

Evidence submitted by Mrs Justice Bracewell

I agree with the submissions of DJ Chrichton who has been a key player in supporting and implementing the Family Resolutions pilot schemes which have judicial support and enthusiasm.

It was unfortunate in retrospect to change the name from Early Interventions to Family Resolutions, although there were sound reasons for doing so. This change caused misunderstanding in that supporters of the Early Interventions project wrongly concluded that a different scheme was being piloted and that the aims and ethos of the Early Resolutions project was being abandoned in favour of some less effective scheme.

There are differences between the two schemes:

1. Early Intervention as practised in Florida USA is compulsory, whereas Family Resolutions is not. The reason is that primary legislation would be required to make the pilots compulsory and the inevitable delay in passing legislation would have prevented the start of the pilots, which were urgently needed. However, in practice, the lack of compulsion should not be detrimental because in the pilot areas there is a clear expectation among the Judges, legal advisors, court staff and welfare organisations that the normal procedure involves participation in the scheme. Litigants are unlikely to protest about a system which will give the best chance of satisfactory resolution at the earliest opportunity.

Judges are enthusiastic in promoting the pilot scheme in expectation of compliance. Upon conclusion of the pilot scheme, there will be evaluation in order to determine whether primary legislation is required.

2. The Florida project uses standard templates for parenting plans which have been devised by the courts and child experts. A parenting plan is presented to all parents who cannot agree, and they are required to adhere to it pending further negotiation and resolution of the problem. This format works well in Florida but there have been concerns within the steering committee, of which I am a member, that such a rigid approach might not suit the diverse and multi-ethnic families with many different styles of parenting in this jurisdiction.

3. The Steering Committee has been well aware of the Early Interventions and Florida project which have underpinned discussion and planning for the pilot schemes. In no sense has there been any abandonment of the Early Interventions initiative—rather an adaptation.

4. The Family Resolutions project has not been produced in-house by civil servants. There has been judicial input throughout and the result is a team effort.

5. There is a misconception in some quarters that CAF/CASS have hijacked the pilot schemes when there should have been the commission of an independent management agency which would have retained the project originators of Early Resolutions. In the time scale it would not have been feasible to use an independent organisation to train and provide the teams required. CAF/CASS, despite the pressures on their service, demonstrated that they could and would provide the officers who were enthusiastic about the pilot schemes and who would be proactive in resolving disputes, as opposed to reacting by providing reports ordered by the courts as has occurred to date.

Hon Mrs Justice Bracewell

High Court Family Division

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