

SETTING UP A UNIFIED FAMILY COURT

COURSE OUTLINE

OBJECTIVES

To present a model for a unified Family Court, adapted to the unique characteristics of your State and its populations.

RECOMMENDED PARTICIPANTS

- Judges
- Court administrators
- Legislators
- Lawyers' associations
- Academics: Law, Social Work, Public Administration
- Social services providers

MODEL FOR A UNIFIED FAMILY COURT

Among the primary responsibilities of governments are the protection of residents from harm and ensuring that disputes of all kinds are satisfactorily addressed, so that they do not get out of hand. For this reason, all societies have courts, whose task is to keep the peace and determine disputes according to law.

The family is the fundamental unit of society. The definition of the term "family" is undergoing changes, some of them quite radical, in recent times. Nevertheless, the family remains the source of identity and relationships, which are essential to a healthy society.

For this reason, peoples and states have a vital interest in providing efficient and satisfactory arrangements for resolution of problems of all kinds which arise in families. In particular, any organization dealing with such disputes needs to take account of the needs of all members of the family, and provide therapeutic services alongside the regular judicial activities.

The underlying basis for creating unified Family Courts is the understanding that disputes within families, and disputes between

the state and residents relating to family matters, are different, in many ways, from disputes between parties who are not related. Among these differences: the intimacy of relations between the parties, the profound effects of disputes on all members of the family concerned, and the fact that the parties remain connected after the specific issues have been disposed of. All these require special skills from those handling such disputes on the part of the state, and processes which are substantially different from those needed in ordinary, non-family, cases. These skills and processes are directed towards finding the correct combination, for each family and each dispute, of judicial authority and therapeutic services.

The model to be presented is based on the Israeli Family Court system.

ISRAEL'S UNIFIED FAMILY COURT

The Family Courts Law of 1995 recognized the unique aspects of family matters, and brought together in one specialist court all family matters which had previously been dealt with at different levels of the court system and by different judges, most of whom had no experience in dealing with cases of this nature, and many of whom had no desire to involve themselves in the emotionally challenging aspects of family disputes.

These matters include issues arising from separation of a child's parents, such as the child's residence and contact with the non-resident parent, relocation and abduction; child maintenance; property division and spousal maintenance on separation; wills and estates; guardianship of disabled persons; applications for protection orders arising out of violence and abuse within the family; adoption, fostering and child protection matters; financial disputes between family members who are not spouses; and various other matters which are referred to the exclusive jurisdiction of the Family Court.

The Law therefore provided:

- That all matters involving a dispute between family members, or a case brought by the state relating to family

relationships, would be brought exclusively to the Family Court

- That only someone who had experience in dealing with family matters could serve as a judge of the Family Court
- That all matters involving a particular family should be dealt with by the same judge
- That rules of procedure and evidence could be relaxed at the court's discretion.

The Law also made social service providers accessible to litigants, for assessment, advice, guidance and mediation, and to ensure that the voice of any children who might be affected by the dispute is appropriately heard.

The Israeli model has been recognized at international conferences on Family Law as providing comprehensive and sensitive services to persons from all backgrounds.

THE COURSE

The course will be given by Judge Philip Marcus, who was one of the first judges to be appointed to the Family Court, and served for over 15 years in the Jerusalem Family Court, including five years as Deputy President for Family Matters for the Jerusalem District, and other lecturers as necessary.

The course will consist of presentations about the Family Court model, workshops to assess the specific needs of the state or jurisdiction concerned, and recommendations as to how to adapt the model to the populations, cultures and sensibilities of the state.

The length of the course will be five working days.

For more information, please contact:

Philip Marcus, Judge (Retired)

E-mail: philipmarcusjurist@gmail.com

Telephone: +972 5 444 55 703

Fax: +972 2 6513078

Website: www.philip-marcus.com