

---

# TABLE OF CONTENTS

---

<b>1. The Family Justice System</b>	<b>1</b>
I Introduction	1
II Assumptions and Misperceptions	2
III What Is the Family Justice System?	7
IV Family Matters and Legal Rights	9
V An Historical Perspective	11
<b>2. Family Justice: Outcome-focused and Behaviour-focused approaches</b>	<b>15</b>
I Impartiality, Processes and Outcomes	16
II A Third Approach: Abstention	18
III Child-centred Cases	19
IV The Intervention Options Reconsidered: the Nature of Relevant State Institutions	21
V Organisation of What Follows	22
<b>3. Lawyers and Mediators: Towards Greater Collaboration?</b>	<b>25</b>
I Family Law Practice	25
II Development of Mediation	32
III Criticisms of Mediation	38
IV Problems with Research Evidence	41
V Collaboration and Co-operation	43
VI New Initiatives	47
<b>4. Courts: Changing Structures and Functions</b>	<b>51</b>
I The Magistracy	51
II The Ecclesiastical and Divorce Courts	54
III The Demise of Reconciliation	55
IV Therapeutic Courts	56
V The Contemporary Structure and Functions of Family Courts	64
VI Court Support Services	67
VII The Recommendations of the Family Justice Review	69
<b>5. Judging</b>	<b>73</b>
I The Framework of the Family Courts in England and Wales	73
II The Empirical Evidence: Judges at Work	77

<b>6. Family Courts in Action</b>	103
I Roles Played, the Nature of the Court and the Nature of the Matter	104
II Time Spent According to Matters Dealt With	105
III The Daily Work of Family Law Judges in the Lower Courts	106
IV Reflections	120
<b>7. Public Law Children Cases</b>	125
I The Development of Child Protection in England and Wales	125
II The Children Act 1989 and its Aftermath	128
III Attempts to Control the Management of Child Protection Cases in the Family Justice System	130
IV Tensions and Contradictions in Child Protection Case Management	132
V The Benefits of Reasoned Judgments	146
VI Reflections	152
<b>8. Private Law Disputes Involving Children</b>	157
I Children's Welfare and Justice to Parents	157
II Custody Dispositions by Courts prior to the Children Act 1989	159
III The Children Act 1989	161
IV Contact between Parents and Children after Separation	164
V Legislative Responses	167
VI Justice and Decisions Involving Children	175
<b>9. Late Modern Justice: Information, Advice and Privatisation</b>	183
I Background	183
II Child Support: from Compulsion to Informed Support	186
III Financial Matters: Towards Informed Settlement?	191
IV Information, Advice and Justice	193
V Information, Rules and Discretion	199
VI Privatised Justice	201
VII Final Reflections	205
<i>References</i>	209
<i>Index</i>	223