

1 March 2019

Mail to: familyjusticereforms@justice.govt.nz

Tēnā koe

Tōpūtanga Tapuhi Kaitiaki o Aotearoa, New Zealand Nurses Organisation (NZNO) welcomes the opportunity to comment on the Ministry of Justice Independent Panel *draft 'Strengthening the Family Justice System' discussion 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 53,000 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.

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. 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.

In general, we support the Independent panels proposed approach to strengthen the Family Justice service to include 'a *Korowai around the Family Justice Service so that people can access the right service, at the right time, in the right way, rather than having to follow an inflexible process*'. We do however recommend that a Te Ao Māori perspective needs to extend to include the service name. We propose **Family and Whānau Justice Services**. This would better signal the incorporation of tikanga Māori across all aspects of the service delivery, procedures, and system processes.

We are aware that family and whānau separation can place extra stress, economic burden and emotional pressure on families and whānau, and we support most of the proposed changes, however, we recommend the urgent inclusion of:

- ongoing health and wellbeing assessments of family and 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; and

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- free access to culturally appropriate counselling services for parents, children and whānau.

Specific member feedback

Additionally, our members have provided specific feedback to your list of questions:

1. *What should be included in a comprehensive safety checklist?*

Hauora assessments are vital to ensure families and whānau wellbeing. As health professionals, we recommend that all families and whānau must have access to health and wellbeing checks (using Te Whare Tapa Whā health assessment which looks at physical, psychological, social, wairua elements of hauora). Given the high level of anxiety and stress associated with Family Court processes, we strongly support free counselling services must be available for all families and whānau who are accessing the Family Court system. Further, access to comprehensive health assessment from culturally and clinically appropriate health professionals could ensure that all tamariki children are up to date with all health and wellbeing checks, for example, the B4 School Check which include:

- [Child Health Questionnaire \(Word, 278 KB\)](#)
- hearing and vision screening through sweep audiometry, tympanometry and distance visual acuity;
- measurement of height and weight for recording in the Well Child health book and B4 School Check database;
- behavioural and developmental questions using the Strengths and Difficulties Questionnaire (SDQ) and Parental Evaluation of Developmental Status (PEDS) tools;
- an oral health screen using the Lift the Lip resource and check for enrolment in a school dental clinic;
- health promotion and education – providing information resources, advice and support as appropriate; and
- referrals to appropriate health, education or social service where the B4 School Check has identified the need for such services.

3. *Should there be a separate support workers for adults and children?*

Yes, we support the Backbone Collective (<https://www.backbone.org.nz/>) recommendation for a national network of independent specialist children's advocates be established immediately to work alongside children who are involved in Family Court to ensure their voices are heard by the judges, lawyer for child, psychologist, social worker and any others involved in the case.

5. *Should obligations be placed on the Ministry and/or the Government to improve family justice outcomes for Māori? What should these obligations be?*

Yes, we agree that obligations should be placed on the Ministry and/or the Government to improve family and whānau justice outcomes for Māori. We agree and tautoko proposed changes and recommended improvements to the monoculture aspects of the family justice system. We support

any improvements that increase access to Te Ao Māori, for whānau and for family justice professionals to be supported in their everyday mahi. We recommend culturally appropriate training for all family justice professionals including court staff, lawyers and judges. Guidance from other Ministries and agencies like Te Arawhiti, the office for Māori Crown relationships, and Te Puni Kōkiri may assist with Tikanga Māori in Crown agencies settings.

6. *How could the Ministry of Justice or the Government partner with hapū, iwi or Māori organisations to deliver services?*

We agree and support the involvement of hapū, iwi and community organisations in family justice processes to ensure 'a mana voice' is present and accessible in changing the culture of the Family Court. We are however, conscious that these roles must be in paid positions, rather than placing expectations on hapū and iwi to fund these positions or asking iwi members to volunteer their time for 'aroha'. Court appointed Kaumātua and Kuia could oversee, and provide a korowai to oversee and ensure that Tikanga Māori is upheld and practiced. This may also assist to improve any inappropriate and bad behaviour of families and whānau accessing the Family Court.

7. *How would you incorporate tikanga Māori into the Family Court?*

Again, we would like to see the full time employment of cultural advisors across the country to assist the Family court in practice. Tikanga Māori values of Manaakitanga, Whanaungatanga, Tika, Pono and Aroha should guide the overarching policies and procedures and the implementation of aroha ki te tangata (a respect for people) into everyday practice like karakia, mihi, and shared culture. We support opportunities for family and whānau Court hearings to be held at other culturally appropriate settings, like Marae, Iwi offices or conference facilities at Māori and Iwi health providers or any other culturally appropriate venue requested by whānau.

Members have also reported that additional wrap around whānau support is required to navigate the Family and Whānau Justice System which can be overwhelming for those that are unfamiliar with the system and timeframes.

10. *Are there gaps in the counselling services that need to be filled?*

We agree with the proposed proactive counselling areas, but recommend that counselling services should include also include separate counselling for parents, children and the opportunity for whānau based counselling sessions.

24. *What types of therapeutic intervention would be useful in complex cases?*

As health professionals, we see the benefit of nurses and health workers (mental health nurses, primary health care nurses and community health workers) providing support to families and whānau who are accessing the Family and Whānau Court. We agree with proactive measures that would allow Judges to direct parties for psychological or psychiatric assessment or alcohol and drug assessment if required. We note, however, that given current health workforce shortages, we recommend that a thorough feasibility assessment be carried out to see the availability of trained health professionals prior to any implementation.

28. What do you think of the proposal to create a new role; the Family and Whānau Justice Service coordinator?

We agree with the recommendation to create a new position which aims to ensure that all applications to the Family Court are triaged appropriately. We are concerned, however that the over reliance and workload burden on a single position will not alleviate the situation and a team of coordinators maybe required to ensure families and whānau have access to information, advice and connection to services.

Additional points

Workforce strategy for Family Court staff?

- We look forward to providing further input into family and whānau court staff workforce strategy and career pathways, ensuring access to specialist services and additional support for grandparents and family members raising children, and or people with a disability needing assistance to resolve disputes about children.

Use of pets in courts?

- We note, the use of animals to make young witnesses or victims more comfortable in Aotearoa New Zealand court system, for example the late Louie the dog worked with young witnesses or victims more comfortable in the Tauranga Court. We wonder if this would be an appropriate suggestion for use in the Family and Whānau Court.

To conclude, please note our previous extensive submissions on Family Violence information sharing guidance, Domestic Violence Victims Protection Bill, and Family and Whānau Violence Legislation Bill, which highlight the role of nurses working both with perpetrators and victims.

Nāku noa, nā



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DDI: s 9(2)(a)