A close-up, profile view of a young child's face, looking downwards. The child has light skin and blonde hair. The background is a soft, out-of-focus green and blue.

Young People's Guide to the **Family Justice Review**

Public consultation on the interim report

May 2011

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on behalf of the
Family Justice Review Panel.

May 2011



What is this Guide About?

This Guide has been written for children and young people like yourself so that you:

- can see the changes that the Family Justice Review Panel think need making to family justice; and
- can give your own views to the Panel on their plans.

This Guide is divided into the following sections:

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What is Family Justice?

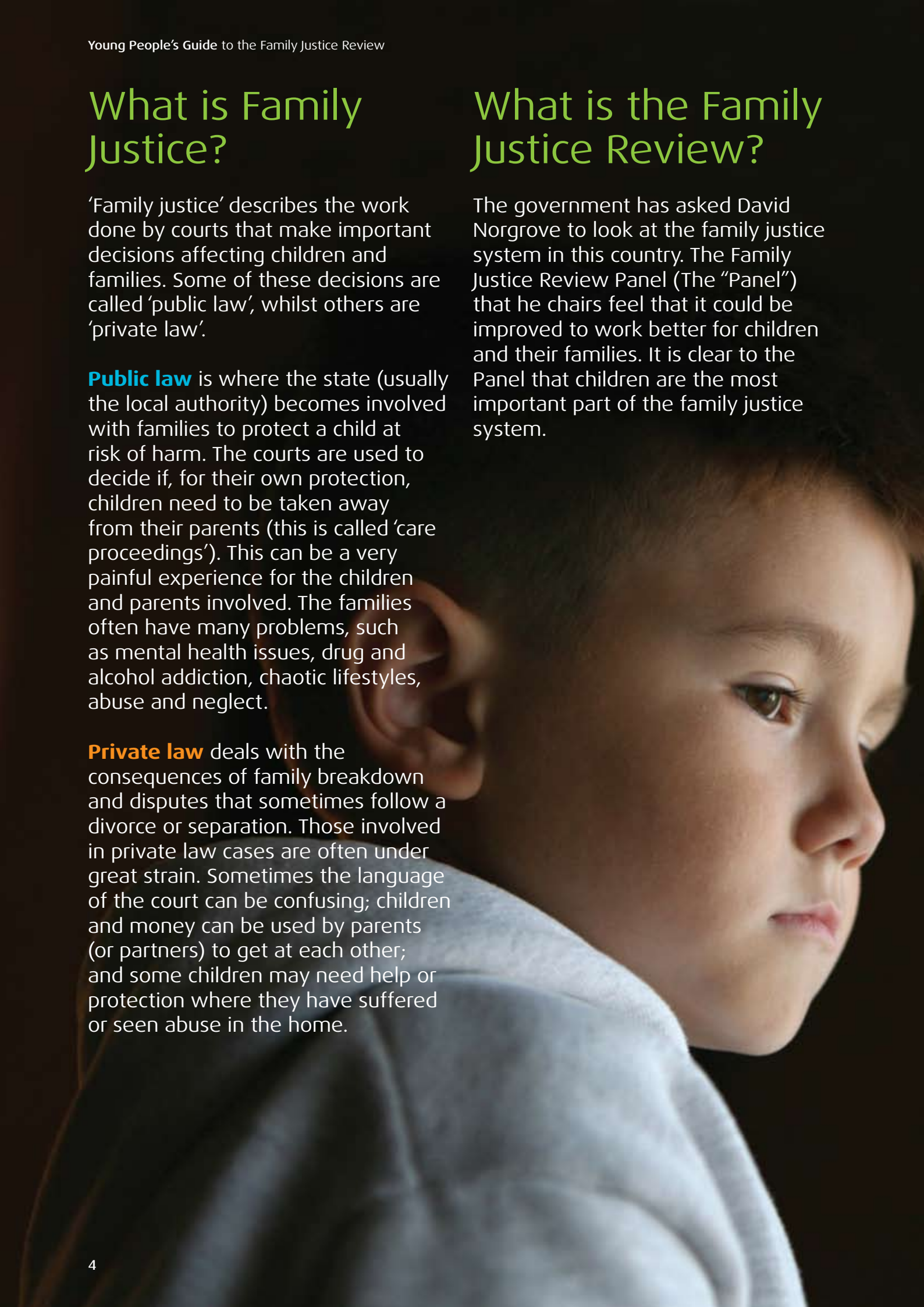
'Family justice' describes the work done by courts that make important decisions affecting children and families. Some of these decisions are called 'public law', whilst others are 'private law'.

Public law is where the state (usually the local authority) becomes involved with families to protect a child at risk of harm. The courts are used to decide if, for their own protection, children need to be taken away from their parents (this is called 'care proceedings'). This can be a very painful experience for the children and parents involved. The families often have many problems, such as mental health issues, drug and alcohol addiction, chaotic lifestyles, abuse and neglect.

Private law deals with the consequences of family breakdown and disputes that sometimes follow a divorce or separation. Those involved in private law cases are often under great strain. Sometimes the language of the court can be confusing; children and money can be used by parents (or partners) to get at each other; and some children may need help or protection where they have suffered or seen abuse in the home.

What is the Family Justice Review?

The government has asked David Norgrove to look at the family justice system in this country. The Family Justice Review Panel (The "Panel") that he chairs feel that it could be improved to work better for children and their families. It is clear to the Panel that children are the most important part of the family justice system.



Quick background to the Review

The Review was set up in March 2010 to see where improvements in the family justice system could be made. It has been looking at a wide range of issues, including:

- whether having one side in court argue their case against another is a good way of solving family problems, and for keeping good relationships; and, if not, what might be better;
- whether work with families could be done more simply and effectively by keeping matters out of court, and what that might look like; and
- whether the roles of different agencies and professionals in family justice are clear and effective when it comes to working with each other.

Over the past 12 months the Panel has received over 700 views on how the family justice system can be improved, including many from children and young people themselves. This guide sets out their interim recommendations and they now want to hear your views on whether you think these will make things better for children involved with the family courts. This "public consultation" means that you can submit your views up until 23rd June 2011. To help you do this there is an online survey you can go to, designed specifically for children and young people. It is available at: www.justice.gov.uk/publications/policy/moj/family-justice-review.htm

The Panel will be writing a final report on all of this in the autumn and they would very much like to include what children themselves have to say.

Why is this important to me?

Over half a million children and adults are involved in family courts every year, and it is very stressful for all involved. Whether it is to do with parents fighting between themselves or courts having to decide on whether children should be removed from home for their own good, the Panel **wants the interests of the child to be at the very heart of the system.** To improve things the Panel wants a more effective family justice system:

- where **children themselves are given an opportunity to have their voices heard** in the decisions that will be made;
- **that protects vulnerable children and families;**
- **that allows problems to be sorted out of court**, when this is appropriate; and
- where **the court will become involved only when it is necessary.**

These are four key aims for improving the family justice system. What do you think? Are these good aims? Why not let the Family Justice Review Panel know what you think?

About the family justice system

1 What the law says

The Children Act 1989 is the most important piece of legislation affecting family law. The family justice system is based upon its important 'welfare principles' that say: (1) courts must always make the child their most important consideration; (2) delay should be avoided; and, (3) courts should only make an order if that is what is best for the child.

Consideration must also be given to the rights children have under the United Nations Convention on the Rights of the Child. Article 12 of that Convention says:

"You have the right to say what you think should happen when adults are making decisions that affect you, and have your opinions taken into account."

2 Who is involved in the family justice system?

It mainly includes people like judges, lawyers, social workers, Cafcass (Children and the Family Courts Advisory and Support Service) guardians*, mediators and expert witnesses (like medical experts); but also sometimes other professionals such as teachers, police, healthcare professionals, housing officers and Sure Start workers.

*A guardian is a person appointed by the court to make sure the child's opinion is heard by the judge.

3 How good is the current system?

Whilst the Panel has been impressed by many of the people who work in family justice (like judges, solicitors, children's guardians and social workers) it says that the **system is not working properly**.

- Cases take too long to get dealt with by the courts.
- Delays cause children to live with uncertainty about their lives. That means too many children are unsettled, not knowing their future and being shipped around whilst adults continue to argue over what they think is best. The Panel thinks this is 'a shocking failure' likely to damage children for years to come.
- In 1991, when the Children Act 1989 came in, it was expected that care proceedings would take on average **12 weeks for the courts to deal with**. Today, the average case takes **53 weeks and rising**. There are far more children than ever before involved in family courts, and the system simply cannot cope.
- Private law cases don't take quite as long, but still take 33 weeks on average. The Panel is very worried that these delays lead to arguments between parents lasting for far longer than is necessary. This, in turn, can make parents become even more bitter towards each other, whilst each side fights for what they want in court. Very soon it is just about 'winning', and not about what's best for the children...who may well be left divided over whose side to take.

- The family justice system is not cheap (it costs about £1.5 billion a year). In these times, where it is important to make savings in public spending, the government will want the Panel to look at how the system can work better and more efficiently (that means doing what's best for children, whilst keeping unnecessary costs down).

The Panel have identified six issues from its work that it thinks are particular problems with the current system:

1 Children and their families say that they do not understand what is happening to them in court, and do not feel listened to.

2 The system is too complicated with many people working in it not knowing what they are responsible for.

3 People in the system don't work well together, with each protecting their own little bit and not trusting what others do.

4 There is no joined-up plan that makes it all fit together. Decisions are taken regardless of what might be happening somewhere else in the system.

5 Many staff working in family justice are far from happy. This could be because of poor pay, poor training opportunities, little chance for promotion, or because too much is expected of them. Also, they see close up how the system is letting children

down, and this is upsetting to many professionals who care deeply about children's rights and welfare.

6 There is too little information about the system, (such as how well it is doing, how much it costs, what demands are being made on it, or to tell how well resources are being used).

These are situations that the Panel says: 'simply cannot be allowed to continue'.

4 Why these difficulties exist – the need for an effective system

There have been seven previous reviews into the family justice system since 1989. However, these have only looked into parts of the system. This latest review is the first to take a look at the whole system, and the Panel is therefore keen to understand why so many of the same problems still exist.

The Panel thinks that part of the answer lies in the fact that too many organisations are responsible for doing the same sort of things. Yet, perhaps because they are very different organisations, they continue to do these things in their own way.

The Panel thinks there needs to be a better way of getting all of these people working in the same direction. It doesn't think that more money is necessarily the answer, even if we had it. But change is needed, the most important of which is to get everyone working as part of the same system...the family justice system.

The solution that the Family Justice Review Panel came up with, at least in part, was the creation of a 'Family Justice Service'.

A Family Justice Service

Introduction

The Panel thinks that the Family Justice Service should be about:

1 Listening to the child

The Panel want a system where children (and families) are listened to, understand their choices, know who is involved and what is going on (this is an important right for children if the UK is to continue to meet its obligations under Article 12 of the United Nations Convention on the Rights of the Child).

2 Being open and trusted in what it does

The service should be accountable for what it does (this means that there is someone responsible when things go wrong); and someone should be responsible for making sure that the system works. The Panel thinks that it will improve, in part, by becoming better at learning from research and experience.



3 Bringing agencies together into one place

Where disputes need the involvement of the new Family Justice Service, the safety and welfare of children shall always be its most important consideration. At the moment, an organisation called Cafcass advises the court, and helps to make sure that greater attention is paid by the court to listening to the child's wishes and feelings. The Panel wants the work that is currently done by Cafcass, and other court social work services, to all become part of the new Family Justice Service.

4 Being well led and managed

Responsibility for the whole of the Family Justice Service will be under one government department (the Ministry of Justice), with the service having the interests of the child as its top priority.

The Family Justice Service would report to a Board of suitably qualified people, representing relevant government departments, local authorities, the courts and the interests of children.



The Panel thinks that there are too many groups at local level, which should all be brought together under one local Board for each area.

The Panel also wants a clearer structure of responsibility for the judiciary (that is the name given to the judges and magistrates who decide the cases).

There should be better management of resources (these are things like staff, money, equipment and buildings) across the system; and the Panel wants this to be supported by improved IT systems, with a gradual move away from out-dated paper copies, which 'barely reflects even the invention of computers'.

5 Getting people working better together

There has to be enough people in the family justice system that are suitably trained and skilled to give their best. The Panel wants clear leadership (this means that staff know exactly what they are supposed to do; understand how this helps the service as a whole and they get the help they need to do it well); and staff to be well trained and given opportunities to do well in their chosen careers.

The Panel also asks a very important question of the current system that urgently needs answering:

"If, as a child, you face the prospect of being removed from your home or, as a parent, risk your children being taken away from you, how can it be right that each time you go to court you appear before a different judge?"

The Panel wants this to change so that the judge who starts with a case sees it through to the finish. That way, families should not have to see a different judge each time they have to go to court.

The Panel also wants to encourage judges to specialise in family work. At the moment, many judges and magistrates who hear family cases also hear many other types of cases as well. This does not mean that they cannot make the best decisions for children. However, the Panel feels that the more they do family work the more likely they are to build up the skills, knowledge and experience for doing an even better job.

The Panel are very pleased that Professor Eileen Munro is looking at ways to improve the quality of social work across England and Wales. An important part of the social worker's job is to help children through the family courts. It is essential that they have the right skills to know how to help children and their families.

6 A single family court

The Panel would like there to be a single family court structure. At present, three different courts (magistrates', county and high courts) can hear family cases, depending on their complexity. However, some of what delays dealing with a case when it comes to court is the amount of time it sometimes takes just working out which is the right court to hear it. Also, this structure could be made more simple, and easier to understand. If, in future, there is only one court, the 'family court', then this should make it quicker to decide who in the court should hear a case, and that would make managing the courts much simpler.

The Panel also wants buildings that are used just as family courts. This would result in there being fewer buildings, in fewer locations. That might also mean longer travel times to and from court. However, the disadvantages could be outweighed by not having to wait so long for a case to come to court, it being dealt with far more speedily than at

present, and the court buildings being nicer places for children and families to go to. The Panel also thinks that other buildings can be used for family hearings, rather than it always having to be in a court building.

What do you think of these plans for a Family Justice Service? The Panel want to hear your thoughts on this and the other issues in this guide.

You could use the online survey to let them hear your thoughts, or details of other ways to get in touch are included at the end of this guide. The online survey is available at:

www.justice.gov.uk/publications/policy/moj/family-justice-review.htm

Public Law

1 What do public law cases involve?

The Panel has focused mainly on applications for care orders (under Section 31 of the Children Act 1989). These applications may be for children experiencing violence in the home, abuse, neglect, who have parents who misuse alcohol or drugs, or whose parents may be suffering from a severe mental illness. Some children live with the daily threat of violence. Poverty and poor education may be making things worse.



Some facts you may want to know about care and protection

- Today, there are roughly about **11 million** children living in England and 630,000 in Wales.
- Last year, in England there were **607,500** child protection referrals, of which 31,900 led to children being put on a child protection plan. Whereas, in Wales, there were **48,544** referrals, of which **2,730** led to children having a child protection plan. From this, you can see that the rate of children, referred to child protection services, eventually going on to a child protection plan is very low indeed. The figures for going 'into care' are even lower.
- Last year, there were **27,800** children admitted to care in England and **2,010** in Wales (and not all of these would have been because they were in need of protection from abuse or neglect). Whilst being in care has a massive impact on the lives of those children it happens to, the chances of children needing to be taken away from their parents and put into care are very low indeed.
- In March 2010, a total of **64,400** children in England and **5,165** in Wales were being 'looked after' (that means 'in care' of, or 'accommodated' by, a local authority). Of these, 38,200 children were 'in care', in England and 3,420 were 'in care' in Wales (this means a court has decided that they should be in care). 21,200 children in England were 'accommodated' (this is the legal term for where parents agree for their children to be 'looked after' by the local authority and where the court is not involved). The figure for 'accommodated' children in Wales is 1,390.
- In a recent survey, **70%** of 'looked after' children told the Children's Rights Director for England that going into care was definitely or probably the right thing for them ('Before Care: A report of children's views on entering care', Children's Rights Director for England, Ofsted, 2010).

Here is what some children said:

"Being in care has given me a life"

"I have a place to call home instead of moving from sofa to sofa"

"I have had a better life than I ever would have got at home with my family"

"I wanted to come into care but did not know that it would be for so long"

The legal framework

- Responsibility for decisions to take children into care falls to both local authorities and the courts. The law is very clear that the interests of children should be the most important thing when making decisions about them.
- The Children Act 1989 requires local authorities to try to keep children safe. If the local authority wants to remove a child from their home, to keep them safe, they have to ask the court for permission to do this. The court will only allow the local authority to remove a child if it believes that the child has been or is likely to be seriously harmed. The law expects the court (and local authorities) to try to keep children with their families. But, if the court doesn't think that a child should live with their parents it might instead make an order saying that they can live with a relative or family friend. The court will only make an order for a child to be taken into care if it thinks that this is what will be best for that child.
- Local authorities must provide the best care they can to children they look after. There are rules saying how care plans should be made and followed. Independent Reviewing Officers* must check that the local authority is doing what it should for children and young people. Children's homes and foster care are also regularly checked by Ofsted (Office for Standards in Education, Children's Services and Skills) to make sure that what is provided is up to government standards and regulations.
- Children might be looked after by local authorities for a short or long time. It depends on what is happening in the child's life and what is best for each child. Local authorities will try to get a 'looked after' child back home if this is in the child's interests. Sometimes though it will not be possible for a child to return home in the future and it might be best for them to be adopted by a new family. This is a very important decision so there are special rules and procedures to be followed. The local authority must have the permission of the court before a child can be adopted by a new family. The courts look very carefully at these cases and only agree to a child being adopted when it is sure that this is best for the child.

*An Independent Reviewing Officer is a person who the local authority appoints to a child's case to make sure the right care is given to the child, by the social services team.

2 The delivery of the public law system

The court system is struggling to cope. It takes over a year for courts to make a decision and there is a big backlog of cases waiting to be heard. Delay makes it difficult to plan for children's long term care. It might mean children having to wait to get the support they need and disrupt their contact with family and friends. The process can be stressful and upsetting for children and their families.

Not all cases can be sorted quickly, but those that aren't should be the exception.

Delays and problems in the system are caused for a number of reasons. Some of the most common reasons are:

- These are very important decisions and everyone wants to be sure that they are fair. Often parents will argue that the local authority is wrong when it says their children cannot live with them and that someone else – an independent expert – should be asked their opinion. The courts often feel that to be fair to parents they have to agree that experts should be asked for their views, even though this will make a case go on longer.
- Judges can also be unhappy about the quality of the evidence that the local authority provides. If this is missing important facts and information then it can make it more difficult for the judge to decide what to do for the best. It is more likely that they will want to ask an expert first what they think.
- Because these are complicated cases they need judges who can manage them well. The Panel thinks that we need to do more to make sure that every judge can do this.
- The other thing that judges want to be sure about is that a local authority will look after a child properly. So they want to know what the 'care plan' for a child is. Judges now often look very carefully at all the details of the care plan, like where a child should live, where they should go to school and who they should have contact with. This all takes time, making cases go on even longer.
- As a result, the Panel is worried that all the problems in the system mean that it is not working as well as it should do to make sure that the best interests of children are properly protected.

3 Options for reform

The Panel thinks that there is much to be proud of in our system.

- Decisions to take children into care are made very carefully indeed.
- Children and parents are given their say in proceedings (although we do know that this does not always work out quite as well for children as it should).
- Children's interests are protected by 'guardians' (these are experienced social workers who work for the courts to give an independent view on what they think is best for the child and, also, to make sure that the court knows what the child thinks). Children also have a solicitor to help put their case in court.
- Parents might also have a solicitor to help make their case in court and to advise them on what's best. Guardians and solicitors are free. Children and parents don't have to pay for them.
- Courts can make decisions that give children the stability they need.
- There are strict rules for local authorities on the care they have to provide and about how they should look after children.
- Being in care can give children safety and the chance in life that they might not have got if they had stayed with their family.

- Yet, the Panel also thinks that **our system needs significant change** (usually a good indication that things that should be happening aren't).
- The Panel decided that one of the most important changes that must happen is to **rebalance the rights of parents and children**. Judges are getting caught between giving the parents a 'fair hearing' and acting in a way that is best for the child's welfare. The Panel thinks that the balance has tipped too far in favour of parents at the moment.
- The Panel wants the **system to be much quicker and clearer about how long cases will take**.
- The Panel also wants judges and lawyers to recognise the limitations of care proceedings. Not every decision about children's lives can be best made through the courts. Circumstances in children's lives change and the courts need to leave some decisions to the local authority responsible for the child. The Panel thinks that there is a need to **make clearer the different roles that the courts and local authorities should play in looking after the welfare of children**.

4 The role of the courts

- The role of the courts and local authorities in respect of the child's care plan needs to be looked at again. **The court should be concerned about the most important issue which is whether the child can safely remain with, or be returned to, their family;** and, whether or not it should make a care order.
- Courts should spend less time looking at the detail of a child's care plan as this takes too long. In practice, the care plan for a child often has to change after a case finishes. The Panel argues that this means the time and effort being spent in agreeing the care plan in court is wasted and it would be better for the child if the case could finish more quickly.
- The Panel thinks it important that there is a care plan that is in the child's best interests. But it thinks the local authority should be responsible for this, and Independent Reviewing Officers should make sure that it is. Local authorities must make sure that children themselves have their say about, and know, what is in their care plan.

5 Timetabling of cases

The Panel says that cases need to be decided quicker.

They think that there should be a legal time limit of six months for deciding on care proceedings. Judges would have to make a decision in this time. There might be some cases where, in an exception, more than six months is needed. This should be allowed.

Cases need to be managed according to what is in the child's best interests. Each case should have a timetable (called the 'Timetable for the Child'). This will set when things must be done by, for example getting an expert's report. The Panel thinks that the law should say that this timetable will be decided by what is best for the child.

Case management

The Panel thinks that judges need to become better at managing child care cases. It's important that judges get better training and skills. The courts also need to be managed in a way that makes it easier for judges to manage cases. For example, court rooms need to be free when judges need them. The Panel also thinks that some of the processes used in cases should be made less complicated (such as more relaxed and a little less formal).

Local authorities

The Panel thinks it is important that local authorities look after children well. Yet some local authorities could do much better. In particular, social workers could give the courts better evidence about what is in a child's best interests. The Panel is pleased that Professor Munro is doing work trying to improve the quality of social work. Professor Munro is putting forward ideas about how local authorities can do better assessments of what children and their families need. This should help the courts to make decisions as they will have better information to base these on.

Experts

The Panel thinks that the courts use experts too much. Using experts makes cases more expensive and take longer. If local authorities do good work, and the courts also have the opinion of the guardian (who is independent) about what is best for the child, they should usually have enough information.

To make sure that judges deal with requests for experts fairly, the Panel would like the law to be clearer about when a judge should or should not use an expert.

Guardians

The Panel thinks it important that children are still represented by a guardian and a solicitor.

However, the Panel thinks that the system could work better. Sometimes guardians spend too much time doing work that the local authority should be doing, like developing the child's

care plan. It thinks that guardians should focus on making sure that the court hears what the child is saying and deciding whether a child should stay with their family or needs to be in care. The guardian should also help the judge decide on a timetable for a case that is best for the child.

The Panel thinks that, at the moment, guardians and Independent Reviewing Officers do not work together well. After a court case, the Independent Reviewing Officer will be checking that the local authority is looking after a child properly. It is important that the guardian and Independent Reviewing Officer talk to each other to make sure they both have the information they need to be sure that the best decisions for children are being made.

6 Alternatives to court

The Panel thinks it is right that important decisions about whether children can or cannot live with their parents should be made by courts. But the Panel also thinks that going to court can be frightening and stressful for families, and takes too long. So the Panel thinks that sometimes it might be possible to agree about looking after children without going to court. This might mean having a meeting instead – called a **Family Group Conference**. This would involve the child's family and the local authority meeting to try and decide what is best for the child. If everyone can agree, then the courts will not need to make the decision.

The Panel thinks that this way of making decisions about children could be a good idea, but we need to think carefully about which decisions should be made in this way.

The Panel want to know what you think about their proposals for public law. Is the idea of a six-month time limit a good one? Should the courts use experts less so that cases finish quicker?

You can let them know your thoughts using the online survey at:

www.justice.gov.uk/publications/policy/moj/family-justice-review.htm



Private Law

1 What is private family law?

It deals with family matters (such as divorce, family breakdown, couples separating and disputes over money). When parents split up, it helps to resolve where children will live, and who they have contact with.

The Panel says that these are difficult emotional issues that the family justice system is not always the best place to sort out. In fact, **most separations (90%) are sorted out without anyone ever needing to go to court.**

However, even though these are 'private' family matters, the court is sometimes needed to help sort out differences. Parents might not agree on what should happen once they have separated. They may continue to argue over who has the children, over money and over who should get the house. They may need outside help to resolve these problems. The family justice system should make sure that things get sorted out as quickly as possible and in a way that is best for the children caught up in the separation.

The Panel thinks that the most important part of the Children Act 1989 (the welfare of the child) sometimes gets lost amongst adults caught up with winning, rather than thinking about what is best for the child. The system pits one parent against the other, and that may not lead to good outcomes for children. Using the courts can be costly, damaging to children, and can be a very expensive and hurtful way for families to sort out their differences. The courts can make various orders, but these can break down and families may then need to return to court.

2 The way forward

The Panel wants to look at what services might be developed to divert these cases away from the courts. These services would be able to work with parents; reminding them of their responsibilities (especially towards their children), giving helpful information, managing their expectations and being realistic with them about the costs they face the longer their dispute goes on.

In private law the aim should be to:

- provide separating couples and parents with the information and education they need to help them sort out their differences;
- have quick, simple and fair ways of sorting out differences - by getting involved earlier with education and advice where possible;
- provide a range of services for those people who need additional help to resolve issues;
- make sure that what happens, when a child is at risk or their families cannot sort out their differences, is best for that child;
- work with parents to make an agreement that will suit them and their children;
- provide a service that tries to achieve the best possible outcomes for children, and give them a safe and settled future;
- listen to what children and young people say about the decisions that affect them;
- make sure that when cases do have to go to court things are decided quickly and fairly;
- make sure that the system acts quickly whenever parents don't do what the court has said they have to do;
- make sure that services meet the needs of the children and families using them, developing new services where necessary; and
- learn from what others do, both in this country and abroad.

3 Parental responsibility

The first responsibility of a parent is to make sure that their children can thrive (that means giving their children all that they need, practically, emotionally and financially, in order to survive). Parents cannot give up this responsibility just because they have become separated or divorced. And, **it is wrong for any one parent to use their children solely as a means of getting back at the other.**

The Panel wants the law to say something about the importance of children continuing to have meaningful contact with both parents, and other family members (such as siblings, aunts and uncles, grandparents), where they would value this and it is in their best interests. But, as the Panel itself puts it, **'the welfare of children must always come before the rights of parents'**.

The Panel thinks that an important way forward is to encourage greater understanding about the responsibilities that parents have for their children. When they are in dispute, and cannot get along or agree, the Panel wants the Family Justice Service to help them to make sure that any disagreement does not lead to bad effects for the children.

4 The private law process

The Panel wants government to create a website (or hub) to help parents find out:

- where they can get advice and support on divorce;
- advice about paying child maintenance;
- information on making arrangements for children following separation (including how to write a 'Parenting Agreement');
- guidance on how to fairly share out what the family owns;
- information about services that can help parents sort out their problems;
- information about what going to court costs, involves and how long it takes to sort things out; and
- information for children and young people to help them understand the system and how it might help with any of their issues.

Where parents feel that they do need to go to court to resolve their issues, a '**mediator**' (someone who is trained to help people to sort out their problems and settle their differences) will explain to them what mediation is, how it could help them to sort out their disagreements and get them to start thinking about what is best for their children. **Parents will be encouraged to attend mediation or similar services** aimed at helping them settle their differences out of court. The idea is to get them to **make what is called a Parenting Agreement**. This would set out, in detail, arrangements for the children's care. The Panel thinks it important that **children themselves should have their say about what goes into a Parenting Agreement**.

Both parents will be assessed to see if mediation would be suitable for them. If it is then both parents should attend a Separated Parents Information Programme which will help them to think about practical parenting skills now that they are separated. Experience has shown that this might put parents off going to court, getting them to agree more once they are made to realise the effect they are having on their children.

Only where parents cannot agree will they be allowed to ask the court to help them settle their differences (Children Act 1989, Section 8 'specific issues' Order).

Once an application has been made, through the Family Justice Service, there will be a full assessment to best decide how the case should proceed. **This will include what are known as 'safeguarding checks'**, so that children thought to be at risk of harm can be referred to appropriate help.

The Panel has recommended moving away from the sense of one parent 'winning' residence or contact over the other. When a parent applies to court, they should do so for a specific issue rather than for a 'contact' or 'residence' order. But, there is nothing in the Panel's recommendations that would appear to change **children's rights to apply for an order under Section 8 of the Children Act 1989**, if they felt that it was separately in their own interests to do so.

The Panel also wants existing powers to enforce any orders made by the courts to be used more quickly. This is important if, for example, there is an order that says you should see your other parent, but the one you are living with won't let you.

5 Contact and maintenance

Some people wanted the law changed so that if a parent didn't pay **maintenance** (this is what separated or divorced parents are suppose to pay towards the care of their children) they could be stopped from having contact. But the Panel has recognised that **being able to see your family is a right of the child** (Article 18 of the United Nations Convention on the Rights of the Child). If the child wants to see one of their parents or other family members they should be allowed, unless it is not in their interests to do so.

6 Where do I send my views?

What do you think of the idea to encourage awareness of Parental Responsibility?

Would you like to have an online hub for information on the family courts?

The Panel want to hear your thoughts on all their proposals, and you can let them hear from you in lots of ways.

You can write to them at:
Family Justice Review
c/o The Ministry of Justice,
102 Petty France,
London SW1H 9AJ

Or, you can email your views to the Panel at:

familyjusticereview@justice.gsi.gov.uk

Or, don't forget, you can also take the online survey by going to:

www.justice.gov.uk/publications/policy/moj/family-justice-review.htm

Follow us on Twitter: www.twitter.com/FamJustReview

Please can you send all your views and comments to the Panel by 23rd June 2011.

