

SCOTTISH CIVIL JUSTICE COUNCIL: FAMILY LAW COMMITTEE

FAMILY JUSTICE MODERNISATION STRATEGY

Introduction

1. This is an open paper by the Scottish Government. It provides information on the proposed Family Justice Modernisation Strategy. Brief details about the Strategy were in the Programme for Government¹.

Scope of Strategy

2. The Strategy will cover family cases generally (eg contact, residence, adoption and permanence) as there are many similarities about the issues raised in relation to procedures. The overarching aim is to improve outcomes for children. The Strategy would be based on the clear understanding that the welfare and wellbeing of children and young people must be at the centre of family justice.

3. The Strategy is about improving procedures. It is not about changes to the substantive law. The Strategy would just cover cases involving children and would not cover other family cases (eg divorce cases where children are not involved).

Reflecting existing work

4. Part of the aim of the Strategy is simply to outline recent and current work and work that is already planned. This should ensure that a consistent narrative is available to all and work in a specific area can be put in a wider context.

5. Therefore, the Strategy will briefly outline:

- The recruitment of summary sheriffs.
- The new case management system being developed by the Scottish Courts and Tribunals Service (SCTS)
- The court rules re-write project.
- Work by the Scottish Legal Aid Board.
- The work by the Children Hearings Improvement Programme (CHIP).
- The work on child welfare reporters.
- The work on simplified divorce.
- The work to update the Parenting Agreement for Scotland².
- The work on the voice of the child (a separate paper is being provided to the Committee on this).

Possible further work and a Summit

6. The other part of the Strategy is to consider what more could be done. To help write this part of the Strategy, the Government intends to hold a Family Justice

¹ <http://www.gov.scot/Resource/0048/00484439.pdf> (see second column on page 52)

² The current Parenting Agreement for Scotland is at <http://www.gov.scot/Topics/Justice/law/17867/10388>

Modernisation Strategy Summit, in the early part of 2016. All members of the Committee will be invited to the Summit.

7. The aim of the Summit will be to outline existing work and to seek views on changes that could be made to improve procedures in relation to family cases.

Conclusion

8. The Committee is invited to:

- suggest any other areas of recent and current work, and work that is already planned, which could usefully be included in the Strategy.
- provide any other comments it may have.

Scottish Government
November 2015