

Family Court (Family Court Associates) Legislation Bill 2022



New Zealand Council Of
Christian Social Services

Contact Name:	Nikki Hurst Melanie Wilson
Organisation Name:	New Zealand Council of Christian Social Services (NZCCSS)
Organisation description:	<p>The New Zealand Council of Christian Social Services (NZCCSS) welcomes the opportunity to provide feedback on the Family Court (Family Court Associates) Legislation Bill.</p> <p>NZCCSS has six foundation members; the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support and the Methodist and Salvation Army Churches.</p> <p>Through this membership, NZCCSS represents over 250 organisations providing a range of social support services across Aotearoa. We believe in working to achieve a just and compassionate society for all, through our commitment to our faith and Te Tiriti o Waitangi. Further details on NZCCSS can be found on our website www.nzccss.org.nz.</p>

Tirohanga Whānui | Overview

We support the kaupapa to introduce the role of Family Court Associate, through the Family Court (Family Court Associates) Legislation Bill. NZCCSS supports the provision of timely access to justice services through the Family Court for tamariki and whānau.

Taunakitanga | Recommendations

Our main points are:

Item One: Timely access to justice services critical for whānau and tamariki wellbeing

Timely access to justice is critical to the wellbeing of whānau and tamariki engaging with the Family Court, as evidenced by reports of increased conflict within families undergoing lengthy proceedings. We applaud the introduction of this role to alleviate pressure on Family Court Judges and address the backlog currently experienced within the Family Court.

We seek clarification as to how many roles are likely to be established initially and the expected improvement to timeframes that may be achieved through the establishment of such roles, specifically whether this improvement is likely to enable the Family Courts to meet statutorily prescribed timeframes. We are also interested in how this workforce will be appropriately trained, particularly to engage effectively with children?

We note other factors impacting the timely resolution of issues, including the lack of information and guidance available to whānau who wish to resolve disputes outside of the Court system or self-represent in Court. We support efforts to address these issues alongside the introduction of this role.

Recommendation 1: That the Family Court Associate role be enacted through this legislation alongside efforts to mitigate other factors resulting in delays within the Family Court system.

Recommendation 2: That additional care is taken to ensure efficacy working with children, and specific training developed to do so.

Item Two: Improved access to justice needed

NZCCSS advocates for improved access to justice more broadly, supporting efforts to remove barriers to access that may exist due to ethnicity, culture, geographical location, education, or other factors. We strongly advocate for the provision of education, information, and guidance in an accessible format for diverse audiences, as well as improvements to the accessibility of counselling. We note that funding for legal services and the availability of suitably qualified professionals continues to limit the accessibility of justice for far too many in our society, with children, in the case of the Family Court, suffering as a result.

Recommendation 3: We advocate for increased efforts in reducing barriers faced by parents and families in accessing justice broadly.

Item Three: Impact of the Family Court Associate role

NZCCSS advocates for regular evaluation of the Family Court Associate role to ensure that the introduction of this role is achieving its intended aims. We observe the findings of the Te Korowai Ture ā-Whānau report which indicate that there is little evidence of the efficacy of the changes made in 2014 to the Family Court system in reducing delays or improving outcomes for children. Regular review of this role from both the system and client perspectives is critical to ensuring that this legislation results in positive change for whānau and tamariki.

Recommendation 4: We suggest regular review of the efficacy of the Family Court Associate role in improving timely access to justice.