



Presentation Legal Aid Board Annual Conference June 2011
Freda McKittrick, Head of Service, Barnardos

•40 Services working with 5900 children

•National Services = Guardian ad Litem;
Bereavement; Origins; Adoption; Barnardos Training
and Resource Service

•Child Contact Centres Pilot launching Sept/Oct 2011
for children in care and 'family law'



Barnardos


Barnardos
No child gets left behind

- Prevention

- Early Intervention

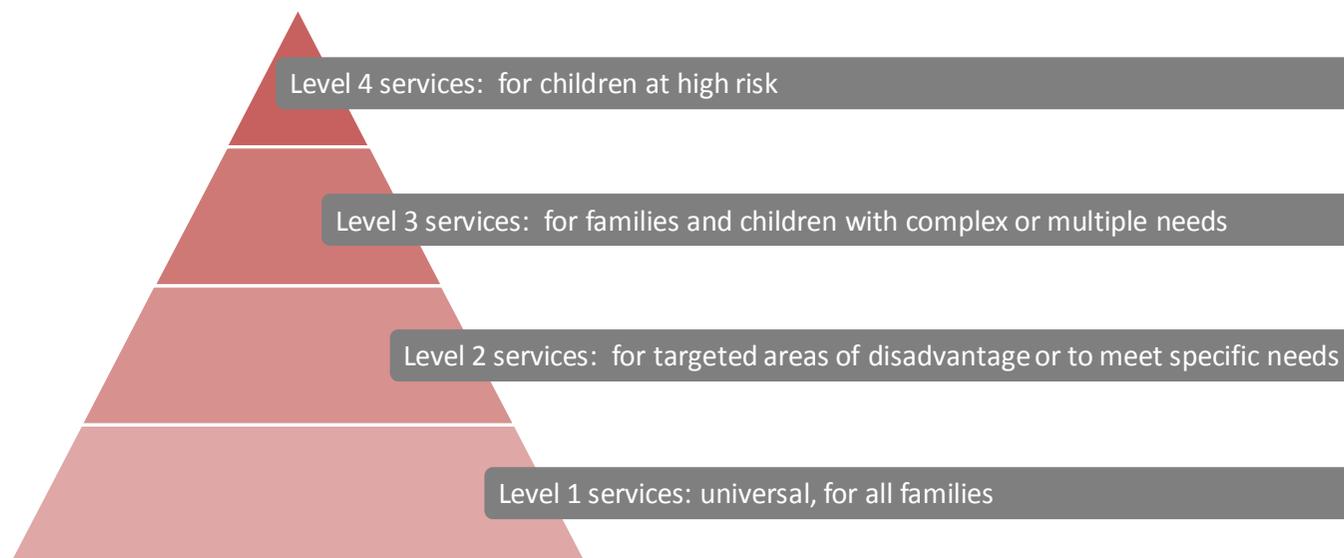
- Family Support Services

- Specialised programmes running in support services & schools such as Tus Maith, Friendship Group, Wizard of Words



Community Based Services

Hardiker service model: level definitions



Hardiker

- Specifically Representation
- Not 'therapeutic' or 'treatment' service
- Started 1997 with single pilot worker
- Now nationwide: 24 practitioners, managers based in Dublin & Cork



Guardian ad Litem Service

- 2010 worked with 437 children from 250 families – 25% increase on 2009
- To date (May 2011) 25% increase in new referrals over same period last year.
- Data suggests almost all children have GALs appointed in certain centres (eg Court 20). In other areas GAL appointment is the exception
- Matches Irish Times Report 20th June 2011: *In the first four months of the year the number of children in the care of the executive increased by 332, almost three times the number in the whole of last year.*



Guardian ad Litem Service

- Still absence of policy and practice guidance in the administration and governance of the role
- CAAB Guidance 2009 Giving Children a Voice – no statutory basis
- Anyone can put a sign above the door



Guardian ad Litem – issues arising

1991 Child Care Act: Care and Related

Care Orders, Access Arrangements, Care Plans, S47 Reviews, Mental Health Act.

High Court

Special Care Detention, Wardship, Adoption (rare).

Private Law

Custody and access disputes in family breakdown, S47 reports

Order 7 District Court Rules

Representing minor parents with children in Care Proceedings

Proceedings



- “Independently establish the wishes , feelings and interests of the child and present them to the court with recommendations.”

Exploration necessary and balancing of conflict

Court is final arbiter

Bringing the child into the centre – an active participant rather than a passive recipient of adult concern

Duality of Role

“The crucial importance of the Guardian’s role is that it stands at the interface between the conflicting rights and powers of courts, Local Authority and natural and substitute parents in relation to the child. The Guardian has to safeguard the child’s interests, to ensure the most positive outcome possible. This involves making a judgment between the potentially conflicting demands of child’s rights, children’s rescue, the autonomy of the family and the duty of the state”

Judith Timms

- **Information**
- **Consultation**
- **Advocacy**
- **Representation**

- Function of Guardian two-fold
 - Placing views before court
 - Giving Guardian's views as to the best interests of the child
- Bring any risks to attention of HSE & to attention of court
- Compliance with minor's constitutional rights
- Dual role welfare and representation
- **Meet minor as often as necessary for wishes and views adequately represented**
- **Meet minor's family and be familiar with their views**
- **Aware of minor's history**
- **Interact positively with HSE**
- **Prepare a report when matter listed for hearing**
- **Convey views re onward placement**
- **Resolve divergence with HSE where possible**
- **Role re absconding from secure care**
- **Advise re review post discharge**

- **Change the dynamic?**
- **Can perceive GAL 'sides' with HSE**
- **Time to establish a statutory system**
- **Representation for other vulnerable adults**

- Canvas child's wishes about attending court**
- Consult with other parties**
- Prepare child beforehand and support them afterwards**
- Ensure child's wishes represented clearly and without interpretation**

**facilitating child to address
court**

- **Carmel Corrigan Research**
- **Interviewing**
 - **Guardians**
 - **Judges**
 - **Children**

“If you have two arms, two legs, a head and you don’t hit anyone, you have access to all the services. Once you are a little bent, it falls apart and society has trouble providing services.”

“when a Guardian ad Litem is acting in the child’s best interest, the child can sense that and trust them.”

Roger Killeen

What Others Say (Rebecca Foley Study)



•.....it is hard to be in care because so many people come into your life and you tell them your story, and then they leave and you have to tell it to someone new...

“I think she’s a good social worker, but I’ve never really gotten on with any social workers, probably because they are social workers. It is their job to give the bad news. I don’t think many people like their social worker. I may not get on with my social worker, but she does what she’s supposed to do, even more. Don’t tell anyone. I don’t want her to know I like her.”

Mary age 17

A Guardian ad Litem “is someone to help me out with advice or if I don’t think my social worker is doing what she is supposed to be doing. A social worker is there to help if there is any problems with my family, to read my logs at my placement. A Guardian ad Litem goes by what I tell him.”

Kelly age 17

“if you can’t form the words that you want to say, they’ll help you do that. They just help to get done what needs to be done.” Ally (17)

Barnardos supports children whose well-being is under threat, by working with them, their families and communities and by campaigning for the rights of children. Barnardos was established in Ireland in 1962 and is Ireland's leading independent children's charity.



About Barnardos


Barnardos
No child gets left behind

Freda McKittrick, Head of Service, Dublin
Brenda Coyne, Administrator
Tel 01 453 0355 fax 01 453 0300
Leinster, North & Midlands Team:

Miriam Lyne, Service Co-ordinator, Cork
Sarah Buckley, Administrator
Tel 021 431 0591 fax 021 431 0691
Cork, South, & West Team:



Team Contact Details