



## **Limerick Family Court / Dispute Resolution Centre Project**

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Steering Board Terms of Reference

January 2021

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# 1 Background

## 1.1 Programme for Government

The current Programme for Government includes the following provisions:

### *Courts Reform*

*An independent, impartial and efficient judiciary and courts system is critical to our democracy. We must focus on reforming our family court system to ensure that proceedings involving children are dealt with in a manner which recognises the unique vulnerability and needs of children. The costs associated with the Irish legal system, as well as the time involved in cases, are more expensive and take longer than in peer countries and we will address that. We must make greater use of alternative dispute resolution across all courts. We will:*

- *Enact a Family Court Bill to create a new dedicated Family Court within the existing court structure and provide for court procedures that support a less adversarial resolution of disputes.*
- *Build a new Family Law Court building in Dublin and ensure that court facilities across the country are suitable for family law hearings so these hearings can be held separately from other cases.*

## 1.2 Family Justice Oversight Group

The Department of Justice has recently established a Family Justice Oversight Group. The draft terms of reference for that Group include the following:

- *Agree a high-level vision and key medium and longer-term objectives for the development of a national family law service having regard to international best practice, in parallel with the establishment of a dedicated Family Court structure.*
- *Identify or develop (as appropriate) the collaborative commitments necessary by agencies across the sector for the development of a national family law service, and agree how they will be progressed by lead agencies based on a structured, systematic approach grounded on actionable and time-bound priorities, goals and milestones.*

## **2 Pilot Project**

As part of the work of that Group the Courts Service and the Legal Aid Board have agreed to lead the piloting of an optimum model of delivery of a family court or resolution centre that has regard to the objectives set out in the Programme for Government and the terms of reference of the Family Justice Oversight Group. The intention is to develop a model with a view to it becoming the standard model across the country. Limerick has been chosen as the location for the pilot. The Courts Service Assistant Secretary, Circuit and District Operations and the Legal Aid Board's Chief Executive will jointly co-sponsor the Project.

In order to provide leadership and governance for the Project it has been agreed that a Project Board be established, chaired by the Joint Project Sponsors, with terms of reference as follows:

### **2.1 Terms of reference**

The Project Board is the primary forum for setting direction for the family justice system and overseeing performance in Limerick. It will work towards a system that is user centred and focused on the best possible outcomes for the children and families that come into contact with it and more responsive to their different needs. It will achieve this through having regard to the agreed goals of the project:

#### **2.1.1 Broad Objectives**

The broad objectives of the two year pilot initiative are firstly to encourage persons who are experiencing family difficulties in Limerick to make more informed choices about how they might proceed in order to resolve their issues in a manner that provides better outcomes for children and families. Secondly, to ensure that the processes applied to family disputes are conducted in a manner that maximises participation and that conclude in a timely manner.

#### **2.1.2 Mission statement**

*“To facilitate the resolution of family disputes in a manner that is timely, informed and effective with a view to achieving better outcomes for children and families”*

#### **2.1.3 Goals**

- Facilitate the resolution (where possible) of family disputes in a manner that secures better and safer outcomes for children and families.
- Ensure appropriate services are in place, available and/or signposted.
- Ensure enablers are in place for the user so as to allow the use of these appropriate services during their legal problem journey.
- Ensure the client journey is timely and seamless.

- Endeavour to ensure all stakeholders are informed, appropriately trained and are engaged with the objectives of the pilot and work collaboratively to ensure better outcomes for children and families

## 2.2 Specific considerations

Specifically the Project will:

- Explore in a systematic way particular themes within the family justice system. These themes, in no particular order, to include but not being limited to:
  - Information sources about the resolution of family problems
  - Non court focused dispute resolution in family justice
  - Reimagining the structure of civil legal aid in family justice
  - The Family Courts
  - Voice of the Child
  - Education, training and learning
  - The cost of resolving family disputes
- Engage with stakeholders with a view to designing a model for the resolution of family disputes. In doing so the Project Board will have regard to the need to design a rolling model or to design and re-design in the light of the impact of the COVID-19 pandemic. It will also have regard to the general scheme of the Family Court Bill and, with it, how the legislature sees a family court model possibly operating in the future;
- Promote the appropriate use of alternatives to court processes in both public and private law to include better signposting and pathways to processes that are not court based;
- The effective gathering and use of data and research to include overseeing time-lines on case progress with a view to working to reduce or eliminate unnecessary delay;
- Increase understanding of cost effectiveness from both the users' and the State's perspective and use that greater understanding to improve decision making and give better value for money.

The Project Board will at all times respect and act in a manner which promotes the rule of law and protects judicial independence both in relation to the judiciary generally and in relation to individual judicial decisions.

As noted above the Project Board is undertaking its work at a time when the State is experiencing a pandemic that is significantly impacting on daily life for all. The pandemic has also impacted on the normal mechanisms for supporting families who are in dispute. The

Project Board will seek to oversee arrangements that optimise service delivery during the pandemic and it will also seek to create a vision for a post pandemic family justice system.

### 3 Composition and membership

It is proposed that the membership of the Project Board would comprise of members of the local judiciary, senior managers in the Courts Service, the Legal Aid Board, representatives of the legal professions, Tusla, and representatives from local NGO who work in areas which are complimentary to the overall project objectives.

The Courts Service Assistant Secretary, Circuit and District Operations and the Legal Aid Board’s Chief Executive will jointly chair the Project Board and the chairing of individual meetings will be a matter to be agreed by them in advance.

#### 3.1 Steering Board Members

As of January 2021 membership of the Steering Board is as follows:

#### Project Board

Joint Chairperson of Board  
 Joint Chairperson of Board  
 Secretary to the Board  
 Circuit Court Judge  
 District Court Judge  
 County Registrar  
 Courts Service  
 Courts Service  
 Legal Aid Board  
 Legal Aid Board  
 Legal Aid Board  
 Legal Aid Board  
 Local Solicitor’s Bar Association  
 Local Bar  
 Dept of Children  
 NGO  
 NGO  
 NGO  
 NGO  
 TÚSLA  
 TÚSLA  
 Department of Justice

#### Composition & Membership

Peter Mullan, Courts Service  
 John McDaid, Legal Aid Board  
 Mary Tallent, Courts Service  
 Judge Meghen  
 Judge Larkin  
 Pat Wallace  
 Gerard McCague  
 Eamonn Kiely  
 Catherine Ryan  
 Majella Foley-Friel  
 Angela McDonnell  
 Andrew Field  
 Rachel Meehan  
 Clare O’Driscoll  
 Owen O’ Neill, MOVE Ireland  
 Helen Culhane, Children’s Grief Centre  
 Denise Dunne, ADAPT, Domestic Abuse  
 Services, Limerick  
 Ciara Kane, Northside Family Resource  
 Centre  
 Eifion Williams  
 Laura Quinn  
 Clare Rudden

Should both Chairs not be in a position to attend a meeting of the Board, a deputy shall be nominated to chair the meeting.

### **3.2 Responsibilities of individual members**

Individual members have the following responsibilities:

1. Understand the goals, objectives, and envisaged success of the project;
2. Act on opportunities to communicate positively about the work of the Board;
3. Actively participate in meetings through attendance, discussion, and review of minutes, papers and other documents;
4. Support open discussion and debate, and encourage fellow Board members to voice their insights.
5. Take an outside interest in their contribution to the Board by seeking to identify issues and solution in the course of their day to day work which warrant being brought to the Project Board attention for discussion in the context of the project goals and objectives.

### **3.3 Joint Working Project Group**

A Joint Working Group will be established with terms of reference to be chaired by the Project Managers.

## **4 What would success look like?**

It is proposed that success would mean that:

- Every person seeking a family remedy has obtained information about options other than going to court;
- Every person seeking a family remedy will be signposted, and if necessary referred, to appropriate services to assist with the resolution of their problem or to avail of the appropriate services post the resolution of the problem.
- Structures are in place to hear the voice of the child in a meaningful and dignified way which allows whichever dispute resolution process being used for the legal problem to be fully informed of those views and in a way which ensures the safety of the child;
- Every private matter that proceeds in the District Court is concluded within prescribed period from the date of the application unless there is a specific reason for the case to take longer;
- Every public law (child care) matter that proceeds in the District Court is concluded within concluded within prescribed period from the date of the application unless there is a specific reason for the case to take longer;

- Every private matter that proceeds in the Circuit Court is concluded within 12 months from the date the originating proceedings are received in the Court office for issuing unless there is a specific reason for the case to take longer;
- A year on year increase in the percentage of private law disputes that would be heard in the District Court but which are resolved through alternative resolution methods, such as mediation, and in advance or in the absence of a contested court claim;
- A year on year increase in the percentage of private law disputes that would be heard in the Circuit Court but which are resolved through alternative resolution methods, such as mediation, and in advance or in the absence of a contested court claim;
- Reliable and meaningful management information, to include both quantitative and, where possible, qualitative data, is available to inform the Project Board;
- Periodic inter-stakeholder training is taking place involving a range of stakeholders and all stakeholders are better informed in relation to other stakeholder perspectives.