



**FOLKETINGET
STATSREVISORERNE**



**FOLKETINGET
RIGSREVISIONEN**

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**Extract from Rigsrevisionen's report
submitted to the Public Accounts Committee**

Case processing in the system of family law

1. Introduction and conclusion

1.1. Purpose and conclusion

1. In Denmark, one child in four experiences that its parents split up. Some break-ups are so traumatic that the parents contact Familieretshuset (the Agency of Family Law) for assistance to resolve issues concerning visitation, custody and where the child should live. The assistance provided by the agency can include consultations with the parents, collection of information from the child's school and a decision by the agency on the issue at hand. The length of the process affects how long the children must wait, before it is determined where they should live, or how much contact they should have with each of their parents, for instance. This report concerns processing time in the system of family law.

2. The purpose of the study is to assess whether the Ministry of Social Affairs, Housing and Senior Citizens and the Danish courts have ensured efficient processing of cases in the system of family law. In this report, efficient processing is when a reasonable balance is achieved between the total processing time and the time involved in actively processing each individual step in the process. The report answers the following questions:

- Is the Agency of Family Law ensuring a reasonable balance between total processing time and active processing time?
- Is the Agency of Family Law and the family courts ensuring that processing times across the system of family law are as short as possible?

Additionally, we examine the efficiency of the Agency of Family Law over time.

3. On 27 March 2018, all the parties in the Danish parliament entered an agreement to establish one overall system of family law. The purpose of the agreement was to ensure improved and more coherent processes for children and parents going through difficult family break-ups. The Agency of Family Law and the family courts were established as part of the agreement. The Agency of Family Law is an agency under the Ministry of Social Affairs, Housing and Senior Citizens. It offers support to children facing problems relating to family law and helps families to reach agreements on, for instance, visitation, custody and residency. Agreements can be achieved either through family mediation sessions in the Agency of Family Law, when the agency investigates a case and decides on a case, or when the agency refers a case to family court. The family courts are divisions of the 24 district courts in Denmark and under the jurisdiction of the Ministry of Justice.

The Agency of Family Law

Matters that fall under the area of responsibility of the Agency of Family Law:

- Adoption
- Child/spousal support
- Paternity and co-maternity
- Custody, residency and visitation
- Names
- Recognition of marriages
- Separation and divorce
- Guardianship.

Visitation

These cases arise when the parties need help to agree how often the child should visit the party or parties with whom the child does not live.

Custody and residency

These cases arise when the parents do not agree on the custody arrangements and where the child should live.

Parental responsibility

Parent responsibility cases include issues concerning visitation, custody and/or residency. Such cases are handled in compliance with the Parental Responsibility Act.

4. In 2020, a budget analysis carried out by the Agency of Family Law and the Ministry of Social Affairs showed that the Agency of Family Law had been underfunded since it was established in April 2019. In November 2020, a broad majority in the Danish parliament agreed to reduce the waiting times of the Agency of Family Law. The agreement called for a temporary reduction of the number of consultations with families to allow the agency to make its decisions faster. At the same time, additional funding was allocated to the agency, initially, to reduce the backlog of cases and implement IT. The allocation of additional funding is permanent. It has been gradually reduced from DKK 244.7 million in 2022 and will be reduced to DKK 171.2 million in 2025 and onwards. According to the Agency of Family Law, most of the funding has been channelled into resolving cases concerning parental responsibility, which is the subject of Rigsrevisionen's report. In November 2023, the government and the parliament made a new agreement to allocate DKK 119.9 million to the Agency of Family Law from funding reserved for the implementation of measures in the areas of social affairs, health and labour in the years 2024 to 2027. The funding was allocated for the implementation of initiatives in four specific areas, including visitation. The actual implementation of the measures will require law amendments. An additional DKK 9.6 million has been allocated from a development and investment programme in the social area.

5. Funding has also been allocated to the courts in the period from 2021 to 2024 to reduce backlogs and the processing time for parental responsibility cases. Beyond this amount, the courts have, since 2021, every year received additional funding to reduce the processing time for all types of cases. Most recently, the *Agreement on the economy of the courts 2024-2027* included funding of approx. DKK 700 million for reducing processing times.

6. No statutory time limits have been set for the processing of cases by the Agency of Family Law but the Act on the Agency of Family Law includes reference to guiding time limits for various steps of the case processing. Achieving short processing times has been a strategic goal for the courts since 2013.

7. Rigsrevisionen took the initiative to do the study in November 2022.



Conclusion

The Ministry of Social Affairs, Housing and Senior Citizens and the courts under the ministry of Justice have not adequately ensured efficient processing of cases in the system of family law. This is considered unsatisfactory by Rigsrevisionen. The total processing time is long compared to the periods of active processing. The consequence is that resolving issues concerning visitation, custody and residence takes longer than it should.

The Agency of Family Law is not ensuring a reasonable balance between total processing time and active processing time

The study shows that periods of inactivity, during which cases are not progressing, account for at least 50% of the total processing time in the Agency of Family Law. There will inevitably be periods of inactivity during the processing but it should be noted that due to shortcomings in the agency's practice of registration, Rigsrevisionen's estimate of the time of inactivity is conservative. The long periods of inactivity are largely caused by the fact that it takes seven weeks to set up the first consultation with a family that has contacted the agency with a request for assistance. Also, the agency's inadequate reminder system when other authorities are requested to provide information to the agency, can have a negative impact on the processing time. Ten per cent the cases from 2023 with the longest waiting time took 44 weeks or more to process. The average processing time for cases concerning visitation, custody and residence was 21 weeks in 2023.

The Agency of Family Law and the family courts are not ensuring that processing times across the system of family law are as short as possible

In 2023, the average processing time for cases that originate in the Agency of Family Law and are settled in family court was more than 12 months and thus 4 weeks longer than in 2020. This development is caused by increased processing times in the family courts, including increased waiting time for the first court session. Due to the longer processing time, the family courts increasingly re-examine cases and conduct new interviews with the children, for instance. This practice does not support the efficiency of the system of family law and entails a risk of straining the children.

The efficiency of the Agency of Family Law dropped by 14% in the period 2019 to 2021 but has been stable since then

To sustain or reduce the current processing times, the Agency of Family Law must improve its efficiency.