



MANIFESTO FOR FAMILY JUSTICE



2017

IN 2016 - 48,244 applications made in private law - up by 11% on 2015 (i)

165,000 children were involved in private law orders made (i)

£112 million was STILL being spent on the cost of Private Law Legal Aid (ii)

One million children have no real contact with their fathers (iii)

37% of women claim they've been assaulted IN the Family Court (iv)

33% of Private Law cases neither side had a lawyer (i)

THERE IS A BETTER WAY

Families Need Fathers and FNF Both Parents Matter Cymru have collaborated to produce a

4 point plan for the 2017 General Election

- **REDUCE AND RESOLVE CONFLICT**
 - **PROMOTE RESPONSIBLE SHARED PARENTING**
- **ENCOURAGE BEST OUTCOMES FOR CHILDREN AND FAMILIES**
 - **REDUCE THE BURDEN ON THE TAXPAYER & FAMILIES**

We call on candidates to pledge their support for this plan if elected by emailing admin@fnf.org.uk

- (i) MoJ Family Court Statistics 2016
- (ii) Legal Aid Statistics in England and Wales October to December 2016
- (iii) Centre for Social Justice – Fractured Families 2013
- (iv) Women's Aid 2016

REDUCE AND RESOLVE CONFLICT

Some victims and survivors of domestic abuse have raised concerns that their former partners continue their abuse by making applications to the Family Court.ⁱ We want to ensure that abuse cannot be perpetuated by removing the requirement to make application to the Court simply to be able to see your own children and grandchildren.

HOW TO DO IT

Improve education about Parental Responsibility – to parents, children & professionals. Children have a right to maintain their relationship and have direct contact with both parents on a regular basis (UNCRC Article 9). Interference with, or restriction of, this right of the child requires a Court Order.

Introduction of ‘Standing Temporary Orders’ granted automatically on application and without need for a Court hearing. Standing Temporary Orders set a **minimum** level of contact PLUS a ban on either parent moving home more than 10 miles without consent of the other parent OR the permission of the Court.

All breaches of Court Orders must be enforced by the Court. Currently just **ONE PERCENT** of applications for enforcement are granted.

PROMOTE RESPONSIBLE SHARED PARENTING

The Child Maintenance and Benefit systems incentivise a ‘winner and loser’ attitude towards shared care. This can trap one parent (usually the mother) in a childcare role and allows the other (usually the father) to walk away from their responsibilities. Fathers can only acquire Parental Responsibility if married to the mother at the time of a child’s birth OR by the explicit agreement of the mother to be named on the birth certificate. Academic evidence shows that non-resident fathers who see their children several times a week are almost 3 times more likely to contribute financially to their upbringingⁱⁱ

HOW TO DO IT

- Share the financial aspects of parenting fairly – reflecting a culture in which shared parenting, including responsibility for childcare and finances, is the norm.
- Enact the provisions of the Welfare Reform Act 2009 to require the compulsory joint birth registration of children.

ENCOURAGE BEST OUTCOMES FOR CHILDREN & FAMILIES

Conflict and an adversarial approach currently dominate the post-separation legal landscape. Government, charities and parents want to avoid hugely damaging courtroom conflicts over children. The 'best interests of the child' needs to be clearly defined in terms that parents and children can understand.

HOW TO DO IT

- Define the 'Paramountcy Principle' in simple clear and objective terms so that parents and children can understand
- Replace the adversarial system of Family Justice with an inquisitorial one as advocated by the President of the Family Division
- Recognise and act to prevent Parental Alienation and other forms of abuse
- Legislate to incorporate the UN Convention on the Rights of the Child into UK law as it already is to a limited extent in Wales.

REDUCE THE BURDEN ON THE TAXPAYER & FAMILIES

The costs of Family Law are unknownⁱⁱⁱ However in addition to the emotional toll on children and parents the cost of Private Law Legal Aid alone is £117m a year^{iv} even after Legal Aid was supposedly stopped in 2014. District Judges in the Family Division are paid more than £107,000 per year^v to work out issues that are often as complex as the length of a child's hair or whether their father can pick them up at 4pm or 5pm on a Friday. This has to stop. Cafcass cost more than £123 million pounds in 2013/14 and Cafcass Cymru has an annual budget in excess of £10.4 million. This makes no sense.

HOW TO DO IT

- Cut the financial cost of Family Justice by implementing online processes in the Family Court with 'Standing Temporary Orders' as the default position
- Reduce the cost of Cafcass / Cafcass Cymru by reducing the need for reports in most Private Law cases.

ⁱ <http://www.rhianbowendavies.com/wp-content/uploads/2016/09/Are-you-listening-and-am-I-being-heard-FINAL-July-2016.pdf> p40

ⁱⁱ <http://www.modernfatherhood.org/wp-content/uploads/2013/11/Briefing-paper-Non-resident-fathers.pdf> Page 9 Paragraph 1

ⁱⁱⁱ MoJ statement to FNF BPM Cymru – April 2017 – in response to request for the annual cost to taxpayers of Private Law "I'm afraid there is no information available to answer this question at present. Whilst we hold financial information at a more aggregate level we do not separate out private family law system costs."

^{iv} https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/584590/legal-aid-statistics-bulletin-july-sept-2016.pdf

^v https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/518055/moj-judicial-salaries-1-april-2016.pdf