

Independent Panel
Family Justice Reforms
SX10088
Wellington 6011

1 March 2019

Feedback on the Ideas for Strengthening the Family Justice System

Birthright would like to thank the panel for presenting their initial ideas on how the family justice system needs to be strengthened and inviting feedback on the ideas. We are pleased to see the Panel has recognised the extent of damage the changes in 2014 have caused to New Zealand families and recognise the high need for change. The issues identified are consistent with what we have heard in the community.

We endorse the concept of a Korowai - a system that is joined-up, accessible and responsive to family needs.

There are four key points we would like to make based on the second consultation document:

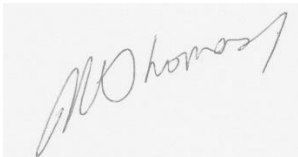
- **Counselling:** we are pleased to see a recommendation that counselling services be expanded. We believe this is essential in helping to reach effective resolution. We would like to encourage these services to be expanded to cover the child. Child counselling should be able to be requested by the child, a youth/social worker working with the family or the whānau. Children can be puppets pulled in one direction or another in these tense family circumstances. To know they can access support to help manage the stress and conflict they find themselves a part of, is essential for the wellbeing of the child or young person.
- **Child Advocate:** we would like to see a child advocate in place for the child. The role of the advocate is to give agency to the child and ensure they are protected through the process. It opens another opportunity for the child to express his/her views, utilising specialist skills in working with children. It can take time for a child to open up and be comfortable in expressing their views. We do not see this as introducing unnecessary delay in the process, more a process of ensuring the child's voice is heard, respected and acted upon. A child advocate serves as an internal check to see if the child's lawyer really has the child's best interests in mind. Introduction of a child advocate should sit alongside the recommendation that a child lawyer be appointed who is best fit for the child. Translation services should also be provided where a child has English as a second language and would be more comfortable communicating in their native tongue.
- **Parenting Through Separation:** we agree that PTS is an important part of the family justice system and has been positively received. Work needs to be done on reviewing the format and availability of PTS to meet the needs of all people engaging with FDR or the Court. This includes different formats that will make the programme available on a timely basis to all concerned. If changes are made to the programme it should become a compulsory part of the process; often those not interested in attending are those who have the greatest need for the programme.



- **Process for implementation:** everyone wants change, families are currently suffering the impact of a system that is not working. However, it is difficult to determine how changing one part of the system might have unintended consequences on other parts of the system. With this, and the known negative implications of the 2014 changes on families in mind, we encourage the panel to think carefully about the implementation process. How might we be able to modify and adapt what is implemented as we go rather than relying on a review to get change happening? Is there the potential to test different elements of the proposed changes and see they have the desired impact? Importantly how do we bring the different people who are part of the process together to learn across disciplines and start weaving the muka of the korowai?

We look forward to seeing changes implemented to the process that will build on children's wellbeing.

Yours sincerely



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Birthright New Zealand

