



INNOVATION WITHIN THE JUDICIARY



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INTRODUCTION

Innovation is a means of improving and (continually) adapting the Judiciary to the changing needs of society or of the organisation itself for the benefit of society. Through innovative projects, the Judiciary aims to meet the needs of those seeking justice as effectively as possible in a broader social context. This can be done, for example, by having the judge focus in more detail on underlying issues or by increasing accessibility to justice. The Judiciary experiments with projects that can be divided into roughly four movements, each of which seeks to contribute to more socially effective justice in its own way. In this flyer, we present several examples of these initiatives.



SIMPLIFIED CIVIL PROCEEDINGS, focusing on fast, accessible and affordable justice for civil disputes,



MULTI-PROBLEMATIC CASES/COMMUNITY JUSTICE, a movement that aims to contribute effectively to solving diverse, multiple problems of people in the neighbourhood,



DEBT MANAGEMENT, an approach to reducing debt issues, and



COMPLEX SEPARATIONS, aimed at reducing conflicts during divorce proceedings.

Additionally, several **INNOVATIVE PROJECTS** do not fall under these categories. We will also highlight several examples of such projects.



SIMPLIFIED CIVIL PROCEEDINGS

Simple civil proceedings focus on fast, accessible and affordable justice in disputes. This involves the judge working with both parties to see if they can reach a mutual agreement. If this is not feasible, the judge will ultimately intervene and issue a ruling.

Rotterdam District Court

A judge trained in simplified civil proceedings primarily handles disputes concerning Housing (rent and neighbourhood disputes), Employment (labour disputes) and Retail (consumer affairs). Rotterdam residents whose application for compensation has been rejected by the municipality can also submit this rejection to the judge. The latter then examines the matter. These are claims with a damage amount of up to 5,000 euros.

Wim Wetzels, judge: *'The first priority is to have a good discussion. As a judge, you specify the legal framework during such talks and help the parties reach a joint solution. Often people then work it out themselves. Sometimes, however, it is necessary to take a decision on a small point to get things moving. What if the parties don't manage to reach an agreement at all? In that case, I resolve the matter with a ruling. All agreements the parties make with each other are documented and enforceable. That is only possible if the judge is involved.'*

The Hague District Court

The judge trained in simplified civil proceedings of the District Court of The Hague handles cases involving neighbourhood disputes, tenants' conflicts with the landlord about defects in the property and disputes between members of an Owners' Association (*Vereniging van Eigenaren, VVE*). The judge visits residents in their own neighbourhood. If necessary, the judge will also come to look at the tree, fence or mildew problem in the house. Together with the disputing parties, the judge determines whether they can resolve the conflict with his help and advice. If not, the judge renders a judgment. The hearings of the judge are held in private homes as much as possible.



Overijssel District Court

The Overijssel judge trained in simplified civil proceedings addresses disputes concerning neighbourhood conflicts, consumers, monetary claims, damages, rent or labour. The judge, together with a legal assistant, regularly visits the locations where problems arise. After a location visit, the case is further discussed with the parties on site or in court.

Erik Koster, judge: *'A dispute between neighbours has many origins and underlying causes. Prevent it from dragging on for too long and jointly contact the Overijssel judge in simplified civil proceedings. We do our utmost to hold a hearing within four weeks. One of my colleagues or myself will then have the opportunity to talk to the parties. Procedural documents are not necessary, as you can come and share your views in person. If necessary, we will assess the situation locally. It's best if the parties reach a solution jointly, but if necessary the judge will reach a verdict. This provides swift clarity for all parties.'*

Zeeland-West-Brabant District Court

Since 1 January 2023, the Zeeland judge in simplified civil proceedings has dealt with conflicts concerning rent, consumer purchase or sale, consumer credit, general conditions - a monetary claim (a payment to a company or citizen), damages and neighbourhood disputes. Zeeland's judges in simplified civil proceedings hold hearings in a neighbourhood or community centre, hotel or museum.

Nancy van Spronsen, the first judge trained in simplified civil proceedings in Zeeland: *'The judge in simplified civil proceedings seeks to arbitrate and resolve conflicts together with the parties. This is only possible if both parties agree to their dispute being submitted to the judge. If they do not or not entirely succeed in reaching agreements together, I issue a ruling.'*

Jan van Breda, project leader: *'Zeeland is one of the sparsely populated provinces with major challenges in terms of ageing population and accessibility. The distance for the litigant to the court is literally very far. That is why we choose to hold court sessions close by.'*

Temporary Experiments in Justice Act

In 2020, the Judiciary decided to experiment whether the positive experiences of simplified civil proceedings also apply when only one of the parties decides to bring the dispute before the court. The results are now being investigated. This experiment required a temporary legislative amendment. The Temporary Experiments in Justice Act was adopted by the Senate on 23 June 2020. This act allows the Judiciary to deviate from civil procedural law for a maximum of three years on an experimental basis. Its rationale is that this will enable experimental procedures to be tested in practice before being incorporated into legislation. The experiments that will run through this Experiments Act must be regulated by order in council (*Algemene Maatregel van Bestuur, AMvB*).





MULTI-PROBLEMATIC CASES – COMMUNITY JUSTICE

In community justice, the focus is not on a court case, but on the individual and their particular issues. It may involve someone who has committed offences – if it is clear that a suspect is struggling with various issues. After all, committing offences in many cases is not an isolated incident. Suspects often face underlying problems. A sentence imposed by the court therefore does not always lead to the intended behavioural change. People face payment arrears or psychological problems, for example. In this context, the Judiciary works on problem-solving justice. This benefits both the individuals themselves and the surrounding community and society.

East Brabant District Court

If it is clear that a suspect is struggling with various issues, the prosecutor may decide to refer a criminal case to the judge at the community court. These issues include debts, a conflicting divorce, drug use, school absenteeism, family issues or housing problems. The defendant must actively work on those problems. Relevant organisations from the community/neighbourhood or people from the defendant's network attend the hearing. The judge at the community court explores potential solutions at the hearing. The judge rules on the criminal case and imposes special conditions appropriate to the issues. Under the judge's direction, agreements are made to which the suspect and all (support) organisations involved must adhere.



José Kapteijns, project leader community justice East Brabant: 'We work closely with chain partners to assist individuals with (multiple) problems with a tailor-made and targeted approach. Suspects must actively engage in agreements and assistance. Community justice is aimed at giving them better prospects for the future and creating more peace and stability in their family life and neighbourhood.'

Amsterdam District Court

The Amsterdam neighbourhood of Venserpolder is one of the neighbourhoods where relatively high numbers of residents face an accumulation of problems. They are unemployed, for instance, sometimes have debts and struggle with mental or physical health issues. Not infrequently, problems in relationships or with children also play a role, or (petty) crime is involved. When the problems lead to taking the matter to court, the judge at the community court, more so than in a usual court case, will consider all problems in context. Together with the neighbourhood resident and all bodies involved in the case, the judge seeks an effective and lasting solution. The judge handles police cases, compulsory education cases, family cases and certain debt collection cases. In addition, on joint request, the judge at the community court conducts mediating interviews in cases of school absenteeism, domestic conflict, or to promote the progress of a social assistance programme. The objective is to prevent lawsuits in this way.

Rotterdam District Court

In Rotterdam, the community justice initiative focuses on residents with multiple problems in the districts Bloemhof, Hillesluis, Afrikaanderwijk, Feijenoord and Vreewijk. Community Justice seeks a lasting (dispute) resolution for the resident through an integrated and coordinated approach from criminal law and other forms of law and/or social assistance. Judges at the community court can contribute to lasting solutions by handling residents' cases integrally (including through joint sessions). Weekly sessions are held in community centres. These may involve domestic violence, family matters and arrears. Due to the low threshold, people are more likely to attend the session. The judge sets aside more time for a hearing and the case is dealt with more quickly. Prior to the hearing, a Multidisciplinary Consultation is held in which the professionals involved, and the lawyer gather and share as much information as possible around the resident concerned. If a criminal case is involved, the public prosecutor also participates in the Multidisciplinary Consultation. Those involved make a joint integrated plan of action for the resident and prepare a joint recommendation to the judge.

Saskia Hes-Bakkeren, judge at the community court: *'Before a suspect comes to me at the court hearing, a lot is already known about that person. This is because the probation service, the social workers involved, the lawyer and often the public prosecutor have already met before the hearing. This enables me to gain a thorough understanding of the issues at the hearing. During the hearing, there is also plenty of room for a constructive discussion with all parties involved. Much attention is devoted to the personal problems of the accused, who often expresses a need for help. I am convinced that this approach ultimately results in less recidivism.'*



Zeeland-West-Brabant District Court

In 2023, the Zeeland-West Brabant District Court will launch community justice in Tilburg. In this process, the court will work closely with the municipality and social organisations in the city. The aim is to assist vulnerable citizens from Tilburg-North and West in tackling and preventing multi-problematic issues in an accessible way and at the earliest possible stage through community justice.

Limburg District Court

Heerlen also knows an initiative of community justice, initiated by the municipality of Heerlen, the Limburg District Court, and the Legal Help Desk (*Juridisch Loket*). It is also joined by the Public Prosecution Service, Child Protection Board, housing corporations and the Heerlen social neighbourhood and expertise teams. Heerlen residents can receive assistance at a physical helpdesk if they have various problems in areas such as debts, housing, disrupted family relationships or addiction. People receive guidance on how to find the right path to help organisations to prevent further deterioration of their situation.

Community justice

In early 2022, the Judiciary decided to expand community justice. This joins the power districts of the national programme Prevention with Authority (*Preventie met gezag*). The power districts of the Prevention with Authority programme are Amsterdam Zuidoost, Amsterdam Nieuw-West, Lelystad, Zaandam Oost, Schiedam Nieuwland- Oost, Rotterdam-Zuid, The Hague Zuid-West, Utrecht Overvecht, Nieuwegein Centrale-As, Groningen-Noord, Eindhoven Woensel Zuid, Arnhem-Oost, Tilburg Noord West, Breda-Noord, Leeuwarden Centrum-Oost and Heerlen-Noord.

Vlaardingen, Roosendaal, Delft and Dordrecht can also submit a programme plan for the Prevention with Authority programme. Community justice is also likely to be initiated there in the coming years.





DEBT MANAGEMENT

The Judiciary is concerned about the large group of people struggling to cope financially. People in debt are often under severe pressure and are frequently unable to put their own affairs in order. They are regularly involved in legal proceedings and end up in court. Sentencing indebted people repeatedly to pay claims does not contribute to resolving the issues.

The Hague District Court and Rotterdam District Court

Debt officers are appointed at the District Courts of Rotterdam and The Hague; court employees who act as a link between the Judiciary and municipal debt relief. Debt officers and judges observe that with an open and active attitude of judges, debt problems come to the surface and are discussed during the hearing, and that it quickly becomes clear whether a referral to a debt officer can be valuable.

The debt officer

In 2022, the Judiciary decided that all courts will employ debt officers. How does that work? If, during preparation or at a hearing, it appears that one of the parties is struggling with problematic debts. The debt officer, who is trained and appointed in the court, directly engages in a conversation with the person concerned. If possible and desired, the person concerned is referred to the municipal debt assistance service.



The person concerned is given an appointment there as soon as possible to receive help with the debt issues. The deployment of a debt officer has no effect on the course of the court case.

Since this decision, the Overijssel District Court has also started deploying debt officers. Work is now underway to extend the procedure to the other courts.

Limburg District Court

The Debt Desk (*Schuldenloket*) is an initiative of the Limburg District Court which employs debt officers. Judges from all jurisdictions can refer individuals to the Debt Desk if it becomes apparent at the court hearing that (potential) debt problems are involved. At the Limburg District Court, the debt officers refer people directly. During the intake interview with the litigant, the debt officer personally contacts the relevant municipality directly and, in consultation with the litigant, schedules an appointment for an initial interview. All municipalities in Limburg are affiliated with the Debt Desk.

Amsterdam District Court, Rotterdam District Court and North Holland District Court

To improve the social effectiveness of the collection procedure for default payments by individuals with their health insurer, the Amsterdam District Court has developed a procedure that has now also been extended to Rotterdam District Court and North Holland District Court. The aim of this new procedure based on Article 96 of the Code of Legal Procedure (Rv) is to offer a more affordable and effective alternative to the current summons collection procedure. The court invites the insured by letter, Whatsapp and email to the informal hearing. At the hearing, in addition to the health insurer, the Debt Relief Service (*Schuldhulpverlening*) will be present to help reach a realistic payment arrangement. If the session reveals that there are more debts involved, the defendant can talk to the debt relief counsellor and apply directly if desired.

Sjaak Schouten and Mette Jöbssis, project leaders: *'We notice that people jump at the opportunity of this hearing to get out of debt.'*

Gelderland District Court

At District Court Gelderland, judges in all jurisdictions refer to debt officers when they suspect litigants are struggling with (problematic) debts. This approach has been extended from four cities to all 51 municipalities in Gelderland. Entrepreneurs in debt are referred to the appropriate authority.

Central Netherlands District Court

Since 2018, Central Netherlands District Court has been handling cases of people in arrears with their health insurer at a separate hearing. Initially for one health insurer, since 2021 for all health insurers. Until the corona period, an employee of the municipality was present at these to offer assistance in clearing debts for people who require it. As this was not possible during the corona period, the procedure was changed. Since then, if the court determines that debts are involved, the judge sends the phone number to the municipality after the person's consent. The municipality contacts the person concerned the same day to see if help can be provided with the debt problems.





COMPLEX SEPARATIONS

All too often, a divorce marks the beginning of a fierce battle that can sometimes run for years. Regularly, children are the focus of the battle. The Judiciary is committed to initiatives that help ensure that divorces result in fewer conflicts and that children do not suffer as a result. Several courts and tribunals have been experimenting for some time with a different approach to problematic separations to minimise the impact on children.

The Hague and East Brabant District Courts

The District Courts of The Hague and East Brabant developed a procedure in which parents of minors can apply to the court jointly with one participation form in case of mutual family-related legal disputes. In that procedure, parents are encouraged to work together to find a solution. The procedure is intended for parents who want to separate or have already separated, but who are unable to reach agreements with each other on all issues. Such as on child custody, alimony or division of the house. The pilot is intended for parents with children under 18.



OTHER INNOVATIVE PROJECTS

The Judiciary is also developing several initiatives in addition to these four movements. We provide two examples here; a full overview is available at rechtspraak.nl.

Central Appeals Tribunal

To parties seeking to reach a solution jointly, the Central Appeals Tribunal (CRvB) offers quick, solution-oriented case law in understandable language on appeal. After a successful trial in cases concerning the Participation Act, this procedure is now also possible in cases concerning Social Insurance. At a single hearing, without time pressure, there is room for the legal and non-legal sides of a case. By using solution-oriented hearing skills, the judge helps parties to identify the different interests at stake; including the common interests. This increases the probability of reaching a mutually satisfactory solution. The judge may give a preliminary legal opinion and on the rare occasion when the parties do not come to a mutual agreement at a hearing, the judge issues a verbal ruling. In almost all situations, the case is resolved, and often ongoing objection and appeal proceedings elsewhere. Perhaps the best part is that new judges can actually start using this solution-oriented approach immediately, as trainee judges have been trained in these skills since 2014.

Approach to accessible communication

Access to justice is a fundamental right. For everyone. It is therefore essential that the Judiciary is easily accessible to everyone. Physically, by telephone and digitally. That is why the Judiciary is working on the Accessible Communication Approach. Step by step, with the help of knowledge from (customer journey) studies, communication with litigants is being improved. We are developing (digital) tools to help litigants with their legal proceedings. In this way, we make justice accessible to everyone.



For more information, please contact us
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