

## Vulnerable Children Lost in Court Process

Barnado's, the children's charity, has published research which indicates that it can take the family courts up to a year to rule on applications about vulnerable children. Yvette Rooke, family law partner and Chambers-rated leading lawyer at Trethowans Solicitors comments.

In 2008, Mr Justice Coleridge, a family law judge, warned that the family court system was in meltdown as a result of family breakdown in society generally, and said that within 20 years, the effects of this would be "as marked as global warming". He spoke from a position of experience, as a judge called upon to rule in cases involving fragmented families and traumatised children. His prediction was accurate.

A toxic mix of social problems, an underfunded court system and cutbacks to legal aid applies to this area of law. Social workers face an increasing workload ; judges often do not have enough time or the case is poorly prepared and has to be adjourned. CAFCASS, the child-law body advising the courts, has struggled to cope with the volume of care cases brought after the Baby P tragedy.

Childcare specialists are driven by a sense of vocation and dedication : this is not a glamorous or well-paid area of law in which to practice and as cuts to the legal aid fund are implemented, fewer specialist lawyers will be available to help those in severe distress – principally, the children at the heart of the case. How much longer can the court system keep its head above water ? The human rights of the children concerned – the right to a family life and a fair legal process – are at genuine risk, but balanced against this is the ever-present reality of economics. In the longer term, how can we afford *not* to fund the court system properly? Children damaged by "the system" often go on to damage themselves and others in their lives.

A requirement on other family litigants (in divorce or private child disputes) to explore alternative methods of resolving their differences might help : for example, mediation, the collaborative law process or parenting after parting classes. Solicitors already tell clients that in private disputes, court is the last resort – but should it have to come to this?