



Have Your Say on the family justice system

A consultation document released by the
Independent Panel examining the
2014 family justice reforms



**Unuhia te rito o te harakeke
Kei hea te kōmako e kō
Whakatairangitia
Rere ki uta, rere ki tai
Ui mai ki ahau
He aha te mea nui o te Ao
Māku e kī atu,
He tangata, he tangata, he tangata.**

If you remove the central shoot of the flax bush,
Where will the bellbird find rest?
If you were to ask me, what is the most important thing in the
world?
I would reply,
It is people, it is people, it is people.

Nā Meri Ngaroto, he rangatira o Te Aupōuri.
This proverb was composed by Meri Ngaroto, a rangatira of Te Aupōuri.

<i>E ngā mana</i>	<i>To the prestigious</i>
<i>E ngā reo</i>	<i>To the languages</i>
<i>E ngā mate kua hinga</i>	<i>To the dead who have fallen</i>
<i>E ngā karangatanga maha</i>	<i>To the numerous callings</i>
<i>Ki ngā manu o te Rangī</i>	<i>We acknowledge those who have flown here</i>
<i>Ki ngā Hua o Tangaroa</i>	<i>We acknowledge those who are from the sea</i>
<i>Ki ngā mau o te whenua</i>	<i>We acknowledge the sustenance we obtain from the land</i>
<i>He taonga tuku iho</i>	<i>Gifts passed on from our forebears</i>
<i>Mō tātou me ngā uri tamariki mokopuna</i>	<i>For us and sustainment of future generations</i>
<i>Mauri ki te Rangī!</i>	<i>Life principle enhancing to the heavens</i>
<i>Ora ki te whenua</i>	<i>Life to the land</i>
<i>Mauri Ora ki a tātou kātoa</i>	<i>Life principle enhancing to us all</i>

Just as the heart of the flax bush supports and sustains the bellbird, family and whānau provide children with protection, support and a sense of identity. It's with our most precious taonga in mind – our tamariki – that the Independent Panel carries out its role of reporting on the 2014 changes to New Zealand's family justice system.

In August 2018, the Minister of Justice asked the Independent Panel to consult with those who have been affected by the 2014 reforms and report back to him. These reforms made major changes to the support and advice available to separating parents to help them agree on how their child or children will be cared for.

The first step is to ask for your views on these changes. We would like to hear from users of the family justice system so we can understand the overall effect of the 2014 changes. We want to know if they are achieving outcomes that focus on a child's welfare and best interests. We are also focusing on whether these changes affect tamariki and rangatahi Māori in different ways.

We will be meeting with people and groups across Aotearoa/New Zealand during 2018. It won't be possible for us to meet with everyone who'd like to take part, but this document gives everyone a chance to have their say.

We have questions we'd like you to think about and answer. We'll use your answers to help us prepare our report for the Minister of Justice. Our report is due by the end of May 2019.

Thank you for reading this consultation document and for any input you can make. We understand this is a challenging and time-consuming process that involves careful thought. We welcome your feedback.

Nā mātau noa, nā

Roslyn Noonan (Chair)

Chris Dellabarca

La-Verne King

Contents

We want to hear from you	1
Important information about your submission	2
What happens to your submission	2
Information about third parties	2
Privacy	2
Background	4
Changes to the family justice system in 2014	4
Out-of-court processes	5
Family Dispute Resolution	5
Parenting Through Separation	7
Family Legal Advice Service	8
In-court reforms	9
Removing lawyers from the early stages of Family Court cases	9
Changes to court processes	10
Changes to how children’s safety is assessed	11
Role of professionals	12
Lawyer for the child	12
Specialist reports	13
Counselling services	14
Cost contribution orders	15
Your experience overall	16
Appendix 1: Terms of reference for the rewrite of the 2014 family justice system reforms	18
Glossary	20

We want to hear from you

We'd like to hear about how the 2014 changes to the family justice system have affected you and your family. Your feedback will help shape the Independent Panel's recommendations.

How to have your say

This document sets out the main changes made to the family justice system in 2014. Questions are listed throughout the text, and we encourage you to answer them. You can also add any other comments about issues not covered in this paper.



You can give your feedback online by completing the submission form available at <https://consultations.justice.govt.nz>



You can also write your own submission and email it to FamilyJusticeReforms@justice.govt.nz or post it to:



Family Justice Reforms
SX10088
Wellington 6011



You can also make an audio or video submission. Please email your submission to FamilyJusticeReforms@justice.govt.nz (20MB maximum file size).



You may want to share your story with the Independent Panel rather than answering specific questions. You can do this by using the Korero Mai/Tell Us Your Story. You can do this as well as, or instead of, answering the questions in this paper. Korero Mai/Tell Us Your Story is available at <https://consultations.justice.govt.nz>



If you have any questions about this public consultation document or the Independent Panel and its work, please contact FamilyJusticeReforms@justice.govt.nz

More information is available to help you make a submission

Te reo Māori and Easy Read versions of this document are available on the Family Court Rewrite webpage: <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/family-court-rewrite/>

The Terms of Reference (instructions) for the Independent Panel are attached at the end of this document. We encourage you to read these to find out more about what the Panel has been asked to do.

If you would like more information to help you make your submission, the document '[Background Paper: Overview of the 2014 family justice reforms](#)' gives the details of the 2014 reforms and what we know about how they are working. The Ministry of Justice website also has information about the family justice system that may be helpful: <https://www.justice.govt.nz/family>.

Closing date

The closing date for all submissions is **5pm, Friday 9 November 2018**.

Important information about your submission

What happens to your submission

Your submission will only be used by the Independent Panel for the purpose of considering the 2014 family justice reforms. It won't be shared with government agencies other than the Ministry of Justice (which is providing administrative support for the review).

You should note, though, that your submission will become official information. This means that the Ministry may be required to release all or part of the information contained in your submission in response to a request under the Official Information Act 1982. The Ministry of Justice may, however, withhold all or parts of your submission if it is necessary to protect your privacy or if it has been supplied subject to an obligation of confidence.

Please tell us if you don't want all or specific parts of your submission released, and the reasons why. Your views will be taken into account:

- in deciding whether to withhold or release any information requested under the Official Information Act
- in deciding if, and how, to refer to your submission in any possible subsequent paper prepared by the Ministry.

Court information

Please do not share documents about any Family Court cases you've been involved in (such as affidavits) or any specific details about your case (such as case numbers). This will help protect the privacy of other people who were involved, such as your children and whānau. It will also make sure that your submission does not breach the provisions of the Family Court Act 1980, which make it an offence to publish information about young or vulnerable persons without the permission of the Court.

Information about third parties

Please do not share names or any other information that could identify any other person, including children and whānau. This is out of respect for their privacy.

Privacy

The Ministry of Justice's privacy policy can be found here:

https://consultations.justice.govt.nz/privacy_policy.

Collecting personal information

The Ministry of Justice only collects personal information that you *choose* to give it while using the consultation website: for example, your email address. You **can** submit anonymously. The Ministry will only use this personal information for the purpose(s) specified at the point of collection.

Sharing your information

The Ministry does not give information about you to other government agencies, organisations or anyone else unless one of the following applies:

- one of the reasons the Ministry got the information was to give it to someone else

- you have allowed it
- it is authorised or required by law or, in exceptional circumstances, for reasons permitted under the Privacy Act 1993 such as to avoid prejudice to the prevention, detection, investigation, prosecution and punishment of offences; for law enforcement; or to prevent or lessen a serious and imminent threat to somebody's life or health
- the information is to be used in a way that will not identify you, or it is to be used for statistical or research purposes and won't be published in a way that will identify you.

Access to personal information the Ministry holds about you

You can ask the Ministry to give you any information that it holds about you and you can make any changes to that information. Contact the Ministry's Privacy Officer:

- **email:** privacy@justice.govt.nz
- **phone:** (04) 918 8800
- **post:** Privacy Officer, Ministry of Justice, PO Box 180, Wellington.

Background

Changes to the family justice system in 2014

Major changes were made to the family justice system in 2014. These are known as ‘the 2014 reforms’ and they started on 31 March 2014. They changed the services and processes available to help separating couples agree on the care and contact arrangements for their children.

These changes can be sorted into three main areas:

- out-of-court processes
- in-court processes
- the role of professionals.

The main changes in each of these areas are set out below.

Out-of-court processes	<ul style="list-style-type: none">• Introduction of Family Dispute Resolution (FDR)• Parenting Through Separation Programme (PTS) becoming compulsory for people who want to apply to the Family Court• Setting up of the Family Legal Advice Service (FLAS)
In-court processes	<ul style="list-style-type: none">• Removing lawyers from the early stages of a court case (except where cases are urgent)• Changes to court processes including introduction of ‘case tracks’ and different types of conferences (meetings) to progress court cases• Changes to the way that children’s safety is assessed
Role of professionals	<ul style="list-style-type: none">• Changing the role of lawyer for the child to represent both a child’s welfare and best interests and views• Changes to how specialist reports are obtained and the introduction of a standard brief (a checklist) for those reports• Removal of counselling services• Introduction of ‘cost contribution orders’

These were all major changes, but from information we have gathered from many sources, the most important ones appear to be:

- the introduction of Family Dispute Resolution (FDR)
- the way in which applications are filed in the Family Court (the large increase in the number of without notice (urgent) applications)
- removal of lawyers from the early stages of in-court processes that are not urgent.

We have focused on these changes because research suggests they have had the greatest effect on users of the family justice system. This doesn’t in any way reduce the effect of the other changes we have listed.

Out-of-court processes

Family Dispute Resolution

The 2014 changes set up Family Dispute Resolution (FDR). This is a mediation service that helps separating parents agree on matters relating to their child or children after separation, including care arrangements. FDR was meant to help families reach agreement in a way that is quicker, cheaper and less stressful than going to court.

Mediation is where an independent person (a mediator) helps those involved, the parties, to talk about their issues and come to an agreement. The mediator must try to help the parties find a way of agreeing on what best supports the welfare and best interests of the children involved in the dispute. Mediation may also help parents and guardians to become better at cooperating and talking about issues to do with their children.

Parents must go to FDR (it is compulsory), unless an exemption has been given which means they don't have to. Parents may also go to 'preparation for mediation'. This is voluntary (people can choose if they go) and is meant to give mediation the best chance to be successful. Decisions reached at mediation are not enforceable (steps can't be taken to make sure something does or doesn't happen) unless a parent applies to the Family Court to make the agreement into a court order (which would then require a parent to do or not do certain things).

We want to know what you think about Family Dispute Resolution

Questions

- A1** How did you find out about Family Dispute Resolution (FDR)?
- Ministry of Justice website Your local Family Court Lawyer
- 0800 2 AGREE helpline Other (please specify)
- A2** Did you take part in FDR? Yes No
- A3** If you didn't go to FDR, why didn't you go? *Tick all that apply*
- Not required to do FDR (exempted) Cost of FDR Concerns about safety
- Concerns about talking with the other party I did not understand what mediation is I did not think mediation would be helpful for my dispute
- Other (please specify)
- A4** If you took part in FDR, please choose from the options below to best answer if it helped you to sort out the issues:
- Sorted out all of the issues A few of the issues
- Most of the issues None of the issues
- A5** Tell us about your experience with FDR. What worked well? What didn't work well?

- A6** If you went to a preparation for mediation session, was this helpful for you?
 Very helpful Helpful Unhelpful N/A
- A7** Did your child or children take part in FDR or were their views discussed at FDR?
 The mediator spoke with my children and got their views
 A social worker or another professional spoke with my child and got their views
 Another adult (for example, a whānau member) spoke with my child and got their views
 My children took part for some of the mediation
 The mediator encouraged us to consider our children's views in the mediation
 My children's views were not discussed
 Other (please specify)
- A8** It's important that children's views are thought about when decisions are made that affect them. How do you think children's views should be heard at FDR?
- A9** What do you think are the benefits of mediation for family disputes?
- A10** It's important that FDR meets the needs of people and their families including Māori, Pasifika and other ethnicities, and people with disabilities. If you went to FDR, please tell us if it met your and your family's needs. Why or why not? How could FDR be improved to better meet your family's needs?
- A11** FDR may not be right for everyone, for example, victim-survivors of family violence or people with mental health issues. From your experience, do you have any comment on the suitability of FDR in these situations?
- A12** Did you know that decisions reached at FDR could not be enforced (made to happen) by the Family Court?
 Yes No
- A13** Do you think decisions reached at FDR should be enforceable? If yes, how could these decisions be made enforceable?
- A14** Do you think making people go to FDR affects how they feel about it and how they take part in FDR? Please explain.
- A15** Do you have any ideas for improvements that could be made to FDR?

Parenting Through Separation

Parenting Through Separation (PTS) is a free information programme that helps separating parents understand the effect of separation on their children. The course takes 4 hours and is held either all in one session or in two sessions of 2 hours.

PTS was available before the 2014 changes but was voluntary. The 2014 reforms made it compulsory for parents to go to PTS before an application could be made to the Family Court for a parenting order or to resolve a disagreement between parents or guardians.

PTS covers topics like children's experiences of separation, the effects of conflict on children, how you can help your children cope with separation, and how to parent with your ex-partner after your relationship has ended. People in parenting roles (such as grandparents) can go to the programme, but there's no specific programme for caregivers, whānau and extended family who care for children.

We want to know what you think about Parenting Through Separation

Questions

- B1** How did you find out about Parenting Through Separation (PTS)?
- Ministry of Justice website Your local Family Court Lawyer
- 0800 2 AGREE helpline Other (please specify)
- B2** If you went to PTS, how helpful was the information for you?
- Very helpful Helpful Unhelpful Very unhelpful
- B3** Tell us why or why it was not helpful.
- B4** If you didn't go to PTS, why didn't you go?
- Not required to attend PTS (exempted) I didn't think it would be helpful for me I didn't want to go
- It was too difficult for me to go to There wasn't a PTS course close to me Other (please specify)
- B5** Should an online version of PTS be developed?
- Yes No
- B6** What possible problems (if any) do you see with taking part in PTS online?
- B7** It's important that PTS meets the needs of people and their families including Māori, Pasifika and other ethnicities, and people with disabilities. If you went to PTS, please tell us if it met your and your family's needs. Why or why not? How could PTS be improved to better meet your family's needs?
- B8** If you went to PTS as a wider family or whānau member (not a parent of the child), did you find it useful? Why or why not?
- B9** Do you have any ideas for improvements that could be made to the content of PTS and how PTS is provided?

Family Legal Advice Service

The Family Legal Advice Service (FLAS) was set up to provide government-funded legal help to people who can't afford a lawyer but who need legal help in the early stages of the family justice process. A lawyer who provides this service (a FLAS provider) can give 3 to 4 hours of legal support delivered in two parts:

- early advice after parents have separated – this is available before Family Dispute Resolution
- information about the court process and help with filling out Family Court forms (if Family Dispute Resolution hasn't sorted out the issues).

A FLAS provider isn't able to represent people in the early stages of Family Court cases.

We want to know what you think about the Family Legal Advice Service

Questions

- C1** How did you find out about the Family Legal Advice Service (FLAS)?
- Ministry of Justice website Your local Family Court Lawyer
- 0800 2 AGREE helpline Other (please specify)
- C2** If you used FLAS, how helpful was the service for you?
- Very helpful Helpful Unhelpful N/A
- C3** Please tell us why it was or wasn't helpful?
- C4** What did you use FLAS for? *Tick all that apply.*
- Early advice to understand the family justice system Help filling out court forms or a notice of response
- C5** How easy was it for you to find a FLAS provider?
- Very easy Easy Difficult Very difficult
- C6** If you answered 'difficult' or 'very difficult' above, please explain why.
- C7** It's important that FLAS meets the needs of people and their families including Māori, Pasifika and other ethnicities, and people with disabilities. If you used FLAS, please tell us if it met your and your family's needs. Why or why not? How could FLAS be improved to better meet your family's needs?
- C8** If you're a family justice professional, how well do you think FLAS is working?
- Very well Well Poor Very poor
- C9** Do you have any ideas for improvements that could be made to FLAS?

In-court reforms

Removing lawyers from the early stages of Family Court cases

The 2014 reforms changed how lawyers are used in the Family Court and who was eligible for (allowed to use) legal aid. Now, sometimes (for example, in the early stages of non-urgent cases), parties can't have a lawyer to represent (speak for) them in court and must represent themselves. There are exceptions, for example, if cases are on the 'without notice' (urgent) case track or where the judge decides a settlement conference would be helpful and the parties couldn't manage this process without a lawyer.

Self-represented people can have support people to help them (for example, a lay advocate or McKenzie friend). These people can sit in court with a party, take notes and offer advice. Lawyers can still give legal advice to a party or prepare court documents; but, a person would have to pay for that advice unless it is covered by the Family Legal Advice Service and their lawyer has been approved as a Family Legal Advice Service provider.

We want to hear from you about the removal of lawyers

Questions

D1 If you were involved in a Family Court case about the care arrangements for a child, did you represent (speak for) yourself or did you have a lawyer?

Self-represented

Lawyer

D2 If you were involved in the Family Court *after* 2014 and weren't able to have a lawyer acting for you, what was your experience of representing yourself? If you were involved in the Family Court *before* 2014 and had a lawyer acting for you then, can you give us a comparison between the two experiences?

D3 If you qualified for access to a lawyer, but chose to represent yourself, why did you make that decision? What was it like representing yourself?

D4 Do you think your case presentation to the Family Court would have been better if you'd had access to legal representation from the start of your Family Court process?

	Strongly agree	Agree	Disagree	Strongly disagree
I felt confident representing myself	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I felt disadvantaged representing myself	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I think a lawyer would have improved my experience	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D5 If you'd been able to have a lawyer from the start, do you think your Family Court case could have been dealt with on a non-urgent basis?

D6 Do you think removal of lawyers from the early stages of non-urgent cases has helped the Family Court process or not? Please give your reasons.

D7 If you're a professional working in the Family Court, what has been your experience of changes to how parties access legal representation?

Changes to court processes

The 2014 changes introduced 'case tracks' for Care of Children Act 2004 cases before the court. Case tracks decide what steps the case will follow. There are three case tracks.

- **Without notice track** for urgent applications, where people are able to have a lawyer represent them at all stages of the process. Most applications are now filed without notice.
- **Simple track** for consented and undefended cases. People can't have a lawyer and must represent themselves until a hearing date is decided.
- **Standard track** for cases that are not suitable for the without notice or simple tracks. In the early stages, people can't have a lawyer and must represent themselves. It was expected that most applications would be made on the standard track.

The judge decides what track a case will be assigned to and can move a case between tracks if circumstances change. The judge can also decide to treat a case as 'complex' if it needs close attention, meaning the same judge will, where possible, hear future hearings for that case.

The changes in 2014 also created different types of conferences (meetings) to help move the case to a hearing (for example, settlement conferences with a judge).

We want to know what you think about in court processes

Questions

- E1 What was your experience of the court process? What parts of the changes to court processes worked well? Are there parts that didn't work well?
- E2 If you went to a settlement conference, was that helpful? Why or why not?
- E3 How effective (useful) do you think the changes to court processes might have been if all people were able to have a lawyer speak for them in court?
- Very effective Effective No change Less effective Much less effective
- E4 Do you have any ideas for how court processes could be improved?
- E5 If you're a professional working in the Family Court, what has been your experience of changes to the case tracks?

Changes to how children's safety is assessed

Family violence and its effects on children are a major concern in Aotearoa/New Zealand. We want to hear from you about the changes made to the way allegations (claims) of violence are dealt with in the Family Court.

Before 2014, there was a legal process for dealing with allegations of physical or sexual violence against a child or the other person involved in a parenting dispute. This needed a judge to decide whether an allegation of violence was proved. If it was proved, the judge could only allow the violent person to have supervised (watched) care or contact with the child, unless the judge thought the child would be safe with that parent on their own.

This process was reviewed, after feedback, and changed to encourage a broader focus on all issues affecting the safety of a child. The main concern is the welfare and best interests of the child. In deciding this, a judge is guided by several principles (or rules), but, the judge always needs to make sure the child's safety is protected. In particular, a child must be protected from all forms of violence.

We want to know what you think about how children's safety is assessed

Questions

- F1 How well do you think the new approach is working? Is it effective (useful) in protecting children?
- F2 Do current processes properly consider children's views when they're at risk? What changes might be made (if any) to make sure children's voices are heard?
- F3 How responsive are Family Court processes to the needs of vulnerable parties, for example, victim-survivors of family violence or people with mental health or dependency issues?
- F4 Do you know of any unintended or unexpected consequences (effects) of the change?
- F5 Do you have any ideas for improvements that could be made to ensure children's safety (in its broadest sense)?

Role of professionals

Lawyer for the child

The 2014 changes aimed to limit the use of lawyer for the child to situations where the court is worried about a child's safety or wellbeing.

The role of lawyer for the child was also changed to make it clear that they can represent both the welfare and best interests of a child and their views, even when those are different. The lawyer for the child must meet with the child or children, unless the judge says that this is not okay because of special circumstances.

We want to hear from you about lawyer for the child

Questions

- G1** Do you think a lawyer for the child is the best person to understand and advocate (speak for) for a child's views and needs when their parents have separated?
- Yes No Not sure
- G2** Did you experience any change in the way that the role of lawyer for the child worked after the 2014 changes?
- Significant change Some change No change Not sure
- G3** If you chose 'significant change' or 'some change' above, please tell us about your experience.
- G4** How do you think the role of lawyer for the child is working?
- G5** What role do you think lawyer for the child should have when the safety of the child is being considered?
- G6** How well do you think the lawyer for the child role can meet the different needs of children and their families? For example, Māori or Pasifika families or parents or children with disabilities.
- G7** Do you have any ideas for improvements that could be made to the role of lawyer for the child?

Counselling services

Before the 2014 changes, separated couples or couples with relationship problems could be referred to free counselling by the Family Court. Couples could go to up to six sessions. Although counselling was accessed through the court, couples did not need to have started a court case to be eligible for a referral to counselling.

The 2014 reforms took away free pre-court counselling for separating parents and replaced it with Family Dispute Resolution. Now, a judge can direct (or order) people to see a counsellor, but only if they're involved in a court case about a parenting order or a dispute about guardianship. Counselling can only be ordered where it would help improve the parents' relationship or help them comply with a direction or order made by the court. A judge can't direct parties to counselling once a court case has ended.

We want to know what you think about counselling services

Questions

- 11 Did you go to counselling through the Family Court *before* 2014? Was it helpful?
- 12 Have you gone to court-directed counselling *since* March 2014? Was it helpful?
- 13 Do you have any ideas for improvements to the current situation where a judge can direct (or order) counselling for parties in court?
- 14 Do you have any views about if, or how, counselling could be offered in the future?
- 15 If you're a professional working in the family justice system, what has been your experience of the changes to counselling?

Cost contribution orders

The 2014 reforms introduced cost contribution orders. These orders require people to pay part of the cost of lawyer for the child, lawyer to assist the court, and specialist reports. People pay an equal, one-third share of the costs of having professionals involved in their cases. The government pays the other share.



You pay one-third of the costs.

The other party pays one-third of the costs.

The government pays one-third of the costs.

The court may not ask a party to pay their share of costs if it would cause serious hardship to a party or the child or children.

We want to know what you think about cost contribution orders

Questions

- J1 Do you agree that people should contribute to the costs of their Family Court case?
 Strongly agree Agree Disagree Strongly disagree
- J2 Please say why you do or do not agree.
- J3 What has been your experience of cost contribution orders?
- J4 If a cost contribution was made in your case, did you pay your share and, if not, were there any consequences?

Your experience overall

The family justice system's main aim is to help parents, guardians, and whānau reach agreement on how children will be cared for and to make sure those agreements best support the welfare and best interests of the child. This means that children are safe, well cared for, have stable living arrangements, have a relationship with their parents, guardians and whānau where possible, and are connected to their cultural identity.

We have some final questions about whether the family justice system services and processes help to achieve that.

If you're a user of the family justice system

- K1** If you used the family justice system, what services did you use or come into contact with? *Tick all that apply.*
- | | | |
|--|--|--|
| <input type="checkbox"/> Parenting Through Separation | <input type="checkbox"/> Family Legal Advice Service | <input type="checkbox"/> Family Dispute Resolution |
| <input type="checkbox"/> Family Court | <input type="checkbox"/> Lawyer for the child | <input type="checkbox"/> Your lawyer |
| <input type="checkbox"/> Specialist report writer | <input type="checkbox"/> Counsellor | |
| <input type="checkbox"/> Other (please specify): _____ | | |
- K2** What was your relationship to the child or children who were the subject of the family dispute?
- | | | |
|--|-----------------------------------|--------------------------------------|
| <input type="checkbox"/> Parent | <input type="checkbox"/> Guardian | <input type="checkbox"/> Grandparent |
| <input type="checkbox"/> Whānau/family | | |
| <input type="checkbox"/> Other (please specify): _____ | | |
- K3** Is your family dispute resolved?
- | | | | |
|------------------------------|-----------------------------|---------------------------------|---|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Partly | <input type="checkbox"/> It's still ongoing |
|------------------------------|-----------------------------|---------------------------------|---|
- K4** How long did it take to sort out your family dispute? _____
(From when the dispute started until you reached a final parenting agreement or order)
- K5** If your family dispute has not been resolved, how long has it been going on?
- K6** How easy was it to find out about the services available to you (for example, the Parenting Through Separation course or to find a lawyer)?
- | | | | |
|------------------------------------|-------------------------------|------------------------------------|---|
| <input type="checkbox"/> Very easy | <input type="checkbox"/> Easy | <input type="checkbox"/> Difficult | <input type="checkbox"/> Very difficult |
|------------------------------------|-------------------------------|------------------------------------|---|
- K7** Do you have any comments on how easy or difficult it was to find information about family justice services?
- K8** Do you think the 2014 changes helped you to reach care arrangements that worked for your child, you and/or your family or whānau?
- K9** What's the one thing that could be changed to improve the experience of children and families who use the family justice system?

If you're a professional in the family justice system

- K10** If you work in the family justice system, what is your role? *Tick all that apply*
- | | | |
|---|--|--|
| <input type="checkbox"/> Parenting Through Separation | <input type="checkbox"/> Family Legal Advice Service | <input type="checkbox"/> Family Dispute Resolution |
| <input type="checkbox"/> Specialist report writer | <input type="checkbox"/> Lawyer for the child | <input type="checkbox"/> Lawyer for parties |
| <input type="checkbox"/> Counsellor | <input type="checkbox"/> Family Court (e.g. judge, registrar, court coordinator) | |
| <input type="checkbox"/> Other (please describe): _____ | | |
- K11** Do you think the 2014 reforms have helped parents, guardians, caregivers and whānau reach care arrangements that are consistent with the welfare and best interests of the child?
- K12** Please provide comments on the overall effect of the 2014 reforms on you, your organisation or your profession.
- K13** What's the one thing that could be changed to improve the experience of children and families who use the family justice system?

Questions about you

It would help if you could answer these questions so we understand the information we receive and understand more about you – the people and families affected by the 2014 changes. It will also help us identify the problems affecting different groups, because what works well for one group might not work for another. You don't have to answer these questions and you may choose to answer all or some of them.

- L1** Is this an individual submission or a submission by a group or organisation?
- | | |
|-------------------------------------|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Organisation (please specify): _____ |
|-------------------------------------|---|
- L2** Age: Under 16 16 - 24 25-34 35-44 45-59 60+
- L3** Gender: Male Female X (gender diverse)
- L4** Where do you live?
- | | | | |
|-------------------------------------|--------------------------------------|-----------------------------------|--|
| <input type="checkbox"/> Northland | <input type="checkbox"/> Auckland | <input type="checkbox"/> Waikato | <input type="checkbox"/> Bay of Plenty |
| <input type="checkbox"/> Gisborne | <input type="checkbox"/> Hawke's Bay | <input type="checkbox"/> Taranaki | <input type="checkbox"/> Manawatu-Wanganui |
| <input type="checkbox"/> Wellington | <input type="checkbox"/> Tasman | <input type="checkbox"/> Nelson | <input type="checkbox"/> Marlborough |
| <input type="checkbox"/> West Coast | <input type="checkbox"/> Canterbury | <input type="checkbox"/> Otago | <input type="checkbox"/> Southland |
- L5** Ethnicity *Tick all that apply*
- | | | | |
|--|----------------------------------|--|--------------------------------|
| <input type="checkbox"/> European | <input type="checkbox"/> Māori | <input type="checkbox"/> Pacific Peoples | <input type="checkbox"/> Asian |
| <input type="checkbox"/> Middle Eastern | <input type="checkbox"/> African | <input type="checkbox"/> Latin American | |
| <input type="checkbox"/> Other (please specify): _____ | | | |
- L6** Language(s) spoken at home: _____
- L7** If you would be interested in meeting with the Panel or receiving updates on the Panel's work, please provide your name and contact details below.
- Name: _____ Email or Phone: _____

Appendix 1: Terms of reference for the rewrite of the 2014 family justice system reforms

- A. The panel is to consider the 2014 family justice reforms as they relate to assisting parents/guardians to decide or resolve disputes about parenting arrangements or guardianship matters, in the following areas:
 - a) the effectiveness of out-of-court processes, in particular, Family Dispute Resolution;
 - b) the effectiveness of court processes, in particular, the increase in without notice applications and the need to ensure the timely resolution of cases;
 - c) the appropriate role and use of professionals, for example, family dispute resolution mediators, lawyers for parties (including legal aid lawyers), lawyers for children, and psychologists (court appointed report writers);
 - d) the extent to which out-of-court and in-court processes, including for determining final parenting orders, enable decisions that are consistent with the welfare and best interests of the child, with a particular focus on any differential impacts on Māori children.
- B. In examining the points above and in reaching its conclusions and recommendations, the panel should consider, in particular, the extent to which the family justice system:
 - a) is child-centred and provides the services necessary to ensure the child's welfare and best interests are paramount;
 - b) is accessible, with consideration of barriers to access including financial, disability, cultural, linguistic, geographic, and institutional (such as the lack of information about how the system works and its purpose);
 - c) is coherent, with clear purposes, roles and functions (including the role of professionals) for different parts of the system;
 - d) has processes flexible enough to be appropriate for the issues being addressed (including where there are multiple issues or concurrent proceedings) and which are responsive to the changing needs of the community;
 - e) is evidence based and reflects research about what works best for children, including, for example, within the context of family violence and how this affects parenting and children; children with disabilities and/or disabled parents;
 - f) is cost-effective, with reference to financial sustainability for the Crown given the various drivers of cost, capability and resources.
- C. The panel will consult with children and young people (including Māori children and young people), Māori, Pacific peoples, academics, the Judiciary, the legal profession, disabled people, relevant professional groups, community organisations, interest groups, court users and the public over 2018.
- D. In making its recommendations, the panel shall have regard to international, and domestic research (including kaupapa Māori research) and best practice and the Ministry's evaluations of the 2014 family justice system reforms;

- E. The panel may, in their final report, recommend further work be undertaken on specific issues which the panel considers it has not been able to explore sufficiently, or that were outside the terms of reference but which could benefit from being considered in the context of its recommendations.
- F. The panel will report to the Minister of Justice with its recommendations no later than May 2019.

Glossary

allegation	A claim that someone has done something wrong or illegal.
application	The act of making a request to the court. Also, the name of the document that contains the request.
Care of Children Act 2004	The Care of Children Act 2004 (CoCA) is the main law relating to the guardianship and care of children. It came into force on 1 July 2005 and replaced the Guardianship Act 1968.
conference	A meeting between parties, their lawyers and the Judge to discuss aspects of the case. There are different types of conferences including settlement conferences, issues conferences and pre-hearing conferences.
contact arrangements	Rights of a person who doesn't have day-to-day care of a child to spend time with the child.
cost contribution order	A Family Court Judge can order an Applicant or Respondent to Family Court proceedings to contribute to the cost of providing Lawyer for child, Lawyer to assist and Specialist reports.
court order	A formal direction from the court requiring a person to do or not do certain things.
direction	An order made by a judge in relation to the conduct of a proceeding.
eligible	Allowed.
Family Court	A division of the District Court that was established under the Family Court Act 1980 as a place where people living in New Zealand could receive assistance with family problems.
Family Dispute Resolution	An out of court service provided by a Family Dispute Resolution provider for the purpose of assisting parties to a family dispute to resolve the dispute without having to pursue court proceedings; and ensuring that the parties' first and most important consideration in reaching a resolution is the welfare and best interests of their children.
Family Legal Advice Service (FLAS)	The Family Legal Advice Service offers initial advice and information for parties in dispute over arrangements involving care of their children. The service is only available for people who meet the income eligibility test.
guardian (of a child)	Being a guardian of a child means having all duties, powers, rights and responsibilities that a parent has in bringing up the child.
hearing	The part of a legal proceeding where the parties give evidence and submissions to the court and the Judge may make a decision.
lawyer for the child	A lawyer appointed by the court to represent a child involved in, or affected by proceedings in the Family Court.
legal aid	Government funding to pay for legal help for people who cannot afford a lawyer.
make an application	Ask the court to make a decision.
McKenzie friend	Parties that do not have a Lawyer to represent them can ask the court to allow them to use a lay person (someone who is not a Lawyer) to help them in court.

	This is sometimes referred to as a 'McKenzie friend'. The lay assistant can give advice and take notes but cannot speak on the party's behalf, address the judge/court or talk to anyone else about the case. Parties that wish to use a lay assistant need to complete an application form and give it to the court asking for the judge's permission.
mediation	A process where the parties, with the assistance of external help, create a safe environment where they can address their issues and come up with agreements.
mediator	A dispute resolution practitioner who assists the parties toward their own resolution in a mediation but does not decide the outcome.
notice of response	The document which tells the other side of the story.
parenting order	An order made by the Family Court that says who is responsible for day-to-day care of a child, and when and how someone else important in the child's life can have contact with them. Parenting orders can be enforced just like any other order of the Court.
party (or parties)	Persons involved in a court case such as the applicants, appellants, or respondents (who are generally called "parties").
proceeding	A case being considered by a court.
rangatahi	Young person or adolescent.
rangatira	Leader
settlement conference	Refers to a meeting between parties and the Judge who will try to help the parties to reach agreement. At a settlement conference, a Judge can only make orders with the agreement of the parties.
specialist report	A cultural report, or a report from a psychiatrist, psychologist or other medical professional.
supervised contact	This is a visit with a child that is monitored by another person.
tamariki	Children.
taonga	Treasured or valuable objects or ideas
Terms of Reference	Instructions given to someone when they're asked to consider or investigate a particular subject, telling them what they must cover and what they can ignore
whānau	Extended family or family group
without notice	An application that is not served on the person to be affected by it (the respondent) and therefore they do not have the opportunity to have a say before a Judge makes an interim (temporary) order.