

Child Rights Impact Assessment template



Senior Responsible Officer: Steven Allison

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STAGE 1: SCOPING (Background and Rights Framework)

Question 1: Name the measure / proposal being assessed and describe the overall aim

This proposal would amend legal aid eligibility for private law Children Order proceedings so that legal aid will generally not be available for applications seeking a contact or residence order where an order is already in force and was made within 2 years. Exceptions would apply where there has been a significant change in circumstances or where an application is necessary to protect a child or other person from a risk of serious harm. The aim is to discourage unnecessary or vexatious repeat litigation while preserving access to justice in cases where intervention is genuinely required.

Question 2: Which children's human rights instruments and articles are relevant to the measure / proposal?		
Human Rights Instrument	Article	Further analysis on the expected / actual effect
UNCRC	3 - Best interests of the child.	
UNCRC	12 - Right of the child to express views in matters affecting them.	
UNCRC	19 - Protection from violence, abuse and neglect.	

Question 3: Which groups of children are most likely to be affected by the measure / proposal?		
Group of children	How are they likely to be affected?	How will you engage with them?
Children involved in private law contact and residence disputes.	Impact on children by reducing unnecessary repeat litigation concerning contact and residence arrangements	Views will be sought through the public consultation process, engagement with representative organisations, children's rights bodies and analysis of evidence gathered through the Enabling Access to Justice programme.

Children affected by high-conflict parental separation.	Impact on children by reducing unnecessary repeat litigation concerning contact and residence arrangements	Views will be sought through the public consultation process, engagement with representative organisations, children's rights bodies and analysis of evidence gathered through the Enabling Access to Justice programme.
Children experiencing domestic abuse or safeguarding concerns where further applications may be required.	Impact on children by reducing unnecessary repeat litigation concerning contact and residence arrangements	Views will be sought through the public consultation process, engagement with representative organisations, children's rights bodies and analysis of evidence gathered through the Enabling Access to Justice programme.
Children whose circumstances have materially changed since a previous order.	Impact on children by reducing unnecessary repeat litigation concerning contact and residence arrangements	Views will be sought through the public consultation process, engagement with representative organisations, children's rights bodies and analysis of evidence gathered through the Enabling Access to Justice programme.
Children and young people involved in, or affected by, judicial review proceedings relating to education, health, social care, disability support, safeguarding or other public services.		Views will be sought through the public consultation process, engagement with representative organisations, children's rights bodies and analysis of evidence gathered through the Enabling Access to Justice programme.

Question 4: Which stakeholder groups should be engaged during the policy development process? (e.g., parents/carers, NGOs, unions, NICCY, academics, etc.)

Stakeholder group	What can they contribute to the process?	How will you engage with them?
The Legal Profession, including Legal Associations and professional bodies inc Law Society NI, Bar of NI, Childrens Law Centre	Experience & specialist knowledge, advice and opinion on drafting wording, qualitative and anecdotal evidence.	All stakeholders will have the opportunity to engage through the public consultation which will be published on both the Department of Justice's website and on Citizen Space as well as emailed directly to key stakeholders. Policy team will be available to meet with and discuss proposals with all stakeholders.
Community and Voluntary organisations inc, Womens Aid, Nexus	Experience & specialist knowledge, qualitative and anecdotal evidence.	All stakeholders will have the opportunity to engage through the public consultation which will be published on both the Department of Justice's website and on Citizen Space as well as emailed directly to key stakeholders. Policy team will be available to meet with and discuss proposals with all stakeholders.
Departmental bodies and agencies	Quantitative evidence, statistics	All stakeholders will have the opportunity to engage through the public consultation which will be published on both the Department of Justice's website and on Citizen Space as well as emailed directly to key stakeholders. Policy team will be available to meet with and discuss proposals with all stakeholders and will have regular communications via phone and email with departmental and cross departmental colleagues.
NICCY (Northern Ireland Commissioner for Children and Young People) - Statutory body responsible for safeguarding and promoting the rights and best interests of children and young people.	Experience & specialist knowledge, qualitative and anecdotal evidence.	All stakeholders will have the opportunity to engage through the public consultation which will be published on both the Department of Justice's website and on Citizen Space as well as emailed directly to key stakeholders. Policy team will be available to meet with and discuss proposals with all stakeholders and will have regular communications via phone and email with departmental and cross departmental colleagues.

STAGE 2: CONTEXT AND COLLABORATION

Question 5: Which Programme for Government outcomes does this policy aim to impact on?	
PFG Outcome	Way in which the policy will have an impact
Safer Communities	The proposal seeks to reduce unnecessary repeat proceedings relating to children while adopting a trauma-informed and responsive approach. It may also support wider Programme for Government ambitions to improve outcomes for children and young people, including those with special educational needs, by maintaining consideration of access to legal remedies where issues relating to education, health or welfare arise.

Question 6: Which Children and Young People's Strategy outcomes does this policy aim to impact on? Resource: CYPS	
Children's Strategy Outcome	Way in which the policy will have an impact
Children and Young People Live in Safety and Stability	The proposal aimed at reducing repeated Children's Order applications aligns most closely with the Children and Young People's Strategy 2020-2030 outcome that "Children and Young People Live in Safety and Stability", particularly the commitment to support children and young people experiencing the impact of family

	breakdown. By reducing unnecessary repeat litigation concerning contact and residence arrangements, the proposal aims to minimise the potential adverse effects of ongoing parental conflict and repeated court proceedings on children. The proposals relating to judicial review are expected to have limited direct impact on children and young people. The reforms are narrowly focused on specified categories of proceedings and do not remove legal aid for judicial review generally. Appropriate access to legal aid would remain available where the statutory criteria are satisfied. The proposed requirement that legal aid should deliver a direct, material and proportionate benefit is not intended to restrict access to justice for children or vulnerable groups. The proposal will be implemented alongside a clear definition of the direct, material and proportionate benefit to ensure valid cases continue to be capable of receiving funding.
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Question 7: What opportunities are there to promote joined up outcomes for children? Resource: CSCA		
Department and policy area	Shared outcome / cross cutting issue	How will you engage with them? (eg joint working, keep informed, consultation, etc)
Legal Services Agency	Processing of applications and granting certificates	This policy relates to reform of an established policy relating to the processes for legal aid merits testing and scope. The Department will work with the Legal Services Agency Northern Ireland in relation to agreed reform proposals.

Department of Health - Children's Services	Supporting children's access to appropriate health and social care services where legal issues arise.	Ongoing consultation and information sharing with relevant departments throughout policy development and implementation.
Department of Education - SEN and Inclusion	Supporting children's access to education where legal issues arise.	Ongoing consultation and information sharing with relevant departments throughout policy development and implementation.

STAGE 3: EVIDENCE GATHERING

Question 8: What quantitative evidence have you used to inform your assessment? What does it tell you?		
Evidence collected	Evidence source	Explanation of the importance
The number of Children's Order Cases	LSANI Annual Statistics 2024/25	2024/25 LSANI statistics indicate the number of private children order proceedings continue to rise. There were 4,063 applications granted in 2024/25 compared with 3,388 in 2019/20.

Question 9: What qualitative evidence have you used to inform your assessment? What does it tell you?		
Evidence collected	Evidence source	Explanation of the importance

Repeat Children's Order Applications	Stakeholder engagement with Women's Aid Federation	Women's Aid advised that repeated Children Order applications can significantly disrupt a child's sense of stability and emotional wellbeing and may, in some circumstances, be used as a mechanism for continuing coercive control after separation.
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Question 10: What key missing information / evidence would have been beneficial to your analysis?

More detailed evidence on the volume, nature and outcomes of repeat contact and residence order applications.

Further evidence on the number and nature of children and young people affected by judicial review proceedings, particularly in education, health and social care matters, would strengthen the assessment.

Question 11: What existing evidence on children and young people views has been considered in the development of the proposal or measure?

Group of children	Source of Information	Please provide a brief description of process	What were the findings?
Children experiencing family breakdown and parental conflict	Enabling Access to Justice Foundational Review of Civil Legal Services; stakeholder engagement undertaken as part of the review; research relating to private law family proceedings.	Analysis of Stakeholder views, review of policy documents and published evidence relating to children's wellbeing, safety and stability.	Parental conflict and family breakdown can have a significant impact on children's wellbeing, emotional development and sense of stability. Reducing unnecessary conflict and promoting stable arrangements is generally associated with positive outcomes for children.
Children and young people involved in private law family proceedings	Enabling Access to Justice Foundational Review of Civil Legal Services; stakeholder engagement undertaken as part of the review; research relating to private law family proceedings.	Analysis of stakeholder views, consultation responses and available evidence relating to access to justice and family proceedings.	Repeated litigation concerning contact and residence arrangements has the potential to prolong disputes and uncertainty for children. Stakeholder engagement highlighted the importance of ensuring appropriate safeguards where circumstances have changed or where there is a risk of serious harm.

Question 12: What groups of children and young people have been directly involved in developing the proposal or measure?			
Groups involved [✓ if those affected by the proposal]	✓	How were they involved?	What were the findings?
Children and young people who had experience of legal problems or the justice system		A survey within Call for Evidence for Children and Young People as part of the foundational review of civil legal services.	Stakeholders recognised that repeated applications relating to contact and residence arrangements can be used in a vexatious manner and may contribute to ongoing conflict between parties. There was support for measures aimed at reducing unnecessary repeat litigation where a recent order is already in place. Limited direct involvement of children and young people has taken place to date. Consultation responses, including views submitted through representative organisations and children's rights bodies, will be used to further inform the final assessment.

Question 13: What stakeholder groups have been engaged in developing/reviewing the proposal or measure?

Stakeholder group	How were they involved?	What were the findings?
Internal stakeholders will include colleagues within: • Judicial Policy and Tribunals Division, DoJ • Northern Ireland Courts and Tribunals Service • Legal Services Agency Northern Ireland External stakeholders will include: • The Law Society for Northern Ireland • The Bar Council • Solicitors' Associations • Bar Associations • Practising Legal Practitioners • The Justice Committee • The Equality Commission for Northern Ireland • The Northern Ireland Human Rights Commission • The Commissioner Designate for Victims of Crime • NICCY • COPNI Community and Voluntary organisations • Women's Aid Federation • Children's Law Centre	As part of the Foundational Review of Civil Legal Services, the Department engaged with key stakeholders, both internal and external, and conducted a Call for Evidence for people in need of legal services and for practitioners providing legal services. In addition, evidence and research was obtained through the delivery of the s.29 Domestic Abuse and Civil Proceedings (Northern Ireland) 2021 and research on the experiences of domestic abuse victims in the family courts conducted in association with the Commissioner Designate for Victims of Crime. Enabling Access to Justice Division further conducted a stakeholder engagement exercise whereby all stakeholders were presented with options for possible reforms and invited to meet and discuss and submit their views on these reforms. Stakeholders included those listed above. Quantitative and qualitative evidence was obtained from Legal Services Agency's Annual Statistics, the most recent available set being 2025/25.	The Department considered evidence obtained through stakeholder engagement, research and published statistics. Women's Aid advised that repeated Children Order applications can significantly disrupt a child's sense of stability and emotional wellbeing and may, in some circumstances, be used as a mechanism for continuing coercive control after separation. Women's Aid further noted that repeated litigation may expose children to ongoing conflict and uncertainty. The Family Bar Association highlighted that children's welfare needs can change significantly over time and expressed concern that restrictions on repeat applications should not prevent access to the court where a material change in circumstances has occurred or where safeguarding concerns arise. 2024/25 LSANI statistics indicate the number of private children order proceedings continue to rise. There were 4,063 applications granted in 2024/25 compared with 3,388 in 2019/2

STAGE 4: ASSESSING THE IMPACT

Complete questions 14-16 for each option being considered



Question 14: What impact will (or does) the proposal or measure have on children and young people's rights?		
Type of impact <i>[please highlight]</i>	Justification for Argument	likely or actual short/medium/long-term outcomes
Positive	Repeated court proceedings can prolong parental conflict and create instability for children as evidenced through stakeholder engagement. Reducing repeated court proceedings will promote a child's sense of stability and emotional wellbeing.	The proposal is expected to have an overall positive impact on children by reducing unnecessary repeat litigation concerning contact and residence arrangements.
Negative	Restrictions on repeat proceedings could prevent access to the court where a material change in circumstances has occurred or where safeguarding concerns arise as evidenced through stakeholder engagement. There is a potential risk that some children and young people may experience reduced access to legal remedies where reforms affect funding for judicial review or other proceedings used to challenge decisions relating to education, health, social care or disability support.	This risk is mitigated through exemptions for significant changes in circumstances and cases involving a risk of serious harm. The proposals include safeguards, exceptions and ongoing monitoring to help ensure access to justice is maintained where children's rights and welfare are engaged.
None		The proposals relating to judicial review are expected to have limited direct impact on children and young people. The reforms are narrowly focused on specified categories of proceedings and do not remove legal aid for judicial review generally. Appropriate access to

		legal aid would remain available where the statutory criteria are satisfied. The proposed requirement that legal aid should deliver a direct, material and proportionate benefit is not intended to restrict access to justice for children or vulnerable groups. The proposal will be implemented alongside a clear definition of the direct, material and proportionate benefit to ensure valid cases continue to be capable of receiving funding.
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Question 15: Will there be (or are there) different impacts on different groups of children and young people?		
Group of children affected	Initial analysis of the positive impact on rights	Initial analysis of the negative impact on rights
Children exposed to ongoing parental conflict.	May particularly benefit from reduced repeat litigation.	No Impact.
Children experiencing domestic abuse, safeguarding concerns or significant changes in circumstances may require continued access to legal aid and are therefore protected through the proposed exemptions.	No Impact.	No Impact.

Children with disabilities, special educational needs, health needs, care experience or other vulnerabilities.	More effective targeting of legal aid resources towards cases involving significant welfare considerations	Potential for indirect impacts where access to publicly funded legal remedies is affected.
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Question 16: If a negative impact is identified for any area of rights or any group of children and young people, what options are there to modify the proposal or measure to mitigate the impact?	
Negative impact	What options are there to modify the measure(s) or mitigate the impact?
A potential negative impact could arise if a child's circumstances change after an order has been made and legal aid is unavailable to support a necessary application.	The principal mitigation is the inclusion of exemptions allowing legal aid where there has been a material change in circumstances or where proceedings are necessary to protect against a risk of serious harm. Maintain exceptions and safeguards where proceedings concern a child's welfare, rights, safeguarding, education, health care, disability support or significant vulnerability. Monitor impacts through consultation responses and post-implementation review.

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STAGE 5: CONCLUSIONS AND RECOMMENDATIONS

Question 17: In summary, what are your key findings on the impact of the measure or proposal on children and young people's rights?

Overall, the reforms are not expected to have a negative impact on children's rights. The proposal relating to repeat Article 8 proceedings is expected to support children's safety and stability by reducing unnecessary repeat litigation, while exemptions will remain available where circumstances have changed or where there is a risk of serious harm. The proposed judicial review and merits-testing reforms are narrower in scope and are expected to have limited direct impact on children and young people. Appropriate safeguards will be incorporated to ensure effective access to justice is maintained where legal intervention is necessary to protect children's rights and welfare.

While the proposal relating to repeat Article 8 proceedings is expected to support children's safety and stability by reducing unnecessary repeat litigation, the judicial review and merits-testing proposals may also affect some children and young people, particularly those seeking access to education, health, social care or disability support services. The overall impact is considered manageable provided that appropriate safeguards, exceptions and monitoring arrangements are maintained to protect access to justice where children's rights and welfare are engaged.