



Family Justice Review

The Response from FNF

Executive Summary

The main purpose of the family justice system should be to keep both parents fully involved in a child's life following separation or divorce, wherever safe: in short, to encourage shared parenting whenever possible. Evidence shows that children do better where this happens, on a wide variety of measures.

The current system is overly expensive and neither effective nor efficient. The legal system is divisive and encourages conflict. Cafcass reports are far too often only delivered after long delays. Due to the lack of judicial continuity, cases are often not handled thoroughly and expeditiously. The system costs around £800 million a year, and that is rising.

In response, we propose a new system, as well as a new path to family justice, based on the presumption of Shared Parenting and reducing costs to the Government, to individuals and to society.

We propose the following private law path:

1. Shared Parenting: from the start, it will be explained to divorcing parents what they can expect and what will be expected of them. All parents will undertake a mandatory educational parenting session.
2. Parents will submit their Parenting Agreement for judicial approval, which would be made within a defined timeframe. In the majority of cases, there will be no need for a formal hearing or attendance at Court.
3. If parents cannot agree or one parent is resistant to parenting time arrangements both parents will undergo a high-conflict parenting course, before returning to Court.
4. The agreement will be automatically considered by a judge 3 months from the initial agreement (on the basis of written

submissions, not a hearing) to confirm the arrangements are working satisfactorily. If not, a parenting support workshop will be made available.

5. If after an order or parenting plan has been agreed, and one parent breaches the order or arrangement, the parents will immediately have to return to Court, before their assigned judge (where possible) within 48 hours to resolve issues.
6. If an order/parenting plan has been breached parents will have to attend or return to the high-conflict parenting course and they will have to return to court again.

Cafcass will have a different set of responsibilities, and its remit narrowed. In addition, there needs to be more signposting throughout the family justice system, and clearer information given to users. Our path could save the state more than £100 million net by cutting the legal aid budget and by slimming down Cafcass.

Families Need Fathers (FNF) is a registered charity providing information and support on shared parenting issues arising from family breakdown, and support to divorced and separated parents, irrespective of gender or marital status. We are the UK's leading shared parenting charity. Our primary concern is the maintenance of the child's relationship with both parents. Founded in 1974, FNF helps thousands of parents every year.

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