

**REPORT  
OF THE RE-CONVENED  
FAMILY COURT SYSTEM COMMITTEE**

**Dated 19 December, 2012**

The Family Court System Committee, ('the Committee'), was originally appointed by Chief Justice Sir Burton Hall in May of 2008. Its earlier Report dated 31 August, 2008 ('the 2008 Report') is a matter of record on the website of the Supreme Court of the Commonwealth of The Bahamas. (See Annexure "A" attached). The Committee was re-convened at the request of Attorney General, The Honourable Mrs. Allyson Maynard-Gibson on 23 October 2012 and supported by The Honourable Mr. Justice Sir Michael Barnett, Chief Justice.

**Appointed to this re-convened Committee are:**

**Justice Rubie M. Nottage (Ret.)  
Chairperson**

**Mrs. Ruth Bowe-Darville  
President, Bahamas Bar Association**

**Chief Magistrate Roger Gomez  
Family Division, Magistrate's Courts**

**Mrs. Marilyn Meeres  
Deputy Registrar, Supreme Court Registry**

**Mrs. Fern Bowleg, Counsel  
Law Reform and Revision Commission,  
Office of the Attorney General**

**Mrs. Grace Bostwick, Listing  
Officer, Bahamas Supreme  
Court**

**Supt. Elaine Sands – Co-opted Member  
Royal Bahamas Police Force**

**Mrs. Marva Russell-Minns and  
Ms. Anita Turnquest – Co-opted  
Members, Department of  
Social Services**

**THE MANDATE** given to the Committee is fourfold, namely,

1. To set out an action plan for the implementation of a Family Court (a Division of the Supreme Court);
2. To make recommendations as to where the Family Court might be located;
3. To make recommendations as to what other agencies, if any, might be located in the vicinity of the Family Court;
4. To make any other recommendations as the Committee deems fit and as it affects implementation of the Family Court.

**TIME FRAME:** The Report of the Committee on the above matters was requested to be made by the end of December, 2012.

**T**he Committee at its first meeting on 1<sup>st</sup> November, 2012, agreed that each member of the Committee be specifically tasked, within the terms of the Mandate, with reporting oversight of defined areas of this Report. We are accordingly thankful for the research, informed guidance, and time spent by each member in facilitating and providing invaluable information from the following designated areas:

Fern Bowleg:- Legislative/Legal changes;

Ruth Bowe-Darville:- Implementation/Human Resources;

Deputy Registrar Marilyn Meeres:- Registry Requirements;

Grace Bostwick:- Court Listing & Marshalls;

Chief Magistrate Roger Gomez:- Access to Justice/Magistrates' Duties;

Rubie M. Nottage:- Overall supervision; Contact person; Report research and writing with PR responsibility.

## **T**HE VISION

**The Committee, in preparing this Report, remains mindful** of the comments made earlier by Sir Burton Hall, when addressing the matter of reform of any sector of the legal system which comprises the administration of justice, that,

*"... the functioning of all organs of the State must be continually examined for their responsiveness to the societal needs which they were intended to meet, and, as necessary, the operations of these organs should be reformed and refined to better achieve their intended purpose. The administration of justice is one such organ and the proposals now advanced ... are intended to reflect an integrated ideal of addressing, at the several levels, the legal system in its entirety with a view to developing an organism, which meets the ideals of: 'Impartiality, Competence, Efficiency and Effectiveness' in service to citizens and residents of The Bahamas and such persons as we invite to visit or invest here.<sup>1</sup>"*

**The Committee, in offering the Proposals and Recommendations for the creation of a Family Court System as contained in this Report, is also equally mindful** of the fact that in any system of long-standing, the creation of a new order of things often meets with its strongest opposition from the existing order, for, as historically noted,

---

<sup>1</sup> Hall, Burton P.C., "Legislative and Organizational Proposals for Enhancing the Administration of Justice", May, 2003 (as revised 2006).

## Report of Family Court Committee – 19 December, 2012

*"There is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle, than to initiate a new order of things. For the reformer has enemies in all those who profit by the old order, and only lukewarm defenders in all those who would profit by the new order, this luke-warmness arising partly from fear of their adversaries, who have the laws in their favour; and partly from the incredulity of mankind, who do not truly believe in anything new until they have had the actual experience of it." Niccolo Machiavelli (1469 - 1527): The Prince*

**Nevertheless, the Committee has persevered in its vision that the creation of a Family Court System is of fundamental importance to the administration of justice for the people of our Commonwealth of the Bahamas and for the communities in which we live, for several reasons.**

**Firstly**, family law with which the Family Court will be concerned, is not limited to matters between husband and wife, but has widened to include, most importantly children, as well as persons who reside in the same household, such as grand-parents or others, all of whom live in some degree of intimate relationship with each other.

**Secondly**, family matters which involve this expanded group of individuals, all carry the import of great urgency to be heard expeditiously and with sensitivity by appropriately trained individuals. Present Court statistics reveal that there is a waiting time of almost three (3) months in both the Supreme Court and in the Magistrates' Courts.

Raw data obtained from Magistrate's Court No. 3 (Family Division), for the months of January through to early December, 2012, indicate that some 3,217 'family matter' cases were heard, ranging from matters concerning child support, child custody, arrears of maintenance, to orders for binding over to keep the peace and legal separation.

In the Family Division of the Supreme Court, raw data obtained from the Listing Officer for the period from 16 January to 16 November, 2012, indicate that a total of 765 family matters have been already assigned where two judges presently hear matters in the Family Division. Of that total, 435 were uncontested divorces, 60 contested divorces, 26 Adoption application, and 5 applications under the Mental Health Act. Presently the Court's calendar is book to the end of March, 2013, with contested divorce dates now unavailable until April 2013.

This is a patent prescription for the build-up of frustration and anger leading to the potential for internal family disruption and even violence between the parties.

Report of Family Court Committee – 19 December, 2012

**Thirdly**, the present court environment in which family disputes are heard is not conducive to the promotion of calm discussion and possible settlement. The heavy caseload, before both judges and magistrates, as indicated above, places a burden on the present court's resources with the result that judicial officers find that they must cull out time within a busy and varied schedule of other criminal and regular civil matters to hear what may be a routine or fairly straight-forward family matter. The inevitable result is that family matters must compete with other matters for the court's time and as result they fail to be heard expeditiously.

**Fourthly**, the lack of privacy for the hearing of family matters has all too often meant that persons are uncomfortable when bringing their matters to court and frequently, out of sheer embarrassment or frustration, opt to simply drop the matter completely.

**Fifthly**, the continuous overloading of cases in the Court's daily schedule often results in multiple adjournments whereby the oft quoted truism, "justice delayed is justice denied" is found to flourish, thus leaving applicants frustrated with the system, and perhaps, as a consequence, choosing to take matters into their own hands in their search for resolution of their particular problem.

**Finally**, and most obviously, the present system with all of the above complexities and more, produces effects outside the Court's realm and on into our urban communities, leading at its most extreme to family and even societal anger and violence.

**The Family Court System as envisaged by the Committee in our earlier 2008 Report, will introduce a new order of things whereby an optimally staffed Family Court will be created as 'an institution unlike any other within the administration of justice'! It will be an institution which seeks to administer justice in family matters in a manner that is less adversarial and more conciliatory.**

**Its focus is firmly grounded on finding solutions rather than on conflict and its purpose being to provide families with adequate social , psychological and mediation support services while they seek those solutions. The understanding will be that the Court will keep the process moving and will make decisions when necessary.**

**Its stated philosophy will be to encourage the parties to resolve their family disputes themselves, with specialist assistance and support where-ever necessary. It is a system, which “adopts a holistic approach to resolving family disputes and embraces legal, psychological, social and material issues”.**

**In its 2008 Report, the Committee set forth eight (8) specific proposals** for consideration in the creation of an optimally prepared family court system, ready for the charge and objectives stated above. These proposals y were:

- **Proposal #1:** That there be created a '**hybrid**' family court system.
- **Proposal #2:** That there be created within the '**hybrid family court system**' an **independent internal process flow** for applicants who seek the court's assistance in their family matter.
- **Proposal #3:** That such an internal process be governed by an **overriding objective** which seeks to develop an organism that "meets the ideals of *'impartiality, competence, efficiency and effectiveness'* in service to citizens and residents of The Bahamas ..."<sup>2</sup>
- **Proposal #4:** That there be created within the '**hybrid family court system**' an **independent budget** funded, in part, by Government subvention, and supplemented by other private and public funding resources identified and overseen by a Grant Development Officer who is attached to the Court.
- **Proposal #5:** That the family court be structured to operate with an **independently trained and dedicated judicial, administrative and support staff**.
- **Proposal #6:** That this unique hybrid family court system could be housed in its own separate and **dedicated court building** or accommodation where the environment can be organized to produce comfortable and relaxed surroundings with a choice of special décor with soothing colours, wall finishes, plants and a general atmosphere that is non-adversarial in contrast to a traditional court building.
- **Proposal #7:** That **alternative dispute resolution support services** such as Mediation, Counseling and other related Social Services be **housed in the Family Court** structure so as to provide a 'multi-door' court system, all located within one building facility.
- **Proposal #8:** Finally, as an **essential component** of the Family Court System, that a **fully computerized Technology and Information Unit** form the core communication system of the Family

---

<sup>2</sup> Hall, Burton P.C., "*Legislative and Organizational Proposals for Enhancing the Administration of Justice*", May, 2003 (as revised 2006).

## Report of Family Court Committee – 19 December, 2012

Court, operating an automated case management information system and interfacing with all aspects of court reporting, records management and the gathering of statistical information.

**T**he Committee in presenting this Report, has held in conscious tension the known financial restraints of the present Bahamas Court system as against the more flamboyant, well-equipped and seemingly well-funded Family Court that pertains in the model first seen in our Commonwealth Caribbean sister-state of Trinidad & Tobago. Consequently, the Committee, while remaining cognizant of the above-mentioned eight proposals, has seriously reflected on the cost of optimally effecting those proposals and their implementation within the much smaller and less financially endowed Family Court as envisaged herein.

By so doing, the Committee has sought to design for implementation a framework for the development of an organism which not only meets the ideals of *'Impartiality, Competence, Efficiency and Effectiveness'*, in service to our people but will also appropriately complement and integrate with the present Government's Urban Renewal initiatives in seeking to reinvigorate the fight against crime and violence and to positively strengthen our families and our communities.

Thus the implementation of a family court system as envisaged would ideally become more 'user friendly' and exhibit a more appropriate functionality whereby family law would then be freed to pursue the goals of being:

- Protective - to guard members of a family from physical, emotional or economic harm;
- Adjustive - to help families which have broken down to adjust to new lives apart; and,
- Supportive - to encourage and support family life.<sup>3</sup>

The Committee therefore humbly proffers the proposals and recommendations contained herein for the serious consideration of the Honourable Attorney General, the Honourable Chief Justice, and the Government of The Commonwealth of The Bahamas.

---

<sup>3</sup> Eekelaar, J., *"Family Law and Social Policy"*, London: Weidenfeld & Nicholson, (1984), @ p. 24-26.

# HISTORICAL UNDERPINNINGS

## A. Sociological approaches to a *Family Court System*

Historically, we have come to recognise the inadequacy of the law to deal with the realities of family life in our Bahamian society such as common law unions and illegitimacy. In the past, the difference between children born *within marriage* and those born *outside marriage* used to have striking legal consequences. The Status of Children Act, Chapter 130 of the Statute Laws of The Bahamas,, has changed our world-view considerably in this regard, and the distinction between children, based on their parents' marital status, is gradually disappearing in the Commonwealth of The Bahamas. Changing attitudes to social status, the worth of the individual and a sense of fairness have led to profound changes in the law.

So too must be the initial thrust for the creation of a Family Court that will fill the gaps and inadequacies of a legal system that has not kept pace with the changes in the law as they relate to family matters, and more particularly as the law seeks to relate to children in high-conflict family litigation or disputes.

*"It was regarded as the human approach ... an attempt for the State to heal social wounds, beginning at the fundamental level of helping to keep together the straining fabric of family and home life."<sup>4</sup>*

There is widespread agreement that children involved in high-conflict family disputes are more likely to experience depression, antisocial behaviour, impulsive/hyperactive behaviour, and school behaviour problems. Moreover, children exposed to parental violence are more likely to assault their siblings and parents, commit violent crimes outside the family, and assault their own intimate partners, than children who have not witnessed violence between their parents<sup>5</sup>.

---

<sup>4</sup> Rumelia Dalphinis-King, Director of the Family Court of St. Lucia, 'Family Court Perspective of Socialisation and Youth Crime', Paper presented to the First OECS Conference on Youth Crime and Violence', 11-12 October, 2006.

<sup>5</sup> Ibid, @p.533.

Report of Family Court Committee – 19 December, 2012

On the flip side of the coin, it is stated that "children benefit from low-conflict relations between their parents"<sup>6</sup>. Research has shown that children with low-conflict parents are more likely than their peers to have higher academic performance, social achievement, and psychological adjustment than children whose parents are in high conflict family litigation or disputes.

The conciliatory approach of the Family Court is focused on decreasing the prevalence of disruption and violence in our families and in our urban communities. The Family Court has an obvious sociological thrust. A most significant feature of the Family Court is that there are negotiation, conciliation and assessment services attached to it. These services, however, are not restricted to court-ordered access. People who do not have matters before the Court can also make use of its counselling and mediation services. Thus providing an access to family support for our urban renewal initiatives that have not hithertofore existed. Where such service is utilized and effective it can have no better result than that of visibly reducing the number of cases which now come before the Magistrates' Courts. The ultimate aim of the Family Court is to provide readier access to justice and the prevention of the breakdown of the family unit. More generally, its objective is to protect the welfare of the members of the family, especially children and thereby increase the stability of the country as a whole.

The recent International examples of violence in Newtown, Connecticut, U.S.A., must prompt us to echo the words of President Obama when he cries out, "*Have we done enough to protect our children?*"

Daily our local media publishes reports of the dire circumstances which have led to violence in our streets. Violence learned in the family becomes violence enacted in the community. A unified Family Court system is an imperative that our highly "violence-prone society" can ill afford to reject. Its objectives are closely aligned with the need to bring coherence and healing

---

<sup>6</sup> Kreeger, Hon. Judith L., "*Family Court Improvement and the Art of Grantsmanship - A Judge's Perspective*", Paper given at Workshop 4A of the 45th Annual AFCC Conference "Fitting the Forum to the Family: Emerging Challenges for the Family Courts" - May 28-31, 2008, Vancouver, B.C., Canada, at page 533.



Report of Family Court Committee – 19 December, 2012

to families in conflict, and to stem the increasing prevalence of marital disintegration and its damaging consequences.

**The Committee** is quick to acknowledge, however, that the Family Court is not a panacea for all social problems falling within its jurisdiction, but it is a step in the right direction. Problems such as poverty, drug abuse and mental health issues are incapable of being solved solely, if at all, through family courts, or even ordinary courts, while counselling and other preventative functions can make a dent in these issues of social malaise. The Committee is ever mindful of the tragedies of Columbine, Aurora, Virginia State and Newtown Connecticut. If we are not mindful of the known historical past, we will be doomed to repeat it!

#### ***B. Philosophical approaches to a unified Family Court System***

In keeping with its sociological emphasis, the *Family Court* also seeks to present a relaxed and informal atmosphere where family matters can be discussed in a comfortable and encouraging atmosphere.

In this regard, the Committee made a purposed visit to the former Family Court site at Victoria Gardens, in the City of Nassau. It is clear that this site, dank and dark as it is, is most unsuitable and unsatisfactory for the housing of a Family Court. The Committee was even more distressed that this site is still used for the housing of Court files, especially for the Family Division.

The planned re-siting of the Family Court from the newly erected Magistrates' Court on Augusta Street is also seen as imperative so as to isolate the Court's process from other elements which also infused the criminal and civil matters of the Magistrates' Courts.

The support base of the Family Court which the Committee considers so vital to its operation, is arrived at through the co-ordination developed between the legal and social services. The Court's approach is non-adversarial, but relies on a thorough, investigative and questioning methodology in its operation. It is reflective and encourages progressive law reform., all of which can only inure for the benefit of the family and the community as a whole.

Report of Family Court Committee – 19 December, 2012

With respect to the *Juvenile Court*, the underlying philosophy of the Family Court is that persons who qualify as juveniles should be viewed not as criminals, but as young persons to be guided and helped. The Court attempts to have regard to the welfare of such persons. The *Juvenile Court* is not only concerned with protecting the deviant child or offender, but also the abandoned child on the streets and the child who is simply “*in need of care.*”

### C. Policy issues underlying the *Family Court System*

There are several policy strands underpinning the establishment of the *Family Court*. These include a philosophy of preserving the institution of marriage; promoting the best interests of the child; promoting reconciliation and mediation, where-ever possible; and protecting the notion of the family.

In this regard, the Committee is particularly mindful of maintaining the importance of the family as the natural and fundamental group unit of society. This concept is, in the Committee’s opinion, one of the overarching principles to be applied by the Family Court in its deliberations as it seeks to give the widest possible protection and assistance to the family particularly while it is responsible for the care and education of dependent children.

The *Domestic Violence (Protection Orders) Act, Chapter 99A of the Statute Laws of the Bahamas*, has, imbedded in its provisions an even newer principle requiring consideration of the need to ensure safety from family violence, thus reflecting a growing understanding of the detrimental impact of violence on the elemental structure of the family.

Furthermore, the ratification by the Bahamas of the *Convention on the Rights of the Child (CRC)* and the incorporation of its provisions in the recent *Child Protection Act, Chapter 132*, of the Statute Laws of the Bahamas, will necessitate a closer examination of the administration of our system of justice in relation to juveniles in the light of the standards set by the CRC.

**J**urisdiction: In our context, the Family Court will have jurisdictional powers over all legal proceedings related to family life together with the usual powers granted to ordinary courts of law corresponding to the particular jurisdiction they have been already given. It

Report of Family Court Committee – 19 December, 2012

will have original jurisdiction to try matters coming before it at first instance, with the right of an appeal reserved to the appropriate court in the hierarchy.

The methodology of the Family Court will be characterized by conciliation, protection and administration. Its policy focus will be on prevention through guidance and counseling in order to help family units before their problems develop into irremediable breakdown. It will have a unified authority over all family matters with express jurisdiction to deal with such matters or causes arising out of the provisions of specific legislation promulgated under the Statute Laws of the Bahamas, such as the:

- (i) Marriage Act, Chapter 120;
- (ii) Matrimonial Causes Act, Chapter 125;
- (iii) Matrimonial Causes Rules, Chapter 125;
- (iv) Matrimonial Causes (Summary Jurisdiction) Act, Chapter 126;
- (v) Status of Children Act, Chapter 130;
- (vi) Legitimacy Rules, Chapter 130;
- (vii) Child Protection Act, Chapter 132;
- (viii) Adoption of Children Act, Chapter 131;
- (ix) Supreme Court (Adoption of Children) Rules, Chapter 131;
- (x) International Child Abduction Act, Chapter 137;
- (xi) International Child Abduction Rules. Chapter 137;
- (xii) Mental Health Act, Chapter 230;
- (xiii) Rules of the Supreme Court (Order 52 Committal), Chapter 53;
- (xiv) Inheritance Act, 2002, Chapter 116;
- (xv) Probate Act, 2011;
- (xvi) Sexual Offences Act, Chapter 99;
- (xvii) Domestic Violence (Protection Orders) Act, Chapter 99A;
- (xviii) Reciprocal Enforcement of Judgments Act, Chapter 77;
- (xix) Rules of Court (Reciprocal Enforcement of Judgments) Chapter 77;
- (xx) Criminal Procedure Code (Binding-over Orders), Chapter 84;
- (xxi) Habeas Corpus Act, Chapter 63;
- (xxii) Juvenile Court Proceedings Act,

## **P**ersonnel and Procedure:

Special training is to be given to all Family Court personnel in order to help them understand the roles and functions of this coordinated and hybrid unit. Non-legal staff is trained in legal procedure, and legal staff is given a sociological orientation.

The non-legal staff is headed by a Court Administrator/Manager who functions as an Administrator/Manager whose principal responsibility shall be to perform such duties as

the Chief Justice may direct in order to facilitate the proper functioning of the Family Court and of the counselling and other services relative thereto.

## **HUMAN RESOURCES**

There must, of necessity, be a Human Resource Unit within the Family Court. Such a Unit should be charged with the proper and adequate staffing of the Court; research and planning, statistics and evaluation, training and defining job roles and status.

The Jurisdiction of the Family Court includes the Supreme Court (Family related matters) and the Magistracy (Family related matters inclusive of the Juvenile Court.

It is imperative that the staff in the Family Court be properly selected, mainly as to qualification and sensitivity to the purpose of the Family Court and its objectives. Special training is given to family court personnel in order to help them understand the roles and functions of this coordinated unit between the legal and social services and the special procedure relative thereto<sup>7</sup>.

In many jurisdictions, a prerequisite for appointment as a judge is that the person '*by reason of his training, experience and disposition*' is a suitable person to deal with family matters<sup>8</sup>.

We now turn to our Responses and Recommendations to the Mandate as given in our Letters of Appointment.

### **THE MANDATE:**

- 1. To set out an action plan for the implementation of a Family Court (a Division of the Supreme Court)**

---

<sup>7</sup> See Annexure "A" herein.

<sup>8</sup> See the Belize Family Court Act, (1988), s. 4(2)(c), and s. 5(2)(b) of the Family Courts Act (Australia, 1980)

**Implementation** should be by way of a pilot project for a stated period of time and perhaps with the most affordable start-up staff available.

1. Necessary Legislation (establishment of the Family Court/its make up/jurisdiction/powers etc)
2. Staffing requirements
3. Site Location – The Site and Plan of an area situate at Town Centre is optimal for implementation, (Complete with ALL ancillary services, even a library) See Plan of Town Centre Mall Site and listing of ancillary services
4. Funding (Separate Family Court Budget and sure resources)
5. Public education
6. Orientation Programme for staff/legal community/general public to be conducted by a Family Court Specialist.

The orientation Programme should be specially designed for the introduction of the Family Court system. The employees of the Family Court should be the primary target of any such programme. It is essential for the introduction and integration of the employees into the Family Court system. It is absolutely necessary to sensitize staff as to the new focus of the Court and its philosophical underpinnings.

## **2. To make recommendations as to where the Family Court might be located;**

### **Location**

The Committee has visited the Town Centre Mall and its environs. It is our firm recommendation that this site be adopted and adapted to suit the envisioned requirements for the Family Court in its Pilot Project Stage. Its amenities and advantages are many and all complement the desire that the Family Court be accessible, centrally located, with owners prepared to outfit it, and, moreover, conducive to the concept of the Family Court as outlined in our Reports, both in the 2008 Report and herein.

The Site and Plan of approximately 18, 575 square feet encompasses an area situate at Town Centre which is optimal for implementation. The Plan contains provisions for all listed Human Resources as set forth above, complete with ALL ancillary services, even a library.

The Town Centre Mall Site is an established and well-known location, accessible and convenient for all stakeholders, families, and the public whom the Family court is designed to serve.

Another consideration might be that while it is away from the tourist center of Nassau, it is conveniently nestled within an easily reachable distance, by jitney or on foot, of the most populated areas of the urban area of Nassau, New Providence, and the large constituencies of Centreville, and Bain and Grants Town to the north and the fast-developing area to the South of Carmichael Road and its related constituencies.

The site is easily securable via metal screeners and detectors for witnesses, family, press and other interested non-judicial parties. It has, under one roof, personal and vehicle safety for judges, staff, attorneys and administration with designated secure parking and entry.

Bathrooms, eateries and other activities are available for the public, and an important item to be mentioned is that, as a shopping centre, the site is “stigma-free”, as an attendant at the Family Court might wish to have a certain anonymity as to his presence at the Centre.

The entire Town Centre Mall is air-conditioned with, we understand, an existing electrical back-up generation.

Its close proximity to the Grove Police Station is definitely a positive advantage.

Other non-judicial advantages are a willing Landlord with the ability to move quickly in the site preparation requirements.

### **3. To make recommendations as to what other agencies, if any, might be located in the vicinity of the Family Court**

We have already indicated in the text herein and on the Plan, the desirable location of offices and counseling rooms from which Social Services, Mediation, and Legal Aid can emanate for persons who desire to seek those services.

**4. To make any other recommendations as the Committee deems fit and as it affects implementation of the Family Court.**

## **R**ecommendations

The Committee would humbly recommend, in addition to the above, the consideration of the Honourable Attorney General, the Honourable Chief Justice, and the Government of the following recommendations, namely that,

- All persons appointed or assigned to the Family Court be first trained and certified as qualified for engagement within the concept of the Pilot Project;
- Some form of Government-sponsored Legal Aid be instituted. The Committee understands that Faith-based groups such as the Seventh Day Adventists and the Roman Catholic Church already offer a form of occasional legal aid assistance to those who seek the same. Perhaps a small boutique-type government-sponsored Legal Aid Centre, incorporating the already existing groups, can be evolved;
- International funding may be sought by Government for the Pilot Project, so as to properly fund the venture. The Report has already pointed to the employment of a Grant Development Officer who would be mandated to seek such funding among the many institutions, both at local and international, for whom the Family Court represents a fundamental exhibition of their funding principles.;
- The Committee would also like to recommend that Government consider providing supporting legislation, especially for parents of juveniles who must attend at their child's arraignment before the Juvenile Panel. Many parents have found that their employers have docked their pay because of the 'un-authorized time' taken to attend a court session in which they were required by the law.

Report of Family Court Committee – 19 December, 2012

**HUMBLY SUBMITTED this 19<sup>th</sup> day of December, 2012.**

**Justice Rubie M. Nottage (Ret.)  
Chairperson**

**Mrs. Ruth Bowe-Darville  
President, Bahamas Bar Association**

**Chief Magistrate Roger Gomez  
Family Division, Magistrate's Courts**

**Mrs. Marilyn Meeres  
Deputy Registrar, Supreme Court Registry**

**Mrs. Fern Bowleg, Counsel  
Law Reform and Revision Commission,  
Office of the Attorney General**

**Mrs. Grace Bostwick, Listing  
Officer, Bahamas Supreme  
Court**

**Supt. Elaine Sands – Co-opted Member  
Royal Bahamas Police Force**

**Mrs. Marva Russell-Minns and  
Ms. Anita Turnquest – Co-opted  
Members, Department of  
Social Services**

\*\*\*\*\*



# **A** NNEXURE “A”

## **Human Resources Officers of the Family Court**

It is recommended that the Family Court has the following officers:

### **SUPREME COURT**

2 Judicial Officers

### **MAGISTRATES COURT**

3 Magistrates – (2 Family Court and Juvenile Panel)

### **JUDGES**

Judges are appointed pursuant to Section 4 of the Supreme Court Act and constitutionally secure tenure. Judges are subject to the direction of the Judicial and Legal Services Committee (JLSC) and the Chief Justice.

### **MAGISTRATES (PUBLIC OFFICERS)**

Magistrates are appointed under the Magistrate’s Court Act and for these purposes should have experience in family matters. The JLSC appoints and they are subject to the direction of the Chief Justice and the Chief Magistrate

- |                                                                                                                                         |                              |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 1 Registrar Family Court                                                                                                                |                              |
| 1 Deputy Registrar<br><i>(administrative registrar/liaison officer/designated clerks of the court (Notary Public/Probate Registrar)</i> | 1 Deputy/Assistant Registrar |

### **REGISTRARS**

Registrars are also subject to S. 65 of the Supreme Court Act.(assistants and deputies). The JLSC appoints and they are subject to the direction of the Chief Justice.

Other Staff (administrative, technical and ancillary service staff are within the purview of the Public Service Commission (PSC).

- |                                                                                                   |             |
|---------------------------------------------------------------------------------------------------|-------------|
| 2 Paralegals                                                                                      |             |
| 2 Judicial Support Officers                                                                       |             |
| 3 Mediators<br><i>(Shift or on-call basis/rotation system and initially on a voluntary basis)</i> | 2 Mediators |

## Report of Family Court Committee – 19 December, 2012

1 Listing Officer (Supervisor) and 3 Clerks (One for Magistrates Court, One for Supreme Court, and One for Juvenile Court)

2 Legal Secretaries

3 Legal Secretaries

2 Orderlies

2 Orderlies

4 Marshalls

4 Marshalls

*(Some consideration should be given to service of documents in the Family Islands)*

2 Case Flow Managers

2 Case Flow Managers

2 Court Reporters

3 Court Reporters

### **GENERAL STAFF**

Family Court Manager

Assistant Family Court Manager/Grant Development Officer/Project Officer

2 Legal Aid Officers (*Permanent Allocation*)

4 Social Workers - (*Permanent Staff Allocation – Assessment Officers and Field Officer*)

4 Probation Officers (*Permanent Staff Allocation*)

1 Researcher/Librarian (*Grant Development Officer*)

1 Statistician

1 Financial Officer

1 IT Specialist

1 Registry Supervisor (*with Records Management and IT qualifications*)

1 Day Care Officer (*Creche and Adolescent Manager*)

1 Youth Care Officer

### **Additional administrative and support staff.**

Registry staff (Supreme Court and Magistrates Court)

1. Computer Technicians (2)

2. Receptionist/interviewers
3. Customer Service persons / Intake Officers(2)
4. Security Officers (Shift basis for each entry and exit point)
5. Care Minders
6. Maintenance staff (As needed)

The general staff of the Family Court can either be current members of the civil service specially trained for the Family Court or officers employed on contract. The non-legal staff should be regular civil servants or persons recruited for on the job training. Consideration must be given to selecting existing staff and to the persons available through the Department of Public Personnel and in conformity with Civil Service General Orders. Particular attention must be paid to the following when selecting for the Court:

- Status
- Job description
- Remuneration
- Promotion
- Benefits
- Discipline
- Working conditions

Job descriptions must be specific as to task, responsibility, and required knowledge, skill and ability.

### **CONTRACT OFFICERS**

These persons can be employed on a purely contractual basis and should not be the holder of any substantive public service positions. These persons will have to be contracted on specific terms and conditions and should have specialist skills.

All employees (including judges and magistrates) should be trained for functioning in this new environment and for tasks specific to their job function. Their previous and generic Court experience should serve them well when embarking on this new venture. Persons should be trained in their specific areas and such training should relate to other functions in the Family Court.

\*\*\*\*\*