



Government of Bermuda
Ministry of Youth, Social Development and Seniors
MINISTERIAL STATEMENT

by
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Minister of Youth, Social Development and Seniors

Update on the Litigation Guardian Service
September 25, 2026

Mr. Speaker,

I rise today to update this Honourable House of the progress made in the development and delivery of the Litigation Guardian Service and the activities undertaken by Litigation Guardians during the period 2020 to 2025. Since its introduction, the service has continued to evolve, strengthening its capacity to ensure that children's voices, rights and best interests remain central in family court matters.

Mr. Speaker,

The Children Act 1998 provides the authority for the court to appoint a Litigation Guardian and Counsel for a child. The first Litigation Guardian was appointed in 2014, and in 2019 a cohort of five independent practitioners was formally appointed, establishing the foundation of the service as we know it today.

In 2022, with support from the United Kingdom Foreign, Commonwealth and Development Office, the then Ministry of Social Development and Seniors delivered the first formal Litigation Guardian training programme. Sixty-five persons registered their interest, two additional Litigation Guardians were appointed, and the initiative strengthened professional consistency, confidence and the quality of reporting to the courts.

Mr. Speaker,

Further progress was made in 2024 and 2025, that involved the development of a draft Practice Guidance which included consultation with the Judiciary, the Department of Child and Family Services and other stakeholders. Administrative and clinical support functions were introduced and subsequently consolidated into a Practice Manager role, with the Practice Manager appointed in November 2025 to provide unified oversight, coordination and continuous improvement.

During 2025, the court assigned twenty-seven new matters to Litigation Guardians, and five matters were carried forward from 2024, resulting in thirty-two cases managed during the year. The children supported ranged in age from three months to seventeen years, and thirty-one children across the reported families received support from a Litigation Guardian.

Mr. Speaker,

This annual referral figure of twenty-seven also represents a return to the highest level recorded since standardized data collection began in 2023. The report notes that figures for 2020 to 2022 may be understated because records were incomplete following the COVID pandemic. Nevertheless, the available data clearly demonstrates the sustained need for this important service.

Capacity was under pressure during the first three quarters of 2025, when the pool of Litigation Guardians declined from five to three, with only two consistently available to accept matters. Recruitment efforts later restored the active complement to five, and suitable candidates were identified for succession planning and future training. This has helped to rebalance workloads and broaden the range of professional experience available to children and the courts.

Mr. Speaker,

Family matters are becoming more complex, while court-directed timelines for delivering Litigation Guardian reports remain compressed. Approximately, forty-eight per cent of cases were expected to be completed within six weeks or less, while only three per cent were allocated more than twelve weeks. Delays in the courts transmitting court orders and providing accurate parent contact information can sometimes further reduce the working time available for Litigation Guardians to complete the Child Case Analysis.

These pressures matter because a Litigation Guardian must undertake a careful, child-centred assessment, engage relevant parties and provide the court with independent, well-supported recommendations. Where parental conflict is high or proceedings are prolonged, the child's voice can too easily be overshadowed. The service exists to ensure that this does not happen.

Over the five-year period from 2020 to 2025, expenditure for the Litigation Guardian Service reflected both the continued development of the service and the increasing level of engagement required to support children in family court matters. In 2020, expenditure totalled \$10,500, representing 12 per cent of the allocated budget. This increased to \$21,050 in 2021, or 24 per cent of the budget, and rose again in 2022 to \$44,075, representing 50 per cent of the budget. By 2023, expenditure had reached \$66,050, or 75 per cent of the allocated budget. In 2024, expenditure increased further to \$73,325, representing 84 per cent of the budget, before settling at \$67,881 in 2025, or 77 per cent of the allocated budget. In total, \$282,881 was expended over the period, underscoring the Government's continued investment in the Litigation Guardian Service and its commitment to ensuring that children involved in family court matters have their voices, rights and best interests properly brought before the court.

Mr. Speaker,

Looking ahead, the Ministry and the Litigation Guardian appointed professionals will focus on strengthening quality, collaboration and accountability. Priorities include operationalizing the Practice Guidance; convening quarterly stakeholder meetings; expanding training and professional development; improving case intake, data accuracy and validation; reviewing recommended timelines according to case complexity; creating flexibility for complex matters; and monitoring workloads and outcomes through periodic audits.

In addition, satisfaction surveys will soon commence to obtain direct feedback on the impact of service delivery. The surveys will help assess the experiences of children and families, identify opportunities for improvement, and support the Ministry's commitment to evidence-informed, child-centred practice.

The Litigation Guardian service will also work with the Judiciary, the Department of Child and Family Services and the Children in Care Advisory Council to reduce avoidable delay and conflict, narrow disputed issues where appropriate, strengthen case management, explore greater use of family mediation before court applications, and ensure that the lived experiences and perspectives of children in care inform the continued development of the service. This collaboration will preserve the independence of the Litigation Guardian and be guided by the principle of no detriment: no harm to children and no compromise to the fairness and integrity of court proceedings.

Mr. Speaker,

I wish to acknowledge the Judiciary, the Department of Child and Family Services, our child-centred partner agencies and the United Kingdom Foreign, Commonwealth and Development Office for their collaboration. I also extend special appreciation to Mr. Anthony Douglas CBE for his expertise and commitment, and to the Litigation Guardians whose dedication has brought the service to this important stage.

Most importantly, I thank the children and families who placed their trust in the service. Their experiences remind us that every policy, process and court matters must remain firmly centred on the best interests of the child and ensure their voice is heard.

Mr. Speaker,

The Government remains committed to strengthening this vital service so that, in every family court matter involving a child, the child's voice is heard, and their interests are properly represented.

Thank you, Mr. Speaker.