

PRACTICE NOTE: CHILDREN'S SUPERVISED CONTACT

1 BACKGROUND

- 1.1 The terms of this Practice Note have been settled in consultation with the Ministry of Justice and the Family Court.
- 1.2 Family Court referrals for supervised contact should only be made to approved service providers (providers).
- 1.3 A provider can become approved in one of two ways:
 - (a) by providing evidence of having Child, Youth and Family approval status under s 403(1) of the Children, Young Persons, and Their Families Act 1989; or
 - (b) by a Family Court Coordinator approving the provider where there is a local need for the provider, and where the provider is a member of the Aotearoa New Zealand Association of Supervised Contact Services Inc.
- 1.4 This Practice Note sets out the procedures to be followed:
 - (a) for information and reports passing between the Family Court and the service provider; and
 - (b) upon review and termination of supervised contact.

2 FORMS

- 2.1 The forms for use in conjunction with this Practice Note are located on the Family Court website (www.justice.govt.nz/family).

3 INTRODUCTION

- 3.1 The objects of this Practice Note are to:
 - (a) establish a national set of procedures and arrangements between the Family Court and supervised contact providers;
 - (b) ensure that the need of any child using such a service for protection and safety is met; and
 - (c) ensure that the child's welfare and best interests are promoted.
- 3.2 The Court has jurisdiction under the Care of Children Act 2004, the Domestic Violence Act 1995, and the Children, Young Persons, and Their Families Act 1989 to make orders in respect of day-to-day care, contact, custody and access. This includes orders for supervised contact or access affecting children and young people.

- 3.3 In exercising that jurisdiction, the Court must regard the welfare and best interests of the child as the paramount consideration and, in particular, have regard to the need to protect the child from physical, sexual, and psychological abuse, ill-treatment, and exposure to behaviour which may emotionally or psychologically harm the child.

4 REFERRAL OF CASES FOR SUPERVISED CONTACT

- 4.1 Where it is proposed to refer a case which is before the Court to a supervised contact provider, where appropriate the Family Court will supply to the provider:
- (a) the names and contact details of the parties;
 - (b) the name(s) and age(s) of the child(ren);
 - (c) a copy of all relevant orders, including the FAM reference number, the custody and access orders, parenting orders and orders under the Domestic Violence Act 1995, Care of Children Act 2004 and Children, Young Persons, and Their Families Act 1989, and such relevant applications, affidavits, reports and memoranda as the Judge shall permit;
 - (d) the reason(s) for the request for supervision and, in particular, any concerns for the safety and welfare of the child(ren); and
 - (e) the nature and extent and length of period of supervision which is sought, including the date of any review.

It is the responsibility of the Court to supply these documents to the provider. The assessment may also include an interview with the child and relevant family members.

The provider will ensure that these documents are secure and viewed only by those who are authorised to do so. At the conclusion of the assessment or provision of service, whichever is the later, the documents shall be returned to the Family Court.

- 4.2 Information is to be provided on a form generated by the Case Management System.
- 4.3 The service provider will assess:
- (a) the nature and extent of any risk to the welfare and safety of the child(ren);
 - (b) the nature and extent of any risk to the welfare and safety of other relevant persons;
 - (c) whether the child(ren) is/are likely to be, or to become, comfortable with the proposed supervised contact arrangements;
 - (d) the appropriate level of contact for the individual child and the availability of the provider;
 - (e) the level of vigilance required for supervision; and

- (f) whether the provider has the capacity and resources to provide the level of supervision required.
- 4.4 The provider will supply the Court with a report upon completion of the assessment. The report will indicate whether the provider:
- (a) accepts the original referral from the Court; or
 - (b) seeks any variation to the original referral including a recommendation for a review date. The Court must approve any variation sought in respect of the original referral; or
 - (c) declines the referral from the Court. The provider must include the reasons for declining. The Court then has the responsibility to refer the case elsewhere if the Court considers that further referral is appropriate.
- 4.5 If the provider accepts the referral, the Court will confirm in writing the contract for supervised contact with the provider when it receives the assessment report. This will outline the number of sessions of supervised contact to be provided.

5 INFORMATION AND REPORTS

- 5.1 The provider agrees to provide information on supervised contact to the Court. This will be provided on completion of the eighth session or within three months, whichever is the earlier, or upon request from the Court.
- 5.2 Parents/caregivers shall be informed at the point of intake that such reports will be provided to the Family Court.
- 5.3 Any requests for the report must be made through the Family Court.
- 5.4 The provider will advise the Family Court or lawyer for the child if they consider that there are welfare or other concerns arising in the course of supervised contact.
- 5.5 Where additional reports other than the Court report are required, the Court may engage the services of a specialist report writer. The intention is that the Court does not rely on the provider for this evidence. If the Court considers that the information set out in the provider report does not go far enough and it wishes to hear a report on other matters such as attachment, bonding, fear, safety and other such psychological issues, the appropriate avenue for the Court to receive such information is through a specialist report writer pursuant to s 133 of the Care of Children Act 2004.
- 5.6 The Court shall advise the provider of any changes to the original reason for the request for supervision (refer [4.1\(d\)](#)).
- 5.7 Normally a supervised contact provider should not be required to give evidence in Court. The report provided by the supervised contact provider is expected to be sufficient for the Court's needs.

6 REVIEW OF SERVICE PROVISION

- 6.1 The lawyer for the child will organise a review of service provision based on the recommendation of the service provider in the assessment report, or as requested by the Family Court.

7 TERMINATION OF PERIOD OF SUPERVISION

- 7.1 A provider may decline to continue providing supervised contact for a referred family at any time. The provider must notify the Court immediately. Termination might be indicated in circumstances in which, in the view of the provider:
- (a) the child is being, or is at risk of being, adversely affected by the supervised contact;
 - (b) the supervisor's safety is at risk;
 - (c) other risk factors are unmanageable, for example, use of drugs and alcohol, intimidating behaviour, risk to other users;
 - (d) there is non-compliance with the rules of the supervised contact by an adult user of the service.
- 7.2 If supervised contact is to be discontinued for any reason, the provider shall notify the Court, lawyer for the child and the parties, and provide reasons for the discontinuation.
- 7.3 If supervised contact is to be discontinued by the Family Court, the Court will notify the provider immediately.
- 7.4 An exit plan needs to be prepared for each child before finishing supervised contact. This is to ensure that the child is prepared appropriately for the transition from supervised contact.

COMMENCEMENT DATE

This revised Practice Note is issued on 13 June 2013 and comes into operation on 13 June 2013.

Judge L J Ryan
PRINCIPAL FAMILY COURT JUDGE