

Divorcing? Separating? Living Apart?

New Call Back Service for Free Family Mediation

- The Family Mediation Service at the Legal Aid Board provides free mediation services to families who are divorcing, separating or living apart. This new call back service allows individuals to make first contact with the Family Mediation Service.
 - There has been a 71% increase in divorces in the High Court since 2017.
- A particular area that the Family Mediation Service focuses on is the impact on children.
 - There has been a 14% increase in family law cases in the District Court since 2020.
 - The Family Mediation service recognises that it is not the divorce, separation or living apart itself that is the most affecting to children, but the emotional impact of changes in their home life.
- Advice for families includes focusing on the belief that the issues can be resolved.

22nd February 2024: The Family Mediation Service at the Legal Aid Board has announced the launch of a new call back service on its website. Offering free mediation to all families, this new call back service will allow individuals to make first contact with the Family Mediation Service.

The Family Mediation Service offers assistance to all families, including married, cohabiting, and same-sex couples. It provides free mediation to families who have undergone a divorce, separation or living apart, as well as those navigating challenges in the aftermath of these decisions, in the areas of parenting, finances, and the family home.

Welcoming the launch, Minister for Justice, Helen McEntee said:

Mediation has an important role to play in family justice. That is why a key Goal of my Family Justice Strategy focuses on promoting more co-operative, less adversarial ways for individuals, children and families to resolve disputes.

The Strategy emphasises the need to provide families with more information and supports encouraging the use of alternative dispute resolution, where appropriate, to resolve their problems.

As a Strategy partner, the Legal Aid Board has done tremendous work to help achieve these aims, from providing staff training on how to advise members of the public on mediation and the services available, to establishing an Advanced Family Mediation Trainee Programme in 2022, which nine trainees completed last year.

This new call-back service is another important initiative that will make it easier for families to access the right services and supports during a really difficult time in their lives.

Commentating on the launch, Director of the Family Mediation Service, Fiona Mc Auslan said:

“Looking at the courts data, we have seen a 71% increase in divorce in the High Court since 2017. As we know, the breakdown of a marriage or relationship brings families into an unexpected and unplanned journey of change and transition. It is a stressful and difficult time, with many people underestimating the challenges that such a transition brings.

Our Family Mediation Service is your partner in building a plan for your brighter tomorrow. This service empowers you to navigate disputes through understanding, communication and compassion. Through understanding, we provide guidance towards harmonious resolutions that prioritises everyone’s well being. Through communication, we are committed to facilitating respectful conversations that enable families to work together. And through compassion, we help families lay stronger foundations for healthier relationships in the future.

In particular, we have found that decisions taken together during the mediation process are more likely to be honoured by both sides going forward. By contacting us on our new call back service, you can start the journey of building a plan for your better tomorrow, with our staff on hand and ready to help. “

During mediation sessions, both parties meet with a professionally trained mediator. Each party is given an opportunity to express their perspectives, concerns and desires. Then, the mediator starts to create an environment of good faith, co-operation and responsibility. They also look to identify and build a common ground. Through active listening and strategic questioning, the mediator helps the parties to communicate effectively. This enables couples to talk through difficult issues, creating the space for them to arrive at decisions together. This in turn helps families reach a final agreement that both parties find acceptable.

A particular area that the Family Mediation Service focuses on is the impact on children. To this end, court data states that there has been a 14% increase in family law cases in the District Court since 2020. Ms McAuslan emphasises the importance of managing a family change in way that protects the best interests of their children:

“Of course, no parent wants to have to give their children news that will be painful to hear. What we have found in our service is that it is not the divorce, separation or living apart itself that is the most affecting to children, but the emotional impact of changes in their home life. Through our parenting plans, you can agree how best to share time with the children, how to manage responsibilities, and how to make decisions about the children that takes into account the child’s needs and interests. School arrangements, child care, holidays– even pocket money can all be part of these parenting plans.”

Ms McAuslan concludes with advice for families:

“When we are experiencing a divorce, separation or living apart, it can be a very confusing and difficult place to be. It can feel that there is no way to work everything out. The most important thing to realise is that the issues that you are arguing about can be resolved, and you completely have the ability to resolve them together.

My second piece of advice is to remain calm, and walk away from the argument if needed. Try and bring down the heat in the situation. Things can get stressful, and you can always take a moment to catch a breath.”

The call back feature for the Family Mediation Service at the Legal Aid Board can be accessed at [LegalAidBoard.ie](https://www.legalaidboard.ie).

ENDS

Interviews

Director of the Family Mediation Service and qualified mediator, Fiona McAuslan, is available for interview.

For further information or to arrange an interview please contact Dawn Lonergan: dawnlonergan@legalaidboard.ie

About the Legal Aid Board

The Legal Aid Board is the statutory, independent body responsible for the provision of civil legal aid and advice to persons of modest means in the State, family mediation for couples separating and divorcing, and vulnerable witness related services and for the administration of a number of ad hoc legal aid schemes in accordance with the provisions of the Civil Legal Aid Act 1995 and the Civil Legal Aid Regulations 1996 to 2017.

Civil legal aid and advice are provided by the Legal Aid Board primarily through a network of (37 law centres across the country. Specific law centres in Dublin, Cork and Galway include an international protection specialty and there are also dedicated units in Dublin dealing with medical negligence/personal injury cases and cases involving children at risk. The Legal Aid Board also provides a Family Mediation Service to couples who are separating or divorcing. This service is administered through 17 family mediation offices, some of which are co-located with law centres. The Board also operates a specialised, independent and professional research and library service for all of the main bodies involved in the international protection process. The Board also engages private solicitors in certain areas of law in District Court family law matters; Circuit Court judicial separation and divorce cases; and international protection cases.

Note on Court Data

1. There has been a 71% increase in divorce cases in the High Court since 2017

High Court

Incoming case category breakdown

	2017	2022
Divorce	31	53
PERCENTAGE INCREASE	71%	

Source: https://data.courts.ie/en/apps/courts-data/reports?year=2022&area_of_law=family&jurisdiction=highcourt

1. There has been a 14% increase in family law cases in the District Court since 2020.

District Court

Incoming case category breakdown

	2020	2022
Family Law (Other)	2,225	1,616
Guardianship Custody & Access,	8,747	10,822
Maintenance applications	5,055	5,862
Total	16,027	18,300
PERCENTAGE INCREASE	14%	

Source: https://data.courts.ie/en/apps/courts-data/reports?year=2022&area_of_law=family&jurisdiction=districtcourt

