



# **Submissions Summary**

**Independent Panel examining  
the 2014 family justice reforms**

**January 2019**

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## CONSULTATION ON THE 2014 FAMILY JUSTICE REFORMS

This document is a summary of submissions provided to the Independent Panel Rewriting the 2014 family justice reforms (the Panel). It's separated into three parts:

- Part 1 outlines some common themes from submissions
- Part 2 sets out the feedback from submitters on specific family justice processes and the changes made in 2014
- Part 3 summarises submissions from key demographic groups, for example, Māori and grandparent submitters.

## BACKGROUND TO THE PANEL'S WORK

The Panel was appointed by the Minister of Justice in August 2018 to consider the changes that were made to the family justice system in 2014. The Panel was asked to examine the:

- effectiveness of out-of-court processes
- effectiveness of in-court processes
- appropriate role and use of professionals, and
- extent to which out-of-court and in-court processes enable decisions that are consistent with the welfare and best interests of the child.

## CONSULTATION PROCESS

### CONSULTATION PAPER: HAVE YOUR SAY

The Panel's consultation paper *Have Your Say* was released online on 5 September 2018. The paper was made available in English, Te Reo Māori and Easy Read (a way of presenting information that's easier to understand for people with a learning disability or with English as a second language).

The Panel's consultation process was designed to be safe, inclusive and flexible to ensure people could submit in a way that was best for them. This reflected the nature of the subject matter which can include sensitive information about a person's children, family or relationship breakdown.

Two online consultation forms were available for people to give feedback. The *Have Your Say* form allowed people to electronically give their answers to the questions in the consultation paper. *Korero Mai* (Tell Us Your Story) had no questions but simply allowed people to share their experience with the Panel.

People weren't asked to provide their name or other personal information for either form; they could make an anonymous submission. They could send their submission by post or email, including in video or audio formats. The online submission process closed on 9 November 2018.

### CONSULTATION MEETINGS

The Panel travelled across New Zealand in September and October 2018 to get feedback from a broad range of people. This included mothers, fathers, grandparents and whānau

who had used the family justice system. The Panel also met with family justice professionals such as lawyers, mediators, counsellors and whānau support workers.

The Panel travelled to 14 locations — Kaitaia, Auckland, Hamilton, Rotorua, Gisborne, Napier, New Plymouth, Whanganui, Palmerston North, Wellington, Nelson, Christchurch, Dunedin and Invercargill — and met with several hundred people across more than 100 meetings.

Due to the nature of the subject matter and to ensure people’s safety, the Panel didn’t hold public hui; instead, they met with individuals or small groups. This ensured they felt safe and comfortable sharing their often deeply personal experiences of the family justice system.

## PROFILE OF SUBMISSIONS

The Panel received 510 submissions. Most were received by email or through the two online submission forms. The Panel also held meetings with individuals and small groups. Each meeting was counted as one submission.

Submission format	
Email	226
Online	159
In-person	116
Post/hard copy	9
<b>Total</b>	<b>510</b>

The consultation paper asked whether the submission was from an individual or an organisation. Some people didn’t answer this question but the content of the submissions generally made it clear whether it was from an individual or organisation. Most submissions were from individuals (more than 340) and around over 90 were from groups or organisations. Individuals were asked to indicate whether they were a parent, grandparent or other whānau member. If they were professionals, they were asked to indicate their role in the family justice system. Groups and organisations were categorised according to their main activity or interest area. The table below sets out the type of submitter where identifiable.

Type of submitter			
Individual submissions		Group or organisation	
Parent – Mother	74	Lawyers and legal professional bodies	19
Parent – Father	63	Social service providers	15
Children and young people	45	Family Dispute Resolution supplier, mediator or professional bodies	12
Mediator	31	Parent/whānau support or advocacy groups	9



## PART 1: HOW PEOPLE DESCRIBED THEIR EXPERIENCE WITH THE FAMILY JUSTICE SYSTEM — KEY MESSAGES FROM SUBMITTERS

The Panel heard from hundreds of people and organisations. Submissions, both written and in-person, reflected a diverse range of experiences, views and recommendations for change. However, there were some clear messages that consistently came through. These key messages are outlined below.

### IMPACT OF FAMILY DISPUTES

Many people who had used the family justice system expressed how their experience had taken a heavy emotional toll on them and their family, affected their mental health or prevented them moving on with their lives. People said that family justice processes could add additional frustration, confusion, and trauma to an already challenging time.

*I think that separation and divorce is always hard, but the ability for one party to use the system to deliberately draw the process, prolonging settlement and causing emotional harm, is by far the most damaging thing.* Parent

*I can't move on emotionally, financially and this affects all I do on a daily basis. Future decisions seem impossible.* Parent

*My health suffered through this process. The process was extremely difficult for the children and my extended family ... I felt that the Family Court showed little recognition or consideration of the emotional toll on myself.* Parent

*[T]his has been a very therapeutic exercise for me ... finally able to write down my own experience of our dealings with the Family Court. I hope I never have to experience such traumas ever again in my life.* Grandparent

*I feel I am in completely the wrong place (court – which is usually a place for criminals) to be making decisions for my child.* Parent

Many people were concerned about the impact of family disputes on children.

*The cost to children of unresolved parental conflict is incalculable. The adversarial nature of the system pits a child's parents against each other and this is absolutely not in the best interest of children.* Professional body

*Young people are already dealing with a range of challenges and trying to cope with upheavals in their home can have a negative impact on their wellbeing.* Service provider

## DELAY

Many people said that delays in the family justice system, particularly the Family Court, was a significant issue. Many commented on the long time it can take to resolve family disputes and the harmful effect that this has on children and parties.

*Children's time scales are different from adults and, in children's lives, a long wait for resolution can be harmful.* Counsellor

*My feedback is the Family Court process can at times add to the distress and cause harm to children and families who are involved with it. It's very slow, particularly where children are separated from their parents, often at critical attachment periods in their lives.* Social worker

*... [I]t certainly wasn't helpful for our family to wait so long for a resolution. It prolonged the difficulties experienced in trying to separate and move forward from an abusive ex-spouse ...* Parent

This view was shared by family justice professionals, including lawyers and judges, who expressed concern about the time it takes for family disputes to be resolved.

*Children's perception of time is very different to adults'. Next Christmas for us comes far too fast. For younger children, the wait is an eternity. Protracted delays in the Family Court, delays in getting parents to FDR [Family Dispute Resolution or mediation] or any form of conciliation or mediation, any prolongation of a dispute or delays in obtaining a judge-imposed solution, victimise the children and are in clear breach of [the United Nations Convention on the Rights of the Child].* Retired Family Court judge

## ACCESS TO JUSTICE AND SUPPORT

One of the most significant changes made in 2014 was to limit when lawyers could represent a party in the Family Court. Many people told the Panel how this change affected them and their access to justice.

*I was at the mercy of the court settings, confused at what was expected of me. The overall effect was that I wasn't able to present an evidentially sound case.* Parent

*I have a concern that the most vulnerable people in the system can't access appropriate and adequate legal advice when they need it to avoid disputes.* Lawyer

A key concern shared by many was that people can't access the services they need when they need them. They were concerned about the accessibility of affordable legal advice and the gap this created between New Zealanders who can afford it and those who can't.

*[V]ery clear that different people have different capabilities. As such, you can't have a one-size-for-all approach as people with high capability do well and those who don't miss out.*

Service provider

*Need to invest in triaging and spending greater effort on navigation ... need to better match up a person's legal needs with the appropriate service or services available.*

Lawyer

*How many others are unable to protect their children's welfare and best interests because they can't afford fees and/or navigate the bureaucracy and processes of the system?*

Parent

The Panel heard from some people that barriers to accessing legal advice have placed a burden on Community Law Centres and social service providers to provide legal advice and support.

*People are desperate for help — asking social workers for what's essentially legal advice.*

Social service provider

## COMPLEX NEEDS OF FAMILIES AND WHĀNAU

People shared their experiences of resolving family disputes about the care of children while dealing with the normal challenges of everyday life as well as more complex family circumstances including family violence, mental health, addiction and poverty. Many family justice professionals highlighted how family disputes are increasingly more complex.

*Family lawyers and judges have seen an increasing prevalence of factors including methamphetamine and other drug use, family violence, neglect of children and mental health issues, and the pressures on under-resourced non-government organisations to meet the needs of families and children at risk.*

*Such factors not only impact on the parties' ability to resolve matters themselves, it increases the time and cost required for the court to determine matters. There need to be adequately resourced services to assist these parties and children. This has the potential to reduce costs not only fiscally but also in terms of the human cost in the future.*

Legal professional organisation

Many people, particularly social service and whānau support workers, said New Zealanders face a variety of challenges which can affect their ability to resolve family disputes safely and appropriately.

*The barriers that people face in terms of access to justice are a function of people's social and economic realities. It's like a house of cards – when one card starts to fall over, the whole thing collapses.*

Service provider

*The Family Court stuff is important but not really in relation to more basic needs like food ... Poor people are too busy surviving.*

Whānau support worker

*It's difficult telling people to focus on the needs of the children while they're still struggling through their own issues which are often mental health issues.* Service provider

## RESPONSIVENESS OF FAMILY JUSTICE SERVICES

People across New Zealand said that some aspects of the family justice system are failing to respond adequately and appropriately to the diverse needs of children and whānau.

*The Family Court system hasn't taken into account the changing face of New Zealand's population and how their access to justice is facilitated.* Social service provider

Both Māori and non-Māori expressed concern about the experience of Māori whānau who use the family justice system. Many people considered that the family justice system needs to be more responsive to the needs of Māori whānau, for example, by recognising tikanga Māori, supporting tikanga-based models of dispute resolution and demonstrating a commitment to Te Tiriti o Waitangi.

*The court system is not safe for Māori families. Māori have a lack of trust in the system that has little or no cultural focus.*

Professional body

The Panel also heard from people who work with migrant communities. They explained how recent migrants can find it challenging to understand the New Zealand family justice system, particularly if they're not able to have a lawyer represent them or don't have social networks to support them to resolve a dispute.

Some people also explained how migrant women may find it particularly difficult to advocate for themselves in the Family Court and may need additional support to help them feel safe, confident and empowered.

*Some women are not raised to talk loud, to advocate for themselves or talk in front of men. It can be really difficult to represent and advocate for themselves. Lack of English language and lack of education [can make it] really overwhelming.*

Social service provider

Both Māori and non-Māori commented on the diversity of views within cultures and families and the need for services to be flexible enough to accommodate that diversity.

## FAMILY VIOLENCE

Many individuals and organisations expressed concern about how the family justice system deals with family violence. Many of them consider that the family justice system, including the Family Court, isn't doing enough to keep women and children safe from family violence.

*There seems to be a lack of understanding, minimisation and desensitisation of family violence.* Parent

*I feel that every part of the process needs to be examined in terms of how it works for parties where family abuse is a factor. It seems that it's been designed with the needs of "warring parents" in mind, rather than the needs of families burdened by the complex and severe dynamics and impacts [of] abuse.* Psychologist

Victim-survivors of family violence said their experience in the family justice system was retraumatising and unsafe.

*I was assaulted and threatened at court and, despite being abused my entire adult life, I was expected to sit closer to my abuser.* Parent

Many people said there isn't enough specialist support and services available to help victim-survivors of family violence who need to use the family justice system. In particular, some people noted that the removal of lawyers from some proceedings and inequitable access to legal advice disproportionately affects victim-survivors.

*Victims, particularly family violence victims, need professional assistance to present their case.* Grandparent

*The consequences of this inequitable use of legal advice are often detrimental to victims of violence, who often require advice that's expert in family violence and that can work closely with their individual situations.* Family violence advocacy group

People made many recommendations about how the response to family violence can be improved, including establishing a new response model for cases involving family violence, routine risk and safety assessments, domestic violence advisors and specialist lawyers for family violence victims.

## A BETTER FAMILY JUSTICE SYSTEM

Many people expressed their views on what a better family justice system for New Zealand could look like and made recommendations for change or improvement.

*I believe the family justice system should be easily accessible, often free to undertake, support the best interest of the child, and do everything to keep parties out of the courts.* Parent

Consistent themes were that the family justice system should:

### Work better for children

*The focus should be clearly on what is best for the child, not what's the quickest or most cost-effective outcome.* Family Court judges

## Be accessible

*The new system should be cheap and accessible even to people on benefits. It should have flexibility to meet on marae, in church halls and at rural and ethnic community centres throughout the country.*

Parent

## Be easy to understand and navigate

*[Need to] provide parents with a “navigator” to help them understand and more easily access all court processes.*

Professional body

## Provide better support for children, families and whānau

*People do not want generalities or theories. They want specific answers to specific problems right when they need it. They want real world solutions.*

Whānau support worker

## Respond better to diversity

*... [T]he family justice system should be strengthened to be culturally responsive ...*

Children’s advocacy group

## Keep children and families safe from violence

*If New Zealand is serious about addressing family harm, the starting point is prioritising the needs of family harm victims in the Family Court.*

Service provider

## PART 2: SPECIFIC TOPICS

The Have Your Say consultation paper asked submitters to provide feedback on the specific changes made by the 2014 reforms.

### PARENTING THROUGH SEPARATION

People were asked about their experience of the Parenting Through Separation (PTS) programme. Around 150 people commented on PTS.

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#### GENERAL EXPERIENCE OF PTS

Most people who commented on Parenting Through Separation (PTS) spoke positively about the programme. They thought it provided good information about family justice processes and encouraged them to focus on the impact of conflict on their children.

*I think the beauty of the PTS course is that there's information, but also hearing other people's perspectives and talking about experience and emotions – that's where the real work is done.*

PTS facilitator

Some commented on the limitations of the programme, including that the information was too basic, didn't reflect their particular situation or didn't address related issues such as child support. A few also pointed out that people are at different points on their journey (for example, people who are still very emotional about a recent separation) and this affected the group dynamic.

Some family violence victim-survivors commented on their experience of attending PTS with people who spoke aggressively or in a derogatory way about their ex-partner – they found this retraumatising and were concerned about the facilitator's ability to manage this. A few people felt the course didn't adequately deal with issues surrounding family violence, and that some information presented may be inappropriate to apply in these situations.

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#### MANDATORY PTS

Most organisations that made a submission, including PTS providers and the Law Society, support mandatory attendance at PTS before an application can be made to court, except for urgent (without notice) applications. They said the information provided to participants was helpful; with family lawyers reporting that their clients found the programme useful. One PTS facilitator said, in their experience, parties were glad PTS was compulsory as they found it a valuable experience even though they initially didn't want to attend.

However, many said that the helpfulness of PTS was limited when the other party (their ex-partner) didn't attend as they didn't receive the same messages to focus on the impact of the separation on their children. Some connected this to the ability to avoid pre-court steps such as PTS by applying to the Family Court without notice.

Some people suggested that attendance at PTS should be mandatory before parties participate in Family Dispute Resolution (mediation). However, FDR professionals largely didn't agree with this as it could delay mediation taking place while parties waited to attend a PTS course.

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## INCLUSIVENESS OF PTS

While PTS received largely positive feedback, many people were concerned that it wasn't inclusive of all participants, their situation and cultural background.

Some felt it was too focused on "traditional" family types and didn't address different or more complex family dynamics. A few people linked this to a wider concern that the family justice system focuses solely on the parent-child relationship and not on the role of extended family and whānau.

Some people said the name itself was off-putting, and the course made little reference to the role of whānau, particularly grandparents.

*Grandparents (or other extended family) and Oranga Tamariki caregivers who might be applying for orders for children in their care are often bamboozled by the fact that they need to do a course called "Parenting Through Separation".* Lawyer

Some PTS providers agreed, saying that PTS would likely serve grandparents better if it could be tailored more specifically to the particular issues they face in the context of being a grandparent caring for children whose parents are separating.

Many people who commented on the inclusiveness of PTS were concerned about whether it was culturally responsive, particularly for whānau Māori, Pasifika and recent migrants. They noted that there are differences in cultural norms surrounding relationships and separation, as well as stigma around the discussion of personal issues in a group situation.

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## ACCESSIBILITY

A significant issue raised by people was the accessibility of PTS, in terms of practical access (availability and location of courses) and accessibility of information (the need for strong English and literacy skills).

Their concerns included:

- courses not scheduled regularly enough in small towns
- people aren't aware of the course or wish they knew about it earlier
- difficult to find out when and where courses are scheduled and to book in
- difficult to attend for working families as people may need to take time off work, pay for transport or arrange childcare
- courses are delivered almost exclusively in English
- people need a good level of English and literacy to comprehend the material and participate properly.

Concerns were also raised by parents with disabilities. For example, one explained how a brain injury made it difficult to concentrate and take in the information in the course. They suggested that an online course where they could progress through the information at their own pace would be helpful.

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## ONLINE PTS

People were asked to comment on whether an online version of PTS should be developed. Around 55 submissions said an online version should be developed, while around 40 said it shouldn't be.

Those that supported an online version thought it would be useful to overcome accessibility issues and the delay in waiting for a course in their local area. Many supporters pointed out that the face-to-face version should be the primary mode of delivery, with the option of an online course when face-to-face delivery isn't possible or suitable. Some people suggested that online modules could be developed to deliver more specific content and would be an easier way to have the course translated into other languages.

*An online version would enhance the accessibility of the programme for those living in remote areas or who have difficulty attending due to work hours or childcare commitments. An online version would ensure consistency of content and delivery. It would also present opportunities for the development of the programme in different languages and with a different cultural focus.* Legal professional body

Those that didn't support an online version of PTS gave a number of reasons:

- Kanohi ki te kanohi (face-to-face) interaction and discussion are important elements of the programme
- an online course will provide greater opportunity to disengage or skip through it
- an online module doesn't reflect the seriousness of the subject matter, your children
- people going through separation may need the support of real people and to not feel alone
- people may miss out on hearing the experiences of other people and the opportunity to listen to other perspectives
- it's easier to understand new information when it's being explained by a real person with an opportunity to ask questions, particularly when English is the second language
- the facilitator wouldn't be able to check in with people to ensure they've understood and absorbed the information
- it creates other accessibility issues for people with no internet or personal computer.

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## PTS: RECOMMENDATIONS

The most common recommendation was to improve the accessibility of the course, including increasing the frequency of sessions, offering more flexible timing, and having more flexible course formats. Some people recommended changes to course content including a greater focus on children and the importance of children's participation, information about family violence, and information more relevant to grandparents and wider whānau.

A few people recommended that a similar programme should be developed for children to help them understand and work through parental conflict and separation. Some people want the requirement to attend PTS to be strengthened to ensure all parties to a family dispute do attend. Some recommended there should be a greater choice of providers, particularly to meet the needs of different ethnicities and cultures, or that other parenting information programmes be approved for parties to attend.

## COUNSELLING

People were asked about the removal of Section 9 Counselling, and their experience of counselling before and after the 2014 reforms. Around 140 submissions commented on counselling in the family justice system.

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## RETURN OF PRE-COURT COUNSELLING

People who commented on counselling overwhelmingly recommended that pre-court counselling be reintroduced for separating parents. Many people emphasised the need for counselling as a form of early intervention. This could be to help parents deal with the intense emotions at the point of separation, de-escalate tension, and support them to focus on reaching agreements in the best interests of their children. Some said that providing counselling in-court was too late and could be more effective if provided earlier.

Some people noted that Preparation for Mediation (PFM) wasn't an adequate substitute for counselling. A few said early counselling would complement PFM and FDR processes, and improve parents' capacity to participate and focus on their children at FDR.

Most who addressed costs consider that counselling should be state funded as privately-funded counselling would be cost-prohibitive for most families, particularly if they're already under financial stress or paying for legal advice.

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## IN-COURT COUNSELLING

The main criticism of in-court counselling (section 46G Counselling) was that it's provided too late and would be more beneficial for parties if provided earlier. Some people said accessing counselling has been made more difficult and parties shouldn't be required to be involved in court proceedings to access counselling.

[Section 46G Counselling] often feels like “the ambulance at the bottom of the cliff” where parents have already gone down an adversarial pathway which, for many, is incredibly difficult to come back from. Counsellor

Without readily available and accessible counselling, family disputes are becoming needlessly acrimonious and children consequently are estranged and, at times, alienated. Professional body

Many family justice professionals, including counsellors, commented on the impact on parties of the limited availability of counselling. This included unresolved relationship issues, entrenched viewpoints, and an inability to come to terms with separation. This prevented parties from being able to effectively resolve their disputes about the care of their children.

Other issues that people raised included:

- a resistance by parties to genuinely engage or participate in counselling affects its usefulness
- the court has no means of knowing if counselling is effective without some way to monitor or receive reports on progress
- the court can only make a referral once, however there may be some cases where multiple referrals are appropriate.
- court-referred counselling is limited to the parties and not available for children
- court-directed counselling can be difficult for parents to attend due to, for example, the cost of transport, taking time off work, or arranging childcare
- the limited ability of “communications counselling” to deal with underlying issues (for example, personality disorders, trauma or abuse).

People's responses about their experience of in-court counselling were mixed. Some said it was helpful as it facilitated a conversation between parties; others said counselling came too late in the process where the relationship between parties had further deteriorated.

*I did go to a court-directed counsellor in 2015. It was mostly helpful in the sense that it allowed for mediated conversation between my ex-partner and myself.* Parent

*... parties' relationships have deteriorated significantly due to adversarial court processes. The parties come to counselling stressed, generally unhappy about court outcomes and practised in conflict-ridden processes.* Counsellor

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## COUNSELLING FOR CHILDREN

Some who submitted, including the Office of the Children's Commissioner, consider there's a need for government-funded counselling for children and young people. Some suggested this should be trauma counselling for children affected by high-conflict or long-running parental disputes, or those who have experienced family violence or sexual violence.

A few suggested counselling should be available for children to give children confidence, an opportunity to have their views heard, or to work through their concerns and worries about parental separation with a professional.

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## COUNSELLING: RECOMMENDATIONS

Most of those who commented on counselling support the return of pre-court counselling (formerly known as section 9 Counselling). Many of these consider that counselling should be government-funded. People made a range of other recommendations in relation to counselling, including:

- more flexible counselling options (for example, online counselling)
- a broader range of services including multi-disciplinary approaches, specialist trauma counselling, family therapists and psychologists
- counselling for children or counselling that includes a wider range of family members
- culturally appropriate counselling options
- earlier access to counselling or automatic referrals when parties make an application to the court
- early, comprehensive assessment of families or parties to determine the type of counselling or intervention that would meet their needs
- quality assurance mechanisms to ensure services are provided by experienced, qualified counsellors
- monitoring and report-back to court on the progress of court-directed counselling
- a joined-up approach between counsellors and mediators to assist resolution
- counselling to help parties understand and deal with matters in a s133 psychological report
- failure to attend or engage in counselling should be taken into account when making orders or costs.

## FAMILY DISPUTE RESOLUTION

People were asked about their experience of Family Dispute Resolution (FDR or mediation). Around 215 submissions about the service were received.

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### GENERAL EXPERIENCE OF FDR

Most people who commented about FDR said they'd had a negative experience of it, including some who felt their dispute was worsened by attending. Two major issues expressed were concerns about their own safety during mediation, and that the other party didn't participate in mediation or engage with the process. Some people explained that they hadn't tried mediation because they didn't think it would be helpful for their circumstances or thought it would add to delays.

However, some people said FDR worked well for them and allowed parties to communicate and listen to each other.

*It's a process that allows both parties to talk and it allows both parties to think of the other and be generous/kind. It's a "working together" process and I found it to be productive. Best of all, it wasn't adversarial. It wasn't her against me. The mediator helped us to work together rather than against each other.*

Parent

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### MANDATORY MEDIATION

All three Approved Dispute Resolution Organisations (ADROs) supported the use of FDR to resolve care of children disputes and expressed concern about the lower than expected uptake of the service and the high rate of exemptions. ADROs differed as to whether FDR should be mandatory or voluntary. One ADRO said FDR should be voluntary, one said it should be mandatory, and one said more should be done to establish mediation as the main way to resolve care of children disputes.

Many people also commented that FDR should be voluntary, and that mandatory attendance affects the way parties engage with the process and may lead to resentment and low co-operation. A few said they wouldn't have tried FDR if it had been optional, but ultimately were glad they did.

Several family violence victim-survivors and advocacy groups who commented on FDR said it's often not appropriate for mediation to be used in these circumstances. Although an exemption can be given, they pointed out that not all family violence is easily identified or recognised (particularly in cases of emotional and psychological abuse) and that victim-survivors may not feel safe disclosing this information to a third party.

*It is imperative that the Family Court, including FDR, is predicated on the assumption that abuse may not always be transparent. This requires recognition of the profound negative effect mental abuse has on victims and children which, from our experience, is equally as damaging as physical abuse.*

Service provider

Due to the risks associated with victim-survivors being forced to have further contact with the perpetrator, many people said it should be up to the individual to decide whether they want to take part in FDR, rather than attendance being mandatory.

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## COST OF FDR

All three ADROs and most suppliers recommended that FDR should be fully funded by the government. The primary reason for this is to improve accessibility to FDR for families where cost is a barrier. Other reasons were to reduce any disparity between parties (for example, where one party has funding and the other doesn't) and reduce the delay and administrative burden caused by waiting for funding documents or payment. One supplier said they didn't consider that cost was a barrier to FDR, but full funding would eliminate the perception of unfairness and remove the delay caused by funding issues.

This view was shared by mediators that made submissions. Many mediators commented that FDR should be free. Some suggested the funding model could be improved in other ways (for example, a set number of free hours). Many mediators said the impact of having one party funded and one party unfunded creates disharmony and a sense of unfairness for the unfunded party which can affect the mediation process.

*FDR providers feel strongly that cost should not be a barrier to families' participation in FDR, and most report that they've had clients for whom it has been a barrier. If participation in FDR is to be an expectation and genuinely mandatory prior to accessing the court, then it follows that funding eligibility must not be a barrier. It seems incongruous and questionable in terms of access to justice, that government funds a free employment mediation service for employers and employees in dispute, but does not fully fund mediation for families in dispute over care of children.*

Approved Dispute Resolution Organisation

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## STRUCTURE OF THE FDR MODEL

There were differing views among ADROs and suppliers about what the supplier model for FDR should look like:

- one ADRO and most suppliers support the current multiple supplier model, suggesting it's important to provide choice for FDR providers and parties as each supplier has a different philosophy and service approach
- one ADRO and one supplier recommended changing to a single supplier model, as the current system is confusing to parties, and noted that choice of provider will still be available
- one ADRO didn't state support for either option, but recommended that if a single supplier model is used, one of the existing suppliers should be chosen, and if the multiple supplier model is kept, a hub should be developed to sit between the different suppliers and provide information to the public.

Most others who commented on the current supplier model felt it would make it easier for people if there was a single supplier. The main reasons were that the current model is unhelpful and adds to the confusion surrounding FDR for parties and for the court. Some said there's inconsistency between suppliers in their approach to mediation as there are no regulatory guidelines.

ADROs and suppliers consistently commented on the lack of awareness of FDR among parents and guardians, in large part due to the lack of a marketing campaign and information

strategy when the 2014 reforms came into effect. ADROs and suppliers recommended the government take a more active role in marketing and promoting FDR.

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## VOICE OF THE CHILD PRACTICES

All ADROs and suppliers supported the use of child-inclusive processes (“voice of the child”) in FDR, however there were differing views on how children should be involved in mediation. One ADRO said children should never participate directly in mediation. Two ADROs and most suppliers suggested a lawyer for child be appointed to find out and represent a child’s views for the purposes of FDR. Some suggested this should only be an option when there are significant legal issues or when the case is likely to proceed to court.

Most suppliers said there should be flexibility in how the voice of the child is included, depending on factors such as the child’s age and circumstances. Parents who commented on voice of the child practices at FDR had differing views on whether children should be involved. Some said children should always be given an opportunity to be involved if age-appropriate. Others said they were concerned children may not express themselves well if they’re scared that what they say may hurt their parents. The parents also had diverse views about who should gather the child’s view, whether it be the parents themselves, a trusted family member or friend, or the mediator, counsellor, lawyer for child or some other independent person.

*Having the children involved is a very sensitive situation. Children need to feel safe and secure and supported. This can only really be done if they trust the people they’re talking to and that takes time.* Parent

*I would have been happy for my kids to talk to the mediator separately, but this should be only as a last resort as it’s better not to involve them.* Parent

*They should be heard and their views should be taken into account.* Parent

A few people commented that the requirement to have voice of the child in FDR isn’t mandated by legislation and appears to be discretionary. There was concern that this means voice of the child practices are inconsistent, and children who may want to be involved don’t have the opportunity. Some, including some child advocacy groups, also raised concerns that there are no guidelines, requirements for qualifications, training, or oversight of those engaged to obtain children’s views as part of the FDR process. This means children could be exposed to substandard or harmful practices or have their views misrepresented by individuals without specialist child-engagement expertise.

Two ADROs and three suppliers said more funded mediation hours are needed to allow for voice of the child processes, as it’s difficult to do this properly and appropriately within the current 12-hour model. Some mediators also suggested there needed to be more time allowed for the voice of the child process, and for representation for children to be present, such as the lawyer for child or other qualified professionals.

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## PREPARATION FOR MEDIATION

Most people who commented on Preparation for Mediation (PFM) found it helpful, which is consistent with the positive feedback noted by suppliers about this service. Most mediators who commented on PFM considered it to be an important aspect of FDR and noticed a positive difference in parties that participated in it before starting mediation.

*PFM has proven very effective in helping people to reach a space where they're ready to mediate. It is something that we actively encourage people to consider and participate in and is unique in the sense of helping people to have the capacity to have discussions around their children. It is such an integral part of our approach to mediation that it should become a compulsory part of the greater FDR process.*

Mediator

One ADRO and one supplier noted that although PFM might have been intended as a replacement for pre-court counselling, it had a narrower focus and was aimed at achieving more successful outcomes in mediation rather than dealing with underlying emotional or psychological distress. There was general agreement that PFM was a valuable part of FDR and should be retained, but didn't meet the need for pre-court counselling.

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## ENFORCEABILITY OF DECISIONS

People were asked if they knew that agreements made at FDR weren't enforceable by the Family Court, and if they thought they should be. Most weren't aware that agreements reached at FDR weren't enforceable. Many felt that allowing agreements to be broken without consequences made the mediation process pointless.

Most people agreed that decisions made at FDR should be enforceable. Suggestions included involving judges in FDR to review and approve decisions; having a lawyer present to sign off on decisions; or allowing all agreements reached to be registered with the Family Court. Some people noted that the option already existed to create parenting agreements that could be signed off by a judge to become an enforceable parenting order. They recommended this process be simplified and included as an optional part of FDR.

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## FAMILY DISPUTE RESOLUTION: RECOMMENDATIONS

People made many recommendations on how Family Dispute Resolution could be improved. Many of these focused on:

- lowering the cost of FDR, including by fully or partially funding the service, or allocating a set number of funded hours
- improving accessibility of FDR through better promotion of the service and a more streamlined process for users to enter mediation
- strengthening voice of the child practices at FDR, including through best practice standards, consistent practices across suppliers, funding of lawyer for child in FDR processes, or funding additional hours for voice of the child processes
- amending the Family Dispute Resolution Act 2013 to reflect children's right to be heard in decisions affecting them
- strengthening assessment and screening processes, including using risk assessment tools for disputes involving family violence
- improving the responsiveness of FDR to diverse needs, particularly those of Māori whānau. This included providing the option for parties to work with mediators of the

same culture, allowing for mediation to take place on a marae if requested, and increasing the numbers of Māori and Pasifika mediators by subsidising training and accreditation.

## FAMILY LEGAL ADVICE SERVICE (FLAS)

People were asked if they used the Family Legal Advice Service (FLAS) and how they found out about it. Around 95 submissions were received on FLAS.

### USERS' EXPERIENCES OF FLAS

Most who had heard about FLAS found out about the service through their lawyer; a small number found out via the Ministry of Justice website or the Family Court. The most common answer however, was that people didn't know about the service. Some also appeared to be confused between FLAS and legal aid.

Of the small number of submitters that had used FLAS, many commented on the limited nature of the advice, that it was rushed and impersonal, and was difficult to access. Some people noted the limited nature of FLAS didn't work well for parties who needed more specialised advice, for example, people with disabilities or victims of family violence.

Those who hadn't heard of the service recommended it be more widely publicised so parents know about it, understand they're entitled to some legal advice, and don't waste time and energy unnecessarily trying to access legal advice.

*If I'd known this service existed, I suspect I would have needed to expend less energy de-mystifying the Family Court.*

Parent

### LAWYERS' VIEWS OF FLAS

Most lawyers who commented on FLAS felt negatively about the service. Their issues included:

- the limited nature of advice they can provide
- low remuneration for providers compared to legal aid
- no rise in fees to accommodate additional factors such as a client's disability
- determining eligibility can be difficult and time-consuming
- it's administratively burdensome
- clients get frustrated when a lawyer can't represent them in subsequent proceedings.

*The FLAS system hasn't worked because it only provides scope for very generic advice, and not the specific advice concerning their own situation that people really need at that point. In addition, although it allows preliminary advice, it hasn't enabled lawyers to be involved in negotiations, or to provide ongoing advice in response to proposals.*

Lawyer

Most recommended disestablishing FLAS and replacing it with a grant of legal aid. They said many providers had stopped providing FLAS due to the difficulties outlined above. This was reflected in submissions from some parents who said many FLAS providers listed on the

Ministry of Justice website no longer provided the service and finding a provider was difficult and frustrating.

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## FLAS: OTHER RECOMMENDATIONS

Legal professionals largely recommended that FLAS be disestablished. However, some people recommended a range of improvements to strengthen the service. Some court users recommended increased publicity about the availability of FLAS. Other recommendations include automatic referrals to FLAS from PTS and FDR providers, increasing the number of FLAS providers, and extending the FLAS service so providers can provide advice for a person's individual circumstances. Some people recommended more time be available for people who need specialist advice or support such as people with disabilities or victims of family violence.

## LEGAL REPRESENTATION AND LEGAL ADVICE

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### LEGAL REPRESENTATION

The 2014 reforms prevented people from having a lawyer represent them in the early stages of on-notice, care of children proceedings. People were asked to comment on their experience of using the Family Court with or without a lawyer. Over 80 submissions were received about legal representation.

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### PARTIES' EXPERIENCE

People who represented themselves in court have had a mostly negative experience. Most supported reinstating legal representation at any stage of Care of Children Act proceedings.

Some people found the court system daunting and unbalanced without a lawyer, and are unsure how to navigate the legal system without a lawyer. They also feel court jargon makes it harder as they can't understand what the judge is saying. Some people feel representing themselves is hard as it takes time away from their children and builds resentment against the other party.

*Without legal aid or a good lawyer, [it] would have been scary.*

Parent

*I can't imagine doing it without a lawyer, and believe people should be allowed a lawyer if they wish to have one. How many of us really know our legal rights? How many of us have above average communication skills and can represent ourselves in such a situation without feeling a lot of stress and anxiety and uncertainty? It should be people's choice.*

Parent

A small number reported a positive experience when they represented themselves. Some felt this way because they considered they had been misinformed by their lawyers or that their views weren't presented well by their lawyer. Some also said it was more affordable not having a lawyer. They largely believed that, with access to the right information, more people could represent themselves.

*Most people who have a reasonable level of education can represent themselves if they have a bit of assistance with the papers.* Parent

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## PROFESSIONALS' PERSPECTIVE

Over 30 written submissions from family justice system professionals commented on the removal of legal representation. Overwhelmingly, they considered the change was a negative one that had an adverse impact on people's access to justice.

Most lawyers who made a submission considered the removal of legal representation wasn't effective. They commented that the involvement of a lawyer in the early stages of a case often means it can be resolved without going to court. For separated parents in crisis, getting legal advice early on could reassure them, help them understand the process and the law, provide a "reality check", and suggest possible outcomes including out-of-court resolution.

*It is a contradiction that a person can be exempted from FDR because they are unable to effectively participate, or due to a family violence exemption, and yet be expected to be able to effectively participate in court without representation.* Lawyer

Legal professionals also explained how the removal of lawyers and an increase in self-represented parties had compounded and added to delays in court. Many said that more court time and administrative resources are needed to assist self-represented parties which has put pressure on court staff, judges and, in some instances, the lawyer for child who may be expected to assist self-represented parties to conduct their case. Many legal professionals considered the changes hadn't saved money or time for the courts as expected.

*I'm concerned that the implications of these amendments have not been fully appreciated or costed (both in financial and – importantly – in human terms).*

Retired Family Court judge

Many who made a submission commented on how the removal of lawyers from some proceedings has disproportionately affected certain groups, including:

- women, who are more likely to be at a financial disadvantage (compared to a male ex-partner) and unable to afford legal advice
- Māori, who may find the court process intimidating, culturally unsafe or have had previous bad experiences with the justice system
- Pasifika who, for cultural reasons, may be reluctant to address a judge directly, and may face language and cultural barriers to navigating court processes and accessing legal aid
- migrant communities, who may struggle to navigate the New Zealand legal system and represent themselves using English as a second language, and
- people who don't qualify for legal aid but can't afford to pay for legal advice. Some expressed concern that this created a wealth disparity between those who can afford legal advice (including help to complete court forms), and those who can't.

Some people commented on the pressure the removal of lawyers had placed on other services to "fill the gap" for legal advice (for example, Community Law Centres, social service providers, or Citizen Advice Bureaus).

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## LEGAL REPRESENTATION: RECOMMENDATIONS

People overwhelmingly recommended that the right to have legal representation be reinstated for all care of children proceedings. A few suggested how self-represented litigants could be better supported, for example, with better information and support to navigate court processes.

### LAWYER FOR CHILD

People were asked what changes they had experienced to the role of lawyer for child since the 2014 reforms. Around 180 submissions were received about lawyer for child.

Most people didn't comment on the 2014 changes but spoke generally about their experience of lawyer for child being appointed for their child. The vast majority of these commented negatively on the role of lawyer for child. Issues raised included:

- concern that lawyers for children don't have the appropriate specialised knowledge or skills in working effectively with child of varying ages
- concern that the lawyer for child doesn't accurately reflect and represent a child's views
- concerns about the lawyer for child being biased against a party
- the lawyer for child not meeting a child, not spending sufficient time with a child, or failing to establish rapport
- the lawyer for child not dealing appropriately with concerns for the child's safety.

Some people acknowledged the lack of specialist skills and training and proposed ideas for changes such as lawyers for children working alongside appropriate specialists:

*We encourage the Independent Panel to explore other professionals who may best serve in the child advocate role, such as community-based social workers, specialist child support workers, and professionals equipped to support the child in ways that meet their needs holistically, including their mental health, communication needs and their cultural background.*

Child advocacy organisation

*Lawyers do not have degrees in child development, social work or psychology and therefore do not have the skills or knowledge to advise children of their rights and inform them about the court process as appropriate for children's varying level of development and understanding. Nor do lawyers have the skills or knowledge to interpret children's comments, play and, at times, reluctance to answer their questions. Because they do not have these skills, lawyers for child do not provide a child-centred service.*

Submitter

A few people said they were confused about the role of lawyer for child and the type of issues they should contact the lawyer about.

However, some people spoke positively about the role of lawyer for child. They largely considered the role was important to ensure children had independent legal representation and someone to explain their views to the court.

*... appearances on behalf of children are best undertaken by lawyers for child due to their familiarity with the legislation, rules, evidential requirements, skill in courtroom advocacy*

*and the right of appearance. In particular, when matters proceed to a hearing, the cross-examination by lawyer for child on behalf of the child is an important part of the hearing.*

Lawyer

A few submissions addressed the 2014 changes which limited the circumstances in which a lawyer for child can be appointed. The Office of the Children’s Commissioner said the change had reduced access to lawyers for children and consequently lessened independent advocacy for children’s welfare and their best interests in the decisions of the Family Court.

Some people commented that, since the 2014 changes, lawyers for children have had a heavier workload. Self-represented litigants can become reliant on lawyers for children to guide them through the legal process due to the small amount of information available to those who self-represent.

*Self-represented litigants have an increased expectation on lawyer for child to guide them or act as a “go between” throughout the legal process.*

Legal profession body

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## CULTURAL COMPETENCY OF THE LAWYER FOR CHILD

Some submissions addressed the cultural competency of the lawyer for child pool and expressed concerns about the lack of cultural awareness. Several recommended lawyers for children have appropriate training to improve their cultural competency; some suggested the lawyer for child’s cultural background be matched to that of the child where possible.

*We have some wonderful Māori or Pasifika lawyers and, hopefully, they should be the first option for these children.*

Whānau member

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## LAWYER FOR CHILD: RECOMMENDATIONS

The most common recommendation was that lawyer for child be replaced by, or work with, experts in child development – those who recommended this felt that lawyers didn’t have the necessary expertise in child development and child psychology. Many people recommended the role could be improved by requiring lawyers for children to undertake mandatory training in child development. Other recommendations included:

- the lawyer for child be supervised or monitored by a professional body, as well as having a separate complaints process
- the lawyer for child enter the process earlier to avoid delays
- the child’s voice be objectively captured for transparency and a system for recording or keeping a transcript of interactions between the lawyer and the child be instituted
- mandatory training for lawyers for children on cultural competency and supporting disabled children
- better matching of lawyer for child to their child client, including cultural background (for example, Māori lawyers for Māori children)
- increase in remuneration for lawyer for child to meet demand and complexity of cases.

## SPECIALIST REPORTS

People were asked to comment on their experience with specialist reports. Around 135 submissions mentioned specialist reports, the overwhelming majority of which addressed

psychological reports. Psychological reports are the most common reports in care of children proceedings, and changes to their use were made in the 2014 reforms.

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## PSYCHOLOGICAL REPORTS

The most significant issue raised by people about specialist reports was the delay in receiving them, which added further to the delays in the overall process.

*There needs to be more specialist report writers as the wait time is too long, prolonging proceedings and, in turn, having a detrimental impact on children.* Parent

Parties to proceedings where a specialist report had been requested had other issues with report writers or the report process, including:

- concerns about bias or assumptions made by report writers
- content of reports not being taken into account by judges or lawyer for child
- concerns about report writers' ability to assess the other party's behaviour or risk
- utility of reports considering the limited amount of time the family was observed
- inability of parties or families to have a copy of the report
- cost of reports (where passed on to parties through cost contribution orders)
- it was an emotional, stressful and intrusive experience.

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## PSYCHOLOGISTS

The Panel received over 10 submissions from specialist psychological report writers and two submissions from professional organisations representing psychologists.

The most significant concerns raised by psychologists were the shortage of report writers, the lack of support and consultation from the judiciary and the Ministry of Justice, and the risk and complexities associated with report writing (for example, complaints by parties). The situation was described as a "crisis" with fewer than 100 report writers available across New Zealand, despite requests for reports increasing in number and complexity.

*The hours and timeline of six to eight weeks allocated for these cases is completely unrealistic. Many of the complex cases take around four to six months to complete.* Report writer

Psychologists raised several concerns with the specialist report process, including:

- delays in court proceedings reducing the effectiveness of implementing recommendations in the reports
- reports not being discussed with parties to assist them to reach agreement or resolution
- long delays in the case going to a hearing affecting the currency of a report, resulting in an updated report being requested, creating further delays, or the report writer giving evidence on out-of-date data
- risk of judges not ordering a report at all because of concerns about delays
- ethical concerns when the court-appointed psychologist's notes are released to a psychologist tasked by the opposing party to prepare a second opinion report
- delays and inconsistencies in the provision of information from the court, for example, parties' contact details, which can add to the time it takes to complete a report

- psychologists leaving report writing or are reluctant to enter the work due to the threat of complaints being made against them
- exposure to safety risks, signs of abuse and high levels of parental conflict
- report writers not adequately remunerated for the complexity, intensity and the time it takes to complete reports
- unachievable deadlines expected of report writers, and
- senior report writers being relied on to recruit, train, support and supervise new report writers.

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## LAWYERS' VIEWS

Lawyers who commented on the use of s133 reports were most concerned about the delays in obtaining reports. One lawyer described the delays as unacceptable and was concerned such delays didn't support the welfare and best interests of children.

Some Māori lawyers expressed concern about the lack of Māori psychological report writers, and suggested Māori psychologists should be used when possible or psychologists should work in conjunction with an appropriate person.

*... [Take] practical steps to ensure these reports are balanced, culturally appropriate, and have proper regard to te Ao Māori where applicable to include a requirement to consult with a Māori psychologist, or are peer reviewed by a person who is Māori and possesses the requisite knowledge, skills and experience.* Legal profession body

Some lawyers suggested the scope of s133 reports be expanded to include psychological reports in respect of the parent or guardian (similar to s178 of the Oranga Tamariki Act 1989).

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## PSYCHOLOGICAL REPORTS: RECOMMENDATIONS

Recommendations from psychologists largely focused on ways to reduce the pressure on report writers, including changes to their training, induction, supervision, professional development and retention.

Other recommendations included recruiting more culturally diverse report writers, improved management of complaints made against psychologists, and improved support for the work of psychologists so they can use their full range of expertise to help children and families. One person also recommended psychologists reports be used to obtain children's views, which is currently prevented under s133(6)(e).

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## CULTURAL REPORTS

Around 10 submissions commented on the use of cultural reports – this low number reflects their infrequent use in the Family Court.

Most submissions that mentioned cultural reports recommended greater use of the reports, particularly for decision-making about tamariki Māori. One submission from the legal profession recommended cultural reports be requested in *all* Family Court matters involving Māori whānau and children (noting this would need to be supported by appropriate training for judiciary, lawyers, whānau and whānau support workers, and consideration given to how reports would be funded).

Some people noted an absence of cultural awareness for New Zealand's diverse ethnic communities among the limited pool of cultural report writers. A few said more needed to be done to recruit, train and support cultural report writers to ensure reports could be made available to the court.

*I believe all Māori should be able to request a cultural report from a trusted expert or cultural advisor.*

Parent

A few people suggested families should be able to bring cultural or community information before the court or source a cultural report themselves (rather than relying on the court to request a cultural report).

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## CULTURAL REPORTS: RECOMMENDATIONS

Most people who commented on cultural reports recommended they be used more widely, noting that this would require recruitment, training and upskilling of report writers. Some said there should be an increased use of cultural reports in proceedings involving tamariki Māori. Others noted that cultural training for family justice professionals was needed to increase awareness about the importance of cultural reports so the information in them was used constructively.

## COURT PROCESSES

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### CASE TRACKS

The 2014 reforms introduced several new features to court processes, including case tracks and case conferences to give judges more power to actively control and manage cases. More than 40 submitters mentioned their experience with case tracks; approximately half of these were court users and half were professionals or organisations.

Most commented negatively about case tracks, with the common view being they hadn't helped reduce delays. Most people said they had been on the without notice (urgent) track, with the understanding that this meant they could have legal representation. A few said they had been placed on the standard track (where the case is not urgent, but not consented/undefended). No one mentioned the simple track (for consented and undefended cases).

For those who mentioned the standard track, they commonly experienced delays which tended to exacerbate other issues.

*My original application was without notice. The judge put it on the standard track, which took two years and total mental and financial drainage until settlement was reached.*

Parent

Some people noted "Judges aren't yet adhering strictly to the criteria for 'standard' versus the 'without notice' track." Some found the distinction between the tracks confusing.

Some lawyers reported a discrepancy in the involvement of lawyers for cases on the standard track.

*Sometimes, without notice applications are placed on notice but stay on the without notice track. And lawyers are involved but then they get moved to the standard track and lawyers still remain involved. Sometimes, without notice applications are placed on notice but put on the standard track and lawyers aren't involved.* Lawyer

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## WITHOUT NOTICE TRACK

The most common case track that people commented on was the without notice (urgent) track.

When the 2014 reforms were introduced, it was hoped that most applications would follow the standard track, and a new without notice track was created for urgent applications. Access to legal aid and representation was restricted on the standard track but made available for without notice applications. Professionals have noted that:

*Because of this restriction, an unintended consequence of the 2014 reforms has been that applicants are incentivised to file their cases without notice in order to access legal aid and representation, even when their cases aren't urgent. To justify using this urgent track, parties are incentivised to emphasise potential conflict and take a more adversarial approach.* Children's advocacy group

Many people considered the unintended consequence of without notice applications was that they caused significant delays across the Family Court system. Many noted the increase in without notice applications had lengthened the time it took for these applications to get a decision, undermining the usefulness of the without notice track and putting vulnerable parties at risk.

Most submissions claimed that without notice applications were often made without evidence, the threshold was too low, and parties applied for without notice tracks as part of their strategy.

*The without notice process undercuts natural justice and suffers from a complete lack of the checks and balances necessary when dispensing with such a fundamental principle. The process is, unsurprisingly, being abused as applicants have learned (or being advised by their lawyers) they can gain significant advantage by gaming the process and in practice can do so with impunity.* Parent

Many submissions from parents raised concerns about parties making untruthful or inflammatory statements about the other parent or guardian to satisfy the threshold for a without notice application. Many were concerned there was little repercussion or penalty for untruthful statements made in the Family Court and suggested there should be more accountability. Some were concerned that this type of behaviour exacerbated and entrenched the conflict between parties and made it more difficult to come to a workable resolution for their children.

Some people suggested triaging of applications to help overcome delays and some of the other issues created by the increase in without notice applications.

*I'm advocating a more finely nuanced way of deciding urgency and access to the court than simply whether or not parents make without notice applications.* Counsellor

*Triage critical for improving delay.*

Lawyer

*I know it sounds simplistic but I think that if lawyers can act from the outset (funded) we can triage (as we used to). We can advise clients whether to apply without notice, on notice or try mediation...*

Lawyer

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## CASE TRACKS: RECOMMENDATIONS

There were a number of recommendations for improving case tracks. A few people supported the use of tracks, but most thought they should be narrowed to just the standard and without notice tracks. It was suggested that access to legal representation for standard track applications be available to reduce the over-reliance on without notice applications to the Family Court.

Some people said if lawyers were allowed to act in all matters (including pre-proceedings), the tracks could be disestablished and the system could revert back to the registrar or court co-ordinator triaging matters when the application is filed.

Some suggested clearer guidance or explicit definitions of the tracks would be helpful for professionals and parties, including better guidance on what circumstances meet the without notice threshold or what makes a case complex.

Some submissions, including many from lawyers, recommended pre-court processes be brought back under the umbrella of the Family Court, a robust triage and case management system be implemented, and an individual case manager be allocated to each application to ensure matters progressed in a timely way. This could also identify which cases were complex, requiring closer case management from a judge.

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## CONFERENCES

More than 80 submissions mentioned case conferences (a meeting between parties, their lawyers and the Judge to discuss aspects of the case) and, overall, their reaction to the changes was negative.

Many complained about delays caused by the conferences. Most felt conferences were unhelpful or there was no benefit from attending one. Often this was due to the conference not fulfilling their expectations or because interactions with the other party had become emotional, preventing conferences from being constructive.

*The conference simply created further delays. It seemed to be procedural rather than substantive.*

Parent

*It's simply a forum which can be hijacked by one party to argue rather than to seek a resolution. Settlement conferences are not at all helpful in my experience.*

Parent

Most professionals involved in the conferences also had a negative view of them. They complained about the lack of structure and formality around the process:

*How many directions conferences do you need in a given set of proceedings? The conferences aren't hierarchically ordered so, as counsel, you can never tell your client where you are in a set of proceedings. It's unacceptable.* Lawyer

*The various pre-hearing conferences and the purpose of same are confusing and unnecessarily prolong and convolute the court process, resulting in significant legal costs, anxiety and stress for the caregivers and the children concerned.* Family advocacy group

One submission from a professional acknowledged settlement conferences served a similar purpose to FDR: "Every settlement conference [they] have attended as counsel has progressed resolution of the issues for the parties. But [they] think FDR could do that too."

A few people had had positive experiences with conferences, noting they had felt safe and could have their say.

*The setting was in a safe and controlled manner. The judge set the rules how one must behave in this setting.* Parent

*... [p]rovided more of an opportunity to be "heard" (although this was still limited) when compared to the context of a hearing.* Parent

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## CONFERENCES: RECOMMENDATIONS

There were many recommendations for improving case conferences, including:

- providing more support and education for participants (for example, giving them information about what to expect at a conference, roles and responsibilities, what to do if they didn't agree during a conference)
- providing administrative support during conferences to ensure discussion and agreements were documented accurately
- providing space for extending conferences and/or scheduling follow-up conferences to resolve issues (or, if that space exists already, make that clear to all parties)
- simplifying conference procedures and making the referral process to conferences quicker and more streamlined
- limiting cases to judicial conferences, settlement conferences and the setting down/pre-hearing conferences (which could be conducted by teleconference).

## CHILDREN'S SAFETY

People were asked to comment on changes to how children's safety was assessed. More than 90 submissions commented on issues relating to children's safety. The overwhelming majority of individual submissions said children's safety was not dealt with well. Most didn't relate this to the 2014 reforms but referred more generally to whether relevant legislation and the Family Court adequately protects children's safety. Some commented that they didn't know what changes were made in 2014.

Concerns raised included:

- that the Family Court only identifies physical abuse and pays less attention to emotional or psychological abuse, or power and control dynamics
- children being “forced” into contact with an abusive parent
- children who expressed concerns about their own safety, and their views on having contact with an abusive parent, weren’t listened to, (or the child’s views were dismissed as the views of a protective parent)
- the perception that the court prioritises shared care arrangements or the child’s relationship with an abusive parent even where there’s evidence of abuse
- abusive adults exerting influence over children
- delays in court processes further affecting a child’s safety.

*Consider psychological and emotional abuse of children more seriously as well as taking parents’ mental health and their impact on the children more seriously.* Parent

*There needs to be more careful consideration of the long-term safety concerns. Physical violence is comparatively easier to assess. Psychological violence is not.* Parent

Most people who commented specifically on the removal of sections 59-61 considered it had weakened protections for children by removing an important safety check when an order for care or contact with an abusive or violent party was made. However, a few submissions from the legal profession said the post-2014 process was quicker and therefore better for children, as the case wasn’t held up by waiting for a safety hearing.

A few people noted a shortage of supervised contact services, particularly in small or rural centres and that this could prevent contact between a child and their parent when supervision was necessary, or result in family members or friends acting as supervisors.

*Sometimes supervision by family is appropriate but this isn’t consented to by the other parent. Sometimes supervision by family is highly inappropriate but there’s pressure placed on the consenting parent to concede their expectation of professionally supervised contact because of the restricted nature of the resource.*

Service Provider

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## CHILD SAFETY: RECOMMENDATIONS

There were a number of recommendations for improving how the family justice system assesses children’s safety, including:

- improve how children’s voices were heard (for example, using child development specialists) and giving greater weight to children’s views
- reduce delays in court so proceedings where violence was alleged could be dealt with quickly and within a child’s sense of time
- introduce safety and risk assessments for all matters where abuse or violence was alleged
- enable greater transparency as to how decisions about safety were made

- start from a basis of 50/50 shared care unless there was a clear reason why this was inappropriate
- get psychological reports earlier in proceedings
- reduce delays in obtaining relevant information for the court
- provide compulsory and comprehensive family violence training for family justice professionals
- monitor new parenting arrangements
- improve support for children involved in proceedings, for example, better access to counsellors or therapeutic intervention and child mental health experts
- provide safety assessment teams to assess a child's safety
- require abusers to attend non-violence programmes
- create support groups or programmes for children
- introduce psychological and psychiatric assessments of parents or guardians (one submission used s178 OT Act as an example)

## COST CONTRIBUTION ORDERS

Around 100 submissions mentioned cost contribution orders. Responses to the questions about cost contribution orders suggest that some didn't understand what they were or hadn't heard of them before. Some people commented instead on the cost of legal proceedings generally, legal aid or cost awards.

Of those submissions that did comment on costs contribution orders, most disagreed that parties should be required to contribute to the costs of professionals used in proceedings. Mostly this was because cost contribution orders added additional cost and stress to what was often an already expensive and stressful court experience.

*[O]ften separated families become a single-income family, it's stressful for all parties, the costs are uncertain, the process is stressful and having added costs is unreasonable, especially where a party is in court not by their own actions.*

Service Provider

Some people said that only those with an income over a certain threshold should have to pay cost contribution orders, or that orders should be subsidised for low-income earners. Others said there should be repayment options available. A few people suggested cost contribution orders should only exist for vexatious litigants or parties who prolong proceedings unnecessarily. A few people commented that often a party didn't have the choice to attend court and consequently shouldn't have to pay a cost contribution order.

Some lawyers said cost contributions orders were dealt with by the court long after the actual proceedings and the lawyer's involvement had ended; the letters from the court were sent directly to the client. They were concerned that some clients had to pay cost contributions when they might not have had to if a submission had been made on their financial circumstances.

A few submissions stated that cost contribution orders depended on the judge and region, and there was variation when determining if parties would be ordered to pay cost contribution.

Some commented that the administrative costs and time it took to make a cost contribution order was a poor use of court resources. Some people suggested the administrative costs could be put to better use:

*... the costs associated to the court, legal aid, the ministry and parties (compared with the revenue collected) could be better utilised in providing additional resources in other areas of the family justice system.*

Legal professional body

## PART 3: WHAT SPECIFIC GROUPS SAID

Part 3 summarises what key demographic groups and related advocacy groups said about the 2014 family justice reforms.

### CHILDREN AND CHILDREN'S ADVOCACY GROUPS

*There can't be any dispute about the fact that children have valid views, feelings, hopes, and perceptions.*

Submitter

The Panel received five submissions from children's advocacy groups or organisations with a focus on children including the Office of the Children's Commissioner. Around 45 submissions were received from children or young people. The small number of children who made a submission reflects the difficulty in engaging with children and young people in the context of a parental dispute. Many other submissions, including those from parents and family members, commented on the impact of disputes on children and the things that should be improved.

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### WELFARE AND BEST INTERESTS

More than 125 submissions commented on whether the family justice system adequately supported decisions that were consistent with the welfare and best interests of the child. Most of these submissions commented in the negative, for a variety of reasons, including:

- children's safety not being protected, including where they had disclosed violence or abuse
- children's views not being adequately considered or, they were taken into account, but this was inconsistent
- children not being consulted on decisions
- family justice processes too focused on adults, not children
- children only having one opportunity to participate (children should be able to participate at all stages of family justice processes).

The Office of the Children's Commissioner expressed concern that the 2014 reforms had not achieved the objective of ensuring the family justice system was more responsive to children and may in fact have resulted in worse outcomes and experiences for children who came into contact with the Family Court.

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### CHILDREN'S PARTICIPATION

A few submissions commented directly on how children participated in and out of court, and the general response was negative.

They noted the adult-focused nature of the out of court system, including FDR and PTS. In particular:

*[Child participation in these] out of court resolution processes are ad hoc and completely reliant on adult permission or provision to participate. In the out of court processes, children aren't guaranteed legal representation through lawyer for child.*

Children's advocacy group

The Office of the Children’s Commissioner stated that the lack of mandated consultation of children at FDR was in breach of New Zealand’s obligations under the Convention on the Rights of the Child. The Office also noted it could be stressful for children to share their views about care arrangements or recount distressing experiences to unfamiliar adults. While children needed to be given the opportunity to change their views over time, especially when the process was protracted, they shouldn’t be asked or expected to repeat the same views to multiple people in different parts of the system.

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## CHILDREN’S REPRESENTATION AND ADVOCACY

Many people commented on how children should be represented or who should advocate for them in family justice processes.

The most common theme was that lawyer for child needed to be replaced by, or work with, experts in child development, and that lawyer for child wasn’t sufficiently trained or qualified to effectively communicate with children.

The Office of the Children’s Commissioner recommended a system-wide mechanism be developed to support children through the family justice system and ensure their views were sensitively and appropriately gathered and given weight. This could take the form of a child advocate who stayed with the child throughout the process, or some other child-centred mechanism.

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## CHILDREN’S ISSUES: RECOMMENDATIONS

The overwhelming recommendation from children who made a submission was that they wished to be better heard – “Listen to us” – and that they be given more opportunities to express their views.

Generally, people who made a submission on this topic had many recommendations as to how children could be better represented in family justice processes, including:

- use child development experts instead of, or with, lawyer for child
- use child-inclusive consultants for in- and out-of court processes
- design a process for children to self-report their views in writing or orally
- develop formal models that are culturally responsive and take a child rights approach to ensure all children have the opportunity to participate in out of court processes
- provide more support for children involved in Family Court proceedings
- establish an independent body accountable for all professionals working with children in the Family Court
- whenever children are involved directly or indirectly in FDR, (for example, when giving their views), appropriate steps must be taken to protect the child’s safety and physical and mental well-being, to ensure the child understands the process and has realistic expectations of it, and isn’t pressured
- provide legal representation for children in all family justice processes, rather than limiting lawyer for child to in-court proceedings.

## MĀORI

The Panel received one written submission from an identifiable Māori organisation. The Panel also met with several Māori organisations and received submissions from 25 individuals who identified as Māori. Most said the family justice system didn't serve Māori well and didn't adequately recognise and incorporate tikanga Māori or a Māori worldview.

*The Family Court is a foreign space to our whānau.*

Whānau support worker

A significant issue raised by some was the narrow view of family which was the basis of most family justice processes. They said the Māori view of whānau was very broad and included grandparents and extended whānau, and it was important that family justice processes were inclusive and allowed whānau to participate. A few people suggested that family justice processes should also accommodate hapū and iwi involvement where appropriate.

One submission from a service provider described mana tamaiti and the link between children's well-being and their whakapapa.

*Mana tamaiti and the child or young person's well-being should be protected by recognising their whakapapa and the whānaungatanga responsibilities of their whānau, hapū, iwi and family group.*

Service provider

Some people commented on the need to develop and recognise kaupapa Māori decision-making models, such as whānau hui. Attendees at a Kaitaia hui with the Panel said whānau hui could achieve good outcomes for whānau and tamariki, and could include appropriate mechanisms for safety and accountability, but any agreements made may not be recognised or validated by the Family Court and, therefore, the good work could be undone.

One person said more should be done to support and restore whānau who are in crisis through marae or home-based social services and programmes. They suggested that some service providers lacked the cultural knowledge and sensitivity to approach complex family situations in an appropriate way and without stamping on the mana of the whānau.

*[T]o this day, I see that my culture, heritage and mana was minimised and ignored during this entire process.*

Parent submitter

*It's always optimum if whānau can resolve issues in a culturally appropriate process that is mana enhancing for the whānau concerned.*

Professional body

A few people noted that Māori women were disproportionately represented as victims of family violence, therefore, the family justice system needed to be more culturally appropriate to better keep Māori whānau and children safe.

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## RECOGNITION OF TE TIRITI O WAITANGI

Some submissions, Māori and non-Māori, said agencies, service providers and professionals involved in the family justice system needed to demonstrate a stronger commitment to Te Tiriti o Waitangi.

*Te Tiriti o Waitangi should form a foundational underpinning to the family justice system in Aotearoa New Zealand, and it should be upheld through all aspects of the functioning of the family justice system.*

Child advocacy group

A few suggested that a practical commitment to implement the principles of Te Tiriti o Waitangi be included in family justice legislation or in the design of services.

*Meaningful reform of the family justice system will require a thorough engagement and design plan to ensure that Māori are designing systems that work for whānau Māori, recognising Tiriti o Waitangi obligations and obligations described in the UN Declaration on the Rights of Indigenous Peoples.*

Human Rights Commission

Some suggested service providers in the family justice system needed training about the Treaty of Waitangi and the impact of colonisation.

*I'm concerned there's been no training, education about the Treaty of Waitangi, or history of colonisation that would inform about the trauma and disassociation and disconnection...*

Mediator

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## MĀORI PROFESSIONALS

A consistent theme for Māori who made a submission, and for some non-Māori, was the shortage of Māori professionals in the family justice system including PTS facilitators, FDR mediators, lawyers, lawyers for children, psychologists and judges.

Some people recommended more should be done to recruit and train Māori to work in the family justice system. This would contribute to a more culturally appropriate family justice system that could better meet the needs of tamariki and whānau Māori.

Some people mentioned the need for more services to be delivered by Māori service providers and the use of more suitable forums for dispute resolution such as hui and court sittings being held on marae.

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## MĀORI: RECOMMENDATIONS

Recommendations on how the system could be improved for whānau Māori largely focused on:

- a system-wide commitment to the principles of Te Tiriti o Waitangi, including in family justice legislation
- development and recognition of kaupapa Māori family justice decision-making models
- better support and opportunities for whānau, hapū and iwi to design and deliver family justice services
- training and recruitment of Māori professionals into the family justice system, including as psychologists, lawyers, mediators and lawyer for child.

## PASIFIKA

The Panel received one written submission from an identifiable Pasifika organisation. Four submissions were received from individuals who identified as Pasifika. These submissions explained the challenges faced by many Pacific people who used family justice services:

- language and cultural barriers may place them at a disadvantage, including affecting whether they can effectively participate in out of court processes such as PTS or FDR

- Pacific people may feel uncomfortable disclosing family issues in a group setting such as PTS
- many Pacific families would seek to reconcile and stay together, meaning that processes that don't account for this may be unhelpful or unsafe.

*We submit that not enough is being done for Pacific families in the family justice system, especially considering we're the major ethnic group with the highest proportion of children in Aotearoa New Zealand and a population that's rapidly increasing.*

Legal professional body

One person said the PTS course didn't meet their needs as a Pasifika family, was Euro-centric and needed to have non-European input into the design and delivery of the course. Another submission suggested that a forum for resolving disputes, based on Pacific traditions, be established:

*Where parents in family disputes are of Pacific heritage, we submit that a forum which will recognise and facilitate discussions based on Pacific culture/traditions be adopted. This will result in far more engagement from the Pacific community.*

Legal professional body

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## ACCESS TO JUSTICE FOR PACIFIC PEOPLES

Pasifika lawyers expressed concern about access to justice for Pacific people who couldn't have a lawyer represent them in court. They said Pacific cultures deferred to people held in high regard, such as lawyers and judges, and wouldn't feel comfortable addressing the court directly. Without a lawyer, many Pacific people may not engage in the Family Court process. This was further complicated by language and cultural barriers which may make self-representation unsuitable. However, for Pacific peoples who didn't qualify for legal aid, lack of financial resources meant that legal advice might not be affordable.

One person expressed concern that the lawyer for child appointed for their child didn't understand their Pacific culture and recommended more Pasifika lawyers and lawyers for children be available.

## GRANDPARENTS

Submissions were received from over 20 people who identified themselves as grandparents. This included grandparents who were supporting their child or grandchildren through a family dispute, and grandparents who were party to a family dispute (for example, who were seeking care or contact arrangements with their grandchildren). The Panel also received submissions from two groups or organisations that supported grandparent and whānau carers.

One group explained that the most common context for their members was taking care of their grandchildren due to a parent's substance abuse, particularly of methamphetamine, or they became caregivers due to Oranga Tamariki involvement.

The main concerns raised by grandparents were:

- lack of support or opportunities for grandparents to be involved in decision-making about the care of their grandchildren (when they are not seeking primary care roles)
- cost of Family Court cases can cause significant hardship and stress for grandparents who are seeking day-to-day care

- pressure from Oranga Tamariki to make applications for day-to-day care, then receiving little or no subsequent support
- emotional distress for grandparents dealing with their child (the parent) who may be affected by mental health, alcohol and other drug issues, or display aggressive, violent or manipulative behaviours
- lack of social supports and financial assistance for grandparents and extended whānau in caring roles.

Many grandparents and extended whānau commented on the financial costs of going to court and the limited financial support for grandparent and whānau carers.

*People who have stepped in to support children shouldn't be financially disadvantaged.*

Grandparent

*The financial cost of this is enormous and I will never financially recover.*

Grandparent

Many grandparents weren't eligible for legal aid as they owned a home, but couldn't afford a lawyer due to their low or limited income (for example, the pension). Grandparents Raising Grandchildren explained that some grandparents took out second mortgages, sold their homes, returned to work or took second jobs to pay for a lawyer or repay legal aid loans. They were concerned that grandparents and whānau carers were being financially penalised when stepping in to provide a safe and loving home for grandchildren who might otherwise be in state care.

Some grandparents expressed concern about the limited rights of grandparents to be involved in decisions about the care arrangements for their grandchildren. Some felt there was too much focus on the rights of parents without taking into account the important role grandparents and extended whānau played in a child's life.

*I love all my grandchildren and it's important I fight for them, but I would like to see a system that's fair and looks after the needs and responsibilities of grandparents too.*

Grandparent

Many people, including family justice professionals, commented on the limited usefulness of the PTS course for grandparent and whānau carers. The course was primarily focused on the impact of parental separation on the children and didn't have much relevance for grandparents or other family members in caring roles. Many suggested it be changed to be more inclusive of grandparents, whānau and step-parents who were involved in family disputes about the care of children.

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## GRANDPARENTS: RECOMMENDATIONS

- Better resources for grandparents to help them understand the Family Court and navigate family justice services.
- Greater financial assistance and support services for grandparents caring for their grandchildren.
- Easier application processes for grandparents applying for care or contact.
- More rights for grandparents to make applications to the Family Court.

## DISABLED PEOPLES

The Panel received submissions from five disabled peoples' advocacy organisations. The Panel also heard from some individuals about their experiences using the family justice system as a disabled person.

Overall, people felt that the family justice system was inaccessible to disabled people and didn't provide adequate supports, time and resources to support disabled peoples' access to justice. Most also considered that, by failing to provide these supports, New Zealand was breaching its obligations under the United Nations Disability Convention. Many of the concerns raised in relation to disability issues weren't specific to the family justice system, iibut identified inadequacies across the entire legal system.

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## DISABLED FAMILIES

Submissions noted the diversity of disabled families, and that some families included disabled parents, disabled children or both. Often one parent stayed out of the paid workforce to ensure a disabled child received appropriate care. Women were generally the primary carers. If one or both parents were disabled, low income on a benefit could affect their ability to afford legal advice.

People felt that negative views of disabled adults could affect whether they were viewed as fit parents. One said parents with an intellectual disability were particularly vulnerable to poor outcomes, as assumptions were made about their ability to parent. This could be compounded by the lack of practical parenting support, leading to limited options for care agreements and orders.

*She supports that he lives with another family member, but she wants to see him regularly and have a say in decisions about him. She hasn't seen him for a long time.*

Disability advocacy organisation

Another noted that some parents with learning disabilities would raise their children themselves, while others would have their children living with close family members but continued to have a close relationship with their child and were involved in decision-making about their care.

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## ACCESS TO INFORMATION AND SERVICES

Everyone who commented on disability issues described the barriers faced by disabled people in accessing family justice services. Examples included:

- information not being provided in accessible formats (for example, in suitable formats for screen readers used by visually impaired people)
- limited access to NZSL interpreters for deaf people
- not enough time available for people who need processes to be explained and advice given.

*I believe the family justice system needs to make sure it provides the services to work with disabled people so that we're not left feeling vulnerable or making our friends and family vulnerable because we can't read or process court documents.* Parent

People felt that legal aid advice was difficult to access for disabled people because they needed more time to accommodate their cognitive, physical or sensory impairments. Some

legal aid lawyers weren't taking these clients as legal aid payments didn't cover the extra time required.

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## CHILDREN WITH DISABILITIES

People felt that the family justice system should better understand the effects a child's disability could have on their safety, best interests and welfare.

Some commented on the difficulties disabled children face when participating in family justice processes. They noted that disabled children wanted to have a say in decisions about their care but may need more time and support than other children. A few people were concerned that children with disabilities were treated as if their opinions weren't important. Examples of suggested supports included:

- making a support person available
- plain language information or pictures
- help with communicating their views, whether verbally or non-verbally.

One person said they had received complaints about lawyers appointed to disabled children, including lack of disability awareness and access to support. Suggested improvements included basic training in disability awareness, communication and supports, continuing professional development requirements regarding disability awareness, and more time and resources to support children with disabilities.

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## DISABILITY ISSUES: RECOMMENDATIONS

People strongly recommended that the family justice system needed to provide adequate supports, time and resources to support disabled peoples' access to justice. This included practical supports such as accessible information and a better understanding of disabled peoples' needs and their parenting abilities.

Advocacy organisations recommended improvements to disabled peoples' access to legal advice and representation, including adequate financial grants for legal aid lawyers to meet their extra needs.

People also recommended that lawyers and other family justice professionals received appropriate training to better support disabled peoples using family justice services.

## OUT OF SCOPE ISSUES

People raised various issues that were beyond the scope of the Panel's terms of reference, including:

- issues related to care and protection proceedings, children in state care and those in contact with Oranga Tamariki
- child support and contact with Inland Revenue
- Hague Convention matters
- relationship property matters
- matters relating to the youth justice system and child offenders
- domestic violence programmes
- Protection of Personal and Property Rights Act 1988 and welfare guardian issues.

The terms of reference (available [here](#)) provide that the Panel may, in its final report, recommend further work be undertaken on specific issues that haven't been fully explored or were outside the terms

## GLOSSARY

ADRO	Approved Dispute Resolution Organisation
FDR	Family Dispute Resolution
FLAS	Family Legal Advice Service
PFM	Preparation for Mediation
PTS	Parenting Through Separation
S133 Reports	A request made by a Judge under section 133 of the Care of Children Act for a specialist written cultural, medical, psychiatric, or psychological report on a child

## APPENDIX 1: LIST OF WRITTEN SUBMISSIONS FROM GROUPS OR ORGANISATIONS

Listed below are the 38 organisations or groups that made written submissions categorised by main activity or interest area. Some of these submissions have been made publicly available at <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/family-court-rewrite>.

Interest area	Organisation or group name
Children's advocacy groups	Barnardos Birthright New Zealand Office of the Children's Commissioner Save the Children
Disabled peoples' organisations	Blind Citizens NZ Disability Law Disabled Person's Assembly IHC People First
Family Court staff	Ministry of Justice Court Staff
Family Dispute Resolution	Arbitrators and Mediators Institute of New Zealand (AMINZ) Fairway Resolution

	<p>FDR Centre</p> <p>Presbyterian Support (FamilyWorks) Central</p> <p>Presbyterian Support (FamilyWorks) Northern</p> <p>Resolution Institute</p>
Family violence or sexual violence advocacy groups	<p>Backbone Collective</p> <p>Coalition for the Safety of Women and Children</p> <p>HELP Auckland</p> <p>Wellington Women's Refuge</p> <p>Women's Refuge</p>
Government organisations	<p>Family Violence Death Review Committee</p> <p>Human Rights Commission</p>
Judiciary	<p>Family Court Judges</p>
Lawyers and legal professional bodies	<p>McWilliam Rennie Lawyers</p> <p>Murihuku Family Lawyers</p> <p>New Zealand Law Society</p> <p>Pacific Lawyers' Association</p> <p>Portia Law</p> <p>Te Hunga Roia Māori</p>
Mental health professionals or professional bodies	<p>New Zealand Association of Counsellors</p> <p>New Zealand Association of Child and Adolescent Psychotherapists</p> <p>New Zealand Psychological Society</p> <p>Northern Specialist Report Writers</p> <p>Royal Australian and New Zealand College of Psychiatrists</p>
Parent/whānau support or advocacy groups	<p>Alienated Grandparents Anonymous</p> <p>Families 4 Justice</p> <p>Father &amp; Child Trust</p> <p>Grandparents Raising Grandchildren</p>
Social service providers	<p>Skylight Trust</p> <p>Victims' Support</p>
Other organisations	<p>Business and Professional Women NZ</p> <p>Ministry of Men's Affairs</p> <p>New Zealand Nurses' Organisation</p>

