

9 November 2018

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Tēnā koe

## **RE: FAMILY JUSTICE REFORMS**

Tōpūtanga Tapuhi Kaitiaki o Aotearoa, New Zealand Nurses Organisation (NZNO) welcomes the opportunity to comment on the Ministry of Justice draft Family Justice Reform's document. NZNO has consulted its members and staff in the preparation of this submission, in particular members of; Colleges, Sections, Te Rūnanga o Aotearoa, and professional nursing and policy advisers.

NZNO is the leading professional nursing association and union for nurses in Aotearoa New Zealand, representing 52,000 nurses, midwives, students, kaimahi hauora and health workers on professional and employment matters. NZNO embraces te Tiriti o Waitangi and contributes to the improvements of the health status and outcomes of all people of Aotearoa New Zealand through influencing health, employment and social policy development.

In general we support the review of Family Justice System, which aims to review the '2014 reforms' which made changes the services and processes available to help separating couples agree on the care and contact arrangements for their children.

We agree that family violence, in all its forms, is unacceptable, and that addressing the *systemic barriers* that disadvantage women and children from accessing quality, fair and culturally appropriate family or whānau court services, is a priority. Given Māori are disproportionately represented as both victims and perpetrators, with Māori women twice as likely as other women to experience family or whānau violence, we strongly recommend changes to the family or whānau court system to ensure that it is culturally responsive and accessible to family or whānau. We are aware that separation can place extra stress, economic burden and emotional pressure on families and whānau, and trust that this review will address these issues.

As frontline health service staff, our members play a vital role in providing better services for victims, perpetrators and whānau, and provide services and training to support the workforce to practise in a responsive, safe and competent way. Too often, however, they are confronted with people whose wellbeing, circumstances and lifelong prospects have been adversely affected by health issues which should have and could have been prevented, treated and managed earlier.

Currently, the lack of provision in legislation and regulation for core health services to be connected to social, justice and health services, including alignment of referral and reporting systems, means that the most vulnerable, including tamariki and rangatahi, who need, and are entitled to, extra care

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and support, frequently miss out on basic health care available to all other citizens – ie they are doubly disadvantaged, with the inevitable lifelong consequences. NZNO, like others, has pointed out in numerous submission, the systemic barriers (Human Rights Commission, 2012), duplication, and predictable failure of siloed justice, health, education and social systems. We are hopeful that the government's Wellbeing Framework will provide the basis for a more coherent regulatory structure that is focused on well-being and the *prevention* of violence and antisocial behaviour. To this end we note the importance of ensuring access to appropriate health care and alignment with the well-established, public health screening/health check programmes that provide a platform for this. It is often these core services that vulnerable people miss out on, and it is essential that they are incorporated into the family justice system.

We recommend the following:

- regulatory reform to ensure that wellbeing is incorporated into family justice, and particularly that the physical and mental health care of families is embedded into processes and systems that are aligned with core health services;
- mandatory family justice cultural competency training should be provided for all frontline staff, all court staff, registrars, lawyers, judges, counsellors, security guards, social service and health staff involved in the family court system;
- ongoing health and wellbeing assessments of family or whānau, including monitoring of the changing dynamics in family or whānau wellbeing is consistently reassessed by professionally trained health and social service staff;
- additional free wrap around support services (access to safe housing, financial services, food, clothing, health services and support groups) and be available for all family, whānau, and tamariki to help families and whānau when they are most vulnerable;
- access to culturally appropriate counselling services and have accesses to compulsory mediation; and
- the establishment of an independent quality assurance, monitoring and complaints body to review violence against women and their children.

We draw your attention to the recent and excellent research reports from the Backbone Collective (2017) which captures the lived experience of women and children who have accessed the New Zealand Family Court:

- *Out of the Fry Pan and into the Fire: Womens Experiences of the New Zealand Family Court*, and
- *Seen and not Heard: Children in the New Zealand Family Court*<sup>ii</sup>.

Please note our previous extensive submission on Family Violence information sharing guidance, Domestic Violence Victims Protection Bill, and Family and Whānau Violence Legislation Bill, which highlights the role of nurses working both with perpetrators and victims.

Nāku noa, nā



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- <sup>i</sup> The Backbone Collective. (2017). *Out of the Frying Pan and into the Fire: Women's Experiences of the New Zealand Family Court*. Retrieved 6/11/18 from:  
<https://static1.squarespace.com/static/57d898ef8419c2ef50f63405/t/5949a425a5790a3989f7e74e/1497998414103/Family+Court+Survey+report+final+080617.pdf>
- <sup>ii</sup> The Backbone Collective. (2017). *Seen and not Heard: Children in the New Zealand Family Court*. Retrieved 6/11/18 from:  
<https://static1.squarespace.com/static/57d898ef8419c2ef50f63405/t/5a3171c59140b743f5abbe36/1513189837189/Seen+and+not+Heard+Children+in+the+Family+Court+%281%29.pdf>