

Dear guest,

Welcome to the Westminster Debate for K.I.D.S. This year has been a momentous one for Family Law in England; with the controversial but welcome decision to open up the family courts further by allowing the press to attend previously closed hearings, it seemed as if a system branded secretive and ailing would at last be able to look within itself and implement much needed improvements, not least of all in relation to the way children are treated during divorce.

The Children Act 1989 which celebrates its twentieth anniversary this month, lies at the heart of all family proceedings and is a cogent and comprehensive piece of legislation, placing the welfare of the child as the paramount consideration in every family law case. Crucially, the Act also emphasises the importance of consulting young people going through the family justice system, giving due weight to their wishes and feelings and keeping them fully informed about decisions relating to them.

Sadly, the reality is quite different; despite added media exposure and pledges from the government to safeguard the welfare of children and most importantly, to give them a voice as Sir Potter promised in May of last year at the Lionel Cohen Lecture in Israel, the concerns of children are still being lost inside the chaotic clamours of a buckling system that offers no tangible lifelines to the people that matter most: our children.

Today, our family justice system finds itself at a cross roads. With myriad consultation papers and reviews under its belt, from “Breakdown Britain” to “Confidence and Confidentiality” and little sign of any of these recommendations being implemented, it is clear that a choice must be made: bring the system back to life or look for alternatives that will ensure children come first. The direction Family Law will take will ultimately depend on whether or not the government will respond tangibly to the mounting pressure from professionals and parents to address these concerns.

Moving forward, the family courts face tremendous challenges both in balancing privacy with transparency and in infusing divorce with the dignity it deserves, but they have an ally in the Children Act and in organisations throughout the country that work tirelessly to put children’s rights first so that we can better understand how the process affects young people and what we can do to make separation a less painful and traumatic experience for children.

This debate will examine the inherent difficulties legal, emotional and financial that affect children in divorce and the ramifications of a system that fails to respond meaningfully to these challenges. Understanding the internal dynamics and the day to day functioning of the family justice system are prerequisites to forming solutions that will take effect and be effective and to this end, the panel, political, academic and legal experts in their fields, have been brought together to open this dialogue of ideas.

Mishcon de Reya’s passion for putting children first sees this renowned law firm leading the discussion on divorce with Chairman of the Law Commission, The Right Honourable Lord Justice Munby, Lord Justice Wall, Lord Listowel, Shadow Minister for Children, Tim Loughton MP and Bob Reitemeier of the Children’s Society, joined by Sandra Davis, Head of the Family Law team at Mishcon de Reya.

As we celebrate the anniversary of the Children Act, it is an opportune moment to take an honest look at our system, to acknowledge the inherent problems plaguing it and to seek solutions that will make a difference both in principle and in practice and in so doing give every child the right, not just to be seen, but to be heard.

Natasha Phillips

Chair for the Westminster Debate for KIDS and Founder of the Project Divorce Manual

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