

Submission to the Family Justice Oversight Group – February 2021.

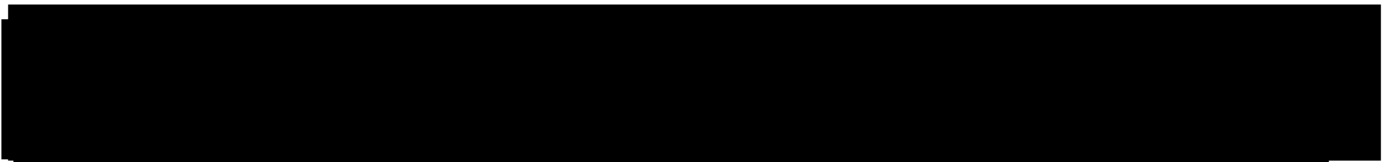
1. Introduction

Men's Aid welcomes the opportunity to make a submission to the Family Justice Oversight Group. We are Ireland's only dedicated service for men and their families experiencing domestic violence and coercive control. We provide a range of specialised support services specific to supporting how men experience and respond to domestic violence.

Our services include a national Helpline, legal clinic through our outreach, court accompaniment in Dolphin House and Dundalk courts and one to one counselling. Our services are designed to support the vulnerable man and his family through the process of separation, divorce, access, custody, guardian ship and legal orders.

We have been delivering our service for 24 years mainly focused on supporting vulnerable men located in the North East (Meath, Louth, Cavan and Monaghan) due to our limited funding. Over the years men have travelled from across the country to our base in Navan to avail of our specific support services.

Our CEO is active in representing the voice of vulnerable men experiencing domestic violence. Kathrina Bentley is part of the Monitoring committee of DSGBV, a member of this Family Justice Consultation Group, a member of the Domestic Violence Leave group, member of the Child Maintenance Review Group and a member of the 3rd National Government Strategy DSGBV group.



We have forged cross border collaborations with colleagues in Northern Ireland, Scotland, UK and Denmark. We would highly recommend the **Foyle Family Justice Centre** approach be considered. It is the first of its kind in Ireland and the UK. Led by CEO Marie Brown, MBE this Family Justice Centre offers all victims, regardless of gender centralised service provision of 20+ public and NGO agencies and organisations. A holistic wrap around service is offered to every family experiencing domestic violence. The focus of this Family Justice Centre model is

1. Crisis Intervention
2. Emergency accommodation
3. Case management
4. Self – sufficiency programmes

The benefits of this approach are:

- One safe location
- More direct, informed, joined up service
- Improving the pathway for victims
- On site crèche facilities
- Better protection for victims
- Increased access to justice
- Increase early intervention
- Voices participation
- Greater interagency awareness of domestic abuse
- Improve collaboration and co-ordination of resources
- Employment and volunteering opportunities
- Reduce impact of domestic abuse
- Cost efficiencies

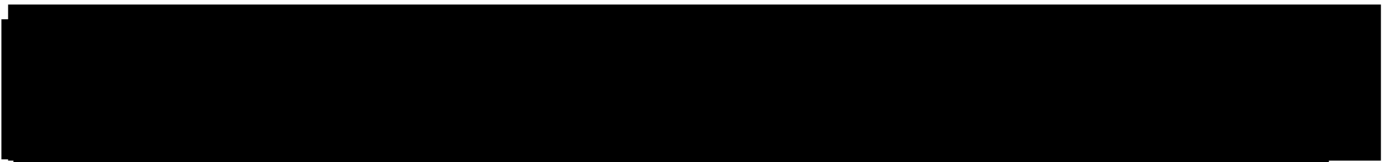
The outcomes in the Family Justice Centre Model:

- Reduced homicides/murders and serious assaults
- Increased victim safety
- Increased autonomy and empowerment for victims
- Reduced fear and anxiety for victims and their children
- Increased efficiency and coordination among service providers
- Reduced re-offending and minimisation by victims when wrapped in service support

2. Academic Research

The Government led research COSC 2005 key findings alerted all key stakeholders involved in DSGBV that 1 in 3 victims of domestic violence is female and 1 in 7 victims are male. The alarming statistic from this research was the 95% of domestic violence experienced by men is not reported to Gardai.

Whilst budget matters are not usually addressed in legislative issues, it is important to highlight here that our service, as the only dedicated national domestic violence service for men and their families, receives 1% of the national budget of €26m. This funding represents how under resourced the whole area of violence against a man. To date Irish culture and Government has not supported the fathers going through the criminal justice system in terms of family law. Our clients report to us that their experience of the Family Law courts is gender biased and unfair.



Dr. Roisin O' Shea, legal academic has written many papers in relation to the experience of fathers walking through our family law courts also and we would support Dr. O'Shea's views, the most important provision and focus is the best interests of the child prevails.

Family Justice Oversight Group Consultation Topics - Phase 1 Consultation

1. Optimising the delivery of family justice via:

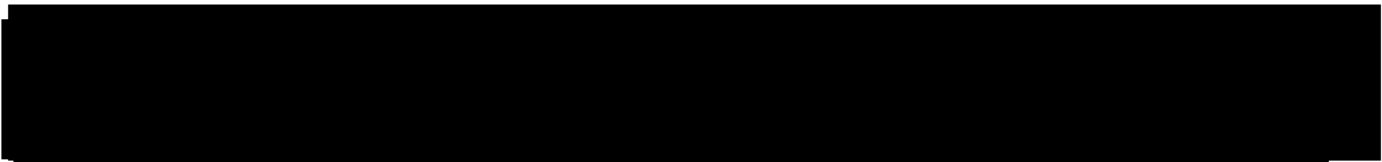
- ✓ The use of modern technology;
- ✓ The provision of facilities and supports in the family justice locations?

Response:

We have seen through covid how technology can benefit society in order to avoid delays. We need to be mindful that not everyone has access to technology or strong broadband and therefore hot desk style equipment and a private space would be beneficial.

Access to a central database sign posting mum/dad to services available to supports such as national Family Resource Centres, Mental Health organisations, Tusla, Barnardos, Addiction Services, Housing Services, Suicide Support, specialists in counselling, An Garda Siochana Divisional Protective Service Units, Legal Aid, Mediation services, Legal aid and Law Society. Any other service that meets the needs of the victim.

Professional, high standard designed interview facilities and rooms is essential. Areas suitable for children to occupy themselves with books, activities, toys, watch a movie whilst mum /dad are in meetings in the family justice centre. A tea/coffee station to offer a hot drink to comfort to a parent in times of distress and trauma.



2. The place of mediation in family justice

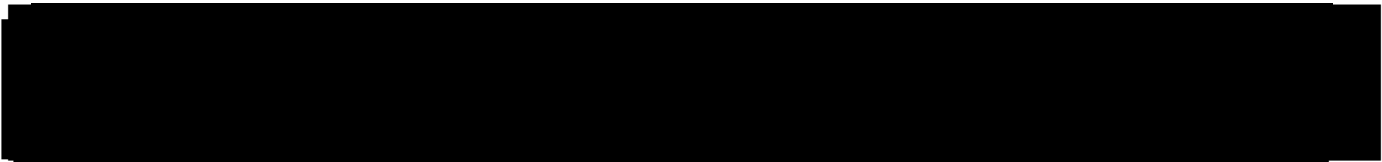
- ✓ The desirability of using mediation to resolve family law issues;
- ✓ Maximising family court users' understanding of the role mediation can have in settling family disputes;
- ✓ Interdisciplinary training in mediation for family justice practitioners;
- ✓ Should mediation be a requisite to initiating or progressing family law proceedings with the court only being required in irresolvable cases or as the last step?

Response:

In our experience mediation should always be the first step where both parties agree and are willing, also mindful of re-victimisation so that neither adult is at risk emotionally or psychologically.

Mediation as a prerequisite can lessen the issues going to court and sometimes get access sorted quicker, as the wait to get to court can be cause immense anxiety and provoke parents if not sorted sooner. Maintenance could also be sorted at an early stage too. As much as possible non court consultations work out better and are less intimidating, perhaps both are less stressed and cost wise it's easier on their finances.

When a couple use the meditation process they are taking control of their separation, their finances, property, pensions and the needs of the children in terms of access can and should be the focus. Research shows how children adapt to parents splitting up and can continue well with school work, making friends and enjoying their

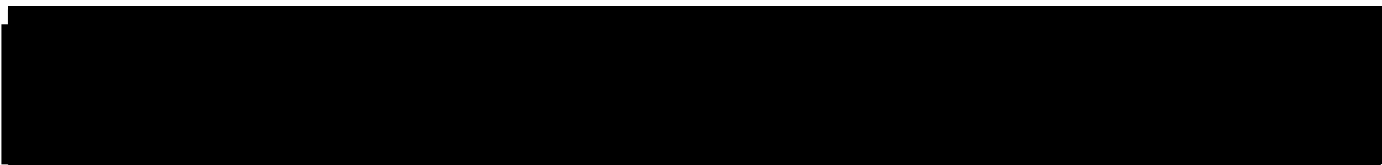


Sports/hobbies if parents are amicable. Children can flourish once they are focus. There is substantial savings also compared to the costs of family law courts.

We feel mediation should be mandatory unless in cases of domestic violence and coercive control.

It is imperative all mediators, solicitors, barristers, child psychologists and judges be trained to understand the dynamics of coercive control and recognise the abusive behaviours.

State mediation has a long wait list, would it be good to have a similar procedure as in Legal Aid where clients can go to private solicitors who are on the legal aid list, for mediators.



3. Reimagining the structure of civil legal aid in family justice

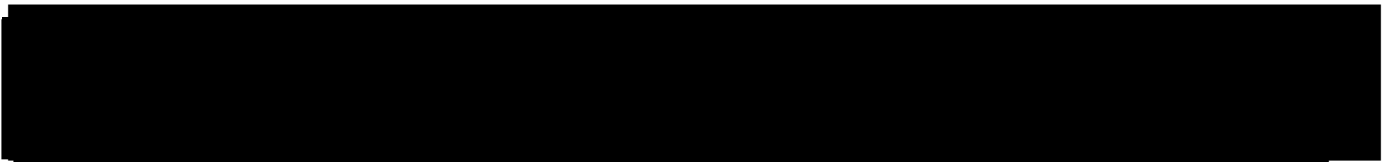
- ✓ Should a greater focus of the system of civil legal aid be on the promotion and use of non-court based solutions to family issues where these are possible?
- ✓ In addition to mediation, is there scope within a civil legal aid system for utilising other ADR mechanisms including but not exclusively arbitration and collaborative law as a means of achieving family justice?
- ✓ Legal Aid in family justice - more than legal advice and representation!

Response:

Yes, we feel legal aid should focus on non-court mechanisms and work in conjunction with mediation to advise on family disputes, possible solicitor agreement outcomes if mediation alone is not possible. Collaborative law is a positive, it can happen quicker.

Any professional carrying out any of these function would require specialist training in ADR, Domestic Violence, Coercive Control and Child Protection.

Ireland's various relevant Family law acts requires a lot more than legal advice and representation as it currently, without doubt legal aid is highly important and perhaps consideration should be given to having legal rep., on both sides at all applications and irrespective of means.



4. The Family Courts

- ✓ What issues should always be prioritised for hearing?
- ✓ What are the professional supports both privately funded and in the case of eligible persons, publicly funded that most benefit the participants in the process or the court in dealing with family cases (examples include psychologists, social workers, family support services, anger management training etc.);

Given the impact on a person's life we feel all domestic violence and child welfare matters should be prioritised for hearing in our Family courts.

Psychologists are required for both parents so that they are aware of potential emotional and psychological trauma as a result of the process. In most cases one parent comes to the decision to end the relationship / marriage ahead of the other which can impact people in different ways, however emotional supports are required.

Psychologists for the children in cases of access/custody disputes. A family liaison officer available through the process as a quicker / cheaper option. Parenting programmes, anger management for both parties and perpetrator programmes for male and female abusers.

Child psychologists completed section reports must be accountable given the reports we have heard regarding inconsistencies. Child psychologists appear to report to no one and there is no body to report concerns to. Also, again, training in coercive control must be mandatory for any psychologist working in the field of family law. There really needs to be policing of these professionals as what they say (one person) can change the lives of a family for ever. Some reports are off the wall and Judges go with them because they are taken as true. This process is open for abuse in itself.

5. Voice of the Child

- ✓ How best to incorporate the voice of the child?
- ✓ How can the proposed new system of family justice be made more child friendly?
- ✓ How can we keep children informed in the family court system?

It is imperative that judges, clerks, mediators, barristers and solicitors undertake training in domestic violence in order to understand the dynamics of emotional, psychological, financial and physical abuse. The courses available include parental alienation/control too.

The voice of the child is a difficult area, most kids are great but it takes a well trained professional to spot the child who had been coached into saying things that are not true , so many men have lost jobs because of false truths.

The child psychologists who are legally obliged to work directly with parents and children could observe and assess the living environment for an appropriate set amount of hours in order to give a true and in depth report on the findings in the home.

Thank you for your time reading our submission.

ENDS.

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