



Family Courts Bill ‘undermined’ by key provision

- **Family Lawyers Association calls for a rethink of Bill in respect of transfer of certain family matters to already overburdened District Court**
 - **Effect will be to penalise vulnerable litigants and damage judicial system’s reputation**

The Family Lawyers Association – representing over 500 barristers and solicitors– have called today for a ‘pause and rethink’ on a key provision that is included in the package of reforms within the Family Courts Bill 2022.

The Bill – which the Government states will modernise and revolutionise family court services – proposes to establish a standalone court system, distinct from the existing civil law courts. A key change will be to transfer judicial separations, divorce and co-habitation proceedings to the District Court.

Family lawyers, with front line experience of current District Court practices in family matters (eg maintenance, guardianship, childcare applications) have expressed concern on behalf of their clients. Their experience of Circuit Court matters, where the vast majority of judicial separations, divorce and co-habitation proceedings take place, has led them to conclude that transfer of matters to the District Court is misplaced.

Paul McCarthy SC, Chair of the Family Lawyers Association said

“The proposal to transfer this aspect of family law to the District Court will ultimately undermine the wider intention of the Bill, which we broadly support.

The District Court is simply not equipped, nor is it suited, to the processing of these very complex types of proceedings.

For many litigants, the occasion of a Judicial Separation or Divorce will be an enormous part of their life story. As such they will carry a heightened degree of apprehension and vulnerability into the process. Having their matters considered and ruled upon in a summary and rushed manner in a busy local court, will do nothing to lessen those apprehensions and vulnerabilities.

The solution is to appoint more judges and to allocate more targeted resources to the Circuit Court, while allowing the District court to continue build on its experience with child care and other family proceedings”.

Brendan Dillion, Solicitor and Vice Chair, said:

“Our members throughout the State are keenly aware as to how overstretched the District Courts are with existing workload. The physical environment alone is not conducive to sensitive and stressful family matters, whether they be contested or uncontested.

The FLA is concerned that if Judicial Separations/Divorces are listed for hearing in the District Court it may result in less resources and time being made available for urgent domestic violence applications which are brought in the District Court on a daily basis . This is a frightening prospect for the victims concerned.

The FLA supports the vision of a responsive and efficient family courts system, dedicated to supporting citizens, their families and wider community. But this aspect of reform will negate that.

We are calling on all Oireachtas members and public representatives to meet with us, to understand the detail of this issue, and to refocus this particular provision towards a better support and resourced Circuit Court system”.

Read the Family Lawyers Association/Bar of Ireland joint submission here <https://www.lawlibrary.ie/app/uploads/securepdfs/2024/03/Submission-Family-Courts-Bill-2022-8.3.24.pdf>

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