth crime, the age of criminal responsibility is a matter now much discussed. With one of the lowest ages of criminal responsibility in Western Europe perhaps the time is now ripe to consider new and more interventionist approaches to youth crimes adopted in Europe and elsewhere. We share a determination to keep teenagers out of court and solve family problems in all their manifestations through early intervention and appropriate mentoring, leading on from such initiatives as the Youth Justice Board of 1998.

The sad fact is that children under the age of 10 were prime suspects in nearly 3,000 crimes last year according to figures released under the Freedom of Information Act 2000. Police statistics show that 2,840 crimes including harassment, wounding and burglary were thought to have been committed by children younger than 10, the age of criminal responsibility.

The method of dealing with this problem is now very much in the public eye. Earlier this year a report from the Centre for Crime and Justice Studies at King’s College, London recommended considering raising the age of criminal responsibility to 14, 16 or 18. Conferences abound dealing with the need to support vulnerable children. It is our conviction that the remedy to a great extent lies within a joined up family justice system wherein children and families as a whole are dealt with consistently and holistically.

2

MULTI-DISCIPLINARY LITERATURE

The remit of the sub-committee is:

“To survey periodical academic literature and other relevant publications to ensure that those involved in the family justice system should be kept informed of research and development in this field.”

The sub-committee produces an electronic Multi-disciplinary Newsletter which is issued two or three times a year. Its purpose is to facilitate access to a selection of summaries of articles, books and literature within the various disciplines in family justice and childcare and to raise awareness of this literature on an interdisciplinary basis. The Newsletter is divided into three sections:

- Law Reports
- Child Welfare
- Medicine and Psychology

Making full use of information technology, the Newsletter contains links to the original cited document where possible. For the journal article references, the abstract of the article is included; for books and reports, there is a short summary of content. Where there is hypertext, if you simultaneously press “control” and left-click your mouse, you will be linked to the relevant website (provided you are connected to the internet and are licensed to enter the website).

All of the Newsletters can be accessed under the Northern Ireland Court Service website at **www.courtsni.gov.uk**. To maximise awareness, they have been circulated to a wide range of individuals and groups in the legal, academic, voluntary, social services and medical fields.

To access back numbers of the Newsletter go to www.courtsni.gov.uk. Under ‘Publications’, select ‘Family Law and Childcare Literature’. The previous editions are then listed and can be read by clicking on the title. The portal is updated regularly with the titles and summaries of articles and literature submitted by members of the sub-committee.

At this stage, the expectation is that readers will scan the material extracting what is of interest. The sub-committee is considering more sophisticated means of classification for future editions.

The sub-committee wishes to promote as wide a circulation as possible. Any individuals or groups who wish to be included in future circulation lists should contact us via email at **communicationsgroup@courtsni.gov.uk**.

SECURE ACCOMMODATION

Following on from the recommendation of the sub-committee that it was right in principle to extend television live link to applications for secure accommodation and to permit such applications to proceed in alternative venues, the Committee published a consultation paper which invited views on the issues.

The paper, published on 30 September 2005, sought views on the overall proposals together with a draft protocol and risk assessment procedure which had been prepared by the sub-committee.

Responses to the paper were requested by 28 October 2005 and in the event, 10 responses were received. The majority came from voluntary/community organisations and Health and Social Services Boards/Trusts. However, the Family Law Sub-Committee of the Northern Ireland Resident Magistrates' Association (NIRMA), the Northern Ireland Lay Magistrates' Association (NILMA) and NIGALA also commented, as did one individual.

For most of the voluntary/community organisations, the young person's attendance at court remained the preferred option and with that in mind, the Children's Law Centre suggested that further consideration should be given to other options, including the use of additional social services staff and transporting arrangements.

Several of those organisations did however, add that if the live link facility/alternative venue was endorsed, it should only be used in exceptional circumstances and initially be operated on a pilot basis. In addition, it was felt that the young person who was the subject of the application should receive appropriate information and be helped to exercise his or her rights in terms of accessing information, having a say, participating, receiving a "fair trial" and accessing appropriate and independent legal advice.

NIGALA broadly supported the proposed arrangements provided they were used as the exception, rather than the norm and NILMA also voiced its support.

The majority of NIRMA members also welcomed the possibility of a television live link in exceptional circumstances and highlighted the role of the resident magistrate in assessing the available options. However, there was a minority view which suggested that consideration be given to the provision of secure transport and the safe keeping of the young person in court pending the hearing.

NIRMA also suggested that it would be inappropriate and counter-productive to use the secure accommodation facility, which is the young person's home and therapeutic environment as the alternative venue for hearing.

2

The individual respondent expressed strong reservations about the live link facility/alternative venue on the basis that legally those arrangements could only be used on second and subsequent hearings. Concern was also expressed about the reliability of television live links and their suitability for lengthy hearings.

Overall, there was a strong call to assess the proposed new arrangements by reference to international law and the young person's best interest.

On the issue of the draft protocol, it was suggested that the practical outworkings of the new scheme required careful consideration and there were queries about access to legal representation and family support.

NIGALA also emphasised the need for an ongoing system of monitoring and evaluation.

The Committee has compiled a preliminary analysis of the responses to the consultation exercise and in the coming year will reflect on those responses and make recommendations on the way forward.

Work of Family Court Business Committees during 2006/07

3

BELFAST

The Committee met four times during the period of this report and sought to use the meetings to fulfil two functions. Firstly, they provided a forum for an exchange of views for those involved in the family courts in Belfast and secondly, they facilitated representatives of various relevant groups to make presentations to the Committee on matters of mutual interest.

Issues raised during the year included:

Delay in Providing Reports

This was an ongoing problem which often led to hearing dates being vacated. It was accepted that all of those involved must take responsibility. The judiciary must make clear the purpose of the report and provide names, addresses and birthdates of those involved. It is also essential that Directions are forwarded promptly to the appropriate Trust with if possible, the name of the appropriate social worker. Trusts must endeavour to produce the report within the timescale set down by the court; if they believe that this is impossible they should inform the court immediately so that if a date has to be vacated it could be filled by another case.

Unavailability of Witnesses

Again, this often leads to hearing dates having to be vacated. The Committee accepted that there were often valid reasons for non-availability but asked that the party whose witness was unavailable make an application to the court as soon as they become aware of a difficulty and not leave it to the hearing date.

In respect of both the above matters, the Committee believed that the court office should have a system which indicates a breach of a Direction when it happens so that immediate steps may be taken to preserve the hearing date. The introduction of the Integrated Court Operations System (ICOS) should assist in this regard.

Information Technology

The roll-out of ICOS Family Module occurred during the year under review. This will take some time to properly evaluate but should help with the processing of cases. It also allows the judiciary access to court diaries and lists.

The Committee heard that there had been little use made of telephone conferencing in Belfast. This may be due to the proximity of Laganside Courts Complex to the Bar Library.

3

Video conferencing has been used to allow witnesses from outside Northern Ireland to give evidence without travelling to this jurisdiction. This has proved very successful and its use is increasing steadily. An issue was raised in that there can be a difficulty for counsel in consulting with the witness in private and this will be addressed.

Target Times

There was discussion about the proposal to introduce target times for the completion of both Public Law and Private Law cases. It was agreed that there was an obligation on everyone to deal with cases as quickly as possible. It was also agreed however, that all Children Order cases are different and that if purposeful delay is for the ultimate welfare of the child then that must take precedence over arbitrary time targets.

The Committee benefited from presentations on the following topics:

- Collaborative Practice
- Children's Right to Family Life
- Family and Child Care Processes
- Barnardo's 'Domestic Violence Risk Assessment Model'

The Committee are grateful to all the speakers for their very interesting presentations.

CRAIGAVON

This Committee met on three occasions during the period 1 April 2006 to 31 March 2007.

Following on from last year's report in which the lack of a proper court welfare officer service at Craigavon Family Proceedings Court (FPC) was highlighted, in September the Committee was pleased to be informed that funding had been secured. The officer took up the post in January 2007. The appointment had immediate beneficial effects in terms of reducing the need for written reports and in resolving many cases through prompt mediation.

Progress was also made on the listing and hearing venue of care cases. As a result of representations made by the Committee, a review was undertaken and a decision made that the Family Care Centre (FCC) should sit in Craigavon and that one week in four would be allocated for care business. Her Honour Judge Loughran is presiding at present and both the profession and the court staff find that business is being conducted much more expeditiously and effectively as a result of the changes.

A change was also made to the sittings of Craigavon FPC. As a result of an increase in youth business, the mixed FPC/Youth sitting was no longer viable. Northern Ireland Court Service accepted the recommendation that the

sitting in question should become a youth court and that a mixed FPC/Domestic sitting should take its place.

No progress has yet been made on the provision of a Child Contact Centre for Craigavon. The acting Chair attended a seminar on the subject run by DHSSPS and reported back to the Committee that the Department were looking at the possibility of organising “outreach” Contact Centres e.g. Armagh Contact Centre might be funded to organise a centre in the Craigavon area. The issue will remain on the agenda.

During the year, the Committee regularly monitored the statistics for disposal rates and sitting times. In general, these compared favourably with other courts. The Committee also monitored the introduction of the ICOS family module in Craigavon. It went live in January and after a few teething problems, appears to be working well.

Other issues discussed by the Committee during the year were the attendance of lay magistrates, the provision of education to children in care, practice in appeals to the FCC and the creation of the five new Trusts.

The acting Chair would like to thank the members of the Committee for their contributions and the various members of court staff who acted as secretary during the year.

DUNGANNON

During this reporting period, Dungannon Family Courts Business Committee monitored the timescale in respect of Article 4 welfare reports and was satisfied that an agreed target timescale of 6 weeks was being achieved in the majority of cases.

However, there still remains a concern in the Cookstown and South Tyrone areas in that different Trusts (even after the recent reorganisation) apply different strategies to the role and employment of court welfare officers. The ideal solution would be a court welfare officer(s) employed to encompass the entire Petty Sessions District with funding provided by the several Trusts involved.

The presiding RM continues to deal with family proceedings business throughout the Division, sitting both in Dungannon and in Omagh. The increasing workload in the Family Proceedings Court has resulted in a successful application for an extra sitting day per month. This has been allocated as the third Monday of the month with the court sitting at Omagh.

Also, the Chair and presiding resident magistrate attended the official opening of Omagh Child Contact Centre. The Centre provides a safe, friendly environment for families who are splitting up and is somewhere for the non-resident parent to spend time with their children.

3

LONDONDERRY

This Committee continued to monitor the situation in relation to avoidable delay. NIGALA together with the assistance of practitioners undertook to make a list of experts who would be available to undertake work in the jurisdiction, including their particular field(s) of expertise.

However, it is not only the shortage of experts that have proved a source of delay but also the need to keep them informed of changes to the circumstances of the individual(s) they are reporting on and to come back to the court and ask that relevant, up-to-date material be forwarded to the experts as soon as that material becomes available, rather than waiting to bring it to the court's attention at the next review date.

This year, the addition to the Committee of a further solicitor and two representatives from Foyle Child Contact Centre has proved invaluable. As a result of the contribution of the latter, the need to draw up a court referral form was identified; this form is filled out in court by the parties and includes the dates and times when the child is to attend the Centre. In appropriate cases, arranging a pre-contact visit to the Centre allows the custodial parent who may have concerns about contact to see the facilities available in this neutral environment and meet some of the volunteers.

The form also informs the Centre Manager and staff precisely what the court has ordered in respect of how long the custodial parent should remain in the Centre in order to settle the child and introduce them to the contact volunteer. This helps ensure that the contact volunteer has the child's confidence when introducing the non-custodial parent. This innovation has proved necessary because on occasions, the custodial parent does not want to have any direct contact with the non-custodial parent, at least initially.

Through careful financial management, the Centre has been able to employ a co-ordinator to liaise with legal professionals and the court in relation to the Centre's capacity to take referrals.

This year, a second Summer Ball was held in the City Hotel to raise funds. This event is encouraged and supported by the Committee and we would once again like to thank those who attended what was a very enjoyable evening. The Committee looks forward to having at least one more such Ball in 2007 after which it is hoped there will be more funding available for the Centre. There is no doubt that the money raised in the last two years from these events has been of significant assistance to the financing of the Centre.

During the period covered by the report, NIGALA ran a case management pilot scheme in Londonderry³ where after eight weeks, the guardian assigned

³ For a detailed report on the pilot scheme and outcome, please refer to Chapter 4 section entitled 'Guardians ad Litem and Case Management' beginning at page 26

to a Public Law case was under an obligation to make recommendations on three specific aspects of its management. This included whether or not expert evidence would be required and if so, the nature of such evidence together with the identification (where possible) of a particular expert. The guardian was to play a pivotal role in recommending a case time-table to the court and to advise on the degree of participation of the child who was the subject of the proceedings. The NIGALA representative informed the Committee that the number of cases available to the pilot was relatively small and consequently the scheme was to be kept under review though initial reports were encouraging.

The question of telephone conferencing and the use of evidence being given by television live link have been a feature of the Committee's discussions on a number of occasions. It was proposed that the court should take a more proactive role in raising the profile and value of these facilities. However, it was noted that for telephone conferencing to be used, the consent of all the parties involved was necessary. The Committee in principle saw no reason why a judge could not indicate his preference for a Directions Hearing to take place via telephone conferencing subject to the consent principle. A recent change to court rules providing for evidence of a witness to be given by way of video link will no doubt be closely monitored by the Committee in the future.

Finally, I would like to take this opportunity to thank all those who have attended and contributed to the work of the Londonderry Family Court Business Committee.

Issues Considered/Addressed by The Committee during 2006/07

4

ADOPTION

In July 2006 DHSSPS issued a consultation document on the proposed reform of adoption legislation in Northern Ireland. The consultation period ran until 1st September 2006. However, at its September meeting the Advisory Committee resolved to seek an extension of time to submit a response on the proposed reforms. While the statutory remit of COAC is expressly confined to the Children (Northern Ireland) Order 1995, stakeholders were anxious to comment on provisions which have such a substantial interface with and impact upon the lives of children in the public care sector in Northern Ireland.

A sub-committee was established to furnish COAC's response.

Children require and have a right to expect a stable and permanent family life. Where possible this should be provided by the birth family. Where this is not possible, then an adoptive placement should be available if this is consistent with the child's best interests. Looked after children deserve stable interim placements pending the completion of assessments and determination of court processes.

Having reviewed the consultation document in depth, COAC concluded that the proposed new adoption legislation is to be broadly welcomed. The commitment to enshrine the welfare of the child as the paramount consideration must embrace the rights afforded to children by Articles 3, 9, 12 and 21 of the United Nations Convention on the Rights of the Child (UNCRC).

However, the Advisory Committee was conscious that the full benefit of the proposed reforms will only be realised if those responsible for implementation of the legislation are properly and adequately resourced. It is imperative that those tasked with the implementation and delivery of services under this legislation have sufficient financial and human resources to enable effective delivery to all stakeholders and service users.

Implementation must be monitored against clear performance indicators to guarantee best outcomes for children. Performance indicators must be informed by the experience of other jurisdictions and international exemplars of best practice should be identified and adapted for use in Northern Ireland.

The consultation addressed adoption and other issues which fall within the remit of DHSSPS. COAC would wish to see other Departments taking forward work to address the issue of separate representation in Private Law

4

cases and the Committee would be keen to see the equivalent implementation of Article 122 of the Adoption and Children Act 2002 replicated in Northern Ireland.

COAC looks forward to the publication of the draft legislation and even more significantly to the production of the rules and regulations which will underpin the implementation of the new law.

ARTICLE 4 REPORTS

A recurrent theme in many of the discussions held in the four Family Court Business Committees (FCBC's) has been the provision of Article 4 welfare reports. Under Article 4(1) of the Children (Northern Ireland) Order 1995:

“A court considering any question with respect to a child under this Order may ask an authority to arrange for a suitably qualified person to report to the court on such matters relating to the welfare of that child as are required to be dealt with in the report.”

Concerns were voiced that in some areas it was taking an increasing amount of time to deliver such reports to the courts, particularly in Private Law cases. Anecdotally, the reasons for this have been many and varied. In order to address these concerns and in the spirit of interdisciplinary working the Committee invited the chairs of the four FCBC's and the local court administrators to have their family court offices provide bi-monthly reports on the issue.

The format of the reports include the date of the court, the type of Private Law case, the Trust directed to complete the report, the date it is to be filed, details of any request for an extension of the filing date together with the date on which it is ultimately filed. This information forms the basis of a composite report compiled by the secretariat which is then delivered at each meeting of the Committee as a standing item on the agenda.

The format of this report to COAC is anonymised. It was also suggested that it may be of benefit for the FCBC's to include the local report provided by their family offices and courts as a standing item on their own agendas. This would provide an opportunity to identify and address any local concerns the various disciplines involved in providing or using this service might have.

The appointment of court welfare officers at a number of court venues has the potential to affect the number of requests for such Private Law reports issuing from the courts. The information available from the logs may therefore be of assistance to the DHSSPS if they are to consider further appointments.

It is also appreciated that at the time when this exercise was introduced both the judiciary and court staff have been heavily involved with the Integrated Court Operations System (ICOS) and in particular the roll out of the ICOS Family Module to the county court and magistrates' court tiers. Their assistance in this process has been vital and is gratefully acknowledged as such by the Committee.

EXPERT WITNESSES

The cases involving children that come before the family courts are both complex and serious. They lead to life-changing decisions for children about whether they will stay with their current family, change home within their family, move into the care of the state or on to a new permanent family with strangers.

In order to make good and lasting decisions about these very difficult matters, courts require high quality expert evidence to assist them. If it is not available children and their families will be denied their human rights. Children need decisions to be made without unnecessary delay so the availability of expertise is crucial to ensure timely decisions. The evidence needed relates not only to harm that has been suffered, but also assessments and opinion evidence of the likelihood of change and future recurrence of harm.

Recent public concerns about the standard of expert evidence related to the issue of harm to children and about how Private Law disputes are adjudicated have thrust this area of law under an intense spotlight. Many professionals from other disciplines argue that the current climate is not conducive to retaining high quality experts within the court arena and are deterred from taking on expert witness work. It is in the interests of everyone concerned with family justice that those with high calibre expertise should be retained within this challenging area of work. Practitioners already report difficulty in identifying a suitable expert to undertake necessary assessments within the court timetable.

It is essential that when appropriate, the courts should have access to the evidence of expert witnesses.

A recurring theme on the Committee's agenda has been the role and provision of expert witnesses in Children Order proceedings. The Committee reviewed the options for the identification and recruitment of experts in family law proceedings.

Two models for raising awareness of individuals - with the requisite skills and knowledge essential to assist courts in resolving complex family issues - to undertake the role of expert witness were identified:

4

1. The production and circulation of a local directory of experts for reference by practitioners, the courts and the Northern Ireland Legal Services Commission (NILSC)
2. The production of guidance for practitioners, the courts and NILSC on how to access existing databases to identify expert witnesses

The optimum solution would be the production and publication of the COAC Directory of Expert Witnesses. The two fundamental problems with this proposal remain cost and accreditation.

In the absence of a local directory, the Committee determined to undertake a substantial revision of the section of the Best Practice Guidance dealing with expert witnesses. The purpose of the revision was to:

- Update the guidance to reflect recent developments in respect of expert witnesses
- Provide more practical guidance to practitioners regarding the process of instructing an expert witness, including funding
- Provide links to existing directories, lists and registers of expert witnesses to afford practitioners the optimum chance of recruiting an appropriately qualified expert

This proposal is an interim measure designed to address current difficulties. The long term solution will require an exercise not dissimilar to the process completed in England & Wales ‘The Use of Experts: Quality, price and procedures in publicly funded cases’ issued by the Legal Services Commission in November 2004.

That consultation generated considerable debate but the objectives of providing a single authoritative point of reference for courts to accredited expert witnesses who are properly remunerated for the essential service they offer can easily be translated to Northern Ireland.

GUARDIANS AD LITEM AND CASE MANAGEMENT

In 2006-07, COAC agreed to pilot an innovatory case management report for the court in Public Law proceedings. This report was one of the recommendations emanating from a COAC Multi-disciplinary Task Group which considered the issue of increasing delay in the processing of Public Law cases and the likelihood that such delay, when not purposeful, would prejudice the welfare of the child.

The purpose of the report to the court was therefore, to ensure more effective and efficient case management by directing the Guardian ad Litem (GAL) to consult all of the parties at an early stage in the proceedings and advise the court on:

- A timetable for proceedings
- The need for expert opinion/witness
- The participation of the child who is subject of proceedings

In March/April 2006, a pilot of the protocol was undertaken in the County Court Divisions of Londonderry and Fermanagh & Tyrone including Londonderry, Omagh and Dungannon FPC's.

An evaluation of the pilot was undertaken in September 2006. Using a postal survey the views of those involved, namely members of the judiciary, members of the legal profession, social workers and GAL's were ascertained. In total there were 33 cases, involving 41 children.

On review of the responses, the following themes emerged:

- When the process worked well, it was considered to be beneficial to the court process and the child
- The application type determined whether there was a requirement for a report at the 8-week stage i.e. care order applications as opposed to secure accommodation order applications
- Administrative delays impacted on the working of the process
- Not all of those involved demonstrated an understanding of the protocol or individual responsibilities
- There was seldom a 'collaborative' or 'collective' working of the parties making the GAL's role in co-ordinating the views of the parties for advising the court difficult to achieve
- There was a need for the process to be managed by the judiciary i.e. a more effective use of initial/review Directions Appointments and guidance to the parties to work collaboratively in producing a case management report by the GAL
- In some circumstances, the court timetabled the case at the first hearing. In this context, when the case management report was produced at the 8-week stage, it constituted a 'review' of the existing timetable
- Consideration of the need for an expert witness(es) should be a requirement of all parties early in proceedings
- Moving the focus on to the overall 'participation' of the child in proceedings rather than the 'attendance' of the child at hearings received unanimous support

Although the pilot revealed weaknesses, these were in part anticipated. It was recognised that to initiate change to established methods of practice involving practitioners from different disciplines, fundamental change in both attitude and culture is required.

What did emerge is that the concept of a case management report produced by the GAL at an early stage in proceedings was potentially beneficial to the court process and decision making for children.

4

On the 1st March 2007, a number of key recommendations were considered and subsequently endorsed by COAC; these being:

- At the first hearing the court should if it deemed appropriate, direct the GAL to prepare a case management report in collaboration with all parties to the case. Timing of the report will vary depending on the type of case and the level of court, but it should be tabled at approximately the 8-week stage
- All parties should be directed to contribute to the co-ordination of the case management report
- In the event that the court has set a timetable for the case at the first hearing, the timetabling proposal contained in the case management report will assist the court in reviewing the initial timetable and amending as necessary

In 2006-07, a protocol for the use of the case management report in Public Law proceedings throughout the jurisdiction will be part of a revised edition of the COAC Best Practice Guidance. Multi-disciplinary seminars will be arranged in the autumn of 2007 in each of the areas covered by the FCBC's and thereafter it is expected that the new protocol will be fully utilised.

The key to the success of this initiative is the acceptance of the need by all of the disciplines involved to work collaboratively and to positively assist the GAL in the production of the report. Ultimately of course, the responsibility for case management continues to rest with the judiciary.

JUDICIAL CONTINUITY

Judicial continuity is encouraged under the Children Order and is something which all judiciary at every level are keen to provide in all types of work and especially in family proceedings before the court.

A problem arose in the area covered by Craigavon Family Care Centre (FCC). The volume of work being dealt with in the FCC had grown and as no specific judge had been allocated on a regular basis to this work, difficulty was experienced in getting the cases dealt with and concluded in front of the same judge.

In order to keep judicial continuity, the cases were listed in front of the relevant judges wherever they were sitting. This presented serious problems for both the public in the cases and court staff managing the files.

The public who appear in Children Order cases are often vulnerable people who are socially excluded and would find it very difficult to attend courts using public transport to venues distant from their own locality. The case papers (and often staff) were also required to follow the judge. This problem was raised at the Family Court Business Committee meetings and through this medium to COAC.

Following on from these discussions, an approach was made to the Recorder of Belfast, the most senior County Court Judge and subsequently arrangements were put in place to ensure that Craigavon FCC (sitting in either Craigavon or Newry) would have a regular and consistent judicial presence to hear FCC cases.

As a result the problem was dealt with swiftly, to the benefit of the public and in a cost effective manner.

RECOVERY ORDERS

As pointed out in our last Annual Report, one of the important reforms effected by the Family Law Act 1986 was to provide for recovery orders in Private Law cases under Section 34. While the statute itself applies equally to Northern Ireland, the necessary subordinate legislation has never been promulgated in our jurisdiction.

It follows that, for the past 20 years it has remained the position that a care parent who for example has obtained a residence order in a Family Proceedings Court, must resort to the inherently slow and blunt instrument of an originating summons on complaint any time the other parent should fail to return the child after a contact visit. This can mean a delay of several weeks.

Northern Ireland lacks the equivalent to Rule 31A of the Family Proceedings Court (Children Act 1989) Rules 1991 ('Applications and orders under sections 33 and 34 of the Family Law Act 1986'). This includes provision for recovery applications to be made *ex parte* in urgent cases and provides for an order which empowers the police to enter and search premises and to use reasonable force in order to recover the child and return him or her to the care parent. It is matter of great regret that this matter has still not received appropriate attention.

SECURING THE FUTURE

Children and young people need to be loved, to be cared for, to live in safety and to be protected from abuse. They need to be supported to achieve their full potential so that they may grow into confident, well-adjusted adults. For the majority of children and young people, their family provides this care and support.

Some families however need extra support to help them and for a small number of children and young people, additional steps have to be taken to ensure they are safeguarded from harm. In these circumstances, the responsibility for the child's or young person's protection and wellbeing becomes the shared responsibility of a range of public services, including social services, the judiciary, the Police Service for Northern Ireland, health and education services.

4

The decision to intervene in family life is never taken lightly. Taking on direct responsibility for the protection and wellbeing of children and young people requires the highest level of skills, integrity and dedication. The courts rely on high quality information and assessment by social workers to assist them in their determination of what care arrangements will be in the best interests of the child.

Findings from DHSSPS inspections of child protection services, while identifying some areas of good practice, also highlighted serious failings in the safety, quality and consistency of child protection services across Northern Ireland. As a result of these findings, a fundamental reform of child protection services has been initiated with the aim of improving and strengthening the capacity of public services to effectively meet the needs of children and young people and support them to achieve their full potential and grow into confident, well adjusted adults.

Robust governance and performance management arrangements are being put in place to ensure that front line workers are supported to plan and manage their practice safely and effectively. High quality supervision is critical to this process. The development of leadership capability and managerial competence are priorities in the new arrangements for Health and Social Care (HSC) to ensure high quality professional supervision is available for staff managing complex, challenging and often high risk situations.

It is recognised that child protection starts with having effective family support services in place with an emphasis on prevention and early intervention. Consequently, there has been significant investment in ‘early years’ services and proposals for further strengthening family support services are imminent. These services are designed to provide support for families in caring for and raising their children safely and responsibly.

For the small number of children and young people who are assessed at risk, enhanced child protection teams supported by principal practitioners delivering services based on a common “Care Pathway” model are being put in place. Founded on core principles of equity of access and consistency throughout the region, the Care Pathway model will mean a more effective child protection service to children at risk or in need.

Concentrating resources at the “front end” of the service will ensure that the most experienced and able staff are retained in practice. Principal practitioners’ responsibilities will include support for social workers in the management of complex cases and providing expert advice and consultation to colleagues. This will help ensure higher quality assessments, more effective interventions and the provision of a safer service with better outcomes for children and young people. Priority areas for the deployment of principal practitioners in each of the new HSC Trusts are:

- Child protection
- The courts
- Residential children's homes/disabled children

These new child protection teams will make use of a single assessment framework (including risk assessment and a mental health needs component) for children in need across the region. This will ensure a consistent approach to recording and assessing information and the application of common thresholds for specific interventions regardless of where children live in Northern Ireland. This single assessment framework will also promote and support improved communication and information sharing between disciplines and agencies involved in child protection work.

A new statutory, regional Safeguarding Board for Northern Ireland is being planned to replace the non-statutory Area Child Protection Committees. This measure is designed to ensure greater co-operation at the highest level within Government Departments, HSC, local government and in the voluntary and community sectors.

Improving the outcomes for children and young people who cannot be cared for by their own family will always be difficult, complex and challenging. No one discipline or agency can achieve this on their own. A multi-disciplinary, interagency approach to child protection work is therefore essential. This requires a shared commitment, effective communication and a focus on achieving the best outcomes for children. As importantly, it requires listening to and working closely with children and young people and their families to understand their aspirations, their difficulties and their preferred solutions.

Together, sharing responsibility, we can ensure the needs of children, young people and families are met.

TRANSPARENCY AND FORMAT

During the last year COAC has given consideration to how the family court can be more effective. The issues of transparency and court format have in particular been considered.

At present family courts are held in private and judgments (while given to the parties involved in the proceedings) are not made public; press reporting is of a restrictive nature.

There are those that argue that the current system is transparent as persons involved in proceedings concerning their private family matters are represented, present throughout the hearing and are given reasons for the decisions made.

4

Others suggest that because the public are more generally not made aware of the facts on which the decisions are made, confidence in the system is reduced. The issue of public confidence is particularly relevant to decisions concerning contact of children with the non-custodial parent. It is felt that if the difficulties faced by courts when making these decisions were in the public domain, the reasons for the decisions would be better understood. In addition, it would perhaps give the public a clearer picture of what is the effect on children if appropriate arrangements for contact are not made by the parents themselves when separating.

A further argument to be considered is that in a small community, even if cases are anonymised (in country areas in particular) a family could be identified and individual rights to a private family life consequently breached. It is important to remember that in contact disputes, children in Private Law cases while the subject of the proceedings, are not a party to them yet they may well be identified through the reporting of the cases.

The issue of transparency in family proceedings and what degree of reporting of these proceedings is required to ensure confidence in the family justice system in Northern Ireland clearly needs further debate. It should involve the judiciary, legal profession, DHSSPS, members of the public and those whose responsibility it is to implement family law policy. As the decisions made in the family justice system have a profound effect on children, their views should also be sought on this issue perhaps through the auspices of the Children's Commissioner.

Initially in England & Wales, family courts were receptive to more public reporting of judgments. However Lord Falconer, the then Lord Chancellor suggested that more consideration should be given to the issue before any final decision was taken particularly because of the potential effect on children's best interests and rights of privacy. More recently, readers will be familiar with the consultation paper entitled 'Confidence and confidentiality: Openness in family courts – a new approach' issued by the Ministry of Justice and we will no doubt, wish to continue the debate on transparency in the light of their findings.

At present there is no real evidence as to whether or not the public in Northern Ireland wish family decisions to be reported more widely. The reasons for transparency require to be closely examined and conclusions not drawn as a response to criticism of particular court decisions.

The format of the court is also an issue that not everyone agrees on. There are those who believe the court is too formal while others take the view that a degree of formality is required. The judiciary have taken the decision that wigs and judicial robes should not be worn at Direction Hearings or at family court hearings in the higher courts although at present, some individual judges wish to retain the discretion to wear their wig and judicial robes if they feel it is appropriate to do so in the circumstances of an individual case.

Neither the judiciary nor counsel robe in court hearings which involve vulnerable adults or during cases where children are present. Barristers do continue to wear their wigs and gowns at court hearings. The Bar argue that children quite often wish the judge to wear a wig and gown and that the parties, particularly in Public Law proceedings, feel that the judge so attired marks his/her independence. They do not wish to have the proceedings conducted in a manner similar to a Trust “looked after children” (LAC) review. The contrary view is that independence comes from the way the proceedings are conducted. Independence is also exhibited in the quality of a reasoned decision.

The manner in which family court proceedings are conducted itself has been scrutinised. There are those who have argued against an adversarial system and advocate a wholly inquisitorial one. The consensus of opinion is that an adversarial system which has an inquisitorial element is the best way to make factual decisions and judge the calibre of expert evidence. The conduct of a case in an adversarial manner does not equate to aggression and judges themselves may wish to have an inquisitorial role by asking questions of a witness where it is felt that an insufficient answer does not give the degree of clarity necessary to assist in deciding an issue in dispute. Similarly, where it is felt that an aspect of the case has not been addressed, the judge may direct probative questions to elicit information to assist in making the decision.

There is no reason why these two approaches cannot exist side by side. Court listings have been improved and in Northern Ireland it is recognised that there is an experienced pool of family judges and magistrates. It must be clearly remembered that court practices and procedures cannot be drawn up in a manner which favours one party over the other(s).

It has been recognised that the best forum for making suggestions to improve the family justice system is in the first instance through the Family Court Business Committees. These Committees have a membership that is representative of all parties with a legitimate interest in the running of the family court and they have the ability to co-opt those with expertise or insight into a particular problem.

The role the judiciary play in advancing interdisciplinary working in the family justice system has also been examined. The purpose of interdisciplinary work is to ensure that all agencies who have relevant information about the welfare and wellbeing of a child impart that information to each other. This should mean that all relevant information is available to the court when deciding the child’s case thus ensuring that a well- informed decision is reached.

4

Judges may contribute to general discussions on family justice issues, giving the benefit of their particular expertise and experience. However, they should not be regarded as interdisciplinary working childcare professionals. Judges must not only be independent but must be seen to be so, as they will be called upon to be the final arbiter in cases which cannot be otherwise resolved.

Appendix 1

The Membership of The Committee (1st April 2006 to 31st March 2007)

Chair

Mr Justice Gillen	High Court Judge (Family Division) High Court of Justice in Northern Ireland
-------------------	--

Members

His Honour Judge Rodgers	County Court Judge and Family Judge of the Belfast Family Care Centre
--------------------------	---

Her Honour Judge Philpott QC	Recorder of Londonderry and Family Judge of the Londonderry Family Care Centre
------------------------------	--

His Honour Judge McFarland	County Court Judge and Family Judge of the Dungannon Family Care Centre
----------------------------	---

Master Wells	Master of the Office of Care and Protection, High Court of Justice in Northern Ireland
--------------	--

Mr John Meehan RM	Resident Magistrate
-------------------	---------------------

Mr Ronnie Williamson	Executive Director of the Northern Ireland Guardian ad Litem Agency
----------------------	--

Mrs Janet Leckey	Chair of the Northern Ireland Lay Magistrates Association
------------------	--

Mr Fergal Bradley	Head of Child Care Policy Directorate, DHSSPS
-------------------	--

Mr Paul Martin	Chief Inspector, Social Services Inspectorate, DHSSPS
----------------	--

Mrs Catherine Dixon	Solicitor
---------------------	-----------

Appendix 1

Mr Cecil Worthington	Representative of the Association of Directors of Health & Social Services Trusts
Mr Hugh Connor	Director of Social Services, Eastern Health & Social Services Board
Mrs Gillian McGaughey	Barrister at Law
Mrs Wendy Beggs	Directorate of Legal Services, Central Services Agency
Miss Brenda Donnelly	Official Solicitor to the Supreme Court
Mrs Laura McPolin	Office of Law Reform
Mr Eric Strain	Northern Ireland Court Service
Ms Tara Caul	Children in Northern Ireland
Mrs Audrey Quigley (DHSSPS)}	Secretariat
Mr Austin Harper (NI Court Service)}	

Appendix 2

Statistics

Commentary

The statistics which form the basis of the tables and figures in this appendix are collected as a census of the Children Order business in all the courts in Northern Ireland. Except where otherwise indicated, all figures and tables cover the financial year 2006/07. With the exception of those figures contained in Tables 3 and 4 which are case based, figures relate to individual applications. There may be more than one application per child and more than one child per case.

Wardship Actions

At the time of the introduction of the Children Order in November 1996, a marked decline in the number of wardship actions made in the High Court was observed reflecting the restrictions placed on such applications by the Children Order. Since the introduction of the Order, wardship actions have remained at a consistently low level with no significant increase observed between 2002 and 2007 (See both Table 1 and Figure 1).

Applications and Disposals

Table 2 shows the number of applications lodged and disposed of in all court tiers for 2006/07. Applications lodged out-numbered disposals causing an increasing number of outstanding applications. Figure 2 shows the number of applications lodged and disposed of each year since 2002.

During 2006/07, 12% of applications lodged concerned Public Law and 88% concerned Private Law. In terms of disposals, 11% of applications disposed of concerned Public Law and 89% concerned Private Law (See Figure 3).

Care cases accounted for the majority of Public Law orders made (see Table 5 and Figure 6a) where the percentage decreased from 38% in 2005/06 to 29% in 2006/07. The most common types of order made in Private Law were contact (54%) and residence (31%) (See Figure 6b).

Transfers

Table 3 shows the number of cases transferred and the reasons for transfer quoted. More than one reason may be given for transfer in each case. The most numerous reasons given for transfer to the Family Care Centres was complexity (61% in 2005/06 and 61% in 2006/07), while for transfers to the High Court the main reasons were complexity and consolidation (41% and 44% respectively in 2006/07). During 2006/07 transfers from the Family Proceeding Courts and Magistrates' Courts to the Family Care Centres made up 63% of all applications transferred. In 2005/06, such transfers accounted for 66% of all applications transferred.

Disposal Times

Table 4 and Figure 5 show the relative disposal times for both Public Law and Private Law cases in each court tier for 2006/07. In the Family Proceedings Courts, average disposal times were 30 weeks for Public Law and 24 weeks for Private Law cases. In the Care Centres, they were 48 weeks for Public Law cases and 42 weeks for Private Law cases. Public Law cases in the High Court took 29 weeks and Private Law cases took 37 weeks. Lodgement to disposal times for Public and Private Law cases have increased by 2 weeks between 2005/06 and 2006/07 overall. It should be noted that because of the relatively small numbers at the High Court and county court tiers, comparatively few long cases can substantially affect the average time taken to dispose of cases.

Disposal Types

Table 5 shows the distribution of the different types of disposal made for 2006/07. Orders made accounted for 76% of all disposals in 2006/07 (72% in 2005/06), 7% resulted in an order of 'no order' in 2006/07 as compared with 8% in 2005/06 while 14% of the applications were withdrawn (16% in 2005/06) and 4% were refused (4% in 2005/06).

In 2005/06, 7958 interim orders were made. The number of interim orders decreased by less than 1% to 7899 in 2006/07. These were made up primarily of contact, residence and care orders.

Age of Children

Table 6 shows the distribution of children's ages. One third (33%) of children involved in the cases were within the 0-4 years old category (Figure 8).

Annual Comparisons

To provide a broad picture of yearly trends since the commencement of the Children Order, Figures 9(a), 9(b) and 9(c) illustrate the number of applications lodged and disposed of in each of the court tiers. Between 2005/06 and 2006/07 the number of applications lodged decreased by 12%. There was also a 14% decrease in the number of disposals between 2005/06 and 2006/07.

Figure 10 presents the number of orders and disposals for 2002/03 to 2006/07. Parental responsibility disposals decreased by 18% between 2005/06 and 2006/07. Contact (permission) decreased by 5% between 2005/06 and 2006/07. The number of applications for residence orders disposed of also decreased by 5% between 2005/06 and 2006/07 and care cases disposed of decreased by 4% between 2005/06 and 2006/07.

Table 1
Wardship Actions (April 2001 - March 2007)

Wardship Actions	02/03	03/04	04/05	05/06	06/07
Non Emergency	4	9	2	1	16
Immediate Provision	7	13	15	17	1
Jurisdiction	8	1	0	1	0

Table 2
Applications and Disposals

01/04/06 - 31/03/07

Applications	High Court	County Court		Magistrates' Court		Total
	High Court	Care Centre	Other	FPC	Other	
Public Law	25	80	0	535	0	640
Private Law	132	172	0	4267	0	4571
Total	157	252	0	4802	0	5211

Disposals	High Court	County Court		Magistrates' Court		Total
	High Court	Care Centre	Other	FPC	Other	
Public Law	23	70	2	463	1	559
Private Law	119	176	1	4020	0	4316
Total	142	246	3	4483	1	4875

Table 3
Transfer of Business (Reasons)

01/04/06 - 31/03/07

To	Convenience	Urgency	Gravity	Importance	Complexity	Consolidation	Other	Total Reasons	Number of Cases ^[1] Transferred
<i>High Court</i>	0	2	2	0	14	15	1	34	33
<i>Care Centre</i>									
Belfast	2	0	0	0	20	5	8	35	35
Dungannon	1	3	1	0	2	0	0	7	5
Londonderry	0	0	0	0	16	3	2	21	21
Craigavon	0	0	2	0	7	2	0	11	9
<i>Family Proceedings Court</i>									
Ballymena	0	0	0	0	0	0	0	0	0
Belfast	0	0	0	0	0	2	0	2	2
Dungannon	0	1	0	1	0	0	0	2	1
Omagh	1	0	0	1	0	0	0	2	1
Londonderry	0	0	0	0	0	1	0	1	1
Newry	2	0	0	0	0	0	0	2	2
Ards	1	0	0	0	0	0	0	1	1
Craigavon	0	0	0	0	0	0	0	0	0
Total	7	6	5	2	59	28	11	118	111

^[1] Cases may have more than one application.

Table 4
Disposal Times

01/04/06 - 31/03/07

Lodged to final hearing times (in weeks) for cases entered in the designated courts				
	High Court	Care Centre	Family Proceedings Court	Total
Public Law	29	48	30	32
Private Law	37	42	24	25

Table 5
Orders and Disposals

01/04/06 - 31/03/07

Business	Order ⁽²⁾ Made	No Order	Refused	Withdrawn	Total	Interim Order ^[1]
Parental Responsibility	200	17	31	67	315	12
Contact: Permission	1,948	146	103	274	2,471	3,846
Contact: Refusal	27	6	5	8	46	11
Residence	1,117	93	36	203	1,449	920
Prohibited Steps	70	22	14	53	159	165
Specific Issues	67	13	7	35	122	23
Family Assistance	18	2	0	0	20	11
Care	191	44	5	40	280	2,700
Supervision	21	4	0	5	30	32
Education Supervision	17	1	0	5	23	4
Child Assessment	0	0	0	0	0	0
Emergency Protection	27	0	0	3	30	8
Extension of EPO	2	0	0	0	2	4
Recovery	11	0	0	0	11	6
Secure Accommodation	59	3	0	13	75	97
Article 53 Contact	20	3	0	7	30	8
Appointment of Guardian	123	16	0	19	158	2
Contribution & Other Financial	12	1	0	0	13	1
Non-molestation	3	1	0	3	7	35
Article 56	1	4	1	3	9	1
Other Orders, Applications	280	4	15	18	317	9
Occupation Articles	0	0	0	0	0	3
Exclusion Requirement	2	0	0	2	4	1
Total	4,216	380	217	758	5,571	7,899

^[1] Interim orders are taken from court sittings returns; application disposals are taken from final disposal forms. The figures do not necessarily refer to the number of cases.

^[2] Figures for final orders are derived from ICOS for the High Court & from manual forms for FPC's and FCC's. Caution should be used when comparing this table with previous years.

Table 6
Children Subject to Applications

Age and Gender of children involved ^[1] 01/04/06 - 31/03/07					
	Age Range				Number of children in respect of whom orders have been made
	0-4	5-8	9-12	13-16	
Male	722	678	485	266	2,151
Female	671	590	458	292	2,011
Total ^[2]	1,407	1,287	962	566	4,222

^[1] Includes children not subject to an application disposed of

^[2] Includes 60 children whose gender is unrecorded

Table 7
Business Volume - Care Centres and Related Courts

Applications - 01/04/06 - 31/03/07

	Public	Private	Total
Belfast			
<i>Care Centre</i>	40	75	115
<i>County Court</i>	0	0	0
<i>Family Proceedings Court</i>	324	2,353	2,677
<i>Magistrates' Court</i>	0	0	0
Total	364	2,428	2,792
Craigavon			
<i>Care Centre</i>	30	72	102
<i>County Court</i>	0	0	0
<i>Family Proceedings Court</i>	92	1,089	1,181
<i>Magistrates' Court</i>	0	0	0
Total	122	1,161	1,283
Dungannon			
<i>Care Centre</i>	8	9	17
<i>County Court</i>	0	0	0
<i>Family Proceedings Court</i>	68	259	327
<i>Magistrates' Court</i>	0	0	0
Total	76	268	344
Londonderry			
<i>Care Centre</i>	2	16	18
<i>County Court</i>	0	0	0
<i>Family Proceedings Court</i>	51	566	617
<i>Magistrates' Court</i>	0	0	0
Total	53	582	635

Table 8
Business Volume - Care Centres and Related Courts

Disposals - 01/04/06 - 31/03/07

	Public	Private	Total
Belfast			
<i>Care Centre</i>	26	75	101
<i>County Court</i>	0	0	0
<i>Family Proceedings Court</i>	240	2,149	2,389
<i>Magistrates' Court</i>	0	0	0
Total	266	2,224	2,490
Craigavon			
<i>Care Centre</i>	28	62	90
<i>County Court</i>	2	1	3
<i>Family Proceedings Court</i>	102	1,039	1,141
<i>Magistrates' Court</i>	1	0	1
Total	133	1,102	1,235
Dungannon			
<i>Care Centre</i>	6	6	12
<i>County Court</i>	0	0	0
<i>Family Proceedings Court</i>	63	300	363
<i>Magistrates' Court</i>	0	0	0
Total	69	306	375
Londonderry			
<i>Care Centre</i>	10	33	43
<i>County Court</i>	0	0	0
<i>Family Proceedings Court</i>	58	532	590
<i>Magistrates' Court</i>	0	0	0
Total	68	565	633

Figure 1
Wardship Actions (April 2002 - March 2007)

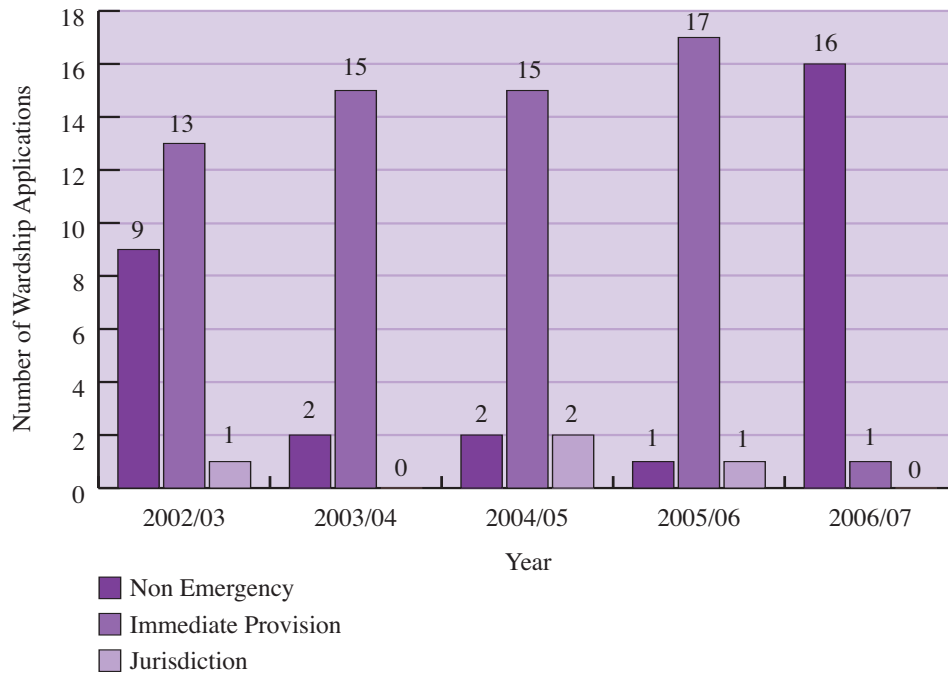


Figure 2
Applications Lodged and Disposed of
(April 2002 - March 2007)

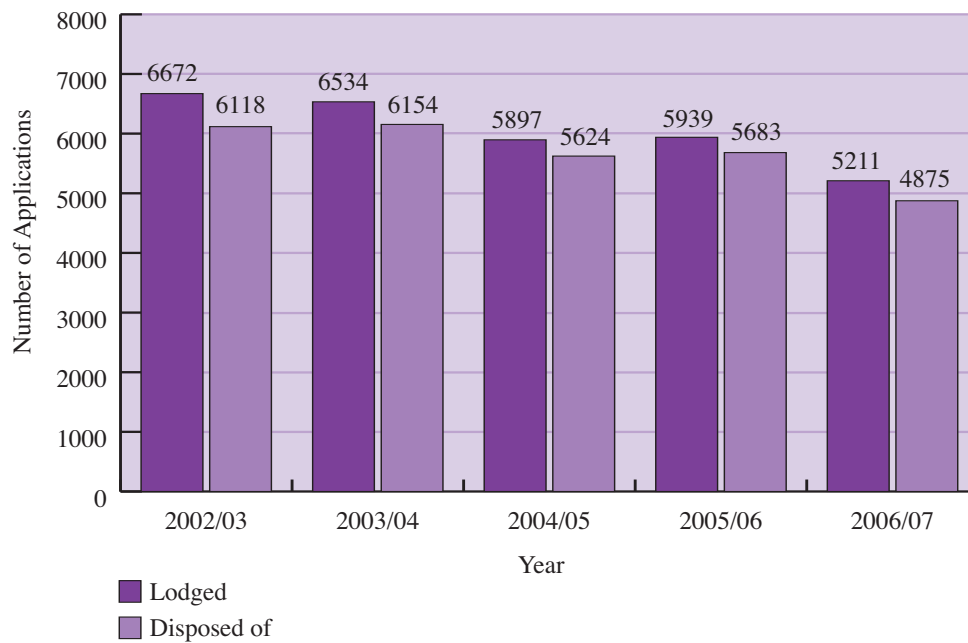


Figure 3 (a)
Applications Lodged (April 2006-March 2007)

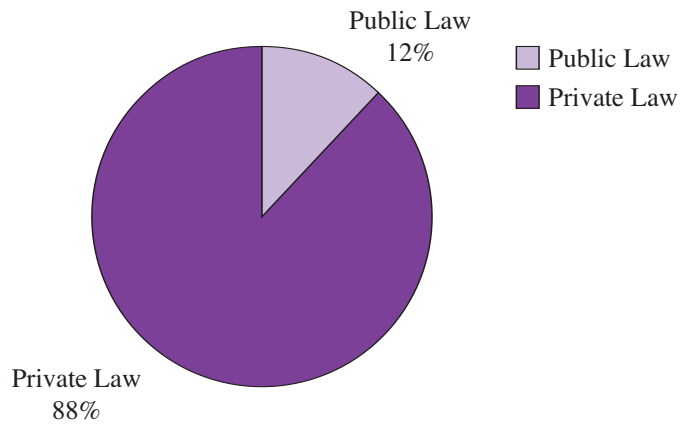


Figure 3 (b)
Applications Disposed of (April 2006-March 2007)

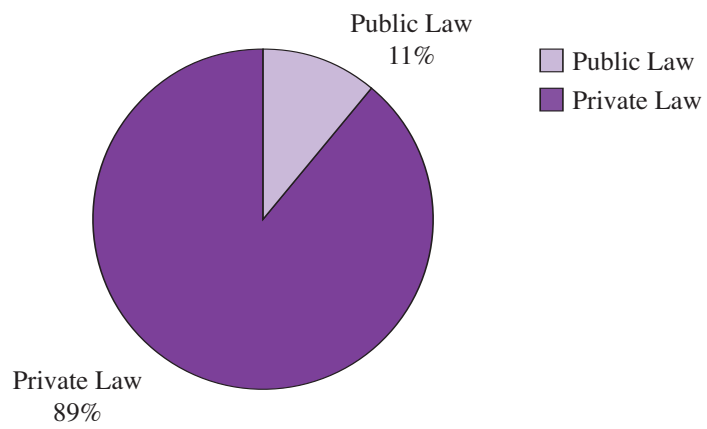


Figure 4(a)
 Children Order Public Law Applications Lodged and Disposed of (April 2002 - March 2007)



Figure 4(b)

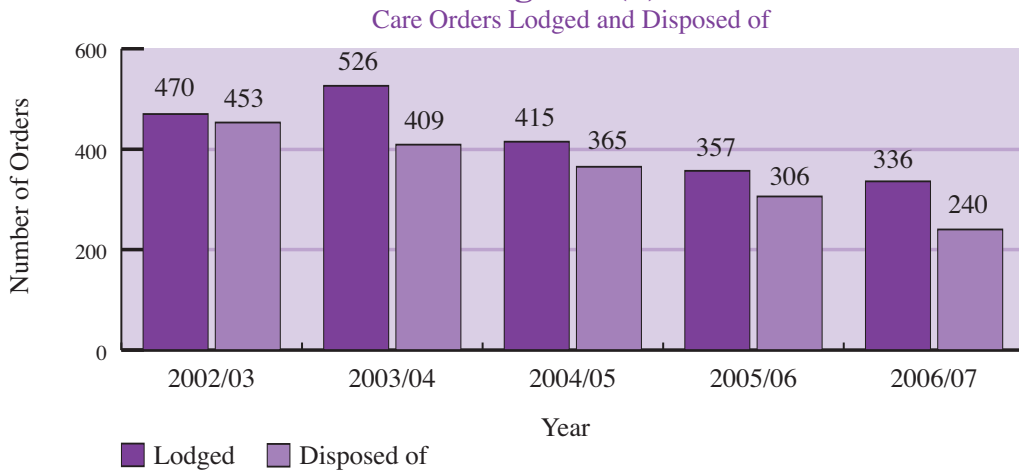


Figure 4(c)

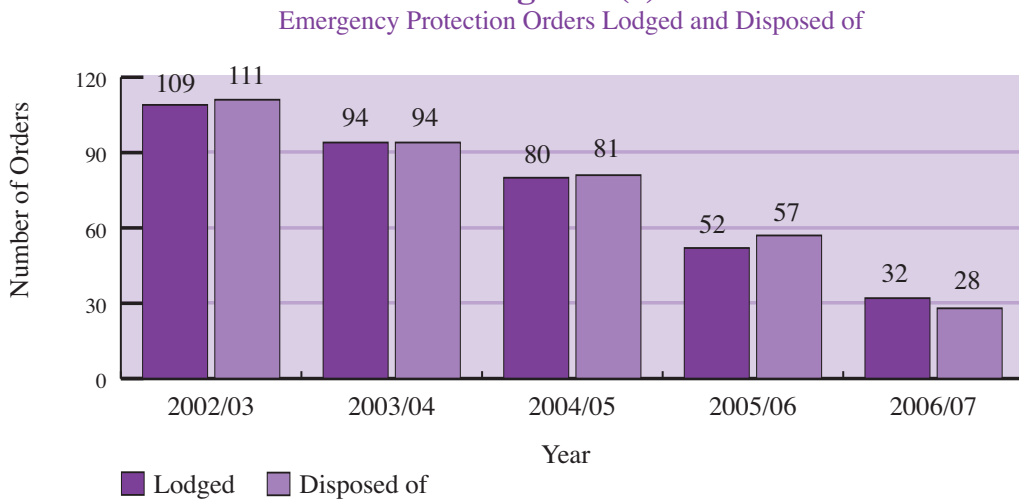


Figure 5
Disposal Time in Weeks (April 2006 - March 2007)

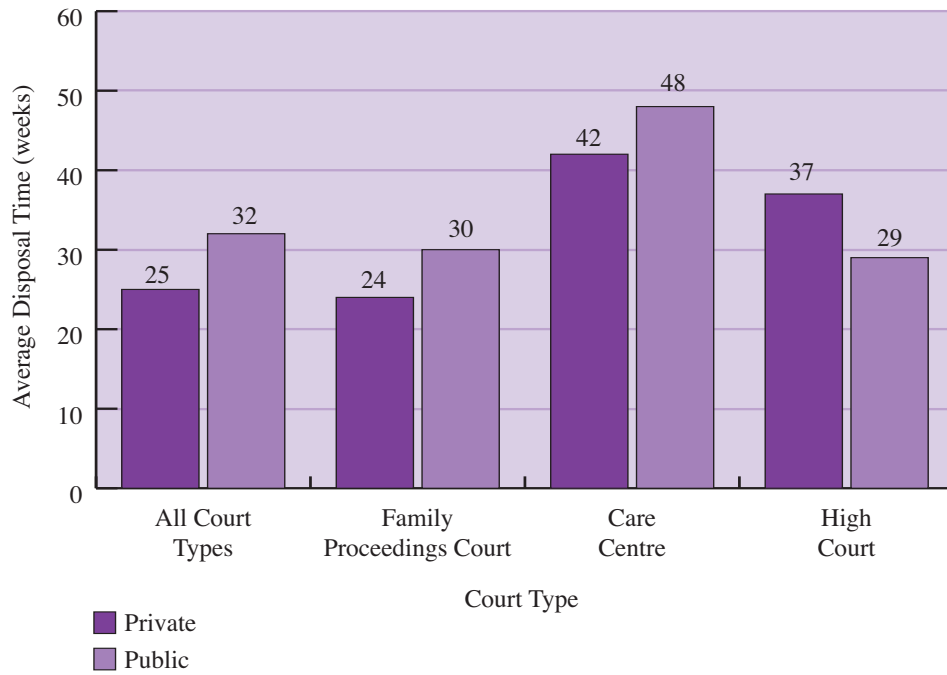


Figure 6(a)
Public Law Orders Made (April 2006 - March 2007)

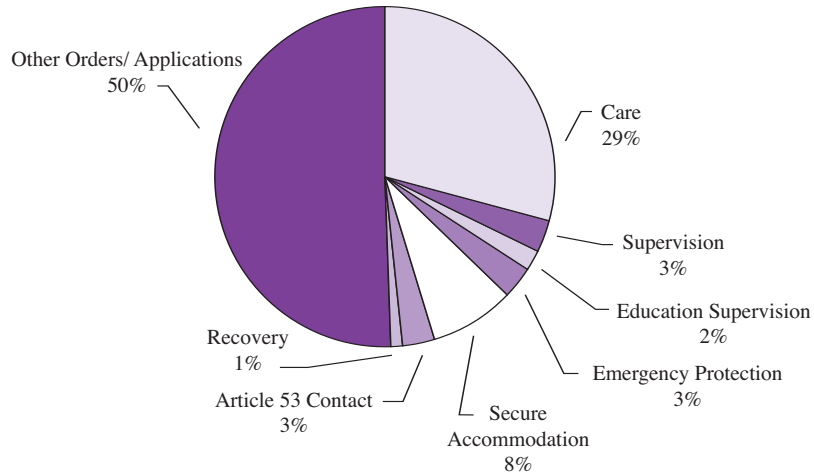


Figure 6(b)
Private Law Orders Made (April 2006 - March 2007)

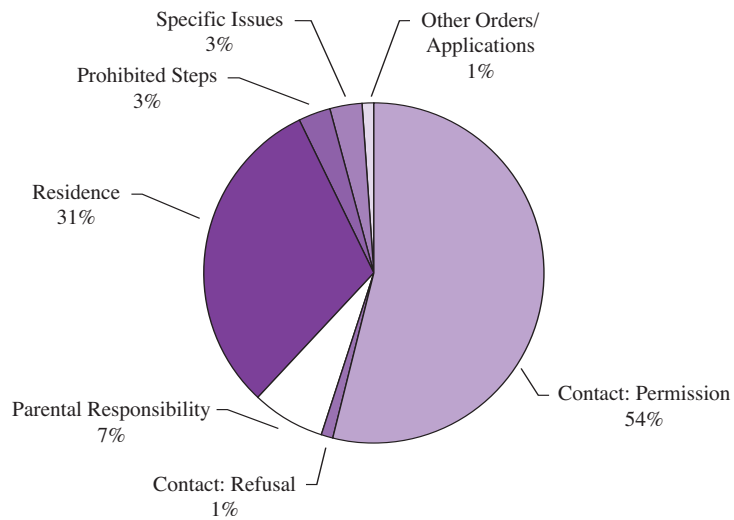


Figure 7(a)
Applicants (April 2006 - December 2006)

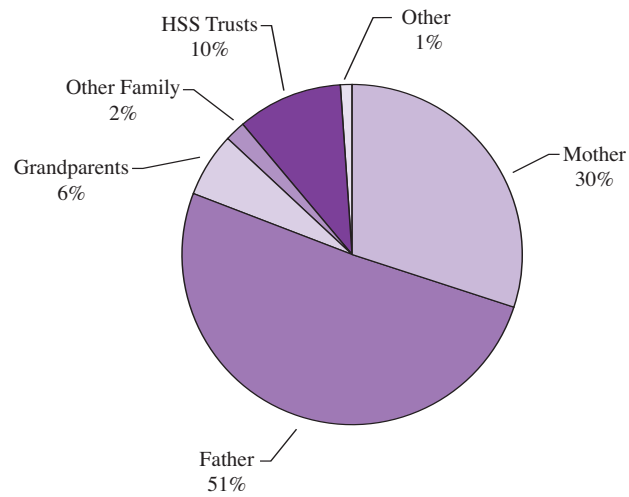
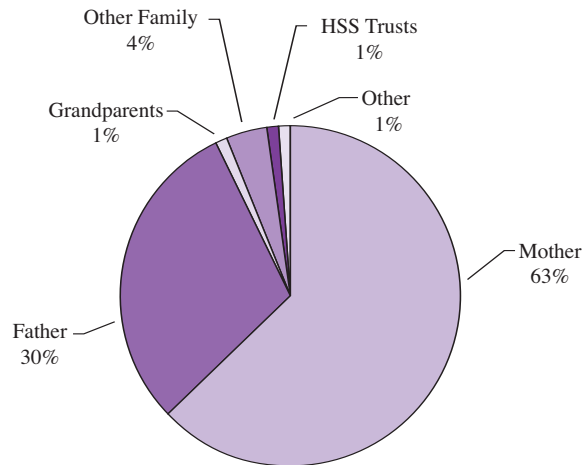


Figure 7 (b)
Respondents (April 2006 - December 2006)



NB: Percentages may total to greater than 100 due to rounding. Includes figures from FPC and FCC up until the end December 2006.

Figure 8
Age and Gender of Children Involved
 (April 2006 - March 2007)

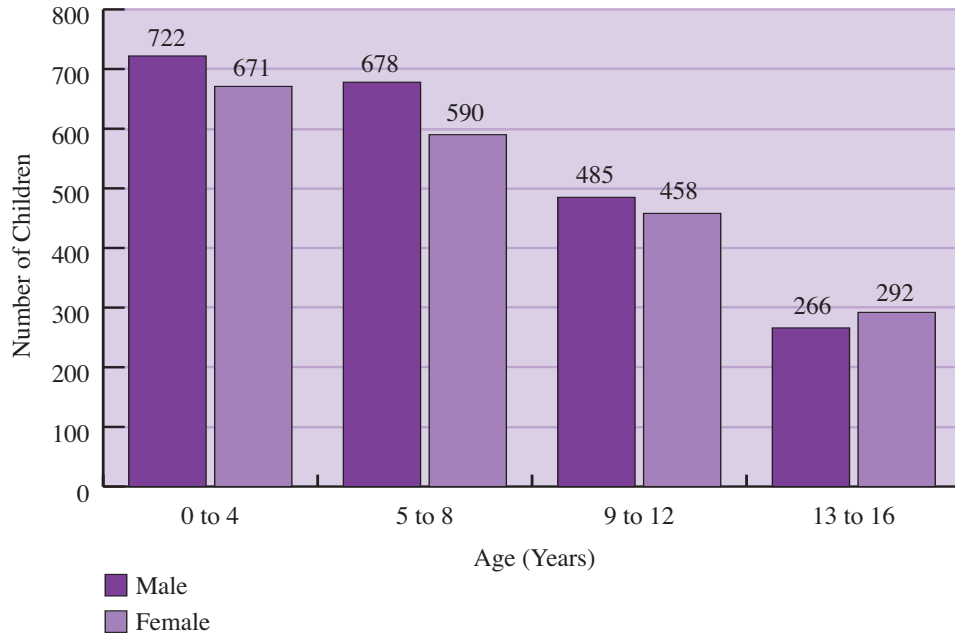


Figure 9(a)
Applications Lodged & Disposed of in Family
Proceedings Court (April 2002 - March 2007)

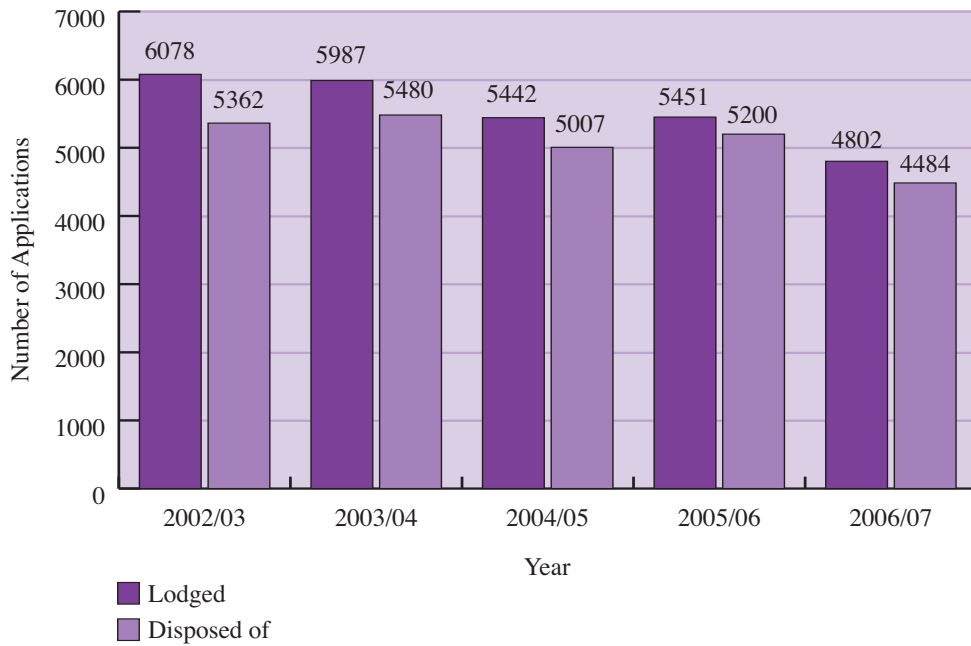


Figure 9(b)
Applications Lodged & Disposed of in Family Care Centre
(April 2002 - March 2007)

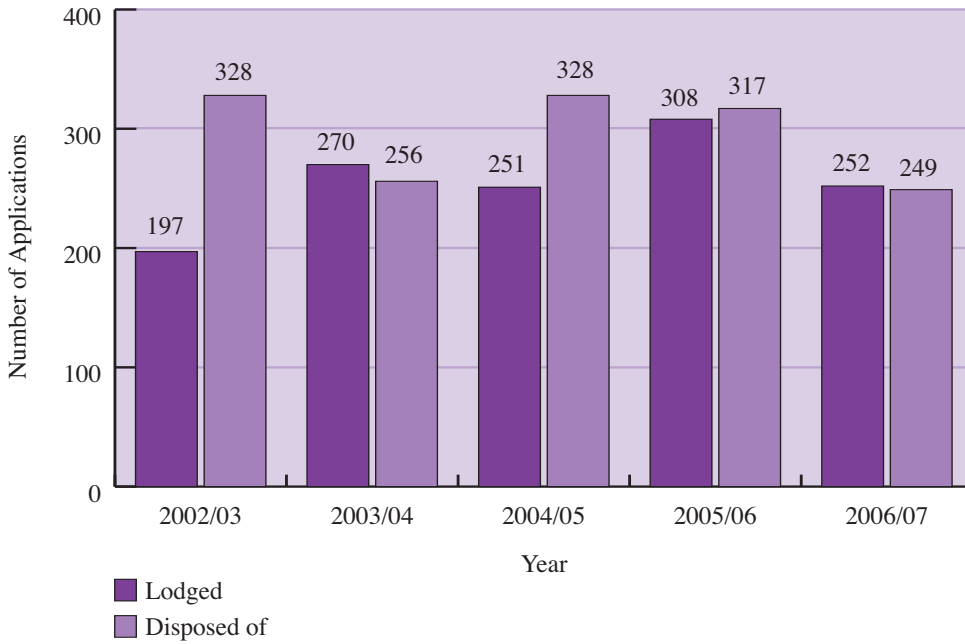


Figure 9(c)
Applications Lodged & Disposed of in the High Court
(April 2002 - March 2007)

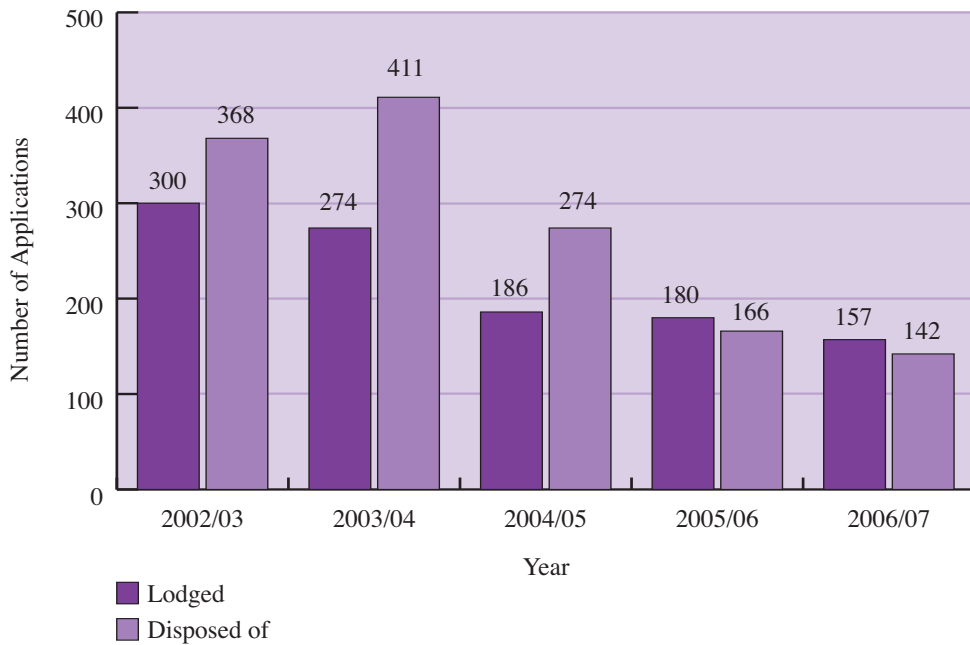


Figure 10
Orders & Disposals (April 2002 - March 2007)

