



Report on the Consultations with Children
and Young People for the Family Justice
Oversight Group

Deirdre Fullerton Insights Health and
Social Research
&
Sheena McGrellis Independent Research
Consultant

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FAMILY LAW CONSULTATION FINAL REPORT

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ABBREVIATIONS

CYP Children and Young People

DCYA Department of Children and Youth Affairs

DCEDIY Department of Children, Equality, Disability, Integration and Youth

GAL Guardian *ad Litem*

Tusla The Child and Family Agency

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EXECUTIVE SUMMARY

The Family Justice Oversight Group was established by the Minister for Justice, Helen McEntee T.D., in September 2020 to agree a high-level vision and key medium and longer-term objectives for the development of a national family justice system having regard to international best practice, in parallel with the establishment of a dedicated Family Court structure.

The Programme for Government contains a commitment to 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. The overall aim is to change the culture so that the focus of the family justice system meets the complex needs of people who need help with family justice issues.

To inform the work of the Oversight Group, a multi-phased consultation process took place with family justice system users, practitioners, academics, and civil society organisations.

As part of the process, the Department of Justice worked with the Participation Team within the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to develop a bespoke consultation process for children and young people with experience of family justice. The focus of the consultation was to secure children and young people's views and feelings on how a reformed system can best support children and their families going through similar experiences.

Desk Based Review

A rapid desk-based review of 5 recent consultations¹ and 1 research report² relevant to Family Justice in Ireland was conducted to identify possible transferable messages relevant to the consultation with children and young people.

Summary of the Desk Based Review

Taken together the consultations and the research report provide some important messages for the family law reform which fall within four overlapping themes.

- Openness and communication

¹ Consultations with young people on the Guardian ad Litem Service (2019) (not yet published; publication expected in 2022), A report on consultations with young people in care to inform the review of Child Care Act (not yet published; publication expected in 2022)

Consultation undertaken by the [Empower Kids Project Team](#). (A collective of following services: Cope Domestic Violence Service Galway, Adapt Domestic Abuse services, Mayo Women's Support Services, Longford Women's Link, Meath Domestic Violence Service, Daughters of Charity – Dublin Safer Families, Women's Aid Dundalk, EPIC, Saoirse Domestic Violence services, Cuan Saor Domestic Violence service and Barnardos TLC KIDZ projects across North Tipp, Limerick/Clare, Cavan/Monaghan).

Message from children and young people on responding to childhood domestic violence and abuse developed by The [Empower Kids Project Team](#), (see Figure 1)

² Parkes, A., Shore, C., O'Mahony, C., & Burns, K. (2015). The right of the child to be heard: Professional experiences of child care proceedings in the Irish district court. *Child & Fam. LQ*, 27, 423.

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- Keeping the child/young person informed about the process and what decisions are being made.
- Supportive staff
 - Creating an atmosphere of safety and reassurance.
 - Staff who listen to and act on their views.
 - Staff trained on ways to communicate with children/young people.
 - Consistency of staff providing care and support.
 - Empathetic and respectful staff who are creative and flexible in their approach. Staff to introduce themselves and explain their role in a clear way.
 - Having a trusted person to give reassurance and knowledge about the court system.
 - Privacy and confidentiality (e.g., court setting having a private space)
- Access to services and support
 - Social and practical support.
 - Strengthening families and communities in the children's lives.
 - Specialised support e.g., mental health services, mediation, family support, early intervention, parenting skills, therapeutic support for parents, helplines etc.
 - Improved information about and signposting to available services.
- Having a voice in the process
 - Having a greater say in family decisions that affect them.
 - Support to have their voice heard.
 - Listening to the voice of the child/young person (age/developmental stage appropriate).
 - Information and support on how their voice can be heard in court system.
 - Trusted person who would speak on their behalf.

Family Law consultation: Methodology

Due to the sensitive nature of the consultation topic, the National Participation Office worked with practitioners from youth organisations and domestic violence support services who have a trusted and secure relationship with the child/young person to recruit participants and to administer the survey.

Completed surveys were returned from 12 young people (11 females and 1 male). Three completed the child version of the questionnaire and the remainder completed the young person

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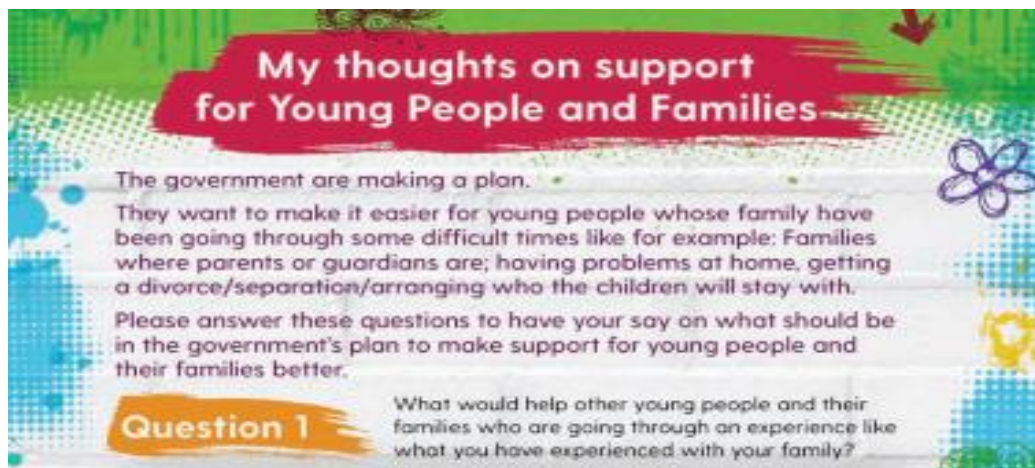
questionnaire. The participants age ranged from age 8 to age 21 years. Most had experience of divorce/separation. Three experienced domestic violence. Two of the respondents were older but had experienced divorce/separation during their teenage years.

Box 1: Information on children's questionnaire



The questionnaire for the older young people included four questions.

Box 2: Information on young people's questionnaire



Question 1: What would help other young people and their families who are going through an experience like what you have experienced with your family?

Question 2: What support or services would you like to see available for a young person going through something similar to you?

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Question 3: What is the most important thing that the government can put in their plan to make sure there is enough support for young people and their families who are going through experiences like this?

Question 4: Anything else you would like to add?

Findings from the Consultation with Children and Young People

The consultation with the children and young people generated some very rich and insightful data with clear messages for policy and practice. Some of messages from the family law consultation emerged in previous consultations with children and young people with experience of the court and legal system. Suggestions and recommendations arising from the findings of this consultation fall into 6 (overlapping) themes.

- **Communication, information, and preparation**

Access to information emerged as a dominant message. Children and young people called for improved communication. This included more communication (e.g., parents, schools, etc) and a greater involvement in the process. Having clear age-appropriate information was viewed to be important to prepare the child/young person for processes.

Children and young people wanted to be kept informed about the home situation and to be kept informed on what decisions had been made, and why they were made. They wanted better feedback loops.

- **Having a voice in the process**

Children and young people in the consultation and in the previous consultations wanted more opportunities to express their opinions and to be listened to. Some asked to have different options available to them to have their say in the process e.g., opportunity to express their views privately (without their parents if desired) etc.

- **Types of support**

The participants called for a variety of support services to meet the different needs and ages of children and young people. Some suggested the provision of support through schools and youth services, others called specific services for young people and/or their parents. For some young people peer support was important, others suggested support from professionals (e.g., via counselling). The children and young people recommended the promotion of the currently

available services and supports via schools, youth services etc, and to have easy access to these services.

- **Approaches to providing support**

The qualities of the practitioner / professional delivering the services was described as an important consideration. The qualities they named can be characterised as those of unconditional positive regard for the child or young person. Young people identified the importance of being in an environment where they could have their voice and wishes heard and understood in a sensitive way. They raised the importance of having relationships and interaction with adults that feel 'real', where the care and interest given is genuine.

- **The legal process**

Reflecting the call for information, participants wanted more information on the legal processes, with some calling for preparation for the court experience and improvements to the court experience. Having information on the role and functions of the different professionals they will encounter during the proceedings was also considered important.

- **Suggestions for Government**

Structured plan to protect the child and young person in the process

Young people's views on what the Government might do to ensure that young people and their families have enough support included the development of a structured plan that would give children and young people a clearer outline of how the child will be protected in the process and decision making.

Voice of child in the plan

Such a plan should be developed to reflect children and young people's needs and views on services.

Education and preparation for the process

Reflecting the importance of having communication, information and preparation in the system, in their responses to the question on what the government might put in their plans make sure young people and their families have enough support who are going through experiences like this, three of the young people suggested having ways to educate and prepare children and young people for the process e.g. information on the system, how it works, what different titles mean etc., and having professional support to include children and young people in the process to ensure they are informed about the process and kept updated.

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A network of support for child/young person and family

Reflecting the messages under the support theme, the children and young people called for a network of support for both young people and families. The support services for children/young people have been described above. To promote a positive experience of family life, some children and young people suggested the provision of support for parents. Their suggestions included: Support services for the adults (e.g., support for parents to work through problems, support for lone parents); financial support for low-income parents including grants for Christmas, First Communion etc.; and childcare to allow parents to work; and support for parents to help them work together through the process.

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SECTION 1: INTRODUCTION AND BACKGROUND

1.1 Introduction

In September 2020, the Minister for Justice Helen McEntee T.D., established the Family Justice Oversight Group to agree a high-level vision and key medium and longer-term objectives for the development of a national family justice system having regard to international best practice, in parallel with the establishment of a dedicated Family Court structure.

The Oversight Group is made up of representatives from the Department of Justice (DOJ); the Department of Children, Equality, Disability, Integration and Youth (DCEDIY); the Department of Public Expenditure and Reform (DEPR); the Courts Service; County Registrars; the Legal Aid Board; and members of the Judiciary.

To inform the work of the Oversight Group, a multi-phased consultation process is taking place with family justice system users, practitioners, academics, and civil society organisations. This process also includes a consultation with children and young people who have been through or are going through the current system (**this report**).

The Department of Justice and DCEDIY worked in partnership with the National Participation Office to design and implement the consultation. Guided by the principles of the Lundy Model³, the Participation Team follow best practice in consulting with children and young people. The consultation approach is based on the recently published Participation Framework⁴, taking measures to maximise the voice of the young person, ensuring they are fully informed on the reason for the consultation, and how the findings will be used. To document this process the Department of Justice commissioned an independent consultant to prepare a report on the consultations with children and young people.

1.2 Family Justice in Ireland

Family law incorporates several legislative areas encompassing a range of issues including guardianship, adoption, custody, separation, divorce, access, maintenance, domestic violence, child care, protection and welfare (i.e., cases involving Tusla). (Appendix 1 provides a list of relevant legislation).

There are several family justice issues which can either involve children and young people or impact on them. These include

³ https://hubnanog.ie/wp-content/uploads/2021/04/5611-Hub_na_nOg-LundyModel.pdf

⁴ National Framework for Children and Young People's Participation in Decision-making (2021) <https://hubnanog.ie/participation-framework/>

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- Guardianship – relating to the rights and duties of parents regarding the upbringing of their children
- Custody - relating to the care of dependent children on a day-to-day basis, where they live and their upbringing
- Access – the rights of children and parents to see and spend time with each other (often termed contact) in cases where they do not live together
- Maintenance – relating to financial provision made for dependent spouse or civil partner and dependent children
- Judicial separation and divorce – legal arrangements which allow for a couple no longer together to work out certain matters (separation) and officially dissolve a marriage (divorce).
- Child protection and welfare – relating to situations where TUSLA may have concerns about a child’s welfare and seeks a decision of a court to place the child in its care.

SECTION 2: DESK REVIEW

2.1 The importance of voice of the child in decision making

The National Policy Framework for Children and Young People 2014- 2020 (*Better Outcomes, Brighter Futures*) highlights the importance of “a culture that listens to and involves young people” which includes proactively seeking out the views of children and young people so that they can “influence decisions about their own lives and wellbeing, service delivery and policy priorities”.⁵

Participation captures the involvement of children and young people in decision-making on issues that affect their lives. This can be asking children their views and opinions on matters that affect them personally (e.g., of a personal nature, concerning the welfare, protection, or care of a child (***individual participation***)), or of a public nature, affecting children collectively (***collective participation***). Decisions affecting children as a collective, commonly relate to service planning and review.

Participation is fundamental to a child-centred, rights-based approach and is a requirement of the National Strategy on Children and Young People’s Participation in Decision-Making 2015–2020 ([Department of Children and Youth Affairs, 2015](#)).⁶ To support government departments and agencies to achieve their objectives under the Strategy, in 2017 Hub na nÓg was established as a centre of excellence on the voice of children and young people in decision-making. In 2021 a

⁵ Better Outcomes, Brighter Futures: [The National Policy Framework for Children and Young People](#), 2014-2020

⁶ <https://www.gov.ie/en/publication/9128db-national-strategy-on-children-and-young-peoples-participation-in-dec/>

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[National Framework for Children and Young People’s Participation in Decision-Making](#) was

developed in collaboration with Professor Laura Lundy.

2.2 Desk Based Review of Irish Research and Reports

A rapid desk-based review of recent consultations and research relevant to Family Justice in Ireland was conducted to identify possible transferable messages relevant to this consultation. (See Appendix 2 for summary of themes emerging from six sources.)

Type of report	Title	Who?	Focus?
Consultation	DCEDIY (in Prep) Report of consultations with young people on the Guardian <i>ad litem</i> Service ⁷	Consultations with 14 young people with experience of the GAL system	YP’s experience of GAL system
Consultation	DCEDIY (2022) Report of consultations with young people to inform the review of the Child Care Act ⁸	Consultations with 13 young people with experiences of the child care system	YP’s experience of child care system (including court)
Consultation	Empower Kids’ Project Team/ Barnardos (unpublished) Family law Reform children’s consultation ^{9 10}	Consultation with 28 young people with experience of domestic violence.	Children and YP’s with experience of domestic violence.
Consultation	HIQA Developing National Standards for Children’s Services: Themes emerging from the engagement with children and young people. ¹¹	Interviews with 45 children aged between 3-18 years and 3 young people 18+ with experience of the children’s social services.	Child voice/youth participation.
Research Report	Parkes et al. (2015). The right of the child to be heard: Professional experiences of child care proceedings in the Irish court ¹²	Research with 45 professionals working in Irish Court settings	Child voice/participation in the district court in Ireland

⁷ Consultations with young people on the Guardian ad Litem Service (2019) (not yet published; publication expected in 2022)

⁸ A report on consultations with young people in care to inform the review of Child Care Act (not yet published; publication expected in 2022)

⁹ Consultation undertaken by the [Empower Kids Project Team](#), (A collective of following services: Cope Domestic Violence Service Galway, Adapt Domestic Abuse services, Mayo Women’s Support Services, Longford Women’s Link, Meath Domestic Violence Service, Daughters of Charity – Dublin Safer Families, Women’s Aid Dundalk, EPIC, Saoirse Domestic Violence services, Cuan Saor Domestic Violence service and Barnardos TLC KIDZ projects across North Tipp, Limerick/Clare, Cavan/Monaghan).

¹⁰Message from children and young people on responding to childhood domestic violence and abuse developed by The [Empower Kids Project Team](#), (see Figure 1)

¹² Parkes, A., Shore, C., O’Mahony, C., & Burns, K. (2015). The right of the child to be heard: Professional experiences of child care proceedings in the Irish district court. *Child & Fam. LQ*, 27, 423.

Review of consultations with children and young people

The desk review examined four recent consultations with children and young people. Whilst family law was not the primary focus of three of consultations, many of the emergent messages provide useful insights for the family law reform.

For example, in 2019, the Department of Children and Youth Affairs (now DCEDIY) explored the views and experiences of 14 children and young people with experience of the Guardian *ad litem* (GAL) system.¹³ The consultation explored what was working well and what needed to be improved.

The young people consulted described the important role the GAL played in their care (and court) journey by providing them with support and acting as their representative in the proceedings (e.g., bringing up issues to get sorted, arranging for the young person to speak to the judge in his or her chambers, representing them in court). Some young people described their reasons for wanting to (or not wanting to) speak in court.

- Some wanted to have their own voice heard:
 - because it is their right,
 - because their voice was missing from the process, and
 - to ensure their views are accurately represented.
- Some wanted to seek the Judge's opinion or to speed up the processes.

The reasons offered for not wanting to speak in court included:

- Being too nervous or afraid, feeling intimidated by the setting or perceiving the court as somewhere for criminals.
- Fear of the consequences of their input on their relationships with family members.
- Not being offered the opportunity to speak (e.g. social worker or GAL did not want them to speak, or they had not been offered the opportunity to do so).
- Little faith in the system, believing their appearance in court would not make a difference to the outcome.

In a second consultation, conducted as part of the wider review of the Child Care Act, the DCEDIY Child Care Legislation and Children's Rights Policy Unit (CCLCRP) teamed with Hub with nÓg to consult with 13 young people (aged between 15 and 23 years) with experience of the child

¹³A GAL is a representative appointed by the court to convey the wishes and views of children and outline their best interests in child care proceedings.

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protection and child welfare interventions. The consultation explored the important things for children and young people during their care journey, and how they would like to have their voice heard. The important messages relevant to the Family Law consultation included:

- **Access to services and support.** Within this theme the young people highlighted the need to access mental health services, mediation, family support, and helplines. Young people raised the need for early intervention and relationship building.
- Improved information about and **signposting to available services.**
- **Openness and transparency** about the process including upfront information on why decisions had been made and what is happening.
- The importance of **listening to the voice of the child/young person.**

In response to how they would like their voice to be heard, the young people felt that every effort should be made to seek their views and opinions, and to keep them informed of what decisions were being made (and why these decisions had been made). Suggestions on how the child's voice might be expressed included:

- **Generally** – Acknowledging the best interests of the child and the age/developmental stage of the child, consider how best to secure the views and opinions of the child at this stage of the process.
- **In court** – Ensure the options are explained to the child/young person on how their voice can be heard during the court proceedings.
 - Offer the option of a pre-recorded or written input from child to ensure voice is heard during the process.

In the third consultation, undertaken to inform the process of developing Draft National Standards for Children's Social Services, the Health Information and Quality Authority (HIQA) consulted with 48 children and young people (45 children aged between 3-18 years and 3 young people 18+ with experience of the children's social services)¹⁴ The consultation explored what was working well, what might be improved, and ways to improve these services. With relevance to the Family Law consultation, the children and young people consulted highlighted the importance of their views and opinions being sought and listened to by having:

- Staff really listening to and acting on their views.
- Those with influence to hear the messages from them, not from another.

¹⁴ HIQA, 30 June 2020

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- Not being asked the same questions repeatedly.
- The importance of strengthening families and communities in the children's lives. Within this theme, the children talked about the importance of keeping relationships with the families and communities, even when this is difficult.
- Consistency of the staff providing care and support was viewed important for the development of positive relationships with children.
- Especially valued was staff who:
 - are empathetic, respectful and who the child views as someone they can trust;
 - know the child's needs and who follow up on actions; and
 - staff who are creative and flexible in their approach.

The fourth consultation was conducted to inform the Family Law Reform was undertaken by Barnardos with a multi-agency group. They consulted with twenty-eight children and young people with a lived experience of domestic violence and abuse. The young people shared their thoughts and views on what would make it easier or would help families going through difficulties like theirs. Their recommendations included:

- Having more control and a greater say in family decisions that affect them.
- Being listened to, having their story heard, and to be believed.
- Having the support of an advocate or trusted person who with knowledge of the court system who would give them reassurance or would speak on their behalf.

The children and young people also expressed a wish for children and mothers to be safe in their home, and that the perpetrator is punished. They wished that (perpetrator) fathers would seek therapeutic help, would be better behaved, would understand and empathise with the children's position, and would become better role models for their children.

In a separate project also hosted by Barnardos for the Empower Kids Team *Our Rights, Your Responsibilities Responding to Childhood Domestic Violence and Abuse*, children with experience gave their views on how they would like professionals to respond to and interact with them in circumstances where there has been childhood domestic violence and abuse (Figure 1 above). Their recommendations included:

- Listening to their voices, being kind and believing what they say
- Provide time to talk, to ask and answer questions, and to process information
- Creating an atmosphere of safety, calmness and reassurance was important
- They asked that professionals interact with them in a respectful way by introducing themselves, explaining their role and communicating with them in a clear way.

Figure 1: The Empower Kids Team *Our Rights, Your Responsibilities Responding to Childhood Domestic Violence and Abuse*



Review of research reports

The desk review included the findings from one research report (Parkes et al. 2015) which explored professionals’ perspectives of young people’s participation within the court system in Ireland in child welfare and protection proceedings. This study found that children’s direct participation in court proceedings was rare. Some judicial interviews took place, although many judges reported that they did not feel comfortable doing so. There was a recognition that where judges had received training on communicating with the child, they were more likely to engage with this.

Parkes et al noted there were no guidelines/consensus on how the child should be informed about and/or involved in the court proceedings. The district court setting (where child care cases are mixed with others) was not considered by professionals to be a conducive environment for child participation. Whilst the *in-camera* rule may ensure that the hearing of the details of the case, and any actual evidence given directly by the child, will be strictly confidential, the court environment may not offer the same level of anonymity and confidentiality. For example, when children are brought to the court, they often sit in the same public (often overcrowded) waiting area, and due to

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the limited private spaces for consultations between clients and their legal representatives, details of personal circumstances may well be overheard by other members of the public.

Some of the professionals interviewed felt that the proceedings are not conducive to effective child participation due to the intimidating and adversarial model of the court environment, and the absence of a supportive, child-friendly process through which the child might participate safely and openly.

Overall, the professionals' descriptions of the experiences in court do not reflect the Council of Europe Guidelines on Child-friendly Justice (2010)¹⁵ which emphasise the practical steps which should be taken to make the child comfortable in justice settings including:

- Familiarising the child with the courtroom in advance.
- Minimising disruption and distractions during court sessions
- Ensuring that specially trained legal professionals are available.

2.3 Summary of the desk research

It is important to note that the consultations and research reviewed examined specific types of family law cases: child protection and welfare (x3), domestic violence (x 1) and social services (x1), and as such not all types of family law have been captured in this body of literature. Nonetheless, taken together these reports do provide some important messages for the family law reform which fall within four overlapping themes.

- Openness and communication
 - Keeping the child/young person informed about the process and what decisions are being made.
- Supportive staff
 - Creating an atmosphere of safety and reassurance.
 - Staff who listen to and act on their views.
 - Staff trained on ways to communicate with children/young people.
 - Consistency of staff providing care and support.
 - Empathetic and respectful staff who are creative and flexible in their approach. Staff to introduce themselves and explain their role in a clear way.
 - Having a trusted person to give reassurance and knowledge about the court system.
 - Privacy and confidentiality (e.g., court setting having a private space)

¹⁵ Council of Europe Guidelines on Child-friendly Justice (2010) [https://www.coe.int/en/web/children/child-friendly-justice#%2212440309%22:\[0\]](https://www.coe.int/en/web/children/child-friendly-justice#%2212440309%22:[0])

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- Access to services and support
 - Social and practical support.
 - Strengthening families and communities in the children’s lives.
 - Specialised support e.g., mental health services, mediation, family support, early intervention, parenting skills, therapeutic support for parents, helplines etc.
 - Improved information about and signposting to available services.
- The child having a voice in the process
 - Having a greater say in family decisions that affect them.
 - Support to have their voice heard.
 - Listening to the voice of the child/young person (age/developmental stage appropriate).
 - Information and support on how their voice can be heard in court system.
 - Trusted person who would speak on their behalf.

SECTION 3: THE CONSULTATION WITH CHILDREN AND YOUNG PEOPLE

3.1 Aim of the Consultation

The National Policy Framework for Children and Young People 2014- 2020 (Better Outcomes, Brighter Futures) highlights the importance of “*a culture that listens to and involves young people*” which includes proactively seeking out the views of children and young people so that they can “influence decisions about their own lives and wellbeing, service delivery and policy priorities”.¹⁶

Thus, the Department of Justice Oversight Group and the Participation Team within DCEDIY worked together to develop a bespoke consultation process for children and young people with experience of family justice to hear their views and ensure their experiences informed the work of the Group.

The focus of the consultation was to secure children and young people’s views and feelings on how a new system can best support children and their families going through similar experiences.

The consultation asked four questions of the children and young people:

1. What would help other young people and their families who are going through an experience like what you have experience with your family?
2. What support or services would you like to see available for young person going through something similar to you?

¹⁶ Better Outcomes, Brighter Futures: [The National Policy Framework for Children and Young People](#), 2014-2020

3. What is the most important thing that the government can put in their plan to make sure there is enough support for young people and their families who are going through experiences like this?
4. Anything else you would like to add?

3.2 Development of the consultation tools

The Department of Justice worked in collaboration with the National Participation Office and Hub na nÓg to plan and administer the consultation. As the planning phase commenced during the Covid 19 lockdown, an online advisory group of managers from relevant support service (see Appendix 3 for membership) was convened to inform the methodology. This group consisted of professionals working with children and families in a range of family support organisations. The function of the meeting with the advisory group was to:

1. Secure the group's views on ways to consult with children and young people on this sensitive topic.
2. Explore possible opportunities to work through the organisations to reach children and young people.
3. Gain nominees for practitioners to conduct the consultations with the team.

During the meetings with the working group members and focus group with practitioners, some of the challenges to engaging with children and young people on the subject of family justice were discussed and included:

- The private and personal nature of the subject
- Possible difficulties in securing parental consent
- The need for anonymity and confidentiality
- The importance of counselling and support
- The current demand on services

The members of the Working Group provided the Participation Team with names of nominees who would assist them with the recruitment. The nominees were invited to a focus group to brief them on the consultation and to gain their views on the process.

Two of the Working Group nominees worked with the Participation Team to pilot the questionnaires with young people in their services. Two young people provided feedback on the questions and the design and layout of the questionnaire, which were addressed before the recruitment phase.

3.2.1 The questionnaires

Working from a children's rights-based approach, the team developed two consultation tools, one for children aged under 12 and one for young people (aged 12-21). The team worked with the

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advisory group and the practitioners to ensure the survey tools and accompanying information and consent sheets were administered in an ethical and supportive way (see Section 3.3.2 for further information).

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Both tools provided a brief introduction to the purpose of the consultation and were presented in a child/young people friendly format (see Box 1 and Box 2).



The focus of the consultation was on the children's and young people's views and suggestions based on their experience of the system. Participants were asked not to share personal information. For example, to provide some distance from their personal experiences, children aged under 12 were invited to write or draw their response to a short narrative which described a situation where the family of two children (Tom and Sally) were having problems or getting a divorce /separation or arranging who the children will stay with. By using words or pictures¹⁷ the children were asked to record what they thought would make it easier for Tom and Sally in this situation (See Box 1).

In the introduction of the questionnaire for the older children, the young people were given information about the consultations and were asked to write (or have the practitioner scribe) their response to the four questions, giving their thoughts on what should be in the government's plan to make support for young people and their families better (see Box 2).

¹⁷ This approach to draw or write responses to questionnaires administered by class teachers was used successfully in the recent DCEDIY consultation on the UNCRC Rights of the Child.

Box 2: Information on young people's questionnaire



Question 1: What would help other young people and their families who are going through an experience like what you have experienced with your family?

Question 2: What support or services would you like to see available for a young person going through something similar to you?

Question 3: What is the most important thing that the government can put in their plan to make sure there is enough support for young people and their families who are going through experiences like this?

Question 4: Anything else you would like to add?

3.3 The recruitment of the children and young people to the consultation

In the first instance the Participation Officers in Foróige and Hub na nÓg worked with practitioners from a cross section of service providers identified by the Working Group to recruit children and young people to the consultation. Due to the sensitive nature of the consultation topic, it was agreed that it was important that practitioners who have a trusted and secure relationship with the child/young person administer the survey. The team worked with the 13 nominated practitioners from 11 support services (e.g., youth services, targeted youth services, family support, domestic violence support) to facilitate the consultation on behalf of the National Participation Office. The Participation Office sought the support of practitioners who work directly with young people and families who had experience of any of the following:

- Children whose parents are going through the process of divorce or separation
- Children whose parents are in proceedings regarding custody and parental contact
- Children who are the subject of maintenance orders

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- Children who may have encountered or witnesses domestic violence including coercive control
- Children who may be the subject of guardianship proceedings

Children and young people can have experience of this in a number of ways:

- Experience of the court process within their family but not directly attending court or being involved with services external to the family
- Experiences of engagement with family liaison or other support services but not actually attending court (for example, mediation where someone helps parents talk through their problems and come to a solution which works for their children and for them)
- Experiences of being involved directly with the court for example when they engaged with a lawyer, judge within the courts system.

The practitioners were asked to (a) recruit the children and young people to the consultation and to complete the consent and assent procedures and (b) to facilitate the completion of the survey with the child and young person (this included scribing responses for the child/young person if required).

Thus, by working through practitioners who have a trusted relationship with the child/young person, the recruitment strategy was designed to uphold the best interest of the children and young people, and to make the consultation a positive experience for them.

Once the practitioners indicated how many questionnaires they required, they were sent the consultation packs (i.e., instructions, information sheets for parent/child, consent /assent forms, blank questionnaire, and stamped return envelope). (See Appendix 5a for Guidelines for Practitioners.)

The first phase of recruitment was undertaken in September 2021. A total of 48 individual packs were sent to the 13 practitioners who were given three weeks to complete and return the questionnaire. As the response rate at this stage was disappointing with just two completed questionnaires, the Participation Team contacted each practitioner to explore the reasons behind the poor response rate. Some reported that either the parent or the young person did not consent/assent to participate. Others requested additional time as they had limited contact with the children and young people. After the follow-up call a further 7 completed surveys were returned.

At the beginning of November, the team extended a further call to 3 targeted youth services and secured a further three completed questionnaires. One respondent to this call reported that they had initially secured the interest from one of their service users, but the young person had since

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disengaged from the services so did not complete the survey. This practitioner also noted that their current client group had limited experiences of separation/divorce, where parents did separate, they did so without recourse to the legal route.

	Action	Number of individual packs	Completed Returns
Wave 1 (September)	Packs sent to 13 practitioners from 11 organisations	48 packs	2
Wave 2 (October)	Follow-up call to non-responders – extended return date	4 packs (replaced child packs with young person packs)	7
Wave 3 (November)	Additional 3 targeted youth services contacted	8 packs sent out	3

3.3.1 Ethical considerations and safeguarding

As the best interests of the child were paramount, practitioners were asked not to recruit children or young people they felt were particularly vulnerable (see Appendix 5a for Guidelines for Practitioners).

As noted above, to participate in the consultation, children aged under 18 years had to have informed consent from a parent or guardian before they could provide assent to participate in the survey (see Appendix 5b for information sheets). If the young person was over 18, informed consent from the participant was required. To maintain the anonymity of the individual, the completed consent form was retained and stored by the organisation in contact with the young person, in accordance with their own organisational policies, procedures and GDPR. A unique identifier was used on the questionnaire to link the survey response with the information held by the organisation. No identifying information on the child/young person appeared on the completed questionnaire which was returned to the report writer for analysis.

To maintain participants' anonymity, no personal or identifying information are included in the report.

3.3.2 Administration of the questionnaire

Children and young people were advised that they did not need to share personal stories when completing the questionnaire, and that they could opt out at any stage without giving a reason for doing so. The trusted practitioners supported the children and young people to complete the survey

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on an individual basis and in a quiet space. If requested the practitioner scribed the verbatim response for the child/young person¹⁸.

The practitioners were advised to follow the national child protection guidelines in terms of follow up and supporting the child if they became distressed or traumatised while engaged in the consultation. The National Participation Office had arranged for follow-up counselling to be provided if required. None of the participants requested this service.

On a separate sheet the practitioner provided some contextual information about the child/young person's circumstances. In reporting the findings, an overview of this contextual information is provided but to preserve anonymity none of the quotes are linked back to this information.

3.3.3 Limitations

The consultation presented five key challenges.

1. **Hard to reach population:** The first challenge was the recruitment of a hard-to-reach group of children and young people with experiences of family justice (see section 3.3 above). By nature of this hard-to-reach status combined with the wide range of issues that might be captured within 'family justice', meant it was not possible to gain a representative sample of children and young people. The only recruitment strategy available to the team (for the reasons described above) resulted in a self-selecting sample and thus children and young people who have particular experiences and issues may not be represented.
2. **Parental consent:** The recruitment procedures required informed consent/assent procedures to be adhered to before progressing with the survey. The procedures required written consent from a parent or guardian before approaching children and young people aged under 18-year-olds. Some practitioners reported back that some of parents they approached were reluctant to consent as they did not want to ask their child to revisit these difficult times.
3. **Covid 19 restrictions:** Covid 19 restrictions also presented challenges to the consultation. The Covid 19 restrictions introduced challenges to the typical process of consultations with young people. Whilst the National Participation Office and Hub na nÓg have adapted their consultation methodologies to online environments, these online methodologies do not

¹⁸Including the option of the trusted professional scribing the response for the child has been used successfully in previous DCEDIY consultations (See [What We Think](#)). This option offers the child/young person with an alternative of capturing the views of children and young people who may be younger, whose first language may not be English, who may have additional accessibility needs or may not be comfortable with writing themselves. The scribing of the verbatim responses also helps to ensure the voice of the child is captured in the response.

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work well with sensitive topics or with seldom heard children. The sensitive and personal nature of the young people's experiences required a more confidential and private setting.

4. **Recruitment via an intermediary:** The recruitment strategy was very dependent on practitioners who work with children and young people to act as intermediaries to (a) recruit children and young people, and (b) to conduct the consultation on behalf of the increased the difficulty of the recruitment Department. As much of the fieldwork was undertaken during or just after the second Covid-19 lockdown, many of the intermediary organisations had fewer opportunities to work directly with young people, thus had fewer opportunities to secure their engagement with the consultation. For some organisations, the lockdown and restrictions lead to a higher demand on their services, with practitioners having much higher caseloads which limited their time to assist with the recruitment.
5. **Small dataset:** Given the above challenges, the recruitment resulted in a small number of self-selecting participants. Whilst the pool captured a range of ages, older participants provided more detailed responses, which resulted in some quotes being used more frequently to illustrate a theme.

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SECTION 4: CONSULTATION FINDINGS

4.1 Profile of participants

Completed surveys were returned from 12 young people (11 females and 1 male). Three of the young people completed the child version of the questionnaire and the remainder completed the young person questionnaire, which asked the three consultation questions and a fourth open/additional comments question. The participants age ranged from age 8 to age 21 years (8 years old (n=1), 10 years old (n=1), 11 years old (n=2), 12 years old (n=2), 14 years old (n=1), 15 years old (n=1), 16 years old (n=2), 20 years old (n=1), 21 years old (n=1). Most of the respondents had experience of divorce/separation. Three experienced domestic violence. Context information was not given for one of the respondents. Two of the respondents were older but had experienced divorce/separation during their teenage years.

Table 1: Background and contextual information provided with completed questionnaires

Context	Further information
Access	Young person would like more time with siblings
Domestic violence/Access	Child has given statements to Specialist Garda on breach of Protection order
Parents separated/Access	Child attended court and met Judge in Chambers
Section 32a ¹⁹ (mother custody)	Interview for court re: separation, maintenance, and visitation.
Parents divorced	Sporadic contact with dad
Parents divorced	Sporadic contact with dad
Section 32a (mother custody)	Interview for court re: separation, maintenance, and visitation.
Domestic violence in home	Child had been placed in foster care. Traumatic experiences in home and in care. Poor relationship with Tusla.
Parents separated	No formal arrangements had been made but child spends Sundays with dad and his new wife and children. Poor relationship with dad's wife who controls money.
Parents separated	Young person spends one week with mum and one week with dad
Parents separated (when child was a teenager) Shared custody	No fighting or arguments in home before separation. Young person felt isolated and was getting into trouble in school (truanting). Referred to GYDP who provided 1:1 support but YP would have liked to have availed of peer support

4.2 Survey Findings

There was significant overlap in the answers given by children and young people across the four questions asked of them. For example, a young person's response to Question 2 (support or

¹⁹ Section 32 of the Guardianship of Infants Act, 1964 where the court can procure an expert report on any question affecting the welfare of the child or appoint an expert to determine and convey a child's views.

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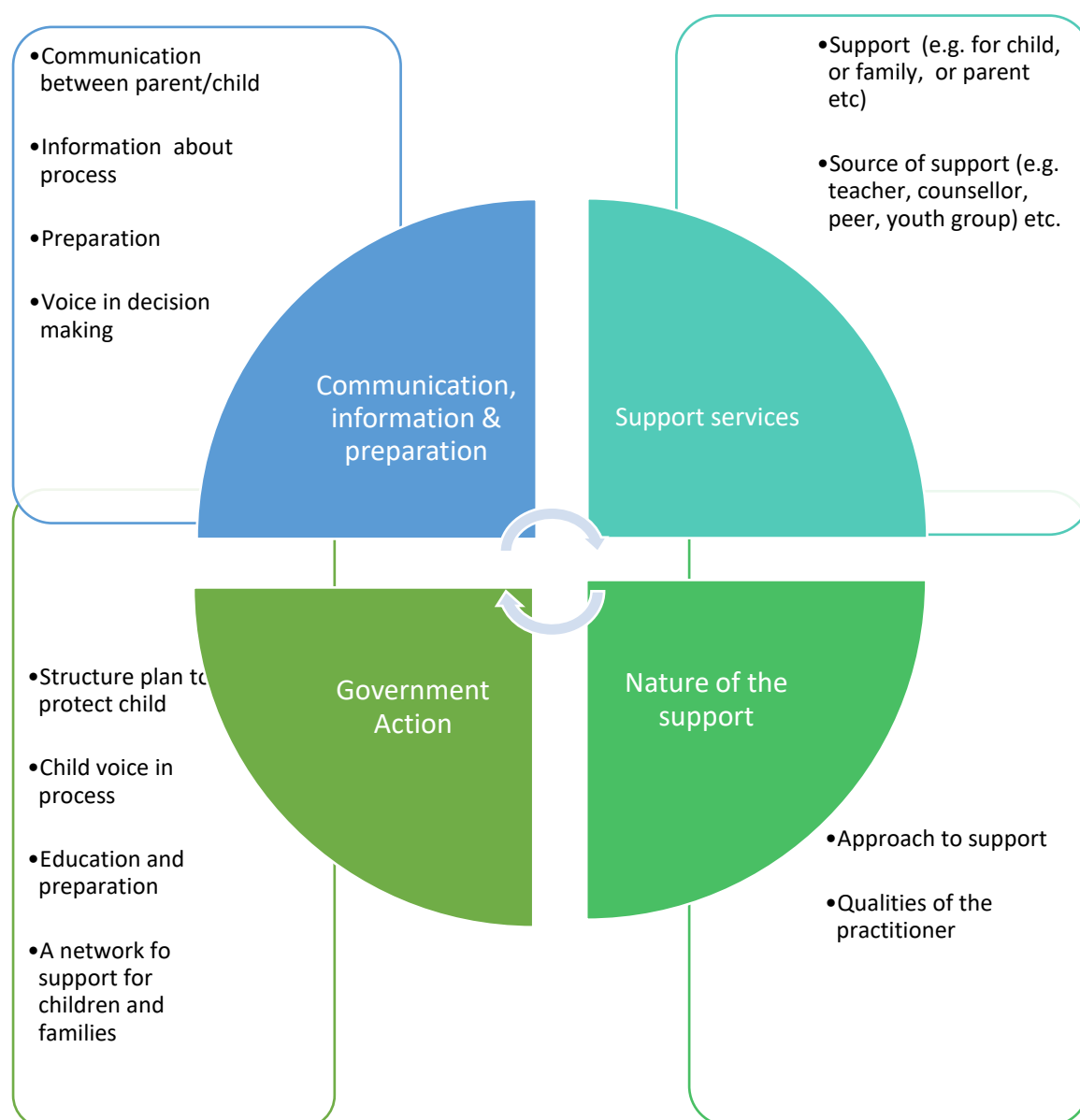
services) tended to echo their responses to Question 1, and their suggestions for Government also reflected their responses to Question 1 or Question 2.

Thus, for ease of presentation, responses have been analysed as a whole and then categorised according to the question they best answer. Given the low numbers involved, both age groups have been analysed together, and where a response is typical of one age group this is highlighted. All quotes identify the sex and age of the respondent.

The children and young people's responses tended to capture one of four themes (see Figure 2):

1. Communication, information and preparation
2. Support services
3. The nature and approach to support
4. Government action

Figure 2: Summary of Emergent Theme



4.3 Question 1: What would help other young people and their families who are going through an experience like what you have experienced with your family?

Two overarching themes emerged from the responses to Question 1:

- **Communication, Information, and preparation**
- **Child and youth friendly spaces**

4.3.1 Communication, information, and preparation

Within this overarching theme, a number of subthemes were identified which captured children and young people’s views on what would help.

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- More communication.
- More information about the family situation.
- More input to the decision-making process in relation to their family
- For all of this to be communicated in clear and understandable language.

The call for improved communication and information was one of the dominant messages from the responses from the children and young people.

'If parents talked to someone. If I had someone to talk to'

'To be able to talk to parents/siblings'

Some of the young people said it would be helpful if children and young people were given information about their family situation, and what was happening to it. One young person made this suggestion based on her own experience of suddenly and unexpectedly finding out her parents were separating.

'From my experience (there was) no fighting or issues and then suddenly I was told by my parents they were separating.'

'Have proper information, to be included, proper space to ask questions'

One young person suggested that parents share information on the family situation to the child's school so school staff can provide support.

'If the school understood what was happening'

Being informed was strongly linked to being prepared and feeling less intimidated by the process.

'Knowing the whole process and steps rather than learning about it step by step'

'telling the young people what is happening and keeping them up to date'

'children and young people to be included in specific meetings with a professional and parents'

Providing information using language and terminology which are age appropriate, avoiding jargon, and in a way that is accessible to children and young people was noted as important by one young person.

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'It would help if they said that there (are) just problems, not bigger words that younger kids might not understand about and them not knowing what is happening.'

While the need for clear language was noted as being helpful, one child also cautioned against using 'baby' language:

'Have more serious conversations rather than babying you because you are younger'

4.3.2 Having children and young people's voice heard

Giving the child or young person the chance to express their views, wishes or feelings, in relation to decisions being made is helpful. Having the opportunity to feed into the decision-making process, as one that affects their lives is important for young people.

'Having more of a say in what's happening...Us being in control about the decisions.'

'That children have a voice and choice of what happens in their lives'.

'Young people being more involved and having more of a say...'

'I would talk to the judge that we decide together what access to be fair'

Some said it would be helpful if children and young people had the opportunity to express their views privately, without parents present if they desired.

'Getting to talk with someone instead of a family group. They don't say what you are saying to another family member.'

'Having privacy – your own space.'

Having choice and some level of control over what was happening was identified as something that needs to be part of the experience of the family decision making experience. Some young people felt it was important that children and young people attend meetings with their parents.

4.3.3 Child and youth friendly information and spaces

In their descriptions of the supports services for young people, a couple of respondents mentioned the importance of the physical setting of these supports to be child/young people friendly.

'More young people friendly places to go when you have to talk about the experiences as a lot of them are very scary looking and can make young people feel uncomfortable and over-whelmed.'

One of the younger children described the need to have child friendly spaces in the court setting.

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'If there was a different room for the kids so they don't have to be with the adults....if the room had bright coloured walls and toys and staff to make it feel safer and not scary room'

How children and young people engage with adults and professionals in these spaces is also important. Some young people suggested it would be helpful if a child friendly room would be available to meet with relevant court professionals, so they do not have to wait in halls *'feeling scared and seeing both the mum and dad stuck in the middle.'*

This girl also suggested having a visual picture of the actual court building and its rooms, and/or a virtual tour of the building, prior to attending, would be helpful.

'I felt scared on the way there because I didn't know what the place looked like and I would be less scared if I'd seen some pictures of the place first.'

4.4 Question 2: What support or services would you like to see for a young person going through something similar to you?

The children and young people made several suggestions on ways to provide support to children and their families. They identified specific types of support, but also described a variety of ways in which the support might be provided. They also identified features of the support that they considered important (e.g., the nature of their encounters with the service and the qualities of the service provider).

4.4.1 Types of support

Reassurance, support services and signposting

The importance of providing general reassurance and signposting to sources of help and support was noted as important in one young person's response.

'Tell them not to be scared because things will get better'

It was suggested that children and young people going through such an experience are given clear information on the range of support services that exist, how they might be helpful to them, and how to access them.

'Tell them there are services out there that they can go to and talk'.

Counselling and individual support

Several young people described the importance of having someone to talk to during this time. Some of the responses captured general support but others referred to formalised counselling for the child (and/or the parent).

Having someone to talk to 'in general' was recommended by this young person.

'Support people who you can talk to about things in general rather than just the bad experiences as it feels more real and supported.'

'My parents fought all the time. If I could talk to somebody about this without feeling like I was taking sides'

The value of one-to-one support was regarded as helpful '*so it feels personal*'

One young person would like to see more counselling to be available to children and young people at this stage. This should be accessible and child friendly.

'I know my mam and dad went to meetings, I felt I would have benefited from something similar'

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‘Counselling that is easy to access. Make counselling nicer for kids. It sounds too adultish and weird. Make it sound better’

‘More counselling in areas’.

Two young people also highlighted the need for counselling for their parents.

‘If parents talked to someone....’

‘More support for the parents and them getting to talk to someone as well’

4.4.2 Delivery of support

To take account of the different ages and needs of young people, respondents identified a variety of sources of support and referred to specific types of groups and sources of support e.g., peer support, youth groups, schools etc.

Peer support

Having access to peer support was raised in seven of the twelve responses. Being able to talk to someone who has, or is, going through a similar experience was noted as being potentially helpful.

The importance of *‘being able to communicate with people who are going through similar situations’* was emphasised.

‘Getting to talk to young adults so you can relate to them more’

‘Attend group / programme for families where young people can meet other young people going through similar experiences’

One young person suggested having services similar to those provided by EPIC (Empowering People in Care).

Having the option of taking a friend for support when accessing services and having somewhere *‘to go to talk to someone’* was proposed by several young people.

One of the young people elaborated on the benefits of peer support.

‘In my youth group I talk to other people who have parents that are separated, and it made me feel like I wasn’t alone. I have a new friend in the group whose parents are going through a divorce and I can help her when she wants to get angry and needs someone to listen to.’

One of the young people felt peer support would also benefit parents.

‘Support my mam more. Support groups where you meet people that went through the same stuff (for mams)’

Youth Groups

In response to the Tom and Sally scenario, one of the younger children highlighted the importance of them having somewhere to *‘escape to’*.

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'I think they would need a place to go and get their mind off things and a place to escape when things get hard, and not let them be involved in the adult problems and let them be kids and enjoy their childhood.'

Accessing support in youth groups, whether universal or more specialised groups, was suggested.

'More youth groups. I would like to see more groups for younger ages going through this so they can talk to people.'

'In my youth group I talk to other people who have parents that separated, and it made me feel like I wasn't alone. I have a new friend in the group whose parents are going through a divorce and I can help her when she wants to get angry and needs someone to listen.'

One of the young people felt that youth groups are particularly important for younger children:

'More groups for young people under 10... When we get older, we don't care as much about youth groups but when you are younger you really want to be in them, so it's better to let us in then.'

Schools

The importance of providing support to children and young people in schools was noted by all ages. They suggested it would be helpful if teachers were made aware of a family situation so they can provide support and understanding for the young person, and so make accommodation for them in school.

'Let the school be aware about what is happening (with families' permission) so they can be supportive.'

'If the school understood what was happening.'

'Support provided through the school for children whose parents are separating. This is important because it can be hard to go into school because no one knows what is going on.'

As well as making the school aware of the family situation, young people identified the school as a place where support services, particular to their experiences, could be made available.

'Place support in school, let the school be aware of what is happening (with the families' permission) so they can be more supportive.'

'Support provided through the school for children whose parents are separating. This is important because it can be hard to go into school because no one knows what's going on.'

'More people to talk to in school. Teachers should listen to children because they don't understand. Teachers tell us to listen but they don't listen to our problems.'

The young people with experience of domestic violence suggested more education and awareness raising on issues such domestic violence and abuse, and what is not acceptable behaviour in the

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family home. This might be addressed in schools and as part of an education process within the court system

4.4.3 Approach to support / the nature of relationship with the professional

As well as identifying the need for support, in their responses the young people described the nature of the service or the qualities of the person providing the support. The young people named qualities that be characterised as those that have unconditional positive regard for the child or young person.

‘Having more people to have genuine conversations with about their experiences rather than answering questions as sometimes it feels like they are only talking to you for their own notes.’

Young people identified the importance of being in an environment where they could have their voice and wishes heard and understood in a sensitive way. They raised the importance of having relationships and interaction with adults that feel ‘real’ where the care and interest is genuine.

Related to the features of the approach to support, some young people said it is more helpful to talk and be listened to, than it is to be asked lots of questions. Answering questions on forms did not always cover what the young person wanted or needed to talk about.

‘Getting to talk with people rather than them asking us lots of questions’.

Getting the opportunity to ‘talk about things that trouble them rather than just the experience’ was noted as being helpful. This young person suggested the Government should offer the young person choice.

‘The young person gets to choose when to talk with the people who are asking the questions.’

When asking questions, some of the older young people suggested professionals need to be sensitive and to give young people the chance to ask questions of professionals.

‘Not to be insensitive when asking questions’

‘They may not ask questions unless they are given the opportunity’

4.4.4 Signposting available supports

Reflecting the need to offer reassurance and making services/supports available to families, one young person felt it was also equally important to signpost such services.

‘To make these services and supports more aware for young people. I didn’t know about them during my own experiences. I think schools should talk about these’

services and let young people know about them because no one knows they are out them'

4.5 Question 3 What is the most important thing the government can put in their plans make sure young people and their families have enough support who are going through experiences like this?

Young people's views on what the Government might do to ensure that young people and their families have enough support fall into four themes, and echo some of their responses to Question 1 and Question 2.

- Develop a structured plan to protect the child and young person in the process
- Consult with children and young people on their needs and views on services (and meet these needs)
- Educate children and young person about the process
- Provide a network of support for young people and families

4.5.1 A structured plan to protect the child in the process

In keeping with the children and young people's calls for clear and full information and the importance of having a voice and a space to be heard and listened to, one young person articulated the need for government to introduce a more structured programme or plan that would give young people a clearer outline of how the child will be protected in the process and decisions, to address the sense of insecurity and uncertainty they might feel.

'There is a lot of legislation towards what parents must do in order to separate etc. These laws protect the parents in an emotional sense, security, you know what happens next through the process.'

'The most important thing would be to introduce the same plan/programme for what must be done for the child during a separation. The child does not have the same sense of security as parents do.'

One young person suggested that parents should be required to work together.

'All parents should have to attend meeting together where they can agree on things'

This young person also wanted the Government *'to have an easy way to deal with separation'*. In her response to Question 4 she added.

'My parents used me against each other.....I think that should be illegal'

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4.5.2 Consult with children and young people

Echoing their call to have a voice in decision-making (as described in the response to the Question 1), some of the young people recommended that the government should introduce measures to ensure that children and young people are consulted to secure their views and wishes.

‘For them to listen to young people and their needs and what they want and to have the supports and services available’.

‘Have people to talk to about their experiences during and after’

‘I think it would be nice if I was asked what I wanted’

‘Child should be included to some degree because it affects their lives as much as the parents, they deserve to be informed’

One respondent suggested that young people should have opportunities to engage in ‘meetings’ similar to those offered to parents.

4.5.3 Education and preparation for the process

Reflecting the importance of having communication, information and preparation for the family justice system, in their responses to the question on what the government might put in their plans make sure young people and their families have enough support who are going through experiences like this, three of the young people made suggestions on ways to inform and educate children and young people on the process.

‘To educate young people on the system, the courts and how it works and what certain titles mean i.e., social worker, judge, solicitor, foster carer, Tusla. Children and young people shouldn’t have to wait to find out what these mean when they are in care, they should be educated on it beforehand’

‘Telling the young person what’s happening and keeping them up to date.’

One of the older respondents felt that families should have access to professional support.

‘Professional supports available that are mandated by law to include child/young person so they feel included / have proper information and knowledge of what is happening.’

She suggested how this might happen.

‘One or two facilitated meetings to focus on the child/young person which provides space (for them) to ask questions’

4.5.4 A network of support for young people and families

Support for children and families

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Providing a network of support for young people through schools, creches, youth groups and support groups was recommended, together with *'more free services'* to help young people and families.

'For them to listen to young people and their needs and what they want and to have supports and services available'

Support for parents

As described in the responses to Question 2, the young people suggested support for children and young people, but also suggested specific support for parents. Their suggestions included:

- Support services for the adults (e.g., support for parents to work through problems, support for lone parent)
- Financial support for lone parents

Two called for support but did not specify what this support was.

'Help for the parent the children are staying with (either the ma or the da)'

'More support for parents'

The need for holistic support, which also provides parents with support to work through their problems was raised in a couple of the responses. One of the younger respondents described how the importance of this dual support.

'..parents also need help with their problems because if they (the children) go somewhere for help they are only going to go home to arguments.'

Financial support

One young person highlighted the importance of financial support for families. She described ways the Government might help families going through similar experiences. These included.

'More grants for families for the big times (e.g. Christmas, First Communion etc.)'

'More money to make things easier.'

This young woman also suggested the provision of childcare to allow parents to work.

4.6 Question 4 Is there anything you would like to add?

Most of the responses to this question elaborated in the responses to the earlier questions which have been integrated into the relevant question. However, one young person used this space to demonstrate her appreciation of being invited to participate in the consultation.

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'I am happy that the Government is asking children for their opinion, and they are listening'

5. SUMMARY OF MESSAGES FROM CONSULTATION AND LITERATURE

The consultation with the children and young people generated some very rich and insightful data with clear messages for policy and practice. Some of messages from the family law consultation emerged in previous consultations with children and young people with experience of the court and legal system. Suggestions and recommendations arising from the findings of this consultation fall into 6 (overlapping) themes.

- **Communication, information, and preparation**

Access to information emerged as a dominant message. Children and young people called for improved communication. This included more communication (e.g., parents, schools, etc) and a greater involvement in the process. Having clear age-appropriate information was viewed to be important to prepare the child/young person for processes.

Children and young people wanted to be kept informed about the home situation and to be kept informed on what decisions had been made, and why they were made. They wanted better feedback loops.

- **Having a voice in the process**

Children and young people in the consultation and in the previous consultations wanted more opportunities to express their opinions and to be listened to. Some asked to have different options available to them to have their say in the process e.g., opportunity to express their views privately (without their parents if desired) etc.

- **Types of support**

The participants called for a variety of support services to meet the different needs and ages of children and young people. Some suggested the provision of support through schools and youth services, others called specific services for young people and/or their parents. For some young people peer support was important, others suggested support from professionals (e.g., via counselling). The children and young people recommended the promotion of the currently available services and supports via schools, youth services etc, and to have easy access to these services.

- **Approaches to providing support**

The qualities of the practitioner / professional delivering the services was described as an important consideration. The qualities they named can be characterised as those of unconditional positive regard for the child or young person. Young people identified the importance of being in an environment where they could have their voice and wishes heard and understood in a sensitive way.

They raised the importance of having relationships and interaction with adults that feel 'real', where the care and interest given is genuine.

- **The legal process**

Reflecting the call for information, participants wanted more information on the legal processes, with some calling for preparation for the court experience and improvements to the court experience. Having information on the role and functions of the different professionals they will encounter during the proceedings was also considered important.

- **Suggestions for Government**

Structured plan to protect the child and young person in the process

Young people's views on what the Government might do to ensure that young people and their families have enough support included the development of a structured plan to protect the child and young person in the process.

Voice of child in the plan

Such a plan should be developed to reflect children and young people's needs and views on services.

Education and preparation for the process

In their responses to the question on what the government might put in their plans to make sure young people and their families have enough support, three of the young people suggested having ways to educate and prepare children and young people for the process. Their suggestions included having information on the system e.g., how it works, what different titles mean etc., and providing professional support to keep the children and young people included in the process e.g., ensure they are informed about the process and kept updated.

A network of support for child/young person and family

Reflecting the messages under the support theme, the children and young people called for a network of support for both young people and families. The support services for children/young people have been described above. To promote a positive experience of family life, some children and young people suggested the provision of support for parents. Their suggestions included: Support services for the adults (e.g., support for parents to work through problems, support for lone parents); financial support for low-income parents including grants for Christmas, First Communion etc.; and childcare to allow parents to work; and support for parents to help them work together through the process.

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APPENDIX 1: LIST OF ACTS THAT CAN GIVE RISE TO FAMILY LAW PROCEEDING (AS PROVIDED IN THE GENERAL SCHEME OF THE FAMILY COURT)

- Guardianship of Infants Act 1964
- Family Home Protection Act 1976
- Family Law (Maintenance of Spouses and Children) Act 1976
- Family Law Act 1981
- Status of Children Act 1987
- Judicial Separation and Family Law Reform Act 1989
- Child Abduction and Enforcement of Custody Orders Act 1991
- Child Care Act 1991
- Maintenance Act 1994
- Family Law Act 1995
- Family Law (Divorce) Act 1996
- Protection of Children (Hague Convention) Act 2000
- Civil Registration Act 2004 (other than section 56)
- Adoption Act 2010
- Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010
- Children and Family Relationships Act 2015
- Gender Recognition Act 2015
- Domestic Violence Act 2018

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APPENDIX 2: SUMMARY OF EMERGENT THEMES FROM THE FAMILY LAW CONSULTATION AND PREVIOUS CONSULTATIONS


Theme 1: Information, education, and preparation

	Family Law Consultation N=12 (Children and Young people)	Barnardos Consultation N=28 (Children and Young people with experience of DV)	Child care Act consultation N=13 (Young people with experience of care)	GAL consultation N=14 (Young people with experience of the GAL system)	HIQA reports N=48 (CYP with experience of care system)
Keep child/young person informed about situation in home	✓	✓			
Share information on the legal and court processes and decisions	✓	✓	✓	✓	
Clear age-appropriate language to explain what is happening and to explain the different terminology (e.g., separation/divorce)	✓		✓		
Education about issues such as domestic violence (delivered in school and by court)	✓				
Information about the justice system and responsibilities of different services such as Tusla, foster care, solicitors etc	✓		✓	✓	
Keep child/young person informed on what decisions are being made and why they have been made Have a feedback loop	✓		✓		
Ensure the child/young person understands the implications of the decisions made			✓		

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Theme 2: Having a voice in the process

	Family Law Consultation	Barnardos papers	Child care Act consultation	Gal consultation	HIQA reports
Having the opportunity to express opinions and being listened to (to be part of the process)	✓	✓	✓		✓
Have the opportunity to express their views privately (without parents present if desired)	✓		✓		
Ensure the options are explained to child/young person on how their voice can be heard during the process/ proceedings.			✓	✓	
Staff listen to and act on the children and young people's views			✓		✓
Those with influence hear the messages from the CYP not from another					✓


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Theme 3: The Court

	Family Law Consultation	Barnardos papers	Child care Act consultation	Gal consultation	HIQA Reports
Share information on the legal and court processes	✓	✓	✓	✓	
Information and overview of the court process (e.g., video/picture of court buildings and rooms)	✓				
Child & youth friendly room in court (welcoming/bright colours / toys)	✓				
Avoid situation where child has to sit in waiting area caught between both parents or sitting with adults attending adult court	✓		✓		
Judge to meet child/young person in the child/young person room	✓				
Avoid pointing out the camera when child /young person is being interviewed	✓				
Offer opportunity for the child/young person to voice their opinion privately (without their parents in attendance if requested)	✓		✓		
If child does not want to speak in the court, they can have someone speak on their behalf		✓	✓	✓	
If children are being placed in care all siblings should be kept together		✓			
If a child wants to attend the court, they should be given the opportunity				✓	
Offer option of a pre-recorded or written input from child to ensure voice is heard during the process			✓		
To have accurate representation in the court (offer different options)			✓	✓	


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Theme 4: Types of support


	Family Law Consultation	Barnardos papers	Child care Act consultation	Gal consultation	HIQA Papers
Signpost and promote available supports – via schools, youth services etc	✓		✓		
Provide a variety of supports to meet the different needs (and ages of young people)	✓		✓		
Peer support - being about to talk to someone who has the similar experiences (e.g., Via youth services/schools)	✓				
Support from school staff (e.g., teacher etc)	✓				
Counselling for child/young person	✓				
Support for parents e.g., counselling , parenting skills	✓		✓		✓
Support for parents – financial support / childcare	✓				
Safe place to live		✓			
Keeping relationships with family and community e.g., live close to siblings (who live with another parent)	✓		✓		✓

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Theme 5: Approaches to providing support/Staff qualities

	Family Law Consultation	Barnardos papers	Child care Act consultation	Gal consultation	HIQA Papers
Create an atmosphere of safety and reassurance		✓			
Qualities of the practitioner (e.g., kind, patient, respectful, trustworthy, listening, empathetic, trained)	✓	✓	✓	✓	✓
Confidentiality and privacy	✓				
Opportunity to bring a friend when accessing services	✓				
Easy to access support	✓		✓	✓	
Provide time to talk, to ask questions, to process information	✓	✓			

Theme 6: What the Government can do to support child and family

	Family Law Consultation	Barnardos paper	Child care Act consultation	Gal consultation	Forde et al
Structured plan to protect children/young people in the process	✓				
Consult with children and young people on their suggestions for services, and offer more tailored and accessible supports	✓				
Education and preparation for the process	✓				
Have a network of support for families and parents (e.g., support for parents, financial support for lone parents, access to childcare). Support for parents to help them to work together.	✓				

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Appendix 3: Membership of Advisory Group and Focus Group

Name	Organisation
Aine Costello	Barnardos
Eavan Ward	Women's Aid
Kathrina Bentley	Men's Aid
Geraldine Kelly	One Family
Mary Roche	Treoir
Emma Byrne-McNally	Kinship Care Ireland
Anne Staunton	Rainbows Ireland
Edel Hackett	Safe Ireland

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Appendix 4 (a) Child Questionnaire

MY THOUGHTS ON SUPPORT FOR CHILDREN AND FAMILIES

The government are making a plan. They want to make it easier for children whose family have been going through some difficult times.

This is Tom and Sally (two children). Imagine that someone from Tom and Sally's family are having problems or getting a divorce/separation/arranging who the children will stay with. We want to know what would make this easier for Tom and Sally. Write or draw what you think could help Tom and Sally.

You can write, draw or do both

Age: Gender:

 **Rialtas na hÉireann**
Government of Ireland

Appendix 4b Young Person's Questionnaire (Question 1)

My thoughts on support for Young People and Families

The government are making a plan. They want to make it easier for young people whose family have been going through some difficult times like for example: Families where parents or guardians are; having problems at home, getting a divorce/separation/arranging who the children will stay with. Please answer these questions to have your say on what should be in the government's plan to make support for young people and their families better.

Question 1 What would help other young people and their families who are going through an experience like what you have experienced with your family?

(The form contains a large, empty rectangular box for writing the answer to Question 1.)

Wikaia te Kaitiaki
Government of Ireland

Appendix 5a: Example of Guidance to Practitioners

Family Justice Oversight Group Consultation

Title: My thoughts on support for Young People and Families.

Guidelines for Practitioners working with Young People:

Background:

Children have a right to a voice in decision-making and for their views to be taken seriously under the United Nations Convention on the Rights of the Child (1989) (UNCRC) and the Government's National Strategy on Children and Young People's Participation in Decision-making (2015).

This consultation is seeking the views and experiences of children and young people which will contribute to the work of a Family Justice Oversight Group in developing the new Family Justice Strategy. The Family Justice Oversight Group comprises representatives from the Department of Justice, the Department of Children, Equality, Disability, Integration and Youth, Department of Public Expenditure and Reform, the Courts Service, the Legal Aid Board, and members of the judiciary. The Group wants to consult children and young people to ensure their views and experiences are heard so as to inform the work of the Group in developing its vision for the future of family justice in Ireland.

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What we are asking young people to do:

Young people will be asked to fill out a short questionnaire in order to collate their views and feelings on how a new system can best support children, young people and their families through the family justice process. The questionnaire has been developed with the help of both practitioners and young people.

Recruitment of Young People:

We are looking for practitioners who already work with young people and families who have experienced any of the below to facilitate the completion of this survey.

Young People age range 12-18

1. Children whose parents are going through the process of **divorce or separation**
2. Children whose parents are in **proceedings regarding custody and parental contact**
3. Children who are the subject of **maintenance orders**
4. Children who may have encountered or witnesses **domestic violence** including coercive control
5. Children who may be the subject of **guardianship proceedings**.

Young people can have experience of this in a number of ways:

- a) Experience of the court process within their family but not directly attending court or being involved with services external to the family
- b) Experiences of engagement with family liaison or other support services but not actually attending court (for example, mediation where someone helps parents talk through their problems and come to a solution which works for their children and for them)
- c) Experiences of being involved directly with the court for example when they engaged with a lawyer, judge within the courts system.

Consent and Assent:

In order to conduct this consultation questionnaire sheet, you must have informed consent and assent from both a parent or guardian and the young person. In order to protect confidentiality these forms should not be returned with the questionnaires. The practitioner should retain and store these forms in accordance with their own organisational policies, procedures and GDPR. The consent and assent checkbox on the cover sheet for the questionnaire must be ticked to confirm that this consent and assent has been secured ahead of consultation. If a young person is over 18, please seek consent and assent from the young person but not the parent or guardian.

What we are asking practitioners to do:

Practitioners are being asked to carry out the consultation with young people one to one in their setting or in a space that is appropriate and comfortable for young people.

Task 1

Please can you ensure that you have received signed consent and assent from a guardian and from the young person before facilitating this consultation/question sheet with a young person.

- In order to protect the best interests of the young person please advise young people that it is not required to share personal stories in order to complete the survey.
- Explain to the young person what the consultation is about in youth friendly language and explain why their opinions are important to the Family Justice Oversight Group
- Ask the young person whether they feel comfortable to take part. Participation is always voluntary.
- Read through the four questions with the young person
- Emphasise that there are no right or wrong answers, and that each young person should fill in the questionnaire with their own opinions
- Ask the young people to write their answers in the spaces provided
- You may scribe for any young person by writing their responses on the questionnaire if they prefer not to write.

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☑ Please don't interpret your understanding of what the young person has said and encourage the young person to write in their own words.

☑ Stress that spelling does not matter

☑ If you have previously been briefed and it has been arranged that a note taker may be present for the meeting to help capture what the young person says, please explain this to the young person ahead of their arrival.

Young People are free to opt out of this consultation:

Young People are invited to participate but they can opt out of the activity at any point without giving any reason. This is *not* a test and participation is voluntary. Young people may answer any or all of the questions as they choose.

Child Safeguarding:

In order to ensure compliance with child safeguarding practices and possibility for redress on child safeguarding and child protection issues unique identifier numbers will be assigned to practitioners. Therefore, in the instance that a child safeguarding concern is identified in the surveys completed by young people there will be an opportunity for the contact person to follow up on this with the young person's support worker.

We must stress that it is essential that any young person who is deemed by the practitioner to be **particularly vulnerable** or any young people who a practitioner has concerns about is **not considered for invitation** to complete the survey. If you feel that this survey would cause distress to a young person, then please do not ask them to complete it. **The young person's best interests are paramount in this regard.**

If a young person becomes distressed as a direct result of completing the survey and the practitioner feels that they require additional mental health support as a result, this can be explored on a case-by-case basis with the survey contact person. Limited follow up support may be provided as a result of discussion with the survey contact person.

In order to protect the best interests of the young person please advise young people that it is not required to share personal stories in order to complete the survey.

Please follow the national child protection guidelines where an issue or concern might arise through your own facilitation of this survey.

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Confidentiality:

It is important that young people have the opportunity to give their own views and that they know how the information will be used. The practitioner cover sheet of the questionnaire asks for information such as the young person's age, gender and county of residence, but not their names. The cover sheet also asks for a brief summary about the context of the young person's experience (Families where parents or guardians are having problems at home, getting a divorce/separation/arranging who the children will stay with and when/arranging who will pay what for the children). This information is needed to ensure that the consultation reaches a good spread of ages, achieves a gender balance and accesses the views of children living in both urban and rural areas.

Note taker:

The link person for recruiting for the consultation will liaise with the practitioner to deem if it is appropriate or possible for a note taker to attend while the practitioner is facilitating the questionnaire with the young person. The role of the note taker is to be another way of capturing the views of the young person and ensure that they are written up in a report in the right context and with the right meaning.

Feedback to young people:

Please thank the young people for participating and stress the importance of their contribution. Once the information is analysed, the children's views will be included in a report to the Family Justice Oversight Group. Practitioners will be sent a report to communicate feedback to young people.

THANK YOU FOR YOUR HELP

Appendix 5b: Example of Information Sheet (NEED WORD VERSION)

Appendix 6: Empower Kids Team: Our Rights Your Responsibility

Our Rights, Your Responsibilities

Responding To Childhood Domestic Violence and Abuse

1. **SEE US.** Don't ignore us. We have lived with it too.
2. **Listen to us.** WE MIGHT BE YOUNG BUT OUR VOICES AND OPINIONS MATTER!
3. **Believe everything we say.**
4. **BE KIND** to us because we feel all the pain too.
5. **ALWAYS TELL CHILDREN IT'S NOT YOUR FAULT.**
6. Introduce yourself, explain your job and be clear to us.
7. Talk to us in a soft tone. **NO RAISED VOICES.**
8. **Take time** to get to know us. Don't rush and don't start with the hard stuff.
9. Always ask us how **we feel**, even if we look happy: sometimes we can look happy but really we are **hurting**.
10. Be tuned into our needs.
11. **TALK** about fighting and hurting with us - don't shy away from it.
12. **ASK** us questions about the problem when playing with us.
13. **DON'T PUT US UNDER PRESSURE BY ASKING ONE QUESTION AFTER ANOTHER REALLY QUICKLY.**
14. Allow us to ask questions - even if we have to ask them 10 times.
15. Allow us to **PROCESS THIS INFORMATION** in our own time and then come back to us.
16. Do things to help us **keep Calm** and comfort us.
17. **BE PATIENT.** We have lived with this for so long it has become the norm.
18. **ALLOW US OUR INDEPENDENCE.**
19. We should be asked to give an opinion about what's going to happen next.
20. **keep us safe.** We have no control over what happens in the family.

By the Empower Kids Team hosted by **Barnardos**
Because childhood lasts a lifetime

(CHY 6015/RCN 20010027)

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Appendix 7: Participant’s Evaluation of Space Voice Audience and Influence

	Detail	1 	2 	3 	4 	5 	Total
Space	<i>I was listened to from the start</i>					5	
	<i>I felt comfortable giving my opinions</i>				2	3	
	<i>I felt safe giving my opinions</i>					5	
Voice	<i>I got the chance to give my opinions</i>					5	
	<i>I got enough information to help me give my opinions</i>					5	
	<i>I got support to have my voice heard</i>					5	
	<i>I understood what was being discussed</i>				1	4	
	<i>I could give my opinions whatever way I wanted</i>					5	
	<i>I had enough time to talk</i>				1	4	
Audience	<i>I know who wants to hear my opinions</i>				3	2	
	<i>I know why they want my opinions</i>					5	
	<i>They were honest about what they would try to do with my opinions</i>					5	
Influence	<i>I know where my opinions are going next</i>					5	
	<i>I know how I will be told about what happens to my opinions</i>				1	4	
	<i>I think what I said today will be taken seriously</i>				1	4	

