

## Submission to Joint Committee on Justice, Home Affairs and Migration on Civil Legal Aid reform

*January 2026*

### Summary

Women's Aid acknowledges the need for a comprehensive reform of Civil Legal Aid, which is under-resourced, currently unable to meet demand and is often inaccessible for the people who need it.

Women experiencing Domestic Violence and Abuse (DVA) use Legal Aid to navigate judicial separation, divorce, property matters, guardianship, custody, access and maintenance, as well as applications for orders under the Domestic Violence Act 2018.

Women's Aid has carefully considered the reports of the Civil Legal Aid Review and makes the following recommendations.

### Recommendations

1. Any extension of the type of matters and fora eligible for the Civil Legal Aid Scheme would have to be met with additional and commensurate resources.
2. The new Legal Aid scheme should maintain priority for Domestic Violence Order proceedings.
3. The new Legal Aid scheme should extend priority to all other Family Law proceedings where there is domestic violence (separation/divorce, guardianship, access, custody, maintenance).
4. The new Legal Aid scheme should extend priority to civil orders against stalking and civil remedies against intimate image abuse.

5. Information should be provided both online and in a variety of physical locations and should include information on DV orders, stalking restraining orders<sup>1</sup>, Domestic Violence Leave, general information on separation/divorce, Custody, Access and Maintenance, and on measures to remove non consensually shared intimate images.

6. If the Triage service is included in the Reform, it should include screening for DVA and specific training should be provided and mandatory for all triage operators.

7. Triage should be undertaken by fully qualified legal professionals to ensure that the best advice is given to users at this early stage of engagement with the legal process.

8. Co-location of Legal Aid and DVA specialist services within or near courts premises should be explored in other locations

9. Regarding the current and future role of mediation in the LAB remit, Women's Aid recommends that:

- a) Prior to mediation there is a screening process to identify cases where there is domestic abuse, including coercive control.
- b) Participation in mediation should never be a requirement or pre-requisite for accessing Legal Aid.
- c) Mediators are adequately trained in recognising domestic abuse, including coercive control, and in understanding its impact on victims/survivors, including children.
- d) Should the parties be genuinely willing to participate in mediation notwithstanding domestic violence, special measures need to be implemented to ensure safety during mediation and legal advice should still be provided to ensure equitable and safe outcomes.

10. Eligibility/means testing:

- a) Survivors of domestic violence should be exempt from eligibility means testing. This should apply to all cases where domestic abuse is a factor (such as guardianship, custody, access, maintenance, separation/divorce).
- b) Should that not be possible, when assessing the eligibility for Legal Aid of victims of domestic abuse, a flexible approach should be used, which takes into consideration

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<sup>1</sup> Section 28 Orders under the Criminal Justice (Miscellaneous Provisions) Act 2023.

the capacity of the client to provide complete and accurate information on family assets and their actual access to family income/assets.

- c) For all cases not covered by the above exception, Women's Aid support the increases outlined in Minority Report recommendation # 10 in its entirety. These increases should be implemented as soon as possible.

11. Contribution:

- a) Women's Aid recommends removing the Legal Aid contribution for all cases where domestic abuse is a factor (such as custody, access, maintenance, separation/divorce).
- b) Should that not be possible, the calculation of financial contribution should take into account the income/assets actually accessible to the victim (as mentioned for Eligibility) and should have a yearly limit in prolonged/ multiple proceedings.
- c) The LAB should ensure that victims of domestic abuse are aware of the possibility of asking for a contribution waiver in an accessible manner.

12. Merit test:

- a) The merit test should not apply for cases where domestic abuse is a factor in the short and long term.
- b) The merit criteria to be developed should clearly specify this exception to the merit test when the user is a victim of DSGBV.
- c) The merit criteria to be developed should include screening against perpetrators of DSGBV misusing Legal Aid to continue harassment of survivors.

13. Women's Aid recommends that the salaries and fees of solicitors, barristers and report experts are increased urgently, in line with Minority Report recommendation #3.

14. Women's Aid recommends that all solicitors employed by the Legal Aid Board in the legal centres and through the private practitioners panel are trained on domestic abuse and coercive control by a domestic abuse specialist training provider. Expert report writers should have this training also.

15. Women's Aid recommends considering the establishment of a targeted independent women's legal centre with an initial focus on DGSBV, including cyber and technology-facilitated violence.

## I. Introduction

Women's Aid welcomes the opportunity to make a submission to the Joint Committee on Justice, Home Affairs and Migration on the reform of the Civil Legal Aid Scheme.

Women's Aid is a leading national organisation that has been working in Ireland to stop domestic violence and abuse<sup>2</sup> (DVA), against women and children since 1974. In this time, the organisation has built up a huge body of experience and expertise on the issue, enabling us to best support women and share this knowledge with other agencies responding to women and children experiencing domestic violence. More information on Women's Aid's work is available on [www.womensaid.ie](http://www.womensaid.ie).

Through our decades of support to victims/survivors of domestic abuse, including advocacy, court accompaniments and a full-time drop-in service in Dolphin House Family Law Courts, as well as our participation on the Legal Aid Board External Consultative Panel, we have a very good appreciation of the importance of Legal Aid for women experiencing domestic abuse, as well as of the issues and gaps with the scheme. Our Direct Services often support women who, following separation from an abuser, have to navigate judicial separation, divorce, resolution of property matters, custody, access and maintenance in this fraught context. We very frequently support women who seek protection through orders under the Domestic Violence Act 2018 also.

We know from our direct services that women find it very difficult to navigate the legal system and that the legal advice and representation provided by Legal Aid is for them invaluable, but unfortunately not always accessible or timely. It has to be noted that women subjected to domestic abuse and coercive control often suffer economic abuse and have little or no financial means and therefore rely to a great extent on Legal Aid to access justice.

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2 While recognising that the legal term in Ireland is 'domestic violence' we acknowledge that many victims/ survivors identify more with the term 'domestic abuse' or 'intimate partner violence'. Women's Aid uses these terms interchangeably in this submission to refer to the same set of abusive behaviours perpetrated by current or former intimate partners (including emotional, physical, sexual and financial abuse and coercive control).

We have carefully considered both the Majority and Minority reports on the Civil Legal Aid Review and we would like to make the following observations and recommendations on this much-needed reform.

## II. A System in crisis

Women experiencing DVA mostly access Legal Aid in regards to Domestic Violence orders, Guardianship, Custody, Access and Maintenance and separation/divorce. While Women's Aid appreciates the value of Legal Aid for the women we support, we agree with the Minority Report that the system is currently in crisis and does not guarantee access to justice. In particular:

- While Domestic Violence orders are considered priority, we note significant waiting times for legal representation in the other above-mentioned areas of Family law, which are equally crucial for survivors being able to safely leave an abusive relationship and rebuild their lives.
- Access to Legal Aid is constrained by the extremely low threshold and by the requirement to pay a contribution<sup>3</sup>, which many survivors are simply not able to afford. It has to be noted that women in an abusive relationship often do not have access to jointly owned accounts and other financial means of the family or even control of their own accounts. The income and assets they really have access to may be quite different to what they own on paper.
- Women who have been economically abused may not have full knowledge and access to practical information of all the household finances, including debts, assets and properties, and the requirement to submit all this information as part of the Legal Aid assessment hampers women's access to Legal Aid for separation and divorce proceedings.

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<sup>3</sup> Note the minimum contribution of 130 euro does not apply to Domestic Violence order cases, but it does for the other proceedings

- Inadequate fees for solicitors, barristers and expert reporters mean that there are simply not enough solicitors and barristers (including those directly employed by the LAB and those in the private panel) to meet demand, resulting in unacceptable long waiting times and onerous caseloads. This heavy caseload prevents enough time and consideration being given to complex cases where safety of the woman and children may be at stake. The lack of sufficient and trained assessors impacts on the production of timely, user-specific and risk assessed reports<sup>4</sup> in Family Law.

The sum of the above amounts to a significant barrier and disadvantage for DVA survivors in Family Law cases. Women's Aid believe that there is an **urgent** need to reform the Civil Legal Aid system to address the above and therefore we are concerned about the amount and extent of further reviews and considerations suggested in the Majority Report before comprehensive reform can be implemented.

### **III. Access to justice and user centredness principles**

Women's Aid agrees with the Minority Report that access to justice is a fundamental right and a vital social and economic investment and needs to be resourced as such and that the Reform should be user centred and inclusive, especially with regards to vulnerable or marginalised communities.

### **IV. Extension of the scope of Legal Aid:**

Both the Majority and Minority reports recommend ending the current predominance of Family Law in the Legal Aid scheme by extending its scope to all civil matters and to quasi-judicial fora.

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<sup>4</sup> Eg reports under Section 32(a) or (b) of the Guardianship of Infants Act 1964 as amended, known as child welfare reports and voice of the child reports

Women's Aid appreciates the need for Legal Aid in a variety of important matters, including in dealings with state bodies, and this approach is consistent with ensuring access to justice for all.

We have in the past called for extending the LAB remit to compensation for victims of domestic abuse, application of Domestic Violence Leave, civil remedies regarding image based sexual abuse and civil orders against stalking and appreciate these matters would be included in a universal remit.

Domestic abuse affects many areas of a person's life and many of our clients would benefit from legal support vindicating their rights in housing, welfare and immigration matters.

On the other hand Women's Aid recent research into Family Law<sup>5</sup> shows that DVA is endemic in the whole Family Law system; that there is a huge issue with accessing legal representation and that Legal Aid solicitors are overworked and time-short already; this needs to be taken account of and built into the planning and delivery of the work of the re-framed Civil Legal Aid system, especially where 75% of their work is currently Family law.

Moreover, we note the huge potential impact of the new Immigration legislation coming in as part of Ireland opting into the EU Migration Pact, whereby the LAB will have to offer free legal counselling for applicants in all asylum procedures. Given the current massive under-resourcing of the Legal Aid Board, this is of serious concern as the LAB is not being given what it would require to meet this obligation. We should not be putting vulnerable people engaging in family law in competition for resources with vulnerable people in the IPAS system.

Women's Aid would like to make it clear we are not against extending the scope of the Civil Legal Aid scheme, including to asylum procedures, but we are greatly concerned that without a **commensurate** increase in resources, this expansion will result in less resources being available for victims of DVA in Family Law cases, where the system is failing them already.

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<sup>5</sup> Holt, S., Gregory, S., Elliffe, R., Parkes, A. & James-Hanman, D. (2025). Exploring How Victim-Survivors of Domestic Violence and Abuse Experience Navigating the Irish Family Law System in Guardianship, Custody and Access. Research Report. Dublin: School of Social Work & Social Policy, TCD, School of Law, UCC and Women's Aid.  
<https://www.womensaid.ie/app/uploads/2025/06/Navigating-the-Irish-Family-Law-System-in-Guardianship-Custody-and-Access.-Final-Report.pdf>

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We note with concern that while Domestic Violence orders applications are currently prioritised by the LAB, there is no mention of such prioritisation for the future scheme in the reports.

#### **Recommendations 1-4**

1. Any extension of the type of matters and fora eligible for the Civil Legal Aid Scheme would have to be met with additional and commensurate resources.
2. The new Legal Aid scheme should maintain priority for Domestic Violence Order proceedings.
3. The new Legal Aid scheme should extend priority to all other Family Law proceedings where there is domestic violence (separation/divorce, Guardianship, Access, Custody, Maintenance)
4. The new Legal Aid scheme should extend priority to civil orders against stalking and civil remedies against intimate image abuse.

#### **V. Focus on information, triage and basic intervention services**

Women's Aid agrees with the need to provide more legal education and information to users and communities and fast, free access to basic legal interventions. Women's Aid believes this should include information on domestic violence, (including Domestic Violence leave) stalking, harassment (including relevant Cyber forms) and intimate image abuse.

In the Majority report framework access to both basic and advanced legal services is decided by a Triage officer, who would diagnose the legal issue, provide basic advice and guidance and refer to appropriate services. Triage plays therefore a gate keeping function to further services and may divert users away from the courts. This is not necessarily always in someone's best interests where access to a formal legal remedy may be required. To ensure people have their rights fully vindicated Triage officers should be fully qualified legal professionals who can provide legal advice on the best course of action open to each person.

While Women's Aid acknowledges the potential benefit of a more front-loaded system, we believe that substantive advice and representation will still be needed for the majority of DVA survivors and are concerned that the Majority Framework may be too dependent on the initial free and cheaper stages of support.

If this Framework goes ahead, it is essential that domestic abuse/coercive control is screened for, as a minimum, in all Family Law presenting cases, (such as divorce, Custody, Access, Maintenance, Guardianship; not only those seeking assistance with DV orders) to ensure such cases are referred on appropriately both for further legal intervention and for DVA specialist support. Basic risk assessment and management should be included in the screening procedures.

Given the prevalence of Domestic abuse in Ireland<sup>6</sup>, such screening would ideally be applied to other legal areas as well, including for example cases regarding housing and welfare.

Specific training on domestic violence and abuse would be necessary for triage operators.

In term of services co-location, as suggested in the Minority Report, Women's Aid wishes to acknowledge that the current situation where the Legal Aid centre is located on 3rd floor of Dolphin House Family Law courts in Dublin works well for court users subjected to domestic abuse. This service also refers when appropriate to Women's Aid drop-in information service, co-located in the same Courts, and vice versa. Similar co-location services should be explored for other locations.

### **Recommendations 5-8**

5. Information should be provided both online and in a variety of physical locations and should include information on DV orders, stalking restraining orders<sup>7</sup>, Domestic Violence Leave, general information on separation/divorce, Custody, Access and Maintenance, and on measures to remove non consensually shared intimate images.
6. If the Triage service is included in the Reform, it should include screening for DVA and specific training should be provided and mandatory for all triage operators.

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6 35% of women in Ireland, have experienced psychological, physical and/or sexual abuse from an intimate partner, EU gender-based violence survey, Fundamental Rights Agency, 2024, <https://fra.europa.eu/en/publication/2024/eu-gender-violence-survey-key-results>

7 Section 28 Orders under the Criminal Justice (Miscellaneous Provisions) Act 2023.



7. Triage should be undertaken by fully qualified legal professionals to ensure that the best advice is given to users at this early stage of engagement with the legal process.
8. Co-location of Legal Aid and DVA specialist services within or near courts premises should be explored in other locations

## VI. Mediation

Women's Aid notes that the Majority report envisages that mediation services under the future Scheme "should be available as early as possible, in all cases where it is appropriate and free of charge and its use should be encouraged, wherever appropriate".

Women's Aid believes that, while mediation can have a useful role to play in Family Law disputes, **this is not the case if there is domestic abuse**, including post separation coercive control continuing, which is common. Mediation is predicated on the parties having an equal relationship and being able and willing to cooperate with each other. It is unrealistic to think that a perpetrator of coercion and controlling behaviour would cooperate with his victim in an honest and equal way, or that this process would be able to reverse or overcome what may have been years of dominance and abuse.

Participation in mediation can put women in danger of further abuse and harassment through contact with the abuser on arrival, during negotiations and on departure. For example, women accessing our helpline and support services report that mediation in Family Law is easily abused by their partners/husbands and some have even been abused during the mediation sessions without the mediator intervening. Women may feel coerced to agree to unsafe outcomes for themselves and their children for fear of appearing uncooperative or because of intimidation by their abuser.

Women's Aid research<sup>8</sup> found that one third of all respondents to the online survey reported that they engaged with mediation during their Guardianship, Custody or Access process (n=140, 33.9%) and they gave "usefulness of mediation" an average rating of 1.8/10 (where 1 was 'not useful at all' to 10 'very useful'). In addition, the survey asked victim-survivors to rate their feelings of safety while engaging with the mediation process:

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<sup>8</sup> Holt, S., Gregory, S., Elliffe, R., Parkes, A. & James-Hanman, D. (2025), op. cit page 143

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133 respondents provided average rating of 3.0/10 for safety during mediation, which is a cause for serious concern.

### **Recommendation 9**

Regarding the current and future role of mediation in the LAB remit, Women's Aid recommends that:

- a) Prior to mediation there is a screening process to identify cases where there is domestic abuse, including coercive control.
- b) Participation in mediation should never be a requirement or pre-requisite for accessing Legal Aid.
- c) Mediators are adequately trained in recognising domestic abuse, including coercive control, and in understanding its impacts on victims/survivors, including children.
- d) Should the parties be genuinely willing to participate in mediation notwithstanding domestic violence, special measures need to be implemented to ensure safety during mediation and legal advice should still be provided to ensure equitable and safe outcomes.

## **VII. Legal advice and representation**

Regardless of which new framework is adapted for Legal Aid, substantial legal advice and representation will still be needed by the great majority of survivors of DVA in separation, divorce, Guardianship, Access, Custody and Maintenance cases as well as DV orders proceedings. Legal representation should include the provision of relevant reports, such as S32 reports, in a timely manner.

Victims of stalking and intimate image abuse would also greatly benefit from legal support in relevant civil proceedings.

The recent commencement of S6 of the Civil Registration (amendment) Act 2014 may also give rise to the need for legal support for unmarried mothers in appeal proceedings against

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a decision of Superintendent Registrars, when these Registrars do not accept that there are compelling reasons not to name the father in a birth registration. Unmarried women who are pregnant due to rape or incest or in abusive relationship where there is a high risk of harm may not want to register the father's name and may need legal support in this.

It is therefore imperative to eliminate the barriers to accessing these legal services such as financial eligibility and contribution and the merit test.

#### *VII A. Financial eligibility thresholds*

Women's Aid appreciates and agrees with the Majority Report Recommendation #19 that legal advice and representation should be provided under the current and future scheme to victims of DSGBV, even when the user exceeds financial limits. This is similar to the position of the Minority Report Recommendation #10 iii that there should be no means testing for DV cases (among others).

We would like to have it explicitly clarified that this exemption should cover all relevant proceedings a DVA survivor is involved with, specifically separation/divorce, Guardianship, Custody, Access and Maintenance and not be limited to applications under the Domestic Violence Act.

If this is not going to be the case, and for any other proceedings not covered by this exemption, the financial eligibility threshold needs to be increased as soon as possible.

If survivors of DVA are means tested, there needs to be flexibility in the financial evidence required, as survivors may not have access to relevant documents and it is also important to consider the income and assets a survivor **actually** has at her disposal, as well as liabilities she may have unwillingly or unknowingly incurred.

The Majority report recommends that the Department of Justice should carry out a full review of financial eligibility, and in the meantime there should be an immediate increase of the available income threshold, from €18,000 to €23,500 and increased allowances. These are not adequate.

Given that this Review took three years and that the threshold and allowances have not increased since 2006, Women's Aid believes **immediate** action is needed and there is no time for a further full review of financial eligibility.

Instead the threshold and allowances should be set according to the more generous suggestions of the Minority Report in Recommendation # 10<sup>9</sup>, including the principles that means testing should take into account the cost of prospective proceedings and passporting for welfare recipients.

### **Recommendation 10**

- a) Survivors of domestic violence should be exempt from eligibility means testing. This should apply to all cases where domestic abuse is a factor (such as guardianship, custody, access, maintenance, separation/divorce).
- b) Should that not be possible, when assessing the eligibility for Legal Aid of victims of domestic abuse, a flexible approach should be used, which takes into consideration the capacity of the client to provide complete and accurate information on family assets and their actual access to family income/assets.

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<sup>9</sup> Recommendation #10 (Financial Eligibility i.e. The Means Test) of the Minority Report

- i. Financial eligibility criteria should be responsive to the prospective cost of any legal proceedings and the ability of the applicant to meet those costs (i.e. the eligibility criteria should be more generous where a case will be more expensive).
- ii. A system of 'passporting' should mean that people in receipt of means-tested social welfare payments are not subject to means testing.
- iii. There should be no means test for cases in the following areas: Cases of domestic violence; Cases involving childcare and children; Where the applicant is in immediate danger of eviction or repossession; Cases in relation to access to emergency accommodation or where the applicant is in emergency accommodation.
- iv. There should be no requirement to pay fees or make a financial contribution for access to legal aid save as part of a system of 'tapering' which should be introduced to remove 'cliff-edges'.
- v. The disposable income threshold (where applied) should be raised to a minimum of €30,000. The disposable income threshold should be reviewed and updated on an ongoing basis having regard to a range of benchmarks including the cost of living and the living wage.
- vi. Allowances should be available in respect of reasonably incurred fully vouched costs in areas including accommodation, childcare, the cost of disability, transport to and from work, and the payment of insurance premiums for cars and houses.



- c) For all cases not covered by the above exception, Women's Aid support the increases outlined in Minority Report recommendation # 10 in its entirety. This increases should be implemented as soon as possible.

#### *VII B. Contribution*

The Taskforce found that current contributions can be a barrier to access to justice, especially for people on low income. In our experience, women separating from an abusive partner may find it very difficult to pay the Legal Aid contribution. Separation is often a financially difficult time for people in general, and separation from an abuser particularly so. Women who leave an abusive partner may have escaped with little or no personal belongings, may have to relocate, may have to pay for children's needs and may be unable to work for a period of time.

While it is to be welcomed that women applying for DV orders who are entitled to Legal Aid no longer have to pay the €130 fee as in the past, women in abusive relationships often need legal advice and representation for other family law proceedings for which the Legal Aid fee still exists.

It also needs to be noted that abusive men often use the Family Courts as a way to continue their financial and psychological abuse of the separating partner, therefore they delay and obstruct proceedings and/or instigate new and repeated meritless proceedings against their partners with the aim of draining them financially and emotionally. Abusers also often use tactics to make proceedings complicated and prolonged with the same aim.

Therefore, women separating from an abusive partner may have a high number of civil law cases (and at times criminal ones as well) in which they are applicant or respondent occurring at the same time or in a short period of time.

**It is important that women in these situations of prolonged legal proceedings are legally advised and represented in all of them, and that the requirement of financial contributions does not hamper their access to justice.**

Women's Aid therefore believes survivors of DVA should not have to pay a contribution.

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In case this is not possible, flexibility in assessing the contribution should apply as above and women need to be made more systematically aware of the possibility to apply for contribution waiver for domestic violence cases. Moreover, a tapered approach to contribution should be developed to avoid cliff edges.

### **Recommendation 11**

- a) Women's Aid recommends to remove the Legal Aid contribution for all cases where domestic abuse is a factor (such as custody, access, maintenance, separation/divorce)
- b) Should that not be possible, the calculation of financial contribution should take into account the income/assets actually accessible to the victim (as mentioned for Eligibility) and should have a yearly limit in prolonged/ multiple proceedings
- c) The LAB should ensure that victims of domestic abuse are aware of the possibility of asking for a contribution waiver in an accessible manner

#### *VII C. Merit test*

Women's Aid agrees with the development of a user centred merit test, based on the circumstances of the user and not of the case.

Women's Aid appreciates recommendation # 2.ii.b of the Majority Report, which says that in the short term the merit test should not apply where the user is a victim of DSGBV. It needs to be made explicit this applies to all relevant proceedings and not only to DV orders.

This should apply in the long term also and be specified in the merits criteria to be developed.

As noted in the previous section, abusers often use court proceeding to continue to harass survivors and deplete their financial resources. This improper use of Courts and Legal Aid should be included in the merit test so as to screen it out.

### **Recommendation 12**

- a) The merit test should not apply for all cases where domestic abuse is a factor in the short and long term.

- b) The merit criteria to be developed should clearly specify this exception to the merit test when the user is a victim of DSGBV
- c) The merit criteria to be developed should include screening against perpetrators of DSGBV misusing Legal Aid to continue harassment of survivors

## VIII. Fees for legal practitioners

The Review notes that the lack of legal practitioners and expert reporters available to work for the current salary/fees is a huge problem, greatly constraining the capacity of Legal Aid. This correlates to Women's Aid experience and research: solicitors directly employed by the LAB are not enough in numbers resulting in long waiting times and insufficient consultation time with users, whereas many private legal practitioners do not accept LAB assignments.

A significant increase of salaries and fees for solicitors employed by the LAB and in the private panels as well as for expert report writers is necessary **immediately** to attract and retain legal professionals and keep the Scheme viable as it is, not to mention before seeking its expansion.

Women's Aid therefore disagrees with the Majority Report recommendation # 22 that a further review is needed before these increases are implemented and agrees instead with Minority Report recommendation # 3<sup>10</sup>, which should be implemented with urgency. We also note and agree with this recommendation specific point that Section 32 reports should be covered, as the cost of these reports is often mentioned by survivors as a huge barrier.

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10 Recommendation #3 Minority Report, (Resourcing)...

- LAB Solicitors should be paid at the same rates as civil service lawyers in bodies such as the Chief States Solicitors Office. They should have reasonable opportunities for career advancement and promotion within the LAB so that their expertise can be passed on to new staff.
- The LAB should have a budget for the reports necessary for the fair disposal of any case in which it is providing legal representation including the full cost of 'section 32' voice of the child reports and other essential reports in family law and other cases.
- There should be an increase in the rates paid to those on private practitioners panels in line with the rates received by those on panels for the mental health tribunals. These should be reviewed on a periodic basis.



### **Recommendation 13**

Women's Aid recommends that the salaries and fees of solicitors, barristers and report experts are increased urgently, in line with Minority Report recommendation #3.

## **IX. Training**

Domestic abuse is very common in Ireland and many cases in the Family Law Court will include parties where domestic abuse and coercive control are features of the relationship.

It is very important that solicitors who deal with such cases understand the dynamics of domestic abuse including coercive control, the impact on children as direct victims rather than 'witnesses' and therefore advocate appropriate Custody and Access arrangements.

It is also important to understand the tactics and impacts of economic/financial abuse and the impact of all these experiences on the victim/survivor's ability to engage in legal proceedings.

A solicitor with a clear understanding of the risk implications of the outcomes of Family Law proceedings and of the safety precautions that need to be taken in and around court can make a huge difference to survivors.

Specialised DV training and relevant practice development for all members of the LAB and any private practitioners is essential. Expert report writers employed by the LAB should also have equivalent training.

### **Recommendation 14**

Women's Aid recommends that all solicitors employed by the Legal Aid Board in the legal centres and through the private practitioners panel are trained on domestic abuse and coercive control by a domestic abuse specialist training provider.

Expert report writers should have this training also.

## X. Targeted legal centres

Women's Aid notes the Minority Report suggestion regarding establishing targeted independent law centres with 5 specific centres suggested and others to be established in response to legal need surveys (Recommendation # 9).

Women's Aid notes the existence in other jurisdictions of targeted legal services for **women**, specialising in relevant areas of law, for example the NSW Women's Legal Service<sup>11</sup> or Women's Legal Service Queensland<sup>12</sup> or Rights of Women in England and Wales<sup>13</sup>. These services provide specialised advice and representation in a number of areas, with a primary focus on DSGBV, but also on other legal areas such as family law and employment.

As well as providing legal support to individual women, the Centres provide legal education, training and advice to NGOs and communities and have a research and policy function grounded in their practical experience of how the law affects women.

This specific legal expertise is lacking in Ireland, at a time when DSGBV is not abating and new forms of Gender Based Violence are increasing.

### Recommendation 15

Women's Aid recommends considering the establishment of a targeted independent women's legal centre with an initial focus on DGSBV, including cyber and technology facilitated violence.

## XI. Conclusions

Women's Aid is closely engaged with and welcomes the many parallel strategies and processes underway in respect of ambitious but urgent reforms to the Family Justice System, especially the Family Justice Strategy and Family Courts Act. We posit that without urgent investment and reforms to the Civil Legal Aid system we cannot hope to achieve success with the broader strategy and legislation as the current situation with Civil Legal

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11 <https://www.wlsnsw.org.au/legal-services/>

12 <https://wlsq.org.au/>

13 <https://www.rightsofwomen.org.uk/>

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Aid is causing unacceptable delays and resulting in many court users being denied access to timely and effective representation.

Having considered carefully both the Majority and the Minority report, it seems to us that the Majority report, while including worthwhile principles and recommendations, lacks the ambition and urgency commensurate to the task. In order to deliver on the objectives of the Family Justice Strategy and the Family Courts Act we need a **properly resourced** and functioning civil legal aid system, with the systemic overhaul to include greater cooperation and collaboration with established independent law centers and the Citizens Information Centres, who already offer vital services in providing information on people's rights and entitlements. Stricter and more formal collaboration among these agencies is needed, supported by much increased resourcing.

The reformed Legal Aid System, whichever forms it takes, will have to be attuned to the particular needs of DSGBV survivors, who will remain a significant proportion of their users and who have specific vulnerabilities.

Women's Aid hopes our recommendations will assist in making Legal Aid more accessible for this group and we are available to discuss this further with the Committee.