



JOB DESCRIPTION

Job Title: Family Judge, Family Division Family Judge

Department: Royal Court of Jersey: Family Division

Reports to: The Bailiff

JOB PURPOSE

To hear and judicially determine applications and cases on a day-to-day basis; in particular, applications relating to children, and financial disputes arising on relationship breakdown

- a) In liaison with the other Family Judge, perform duties in all matters relating to divorce, nullity, judicial separation, dissolution of civil partnerships, and disputes regarding children and adoption within the Matrimonial Causes Law, Civil Partnership Law, Children Law, Adoption Law, Reciprocal Enforcement of Maintenance Laws, Maintenance Orders (Enforcement) Law, Child Abduction and Custody Laws, Child Custody (Jurisdiction) Law together with all associated Rules of Court including the Children (Parental Responsibility Agreement) Rules.

PRINCIPAL ACCOUNTABILITIES

1. Assist in providing a complete service pursuant to the Matrimonial Causes Laws, Civil Partnership Law, the Children Law and Reciprocal Enforcement of Maintenance and Child Custody legislation and all associated procedures.
2. Deal with applications (but not hearings) for the adoption of children under the Adoption Law and associated Rules of Court, and ensure, in association with the Jersey Family Court Advisory Service (JFCAS), that all prescriptive and associated requirements are fully implemented.
3. Hear applications in order judicially to make decisions and orders in divorce and civil partnership cases, relating to ancillary relief and children, and Children Law cases.
4. Conduct court led ADR including financial dispute resolution and early neutral evaluation
5. Assist, where required, with more complex mediated Family Foundations sessions
6. Write judgments where required following disputed determinations.
7. Facilitate the provision of information to the Court, ensure that Court hearings are organised efficiently, and that Court records are maintained accurately
8. Maintain up-to-date knowledge of legislation and authority locally and in England and Wales so as to make consistent and soundly based judgments.

9. Produce practice directions for the approval of the Bailiff.
10. Perform such other judicial and administrative functions as the Bailiff may from time to time require.
11. Participate in Jersey Family Justice Council and undertake project work as agreed by council members.
12. Participate in an *ex officio* capacity in Jersey Family Lawyers' Association.
13. Give presentations on procedure and best practice to the profession.

DIMENSIONS - 2024

Divorce Petitions	151
Preliminary directions hearing	138
Case Review hearings	213
Matrimonial acts of court issued	331
Children matters acts of court issued	241
Free-standing children applications	41
Summons heard	13
Adoption Orders	7
ADR hearings conducted	27

Subordinate Staff: 3 Family Proceedings Officers.

ORGANISATION

The Family Judges report to the Bailiff and are responsible for performing all duties as delegated to the Family Judges by the law and, from time to time, by the Bailiff. Reporting to the post-holder are 3 Family Proceedings Officers. General administrative support is provided by the Family Proceedings Officers.

SCOPE FOR IMPACT

The work of the post-holder is generally unsupervised.

As a Family Judge of the Family Division, the post-holder is expected to be able to deal with difficult and complex cases, often involving litigants in person. The post-holder gives advice at a professional level on all matters connected with legislation relating to Family cases.

The Judicial aspects of the post-holder's work principally stem from Article 3 of the Matrimonial Causes Law, Rule 2 of the Civil Partners Causes Rules 2012 and Rule 3 of the Children Rules 2005. The post-holder deals with cases where petitions for divorce, judicial separation or nullity and cause applications are not contested, but other aspects of the case are in dispute. The post-holder is required to hear applications and to give judgments in such matters as:

- a) Property disposal – The post-holder can order disposal or settlement in a number of ways as deemed proper.

- b) Financial provision – The post-holder can direct during the joint life, or such other term as may be specified, periodic or lump sum payment, or both, for maintenance and support of one party and any children of the marriage or civil partnership and, where necessary, order the giving of security.
- c) Residence, contact and education of children – The post-holder may make orders on these matters and decide on how they shall be arranged. The post-holder is also required, on occasions, to make other special provisions in judgments to meet specific requirements.
- d) Human and related rights, evidential processes and court procedure – The post-holder must ensure full compliance with all applicable procedures and standards.
- e) Adoption – The post-holder arranges Court hearings of adoption. A typical case would be that of a mother and her second husband wishing to adopt her child, whose legal father is her first husband. The post-holder should seek to ensure that consent is obtained from the first husband, which may require considerable tact and consideration. If consent is not obtainable the post-holder decides how best to approach matters to dispense with the requirements for consent. Although some couples are legally represented, most requests for adoption are by personal application. The post-holder also obtains a report for the Court usually from the Jersey Family Court Advisory service and makes the necessary arrangements for hearings.
- f) Free-standing children applications – Normally an applicant is a parent of the child but may be a relative or other person seeking residence or contact. The post-holder needs to consider whether leave is required to make such an application. In addition to Article 10 (Children Law) applications for residence, contact, prohibited steps or specific issue, an unmarried father may seek a parental responsibility order, and either parent may seek leave to remove a child on an interim or permanent basis from Jersey. The post-holder may obtain statements from each party and their witnesses, in addition to ordering a welfare report and expert reports. An application may be made for an order for maintenance, lump sum or property orders. The post-holder must obtain statements of means and the hearings following are conducted in accordance with Court procedure and practice.

The administrative aspects of the post-holder's work cover four areas (some of this will be delegated to the Family Proceedings Officers):

- a) Approval of papers for divorce, dissolution of civil partnerships, children and adoption hearings. Examining, in advance of hearings, petitions, cause applications and pleadings for correct format and appropriate content. Advising as to amendments or corrections. Arranging Court hearings, fixing dates for hearings and issuing summonses.
- b) Attending Court, , recording decisions of the Court, preparing acts of court and judgments.
- c) Enforcing (non-financial) decisions of the Court, issuing certificates, Court orders and decrees.
- d) Maintaining all required registers.

Lawyers are sometimes heard on behalf of each party (applicant and respondent), and witnesses for either party give evidence on oath. An increasing incidence of litigants in person tends to complicate the processing of applications and the obtaining of statements, obtaining of financial evidence and the hearing.

KNOWLEDGE, SKILLS AND EXPERIENCE REQUIRED

The post-holder is required to:

- Be either a qualified Jersey Lawyer (Advocate or Ecrivain) or an appropriately experienced English Barrister or Solicitor;

- Have a thorough knowledge of Court practices and procedures, of legislation and of precedent particularly as to the Matrimonial Causes, Civil Partnerships, Children and Adoption Laws, Reciprocal Enforcement of Maintenance and the Child Abduction and Custody Laws;
- Be able to handle people in an emotionally charged situation, have a great deal of tact, and operate in a proper manner, as befits an Officer of the Court;
- Have an ability to understand and interpret the various relevant provisions of the Law;
- Have the ability to understand the meaning and practical implications of legislation, to be able to report clearly and to make decisions without assistance at a professional level and should be able to conduct their own research by referring to the relevant Laws and books on the subject;
- Possess additional personal qualities (for example, great patience is required when dealing with disgruntled litigants in family disputes).

As many of the post-holder's decisions and advice, given without opportunity for delay or referral, will affect the social and financial conditions of people and children, the post-holder should be a person accepted by all concerned as being of good and objective judgment, capable of making right and reasoned decisions.

CONTEXT OF THE JOB

The post-holder will have regular contact with the other Family Judge, along with such contact with the Bailiff and, occasionally, the Judicial Greffier as may be required. The post-holder's contact with those outside the Department will comprise meetings with Senior Officers of States Departments when aspects of their work involve that of the Division; the Bailiff or the Deputy Bailiff on matters of judicial policy, and the Jersey Family Court Advisory Service officers when discussing court welfare children reports or adoption reports. Also, contact with the Viscount's Department concerning their service of Divorce, Civil Partnership and Children Law documents produced or processed and in respect of reciprocal enforcement of maintenance applications. The post-holder will have daily contact with lawyers, their staff and the general public.

The post-holder operates within the framework, in administrative matters, of Court procedures and requirements, and in judicial matters, of statute and reported case law. The post-holder uses local and UK precedent to make judgments and creates local precedents by the making of such judgments.

In consultation with the other Family Judge, the post-holder will also be responsible for being primary source of advice to the policy teams and law draftsman on policy changes in areas of family law. This involves close liaison with Crown Officers, Law Draftsmen and the legal profession. Legal contacts are on administrative matters, as well as in relation to decisions and orders. The post-holder is in close contact with the Jersey Family Court Advisory Service which provide expert advice (on request) as to the best course of action regarding the welfare of children, when residence, etc, is disputed.

SUMMARY

The post-holder independently fulfils the judicial functions of Family Judge as required, as well as contributing to the day-to-day functionality and successful operational performance of the Family Division.