

**Submission for the Courts Service Strategic Plan**

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**March 2024**

**About Treoir**

Treoir was founded in 1976 and is the national federation of services for unmarried parents and their families. Treoir along with its member agencies, promotes the rights and welfare of unmarried parents and their children and advocating on their behalf. Treoir recognises the diversity of Irish families and believes that all families, including non-marital families, should be valued equally and receive the same level of protection and support from the state. Treoir works to achieve this by:

* Providing a National Specialist information Service to parents who are not married to each other, their families and those working with them by providing information through our phone service, website, and outreach workshops.
* Co-ordinating the National Teen Parent Support Programme.
* Managing the National Manager for Kinship Care.
* Promoting and supporting shared parenting.
* Undertaking and promoting research to examine issues that impact non-marital families.

Treoir welcomes the opportunity to be invited to engage with the courts service board regarding their Strategic Plan 2024 – 2027. Treoir has had a positive, collaborative working relationship with areas of the court service, and hope to continue to do so. Our input and feedback are informed by the families we deal with through our information line each day. Our focus is mainly on the district courts, as this is where most Family law cases occur.

People who find themselves in the family law system are often at a very vulnerable stage in their lives, some may be survivors of domestic abuse. They may have a range of other issues to contend with such as unemployment, access to housing, homelessness, affordable childcare, and limited financial means. All these pressures are compounded when people are unable to access legal aid, have literacy issues, are intellectually challenged, if English is not their first language, or if they are members of an ethnic minority, including the Traveller Community.

Treoir is a strong advocate for out of court supports such as mediation, alternative dispute resolutions, supports for shared parenting, implementation planning of court orders etc. We believe that the court services have a key role in supporting the advancement of these services, not only signposting to them but actively promoting the use of such services when there is an absence of domestic violence.

We acknowledge that progress has been made and work is ongoing to make the court procedures more user focused. Treoir has had a lot of positive engagement with the court services in relation to the streamlining and simplification of court forms. We believe this will positively impact service user experience and reduce workloads for court clerks.

Access to justice is a fundamental human right and the cornerstone of a democratic society, and there needs to be an adequate mechanism available, in the form of a quality functioning legal aid scheme, to support the realisation of that right. Treoir acknowledges the work carried out by the legal aid board and its efforts to operate with a limited budget and an increasing demand for its services. We also acknowledge the on-going efforts to reform the legal aid system.

Language, specifically legal language can be a barrier for many people accessing courts services. Treoir’s research into the barriers to shared parenting highlighted that language such as access, custody and guardianship needed to be addresses as it was not conducive to shared parenting. Treoir supports the recommendation of the Law Society in 2010 that terms such as ‘guardianship, access and custody’ should be replaced in Irish Family Law discourse with terms such as ‘parental responsibility’ day to day care and contact’. Treoir believes that the next Strategic Plan should have an action that moves towards the implementation of this recommendation on use of language.

Treoir strongly believes that those who use the court service be provided with a service which allows dignity and respect for themselves and their families. There should be an environment where professionals are trauma informed and trained to support vulnerable service users. We believe that people should be given the opportunity to retain their agency, this included disabled persons or vulnerable cohorts, those who do not have English as their first language, domestic abuse survivors, and children. The courts system, particularly the family courts, should be an environment where people feel safe, and that they have privacy and dignity when speaking to legal representatives or clerks. We welcome the proposed new Family court in Hammond Lane and look forward to its completion.

Treoir asks that the courts service strategic plan continues to put service user needs at the centre of its strategy.

* That vulnerable groups are supported, and their specific needs considered.
* That the courts buildings in particular family courts are places where people feel safe and can maintain their dignity and privacy with private areas to speak to legal teams or separate areas, so domestic violence survivors do not have to share space with their abuser.
* Minimal waiting times for court hearings in issues relating to children.
* Promotion of alternative dispute resolution, mediation, shared parenting supports.
* Court staff and judiciary should be trauma informed and all staff should be trained to spot possible domestic abuse.
* Training in spotting possible victims of human trafficking.
* Ability to submit court forms / lodge documents online instead of in person in the court office.
* The best interest of the child must be paramount in issues relating to them; their rights must be realized when they interact with the courts service in any capacity.
* Access to justice is a fundamental right, in the interest of equality the courts service needs to ensure that everyone has that access to justice.
* Court service to begin the process of a move away from legal terms in line with the recommendation of the Law Reform Commission in 2010.