

## Review of the Child Care Act 1991

### July 2020 Consultation Paper

#### Courts Service Response

##### **Emergency Care Orders**

The Courts Service has no difficulty with the proposals outlined.

##### **Interim Care Orders**

*Proposal for extensions for a maximum of 3 months, after initial 29 day interim order*

The Courts Service would favour time periods specified in days rather than months, perhaps 90 days rather than 3 months. The Courts Service has no difficulty in practice with the proposal to extend the time period.

The Courts Service also would like consideration to be given to automatic return dates being given when an Interim Care Order is granted. In the vast bulk of cases this results in further (normally several) applications for an Extension of and Interim Care Order. There were approximately 4,000 of these in 2019. This necessitates 4,000 visits to court offices to lodge paperwork. This is wasteful for both the Courts Service and for Tusla. If judges could extend Interim Care Orders without the necessity of further applications, this would reduce the paperwork for both Courts Service and parties. There would be no change in burden of proof etc. and no prejudice should arise from it. It would simply reduce the administrative burden.

##### **Care Orders**

*Proposal to allow court to hold hearings ex-parte where circumstances warrant it*

The Courts Service think that this is vague, and suggest specific circumstances be detailed, including time frames attached to circumstances.

*Proposal to allow "leave to apply" hearings for any Section 22 application to confirm new evidence.*

The Courts Service take the view that evidence could be presented at Section 22 hearing, and this would negate need for "leave to apply" hearings.

##### **Supervision Orders**

*Proposal for written document for the family to provide details of the purpose of the order and the plans and supports available for the child of the family.*

The Courts Service think it's unclear as to who is responsible for producing the written document.

*Proposal that breaches to be reported to court in all instances*

The Courts Service think this needs to be more specific. If individual breaches are to be reported to the court, this has the potential to overload court time/court lists.