

**Minister for Justice Helen McEntee**

**Speech for “Hear Our Voices: The Rights and Determination of the Best interests of the Child in Parental Separation and in Care Proceedings”**

**Conference, Farmleigh House, Dublin,**

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**STARTS**

Good afternoon, everyone.

I'm so pleased to join you all here today in the lovely surroundings of Farmleigh House. It's a place that brings joy to many children, who love to spend time exploring the gardens or feeding the ducks by the lake.

This venue reminds us of what childhood is all about. That is why it's a fitting location for this important conference about The Rights and Determination of the Best interests of the Child in Parental Separation and in Care Proceedings. The best interests and welfare of our children should always be paramount in any considerations when decisions that directly affect their lives are to be made in family law or child care proceedings. Not only that, but the views of children should also be heard, and taken into account, in the proceedings.

It is my great pleasure to give the closing address at this conference, which is part of Ireland's programme of work as Chair holder of the Committee of Ministers of the Council of Europe. The Council of Europe has long promoted the rights of children and youth, pioneering various vital training and inclusion programmes across the continent, and I would like to take this opportunity to pay tribute to its hard work.

I thank Ms Tanya Ward, CEO of the Children's Rights Alliance, for her introduction and outstanding skills in MCing today's event. I would also like to thank all the chairs and speakers who have contributed so willingly today and shared their experiences of the family law system from a range of different viewpoints.

I was delighted to see a session on the programme focussing on the international experiences of incorporating children's views in developing future standards on child rights in family proceedings. I also understand that the Plenary session on the rights and best interests of the child in the context of parental separation and in family law - chaired by Children's Ombudsman Niall Muldoon – was extremely enlightening. Both of these issues are central to my Department's plans for child-centred family law reform, which I will discuss in more detail in a few moments.

I would like to acknowledge the exceptional work done by the Department of Children, Equality, Disability, Integration and Youth, in close collaboration with the Council of Europe and my own Department of Justice colleagues, in organising this conference.

I congratulate my Government colleague, Minister Roderic O'Gorman, not only on his excellent opening speech this morning, but also on all the effort he has have put into making today's event possible.

Our second Presidency of the Committee of Ministers of the Council of Europe has been driven by an abiding belief in the power of deliberative democracy and the necessity of youth participation, as evidenced by today's proceedings.

We all have a vital role in encouraging children and young people to stand up for their rights and get involved in the processes of society. With their engagement, we can better shape the policies of tomorrow. As a result, we can create a better, safer environment with the child's best interests at its core.

As Minister for Justice, I know the critical role that robust, fair legislation plays in our society. At its most fundamental level, laws provide guidance, consistency and accountability, protecting those most in need. As our most vulnerable citizens, children need strong legislation to protect them and ensure that their rights are prioritised.

But as society changes and evolves, so too must our laws, particularly those protecting our most vulnerable and at risk citizens.

That is why I am determined to overhaul the operation of the family justice system, to ensure we have a more efficient and user-friendly family court system that puts children and families at the centre of its work. This is a key commitment in my Justice Plan 2022.

The Programme for Government contains a commitment to enact a Family Court Bill, which will create a new dedicated Family Court within the existing court structure and provide for court procedures that support a faster and less adversarial resolution of disputes.

The Bill will provide for the establishment of a Family Court as divisions within the existing court structures. There will be a Family High Court, a Family Circuit Court, and a Family District Court, each dealing with family law matters as appropriate to its jurisdiction.

The Judges of the Family Court will be appointed with the aim of having judges with a particular interest and suitability for determining family law proceedings dealing with such cases on an ongoing basis. Specialist knowledge and ongoing training will be required for those appointed as Family Court judges.

The Bill will provide a set of guiding principles to help ensure that the Family Court system will operate in an efficient and user-friendly manner, encourage active case management by the courts and make the best interests of the child a primary consideration in all family law proceedings. The principles will give clear recognition to the need to ensure that the views of the child are heard and given due weight, and that children are appropriately informed about family law proceedings that affect them. The principles will encourage and facilitate as far as possible the resolution of issues in dispute by means of alternative resolution methods, such as mediation.

It is the intention that the Family Court will sit to hear family law proceedings, including child care proceedings, in a different building or room from that in which other court sittings are held or on different days or at different times from other court sittings.

The drafting of the Family Court Bill is at an advanced stage, with a view to publication of the Bill as soon as possible in this Dáil session.

As part of my intention to reform family justice, I also established a Family Justice Oversight Group. This group comprises members from relevant government departments, justice agencies, county registrars and members of the judiciary. Its task is to develop the first national family justice strategy and to drive and coordinate the

modernisation of the family justice system. I am pleased to say that the Strategy is currently being finalised.

I know that many of you here today and watching online made submissions to the group, and gave your time to participate in the advisory groups established to consult and engage further on a number of issues. I am grateful for your input to the process, as I am also to the many hundreds who completed the online survey about their experiences of the current system and views on its future.

As reflected in many of the contributions made during today's conference, it is vital that we do not just hear children's views but listen to them and reflect on what they tell us. In this regard, I am grateful to the children and young people who participated in the bespoke children's consultation process, to hear their voices, and listen to and include their views in its development. While the pandemic restrictions in place at the time presented a particular challenge in conducting this consultation, I am grateful to the Participation Unit in the Department of Children and my officials in devising an approach, and the youth and family support organisations which supported the process.

Children and young people told us that they want more information on both the legal process and the family situation so that they might have the opportunity to be more involved in the decisions that affect them; in short, to have their say and be listened to.

A number of issues similar to those raised during the wider stakeholder consultation were raised by children and young people. These include: the need for the system to have a greater focus on children; the availability of and access to support services; better training; information dissemination and awareness raising.

As previously mentioned, one of the areas being considered by the Group is additional training for those working within the family justice system that would benefit all those who engage with the system.

As discussed in the preceding panel, the rights and best interests of the child must be at the forefront of any decision concerning parental separation. There can be no doubt that this is a stressful and difficult time for all concerned, particularly for children.

I can't emphasise enough how vital a role events such as today play in opening up discussions, developing key relationships and shaping future policy.

I want to thank all of today's speakers, some of whom have travelled a great distance to be here, for sharing their expert knowledge and experience with us. Your dedication and commitment to helping promote the rights, voice and best interests of both children and young people have been exemplary.

I want to applaud once again, Minister O'Gorman and all his department colleagues for their incredibly hard work in organising today's event.

I commend the efforts of all of those who have been involved in Ireland's programme of work as Chair holder of the Committee of Ministers of the Council of Europe.

And as our six-month tenure comes to an end next month, I wish my Icelandic colleagues all the best as they assume the presidency.

As Minister for Justice, I will continue to work tirelessly to protect children across Ireland, developing and strengthening our justice system and ensuring that Ireland is a safe and secure place for future generations.

Thank you.

**ENDS**