

Every month we post a guest blog or mediation related feature. This month Kent Family Mediation Services Debbie Hillman interviewed **Judge Richard Polden** the **Designated Family Judge for Kent**.

**Q. What does your role as a Judge involve?**

A. As a **Designated Family Judge for Kent** I am responsible for ensuring that all family work is allocated to the correct level of judiciary and is dealt with in a timely fashion. I hear both public law and private law cases. In addition I have to liaise with all other agencies involved with Family law and I hold regular liaison meetings with them. I also sit in the Crown Court for 2 months each year dealing with criminal cases.

**Q. What training and experience does one have to have to become a Judge?**

A. At least seven years' experience as a barrister or solicitor although legal executives can now also apply. Nearly all judges sit on a part time basis initially as a Deputy Judge before applying for a full time appointment. All vacancies are filled by open competition. Extensive training is provided by the Judicial College both on appointment and on an on-going refresher basis.

I was a solicitor partner specialising in Family Law & Crime in a busy High Street Legal Aid firm from 1978 to 1995. In 1995 I was appointed a District Judge at Tunbridge Wells County Court. In 2006 I was appointed a Circuit Judge and I sat in London for 2 years before returning to sit in Kent in September 2008 on taking up appointment as Designated Family Judge.

**Q. What type of cases do you see go through the Family Courts?**

A. A wide variety including divorce, financial applications, Residence and contact applications; Adoption, Injunctions, Applications to remove a child from the jurisdiction, care proceedings and appeals from lower courts.

**Q. How long does a typical case last?**

A. Care proceedings last on average 34 weeks in Kent but we are working hard to bring this down to 26 weeks.

Private law cases take an average of 12 weeks to complete.

**Q. How are any decisions in Court made and who makes these decisions?**

In the Family Proceedings Court cases are dealt with either by a District Judge or a bench of 3 Lay Magistrates.

In the County Court cases are dealt with by either a District Judge or a Circuit Judge.

**A new Single family Court will operate in Kent, and throughout the country, from April 2014 with all levels of judiciary sitting together in the same building.**

**Q. What kind of judgements can a couple expect from going through the Family Courts?**

In most family cases an oral judgment is given but in the more complicated cases a reserved written judgment is provided.

Judgments deal with where a child is to reside, contact arrangements, disputes over schooling or change of name and how property is to be divided on divorce.

In public law cases the judge decides if a child should be made the subject of a care or supervision order in favour of the local authority.

**Q. Can you outline a typical case that will give an example of how a particular Order might be decided?**

A. In a residence dispute the court will hear evidence from both parents and will usually have the benefit of a report from Cafcass who represent the voice of the child. The judge will then decide which parent the child should reside with and set out the contact to the non-resident parent in the absence of agreement.

**Q. How in your opinion have the recent Legal Aid cuts affected the Court Process?**

A. They have had a significant effect. More parties are not legally represented which makes the case last longer and reduces the chance of an agreement being reached outside of court as the parties do not have access to proper legal advice.

**Q. Following the Legal Aid cuts, what measures do you think could be put in place to assist the Courts?**

A. More information to parents about mediation, the Internet and other advice for litigants in person; so that they are informed as to the court process.

**Q. What are your views about family mediation?**

A. In many cases this is far better, cheaper and quicker, than making an application to the court. It leads to agreement being reached between parents and avoids the adversarial approach often adopted by a party to court proceedings.

**Q. Is this reflected by the Family Courts in general?**

A. Yes but it is felt that for mediation to really be effective and used more widely it should be made compulsory, save in limited exceptions, before a party can make a court application.

**Q. Do you think enough is being done on a regional and national level to promote the use of family mediation, in particular Legally Aided family mediation?**

A. No. Details are sent to parties when they make an application to the court but this is often too late. Many parents are not aware of the mediation services that are available.

**Q. What would your advice be to couples going to Court over family disputes?**

A. Try to reach an agreement between yourselves in the first instance, take advantage of the mediation services that are available and only apply to the court as a last resort if all else fails.

**The aim of mediation is to keep family arguments out of court. If you would like to talk to us in confidence about your own issues, please contact the office on 01795 410457 or click [HERE](#) to use our contact form to request a call back at a time that is convenient to you.**