Regulating Legal Proceedings in Family Conflicts Law (Temporary Provision), 5774-2014

1. The aim of this law is to help spouses and parents and their children to resolve a family conflict among themselves consensually and peacefully, and to reduce the need for conducting legal proceedings, in consideration of all aspects of the conflict and the best interests of each and every child.
2. In this law –

"Religious court" – Rabbinical court, Sharia court, Druze religious court, court of a Christian community;

"The Court" – Family Court;

"Divorce" – Including annulment, declaration of marriage as null and void, and separation before a court that doesn't allow divorce, as well as dissolution of marriage under the Law of Jurisdiction in Matters of Dissolution of Marriage (special cases and international authority), 1969;

"Family Court Law" – Law of the Family Court, 1995;

"Social Services Units Law" – Religious Courts Law (Social Services units), 2011;

"Social Services unit” – Social Services unit affiliated with the court according to the Family Court Law or under the Social Services Units Law, as the case may be;

"Child" – A person not yet 18 years of age;

"Christian community" – A Christian religious community as defined in Article 54 of the King's Order-in-Council for Palestine, 1922 to 1947;

"Judicial Court” – A family court or religious court;

"Head of the religious court" – Each of the following, as the case may be:

1. In the case of a rabbinical court – the President of the Great Rabbinical Court;
2. In the case of a Druze religious court – the Head of the Druze Religious Appeals Court;
3. In the case of a Sharia court – the President of the Sharia Appeals Court;
4. In the case of a Christian community court – the head of the appeals court in Israel of that Christian community;

"Action" – A claim, petition, or other proceeding brought by a litigant before a judicial court by law, excepting a petition for approval of an agreement, an appeal, or a petition for permission to appeal;

"Action in the matter of a family dispute" – An action between spouses, between parents, or between parents and their children in each of the following matters:

1. Matters of marriage and divorce;
2. Financial relations between spouses, including a financial or property claim stemming from the relationship between the spouses, and excepting a claim in inheritance matters;
3. Alimony or support for a spouse or for a child;
4. Any matter concerning a child under the Law of Legal Capacity and Guardianship, 1962, excepting an action under the Hague Convention Law (return of abducted children), 1991;
5. Paternity or maternity regarding a child.
6. (a) Anyone wishing to file an action with a judicial court in the matter of a family dispute, including in a matter of temporary alimony and/or child-support, shall first submit to the judicial court a “petition for dispute resolution”; the petition shall not include arguments or facts relating to the conflict or relating to the judicial authority of the judicial court.

(b) (1) A petition for dispute resolution having been submitted as stated in subsection (a) (hereinafter: petition for dispute resolution), the parties to the petition shall be summoned by the Social Services unit affiliated with the judicial court to four meetings for information, familiarization and coordination (hereinafter: IFC meeting), and the same law applies to a summons to an IFC meeting as to a court summons; the Social Services unit may conduct a smaller number of meetings, subject to its professional discretion.

(2) The parties themselves shall be present in the IFC meetings, and the Social Services unit may meet separately with either one of them.

(3) All the IFC meetings shall take place within 45 days from the submission of the petition, but the Social Services unit may extend the period by 15 days, once, upon notifying the judicial court and the parties.

(4) An attorney of the Social Services unit, with at least five years of experience in the field of family law and with training and experience in the field of alternative dispute resolution, shall participate in the IFC meetings, all or some of them, subject to the Social Services unit's professional discretion.

(c) The IFC meetings shall include –

(1) Providing information to the parties on the legal proceedings in the case of a family conflict and on the ramifications and consequences of divorce and of any other matter in a family conflict to the parties and to their children, including legal, emotional, social and economic consequences;

(2) Providing information to the parties on the ways that may help them to resolve the conflict consensually and peacefully and to cope with its ramifications and consequences, including counseling, mediation, family or spousal therapy, and on the services provided for that purpose by the Social Services unit affiliated with the judicial court, in the community, and in the private sector;

(3) Becoming familiar with the parties in order to evaluate together with them their needs and desires, and regarding their children – their best interest, desires and rights in matters that concern them; to help them examine the means and services that may contribute to resolving the conflict between them consensually and peacefully; to help them to cope with the ramifications and consequences of the dispute; and to coordinate with them a suitable program for continuation of the process;

(4) Determining temporary provisions by agreement in the matter of alimony and/or child support or children's custody and communication arrangements for periods as stated in subsection (e), or providing a recommendation to the parties and to a professional agent to which they shall be referred for continued resolution of the dispute, to see to determining provisions consensually in these matters.

(d) The last IFC meeting having been concluded, the Social Services unit shall make a recommendation to the parties in the matter of a suitable consensual dispute resolution procedure in their case; ten days having passed since the last IFC meeting, each of the parties shall notify the Social Services unit if they are interested in continuing with an alternative dispute resolution procedure.

(e) During the 45-day period from the submission of the petition for resolution of the dispute, or 60 days if it has been extended as stated in subsection (b)(3) (hereinafter: legal proceedings postponement period), and in the ten days given to the parties to provide notification as stated in subsection (d), as also in the 15 days following the end of the period as stated, and in any additional period to which the parties have agreed in writing, or any other period determined under section 5(a)(5), the parties shall not be able to file an action in the matter of a family conflict with any judicial court, and no judicial court shall discuss an action in the matter of the family conflict between the parties, including in the matter of the judicial authority of the judicial court.

(f) Despite the aforesaid in subsection (e), the parties having failed to determine temporary provisions consensually in the matter of alimony and/or child support or children's custody by the end of the legal proceedings postponement period, they may submit a petition in the matter to the court authorized by law.

(g) (1) Despite the aforesaid in subsection (e), a party to a petition for dispute resolution may submit, at any time, to the judicial court authorized by law, a petition for an urgent order in a matter determined under section 5, for a temporary order to maintain the status quo, or for a stay of exit from the country.

(2) A petition for a temporary order shall be drawn up in a brief and concise manner and shall include only the main facts required for discussing it; the judicial court shall discuss only the temporary order.

(3) A judicial court shall not issue a temporary order in a matter in which an order was previously given as stated by another judicial court, and it shall not discuss the question of authority to deliberate the action.

(4) A temporary relief order issued under this section shall remain in effect until a decision is made in this matter by a judicial court determined to be authorized to discuss the primary action, after submission of the litigants' writs under section 4.

(h) Discussing urgent or temporary relief or providing such relief as stated carries no weight in determining the question of authority to discuss the action.

(i) The parties having reached a settlement in a consensual dispute resolution procedure, the judicial authority may award it the validity of a judicial ruling, in a matter which it is authorized to discuss.

(j) Despite the aforesaid in subsection (a), a party to a petition for dispute resolution may file an action in the matter of a family conflict without having first submitted a petition for dispute resolution, if during the year prior to the filing of the action a petition to resolve a dispute between the same parties was already submitted, provided that the periods as stated in subsection (e) have passed.

1. The periods as stated in section 3(e) having passed, and the parties not having reached an agreed settlement in a consensual dispute resolution procedure, the party that first submitted the petition to resolve the dispute may file, within 15 days, an action in the matter of a family conflict with any judicial court that by law is authorized to deliberate in the matter; that party not having filed an action as stated, or having filed an action as stated with regard to only some of the matters in the family conflict, the other party may file, with any judicial court that by law is authorized to deliberate in the matter, an action in the matter of a family conflict regarding which no action has been filed as stated.
2. (a) The Minister of Justice is appointed to implement this law and may issue procedural rules for its implementation in these matters;
3. A form for submitting a petition to resolve a dispute;
4. Other types of procedures for consensual dispute resolution, within the Social Services unit or outside it;
5. A list of matters in which a petition for an urgent order may be submitted under section 3(g), and ways of deliberating a petition for an urgent or temporary order, including a petition submission form;
6. Summary procedures for discussing temporary alimony and/or child support and temporary visitation provisions submitted under section 3(f), including a petition submission form;
7. A list of matters in which the judicial court to which a petition for dispute resolution has been submitted may shorten or extend the legal proceedings postponement period under section 3(e).

(b) Provisions as stated in subsections (a)(1) and (3) in the case of a religious court, shall be determined in consultation with the head of the religious court.

(c) Provisions as stated in subsections (a)(2) to (4) require approval by the Knesset Constitution, Law and Justice Committee.

1. This law's provisions may not compromise the laws of marriage and divorce, and they do not add to or detract from the judicial powers of the judicial courts.
2. The implementation of this law shall be nine months from the date of its publication (in this section: day of implementation); however, with regard to a religious court adjacent to which no Social Services unit has been established until the date of this law's publication, the provisions of this law shall apply at a time to be determined by the Minister of Justice, by regulation, in consultation with the head of the religious court concerned, after a Social Services unit shall have been established adjacent to it or if the provisions of section 8(c) of the Law of Social Services Units Law apply to it.
3. Once a year, starting in September 2016, the Minister of Justice and the Minister of Welfare and Social Services, as the case may be, shall submit a report to the Knesset Constitution, Law and Justice Committee as detailed below:
4. Minister of Justice – on the number of actions filed under section 4 in the courts and in the religious courts;
5. Minister of Welfare and Social Services – on the number of petitions for dispute resolution and the IFC meetings that took place in the Social Services units affiliated with the courts, and the number of dispute resolution petitions that ended in agreement in the family services.
6. The provisions of this law shall remain in force until the end of three years from the day of implementation.

Reservations and Applications for Permission to Speak

Regarding the Law for Ordering Litigation in Domestic Disputes (Temporary Provision), 2014

Reservations

Regarding sections 1 to 8

No reservations

Regarding section 9

Knesset Member Aliza Lavi proposes:

"Two years" instead of "three years."

Applications for permission to speak

Knesset Members Muhammad Barake, Hanna Sweid, Dov Chanin, Apu Agbaria, Avraham Michaeli, Nissim Ze'ev