Summary Analysis of Submissions in Response to the Discussion Paper

Responsibilities for Children:

Especially when parents part

The Laws about Guardianship, Custody and Access

October 2001

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Executive Summary

The Associate Minister of Justice, Hon Margaret Wilson, and the Minister of Social Services and Employment, Hon Steve Maharey, released a discussion paper *Responsibilities for Children: Especially when parents part – The Laws about Guardianship, Custody and Access*, in August 2000 for response by the end of November 2000. This discussion paper presents the Government's goals for family policy and raises a number of questions concerning what is desired from the law on guardianship, custody and access for children. Key issues raised for discussion in the paper included the rights of children, the rights and responsibilities of families and extended families, recognition of cultural diversity and the language used in the legislation. In addition, people were invited to express their views on Family Court procedures.

This paper presents key findings from an analysis of the 359 submissions that the Ministry of Justice received by post, fax and e-mail. Most submissions were received from individuals expressing a personal concern. Many included a description of their own experiences with the Family Court, its proceedings and outcomes. Some submissions were from individuals and organisations expressing views based on their experience of work or research in the area. A number of submissions included papers written as part of postgraduate study programmes. Several government departments responded. A number of community-based groups and "community of interest" organisations also forwarded submissions.

Many submissions followed the format and numbering used in the discussion paper and responded directly to the questions asked. Some reflected back the issues as they had been presented in the discussion paper. Others made suggestions about specific aspects of the current law and court proceedings that they thought should be retained or the changes they thought were necessary.

The summary of submissions found some points of general agreement. It was generally agreed that the Guardianship Act should focus on ensuring the best interests of children and young people, including their welfare and safety. By implication, the language used in the Act and Family Court proceedings should help the family retain that focus. Many submissions supported prominence being given to the articles of the United Nations Convention on the Rights of the Child (UNCROC) in the legislation. Submissions also dealt with the respective weights that should be given to the rights of children and young people, and the rights and the responsibilities of parents and wider family/whānau in both the legislation and court proceedings. There was some agreement that diverse family forms need to be recognised and disagreement about whether Māori aspirations and values require special attention under the law. Many submissions presented views on the importance and ability of both parents playing a significant role in the lives of their children and how the legislation should or should not be changed to achieve this.

Submissions also addressed the usefulness of various types of resources for parents, children and those working for the Family Court in resolving disputes and gaining consensus about arrangements for the care of children and young people. These

included: guidelines for use by the Court to help resolve separation issues; parenting plans; educational resources for families, children and young people about the proceedings and roles of those associated with the Family Court (e.g. Counsel for the Child, specialists etc); and do-it-yourself kits for parents.

Generally more divergent views were held on procedures in, and expectations of, the Family Court. Contrasting views were presented on the appropriateness of current Family Court procedures, provision of counselling and mediation services and the respective roles of judges and legal, psychological, and counselling specialists. Some submissions presented alternative models, some particularly for Māori. Some discussed the need for the Court to deliver services appropriate to ethnic and cultural background. Views were polarised around the appropriateness of opening up court proceedings.

Some submissions made comments about, and suggestions for, speeding up and reducing the costs of court proceedings. Opinion was divided about the utility of do-it-yourself kits. There was more agreement that it would be useful for the Court to have a means of limiting repeat applications while remaining flexible enough to respond to the changing needs of children and young people.

Some submissions were concerned with the making and breaking of court orders. Some of these related to minimising trauma for children and others with ways of increasing the Court's enforcement powers. Fewer comments were made about New Zealand's reciprocal arrangements with overseas countries.

In addition a number of submissions made general or specific comments about the consultation process, the content of the discussion paper and/or the need for further research.

1 Introduction

This paper aims to present a summary of submissions received in response to the discussion paper *Responsibilities for Children: Especially when parents part - The Laws about Guardianship, Custody and Access.* A two-part analysis of submissions was undertaken which involved capturing comments made in each submission onto a database based on the heading and questions used in the discussion paper.

2 Background

The legislation concerning guardianship has not been substantially amended since its introduction in 1968. Over the last 30 years the family has undergone many changes, including changes to parental roles and family structures. In addition, the international community, New Zealand society and legislation now place greater emphasis on children's rights and on the needs and rights of minority and indigenous peoples. Recent New Zealand legislation concerning families (such as the Children, Young Persons, and Their Families Act 1989) incorporates concepts of bi-culturalism and children's rights and recognises diverse family forms. In order to keep pace with New Zealand society and to be more compatible with other legislation the Guardianship Act also needs to reflect those concepts.

In addition, issues with the legislation have been brought to the attention of the Minister and Ministry of Justice by:

- members of the public including via ministerial inquiry and at public fora where family issues are debated
- academics through academic writings and in direct correspondence with the Ministry of Justice
- professional groups working in the area including family counsellors and family law practitioners
- the judiciary.

The discussion paper *Responsibilities for Children: Especially when parents part - The Laws about Guardianship, Custody and Access* sought public input into possible reform in this area and is a first step in the review process.

The discussion paper was released on 15 August 2000. This included targeted distribution to interested groups and individuals. Submissions were invited until 30 November 2000. All submissions and associated material were accepted and form part of the analysis, including a number of submissions received after the closing date.

3 Methodology

The paper *Responsibilities for Children: Especially when parents part - The Laws about Guardianship, Custody and Access* states that it is:

> *designed to promote discussion about the welfare of New Zealand children and the basic rules our society has made about rights and responsibilities in family relationships.*

The discussion paper was available on request from the Ministry of Justice, and was available on the Ministry of Justice website. It was also distributed to government departments and other organisations. Organisations that made submissions are listed in Appendix One.

Submissions were received and forwarded on by a number of Ministers and directly to the Ministry of Justice postal and e-mail address. As each submission arrived it was allocated a unique number and logged.

Analysis

Phase One

In December 2000, a team of three Ministry of Justice and one Ministry of Social Policy policy staff undertook a preliminary analysis involving:

- identifying five major submitter perspectives:
  - Individuals
  - Academics or researchers
  - Professional individuals or groups
  - Community groups
  - Government
- developing a set of headings based on the discussion paper for capturing key points from each submission
- the production of five documents – one for each major submitter perspective using the set of headings. Having categorised the submission type, each analyst then copied key points from each submission under relevant headings. The unique identifier was provided at the end of each "quote". This analysis focused on material addressing the questions raised in the discussion paper. It did not attempt to summarise the personal experience information provided
- production of a brief overview document summarising key themes emerging from the submissions.

Phase Two

In May 2001, the Ministry of Social Policy, in consultation with the Ministry of Justice, contracted an independent researcher experienced in public submissions summary to conduct a more detailed analysis and produce this report. This involved:

- the construction of a database which allowed more detailed and systematic analysis to be undertaken. Information in this database was recorded against submission number, and was based on the previously extracted quotes and submitter perspective

- extracting further demographic details from each submission (e.g. gender, geographic location, more detailed information about perspective, any stated personal experience with the Act or the Family Court)
- the identification and reporting of sub-themes under each heading and patterns of response by characteristic of respondent.

4 Profile of Submissions

The final count of unique submissions is 359. While submissions are numbered to 379, the analysis process identified a number of duplicate submissions, supplementary material forwarded later by the same person which had been given a unique identifier, and several documents that contained related material but which are not submissions in themselves. All the information in these various documents has been included as part of the analysis.

Category

Individual

- Nearly three-quarters (74%) of the submissions received were from individuals with 26% from organisations
- Most (62% of all submissions) were from those stating their personal views and often providing examples of their own or family experience with the Guardianship Act and the Family Court process. Many asked that identifying details included in these submissions be kept confidential
- 25 submissions (7% of all submissions) were from individuals who stated that they were writing from their professional perspective. This group included lawyers, counsellors, therapists or psychologists, health professionals and employees of the Department of Child, Youth and Family Services
- 16 submissions (4% of all submissions) were from university academics, postgraduate students, and independent researchers. Some of these submissions were papers or research projects completed as part of a postgraduate research programme.

Groups and organisations

Ninety-four submissions (26% of all submissions) were from groups and organisations. A full set of these groups and organisations is provided in Appendix One.

- 59 (16% of all submissions) were received from community organisations. Some of these organisations were regionally based organisations, others were communities of interest with a common set of concerns
- 22 (6% of all submissions) were from professional groups. These groups included associations of lawyers, counsellors and psychotherapists, non-governmental social service providers, health and relationship service providers and several regionally based community law centres
- Two (1% of all submissions) were from academic or research organisations.

Table 1: Profile of submissions by submitter type and whether submission is from an organisation or an individual (n=359)

Submitter type	Submissions from individuals		Submissions from organisations		All submissions	
	No.	%	No.	%	No.	%
Personal	224	62%	0	0%	224	62%
Community	0	0%	59	16%	59	16%
Professional	25	7%	22	6%	47	13%
Academic/research	16	4%	2	1%	18	5%
Government	0	0%	11	3%	11	3%
Total	**265**	**74%**	**94**	**26%**	**359**	**100%**

Note: not all % columns add up to the total indicated, due to rounding

Gender

Men

- 128 (36% of submissions) could be identified as from men
- Of these, 92 (88% of those from men) were personal submissions, 10 were from professionals and six from male academics or researchers
- 78 (61% of submissions) from men referred to a personal involvement with the Family Court system or with the Guardianship Act.

Women

- 116 (32 % of submissions) were from women
- Of these, 92 (78%) were personal submissions, 15 were from professionals and nine from academics or researchers
- 70 (60%) referred to personal involvement.

Couples and family

- Seven submissions were from couples and one was from a family
- About half of these referred to personal involvement.

Gender not specified or not appropriate

- In six submissions gender was not obvious
- The remaining 93 submissions were from organisations.

Geographical spread

The geographical location of the submitter was identified from the address provided in the submission. This was not possible for all e-mailed submissions. Organisations also were coded by address unless they clearly had a New Zealand-wide focus. The location was then coded according to regional authority boundaries. The profile of submissions does not follow the geographical spread of the population:

- 71 - over a fifth of submissions were from Canterbury. Twenty Christchurch submissions were the result of co-ordinated activity. Two different forms appear to have been distributed for completion by hand. Several other submissions use a template based on one of these forms
- 54 (15% of submissions) were from the Auckland region

- 48 (13%) were from the Wellington region. Six Wellington submissions were identical except for the name at the top
- Between 10 and 20 submissions each were from Otago, Manawatu-Wanganui, Hawkes Bay, and the Bay of Plenty-Gisborne region
- Fewer than 10 submissions each were from the Northland, Nelson-Marlborough, West Coast, Taranaki and Southland regions
- One submission was from Australia
- 30 submissions were sent by e-mail and did not provide a physical address
- 27 (8% of submissions) were received from nationwide organisations.

5 Overview of Responses

The discussion paper *Responsibilities for Children: Especially when Parents Part - The Laws about Guardianship, Custody and Access* specifically sought views in three areas:

- Objectives of the law
- Issues about the current law
- Procedures in the Family Court.

Each section of the discussion paper presented a brief statement about key issues for each section and posed questions for response in submissions. Many of the personal submissions from individuals echoed and endorsed the statements made in the discussion paper, without providing new material or raising new issues. Many of the submissions from professionals offered further assistance in the development of policy in this area and were willing to present their ideas in person.

While there was considerable variation in the length and style of submissions most tended to follow the flow of the discussion paper and respond directly to the questions. Many began by recounting their own or their extended family's experience with guardianship, access and custody issues or the Family Court processes they had been involved with. There was a sense that they wanted to ensure the Ministry of Justice was aware of experiences like their own. Often having outlined their experience, they then focused the rest of the submission on addressing the issues and questions raised in the discussion paper.

The form of submissions varied. Some were very brief – a page or less making one or two points - many were less than five pages, some were between five and 10 pages and there were a few much longer submissions. Some people provided extensive supplementary material including articles supporting their view or pamphlets about the organisation or group they were representing.

Just over a third of submissions made comments on what the objectives of the law should be (Part Two of the discussion paper). Approximately 70% of all submissions made comments about the law (Part Four) including views about:

- language and key concepts
- children and young people's rights
- parental rights and responsibilities
- recognition and involvement of wider family members/whānau including whether Māori and Pacific peoples need special recognition under the law.

Approximately three-quarters of all submissions made comments about Family Court procedures (Part Five). This included views about the:

- appropriateness of the Court as a means of resolving disputes about custody and access
- adequacy of the current provision of counselling and mediation services
- roles of Family Court specialists
- openness of the court proceedings
- means of enforcing orders

- role and funding for supervised access for parents.

Comments on the consultation process

A number of comments were received about the content and depth of the discussion paper and consultation process. There was general acknowledgment that a review of the Guardianship Act is needed and perhaps that this should occur as part of a review of other child and family focused legislation. There was general endorsement of the discussion paper's inclusion of some of the UNCROC principles and its focus on the welfare of the child.

A number of submissions outlined specific areas they felt the discussion paper did not adequately cover. These areas included:

- gender issues in society and in the legal system
- the financial consequences of separation and the flow-on effects for children
- the need to protect children from violence and abuse
- consent to medical treatment
- the age at which custody orders expire
- the identification of parents with a serious illness (including mental illness) as a group requiring special consideration
- the presentation of domestic and comparative research findings.

One submission questioned the emphasis given to discussing the role of extended family and significant other care-givers in the raising of children.

Some submissions addressed the current consultation process or proposed further consultation take place on selected issues. One submission thought there should have been more publicity advertising the review of the Act. In addition they would have liked more discussion time at a local forum and more time to organise hui to discuss with agencies, community and young people. They would have preferred receiving the discussion document in July with submissions closing at the end of October rather than later in the year. One submission would have liked more consultation to occur with children and young people as required under Article 12 of UNCROC. Another submission recommended more consultation with Māori occur before proceeding with the review of the Guardianship Act as well as the development of the Government's child and family policy goals.

Highlights from different perspectives

The following subsections highlight key points made in some of the submissions from individuals and groups with different involvement with the legislation and its delivery through the Family Court. This is not intended to be a comprehensive presentation of views, but to present some of the unique points of agreement and disagreement among these groups.

Views of the judiciary

Four submissions were received from judges – three from individual judges and one from a committee of judges representing the judiciary in each region in which the Family Court operates. One of these submissions included a copy of a Family Court judgment that illustrated the underlying concept of guardianship and the ongoing status and responsibilities of *both* parents as guardians of the child. Another included recent publications containing the judge's view. Two submissions provided a brief history of relevant law in this area. They also highlighted existing provisions in the law and court processes that already address some of the concerns raised in the discussion paper. These submissions pointed out that the majority of families resolve custody matters on a consensual basis, some utilising the conciliation services of the Family Court with very few requiring resolution of conflict by judicial determination.

There was agreement that the approach of the court system should stay the same (i.e. adversarial or a mix of inquisitorial and adversarial) and that the best interests of the child are best represented legally. It was suggested that guidelines be approached with caution, as it would not be helpful in addressing individual situations. The provision and use of do-it-yourself kits also requires caution as it may lead parties to represent themselves and in fact slow the court process down because more irrelevant material is presented than would occur via legal representation. It was pointed out that there are already some resources available on different aspects of court proceedings but perhaps there is variation around the country in how these are made available. It was acknowledged that demand on Family Court Co-ordinators may have reduced their capacity to undertake their educative function.

Some suggestions for change included in these submissions are:

- A comprehensive rather than a piecemeal approach should be taken to the policies and laws affecting the rights and welfare of children to ensure consistency in statutory provisions and sets of rules. A review of the Adoption Act 1955 and the Children, Young Persons, and Their Families Act should be undertaken alongside the review of the Guardianship Act, and consideration be given to the Care of Children Act proposed by the Law Commission
- A need to move towards terminology which: is more neutral; does not derive from the philosophy of ownership of children; recognises different family formations, wider family/whānau involvement and cultural and ethnic diversity; moves the focus onto the child but not to the exclusion of parents; and is flexible yet sufficiently clear to be enforceable. The group of judges did not think New Zealand should automatically adopt overseas terminologies
- Section 23, which is entitled *Welfare of child paramount*, should be made a pre-eminent section rather than continue as a miscellaneous provision and a set of associated principles should be developed and stated in the legislation
- A major survey or commissioned research project which gathers empirical data on Guardianship Act proceedings is required to properly inform the debate on perceived imbalances in the law and in its application
- The categories of persons who can apply for access should be widened but in a way that limits the child and care-giver being subject to numerous access orders
- Counselling should be available to children and, while they should be able to attend on request, they should not be *required* to attend mediation sessions

- More power should be available to judges to enforce breaches and limit repeat applications (perhaps through a time period lapsing)
- Cultural issues could be brought before the Court via a "cultural report" produced by an experienced and authorised person.

Views of legal professionals

Seven submissions were received from individual lawyers – five stating that they worked in the area of family law. Three submissions were received from Community Law Centres (Christchurch, Otara, Wellington) submitting a legal professional perspective and one from Youth Law. Three submissions were received from the following lawyer bodies: the Wellington Women Lawyers' Association, the Family Law Section of the New Zealand Law Society and the Canterbury Law Society.

There was some variation in views. However, as with the judiciary, there was agreement that there should be more emphasis on the welfare of the child, that the current approach of the Court and legal representation should be maintained, and that guidelines for the Court are likely to restrict the judges' ability to deal with individual family circumstances. The Community Law Centres tended to be more open to non-legal people being involved with court processes as long as they are still highly trained mediators. An increased focus on enforcing court orders is appropriate but only for serious ongoing breaches.

Some thought that a second level of proceedings could be achieved through the appointment of Family Court "masters" (but not called this) to deal with less complex disputes.

The Youth Law submission was focused on means by which the law and processes could better address the articles of UNCROC. They also recommended piloting and evaluating a family group conference approach and, if found to be effective as a method of dispute resolution, then changing the law to provide for this in the majority of cases. They also thought that children and young people should also have the ability to enforce their custody and access arrangements.

Views of psychologists, counsellors, psychotherapists

Two submissions were received from psychologists. One of these questions the principles on which the Family Court functions, and outlines the alternative approach taken by the submitter's business to viewing the concept of separation. The other highlights factors important to parenting arrangements working well and also raises some concerns about the role of the Counsel for the Child in gaining children's views in the presence of parents. The submitter's view was that this would be much better left to professionals skilled in family dynamics and child development.

Three submissions were received from Family Court counsellors. A submission from the Family Court Counsellors' Working Party in Christchurch argues that there has been a change in the allocation of funds and counselling hours since the introduction of the Family Proceedings Act 1980. The expectation then was that most family disputes would be resolved through counselling. Since that time there has been a diversion of funds from counselling to court procedures and a reduction in available funds for

counselling. Along with increasing counselling hours, they recommend that a new process of a family care conference be implemented to resolve custody and access disputes. Submissions were also received from the New Zealand Counsellors' Association and the Child Psychotherapists' Association.

Views of government social service or health sector agency professionals

Submissions were received from individuals and teams of Child, Youth and Family, health and youth workers in Hamilton, Auckland and Waipukurau. Health workers at Auckland Healthcare Services Ltd suggested that section 25 of the Act, which deals with consent for treatment, as well as the issue of refusing consent to lifesaving or potentially palliative treatment, be included as part of the review of the Guardianship Act. It was suggested that this should involve further consultation with the public and the health profession.

Views of non-government providers of social services and other specialist services

A number of submissions were received from non-government social service providers including Presbyterian Support, Anglican Social Services, the Salvation Army and Catholic social services agencies in Waikato, Hawkes Bay, Wellington, Otago and Southland. These submissions generally endorsed a focus on the child, a consensual and inquisitorial approach and the need for Counsel for the Child to be trained and experienced in working with children and young people. Some submissions reflected their own particular focus: Barnardos, the National Collective of Independent Women's Refuges Inc, the Family Planning Association and Plunket.

Views of the media

One submission was received from the Commonwealth Press Association. This submission was focused on the issue of secrecy of proceedings of the Family Court and suggested a number of unintended negative consequences occur for both the individuals involved and the New Zealand justice system. These issues could be resolved by partially opening up proceedings in a way that still protects the privacy of individuals yet allows public scrutiny of proceedings. Issues mentioned included an individual's ability to make false accusations against their partners in order to secure custody, a lack of public scrutiny of court decisions, trends or precedents and lack of ability to debate relevant issues based on facts.

Views of government departments

Submissions were received from a number of government organisations. These included the Department of Child, Youth and Family Services, the Department for Courts, the Ministry of Women's Affairs and the Ministry of Health. A number of commissions, each with a particular focus, also responded: the Human Rights Commission, the Mental Health Commission, the Commissioner for Children and the Law Commission. Two local government bodies responded: the Manukau City Council's Healthy City Policy Monitoring Group and the Mackenzie District Council.

The Department of Child, Youth and Family Services was in favour of bringing all legislation relating to the care, custody and guardianship of children together into one piece of overarching legislation called the Care of Children Act. This would provide a

consistent statement of Government's commitment to the care of children in diverse settings and family structures. Principles based on the Treaty of Waitangi and the United Nations Convention on the Rights of the Child would be an integral and underlying feature of this legislation.

The Ministry of Health made some specific comments relating to consent for blood transfusions and for medical treatment. As part of formulating a proposed Public Health Bill it has come to the view that section 126B of the Health Act 1956 relating to consent for blood transfusions should be transferred to the Guardianship Act, and that the issue of differing age levels in different legislation should be resolved. It also wished to ensure the rights of children and young persons with respect to informed consent for medical treatment.

Te Puni Kōkiri was concerned that children be treated as taonga and provided with the necessities in which to ensure their potential in life. This includes parents and whānau being able to fulfil their responsibilities as educators and protectors of their children. It considered that the law needs to recognise wider whānau/family, including having the right to apply to the Court to maintain links with children.

The Ministry of Women's Affairs advocated undertaking a comprehensive review and analysis of New Zealand research, as well as overseas studies, on the outcomes of recent legislative reform to establish if the framework of the Act is fundamentally flawed or if minor legislative amendments and procedures are required.

The Department for Courts argued that the Treaty of Waitangi should be considered a fundamental reference point for the development of family policy in New Zealand and that further consultation with Māori is required before progressing this review and the Government's goals for child and family policy. It also argued for the development of a principle based framework relating to the care of children before any reform of the Guardianship Act occur.

The Mental Health Commission suggested that mental illness in either parent or child can be both a cause and result of parental separation. It argued that parents with mental illness need special consideration in both the law and the operation of the Family Court and that it is vital that effective and accessible psychological support be available. They considered more services are required to support people with mental illness who care for children, including supervised accommodation.

The Office of the Commissioner for Children argued for the appointment of a child advocate whose primary role would be to ensure that the wishes of children were considered and heard in all relevant aspects of the decision-making process. This could be by supporting the child to express views directly or by presenting views on behalf of the child. They would also be responsible for ensuring that the child is kept informed of processes and issues. This could be either through an expansion of the role of the counsel for the child or by someone other than a lawyer.

The Human Rights Commission highlighted discrepancies between the Human Rights Act 1993 which prohibits discrimination on the grounds of age against people over 16

years and the expiry of guardianship at 20. It also pointed out that guardianship expires when minors marry which is also inconsistent with the Human Rights Act that prohibits discrimination on the grounds of marital status. It suggested a suitable approach might be to bring the "age of majority" in line with UNCROC principles which define children as "persons under 18".

The Law Commission emphasised the need for further research in a number of areas, considered that important issues had not been covered in the discussion paper and wanted to ensure that optimum systems were developed so that, where possible, families could avoid going before the courts at all. It also considered that a Care of Children Act would enable issues relating to the care of children to be dealt with coherently. It suggested the state could focus on child welfare issues by requiring each government department to prepare a child impact analysis, assessing the impact of proposals on children before policy decisions are made that affect them.

Views of individuals and communities

The majority of submissions were personal submissions from individuals and from communities, either geographically based groups or communities of interest. There were many different perspectives and some points of particular concern to individuals and groups. Many submissions, however, seemed to come from one or two generally gender-based key perspectives. One was arguing strongly for a fundamental move away from the current custody and access arrangements where parents are perceived as having uneven roles, rights and responsibilities towards a shared parenting model. This gives fathers, in particular, a greater role in their child's upbringing. A perceived advantage of this approach is that if shared parenting was the underlying assumption there would be less need for court intervention. The other view was concerned primarily for the safety and security of children and mothers. Some were concerned that additional processes be established to prevent court proceedings being used as a means of prolonging disputes by malicious partners. A number of submissions were received from grandparents who called for a law change to enable them to have access to their grandchildren.

6 What Do We Want From the Law?

Objectives

The discussion paper suggested three objectives for the law regarding guardianship and custody of, and access to, children and young people:

- To ensure that children and young people receive adequate and proper parenting to help them achieve their full potential.
- To ensure that parents fulfil their responsibilities concerning the care, welfare and development of their children.
- To recognise and maintain the important relationships within their wider family/whānau which children and young people have established.

The discussion paper raises the following question:

What do you think should be the basic goals of our laws about guardianship, custody and access to children and young people? (Q 2.1 p7)

Just over a third of submissions directly addressed the question of basic goals of the laws about guardianship, custody and access. In addition a number of submissions provided general principles they thought needed to underlie the legislation.

The two most frequently stated goals for the legislation were that it should aim to:

- ensure the best interests of the child
- continue to involve both parents in active parenting roles.

The following were also stated as being appropriate goals – some of these could be seen as contributing to the goals above, especially to ensuring the best interests of the child. The legislation should aim to:

- recognise and maintain important wider whānau and family relationships
- ensure the child's view is established and considered as part of the decision-making process
- ensure child safety
- ensure that the child's interests are paramount over parental rights
- ensure and support adequate and proper parenting
- ensure parents fulfil responsibilities
- comply with UNCROC principles
- minimise children and young people's exposure to conflict and disruption
- allow for review as children develop.

Underlying principles

In addition, a number of submissions did not directly state the objectives or goals they would like to see incorporated into the law, but expressed what they consider the Act should be about. Most of these themes relate to the objectives above:

- **Two-site parenting -** When parents separate, it should be assumed that each parent will continue to share the parenting role as they have been - just on two sites. Parents' rights to care for their children and their ability to undertake parental responsibilities as well as children's rights to have a relationship with both parents were often mentioned. Some emphasised the responsibilities of parents to work together to ensure care
- **Children's rights -** The focus of the legislation should be on ensuring children's rights - sometimes this is associated with the rights to see both parents as well as the members of extended family with whom they had contact before the separation
- **Rights of Māori children -** Māori children should have access to their whānau, hapū and iwi
- **Best interests and welfare of child -** The legislation must focus on ensuring the welfare and best interests of the child. This is often stated in conjunction with a statement such as "rather than on parental rights". Some were particularly concerned that the process of separating and moving to new arrangements should ensure that the children experience as little disruption as possible or exposure to parental conflict during this time and that those implementing the legislation should keep this in mind. The importance of stability, consistency and security was stressed
- **Responsive -** The legislation needs to be responsive to individual circumstances and diverse family forms
- **Clear definitions -** The legislation needs to clearly define terms
- **Family assistance -** Some felt the Act needs to provide for the assistance and support of families during separation
- **Treaty of Waitangi -** Four submissions expressed general support for the Treaty of Waitangi – one of these suggesting that clear definitions are needed. One submission questioned why it is a fundamental reference point and another felt the issue of Māori sovereignty is relevant to Māori children only.

7 Issues About the Current Law

The discussion paper's *Section 4 - Issues About the Current Law* encourages people to reflect on four key concerns identified about the current Act and how these and other concerns could best be addressed. These key concerns are:

- **Modernising language and key concepts**. The Act uses terms which are outdated and invite a combatant rather than conciliatory approach to resolving custody and access issues.
- **Children and young people's rights.** Should there be an even greater or a different emphasis to ensure children and young persons' welfare is paramount?
- **Rights and responsibilities of parents.** Should there be a greater focus on the rights and responsibilities of parents for the upbringing of their children?
- **Recognition of the wider family/whānau and of cultural diversity.**

7.1 Modernising language and key concepts

The current law

A number of submissions made comments about the concepts involved in the current law, how it is applied and the outcomes achieved. Of these, a number of submissions endorsed the concern raised in the discussion paper about the "atmosphere" created by the Guardianship Act. The Act was seen as focusing parties on resolving a dispute between the parents rather than on a consensual process of identifying the best interests of the child and how these interests could be met.

The concepts of "custody" and "access" were seen as creating a competitive environment where one parent will win custody and the other will lose and get access only. In addition, some expressed the view that the custodial parent can then in effect manipulate and control access arrangements. This results in the "losing" partner compromising further in order to retain whatever access they can. One submission commented that "even the term mediation is based on an oppositional stance".

A smaller number of submissions expressed the view that the law itself is sound, but the way in which it is applied is not.

How could the law better reflect a more consensual approach to custody and access? (Q4.1 p11)

A large number of submissions generally agreed that a consensual approach is needed. Opinion was divided about how this can be achieved with some thinking that it is not a matter of changing the law but rather of changing the attitudes of parties involved in the application of the law. The parties include the parents in dispute, their lawyers, the Counsel for the Child, specialists and the judiciary.

Some submissions raised concerns and were sceptical about consensus as a goal when families before the Family Court are generally there because they have been

unable to reach a consensus on their own. They have little goodwill between them and high potential for manipulating children to their viewpoint. Others were concerned that a naïve approach may be taken which overlooks such "game playing and abusive" behaviour.

What sort of terms and key concepts would do this?
Should guardianship, custody and access be replaced in the law by a broader range of concepts? (Q4.2 & 4.3 p11)

The discussion paper identifies a number of issues about the language and key concepts in the current law. These include:

- The law sounds like property law and implies ownership of children
- The concepts of one parent being awarded custody and the other obtaining access rights promotes notions of winning and losing
- The law emphasises parents' rights (rather than children's rights and interests and parents' responsibilities).

The paper also suggests that the language currently used is inconsistent with that used to describe parenting when parents are together. The terms used may not be helpful for sorting out issues relating to children when parents separate. A change to the focus of the law from dispute to consensus is suggested and views were sought on the use of the terms - guardianship, custody and access.

Of the submissions that addressed language issues, most echoed the key concerns above. The strongest reaction was to anything in the Act or in its implementation implying that children are possessions. For many, this is undesirable. The view that current terminology implies a win-lose situation is also referred to, as well as the harshness and punitive connotations of the language. The terms "custody" and "access" were particularly associated with the win-lose situation and many advocated a change to what they perceived to be more neutral terms – "residence" and "contact" respectively.

A very small number of submissions stated that the current Act is monocultural, and contains too much legal jargon. Some felt that the distinction between guardianship and custody is not clear.

A number of submissions made general suggestions for change including:

- modernising the language, making it user friendly and easily understood by all involved with the system, with terms clearly defined and not open to interpretation
- accommodating cultural diversity and diverse family forms. A couple of submissions were concerned to ensure that the children of unmarried couples are protected.

A number of submissions provided terminology they felt was more appropriate than the terms "guardianship", "custody" and "access". The most favoured replacements were the terms "residence" and "contact" instead of "custody" and "access".

Instead of Guardianship use:	Instead of Custody use:	Instead of Access use:
• Parenting • Parental responsibilities • Care • Guidance and support • Primary care shared or joint parenting • Care of children	• Resident/ce (orders, parent, time and place of) • Care (arrangement, day-to-day, shared or sole) • Use parental roles e.g. Mum time and Dad time • Safekeeping • Primary care-giver	• Contact (parent, child) • Care (arrangements, orders, of child) • Visiting opportunities • Non-primary care-giver

There were a few other suggestions for changes in terminology. These included the suggestion to replace the word "welfare" with "best interests" and to rename the roles of "Family Court Judge" and "Counsel for the Child" with "Family Forum Mediator" and "advocate for the child" respectively.

Other suggested terms and concepts

A number of submissions provided further suggestions of terminology suitable for describing parenting arrangements. Some of these terms seemed to be suggested in order to describe a situation in which both parents have a similar role and responsibilities for children and included:

- "joint" or "shared" or "substantially equal" - "custody", "access" ,"parenting" or "care"
- two-home child with two parents
- parentship, parenthood or parental responsibilities.

Some cautioned against introducing ambiguous terms, one suggesting the terms "shared" or "joint" parenting are ambiguous.

Māori terms and concepts

A few submissions specified Māori terms and concepts that could be included in the legislation. These included:

- hauora meaning well-being. Hauora involves the following four aspects:
    - Taha tinana meaning physical well-being
    - Taha whānau meaning social well-being
    - Taha hinengaro meaning mental and emotional well-being
    - Taha wairua meaning spiritual well-being
- awhina meaning helping
- manaakitanga meaning caring, sharing and hospitality
- whakatauki meaning adult responsibilities, broader than just parents' responsibilities.

7.2 Children and young people's rights

The discussion paper suggests that while the Act states that the welfare of the child must be the first and paramount consideration, much of it actually focuses on the custody and access rights of parents. There is potential for conflict between the interests of the child and the interests of a parent. A number of questions were raised about how the Act could be more appropriately focused.

Ensuring a prime focus on the best interests of children and young people

As stated earlier in Section 6 on Objectives, ensuring the best interests of children and young people is of major concern to the majority of submitters. Many submitters agreed with the statements in the discussion document without further comment. A few, mostly legal professionals, thought the Act was already appropriately focused. There was mixed opinion on whether further definitions should be included in the Act. More were in favour than against. Those against tended to be legal practitioners.

Some wished for definitions to be included in the legislation including "the best interests of the child or young person" as well as the "factors that promote these interests" and defining "what a child is entitled to from their parents". One submitter referred to section 6 of the Children, Young Persons, and Their Families Act, which states, "*In all matters relating to the administration or application of this Act (other than Parts IV and V and sections 351 to 360), the welfare and interests of the child or young person shall be the first and paramount consideration, having regard to the principles set out in sections 5 and 13 of this Act*." Other submitters warned against doing so as they thought that this would create problems and not adequately recognise diverse family and individual circumstances.

A few submitters disagreed with a weighting towards children and young people's rights, (and away from parents' rights), one submission stating that parenting is a "difficult job" which needs as much support as possible. Another submission thought it necessary to take account of the whole picture.

Specific suggestions for increasing a focus on the child or young person included ensuring that they:

- know they have access to both parents
- have flexibility in their care arrangements – children and young people's needs change over time and they may need to experience an arrangement before knowing whether that is what they want. One submission suggested that children spend significant time with each parent before making the decision for the long-term arrangement
- are safe – this includes physical, emotional and psychological or mental safety. This involves being protected from physical or sexual abuse, from witnessing violent situations between their parents or other caregivers and also from highly stressful situations such as being uplifted from school
- are kept fully informed
- are present in court - seeking and giving weight to their input as part of proceedings. Participation is seen as empowering.

Some suggestions to increase the focus on children and young people related to parenting. These suggestions included:

- using and monitoring parenting plans to focus parents on constructively considering the needs of each child

- ensuring that parents have the necessary parenting skills. Some suggest that it may be appropriate for parents to be required to attend a parenting course if they have not previously played a major role in the day-to-day caring for the child
- the need to minimise disruption for the children and young people (routines, relationships and environment)
- not making decisions about care based on a parent's poverty, physical, intellectual or mental disability.

A few submissions mentioned the need to increase the resourcing of the Department of Child, Youth and Family Services.

Complying with UNCROC principles

A number of submissions stated that further compliance with the principles of UNCROC is desirable. Some of these stated that the UNCROC principles should be included and apply across all related legislation.

A few submitted that the Guardianship Act already complies and that no change is necessary. Of these some thought further education of the judiciary, counsel and parents is necessary.

Some drew attention to particular articles of UNCROC including those not provided in the discussion paper (5, 11, 13.3, 18.2, 19.1).

Keeping children and young people fully informed and establishing their views

A range of views was expressed about children and young people's involvement in court processes. Different concerns were expressed depending on the level of involvement being sought. Involvement included: being informed; having their views sought formally or informally; and participation in decision-making.

Being informed

There seemed to be general consensus that keeping children and young people as informed as possible, appropriate to their age and maturity, was desirable. A few submissions made suggestions about other types of resources such as easy-to-understand booklets and the inclusion of material relating to separation and divorce in the school syllabus.

Having views sought

Two particular concerns were raised about ascertaining children and young people's views. The first concern was the need to ensure children and young people's emotional or psychological safety. A number of submissions were concerned about the potential for children and young people to be influenced and misinformed by one or both of their parents. The second concern was that it is critically important that children and young people do not feel that they are responsible for making a decision or having to choose between their parents. A small number of submissions suggested that children were likely to say that they wished to live with the parent who gave them the most freedom and that this is not always likely to be in their best interests.

Who should seek the views and how

- The parents
- In a "safe way"
- By being interviewed by both a woman and a man
- Through an advocate for the child
- Counsel for the Child
- Cultural lay advocates
- Qualified and experienced representatives
- Social Workers in Schools – have the advantage of being a neutral environment
- Through direct interaction with decision-makers in court, especially for older children
- The judge away from the courtroom or in another setting away from the court building
- Through an inquiry-based process
- On videotape.

Guidelines to help the Court and other suggestions

A number of submissions responded to the suggestion of guidelines to help the Court and other suggestions for ensuring a focus on the child's welfare. Reaction to the suggestion of guidelines was mixed. Those in favour of guidelines made the following points:

- Guidelines will make decision-making transparent and increase accountability of the judiciary – those that do not follow guidelines should face consequences
- Guidelines should support shared parenting
- They should ensure children and young people are not exposed to violence or abusive situations
- They could involve family group conferences, mediation and access to counselling.

Content

Guidelines would need to:

- include UNCROC principles and other information relating to the rights of children and young people
- be a list drawn up by trained experts in child psychiatry and family needs
- be clearly stated and publicly debated
- follow a consensual approach
- suggest that the custodial parent be the one most likely to encourage the most contact with the other parent.

Those against guidelines were most concerned that guidelines would take the judges' attention away from individual family circumstances.

7.3 Parental rights and responsibilities

The discussion paper describes how both parents currently have legal responsibility for major decisions affecting their children when they separate. It acknowledges that in practice it may be difficult for both parents to fulfil their parental responsibilities in an

ongoing way when children tend to live with one parent for most of the time. It also makes the point that the Act currently focuses on parents' rights rather than parents' responsibilities. Changing the focus to responsibilities may be a better focus for resolving issues when parents separate.

Key issues and concerns

A core issue of many of the personal submissions, particularly those from men, was that they do indeed experience difficulty with their parenting role as access parent and feel thwarted in their attempts to have the kind of relationships they wished for with their children. On the other hand, a number of submissions reflected an anxiety that children might not be cared for properly in the other parent's home.

An underlying theme in this area seemed to be the balance between:

- custodial parents wanting recognition and resources for the responsibilities they have for the day-to-day caring of children; and
- access parents wanting to exercise their responsibilities towards their children in a way that feels satisfying but is likely to involve less contact.

A number of submissions specified the responsibilities that they thought parents had toward their children. These included:

- financial responsibilities
- spending time with their children
- feeding, clothing, educating, loving and being concerned about their children
- responsibility for the child's physical, emotional and mental needs
- protecting children from "marital arguments" or "inappropriate verbal conduct in court"
- ensuring minimal disruption to a child's routine
- viewing children not as possessions but as a lifelong obligation
- staying in the same geographical location until children are grown.

A number of submissions also addressed the area of responsibilities that parents have towards each other after separation. These responsibilities included:

- avoiding arguing about the children in front of them
- the need for the custodial parent to discuss major decisions for the child (e.g. medical and education) with the access parent and to keep them informed
- avoiding interfering with the decision-making of the other parent
- being reasonable about the items that children are "allowed" to take from one house to the next
- ensuring that the child is safe in their home and not exposed to violence
- not saying negative things about the other parent or attempting to turn the child against them and recognising the right of the child to have a relationship with the other parent and extended family even if relations between parents have turned sour.

Emphasising parents' responsibilities rather than rights in the law

The majority of opinion was that focusing on parents' responsibilities rather than rights would lead to a more consensual approach. Opinion was divided about whether a list of responsibilities should appear in the law – some thought it should be defined in a similar way to section 14 of the Children, Young Persons, and Their Families Act, which defines when a child or young person is in need of care and protection. Others were of the view that you cannot force a parent to take responsibilities.

A small number of submissions maintained that a focus on parental rights was appropriate and important for being able to fulfil parental responsibilities. This was in the context of both children's rights and also those of the state – the view was that at times parents need a mandate for their decision-making. In addition it is not appropriate to treat children like fully responsible members of society – this undermines parents' ability to care for and protect their children. There should be a statement in the law that says children are subject to their parents' control.

Encouraging the ongoing responsibilities of both parents

The main comment made was to move away from the adversarial set up with winners and losers towards one that emphasises the roles of both parents.

A few submissions addressed the role of the state in supporting parental responsibilities. Comments included:

- provision of parenting skills courses for new "access" parents who may not have been involved in day-to-day parenting
- providing a forum for parents to discuss the major issues confronting them
- providing further education or mediation for adversarial parents who are "unable to hold a neutral zone" around their children.

A number of submissions expressed the view that custody should be granted to the parent most likely to encourage ongoing contact of both parents.

Parenting plans, legal sanctions and other forms of encouragement

Parenting plans were thought by many individual submitters to be a good idea because they would provide a positive starting point (solution focused) and keep the focus on the children rather than on the dispute between the parents (problem focused). A few submissions favoured use of the term "parenting agreement" instead of "plan".

Key features of such plans included:

- co-operative co-parenting as a starting point
- each parent putting forward a proposal outlining how they will ensure communication, reduction of conflict, co-operation, assistance and promotion of the role of the other parent
- being focused on the needs and interests of children – education, health
- providing a financial plan
- having a mechanism for review and acknowledging that later plans might be more realistic than earlier plans

- recognition of the minor events which cumulatively may be significant
- recognition of factors other than the allocation of contact time
- the need to be realistic, affordable to both parents and flexible to accommodate normal and reasonable changes in parents' lives
- the involvement of the children
- defining what parents want to give their children and the unique needs of each child as they change with time
- possibly involving whānau and extended family.

In terms of the development of plans, some felt parents may need guidance and support through mediation, counselling or judicial conferences. Some suggested the "family group conference forum". One submitter suggested there was a need for a range of parenting plan options - the suggested approach would be most relevant to educated people used to "doing homework" and applying a cognitive approach. Some recommended that a template be developed or a parenting plan booklet. A number of submissions thought that parenting plans would reduce the need for contact with the Family Court.

Others were sceptical that the development of a parenting plan would be possible for feuding parents or if they had "control issues". Any instances of non-compliance with a plan would provide fuel for escalating conflict.

Sanctions

Of those who were in favour of plans, some were in favour of the plan being registered with the Court and a few saw the Court as having a role in approving and enforcing the plan. A few were concerned about the lack of resources currently available to enforce parenting plans and felt that makes their value questionable.

There were mixed views on the value or appropriateness of penalties for non-compliance with formal arrangements and informal understandings of responsibilities. Some felt penalising parents for a lack of responsibility would not work – "you can't legislate against parental irresponsibility". Others presented strong views in favour of sanctions against non-complying parents. Situations warranting this included:

- non-compliance with parenting plans
- custodial parent or primary care-giver denying access to the other parent – the parent denying access should lose the primary care-giver role
- absent parents who refuse to pay child support should lose access rights.

7.4 Recognition of wider family/whānau and cultural diversity

The discussion paper suggests that the current law focuses mainly on parents and their children with little recognition for wider family and whānau who may also have played a significant role in bringing up the child. It is suggested that this is an issue for many New Zealanders and particularly for Māori and Pacific families. In addition some step-parents, while not related to a child or young person, may have important relationships with them.

Involving wider family and whānau

Many submissions stated that they thought there needs to be more involvement and recognition of wider family or whānau without specifying what they meant by involvement and recognition.

A few stated they thought that current involvement levels were sufficient and that it was important for children to be able to distinguish between their family consisting of parents and siblings and their extended family of grandparents, uncles, aunts, cousins etc. Others thought that if there was conflict within and between families, it was undesirable for a child or young person to have exposure to bickering. One submission raised concerns about the appropriateness of wider family methods of disciplining children and thought this could be addressed through parenting training.

Of the submissions that did address issues of involvement, some outlined the benefits for a wider involvement:

- The whānau must be responsible for the child's safety and well-being The whānau cannot allow the parent's rights to absolutely suffocate the role of the child
- Children often need another ear
- The wider family plays a part in conveying to children and young people a sense of identity, family history and cultural values.

A number of submissions commented that the importance of wider family is not limited to Māori and Pacific families.

The nature of involvement specified in submissions included:

- being involved in hui, discussions, counselling, mediation, contributing to specialist reports or other forms of input into determining the best interests of a child, for example the development of a care plan. Some thought that this input should be specifically sought
- the right for members of the wider family/whānau to seek assistance from the Court if they see a family situation has broken down
- the right for wider family or whānau to apply for ongoing contact
- the right for wider family or whānau to be able to apply for state assistance to care for children if parents are unable to do so for any reason (e.g. due to parent mental illness).

Statutory rights of wider family and whānau

A number of submissions were in favour of wider family and whānau being able to apply to the court for "access" to children and young people. Family members specified as being appropriate to apply for access included grandparents and step-parents if they had played a significant part in a child or young person's life. There was some concern about a higher level of sexual abuse occurring in a step-parent/child relationship and the need to protect children from this.

A number of submissions were concerned that if the law was made more inclusive of wider family and whānau, it should ensure that parents have more status than wider

family members. Some felt that grandparents should have special consideration under the law before other wider family. Others thought that step-parents should prove their history of positive parenting before being granted access or that the ability of step-parents to apply for ongoing contact should be secondary to that of birthparents.

Incorporating the values and aspirations of Māori and Pacific peoples

A number of submissions generally agreed that Māori values and aspirations need special attention and that the Act needs to reflect Treaty of Waitangi obligations. Almost an equal number of submissions held another view - that all families should be treated the same way – the same responsibilities and rights apply within all families. Little mention was made of Pacific families and no submissions were received from individuals or groups identifying themselves as Pacific peoples.

Of the submissions that did view incorporating values and aspirations of Māori as important/essential, key issues were:

- developing principles in the Act that recognise whānau, hapū and iwi – as occurred with the development of the Children, Young Persons, and Their Families Act
- formal consultation with Māori about how incorporation of values and aspirations could occur
- use of culturally appropriate services before decisions are made, including referral to a Māori or iwi provider, and hui to make decisions about going to court
- use of cultural advisers in court.

7.5 Other issues

Context of law change

A consistent approach

Several submissions commented that the review of this legislation should not be undertaken in isolation but rather in the context of all related legislation. Public understanding of key concepts would be helped through using the same terms and concepts for all legislation relating to children, families and matrimonial property. A number of submissions liked the terminology and concepts used in the Children, Young Persons, and Their Families Act and recommended that these be used in the Guardianship Act. Others suggested use of UNCROC terminology across all legislation.

Related proposals for law change

A number of submissions referred specifically to two proposed law changes. These are the:

- **Care of Children Act** as proposed by the New Zealand Law Commission. There was concern that a review of the Guardianship Act should not be a piecemeal undertaking but should be reviewed alongside other legislation relating to the care of children – in particular the Children, Young Persons, and Their Families Act and the Adoption Act. Some specifically referred to the “Care of Children Act”, others were more generally in favour of a co-ordinated approach. Supporters of this approach

included judges, lawyers' associations and some government and non-government social service delivery agencies. The need for common terminology was emphasised alongside the need for a consistent set of concepts relating to the care and rights of children and young people. Some argued that while such a review would take longer, the benefits to be gained from a consistent comprehensive approach would be realised by both the public and those administering the legislation.

- **Shared Parenting Act** as proposed by Muriel Newman, MP. This proposal is

> *based on the notion that when parents separate or divorce, the children deserve, and in fact have the right, to continue their development years with two parents. These parents should be equal in their responsibility for the upbringing of their children unless there is a compelling reason why a parent is not fit. In such a case where children are genuinely at risk, this bill provides for all of the protections and safeguards of our present sole custody law. (submission 252)*

Strong views were held on this issue with some advocating immediate introduction of this law. Others were vehemently against its introduction. Both views maintained that their view was in the best interests of the child.

Specific changes sought to the law

Some submissions sought specific changes to the law. These included:

- guardianship status for fathers who were not married to or living with the mother at the time of birth
- the age at which guardianship applies - changing the definition of child from 20 to 18 in line with other rights
- ensuring that both parents are involved with major decisions about children's health and education
- ensuring that young women are either able to or prohibited from independently obtaining an abortion or contraception
- ensuring that both parents must remain in the same geographic location.

More research needed

Several submissions suggested more research was required in some areas before legislation was revised. These areas related to:

- a study of Family Court proceedings to clarify the validity of claims by dissatisfied parents, who have formed strong lobby groups, that the Family Court favours mothers
- the utility of parenting plans
- a comprehensive review and analysis of relevant New Zealand research and outcomes of recent legislative reform overseas to establish if the fundamental framework of the Act is flawed or if minor legislative amendments and procedures are required.

8 Procedures in the Family Court

This section focuses on the views presented in submissions about what happens in the Family Court.

Section 5 of the discussion paper is called *Procedures in the Family Court* and briefly describes the dispute resolution processes that occur when parents come to the Family Court because they cannot agree. The procedures used for resolving disputes are set out in the Family Proceedings Act 1980 as well as in the Guardianship Act.

Family Court procedures may include all or some of the following processes:
- Reconciliation
- Conciliation
- Counselling
- Judge-led mediation conferences
- Court orders
- Enforcement of court orders
- Specialist reports.

In addition, Family Court procedures may involve contact with all or some of the following people:
- Legal representation for each parent and for the child
- Family Court Co-ordinators
- One or more Family Court judges
- Specialist counsellors, social workers or medical, psychiatric or psychological personnel.

8.1 Family Court

The first two questions raised in this section of the discussion paper concern the appropriateness of the Court as an agency for resolving custody and access disputes as well as the overall approach taken to dispute resolution. Is the Family Court the best or only agency appropriate to offering dispute resolution services in custody or access disputes? Should court proceedings take the form of an inquiry rather than be a contest between parties?

Is the Family Court the most appropriate agency?

Views were divided about whether the Family Court is the most appropriate agency.

Some submitters thought that the Family Court should remain in its current form. By the time some parents get to the Family Court stage they are in need of an external process which moves them on to a resolution. The power of the Court can also encourage attendance at resolution processes. Of those in favour of retaining the Court, some thought it should remain an option of last resort, while others thought families in difficulty should be contacting the Family Court at an earlier stage to gain full benefit of the services offered. Others favoured the Court retaining an umbrella or

gatekeeper function, but with possibilities for contracting out specialist services to existing or new providers. A number of submissions were in favour of housing the Family Court away from other courts to eliminate the association of being in court with being judged for wrongdoing, and felt this was particularly important for children. Renaming the Court was raised as another possibility. Others called for more accountability of proceedings and the need for the courts to collect and publish information on court findings.

Others were firmly of the opinion that the Family Court should be replaced. In its current form, it allows malicious parents to continue and escalate the dispute. It is not equitable because those able to spend more money on lawyers are likely to benefit. Some thought those involved in proceedings are biased against men. In addition, the adversarial approach taken by lawyers in combination with the financial incentives for them to prolong cases does not produce an environment suited to resolving difficult family situations in a way that is in the best interests of either the parents or the children.

Proceedings – a contest or an inquiry?

Of the submissions that addressed the form of proceedings, many commented that the Family Court does take an adversarial approach and that this is not helpful to parents trying to reach agreement on arrangements for care of their children nor in the best interests of the children. In addition, it is a contest, which is very costly and time-consuming. Lawyers were seen by some as having limited dispute resolution skills as their training focuses on taking an adversarial approach. A number of submissions called for a change to an inquisitorial approach, as this would be much better for parents and in the best interests of the child.

Some submissions presented alternative views. These included that the Family Court is a naturally adversarial environment and that it should remain so as it is currently effective for resolving these sort of disputes. Others thought the Family Court already encompasses an inquisitorial approach, so again there is no need for change and it is important to follow established processes as this provides security for parents.

A few submissions were concerned that a shift in approach was not appropriate given current levels of resourcing - to change to an inquisitorial approach would require the Family Court to be better resourced. In addition it would invest too much power in judges. One or two submissions commented that such a change in approach would be more costly and inefficient.

Alternatives to court

A number of submissions did present alternative structures and approaches to the current Family Court. These included:

- a clear focus on building positive relationships
- ensuring that mediation always occurs before making orders
- retention of the Court as an umbrella or gatekeeper body and increasing the ability of other agencies to take on existing functions

- a specialist “separations issues” agency
- a specialist panel approach - instead of lawyers and judges, decisions should be made by a panel of specialist trained counsellors and psychologists
- the Family Court could be established as an agency within Child, Youth and Family
- the Family Court should adopt the family group conference approach used by Child, Youth and Family
- cultural lay advocates could be used to resolve care issues for Māori
- use of trained counsellors instead of lawyers as Counsel for the Child
- ensuring that the views of both immediate and extended family as well as others who know children well (e.g. school teachers, counsellors and sports coaches) are included and valued in proceedings alongside specialist reports presented by people who have had limited contact with a child.

The Court as educator and provider of information

A number of submissions had views on whether it is appropriate for the Family Court to have a role in educating and providing information to the public about its operation. Of the submissions that responded to this area one clearly stated that “a court is just that, a court” and should stay focused on that function. Of those submissions that did think that the Court could play a role, the following elements were mentioned.

Means of delivering education/information

- Information sessions – some pointed to evidence suggesting that interactive sessions with questions and answers are likely to be more effective than providing static information
- Video
- 0800 phone number
- TV advertisements with a similar approach to anti-drink driving campaigns
- Pamphlets and booklets including short colourful handouts that could be designed to be appropriate for children of different ages.

Who should information/education be aimed at

- Parents, children and young people
- Wider family/whānau
- Schools
- General public
- Potential parents.

Type of information/education

- Parenting education including on parental responsibilities – what is a responsible parent and rights of a non-custodial parent
- Descriptions of how the court proceedings operate; who works in the Court and their role; processes for obtaining access, custody, ex parte applications and warrants; and procedures for writing, as well as the purpose and use of, specialist reports
- Communication and counselling skills
- Information on likely emotional reactions to separation and abuse
- Information on living together and raising children

- Education about separation and divorce (mentioned particularly in relation to education in schools and that it should form part of the syllabus).

8.2 Means of Dispute Resolution

Role of the Court in promoting reconciliation

Currently both parents' lawyers and the Court are required to look first at the possibility of reconciliation and, if this is not possible, they are then required to look at means of conciliation. The discussion paper raises the question of whether it is appropriate for Family Court judges and lawyers to have a duty to promote reconciliation.

Response to this issue was divided. A few generally favoured reconciliation. Others thought that counsellors could assess the situation and make a judgment on whether there is a possibility of reconciliation. It is important for lawyers to attend to any signs that reconciliation might be possible. Another submission thought reconciliation was best left to specialised agencies.

Others were more sceptical about the appropriateness of reconciliation – that it might not be possible or in the best interests of the child. Some were quite categorical in their view that reconciliation is not appropriate where there has been a history of violence or just thought that it should not be a duty.

Counselling and mediation

Currently the Court can order parents to go to counselling or parents can request it. Children and young people are not entitled to counselling or mediation conferences as of right. Family Court Co-ordinators are available at many Family Courts to provide information on the free counselling services available through the Court. In addition they may arrange referral to local counsellors and agencies and meet with potential applicants before making a referral.

Parents can request a mediation conference that will be convened and chaired by a judge. At a mediation conference both parties can have legal representation. Children or young people and, if appointed, their counsel may also attend. The judge is responsible for ensuring that both parties have an opportunity to express their views concerning issues of dispute.

Counselling

Views on the provision and appropriateness of counselling covered a range of issues including the appropriateness of current provisions. Comments on the provision of counselling ranged from "it should be compulsory" to "it should be phased out and replaced with specialised dispute resolution and mediation". Others favoured a flexible provision of counselling and mediation services in order to respond to individual situations – for some six sessions will not be enough. Counselling needs to be available to same-sex partners, needs to be culturally appropriate and to be available when one parent has been ill. A number of submitters did not think it was appropriate in

situations where violence has occurred – in these cases where one person may be frightened of the other, a formal legal process offers more protection. A number of submissions thought that access to counselling needs to be made available at a much earlier stage to be preventative rather than at breakdown point when it may be too late. One felt that counselling was not an appropriate approach for Māori. Others thought that it would be good to have wider family/whānau involved with the counselling process.

Some had views on who should provide counselling. Some noted a need for greater accountability through an auditing process undertaken by professionals or a new body with an oversight function. Most thought that it was important for counsellors to be highly skilled, and that they may need to be trained in the dynamics of family violence. When selecting counsellors it is important to think about the ethnic composition of the family – noting that there may be several ethnic groups involved.

The purpose and value of counselling was discussed by a few submissions. Some views on the value of counselling included the following:

- It's a good way of preparing parents for the process and useful for identifying issues – even if reconciliation is not going to be possible
- It should not be aimed at reconciliation but at helping people to work through grief.

Views varied about whether children and young people should have access to counselling. Some thought it important for children to have an ongoing counsellor themselves and that children should be invited to attend parent sessions. Others thought that it may be more comfortable for children to have counselling at home.

Mediation

Views varied on the appropriateness of judge-led mediation as a means of dispute resolution. Some favoured the judge as the best person, others thought they should be a last resort. A few suggested that judges should receive family counselling training. Some disagreed altogether and favoured replacing lawyers and judges with trained mediators and facilitators or the establishment of specialist mediation services. Some favoured the provision of more than one mediator to overcome the natural biases of judges. Some commented that this type of setting was not appropriate to Māori and favoured instead use of cultural lay advocates, using whānau, hapū and iwi organisations or hui on marae.

Other comments on the provision of mediation included that it:

- be available as a backstop for failed counselling
- always occur before court orders are made
- be mandatory in order to access legal aid.

In addition some thought the Counsel for the Child should be required to attend. Others commented that mediation should occur away from the courtroom setting.

Some thought it important that children and young people be involved in mediation hearings, that they need a voice and should be invited. Others favoured a separate mediation for children.

Alternative dispute resolution mechanisms

A number of submissions provided alternatives to current means of dispute resolution. These suggestions included:

- not involving legal representatives or counsel
- using more than one mediator
- using cultural lay advocates
- using independent or private mediators who could be chosen and trusted by both parents
- using lay people not judges
- a panel of three who know the law well
- court-appointed co-ordinators
- Parenting Assistance Tribunal – Family Resolution service
- using other specialised agencies e.g. Relationship Services, Barnardos, Presbyterian Support
- do-it-yourself kits on mediation
- hui on marae.

8.3 Court-appointed specialists and Counsel for the Child

The discussion paper describes how the Family Court can seek additional help from social workers, or medical, psychiatric or psychological specialists by asking for written reports on each child or young person and their family situation. In addition the Court can appoint counsel to represent any child or young person who is involved in the proceedings – this lawyer is known as Counsel for the Child.

The paper raises a number of questions concerning the role of court specialists and the appropriateness of their training and experience, as well as the purpose of reports, processes used to gather information and the end use put to the reports. It asks for comments on these and other related issues as well as suggestions for suitable changes.

Counsel for the Child

Many submissions focused on the Counsel for the Child. Most submissions addressing this area did not think legally trained Counsel for the Child was suitable for this role. The key concerns were that legal specialists:

- are needed to represent the child or young person's interests
- are trained in an adversarial approach and this is not appropriate for the Family Court
- vary widely in their suitability. Most do not have the skills, training, experience or appropriate approach to develop the necessary rapport with children. Some thought they should be made to take a course in child development. Others thought that they were not appropriate at all and that specialist child therapists or psychologists should be used instead

- cannot be representing the best interests of the child if they never meet or meet only briefly with the child (and their family). Some thought it was important to increase resourcing for Counsel for the Child so that the rights of the child are better represented
- are most interested in money and will prolong proceedings to make more money
- should follow up and find out the outcome of their actions
- need to be made more accountable for their actions
- need to be appointed early.

Some thought more information was needed about the role of Counsel for the Child. Others thought that parents should be able to choose counsel.

Some submissions suggested alternatives to the Counsel for the Child for gaining information about and representing the best interests of the child or young person. Many favoured an advocate for the child – who would be appointed by law but would be separate from, and would work with, Counsel for the Child. This person would ensure that children and young people understand proceedings and issues. Other suggestions included:

- a court liaison officer responsible for communicating the details and outcome to children in a child-friendly fashion.
- a social worker who could interview the child or young person at their home or another non-threatening place. Some thought they could be chosen by parents
- community-based mediators
- lay people or cultural lay advocates
- school counsellor – sport coaches
- support people who should be allowed in the courtroom
- a team of three independent professionals – psychologists or counsellors.

Other specialists

Some comments were received on other court specialists and their actions. These comments included the following:

- There is too much emphasis on specialist reports and specialists have too much power. Not enough emphasis is given to the views of those who know a child or young person – extended family, school counsellors, sports coaches etc
- There is a need to increase the professionalism of court specialists including social workers, psychologists and Counsel for the Child. Their actions need to be evaluated by a controlling or accountability body
- There is a need for specialist training on court report writing and training in family dynamics and child psychology. Counsellors should be able to identify if a child is being coerced
- Parents need more information about the roles, and background and credentials, of the specialists involved
- It is important to have continuity
- Some report writers are biased against fathers
- More female lawyers and psychologists are needed
- Family Court Co-ordinators are doing a good job

- Psychologist reports need to be based on a group report rather than relying on the bias of one person
- Reports need to be more frequent
- A counsellor should be able to disclose information to the Counsel for the Child.

8.4 Private proceedings

The discussion paper outlines how custody and access proceedings are not currently open to the public. Proceedings are viewed as private family matters involving children and young people, with no wider public interest in the dispute. Reports on the proceedings cannot be published except with leave of the Court. The paper states there are concerns that secrecy prevents the public from gaining an understanding of important social issues and the approaches that the Family Court takes to address these. Questions raised in the paper concern whether proceedings should be more open and, if so, how to balance the need for openness against the private nature of proceedings and the need to protect the interests of the children and young people involved. In addition some questions are asked about whether the Court has a role in promoting a better understanding of its role and the way it operates and, if so, who should provide what kind of information?

Opinion was divided about the degree of openness that is appropriate. At one extreme was the view that court proceedings are private and should remain so. The Court is already a tense and volatile environment and opening things up would only increase this. If proceedings were public, this would stop some people getting the help they need. Others thought it appropriate and beneficial if wider family or whānau and important support people were able to attend hearings. Some were clear that no media or general public should be allowed at hearings and that in situations where violence has been alleged proceedings must be kept private.

On the other hand, some submissions presented views suggesting that the Court needs to be more open to reflect the wishes of the community. By being open the actions of the judiciary and legal professionals would be more accountable and some parents would also be more likely to be truthful. However, one submission tackles this argument by stating that accountability is already available through the Court of Appeal. A few viewed the secrecy as contributing to a perpetuation of abuse**.** In contrast to the view expressed above, some saw that making Family Court proceedings open may act as a deterrent and facilitate couples to resolve issues themselves.

The range of ways in which proceedings could be made more open could include:
- involving wider family or whānau and support people and no one else
- allowing “authenticated” media into the courtroom
- making copies of proceedings available – possibly without any identifying information
- letting the judge decide who can attend on a case-by-case basis at the judge’s discretion
- allowing the general public to attend

- providing a statistical profile of outcomes of court proceedings. One submission commented that there would not be much value in just releasing findings to increase the public's understanding of the operation of the Family Court. To be useful, one would need to know the rationale by which decisions are made
- proceedings need to stay private but from time to time the Court could develop "typical cases" to use as a basis for articles on the operation of the Court.

8.5 Delays, costs and repeat applications

The discussion paper acknowledges that concerns are expressed about the delays and costs involved in custody and access related court proceedings. In addition, a number of parents return repeatedly to the Court to contest custody and access arrangements. The Court has little ability or power to stop these repeat applications even though they use up time, creating delays and increasing costs.

Delays and costs

A number of submissions commented that current delays and costs are unacceptable and are particularly of concern in cases involving family violence or abuse. A few submissions view current timeframes as acceptable and even advantageous because it allows time for reflection. One submission thought that a faster process might in fact be to the detriment of children and young people's emotional well-being.

A number of implications of delays and costs were identified:
- Children, young people and their parents are placed at risk where violence is involved
- Lawyers can prolong cases to gain financially
- Delays advantage the custodial parent and disadvantage the non-custodial parent. While waiting the child becomes settled with the custodial parent who can then claim disruption of routine would not be in the best interests of the child
- The non-custodial parent can give up because of costs
- Having to pay for two lawyers is detrimental to families
- It amounts to having to buy back the right to see children
- There are equity issues - the parent that can afford the best lawyer is at an advantage
- Lawyers who are being funded by Legal Aid do not seem to think they need to take instructions from parents.

Ways of reducing time delays:
- Establishing a clear timeline, for example like that outlined in the Children, Young Persons, and Their Families Act, or a time limit for proceedings to be concluded by – e.g. 12 months
- Building in a review facility
- Increasing access to counselling, which would reduce the need for mediation
- Assessing, identifying and fast-tracking cases straight to mediation where counselling is obviously not going to work
- Arranging short hearings to enforce court orders

- Use of “masters” who can resolve small issues leaving only final decisions to judges
- Continuity of staff – same judge and case manager
- Appointing more judges, counsel and mediators
- Giving more powers to the Court to respond to and manage deliberate delaying tactics employed by some parents – perhaps by awarding cost orders
- Stopping repeat applications.

Ways of reducing costs:
- Getting rid of lawyers
- Replacing adversarial with conciliatory approach
- Starting with assumption of shared parenting
- Limiting repeat applications.

Do-it-yourself kits

Views on do-it-yourself kits were mixed. A number of respondents thought they were a very good idea and potentially time and cost saving. They could help those who cannot afford lawyers and reduce both the need for lawyers and the costs associated with running the Court. The development of simple access orders would also increase “ownership” of arrangements by each party. Some made suggestions for the content and style of kits. Suggestions included:
- the need for simple, clear language
- changing the name – “do-it-yourself” sounds “tacky”
- how to prepare a point of view
- how to present opinions
- encouraging effective dialogue instead of paper work
- ensure people know their legal rights.

Others suggested where kits could be made available:
- In places appropriate for Māori and Pacific peoples
- Citizens Advice Bureaux
- Lawyers’ offices.

A couple of submissions suggested that groups such as Family Court Consumers and others who had already been through the court system could help people to use the kits. Others were sceptical or negative about the value of such kits. Kits might add time and costs to proceedings because people find it difficult to be concise, would include irrelevant information and would increase the time that a judge would need to spend on a case. It might also exacerbate conflict.

Repeat applications

A range of views existed on the Court’s powers to limit repeat applications being made for changes to custody and access arrangements. These views relate to the reasons for which applications are made. Three prevailing views were expressed. Repeat applications are a means of:
- harassing the custodial parent
- responding to changing parent circumstances and children and young people’s developmental needs

- negotiating satisfactory care arrangements by parents who genuinely care about their children and who do not like current arrangements for themselves and think they are not in the best interests of their children.

Views on the Court's powers included the following:
- The Court already has powers to stay proceedings
- Repeat applications should be allowable where there is a genuine breakdown in access arrangements to the detriment of the child
- There should be a period of time that must lapse before a repeat application can be made, to allow for a settling in period. Some thought two years was a suitable time - others a year
- A limit should be placed on legal aid if nuisance repeat applications are being made
- Repeat applications should only be allowed when there is new information or evidence of abuse or neglect
- As children develop they may need a different arrangement
- Repeat applications should be decided on a case-by-case basis at the leave of the Court.

Other comments concerning repeat applications were that court proceedings are biased against fathers and that if there was a 50/50 shared parenting arrangement from the start this would reduce the need for repeat applications.

8.6 Enforcement of court orders

The discussion paper describes some of the concerns existing about the range of enforcement options that the Family Court can implement when people do not comply with court orders. An example of non-compliance is where one parent does not follow the agreed arrangement for access. It can be difficult for the other parent to have their rights enforced. The powers that the Court does have are:
- to issue a warrant to authorise the police or a social worker to pick up and deliver a child to the party entitled to access or custody
- where it believes that one parent is about to take the child out of New Zealand to defeat the other's access or custody rights, to issue a warrant to direct the police or a social worker to take and place the child in the care of a suitable person (pending a further court order). Tickets and passports can be taken from the child and parent concerned.

In addition:
- there is a co-operative arrangement with Australia so that custody and access orders made in New Zealand will be recognised in Australia and vice versa
- the Hague Convention on Civil Aspects of International Child Abduction, implemented through the Guardianship Amendment Act 1991, provides mechanisms for the return of children who have been taken to another country in breach of one parent's custody rights.

In responding to the question of how enforcement mechanisms could be strengthened in a way that promotes the welfare of the child or young person, many submissions

acknowledged that this was a very difficult and potentially upsetting area. The majority of submissions addressing this area were concerned with the situation in which a custodial parent was not complying with the access arrangements set out in a court order.

Particular comments included the following:

- A better process is needed
- Use of the police is upsetting
- Use of police is necessary
- Quick access to the Court is needed – such sessions could be held by Court "masters"
- The reasons need to be investigated – there might be good reasons why the custodial parent is preventing access
- Cases of conflict need to be treated by the Court with respect.

Some made suggestions of ways of enforcing court orders, including fines, jail, compulsory attendance at parenting classes, an ability to stop paying maintenance, and stopping state-funded child support and domestic purposes benefit payments until a breach situation was remedied.

Several submissions suggested that the Court develop and maintain a monitoring system or "log in" system in which parents or their counsel could record breaches of court orders.

A few submissions addressed the Hague Convention on Civil Aspects of International Child Abduction. Aside from some comments that the procedures are working well in New Zealand but perhaps not overseas, the key point was that the law should be changed so that both parents are required to sign a child's passport before leaving New Zealand – at the moment only one parent is required to sign the passport. Some also favoured a law stating that both parents must consent to a child being taken out of the country.

8.7 Supervised access

The discussion paper sought views on the Court's ordering that access be supervised when a parent has been violent against any member of the immediate family (unless it can be assured that the child or young person will be safe). This is done to protect the children or young people from the harm of direct violence to them or from witnessing violence.

A number of the submissions agreed with the need for supervised access where it was clear that a child or young person's welfare would be otherwise threatened. One submission suggested that the definition of violence needed expanding to include psychological violence. Some said that it was an artificial situation and awkward for both the parent and children or young people. Some suggested that the current arrangement should be expanded to include preparatory counselling for both the parent and children and young people. One submitter suggested a more natural alternative

would be for the parent to participate in the day-to-day activities of the child where other supervisors are present – for example attending pre-school. Another suggestion was state-funded specialist supervised access centres.

A few submissions regarded the need for supervised access as necessary until the parent got counselling and was able to demonstrate that supervision was unnecessary. One submission suggested the access parent would benefit from having a plan to follow.

Opinion was split about whether the parent or the Court should pay for the supervision. Some felt that it was important for the violent parent to pay – to help them be aware of the impact of their actions – but that an inability to pay should not stop children having access to this parent. Others thought that the Court should pay. One submission proposed that both parents pay.

Some were concerned that the Court awarded these orders unnecessarily and without investigating the claims of violence and that this was a malicious strategy used by the custodial parent (mostly mothers). Others thought that a court order should only be made where there has been violence against the child.

A few submissions were very concerned about situations involving parents who had sexually abused the children or young people and thought that any supervised access arrangements should be approved after specialist psychiatric assessment and with the child always retaining control of the situation.

APPENDIX ONE: LIST OF ORGANISATIONS

Community Groups

3D Recovery
Abortion Law Reform Association of New Zealand
Birthright Marlborough Inc
Business and Professional Women of NZ
Catholic Social Services
Catholic Women's League of New Zealand
Child Advocacy Services
Child Helpline
Children's Agenda
Christchurch Caring Fathers Support and Education Group
Divorce Equity
Dunedin Violence Intervention Project Inc
Family Life for the Catholic Church, Rainbow Children's Support Trust, Retrouvaille
Family Planning Association
Fathering New Zealand
Grandparents Raising Grandchildren
Lone Parent Trust
Male Survivors of Sexual Abuse Trust
Malenet Crisis Line
Mana Men's Rights Group
Mana Social Services Trust
Men and Their Children
Men's Centre North Shore Inc
National Committee, Father & Child Society
National Council of Women
National Council of Women, Hibiscus Coast
National Network of Stopping Violence Services
New Zealand Association of Children's Supervised Access Services
New Zealand Catholic Bishops' Conference
New Zealand Men for Equal Rights Association
North Harbour Family Violence Prevention Project
North Harbour Living Without Violence Collective Inc
North Shore Women's Refuge
Open Minds community group
Parents Centres
Presbyterian Support (Otago)
Presbyterian Support (Southland)
Rangitikei Support Group
Right to Life New Zealand Inc
Riverton Community Charitable Trust
Royal New Zealand Plunket Society
Rural Women New Zealand
Separated Fathers Support Trust
Solo Women As Parents Inc

SPUC and Community, Paeroa
SPUC Dunedin
START
Support Network for Parents and Caregivers of Sexually Abused Children
Tapanui-Crookston Presbyterian Parish Council
The Health Alternatives for Women Inc
The Institute for Child Protection Studies
Timeout Carers Bureau Ltd
Trust of Women as Family Court Consumers
Tu Tama Wahine O Taranaki Family Therapy Centre
Youth Care Services (CHB)

Professional Organisations
Auckland District Law Society
Auckland Healthcare Services Ltd
Barnardos
Christchurch Community Law Centre
Commonwealth Press Union
Dunedin Community Law Centre
Family Court Judges
Family Courts Association Hawkes Bay
Health Waikato Social Work Service
Mahora Kindergarten
National Council of Independent Women's Refuges
New Zealand Association of Child and Adolescent Psychotherapists
New Zealand Association of Counsellors
New Zealand Association of Psychotherapists Inc
New Zealand Law Society – Family Law Section
Otara Community Law Centre
Relationship Services
The Christchurch Family Court Working Party
The Salvation Army
Waiapu Anglican Social Services Trust Board
Waikato Anglican Social Services
Youth Law

Academic or Research Organisations
Children's Issues Centre, University of Otago.
Donald Beasley Institute Inc

Government Organisations
Department of Child, Youth and Family Services
Office of the Commissioner for Children
Department for Courts
Ministry of Health
Human Rights Commission
Law Commission
Manukau City Council - the Healthy City Policy Monitoring Group
Mackenzie District Council
Mental Health Commission
Ministry of Women's Affairs