

## Questions

1. What should be included in a comprehensive safety checklist?
2. What information should be available to the court to assess children's safety and in what circumstances?
3. What role should specialist family violence workers have in the Family Court? <b>To advise the Court as to whether allegations are true.</b> Should there be separate support workers for adults and children? <b>Probably not as might be better if one person has overall knowledge of the case</b>
4. Do you have any other suggestions for more child-responsive court processes or services? <b>Separate funding for child specialists in FDR process.</b>
5. Should obligations be placed on the Ministry and/ or the Government to improve family justice outcomes for Māori? <b>Yes.</b> What would these obligations be? <b>To make sure cultural considerations are understood and taken into account in decisions. I feel this ought to apply to all cultures, e.g. Asian, Russian, Middle Eastern.</b>
6. How could the Ministry of Justice or the Government partner with hapū, iwi or Māori organisations to deliver services?
7. How would you incorporate tikanga Māori into the Family Court? <b>Interpreters where necessary (which would not be often for Maori but would certainly be for, e.g. Asians or Middle Easterners)</b>
8. Do you have any other suggestions to improve the Family Justice Service for Māori, including any comment on the examples provided above? <b>Upskill all family justice professionals, especially Judges and FDR providers, in tikanga Maori -a simple course would suffice.</b>
9. What information do you think would help service providers, community organisations, lawyers and family justice professionals to achieve a joined-up approach to the Family Justice Service? <b>Perhaps an initial half or one day course on the proposed triage approach.</b>
10. Would the three proposed types of counselling meet parties' needs, <b>Yes</b> or are there gaps in the counselling services that need to be filled? For example, should there be counselling available to children? <b>In an ideal world counselling for children would be great - however there is a limit to what the state can afford and I feel if the parents get counselling when needed then the children will benefit from that immensely.</b>
11. Are Parenting Through Separation/Family Dispute Resolution suppliers, Family Justice Service Coordinators and Judges best placed to refer people to counselling? <b>Yes.</b> Are there any other service providers who should be able to refer to counselling or should people be able to refer themselves?
12. Should confidentiality be waived when parties are directed by the court to therapeutic intervention, in what circumstances and regarding what matters? <b>Yes</b>

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13. Do you agree that there should be an expectation on parties to attend Parenting Through Separation, rather than having it as a compulsory step for everyone? <b>No - compulsory is better, if it is practicable (e.g. exemption for remote areas -although this could be done by video conferencing -skype/fuze/zoom)</b>
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14. If PTS is not mandatory, how should this expectation of attendance be managed and achieved?
15. Do you agree with the idea of a rebuttable presumption? <b>Yes</b> . If so, how might it be worded to make sure that parties take part in Family Dispute Resolution unless there are compelling reasons not to? <b>By setting out the clear advantages of FDR over court -i.e. time delays, costs, stress, less detrimental effect on parental relationships and the children</b>
16. Do we need stronger obligations on family justice professionals to promote FDR and conciliatory processes generally? <b>Yes!</b>
17. What could a streamlined process for court referrals to FDR look like? <b>Interview with Family Justice Services Coordinator</b>
18. Is there a place for more accessible provision of funded legal advice for resolution of parenting disputes outside of court proceedings? What would the key elements of this service be and how could it be achieved? For example: <ul style="list-style-type: none"> <li>• Should it be part of a legal aid grant, or <b>If legal aid, then eligibility criteria important and assets taken into account and refund when can -to prevent rorting the system an also to make sure there is an incentive to mediate first</b></li> <li>• could there be an enhanced role of FLAS 1 (giving a person initial information and advice on the out-of-court processes), including the creation of a solicitor- client relationship? <b>Prefer this option -if enough providers and if they are paid enough to attract appropriate lawyers into the work.</b></li> </ul>
19. How do you think we could improve the efficiency of court processes? <b>Family Justice Services Coordinator and senior registrar may make all the difference</b>
20. Will reinstating legal representation be enough to reduce the number of without notice applications? Or would other interventions be required? <b>Yes -e.g. Family Justice Services Coordinator to discern if there is a necessity for the without notice order or if party using it simply to get back at ex or to get ex to agree with applicant (i.e. leverage)</b>  orFor example, are sanctions required for unnecessary without notice applications? <b>Yes</b> . If so, what sanctions would be appropriate? <b>Costs order.</b>
21. Do you think there is value in clarifying that parenting orders made without notice can be rescinded? <b>Yes indeed</b>
22. How best should integrated assessment, screening and triaging be implemented? What other measures would you like to see implemented in order to improve the interconnection of the Family Justice Service? <b>Family Justice Services Coordinator huge step forward, as long as the coordinator has support from a team.</b>

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23. What other powers do you think might be helpful to enable judges to better manage complex cases? <b>Consider appointing a family court judge with both legal, counselling and FDR experience to handle the 'complex' cases</b>
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24. What types of therapeutic intervention would be useful in complex cases? For example, should a judge have the power to direct a party for psychological or psychiatric assessment or alcohol and other drug assessment? <b>Yes indeed, and also perhaps, anger management or parenting programme.</b>
25. What could be done to encourage lawyers and judges to make better use of s133 cultural reports? <b>Short course perhaps.</b> For example, should there be a different threshold for cultural reports? If yes, what would be an appropriate threshold?
26. Do you think greater use of section 136 of the Care of Children Act 2004 would prove more valuable than presenting cultural information in a report format? If so, what type of information and guidance would be needed to support parties to use section 136? What barriers are there for parties to use section 136 of the Care of Children Act 2004? <b>I like the provision of a cultural report where it would be essential to determine the best needs and welfare of the children -otherwise there is the potential for this to be abused.</b>
27. Do you have any other proposals for improving the quantity and quality of cultural information available to the court?
28. What do you think of our proposal to create a new role; the Family Justice Services Coordinator (FJSC)? <b>Excellent idea</b>
29. What do you think of our proposal to establish a Senior Family Court Registrar position? <b>Excellent idea</b>
30. What powers do you think Senior Family Court Registrars should have in order to free up judicial time? <b>As per your proposals</b>
31. What sorts of competencies should Senior Family Court Registrars have? <b>Gosh that's tricky -legal skills and preferably also counselling skills and experience in FDR or PTS</b>
32. Do you agree with our proposal to introduce new criteria for appointment of lawyer for the child to make sure of the best fit? <b>Yes definitely</b>
33. What are the core skills for the role of lawyer for the child, and what training and ongoing professional development do you see as necessary to develop those skills? <b>Again, a tricky one as they really could do with some counselling training as just legal skills in my experience are not enough -e.g. dealing with emotions is often not a skill most lawyers have, though some do have them.</b>

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34. Do you see a role for an additional advocate with child development expertise to work together with the lawyer for the child, to support the child to express their views and make sure they're communicated to the judge? <b>Yes, good idea</b>
35. Does the definition of 'second opinion' reports need clarifying? <b>Yes</b>
36. What improvement do you think could be made to the process for obtaining critique reports?
37. At what stage in the court process would psychological reports be most helpful? <b>Preferably before FDR and certainly before court hearing</b>
38. Do you have any other comments about section 133, for example the threshold test for obtaining a report?
39. Do you agree with the Panel's proposal that cost contribution orders are modified? <b>Yes</b> For example, do you think a judge should order a party to contribute to the cost of

professionals when making final orders based on the party's behaviour during proceedings?

Yes definitely

40. Should FDR be fully funded by the Government for everybody, or should FDR be free for both parties where one party is eligible for Government funding? No -parents who can afford it need to take responsibility for the fact they cannot agree on the care of their children -plus, they would be more motivated to reach a decision if have paid. Should the eligibility threshold be raised? No

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## Demographics

We have some final questions we'd like you to complete. Answering these questions is voluntary, but if you do, it helps us to understand who has engaged in the response to this document.

### If you're a user of the Family Justice Service

If you have used the Family Justice Service, what particular services did you use or come into contact with? *Tick all that apply.*

#### D1

- Parenting Through Separation
- Family Court
- Specialist report writer
  
- Family Legal Advice  Family Dispute Service Resolution
- Lawyer for the child  Your lawyer
- Counsellor

#### D2

Other (please specify): \_\_\_\_\_

What was your relationship to the child or children who were the subject of the family

dispute?

Parent  Guardian  Grandparent

Whānau/family  Other (please specify): \_\_\_\_\_

\_\_\_\_\_

### If you're a professional in the Family Justice Service

If you work in the Family Justice Service, what is your role? *Tick all that apply.*

### D3

- Parenting Through Separation
- Specialist report writer
- Counsellor

Family Legal Advice Service

Lawyer for the child

Family Court (eg, judge, registrar, court coordinator)

Family Dispute Resolution

Lawyer for parties

Other (please describe): \_\_\_\_\_

\_\_\_\_\_

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### Questions about you

You don't have to answer these questions, but it's useful if you do because this helps us better understand the information we receive. You may choose to answer all or some of these questions.

### D4

### D5 D6 D7

Is this an individual submission or a submission by a group or organisation?

Individual  Organisation (please specify): \_\_\_\_\_

Age:  Under 16  16–24  25–34  35–44  45–59

60+

Gender:   Male Where do you live?

Northland  Gisborne

Wellington  West Coast

Female

X (gender diverse)

Bay of Plenty  Manawatu–

Wanganui

Marlborough

Southland

Asian

Auckland

Hawke's Bay

Tasman

Canterbury

Waikato  Taranaki

Nelson  Otago

Pacific peoples

D8

Ethnicity (*tick all that apply*)

- New Zealand  Māori

European

- Middle Eastern  African

Latin American  Other (please specify): \_\_\_\_\_