



*Child Care Law Reporting Project*

# **District Court Child Care Proceedings: A National Overview**

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Unless otherwise stated, all the observations in this report are from the CCLRP reporters. It goes without saying that any inadequacies in this report are my responsibility alone.

Carol Coulter

March 2019

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## Introduction

When the Child Care Law Reporting Project (CCLRP) embarked on the latest phase of its work, following the renewal of the project by the Department of Children and Youth Affairs, we decided to look at all Districts in the District Court jurisdiction, including some of the smaller courts we had not visited previously, in order to get an overview of how child care proceedings were dealt with nationally. We publish below this overview.

The District Court is divided into 24 Districts: the Dublin Metropolitan District (DMD) and 23 regionally based Districts referred to by number from 1 to 25. Districts 11 and 14 no longer exist.

Within the 24 Districts, there are approximately 80 court venues within which a child care case may be heard. In many Districts, it is common practice that child care cases are heard in only one or two of these court venues. There is a complement of 64 judges on the District Court, 44 judges are assigned to a location and 20 are “moveable” judges, who can be called in to any District to assist with lengthy or complex cases. At the moment there are two vacancies.

The CCLRP attended a full-day sitting in 35 court venues, covering each of the 24 Districts, between October 2018 and January 2019. During this period, we selected the court venue within the District where child care cases were scheduled to be heard.

We saw a wide variation in the physical conditions of the courts, the facilities available to parties and witnesses, the volumes of cases dealt with and the manner in which lists were conducted.

One of the most striking issues that emerged from this survey was the volumes of cases dealt with by certain courts, and the difficulties this posed both for the judges attempting to deal with child care and for the parties. For example, in one court on one day, in a District where there was just one sitting judge, there were 139 cases listed, consisting of crime, general civil law, family law and child care. This clearly poses considerable difficulties in dealing appropriately with cases that could be difficult, like child care. In another District, the judge can have up to 126 cases listed on family law days.

The cases were generally heard by the sitting judge for the area, with just four courts presided over by visiting or moveable judges. However, these were routine days and in a number of Districts, a moveable judge is sought for full care order hearings, or where a case is expected to be contested or complex.

Case management hearings or case progression discussions, aimed at ensuring the case is ready for full hearing and organising the presentation of the evidence, take place in Dublin

and in a few other Districts, including Donegal, Cork, Carlow-Kilkenny and Ennis. Formal case progression proceedings were also run by the recently-retired judge in Mayo, but it is not yet clear if these will continue in that District.

Nine of the 35 courts visited saw child care cases included in such general lists, alongside family, criminal and other civil law cases. Half (17) of the courts heard child care as part of a larger family law list, which could be very long, typically with lists of up to 60 or 70 cases, and in one court on the day attended by the CCLRP there were 126 family law cases on the list. A minority of courts (nine) had regular days on which only child care cases were heard.

The manner in which the lists are managed also vary in different Districts. Where child care cases are part of either a mixed list or a family law list, some courts list them at the beginning or end of the list, while in others they are interspersed throughout the list. This means that the families, witnesses (usually social workers and guardians *ad litem*), interpreters where they are involved, and lawyers can spend a whole day waiting for their case to be called. This is not only a waste of resources for the professionals involved, including professional witnesses, it also impacts on litigants' access to justice in a timely way and must add to the stress of the proceedings. In such circumstances, people may feel pressurised to negotiate an agreement in order to expedite the proceedings. While agreements can be a good outcome for all concerned, it is important that they are reached outside of a pressurised environment.

Where a court has special child care days, the number of cases heard on the day attended by the CCLRP ranged between seven and 22, with an average of 13 cases heard on the day. Where child care was heard as part of either a family list or a general list, the average number of child care cases was smaller, ranging from one to 11 in a general list, and one to 18 in a family list, averaging five and seven cases respectively.

This suggests that there is not the volume of child care in these courts to justify having separate lists. However, it should be borne in mind that we attended some smaller courts as well as the main court in some Districts and it is arguable that if child care was heard in just one court in each of these Districts, there would be enough to justify a special day. In any case, there are ample other arguments against mixing child care cases in with a range of other cases, including crime and domestic violence.

Physical conditions in the different courts also varied widely. The majority of the courthouses in the State have been refurbished in recent years, but this does not necessarily mean they are suitable for family law. In some courts, there were no ramps or lifts, so that access for children's buggies was difficult. In only a minority of courthouses are there separate areas where family law is dealt with, along with an adequate number of consulting rooms. Basic comforts, like water dispensers and vending machines for beverages and snacks, are the exception rather than the rule. In a few courts the acoustics were poor.

Under the *in camera* rule all family law proceedings, including child care, must be confidential to the parties and their lawyers. Yet in many courts privacy is often very limited, with all litigants and witnesses milling around in large open areas outside the courtrooms, often discussing their cases here with their lawyers. This is exacerbated when family law and child care law take place on the same day as crime and civil matters, as the volume of people is greater and family law litigants are cheek-by-jowl with prisoners in handcuffs awaiting criminal proceedings.

In some of the smaller courts which have not been refurbished, there is no waiting area at all, and litigants, along with their lawyers, have to wait in cramped hall-ways, sit on stairs, stand outside the court regardless of the weather, or wait in nearby hotels. Because people do not know when their case will be called, they cannot leave the vicinity of the court. Children are generally not involved directly in proceedings, but under the Children's Amendment to the Constitution they are entitled to have their views heard. The existing conditions are not child-friendly, and in those cases where children speak to judges in their chambers, this usually takes place outside of court hours.

A total of 292 child care cases were dealt with in 35 courts attended. Of the 292 cases, 156 (53.5 per cent) were extensions of interim care orders. Forty-six (16 per cent) were reviews of care orders, with the other cases involving initial interim care orders, access matters, appointments of guardians *ad litem*, extensions of care orders, supervision orders, lifting the *in camera* rule, a child returning from the UK or requiring detention, and after-care plans. Fifty-one cases (17.5 per cent) were adjourned.

The preponderance of extensions of interim care orders clearly raises a question as to whether the statutory requirement that interim care orders should be renewed every 28 days suits all cases. Section 17 of the Child Care Act requires that an interim care order is preparatory to seeking a full care order under Section 18, where a different threshold applies. The CCLRP has never seen a case where one interim care order was followed within a month by an application for a Section 18 order. It is usual that a number of extensions ensue, suggesting the statutory regime gives little time for both the Child and Family Agency (CFA) and the parents to deal with the issues that have provoked the order being sought.

In general, the reporters from the CCLRP were made very welcome by judges, court staff and practitioners and indeed some were happy to draw the project's attention to issues they thought needed to be addressed by the appropriate authorities. However, in a minority of courts it was more difficult to obtain information on the cases coming up. It would be helpful, not only to the CCLRP, but to lay litigants, if there was a uniform approach throughout the Courts Service to the provision of information.

## District Court Venues

The table below shows the number and location of court venues within each District of the District Court where child care cases may be heard.

No.	Area Covered	No. of courts	Court venues
No. 1	County Donegal	6	Buncrana, Carndonagh, Dungloe, Falcarragh, Glenties and Letterkenny
No. 2	Counties Leitrim, Donegal and Sligo	6	Donegal town, Ballyshannon, Sligo, Tubbercurry, Carrick-on-Shannon and Manorhamilton
No. 3	County Mayo	5	Castlebar, Westport, Ballina, Achill and Belmullet
No. 4	Counties Galway and Roscommon	6	Roscommon, Ballaghaderreen, Strokestown, Castlerea, Loughrea and Tuam.
No. 5	County Cavan and Monaghan	4	Cavan, Monaghan, Virginia and Carrickmacross
No. 6	County Louth	3	Dundalk, Drogheda and Ardee
No. 7	County Galway	4	Galway city, Clifden, Kilronan and Derrynea
No. 8	County Tipperary	3	Nenagh, Thurles and Tipperary
No. 9	Counties Longford and Westmeath	3	Athlone, Longford and Mullingar
No. 10	Counties Louth and Meath	2	Navan and Trim
No. 11	<i>not operational</i>	-	-
No. 12	Counties Clare and Galway	4	Ennis, Killaloe, Kilrush and Gort
No. 13	Counties Kerry and Limerick	2	Limerick and Newcastle West
No. 14	<i>not operational</i>	-	-
No. 15	Counties Laois and Offaly	2	Tullamore and Portlaoise
No. 16	County Wicklow	3	Arklow, Wicklow and Bray
No. 17	County Kerry	7	Tralee, Killarney, Killorglin, Kenmare, Listowel, Cahirciveen and Dingle
No. 18	County Cork	4	Bandon, Macroom, Skibbereen and Clonakilty
No. 19	Cork city	1	Cork city
No. 20	County Cork	1	Mallow
No. 21	Counties Tipperary and Waterford	6	Clonmel, Dungarvan, Carrick-on-Suir, Cashel, Lismore and Youghal
No. 22	Counties Carlow and Kilkenny	2	Carlow town and Kilkenny city
No. 23	County Wexford	2	Wexford town and Gorey
No. 24	Waterford city	1	Waterford city
No. 25	County Kildare	2	Athy and Naas
---	Dublin Metropolitan District (DMD)	1	Bridewell building, Chancery Place
		80	



## **District 1: Donegal**

District 1 consists of most of County Donegal. There are six court venues operating in the District. Child care cases are usually included in the family law lists. There is no specific judge to hear child care cases. The District Court sits in Buncrana, Carndonagh, Dungloe, Falcarragh, Glenties and Letterkenny. There are dedicated family law days in Letterkenny and Buncrana, but family law is heard with other cases in the other courts. There are two family law days a month in Letterkenny, which include child care.

### **Letterkenny**

The courthouse is new, having been completed in 2018, and has all necessary technical equipment for hearing video evidence. These do not exist in most of the older courthouses. It has four courtrooms, two on the first floor and two on the second floor. There is a reception area on the ground floor. On the day attended by the CCLRP, the parties waited in the reception area of the building or outside the door of the courtroom and were called into the court by the solicitors.

The cases were heard by the judge assigned to the District. However, when a full care order hearing that is likely to be complex or highly contested is heard, a “moveable” judge comes to hear the case. The list commenced at approximately 10.30 am and consisted of both private family law and child care cases.

There were 17 child care cases in a list consisting of 34 family and child care cases on the day of attendance. There were three applications for adjournments of a review of a care order, an application for an adjournment in respect of a care plan, two applications for adjournments of access applications and a case progression matter in the list. There were eight applications for extensions of interim care orders.

The judge extended some applications for extensions of interim care orders at the call-over without hearing evidence when it was indicated that such matters were on consent. Applications for interim care orders in which consent had not been obtained at the call-over were let stand. The judge took the family law cases first and the child care matters were taken at 2 pm. Guardians *ad litem* has been appointed in three of the cases and the judge drew attention to cases where there had been a number of extensions of interim care orders but no GAL appointed yet.

## **District 2: Sligo, Leitrim, south Donegal**

District Two stretches from south Donegal to south Leitrim. There are six court venues operating in the District: Donegal town, Ballyshannon, Sligo, Tubbercurry, Carrick-on-Shannon and Manorhamilton. Most of the hearings take place in Sligo and Carrick-on-Shannon.

### **Sligo town**

Sligo courthouse was built in 1878, and a portion of the old eighteenth century gaol remains within its confines. It was substantially refurbished in the early years of the century. There are two courtrooms on the ground floor.

There are a small number of consulting rooms, but on family law days they are rarely available, and the parties must wait in the central hall, along with their lawyers, where there is little seating. As family law days are usually very busy, large numbers of people congregate in the hall.

On the day attended by the CCLRP, the Circuit Family Court was sitting on the same day as the District Family Court which meant that the court was very busy. The District judge heard the child care cases in his chambers. He takes the child care cases before the private family law cases. Given the volume of private family law cases, he started hearing cases shortly after 9.30 am, and said he expected to be there until after 6 pm, and that this is usual on family law days. The child care hearings lasted about two hours.

There were nine child care cases on the list, of which seven were applications for extensions of interim care orders, all of which were granted, mainly on consent. There were guardians *ad litem* in two of the seven cases. The parties and their solicitors wait outside the judge's chambers until their case is due to be heard, when they are invited in by the clerk.

It is the practice of the District judge to ask for a moveable judge when a case requires a longer hearing.

### **Carrick-on-Shannon**

Carrick-on-Shannon courthouse is a new, prize-winning building completed in 1997. It has three courtrooms and four consulting rooms, along with a small lobby and a corridor, on the ground floor. There is some seating in the lobby area. There are no video facilities in this courthouse, and when these are required the case is heard in Sligo.

This courthouse is served by the same judge as Sligo. On the scheduled day attended by the CCLRP, there were 45 family law cases listed, but this included multiple applications relating to the same parties.

A number of these, where safety and protection orders were sought, were heard in the judge's chambers. Twelve other civil cases were heard, along with a small number of criminal cases which were mentioned.

Three child care cases were among those heard. One of them, where the CFA was seeking an extension of an interim care order, involved the same parties as one of the criminal cases on the list, which was sent forward to the Circuit Court. A GAL had been appointed in the case, and the parents were represented by a solicitor. Another case concerned access and the third case concerned an application for an interim care order, which was refused by the judge and the case was adjourned.

## **District 3: Mayo**

There are five court venues in County Mayo, in Castlebar, Westport, Ballina, Achill and Belmullet. However, Westport has recently been closed, which means that Ballina is busier. Family law is heard once a month in Mayo, alternating between Castlebar and Ballina, with child care law heard one month and private family law the next, though extensions of interim care orders after the 28-day period can be taken on a private family law day, and cases which start in the county capital can be adjourned to another District Court on a mixed list day.

### **Castlebar**

Castlebar courthouse is an imposing building built in the 1830s. It was substantially refurbished at the beginning of this century and now has a very large central hall, two double-height courtrooms and a number of consulting rooms. Five groups of chairs are situated against the walls of the hall, including one with a small table. Because they are well spaced out, litigants are likely to have more privacy than in most courthouses.

The assigned judge used to hear all child care cases, but she has recently retired and on the day attended by the CCLRP a moveable judge heard the cases. The former sitting judge conducted pre-trial hearings to prepare cases, which she did not hear until she was satisfied all reports had been filed and all witnesses lined up. It is not clear if this practice will continue.

There was provision in the building for video link, but according to practitioners there had never been evidence from children via video link. Hearsay evidence from children has been admitted under Section 23 of the Children Act.

Fifteen cases were listed on the day the CCLRP attended, including five private family matters, one involving a breach of a safety order.

The first CFA case was struck out as the case had concluded, as far as this District was concerned, because the children were now living with their grandmother in another District. There were two reviews of care orders, a renewal of a short care order, an adjournment of a case involving a very young mother who had a guardian *ad litem*, two adjournments of other care order applications and two applications for the appointment of guardians *ad litem*. There were guardians *ad litem* in four of the other cases.

### **Ballina**

Ballina courthouse is typical of many courthouses in rural towns, with just one courtroom, a small number of offices and two consulting rooms. There are no video link facilities. Built in

the 1830s or 1840s, it has not been significantly refurbished recently. There is no waiting area at all except for a small hallway outside the courtroom with a couple of chairs. Most litigants and their lawyers stand in this hallway or sit on the stairs, so there is little or no privacy.

Discussions between lawyers and their clients take place in this very crowded area, as the consulting room capacity is limited. The courtroom itself has two rows of benches for lawyers, a press bench, and five rows of fixed chairs for the public and parties.

This is one of a number of venues for District Court hearings in County Mayo. Other centres include Belmullet, where the court sits once every two months in a community centre, but according to practitioners this is better for the parties than Ballina, as there is a café where parties can wait. If family law is heard on these days, it is on the mixed list, along with cases involving fisheries matters, crime and traffic offences.

On the family law day in Ballina attended by the CCLRP (family law is also heard on mixed list days) there were 37 matters on the list, representing 23 cases. They were heard by the sitting judge, who has recently been appointed to this District to replace the previous sitting judge, who retired. Three cases were child care cases.

The registrar does a preliminary call-over at 10 am. Cases on consent are taken first, then the Child & Family Agency cases. The first of these was a review of a care order for three children, where it was reported all was going well. An interim schedule of access was agreed. An extension of an interim care order for an infant was granted on consent. There was no guardian *ad litem* in the case.

The third case also involved an extension of an interim care order for an infant, but was not ready to proceed and was put back until after lunch, where there was a contested hearing. The extension was granted. There was no guardian *ad litem* in this case either.

## **District 4: Roscommon and east Co Galway**

District 4 consists of the county of Roscommon and a portion of east county Galway, with six District Court venues: Roscommon, Ballaghaderreen, Strokestown, Castlerea, Loughrea and Tuam.

### **Roscommon town**

Roscommon courthouse is an old Victorian building, and has not been recently refurbished. It previously also housed the county council offices, but the council has moved out. There are sittings only a few days a week, meaning the building is very under-used. There are a number of rooms available for consultations. However, there are no facilities for modern developments like video-linking and the playing of DVDs of interviews with children. There is one such screen available to be hired by courts in the area which might need them, and otherwise judges and other court users can use laptops for such connections.

The courtroom is very high and the acoustics are poor. However, the judge, who is a moveable judge, as the sitting judge is at present sitting on the Special Criminal Court as a member of the panel of District Court judges who do so, heard the CFA case in her chambers.

There was one CFA case among a number of civil, criminal and family law cases on a scheduled mixed day. Two other CFA cases were mentioned, one concerning an application to discharge a care order and the other to deal with access, and adjourned until later dates. The CFA case was an application for an extension of an interim care order for three young children who had been in care for two years. The application was granted. A guardian *ad litem* had been appointed to the children and his solicitor was present and went through his report.

## **District 5: Cavan and Monaghan**

District 5 comprises Cavan and Monaghan. There are four court venues: Cavan, Monaghan, Virginia and Carrickmacross. Child care cases are usually included in the family law lists. There is no specific judge to hear child care cases.

### **Monaghan town**

The courthouse is new, consisting of two courtrooms on the ground floor and two courtrooms upstairs. There is a reception area on the ground floor with limited seating. The parties wait in the reception area of the building and are called into court by members of An Garda Síochána.

Child care is included in a general family law day. On the day attended by the CCLRP, there were three child care cases in a list of 38 family and child care cases. There were two applications for extensions of interim care orders and one application for a supervision order.

The cases were heard by the judge assigned to the District. The list commenced at approximately 10.30 am. The judge heard the Child and Family Agency matters first and then took a criminal matter.

### **Cavan town**

The courthouse is large old courthouse, built in the 1820s, consisting of two courtrooms on the ground floor. There is neither a reception nor designated waiting area. The parties stand in the foyer of the court building and are called into court by members of An Garda Síochána. On the day attended by the CCLRP, there was one attendee coming from prison and the prison van was parked at the front of the courthouse.

Child care is heard as part of a general family law list and there were five child care cases in a list of 67 family law cases. The child care cases included three applications for extensions of interim care orders and one review of a care order which was adjourned. All of the child care cases were given priority and heard together. The cases were heard by the judge assigned to the District. The list commenced at approximately 10.30 am and finished at 5 pm. In addition to the family law list, there was one licensing matter in the list.

## **District 6: Louth**

There are three court venues in County Louth, sitting in Dundalk, Drogheda and Ardee. Most of the child care cases are heard in Dundalk.

### **Dundalk**

Dundalk courthouse, in the middle of the town, was built in the early nineteenth century and was substantially refurbished recently, with four courtrooms and two consulting rooms. There is an extensive waiting area, but little provision for privacy. There are facilities for a video link in one of the courtrooms. Child care cases are always included in family law lists and there is no specific day for child care.

On the day attended by the CCLRP there were 11 child care cases in a list of 60 family law cases. The cases were heard before the judge assigned to the District. There were four applications for extensions of an interim care order. There was one review of a care order, one matter listed for an application to lift the *in camera* rule and five applications for adjournments. In one case a guardian *ad litem* had been appointed to both an infant and its mother. Guardians *ad litem* had been appointed in four other cases.

The parties stood in the foyer of the court building and were called into court by a member of An Garda Síochána.



## **District 7: Galway city and county**

The District Court sits in Galway city, Clifden, Kiltonan and Derrynea, with most child care cases heard in Galway.

### **Galway city**

Galway Courthouse is an old stone building, dating from the nineteenth century, which has not been recently refurbished. There is a circular entrance hall with a small waiting area off it. Doors lead into the entrances to two courtrooms and a large stairway leads up to further courtrooms and offices. On family law days, all the parties and their lawyers congregate in this area, outside the door to the courtroom where family law is being heard. There are very few chairs, meaning that people are standing cheek-by-jowl waiting for their case to be called. Other cases, which can include prisoners in handcuffs, take place in the other courtrooms.

All District Court family law is heard on the same day: domestic violence, maintenance disputes, and so on, as well as child care. The judge, who is the judge assigned to the District, hears short cases and consents first. This means that a child care case where evidence has to be given is likely to start around lunchtime, and, if there is a contested private family law case, it can be later.

A member of An Garda Síochána calls people into court. Lawyers familiar with the system, or lay litigants who have learned how the system works, lobby the Garda to convince her that their case is short, so that they will be called as soon as possible. The Garda, who has been doing this for years, is patient and courteous with everyone and does her best to keep the cases running through smoothly, including helping lay litigants, but the length of the list makes the situation difficult for everyone. Lay litigants, and lawyers who are not familiar with the system, will find it difficult to negotiate.

On the day attended by the CCLRP, there were 61 cases on the list, of which five were child care. Two criminal cases were disposed of first, then there was the first call-over. "Definite short matters", including applications for adjournments and for service abroad, along with maintenance matters, were dealt with. Child care cases started shortly before noon, but were interspersed with private family law cases.

The child care cases included a review of a care order, an extension for two months on consent of an interim care order for five children, an application for the extension of an interim care order for two children where the mother was not present and was not contactable, an application for interim care orders for four children and a Section 47 application that was adjourned for two weeks. Guardians *ad litem* had been appointed in three of the cases.

## **District 8:        Tipperary North**

District 8 has three court venues: Nenagh, Thurles and Tipperary. Child care cases for the District are heard by the presiding judge on a dedicated date once a month. Section 18 or full care order hearings are heard by moveable judges at various times throughout the year.

### **Nenagh**

Nenagh courthouse dates from the mid-nineteenth century and has been refurbished. It has three courtrooms, offices, three consultation rooms and a legal practitioners' room. Video link facilities and a victim suite are available in one of the courtrooms. Clients wait in the seated corridor outside the courtroom.

The presiding District judge hears child care law cases for the District on a dedicated date once a month. Section 18/full care order hearings are heard by a moveable judge at various dates throughout the year. A call-over of the list starts at 10.30 am, with only the legal practitioners present and the court sits usually until 7 or 8 pm. The order of the list is decided at the call-over.

The average size of the list includes 20 to 25 cases. These usually include 10 applications which require action such as interim care orders, access applications or supervision orders which cannot be adjourned. The remaining 10 to 15 cases are routinely scheduled care order reviews some of which are adjourned. The court registrar calls the cases by initials over a speaker, through the Garda or through the relevant legal practitioners.

## **District 9: Westmeath and Longford**

Three courts sit in District 9, in Athlone, Longford and Mullingar. One resident judge deals with all the cases in this District.

### **Athlone**

The detached, two-storey Athlone courthouse was first built around 1835 and rebuilt in 1916. It was last renovated and extended in 1995. This small well-proportioned building is wheelchair-accessible from the street. However, there is no lift to the first floor where there are four consultation rooms and one legal practitioners' room. On the ground floor, there is a short corridor with access on the left-hand side to a glass protected public counter. Outside the main court there are benches around the perimeter of the wall.

On the day attended by the CCLRP, the waiting area by the main court on the ground floor was crowded, including a woman with a pram. There was a prison van parked outside. An individual in custody was escorted by Gardaí to attend a family law case. There were a couple of Gardaí, one male and one female, in and out of court.

The courtroom was equipped with microphones, but there was no loudspeaker system. The Gardaí assisted with calling individuals when necessary. There were no facilities for video link evidence or showing DVDs, such as children's interviews.

This was a dedicated family law day including one child care case, which was heard after the call-over and a few family law cases. The resident judge heard all the matters listed for the day. The first sitting started at 10.40 am. There was one child care case, an application for an interim care order, which began at 1.15 pm and ended at 2 pm. This was the end of the list. The judge said that this was an untypical day.

### **Longford**

Longford courthouse is a Georgian building originally constructed in 1790 with a rear modern extension completed in 2007. It leads directly on to the street and adjoins a hotel building. The building has two large courts together with a family law courtroom and circuit and District court office accommodation. Consultation rooms, victim support room, a media room and holding cells for prisoners are provided. There is public parking at the rear of the building in the hotel car park. There is a waiting room behind glass on the first floor.

The first floor, where family law and child care cases were being heard in the District Court, was very crowded on the day attended by the CCLRP, with people waiting along the corridor outside the courtroom rather than the waiting room. A Garda called the cases by their

initials. The CFA solicitor liaised with the court registrar and the practitioners regarding the calling on of the child care cases which were heard together in the afternoon.

The presiding judge heard all 90 matters listed as part of the dedicated monthly family law day. Ten of these were child care cases. A call-over of the list started at 10.30 am and the court sat until 4.40 pm. The registrar called on the list with the assistance of the CFA solicitor.

Of the ten child care cases, two were adjournments of a voluntary consent and a review. There were eight extensions of interim care orders heard and granted. Six of them were on consent. Evidence was heard in three cases, two where there was no consent from parents to the extension of the interim care order and in one where the CFA had applied for a full care order hearing date.

## **Mullingar**

Mullingar courthouse is another large detached two-storey courthouse, built between 1824 and 1828 and recently refurbished with three courtrooms. There is a small waiting area and reception towards the back of the courthouse with very limited seating.

The parties were waiting in the foyer of the court building. There is a screen outside the courtroom door displaying the list. Each case was called into court by each individual solicitor involved.

Child care cases are included in the family law list and are heard by the judge assigned to the District. There were 126 cases on the list on the day attended by the CCLRP. Six of these were child care cases, all of them applications for extensions of interim care orders. Guardians *ad litem* were appointed in three of the cases. The list began at approximately 10.30 am and ended at 3.30 pm. There were two bail applications and they were taken first. The judge took applications for adjournments next and then each case in turn as it appeared on the list.

## **District 10: Meath**

In District 10, the District Court sits in Navan and Trim.

### **Navan**

Navan courthouse is new, with one courtroom on the first floor. There is no reception, but there is a designated waiting area for the parties, and they are called into court by members of An Garda Síochána.

Child care cases are usually included in the family law lists. On the day attended by the CCLRP, the cases were heard by a moveable judge.

There were eight child care cases in a list of 59 family law cases. There were four applications for extensions of interim care orders and four applications for adjournments. All of the child care cases were given priority and heard together. The list began at 10.40 am and ended at 5.30 pm.

Of the four extensions of interim care orders, two were consented and in one the parents did not appear. In the fourth the father was deceased and the whereabouts of the mother were unknown. There were guardians *ad litem* in all four cases.

## **District 11: Does not exist**

## **District 12: Co Clare and south Co Galway**

District 12 courts sit in Ennis, Killaloe, Kilrush and Gort, with the bulk of cases heard in Ennis.

### **Ennis**

Ennis courthouse is a large free-standing building, built in the 1850s in the centre of Ennis town. There is an electronic notice board which outlines what courts are sitting, together with information on consultation rooms and other facilities. There is also an information hatch attended by a member of the court staff.

There are two courtrooms and toilet facilities off the main reception area. The family and child care courtroom is in the basement. There is a separate entrance to this floor and the legal practitioners' room is opposite the courtroom, together with toilet facilities and consultation rooms. The courtroom is newly refurbished and comfortable. There are no facilities for DVD or video link in Courtroom Three, however, there are facilities in the building and if necessary cases are heard in another courtroom to facilitate the hearing of video link or DVD evidence. There are several consultation rooms adjacent to the court and a large area with seating where families can wait prior to their case being called.

The child care law matters commenced with a call-over at 12 noon. In Ennis there is no dedicated child care law day and the matters are listed in the family law days. Any contested matters are then listed for hearing. There is a pre-hearing call-over prior to the hearing date to ensure that the case is ready to proceed.

The first and third Thursday of each month are family and child care days. The resident judge deals only with emergency or consent matters. The hearings of contested child law cases are adjourned to a different judge. There was a loudspeaker system and parties were called into court by the court registrar via that system.

On the day attended by the CCLRP there were 37 matters in the list. Of those, three were child care cases, including an application for a supervision order and one for increased rights for foster carers. A copy of the list was displayed outside of the courtroom and copies of the list were available from the court registrar.

On average there are six child care law cases in the list and anything that is contested generally gets adjourned to another date. There is no court on Monday and the judge spends that day reading reports in order to speed up matters on the four other days. In this court, case management is used to good effect and there are several call-overs before matters are heard.

## **District 13: Limerick city and county**

The District has two courthouses in Limerick and Newcastle West. The same judge presides over the child care law in both courthouses. There is a dedicated child care law day in both courthouses and the lists were very full until after March 2019.

### **Limerick city**

There are now two courthouses in Limerick. The courthouse where civil cases are heard is a large building in the centre of the city dating from 1763, which has been substantially refurbished in recent years. On entering the building, there is an information hatch to the left of the reception hall.

There are two courtrooms in the main reception with consultation rooms to the back of the building on the ground floor. There are additional courtrooms on the first floor along with consultation rooms and toilet facilities. The courtroom in which the child care cases are heard is Courtroom Three at the back of the courthouse on the first floor. It is much more secluded than the courtrooms off the main reception area. There are three consultation rooms adjacent to the courtroom and toilets on that floor. There was no list published on the door.

The courtroom is comfortable and has sufficient seating for legal practitioners and witnesses. While there were no facilities for DVD or video link in Courtroom Three, there are facilities in the building and if necessary cases are heard in another courtroom to facilitate the hearing of video link or DVD evidence.

Each Wednesday is a dedicated child care day and no other matters were heard by the judge, who is one of the two resident judges in the area and who deals with all the child care matters. The list was not published outside the court, but copies of the list were available to practitioners.

On the day attended by the CCLRP, there were seven matters in the list. There was an application for an adjournment in respect of one of the matters, which was estimated to take several hours. The judge was not aware of this application prior to that morning and as a result the business of the court was finished earlier than expected.

There are three consultation rooms adjacent to the court and families waited in those rooms. On a busy day, that area would be over-crowded and families would have to wait in the corridor. There was no loudspeaker system and the Child and Family Agency solicitor called the parties into court.

## **District 14: Does not exist**

## **District 15: Laois and Offaly**

The District Court in District 15 sits in Tullamore and Portlaoise.

### **Tullamore**

Tullamore courthouse is a two-story structure built in 1833. The courthouse was last refurbished and enlarged in 2007. The new part of the building is separated from the existing building by glass bridges with a clear distinction between the old and new. The new part is wheelchair-accessible with a lift and public toilet.

The courthouse includes three courtrooms, judges' chambers, staff offices (comprising Circuit Court office, District Court office and Regional office), a jury suite, a victim support suite, a video evidence suite, 12 consultation/waiting rooms, a media room and probation office, facilities for An Garda Síochána and the Prison Service, prisoner accommodation including six cells and a secure interview room, and a legal practitioners' room.

At the front entrance hall on the right-hand side, the District Court daily list was displayed in a glass notice board on the wall and there were water and food facilities, which were refilled during the day. The large foyer, used by the public as a waiting area, has a couple of chairs and no benches. There are public toilets on the ground floor, one lift and stairs access to the upper floor of the old building. There was a loudspeaker system. The gardaí assisted in calling people into court.

There are two courtrooms, one at each side of the entrance hall. The family law list was heard in Court 1. It is circular and can be accessed from the old building entrance hall and from the modern building hall directly opposite. There is a circular corridor around it, which is used as a waiting area. Due to the circular shape of the corridor outside Court 1, individuals waiting outside the main entrance to the courtroom cannot see those waiting to enter through the opposite entrance. However, the circular shaped of the corridor occasionally created problems when gardaí were calling out individuals by case initials, as they could not be heard further up the corridor.

A mix of individuals and lawyers waited scattered around the main entrance of Court 1. Some people are seating in the big window bays around the corridor but there is still a significant lack of seats.

This was a dedicated family law day, one of the two each month, and there were 51 cases in the daily list including five child care cases. The child care cases were at the very end of the list. They included one reappointment of a guardian *ad litem*, one full care order, two



extensions of interim care orders and one re-entry of a supervision order. The first sitting started at 10:40 am. The last child care sitting ended at 3.30 pm. The resident judge heard all the matters listed.

In general, Child and Family Agency cases are dealt with on a case-by-case basis. If a case needs a full hearing - with witnesses, professional experts, etc - the case is listed separately for a special sitting.

## **Portlaoise**

The Portlaoise courthouse is a nineteenth-century building on a main street in the middle of the town, last refurbished in 2002. There are two courtrooms, one at each side of the entrance hall. Each courtroom can be accessed from the entrance hall and from the rear hall. The District Court daily list was displayed in a glassed notice board on the wall outside the stair case and opposite to the main entrance. There was no reception or designated waiting area in the building. Individuals were waiting sitting on the benches at the entrance hall and the rear hall.

The Civil and Family Office, the County Registrar and the County Sheriff are on the first floor. There are also two consultation rooms and one legal practitioner's room. Both consultation rooms were open and available to the public and/or professionals.

Criminal and child care cases were heard in Court 1 from 10.40 am while family law cases started in Court 2 at 2 pm. The entrance and rear hall became increasingly crowded throughout the day. There was a mix of individuals and families waiting for criminal, family and child care hearings, all of which were taking place at the same time.

One woman and her infant were waiting in the rear hall in the afternoon. Drinking water was not available to the public in the building. However, the Arts Centre, in the adjoining building, has a coffee shop and toilet facilities. There are facilities for video link evidence and showing DVDs of children's interviews.

In Court 1, the resident judge heard all criminal matters and child care cases listed. The cases were scattered throughout the day, with criminal matters interspersed with child care matters. There were 75 criminal matters listed, including a large number of drug offences related to a recent music festival in the area. There were seven child care cases, two of which were adjournments of a care review and five were extensions of an interim care order. Guardians *ad litem* gave evidence in two of the cases. It is intended that there will be dedicated child care days in this District, and special child care days have taken place.

It was a dedicated family law day and a moveable judge heard the private family law cases, which started in Court 2 at 2 pm. The last sitting was at 6 pm.

## **District 16: Wicklow**

District 16 courts sit in Arklow, Wicklow and Bray. However, the courthouse in Wicklow is at present closed. No lists are displayed at either Arklow or Bray court.

### **Arklow**

Arklow courthouse is a detached two-storey building designed and built in the 1840s. In 2016 the Courts Service announced its intention to make improvements to the courthouse in Arklow, following receipt of a report by Wicklow County Council. However, renovations appear to face delays.

The court is located on the ground floor and can be directly accessed through two side doors. There is no reception or designated waiting area in the building. On the left-hand side of the building there was a room with some seats but there was no public waiting there. It appeared that there is no toilet open to the public.

There is no consultation room or legal practitioners' room. The court area was small with eight benches across and some space at the back for those standing. There were two old wall heaters at each side of the court, but they were not switched on.

The District Court daily list was not displayed anywhere. Neither the registrar nor the Gardaí were in a position to give the CCLRP reporter a copy.

There were crowds waiting outside the building and the courtroom was crowded. There was no loudspeaker system and the Gardaí assisted with calling individuals if necessary. There were no facilities for video link evidence or showing DVDs of children's interviews.

The resident judge heard all matters listed for the day. The sitting started at 10.40 am and ended at 2 pm. It was not a dedicated family law or child care day, and criminal cases were heard first. There was one child care case, heard at the end of the list. It was a consented extension of an interim care order.

### **Bray**

The Bray courthouse is a modern detached two-story building opened in 2007. It forms part of a stream of civic facilities clustered together on one site, off the main street in the town centre, which includes Bray Town Council offices, the Department of Social Protection, and the Probation and Welfare Service.

The building contains three courtrooms with adjoining judges' chambers, a jury room, a media room, an interview room, staff offices, a legal practitioners' room, consultation rooms

and a victim support room. There are also holding cells for prisoners with direct access to both of the main courtrooms. The building is supported by information technology. There are facilities for video link evidence and showing DVDs of children's interviews. All consultation rooms have a loudspeaker system.

There is a bright and spacious foyer with access to the password-protected State Solicitor's office, the media room and a lift and stairs to the upper floor. Some individuals waited around the foyer area. At the entrance there is a small hall with some benches around its perimeter and a reception with a security glass screen on the left-hand side. There were not enough seats so people were standing up waiting. At 10.30 am it was so crowded that it was difficult to move around. There was a woman with a pram among the crowd.

In contrast with Arklow, there were clean and spacious public toilets in the ground floor. The family daily list was heard in Court 2. Lawyers occupied the three consultation rooms outside Court 2. Consultations with clients were taking place outside Court 2 with very little privacy. Court 3, on the upper floor, was closed.

There was no criminal or family daily list displayed anywhere. Only the Gardaí assisting on the day and the lawyers appeared to have one. A woman who arrived after the family list had started was desperately trying to locate the family law daily list. She appeared to be a lay litigant. A Garda assisted her.

The registrar used the microphone system, which was connected to the loudspeakers in all consultation rooms. A Garda assisted by calling individuals into court, using the case name, in the area immediately outside Court 2 and in the main hall. The loudspeaker system in these areas was not available on the day of attendance.

The CCLRP attended on a dedicated family law day. There were 86 cases in the daily list including two child care cases. These were at the very end of the list, but at the call-over the solicitor for the Child & Family Agency told the judge that they were short matters so they were prioritised. They were both extensions of interim care orders, neither of which was opposed. The first sitting started after the call-over at 10.50 am. The last child care hearing ended at 12.30 pm. The resident judge heard all the matters listed.

## **District 17: Kerry**

The District Court sits in Tralee, Killarney, Killorglin, Kenmare, Listowel, Cahirciveen and Dingle. Child care matters are heard in Tralee and Killarney on separate days in the month.

### **Tralee**

The courthouse in Tralee is situated in the centre of the town. It is an old building and was last refurbished around twenty years ago. There are two courtrooms and a large hall area with public toilets. There are no consultation rooms and on the day attended by the CCLRP, most solicitors spoke with their clients in the large reception area.

There was no list published outside of the courtroom and there were no copies of the list available. There were no facilities for video link evidence or showing of DVDs of child interviews.

The courtroom is large and has sufficient seating for legal practitioners and the public. There was no waiting area, however there were benches in the main reception area. The solicitor for the Child and Family Agency called the parties into court. There was no loudspeaker system.

Only child care matters were listed on the day attended by the CCLRP. However, the day began with an adjournment application of a criminal law matter and two further criminal matters were heard after lunch, all of which were dealt with quickly. There were also two private family matters added to the end of the list and these were dealt on consent.

There was a call-over of the list at the beginning of the day and the judge indicated that he would deal with short matters first, followed by more lengthy contested matters. There were 22 child care cases listed, of which three were contested. There was one long matter which was an application for an Interim Care Order and this was heard from 3 to 6.30 pm.

The other cases included applications for supervision orders, the appointment of a guardian *ad litem*, reviews of full care orders, extensions of interim care orders and an application for an interim care order.

## **Killarney**

From 2019, all child care matters in this District will be heard in Killarney. There is one resident judge in the District who hears all child care matters. The courthouse in Killarney is situated in the centre of the town. It is a small old building beside a roundabout and houses only one courtroom. There is on-street parking opposite the courthouse and a car park to the rear.

Inside the courthouse there is a very small lobby with no seating, so there is effectively no waiting area. There are two consultation rooms at the opposite side of the courtroom to the entrance. There are no public toilet facilities, however there are hotels close by. There is very little room for the public to wait and many people waited in the hotel directly across from the courthouse.

There was no list published outside of the courtroom and there were no copies of the list available to practitioners. The solicitor for the Child and Family Agency called the parties into court.

The courtroom itself is large with sufficient seating both on the floor area and on the balcony. There are no facilities for video link evidence or showing DVDs in respect of child interviews. However, the registrar did have a courts laptop, so it is possible that additional facilities could be brought in when required.

Only child care matters were listed on the day attended by the CCLRP. There was a call-over at the start of the day and any consent matters were highlighted at that stage and dealt with first in the list. There were 20 child care cases listed, of which three were contested. Some of the cases were duplicates of the same case. In total eight cases were heard. These included four extensions of full care orders, one review of a care order, an access application an interim care order application and a care order application.

## **District 18: West Cork**

District 18 covers west County Cork and the court sits in Bandon, Macroom, Skibbereen and Clonakilty. Child care is held as part of the family law list on a monthly date in each courthouse. Criminal and civil matters are heard first on those dates followed by family and child care matters. There is one resident judge dealing with all the criminal and civil matters including child care cases in the District.

### **Clonakilty**

Clonakilty courthouse is a stone period building with a single courtroom, hallway, toilets on the ground floor and a judge's chamber and meeting room upstairs. It has recently been refurbished and is in good decorative order. The court's offices are situated in a separate building nearby. On the date the CCLRP attended, the courtroom was warmly heated and the courthouse looked bright, clean and well maintained. The courtroom benefits from large windows which throw in natural light.

The presiding judge, who is the assigned District Judge for the District, heard all the matters listed on the day. A call-over of the list started at 10.30 am and the court sat until 3 pm. The reporter was informed by the judge and legal professionals present that the day was not typical in terms of the case load, as the average list was longer and the court often sat well into the evening to complete the list. The registrar called out the list.

There were two family law matters, one of which was a review of a care order. In addition, there were two criminal matters, a civil matter, a juvenile matter and a family law guardianship application. The criminal, civil and juvenile matters were heard before the child care and family law matters.

## **District 19:      Cork city**

District 19 sits in the Cork city courthouse. The list of cases involving the Child and Family Agency takes places every Monday and Wednesday from 2 pm in the District Court at the courthouse on Washington Street, Cork.

### **Cork city**

The courthouse is well equipped and while there are no rooms immediately visible for families to consult with their legal representatives, there are consultation rooms available on request. The parties involved generally wait immediately outside the courtroom for their case to be called by the court registrar.

The courtroom which ordinarily deals with the child care list did not have facilities for viewing DVD evidence, however, there are other courtrooms available in the building with those facilities. Where a party to the proceedings was being produced from a prison, there is no holding area as the courthouse is used only for civil and family law proceedings and criminal cases are heard in a separate courthouse.

As there are two child care days a week, always heard by the same judge, the practitioners are very familiar with the judge's expectations and with each other, which makes for the smooth running of the list. Negotiations as to the best outcome for the children involved are common, and in this court, as in a number of other courts in Munster, short care orders are frequently used.

On the date of attendance there were fifteen cases listed. They included three reviews of care orders, two extensions of interim care orders, three extensions of full care orders and the reappointment of a guardian *ad litem*. The other matters were adjourned.

## **District 20: North Cork**

District 20 sits in Mallow.

### **Mallow**

Mallow courthouse is a two-storey period building with a courtroom on each level and court offices. There are toilet facilities available and three consultation rooms on the first floor. On the date the CCLRP attended the courtroom was warmly heated, and the courthouse looked bright, clean and well maintained. Clients and practitioners waited in the seated hallway and corridor outside the courtroom.

The presiding judge, who is the sitting judge, heard all the matters listed. A call-over of the list started at 11.15 am and the court sat until 5.15 pm. The registrar called out the list.

There were a number of criminal matters such as bench warrants and juvenile crime issues on the list along with family law. The criminal and juvenile matters were heard before the child care and two family law matters. A protection order and a family law breach of access were heard in the afternoon between the child care cases.

There were 11 matters on the child care list. Of these, three involved care orders on consent of between three and twelve months. There was one interim care order, one re-entry of a care order, and the remainder involved reviews of care orders. Two of the reviews were adjourned in circumstances where the parents who had been notified were not present.



## **District 21: South Tipperary, Co Waterford**

The District has six courthouses, in Clonmel, Dungarvan, Carrick-on-Suir, Cashel, Lismore and Youghal, and child care is held on dedicated family law dates in two of these. The remaining courthouses can have child care cases on general civil dates, but in practice, child care is mainly held in Clonmel and Dungarvan on a family law day. There is one resident judge dealing with all criminal and civil cases in the District, including child care cases.

### **Clonmel**

Clonmel courthouse is a period building with columns and railings to its exterior. The building has a wide foyer with seating around the edge. There are two courtrooms to the front of the building and offices to the rear. There are two consultation rooms in a lobby immediately outside each courtrooms. On the date the CCLRP attended, clients waited in the foyer in small groups.

The presiding judge heard all 49 matters listed as part of the dedicated monthly family law day. Ten of these matters were child care cases. A call-over of the list started at 10.45 am and the court sat until 6.15 pm. The registrar called out the list with the assistance of the Child & Family Agency solicitor. There were ten child care cases: two were child care reviews (one of which was adjourned), six were extensions of interim care orders, one was a section 47 guardian *ad litem* application and one was a section 37 access application.

### **Dungarvan**

Dungarvan courthouse is a detached stone period building with one courtroom and two small consultation rooms off a small entrance hall. Clients and lawyers congregate in the hotel opposite the courthouse or, weather permitting, wait outside the building. There are no video link facilities and there was no allocated waiting area or loudspeaker. The court registrar called the cases and the court Garda liaised with those waiting.

The resident judge heard all the matters listed for the day. It was a dedicated monthly family law day and child care matters were heard as part of the family law list. The call-over started at 11 am and the last sitting ended at 5.40 pm. There were 51 cases on the list, of which seven were child care matters. Before the list commenced, two other civil matters were heard. Following the call-over of the list, some child care and family law matters were left until the afternoon to allow parties to negotiate. The court registrar called the cases.

Of the seven child care cases, one was the adjournment of judgment of a foster parents' guardianship application, two were extensions of an interim care orders, three were reviews of care orders, and there was one adjournment of an access issue.

## **District 22: Carlow and Kilkenny**

District 22 covers counties Carlow and Kilkenny, and there are courthouses in both county towns. However, child care is generally heard in Carlow where there is a dedicated child care day every month.

### **Carlow town**

Carlow courthouse is a period building in reasonable condition with three small consultation rooms off the main entrance hall where parents and practitioners can gather to meet outside the courtroom. The entrance hall and narrow corridor off this was crowded on the day of attendance and afforded little privacy. Cases were called by intercom with the assistance of a Garda. There were no video link facilities available and a courthouse in the next town was used for this purpose.

The District judge held a call-over of the child care list with legal practitioners at 10.30 am. The 16 child care matters were heard throughout the day and the court sat until 5.15 pm. A short family law matter was held before the child care matters were taken up. The District judge was a fixed judge for the District.

All 16 Child and Family Agency applications were heard. All involved extensions of interim care orders where a CFA social worker gave an update on the care of the child or children and whether the threshold was met to extend the interim care order. In four of these cases, extensions were granted to the call-over date of the full care order hearing in the following month.

As part of the pre-hearing process, the judge directed that the CFA have the book of evidence and the reports upon which they were relying ready at the beginning of the following month and circulate these to the parents' representatives, in advance of the full care order hearing.

In two of these applications, a guardian *ad litem* also gave evidence. In two further cases social workers and two parental capacity assessment experts gave evidence relating to access with parents, and in another case relating to delays with an assessment. In one case a father gave evidence in addition to that of the social worker around his concerns regarding access. Two fathers attended the court accompanied by prison officers.

## **District 23: Wexford**

The District Court in County Wexford sits in both Wexford town and Gorey. There are four family law days each month on which child care matters are heard. Child care matters are heard by the sitting judge for the District.

### **Wexford town**

Wexford courthouse is new and has modern facilities such as video link and a number of consultation rooms. Parents wait to be called in the long hallway and foyer outside the courtroom.

On the day where the CCLRP attended, the 18 child care matters which were part of the family law list were heard in the afternoon. The registrar held a call-over of the family law list at 10 am. Three short criminal matters regarding bench warrants and bail were also heard in the morning. The court sat until 4.15 pm.

All but two of the Child Family Agency applications were extensions of interim care orders where agreement was reached with parents and their legal representatives. Some of these interim care orders also involved guardianship applications by fathers which were adjourned alongside the interim care orders.

The court heard evidence from a social work witness regarding an after-care plan and a care review was adjourned to a future date. The court registrar called the cases into court through liaison with the CFA solicitor. Consultation with parents took place in some of the consultation rooms off the hallway and in the quieter ends of the hallway. Most parents were legally represented and negotiation was done through their legal counsel and solicitors.

### **Gorey**

The District courthouse in Gorey is new and had video playing facilities available as well as a number of consultation rooms. Video link facilities were available to the court in another courthouse in the District.

Parents sat and stood waiting to be called in the large foyer outside the courtroom. Consultation with parents took place in the two consultation rooms and in the court foyer. As in Wexford, most parents conducted negotiation through their legal counsel and solicitors. The court registrar called the cases into court through liaison with the CFA solicitor.

The call-over of the family law list was held by the court registrar at 10.30 am. The 11 child care matters which were part of the list were heard in the afternoon. A number of criminal,

licensing and family law matters were heard prior to this. The child care matters were concluded by 4.15 pm after which the court heard a criminal matter.

All but one of the Child Family Agency (CFA) applications concerned extensions of interim care orders where agreement was reached between parents and the CFA. Some of these interim care orders also involved guardianship applications by fathers which were adjourned. One application related to the placement plans for a child to return to Ireland from a UK placement.

A guardian *ad litem* (GAL) gave evidence regarding a mother's consent to an interim care order. In another case a CFA social worker and an infant's grandmother both gave evidence regarding an interim care order extension application.

## **District 24: Waterford**

District 24 covers Waterford city. One day a month is devoted to child care matters, with additional days scheduled when necessary.

### **Waterford city**

Waterford courthouse is a recently built modern structure with video link facilities. It is the only court in its District. Parents and legal practitioners wait in the large seated foyer and reception area outside the courtroom. There are consultation rooms available on the floor above the courtroom.

On the day the CCLRP was present, one of the monthly child care days, the court began at 10.45 am with a call-over of the cases and finished at 4.15 pm. The presiding judge was a fixed judge for the District. Cases were called by the court registrar with the order of cases decided by the judge.

All 22 cases on the list were heard. The applications related to the extension of interim care orders and adjourned Section 18 hearing application dates, with the exception of an application to lift the *in camera* rule and the review of a child's placement abroad. Witnesses included a mother, a guardian *ad litem* and social workers. The court interrupted the child care list to hear a private family matter where the Child and Family Agency were the notice party.

Following negotiation, a number of cases regarding the extension of interim care orders, supervision orders and care order hearing application dates were consented to by the parents and the Child and Family Agency. The court rose during the morning and the afternoon to allow some time for progress to be made in these negotiations. These negotiations happened in the court foyer and the consultation rooms available. Most parents were legally represented and negotiation was done through their legal counsel and solicitors.

## **District 25: Co Kildare**

County Kildare includes a number of commuter towns, and the District Court sits in Athy and Naas. Kilcock courthouse has been closed since 2016. All sittings from Kilcock have been relocated to Naas District Court. There is one resident judge dealing with all the cases in the provincial District, which is extremely busy due to its being a commuter area with a growing population.

### **Athy**

Athy courthouse is a detached, two-story building designed and built in the 1850s and last refurbished in 2001. The District Court daily list is displayed in a glass notice board on the wall at the small hall entrance of the building. There is a short corridor with two small consultation rooms at each side, which are open and available to the public and/or professionals.

There are public toilets on the ground floor and two consultation rooms and one legal practitioner's room in the upper floor. There is a water dispenser in the public toilet but it has not been serviced since 2005. Both consultation rooms in the upper floor were open although one was reserved for 'Probate and Welfare'.

There is no reception or designated waiting area in the building. On the day of attendance there were crowds waiting outside the building, including mothers with toddlers in buggies. There was a mix of individuals and families waiting for criminal and family hearings.

The courtroom was also crowded. It was an unusually warm day and the central heating was programmed to be on. The facilities manager said that the roof windows could not be opened because there was a risk of birds entering the building. The air conditioning was on and it was difficult to hear because the extractor was quite loud. There were no facilities for video link evidence or showing DVDs of children's interviews.

In Athy District Court there is no allocated date for family law cases. Criminal, private and family law cases are on the same list. Child care hearings are included in the family list and are usually heard by the resident judge towards the end of the day after criminal cases. If cases need to be adjourned, they may be listed to Naas District Court where there is a dedicated family law day every second and fourth Monday each month at 10.30 am. Usually there is a pre-hearing call-over prior to a hearing date.

The resident judge heard all the matters listed for the day. The last sitting ended at 6.30 pm. There was a criminal list, a family list, including child care cases, and a civil matters list, with 139 cases in total listed for hearing on the day. Criminal cases were heard from 11 am until 3.45 pm, when the hearing of family law cases began.

The first child care case was heard at 4.50 pm. There was no allocated waiting area. The Gardaí called people into court using the case name. There were four child care cases of which three were extensions of interim care orders and one was a care order review. During an interim care order, the court heard that a note had been received from the main office stating that late applications could not be accommodated due to the significant workload.

## **Naas**

Naas courthouse is a detached, two-storey classical style structure built in 1807 and last refurbished and enlarged in 1997. There is a ramp at the side of the building for wheelchair access.

The courthouse has a double-height hall, with four freestanding columns, flanked by two parallel courts. The large foyer, used by the public as a waiting area, has benches around most of its perimeter. It is a spacious, bright and clean area. At the back there are public toilets in the ground floor, staff offices in the upper floor and a spiral iron staircase lit by a skylight. There was no public access to the upper floor.

There is a reception desk on the left-hand side of the foyer. The District Court daily list is displayed in a glass notice board on the wall in this area. Immediately next to the reception there is a door leading to a consultation room in the ground floor. Upstairs there is another meeting room, which was used by the court-based mediation office on this particular day.

There were facilities for video link evidence and DVD evidence, such as children's interviews. There was no loudspeaker system. A Garda called people into court using the case name.

There was a prison van parked outside of the courthouse and a number of people scattered around the main entrance. People, including children, were waiting in the large foyer, either sitting on the benches or standing up. Two prisoners in handcuffs were among those waiting, close to a mother with her toddler in a buggy.

In Naas District Court there is a dedicated family law day, including child care cases, every second and fourth Monday in each month. This dedicated family law day had 53 cases on the list, including four child care cases which were interspersed with the private family law cases, with the first sitting at 10.30 am and the last ending at 3.45 pm.

## Dublin Metropolitan District (DMD)

The Dublin District is referred to as the Dublin Metropolitan District (DMD) rather than by a specific number. There is a dedicated child care court in the nineteenth century Bridewell building, Chancery Place, Dublin 7, that serves the whole Dublin District. Child care was moved there from the overcrowded family court in Dolphin House on a reportedly temporary basis. This court was previously the criminal court for the Dublin District, with prisoners' cells underneath, and, though it received some refurbishment, remains unsatisfactory for child care proceedings.

Judges are allocated to this court on an ongoing basis, with some judges there having heard child care cases for several years. There are three courtrooms habitually assigned to child care cases: Court 46 is the main courtroom and the call-over is heard there at 10.30 am. The two others are Courts 44 and 45. There are no facilities for video evidence in the main court, although there are facilities in one of the others.

One or more reporters from the CCLRP attends the DMD child care courts regularly. On the date selected for this study, there were three judges in court, two fixed and one moveable, and there were 12 cases listed.

The waiting area for anyone involved in the cases is situated in the foyer between Courts 44 and 46 and comprises two rows of four seats on one side and three partitioned tables and chairs on the other side. The security guard sits at the top of the foyer. There is no drink or snacks machine or water font. Two of the courtrooms are off the central lobby where the security guard sits and the third courtroom is to the side. There is CCTV but it may still be possible for a volatile person to access the courtroom without being stopped.

The call-over took less than 10 minutes. There were no attendees coming from prison on the day; if there had been, the prison van would park outside the back of the building and the prisoners' cuffs would be removed whilst in the courtroom. The registrar uses a loudspeaker system. There is a one-storey pre-fabricated building outside that functions as the legal practitioners' room and the social workers' room.

On the day attended by the CCLRP reporter, there was scaffolding surrounding half the court building with builders at work. In addition, three windows were open in the main courtroom because of warm weather some time previously, however staff had since been unable to shut them as the remote control system was out of order. Consequently, the courtroom was very cold as it was now October.

The acoustics inside the courtroom were poor and the sound did not carry well even though microphones were in use. This made it extremely hard to make out what the parties, the judge and witnesses were saying.



There are consultation rooms downstairs under the courtrooms as well as downstairs through another access point. These rooms are former prison cells and there is a water font nearby. Practitioners consulted with clients in those rooms as well as in the foyer and outside the court building.

There were three courts running on that day. Ten cases were heard in the main courtroom and two full hearings were taking place in the other courtrooms. The cases heard included four extensions of interim care orders, two reviews of care orders, one access application, one emergency care order that was withdrawn, one costs application and one matter relating to an urgent therapeutic placement for a boy with a high level of need.

One issue that arose was that lawyers in the cases both for the Child and Family Agency and for the parents might be in other cases in the court at the same time, or in the High Court seeking service of proceedings for the High Court Minors' List. This meant that when a case was called, one of the lawyers in the case might be in another court, thereby stalling the proceedings for a time.

On the other hand, all the practitioners know each other well; many of the same people have been in court since the CCLRP started attending six years ago, there is a relative continuity of personnel, meaning the District Court Rules are clearly understood and cases run smoothly. There is a weekly list of available guardians *ad litem*, from which the judges choose one for each case. If the GAL chosen is unavailable, the next available on the list is contacted. Practitioners are not allowed to suggest a GAL.

Case management hearings are routine in Dublin District Court in advance of full hearings of care order applications.

## Conclusions and Observations

It is clear from the above review of all the Districts that in some of them the courts are severely over-worked, which cannot but affect how child care proceedings are dealt with. Most Districts have only one judge to deal with sometimes enormous lists, which include criminal and civil matters as well as large volumes of private family law. In a quarter of the courts we attended, child care was included in general lists, meaning that vulnerable families had to attend court along with those accused of crime. Even where child care is included in family law lists, there can be a danger of tense and aggressive scenes around the court, especially where there are allegations of domestic violence. Privacy for all the litigants and witnesses is often lacking, there is sometimes limited seating and no access to food, water or hot beverages.

Overall, this overview of child care proceedings in all the Districts, including more than one court in some Districts, underlines the point made previously by the CCLRP that a specialist family court is urgently needed, with dedicated child care days separate from private family list.

Such courts should sit in court venues which afford the litigants dignity and privacy and provide for private consultations with their lawyers along with a minimum level of physical comfort.

### **Issues for consideration in establishing a family court in a number of locations around the country:**

- Easy access for wheelchair-users and parents with buggies;
- Reception area with information on the day's proceedings;
- Waiting areas with adequate seating and access to water and a vending machine for snacks and hot drinks;
- A separate waiting room for exceptionally vulnerable litigants or witnesses, including children;
- A discreet system for calling parties into court;
- Adequate number of consultation rooms to ensure privacy for legal consultations;
- Adequate resources for case management to assist in ensuring cases run smoothly and with more predictable time-lines, including whether a case will be heard in the morning or afternoon.

## About the Child Care Law Reporting Project

The Child Care Law Reporting Project (CCLRP) examines and reports on judicial child care proceedings. It provides information to the public on the operation of the child care system in the courts with the aim of promoting transparency and accountability.

The CCLRP was established in November 2012, under Section 3 of the Child Care (Amendment) Act 2007 and in accordance with the 2012 Regulations (Regulation No 467 of 2012) made under the Act. The project was initially set up with the support of the One Foundation, The Atlantic Philanthropies and the Department of Children and Youth Affairs. Since April 2018, the project has been fully funded by the Department of Children and Youth Affairs. It continues to be entirely operationally independent.

Our aims and objectives are to:

- Provide information to the public on child care proceedings in the courts;
- Conduct research on these proceedings to promote debate and inform policy-makers;
- Make recommendations to address any short-comings in the child care system identified by the research;
- Assist in the implementation of these recommendations;
- Through the above, to promote confidence in the child care system.

The CCLRP pursues its aims and objectives by attending the courts where child care cases are heard in order to report on those proceedings while protecting the anonymity of the children and their families. It collects and analyses data from the proceedings, publishes reports on the nature and outcomes of the child care proceedings and promotes public debate on the issues raised through seminars and conferences. The project strives at all times to be fair and balanced in its reporting, and to respect the anonymity of the parties and any children involved in the proceedings.

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# Infographic

## National overview of child care proceedings in the District Court



**Child Care Law Reporting Project, March 2019**

The District Court has 24 Districts and approximately 80 court venues.

Between October 2018 and January 2019, the CCLRP attended a full-day sitting in 35 court venues, covering each of the 24 Districts.

How child care cases are listed in the District Court



Child care only sitting (26%)  
General list (crime, ci.. (26%)  
Family law list (48%)

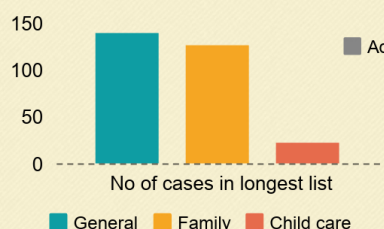


Overworked District Courts

What were the child care cases about?



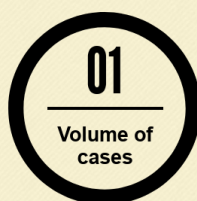
Extensions of interim COs (53%)  
Adjudged (17.50%)  
Reviews of COs (16%)  
Other (13.50%)



**292**  
cases attended  
Oct 2018 - Jan 2019



## Key Findings



High volumes of cases listed means:

- Long lists with limited time to hear cases
- Long days in court, families and witnesses waiting many hours for case to be called



Child care cases heard with other matters means

- Lack of privacy
- Criminal cases heard alongside sensitive family matters



Limited waiting & other facilities means:

- Lack of privacy
- Lack of seating
- Lack of facilities (water, vending machines, beverages)
- Not always accessible for buggies & wheelchairs

Learn more!

Read more of our findings and recommendations for change: Download the full report at [www.childlawproject.ie](http://www.childlawproject.ie)



Child Care Law Reporting Project



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