

Family Justice Review – What does it mean for parents?

The Family Justice Review has published their report setting out recommendations that aim to improve the family justice system and tackle delays. Many of these recommendations will be welcomed by parents who are separating, as well as their advisors and other professionals who work within the legal system.

The absence of a recommendation for automatic shared parenting may come as a real disappointment for fathers though, who had been hoping for a legal right to guarantee their relationship with their children.

With some 500,000 children and adults involved in the family justice system and some 20,000 children waiting for a decision in relation to their childcare case, the recommendations aim to improve this situation.

Some of the recommended changes to public law child cases are a 6 month time limit in care cases, (except in exceptional circumstances). At the moment, it takes over a year for a child care case to be resolved. Less reliance should be placed on unnecessary expert witnesses and reports, with the court's key focus being whether or not a child should go into care.

The recommendations to private law arrangements, (about children and money following parents' separation) include an online and phone help service to assist parents in deciding the best way forward and to provide them with a clear understanding of the process.

There is a clear emphasis in the report that parents should always focus, wherever possible, on reaching a practical joint agreement about arrangements for their children, with court being a very last resort. The use of Parenting Agreements, which are made between parents about the arrangements for the children after separation, are recommended, with the focus being on the child rather than contact and residence.

The report also recommends the use of mediation by parents to facilitate their discussions about arrangements for the children, as opposed to taking the issue to court. This builds on the new protocol, released earlier this year, about cases that now have to be assessed for mediation suitability.

The government has welcomed this report and has also announced increase funding for mediation.

If you would like to discuss this article and/or any of the issues raised within it, please contact:

Rachael Oakes, the head of our family team on 01865 781181 or email rachael.oakes@henmansllp.co.uk. Alternatively, you can ask us questions via our LinkedIn discussion group at 'Henmans LLP – The Specialist Family Law Advice Team'.

More about the family team:

The family team at Henmans are here to encourage and support parents to try and reach an agreement about arrangements for their children once they have separated. Parents know better than anyone else and for that reason they are best placed to consider the appropriate arrangements for the future.

Our experienced team of family lawyers assist many parents going through divorce and separation.

