

Barnardos Ireland Guardian ad Litem service



Legislation, guidance and policy context

Public Law – children in care proceedings

- Child Care Act 1991: Section 26
- **Giving a voice to children's wishes, feelings and interests** Guidance on the Role, Criteria for Appointment, Qualifications and Training of Guardians ad Litem Appointed for Children in Proceedings under the **Child Care Act, 2009**. Children's Act Advisory Board
- Child Care (Amendment) Act 2022

Private Family Law

- Section 32(1)(a) of the Guardianship of Infants Act 1964
- Section 47 of the Family Law Act 1995
- Section 27 of the Domestic Violence Act 2018
- **“Review of the Role of Expert Reports in the Family Law Process” 2024**



Role and Qualifications



- Typically appointed throughout length of proceedings in approx. 60% of cases to “**independently establish the wishes, feelings and interests of the child** and present them to the court with recommendations”.
- Qualifications in **social work, psychology** or other relevant third level qualification.
- At least **five years’ postgraduate experience** in child welfare/ protection systems
- Appointed to complete one report, that focuses on
 - **Welfare of the child** – reports ordered in 5-10% of cases in district(lower) courts and 50 % in High Court
 - or
 - **Voice of the child** – rate of reports ordered differs greatly from judge to judge in lower courts and 50% in High Court
- Most are qualified in social work or psychology
- Significant delays due to small number of expert reporters and not enough court time set aside to hear family law matters

Recruitment, selection, induction and training

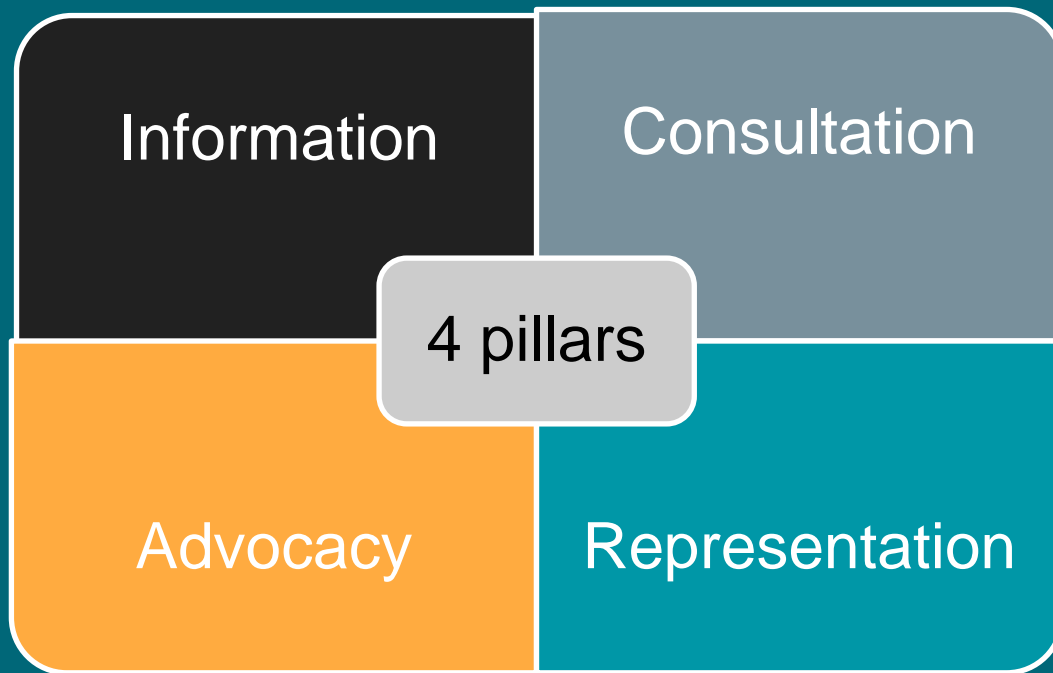
- 5 years + experience in child protection or related field
- Rigorous interview + three references + police checks
- Ongoing registration with relevant regulatory body
- Clinical supervision every 4-6 weeks
- Matched with a mentor for first year
- Quarterly team meetings
- Standardised court report templates
- Detailed practice manual
- Induction;
 - Direct work with children
 - Report writing
 - Collaborative working
 - Understanding trauma

Regular ongoing training

- Trauma informed practice
- Working with young people who identify as Trans
- Working with children who are on the Autism spectrum
- Foetal Alcohol Spectrum Disorder
- Domestic violence and coercive control
- Sexual exploitation of young people
- Children's rights and new case law/legislation
- Personality disorders and other hard to diagnose mental health issues



Clarity of role



Guardian ad Litem Practice

Independence

Inclusiveness

Inquiry into the child's circumstances

Interests of the child

Evaluation and report

Attendance at court

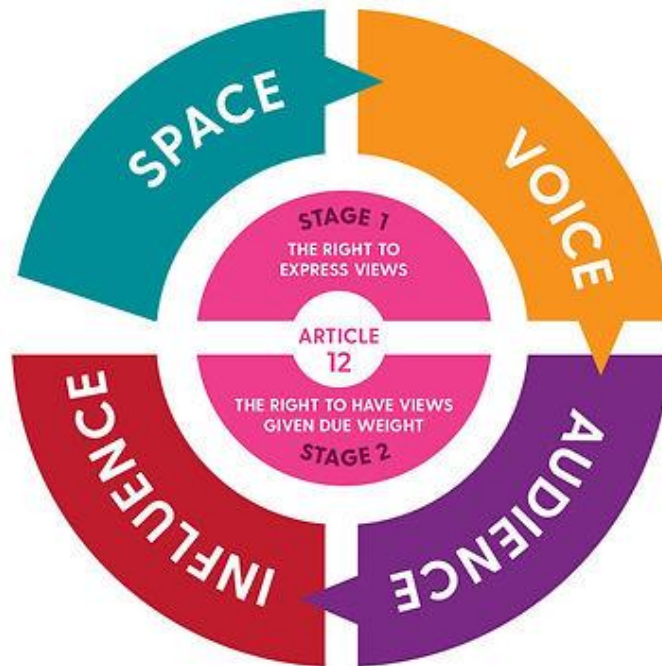
Closing the case



This model provides a pathway to help conceptualise Article 12 of the UNCRC. It focuses on four distinct, albeit interrelated, elements. The four elements have a rational chronological order.



- **Importance of capturing child's views in their own words, differentiating clearly between child's views and own views**



Purposeful relationship that facilitates child's understanding of proceedings, creates opportunities for child to express their views and provides child with clear sense of Court's interest in hearing their views and perspective before arriving at a decision

Gathering the Child's views



Representing the child in proceedings – GAL assessment

Interviewing:
Child/Children
Key family members
Key social work and care staff
Schools, GP, therapist psychologist,
psychiatrist etc
Foster Carers
Reading social work files
Deciding whether expert opinion is needed



Developments in Irish practice:

1. National GAL service for public law cases
2. Dedicated Family Law Courts service nationally



Thank you!