



**PARENTING ARRANGEMENTS AFTER
SEPARATION STUDY: EVALUATING THE
2014 FAMILY LAW REFORMS**

**Parents' and Caregivers'
Perspectives – Part 1**

**Research Report for the
New Zealand Law Foundation**

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Executive Summary

Research Overview

The 2014 Family Law reforms introduced on 31 March 2014 were intended to shift the emphasis of New Zealand's family justice system away from in-Court to out-of-Court processes. In 2014 the New Zealand Law Foundation generously funded an independent two-phase research project to evaluate these reforms. Phase One (2014-2015) involved the initial scoping, consultation and planning for implementation of the Phase Two nationwide mixed methods study undertaken during 2016-2019.

In Phase Two, an online survey for parents and caregivers who had made or changed parenting arrangements since the reforms took effect was open for nine months from July 2017 to April 2018.¹ This ascertained their views and experiences of making or changing their parenting arrangements and their use of, and satisfaction with, family justice services. The survey was completed by 655 parents or caregivers. The majority of the participants were female (80%) and mothers (78%). Most identified as New Zealand European (87%) and/or Māori (13%). They lived across all regions of New Zealand. One hundred and eighty-three of these parents and caregivers participated in an interview with a member of the research team, mostly by telephone. Almost two-thirds (65%) completed at least one of two follow-up online surveys, at approximately six to eight month intervals.

This research report focuses on data collected by the online surveys and the interview data relating to family justice services. It provides a broad overview of all of the major descriptive findings about parents' and caregivers' experiences of, and views on, making parenting arrangements and their use of any family justice services to help achieve this.

Making Parenting Arrangements

The majority (59%) of the parents and caregivers surveyed were making parenting arrangements since the reforms came into effect, and 41% had made arrangements under the previous family justice system, but had had to change them since the reforms. Of those who had experience with the previous system, 17% preferred the old system and 10% preferred the current system. One third of the participants were aware of the reforms at the time they were making or changing parenting arrangements, but the majority (59%) were not. The most common issues needing to be resolved were day-to-day care and contact arrangements. The majority of participants also needed to resolve child support issues and the division of their relationship property.

Family violence, mental health issues, and involvement with Police were present in at least a third of the participants' circumstances at the time they were making or changing parenting arrangements. One third had safety concerns for themselves, and 42% had concerns about the safety of the children. Most (70%) reported a poor or very poor relationship with their

¹ A separate online survey was completed by 364 family justice professionals who had worked in the family justice sector since the reforms came into effect and 100 of them also participated in an interview. See Taylor, N.J., Gollop, M.M., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 family law reforms – Family justice professionals' perspectives*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

former partner/the other party when they were making or changing their parenting arrangements.

Most of the participants (97%) had taken informal steps to make their parenting arrangements, with around two-thirds using family justice services (67%) or lawyers (66%), and 57% using community or private services. The top five most common steps taken were discussing the matter with the other parent/party, the children, whānau and friends and seeking legal advice. The most frequently used family justice services funded by the government included the Ministry of Justice website (40%), the Family Court (37%), Parenting Through Separation (PTS) (33%), the Ministry of Justice 'Making a Parenting Plan' workbook (24%) and Family Dispute Resolution (FDR) (24%).

The five steps rated most helpful in making parenting arrangements included: talking with the children (58%), discussion with the other parent/party (49%), seeking legal advice (48%), going to the Family Court (42%), and attending private counselling (40%). Nearly a third of the participants rated FDR or PTS as one of the most helpful steps they took.

A quarter of the participants reported that someone external to the family decided on their parenting arrangements, with 75% reporting the parenting arrangements were decided by a family member – one or both parents/caregiver and/or the children.

The most common pathway to make parenting arrangements was the parties resolving the matter mainly by themselves (40%). Just over half of the participants mainly made their arrangements through the use of a professional or service, either the Family Court (34%), FDR (11%) or privately through a professional (9%).

The participants' circumstances at the time of making the parenting arrangements were associated with the resolution pathway they took. More participants had their parenting arrangements determined through the Family Court when there were safety concerns, family violence, mental health and addiction issues and involvement with external agencies such as Police and/or Oranga Tamariki. The quality of the relationship between the parents/parties was also associated with how parenting arrangements were made. More arrangements were made through the Family Court, or privately through a professional, if the relationship was very poor, and conversely, more were made by the parties themselves when the relationship was good/very good.

How participants viewed the resolution pathway they took showed a clear contrast between those who made their parenting arrangements themselves and those whose arrangements were made by the Family Court. The majority of those who ultimately made their arrangements with their former partner/the other party themselves agreed that: the approach had worked well for them, the other party, and the children; they and the other party had had an adequate opportunity to put their positions forward; the process was fair; the time it took to make the arrangements and the associated costs were reasonable; and they were satisfied with the approach they took. The reverse trend was seen for those whose arrangements were determined through the Family Court. Generally, participants held the view that the process of making parenting arrangements had been a better one for their former partner/the other party than for themselves.

Overall, 32% would have preferred to make their parenting arrangements in a different way, nearly half of whom had made their arrangements through the Family Court. The majority

(59%) of those who were happy with the approach they took to make their arrangements had done so with their former partner/the other party mainly by themselves.

Participants' views on the parenting arrangements that were made were associated with the resolution pathway taken to make them. The greatest proportion of those who were satisfied with the parenting arrangements, thought they were fair, and had confidence in them working (at the time they were made), were those who had made them mainly by themselves, followed by those who had decided on the arrangements privately through a professional. Generally, the participants with the lowest proportion of positive ratings of satisfaction, fairness and confidence had made their arrangements through FDR or the Family Court.

The majority (60%) of participants had formalised their parenting arrangements, with the most common way being through Family Court Parenting Orders (30%) or a written parenting agreement or plan (20%). Those who had not done anything specific to make their parenting arrangements or did so mainly with their former partner/the other party, most often had no formal agreement. Those who made the arrangements privately through a professional or through FDR most commonly had a written agreement, and those who had gone through the Family Court most commonly had Parenting Orders.

Nearly two-thirds (62%) incurred costs to make their parenting arrangements. The most common expenditure related to legal/lawyer's fees (49%), private counselling (20%) and court fees (20%). Nearly half (45%) spent \$500 or less to make their parenting arrangements and 10% spent \$20,000 or more. Generally, those who made their arrangements through the Family Court, and to a lesser extent privately through a professional, spent more. Expenditure over \$2000 was regarded as unreasonable by a greater number of participants than saw it as reasonable. Expenditure over \$1000 was seen by the vast majority as unaffordable.

Follow-up data revealed that the parenting arrangements were relatively stable over time, with the majority of the participants in both follow-up surveys reporting no changes to their parenting arrangements. This stability was further reflected in the large proportions (87% at both follow-up surveys) who reported that no attempts to change arrangements had been made.

Family Justice Services Funded by the Government

As part of the evaluation of the 2014 reforms, the participants were asked evaluative questions about family justice services they had used since the reforms took effect. The most commonly used services were the Ministry of Justice website (56%), the Family Court (47%) and Parenting Through Separation (40%). Just over a fifth (22%) of the survey respondents had participated in FDR mediation. Nearly three-quarters (73%) of the participants did not know about the Ministry of Justice 0800 2 AGREE phone line, nearly two-thirds (64%) did not know about the Family Legal Advice Service (FLAS) and almost a quarter (23%) were not aware of Family Dispute Resolution (FDR).

Ministry of Justice Website

The Ministry of Justice website was the family justice service most commonly used by 56% of the participants. There was a high level of awareness of the website, with only a fifth not knowing of its existence. The most common way people heard of the website was through

the Internet, but lawyers and Parenting Through Separation courses also referred clients to it. The website was predominately used to find information and resources, with around a half of the participants also using it to better understand how the family justice system worked. Just over a third used it to access, download or complete forms, such as court applications.

More participants rated the quality of the website positively than negatively in terms of the information provided and its ease of use to find and download information and/or forms. Over half rated the website as good/very good on the information provided (59%) and the ease to find and download information and forms (55%).

The website had provided the vast majority (94%) of the participants with at least some of, if not all, the information they required. Participants whose information needs were not completely satisfied by the website described the information as too generic and basic, when what they required was more detailed, in-depth and specific information that could be applied to their own situation. In particular, they needed information about how to negotiate difficult scenarios, such as when the other party would not co-operate, breached orders or when drugs or safety concerns were involved. They also could not find information about how to respond to without notice applications, family justice processes and procedures (particularly the sequence), legislation, the law and rights, and links to other services and professionals to access support and guidance. Information about likely outcomes and examples of different types of parenting arrangements were also sought, but not located on the website.

Just over a third of the participants rated the website as helpful/very helpful in making or changing parenting arrangements, with 16% rating it as unhelpful/very unhelpful. Comments about the website showed a polarisation of opinion, with those aspects of the website that participants found helpful often also being deemed unhelpful by others. Many mentioned finding the information on the website helpful, particularly about processes and procedures, and information that helped them to understand Family Court processes. They valued the availability and volume of information and found it clear, straightforward and easy to understand. Being able to access the “Making a Parenting Plan” workbook was regarded as particularly helpful. However, others thought that the information was inadequate, too generic, lacked depth and did not provide enough detail. There were complaints that there was too much legal “jargon” that was difficult to understand. There were also criticisms that the information was too simplistic and did not reflect the reality of the system or people’s lived experiences. Some also regarded the website as not adequately or realistically addressing family violence and abuse.

Similarly, being able to access, download and complete forms online was seen as a helpful feature of the website, but others expressed frustration with forms, citing difficulties with finding, completing and saving them. The website design, in terms of its layout and navigation, was viewed positively by some participants who reported ease in finding and downloading information. For others, though, this was a negative aspect and they described it as not user-friendly, and cited difficulties with navigation, search functions and finding material.

Having links on the website to services and professionals, such as lawyers, Parenting Through Separation and Family Dispute Resolution providers, was considered helpful, but some participants would have liked the website to provide links to other services, agencies and professionals who could provide advice and support. Another suggested improvement

to the website focused on improving its functionality, including changes to the technical aspects of generating and saving forms, and providing more guidance to assist people completing forms. Improvements to the website content were also suggested, including the provision of more detailed and in-depth information, particularly about family justice processes and procedures, providing 'real-life' examples and case studies, and simplifying the language used.

Overall, participants were more satisfied than not with the website with nearly half (47%) of them indicating they were satisfied or very satisfied and only 13% being dissatisfied or very dissatisfied. Only a small proportion (14%) would not recommend the website to others making parenting arrangements, with around half (49%) indicating they would, and 37% saying they maybe would.

Ministry of Justice 0800 2 AGREE Phone Line

The number of users of the Ministry of Justice 0800 2 AGREE phone line was low amongst the survey respondents, with only 10% calling it, and nearly three-quarters being unaware it existed. Most of those who had used the phone line had found out about it from the Ministry of Justice website (56%), lawyers (21%) and through a Parenting Through Separation course (18%).

More participants rated the phone line as unhelpful (32%) than rated it as helpful (22%), but nearly half (47%) found it neither helpful nor unhelpful. Aspects of the phone line that participants found helpful included the practical information and advice given, the friendly and empathic staff, and the fact that it was a free service. However, others found the information provided was too generic to be helpful and did not match the reality of the system. While some participants had had a positive experience with the phone line staff, others reported that they lacked empathy and were not well informed or understanding of the issues facing parents. Providing staff with training to improve their knowledge and communication skills was suggested. Long wait times and a lack of continuity between operators was also mentioned as problematic.

Overall, similar proportions (around a third) were satisfied and dissatisfied with the phone line. A fifth would not recommend it to others making parenting arrangements, with 37% indicating they would, and 43% maybe would.

Parenting Through Separation (PTS)

Parenting Through Separation was the third most frequently used family justice service, with 40% of the survey respondents attending a course. Parenting Through Separation was a well known service – only 15% were not aware of it. Nearly half of the participants knew about PTS, but had not used the service, most commonly because they did need or want to, especially if they had attended a course before the reforms took effect. Nearly a fifth of those who did not use PTS cited other commitments, such as work and/or family, as a reason for non-attendance.

The most common way participants heard of PTS was from a lawyer, followed by the Ministry of Justice website and the Family Court. The vast majority found it easy/very easy to both find (86%) and enrol (90%) in a PTS course. Two-thirds of those attending PTS waited four weeks or less to attend a course after enrolling, and most (90%) thought the time they had to wait was reasonable. The majority (72%) had to travel less than 20 kilometres (one

way) to attend PTS; 53% travelled under 10 kilometres. Most (93%) thought the distance they had to travel to attend PTS was reasonable.

Learning about how separation affects children and how to talk to them about it and how the family justice system works were seen as helpful by over half of the participants. Overall, around a third (36%) found PTS helpful in making or changing parenting arrangements, with 30% finding it unhelpful.

Many participants detailed how helpful they found PTS, whereas others noted they were only attending because they had to in order to access FDR or the Family Court. The aspects that some participants found helpful or positive about PTS, were often the same things that others found unhelpful or negative. Most commonly, participants found the information provided at PTS helpful, particularly that which was child-focused, covered how to communicate and co-parent with the other party, how to make parenting arrangements and the processes involved in doing so. Conversely, others described the information provided as basic or just common sense, and something that they already knew. Some did not find the information relevant to their particular situation, particularly if they were already in the court system or their situation was not 'standard'. The content of PTS was regarded by some as only appropriate for those with an amicable relationship with their former partner/the other party, and unrealistic or inappropriate when there were safety concerns or family violence. Some complained that the PTS content did not reflect the reality of the family justice system and was patronising.

Participants appreciated a knowledgeable, professional, skilled and understanding facilitator, but some were critical of the facilitator of their course, especially if they lacked knowledge, facilitation skills, experience, and/or an understanding of family violence and post-separation issues.

For some, the group setting was a positive aspect of attending PTS. They enjoyed hearing others' perspectives and experiences, gained insight and ideas from the other attendees, and valued the support they received from the group. Hearing other people's stories helped to put their own situation into perspective and made them feel less alone at a difficult time. The other attendees were also a source of information and advice. Conversely, others found the group setting to be a negative aspect of PTS. They found it difficult and distressing hearing others' stories and felt uncomfortable around certain attendees, especially those who were angry and emotional. Hearing attendees speak negatively about their former partner was very difficult for some participants, especially those who had experienced family violence. While attendees sharing their stories was helpful for some, others found this uncomfortable and thought it took up too much time when what they wanted was more structure and information and less focus on people unburdening.

On a personal level, some participants found PTS helpful in providing reassurance and validation that they were doing the right thing and reinforcing their approach. However, others found attending difficult emotionally if they weren't ready and/or felt judged or vulnerable.

Some participants acknowledged that they only attended PTS because they had to. Others reported that it was unhelpful to be in a group with such attendees as they could be uninterested and unwilling to engage. Some considered that attendance was only helpful if both parties attended a PTS course and had a shared understanding of the information and skills taught and a willingness to put them into practice. While some thought attendance at

PTS should be mandatory for both parties, others resisted this, particularly if attendance was only a mandatory stepping stone to Family Dispute Resolution or the Family Court or they had attended a course previously.

While accessing PTS did not appear to be problematic for most participants, around a fifth agreed that attending PTS was difficult for practical reasons, and some detailed difficulties such as finding childcare, having to take time off work and transport issues.

Participants were mildly positive about PTS, with just over a half agreeing that it was worthwhile (51%) and met their cultural or language needs (54%). Overall, 52% were satisfied with PTS and 82% would, or maybe would, recommend it to other people making parenting arrangements.

Suggestions for how to improve PTS largely addressed the aspects participants found unhelpful or negative. The most common suggestion was to improve the content by providing more in-depth information and more specific information on a range of topics. The most common suggested improvement to the content of PTS was to include more information about complex situations, such as family violence and mental illness, and how to communicate and deal with the other party when the relationship was dysfunctional and/or conflictual. Training facilitators and ensuring they had better knowledge and understanding of separation, the family justice system and family violence was also suggested.

Suggestions were made about consideration being given to the composition of the attendee group, and having specific groups tailored to meet people's different situations and needs. For example, having separate groups for men and women, those at different stages of the process and those who had experienced family violence.

Other participants suggested expanding and lengthening the programme to allow for the inclusion of more material, the offering of the services of other professionals, and more time for discussion. Some thought PTS should provide more support and follow up for attendees.

Suggestions of operational changes included increasing the number and location of available courses, having more Māori providers, offering childcare options, having a more personalised service, and providing the programme online.

Family Legal Advice Service (FLAS)

The Family Legal Advice Service (FLAS) was the least known about and used family justice service, with nearly two-thirds of the participants (63.5%) being unaware of it. Overall, 36.5% either knew about or used the service, and 12% had received FLAS. The most common reason given for not using FLAS was not needing or wanting to, with some participants seeking legal advice elsewhere and/or not being eligible to receive FLAS. Those who received FLAS mainly heard about the service through family justice professionals and services, particularly lawyers. Nearly half found it easy to find a FLAS provider, with less than a fifth (17%) reporting difficulty accessing the service. Most of the participants had a short (two weeks or less) waiting time to receive FLAS, and most thought the time they waited was reasonable. Travel distances to receive FLAS were generally low (most travelled less than 10 kilometres) and the majority thought the distance they travelled was reasonable.

Receiving FLAS face-to-face was the most common delivery mode, with around a fifth receiving it online or via video-conferencing. Some participants were unsure of what aspects

of FLAS they received and some confused FLAS with Legal Aid. A fifth reported not receiving Part 1 or didn't know if they had. The majority of those who were aware they had received Part 1 and/or Part 2 found both parts helpful. Overall, more participants found FLAS helpful (58%) than unhelpful (24%).

Around two-thirds of the participants agreed or strongly agreed that FLAS was worthwhile and met their cultural or language needs, and 55% agreed or strongly agreed that FLAS had helped them to feel confident about what to do next to make their parenting arrangements. A preference for receiving more individualised advice was indicated by 60%, and 35% required legal advice other than that provided by FLAS. This included advice on relationship property division, Family Court processes, guardianship matters, Parenting Orders, abduction, child support, safety and international/travel issues.

The participants valued the information and advice provided by FLAS, particularly in relation to the law, legal process and their rights. They also found FLAS helpful in assisting them to understand and navigate the system and guiding them through the process. As well, they appreciated FLAS providers who explained things clearly and valued the emotional support and reassurance they received. Receiving FLAS for free was considered a positive aspect. There were fewer statements about negative or unhelpful aspects of FLAS and these related to the limited nature of FLAS and negative experiences with the process of receiving FLAS or with the FLAS provider. Participants expressed frustration with the limited amount of advice, assistance and time that FLAS lawyers could provide. Some found the experience of receiving FLAS painful, drawn out, scary or confusing, while others felt the FLAS provider did not listen to their concerns, understand their full situation or gave them unhelpful advice.

Over half (56%) of the participants were satisfied or very satisfied FLAS overall, and 91% would or maybe would recommend it to others making parenting arrangements.

Family Dispute Resolution (FDR)

Around a third of the participants had used a Family Dispute Resolution service, with 22% attending joint mediation sessions. Just under a fifth (23%) of the participants were not aware of this service. Over half of the participants were aware of FDR, but did not use it. The most common reasons given for not using FDR were that they did not need or want to; the other party not wanting, or refusing, to take part; a belief that the other party would not take part constructively; and being on the without notice/urgent track. Not being able to access FDR did not appear to be a barrier to using the service. Those who used FDR most commonly heard of it from lawyers and other family justice services such as the Ministry of Justice website, the Family Court, and Parenting Through Separation. The majority (around 70%) of those who had contacted an FDR service found it easy to find and register with a provider.

The majority (around 60%) were satisfied with both pre-mediation intake and assessment processes, finding the staff friendly and helpful and the process straightforward. Those who expressed dissatisfaction with intake and assessment procedures cited negative experiences with staff, organisational issues, lack of communication and long delays. The reason people did not proceed to mediation most commonly related to the other party not engaging or refusing to participate.

Two-thirds of those who had received Preparation for Mediation (PFM) found it helpful. They valued the advice and practical skills given and the reassurance it provided. Some

participants, however, found that the reality of mediation did not match the way in which it had been portrayed to them in PFM and they were not prepared for how emotionally difficult they found mediation with their former partner.

Most participants waited four weeks or less to have their first joint mediation session and over three-quarters (76%) thought the time they waited was reasonable. Most people did not have to travel more than 20 kilometres one way to attend FDR and nearly all (91%) thought the distance they had to travel was reasonable. Overall, the majority found the cost of FDR both reasonable (71%) and affordable (73%). However, of those paying half of the FDR fee, only a third thought it was reasonable and 43% thought it was affordable. Most (87%) received FDR face-to-face, with 14% having shuttle mediation. Two-thirds did not have anyone else present during joint mediation other than the mediator and the other party; 11% had either their own and/or the other party's lawyer present during FDR.

Children's thoughts, feelings and views were most commonly ascertained during FDR by Lawyer for the Child, but in 59% of cases no professional had provided children with this opportunity. Two-thirds of the participants had discussed their children's views in joint mediation sessions. Only 27% reported this discussion as being helpful, with more finding it unhelpful (37%). Overall, around a quarter (24%) were satisfied with the consideration given to children's thoughts, feelings and views during FDR, with twice as many (52%) being dissatisfied. Many expressed dissatisfaction that their children's views were not sought or considered or were dismissed during mediation. The participants were aware of some of the challenges involved in considering children's views, but generally they believed it was important for this to happen and thought that children needed an advocate or representative to achieve this.

Similar proportions reached full (39%), partial (31%) or no agreement (30%) with their former partner/the other party in FDR. Satisfaction with the level of agreement reached was low, with 60% being dissatisfied with this outcome. Satisfaction varied with the level of agreement reached; those who had reached no agreement were the most dissatisfied, and those who had reached full agreement were the most satisfied.

For those reaching some agreement at FDR, 42% were satisfied with the parenting arrangements agreed on at mediation, 43% thought they were fair and 30% were confident they would work. For those not reaching full agreement, 57% proceeded to make an application to the Family Court to resolve outstanding issues.

More participants found FDR unhelpful than helpful (52% compared with 32%). There was evidence of an association between ratings of helpfulness and the level of agreement reached. The majority of those who found FDR unhelpful had reached no agreement at FDR, and the majority of those finding it very helpful had reached full agreement.

Participants varied in their views and experience of FDR. Some had found attending mediation a very positive experience and preferable to going to the Family Court. They found it helpful to have a neutral third party present and saw mediation as a fair and safe forum to make their parenting arrangements. Reaching an agreement and having this documented was regarded as a positive outcome of attending FDR.

Others did not have a good experience with FDR, with some finding it disempowering, intimidating and traumatising having to engage with their former partner. Some participants did not consider that FDR was appropriate for cases involving family violence. Frustration

was expressed about having to attend when it was thought it would not be effective because of the other party's reluctance to engage in the process or to compromise. Some participants found it difficult when the other party vetoed them having a support person present.

Participants found it helpful having a mediator with good interpersonal skills, who was accommodating and able to deal effectively with conflict, and skilled in helping parties to negotiate. However, others complained that the mediator was biased, lacked empathy, did not listen, was judgemental and too focused on reaching a decision. Mediators were viewed negatively when they did not provide enough guidance or direction, allowed one party to control the mediation, or did not manage power dynamics between parties effectively, particularly in cases involving family violence. Overall, participants were more positive than negative about mediators, with around half agreeing they felt comfortable with the mediator, that the mediator was highly skilled, and effective in clarifying the issues that needed to be discussed.

Experiencing time constraints and feeling the process was rushed was regarded as problematic, as well as feeling pressure from the mediator to agree or acquiesce – 60% agreed they felt pressured to agree with the other party. A number of participants expressed dissatisfaction with the agreements reached in mediation due to their inadequate and vague documentation and lack of enforceability.

Nearly a third (32%) agreed that the mediation process was fair and that going to FDR was worthwhile. More participants thought FDR had worked well for the other party, than thought it had worked well for themselves or the children.

Overall, more participants expressed dissatisfaction (53%) than satisfaction (28%) with FDR. However, like views on the helpfulness of FDR, satisfaction ratings varied depending on the level of agreement reached in FDR. The majority of those who were very dissatisfied had reached no agreement, while all of those who were very satisfied had reached full agreement. The majority (70%) of those who had attended FDR would, or maybe would, recommend FDR to other people making parenting arrangements. Willingness to recommend FDR to people was also related to the level of agreement reached.

Suggested improvements to FDR included more training for mediators to ensure they were knowledgeable about high conflict and family violence dynamics, unbiased, more child-focused, and better able to protect vulnerable parties by not allowing abusive or obstructive behaviour during mediation. Participants recommended FDR suppliers and mediators should have more power to ensure both parties participated in mediation in constructive ways, and that information from FDR should be made available to the Family Court. Specialist intervention and support was also suggested. Participants thought FDR could also be improved by speeding up the process, having more time for mediation, and having a greater focus on children's participation. Making binding and enforceable parenting agreements that were more detailed and defined was also recommended. Participants varied in their views on FDR being mandatory.

Family Court

Nearly half (47%) of the participants had used the Family Court. Those participants who accessed the Family Court were mainly applicants or both applicants and respondents. The most common reason for not using the Family Court was not needing or wanting to (58%), with around a third preferring to make parenting arrangements privately or doing so through other ways.

Access to the Family Court: Not being able to access the Family Court did not appear to be a barrier for participants. Very few people did not know how to access the Family Court, although a small number (3.5%) were not aware it existed. For those using the Family Court, nearly half (45%) had to travel 10 kilometres or less one-way to the court and most (83%) thought the distance they had to travel was reasonable. The majority (62%) agreed the Family Court was conveniently located. However, nearly half (45%) agreed that attending court was difficult for practical reasons, such as childcare, transport or work commitments.

The Without Notice Track: Nearly two-thirds of those who had used the Family Court were on the without notice track. While overall, 55% thought this was reasonable, views on the reasonableness of being on the without notice track varied between whether the participant was the applicant or the respondent – 89% of the applicants thought it was reasonable while 86% of the respondents thought it was unreasonable. Many of the parents and caregivers who had been on the without notice track were positive about their experience, especially when they were the applicant. They were pleased someone was taking their case seriously, particularly when safety concerns had arisen due to threats, violence, bullying, aggression, alcohol and drug use. Some people also filed without notice applications in order to have lawyers representing them or to bypass FDR. Parents particularly liked the speed with which interim orders could be made on the without notice track. However, others bemoaned the delays they experienced and were frustrated by the one, two or three years to achieve an outcome. Some parents were also dissatisfied when their without notice application was declined, moved to the standard track, left the child in their ex-partner's care, or they received a decision they believed was biased. Some applicants found the process difficult, expensive or traumatising or were terrified their ex-partner would seek revenge. Parents on the receiving end of the without notice applications – the respondents – felt stunned, shocked and blindsided. Many respondents considered the application to be based on lies and false allegations and/or to be an unjustified means of control and manipulation by their ex-partner. For some, it led to lengthy periods of either not seeing their child or to experiencing supervised contact. There was particular criticism of the lack of opportunity to respond to the (false) allegations and of the lack of consequences to their ex-partner for any perceived dishonesty. Some people felt the without notice track had been properly explained to them, while others said it was not.

Round Table Meetings: Just over half (51%) of those using the Family Court had attended a Round Table Meeting. Nearly half (48%) reached no agreement with the other party at the Round Table Meeting, 37% reached a partial agreement, and 15% reached full agreement. About half found them unhelpful and around a third found them helpful. Some participants were positive about the Round Table Meeting(s) they attended and found them helpful in achieving an outcome that avoided needing to go on to a defended hearing in the Family Court. Others, however, said they felt unsafe at the Round Table Meeting and disliked having to face their ex-partner across the room or being on the receiving end of threats or abuse from them. Several participants found the Round Table Meeting to be a stressful, intimidating or unhelpful experience, or felt pressured to reach agreement. Satisfactory

outcomes could be difficult to achieve due to the attitude of one party. Round Table Meetings were also criticised for lacking in power to reach or enforce agreements.

Defended Hearings: Over a third (37%) had attended a defended hearing. The majority (56%) were dissatisfied with the hearing and 31% were satisfied. Participants primarily reported negatively on their experience of defended hearings, even when they were satisfied with the outcome. The number of prior court events (conferences and meetings) and the lengthy wait for a defended hearing were particularly criticised. Several participants said they did not feel safe in the courtroom. Cross-examination was described as a gruelling, bullying and annihilating experience. Some court orders made by judges as a result of the defended hearing were considered inadequate because they were based on disputed evidence or led to a lack of compliance with, or breaches of, them.

Self-representation: Nearly a fifth (18%) represented themselves in their Family Court proceedings. The two main reasons that parents and caregivers gave for choosing to represent themselves related to i) their concerns about, or previous experience with, the use of lawyers; and ii) wanting to save money and avoid the cost of legal representation. When previous legal advice was considered unsatisfactory or incompetent this was sometimes because the lawyers were said to be egging on conflict and parties therefore felt they were better off representing themselves. Several participants had incurred legal expenses and/or debts from prior court proceedings and were therefore reluctant, or could not afford, to pay for further legal representation. They therefore chose to self-represent. Some participants started out self-representing, but eventually had to get a lawyer, often because of their ex-partner's tactics or the serious nature of the concerns raised. Twice as many participants reported finding it difficult to represent themselves than found it easy (55% found it difficult compared with 23% who found it easy).

Self-representation could be a positive experience. Some people regarded it as being more accurate or a better means of keeping them in touch with their own proceedings than having a lawyer, or they found the judge to be kind, supportive or compassionate towards them. Others felt confident because of previously being legally represented in the Family Court and the knowledge they had gleaned from this experience. Many acknowledged the information and assistance they received as self-representing litigants from the Ministry of Justice website, Family Court staff, Community Law Centres, online reading, friends and support groups. Some also felt confident as a result of the knowledge and experience gained from previous proceedings. Others, however, found the information, website and support to be inadequate. Self-representation involved a significant commitment to prepare for the court proceedings, which could, at times, feel like a full-time job. The printing and preparation of documents was expensive. Understanding the process and keeping calm was thought to be important.

Some participants found self-representation a negative experience. They said the forms were unclear and the information and support for self-representing litigants was inadequate. Many felt uncomfortable in court due to its formality and found it difficult to avoid getting caught up in the legal procedural issues. Not knowing how anything worked or where to obtain help made self-representation a difficult, stressful, challenging and emotional experience. Several participants felt they had been obstructed, discriminated against, not listened to, nor respected in the Family Court. Self-representation was out of the question for some as they much preferred to have a lawyer. It was also considered unfair to have one party legally represented and the other party not. Several participants spoke of the difficulties they encountered being legally represented while their ex-partner was self-

representing, or vice versa. Some suggested that a McKenzie Friend or other knowledgeable support person could assist parties instead of lawyers.

Legal Fees: Those participants who had legal representation varied in how much they spent on legal fees; 12% spent nothing, 3% spent in excess of \$100,000, and around a third spent between \$10,000-\$50,000. Overall, 29% thought what they had spent was reasonable and 18% thought their legal fees were affordable. Legal costs exceeding \$1000 were regarded by most as both unreasonable and unaffordable.

Lawyer for the Child: Lawyer for the Child was appointed in 91% of the participants' Family Court cases. Nearly half (47%) found this appointment unhelpful, and 30% found it helpful. This role was either commended or criticised. Some parents and caregivers praised Lawyer for the Child and liked its independence and direct focus on the child's best interests, wellbeing and views. Some children were said to love having a lawyer to represent them. Participants also liked the way Lawyer for the Child could challenge an ex-partner about their attitudes or behaviour towards their child. Many more parents and caregivers made negative comments about Lawyer for the Child and said they were a waste of time and ineffective. The Lawyer for the Child did not always meet with the child, or met only briefly. They were criticised for not listening to the child, not knowing how to establish rapport and trust with them, holding preconceived or outdated ideas, and for seeming disinterested in them or the case. Sometimes children's views were said to be inaccurately reported and misrepresented to the court. Several parents complained that the Lawyer for the Child asked leading questions, told the child what to say, applied pressure on the child, or ignored their or the parent's concerns and fears. Lawyer for the Child was also said to be unfair or biased towards one parent or colluded with one party's lawyer or the specialist report writer. Some Lawyer for the Child were criticised for being ineffectual, sitting on the fence or lacking the power or willingness to act to protect children. Complaints were also expressed about Lawyer for the Child's personality, skills, knowledge or approach to their role. Some were said to be too busy, overworked, too inactive on the case, difficult to contact, especially in crisis situations, or sent colleagues to meetings or court events they could not attend. Participants were also unhappy when Lawyer for the Child was used to assist their self-representing ex-partner. Suggested improvements included training, vetting and implementing a complaints mechanism.

Experts Writing Specialist Reports (s132 and s133): In 44% of the participants' cases a specialist report writer was appointed. Nearly half (47%) found this appointment unhelpful, and 30% found it helpful. Some participants praised the specialist report writer as professional, thorough and impartial, and felt their report was balanced, helpful, validating and insightful. When the report was perceived as supporting their position it was regarded very favourably. Participants appreciated the specialist report writer spending time getting to know the children, speaking with other family members and education/welfare professionals. Others said the process was too delayed or a waste of time and money. Sometimes the report was out-of-date by the time of the court hearing. Specialist reports were also criticised for being biased or one-sided with some report writers said to have expressed strong personal opinions, relied too heavily on parental alienation, misquoted family members, or spent unequal amounts of time with each party. Alleged errors and inaccuracies in the reports could create frustration and irritation. Participants were also critical when there was a lack of understanding, or acknowledgment, of family violence, abuse or alienation. Some commented negatively on the report writer's qualifications, skills and experience, or the way they approached the task. Vague or superficial reports were

regarded as unhelpful, as was being unable to receive a copy of the specialist report. A few participants suggested the specialist report should be followed up.

Children's Thoughts, Feelings and Views: The most common professional to meet with children during Family Court proceedings was Lawyer for the Child. In 10% of the cases nobody met with the children. Over half (54%) were dissatisfied with the consideration given to children's thoughts, feelings and views. While a small number thought the children had been listened to, the majority of the participants were concerned that the children had not had an opportunity to express their views and/or thought the children were not listened to. Some participants reported that, while their children's views had been ascertained, they had been misrepresented to the court or were dismissed. Some participants thought that while children's views were important, safety concerns and estrangement from a parent also needed to be a priority. Participants were also very concerned about the negative effect of Family Court proceedings on children, and expressed frustration with the impact of delays and the uncertainty this created for children. Many commented on the trauma, stress and unhappiness for children being involved in Family Court proceedings and advocated for counselling or some form of support being made available for children. On a broader level, some participants thought, despite what it claimed, the Family Court did not focus on the best interests of children.

Outcome of Family Court Proceedings: For those whose proceedings had concluded, 51% had decided on their parenting arrangements themselves and 45% were judicially determined. Equal numbers (around 45%) were dissatisfied or satisfied with the resulting parenting arrangements. Evidence of an association was found between how the arrangements were decided and satisfaction with them. More participants were either very satisfied or very dissatisfied when the parenting arrangements were judicially determined. Similar proportions thought the arrangements were fair (42%) and unfair (47%). Nearly half (49%) had their parenting arrangements determined in a year or less, with 15% reporting it took three months or less. However, for nearly a fifth (18%) it took more than two years. Nearly three-quarters (73%) thought the time it took to determine their parenting arrangements was unreasonable.

Positive or Helpful Aspects About the Family Court: Just over a third (34%) found the Family Court helpful overall in making or changing their parenting arrangements. Judicial authority and the formality and enforceability of an order were particularly liked. Some participants found the Family Court process unbiased, clear, efficient or easy to navigate and liked the emphasis by the court on children's best interests. They also found court staff to be helpful and polite. Judges were commended for understanding the situation, taking parents' concerns seriously, offering suggestions, actively managing the case, and listening to both parties. Lawyers were also praised for being sensible, pragmatic, reassuring, knowledgeable and with a clear focus on what was best for the children. Several participants spoke of the benefits they had gained from either privately paid counselling or communication counselling provided free of charge by the Family Court. The advice and support provided online and within the community by agencies (such as Community Law Centres, the Police, Shine, Barnardos etc.) and parent support groups (such as the Backbone Collective, Kidz Need Dadz, Blended Families New Zealand etc.) was also much appreciated.

Negative or Unhelpful Aspects About the Family Court: Over a third (39%) found the Family Court unhelpful overall in making or changing their parenting arrangements. Many parents and caregivers described the Family Court in very negative terms. Some were particularly disillusioned and upset about their experience which they felt was adversarial, uncaring and

a farce or necessary evil. The delays experienced were the most frequently mentioned negative or unhelpful aspect of the court. Many wanted the court to work faster. The cost was criticised as expensive, devastating and unaffordable. Some people had sold their family home, used an inheritance or borrowed money from family to afford their legal fees and/or court proceedings. The amount spent ranged from \$2000 to \$400,000. Hourly charges and costs associated with emails or photocopying were particularly disliked. The money could not be spent on the children, who lost life opportunities because of this and sometimes had to live in poverty or alternative places like a bus or cabin. Sometimes the cost had led to the loss of assets (like a home), poverty, having to live with relatives, and having to rebuild financial resources (sometimes later in life). Parents greatly appreciated lawyers who charged lower fees, e.g., at Legal Aid rates, or did pro bono work for them. Some parents planned to self-represent in the future. Legal Aid was welcomed by some parents, but others thought it created an uneven playing field.

Some participants considered the Family Court to be one-sided or biased towards a particular gender. Dishonesty, lies and false allegations were said to be very damaging, could lead to protracted proceedings and might mean a parent may not see their child for a lengthy period. The lack of accountability or redress for this conduct, which some said amounted to perjury, and for breaches of court orders, was criticised. Many parents suggested that the Family Court should be improved by more proactively identifying and managing manipulative tactics, obstructive behaviour, dishonest or false statements and breaches of court orders. They also suggested stronger accountability, the introduction of more robust penalties, and firmer case management by judges. Generally, a more balanced approach and fairness to both parties was desired.

Family Court clients, primarily mothers, who had experienced family violence and abuse found their experience of the court to be particularly devastating. They described it as life destroying or traumatising and some said it had broken or revictimised them. They called for the court to provide greater support and protection and to avoid adding to their trauma through systemic abuse. They also recommended that more attention be given to emotional abuse and to the review of court orders.

Without notice applications were criticised for being either too easily granted on the basis of inadequate evidence or for not taking the concerns raised seriously enough. Some parents and caregivers wanted the threshold increased and corroborating evidence provided. Several parents wanted 50/50 shared care or equal parental rights to be the starting point for children's post-separation care arrangements, while others argued against this. Some said the Family Court was insufficiently focused on what was best for children. Parents and caregivers could feel lost and uncertain about where to turn for help. They wanted more information and greater support to be provided, plus more opportunities to have a say and be heard.

Participants commented on the unhelpfulness of some Family Court judges who they criticised for being arrogant, biased, lacking in objectivity, inconsistent and overly influenced by Lawyer for the Child and report writers. They wanted judges to be gender neutral, to be better prepared, to take time to read files, to have more support and to be held to account more easily. There was criticism of judges expressing generalised, outdated or biased views, especially around contemporary family life, parental alienation or shared care issues. Participants also found it unhelpful when they perceived judges' personal ideologies influencing their decisions or there were significant differences in approaches between judges to their judicial role. Some judges were said to lack expertise in family violence and

abuse or to disregard children's views. Unsatisfactory or pre-determined outcomes or orders were criticised. Some participants suggested having more judges, rotating judges and having continuity through one judge per case.

Participants were critical of some lawyers for being unprofessional, expensive, disinterested or too friendly with other lawyers at court. They were also unhappy when lawyers did not provide enough information, left things to the last minute, were in a rush or too busy, seemed unprepared, provided problematic advice or were not strongly advocating on their client's behalf. Some were also said to hold outdated views and adopt rigid "one size fits all" approaches. Some parents had difficulty accessing legal representation. Some Legal Aid clients felt like they received second-rate legal representation. Lawyers' motivations were questioned, especially where stalling and other tactics were seemingly being used by lawyers to increase their legal fees and play or corrupt the system.

The adversarial nature of the Family Court could be particularly unhelpful. Emphasising the positive aspects of an ex-partner's parenting skills and setting out to build bridges with them, rather than discredit them, was suggested as important going forward.

Overall, 55% were dissatisfied with the Family Court and 27% were satisfied. Evidence of an association was found between the outcome and overall satisfaction with the Family Court. More people than expected were satisfied with the Family Court when it resulted in a parenting agreement, whether this was made by the parties or by a judge. Just over half (51%) would not recommend the Family Court to other people making parenting arrangements, 21% would and 28% maybe would.

Suggested Improvements to the Family Court: The most frequent improvement that parents and caregivers wanted was to reduce the delays. Other improvements included eliminating bias and one-sidedness; having stronger consequences for false allegations, lies, perjury and breaches of orders; achieving greater fairness, transparency, openness and accountability; providing safer environments and more support for victims of family violence and abuse; focusing more explicitly on children's best interests; reducing the cost involved in court proceedings and improving accessibility to Legal Aid; enabling more opportunities for parents and caregivers to have a say and be listened to by the professionals; family justice professionals listening better to parties and being more accountable, compassionate and respectful; training for professionals; a Royal Commission of Inquiry into the Family Court or the establishment of an independent body; reform or overhaul of the Family Court; the introduction of kaupapa Māori and bilingual approaches; bringing back counselling; agencies working together; a tougher stance on drug use/addiction; relaxation around McKenzie friends; a more open court; more security at court; more opportunities to attend mediation; and complaints being taken seriously and acted upon.

The 2014 Reforms

Some participants spoke very positively about the emphasis of the reforms on helping people to resolve post-separation care arrangements themselves. Others agreed in principle with the thrust of the reforms, but had concerns about how realistic they were, the increase in without notice applications, and the way the reforms have been implemented or resourced. The attitudes and behaviours of former partners were said to sometimes hinder or derail the 2014 intent of a co-operative dispute resolution process.

The inability to be legally represented in the early stage of Family Court proceedings was criticised, as was the overuse of the without notice track in order to have a lawyer from the outset. It was thought that publicity was needed so that separated people could be informed about the availability of the other dispute resolution options introduced in 2014. Some parents and caregivers expressed entirely negative perspectives on the 2014 reforms and believed they had not had a positive impact and, at times, had inflamed or escalated conflict between the parties. Some believed the reforms suited particular cases, but not those that involved acrimony and complex factors. Reinstating counselling to assist parties, particularly with their communication, was also suggested.

Conclusion

This research project has been the largest independent study undertaken to examine the 2014 family law reforms from the perspectives of those affected most directly by the reforms – separated parents and caregivers. The findings from the nationwide online survey and one-to-one interviews have provided a much deeper and richer understanding of their experiences of the family justice system, including their use of the new services implemented from 2014. While the review of the 2014 reforms by the Independent Panel appointed by the Minister of Justice in 2018 had not been anticipated when we began our research, we were able to share our preliminary findings with the Panel to help inform their Final Report.² The findings presented in this research report resonate with the conclusions and recommendations reached by the Independent Panel and with the other studies undertaken to evaluate the reforms by the Ministry of Justice and others. They also largely complement the perspectives of the 364 family justice professionals who participated in our study through their own online survey and interviews.³

This body of research provides valuable insights as further changes to New Zealand's family justice system are contemplated in response to the Independent Panel's report. In addition, it is hoped the detailed examination of how well family justice services are working for families, from the perspectives of their clients, will be of particular value to those providing these services.

As well as evaluating the 2014 reforms and family justice services, our study was designed to gain an understanding of the process of making post-separation parenting arrangements in New Zealand and the pathways and services that parents and caregivers use. This report provides a broad overview of the complex survey and interview data collected, giving a snapshot of the descriptive findings. Further analysis of both the survey and interview data will be reported on in forthcoming publications from our research team. This will provide a more detailed and in-depth understanding of the experiences of separated parents and caregivers making parenting arrangements for children in New Zealand's family justice system.

² Independent Panel. (2019). *Te Korowai Ture ā-Whānau: The final report of the Independent Panel examining the 2014 family justice reforms*. Wellington, New Zealand: Ministry of Justice.

³ Taylor, N.J., Gollop, M.M., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 family law reforms – Family justice professionals' perspectives*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

Introduction

The Family Law Reforms that took effect in New Zealand on 31 March 2014 (Family Dispute Resolution Act and Regulations 2013) marked “the most significant changes to New Zealand’s family justice system since the establishment of the Family Court” in 1981 (Collins, 2014; see also Ministry of Justice, 2011).⁴ These reforms were based on the review of the Family Court undertaken by the Ministry of Justice from 2011-2014. They primarily related to Care of Children Act 2004 matters, which accounted for about 40 per cent of applications to the Family Court, and aimed to reduce the stress on families and children by avoiding, wherever possible, the delays, conflict and expense that court proceedings can entail.

Background to the 2014 Reforms

In 2011 Cabinet agreed to a review of the Family Court, to be carried out by the Ministry of Justice. A consultation paper with options for reform was released for public comment in September 2011 and 209 submissions were received. A sample of 173 Care of Children Act cases and 88 Property Relationship Act case files were also analysed, and an External Reference Group established to assist the Ministry of Justice with the review. The 2011 Review identified that:

- Current Court processes were complex, uncertain, and too slow;
- There was an insufficient focus on children and vulnerable people; and
- There was a lack of support for resolving parenting issues out-of-Court.

There was also considerable concern about the cost to the taxpayer of running the Family Court. This had increased by 70 per cent in the six years to 2012, from \$84 million to \$142 million per year, despite the overall number of applications to the court remaining relatively steady.

On 2 August 2012 the Minister of Justice, the Hon. Judith Collins, announced a package of reforms to the Family Court to create a modern, accessible family justice system that was more focused on the needs of children and vulnerable people. The Family Court Proceedings Reform Bill was introduced to Parliament in 2012 and then considered by the Justice and Electoral Committee, which received 386 written submissions and heard 217 oral submissions. The Bill passed its Third Reading in Parliament on 19 September 2013, assent was given on 24 September 2013, and the changes took effect on 31 March 2014.

⁴ New Zealand Government. (2014, March, 25). *Address to Arbitrators’ and Mediators’ Institute* [Press release]. Retrieved from <http://www.scoop.co.nz/stories/PA1403/S00467/address-to-arbitrators-and-mediators-institute.htm>; Ministry of Justice. (2011). *Reviewing the Family Court: A summary*. Wellington: Ministry of Justice.

Purpose of the 2014 Reforms

The General Policy Statement included in the Family Court Proceedings Reform Bill⁵ stated the purpose of the reforms as follows:

To ensure a modern, accessible family justice system that is responsive to children and vulnerable people, and is efficient and effective.

The reforms emphasised parental responsibility by shifting the focus of the family justice system towards **supporting people to resolve their own disputes** (where appropriate), mainly through out-of-court processes, such as Family Dispute Resolution. The reforms focused on encouraging faster and less acrimonious resolution of family disputes about children, through **out-of-court dispute resolution processes**, thereby reducing “the number of cases coming to the court by encouraging people to focus on the needs of their children and on taking ownership of the agreement reached.” The aim was to improve outcomes for children “by reducing the likelihood of heightened conflict that often results from litigation.”⁶

The reforms were also aimed at **refocusing the Family Court** on the most serious and urgent cases and those disputes that required a judicial decision, thereby better targeting resources to support those children and vulnerable people most in need of the court’s protection and ensuring the family justice system remained affordable in the future. The reforms made changes to the way the Family Court operated with the intention of making it more efficient and effective, improving its response to family violence victims, and mitigating the adversarial nature of proceedings.

Summary of Changes to the Family Justice System

The 2014 reforms largely focused on **Care of Children Act 2004** matters, which include issues relating to children’s post-separation care arrangements such as day-to-day care and contact. They aimed to shift the emphasis away from resolving such parenting disputes within the Family Court to encouraging and supporting people to reach agreement themselves through access to out-of-court services. These include: Family Dispute Resolution (FDR), Parenting Through Separation (PTS) and the Family Legal Advice Service (FLAS). The Family Court was to be regarded as one part of a wider family justice system. Key features of the reforms included changes to both out-of-court and in-court processes.

Changes to Out-of-Court-Processes

- Introducing a new **Family Dispute Resolution (FDR)** mediation service for resolving parenting and guardianship matters out-of-court. An approved FDR provider (a mediator) assists parents and guardians to identify the matters in dispute, facilitates discussion, and helps them to reach agreements that focus on the needs of their children. FDR is mandatory for most parties prior to commencing Care of Children Act 2004 proceedings, unless an exemption is granted (such as when the matter is urgent, there are safety risks or a significant power imbalance exists, or parties consent to orders). Access to the Family Court is still available if FDR is unsuccessful. The cost of FDR is fully subsidised for participants who meet an eligibility test for out-of-court support.

⁵ Family Court Proceedings Reform Bill. *Explanatory note. General policy statement.* <http://www.legislation.govt.nz/bill/government/2012/0090/20.0/DLM4896269.html>

⁶ Ibid.

For those not eligible, the cost of FDR is \$897.00. A 12-hour FDR model was introduced in December 2016 which also placed greater emphasis on Preparation for Mediation or Coaching (initially called Preparatory Counselling) and child participation.

- Expanding **Parenting through Separation (PTS)** and making participation mandatory for many applicants before they proceed to the Family Court. PTS is a free information programme that helps parents and guardians to understand and manage their children's needs following separation, covering areas such as the impact of separation on children, what is best for children, and how to parent effectively.
- Providing low-income parents eligible for out-of-court support with up to four hours of free legal advice through a new **Family Legal Advice Service (FLAS)**. This service has two parts. Part one provides information about people's rights, responsibilities and legal options regarding children and their care, and what family justice services are available. Part two provides assistance with filling out court forms.
- **Providing information and resources** to assist parents to resolve disputes themselves without going to court. Information about the family justice system was made available via printed and online resources, the Ministry of Justice website (Care of Children section; see <https://www.justice.govt.nz/family/care-of-children/>) and the introduction of an 0800 2 AGREE phone line.
- Discontinuing the previous free Family Court counselling sessions.

Changes to In-Court-Processes

- Introducing a simplified **three-track system** to support people to navigate parts of the Family Court independently. Applications to the court are allocated to a 'track' depending on its complexity:
 - a) **Simple Track** – For simple issues not requiring extensive judicial involvement. For example, undefended proceedings or for those who wish to formalise private agreements with a Consent Order. This track is designed so that the parties are able to represent themselves, without the need for lawyers.
 - b) **Standard Track** – For non-urgent defended proceedings about multiple or more complex issues. For example, an application for day-to-day care or permission to take children to live overseas. This track is designed so parties are able to represent themselves, without the need for lawyers, for most of the process. If matters are not resolved, the case moves onto a formal hearing where lawyers are present.
 - c) **Without Notice Track** – For urgent matters, where there is a risk of serious injury to a child and/or parent, undue hardship, a risk to a child or parent's personal safety, or a child being removed from New Zealand without permission. This was designed to ensure that vulnerable people exposed to violence and children needing protection have immediate access to the court. Lawyers can be used to assist with filing applications and represent a person in court.
- Changes to **Family Court processes**, such as the introduction of new forms and different types of conferences and hearings.

- **Mandatory self-representation** – The removal of lawyers from the initial stages of non-urgent on-notice court processes. People are required to file their own Family Court documents and represent themselves when meeting with a judge in the early part of the process.
- **Mandatory participation in PTS and FDR** before an application can be made to the Family Court, unless on the without notice track or an exemption has been issued.
- Changes to the way **child safety** is addressed and assessed in the Family Court.
- Introducing **Cost Contribution Orders** requiring parties to pay part of the cost of Lawyer for the Child, Lawyer to Assist the court and specialist report writers appointed by the Family Court in their case.
- Changes to the appointment criteria for **Lawyer for the Child** to focus on situations where there are concerns for a child’s safety or well-being. Lawyer for the Child is now required to represent both a child’s views and their welfare and best interests.
- Changes to **specialist reports** – these are now only obtained when they are deemed essential to decide a case. A standardised brief has been introduced for specialist reports.

Research and Reviews Evaluating the Reforms

Our research project commenced in 2014 to provide an independent evaluation of the 2014 reforms. However, the Ministry of Justice has also undertaken its own research to evaluate the reforms, including:

1. 2015: A qualitative evaluation of the Family Dispute Resolution service and mandatory self-representation.⁷
2. 2017: An administrative review to assess whether the intended outcomes of the reforms had been achieved.⁸
3. A cohort analysis tracking people through the family justice system (not dated).⁹
4. 2017: An analysis of exemptions from FDR.¹⁰
5. 2017: An examination of the reasons for, and impact of, the increase in Family Court Care of Children Act without notice applications since the reforms.¹¹

⁷ Ministry of Justice. (2015). *Evaluation of Family Dispute Resolution service and mandatory self-representation*. Wellington, NZ: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/Evaluation-of-Family-Dispute-Resolution-Service-and-Manadatory-Self-representation.pdf>

⁸ Ministry of Justice. (2017). *Family justice: An administrative review of family justice system reforms*. Wellington, NZ: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/Family-Justice-Administrative-review-2017-FINAL.pdf>

⁹ Ministry of Justice. (n.d.). *Family justice reforms: An initial cohort analysis*. Wellington, NZ: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/FJ-Cohort-analysis-FINAL.pdf>

¹⁰ Ministry of Justice. (2017). *Exemptions from Family Dispute Resolution*. Wellington, NZ: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/FDR-Exemptions-for-Did-Not-Participate-September-2017.pdf>

¹¹ Wehipeihana, N., Spee, K., & Akroyd, S. (2017). *Without notice application in the Family Court: A research report prepared for the Ministry of Justice*. Kinnect Group. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/Without-notice-applications-in-the-Family-Court-Final-Report.pdf>

In August 2018, the Minister of Justice, the Hon. Andrew Little, announced the establishment of an Independent Panel to review the 2014 reforms.¹² The Panel comprised Rosslyn Noonan, La-Verne King and Chris Dellabarca. An expert reference group was also appointed.

The Panel undertook two rounds of nationwide public consultations during late 2018¹³ and early 2019¹⁴ with both users of the family justice system and those working within it. The Panel considered submissions¹⁵ and also commissioned an independent research company, UMR, to obtain the views of Māori and Pacific parents and whānau, parents with a disability, and children.¹⁶ The final report of the Independent Panel *Te Korowai Ture ā-Whānau*¹⁷ was provided to the Minister in May 2019 and publicly released on 16 June 2019.

While this review by the Independent Panel had not been anticipated when our research commenced, it was fortuitous as it enabled our preliminary findings to be shared with the Panel and to help inform their conclusions and recommendations. The research has thus contributed to the growing body of evidence about the impact of the 2014 family law reforms on parents, children, whānau and family justice professionals. It provides valuable insights as further changes to New Zealand's family justice system are considered to give effect to the Independent Panel's final report.

¹² See <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/family-court-rewrite/>).

¹³ Independent Panel. (2018, September). *Have your say on the family justice system: A consultation document released by the Independent Panel examining the 2014 family justice reforms*. Wellington, New Zealand: Ministry of Justice.

¹⁴ Independent Panel. (2019, January). *Strengthening the family justice system: A consultation document released by the Independent Panel examining the 2014 family justice reforms*. Wellington, New Zealand: Ministry of Justice.

¹⁵ Independent Panel. (2019, January). *Submissions summary: Independent Panel examining the 2014 family justice reforms*. Wellington, New Zealand: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/Family-Court-Rewrite-Summary-of-Submissions.pdf>; Independent Panel. (2019, May). *Te Korowai Ture ā-Whānau: Summary of submissions on the Panel's second consultation paper. Independent Panel examining the 2014 family justice reforms*. Wellington, New Zealand: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/family-justice-reforms-te-korowai-ture-a-whanau.pdf>

¹⁶ UMR. (2019). *A qualitative study on behalf of the Independent Panel examining the 2014 family justice system reforms*. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/family-justice-reforms-main-report.pdf>

¹⁷ Independent Panel. (2019). *Te Korowai Ture ā-Whānau: The final report of the Independent Panel examining the 2014 family justice reforms*. Wellington, New Zealand: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/family-justice-reforms-final-report-independent-panel.pdf>

Project Overview

This report presents data from a two-phase research project generously funded by the New Zealand Law Foundation. Phase One was undertaken during 2014-2015 and involved the initial scoping, consultation and planning for implementation of the Phase Two nationwide study beginning in 2016. **Phase One** involved:

- Compiling an annotated bibliography of domestic and international research literature pertaining to New Zealand family law research and family law evaluation research;
- Ascertaining the existence of baseline data in New Zealand (collected prior to the March 2014 reforms) and its usefulness in enabling pre- and post-reform comparisons;
- Consultation and liaison with key New Zealand stakeholders;
- Consultation with international experts and key researchers in family law reform evaluation;
- Holding a workshop in Wellington on 30 October 2014 with stakeholder representatives to a) report back on the above activities and the themes that emerged from the consultation process; and b) to gauge sector/stakeholder interest in, and commitment to, an evaluation proposal.¹⁸

The primary purpose of **Phase Two** (1 August 2016 to 31 January 2020) was to undertake the empirical components of a large-scale nationwide mixed-methods study to evaluate the 2014 family law reforms. This phase addressed the following research questions:

- What are parents' and family justice professionals' perceptions and experiences of post-separation family dispute resolution processes regarding decisions about children's care arrangements post-31 March 2014?
- Which family justice systems/services/processes are working well for families and family justice professionals and which are not?
- How and why do parents choose different dispute resolution pathways (e.g., self-resolution, private agreement, out-of-court or in-court dispute resolution) and are they associated with different experiences, perspectives and outcomes (such as stability of care arrangements, conflict reduction)?

The Phase Two study involved the following data collection methods:

1. An anonymous nationwide online survey with separated parents/caregivers ($n=655$).
2. Interviews with a sub-set of parent survey participants ($n=183$).
3. Follow-up online surveys with separated parents/caregivers ($n=429$).
4. An anonymous nationwide online survey with family justice professionals ($n=364$).
5. Interviews with a sub-set of family justice professionals ($n=100$).

¹⁸ For the Phase One research report, see: Gollop, M.M., Taylor, N.J., & Henaghan, R.M. (2015). *Evaluation of the 2014 Family Law Reforms: Phase One. Report to the New Zealand Law Foundation*. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

An interim report¹⁹ focusing on the data collected from family justice professionals (points 4 and 5 above) was submitted to the New Zealand Law Foundation in April 2019. The final report²⁰ on the perspectives of family justice professionals was completed in September 2019.

This current report focuses on data collected from the **separated parents/caregivers** by the **online survey** and also their **interview data relating to family justice services**. The report provides a broad overview of all of the major descriptive findings about parents' and caregivers' experiences of, and views on, making parenting arrangements and their use of any family justice services to help achieve this. Subsequent journal publications will focus on particular aspects of the findings in more depth. The remaining parent/caregiver interview data will be reported in early 2020 in the Part 2 report.²¹

The study was approved by the University of Otago Human Ethics Committee (Reference number 16/164) on December 8, 2016. The University of Otago Māori consultation process was also undertaken with the Ngāi Tahu Research Consultation Committee in October 2016.

¹⁹ Gollop, M.M., & Taylor, N.J. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 Family Law Reforms – Family justice professionals' perspectives*. Interim Research Report for the New Zealand Law Foundation and the Independent Panel Examining the 2014 Family Justice Reforms. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

²⁰ Taylor, N.J., Gollop, M.M., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 family law reforms – Family justice professionals' perspectives*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

²¹ Gollop, M., Taylor, N., & Liebergreen, N. (2020). *Parenting Arrangements after Separation Study: Evaluating the 2014 Family Law Reforms – Parents' and caregivers' perspectives – Part 2*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

Method

Participant Recruitment

Separated parents/caregivers who had made or changed parenting arrangements in New Zealand since the reforms took effect were recruited to take part in the study. The intention was to recruit as many separated parents/caregivers as possible to ensure a broad range of experiences and perspectives. Our goal was to recruit both those who had used family justice services to make or change parenting arrangements since the reforms, as well as those who had had limited, or no, service use. As it is unknown how many separating couples in New Zealand have children,²² the intention was not to gain a representative sample, but rather to ensure a diverse range of participants.

Participants were recruited to take part in the study by an extensive range of strategies including the following:

- Letters and fliers (see Appendix A) sent (via post and/or email) to family justice providers nationwide e.g., Parenting Through Separation (PTS) providers, Family Legal Advice Service (FLAS) providers, Family Dispute Resolution (FDR) suppliers/providers (via contact details available on the Ministry of Justice website) and Family Courts.
- Letters and fliers sent (via post and/or email) to other community agencies – e.g., Community Law Centres, Citizens Advice Bureau offices, and social service agencies throughout New Zealand.
- Support groups for separated parents distributed information about the study to their members and/or posted information about the study on their websites and/or Facebook.
- FDR suppliers (e.g., Fairway, Family Works Central and Family Works Northern) distributed information to their clients via email, fliers and items about the study in their newsletters and/or on websites.
- Articles in the *Family Advocate* (the magazine of the Family Law Section of the New Zealand Law Society) informing family justice professionals about the research and encouraging them to bring the study to their clients.
- Articles in the *Child Wellbeing Network* bulletin.
- Paid advertising on Facebook – dark posts²³ targeted to reach around 45,000 New Zealand users aged 20-60 who had children aged 18 and under.
- Paid advertising on *Stuff* – a New Zealand news website.
- An article in the University of Otago staff bulletin.
- An email to all University of Otago staff.

Participants were asked how they had heard about the study and, of those who responded, the vast majority (85%) indicated that it was through Facebook or the Internet, with 8% hearing about it through support groups and 4% through family or friends. The number of participants who reported hearing about the study from other recruitment strategies was very low. Local recruitment via an email and article aimed at University of Otago staff initially proved quite effective, however, at this early project stage, data about where people heard about the study was not collected.

²² See Law Commission. (2017). *Relationships and families in contemporary New Zealand. He Hononga Tangata, He Hononga Whānau | Aotearoa O Nāianei*. Study Paper 22. Wellington: Law Commission. Retrieved from https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/Study%20Paper%20-%20FINAL_0.pdf

²³ Targeted news style advertisements.

Data Collection

Online Survey

The anonymous online survey was administered through the study website and was open for nine months from 31 July 2017 until 30th April 2018. Participants were self-selected and opted to complete the anonymous survey after receiving information about the study through the range of recruitment strategies outlined earlier. They accessed the survey via the study website. After accessing the survey, participants were asked a screening question to ensure they meet the criteria of: 1. having made or changed parenting arrangements for children; 2. since the reforms came into effect; 3. and within New Zealand. If not, they were directed away from the survey and invited to share their views in another format available on the study website. Those who had completed making or changing parenting arrangements and those who were still in the process were welcome to complete the survey. Parents and caregivers were eligible to participate. The online survey was completed by 655 respondents.

Participants who met the inclusion criteria detailed above were provided with an Information Sheet about the study (see Appendix B) and a Consent Form (see Appendix C), which could be read online and/or downloaded. Once participants indicated they had read the Information Sheet and the Consent Form, and had agreed to take part, they were given instructions on how to complete the survey.

The survey (see Appendix D) took around 30-60 minutes to complete and had four sections that asked about respondents' views and experiences of:

1. Making (or changing) their parenting arrangements.
2. Family justice services funded by the Government.
3. The New Zealand family justice system.
4. Demographic information.

Section 1 asked participants about one 'process' of making or changing parenting arrangements. As parenting arrangements change over time and can apply to more than one situation or family, the survey respondents were guided as to what process they should report on in Section 1. If they had had to make or change parenting arrangements for children from more than one relationship, they were instructed to **choose only one of these situations** to answer questions from Section 1. If participants had made arrangements under the previous family justice system and changed (or attempted to change) them after 1 April 2014 they were asked to answer Section 1 in relation to when they **first changed** their arrangements since 1 April 2014. If they had both made and then changed (or attempted to change) arrangements after the reforms came into effect, participants were instructed to complete Section 1 in relation to when **they had first made** their parenting arrangements since 1 April 2014.

Section 2 asked respondents about their use of family justice services to assist them to make or change parenting arrangements. As this section was an evaluation of the services post-reform, respondents were asked if they had **ever used** the service since 1 April 2014 and, if so, were asked about their views and experiences of the service. As such, their responses may relate to more than one 'process' of making/changing parenting arrangements or more than one relationship.

Participants were able to skip any question they did not wish to answer.

Participants who started, but did not complete, the survey were sent a reminder email with a link to their partially completed survey one day, one week and two weeks after they began it. They could then resume where they left off. Three hundred and thirty-six respondents began the survey, but did not complete it, and their partial data has not been included in the dataset.

As the study was an opt-in process and was anonymous, unless people provided their contact details or indicated their interest in an interview, it was possible that people who did not meet the criteria could complete the survey and/or could complete the survey more than once. When this was detected during data cleaning, any duplicates were deleted from the dataset and the participant's data from their first completed survey was used.

Follow-up Surveys

Participants who had provided an email address when they completed the initial survey (91%, $n=595$) were invited to complete two subsequent online follow-up surveys; one approximately six months after their initial survey completion and then six months after completion of the first follow-up survey (or 12 months after their initial survey if they did not complete the first follow-up survey).

Participants were emailed a link to the follow-up surveys linked to their unique ID number. They were emailed reminders one week and two weeks after the invitation was sent if they had not completed the survey. As with the initial survey, if they began, but did not complete the survey, they were sent a reminder email with a link to their partially completed survey one day, one week and two weeks after they started it. They could then resume where they left off. Thirty-eight participants started, but did not complete, a follow-up survey and their partial data was not included in the dataset.

The purpose of these follow-ups was two-fold. Firstly, for those who, at the time of the initial survey, had completed making/changing their parenting arrangements, the follow-up surveys were designed to determine the stability of arrangements over time and to ascertain if the participants had (re)engaged with any family justice services. For those who, at the time of the initial survey, were still in the process of making or changing their parenting arrangements, the follow-up surveys were used to track their process. If they had completed their arrangements at the time of the follow-up survey, data missing from their initial survey relating to their views and experiences of how the issue was resolved was obtained. This data was then added to the initial survey data.

In total there were four follow-up surveys for:

1. Participants who at the time of the initial survey had completed their parenting arrangements – First Follow-up Survey 1A (see Appendix E);
2. Participants who at the time of the initial survey had *not* completed their parenting arrangements – First Follow-up Survey 1B (see Appendix F);
3. Participants who at the time of the initial survey had completed their parenting arrangements and also those whose parenting arrangements were still in progress at the time of the initial survey but were completed by the time of the First Follow-up Survey – Second Follow-up 2A (see Appendix G);
4. Participants who at the time of the first follow-up survey had *not* completed their parenting arrangements – Second Follow-up 2B (see Appendix H).

Not all participants completed both follow-up surveys. Some participants did not complete the first follow-up survey, but completed a survey at the time of the second follow-up, in which case they completed either Follow-up Survey 1A or Follow-up Survey 1B. Table 1 below outlines the possible permutations of survey completions and the number of participants who completed each follow-up survey.

Table 1: Follow-up surveys

Status of Parenting Arrangements	First Follow-up	Second Follow-up	Total respondents
Complete at time of Initial Survey	Survey 1A	-	<i>n</i> =79
Complete at time of Initial Survey	Survey 1A	Survey 2A	<i>n</i> =129
Complete at time of Initial Survey	-	Survey 1A	<i>n</i> =58
Incomplete at time of Initial Survey; Complete at time of First Follow-up	Survey 1B	Survey 2A	<i>n</i> =40
Incomplete at time of Initial Survey; Incomplete at time of First Follow-up	Survey 1B	Survey 2B	<i>n</i> =38
Incomplete at time of Initial Survey	Survey 1B	-	<i>n</i> =53
Incomplete at time of Initial Survey	-	Survey 1B	<i>n</i> =33

As shown in Table 1, overall, almost two-thirds (65%) of the 655 participants who completed the initial survey completed at least one follow-up survey (*n*=429), 34% (*n*=223) completed only one follow-up survey (either 1A or 1B) and 31% (*n*=207) completed two follow-up surveys (either 2A or 2B). The delays between the initial survey and Follow-up Surveys 1A and 1B, and between Follow-up Surveys 2A and 2B are detailed below in Table 2.

Table 2: Time delays between surveys

	Delay range (weeks)	Average delay (weeks)
Initial Survey and Follow-up Survey 1A	26-62	35
Initial Survey and Follow-up Survey 1B	26-61	35
First Follow-up Survey (1A or 1B) and Follow-up Survey 2A	26-49	27
First Follow-up Survey 1B and Follow-up Survey 2B	26-40	27

Interviews

At the end of the survey respondents were asked if they wished to express their interest in taking part in a telephone interview with a member of the research team to share, in more depth, their views and experiences. Those who indicated their interest were asked for their contact details, followed up by email and sent an Information Sheet and Consent Form (see Appendices I and J).

Forty-two per cent ($n=277$) of the survey respondents indicated their interest in participating in an interview. Ultimately, 192 (29% of the total survey respondents) were interviewed. Eighty-five participants decided not to be interviewed, did not respond to requests to schedule an interview time, or were unavailable during the period the interviews were being conducted. Nine of the 192 interviews were not included in any subsequent analysis as it became apparent they were talking about pre-reform experiences, non-parenting matters or the interview was discontinued when a participant became distressed or could no longer continue for other reasons. This resulted in a final interview subset of 183 participants, three of whom did not complete the online survey, but wished to be interviewed.

The interviews were predominately conducted via telephone, although a few locally based participants ($n=15$) were interviewed face-to-face and one participant elected to be interviewed via Zoom teleconferencing. Participants' verbal consent was obtained at the beginning of the interview, which was audio-recorded. The interviews were undertaken by four interviewers (Dr Margaret Mitchell, Dr Megan Gollop, and two legally-trained contract interviewers Kyla Mullen and Latafale Auva'a).

The semi-structured interview schedule (see Appendix K) covered similar topics to the survey and included the following areas:

1. Dispute resolution pathways/sequence – the steps people took and the processes they went through to make or change parenting arrangements;
2. The factors influencing the dispute resolution pathways;
3. Use of, and experience with, family justice services;
4. What helped and hindered making/changing parenting arrangements;
5. The effect(s) of making/changing parenting arrangements – on themselves, their children and the relationship with the other party;
6. The outcome of the process of making/changing parenting arrangements;
7. Knowledge and understanding of the 2014 family law reforms;
8. Advice to family justice professionals and other people making/changing parenting arrangements.

However, participants were also free to raise other relevant issues and topics that they wished to comment on.

All interviews were transcribed.

Participants

Online Survey Respondents

The online survey was completed by 655 parents or caregivers who had made or changed parenting arrangements since the reforms came into effect. As shown in Table 3, the majority (80%) of the respondents were female, just under a fifth (19%) were male, 0.5% selected 'Other', and four participants (0.6%) chose not to answer the question.

Table 3: Survey respondents' gender

Gender	<i>n</i>	Percent
Female	526	80.3%
Male	122	18.6%
Other	3	0.5%
Preferred not to answer	2	0.3%
Skipped question	2	0.3%
Total	655	100%

The majority (78%) of the respondents were aged between 30 and 49 years (see Table 4).

Table 4: Age range of survey respondents

Age	<i>n</i>	Percent
20-29 years	70	10.7%
30-39 years	234	35.7%
40-49 years	274	41.8%
50-59 years	72	11.0%
60-69 years	2	0.3%
Preferred not to answer	1	0.2%
Skipped question	2	0.3%
Total	655	100%

As shown by Table 5 below, the majority (87%) of participants endorsed a New Zealand European ethnicity, with just over 13% endorsing Māori, 2.4% endorsing a Pacific ethnicity (including someone who indicated they were Fijian), and 0.8% endorsing an Asian ethnicity (including someone who indicated they were Sri Lankan). 'Other' ethnicities included British (9), English (6), Irish (6), South African (5), Welsh (3), Scottish (3), German (3), North American (3), Australian (3), Dutch (2), Israeli (1), Italian (1), French (1), Danish (1), Swedish (1), Fijian (1), Canadian (1), Mexican (1), Spanish (1), Sri Lankan (1), European (3), with three participants not specifying their 'Other' ethnicity and another three stating they were New Zealanders or Kiwi.

Table 5: Survey respondents' ethnicity

Ethnicity	<i>n</i>	Percent
New Zealand European	570	87.0%
Māori	87	13.2%
Samoan	7	1.1%
Cook Islands Māori	6	0.9%
Tongan	1	0.2%
Niuean	1	0.2%
Chinese	2	0.3%
Indian	2	0.3%
Other	62	9.5%
Skipped question	6	0.9%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

The majority (84%) of the participants were born in New Zealand and all but one (99.7%) were residing there when they completed the first online survey. Table 6 shows the regional spread of where the survey respondents were residing at the time they completed the initial survey. Estimates of the resident population in New Zealand's regions at 30 June 2017 are also presented for comparison (the survey opened in July 2017).

Table 6: Location(s) survey respondents currently lived in

Region	<i>n</i>	Percent	Estimated regional resident population at 30 June 2017²⁴
Northland	17	2.6%	3.7%
Auckland	124	18.9%	34.6%
Waikato	47	7.2%	9.6%
Bay of Plenty	37	5.6%	6.3%
Gisborne	5	0.8%	1.0%
Taranaki	23	3.5%	2.5%
Hawke's Bay	19	2.9%	3.4%
Manawatu-Wanganui	42	6.4%	5.0%
Wellington	89	13.6%	10.7%
Tasman	1	0.2%	1.1%
Nelson	14	2.1%	1.1%
Marlborough	9	1.4%	1.0%
West Coast	1	0.2%	0.7%
Canterbury	103	15.7%	12.8%
Otago	82	12.5%	4.7%
Southland	33	5.0%	2.1%
Missing	9	1.4%	-
Total	655	100%	

²⁴ See Stats NZ. (2018). Estimated resident population, regional council areas, at 30 June 2013, 2017, and 2018. In *Subnational population estimates at 30 June 2018 (provisional)*. Retrieved from <https://www.stats.govt.nz/information-releases/subnational-population-estimates-at-30-june-2018-provisional>

The geographical spread of the survey respondents covered all 16 regions of New Zealand. The proportion of the survey respondents in each region were close (within 1 or 2 percent) to the estimated regional population when data collection commenced. Slightly higher percentages than regional estimates were seen in Wellington, Canterbury and Southland. The greatest differences were a lower percentage of respondents from Auckland compared with regional estimates (19% compared with 35%) and a higher proportion of participants from Otago (13% compared with 5%). This latter difference is likely accounted for by the study originating in Otago and the initial recruitment with University of Otago staff.

Table 7: Survey respondents' highest level of educational qualification

Qualification	<i>n</i>	Percent
No qualification	26	4.0%
Secondary school qualification (e.g., NCEA, School Certificate, University Entrance, Bursary)	123	18.8%
Trade or vocational qualification	85	13.0%
Tertiary qualification (e.g., Bachelor's degree, Postgraduate Certificate/Diploma, Master's degree, PhD)	418	63.8%
Skipped question	3	0.5%
Total	655	100%

Table 7 shows that the survey respondents were highly educated compared with the general New Zealand population. Only 4% had no qualification compared with 21% in the 2013 Census and nearly two-thirds (64%) had a tertiary qualification compared with 20% in the 2013 Census.²⁵

Table 8 shows the survey respondents' personal before-tax income. In 2017 the median income in New Zealand was \$49,868.²⁶ The survey respondents had a slightly higher income than this, with the greatest number ($n=82$, 13%) earning \$50,000-60,000 per annum.

²⁵ See Stats NZ. *2013 Census quickstats about education and training*. Retrieved from <http://archive.stats.govt.nz/Census/2013-census/profile-and-summary-reports/qstats-education-training/highest-qualification.aspx#>

²⁶ See <https://www.stats.govt.nz/topics/income>

Table 8: Survey respondents' personal annual income before tax, from all sources

Income	<i>n</i>	Percent
Loss	2	0.3%
Zero income	14	2.1%
\$1-5,000	5	0.8%
\$5001-10,000	4	0.6%
\$10,001-15,000	17	2.6%
\$15,001-20,000	41	6.3%
\$20,001-25,000	30	4.6%
\$25,001-30,000	47	7.2%
\$30,001-35,000	42	6.4%
\$35,001-40,000	36	5.5%
\$40,001-50,000	70	10.7%
\$50,001-60,000	82	12.5%
\$60,001-70,000	51	7.8%
\$70,001-80,000	56	8.5%
\$80,001-90,000	34	5.2%
\$90,001-100,000	29	4.4%
\$100,001-150,000	36	5.5%
\$150,001 or more	13	2.0%
Don't know	31	4.7%
Skipped question	15	2.3%
Total	655	100%

Tables 9 and 10 detail the relationship the respondents had with the children the parenting arrangements related to and the type of caregiver they were. Most of the respondents were mothers (78%), with fathers making up just under a fifth of the survey respondents (19%). The majority were also the resident parent (55%) or shared care parent (21%) (see Table 10).

Table 9: Survey respondents' relationship to the children the parenting arrangements related to

	<i>n</i>	Percent
Mother	513	78.3%
Father	124	18.9%
Step-parent	12	1.8%
Grandparent	4	0.6%
Other extended family member	1	0.2%
Foster parent	1	0.2%
Total	655	100%

Table 10: Caregiver type of survey respondents

	<i>n</i>	Percent
Resident parent	360	55.0%
Contact parent	105	16.0%
Shared care parent	135	20.6%
Other (including split care)	55	8.4%
Total	655	100%

The survey was open to those who had completed making or changing their parenting arrangements and those who were still in progress. Nearly two-thirds of those completing the survey (64%, $n=417$) had finished making their arrangements, with the remainder (36%, $n=238$) yet to complete the process.

Interview Subset

Just over a quarter 27% ($n=180$) of the survey respondents took part in an interview. Another three interviewees did not complete the survey. The demographic data for the interviewees is now presented, along with those of the survey respondents for comparison. Where possible, demographic data was extracted from the interview transcripts of the three interviewees who did not complete the survey (hence, the totals in the following tables will vary between 180 and 183).

Table 11: Gender of interviewees and survey respondents

Gender	<i>n</i>	Percent (interviewees)	Percent (survey respondents)
Female	137	76.1%	80.3%
Male	41	22.8%	18.6%
Other	1	0.6%	0.5%
Preferred not to answer	1	0.6%	0.3%
Skipped question	0	0%	0.3%
Total	180	100%	100%

Table 12: Age range of interviewees and survey respondents

Age	<i>n</i>	Percent (interviewees)	Percent (survey respondents)
20-29 years	10	5.6%	10.7%
30-39 years	54	30.0%	35.7%
40-49 years	89	49.4%	41.8%
50-59 years	25	13.9%	11.0%
60-69 years	2	1.1%	0.3%
Preferred not to answer	0	0%	0.2%
Skipped question	0	0%	0.3%
Total	180	100%	100%

Table 13: Interviewee and survey respondents' ethnicity

Ethnicity	<i>n</i>	Percent (interviewees)	Percent (survey respondents)
New Zealand European	150	83.3%	87.0%
Māori	21	11.7%	13.2%
Samoan	0	0%	1.1%
Cook Islands Māori	0	0%	0.9%
Tongan	0	0%	0.2%
Niuean	0	0%	0.2%
Chinese	2	1.1%	0.3%
Indian	1	0.6%	0.3%
Other	21	11.7%	9.5%
Skipped question	2	1.1%	0.9%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

Table 14: Locations interviewees and survey respondents currently lived in

Region	<i>n</i>	Percent (interviewees)	Percent (survey respondents)
Northland	2	1.1%	2.6%
Auckland	46	25.4%	18.9%
Waikato	16	8.8%	7.2%
Bay of Plenty	9	5.0%	5.6%
Gisborne	0	0%	0.8%
Taranaki	10	5.5%	3.5%
Hawke's Bay	5	2.8%	2.9%
Manawatu-Wanganui	10	5.5%	6.4%
Wellington	22	12.2%	13.6%
Tasman	0	0%	0.2%
Nelson	1	0.6%	2.1%
Marlborough	2	1.1%	1.4%
West Coast	1	0.6%	0.2%
Canterbury	26	14.4%	15.7%
Otago	25	13.8%	12.5%
Southland	5	2.8%	5.0%
Missing	1	0.6%	1.4%
Total	181	100%	100%

Table 15: Interviewees' and survey respondents' highest level of educational qualification

Qualification	<i>n</i>	Percent (interviewees)	Percent (survey respondents)
No qualification	3	1.7%	4.0%
Secondary school qualification (e.g., NCEA, School Certificate, University Entrance, Bursary)	21	11.7%	18.8%
Trade or vocational qualification	16	8.9%	13.0%
Tertiary qualification (e.g., Bachelor's degree, Postgraduate Certificate/Diploma, Master's degree, PhD)	139	77.2%	63.8%
Skipped question	1	0.6%	0.5%
Total	180	100%	100%

Table 16: Interviewees' and survey respondents' personal annual income before tax, from all sources

Income	<i>n</i>	Percent (interviewees)	Percent (survey respondents)
Loss	0	0%	0.3%
Zero income	4	2.2%	2.1%
\$1-5,000	2	1.1%	0.8%
\$5001-10,000	1	0.6%	0.6%
\$10,001-15,000	5	2.8%	2.6%
\$15,001-20,000	8	4.4%	6.3%
\$20,001-25,000	12	6.7%	4.6%
\$25,001-30,000	12	6.7%	7.2%
\$30,001-35,000	13	7.2%	6.4%
\$35,001-40,000	11	6.1%	5.5%
\$40,001-50,000	13	7.2%	10.7%
\$50,001-60,000	27	15.0%	12.5%
\$60,001-70,000	17	9.4%	7.8%
\$70,001-80,000	14	7.8%	8.5%
\$80,001-90,000	9	5.0%	5.2%
\$90,001-100,000	3	1.7%	4.4%
\$100,001-150,000	13	7.2%	5.5%
\$150,001 or more	6	3.3%	2.0%
Don't know	6	3.3%	4.7%
Skipped question	4	2.2%	2.3%
Total	180	100%	100%

Table 17: Interviewees' and survey respondents' relationship to the children the parenting arrangements related to

	<i>n</i>	Percent (interviewees)	Percent (survey respondents)
Mother	138	75.4%	78.3%
Father	42	23.0%	18.9%
Step-parent	2	1.1%	1.8%
Grandparent	1	0.5%	0.6%
Other extended family member	0	0%	0.2%
Foster parent	0	0%	0.2%
Total	183	100%	100%

Table 18: Caregiver type of interviewees and survey respondents

	<i>n</i>	Percent (interviewees)	Percent (survey respondents)
Resident parent	84	45.9%	55.0%
Contact parent	35	19.1%	16.0%
Shared care parent	43	23.5%	20.6%
Other (including split care)	21	11.5%	8.4%
Total	183	100%	100%

Table 19: Status of parenting arrangements for interviewees and survey respondents

	<i>n</i>	Percent (interviewees)	Percent (survey respondents)
Completed	101	56.0%	64.0%
In progress	79	44.0%	36.0%
Total	180	100%	100%

Table 20: Interviewees' and survey respondents' main resolution pathway to make or change parenting arrangements

Resolution Pathway	<i>n</i>	Percent (interviewees)	Percent (survey respondents)
Nothing specific, they just happened/unilateral	4	4.0%	5.7%
Mainly by ourselves	39	38.6%	39.5%
Privately through a professional (e.g., lawyer, counsellor)	6	5.9%	9.4%
Through Family Dispute Resolution (FDR)/Family Mediation	9	8.9%	10.9%
Through the Family Court	43	42.6%	34.4%
Some other way	0	0%	0.2%
Total	101	100%	100%

As shown in Tables 11-20, the subset of interviewees did not differ markedly from the group of survey respondents. The interviewees had a slightly higher proportion of males and

fathers and a lower proportion of females and mothers than the survey respondents. The interviewee subset contained a lower percentage of resident parents and higher percentage of other caregiver types (contact, shared care and other). The interviewees were also slightly younger and had a slightly lower proportion of participants identifying as NZ European, Māori and Pasifika. The majority of the interviewees were born in New Zealand (81% compared with 84% of the survey respondents) and all were residing in New Zealand at the time they completed the survey and participated in an interview. More interviewees than survey respondents resided in the Auckland region (25% compared 19%).

The interviewees were more highly qualified than the survey respondents, with 77% having a tertiary qualification, compared with 64% of the survey respondents. Income levels did not vary much between the interviewees and survey respondents, with the greatest proportion in both groups reporting an income of \$50,000-\$60,000.

The interview subset had a lower proportion of participants who had completed making or changing their parenting arrangements (56% compared with 64%). Finally, as will be outlined in more detail in the following section, the dispute resolution pathway for those participants who had completed making their parenting arrangements, differed between the interviewees and the survey respondents. The interviewees had a greater proportion of participants whose parenting arrangements were made through the Family Court (43% compared with 34% of the survey respondents).

Findings

Making Parenting Arrangements

Section 1 of the survey asked the participants about their situation at the time they were making or changing parenting arrangements, the steps and approach they took to make them, and their views on these processes and the outcome.

Context in Which Parenting Arrangements Were Made

To provide some context, participants were asked about the circumstances in which they were making or changing parenting arrangements, such as when they were doing so, issues that needed to be resolved, family circumstances and their relationship with their ex-partner/the other party.

Most participants (59%) were making or changing their first parenting arrangements under the new family justice system after the 2014 reforms took effect. The remainder (41%) reported that they had made parenting arrangements under the old system, but were now in the position of changing them under the new system (see Table 21). Of those who had experience of the previous family justice system prior to 1 April 2014, 10% indicated a preference for the current system, 17% preferred the previous one, 31.5% had no preference, and the greatest proportion (41.5%) indicated they were not sure or didn't know.

At the time the participants were making or changing their parenting arrangements, 59% were not aware that the family justice system had changed, 33% were aware of the reforms and 8% couldn't remember.

Table 21: When respondents were making their parenting arrangements

	<i>n</i>	Percent
First parenting arrangements made since 1 April 2014 and not changed since	211	32.2%
First parenting arrangements made since 1 April 2014 and had to be substantially changed since then	174	26.6%
First parenting arrangements made before 1 April 2014 and had to be changed since 1 April 2014	270	41.2%
Total	655	100%

As Table 22 (below) shows, the most common issues relating to parenting arrangements that needed to be resolved were contact arrangements (76%) and day-to-day care (71%). A third of the participants needed to resolve a guardianship issue and just over a fifth (22%) had a relocation issue.

While parenting arrangements were being made, 58% also needed to resolve child support issues, with a smaller percentage (39%) having to also resolve the division of their relationship property.

Table 22: Issues needing to be resolved

	<i>n</i>	Percent
Day-to-day care	466	71.2%
Contact arrangements	495	75.6%
Relocation	143	21.8%
Guardianship issues (e.g., the children's education, health, religion etc.)	213	32.5%
Another matter relating to the children	99	15.1%
Division of relationship property	257	39.2%
Child support	380	58.0%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

Tables 23 and 24 detail safety concerns and other issues present at the time the respondents were making or changing their parenting arrangements. These show that family violence, mental health issues and Police involvement were present in around a third or more of the participants' situations and a third held safety concerns for themselves. An even higher proportion (42%) were concerned for their child(ren)'s safety. Over a third reported that mental health (39%) or family violence (37%) was an issue at the time they were making parenting arrangements. In nearly a quarter of cases there were addiction issues and supervised contact. Just under a fifth (18%) reported involvement with Oranga Tamariki²⁷ or the existence of a Protection Order.

Table 23: Safety concerns at the time of making or changing parenting arrangements

	<i>n</i>	Percent
For self	216	33.0%
For children	275	42.0%
For ex-partner/other party	73	11.2%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

Table 24: Circumstances present at the time of making or changing parenting arrangements

	<i>n</i>	Percent
Family violence	241	36.8%
Protection Order	118	18.0%
Trespass Order	78	11.9%
Mental health issues	253	38.6%
Addiction issues (drugs, alcohol, gambling)	160	24.4%
Supervised contact	148	22.6%
Involvement with Child, Youth and Family (CYF)/Oranga Tamariki	119	18.2%
Involvement with Police	197	30.1%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

²⁷ A government department in New Zealand responsible for the well-being of children.

Table 25: Quality of relationship with former partner/other party at time of making or changing parenting arrangements

	<i>n</i>	Percent
Very poor	306	46.9%
Poor	150	23.0%
Neither poor nor good	110	16.9%
Good	56	8.6%
Very good	30	4.6%
Total	652²⁸	100%

As shown in Table 25, most (70%) of the participants reported a ‘poor’ or ‘very poor’ relationship with their former partner or the other party at the time they were making or changing parenting arrangements, with nearly half (47%) describing a ‘very poor’ relationship. Only 13% reported a ‘good’ or ‘very good’ relationship.

The Process of Making or Changing Parenting Arrangements

Steps Taken to Make or Change Parenting Arrangements

The survey asked participants what steps (out of a possible 33) they had taken to make or change their parenting arrangements, including informal ones, the use of family justice services funded by the government, and the use of legal professionals and community or private services. Table 26 presents the proportion of respondents who indicated they had taken each step. For this analysis, only data from those who indicated that they had completed making or changing their parenting arrangements was included ($n=417$).

²⁸ Note: Tables in the following sections exclude missing values (if participants did not answer the question). The total indicates the number who answered the question.

Table 26: Steps taken to make or change parenting arrangements

Informal Steps	<i>n</i>	Percent
Nothing specific	17	4.1%
Discussed them with the other parent/party	311	74.6%
Discussed them with family members/whānau	241	57.8%
Discussed them with friends/acquaintances	233	55.9%
Talked with the children and sought their thoughts, feelings and views	275	66.0%
Read books, articles or pamphlets	179	42.9%
Used the Internet and/or social media	173	41.5%
Accessed support groups (including online)	114	27.3%
None of the above	13	3.1%
Family Justice Services Funded by the Government		
Used the Ministry of Justice website	166	39.8%
Phoned the Ministry of Justice/Family Court 0800 2 AGREE phone line	35	8.4%
Used the Ministry of Justice 'Making a Parenting Plan' workbook	101	24.2%
Sought help or advice from Family Court administrative staff	78	18.7%
Attended a Parenting through Separation (PTS) course	138	33.1%
Used the Family Legal Advice Service (FLAS)	39	9.4%
Went through the initial intake and/or assessment pre-mediation processes for Family Dispute Resolution (FDR)/Family Mediation but did not attend mediation	25	6.0%
Attended Preparation for Mediation/Coaching/Preparatory Counselling	71	17.0%
Went to Family Dispute Resolution (FDR)/Family Mediation with my ex-partner/the other party	100	24.0%
Went to the Family Court – <i>made, or responded to, an application for a Parenting Order from the Family Court</i>	154	36.9%
Went to a higher Court for an appeal of a Family Court decision – <i>filed, or responded to, an appeal to the High Court, Court of Appeal or Supreme Court</i>	10	2.4%
Attended Court-directed counselling	53	12.7%
None of the above	137	32.9%
Lawyers		
Sought legal advice	247	59.2%
Negotiated with ex-partner/the other party through lawyers	154	36.9%
Used Collaborative Law processes	64	15.4%
None of the above	144	34.5%

Community or Private Services		
Sought advice from a Community Law Centre or YouthLaw	78	18.7%
Sought advice from the Citizens Advice Bureau	62	14.9%
Sought advice from a community agency (e.g., Plunket, Barnardos)	48	11.5%
Sought advice from a health, social service or education professional (e.g., doctor, social worker, teacher)	119	28.5%
Sought advice from church or religious/spiritual community	30	7.2%
Sought advice from cultural community	11	2.6%
Attended privately-paid counselling	103	24.7%
Attended community-based free counselling	65	15.6%
Attended privately-paid mediation	18	4.3%
Attended community-based free mediation	15	3.6%
None of the above	179	42.9%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

As shown in Table 26, the vast majority of participants had taken informal steps (97%), with around two-thirds using family justice services (67%) or lawyers (66%), and 57% using community or private services.

Table 27 presents the 16 steps most commonly taken, by at least 20% of the participants.

Table 27: Most common steps to make or change parenting arrangements

Step taken	<i>n</i>	Percent
Discussed them with the other parent/party	311	74.6%
Talked with the children and sought their thoughts, feelings and views	275	66.0%
Sought legal advice	247	59.2%
Discussed them with family members/whānau	241	57.8%
Discussed them with friends/acquaintances	233	55.9%
Read books, articles or pamphlets	179	42.9%
Used the Internet and/or social media	173	41.5%
Used the Ministry of Justice website	166	39.8%
Went to the Family Court	154	36.9%
Negotiated with ex-partner/the other party through lawyers	154	36.9%
Attended a Parenting through Separation (PTS) course	138	33.1%
Sought advice from a health, social service or education professional	119	28.5%
Accessed support groups (including online)	114	27.3%
Attended privately-paid counselling	103	24.7%
Used the Ministry of Justice 'Making a Parenting Plan' workbook	101	24.2%
Went to Family Dispute Resolution	100	24.0%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

With the exception of taking legal advice, the most frequently taken steps were informal ones, with participants discussing the arrangements with their former partner or the other party (75%) and the children (66%). Discussing matters with family and friends was also frequently reported. Seeking information was a common step, taken by around 40% of the participants: reading books, articles or pamphlets (43%), using the Internet or social media (42%) or accessing the Ministry of Justice website (40%).

The most frequently used family justice services funded by the government included the Ministry of Justice website (40%), the Family Court (37%), Parenting Through Separation (33%), the Ministry of Justice website, the Ministry of Justice 'Making a Parenting Plan' workbook (24%) and Family Dispute Resolution (24%).

Seeking legal advice was the third most common step, taken by 59%, and legal negotiation was also utilised by 37%. The use of other private professionals was also in the top 16 steps, with 29% seeking advice from a health, social service or education professional, and a quarter attending privately-paid counselling. Accessing support groups was also a step taken by 27%.

Once participants had selected all the steps they had taken, they were asked to indicate which ones they found most helpful in making or changing their parenting arrangements by ranking the top three. Table 28 presents the percentages of participants who had taken each step and rated it as one of the top three most helpful steps (presented in order from highest to lowest).

Table 28: Most helpful steps taken to make or change parenting arrangements

Step taken	n	Percentage
Talked with children and sought their thoughts, feelings and views	160	58.2%
Discussed with the other parent/party	151	48.6%
Sought legal advice	119	48.2%
Went to the Family Court	64	41.6%
Attended private counselling	41	39.8%
Attended community counselling	23	35.4%
Discussed with family members/whānau	82	34.0%
Went to Family Dispute Resolution/Family mediation	32	32.0%
Attended a Parenting Through Separation course	43	31.2%
Discussed with friends	69	29.6%
Negotiated with ex-partner/the other party through lawyers	43	27.9%
Used Collaborative Law processes	17	26.6%
Nothing specific	4	23.5%
Attended privately-paid mediation	4	22.2%
Sought advice from a health, social service or education professional	23	19.3%
Accessed support groups (including online)	20	17.5%
Sought advice from church or religious/spiritual community	5	16.7%
Used the Internet and/or social media	27	15.6%
Attended Preparation for Mediation (Coaching/Preparatory Counselling)	11	15.5%
Used the Family Legal Advice Service (FLAS)	6	15.4%
Used the Ministry of Justice 'Making a Parenting Plan' workbook	14	13.9%
Read books, articles or pamphlets	24	13.4%
Attended community-based free mediation	2	13.3%
Went through the initial intake and/or assessment pre-mediation processes for FDR but did <i>not</i> attend mediation	3	12.0%
Sought advice from a Community Law Centre or YouthLaw	9	11.5%
Phoned the 0800 2 AGREE phone line	4	11.4%
Went to a higher Court for an appeal of a Family Court decision	1	10.0%
Sought advice from cultural community	1	9.1%
Sought advice from a community agency	4	8.3%
Sought advice from the Citizens Advice Bureau	4	6.5%
Sought help or advice from Family Court administrative staff	5	6.4%
Used the Ministry of Justice website	10	6.0%
Attended Court-directed counselling	3	5.7%

Table 28 also shows a good spread of the three most helpful steps, including those the reforms sought to encourage – talking with the other parent, children and family to come to agreement themselves. Talking with the children and seeking their thoughts, feelings and views was the step that the greatest percentage (58%) rated as one of the top three most helpful steps. Having legal advice (48%) and negotiating through lawyers (28%) were also reported as helpful.

Government-funded family justice services were also included in the most helpful steps with going to the Family Court (42%), Family Dispute Resolution (32%) and Parenting through Separation (31%) all being included in the top 10.

Private or community counselling was also included in the top ten most helpful steps, with 40% and 35% respectively rating it as one of the top three most helpful steps. Clearly, counselling is something that parents do find helpful, yet the reforms discontinued the offering of free Family Court counselling sessions to separated parents. However, what cannot be determined from the survey data is whether the counselling was individual therapeutic counselling or couples counselling.

The findings in the following sections report on the *outcomes* of making or changing parenting arrangements, for those participants who had completed the process. The initial survey excluded questions about the outcome from those participants who had not completed making their parenting arrangements ($n=238$). However, as noted earlier, if any of these 238 participants completed making their parenting arrangements, either between the time of the initial survey and a follow-up survey or between follow-up surveys, this missing data was collected and added to the initial survey data. The number of participants who had completed making or changing their parenting arrangements when they completed the initial survey totalled 417; a further 107 participants completed their parenting arrangements after the initial survey, resulting in data from 524 participants (80% of the total number of initial survey respondents).

Resolution Pathways

After detailing what steps the participants took to make their parenting arrangements, they were asked to indicate how they were ultimately decided and by whom (see Tables 29 and 30).

Table 29: Who decided on the parenting arrangements

	<i>n</i>	Percent
No-one really, they just happened	16	3.1%
My ex-partner/the other party and I decided together	231	44.1%
I decided	63	12.0%
My ex-partner/the other party decided	44	8.4%
The children decided	37	7.1%
A judge decided	120	22.9%
Someone else decided	13	2.5%
Total	524	100%

Only a quarter of the participants had someone external to the family decide their parenting arrangements. Many of those who indicated that someone else had decided believed that their lawyers or Lawyer for the Child made the decision. While 34% had resolved the matter through the Family Court (see Table 30), only 23% reported that a judge had decided on their parenting arrangements. This indicates that in 11% of cases the parties had reached agreement prior to a defended hearing where a judicial decision would have resulted.

While three-quarters ($n=391$) reported making the decision without an external decision-maker, in over a quarter (27%, $n=107$) of these cases the participant indicated that the decision was a unilateral rather than a joint one, where only one party had made the

decision. However, in the majority (69%) of these cases, and 51% overall, it was a joint decision or one made by the children (and accepted by the parents/caregivers) ($n=268$).

Table 30: How parenting arrangements were ultimately decided

	<i>n</i>	Percent
Nothing specific, they just happened/unilateral decision	30	5.7%
Mainly by ourselves	207	39.5%
Privately through a professional (e.g., lawyer, counsellor)	49	9.4%
Through Family Dispute Resolution (FDR)/Family Mediation	57	10.9%
Through the Family Court	180	34.4%
Some other way	1	0.2%
Total	524	100%

As Table 30 shows, the two most common pathways to make or change parenting arrangements were by the parties resolving the matter mainly themselves (40%) or through the Family Court (34%). Just over half the participants made their arrangements through the use of a professional or service: the Family Court (34%), Family Dispute Resolution (11%) or privately through a professional (9%), such as a lawyer or counsellor.

Nearly 6% indicated that the arrangements ‘just happened’ without any specific resolution attempts or that the arrangements were not decided as such, when one party did not or could not engage in the decision. This included instances where one party was in prison, left the country or did not wish to have contact with the children, and also when one party made a unilateral decision without consulting the other party. Almost 40% made the arrangements with their former partner/the other party themselves. This included situations where parties jointly agreed, the children made the decision which was accepted by the parents or caregivers, or where party one capitulated and, in effect, agreed.

In Table 30, 45% ($n=237$) of the participants’ parenting arrangements were *not* ultimately decided through the use of a professional or service (i.e., those where it ‘just happened’ or was a unilateral decision and those who made the arrangements themselves). To ascertain if this group had, in fact, used professionals and services, but ultimately made the parenting arrangements themselves, an analysis of what steps had been taken (detailed in Table 26) was undertaken for the sub-group of those who had finalised their parenting arrangements at the time of completing the first survey ($n=205$).²⁹ The results are presented in Table 31.

²⁹ The analysis of steps taken only included data from those participants who had completed their arrangements ($n=417$) as it would be inaccurate to include those who were still in the process. Of these, 205 (49%) had not ultimately had their parenting arrangements decided through the use of a professional or service.

Table 31: Use of professionals and services for those who did not ultimately make or change parenting arrangements through a professional or service

Family Justice Services Funded by the Government	n	Percent
Used the Ministry of Justice website	47	22.9%
Phoned the Ministry of Justice/Family Court 0800 2 AGREE phone line	9	4.4%
Used the Ministry of Justice 'Making a Parenting Plan' workbook	37	18.1%
Sought help or advice from Family Court administrative staff	12	5.9%
Attended a Parenting through Separation (PTS) course	31	15.1%
Used the Family Legal Advice Service (FLAS)	6	2.9%
Went through the initial intake and/or assessment pre-mediation processes for Family Dispute Resolution (FDR)/Family Mediation but did not attend mediation	5	2.4%
Attended Preparation for Mediation/Coaching/Preparatory Counselling	5	2.4%
Went to Family Dispute Resolution (FDR)/Family Mediation with my ex-partner/the other party	6	2.9%
Went to the Family Court – <i>made, or responded to, an application for a Parenting Order from the Family Court</i>	8	3.9%
Went to a higher Court for an appeal of a Family Court decision – <i>filed, or responded to, an appeal to the High Court, Court of Appeal or Supreme Court</i>	0	0%
Attended Court-directed counselling	2	1.0%
None of the above	130	63.4%
Lawyers		
Sought legal advice	69	33.7%
Negotiated with ex-partner/the other party through lawyers	31	15.1%
Used Collaborative Law processes	4	2.0%
None of the above	126	61.5%
Community or Private Services		
Sought advice from a Community Law Centre or YouthLaw	22	10.7%
Sought advice from the Citizens Advice Bureau	17	8.3%
Sought advice from a community agency (e.g., Plunket, Barnardos)	7	3.4%
Sought advice from a health, social service or education professional (e.g., doctor, social worker, teacher)	40	19.5%
Sought advice from church or religious/spiritual community	10	4.9%
Sought advice from cultural community	4	2.0%
Attended privately-paid counselling	41	20.0%
Attended community-based free counselling	21	10.2%
Attended privately-paid mediation	2	1.0%
Attended community-based free mediation	1	0.5%
None of the above	118	57.6%

As shown in Table 31, those who ultimately made their parenting arrangements themselves used few services or professionals. Around 60% did not use any family justice services (63%), lawyers (62%) or community or private services (58%). The most common steps they took to make their parenting arrangements were seeking legal advice (34%), accessing the Ministry of Justice website (23%), attending privately paid counselling (20%), seeking advice from a

health, social service or educational professional (20%), using the Ministry of Justice 'Making a Parenting Plan' workbook (18%), and attending Parenting through Separation (15%). Their use of Ministry of Justice funded dispute resolution services was low – 4% went to the Family Court, and 3% attended Family Dispute Resolution. Those making parenting arrangements themselves largely used lawyers, private counselling and community services, rather than family justice services.

Reasons for Taking the Resolution Pathway

After indicating which resolution pathway they had taken, participants were asked in an open text box why that particular approach was taken to make or change their parenting arrangements. The most common reasons given are presented below for each resolution pathway.³⁰

Nothing specific, they just happened

The most common explanation given for why the parenting arrangements 'just happened' was because **one party opted out, was absent or would not communicate** and therefore a unilateral decision was made by default. In some cases, one parent did not have the ability to care for children, for example, because of safety concerns or relocating.

I was fortunate that my ex-partner decided to live a different life. I took initial steps to start instigating things, which didn't need to eventuate. (1065, Mother; Survey)

As the other party has not seen my child for three years the arrangement came very naturally and has stayed the same due to their lack of interest or involvement. (1124, Mother; Survey)

The kids' dad left and didn't tell me where he was living, so the kids just didn't see him. (1151, Mother; Survey)

My ex became an addict. He no longer contacts our child. He is no longer a safe carer for our child. (1626, Mother; Survey)

In the end, I just had to tell him how it was as he was not interested in participating in trying to reach a solution or working together to come up with a solution. (1383, Mother; Survey)

He stopped having contact and I stopped trying to get him to. (1906, Mother; Survey)

No choice – their father moved to Australia, so that move decided the parenting arrangements. (1628, Mother; Survey)

My ex had domestic issues and mental health problems with his partner. They decided between them that my [children] could no longer stay on a regular basis to give them a chance to resolve their issues. My sons had no say in the matter, so just had to accept it. We didn't see the point in going through legal channels or counselling as

³⁰ Extracts from participants' written survey comments and interview transcripts have been edited slightly for ease of reading. To preserve participants' anonymity some details have been modified without changing the meaning.

they'd already made up their minds and I already have full custody. (1296, Mother; Survey)

The mother and [her] partner couldn't deal with the child anymore. ... [then they] broke up leaving the child with the only option to live with us. (1503, Father; Survey)

Some participants reported that it was the **children who determined the arrangements**, largely based on their wish not to have contact with one parent.

My son decided he wanted to live with me and his father moved a woman into the house who my son doesn't like, so [he] doesn't stay with his father anymore. (1202, Mother; Survey)

The kids wanted to stay with me in the family home I bought off my ex. Because he moved in with his young boyfriend, the kids didn't want to stay with him. (1276, Mother; Survey)

At the time my oldest child was 19 so parenting arrangements did not apply, my middle child was 16 and my youngest child was 12. I was advised by my lawyer the children were old enough to make their own decision on who they lived with and the court could not rule otherwise. They did not want to have any contact with their father initially, let alone live with him, and it took them several months after our separation to agree to start having contact with him. (1759, Mother; Survey)

For others, the arrangement just **evolved naturally**, and/or was based on a shared understanding between the parties of **what was best for the children**.

We had always communicated well about the kids. After watching and supporting good friends through pretty nasty custody disputes we had previously spoken about what we'd do if we ever separated and vowed to put the kids first and never use them as pawns. (1268, Mother; Survey)

We both knew what we wanted to do. (1495, Mother; Survey)

It was the easiest and worked in the best interest of our child. (1267, Mother; Survey)

Older child was already week about between both parents. Youngest child was born after the separation, and built up over time to become week about like their sibling. (1046 Mother; Survey)

Mainly by ourselves

The majority of those who had made arrangements jointly with their former partner/the other party attributed this to having had a relatively **amicable relationship with their ex-partner and/or both being in agreement**, enabling them to make arrangements between themselves without outside help.

[The] good relationship between myself and the father meant any changes to our schedules or child's schedule were discussed beforehand and alternative care times and days discussed and agreed before any change happened. (1033, Mother; Survey)

We both agreed that a 50/50 share of parenting was best. Since we agreed right from the start it's been relatively easy to sort out the details and logistics to make it work. (1225, Mother; Survey)

We were able to discuss it ourselves and come up with it ourselves without having to get others involved. (1284, Mother; Survey)

It was really simple. We just went with week on, week off. Very short discussion. (1326, Father; Survey)

We didn't disagree on who the children would live with, so didn't see any need to involve outside agencies. (1363, Mother; Survey)

We had enough communication to sort it out ourselves despite the relationship being poor. (1484, Mother; Survey)

We're on reasonably good terms most of the time, seems like common sense to work together for the sake of our child. We also have similar ideas about the way we wanted things to work out. I know we would both access legal services if we could not reach an agreement. (1542, Mother; Survey)

We didn't require outside help. We discussed what we thought would be best for the children and made sure the kids knew we were flexible around that if they felt it wasn't working for them. (1612, Mother; Survey)

It was the simplest and didn't cost anything to do so. The kids were happy with the outcome so it was the best for everyone. (1674, Mother; Survey)

We got along better being apart. We were communicating well so could arrange it ourselves. We took into consideration both party's jobs and went from there. (1704, Mother; Survey)

We both put down our ideal circumstances in a parenting plan then talked through points of contention and worked out compromises. (1806, Mother; Survey)

Others explained that they worked out the arrangement between themselves because they put **the children's needs at the centre of their discussions** and decision-making so as to reduce the impact on them.

My ex and I were committed to reducing the impact on our children and we felt that if we could come to an arrangement ourselves then that was better for our family, time, emotions and money-wise. (1004, Mother; Survey)

At the end of the day we both wanted to put the kids first and support each other. (1054, Mother; Survey)

We wanted the separation process to be as easy on the kids as possible so they could still have strong positive relationships with both parents, and see their parents have a strong positive relationship to maintain the family unit, despite their parents living separately. (1217, Mother; Survey)

We wanted to keep the stress of the process as minimal as possible for the children and arrange our agreement completely around their needs. (1218, Mother; Survey)

We both desired the best for our child and we were both willing to try something different. We could talk about it with ease. (1076, Mother; Survey)

We had a good relationship and a good co-parenting relationship. We worked together to do what was best for our son and new whānau dynamic. (1267, Mother; Survey)

Because the children were the most important and we both wanted what was best for them. (1294, Mother; Survey)

To keep things amicable and provide a positive environment for our children. We believed that despite our differences we could work it out together and that we are grown up enough to solve the situation like mature individuals. (1487, Mother; Survey)

Several participants said they made a conscious effort to resolve the issues themselves in order **to avoid the delays, stress and costs** associated with involving professionals.

To try and retain some control over the situation after hearing horror stories about the Family Court process, to try and save money and to try and put aside personal feelings and just be parents. (1136, Mother; Survey)

Split was amicable, so we decided together to save on legal fees. (1147, Mother; Survey)

To save the hassle and cost of lawyers, and we know what's best for our children. (1229, Mother; Survey)

Because of the cost associated with attending mediation. (1321, Mother; Survey)

To make it quicker and less stressful on my child. To save money, not pay for lawyers etc. (1365, Mother; Survey)

We didn't want to go through the court system and we have a good relationship. (1369, Mother; Survey)

After counselling and doing the separation course I decided not to try and fight and to work with the other parent as much as I could. (1393, Mother; Survey)

Easy cheap and friendly, keeping it relaxed and kind. (1469, Mother; Survey)

We wanted the least stressful, least involved method. (1530, Mother; Survey)

We didn't want lawyers involved. They cost too much money. (1986, Mother; Survey)

It was the least cost approach and we (my ex-partner and I) felt comfortable that we could work through together, provided that the agreement was well documented and agreed by both of us. (1690, Father; Survey)

It takes up so much time that can be used in a more positive and productive way so we all just compromised. (1752, Mother; Survey)

Some parents reported that the **children had made the decision** and that they supported this.

Our daughter expressed an interest in making the change so we all talked about it, gave her options that worked for all of us and she decided which she wanted to try. (1001, Mother; Survey)

Well, the children were old enough to have their say about what they wanted to do. (1003, Mother; Survey)

Our daughter was unable to live with her dad and his partner as she didn't feel welcome in the house and was told she couldn't be trusted. It was her decision to discontinue the shared care arrangements. (1232, Mother; Survey)

The children chose who they wanted to live with. (1315, Father; Survey)

My daughter decided and we abided by her decision even though her father wasn't happy about it. (1504, Mother; Survey)

For a number of participants, the arrangements were **dictated by the relocation of the other parent**.

The children's father works in a different country, so it's just how it works until he's back in NZ full time. (1023, Mother; Survey)

It was easier. My ex-partner was relocating to a different country and, to me, didn't seem to consider the [children] as being part of his essential way of life. (1069, Mother; Survey)

Because he was moving to [country] and so our child needed to live with me full-time. (1352, Mother; Survey)

The change was initiated by my ex moving to another city and our children choosing to stay with me full-time to finish high school. (2053, Father; Survey)

For others, their **ex-partner would not engage with any family justice services or professionals** when making parenting arrangements.

Because I knew he wouldn't turn up to mediation and we didn't have the money. But it involved lots of arguments. (1170, Mother; Survey)

Ex-partner refused to get a lawyer or attend any mediation. (1258, Mother; Survey)

When I initiated mediation, he did not want to attend or agree and knew that my reasonable request for 50/50 custody would be granted if we ended up in court. (1420, Mother; Survey)

Fear of engaging in a formal process or of antagonising their former partner served as an impetus for some participants to resolve the parenting arrangements with their former partner.

I feared he would take further financial advantage i.e., take my house if I involved a third party. (1281, Mother; Survey)

Because the court process seemed daunting and there were safety concerns. (1365, Mother; Survey)

My ex can be controlling at times. I knew if I fought him he would dig his heels in and we would end up going through court. (1479, Mother; Survey)

What he says goes – [he] has become very passive aggressive. (1511, Mother; Survey)

It wasn't worth fighting him for what I really want. (2024, Mother; Survey)

To involve any outside organisation or people, especially legal or government professionals, would antagonise my ex-husband and escalate the tension between us and most likely cause a poorer outcome and experience for my son. (1067, Mother; Survey)

Privately through a professional

The majority of people who commented on why they made their parenting arrangements privately through a professional made reference **to mental illness, family violence and/or poor communication** between the parties. These participants stated that they **needed professional help** to reach an agreement.

Couldn't negotiate directly with ex due to his mental health issues. (1189, Mother; Survey)

My ex-partner was extremely difficult and uncooperative (my lawyer's words) and would not discuss options for parenting arrangements. Our lawyers encouraged him to talk through the options with a professional counsellor and we were able to reach an agreement with the counsellor's help. (1203, Mother; Survey)

My ex-husband would not respond to me and it took eight months of negotiating and lengthy delays in replying via his lawyer to get a final agreement. (1368, Mother; Survey)

It took a long time back and forth through the lawyers and was done so we did not have direct contact. (1381, Mother; Survey)

I made the arrangements through a lawyer because it was not safe for me to deal with my ex-partner directly. (1718, Mother; Survey)

No communication was possible due to the risk of violence. (1747, Mother; Survey)

Lack of communication from ex. Decisions had to be made, so with legal advice I made the decision. (1866, Mother; Survey)

Given the relationship it was the only option. (1075, Mother; Survey)

Several participants commented that negotiating it privately was the best route to getting things **resolved quickly and easily**. For others, while settling their relationship property through lawyers it “made sense” to resolve the parenting arrangements at the same time.

I wanted it sorted. I wanted my children’s wellbeing to be put first. I needed legal advice to sort this for me. (1978, Mother; Survey)

Easiest option. I knew what I wanted. (1673, Mother; Survey)

Sterile, non-confrontational, and neither party had an issue with not wanting to care for our boy. (2050, Father; Survey)

To avoid involvement with CYF³¹ and to reach an agreement as quickly as possible. (1750, Mother; Survey)

The easiest way and most cost-effective. (1043, Father; Survey)

We were also doing relationship property decisions at the same time. I also wanted to have a professional involved so I knew my rights/responsibilities. (1005, Mother; Survey)

We mainly came to agreement between ourselves, but as we were also going through relationship property division it made sense for both to be covered by our lawyers. (1843, Mother; Survey).

One participant **wanted to have a written agreement** “so it was on paper and had to be stuck to” (1270, Mother; Survey).

Through Family Dispute Resolution

Those participants who made their arrangements through FDR primarily did this because they had been **unable to reach agreement and/or were unable to have constructive discussions**. Others required the **impartiality of a third party** and the **safety** the mediation forum offered.

We could not have constructive conversation independently. (1214, Mother; Survey)

Prior to this, we had numerous discussions and it was very inconsistent and all over the show, at times nasty. (1473, Mother; Survey)

We had both contacted the FDR to seek mediation because it was definitely not something we could work out together. (1757, Mother; Survey)

We were not getting anywhere trying to do it ourselves and it was negative for everyone (including the kids). Mediation was the only way to go and even then, after

³¹ Child, Youth and Family, now known as Oranga Tamariki.

two meetings, we were still stuck, but managed to work it out via emails through the mediator. (1603, Mother; Survey)

Because other interfering people were taken out of the picture and we had someone balanced and fair, who cared about the child. (1187, Mother; Survey)

We were unable to communicate with each other and unable to agree. (1472, Mother; Survey)

My ex-partner would not engage in the process until the FDR process was established. (1292, Mother; Survey)

My ex and myself had concerns of who would be taking who for a ride. (1305, Father; Survey)

Ensured that an agreed outcome was reached with the support of a third party, avoided manipulation of myself agreeing to something I didn't want. (1558, Mother; Survey)

Abuse and power issues with husband. Needed to discuss using a safer process. (1481, Mother; Survey)

The mother refused to negotiate in good faith, or even fairly. This was the only way to engage to try for shared custody. (1715, Father; Survey)

Several participants commented that attending FDR was not their choice, but **was initiated by the other party**.

We were unaware that there were issues with the previous arrangement, so being contacted by mediators was the first we knew of any problems with the care. It was initiated through the other party. The mediator had to help with the new arrangements as the other party was very negative and focused a lot on the past, and wasn't moving forward. (1025, Stepmother; Survey)

My ex decided we couldn't work things out between us so initiated the family mediation approach. (1595, Mother; Survey)

My ex-husband was uncooperative when I tried to make arrangements directly with him. He then started the mediation process. (1623, Mother; Survey)

My ex arranged mediation as he wanted the changes made. (1942, Mother; Survey)

Through the Family Court

Most of the participants who gave a reason for making their parenting arrangements through the Family Court commented that they had been **unable to resolve the dispute though alternative avenues** such as trying to reach agreement alone and through using FDR. Some had not wanted to take this approach, but there had been "no other options left."

Other things failed. She was on Legal Aid and her lawyer wanted to milk it for all it was worth to them. (1014, Mother; Survey)

History of parenting orders not working and too much conflict and uncertainty for the children. Initially the hearing included a judge, but then an arrangement was made with both parties and their lawyers. (1097, Mother; Survey)

We had no option left but to go to a three-day hearing in front of a judge – the absolute last thing I wanted to happened. I knew it would be lose-lose for all concerned. (1142, Grandmother; Survey)

We could not reach agreement in mediation. Could not reach full agreement in the Family Court though both parents made compromises. (1224, Mother; Survey)

There were no other options left. Ex kept making agreements then breaking them because he didn't like them and taking it to the next step. (1148, Mother; Survey)

Because my ex wouldn't agree to standard contact arrangements and wouldn't recognise my guardianship rights. (1155, Mother; Survey)

No other intervention worked. (1156, Mother; Survey)

We could not agree and had to be directed to a compromise. There were health and wellbeing issues and educational issues to be taken into account. (1325, Mother; Survey)

My ex-partner only wanted a judge decision. Nothing else suited him. I was told that because he bought the case to lawyers he got to decide. (1328, Mother; Survey)

We had opposite views, so a judge decided in a Family Court hearing. (1370, Mother; Survey)

It was impossible to negotiate with my ex-partner and I was forced to take this approach. We went to several joint counselling sessions (where a parenting agreement was made, that he did not adhere to), two mediations where no agreement was reached and then had to go to three court hearings for different decisions. (1426, Mother; Survey)

For some participants, **safety issues** had necessitated their use of the Family Court.

Safety issues and the application was made 'without notice'. (1012, Mother; Survey)

I applied for a Protection Order and the judge made the decision that they must have supervised access permanently. He can reapply in two years, but will be unlikely to change. (1107, Mother; Survey)

They were made by the judge as the children were not safe in my ex partner's care. He was on drugs and being angry and violent. (1118, Mother; Survey)

My ex-husband has a meth addiction so we went through the courts with my lawyer and had a Parenting Order put in place to make sure the kids were safe seeing their dad. (1397, Mother; Survey)

You cannot facilitate, negotiate or mediate with abusers with unresolved issues such as mental health, addiction, anger etc., who refuse to acknowledge their actions or the consequences on the children. (1142, Grandmother; Survey)

Because of the risks to my daughter's safety in her father's care. (1286, Mother; Survey)

Some participants stated that it was their **former partner/the other party who took the matter** to the Family Court, which often was not the approach they wanted to take or felt was justified.

My ex-girlfriend made false statements about me having bipolar, so her lawyer and her put supervised visits in place, which I disputed and got a mental health check and finally got unsupervised contact with my sons. We got Lawyer for the Child appointed also and she seen straight through my ex and told me to hang in there as she deals with people like her (my ex) all the time. I won the court case for more visitation rights. (1053, Father; Survey)

I was the respondent in a without notice application to vary an existing parent-consented court order. Prior to being served, there had been virtually no discussion on the issue perceived by the other parent. The other parent chose not to go to FDR, and I was not given any choice in the matter. We ended up with a court-ordered Parenting Order that is not what either parent or the child wanted. (1401, Mother; Survey)

Ex put in applications to [the] court to change access, refused to talk to me, all done through lawyers. Very difficult man to deal with. (1410, Mother; Survey)

This was not the approach I wanted to take. I wanted a mediated approach with a mediator and whānau meetings. My ex-wife chose to use the Family Court despite my desire to mediate the decision. (1509, Mother; Survey)

We were unable to come to a private agreement through lawyers and Round Table conferences, so my ex-partner filed a "without notice" [application], which put us into the system. (1614, Mother; Survey)

Others also commented that going to the Family Court had been either **initiated or advised by lawyers or Oranga Tamariki** staff.

Lawyer for the Child and Oranga Tamariki decided what they wanted to happen and that was what went to Family Court. (1139, Mother; Survey)

Lawyer told me to. (1512, Mother; Survey)

Advice by my lawyer. Which was the wrong thing to do, as he just wanted to clip the ticket. (1525, Father; Survey)

A small number of participants commented that they **wanted the orders to be binding** to ensure stability.

So that the new arrangements were binding so they were set in stone. (1239, Mother; Survey)

I sought the court's help as my ex kept changing his mind about when he would have children and wouldn't pay child support, so I needed a Parenting Order to sort this out. (1864, Mother; Survey)

The Relationship Between Circumstances at the Time of Making Parenting Arrangements and Resolution Pathways

A series of Pearson chi-square tests of independence were undertaken to examine the relationship between participants' circumstances at the time they were making their parenting arrangements and how the arrangements were ultimately determined. Those with the following circumstances were *more* likely to have their parenting arrangements determined through the Family Court:

- Safety concerns for self – $\chi^2 = 61.75$, $p < 0.001$
- Safety concerns for the children – $\chi^2 = 115.06$, $p < 0.001$
- Safety concerns for the other party – $\chi^2 = 15.02$, $p = 0.005$
- Family violence – $\chi^2 = 77.37$, $p < 0.001$
- Protection Order – $\chi^2 = 58.15$, $p < 0.001$
- Trespass Order – $\chi^2 = 51.98$, $p < 0.001$
- Mental health issues – $\chi^2 = 19.65$, $p < 0.001$
- Addiction issues – $\chi^2 = 13.89$, $p = 0.008$
- Supervised contact – $\chi^2 = 78.54$, $p < 0.001$
- Involvement with Oranga Tamariki – $\chi^2 = 68.67$, $p < 0.001$
- Involvement with Police – $\chi^2 = 105.29$, $p < 0.001$ [Involvement with Police was also associated with being less likely to use Family Dispute Resolution]

One of the objectives of the 2014 reforms was to refocus the Family Court on the most serious and urgent cases. The above data, although not representative, shows that within this study, those resolving their parenting arrangements through the Family Court did appear to be more likely to have complex cases, involving safety concerns, violence, and mental health and addiction issues.

There was also an association between the quality of the participants' relationship with their former partner or the other party at the time they were making or changing their parenting arrangements and who decided on the arrangements (see Table 32) and how they were ultimately made (see Table 33).

Table 32: Quality of the relationship with the ex-partner/other party by who decided on the parenting arrangements

Who decided on parenting arrangements	Very Poor	Poor	Neither poor nor good	Good	Very Good	TOTAL <i>n</i>
No-one really, they just happened	8	4	4	0	0	16
My ex-partner/the other party and I decided together	58	63	54	35	20	230
I decided	27	15	16	4	1	63
My ex-partner/the other party decided	17	12	10	2	3	44
The children decided	19	6	5	5	2	37
A judge decided	88	21	9	0	1	119
Someone else decided	10	2	1	0	0	13
TOTAL	227	123	99	46	27	522

A chi-square test showed evidence that the quality of the relationship between parties at the time of making the arrangement was associated with who decided on the parenting arrangements ($\chi^2 = 106.39$, $p < 0.001$). In particular, when the relationship was very poor there were more arrangements than expected decided by a judge or 'someone else'. Also, for those with a very poor relationship, fewer arrangements were decided by the other party. However, if the relationship between the parties was good or very good, fewer arrangements were decided by a judge than would be expected if there was no association.

Table 33: Quality of the relationship with the ex-partner/other party by resolution pathway

Resolution pathway	Very Poor	Poor	Neither poor nor good	Good	Very Good	TOTAL <i>n</i>
Nothing specific, they just happened/unilateral decision	16	6	5	1	2	30
Mainly by ourselves	30	55	59	41	22	207
Privately through a professional	29	10	8	1	1	49
Through Family Dispute Resolution	24	22	9	1	1	57
Through the Family Court	128	30	17	2	1	178
Some other way	0	0	1	0	0	1
TOTAL	227	123	99	46	27	522

A chi-square test provided evidence that the quality of the relationship between the participants and their former partner/the other party at the time of making parenting arrangements was also associated with how parenting arrangements were made ($\chi^2 = 182.18$, $p < 0.001$). When the relationship between the parties was very poor, there were more arrangements than expected made through a professional or through the Family Court. Also, for those with a very poor relationship, fewer arrangements than expected were made by the parents/caregivers jointly ('mainly by ourselves'). Conversely, if the relationship was good or very good, fewer arrangements than expected were ultimately made through the Family Court and more were made by the parents/caregivers jointly.

Views on the Resolution Pathway

In order to determine how well the approach (i.e., the resolution pathway and who made the decision) participants took to make or change their parenting arrangements worked, participants were asked how strongly they agreed or disagreed with a series of statements, which are presented in the Tables 34-42. For ease of reading, the categories 'Agree' and 'Strongly agree' and 'Disagree' and 'Strongly disagree' have been collapsed (see Tables 194-202 in Appendix L for the full data tables).

Table 34: Agreement with 'This approach worked well for me' for each resolution pathway

Resolution pathway	Disagree /Strongly disagree	Neither agree nor disagree	Agree/ Strongly Agree	TOTAL n=523
Nothing specific, they just happened/unilateral	36.7%	33.3%	30.0%	30
Mainly by ourselves	13.5%	8.7%	77.8%	207
Privately through a professional	18.4%	20.4%	61.2%	49
Through Family Dispute Resolution (FDR)	42.1%	15.8%	42.1%	57
Through the Family Court	52.8%	18.3%	28.9%	180

As shown in Table 34, the majority (78%) of those who made their arrangements mainly by themselves (and the other party) agreed that the approach worked well for them. Similarly, for those participants making arrangements privately through a professional, 61% agreed that the approach worked well for them. Over half (53%) of those making their arrangements through the Family Court disagreed that the approach worked for them.

There was evidence of an association between the resolution pathway and whether participants thought that the approach had worked well for them ($\chi^2 = 114.37$, $p < 0.001$). More participants than expected agreed that the approach worked for them if they worked the arrangements out themselves or through a private professional. Conversely, fewer participants than expected thought the approach had worked for them if they made their parenting arrangements through FDR or the Family Court, or did nothing specific.

Table 35: Agreement with 'This approach worked well for my ex-partner/the other party' for each resolution pathway

Resolution pathway	Disagree /Strongly disagree	Neither agree nor disagree	Agree/ Strongly Agree	TOTAL n=519
Nothing specific, they just happened/unilateral	13.3%	36.7%	50.0%	30
Mainly by ourselves	5.3%	17.5%	77.2%	206
Privately through a professional	12.2%	42.9%	44.9%	49
Through Family Dispute Resolution (FDR)	12.3%	36.8%	50.9%	57
Through the Family Court	23.7%	32.8%	43.5%	177

Table 35 shows that of those who made their parenting arrangements with the other party mainly by themselves, over three-quarters (77%) thought this approach had worked well for their former partner or the other party. Over half (51%) agreed FDR had worked well for the other party, compared with 12% who did not.

There was evidence of an association between the resolution pathway and whether participants thought that the approach had worked well for the other party ($\chi^2 = 61.36$, $p < 0.001$). More participants than expected agreed that the approach had worked well for their former partner if they had made the arrangements themselves or had resolved them through the Family Court.

Table 36: Agreement with ‘This approach worked well for the children’ for each resolution pathway

Resolution pathway	Disagree /Strongly disagree	Neither agree nor disagree	Agree/ Strongly Agree	TOTAL n=523
Nothing specific, they just happened/unilateral	40.0%	20.0%	40.0%	30
Mainly by ourselves	11.1%	9.2%	79.7%	207
Privately through a professional	22.5%	16.3%	61.2%	49
Through Family Dispute Resolution (FDR)	35.1%	22.8%	42.1%	57
Through the Family Court	60.0%	13.3%	26.7%	180

The majority of participants who made their parenting arrangements with their former partner/other party mainly by themselves or through a professional agreed the approach worked well for the children (80% and 61% respectively). The reverse was seen for those who made their arrangements through the Family Court, with 60% disagreeing that the approach had worked well for their children.

There was evidence of an association between the resolution pathway and whether participants thought that the approach had worked well for the children ($\chi^2 = 133.12$, $p < 0.001$). More participants than expected agreed that the approach had worked well for their children if they had made their arrangements mainly by themselves. Fewer participants than expected thought it had worked well for their children if they had made their parenting arrangements through the Family Court.

Looking across Tables 34, 35 and 36, reveals that if participants made their parenting arrangements themselves, most (between 77-80%) thought this approach had worked well for themselves, the other party, and the children. In contrast, a considerably lower proportion thought that going through the Family Court worked well for them (29%) or the children (27%). Also, while over half thought that going through the Family Court did *not* work well for themselves (53%) or the children (60%), less than a quarter (24%) thought it did not work well for their former partner or the other party.

Table 37: Agreement with ‘I had an adequate opportunity to put my position forward’ for each resolution pathway

Resolution pathway	Disagree /Strongly disagree	Neither agree nor disagree	Agree/ Strongly Agree	TOTAL n=523
Nothing specific, they just happened/unilateral	50.0%	20.0%	30.0%	30
Mainly by ourselves	18.8%	10.1%	71.0%	207
Privately through a professional	22.5%	12.2%	65.3%	49
Through Family Dispute Resolution (FDR)	24.6%	17.5%	57.9%	57
Through the Family Court	56.1%	8.9%	35.0%	180

The majority (71%) of the participants who made their arrangements with their former partner/the other party agreed that they had had an adequate opportunity to put their position forward, as did those participants who made their arrangements through a private professional (65%) or through FDR (58%).

A chi-square test showed evidence of an association between the approach taken and whether participants believed they had an adequate opportunity to put their position forward ($\chi^2 = 77.65$, $p < 0.001$). More people than expected agreed that they had an adequate opportunity to put their position forward when they had worked it out themselves, and, to a lesser extent, privately through a professional. Fewer people than expected agreed that they had an adequate opportunity to put their position forward when they had gone through the Family Court, and, to a lesser extent, when they had done nothing specific.

Table 38: Agreement with ‘My ex-partner/the other party had an adequate opportunity to put their position forward’ for each resolution pathway

Resolution pathway	Disagree /Strongly disagree	Neither agree nor disagree	Agree/ Strongly Agree	TOTAL n=521
Nothing specific, they just happened/unilateral	6.7%	23.3%	70.0%	30
Mainly by ourselves	3.9%	7.7%	88.4%	207
Privately through a professional	4.1%	10.2%	85.7%	49
Through Family Dispute Resolution (FDR)	1.8%	12.3%	86.0%	57
Through the Family Court	3.4%	12.9%	83.7%	178

Table 38 shows that regardless of the resolution pathway, the vast majority of participants thought their former partner/the other party had had an adequate opportunity to put their position forward. This contrasts with Table 37, which shows lower proportions agreeing that, they themselves, had had an adequate opportunity to put their own views forward and, in the case of making arrangements through the Family Court or through doing ‘nothing specific’, only around a third reported having an adequate chance to put their views forward. The ‘nothing specific’ category included situations where sometimes a decision had not been made jointly and they ‘just happened’ because one parent had made a unilateral decision. It could be the case that if the participants were not the ones making such unilateral decisions, they could well believe that the other party had had more of an opportunity to put their position forward than they themselves had.

A chi-square test revealed no evidence of an association between how parenting arrangements were determined and whether participants thought their former partner/the other party had had an adequate opportunity to put their views forward.

Table 39: Agreement with ‘The process was fair’ for each resolution pathway

Resolution pathway	Disagree /Strongly disagree	Neither agree nor disagree	Agree/ Strongly Agree	TOTAL n=523
Nothing specific, they just happened/unilateral	46.7%	20.0%	33.3%	30
Mainly by ourselves	16.4%	14.5%	69.1%	207
Privately through a professional	26.5%	24.5%	49.0%	49
Through Family Dispute Resolution (FDR)	42.1%	12.3%	45.6%	57
Through the Family Court	63.3%	12.2%	24.4%	180

As Table 39 shows, most (70%) of those participants who had made or changed parenting arrangements mainly by themselves thought the process was fair, compared with under 50% for all other resolution pathways. Those where arrangements just happened or were made through the Family Court had the lowest proportion agreeing that the process was fair.

There was evidence of a strong association between the approach taken and whether the process was viewed as fair ($\chi^2 = 104.97$, $p < 0.001$). Many more people than expected agreed that the process was fair when they made parenting arrangements mainly by themselves with their former partner/other party, and far fewer than expected agreed that the process was fair when arrangements were made through the Family Court.

Table 40: Agreement with ‘The time it took to make the arrangements was reasonable’ for each resolution pathway

Resolution pathway	Disagree /Strongly disagree	Neither agree nor disagree	Agree/ Strongly Agree	TOTAL n=523
Nothing specific, they just happened/unilateral	33.3%	30.0%	36.7%	30
Mainly by ourselves	19.3%	13.5%	67.2%	207
Privately through a professional	46.9%	8.2%	44.9%	49
Through Family Dispute Resolution (FDR)	35.1%	7.0%	57.9%	57
Through the Family Court	73.3%	8.9%	17.8%	180

Nearly three-quarters (73%) of the participants whose parenting arrangements were determined by the Family Court did not think the time it took to make the arrangements was reasonable. In contrast, 67% of those participants who made their parenting arrangements themselves and 58% of those who made them through FDR agreed that the time it took to make their arrangements was reasonable.

There was evidence of an association between the resolution pathway and whether participants thought that the time it took to make the parenting arrangements was reasonable ($\chi^2 = 133.54$, $p < 0.001$). More people than expected agreed that the time it took to make their arrangements was reasonable when they made them mainly themselves or if

they went through FDR. Fewer than expected agreed that the time it took to make the arrangements was reasonable when they went through the Family Court.

Table 41: Agreement with ‘The financial cost of making the arrangements was reasonable’ for each resolution pathway

Resolution pathway	Disagree /Strongly disagree	Neither agree nor disagree	Agree/ Strongly Agree	TOTAL n=523
Nothing specific, they just happened/unilateral	43.3%	33.3%	23.3%	30
Mainly by ourselves	17.4%	21.7%	60.9%	207
Privately through a professional	57.1%	14.3%	28.6%	49
Through Family Dispute Resolution (FDR)	26.3%	21.1%	52.6%	57
Through the Family Court	73.9%	12.8%	13.3%	180

Participants’ views on the reasonableness of the financial cost of the resolution approach they took followed a similar pattern to that outlined above in relation to views about the reasonableness of the time it took to make the arrangements. Nearly three-quarters (74%) of the participants whose parenting arrangements were determined by the Family Court did not think the cost of making the arrangements was reasonable. In contrast, 61% of those participants who made their parenting arrangements themselves and 53% of those who made them through FDR, agreed that the cost of making their arrangements was reasonable. Over half (57%) of the participants who made their arrangements privately through a professional did not think the cost was reasonable, compared with 29% who thought it was reasonable.

Evidence of an association was found between the resolution pathway and whether participants thought that the cost of making the parenting arrangements was reasonable ($\chi^2 = 148.65$, $p < 0.001$). More people than expected agreed that the cost of making their arrangements was reasonable when they made them mainly themselves or if they went through FDR. Fewer than expected agreed that the cost of making the arrangements was reasonable when they went through the Family Court.

Table 42: Agreement with ‘I was satisfied with the approach taken’ for each resolution pathway

Resolution pathway	Disagree /Strongly disagree	Neither agree nor disagree	Agree/ Strongly Agree	TOTAL n=523
Nothing specific, they just happened/unilateral	53.3%	13.3%	33.3%	30
Mainly by ourselves	14.5%	14.0%	71.5%	207
Privately through a professional	26.5%	28.6%	44.9%	49
Through Family Dispute Resolution (FDR)	40.4%	15.8%	43.9%	57
Through the Family Court	64.4%	16.7%	18.9%	180

The only group of participants where the majority indicated that they were satisfied with the approach they took to make their parenting arrangements were those who made the arrangements themselves, with 72% agreeing they were satisfied. Those who made their

arrangements through the Family Court were not satisfied with the approach they took, with 64% disagreeing and 19% agreeing with the statement.

Evidence of an association was found between the resolution pathway and whether participants were satisfied with the approach they took ($\chi^2= 131.95$, $p<0.001$). More people than expected agreed that they were satisfied when they made the arrangements mainly themselves and fewer agreed they were satisfied with the approach when they went through the Family Court.

The findings detailed in Tables 34-42 highlight a clear contrast between those who made their parenting arrangements themselves and those whose were made by the Family Court. The majority of those who ultimately made their arrangements with their former partner/the other party themselves agreed that: the approach had worked well for them, the other party, and the children; they and the other party had had an adequate opportunity to put their positions forward; the process was fair; the time and the cost it took to make the arrangements was reasonable; and they were satisfied with the approach they took. On all measures, those making arrangements themselves had the highest proportion of all resolution pathways agreeing with each statement.

With two exceptions (relating to the other party) the reverse trend was seen for those whose arrangements were ultimately determined through the Family Court. The majority *disagreed* that: the approach worked well for them and the children; they had an adequate chance to put their position forward; the process was fair; the time and the cost it took to make the arrangements was reasonable; and they were satisfied with the approach they took. On every statement, except one, this group had the highest proportion who disagreed with each statement.

The tables also highlight participants' views that, generally, the process had been better for their former partner/the other party than for themselves. This was apparent in the finding that for those where the arrangements 'just happened', and those whose were made through FDR or the Family Court, the proportion of those agreeing the approach worked well for the other party was greater than the proportion agreeing that it had worked well for themselves. Similarly, regardless of how the parenting arrangements were ultimately made, the proportion agreeing that their former partner/the other party had had an adequate opportunity to put their position forward far exceeded the proportion agreeing that they themselves had an adequate opportunity to put their position forward.

Participants were asked if, looking back, they would have rather taken a different approach to make or change their parenting arrangements, and their responses are presented in Table 43. Nearly a third (32%) indicated they would have rather resolved the matter in a different way, with a fifth (20%) not being sure. Nearly half (48%) were happy with the approach they had taken.

Table 43: Looking back, would you rather have taken a different approach to make or change your parenting arrangements?

	<i>n</i>	Percent
Yes	166	31.7%
No	250	47.8%
Don't know/not sure	107	20.5%
Total	523	100%

The resolution pathways of those participants ($n=250$) who indicated that, in hindsight, they would *not* have taken a different approach are presented in Table 44. The majority (59%) of those who were happy with the approach they took, were those who had made their arrangements mainly by themselves with their former partner/the other party. Just over a fifth (21%) of those participants who would *not* change the way they had made their parenting arrangements had done so through the Family Court.

Table 44: Resolution pathways of those participants who would not have preferred to have taken a different approach to making their parenting arrangements

	<i>n</i>	Percent
Nothing specific, they just happened/unilateral	9	3.6%
Mainly by ourselves	148	59.2%
Privately through a professional	22	8.8%
Through Family Dispute Resolution	19	7.6%
Through the Family Court	52	20.8%
Total	250	100%

The resolution pathways of those participants ($n=166$) who indicated that they would have preferred to have taken a different approach are presented in Table 45.

Table 45: Resolution pathways of those participants who would have preferred to have taken a different approach to making their parenting arrangements

	<i>n</i>	Percent
Nothing specific, they just happened/unilateral	13	7.8%
Mainly by ourselves	32	19.3%
Privately through a professional	16	9.6%
Through Family Dispute Resolution	26	15.7%
Through the Family Court	79	47.6%
Total	166	100%

Those who had resolved their dispute through the Family Court were the group who most commonly indicated that, on reflection, they would have rather taken a different approach, if possible. This was true for nearly half (48%) of those using the Family Court, compared with 19% of those who had resolved the matter mainly themselves, 16% of those who did so through FDR, 10% who went privately through a professional, and 8% where the arrangements just happened or it was a unilateral decision.

Those participants who indicated they would rather have taken a different approach ($n=166$) were asked to choose which resolution pathway they would have preferred. The findings are presented in Table 46 cross tabulated with their actual pathway.

Table 46: Preferred resolution pathway

Actual resolution pathway	Preferred resolution pathway					TOTAL
	Mainly by ourselves	Privately through a professional	Through FDR	Through the Family Court	Some other way	
Nothing specific, they just happened/unilateral	2	3	3	2	3	13
Mainly by ourselves	6	6	10	7	3	32
Privately through a professional	4	1	1	9	1	16
Through Family Dispute Resolution	6	2	3	12	3	26
Through the Family Court	15	8	15	13	28	79
TOTAL	33	20	32	43	38	166

About a quarter of the preferred resolution ‘Some other way’ responses related to avoiding the Family Court. The remainder outlined something about the process that participants would change (rather than the pathway itself) or they did not know what approach they would have preferred.

As shown in Table 46 (in red), 23 participants chose the same pathway for their preferred one as the pathway they had actually taken. However, as indicated above, open-ended comments indicated that some participants may have chosen the same pathway, but handled the matter differently, e.g., they would have still used the Family Court, but would have sought a Protection Order.

Over half (56%) of those who resolved their parenting arrangements through the use of a privately-paid professional would have preferred to have done so through the Family Court, as would nearly half (46%) of those who reached agreement at FDR.

Views on the Outcome of Making Parenting Arrangements

Participants were asked for their views on the outcome of the dispute resolution process i.e., the parenting arrangements that were decided. Tables 47, 48, and 49 show ratings of satisfaction, perceptions of fairness and confidence in the arrangements working out, at the time they were decided.

Table 47: Satisfaction with parenting arrangements at the time they were decided

	<i>n</i>	Percent
Very dissatisfied	92	17.6%
Dissatisfied	79	15.1%
Neither satisfied nor dissatisfied	82	15.7%
Satisfied	186	35.5%
Very satisfied	85	16.2%
Total	524	100%

Table 48: Perceptions of fairness about parenting arrangements at the time they were decided

	<i>n</i>	Percent
Very unfair	83	15.9%
Unfair	92	17.6%
Neither fair nor unfair	80	15.3%
Fair	179	34.2%
Very fair	89	17.0%
Total	523	100%

Table 49: Confidence in parenting arrangements working at the time they were decided

	<i>n</i>	Percent
Very unconfident	78	14.9%
Unconfident	109	20.8%
Neither confident nor unconfident	120	22.9%
Confident	151	28.8%
Very confident	66	12.6%
Total	524	100%

As shown in Tables 47-49, overall, just over half (52%) the participants were 'satisfied' or 'very satisfied' with the parenting arrangements at the time they were made, compared with 33% who were 'dissatisfied' or 'very dissatisfied' with them. Similarly, just over half (51%) thought the arrangements were 'fair' or 'very fair' at the time, compared with 33% who rated them as 'unfair' or 'very unfair'. The proportion of those who were 'confident' or 'very confident' the arrangements would work (41%) did not differ markedly from the proportion of those who were 'unconfident' or 'very unconfident' (36%).

Tables 50, 51 and 52 present ratings of satisfaction, fairness and confidence with parenting arrangements at the time they were made, for different dispute resolution pathways. The two positive and negative points on the scale have been collapsed (see Tables 203-205 in Appendix L for the full data tables).

Table 50: Satisfaction with parenting arrangements at the time they were decided by resolution pathway

Resolution pathway	Dissatisfied/ Very dissatisfied	Neither satisfied nor dissatisfied	Satisfied/ Very satisfied	TOTAL n=523
Nothing specific, they just happened/unilateral	33.3%	26.7%	40.0%	30
Mainly by ourselves	16.4%	14.5%	69.1%	207
Privately through a professional	22.4%	20.4%	57.1%	49
Through Family Dispute Resolution	43.9%	19.3%	36.8%	57
Through the Family Court	50.0%	12.8%	37.2%	180

Of those participants who made their arrangements mainly by themselves with their former partner/the other party or privately through a professional, the majority were satisfied with the arrangements at the time they were decided (69% and 57% respectively). However, half

of those who made their arrangements through the Family Court were dissatisfied with them.

Evidence of an association was found between the resolution pathway and satisfaction with the resulting parenting arrangements ($\chi^2= 64.70$, $p<0.001$). More people than expected were satisfied with their arrangements when they made them themselves, and fewer than expected were satisfied when they made them through FDR or the Family Court.

Table 51: Perceptions of fairness about parenting arrangements at the time they were decided by resolution pathway

Resolution pathway	Unfair/Very Unfair	Neither fair nor unfair	Fair/Very Fair	TOTAL n=522
Nothing specific, they just happened/unilateral	40.0%	13.3%	46.7%	30
Mainly by ourselves	21.3%	14.5%	64.3%	207
Privately through a professional	20.8%	20.8%	58.3%	48
Through Family Dispute Resolution	36.8%	22.8%	40.4%	57
Through the Family Court	48.3%	12.8%	38.9%	180

The same pattern for ratings of fairness of arrangements was found as for ratings of satisfaction, as indicated in Table 51. The majority of those making arrangements mainly by themselves or through a professional thought the arrangements were fair, and the highest proportion of those using the Family Court (48%) thought the arrangements were unfair. Similar proportions thought the arrangements were fair and unfair when they were made through FDR (40% and 37% respectively).

A chi-square test also found evidence of a similar association between the resolution pathway and perceptions of fairness with the resulting parenting arrangements ($\chi^2 = 42.12$, $p<0.001$). More people than expected thought the arrangements were fair when they made them themselves, and fewer than expected thought they were fair when they made them through FDR or the Family Court.

Table 52: Confidence in parenting arrangements working at the time they were decided by resolution pathway

Resolution pathway	Unconfident /Very unconfident	Neither confident nor unconfident	Confident/ Very confident	TOTAL n=523
Nothing specific, they just happened/unilateral	30.0%	23.3%	46.7%	30
Mainly by ourselves	20.3%	22.7%	57.0%	207
Privately through a professional	28.6%	26.5%	44.9%	49
Through Family Dispute Resolution	47.4%	24.6%	28.1%	57
Through the Family Court	52.8%	21.1%	26.1%	180

Table 52 shows that the only group where over half (57%) felt confident that the parenting arrangements would work were those who had made their arrangements themselves. However, the proportions of those who had confidence in the arrangements working were greater than those who were not confident when the arrangements just happened or when they were decided privately through the use of a professional. The reverse was true for

those resolving their arrangements through FDR or the Family Court, with the highest proportions indicating they were unconfident the arrangements would work.

Again, evidence of an association was found between confidence in arrangements working and the resolution pathway ($\chi^2 = 57.25$, $p < 0.001$). More participants than expected felt confident their arrangements would work if they made them themselves with the other party, and fewer than expected felt confident they would work if they were made through FDR or the Family Court.

The above three tables are summarised in Table 53, which shows the proportion of those who gave positive ratings of satisfaction, perceptions of fairness and confidence in the arrangements working at the time they were made.

Table 53: Positive perceptions of parenting arrangements at the time they were made by resolution pathway

Resolution pathway	Very satisfied/ Satisfied	Very fair/ Fair	Very confident/ Confident
Nothing specific, they just happened/unilateral	40.0%	46.7%	46.7%
Mainly by ourselves	69.1%	64.3%	57.0%
Privately through a professional	57.1%	58.3%	44.9%
Through Family Dispute Resolution	36.8%	40.4%	28.1%
Through the Family Court	37.2%	38.9%	26.1%

Table 53 shows that, across these three variables (satisfaction, fairness and confidence), those participants who were the most positive about their parenting arrangements when they were made, had made them mainly by themselves, followed by those who had decided on the arrangements privately through a professional. The participants with the lowest proportion of positive ratings of satisfaction, fairness and confidence had made their arrangements through FDR or the Family Court.

Formalisation of Parenting Arrangements

Whether, and if so, how, the participants' parenting arrangements were formalised into a parenting agreement, parenting plan or Family Court order is shown in Table 54.

Table 54: Formalisation of parenting arrangements

	<i>n</i>	Percent
Not formalised	146	27.9%
Informal parenting agreement or parenting plan (e.g., a verbal agreement or understanding)	63	12.0%
Written parenting agreement or parenting plan	104	19.9%
Consent Order made by the Family Court	47	9.0%
Parenting Orders made by the Family Court	158	30.2%
Some other way	4	0.8%
Don't know/Not sure	2	0.4%
Total	524	100%

Of those who specified if, and how, their parenting arrangements were formalised (i.e., excluding those who didn't know or indicated some other way, $n=518$), 40% ($n=209$) were either not formalised or were done so informally, and 60% ($n=309$) were formalised in either a written agreement, consent order or Family Court Parenting Order. Over a quarter (28%) of the participants had not formalised their parenting arrangements at all. The most common way agreements were formalised was through Family Court Parenting Orders (30%) or by a written agreement or parenting plan (20%). Converting a parenting agreement into a Consent Order through the Family Court was relatively infrequent, with less than one in ten (9%) doing so.

Table 55 presents a cross tabulation of whether arrangements were formalised with the resolution pathway ($n=521$) (excluding those who didn't know if their arrangements were formalised in any way).

Table 55: Formalisation of parenting agreements by resolution pathway

Formalisation of parenting agreement	Resolution Pathway				
	Nothing specific ($n=29$)	Mainly by ourselves ($n=207$)	Privately through a professional ($n=49$)	Through FDR ($n=57$)	Through the Family Court ($n=179$)
No formalisation	55.2%	57.0%	10.2%	3.5%	2.2%
Informal agreement	27.6%	24.6%	4.1%	3.5%	0%
Written agreement	3.5%	14.5%	42.9%	71.9%	6.2%
Consent Order	0%	1.9%	14.3%	5.3%	18.4%
Parenting Order	6.9%	1.0%	28.6%	15.8%	73.2%
Some other way	6.9%	1.0%	0%	0%	0%
Total	100%	100%	100%	100%	100%

Those who made their parenting arrangements themselves or did nothing specific most commonly had no formal parenting agreement (83% and 82% respectively), although around a quarter of each group had an informal agreement – 28% of those who did nothing specific and 25% of those who made their arrangements themselves. Having a written parenting agreement or parenting plan was the most common outcome for those who made their arrangements through FDR (72%) or privately through a professional (43%). For those going through the Family Court, most (73%) had their arrangements formalised by a Parenting Order by judicial determination, but nearly a fifth (18%) had a Consent Order made. Only 5% of those making their arrangements through FDR converted their agreement into a Consent Order, although oddly 16% reported having a Parenting Order through the Family Court.

It is somewhat surprising that 27 participants who did not resolve their parenting arrangements through the Family Court indicated that their parenting arrangements were judicially determined and formalised into a Parenting Order. However, it is possible that their attempts to change an existing parenting arrangement, which had been formalised into a Family Court Parenting Order, through other resolution pathways were unsuccessful. Alternatively, an agreement made privately may have been converted into a Consent Order, but participants may not have been familiar with the term 'Consent Order'.

Cost of Making Parenting Arrangements

One of the objectives of the reforms was to reduce the stress on families and children by avoiding, wherever possible, the delays, conflict and expense that court proceedings can entail. The survey, therefore, asked participants about the cost of making their parenting arrangements and what they spent money on (see Tables 56 and 57). A quarter of the participants indicated that they had received Legal Aid.

Table 56: What participants spent money on to make or change parenting arrangements

	<i>n</i>	Percent
Legal fees/lawyer	258	49.2%
Private counselling	107	20.4%
Private mediation	24	4.6%
Family Dispute Resolution (FDR)	70	13.4%
Court fees	105	20.0%
Court-ordered cost contributions for Lawyer for the Child or a specialist report	44	8.4%
Court-ordered costs to the other party	12	2.3%
Something else	35	6.7%
None of the above	198	37.8%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

Nearly 38% reported not incurring any of the costs listed in Table 56, with 62% spending some money on fees, professionals or services to make or change their parenting arrangements. The most common expenditure related to legal/lawyer's fees with nearly half (49%) of the participants spending money on this. A fifth (20%) spent money on court fees and on private counselling.

Table 57: Total personal cost to make parenting arrangements

	<i>n</i>	Percent
Nothing	182	34.9%
\$1-\$500	55	10.6%
\$501-\$1000	33	6.3%
\$1001-\$2000	38	7.3%
\$2001-\$5000	49	9.4%
\$5001-\$10,000	37	7.1%
\$10,001-\$20,000	46	8.8%
\$20,001-\$50,000	34	6.5%
\$50,001-\$75,000	9	1.7%
\$75,001-\$100,000	1	0.2%
\$100,001-\$150,000	2	0.4%
\$150,001-\$200,000	0	0%
\$200,001 or more	5	1.0%
Don't know	30	5.8%
Total	521	100%

As shown in Table 57, 35% reported that they spent no money to make their parenting arrangements and almost half (45%) spent \$500 or less. Very few (8) participants reported spending in excess of \$75,000.

Overall, over half (56%) of the participants believed the amount they paid was reasonable and half (50%) reported it was affordable for them.

Tables 58 and 59 show a breakdown of the participants' views on the reasonableness and affordability of the amount they spent for each expenditure bracket (excluding those who did not know how much they spent and those who skipped one of the questions).

Table 58: Reasonableness of cost by expenditure amount

Expenditure	Cost reasonable?	
	No	Yes
Nothing	0.6%	99.4%
\$1-\$500	27.3%	72.7%
\$501-\$1000	45.4%	54.6%
\$1001-\$2000	50.0%	50.0%
\$2001-\$5000	59.2%	40.8%
\$5001-\$10,000	83.8%	16.2%
\$10,001-\$20,000	93.3%	6.7%
\$20,001-\$50,000	100%	0%
\$50,001-\$75,000	100%	0%
\$75,001-\$100,000	100%	0%
\$100,001-\$150,000	100%	0%
\$150,001-\$200,000	0%	0%
\$200,001 or more	100%	0%
Total <i>n</i>	221	291

Table 59: Affordability of cost by expenditure amount

Expenditure	Cost affordable?	
	No	Yes
Nothing	0.6%	99.4%
\$1-\$500	40.0%	60.0%
\$501-\$1000	45.5%	54.6%
\$1001-\$2000	63.2%	36.8%
\$2001-\$5000	81.6%	18.4%
\$5001-\$10,000	100%	0%
\$10,001-\$20,000	95.7%	4.3%
\$20,001-\$50,000	97.1%	2.9%
\$50,001-\$75,000	88.9%	11.1%
\$75,001-\$100,000	0.0%	100%
\$100,001-\$150,000	100%	0%
\$150,001-\$200,000	0%	0%
\$200,001 or more	80.0%	20.0%
Total <i>n</i>	254	260

Tables 58 and 59 show that the threshold for whether the cost of making parenting arrangements was seen as reasonable and affordable was \$2000 and \$1000 respectively. Up until expenditure reached \$501-\$1000, a larger proportion of participants said this was reasonable than not. When expenditure was between \$1001-\$2000, equal proportions said it was reasonable and was not reasonable. When expenditure was greater than \$2000 a greater proportion thought it was unreasonable than reasonable. Expenditure over \$20,000 was regarded by all participants as unreasonable.

This threshold was lower for affordability. Up until expenditure of \$1000 the percentage of participants reporting the cost to make their arrangements as affordable was greater than the percentage stating it was not affordable. With one exception, when expenditure was greater than \$1000 the vast majority (80-100%) reported this as not being affordable to them. One person who spent between \$75,000 and \$100,000 indicated that this amount was affordable for them.

Table 60 shows a cross tabulation of the proportion of participants who indicated how much they had spent making parenting arrangements ($n=490$) with their resolution pathway (excluding those who skipped the question and did not know how much they spent). When reading this table it must be remembered that the resolution pathway refers to how participants' parenting arrangements were ultimately decided and they may have used other services. For example, although participants may have ultimately made their arrangements themselves or privately through a professional, prior to this they could also have spent money on lawyers, FDR or gone through the Family Court.

Table 60: Cost of making parenting arrangements by resolution pathway

Total cost	Resolution pathway				
	Nothing specific	Mainly ourselves	Through professional	Through FDR	Through the FC
Nothing	53.6%	65.0%	8.5%	30.9%	10.4%
\$1-\$500	14.3%	12.2%	6.4%	27.3%	5.5%
\$501-\$1000	7.1%	5.6%	8.5%	18.2%	3.7%
\$1001-\$2000	10.7%	7.6%	14.9%	12.7%	3.7%
\$2001-\$5000	10.7%	4.6%	25.5%	3.6%	14.1%
\$5001-\$10,000	0%	3.0%	8.5%	1.8%	16.0%
\$10,001-\$20,000	3.6%	1.5%	12.8%	3.6%	20.9%
\$20,001-\$50,000	0%	0%	14.9%	1.8%	16.0%
\$50,001-\$75,000	0%	0%	0%	0%	5.5%
\$75,001-\$100,000	0%	0.5%	0%	0%	0%
\$100,001-\$150,000	0%	0%	0%	0%	1.2%
\$150,001-\$200,000	0%	0%	0%	0%	0%
\$200,001 or more	0%	0%	0%	0%	3.1%
Total	100%	100%	100%	100%	100%

Table 60 shows that the majority of those participants who did not do anything specific to make their parenting arrangements, or did so mainly with their former partner/the other party themselves, spent nothing to make their parenting arrangements. Those who made their arrangements through FDR largely either spent nothing (31%) or spent \$500 or less (27%), as some would have qualified for government funding to receive FDR for free and others will have paid \$448.50. For those resolving their parenting arrangements through the Family Court, the greatest proportion (21%) spent between \$10,000 and \$20,000. Just over a quarter (26%) of those whose parenting arrangements were made through the Family Court spent in excess of \$20,000 and 3% spent in excess of \$200,000. Generally, those who made their arrangements through the Family Court, and to a lesser extent privately through a professional, spent more.

This section on 'Making Parenting Arrangements' has reported on the process parents and caregivers engaged in to make or change parenting arrangements. For the purpose of this report, the survey data presented provides an overview of how the respondents made or changed their parenting arrangements and provides some analysis of what factors are associated with different resolution pathways and outcomes. More detailed analysis will be undertaken in future publications.

Summary

The majority (59%) of the parents and caregivers surveyed were making parenting arrangements since the reforms came into effect, and 41% had made arrangements under the previous family justice system, but had had to change them since the reforms. Of those who had experience with the previous system, 17% preferred the old system and 10% preferred the current system. One third of the participants were aware of the reforms at the time they were making or changing parenting arrangements, but the majority (59%) were not. The most common issues needing to be resolved were day-to-day care and contact arrangements. The majority of participants also needed to resolve child support issues and the division of their relationship property.

Family violence, mental health issues, and involvement with Police were present in at least a third of the participants' circumstances at the time they were making or changing parenting arrangements. One third had safety concerns for themselves, and 42% had concerns about the safety of the children. Most (70%) reported a poor or very poor relationship with their former partner/the other party when they were making or changing their parenting arrangements.

Most of the participants (97%) had taken informal steps to make their parenting arrangements, with around two-thirds using family justice services (67%) or lawyers (66%), and 57% using community or private services. The top five most common steps taken were discussing the matter with the other parent/party, the children, whānau and friends and seeking legal advice. The most frequently used family justice services funded by the government included the Ministry of Justice website (40%), the Family Court (37%), Parenting Through Separation (PTS) (33%), the Ministry of Justice 'Making a Parenting Plan' workbook (24%) and Family Dispute Resolution (FDR) (24%).

The five steps rated most helpful in making parenting arrangements included: talking with the children (58%), discussion with the other parent/party (49%), seeking legal advice (48%), going to the Family Court (42%), and attending private counselling (40%). Nearly a third of the participants rated FDR or PTS as one of the most helpful steps they took.

A quarter of the participants reported that someone external to the family decided on their parenting arrangements, with 75% reporting the parenting arrangements were decided by a family member – one or both parents/caregiver and/or the children.

The most common pathway to make parenting arrangements was the parties resolving the matter mainly by themselves (40%). Just over half of the participants mainly made their arrangements through the use of a professional or service, either the Family Court (34%), FDR (11%) or privately through a professional (9%).

The participants' circumstances at the time of making the parenting arrangements were associated with the resolution pathway they took. More participants had their parenting arrangements determined through the Family Court when there were safety concerns, family violence, mental health and addiction issues and involvement with external agencies such as Police and/or Oranga Tamariki. The quality of the relationship between the parents/parties was also associated with how parenting arrangements were made. More arrangements were made through the Family Court, or privately through a professional, if the relationship was very poor, and conversely, more were made by the parties themselves when the relationship was good/very good.

How participants viewed the resolution pathway they took showed a clear contrast between those who made their parenting arrangements themselves and those whose arrangements were made by the Family Court. The majority of those who ultimately made their arrangements with their former partner/the other party themselves agreed that: the approach had worked well for them, the other party, and the children; they and the other party had had an adequate opportunity to put their positions forward; the process was fair; the time it took to make the arrangements and the associated costs were reasonable; and they were satisfied with the approach they took. The reverse trend was seen for those whose arrangements were determined through the Family Court. Generally, participants held the view that the process of making parenting arrangements had been a better one for their former partner/the other party than for themselves.

Overall, 32% would have preferred to make their parenting arrangements in a different way, nearly half of whom had made their arrangements through the Family Court. The majority (59%) of those who were happy with the approach they took to make their arrangements had done so with their former partner/the other party mainly by themselves.

Participants' views on the parenting arrangements that were made were associated with the resolution pathway taken to make them. The greatest proportion of those who were satisfied with the parenting arrangements, thought they were fair, and had confidence in them working (at the time they were made), were those who had made them mainly by themselves, followed by those who had decided on the arrangements privately through a professional. Generally, the participants with the lowest proportion of positive ratings of satisfaction, fairness and confidence had made their arrangements through FDR or the Family Court.

The majority (60%) of participants had formalised their parenting arrangements, with the most common way being through Family Court Parenting Orders (30%) or a written parenting agreement or plan (20%). Those who had not done anything specific to make their parenting arrangements or did so mainly with their former partner/the other party, most often had no formal agreement. Those who made the arrangements privately through a professional or through FDR most commonly had a written agreement, and those who had gone through the Family Court most commonly had Parenting Orders.

Nearly two-thirds (62%) incurred costs to make their parenting arrangements. The most common expenditure related to legal/lawyer's fees (49%), private counselling (20%) and court fees (20%). Nearly half (45%) spent \$500 or less to make their parenting arrangements and 10% spent \$20,000 or more. Generally, those who made their arrangements through the Family Court, and to a lesser degree privately through a professional, spent more. Expenditure over \$2000 was regarded as unreasonable by a greater number of participants than saw it as reasonable. Expenditure over \$1000 was seen by the vast majority as unaffordable.

Key Findings – Making Parenting Arrangements

- 59% were making or changing parenting arrangements since the reforms came into effect; 41% had experience with the previous family justice system – 17% preferred the previous system, 10% preferred the current system
- 59% were unaware that the family justice system had been reformed; 33% were aware of the reforms
- Issues to be resolved included: day-to-day care (71%), contact arrangements (76%), guardianship issues (33%) and relocation (22%); child support (58%) and relationship property division (39%) also needed to be resolved
- Family violence, mental health issues, and involvement with Police were present in at least of third of the participants' circumstances at the time of making or changing parenting arrangements
- 33% had safety concerns for themselves, 42% had safety concerns for the children at the time of making or changing parenting arrangements
- 70% reported a poor/very poor relationship with their former partner/the other party at the time they were making or changing parenting arrangements
- Steps taken to make parenting arrangements included: informal steps (97%), use of family justice services (67%), lawyers (66%), and community or private services (57%)
- The five steps rated most helpful in making parenting arrangements included: talking with the children (58%), discussion with the other parent/party (49%), seeking legal advice (48%), going to the Family Court (42%), and attending private counselling (40%)
- 32% rated FDR and 31% rated PTS as one of the most helpful steps they took
- 75% of the parenting arrangements were decided by a family member – one or both parents and/or the children
- 44% decided on their arrangements jointly with their former partner/the other party; in 23% of cases the decision was judicially determined; and in 7% of cases the children had decided the parenting arrangements
- Parenting arrangements were most commonly decided by the parties themselves (40%)
- 55% made their arrangements through the use of a professional or service – the Family Court (34%), FDR (11%) or privately through a professional (9%)
- More arrangements were made through the Family Court or privately through a professional when there were safety concerns, family violence, mental health and/or addiction issues and involvement with external agencies, and when the relationship between parties was very poor
- More arrangements were made by the parties themselves when the relationship between them was good/very good
- Participants who made arrangements themselves held more positive views on the process than did those who went through the Family Court

Key Findings – Making Parenting Arrangements

- 32% would rather have taken a different approach to making their parenting arrangements, 48% of whom had made arrangements through the Family Court
- Of those who were happy with the approach they had taken, 59% had made the arrangements mainly themselves with their former partner and 21% had made their arrangements through the Family Court
- More participants were satisfied with their arrangements when they made them themselves with the other party, and fewer were satisfied when they were made through FDR or the Family Court
- More people thought the arrangements were fair when they made them themselves, and fewer thought they were fair when they made them through FDR or the Family Court
- More participants felt confident their arrangements would work out if they made them themselves with the other party, and fewer felt confident they would work if they made them through FDR or the Family Court
- 60% had formalised their parenting arrangements – most commonly through Family Court parenting orders (30%) or a written parenting agreement/plan (20%)
- The majority (around 82-83%) who did not use a professional or service to make their parenting arrangements had no formal agreement
- Those making arrangements privately through a professional (43%) or through FDR (72%) most commonly had a written agreement
- Those who had gone through the Family Court most commonly had Parenting Orders (73%)
- 62% had incurred costs making their parenting arrangements
- The most common expenditure was on legal/lawyers' fees (49%), private counselling (20%) and court fees (20%)
- 45% spent \$500 or less; 10% spent \$20,000 or more
- Those who made their arrangements privately through a professional or through the Family Court spent more money
- Expenditure of over \$2000 was viewed by more people as unreasonable than reasonable
- Expenditure of over \$1000 was viewed by more people as unaffordable than affordable

Stability of Parenting Arrangements

The 524 participants who had completed making or changing their parenting arrangements, either by the time of the initial survey, or by the time of a follow-up survey, were asked if these arrangements had been changed subsequently (see Table 61). Changing the time of contact or changing pick-up and drop-off arrangements was classified as a *minor* change, whereas changing who the children lived with, major changes to contact arrangements and relocation were classified as *substantial* changes.

Table 61: Subsequent changes to parenting arrangements

	<i>n</i>	Percent
No	281	53.6%
Minor changes made	178	34.0%
Substantial changes made	65	12.4%
Total	524	100%

In only 12% of cases, substantial changes were made to parenting arrangements after they had initially been made. The majority (54%) had made no changes after the arrangements were made, and in just over a third of cases (34%) minor changes were made.

Table 62 shows the stability of parenting arrangements by the dispute resolution pathway that participants took to make the arrangements.

Table 62: Changes to parenting arrangements made by dispute resolution pathways

	No changes	Minor changes	Substantial changes	Total
Nothing specific, they just happened (<i>n</i> =30)	63.3%	16.7%	20.0%	100%
Mainly by ourselves (<i>n</i> =207)	43.0%	45.9%	11.1%	100%
Privately through a professional (e.g., lawyer, counsellor) (<i>n</i> =49)	59.2%	34.7%	6.1%	100%
Through Family Dispute Resolution (FDR)/Family Mediation (<i>n</i> =57)	40.4%	40.4%	19.3%	100%
Through the Family Court (<i>n</i> =180)	67.2%	20.6%	12.2%	100%

As shown in Table 62, with the exception of the those who made the parenting arrangements mainly by themselves or through FDR, for all other dispute resolution pathways the parenting arrangements remained stable, with the majority not changing at all. Two-thirds of those who had made their arrangements through the Family Court reported no changes since they had been made, compared with 43% who had made the arrangements themselves, and 40% who had made them through FDR. Higher proportions (around a fifth) of those whose arrangements ‘just happened’ or were made through FDR had made substantial changes.

There is evidence of an association between how the parenting arrangements were made and the stability of parenting arrangements ($\chi^2 = 42.15$, $p < 0.001$). More people than

expected made minor changes to their parenting arrangements when they were made mainly by themselves, and more people than expected made no changes to their arrangements when they made them through the Family Court.

Table 63 presents the stability of parenting arrangements by if, and how, the arrangements were formalised.

Table 63: Changes to parenting arrangements made by formalisation of arrangements

	No changes	Minor changes	Substantial changes	Total
Not formalised (<i>n</i> =146)	46.6%	41.1%	12.3%	100%
Informal parenting agreement or parenting plan (<i>n</i> =63)	46.0%	46.0%	7.9%	100%
Written parenting agreement or parenting plan (<i>n</i> =104)	41.3%	43.3%	15.4%	100%
Consent Order made by the Family Court (<i>n</i> =47)	68.1%	23.4%	8.5%	100%
Parenting Orders made by the Family Court (<i>n</i> =158)	66.5%	19.6%	13.9%	100%

As shown in Table 63, those who had formalised their parenting arrangements in a court order (either a Consent Order or a judicially decided Parenting Order) were more likely to have not changed their arrangements. Around two-thirds of those with a court order, made either by consent (68%) or by judicial decision (67%) had not changed their parenting arrangements after the orders had been made. This compares with less than half for those who had not formalised their arrangements (47%), or had done so informally (46%) or with a written agreement (41%).

Evidence of an association was found between the formalisation of parenting arrangements and whether they had had to be changed after they were made ($\chi^2 = 35.45$, $p < 0.001$). More people than expected had made minor changes to their arrangements when they had not been formalised and more arrangements than expected were not changed when they were formalised in a court order.

Follow-up Surveys

Participants who had provided an email address when they completed the initial survey (91%, *n*=595) were invited to complete two subsequent online follow-up surveys; one approximately six months after their initial survey completion and then six months after completion of the first follow-up survey (or 12 months after their initial survey if they did not complete the first follow-up survey).

If participants had not completed making or changing their parenting arrangements at the time they completed the initial survey (*n*=238), the follow-up surveys were used to track their progress over time. If the process of making parenting arrangements was completed at the time of either the first or second follow-up survey, the follow-up survey collected data about the process of making arrangements that were missing from their initial survey. Of the 238 participants who had not concluded making their parenting arrangements at the time of the initial survey, 164 (69%) completed at least one follow-up survey. Of these, 124 participants (76%) had still not finalised their parenting arrangements at the time they

completed one or both follow-up surveys. Of the 164 participants who were still in the process of making their arrangements at the time they completed the initial survey, 92 (56%) had finalised their arrangements at the time they completed the first follow-up survey.

Of those who had finalised their parenting arrangements at the time they completed the initial survey ($n=417$), 265 participants (64%) completed the first follow-up survey and 124 participants (30%) also completed the second follow-up survey. The data presented below relates to these participants – those who had completed making their parenting arrangements at the initial survey and had completed at least one follow-up survey.

The follow-up surveys asked participants whether their parenting arrangements had changed since they had completed the previous survey, and if not, if attempts had been made to change them. The outcome of such attempts was also ascertained – either the attempt was unsuccessful or was still in progress.

Table 64 sets out the trajectories of changes to parenting arrangements over the three data collection points (initial survey, first follow-up survey and second follow-up survey). It presents the totals of those who had made no, minor or substantial changes to their parenting arrangements since completing the previous survey, along with information about attempts to change arrangements.

Table 64 shows that the parenting arrangements were relatively stable over time, with the majority of the participants in both follow-up surveys reporting no changes to their parenting arrangements.

At the time of the first follow-up survey, 65% reported no changes to their parenting arrangements, 20% reported a minor change, and 15% reported a substantial change. Of those reporting no change, the majority (87%, $n=148$) reported that no attempts to change the arrangements had been made; 7% ($n=12$) reported that an unsuccessful attempt had been made to change the arrangements, and 6% ($n=11$) indicated that an attempt had been made to change arrangements, but it was yet to be resolved.

Nearly half (47%) of those who completed the first follow-up survey ($n=265$) also completed the second follow-up survey ($n=124$). At the time of the second follow-up survey, 54% ($n=67$) had not changed their arrangement since they completed the first follow-up survey, 31% ($n=39$) reported minor changes, and 15% reported a substantial change. Of those reporting no changes ($n=67$), the vast majority (87%, $n=58$) also reported that no attempts had been made to change them.

It would appear then, that the participants' parenting arrangements were quite stable over the time periods surveyed. This stability was further reflected in the large proportions (87% at both follow-up surveys) who reported that no attempts to change arrangements had been made. It was, therefore, not the case that parenting arrangements did not change because attempts to change them were unsuccessful. Overall, there were very few unsuccessful attempts to change arrangements (14 cases across both follow-up surveys).

Future more in-depth analysis will examine if particular factors are associated with the stability of parenting arrangements over time.

Family Justice Services Funded by the Government

As part of the evaluation of the 2014 reforms, the participants were asked evaluative questions about family justice services they had used since the reforms took effect. Participants may have experienced making and/or changing parenting arrangements more than once since the reforms were implemented. Therefore, as detailed earlier, for the purpose of answering the first section of the survey presented above, participants were asked to select one 'instance' of making or changing parenting arrangements. However, when evaluating family justice services, participants were asked if they had *ever* used a service since the reforms took effect. This may or may not have been in relation to the process of making arrangements that the participants outlined in the first section of the survey. Therefore, data from this section and the first section cannot necessarily be linked. Participants may have also answered questions about particular services in relation to making or changing different parenting arrangements for different children and/or for different relationships that do not necessarily relate to the same situation. The purpose of these questions was to evaluate each service individually.

The following section reports on data from all of the participants who completed the first survey ($n=655$), including those who had completed their parenting arrangements ($n=417$) and those who were still in the process ($n=238$) at the time the first survey was completed.

Participants were first asked if they knew about and/or ever used family justice services funded by the government to make or change parenting arrangements since 1 April 2014. These findings are presented in Table 65.

Table 65: Knowledge about, and use of, family justice services since the reforms

Family Justice Service	Used this service since 1 April 2014	Knew about this service but didn't use it	Didn't know about this service	Total
Ministry of Justice website ($n=654$)*	55.5%	23.5%	20.9%	100%
Ministry of Justice 0800 2 AGREE phone line ($n=653$)	9.6%	17.6%	72.7%	100%
Parenting Through Separation (PTS) ($n=654$)	39.8%	44.9%	15.3%	100%
Family Legal Advice Service (FLAS) ($n=649$)	12.3%	24.2%	63.5%	100%
Family Dispute Resolution (FDR) – intake and assessment ($n=646$)	28.6%	40.6%	30.8%	100%
Family Dispute Resolution (FDR) – joint mediation ($n=642$)	22.0%	54.8%	23.2%	100%
Family Court ($n=653$)	47.2%	49.3%	3.5%	100%

Note: *Percentages are based on the proportion who indicated that they used, knew about or were unaware of each service. In some instances, small numbers of participants skipped the question and these were excluded from Table 65, hence $n \neq 655$. Other participants indicated that they used a service, but their responses to later questions revealed that they were referring to another service or it was clear from their comments that they had not actually used the service. However, it was not possible to determine whether they knew about the service or not. These data were also treated as missing and excluded from Table 65. The most common confusion was in relation to Family Court-based Round Table Meetings being mistaken for Family Dispute Resolution.

As shown in Table 65, the most commonly used services were the Ministry of Justice website (56%), the Family Court (47%) and Parenting Through Separation (40%). Just over a fifth (22%) of the survey respondents had participated in FDR mediation. As they were self-selecting, these figures cannot be read as prevalence of use of different services, but they can provide information about people's awareness of different family justice services. Nearly three-quarters (73%) of the participants did not know about the Ministry of Justice 0800 2 AGREE phone line, and nearly two-thirds (64%) did not know about the Family Legal Advice Service (FLAS). Given FLAS is only available to those meeting an income eligibility threshold, it is understandable that many participants were not aware of this service. Over a fifth (21%) were not aware of the existence of the Ministry of Justice website and 15% did not know about Parenting Through Separation. Nearly a quarter (23%) did not know about Family Dispute Resolution.

Those participants who indicated they had used a particular service since the reforms came into effect were asked a series of questions about their experiences of, and satisfaction with, the service. Qualitative data from both open-ended survey questions and interview material are also presented.

Ministry of Justice Website

The 'Care of Children' section of the Ministry of Justice (MOJ) website³² was the family justice service most commonly used by the survey respondents, with 56% ($n=363$) indicating they had accessed it and another 24% ($n=154$) knowing about it, but not using it. Just over a fifth (21%) were not aware of the website.

Those participants who had used the website were asked about how they had found out about it, their experience of using it, how helpful they found it, and their overall satisfaction with the website.

Accessing the Ministry of Justice Website

As shown in Table 66, the most common way people found out about the website was via the Internet or another website (70%). Lawyers and Parenting Through Separation courses were the next most common ways the participants heard of the website (19% and 16% respectively).

Table 66: Where participants had heard of the Ministry of family justice website

	<i>n</i>	Percent
On the Internet/another website	253	69.7%
From the Ministry of Justice/Family Court 0800 2 AGREE phone line	10	2.8%
At a Parenting Through Separation course	58	16.0%
From a Family Dispute Resolution (FDR) service/mediator	19	5.2%
From a lawyer	68	18.7%
From the Family Court	38	10.5%
From another professional or agency	22	6.1%
Some other way	13	3.6%
Don't know/can't remember	42	11.6%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

³² <https://www.justice.govt.nz/family/care-of-children/>

Experience of Using the Ministry of Justice Website

Table 67: What participants used the Ministry of Justice website for

	<i>n</i>	Percent
Finding information and resources (e.g., factsheets, brochures, booklets)	318	87.6%
Watching the videos about family justice	52	14.3%
Understanding how the family justice system works	194	53.4%
Finding a family justice service provider	51	14.1%
Getting the 'Making a Parenting Plan' workbook	77	21.2%
Downloading forms (e.g., Court applications)	131	36.1%
Finding a Family Legal Advice Service (FLAS) provider	42	11.6%
Finding a Parenting Through Separation (PTS) course	93	25.6%
Finding a Family Dispute Resolution (FDR)/Family Mediation) provider	56	15.4%
Something else	1	0.3%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

Table 67 shows that the website was used by the majority (88%) of the participants to find information and resources and to understand how the family justice system and its processes and procedures worked (53%). Just over a third (36%) accessed the website to download forms, such as court applications, and around a fifth (21%) used it to access the 'Making a Parenting Plan' workbook.

Using the website to find family justice services and professionals was not that common, with just over a quarter (26%) using it to find a PTS course to attend, and less than a fifth using it to find an FDR provider (15%) or FLAS provider (12%). However, not all participants would have needed or wanted to access these services.

The website was predominately used for finding information and resources. Participants were asked to rate the quality of the website in terms of the information provided (see Table 68) and the ease of use in finding and downloading information and/or forms (see Table 69).

Table 68: Quality of the website on the information provided

	<i>n</i>	Percent
Very poor	13	3.6%
Poor	31	8.5%
Neither poor nor good	104	28.7%
Good	182	50.1%
Very good	33	9.1%
Total	363	100%

Ratings of the website in terms of the information provided and ease of use were more positive than negative. Over half (59%) rated the quality of the information provided on the website as 'good' or 'very good', compared with only 12% who rated it as 'poor' or 'very poor'.

Table 69: Ease of use of the website to find and download information and/or forms

	<i>n</i>	Percent
Very poor	12	3.3%
Poor	47	13.0%
Neither poor nor good	105	29.1%
Good	165	45.7%
Very good	32	8.9%
Total	361	100%

Similarly, 55% rated the website's ease of use to find and download information and/or forms as 'good' or 'very good', compared with only 16% who rated it as 'poor' or 'very poor'.

When asked if the website provided the information or resources they needed, only 5.5% of the respondents said it had not, with almost 95% reporting that it provided at least some, if not all, of the required information (see Table 70).

Table 70: Did the Ministry of Justice website provide the information/resources required?

	<i>n</i>	Percent
Yes	151	41.6%
Some, but not all	192	52.9%
No	20	5.5%
Total	363	100%

Information/Resources Participants Needed that they Could not Find on the Website

The 58% ($n=212$) of participants who indicated that the website had not provided some or all of the information or resources that they required, were asked in an open text box what they had needed that they could not find or access. Over half (58%, $n=124$) detailed what this information or resource that they could not access was and their responses were amalgamated with relevant quotes from interview transcripts. Five categories of information that participants needed, but could not find, on the website included:

- A lack of detailed and specific information;
- Information about processes and procedures;
- Information about the law and rights;
- Locating forms and guidelines;
- Links to services and professionals to access support.

Lack of detailed and specific information

A common response from participants was that the information provided on the website was **too generic** and what they had needed was **more specific information** that could be applied to their particular situation.

Was quite generalist and not helpful to my circumstances. (1171, Mother; Survey)

I wanted more in-depth knowledge than the vague explanations. (1059, Mother; Survey)

Sometimes the information was only an overview and didn't have enough detail to figure out what the rules are. (1368, Mother; Survey)

Hard to actually find correct information for the situation. A lot information but unsure what was the right for my situation. (1243, Father; Survey)

Some of it I felt was quite generic information which isn't helpful. (1047, Mother; Survey)

I went onto the Ministry of Justice website numerous times. ... And just I tried to find out some information, but everything was quite vague. I guess every situation is different. So, I found it quite frustrating. (1636, Mother; Interview)

I prefer having any and all information available to me. I think at the time the website didn't go into the jiggly details. (1538, Mother; Survey)

Participants had been looking for more **specific or in-depth information** that related to their own situation and circumstances.

Information specific to my situation that I sought from a lawyer – e.g., regarding balancing the importance of religion with contact arrangements with the father. (1453, Mother; Survey)

The ability to locate specific detail was an issue. (1646, Mother; Survey)

The pathway I needed – I suppose the situation was quite specific, where my daughter was too unwell to travel with her father and her father intended to uplift her, but the information I needed was not on the website. (1615, Mother; Survey)

Specifics relating to my situation. (1392, Mother; Survey)

Several particular areas were identified where the website did not provide adequate information. The most frequently mentioned was information about how to **negotiate difficult scenarios**, such as dealing with a difficult former partner/other party and what to do when orders were breached.

Very difficult situations i.e., where other party will not cooperate. (1917, Mother; Survey)

No information on vexatious litigation. (1109, Mother; Survey)

Help to get my ex-husband to want to provide care and contact with/for his children. (1244, Mother; Survey)

Information about how to seek help when the other party is misusing the Family Court. (2057, Mother; Survey)

How to deal with Parenting Orders being broken, who to talk to and where to get help. A lot of the information focused on making your own arrangements, but did not address the problems faced when another party did what they wanted and Parenting Orders were just a piece of paper, had no weight with Police or family violence teams. (1097, Mother; Survey)

Information on what to do when the other party does not respond in time. Information on how to deal with the other party committing perjury and fraud. (1044, Father; Survey)

Who, where or how to speak to someone about an issue and breach of process from a broad range of services. (1210, Mother; Survey)

How to deal with a sociopath. (1169, Mother; Survey)

What to do if drugs were involved. (1617, Mother; Survey)

Those with **safety concerns** also outlined their need for more specific information.

I was trying to find ways that would legally protect my children from their abuser, it was not there. (1119, Mother; Survey)

Where children would be protected from post-separation abuse. (1207, Mother; Survey)

What to do as a victim of domestic violence, particularly for children who have been abused and witnessed it. (1092, Mother; Survey)

No information on what child abuse looks like, what a traumatised child might look like, be experiencing, how DV might impact on proceedings. (1142, Grandmother; Survey)

Ability to manage separation and child support etc. with abusive ex-husband. (1481, Mother; Survey)

Protection Order specifics. (1132, Mother; Survey)

I needed to find out how could I keep my children safe when the [Lawyer for the Child] and Family Court wasn't listening or taking notice of alleged child abuse. (1110, Mother; Survey)

Needing specific information about **responding to without notice applications** was also mentioned.

Without notice application and response to a without notice application. (1916, Father; Survey)

How to respond to a without notice application that was full of lies and untruthful accusations. (1770, Father; Survey)

Dealing with false and misleading without notice applications. (1855, Father; Survey)

Information about processes and procedures

The second type of information that participants required, but could not find or access on the website, related to **family justice processes and procedures**. This was particularly true for those involved in Family Court proceedings and/or who were self-representing and navigating the process themselves. Several mentioned a lack of information about the **sequence or flow of these processes**.

When self-representing, clear information on court processes is needed in detail. The court rules and acts are very muddly to read through and do not explain what is meant clearly. (1102, Mother; Survey)

So, I guess there probably isn't enough step-by-step instruction type information on the website for you to go it alone. And so, either more of that, or somebody who can just contact you and let you know what your next steps are, would be good. (1239, Mother; Interview)

The layout of the courtroom, particularly High Court, court etiquette. Information about the judges, their background and experience, if they understand domestic abuse (not just violence, but all aspects of domestic abuse). How to address concerns about a judge's and Lawyer for the Child's behaviour, actions and decision making. (1092, Mother; Survey)

The basic legal processes are not clear. (1713, Father; Survey)

I certainly didn't think that there was good information. The websites just provide a general flow – not a flow chart, but ... it didn't really help. So, I didn't really find the information that I wanted. You do get a bit lost. I was trying to research the conferences and what was going to happen and who was going to be there and things, but it was all just quite vague. If you've had no experience of the justice system at all, then I can imagine. ... I've had a little bit of experience, but gosh, it must be completely daunting for some people. (1636, Mother; Interview)

The information provided was not very straightforward or easy to understand. It was very difficult to get a clear picture of how the Family Court system is set up in New Zealand and how to find your way through it. It is quite overwhelming and intimidating when you need to approach it to protect your children, but can't really tell where to even start. (1615, Mother; Survey)

I went down [to the] court to ask about it. I basically got told, "Ah, go to our website." And the website doesn't actually tell you a hell of a lot. It tells you all the factual stuff, but doesn't say anything about ... if you're doing this on your own, these are the steps you need to go through. (1566, Father; Interview)

Definitions of how processes actually work in practice (such as admonishments, warrants to enforce etc). (1855, Father; Survey)

Flowcharts that matched my situation. (1055, Father; Survey)

Info about defended hearings. (1283, Father; Survey)

I think the biggest problem doing it yourself, and you are in shock, they're, "Right, you can go on the Justice website" and then it doesn't really tell you what to do. ... I have spoken to a few other people about the website, and a lot of people think it is purposely designed to hoodwink you to what you are going to do next. Yeah, they can't seem to make head nor tail about it. I had the same experience. I don't really think it's very user-friendly. (1036, Father; Interview)

How does the court make decisions – what matters? (2024, Mother; Survey)

How to take the practical steps needed or a walk-through on the process. I found it confusing, but understood once I spoke to a lawyer. (1288, Mother; Survey)

Information for children needing lawyers and how they do their job. (1737, Mother; Survey)

The processes in the Family Court are complex and while I understand them now, it would be beneficial for the MOJ website to be able to explain in simple English what, why and how, about many of the Family Court processes. (1591, Father; Survey)

More comprehensive info about what all the legal conferences mean and are for, e.g., what is a Directions Conference? Also, more comprehensive info about the steps that need to be taken to get to a hearing. We knew there'd be no agreement and mediation was a waste of money, but we needed to budget time and money and have an end in sight somewhere. (1660, Stepmother; Survey)

Just understanding the flow of what happens. [It] is extremely difficult to work out. (1077, Mother; Survey)

Information about the law and rights

Several participants detailed information about the law and rights that they needed, but could not access from the website. They mentioned wanting to access **relevant case law and legislation**, as well as more information about the **rights of parents, guardians and children**.

Your rights as the non-custodial parent. (1516, Father; Survey)

[When] a parent is in jail, what right do they have for visitation. (1643, Mother; Survey)

The Care of Children Act 2004 – I had to go to the legislation website to find the Act that underpins all of this. The information provided on the Ministry of Justice website was very basic and not nearly detailed enough. There were many questions I had that were not answered on the site, limited information and no links to find the required information. (1426, Mother; Survey)

Relevant case law. (1934, Father; Survey)

Help concerning legal points of a Parenting Order. (1861, Mother; Survey)

Parental rights regarding schooling and medical care. (1773, Mother; Survey)

Care of Children Act & Amendments – Children, Young Persons and their Families Act – Domestic Violence Act. (1881, Mother; Survey)

Fathers' rights to have access to children. (1855, Father; Survey)

It didn't really clarify what my rights were, what the kids' rights were and how to do it in a way that didn't take everything that I had saved for. (1075, Mother; Interview)

It wasn't detailed enough. I knew there was a statutory basis for protecting the children's best interests but it wasn't easy to locate the relevant legislation. (1687, Mother; Survey)

The website gives plenty of information and processes, but it is overwhelming and you have no idea which ones you should be following, especially when you are a whānau caregiver/additional legal guardian, e.g., there are many grey areas around what rights an additional legal guardian has, a huge grey area of child-raising decisions that may be guardianship or may be day-to-day care, which cause constant on-going friction between the parties. ... It does not focus on children's rights, it does not recognise third parties (i.e., grandparents sent to the Family Court by Oranga Tamariki). (1142, Grandmother; Survey)

General rights of the children. (1455, Mother; Survey)

The website says most of the right things. Apart from the main thing, which is it doesn't tell us our rights, which is our right of 50-50 parenting, natural right. So that's the main – well, the big problem. ... Info regarding our unalienable natural rights including our right to free will, our right to non-consent to the legal system, our right to 50:50 parenting, our right to free communications, our right to self-defence etc. (1693, Father; Interview and Survey)

Some participants mentioned that they were looking on the website for some ideas of **likely outcomes** from previous decisions and case law. Others had wanted to access **examples of different types of arrangements** and how others had made arrangements.

Previous decisions, so I could understand how cases like mine might be processed by the court. (1211, Mother; Survey)

Information about outcomes, what's really going to happen. All the info on the MOJ website is just BS and propaganda that supports its own idiotic programmes e.g., FDR (sitting at a table with your abuser) and PTS (the world's actual greatest waste of time, where strangers get to know you're involved in a parenting dispute). (1180, Mother; Survey)

Guidance on pragmatically what to expect in regard to regular/standard outcomes from the Family Court. Acknowledging that yes, every child is different, but the statistics of outcomes based on child age and gender would have been helpful in getting a reality check, right or wrong, about what care arrangements might look like. (1584, Father; Survey)

Relocation examples and case studies. (1398, Mother; Survey)

More examples [of] family experiences would help. (1392, Mother; Survey)

More ideas around what other people do to share care of their children. (1754, Mother; Survey)

More examples/ideas on 'unusual arrangements' and ideas of approaches to take with extremely difficult ex-partners. (1067, Mother; Survey)

Not a negative as such, but at the time, it was actually an American website that we found that was most useful in terms of actual 50/50 plans that can work. I didn't, at the time, find any practical info on the different scenarios via the MOJ site – this might have changed since. (1004, Mother; Survey)

Locating forms and guidelines

Not being able to find and access forms from the website was problematic for some. There were comments that **poor labelling** made it difficult to find them and that some forms and resources were not available. Others mentioned that the website provided **inadequate advice and guidance** for how to complete the forms.

The forms are poorly labelled and it is hard to find the correct form to use. Even the court staff are at times not sure what form should be used. (1116, Father; Survey)

Difficult to find forms, had to phone court registrar for assistance. (1064, Step-parent; Survey)

It is very obviously intended that you have a lawyer to complete the Protection Order and Parenting Order without notice forms. There is no guide to completing them. (1175, Mother; Survey)

Information full stop! Very hard to navigate unless you know exact name of forms etc. (1833, Stepmother; Survey)

[The website] is a lot more form based. You actually need to know the name of the form that you are looking for and to know what that form relates to. So, you have got your tabs and the form tab has all the forms in it, but if you go into, I don't know it's just an example, I am not sure if there even is a tab like that, but 'Making Orders for Children' it won't bring the forms and all the stuff that you need under there. You actually have to go into the form and know that you are looking for this particular form. It won't even tell you what form you need. So, it is just a way that you, well maybe it does say what form, but it is just the way that the website was created and the government has enough resources to upgrade it. (1073, Mother; Interview)

Like, I am informed, "Go to the website" is what they say, "Go to the website, have a look at the website." I did all that, it doesn't actually help you with putting the correct information on the forms or getting all the evidence that you need, or if you miss one thing they send it all back and you start again with it. It is not helpful. (1156, Mother; Interview)

Due to the website changing frequently at one stage, it would be hard finding particular forms again and some forms now not being available after 1 April 2014. (1123, Stepmother, Survey)

Not all forms available on there. (1821, Mother; Survey)

Forms to fill in to apply for an urgent Parenting Order. (1286, Mother; Survey)

Some specific help with the forms (level of detail and how much of the history to include). (1394, Mother; Survey)

Parenting Plan booklet was unavailable when I tried to download this. (1098, Mother; Survey)

Links to services and professionals to access support

The final type of information or resource that participants needed, but could not access, from the website related to a lack of information about and/or links to other services, professionals and places to **access support and guidance**. Participants most often wanted to know how to find a lawyer, how to access emotional support, and what professionals could help with issues such as dealing with domestic violence, accessing benefits and financial assistance, navigating the process and assisting when problems arose.

Who, where or how to speak to someone about an issue and breach of process from a broad range of services. (1210, Mother; Survey)

Where to find a lawyer who offers Legal Aid. (1722, Mother; Survey)

When the main income earner just up and leaves the home environment – I had no idea what benefits were available or how to engage in the process. There is too much separation between organisations – WINZ, IRD and Ministry of Justice. More combined info required, so there is a step-by-step process with info. In the distraught state and the unknown of the new situation – it was very difficult to piece all the information together. (1451, Mother; Survey)

How to deal with not being able to pay legal costs whilst being in hardship and going through a separation with an abusive and manipulative partner was not able to be sourced. (1098, Mother; Survey)

I just needed more information on how to cope in general due to the sudden and dramatic change in circumstances. Perhaps links to other sites, e.g., parenting sites, health/wellness sites, Plunket, counsellors etc. I was diagnosed with post-traumatic shock after my husband walked out – I think others would be too – links to help with coping on a day-to-day basis would help anyone left with sole responsibility for [the] care of children – which will always be a difficult situation. (1389, Mother; Survey)

If there was any support for parents trying to deal with issues arising with using the Family Court, or having difficulty with the processes. (1126, Mother; Survey)

A number to call or person to speak with at the beginning of the separation who could give advice. (2045, Mother; Survey)

Emotional support and an understanding of how long this process would take. (1325, Mother; Survey)

If there was any support for parents trying to deal with issues arising with using the Family Court, or having difficulty with the processes. (1126, Mother; Survey)

How to deal with Parenting Orders being broken, who to talk to and where to get help. (1097, Mother; Survey)

How to access family mediation and/or professional support in constructing a healthy parenting plan. (1628, Mother; Survey)

Courses on dealing with family violence. The system feels very unfair in dealing with violence as it makes me feel more unsafe and insecure. (1152, Mother; Survey)

Other specific areas mentioned by a small number of participants included information about:

- Supervised contact;
- Separation/divorce;
- Parenting after separation;
- Legal procedures for separating;
- Self-representation;
- Child support;
- Mental health and addiction issues;
- Financial issues, cost and funding;
- Relationship property division;
- Relocation;
- Information and resources specifically for men;
- Information and resources about family violence.

Helpfulness of the Ministry of Justice Website

Participants were asked how helpful they found the website in making or changing their parenting arrangements (see Table 71). While more than twice as many participants reported finding the website ‘helpful’ or ‘very helpful’ than rated it ‘unhelpful’ or ‘very unhelpful’, they made up only just over a third (34%). Half were neutral, rating the website as ‘neither helpful nor unhelpful’ and 16% found it ‘unhelpful’ or ‘very unhelpful’.

Table 71: Helpfulness of the Ministry of Justice website in making or changing parenting arrangements

	<i>n</i>	Percent
Very unhelpful	20	5.6%
Unhelpful	37	10.3%
Neither helpful nor unhelpful	179	49.7%
Helpful	110	30.6%
Very helpful	14	3.9%
Total	360	100%

What Participants Found Particularly Positive or Helpful About the Ministry of Justice Website

The survey asked participants what information or resources provided on the website they found helpful and 58% of those who had used the website provided a codable response which was combined with relevant interview material. The information and resources identified as helpful centred mainly around the following five categories:

- Information about procedures and processes;
- Other helpful information;
- The 'Making a Parenting Plan' workbook;
- Forms;
- Links to services and professionals.

Information about processes and procedures

Information explaining the family justice system procedures and processes to make parenting arrangements was the most commonly mentioned information that participants found helpful. While many simply commented that information about "the process" in general was helpful, others specified particular aspects they found helpful, mainly **relating to understanding Family Court processes and procedures**. These included videos, flow charts and descriptions of processes.

The videos on self-representation and Family Court processes. (1581, Father; Survey)

The flow diagrams of when and how things take place. (1051, Mother; Survey)

The processes of the Family Court – how to apply for a Parenting Order, and what to expect. (1220, Mother; Survey)

The process for dealing with day-to-day care disputes, how to put my child's interests first. (1104, Father; Survey)

The process of getting a Parenting Order, information on Protection Orders and the law on relationship property. (1847, Mother; Survey)

The order that I needed to do things was clear to me. (1347, Mother; Survey)

Steps to take in the process of resolving disputes. (2028, Father; Survey)

What happens in court video and info. Services available. (1943, Mother; Survey)

Steps for resolution (the process before Family Court). I was threatened with Family Court action by the other party and knowing the steps required before court action was possible, helped me not to feel intimidated. (1186, Mother; Survey)

I have looked at the Ministry of Justice website for guidance as well as the IRD and Work and Income websites and have used their resources as a guide to my own separation agreement. So information that is easy to access is the most useful resource for my own purposes. (1194, Mother; Survey)

The information about how the Family Court system worked. (1635, Mother; Survey)

Other helpful information

In addition to information about processes and procedures, the participants also commented on finding a range of other information helpful. Some made general comments about finding “general information” and fact sheets and brochures helpful. References to specific topics being helpful included information about: rights, relationship property, domestic violence, protection orders, costs, parenting, separation/divorce, legislation, guardianship, child support, different types of Family Court orders, explanations of terminology, and practical matters such as lawyers’ fees and how to write an affidavit.

Parenting Through Separation book and handouts about putting children first. (1252, Mother; Survey)

What rights I’m entitled to when it comes to my child. (1621, Father; Survey)

The specifics on relationship property. (1392, Mother; Survey)

The information about lawyers and fees. (1307, Father; Survey)

Legal information around separation and what steps need to be taken. (1743, Mother; Survey)

Information on guardianship – to know what my rights were and the rights of the other parent. (1442, Mother; Survey)

Family legal resources. (1305, Father; Survey)

How to write an affidavit and response. (1821, Mother; Survey)

Advice regarding violence/domestic violence when considering Parenting Order arrangements. Ability to represent self and make own application without lawyer. (1881, Mother; Survey)

Clarification on various topics that I had been given conflicting information about previously. (1561, Father; Survey)

‘Making a Parenting Plan’ workbook

One resource participants found particularly helpful was the Ministry of Justice “Making a Parenting Plan” workbook.³³ It was regarded as a helpful starting point and acted as a checklist for discussion and consideration.

The parenting agreement booklet was the most helpful. It gave me an idea about what I needed to think about. (1215, Mother; Survey)

I think that when I first went through it, I went online and found a resource. I can’t remember what it was called. A booklet that was really helpful about how to go about

³³ <https://www.justice.govt.nz/assets/Documents/Publications/MOJ0504-Jul16.pdf>

preparing [a] parenting arrangement. I found that really useful. (1690, Father; Interview)

The Parenting Through Separation booklet to create a private arrangement. (1106, Mother; Survey)

I went online and had a look at parenting agreements and I think I got to, it might be the Ministry of Justice and then in that format you can use the little booklet. ... We sort of met at a what do you call it – a place that was neutral, on neutral grounds, and I had printed it off. We talked it over and went through the whole booklet and then what we both wanted and agreed – made an agreement. (1218, Mother; Interview)

Positives: interesting actually, the parenting plan, the written form, and just being able to answer all the questions was really good. It was logical, it was able to cover most of the steps. Yeah, I found that really good. ... I went online and grabbed the parenting booklet. Read all about it, read all the stuff that should go in it. Sort of at one of our Friday night handovers, just said to him, “Look, I am starting to put all this in writing. Once I’ve written that, I will send it to you for a draft so you can have a look. Please add to it. Offer suggestions.” It went back and forward probably five or six times. (1312, Mother; Interview)

I started investigating the Ministry of Justice website and found parenting plan templates and all that kind of stuff which was fantastic. ... Oh, I found it incredibly useful because it gave me an agenda to work through and a bunch of things to think through. Not that it actually served any purpose, because it never got traction with her anyway. ... I guess it helped me present a very, very credible, thought through, coherent case for myself to the legal profession fraternity and specifically the boys’ lawyer at that point. (1691, Father; Interview)

However, a few participants, noted that while they did find ‘Making a Parenting Plan’ helpful to some extent, it was narrow and did not fit their situation or allow for Māori values and the involvement of other caregivers.

The booklets are helpful and the Preparing a Parenting Plan is a good guide, but again too restrictive, does not allow for Māori family values and/or grandparent/whānau involvement in caregiving. (1142, Grandmother; Survey)

The parenting plan booklet but was too ‘standard/basic’ so wasn’t that helpful really. (1067, Mother; Survey)

The parenting plan, to a degree. It did not completely suit my situation. (1519, Mother; Survey)

When I printed off that booklet, it was just a very basic way of looking at things and my circumstances were much more complicated than that. ... [I used it] only really to assist me in ideas and so forth that I could take with me to discuss with my ex-husband. So, the purpose was to assist me in the discussion, really. I think it gave me some ideas, but mostly I didn’t feel it was applicable. (1067, Mother; Interview)

Forms

Being able to access, download and complete forms online and having guidelines for completing them was considered helpful. Participants liked being able to complete electronic forms online rather than use printable hard copies.

The application process and forms needed were easy to access too. (1307, Father; Survey)

The court order application form download is good for filling out electronically. (2139, Father; Survey)

Printable forms instead of having to get hard copies from the courts. (1722, Mother; Survey)

It was good that they simplified the forms online so that if you were representing yourself it was easy to know what to put in there and what wasn't required in there. (1123, Stepmother; Interview)

Without notice templates and explanation sheets for completion. (1921, Mother; Survey)

All the forms, though a little confusing on how to generate the correct ones. (1236, Mother; Survey)

Being able to download forms and fill out on [a] computer. (1139, Mother; Survey)

Links to services and professionals

The final type of information on the website that participants found helpful was the provision of contact details and links to services and professionals, including Parenting Through Separation (PTS) and Family Dispute Resolution (FDR) providers, lawyers, counsellors and supervised contact centres.

The list and map of FDR providers is very helpful. (2139, Father; Survey)

I was able to use the information there to find a legal advice provider who was very helpful. (1615, Mother; Survey)

It had information about courses and accredited counsellors. (1448, Father; Survey)

Information about the Parenting Through Separation course locations and times. (1101, Mother; Survey)

Finding mediation, lawyers and PTS courses. (1872, Mother; Survey)

I literally just searched Parenting Through Separation after being told that I needed to do it. And found the information, signed up to the course, I'm pretty sure online, rather than calling. I think it was all done electronically. And, that was that really. I knew that there were other resources available there and I did have a little scan down the page with the resources, all about the parenting booklet that had already been used from

when my ex-wife had gone, was there, and that was really it as far as use of the website was concerned. But, it was very easy to find and I got what I wanted out of it. (1016, Father; Interview)

In addition to particular information and resources they found helpful, participants were also asked what else they found particularly positive or helpful about the website. Their comments largely related to: the design of the website; the availability and accessibility of information; and the information being clear, straightforward and easily understood.

Website design

Participants described the **layout and ease of navigating** around the website as a helpful or positive aspect of the website. Many commented on the ease with which they found the information they required.

The way it was laid out, the information was easy to find. (1307, Father; Survey)

The design was nice. (1187, Mother; Survey)

Forms easy to complete and download. (1921, Mother; Survey)

Reasonably easy to navigate around. (1690, Father; Survey)

It is relatively easy to get around and relatively fast. Videos are good. More please. (1142, Grandmother; Survey)

It had a good search function. (1181, Mother; Survey)

Easy to use/search for information. (1011, Father; Survey)

I could search for things I was looking for on the search bar. (2012, Mother; Survey)

I easily found the information I was looking for. (1442, Mother; Survey)

Availability and accessibility of useful information

The availability and volume of the useful information on the website was commonly mentioned.

Just the availability of info. (1749, Mother; Survey)

Had a lot of useful information. (1920, Mother; Survey)

Ease of use and the massive amount of information available. (1004, Mother; Survey)

All information is set out very helpfully for first time parents using the service, with other opportunities to try other providers before applying to the court. (1123, Stepmother; Survey)

A lot of things. Wish I'd discovered it earlier. (1101, Mother; Survey)

Lots of resources available if needed. (1958, Mother; Survey)

That the information was readily available and easy to understand. (1581, Father; Survey)

A few participants found having the information available in an **online format** helpful. Two commented that this was preferable to seeking information from others directly, such as a lawyer or Family Court staff member. A third found it helpful that the website provided an anonymous and non-judgemental way to access information.

Answers. The process was laid out so it felt less daunting. I wasn't wasting an expensive lawyer's time with questions, I could look it up myself. (1761, Mother; Survey)

Better than dealing in person with MOJ staff, some of whom are – let's just say – challenging and often do not have very good knowledge. (1079, Mother; Survey)

Maybe just that at least there was information and ideas for help when there could have been none. I guess it helps 'normalise' a really painful/difficult thing. (1067, Mother; Survey)

It's a non-threatening way to find information, because no one knows your situation. You can just look up whatever you want. There's no judgement. (1635, Mother; Interview)

Information clarity and straightforwardness

Having clear, **straightforward and easy to understand information** on the website was also regarded as helpful. Use of **plain, concise and simple language** without too much legal jargon was considered easy to understand and accessible.

The information was straightforward and easy to understand. (1601, Father; Survey)

Very clearly laid out what is involved in the various processes that can be followed. (1367, Mother; Survey)

The information is pretty easy to read. (1180, Mother; Survey)

Simple information, well laid out and easy to follow – not overwhelming. (1335, Mother; Survey)

Plain, easy to understand information. (1455, Mother; Survey)

The more humble approach rather than a stern, blank sort of take. (1305, Father; Survey)

It is clear and concise. (2006, Mother; Survey)

Most of the content was plain English and easy to understand. (2036, Mother; Survey)

Language seemed to be great for anyone to understand. (1845, Mother; Survey)

Written simply so easy to understand. (1105, Mother; Survey)

Accessible language. (1044, Father; Survey)

Easy to read, not a lot of legal jargon. (1170, Mother; Survey)

All the forms are easy to follow even if you're not a lawyer. (1533, Mother; Survey)

What Participants Found Particularly Negative or Unhelpful About the Ministry of Justice Website

Participants also detailed aspects of the website they found particularly negative or unhelpful, which centred mainly around four areas of dissatisfaction:

- The content;
- A lack of congruence with people's experiences;
- Navigation and functionality;
- Difficulty with forms.

Website content

The most common aspect that participants found unsatisfactory about the website related to its content. In contrast to those participants cited above who found the information helpful and clear, many others thought the information was **"too generic"**, **"vague"** and not detailed enough. There were also complaints that it was **confusing** and included too much legal language and **"jargon"** that was difficult for lay people to understand. Others thought that there was **not enough support offered for self-representing litigants or for those who were just beginning the process.**

The information provided on the Ministry of Justice website was very basic and not nearly detailed enough. Not helpful for anyone wanting to properly understand their situation or attempt to proceed without legal representation. (1426, Mother; Survey)

Very wishy washy about critical information. (1520, Mother; Survey)

Wasn't enough information and sometimes very confusing. (1134, Mother; Survey)

I think it could be written using more simplified language. (1583, Mother; Survey)

Too hard to understand. (1110, Mother; Survey)

Not much information about anything. (1376, Mother; Survey)

Some too much jargon ... needs to be in easy to understand language. (1737, Mother; Survey)

[There was] legal language that I wasn't sure of. (1075, Mother; Interview)

Lack of expansion on technical terms, and how these work in practice, such as enforcement orders (I was representing myself) and had to guess my way through these. (1522, Father; Survey)

Not user friendly for self-litigants. It is very confusing to use and needs to be simplified and clarification on what form should be used including the affidavit processes. (1116, Father; Survey)

It is not designed for people who self-represent. It should be easy for people who self-represent to access the information and protocols they need. (1064, Step-parent; Survey)

Finding connecting and relevant information in the same place was a bit tricky. If not used by a lawyer is not that easy to follow correct pathway. (1881, Mother; Survey)

I was frustrated that there is no clear flow chart, or explanation of each step. I recall just finding vague info continually encouraging working things out amicably. Also, don't understand why the other party gets Legal Aid, and couldn't find info to support why she would. (1660, Stepmother; Survey)

It seems written by people who know what they are talking about, but fail to understand that those reading and navigating through the site are mostly doing this for the first time and are not familiar with any part of the legal system, probably never having had legal issues to sort out before and holding two massive concerns: they are going to lose their kids, they have no money to access the legal system to protect themselves, their kid and their rights. Intimidating. (2049, Mother; Survey)

I found it too intimidating to be helpful. The expectation that citizens will be able to find their way around this process without attorneys is great cost-wise, but not good if there is not clear accessible information for the more vulnerable population to find their way through. (1615, Mother; Survey)

Some participants thought the information was **inadequate for those who were in the Family Court process** and/or that it **did not provide enough information about the court process**.

Everything was fluffy language, compelling parents to seek solutions, which is not helpful when every recommended avenue has been explored. Very basic information, not much [was] helpful once already heavily into the process. (1044, Father; Survey)

Perhaps not a job of the website itself, but there was not enough information on the implications of going through the Family Court system. (1427, Mother; Survey)

Need more emphasis on the court process. (1539, Mother; Survey)

It lacks the things needed to make a court process easier. Like how to file an affidavit electronically. Or any advice. (1713, Father; Survey)

No ongoing information for processes within court. (1883, Mother; Survey)

Two participants, who had found the process of making parenting arrangements very difficult emotionally, thought that the website **did not provide enough links to support services**.

Lack of supportive content. Very basic. Lists token links to other agencies, but not anything about if you find the court system itself problematic who to turn to for support. I wanted to find somebody who could help me understand and work through the terrible disempowerment and distress with the system I was feeling, but there was nothing really. (1126, Mother; Survey)

It was very legal! When I needed this information, I was very emotional and links to other services would have been good. (1389, Mother; Survey)

Lack of congruence with people's experiences

Several participants indicated that they felt the website **did not reflect the reality** of the system and/or their lived experience, particularly in relation to their involvement with the Family Court. Some thought the website **portrayed a simplistic view** of two "sensible" people making parenting arrangements, but the reality was that it was a difficult time and **wasn't as straightforward as the website portrayed**. There were also comments that information on the website was **inaccurate and lacked consistency** with professionals' advice and behaviour. Some said the website raised expectations that were then not met by the process itself.

I read this website thoroughly and felt confident my children's needs would be put first. The reality is that depends on which judge, Lawyer for the Child you have etc. What you read on the website does not happen in reality. ... I read through it and it all seemed very good, child's best interests etc. It is just not true. (1129, Mother; Survey)

The website is patronising and unrealistic. It makes the Family Court sound like a safe place for women and children and it is not. (1081, Mother; Survey)

The instructions differed from the courts and the lawyers. (1181, Mother; Survey)

It was inaccurate!!! The judges/lawyers were not respectful, not there to help you. Court staff were also difficult. ... The website said they'd help. (1256, Mother; Survey)

What happens in the courtroom and between lawyers is different to what is supposed to happen according to the MOJ information. (1092, Mother; Survey)

The website does not reflect the actual court experiences. It does not equip people with the realities that they are going to face; specifically, difficulties dealing with forms, unpleasant experiences in court itself, incredibly long delays between actions in a case, the uncertainty, the control over your life, the intrusion into your personal life, the problem with providing evidence especially around abuse, the feelings of disempowerment, etc. It's not there visibly for people who have no idea what they are in for in the long run. The reality is not as straightforward as it may seem in the website. (1126, Mother; Survey)

The unrealistic videos and comments about "representing yourself" at Family Court and the Family Court process (in real life was completely different). (1544, Father; Survey)

Too basic/standard situation stuff. Separation is much more messy and complicated and extremely difficult. It made things seem straightforward and simple when they aren't. (1067, Mother; Survey)

There are resources there. I listened to everything and I read everything, I read so much stuff. I think it's all very sensible and very lovely and everything else, but they're very much taking the approach if you've got two sensible people that are going through this then those things will work, if you know what I mean. If you've got people that are not out of their mind with worry, anger and all the other emotions that come into it that probably all those things would work. But when you've got people that are highly emotional, because it is an emotional subject – and you might not have somebody that's terribly stable even, for one reason or another – I don't think it's going to matter. (1325, Mother; Interview)

I also think that just aligning the website to what people are telling you on the ground would have made it easier. ... The website differed to what the court said, so that wasn't good. So I looked up on the website and I figured it right, and then I went and I saw the court registrar and they told me something else, and so then I got annoyed and I rang and I talked to [another] court registrar at a different court, who explained to me that every region has its own nuances. ... Also, that the website didn't – while it said something, that wasn't really the reality of what happened. So that was a pain, and just the differences in different regions. (1181, Mother; Interview)

There were also comments that the website **did not adequately or realistically address family violence and abuse**.

It is completely unrealistic when dealing with issues of domestic violence and child abuse. (1137, Mother; Survey)

The entire site does not address post-separation abuse or the reality of how "parenting arrangements" are going to take priority over safety, including where children disclose sexual abuse. It is completely unhelpful to present the post-separation period as some sort of high conflict situation where two adults cannot agree on "the best interests" of the child/ren. The reality is many of these cases are about post-separation abuse, power and control dynamics and continued exposure of children by the court to abusive situations. (1207, Mother; Survey)

Unhelpful to portray the post-separation process in NZ as professional, protective and accountable – women who are abused do not need to think this system is going to help them and their children – the reality is far from what the MOJ website makes the process out to be. (1027, Mother; Survey)

Navigation and functionality

As detailed earlier, many participants found the website easy to use, but others reported **difficulties with finding the information** they needed. They commented that the website was **hard to navigate, not user-friendly or intuitive**, and had a **poor layout with broken links** and **incorrect or out-of-date information**.

The website is not particularly intuitive to navigate which means I spent quite a lot of time clicking around it. (2139, Father; Survey)

I remember it being difficult to find exactly what I was looking for. (1193, Mother; Survey)

I kept getting dumped back into the same pages when searching for more information. Felt like I was stuck in a loop because there wasn't enough information provided. (1017, Mother; Survey)

Very difficult to search for specific information, and if information didn't fit with the topics presented on the website, it just wasn't there. Inadequate legal information. (1426, Mother; Survey)

Hard to navigate. ... Hard to find correct docs. (1883, Mother; Survey)

Broken links, out-of-date information. (1585, Father; Survey)

Accessibility to forms. Knowing what to download. Tabs are confusing and not very user friendly. (1073, Mother; Survey)

Very hard to find what I needed. Key word search wasn't easy to use. (1821, Mother; Survey)

Too many clicks for some elements. (2036, Mother; Survey)

Too busy. It was hard to follow especially when feeling overwhelmed. (2045, Mother; Survey)

The wording and layout was terrible. Too hard to find info. (1055, Father; Survey)

It has info that is out-of-date and some incorrect info. (1544, Father; Survey)

Difficulty with forms

Considerable frustration was expressed in relation to **accessing and using the online forms**. Participants outlined difficulties in finding forms and knowing which forms to use, while other complaints related to the poor functionality of the online forms. Some also commented that instructions on how to fill the forms out correctly were unclear.

The right forms were hard to find. (1881, Mother; Survey)

The navigation of the forms and explanations of them are hard to understand. (1060, Father; Survey)

The forms are a nightmare. You can download a PDF and says to fill in electronically, but once you fill it in you can't save it. It wipes everything you have written. You have to type the whole thing out and print straight away which is ridiculous when you have so much to input for a Parenting Order. (1030, Father; Survey)

That the court applications came as PDF files only. This made it difficult to complete online. (1581, Father; Survey)

Forms have restrictions on length and format. Can cause difficulty when completing form. Opted to summarise on form and attach appendices. Need information that more than one issue can be addressed in one application. (1881, Mother; Survey)

That the questions to find the form you need are confusing and not helpful. (1263, Mother; Survey)

It was hard to know what forms were needed for our particular case. (1238, Step-parent; Survey)

Confusing forms and unnecessary duplication. (1158, Father; Survey)

The website changing several times, made finding forms harder as the form generator did not always give you the correct forms you needed. (1123, Stepmother; Survey)

The forms are hard to use and difficult to type into, they don't save well either. (1014, Father; Survey)

Filling out the forms proved problematic and difficult. (1126, Mother; Survey)

I needed to apply for an urgent Protection Order for my children, and spent hours completing the online form, then it just stopped working and I lost it all. (1137, Mother; Survey)

Satisfaction with the Ministry of Justice Website

Participants' rating of their overall satisfaction with the website is presented in Table 72.

Table 72: Satisfaction with the Ministry of Justice website

	<i>n</i>	Percent
Very dissatisfied	13	3.6%
Dissatisfied	33	9.2%
Neither satisfied nor dissatisfied	143	39.8%
Satisfied	152	42.3%
Very satisfied	18	5.0%
Total	359	100%

A similar pattern was seen with ratings of satisfaction with the website as was reported earlier for ratings of helpfulness. Nearly four times as many participants reported they were 'satisfied' or 'very satisfied' (47%) with the website, than were 'dissatisfied' or 'very dissatisfied' (13%). However, less than half (47%) gave positive satisfaction ratings and a large proportion (39%) were neutral, being 'neither satisfied nor dissatisfied'.

Participants were asked if they would recommend the website to other people making parenting arrangements (see Table 73). Only 14% said they would *not* recommend it to other people. Nearly half (49%) indicated they would recommend it, with a further 37% indicating they maybe would.

Table 73: Would you recommend the Ministry of Justice website to other people making parenting arrangements?

	<i>n</i>	Percent
Yes	177	49.3%
Maybe	133	37.0%
No	49	13.6%
Total	359	100%

Suggested Improvements to the Ministry of Justice Website

Around 35% of those who had used the Ministry of Justice website provided one or more suggestions as to how it could be improved. Some suggested improvements related to the functionality of the website, while most related to the content it provided. Many directly addressed improving aspects of the website that participants found problematic or lacking.

The areas for improvement participants identified included:

- Improving the functionality of the website;
- Improving the processes to access and complete forms;
- Improving the website content;
- Providing links to sources of support.

Improving the Functionality of the Website

Participants mentioned difficulties with navigating around the website, and suggested changes to improve the functionality and the layout by making the website **easier to navigate, clearer and “more user friendly.”** Improvements to the search engine were also suggested.

The user experience can be frustrating. People who need to use the MOJ website are usually in a very difficult and stressful situation. (1591, Father; Survey)

Simplify the layout. (2045, Mother; Survey)

Possibly make it easier to use on smartphones. I used a laptop at home in the end after struggling to navigate it on phone screen. (1561, Father; Survey)

Need[s] to be easier to navigate. (1386, Father; Survey)

Improve the search functionality. (1426, Mother; Survey)

Links attached to specific questions, like frequently asked questions section with more questions and links to help find things. (1261, Mother; Survey)

Make it easier to find things. (1072, Father; Survey)

Make access to information easier. Have more information under main tabs that will lead the user to the form/info that they're seeking. (1073, Mother; Survey)

Just minor improvements to the website interface to make it easier to navigate. (2139, Father; Survey)

Easier directory. (1260, Mother; Survey)

Customer-centric design. (1182, Mother; Survey)

Better search function – it can be hard to find what you want. (1079, Mother; Survey)

Better navigation and key word searches. (1420, Mother; Survey)

Improving the Processes to Access and Complete Forms

As outlined earlier, some participants found completing the forms on the website problematic. Suggestions for improvement included making changes to technical aspects to make the form generator **more user friendly** and **allow for the forms to be saved**. Providing better **guidance to help people complete forms** without legal assistance was also suggested.

The form generator needs to be more straightforward and with easy to find information. (2047, Mother; Survey)

The applications should be easy to complete and save as an electronic file. I had to print them out then scan them in before being able to send by email, plus file applications in person. (1581, Father; Survey)

Get the forms sorted so progress can be saved! (1030, Father; Survey)

Proper guides for people to do the forms themselves. Thousands of dollars shouldn't be required in order to protect yourself and your children. (1175, Mother; Survey)

Probably a bit more user friendly with forms. My legal background made this process simple as I understand how it works. I had an advantage. Most people don't and probably need access to court staff to assist with completing forms. If I had to pay for a lawyer this process would have been financially tough on me and my family. (1921, Mother; Survey)

Knowing what forms are to be used for certain things without lawyer's help. (1238, Step-parent; Survey)

More user friendly with forms. (1883, Stepmother; Survey)

Better explanation of forms and circumstances in which you used them. (1139, Mother; Survey)

Improving the Website Content

Suggestions for improving the content on the website mainly focused on four areas:

- Providing more in-depth information;
- Providing more information and guidance about family justice system processes;
- Providing 'real' examples;
- Simplifying the language used.

More in-depth information

As noted earlier, some participants commented that the information provided was too generic and they could not access in-depth, detailed information about a range of issues that they required. Not surprisingly then, many of the suggestions related to providing **more “substantial” and “in-depth” information**. There were suggestions to include more information on topics such as legislation, domestic violence and Protection Orders, parental alienation syndrome, funding, mental health issues and more information specifically for children.

Put some more in-depth information on there. (1376, Mother; Survey)

I think it provides the basics, but any difficult situations will need further advice from lawyers. But there is a massive gap, especially for abuse victims. Like you go to the website and get no answers and then jump to a huge cost to get any assistance. (2006, Mother; Survey)

Much more information, including resources beyond the 'average user'. Include the COCA³⁴ for those wanting to read the law behind the parenting arrangements. Provide much more variety of information outside of the very targeted topics chosen to be included. (1426, Mother; Survey)

More information on what to do to find funding for lawyers. More information on support available and how best to utilise your mediation support person. (2049, Mother; Survey)

More information for those who have a without notice Protection Order and what a Parenting Order may look when there is an urgent safety need not dealt with by CYFS.³⁵ (1519, Mother; Survey)

Needs more drill-down explanations if you don't get something. (1522, Father; Survey)

Having a section on what to do if your parenting arrangements need to be flexible or different from the norm. (1347, Mother; Survey)

Have better information and advice, plus help for people that are trying to support a family and can't afford a lawyer. (1566, Father; Survey)

I looked on the court website, but it was hard to find exactly what I was looking for, so I skipped it and went to a lawyer. ... Like, how to go about, when you separate, what

³⁴ Care of Children Act (2004).

³⁵ Child, Youth and Family – now called Oranga Tamariki – The Ministry for Children.

happens with the kids, what's the best way to make a new arrangement when there are very few communications between you? Like, how does it work? (1047, Mother; Interview)

Seems to be set up for domestic violence cases. ... Needs to focus more on thing like PAS [Parental Alienation Syndrome]. (2056, Father; Survey)

More information especially catered for children to understand the Family Court process. (1220, Mother; Survey)

Focus on mental health, addiction issues. (1941, Mother; Survey)

Clearer outline of what happens with a disagreement. What to do in case of emergencies/abuse/neglect. (1764, Mother; Survey)

It would help if there was somewhere that gives understanding to the legal words used in letters. ... I had to Google the words to understand my letters received. (1047, Mother; Survey)

More information about family justice system processes and procedures

Many of the suggested improvements to the information provided on the website referred to providing more information and guidance about family justice system processes and procedures. Some wanted **step-by-step guides, checklists and flow charts** to be provided to better assist parents through the process, particularly those who were self-representing.

This is a very complex issue with no 'one size fits all' process that would work. Any simplification of steps would be useful. (1325, Mother; Survey)

[Include a] beginner's guide. (1957, Mother; Survey)

[Use] flow charts. Has this happened? If yes, go here, if no, go here. State options. (1142, Grandmother; Survey)

Needs to cater better for self-litigants. Step-by-step guides would be useful. (1116, Father; Survey)

More details. The website makes it seem simple, but it is not clear on court processes and what to submit when. (1109, Mother; Survey)

More detail on processes once initial applications have been made. A better FAQ answering how to appropriately deal with various situations that may arise. (1044, Father; Survey)

It needs realistic info on attending the Family Court, self-representation, your rights as a parent, how do deal with court appointed Lawyer for the Child/psychologist. (1544, Father; Survey)

It needs a system to guide someone through a decision-making process, so a person knows "what" to do, then it should help them with "how" to do that. (1713, Father; Survey)

I felt that it would be useful to have an advocate or even a checklist to help you work out what you needed to do regarding separation and making arrangements for children. (1005, Mother; Survey)

Having some kind of process flow of navigating through the system. (1077, Mother; Survey)

More information for men going through the court process. (1555, Father; Survey)

For self-represented parties, a flow chart outlining the steps for particular applications which show the guidelines and how their file will [be] expected to be progressed through the court system would be extremely helpful e.g., application filed, service, defence, mediation/hearing etc. Notes that when cases will be heard at hearing ... that it depends on amount of hearing time required and the availability of judges. (1592, Mother; Survey)

More 'real' information

As noted earlier, some participants commented that the information on the website did not match their actual experiences and suggested that the website **reflect reality and align the information with what actually happens.**

Tell the truth. How biased the court system is. Costs involved. Time it takes. How your ex can make up lies and the judge or lawyers will believe them. (1256, Mother; Survey)

Reflect reality for dads. Could not find anything on hearing procedures other than a video that was nothing like what really happened. ... Most of what it says is nothing like what happens when you are a dad. (1702, Father; Survey)

Print exactly what could happen in court, not lies. (1256, Mother; Survey)

New Zealand needs to own the violence and make the MOJ website a reflection of reality where victims of abuse can come to find ways to keep themselves and their children safe. (1207, Mother; Survey)

Material that actually aligns with the way things are done in the Family Court. (1081, Mother; Survey)

Well, the website differed to what the court said, so that wasn't good. ... I think that just aligning the website to what people are telling you on the ground would have made it easier. (1181, Mother; Interview)

Be more honest and realistic about the process and the way people are going to be treated. (1081, Mother; Survey)

As part of this, several participants suggested including **real-life examples and case studies** to help people learn from what others had done.

More stories from real people. (1122, Mother; Survey)

More examples of other people's plans would help. (1754, Mother; Survey)

More examples of other people's situations. (1674, Mother; Survey)

More detail, or real-life case study/vignettes. Like, "Meet Sally. Sally got cross with her ex and refused contact with their daughter. The ex engaged a lawyer and applied without notice to get the status quo returned. Unfortunately, the application wasn't successful due to x, y, z. So then the ex had to wait forever for a date in court before he could see his daughter again." (1660, Stepmother; Survey)

Maybe videos of people who have gone through the system telling their story. (1119, Mother; Survey)

Just a form to help with a reality check before embarking on lawyers and court process. This could include, time spent, money spent (\$450 per hour for lawyers) and examples/likely outcomes based on stats from recent court cases. (1584, Father; Survey)

Actual percentage split parenting models could be available for download. (1004, Mother; Survey)

Simplifying the language used

Some suggestions focused on making the language used on the website easier for people to understand, by **using layperson's terms and avoiding jargon**.

Use more layperson terms for sections – i.e., if you want to file a without notice application, then [have] all the information there, including the forms and a clear description of forms and how to file them. (1064, Step-parent; Survey)

Use easier simpler language, not so much jargon. ... If [they] need to use legal jargon ensure the meanings are included. (1737, Mother; Survey)

Make it easier for parents to understand. A lot of the information is written in a way that is confusing for those that are not lawyers. Information broken down and without complicated jargon would be easier to understand. Especially for younger parents. (1629, Mother; Survey)

Simply the language or terms used for the average person to understand. (1060, Father; Survey)

Re written from the perspective of a vulnerable stressed person desperately looking for help. Plain English. (1142, Grandmother; Survey)

Providing Links to Sources of Support

As outlined earlier, participants reported that they had needed information about sources of advice, help and support that was not available on the website. Therefore, some suggested the website could provide **links to other agencies or professionals** that parents/caregivers could contact if they needed more information or support.

More links/information for local legal/counselling providers. (1011, Father; Survey)

More information on what to do to find funding for lawyers. More information on support available and how best to utilise your mediation support person. (2049, Mother; Survey)

More contacts, i.e., people to talk to. (1168, Father; Survey)

Give more direct links to other websites e.g., have your children witnessed abuse between you and your partner? Unsure what domestic abuse is? Provide link to Shine,³⁶ [services for children], etc. (1142, Grandmother; Survey)

Links to community services coordinators to help parents care for themselves and to care for their children. Anyone needing to access this service will be going through a difficult time. (1389, Mother; Survey)

Actually give ways they can help and how to access this help. Instead of just info on processes. (1588, Mother; Survey)

For there to be an option for contacting someone directly, who can help you understand the system more clearly, especially for difficult cases, or sensitive information that needs to be dealt with (e.g., abuse). (1126, Mother; Survey)

Actually one website with links to all services. (1009, Father; Survey)

Summary

The Ministry of Justice website was the family justice service most commonly used by 56% of the participants. There was a high level of awareness of the website, with only a fifth not knowing of its existence. The most common way people heard of the website was through the Internet, but lawyers and Parenting Through Separation courses also referred clients to it. The website was predominately used to find information and resources, with around a half of the participants also using it to better understand how the family justice system worked. Just over a third used it to access, download or complete forms, such as court applications.

More participants rated the quality of the website positively than negatively in terms of the information provided and its ease of use to find and download information and/or forms. Over half rated the website as good/very good on the information provided (59%) and the ease to find and download information and forms (55%).

The website had provided the vast majority (94%) of the participants with at least some of, if not all, the information they required. Participants whose information needs were not completely satisfied by the website described the information as too generic and basic, when what they required was more detailed, in-depth and specific information that could be applied to their own situation. In particular, they needed information about how to negotiate difficult scenarios, such as when the other party would not co-operate, breached orders or when drugs or safety concerns were involved. They also could not find information about how to respond to without notice applications, family justice processes and procedures (particularly the sequence), legislation, the law and rights, and links to other services and professionals to access support and guidance. Information about likely

³⁶ A national domestic violence service provider.

outcomes and examples of different types of parenting arrangements were also sought, but not located on the website.

Just over a third of the participants rated the website as helpful/very helpful in making or changing parenting arrangements, with 16% rating it as unhelpful/very unhelpful. Comments about the website showed a polarisation of opinion, with those aspects of the website that participants found helpful often also being deemed unhelpful by others. Many mentioned finding the information on the website helpful, particularly about processes and procedures, and information that helped them to understand Family Court processes. They valued the availability and volume of information and found it clear, straightforward and easy to understand. Being able to access the “Making a Parenting Plan” workbook was regarded as particularly helpful. However, others thought that the information was inadequate, too generic, lacked depth and did not provide enough detail. There were complaints that there was too much legal “jargon” that was difficult to understand. There were also criticisms that the information was too simplistic and did not reflect the reality of the system or people’s lived experiences. Some also regarded the website as not adequately or realistically addressing family violence and abuse.

Similarly, being able to access, download and complete forms online was seen as a helpful feature of the website, but others expressed frustration with forms, citing difficulties with finding, completing and saving them. The website design, in terms of its layout and navigation, was viewed positively by some participants who reported ease in finding and downloading information. For others, though, this was a negative aspect and they described it as not user-friendly, and cited difficulties with navigation, search functions and finding material.

Having links on the website to services and professionals, such as lawyers, Parenting Through Separation and Family Dispute Resolution providers, was considered helpful, but some participants would have liked the website to provide links to other services, agencies and professionals who could provide advice and support. Another suggested improvement to the website focused on improving its functionality, including changes to the technical aspects of generating and saving forms, and providing more guidance to assist people completing forms. Improvements to the website content were also suggested, including the provision of more detailed and in-depth information, particularly about family justice processes and procedures, providing ‘real-life’ examples and case studies, and simplifying the language used.

Overall, participants were more satisfied than not with the website with nearly half (47%) of them indicating they were satisfied or very satisfied and only 13% being dissatisfied or very dissatisfied. Only a small proportion (14%) would not recommend the website to others making parenting arrangements, with around half (49%) indicating they would, and 37% saying they maybe would.

Key Findings – Ministry of Justice Website

- 56% of the participants had used the website
- 21% had were unaware of the website
- 70% heard of the website via the Internet; 19% from a lawyer and 16% from Parenting Through Separation
- Most used the website to find information and resources (88%), understand how the family justice system worked (53%), download forms (36%) and find a Parenting Through Separation course (26%)
- 59% rated the information provided as 'good' or 'very good'
- 55% rated the website ease of use as 'good' or 'very good'
- 95% reported the website had provided at least some, if not all, the information they required; 42% had been provided with all the information they needed
- Information and resources that could **not** be accessed/found included:
 - Detailed, in-depth and specific information
 - Information about processes and procedures
 - Information about the law and rights
 - Locating forms and guidelines
 - Links to services and professionals to access support
- 34% found the website helpful/very helpful; 16% found it unhelpful/very unhelpful
- What participants found particularly helpful or positive about the website:
 - Information – particularly, about processes and procedures
 - Accessing the 'Making a Parenting Plan' workbook
 - Ability to access and complete forms online
 - Links to services and professionals
 - Ease of navigation
 - Availability and accessibility of useful information
 - Information that was clear and straightforward
- What participants found particularly unhelpful or negative about the website:
 - Website content – being too generic, vague, inadequate for those in Family Court process, difficult to understand
 - Lack of congruence with people's experiences
 - Not adequately addressing domestic violence and abuse
 - Poor navigation and functionality
 - Forms – difficult to find and complete
- 47% were satisfied/very satisfied with the website; 13% were dissatisfied/very dissatisfied
- 14% would not recommend the website to other people making parenting arrangements; 49% would recommend it and 37% possibly would
- Suggested improvements to the website included:
 - Improving its functionality – the layout, navigation, and search engine
 - Improving the process to access and complete forms
 - Improving the content – providing more in-depth information; more guidance about family justice system processes; providing real examples; and simplifying the language used
 - Providing links to sources of support

Ministry of Justice 0800 2 AGREE Phone Line

A small number of participants ($n=63$; 10% of the participants) indicated that they had called the Ministry of Justice 0800 2 AGREE phone line. Nearly three-quarters (73%) of the survey respondents were not aware of this service, and 18% knew of it, but did not use it. Those who had used the phone line were asked how they found out about it, how helpful they found it, and how satisfied they were with the service.

Accessing the Phone Line

As shown in Table 74, the most common ways people found out about the phone line were via the Ministry of Justice website (56%), and through lawyers (21%) and Parenting Through Separation courses (18%).

Table 74: Where participants heard of the 0800 2 AGREE phone line

	<i>n</i>	Percent
On the Ministry of Justice website	35	55.6%
On the Internet/another website	9	14.3%
At a Parenting Through Separation course	11	17.5%
From a Family Dispute Resolution (FDR) service/mediator	5	7.9%
From a lawyer	13	20.6%
From the Family Court	7	11.1%
From another professional or agency	3	4.8%
Some other way	3	4.8%
Don't know/Can't remember	9	14.3%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

Helpfulness of the Phone Line

Participants' ratings of the overall helpfulness of the phone line in making or changing parenting arrangements are presented in Table 75. A greater proportion of the participants found the phone line 'unhelpful' or 'very unhelpful' (32%) than found it 'helpful' or 'very helpful' (22%). However, the largest proportion (47%) were those who found the phone line 'neither helpful nor unhelpful'.

Table 75: Helpfulness of the 0800 2 AGREE phone line in making or changing parenting arrangements

	<i>n</i>	Percent
Very unhelpful	10	16.7%
Unhelpful	9	15.0%
Neither helpful nor unhelpful	28	46.7%
Helpful	11	18.3%
Very helpful	2	3.3%
Total	60	100%

Analysis of the open-ended responses to survey questions asking participants what they found particularly helpful or positive and what they found particularly unhelpful or negative about the phone line, as well as any suggestions for improvement are presented below. Forty-two participants (70%) provided some comment about the phone line, which have been combined with relevant comments from the interview transcripts.

What Participants Found Particularly Helpful or Positive about the 0800 2 AGREE Phone Line

The most frequently mentioned positive comment about the phone line related to the **practical help** it provided in explaining processes, giving **clear and helpful advice** and answering queries and providing clarification. The participants also liked being able to talk to a “real person.”

They provided clear advice, in a way that was easily understood. (1975, Mother; Survey)

They knew their stuff. (1836, Mother; Survey)

They were helpful in explaining where to find things on the website. (1073, Mother; Survey)

The operator listened to me and gave me practical steps of what to do. (1122, Mother; Survey)

Staff outlined the procedure for FDR – it was helpful. (1451, Mother; Survey)

Staff gave clear instructions to process. (1881, Mother; Survey)

Everything. So helpful. Offering support, advice and knowing the system well. (1900, Mother; Survey)

Just talking and clarifying. (1170, Mother; Survey)

Practical advice on process matters. (1584, Father; Survey)

The availability of someone to get clarification on any odd questions. (1749, Mother; Survey)

Helped with where to start proceedings. (1140, Mother; Survey)

The **positive interpersonal skills** of the staff were also regarded as a positive aspect of the phone line. Staff who were **knowledgeable, empathic, and friendly** were seen as helpful.

The person was very well informed and very good at communication at my level of understanding. (1564, Mother; Survey)

Staff were empathetic, even if powerless in a system that oppresses victims of violence and enables abusers. (1886, Mother; Survey)

Helpful and friendly. (1749, Mother; Survey)

Friendly staff. (1318, Mother; Survey)

Participants also appreciated having **access to free advice** via the phone line.

It's a good way to find limited detail without having to go to our expensive lawyer.
(1521, Father; Survey)

Good having free calling. (1139, Mother; Survey)

Glad it was a 0800. (1537, Father; Survey)

Being free. (1139, Mother; Survey)

What Participants Found Particularly Unhelpful or Negative about the 0800 2 AGREE Phone Line

Participants were asked what aspects, if any, they found particularly unhelpful or negative about the phone line, and how they thought the service could be improved. Given the small number of responses and the fact that the suggested improvements most often related to addressing a negative or unhelpful aspect about the phone line, the responses to both questions have been amalgamated and reported together.

The most frequently mentioned negative or unhelpful aspect about the phone line was that the **advice given was too general or not specific enough** to be helpful to those calling. Others complained that the information and advice provided was **inconsistent**.

Too general in information. (1030, Father; Survey)

Couldn't give the answers needed. (1181, Mother; Survey)

All they do is direct you to the website. (1023, Mother; Survey)

Hard to get the correct information for the same situation. (1243, Father; Survey)

Different answers from different staff. (1941, Mother; Survey)

Some participants commented that the **staff did not appear to be well informed** and able to provide adequate information, and instead, **told callers to approach a lawyer**.

She wasn't able to explain the court process to me very well, and didn't seem to know much about the FDR and counselling services. Though she did put me onto [the] Parenting Through Separation course. (1017, Mother; Survey)

So, first I rung the helpline about what I needed to do and they said get a lawyer. ...They were semi-helpful, but obviously, I had questions that they couldn't answer, if that makes sense. But when it got to that stage where they didn't have the answer, they told me to speak to a lawyer. It happened right at the time that the changes came through. I don't think maybe the people on the helpline were up-to-date with the changes as much as they should have been. (1023, Mother; Interview)

They couldn't tell me anything useful other than to approach a lawyer. ... They just seem to be keen in directing people to lawyers. (1014, Father; Survey)

Agents do not tend to give information and simply say, "Talk to your lawyer" (thus we are not encouraged to talk to them anymore). (1521, Father; Survey)

Some [customer service representatives] have poor knowledge and customer service. (1079, Mother; Survey)

Some would have liked the service to **provide more detailed information**.

Have more knowledge with legal stuff regarding Oranga Tamariki. (1737, Mother; Survey)

Advice on services to help look after yourself and the children while the official care of the children arrangements are being made would be useful. (1389, Mother; Survey)

Provide advice on the reality of the court process and likely outcomes based broadly on a formula. (1584, Father; Survey)

Just need more info about the system families need to work through in dealing with separation arrangements for children. (1017, Mother; Survey)

Some participants did not think the **information provided reflected the reality or complexity of people's situations**.

Practical steps and what to do doesn't equate to the reality of going through the system. ... Perhaps the process [should] be aligned with the actualities occurring in the system for parents and children now. (1122, Mother; Survey)

Makes it sound too easy to sort out arrangements without lawyers, mediators, other professionals, but sometimes in complex situations this is not possible. (1097, Mother; Survey)

In contrast to those parents/caregivers outlined earlier who found the phone line operators helpful, others detailed a different experience, describing **the staff as rude and unhelpful** and lacking empathy or an understanding of what parents were going through.

Staff have no empathy or compassion. ... Staff should LISTEN to the caller and be NON-JUDGEMENTAL. (1141, Mother; Survey)

It needs to be more supportive. (1014, Father; Survey)

Maybe have some staff that have actually been through this experience as no one family is the same and no one solution fits all. (1097, Mother; Survey)

They were rude and unhelpful. Basically [I] got told that unless I had a lawyer she could breach the court order all she wants and they don't care or do anything. (1566, Father; Survey)

Not all dads are deadbeat guys trying to make their ex's life unbearable. Most of us just want to be involved in our kid's life with someone who does not want that. We would not be fighting for this if we did not care deeply for our children and consider our roles in their lives as important as their mum's. Feeling the need to justify this is to various agencies who simply say this is the way it is, decline requests for information about your kid etc. (e.g., passport info) is demoralising. (1584, Father; Survey)

Some participants suggested the **service would benefit from staff training** to improve the phone line operators' knowledge, their understanding of the issues facing parents, and their communication skills.

They need to be trained how to speak with people who are going through stressful situations. (1023, Mother; Survey)

Agents should be trained more [on the] emotional feeling of the caller. Caller might have had a very hard time not being able to see his/her kids, but having to deal with the agents makes them more frustrated. (1521, Father; Survey)

Better service. Better knowledge. Better understanding of violence or have specialist [customer service representatives] who have been trained in domestic violence. Be able to get back to the same person to follow up on a query. (1079, Mother; Survey)

Staff to attend a course on NVC, and have personal experience of the Family Court and how it conducts itself. (1141, Mother; Survey)

Operational issues such as call **wait times and continuity of service** were also considered problematic.

The wait time to talk to a person was a little long. (1236, Mother; Survey)

Getting through could be difficult. (1389, Mother; Survey)

Sometimes you get cut off and have to start at the beginning again. Can't get back in touch with the person that has the history of your query. Really, really hard to get to speak to a particular person e.g., a case manager. (1079, Mother; Survey)

Long wait times. (1170, Mother; Survey)

One mother questioned the use of the phone line as a way of helping people negotiate the Ministry of Justice website and regarded having both services as a "**wasted resource**".

The phone line seems to help with the website, but seems like a double up of resources, rather than improve the website and then support won't be needed as much from the phone line. ... That's another wasted resource because in some cases they have just got this website, it's not very user friendly and they have got the 0800 number, so then people end up ringing the 0800 number and the people on the 0800 number direct them to what tabs to press on the website to get to the right thing that they are looking for. Well, isn't that another wasted resource? (1073, Mother; Interview)

Satisfaction with the Phone Line

Participants' ratings of overall satisfaction with the phone line and whether they would recommend it to others are presented in Tables 76 and 77.

Table 76: Satisfaction with the 0800 2 AGREE phone line

	<i>n</i>	Percent
Very dissatisfied	6	10.0%
Dissatisfied	12	20.0%
Neither satisfied nor dissatisfied	23	38.3%
Satisfied	16	26.7%
Very satisfied	3	5.0%
Total	60	100%

Table 76 shows that similar proportions were 'satisfied' or 'very satisfied' (32%) and 'dissatisfied' or 'very dissatisfied' (30%) with the phone line. The largest proportion (38%) gave a neutral rating of 'neither satisfied nor dissatisfied'.

Table 77: Would you recommend the 0800 2 AGREE phone line to other people making parenting arrangements?

	<i>n</i>	Percent
Yes	22	36.7%
Maybe	26	43.3%
No	12	20.0%
Total	60	100%

A fifth (20%) of those who had used the phone line would not recommend it to others making parenting arrangements. However, over a third (37%) indicated that they would recommend it to others and 43% indicated they maybe would.

Summary

The number of users of the Ministry of Justice 0800 2 AGREE phone line was low amongst the survey respondents, with only 10% calling it, and nearly three-quarters being unaware it existed. Most of those who had used the phone line had found out about it from the Ministry of Justice website (56%), lawyers (21%) and through a Parenting Through Separation course (18%).

More participants rated the phone line as unhelpful (32%) than rated it as helpful (22%), but nearly half (47%) found it neither helpful nor unhelpful. Aspects of the phone line that participants found helpful included the practical information and advice given, the friendly and empathic staff, and the fact that it was a free service. However, others found the information provided was too generic to be helpful and did not match the reality of the system. While some participants had had a positive experience with the phone line staff, others reported that they lacked empathy and were not well informed or understanding of the issues facing parents. Providing staff with training to improve their knowledge and

communication skills was suggested. Long wait times and a lack of continuity between operators was also mentioned as problematic.

Overall, similar proportions (around a third) were satisfied and dissatisfied with the phone line. A fifth would not recommend it to others making parenting arrangements, with 37% indicating they would, and 43% maybe would.

Key Findings – 0800 2 AGREE Phone Line

- 73% were not aware of the service
- 56% heard of the phone line from the Ministry of Justice website; 21% from lawyer and 18% from Parenting Through Separation
- 32% found it helpful/very helpful; 22% found it unhelpful/very unhelpful
- What participants found particularly helpful or positive about the phone line:
 - The practical help and helpful advice
 - The friendly, caring staff
 - That it was a free service
- What participants found particularly unhelpful or negative about the phone line:
 - The generic information provided that didn't reflect reality
 - The lack of staff knowledge and empathy
 - Long wait times
 - Lack of continuity in operators
- 32% were satisfied/very satisfied with the phone line; 30% were dissatisfied/very dissatisfied
- 37% would recommend the service to other people making parenting arrangements; 43% maybe would, and 20% would not

Parenting Through Separation

The majority (85%) of the survey respondents were aware of Parenting Through Separation (PTS) and 40% ($n=260$) had attended a course since the reforms took effect. Only 15% were not aware of this service.

Reasons for Not Attending PTS

The 294 participants (45%) who knew about PTS, but had not used the service since the reforms, were asked their reasons for not attending a course (see Table 78).

Table 78: Reasons for not attending PTS

	<i>n</i>	Percent
Didn't need or want to	196	66.7%
Didn't know how to access a PTS course	11	3.7%
Couldn't find (or access) a PTS course to attend	11	3.7%
Other commitments e.g., work, family	57	19.4%
It was too difficult/far to travel to attend	20	6.8%
Couldn't afford to attend/cost	8	2.7%
Had an exemption from attending	18	6.1%
Other	34	11.6%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

The most common reason for not using PTS given by over two-thirds (67%) of the participants who were aware of the service, but did not use it, was that they **did not need or want to**. Given that 41% of the participants had made their arrangements prior to the reforms, but were now in the position of changing them under the new system, it is likely that many of this group may have attended PTS prior to the reforms. In fact, many indicated in an open-text box that they had **already attended a course previously**. It must also be remembered that participants may have separated some time before making or changing their parenting arrangements.

I attended a PTS course in 2007, the year after we initially separated and when the relationship was very fraught. We have had enough time apart to now have a very good relationship with excellent communication and no longer have issues with each other. (1889, Mother; Survey)

I didn't think it was relevant as I have been separated from my son's dad for many years and due to a change in our circumstances I didn't think I needed to attend it. (1539, Mother; Survey)

Some participants noted that, based on their prior attendance, they would not attend again because they **had not found PTS helpful in the past**.

We attended one prior to 2014, under the old system – it was largely not worthwhile. (1210, Mother; Survey)

I did but pre-2014 – and what a waste that was. (1637, Mother; Survey)

I had completed PTS before in the previous round of Parenting Orders. I did not find it very helpful because I was not dealing with standard post-separation difficulties or difference of opinion about what's best for the child. (1908, Mother; Survey)

I have undertaken a PTS course in the past and I did not find it useful. It was poorly run and people's individual needs were not catered to. (1083, Mother; Survey)

Few (less than 5%) reported difficulties finding or accessing a PTS course to attend or indicated that the cost of attending was a barrier to attendance. A small percentage (6%) had been granted an exemption from attending and others noted their non-attendance was **due to family violence and the view that it was not appropriate or relevant** for them to attend.

Due to the nature and level of family violence, I felt it was an unnecessary intrusion. If there was no history of [family violence], I would have happily attended. (1359, Mother; Survey)

I have friends who have attended and said it was an utter waste of time. Especially for those of us dealing with abusive ex-partners. It was NOT relevant. (1971, Mother; Survey)

Absolutely not an appropriate course to attend when violence is involved. (1079, Mother; Survey)

I was in recovery/still afflicted by domestic violence and unsure if it would be appropriate. (1105, Mother; Survey)

Nearly a fifth (19%) indicated they did not attend because of other **commitments such as work or family**, with 7% reporting that travel was a barrier to attendance. Other reasons for non-attendance included the mistaken view that both parties had to attend, or a belief that there was no point in attending due to the other party's behaviour and/or nature. For others, there was a concern about the PTS provider's religious affiliation or feeling unable to participate due to their emotional state.

To my knowledge he would also have to attend one so I figured it would be a pointless exercise as he was not likely to attend. Childcare was also an issue. (1906, Mother; Survey)

There was no point when dealing with an ex-partner that is uncooperative and only wanted what was best for herself. (1659, Father; Survey)

The other party refused to attend, communicate or do anything to work together, so PTS was pointless. (1398, Mother; Survey)

I was extremely uneasy about attending PTS with a religious provider as in my experience, religious providers of community services have difficulty separating community services from proselytisation. (1224, Mother; Survey)

Not confident enough to attend. (1279, Mother; Survey)

Due to family violence and sexual abuse and the ongoing court battle between my ex and myself, then the court battle, I wasn't able to cope emotionally with the extra pressure of attending that this course would put on me. (1835, Mother; Survey)

Those participants who *had* attended PTS since the reforms took effect ($n=260$, 40%) were asked about their experience of accessing and participating in a PTS course, their views on its helpfulness and their satisfaction with it.

Accessing PTS

Participants heard about PTS mainly from lawyers (44%), the Ministry of Justice website (25%) and the Family Court (19%) (see Table 79).

Table 79: Where participants had heard of PTS

	<i>n</i>	Percent
On the Ministry of Justice website	65	25.0%
On the Internet/another website	25	9.6%
From the Ministry of Justice 0800 2 AGREE phone line	5	1.9%
From a Family Dispute Resolution (FDR) service/mediator	22	8.5%
From a lawyer	115	44.2%
From the Family Court	49	18.9%
From another professional or agency	39	15.0%
Some other way	19	7.3%
Don't know/can't remember	20	7.7%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

As shown in Tables 80 and 81, the vast majority of participants reported finding it 'easy' or 'very easy' to both find and enrol in a PTS course (86% and 90% respectively).

Table 80: Ease of finding a PTS course

	<i>n</i>	Percent
Very difficult	3	1.2%
Difficult	10	3.9%
Neither difficult nor easy	24	9.3%
Easy	144	55.8%
Very easy	77	29.8%
Total	258	100%

Table 81: Ease of enrolling in a PTS course

	<i>n</i>	Percent
Very difficult	3	1.2%
Difficult	8	3.1%
Neither difficult nor easy	16	6.2%
Easy	142	55.0%
Very easy	89	34.5%
Total	258	100%

Tables 82, 83, and 84 present the length of time participants had to wait to attend PTS once they had enrolled in a course and their views on the reasonableness of this wait time. Two-thirds (67%) reported waiting four weeks or less to attend a course. The vast majority (90%) thought the time they had to wait was reasonable.

Table 82: Waiting time to attend PTS

	<i>n</i>	Percent
Less than a week	13	5.0%
1-2 weeks	82	31.8%
3-4 weeks	79	30.6%
1-2 months	42	16.3%
3-4 months	4	1.6%
5-6 months	3	1.2%
More than 6 months	1	0.4%
Don't know/Can't remember	34	13.2%
Total	258	100%

Table 83: Was the length of time you had to wait to attend PTS reasonable to you?

	<i>n</i>	Percent
Yes	229	89.5%
No	27	10.5%
Total	256	100%

Table 84 shows a cross tabulation of perceived reasonableness of wait time with the delay between enrolling and attending a course (excluding those who did not know how long they waited and those who skipped one of the questions).

Table 84: Reasonableness of delay by wait time

	Reasonable wait time?	
	No	Yes
Less than a week (<i>n</i> =13)	0%	100%
1-2 weeks (<i>n</i> =82)	0%	100%
3-4 weeks (<i>n</i> =79)	8.9%	91.1%
1-2 months (<i>n</i> =42)	26.2%	73.8%
3-4 months (<i>n</i> =4)	75.0%	25.0%
5-6 months (<i>n</i> =3)	100%	0%
More than 6 months (<i>n</i> =1)	100%	0%
Total	27	229

Table 84 shows that the majority of participants who waited two months or less to attend PTS saw this as a reasonable delay. Although numbers of those waiting longer than two months are small, the reverse was seen, with more (if not all) participants regarding this delay as unreasonable.

Tables 85, 86 and 87 detail the distance participants had to travel (one way) to attend PTS and, for those who travelled, their views on the reasonableness of the distance. The majority (72%) of participants had to travel less than 20 kilometres to attend PTS, and a fifth travelled 20-49 kilometres. The majority (93%) also thought the distance they travelled was reasonable.

Table 85: Distance travelled (one way) to attend PTS

	<i>n</i>	Percent
Under 10 km	133	52.6%
10-19 km	49	19.4%
20-29 km	24	9.5%
30-49 km	27	10.7%
50-99 km	16	6.3%
100-199 km	3	1.2%
200-499 km	1	0.4%
Total	253	100%

Table 86: Was the distance you had to travel (one way) to attend PTS reasonable to you?

	<i>n</i>	Percent
Yes	237	93.3%
No	17	6.7%
Total	254	100%

Table 87 shows a cross tabulation of distance travelled by reasonableness of travel distance (excluding those who skipped one of the questions).

Table 87: Reasonableness of travel distance (one way) to PTS by distance travelled

	Reasonable travel distance?	
	No	Yes
Under 10 km (<i>n</i> =133)	1.5%	98.5%
10-19 km (<i>n</i> =49)	0%	100%
20-29 km (<i>n</i> =24)	4.2%	95.8%
30-49 km (<i>n</i> =27)	25.9%	74.1%
50-99 km (<i>n</i> =16)	37.5%	62.5%
100-199 km (<i>n</i> =3)	33.3%	66.7%
200-499 km (<i>n</i> =1)	0%	100%
Total <i>n</i>	17	236

As shown in Table 87, perceptions of travel distance as being reasonable generally decreased as the distance increased. However, for all distances travelled, the proportion of participants who saw the distance as reasonable was greater than the proportion who deemed it unreasonable, no matter what the distance travelled. Even the one person who travelled more than 200 kilometres (an over 400 km round trip) considered this reasonable.

Helpfulness of PTS

The survey asked participants a series of questions about how helpful they found PTS. Table 88 presents how helpful participants found learning about the various areas that PTS covers. A small number of participants indicated that the topic area had not been covered³⁷ in the course they attended or skipped the question. These have been excluded from the percentages presented in Table 88. For ease of reading, the categories 'Helpful' and 'Very helpful' and 'Unhelpful' and 'Very unhelpful' have been collapsed (see Table 206, in Appendix L for the full data table).

³⁷ The most common content area that participants indicated was not covered in the course they attended was 'Other community support services' (*n*=27), followed by 'How to make a parenting plan' (*n*=6), 'How the family justice service works' (*n*=5), 'How to discuss parenting arrangements with the children's other parent or caregiver' (*n*=3), and 'How separation affects children, what children need, and how to talk to them about it' (*n*=1).

Table 88: Helpfulness of PTS content

	Unhelpful/ Very unhelpful	Neither helpful nor unhelpful	Helpful/ Very helpful	Total
How separation affects children, what children need, and how to talk to them about it (<i>n</i> =256)	8.2%	25.4%	66.4%	100%
How to discuss parenting arrangements with the children's other parent or caregiver (<i>n</i> =254)	26.4%	35.0%	38.6%	100%
How to make a parenting plan (<i>n</i> =251)	16.3%	35.5%	48.2%	100%
How the Family Justice system works (<i>n</i> =252)	15.5%	31.3%	53.2%	100%
Other community support services (<i>n</i> =231)	16.0%	48.5%	35.5%	100%

As shown in Table 88, for every content area, more participants reported finding the content 'helpful' or 'very helpful' than 'unhelpful' or 'very unhelpful'. Two-thirds found learning about the impact of separation on children and how to talk to them about it helpful and just over a half (53%) reported finding learning about how the family justice system works helpful. Less than half found learning about how to discuss parenting arrangements with the other party and finding out about support services available in their community helpful (37% and 36% respectively).

Participants' ratings of how helpful *overall* they found PTS in making or changing parenting arrangements are presented in Table 89.

Table 89: Helpfulness of PTS in making or changing parenting

	<i>n</i>	Percent
Very unhelpful	38	14.8%
Unhelpful	39	15.2%
Neither helpful nor unhelpful	86	33.6%
Helpful	74	28.9%
Very helpful	19	7.4%
Total	256	100%

Approximately equal proportions found PTS 'helpful' or 'very helpful' (36%) as found it 'neither helpful nor unhelpful' (34%) in making or changing parenting arrangements, with slightly less (30%) finding PTS 'unhelpful' or 'very unhelpful'.

What Participants Found Particularly Positive or Helpful About PTS

The survey asked participants to detail what, if anything, they found particularly positive or helpful about PTS (if anything). Of the 260 participants who attended PTS, 63% (*n*=163) provided at least one aspect of PTS that they found helpful or positive. These aspects are detailed below, along with relevant quotes from the interview transcripts. Several participants provided **general comments** that the course was helpful or useful, and a few

mentioned being reluctant to attend initially, but then finding it valuable once they had attended.

The whole course was awesome and helped me out a lot. (1621, Father; Survey)

Totally positive experience. Wish I had done it earlier. (1101, Father; Survey)

Everything was useful. I found it extremely useful I wouldn't change it. ... All parents separating should have to do this course. (1548, Mother; Survey)

Amazing. HIGHLY RECOMMEND. (1555, Father; Survey)

Very worthwhile course. (1011, Father; Survey)

I found it extremely useful. I found out lots of points. I initially didn't feel like I would get a lot of value out of it. Then, through going through it I actually felt I got quite a lot out of it. (1690, Father; Interview)

I was really questioning whether the course was necessary, but I actually really enjoyed it and would happily attend one again. (1621, Father; Survey)

Fantastic courses. The revised format is very good. The information is concise and what parents need to know. (1301, Mother; Survey)

One father commented in his interview that he thought PTS was the only family justice service that positively encouraged parents and suggested that "separated families and [the kids] of separated parents would be a lot better off" if more parents used it:

I felt like the majority of the processes we went through was all about aggravation and adversarial. Parenting Through Separation was the only thing that was focussed on encouraging us and showing us ways to act like adults in the situation and to be decent parents. ... It was practical tips to deal with the situation that I didn't expect to be in ... and I really encourage it. I really appreciated it. (1237, Father; Interview)

More specific comments related mainly to the following areas being helpful or positive:

- The content, information and resources;
- The other attendees/group setting;
- Personal reassurance and validation;
- The facilitator.

Content, information and resources

The course content, information and resources provided was the mostly commonly cited helpful aspect of PTS. Some participants made general comments about finding the information, advice, handouts/booklets and videos helpful. However, more detailed comments generally fell into four areas:

- Child-focused content;
- Information about communicating and co-parenting with their former partner;
- Information about processes involved in making parenting arrangements (such as FDR or the Family Court) and legal information;
- Information and resources about making parenting arrangements.

Child focused content – Participants valued information that was child-centred and helped them to understand the impact of separation and parental conflict on their children. Learning ways to support their children and keep the focus on their needs was also seen as helpful.

Enjoyed seeing the process through the child's perspective. (1134, Mother; Survey)

Made me realise ways to help my kids through the separation. (1978, Mother; Survey)

Everything was explained well and it focused a lot on the children and making it work for them. (1023, Mother; Survey)

To not use the child as a pawn. (1581, Father; Survey)

Not asking my child what was going on at the other parent's house. (1132, Mother; Survey)

Focus on the child, and behaviour around the child during separation. (1427, Mother; Survey)

You did get an understanding about – if you weren't a child of divorce yourself – what that actually meant for your child and how to alleviate stresses and strains, even talking about the cat or the dog. Actually, that's one of the main stresses that the children feel, that they're separated from their animal. You know, if they're in predominant care with their father or mother, maybe the animal should go with that person and just little things like that. That was really quite useful. (1214, Mother; Interview)

So, my number one thing that I would suggest would be for them to attend the Parenting Through Separation course. ... I think it's because you are being helped to see through the children's eyes rather than what you think is best for the child. It might not necessarily be best for the child. And that gives you the forum to ask questions so that you are able to make better decisions down the road. Yeah, I think Parenting Through Separation does help to open people's eyes to the views of the children. (1123, Step-mother; Interview)

It helped me to understand how the child feels when they are separated from their parents. (1521, Father; Survey)

It was a reminder that the children's interests need to always be front of mind/the ultimate goal. (1472, Mother; Survey)

Considering the children before myself with regards to living arrangements. (1431, Father; Survey)

Just general [information] about being child-centred. (1589, Mother; Survey)

It was kind [of] a good course ... helped people understand about putting children first. (2056, Father; Survey)

To keep the children at the forefront of my mind in regards to what was best for them especially with their father getting nastier. (1761, Mother; Survey)

The focus on doing what was best for the kids, the clips of kids speaking. (2049, Mother; Survey)

Whole structure is informative but reminds you to focus on children's needs as well as your own. Children see things so differently to adults. It's a good reminder that conflict can be extremely damaging. (2036, Mother; Survey)

Some useful advice on keeping the children removed from the parents' dispute. ... A couple of key things that stood out to me from that was just they did reinforce to try and keep the kids out of the whole process and the angst. One of the things that stuck in my mind from that was they said, "Think about this, when the kids look back on it, do they want to be seeing you as the parent that tried to make things happen, or the parent who was trying to stop things from happening?" So, there were a few things like that that helped. (1585, Father; Survey and Interview)

Information about communicating and co-parenting with former partners – Participants mentioned learning how to communicate with their former partner/the other party and to see things from their perspective as beneficial. They found it helpful to learn about the benefits of co-parenting and the importance of not communicating through children or interfering in the other parent's parenting.

The discussions around communications. (1645, Father; Survey)

Great information about how to communicate with the other parent. (1442, Mother; Survey)

The benefit of co-parenting. (1040, Father; Survey)

Ideas about how the ex-partner might feel different to me. (1252, Mother; Survey)

I think the only other really useful tool that I really took out of the Parenting Through Separation course was the idea of a – what do they call it? Basically, a book to go back and forwards with the child for communication with regards – that communication book. Because I'd never heard of that idea. I thought that was a brilliant idea and we tried that. (1555, Father; Interview)

Maintaining good communication with ex-partner. Communicate directly with other party, not through the children. (1581, Father; Survey)

Importance of [getting] along with [the] other parent. (1584, Father; Survey)

Good advice, for example, not trying to interfere with other parent. (1056, Father; Survey)

[Provider] was very helpful and promoted co-parenting. ... The course was excellent and I think all the judges and Family Court staff should attend to see the benefits of co-parenting. (1855, Father; Survey)

Just gave me a different perspective on the situation and gave me new strategies to use to reduce conflict. (1299, Mother; Survey)

It helped me to change my view of the kids' father from my ex-partner to the children's father which has helped keep the focus of my thoughts and decisions around parenting arrangements relative to his relationship to the children and separate to our previous relationship. (2012, Mother; Survey)

Information about processes – Information about the processes involved in making parenting arrangements and about Family Dispute Resolution and the Family Court were regarded as helpful, as was information about rights and legal issues.

Explained the process and other ways of resolving without court. (1283, Father; Survey)

Clearing some legal issues if those were needed. (1276, Mother; Survey)

It was a chance to find out more information about the rest of the process. (1872, Mother; Survey)

Got told unofficially advice about court process. (2022, Mother; Survey)

Hearing what legal rights I have. (1475, Mother; Survey)

I knew on an anecdotal level that there was a family justice system, but I'd never actually had any interaction with it and so hadn't ever sort of, sought knowledge around it. So, I mean, I wasn't very informed at all going into it, because as I was coming out the other side of the Parenting through Separation course, I felt that I had enough of an awareness as to how I would need to proceed were things to go further. (1016, Father; Interview)

Learned about free mediation and counselling through Family Works. (1101, Mother; Survey)

There was a lot of information given about the different pathways and processes that we could go down. (1215, Mother; Survey)

Knowing the correct way to proceed. (1437, Mother; Survey)

Explanation of the court/parenting plan process. (1912, Mother; Survey)

Overall helpful and gave me a better understanding of how everything works. (1617, Mother; Survey)

One of the other things that helped was that they helped me to understand the process a bit more, that they explained the two tracks through the court and said that the un-notified one, you could use that track if there were things such as A, B, C, D, like there was abuse or danger to the children, there was a risk of abduction, they rattled off about four or five different things. (1585, Father; Interview)

Information and resources about making parenting arrangements – Information and advice about making parenting plans and the “Making a Parenting Plan” workbook were helpful for some participants.

Parenting Plan information – ability to [it] have signed off at court without having to go through the court process. (1011, Father; Survey)

The plans [you] can make yourself regarding access etc. (1737, Mother; Survey)

So, both myself and my ex-wife went through the Parenting through Separation course, and she went through first, a couple of weeks before I did and had come away with the guide for making your parenting arrangements, the little booklet. And so, we sat down and worked through that together one evening and that was really useful just from the perspective of, “Have we ticked all the boxes, have we had everything that we need to think about and to touch on?” Because, you know, it’s a stressful situation you find yourself in and there were plenty of things that could have been missed or fallen out of one’s mind when trying to think through it all. ... The Parenting Through Separation course really was extremely useful. That little booklet gave us the structure that we were able to work off to build the parenting arrangements. And so, sitting down and doing that semi-formal arrangement was a really a good thing. So, yeah, attending that course was probably the most helpful thing. (1016, Father; Interview)

[Booklet] was good, helpful, yes ... because some things you are not aware. It is good for awareness about things. Like, just simple things like school arrangements and birthdays, Christmas, those kinds of things which you might not think about. ... Starting off into the things like handover, those kinds of things. (1056, Father; Interview)

The other attendees/group setting

The second most commonly cited positive or helpful aspect of PTS related to the group settings and the helpfulness of having other attendees present. Participants liked hearing others’ perspectives and experiences, gained insight and ideas from other parents, and valued the support they received from the group.

Some participants found **hearing other people’s stories helped them put their own situation into perspective** or realise how far they had come.

It was interesting seeing how terrible it was for some other people. It made me kind of count my blessings that actually my children were safe. So, from that perspective it was useful. (1017, Mother; Interview)

As far as the course itself is concerned, the thing I found really useful was interacting with other people going through the same situation that I was going through, and hearing their experiences. And just really putting my own situation and my own experiences into perspective. I found that I was getting off pretty lucky with the situation I was in in comparison to a lot of the people that were also there, that were going through incredibly stressful times. (1016, Father; Interview)

Seeing other people had it much worse. (2024, Mother; Survey)

Being reminded of how far I had come through the members who were a lot earlier in the journey. (1845, Mother; Survey)

Understanding of people in much worse circumstances. It made our situation seem a waste of taxpayer money. (1691, Father; Survey)

[It was helpful], sadly, if only to see that we had hardly any of the issues that other people were going through. You know, just to make me thankful that we, [ex-husband] and I were managing to sort everything out between us. It certainly brought me to the point where I didn't want to have to get in a situation where we would have to be told we had to go through that to sort some things out with the kids. (1230, Mother; Interview)

Many participants found that **meeting and talking with others who were in similar situations** to themselves and hearing about their experiences was very helpful and supportive.

The other parents in the group going through similar situations and being able to talk with them. (1627, Mother; Survey)

Support from others in the same situation. (1764, Mother; Survey)

Other people are facing the same issues. (1408, Mother; Survey)

Meeting other parents and finding out that my struggles to get it right for my kids with an ex who was about power and not about kids' needs were pretty standard. (1017, Mother; Survey)

Meeting and learning about others' separations and their parenting, children issues. (1624, Mother; Survey)

I found it a great way to meet other parents going through the same thing as me. (1821, Mother; Survey)

Good to talk through things. (1964, Mother; Survey)

Being able to talk to other parents going through same thing – from both sides of the situations was good. (1627, Mother; Survey)

For some, seeing others in similar situations **made them feel less alone** and helped them to realise they were not the only one facing similar post-separation issues.

Knowing I wasn't the only one going through shit. (1157, Mother; Survey)

I found it really helpful. I think the most helpful thing I got out of it though was realising that I'm not the only person going through this. (1555, Father; Interview)

The other thing was is that you did see other people there ... it kind of didn't make you feel so isolated and alone, because it's the most isolating bloody thing in the whole world what is happening to you. All of a sudden you don't have the support network that you think you're going to have. Not that they provided any, but it just made you

aware that other people were going through horrific things just like you. (1214, Mother; Interview)

Others in same boat – as I was so young and vulnerable – it felt “nice” to know I wasn’t alone. (1409, Mother; Survey)

I think just hearing other people’s experiences. Even the other people that were doing the course with me, it was just almost refreshing in a way that you weren’t the only one going through it. (1253, Mother; Interview)

That it helped me feel not so alone in my journey. (1417, Mother; Survey)

That I am not the only father in my situation. (1552, Father; Survey)

The Parenting Through Separation course ... that was so good and you get so much good information out of it and you also get to meet people who are going through the same thing. Whereas, it can be quite a, I won’t say lonely thing, but kind of lonely thing. Like, you have just come out of a relationship and now you’re having to fight. So, you have got that same sort of support around you with other people who are going through the same thing. (1047, Mother, Interview)

Some participants found the other attendees, particularly those who were further along in the process, a **useful source of information and advice**.

Discussion with peers/other parents within the system about their issues and problems/solutions that they had found. (1044, Father; Survey)

Listening to other group members’ experiences (who had been separated much longer than I had) and what they wished they had done earlier with regards to a formal Parenting Order. (1471, Mother; Survey)

Talking to other parents in the breaks, especially the ones who were a few years down the track. (1203, Mother; Survey)

Hearing the stories of others navigating the Family Court and therefore being forewarned of a probable negative outcome. (1193, Mother; Survey)

Being able to talk to a range of parents at different stages of the process. (1555, Father; Survey)

Two parents who had been through the Family Court and were then required to attend PTS spoke of how they could see the **benefits of those with experience of the process helping others** who were just at the beginning by sharing their experiences.

We went there and met a lot of people who ... were coming through the system the normal way. They had no idea what mediation, what the Parenting Through Separation was about and what court was like and things like that. So we had a chance to have a chat to them and let them know what court was like and mediation and things. ... It was good. Yeah. Because they actually had an idea, from first-hand experience, of what’s actually going to happen for them if they had to go that far. (1254, Father; Interview)

It was quite interesting ... as I said before, there were people for whom their separation had happened a significant period of time before, like me, and they were only doing the Parenting Through Separation course as part of the recommendations through the Family Court. There were other people for whom it was very fresh and they were still very much in that confused, possibly angry, not really knowing how they felt about the whole thing. Of course, people had different reasons for why they'd separated. ... So, probably when you get people who are going through the same thing, but at different times of their lives as well ... there were quite young people and older people and so that variety of experience was quite interesting from an academic point of view. But, also, I think for some people who were perhaps quite fresh, it was quite good to see that, you know, you can get through it and there is life afterwards. But, also for the people who had been through it over a period of time, to sort of look at these people and say, "Well, don't set things in stone that you might want to later change." (1232, Mother; Interview)

Personal affirmation and validation

PTS provided some participants with **reassurance and validation that they were "on the right track"** and doing the right things, and reinforced their approach to the situation. Others found it helpful to have it confirmed that they were being reasonable and that it was their former partner's behaviour and attitudes that were problematic.

Confirmation that the way I was communicating to my children was correct. (1367, Mother; Survey)

Knowing I was doing the right thing for my daughter. (2035, Mother; Survey)

Strength that I was doing the right thing. (1312, Mother; Survey)

Knowing that we weren't damaging our kids. (1111, Mother; Survey)

It was helpful to see just how damaging relationship issues between parents can be for children and validated that I had been doing a good job in keeping those separate from the children. (2012, Mother; Survey)

Yeah, it was helpful, I guess. I mean, it just sort of reinforced [to] me that what I wanted was not unreasonable, I was on the right track. I just wanted the kids to be at ease with the arrangement. (1188, Mother; Interview)

Understanding and a relief that I was doing the best I could by my children. (1328, Mother; Survey)

It showed I am doing my best and gave me ideas to improve myself. (1607, Father; Survey)

Reinforced that I was doing the right thing and made me realise some of the mistakes the courts had made. (1072, Father; Survey)

It was good to have confirmation that I was doing the right things with regards to dealing with my ex-partner. (1848, Mother; Survey)

Establishing that I was not insane as my ex seemed to think. (1188, Mother; Survey)

Confirmed that I was dealing with an unreasonable ex-husband. (1450, Mother; Survey)

It reaffirmed for me that I was attempting to engage in a positive way, but that my ex was gaslighting, continuing the abuse in his dealings with me/my daughters. (1119, Mother; Survey)

The facilitator

The **facilitator/presenter's knowledge, skill and/or personal characteristics** were what some participants found helpful about PTS. They appreciated a facilitator who was knowledgeable, professional, non-judgemental, supportive and able to facilitate the group effectively.

The teacher we had was great. (1475, Mother; Survey)

The presenter was fantastic and very encouraging and supportive. (1519, Mother; Survey)

The facilitator was good. The messages were clear and easy to digest. The facilitator made sure the discussions did not fall in to stereotypes around parent roles. (2139, Father; Survey)

A course leader who genuinely cared about the topic. (1561, Father; Survey)

Nice staff, very understanding. (1702, Father; Survey)

The ladies that did the one in [city], they were good at listening and they were good at explaining things. (1157, Mother; Interview)

The teacher was open and understanding and very good at keeping everyone on track. (2045, Mother; Survey)

They were very knowledgeable and presented the information well. (1975, Mother; Survey)

I really liked the person who ran it. ... She was very straight-up and I appreciated that. (1583, Mother; Survey)

The facilitator. Sharing his personal stories were a real eye-opener, good and bad. (1704, Mother; Survey)

The presenters are well prepared about children's needs. (1552, Father; Survey)

I thought it was handled professionally. (1367, Mother; Survey)

Non-judgmental and informative facilitation. (1371, Mother; Survey)

It was clear they knew their subject matter and were helpful. (2012, Mother; Survey)

What Participants Found Particularly Negative or Unhelpful About PTS

The survey also asked participants what, if anything, they found particularly negative or unhelpful about PTS (if anything). Nearly 60% of those who had attended PTS detailed one or more aspect that they found negative ($n=148$, 57%). These were amalgamated with other negative comments about PTS from the interview material and other survey questions. Nearly a fifth (18%) of the survey respondents who had attended PTS, commented that they did not think there was anything negative or unhelpful about it.

The categories of what participants found negative or unhelpful about PTS largely mirrored what others had reported as positive aspects with some additions. They included:

- The content;
- The facilitator;
- The group setting/other attendees;
- Emotional/personal impact;
- Operational and practical matters;
- The other party's non-attendance;
- Attending only to 'tick the box'.

PTS content

The most common aspect of PTS that participants found unhelpful or negative related to the content and information the programme delivered. Some of the comments about the content related to the material or information not being helpful, or **being too basic**. While not particularly negative, some participants noted that they **already knew** the information provided, or thought that it was **just common sense** so they did not learn anything new from PTS. This was frustrating for those who were required to attend, particularly if they felt they were already well-informed due to separating some time ago, attending PTS in the past, or through their occupation.

Some of the information was very basic and available on the website. (1292, Mother; Survey)

It was alright if you weren't overly informed about the rules around custody arrangements etc. I needed the certificate, but there was no information given that I didn't know prior from looking at the MOJ website and other separation information websites. (1368, Mother; Survey)

I don't want to sound arrogant, but I guess with my background, it didn't tell me anything that I didn't know or that I didn't feel was common sense. (1620, Mother; Interview)

They were telling me what I had already tried. (1763, Mother; Survey)

I had to do the parenting study course, they made me. ... I didn't learn anything. Waste of time. ... I just understood those issues already. ... To be truthful I had done so much research I did not learn too much by the time I did this course. (1448, Father; Survey)

I had already discovered what they were sharing with us, so not any new and useful information. (1223, Mother; Survey)

I didn't find it particularly useful or helpful or had any new information. Like it was stuff that I'd already logically thought about myself and it wasn't anything new. (1146, Mother; Interview)

I didn't find it overly useful. ... I work with parents, I know how to do all of – there were some bits, absolutely, but mostly I know that stuff. ... Putting it in the context of separation isn't necessarily hugely different. For some families it will be, but not overly for us, and the fact that we'd done four years already meant that we'd done lots of those basics already because we'd had to separate stuff from property and children. We'd both managed to agree to put the children first, and to have all that focus. (1292, Mother; Interview)

As a parent who is well researched it was nothing new. I have heard it has been very helpful for other parents though. (1845, Mother; Survey)

Some participants found that **the content was not relevant to their particular situation**, especially if their separation was not recent or their situation was complex. Some acknowledged that PTS could be a helpful course for others, but it was not for them because the content was not applicable to them. One participant thought the content was “only aimed at heterosexual couples.”

Was not relevant as we have been separated for three years and have had no issue until discussions of relocation came up. Everything discussed we already had in place and had been through. Only reason attended as it is compulsory should I need to go from mediation to the Family Court. (1198, Mother; Survey)

They just didn't cater to my situation. ... Was not focused on mentally ill partners at all. It only focused on working with reasonable ex partners, not narcissistic mentally ill ones. (1329, Mother; Survey)

It wasn't representative of my situation. (1907, Mother; Survey)

The Parenting Through Separation course I found pretty much a waste of time, mainly because a lot of it was talking about violence and what is violence and what is intimidation and all that sort of thing and where you can go for help. That just didn't apply to me. ... so, that Parenting Through Separation thing for my situation was pretty much a waste of time. (1604, Mother; Interview)

A lot of my questions were too complex to be answered – our case is quite difficult. (1455, Mother; Survey)

It was irrelevant to my circumstances. (1153, Father; Survey)

Not applicable to my situation. It was compulsory for me to attend and yet I found it a waste of time as it was not relevant to my situation. Irrelevant. The issues were the other party's mental illness. I was not dealing with a reasonable person. (1895, Mother; Survey)

We had already been separated three years at this point. The course had a rosy view of both parties agreeing which in our case does not happen. Had I been told about that at the beginning of the process it may have been helpful. (1774, Mother; Survey)

I'd like to rewrite the course! Found many aspects negative and not portrayed in the positive. I did not like seeing the video footage of kids crying and saying it was best their parents separated because of the fighting – felt it was biased to one type of 'separation' not covering enough scenarios. My kids never had fighting parents. (1451, Mother; Survey)

Those who were **already in the Family Court system** also thought much of the material was **not relevant** to their situation.

I appreciate it could be of value to some families. We had already been in the Family Court system for over a year before enrolling in PTS. (1425, Mother; Survey)

Lawyer for the Child recommended that both parents do [PTS]. I took that recommendation straightaway and booked myself into it as soon as I could and went to one of those sessions. Found that there was some useful stuff in there, but a lot of stuff that wasn't really that helpful, given my situation because there had been a without notice application filed. A lot of the stuff in there was about dealing with the other track through the court, where there were no lawyers involved and things, so a lot of that wasn't relevant. (1585, Father; Interview)

I think if you are not already in the court system it is probably quite useful, but by that point my partner and I were in quite high conflict, so it wasn't. (1113, Mother; Interview)

The Parenting Through Separation, it's fine and dandy, it's cool, but that does not in any way relate to anybody who is forced to go to court. (1059, Mother; Survey)

Several participants commented on PTS's **narrow focus on separated parents**, which did not fit situations such as when parents had never been a couple or when attendees were grandparents caring for children or foster parents.

My situation was complicated and didn't fit with the course, as the child is in foster care. Should be a separate one for children in foster care. (1816, Mother; Survey)

I did learn things, but not much was actually applicable to my situation as a grandparent raising grandchildren and trying to cope with the stress of contact visits by parents and making decisions for children with abusive, hostile, manipulative parents. (1142, Grandmother; Survey)

None of the information was helpful for me. Nothing covered by the course was relevant to our situation as we were never in a relationship (one-night stand resulting in a child) and didn't actually communicate about anything other than our child. (1463, Mother; Survey)

It's extraordinary, because we never raised this child together, so that's why it frustrates me, Parent[ing] Through Separation. We kept being told about when we separated and I kept going, you have to co-habit and co-exist and co-parent to separate. Then the whole theory of parental alienation, well, you have to have separated and we weren't together. (1638, Mother; Interview)

Your scenario doesn't always fit what they're teaching. ... Parenting Through Separation really focused on a partner separated from a partner and the kids in their care. ... There was nothing that could explain our situation. (1157, Mother; Interview)

Some participations commented that the content **was only appropriate for people when the relationship with the other party was amicable**. There were also comments that the PTS content was **not realistic or relevant when there were safety concerns or violence**.

Not all ex-partners are in a place to be able to apply common sense parenting! I remember thinking that it would be a great programme if a relationship ended amicably. (1620, Mother; Survey)

Not relevant if you have safety issues, or isn't a straight forward separation. (1302, Mother; Survey)

As my case involved concerns regarding safety a lot of the course was inapplicable, but I did not feel it was an environment where I could discuss that. (1102, Mother; Survey)

It was unrealistic as I was dealing with a situation of children disclosing serious abuse by their father. (1137, Mother; Survey)

It didn't address the situation where domestic violence is present. (1088, Mother; Survey)

Given mental health and protection order issues [it] didn't feel particularly relevant as not just mum and dad issues, but serious safety concerns to deal with. (1189, Mother; Survey)

Unhelpful – they assumed that everybody could co-parent, they did not have resources, places to go if you had/were continuing to experience extreme abuse. I found it basic. Great if you were not attempting to co-parent with an abuser, but not specific to my needs. (1119, Mother; Survey)

Family violence and abuse is not mentioned in the programme. ... It was not relevant to families that have violence and abuse involved and subsequently supervised contact. ... If you involve highly controlling people ... they've spent so many years abusing you and controlling every aspect of your life, just trying to work out parenting arrangements with them ... it ain't gonna work. (1108, Mother; Interview and Survey)

Might be helpful to some. Left me feeling worse as it wasn't relevant for my situation and showed little understanding of an abusive relationship and a court system that let me down. (1131, Mother; Survey)

Not a real understanding of being victims of family violence. (1110, Mother; Survey)

A few comments related to the **lack of helpful practical information about how to work with a former partner** who was uncooperative, abusive or when the relationship with the other party was poor.

The Parenting Through Separation course, like as great as that may seem, it doesn't give any information. It tells you how you are supposed to think and feel but there is

nothing in that programme that gives you tools to work with your ex-partner. Unless you are both on the same page in what's best for your children and you are civil, there is nothing in that course that you can take away. (1059, Mother; Interview)

The Parenting Through Separation course was pretty much, "Deal with it on your own. Please don't involve the justice system in any way whatsoever, and if you do, it's going to be terrible." Then it lived up to exactly what they said it was going to be. But they don't give you any advice on what to do otherwise. There were lots of people on that course who were in pretty rough and unique circumstances and the only advice they could give was, "You just need to deal with it. Everyone should be the bigger person and not do anything if they're being verbally abused by an ex-partner. You should just suck it up because you pretty much put yourself in this position." ...Yeah, I obviously didn't enjoy the course. It didn't feel relevant at all. Maybe it's great for people who have separated amicably, which is probably almost no-one. (1175, Mother; Interview)

It did not have advice on what to do when your ex doesn't cooperate or engage in the process. (1131, Mother; Survey)

It was difficult to attend when my ex-partner was so adversarial and the content didn't match what I was going through. (1132, Mother; Survey)

It was all very obvious stuff and just made me feel more despairing about my ex-wife's refusal to communicate, negotiate, or attend mediation. There was nothing in it that could help me in my situation. (1509, Father; Survey)

I found it stressful and difficult to understand why, if I was doing everything the course advised me to do, was my ex-husband still being given the room to behave so badly in court and with the children. (1907, Mother; Survey)

Some participants commented that the PTS content **did not reflect the reality** of the family justice system or was inconsistent with the views of other professionals.

I don't know that I particularly got a lot out of it myself. I think what it did was it set me up in this really nice misguided understanding of what it could look like if it was done well so that the whole way through it I felt like this really wasn't done well. It highlighted the huge issues in the system the whole way through because it was nothing like how the Parenting Through Separation course had alluded that it could be. (1620, Mother; Interview)

The system as such is not aligned so while it was great doing this class it didn't align with Lawyer for [the] Children's view. ... The tools taught in the course didn't match the views of the Lawyer for [the] Child and judges. (1122, Mother; Survey)

Others complained that they thought the PTS content was **"patronising"**, **"insulting"** and assumed they did not know how to be a good parent.

Very patronising, waste of money and time ... being giving a teddy bear and flash cards to show how we are feeling. (1129, Mother; Survey)

It seemed to be aimed at people with very poor parenting skills. Most of what was said was obvious. It also assumed that the other person was willing to be open to communication, which is a big assumption to make. (1509, Father; Survey)

The whole thing was unhelpful. It presumed we all were stupidly at risk of using kids for revenge. Having been a child myself whose parents acted badly, I am acutely aware of those issues. (1460, Mother; Survey)

I guess the fact that these courses need to exist at all was something I found pretty sad. I think there are definitely some people out there (probably ones that are not fit to be parents in the first place) that need to attend courses like this, but the fact is they are probably also the ones least likely to actually go. I think assuming that people who are having custody issues can't parent properly is insulting, and doesn't take into account the fact that some parents are capable of dealing with custody issues without ever letting the child know about what is going on. (1583, Mother; Survey)

Specific information that was not covered by PTS was detailed by several participants and included the following:

It is too broad and doesn't go in depth into issues affecting separating families. (1073, Mother; Survey)

It didn't have enough on what to expect from mediation and how to deal with it. (2049, Mother; Survey)

Specific questions regarding toxic relations where children are caught in the middle of litigation. (1567, Father; Survey)

Aimed at older children. Not under 10. (1199, Mother; Survey)

Lots of information for women and where they can get more assistance but very little for fathers. (1555, Father; Survey)

My husband had been arrested two days prior for threatening to kill me. There were no resources for someone in my situation. (1175, Mother; Survey)

A lot of the material focused on doing the 50/50 solution, [but] did not address how to help and reassure your children when they did not want to go to the other parent. (1097, Mother; Survey)

The facilitator

Participants found PTS unhelpful or negative when they did not like the PTS facilitator or found them **lacking in skill, knowledge, experience** and/or an **understanding of family violence and issues experienced by separated parents**.

Didn't like the tutor, dropped out. (1054, Mother; Survey)

Staff seemed disinterested other than achieving course objectives which seemed to be to transmit as much information to the clients as possible within a narrow timeline. (2350, Father; Survey)

It's the same programme that I have done four times now and I knew more than the person running the programme about everything. I found myself answering a lot of the questions because she didn't know anything. (1059, Mother; Survey)

Our facilitator didn't have great presentation skills and couldn't answer questions that weren't stock standard. She seemed to lack experience. ... I can see that it could be much more worthwhile with a great facilitator/trainer. (1347, Mother; Survey)

My course was very rushed. The presenter wasn't feeling well. She raced through a PowerPoint presentation. Whole thing done and dusted in less than 90 minutes. (1425, Mother; Survey)

The presenter wasn't great. (1252, Mother; Survey)

Quality of sessions was variable depending on who was running the night. I found the constant flipping to DVDs to be distracting, and they didn't really add much. (1017, Mother; Survey)

The instructor acted like separation was just another fact of life and no big deal. Proudly told us of her two divorces. ... I was only a month separated and really struggling, but the instructor was very blasé about the whole thing, which I found offensive. (1622, Mother; Survey)

Just felt like they were going through the motions of explaining things they were required to; anything outside of that [was] not covered. (1426, Mother; Survey)

The person presenting seemed to lack maturity and experience on the matters facing us. I did not find it particularly helpful. (1453, Mother; Survey)

The facilitator did not have a grasp of the reality of dealing with Family Court and the real life struggle of dealing with ex-partners. (1116, Father; Survey)

The person taking the course had no experience of separation/divorce so really didn't understand the complexities. (1472, Mother; Survey)

The coordinator could not answer my questions when asked because she had no knowledge of [domestic violence] and [family violence] and how to support me and my whānau. (1108, Mother; Survey)

Group setting/other attendees

As outlined earlier, many participants found the group setting of PTS to be one its strengths. However, there were others who reported finding the group experience, or the behaviour of the other attendees, problematic. Some found it **difficult to hear other attendees' stories** and to be in group with "negative people" who were angry and emotional. Others felt **uncomfortable around particular individuals** within the group.

The other participants' stories were horrific. (1553, Mother; Survey)

Just some negative hurt people in the session. (1093, Mother; Survey)

Some of the others had truly sad stories. (1769, Mother; Survey)

I didn't learn anything from it, and considered it much too enabling of parents who were behaving badly. (1426, Mother; Survey)

One person seemed mentally unstable – should have been screened and given something else. (2022, Mother; Survey)

[It] doesn't seem appropriate to have men with paedophilic tendencies attending a course with the general public. ... This was very distracting and disturbing. (1368, Mother; Survey)

Hearing **angry people speak negatively about their former partners** was also very difficult for some participants, particularly those who had experienced family violence.

There were a lot of angry people who just kept ranting about their ex-partners. It was not a good time. Also it was at night so I was kept up with these angry people. (1169, Mother; Survey)

Sitting in a room with some people who were ordered to attend being abusive and slinging off about their ex-partner and the orders made against them. Not a good environment for a DV victim. (1092, Mother; Survey)

Occasionally it was quite negative as some of the participants were there because they had to be and were very negative towards the other party (usually towards the woman). Although the facilitator was amazing, it was hard to be put in that situation when I was feeling quite vulnerable. (1519, Mother; Survey)

The **composition of the group** was problematic for some, who found the range of attendees with different experiences and perspectives unhelpful.

Found the individuals that attended the course diverse and not complementary – Dads who had left wanting to find out how to work the system, vs woman who had been left by an unfaithful partner – it created tension in the room because their perspectives were so opposing. I left angry and found the course a 'forced' waste of time. (1451, Mother; Survey)

Having men and women in the room from all different situations, some were quite scathing about their ex-partners, which made me feel uncomfortable, when I could imagine my former husband saying the same things about me – didn't allow me to feel able to speak openly about things. (1434, Mother; Survey)

It was rather difficult, because there were other parents in there that were the abusers and I was told that they wouldn't be, but they had two small groups that they combined and didn't say that this person has been in jail ... not that they should have to, but the behaviour didn't help. (1092, Mother; Survey)

I think because there was only one male in the room with the group that I did, I found it very sided towards the females' perspective, which I myself found hard because I have always maintained that I need my children to maintain a relationship with their father. Not cut him out. There were a few things that were said that were along the

lines, “Well, if you want to go down the road of cutting ties with him and not having him in your children’s lives this is what you need to do”, whereas that shouldn’t really be happening because he is a parent. They become an ex-partner, they don’t become an ex-parent. I found that quite hard to deal with. ... There were about seven or eight of us, but only one of us was a guy. He never really got a chance to speak, well not that he never got a chance to speak, I think he chose not to speak because of the type of females that were in the room. (1023, Mother; Interview)

Some participants **questioned the value of people unburdening themselves** by sharing their distressing stories and did not find this aspect of PTS helpful for them. They thought the sessions should have been more structured and focused on providing course material, rather than being like a support group or an “AA meeting”.

The course, for me, was just a lot of people sitting round, sharing stories and ... I think probably would have been better if it was a bit more legal-focus, a bit more about the system and about dealing with the stress of your ex and that kind of stuff. [That] would have been probably more helpful to me than sitting round hearing a lot of sob stories, if you know what I mean? That’s what I felt – the whole day that I had to take off work was basically sitting around and people cry. It wasn’t overly helpful. (1155, Mother; Interview)

Was very emotional hearing other people share their stories about physical and sexual abuse. I thought we were learning about PTS. My course was like a support group for abused people. (1129, Mother; Survey)

There’s so many steps and that Parenting Through Separation course is just painfully hard. ... Sitting down with everybody else in that room and hearing their particular version of why they’re there. ... I did feel that, at times, it was a little unstructured. Now that can be beneficial in and of itself because you want people to unburden themselves. And it felt more like a meeting with AA than anything else. (1104, Father; Interview)

A few women there used it as some sort of counselling session. (2050, Father; Survey)

I just found that it was a group of grumpy people in the room wanting to bag on their ex-partners. ... I had already, at this point, been separated for well over a year. ... You could see there were some very angry, angry people in that room, and I don’t know how much people took in, and I wondered whether we would have just been better making little voodoo dolls of our ex-partners and burning them. That might have been more helpful. (1181, Mother; Survey)

Quite a full group with lots of sharing meant the facilitators had to rush through quite a bit of the content. (1912, Mother; Survey)

Some participants were **not comfortable sharing personal information** in the group setting with strangers.

None of us wanted to be there. It’s ridiculous to be forced to do this course with strangers who may know you or your ex. In some cases, it could be dangerous. I don’t know what anyone was thinking when PTS was considered a good idea. (1180, Mother; Survey)

The group that I was with, I think they had a lot more problems going on with their separation than what I did, so I felt quite removed. Even though I was having similar issues, I didn't particularly vocalise them as much as what they did because I wasn't comfortable doing that. Because this was my situation and I didn't want this to be knowledge for everyone else in the group. Like I was quite personal about that. ...They were oversharing, some of them, yep. I just felt it was unhelpful and I thought the people delivering it could have controlled it a little bit better. (1146, Mother; Interview)

However, others who had wanted to share their experiences found this wasn't always welcomed.

There was another member who got upset at me for telling too much truth ... but the mediator handled it well. (2056, Father; Survey)

I call it Parenting Through Desperation. I had already had an initial and shocking experience with the Family Court and an abusive judge. The people running the course were uncomfortable with me disclosing my experience. It is all about faking it and about women pretending to be happy with abusive ex partners and covering up the truth. Inauthentic at best. ... I went in there and I told my story and they were all like, "Oh, moving on". All they wanted to do was show how wonderful fathers are and, of course, there are wonderful fathers, but this is what is happening and this is what happens in court and it is happening to lots of people. But there is a great big sort of smoke screen over it all. ... There were no men there for a start, it was all women, and it was all about how women need to sort of fulfil the needs of men, basically. That was it. I would say it was a pile of poo. So, I am fairly outspoken, so I said, "Well, this is my experience" and they were all, you know, the women who had gone on it were like, "Well, we're staying away from the court." ... They wanted to pretend a lot of stuff. It's just rubbish. (1135, Mother; Survey and Interview)

Participants also found it unhelpful when other attendees appeared to be there to 'tick the box' or were required to attend and therefore **were uninterested and not engaged**.

I felt like I was with a group of people who had to be at the course for legal purposes rather than to get something out of it. (1356, Mother; Survey)

It was blatantly obvious that several people were there because they had been ordered to by the court – sitting on the seat to get the tick in the court records. (1142, Grandmother; Survey)

There were a few people there who felt like they were forced to be there and just were not interested. (1023, Mother; Survey)

I think in most situations parents attend simply to 'tick a box' to say they have attended. (1389, Mother; Survey)

The man next to me who slept through it. (1252, Mother; Survey)

The attitude of other attendees who were court-ordered to attend – it reflected the attitude of the other parent in my situation – which was one of no realisation of the impact on their children of their actions/blatantly going through the motions of

attending rather than attending to gain information/knowledge. In my circumstances, this was a bit of a trigger for less than optimal mental wellbeing. (1389, Mother; Survey)

For all the good in the world, I was in a room with a lot of people who were only doing it because the court had told them they had to. (1574, Mother; Interview)

Emotional/personal impact

As outlined earlier, participants found it upsetting to hear other attendees' stories and experience their negativity and anger. In addition to this, some found that attending PTS had a negative impact on them personally. Some **felt judged** by their situation or their plans for their parenting arrangements.

They make you feel a bit bad about planning to apply to court by telling you it traumatises the children. (1283, Father; Interview)

There was a very strong emphasis on 50/50 shared care. My son didn't want this and neither did I, but I was made to feel that I was being unreasonable by not accepting this as the best arrangement. (1203, Mother; Survey)

I didn't find it that helpful. I felt judged, isolated and I felt like I was in trouble for being separated. (1970, Mother; Survey)

Felt like I had done something wrong and didn't give any help to give me a light at the end of the tunnel. (1934, Father; Survey)

I felt judged because I couldn't relate to the content due to all the safety concerns. (1108, Mother; Survey)

I booked myself in because I wanted to learn a few tactics about how to deal with a [unclear] partner. And, no. It's going to sound very horrible and this is the way I've been left feeling, because I'm male there's not a lot of help. I went there and said, "Look, I need help with a [unclear] partner" and the woman looked at me, and gave me this look like, "Oh, yeah, I've seen your type before." (1301, Father; Interview)

For others it was a **realisation of their difficult situation** compared with others or an acknowledgement that they were **not emotionally ready** to attend that made attending PTS difficult for them emotionally.

Made me realise how terrible my current situation is and not normal at all. (1439, Mother; Survey)

Not sensitive to domestic violence. I felt shamed by being in a room of parents who hadn't experienced domestic violence. (1886, Mother; Survey)

I still needed more counselling. (1164, Mother; Survey)

It was a very traumatic and emotionally difficult course for me. I was still grieving the breakup of my marriage. I was heartbroken over my husband's betrayal and abandonment. I needed grief counselling. My husband and I needed couple counselling

to help us discuss our relationship and where/how it had failed. But none of this was available to help us work through our issues in order to find some healing and resolution. Instead I was somehow expected to shelve the trauma in order to resolve childcare arrangements. Very hard to do when both parties are so volatile. It was hard to sit and listen to people share their stories and add further anguish to my own story. It was hard to sit in the same room with people who seemed eager to move on without their partners – I felt victimised and vulnerable. Then there were videos showing separated couples in new relationships playing happy homes with each other. It just seemed pretty ridiculous to me and was overwhelming. ... Parenting Through Separation didn't help us. We needed counselling. (1453, Mother; Survey)

What a waste of time, and a huge creator of stress when I had a newborn. (1460, Mother; Survey)

Operational and practical matters

Another negative aspect about PTS raised by the participants related to **how the course they attended was run or practical matters** that they found problematic. Some detailed difficulties with attending due to lack of childcare, parking and transport issues, or having to take time off work to attend. Others would have preferred to have completed an online course or just read the material, rather than attending in person.

I took my child with me and then was told that I should have left him at home. He ended up going into a separate room to play because I explained that I was a single parent with no family or friends in [city] (as I had just moved there). Thinking back, this might be a barrier for others who are in a similar position. (1215, Mother; Survey)

I had no transport and a lack of caregivers. I had to catch two buses there and two back to attend in an evening when my baby was only six weeks old ... very stressful. (1460, Mother; Survey)

Childcare in evenings was difficult as [I'm] a full-time working parent and full-time care of children. (1396, Mother; Survey)

I did have to miss out on pay to attend and then it was an hour away from my home. (1328, Mother; Survey)

I found the course took time I would rather have spent with my children in the weekend. I think an online version would have been perfect for me as I could have done it at a better time and not had to wait. (1488, Mother; Survey)

I could have read it instead. (2024, Mother; Survey)

The venue was a bit too small for the size of the group. (2012, Mother; Survey)

The miscommunication (or lack of), change of providers through funding (withdrawal of) and having one course coordinator who was absent for almost a year delayed the course being available. (1092, Mother; Survey)

Other party's non-attendance

The effectiveness and usefulness of PTS when the other party did not also attend was raised by several participants, who thought it was **only helpful when both parties attended** a course, so that they had a shared understanding and had both gained the same knowledge and learnt the same skills.

I just think it was a good course, a good workshop, but again, if the other person doesn't do it, you know, that's just what I think. It's like running around with one leg. (1055, Mother; Interview)

Very helpful. But not helpful if only one parent does it. (1868, Mother; Survey)

I think it was useful but I felt it would have been more useful if he had done it, so we both had that same understanding. So, I tried to give him a copy of the CD for the material that you get out of it. I don't know if he looked through it or not. But I guess I felt like there would be better benefit if both parties [attended]. (1113, Mother; Interview)

Other parent wasn't made to attend a separate session- it should be mandatory. (1764, Mother; Survey)

Unless the other party also takes the course, it really is a waste of time. (1970, Mother; Survey)

I think all parents who have been through the urgent Family Court system, but fall back into the normal Family Court system, should be made to do it. I did it voluntarily, but because it wasn't required of my ex-partner and he hasn't ... and it's really important both partners do it I believe. (1427, Mother; Survey)

As other parent had not done a course they were not interested in any ideas from the course. (1139, Mother; Survey)

Is a waste of time when only one parent is willing to partake, and you still need to go on to court. (1074, Step-mother; Survey)

My ex-husband wouldn't attend a course and I feel he is the one who stood to benefit more from attending. (1367, Mother; Survey)

It's only helpful if the other person gets on board with what they say. (1574, Mother; Interview)

Usually it [is] one parent that doesn't have these skills and the one who does is the one who goes and the other one [who] doesn't have the skills doesn't attend. (2056, Father; Survey)

It was highly recommended by [the] court to attend to the extent where I felt it was a requirement (I was fine with that), but my ex did not attend one so to a certain degree it defeats the purpose. I was pretty much doing what they were advocating but he wasn't and didn't and still doesn't. Not the course's fault though. (1328, Mother; Survey)

I think it is important that both parties attend a PTS course. My ex-partner never supplied a certificate of attendance to the court, only an enrolment letter. Her beliefs and behaviour during the Family Court process indicated to me that she did not attend as she did everything that the course advises you not to do. (1581, Father; Survey)

Works for people recently separated, but feel both parents need to attend to communicate better. (1503, Step-mother; Survey)

Some participants considered that what was taught in PTS was only useful if both parties were “on the same page” and “willing to work together”.

Many of the principles would be relevant if all parties are acting in good faith, but if this is not the case then it is a waste of time. (1153, Father; Survey)

It's only gonna help if both parties in the separation are on the same page. (1093, Mother; Survey)

I found that because my ex wasn't open to this it didn't work and we would argue over the feeling that he was being 'ganged' up [on] by the organisers. He wasn't open to this process and it didn't help that the partner he was with at the time would fuel the flames as well. (1557, Mother; Survey)

It wasn't the course as such, it was just not realistic in my situation. The other party didn't care about it, so it was no use. (1318, Mother; Survey)

You go through the workbook and try to come up with solutions but at the end of the day when your ex-spouse has an ulterior motive it all was a waste of time. (1157, Mother; Survey)

Was really good, but in the end not helpful as father was not interested in any of the ideas/help. (1139, Mother; Survey)

Sound logical advice, but unfortunately in my case [I] was unable to utilize as I was dealing with an unwilling extremely bitter ex. (1193, Mother; Survey)

Attending only to 'tick the box'

Although not necessarily a negative aspect of PTS, many participants acknowledged that they (or others) were only attending because they were required to.

It was really just a bureaucratic exercise to go through. (1802, Mother; Survey)

Personally I found the PTS course a bit of a waste of time, simply something I had to complete to go to the next step. (1945, Father; Survey)

The negative is that it made no difference to our situation. It was just yet another hoop to jump through. (1193, Mother; Survey)

Most people there (myself included) were only there as it was a pre-requisite for attending FDR mediation and applying to court. (1044, Father; Survey)

I think as a standalone this is too superficial to have any impact on parents and their children after separation. I think in most situations parents attend simply to 'tick a box' to say they have attended. (1389, Mother; Survey)

Only reason attended as it is compulsory should I need to go from mediation to Family Court. (1198, Mother; Survey)

It is just a tick box. My ex-partner attended and got to use that as if he had done something really great, but he put nothing into practice. He simply attended, but took nothing onboard. (1208, Mother; Survey)

Waste of time. Was told I had to complete it just as part of court process. Pointless. (1439, Mother; Survey)

Satisfaction with PTS

Participants were asked whether they agreed or disagreed with four statements about PTS (see Table 90). The positive and negative categories have been collapsed (see Table 207 in Appendix L for the full data table).

Table 90: Percentage agreeing with statements about PTS

	Disagree/ Strongly disagree	Neither agree nor disagree	Agree/ Strongly agree	Total
Attending PTS was worthwhile (<i>n</i> =257)	28.8%	20.2%	51.0%	100%
PTS helped me feel confident about what to do next to make parenting arrangements (<i>n</i> =256)	34.4%	31.2%	34.4%	100%
PTS met my cultural or language needs (<i>n</i> =256)	5.1%	41.0%	53.9%	100%
Attending PTS was difficult for me for practical reasons (<i>n</i> =254)	56.3%	22.0%	21.7%	100%

Just over half of the participants agreed or strongly agreed that PTS was worthwhile (51%) and met their cultural or language needs (54%). They were polarised on whether PTS helped them to feel confident about what to do next to make their parenting arrangements, with 34% agreeing or strongly agreeing and the exact same proportion disagreeing or strongly disagreeing with this statement. Just over a fifth (22%) reported that attending PTS was difficult for practical reasons (e.g., transport, childcare, work commitments), with 56% reporting no such difficulties.

Table 91 presents participants' ratings of overall satisfaction with PTS. Over twice as many participants were 'satisfied' or 'very satisfied' with PTS (*n*=134, 52%) compared with those who were 'dissatisfied' or 'very dissatisfied' (*n*=60, 23%).

Table 91: Overall satisfaction with PTS

	<i>n</i>	Percent
Very dissatisfied	22	8.6%
Dissatisfied	38	14.8%
Neither satisfied nor dissatisfied	62	24.2%
Satisfied	90	35.2%
Very satisfied	44	17.2%
Total	256	100%

As shown in Table 92, over half (54%) would recommend PTS to other people making parenting arrangements, with another 28% saying they maybe would. Less than a fifth (18%) would not recommend PTS to others.

Table 92: Would you recommend PTS to other people making parenting arrangements?

	<i>n</i>	Percent
Yes	137	53.5%
Maybe	72	28.1%
No	47	18.4%
Total	256	100%

Suggested Improvements to PTS

Nearly a third ($n=115$) of the survey respondents who had attended PTS provided some suggestion of ways the service could be improved, which were combined with those suggestions given in interviews. Specific areas of suggested improvements included:

- Changes to the content;
- Changes to the group composition;
- Extending the programme;
- Follow up and support;
- Facilitation;
- Operational matters;
- Mandatory attendance.

Changes to the Content

The most common suggested improvement related to changes to the content of PTS, particularly providing more indepth information or providing more specific information on topics such as:

- Options for parents/caregivers of younger children;
- Experiences of teenagers;
- More information for men;
- Family Court and outcome statistics;
- Referral information for other local services, particularly for counselling/support;
- Practical and 'real-life' solutions/examples/stories;
- Drug and alcohol use;

- How to communicate/deal with the other party, particularly when the relationship is dysfunctional;
- Child support.

Think about not just the child, but personal parenting experiences with blended families. (1342, Stepmother; Survey)

Stats about outcomes in the courts. I expect though this might incentivize mothers, but on the other hand decentivise fathers. (1584, Father; Survey)

Maybe a session looking at experiences through the eyes of teens and how they felt and sometimes having had no say in what happened to them as a young child. (1097, Mother; Survey)

Referral for counselling/support. (1881, Mother; Survey)

Perhaps an a bit more information on using the Family Court or having referral information for other local services if they come up (I recall one lady asked about obtaining a Protection Order and I didn't feel like her question had been answered well). (2012, Mother; Survey)

Who to contact when you really don't know where to go. I have been shoved from pillar to post and been made to work with multiple agencies and none of the work together, i.e., CYFS, Shine, Barnardos, Family Court, IRD, Police, criminal court, etc. (1444, Mother; Survey)

Advice around child support even if it's advice on how to go about it. The course I went to was very superficial and operated on the belief that both parties focus is on the children, when in reality the focus is always about money. Regardless of how much you love your kids, care and care arrangements mostly end up in disputes over money (child support). (1472, Mother; Survey)

Provide practical solutions not just theory. All situations are different. (1308, Mother; Survey)

Needs to be updated, share REAL stories. (1129, Mother; Survey)

Giving help to victims of domestic violence and focusing on the children's needs. (1110, Mother; Survey)

What to do when things go wrong before it turns into family violence. (1097, Mother; Survey)

The most common content area that participants thought needed improving was to **acknowledge that people's situations and relationships were not as simple or as straightforward as was portrayed** in PTS material. They advocated for the inclusion of more information about complex situations, such as family violence, dysfunctional relationships, conflict, addiction and mental health issues and how to communicate and deal with the other parent/caregiver when the relationship was not amicable.

Updated videos, less videos of “ideal” situations where everything goes great. Some of the parents there had kids through CYFS and others where parties were drug takers, or threatening. Didn’t help cover any of those situations. (1627, Mother; Survey)

Tips for communicating to the other parent. Strategies to avoid conflict with the other parent. What to do if the other parent is trying to alienate you from the children. (1881, Mother; Survey)

Potentially offer insight into high conflict people and how to work with these types (that chose court over negotiation, belligerent, etc.). (1301, Father; Survey)

Some help or advice on how to make arrangements when your relationship with the other parent is dysfunctional. (1472, Mother; Survey)

Information on how to work with someone who will not engage, is abusive and controlling. How best to conduct yourself when your partner is currently abusing you or using the system to further the abuse. (1131, Mother; Survey)

Perhaps advice on how to deal with abusive exes that are completely unwilling and/or incapable of compromising and negotiating in the best interest of the child. You can only ever resolve conflict and negotiate parenting with a willing party. (1193, Mother; Survey)

The discussions were vague and free-form. A little more structure to do with how to deal with conflict, what issues to address etc. (2028, Father; Survey)

Cover things that aren’t straightforward, like drug and alcohol abuse in one of the parties. (1302, Mother; Survey)

There needs to be an acceptance in the course that conflict often isn’t caused by both parties. You only need one aggressor for there to be conflict. The other party may be just defending their child and their best interests. (1203, Mother; Survey)

More on how to prepare for and deal with mediation and when one parent is absolutely set on not being amicable. How abuse dynamics usually play out after separation and the use of the kids to continue power and control and how to counter that so the kids are not in the middle. (2049, Mother; Survey)

Perhaps a section on how to deal with how the ex will change/when they become complete narcissists. Help with communicating in that case. (1574, Mother; Survey)

To give a realistic scenario of how to deal with controlling manipulative ex-spouses. The workbooks used in the course tell you how you should communicate with your ex. Even if your ex has done the same course it doesn’t mean they suddenly communicate in the suggested way. (1157, Mother; Survey)

Perhaps include more of how can do this with organisations like Oranga Tamariki. (1737, Mother; Survey)

It could address parenting through separation where domestic violence is involved. (1088, Mother; Survey)

Others suggested broader changes to the PTS content such as “less gender bias” and taking a broader view of the types of family structures.

It really requires more information regarding different relationships or lack thereof. (1463, Mother; Survey)

It needs a modernisation and overhaul and focus on best practice. Think outside of the box about who a family is. This is 2017. (1553, Mother; Survey)

Group Composition

As discussed earlier, some participants found the attendee group composition difficult, and several suggested attention be given to this to improve PTS. Some thought it would be helpful to have **separate groups to cater for people’s different situations and needs**, such as separate groups for foster parents, those at different stages in the separation or dispute resolution process, or groups/sessions just for men or for women. **Tailoring the information to the different types of attendees** was also suggested. Some called for **separate programmes for those who had, or were, experiencing family violence**.

Be more specific to people’s needs. Organise groups into their needs. (1420, Mother; Survey)

I don’t know how you would ever do this, but I wonder if the groups can be structured or set up differently where you’re having similar people in similar situations at the course. Like, I mean, I was just someone who was newly separated and didn’t really know what to do and there was another couple of people in there and it was fun, but there was a number of people that were at this course because they were currently going through court and Police and everything. They were at a completely different stage and ... some of them were like, “Oh, we have to come to this course because the last one I went to was two years ago and to go to court I’ve got to go within six months.” So, to me, those people possibly weren’t the best people to have in the group if you know what I mean? They had already been through it. They didn’t want to be there. They were doing it to tick a box before they went to court. So, it’s almost like you need a group for those kind of people, because I understand that they’re frustrated too, but for the people like me it was kind of like, “Oh my god. I don’t want to go through that process,” So, for me, I wanted useful information. ... So, maybe they have two groups, depending on what your situation is or something. (1308, Mother; Interview)

Need two courses – a separate one for those going through the Family Court. (1886, Mother; Survey)

Separate course for children in foster care, cause you feel singled out by other parents in normal separation, you’re the odd one out. ... Just having a separate course for children in foster care would be more beneficial. (1816, Mother; Survey)

Maybe a third session (it was a two session process when I did it). In that third session, separating the mums and dads so we can discuss things relevant to the gender. (1555, Father; Survey)

It could be tailored to people who have been separated a long time. It was a “must do” for me to carry on with the Family Court system, but by that stage, I had been through multiple mediations (pre-2014) including judge-led and even Family Court sessions. (1691, Father; Survey)

I would suggest not having the ‘leavers’ and the ‘left’ parties together in the same session. (1434, Mother; Survey)

If safe and practicable to do so, it would be helpful if both parents attended the same course. (1581, Father; Survey)

Take into account that some people are terrified of their ex and find a way to simplify the process, maybe offer single gender courses if requested as I was terrified of men at the time of the course, yet had to sit through a class including several men, which triggered the PTSD I had. (1119, Mother; Survey)

I think when it comes to the Parenting Through Separation course there should be the choice for the dads at most, especially the dads, to go to a male-only course. Because you do get those females that are quite staunch in their views of it. (1023, Mother; Interview)

Dedicated courses, or alternative programmes, for those who had experienced **family violence and abuse** was also a suggested improvement.

Have classes specifically for women in domestic violence situations and make up regular group meetings for social support following the course. (1439, Mother; Survey)

Have a separate programme for survivors of family violence. The needs of children and their safety is completely different. The whole focus on the Family Court is the same as PTS ... all perfect happy little families able to just split apart. But when violence and abuse has been, and is still often, involved it is not easy to have contact and make agreements with the other party and often the kids really do not want to even see the other party, but are forced to do so by courts. How do we keep our kids safe while also letting the violent parent have contact and how do we approach this with each other when we are unable to speak due to [Protection Orders] and safety matters? (1108, Mother; Survey)

Participants should be screened ahead of time to make sure that they are not dealing with serious abuse or domestic violence issues, which really are at a different level than attending a PTS course. The Ministry of Justice should be providing a service for those who are scared and vulnerable because their ex is abusive. (1137, Mother; Survey)

I think if there are concerns regarding the wellbeing of children, parents should not be referred to these courses. (1102, Mother; Survey)

They need to implement the Online Parenting Program’s course in New Zealand. It’s more in-depth and focuses more on the children, how parenting decisions and behaviours affect them, how to be a co-parent and how to not use them as a pawn or piece of property like some parents do in their custody battle (particularly when one parent is a victim of DV from the other parent who is abusive). (1092, Mother; Survey)

They need a different one that is considerate [of] transportless sole parents with little support that applies to family violence cases. (1460, Mother; Survey)

Extending the Programme

Some of the suggestions for improvement to PTS related to **expanding or lengthening the programme** to allow the inclusion of **more in-depth information** or to **offer the services of other professionals**, such as counsellors, or advice from people who had recently gone through the court process.

Just, generally having the person presenting there was good, but also having someone who's just recently gone through the court process would probably be handy as well. So, it gives the people going through the course more of an up-to-date idea of what's actually happening and what the general feelings of the judges are and things like that. (1254, Father; Interview)

I was alarmed at the attitude of many attendees in my course and wonder if having a social worker sit in alongside the presenter to help identify potentially risky family situations could be a good idea. (1389, Mother; Survey)

Parenting Through Separation is really good. Perhaps if that is extended so that they can access the counsellors or somebody involved with those seminars to be available to give some sort of advice and maybe help out with keeping the parents focused on filling out the application. (1301, Father; Interview)

Make the programme longer and more in-depth. So parents will be able to manage their relationships with each other and their children better through separation and afterwards for better outcomes for family members. (1065, Mother; Survey)

Making the Parenting Through Separation longer. ... Because in North America for example, there is one called New Ways for Families. ... If you look at it, it has very similar topics to the PTS, but it is just every one of these topics is like an hour or two so they really go into the whole, each one of these things. I think that probably might be more beneficial in terms of parents dealing with stuff. Because when the parents come in to PTS, the first session is about the effects on the children and the parents and the parents' journey, and the second session is all about the care arrangements and the court process and family violence. I think it could be made a lot longer around the communication and the understanding of children's needs. Maybe it won't have such a big buy-in, but, yeah. ... If you really want to cut costs down for families, this would be it, because it's the free stuff, the free programme, I think that it could be a lot longer. I think it could be a few more sessions, I think it could dive into a few more things that people end up in court over. I look at my scenario at allegations of abuse, if people had a bit more education around that ... or more communication skills which is the biggest thing between separated parents, because that is basically what leads to a lot of the violence. (1073, Mother; Interview)

Others would just have liked to have had **more time**, particularly for discussion.

One of the best things about the course was connecting with other parents going through similar situations ... more time to share would have been great. (1427, Mother; Survey)

More time to talk through specific plans. (1414, Mother; Survey)

Have a longer course available, [with] more in depth discussion about how the court process proceeds. (1044, Father; Survey)

More time for group discussion. (1704, Mother; Survey)

Smaller groups, longer session so it wasn't so rushed. (1912, Mother; Survey)

Follow-up and Support

A few suggested improvements related to the **provision of more support or follow-up** for PTS attendees, such as counselling or the assistance of social workers.

Expanding its brief to include assessment and support of clients who attend must be considered. (2350, Father; Survey)

I'd say most people need a 'navigator' to support them in implementing the things they learned in the course. (1142, Grandmother; Survey)

Sooooo believe that offering this course (PTS) instead of the counselling sessions is negative and detrimentally flawed. Our care arrangements broke down to the point ... we ended up in the court system (fast track Parenting Order). The courts made it compulsory for us to attend ten counselling communication sessions – that was worthwhile!! But waited for two years before that step was implemented. It could have saved so much heartache and brokenness if we'd been given the opportunity to discuss things earlier and talk about how broken trust can be mended. BRING BACK THE COUNSELLING SESSIONS FOR THE SAKE OF OUR KIDS! (1451, Mother; Survey)

Perhaps a 'follow up' needs to be run. To review where things are at six months after the original course. The original course made me choose to focus on almost the exact opposite of what was covered in the course. I felt I made a conscious decision to stop focusing on 'best practice' after separation – because it was simply not relevant or possible in my situation – which initially made me even more worried for the impact on our children. A follow-up may have helped others in similar situations to me, or picked up on situations where things had not been arranged well for children after separation. Perhaps a social worker attending alongside the presenter at the follow-up to pick up on signs/signals that things were or were not working could be a good idea? (1389, Mother; Survey)

More counselling if domestic abuse case. (1164, Mother; Survey)

Facilitation

Some of the suggested improvements to PTS centred around **how the programme was run and facilitated** and/or about the facilitator. PTS providers were said to need to be **better trained, more knowledgeable and have experience of the Family Court** themselves. Some participants thought **how the groups were facilitated needed to be improved**, in order to keep on task and manage the group.

The people running it should have gone through the whole procedure of courts themselves. (1529, Father; Survey)

Stick to the topic. [The] whole day focused on one person's issues and felt like it didn't address needs of the group. (1189, Mother; Survey)

Less of a feeling of being talked down to as though we didn't have a clue already. (1509, Father; Survey)

Simple things like introductions, the facilitator sharing how they get to be the presenter and covering the topics that you say you're going to cover are important. We had one participant on our course who spoke very little English and that was not realised by the presenter until just after lunch time. (1347, Mother; Survey)

Have one person to deal with from start to finish. Have people that are trained properly and can answer questions about Family Court, Lawyer for the Child, your rights, your children's rights etc. ... Train your staff (could not satisfactorily answer any questions I put to them). ... Were gender biased in treatment of me compared to my ex wife's treatment. (1544, Father; Survey)

Someone who actually knows what they are talking about instead of someone just going through a note book. (1059, Mother; Survey)

Operational Matters

A small number of comments related to operational matters, such as the **venue, group size**, increasing the **number and location of available courses** and offering the **programme online**. Having **more Māori providers** was also suggested.

Better options such as childcare while you have to do the course and at a reasonable hour. (1059, Mother; Survey)

Being more local and helping with childcare arrangements/payments or petrol money. (1589, Mother; Survey)

Either a larger venue or capping groups to slightly smaller numbers. (2012, Mother; Survey)

More care with information/forms provided to them (they lost my info) faster response time (took months to act). (1544, Father; Survey)

More time slots made available. (1060, Father; Survey)

More classes available – should depend on need and not numbers. (1122, Mother; Survey)

Maybe decrease the duration from four hours to three hours – could improve attendance numbers! (1011, Father; Survey)

If possible both parents should do the programme around same time. (1139, Mother; Survey)

I think they need to offer more courses. I didn't hear about it until after I'd attended the Family Court. I wish I had known about it much earlier. Advertise it better. ... Give them more funding so they can run the course more often in more areas. (1101, Father; Survey)

Water available to drink. (1561, Father; Survey)

Have Māori providers. (1055, Mother; Survey)

I think an online version would have been perfect for me as I could have done it at a better time and not had to wait. ... An online version with perhaps just a small face-to-face component. The pace of the course was too slow for me. (1488, Mother; Survey)

Be more one-on-one. (1556, Father; Survey)

Waste of time if you can't make the stupid start time. (1537, Father; Survey)

A bouncer on the door! (1293, Mother; Survey)

Make it more personal. (1622, Mother; Survey)

Holding **more courses in smaller towns** more frequently was suggested so that people could attend locally.

Easier to find a session near by. Plunket website [was] the only one which showed all the classes and how to enrol. Was quite hard to find a session. (1283, Father; Survey)

Classes within a 30 minute drive. Perhaps after work hours. (1396, Mother; Survey)

Hold in more towns so it's easier to get to. (1140, Mother; Survey)

More frequent in smaller towns. (1409, Mother; Survey)

Mandatory Attendance

The participants had mixed views on whether PTS should be mandatory or not. Most of the comments on this stated that attendance **should be compulsory for both parties**. Several expressed frustration when they attended, but their former partner did not, as they thought it would have been beneficial.

I was told I had to do it to attend the Family Court. My ex doesn't have to. That is stupid. Men and women should BOTH have to attend. What's the point in learning how to deal with an ex and how to navigate separation in a way that makes it easier for the kids and parents if the ex doesn't learn these things too and continues to make things difficult? (1689, Father; Survey)

If one parent goes to the course – find a way to make the other parent to attend as well. (1472, Mother; Survey)

My ex refused to go and got away with it. She would of learnt lots if she also attended. Would of helped going further. I had to attend to get the ball rolling, but because she

refused to work with me she didn't have to go. Courts should of made her. (1875, Father; Survey)

Mandatory for all parents involved in custody arrangements through the courts/mediation services. (1764, Mother; Survey)

Compulsory for all separating parents. (1312, Mother; Survey)

It would be good if you could force the other parent to do it too. (2024, Mother; Survey)

Both parties should have to do it. (1607, Father; Survey)

Should be compulsory for ALL parties going through Family Court!! (1140, Mother; Survey)

It should be made compulsory before going to court and submitting a without notice application. This is a loophole being exploited by lawyers and vindictive exes. (1516, Father; Survey)

However, another group of participants **did not like being “forced into” attending PTS** and did not think it should be mandatory. Some expressed **annoyance with having to repeat the course**.

Not to be forced into it by the Family Court when it wasn't necessary due to false allegations made against [father] by his ex. ... Make it optional as it's offensive being forced to complete this course when you are already a great parent. (1703, Aunt; Survey)

It should not be compulsory if people already have an understanding of the process and resolution options. (1448, Father; Survey)

I don't think it is worth people going until they are ready to listen to what's being taught. It's really distracting for those that are there for the right reasons. (1023, Mother; Survey)

By checking if you have tried their steps before requiring you to attend the course. I had tried them all and some. Ex was just plain difficult. (1763, Mother; Survey)

Not compulsory for everyone. [It is] irrelevant to some situations. (1198, Mother; Survey)

You shouldn't have to do it more than once just because it's been two years. Nothing changes in the course. (1030, Father; Survey)

It's absolutely disgusting that you are expected to repeat this time after time after time. (1059, Mother; Survey)

Summary

Parenting Through Separation was the third most frequently used family justice service, with 40% of the survey respondents attending a course. Parenting Through Separation was a well known service – only 15% were not aware of it. Nearly half of the participants knew about PTS, but had not used the service, most commonly because they did need or want to, especially if they had attended a course before the reforms took effect. Nearly a fifth of those who did not use PTS cited other commitments, such as work and/or family, as a reason for non-attendance.

The most common way participants heard of PTS was from a lawyer, followed by the Ministry of Justice website and the Family Court. The vast majority found it easy/very easy to both find (86%) and enrol (90%) in a PTS course. Two-thirds of those attending PTS waited four weeks or less to attend a course after enrolling, and most (90%) thought the time they had to wait was reasonable. The majority (72%) had to travel less than 20 kilometres (one way) to attend PTS; 53% travelled under 10 kilometres. Most (93%) thought the distance they had to travel to attend PTS was reasonable.

Learning about how separation affects children and how to talk to them about it and how the family justice system works were seen as helpful by over half of the participants. Overall, around a third (36%) found PTS helpful in making or changing parenting arrangements, with 30% finding it unhelpful.

Many participants detailed how helpful they found PTS, whereas others noted they were only attending because they had to in order to access FDR or the Family Court. The aspects that some participants found helpful or positive about PTS, were often the same things that others found unhelpful or negative. Most commonly, participants found the information provided at PTS helpful, particularly that which was child-focused, covered how to communicate and co-parent with the other party, how to make parenting arrangements and the processes involved in doing so. Conversely, others described the information provided as basic or just common sense, and something that they already knew. Some did not find the information relevant to their particular situation, particularly if they were already in the court system or their situation was not 'standard'. The content of PTS was regarded by some as only appropriate for those with an amicable relationship with their former partner/the other party, and unrealistic or inappropriate when there were safety concerns or family violence. Some complained that the PTS content did not reflect the reality of the family justice system and was patronising.

Participants appreciated a knowledgeable, professional, skilled and understanding facilitator, but some were critical of the facilitator of their course, especially if they lacked knowledge, facilitation skills, experience, and/or an understanding of family violence and post-separation issues.

For some, the group setting was a positive aspect of attending of PTS. They enjoyed hearing others' perspectives and experiences, gained insight and ideas from the other attendees, and valued the support they received from the group. Hearing other people's stories helped to put their own situation into perspective and made them feel less alone at a difficult time. The other attendees were also a source of information and advice. Conversely, others found the group setting to be a negative aspect of PTS. They found it difficult and distressing hearing others' stories and felt uncomfortable around certain attendees, especially those who were angry and emotional. Hearing attendees speak negatively about their former

partner was very difficult for some participants, especially those who had experienced family violence. While attendees sharing their stories was helpful for some, others found this uncomfortable and thought it took up too much time when what they wanted was more structure and information and less focus on people unburdening.

On a personal level, some participants found PTS helpful in providing reassurance and validation that they were doing the right thing and reinforcing their approach. However, others found attending difficult emotionally if they weren't ready and/or felt judged or vulnerable.

Some participants acknowledged that they only attended PTS because they had to. Others reported that it was unhelpful to be in a group with such attendees as they could be uninterested and unwilling to engage. Some considered that attendance was only helpful if both parties attended a PTS course and had a shared understanding of the information and skills taught and a willingness to put them into practice. While some thought attendance at PTS should be mandatory for both parties, others resisted this, particularly if attendance was only a mandatory stepping stone to Family Dispute Resolution or the Family Court or they had attended a course previously.

While accessing PTS did not appear to be problematic for most participants, around a fifth agreed that attending PTS was difficult for practical reasons, and some detailed difficulties such as finding childcare, having to take time off work and transport issues.

Participants were mildly positive about PTS, with just over a half agreeing that it was worthwhile (51%) and met their cultural or language needs (54%). Overall, 52% were satisfied with PTS and 82% would, or maybe would, recommend it to other people making parenting arrangements.

Suggestions for how to improve PTS largely addressed the aspects participants found unhelpful or negative. The most common suggestion was to improve the content by providing more in-depth information and more specific information on a range of topics. The most common suggested improvement to the content of PTS was to include more information about complex situations, such as family violence and mental illness, and how to communicate and deal with the other party when the relationship was dysfunctional and/or conflictual. Training facilitators and ensuring they had better knowledge and understanding of separation, the family justice system and family violence was also suggested.

Suggestions were made about consideration being given to the composition of the attendee group, and having specific groups tailored to meet people's different situations and needs. For example, having separate groups for men and women, those at different stages of the process and those who had experienced family violence.

Other participants suggested expanding and lengthening the programme to allow for the inclusion of more material, the offering of the services of other professionals, and more time for discussion. Some thought PTS should provide more support and follow up for attendees.

Suggestions of operational changes included increasing the number and location of available courses, having more Māori providers, offering childcare options, having a more personalised service, and providing the programme online.

Key Findings – PTS

- 40% had attended PTS, 45% knew about it, but didn't use it, 15% were not aware of PTS
- Reasons for not attending PTS:
 - Didn't need or want to (67%)
 - Other commitments e.g., work, family (19%)
 - It was too difficult/far to travel to attend (7%)
- 44% heard of PTS from a lawyer, 25% from the MOJ website; and 19% from the Family Court
- 86% found it easy or very easy to find a PTS course
- 90% found it easy or very easy to enrol in a PTS course
- 67% waited 4 weeks or less to attend a PTS course
- 90% found the time they waited to attend PTS was reasonable
- 53% travelled under 10 km (one way) to attend PTS
- 93% found the distance they had to travel to attend PTS reasonable
- 66% found learning about the impact of separation on children and how to talk to them about it helpful or very helpful
- 53% found learning how the family justice system works helpful or very helpful
- 48% found learning how to make a parenting plan helpful or very helpful
- 39% found learning about to discuss parenting arrangements with the other party helpful or very helpful
- Nearly equal proportions found PTS helpful/very helpful (36%) as found it neither helpful nor unhelpful (34%) in making or changing parenting arrangements, with slightly less (30%) finding PTS unhelpful/very unhelpful
- What participants found particularly helpful or positive about PTS:
 - Information about: communicating and co-parenting with the other party; family justice system processes and services; making parenting arrangements; and child-focused information
 - Meeting others in the same position, hearing their stories, and the support advice provided the other attendees
 - Reassurance and validation they were doing the right things
 - Knowledgeable, professional and supportive facilitators
- What participants found particularly unhelpful or negative about PTS:
 - Basic content, that was not relevant to their situation, particularly when family violence was involved or they were already in the court system, and content that did not reflect reality
 - Facilitators who were lacking in skill, knowledge and experience
 - The group setting – finding it difficult to be around negative, angry people and hearing distressing stories; too much emphasis on people sharing their stories; attendees who were uninterested and not engaged
 - Feeling judged or emotionally vulnerable or distressed
 - Operational or practical matters – difficulties with childcare, transport or having to take time off work to attend
 - The other party not also attending
 - Having to attend in order to fulfil requirements to progress to FDR or the Family Court

Key Findings – PTS

- 51% agreed or strongly agreed that PTS was worthwhile
- 54% agreed or strongly agreed that PTS met their cultural or language needs
- 34% agreed or strongly agreed that PTS helped them to feel confident about what to do next to make parenting arrangements
- 22% agreed or strongly agreed that attending PTS was difficult for practical reasons
- Overall, 52% were satisfied or very satisfied with PTS, 23% were dissatisfied or very dissatisfied
- 54% would recommend PTS to others, 28% maybe would, and 18% would not recommend PTS
- Suggested improvements to PTS included:
 - Including more in-depth content and more specific information
 - Having separate groups to cater for people's different situations and needs
 - Separate (or different) programmes for those who had experienced family violence and abuse
 - Extending the programme – lengthening the time to allow for more material to be covered; including other professionals; allowing more time for discussion
 - Providing support and follow-up
 - Better trained facilitators
 - Operational changes – increasing the number and location of available courses, having more Māori providers, offering the programme online
 - Making attendance mandatory for both parties; or alternatively, not making attendance compulsory

Family Legal Advice Service (FLAS)

The Family Legal Advice Service (FLAS) was the least known about and used family justice service, with nearly two-thirds of the participants (63.5%) being unaware of it. Overall, 36.5% either knew about or used the service, and 12% ($n=80$) had received FLAS.

Reasons For Not Attending FLAS

Nearly a quarter of the participants (24%, $n=157$) were aware of FLAS, but did not use it, and their reasons for this are presented in Table 93. The most common reasons given for not using FLAS were a lack of need or desire to (48%), obtaining legal advice elsewhere (24%), and being ineligible to receive it (19%).

Table 93: Reasons for not using FLAS

	<i>n</i>	Percent
Didn't need or want to	75	47.8%
Didn't know how to access FLAS	12	7.6%
Couldn't find a lawyer who provided FLAS	6	3.8%
Wasn't eligible for FLAS	30	19.1%
Got legal advice elsewhere	39	24.8%
Other	4	2.6%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

The participants who had received FLAS (12%, $n=80$) were asked a series of questions about their experience of accessing and receiving FLAS, their views on its helpfulness and their satisfaction with the service.

Accessing FLAS

Those who had received FLAS were asked about their experience of accessing FLAS including:

- Where they had heard of FLAS;
- How easy it was to find a FLAS provider;
- How long they had to wait to receive FLAS and how reasonable this was;
- How far they had to travel to receive FLAS and how reasonable this was.

The most common way people heard about FLAS was through a lawyer (56%), with other family justice services (Ministry of Justice website, PTS, and FDR) being the next most common referral pathways (12.5%) (see Table 94).

Table 94: Where participants heard of FLAS

	<i>n</i>	Percent
On the Ministry of Justice website	10	12.5%
On the Internet/another website	4	5.0%
From the Ministry of Justice 0800 2 AGREE phone line	2	2.5%
At a Parenting Through Separation course	10	12.5%
From a Family Dispute Resolution (FDR) service/mediator	10	12.5%
From a lawyer	45	56.3%
From the Family Court	8	10.0%
From another professional or agency	7	8.8%
Some other way	3	3.8%
Don't know/can't remember	11	13.8%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

Table 95: Ease of finding a FLAS lawyer

	<i>n</i>	Percent
Very difficult	5	6.4%
Difficult	8	10.3%
Neither difficult nor easy	27	34.6%
Easy	31	39.7%
Very easy	7	9.0%
Total	78	100%

Nearly half (49%) of those who received FLAS found it 'easy' or 'very easy' to find a FLAS provider, with less than a fifth (17%) finding it 'difficult' or 'very difficult'.

Table 96: Waiting time to receive FLAS

	<i>n</i>	Percent
Less than a week	16	20.3%
1-2 weeks	24	30.4%
3-4 weeks	9	11.4%
1-2 months	4	5.1%
3-4 months	0	0%
5-6 months	0	0%
More than 6 months	3	3.8%
Don't know/can't remember	23	29.1%
Total	79	100%

Of those who could remember how long they had to wait to receive FLAS ($n=56$), most (71%, $n=40$) did not have to wait more than two weeks, and only a small proportion (5%) waited for more than six months.

Table 97: Was the length of time you had to wait to receive FLAS reasonable to you?

	<i>n</i>	Percent
Yes	57	74.0%
No	20	26.0%
Total	77	100%

The majority (74%) of participants thought that the time they waited to receive FLAS was reasonable (see Table 97). Table 98 shows a cross tabulation of reasonableness of wait time with the time taken to receive FLAS (excluding those who did not know how long they waited and those who skipped one of the questions). Although the numbers are small, a wait of up to four weeks was regarded as reasonable by a greater proportion than those who saw it as unreasonable. The reverse was seen for wait times of a month or more.

Table 98: Reasonableness of delay by wait time

Wait time	Reasonable wait time?	
	No	Yes
Less than a week (<i>n</i> =16)	0%	100%
1-2 weeks (<i>n</i> =24)	20.8%	79.2%
3-4 weeks (<i>n</i> =9)	33.3%	66.7%
1-2 months (<i>n</i> =4)	75.0%	25.0%
3-4 months (<i>n</i> =0)	0%	0%
5-6 months (<i>n</i> =0)	0%	0%
More than 6 months (<i>n</i> =3)	100%	0%
Total	14	42

Table 99: Distance travelled (one way) to receive FLAS

	<i>n</i>	Percent
Didn't have to travel	12	15.8%
Under 10 km	42	55.3%
10-19 km	10	13.2%
20-29 km	7	9.2%
30-49 km	2	2.6%
50-99 km	1	1.3%
100-199 km	1	1.3%
200-499 km	1	1.3%
500 km+	0	0%
Total	76	100%

As shown in Table 99, the majority (71%) travelled under 10 kilometres, or not at all, to receive FLAS. Those who had to travel (*n*=64) were asked if the travel distance was reasonable (see Table 100) and the vast majority (95%) indicated that they thought it was.

Table 100: Was the distance you had to travel (one way) to receive FLAS reasonable to you?

	<i>n</i>	Percent
Yes	61	95.3%
No	3	4.7%
Total	64	100%

Looking at a cross tabulation of distance travelled with perceived reasonableness of distance (see Table 101) shows, in all but one instance, most, if not all, participants thought the distance they travelled was reasonable. However, numbers for distances exceeding 10 kilometres were small, making drawing it difficult to draw conclusions.

Table 101: Reasonableness of travel distance (one way) to receive FLAS with distance travelled

Distance travelled	Reasonable travel distance?	
	No	Yes
Under 10 km (<i>n</i> =42)	2.4%	97.6%
10-19 km (<i>n</i> =10)	10.0%	90.0%
20-29 km (<i>n</i> =7)	0%	100%
30-49 km (<i>n</i> =2)	0%	100%
50-99 km (<i>n</i> =1)	0%	100%
100-199 km (<i>n</i> =1)	100%	0%
200-499 km (<i>n</i> =1)	0%	100%
Total <i>n</i>	3	61

Receiving FLAS

The survey asked participants about their experiences of receiving FLAS including questions about:

- How FLAS was delivered;
- Which parts of FLAS they received and how helpful these were;
- What they found particularly positive or helpful about FLAS;
- What they found particularly negative or unhelpful about FLAS;
- How helpful overall they found FLAS;
- Satisfaction with FLAS;
- How FLAS could be improved;
- Whether they would recommend FLAS to others.

FLAS Delivery

As shown in Table 102, the most common way participants received FLAS was face-to-face (81%), with it being delivered over the telephone for almost a fifth (19%). Receiving FLAS online and/or via video-conferencing was less common (7%). As shown in Table 101, some participants travelled quite long distances to receive FLAS and thought this was reasonable, which may account for the small numbers of those receiving FLAS online.

Table 102: FLAS delivery mode

	<i>n</i>	Percent
Face-to-face with a FLAS lawyer	61	81.3%
Online/Video conference via internet	5	6.7%
Over the telephone	14	18.7%
Other	2	2.7%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

FLAS consists of two parts: -

- Part 1: Provides information about parents' rights, responsibilities and legal options regarding children and their care; and what family justice services are available;
- Part 2: Provides help to fill out court forms (if applying or responding to applications for Parenting Orders at the Family Court).

Table 103 shows the proportion who reported receiving Part 1 and Part 2.

Table 103: Parts of FLAS received

	Part 1	Part 2
Yes	79.7%	59.5%
No	10.1%	27.8%
Don't know/Not sure	10.1%	12.7%
Total	100% (n=79)	100% (n=79)

As shown in Table 103, 80% of the participants who had received FLAS, reported receiving Part 1 and 60% reported receiving Part 2. A small number (10-13%) said they didn't know or weren't sure what parts of FLAS they had received. One in ten participants who said they used FLAS, reported not receiving Part 1 and 29% reported not receiving Part 2.

People may not necessarily return to a FLAS provider to obtain help with filling in court forms (Part 2) and this was reflected in the lower proportion who reported receiving Part 2. However, a fifth ($n=16$) were either not aware or did not know if they had received Part 1, or they did not believe they were informed of their rights, responsibilities and legal options regarding children and their care and what family justice services were available.

Helpfulness of FLAS

Those participants who indicated they had had received Part 1 and Part 2 were asked to rate how helpful they found these (see Table 104). All participants who indicated receiving FLAS were then asked how helpful, overall, they found FLAS in making or changing their parenting arrangements (see Table 105).

Table 104: Helpfulness of FLAS Part 1 and Part 2

	Very unhelpful	Unhelpful	Neither helpful nor unhelpful	Helpful	Very helpful	Total
Part 1 (n=63)	1.6%	4.8%	12.7%	54.0%	27.0%	100%
Part 2 (n=47)	4.3%	8.5%	10.6%	46.8%	29.8%	100%

As shown in Table 104, over three-quarters reported finding Part 1 and Part 2 ‘helpful’ or ‘very helpful’ (81% and 77% respectively).

All participants who received FLAS were also asked how helpful *overall* they found FLAS in making or changing their parenting arrangements (see Table 105). The percentage of those who found FLAS ‘helpful’ or ‘very helpful’ overall in making or changing parenting arrangements was much lower (58%), with nearly a quarter (24%) rating it as ‘unhelpful’ or ‘very unhelpful’. Perhaps this difference can be explained by participants finding Part 1 and 2 helpful, but not finding FLAS that influential overall, compared with the other services utilised to help them to make their parenting arrangements.

Table 105: Overall helpfulness of FLAS in making or changing parenting arrangements

	n	Percent
Very unhelpful	7	9.2%
Unhelpful	11	14.5%
Neither helpful nor unhelpful	14	18.4%
Helpful	35	46.1%
Very helpful	9	11.8%
Total	76	100%

The survey asked participants open-ended questions about what they found particularly helpful or positive about FLAS and what they found particularly negative or unhelpful (if anything). This was combined with material from those interviewees who discussed FLAS in their interviews (25 of the 80 participants who had received FLAS participated in an interview).

The participants were also asked how FLAS could be improved. Suggested improvements to FLAS were mostly comments about positive or negative aspects of FLAS. These were therefore amalgamated with their responses to the questions about what was helpful/positive and unhelpful/negative about FLAS.

Some participants made comments about lawyers, Legal Aid or the family justice system more broadly that are excluded from the analysis that follows.

What Participants found Particularly Helpful or Positive about FLAS

Nearly half (49%, $n=39$) of the 80 survey respondents who received FLAS detailed at least one aspect they found positive or helpful about FLAS. Some provided general comments such as:

This is an excellent service, just keep it as it is! (1307, Father; Survey)

Keep them. Get more. (1866, Mother; Survey)

It's a good service. (1623, Mother; Survey)

All of it [was helpful]. (1836, Mother; Survey)

It is a good programme. (1615, Mother, Survey)

Was really good. (1455, Mother; Survey)

More specific positive comments about FLAS primarily focused on the following three areas:

- The information provided;
- Help with understanding and navigating the system;
- The qualities and helpfulness of the FLAS provider.

The information provided

The information and advice FLAS provided was considered to be a positive feature of FLAS. Participants valued general information about the legal process and their rights, as well as being provided with information about their particular situation.

I was able to find out what the law was regarding custody and get advice about filing a Protection Order. (1635, Mother; Survey)

They were able to explain the law. (2045, Mother; Survey)

Straightforward, easily accessed, helpful advice. (1975, Mother; Survey)

Plenty of relevant advice that I had no idea about. (1011, Father; Survey)

Letting me know what my rights were. (1538, Mother; Survey)

Just basic processes to follow. (1748, Father; Survey)

I was able to find out what the law was regarding custody and get advice about filing a Protection Order. (1635, Mother; Survey)

Getting legal advice about my specific situation. (1169, Mother; Survey)

Good general advice. (1140, Mother; Survey)

My lawyer was amazing and gave a very good understanding of how things worked and the process. (1047, Mother; Survey)

Process was easy to follow and helpful. Supportive. (1451, Mother; Survey)

Help with understanding and navigating the system

The participants also found aspects of Part 2 helpful in **assisting them to understand and navigate the system**, plan their way forward, and do things “properly.”

Good way to get started. (1642, Mother; Survey)

Gave me a bit of an idea what is coming in terms of legal processes. (1073, Mother; Survey)

What could be used as evidence and what was irrelevant. (1761, Mother; Survey)

A sounding board to clarify pathways and plan next steps. (1430, Father; Survey)

The person I met with was very helpful. I left knowing what to expect moving forward into a mediation, as well as what my rights were. (1615, Mother; Survey)

Help to fill in the court application. Correct forms, as changes had occurred during the Family Court process. (1581, Father; Survey)

I had no idea how any of it worked. I didn't know what I was meant to do. I didn't know what was expected of me. I think that was because I'd never been in that situation before. I do think [FLAS] is a helpful system for people that don't know how it works, and you've got that hour free legal advice at the beginning. (1623, Mother; Interview)

Helping me put what I wanted in my application, in the right words – as in not to sound bitter. (1455, Mother, Survey)

Speaking with someone that could direct best options. (1451, Mother; Survey)

I am not a lawyer so knowing how to do things properly was helpful. (1414, Mother; Survey)

Helped navigate [the] process. (1371, Mother; Survey)

I received FLAS, which was incredibly helpful. I found it very, very helpful, because I would go to sign the forms and I wouldn't be doing them properly and just sort of banging my head against a brick wall, saying, “What am I doing, what am I doing?” Even the sort of things like ticking the boxes, you just take it for granted that you are supposed to physically tick the boxes. So, what I wish I had was sort of like an advocate or a support person who is able to sit down with you and explain things a bit better. So, that was what FLAS was. ... I felt actually quite bullied by my previous lawyer, and like I was stupid, whereas with FLAS they would sit down with me and really talk things out, what we want to achieve, this is what is realistic, there is a lot of information here, sensitive information that you might want to use, you know. (1126, Mother; Interview)

Having things explained in the order that they needed to be done. (1157, Mother; Interview)

The support and guidance given by the FLAS provider

The qualities and helpfulness of the FLAS provider were seen as one of the positive aspects of FLAS. They were described in terms such as “helpful”, “great”, “amazing”, “excellent”, “kind”, “really good” and “supportive.” FLAS providers who **explained things clearly** were also considered helpful.

The empathy my lawyer had and she explained everything in layman’s terms. (1778, Mother; Survey)

The lawyer was very helpful and explained everything well. (1604, Mother; Survey)

The lawyer I had was excellent and made everything clear and easy to understand. (1146, Mother; Survey)

The **emotional support and reassurance** they provided was also valued.

Reassurance and guidance. (1539, Mother; Survey)

She was just able to confirm that I was on track, that my position and argument had strong merit and that my requests were reasonable. She was very supportive and gave me some tips on how to verbalise some of my concerns in mediation. (1453, Mother; Survey)

It gave me support. (1181, Mother; Survey)

It saved me from feelings of despair. I felt supported. I was given direction with options, but with a guidance that was appropriate to the complexity of the situation. I was fortunate to have very competent and supportive lawyers, who initiated FLAS. Previously prior to 2014 I have had lawyers that have been unsupportive and unhelpful, and become overwhelmed with the processes that seemed to snowball into and through court, without really knowing what was happening or why it was happening in that particular way. FLAS seems more supportive than my previous experiences, but that could just be the better lawyers I had. (1126, Mother; Survey)

Couldn’t have done it without this help. My lawyer was great. Having her support took a significant weight off my shoulders. (1845, Mother; Survey)

The advice helped make things less scary. (1093, Mother; Survey)

A small number ($n=3$) of participants appreciated **not having to pay for the service** or suggested it be free for all.

The fact that they helped pay for the legal fees that I couldn’t afford to pay (being a sole parent). This is an excellent service, just keep it as it is! (1307, Mother; Survey)

I got what I needed for free. (1414, Mother; Survey)

Paying legal fees so I could have a lawyer to help me through the process. (1164, Mother; Survey)

What Participants Found Particularly Unhelpful or Negative about FLAS

There were fewer negative than positive comments relating to FLAS – just over a third (35%) of the participants ($n=28$) who received FLAS made at least one negative comment and/or suggested ways in which FLAS could be improved.

Ten participants explicitly stated that there was nothing negative about FLAS and/or that they could not suggest any improvements. However, nine people indicated that they did not think there was anything positive or helpful about FLAS. The negative comments that directly related to FLAS or suggested improvements related to two main aspects:

- The limited nature of FLAS;
- Negative experiences with FLAS.

The limited nature of FLAS

The most commonly mentioned complaint about FLAS or suggestion for improvement related to its **limited nature** – in terms of the amount of advice and assistance that could be provided and the time available to clients.

Very limited advice able to be given. (1934, Father; Survey)

It was very frustrating being restricted with what I needed help with, but [lawyer] couldn't do it in the 'system.' ... Did not cover enough. So often my lawyer would have to guide me to do things myself, such as writing letters, which she would then proofread and edit for me on her own time. (1845, Mother; Survey)

After the initial consultation, there is no further legal advice for when circumstances change. And it is very difficult trying to liaise with an abusive individual whom you have a Protection Order against. (1169, Mother; Survey)

That they can't help more. (1170, Mother; Survey)

It would have been helpful to have had more assistance with 'what to do if the mediation fails.' ... Maybe broaden the areas that can be discussed and covered in the meeting (1615, Mother; Survey)

Okay, so you get what you pay for. ... We went through the [FLAS] system. But they already say that when you are going through that system there is only certain advice that they can give you. They can't give you all the advice. I think money comes into it a lot. We didn't get the help that we needed because we didn't have the money to get the help we needed. I think that's a huge problem. The services that you do get given, if you are not actually paying for the services, you are not actually getting the full service. (1157, Mother; Interview)

Participants also commented on the **FLAS provider being busy and the limited time that was therefore available** to deliver FLAS.

10 mins and, 'Yeah, can't help you sorry.' (1537, Father; Survey)

Very busy lawyers. (1722, Mother; Survey)

The time it took to respond to my emails. ... [Need to have] more [FLAS providers] so their caseloads aren't so big and they can [respond to their clients' emails]. (2045, Mother; Survey)

Felt a bit rushed. (1761, Mother; Survey)

It seemed it was very limited (time/funding), maybe there could be some allowances for more complex cases? (1126, Mother; Survey)

Did not spend much time with me. Huge break over the holidays before I could get the help I needed. (1414, Mother; Survey)

Some participants reported a **negative experience with the FLAS provider and/or the experience of receiving FLAS**. They did not believe the lawyer had listened to their concerns or understood their situation, or had given them poor advice. Others were critical of the process, finding it unclear, and two people found the experience 'scary'.

The lawyer I saw for this was unhelpful. She told me not to do anything proactive, but wait and see what my abusive ex-husband would do. ... Which wasn't very useful for me because she said, "Oh, no, we don't need to do anything, don't be proactive." ... Which, in hindsight, I actually think it was not very good advice. (1623, Mother; Survey and Interview)

I couldn't understand what it was fully. (1957, Mother; Survey)

Everything about it was painful and drawn out. (1059, Mother; Survey)

It was scary and intimidating visiting a lawyer. I didn't know what to expect and found the whole process scary. (1615, Mother; Survey)

Got my hopes up to move forward, however, the process was not helpful. (1855, Father; Survey)

They were unwilling to listen to the background events. (1763, Mother; Survey)

Her view of me and my situation, her judgement of me and her legal advice. She was the worst possible lawyer I could have had and seriously harmed the entire process from day one. (1967, Mother; Survey)

Look at a whole person's situation. (1098, Mother; Survey)

Continuity broken when partner in legal firm appointed as mediator. ... [Need to ensure] firm providing first step delivers full service. (1430, Father; Survey)

They suggest lawyers and I was tapped out already moneywise. (1014, Father; Survey)

Satisfaction with FLAS

Participants were asked whether they agreed or disagreed with four statements about FLAS (see Table 106).

Table 106: Percentage agreeing with statements about FLAS

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Total
Receiving FLAS was worthwhile (n=78)	2.6%	11.5%	21.8%	39.7%	24.4%	100%
FLAS helped me feel confident about what to do next to make parenting arrangements (n=77)	7.8%	14.3%	23.4%	39.0%	15.6%	100%
FLAS met my cultural or language needs (n=76)	1.3%	1.3%	28.9%	48.7%	19.7%	100%
I would have preferred legal advice more tailored to my particular situation (n=77)	5.2%	9.1%	26.0%	33.8%	26.0%	100%

Around two-thirds of the participants 'agreed' or 'strongly agreed' that FLAS was worthwhile (64%) and met their cultural or language needs (68%). A lower proportion (55%) 'agreed' or 'strongly agreed' that FLAS helped them to feel confident about what to do next to make their parenting arrangements, with nearly a quarter (23%) 'neither agreeing nor disagreeing' and 22% 'disagreeing' or 'strongly disagreeing'.

Over four times as many participants agreed/strongly agreed than disagreed/strongly disagreed that they would have preferred to have had legal advice more tailored to their particular situation – 60% indicated a preference for individualised legal advice.

Table 107 presents the proportion of participants (35%) who indicated that there was legal advice they required on matters that were not covered by FLAS.

Table 107: Did you require other legal advice on other matters that were not covered by FLAS?

	n	Percent
Yes	27	34.6%
No	33	42.3%
Don't know/can't remember	18	23.1%
Total	78	100%

Of the 27 people who indicated they had required legal advice on other matters, 21 detailed what advice they required. The two most common areas related to relationship property division (n=5) and information about Family Court procedures and processes (n=5). Equal numbers (n=3) said they needed advice on: guardianship matters, Parenting Orders,

abduction, and child support. Safety concerns and family violence ($n=2$) and international/travel issues ($n=2$) were also mentioned.

Table 108 presents participants' ratings of their overall satisfaction with FLAS.

Table 108: Overall satisfaction with FLAS

	<i>n</i>	Percent
Very dissatisfied	5	6.4%
Dissatisfied	13	16.7%
Neither satisfied nor dissatisfied	16	20.5%
Satisfied	33	42.3%
Very satisfied	11	14.1%
Total	78	100%

As shown in Table 108, more participants were satisfied than dissatisfied with FLAS. Over half (56%) were 'satisfied' or 'very satisfied', compared with 23% who were 'dissatisfied or very dissatisfied'.

The vast majority (91%) indicated they would or maybe would recommend FLAS to others making parenting arrangements, with less than 10% indicating they would not (see Table 109).

Table 109: Would you recommend FLAS to other people making parenting arrangements?

	<i>n</i>	Percent
Yes	48	60.0%
Maybe	25	31.3%
No	7	8.8%
Total	80	100%

Summary

The Family Legal Advice Service (FLAS) was the least known about and used family justice service, with nearly two-thirds of the participants (63.5%) being unaware of it. Overall, 36.5% either knew about or used the service, and 12% had received FLAS. The most common reason given for not using FLAS was not needing or wanting to, with some participants seeking legal advice elsewhere and/or not being eligible to receive FLAS. Those who received FLAS mainly heard about the service through family justice professionals and services, particularly lawyers. Nearly half found it easy to find a FLAS provider, with less than a fifth (17%) reporting difficulty accessing the service. Most of the participants had a short (two weeks or less) waiting time to receive FLAS, and most thought the time they waited was reasonable. Travel distances to receive FLAS were generally low (most travelled less than 10 kilometres) and the majority thought the distance they travelled was reasonable.

Receiving FLAS face-to-face was the most common delivery mode, with around a fifth receiving it online or via video-conferencing. Some participants were unsure of what aspects of FLAS they received and some confused FLAS with Legal Aid. A fifth reported not receiving Part 1 or didn't know if they had. The majority of those who were aware they had received

Part 1 and/or Part 2 found both parts helpful. Overall, more participants found FLAS helpful (58%) than unhelpful (24%).

Around two-thirds of the participants agreed or strongly agreed that FLAS was worthwhile and met their cultural or language needs, and 55% agreed or strongly agreed that FLAS had helped them to feel confident about what to do next to make their parenting arrangements. A preference for receiving more individualised advice was indicated by 60%, and 35% required legal advice other than that provided by FLAS. This included advice on relationship property division, Family Court processes, guardianship matters, Parenting Orders, abduction, child support, safety and international/travel issues.

The participants valued the information and advice provided by FLAS, particularly in relation to the law, legal process and their rights. They also found FLAS helpful in assisting them to understand and navigate the system and guiding them through the process. As well, they appreciated FLAS providers who explained things clearly and valued the emotional support and reassurance they received. Receiving FLAS for free was considered a positive aspect. There were fewer statements about negative or unhelpful aspects of FLAS and these related to the limited nature of FLAS and negative experiences with the process of receiving FLAS or with the FLAS provider. Participants expressed frustration with the limited amount of advice, assistance and time that FLAS lawyers could provide. Some found the experience of receiving FLAS painful, drawn out, scary or confusing, while others felt the FLAS provider did not listen to their concerns, understand their full situation or gave them unhelpful advice.

Over half (56%) of the participants were satisfied or very satisfied FLAS overall, and 91% would or maybe would recommend it to others making parenting arrangements.

Key Findings – FLAS

- 80 participants (12%) had received FLAS
- Reasons for not using FAS:
 - Didn't need or want to (48%)
 - Received legal advice elsewhere (24%)
 - Ineligible for FLAS (19%)
- 56% heard of FLAS from a lawyer
- 49% found it easy or very easy to find a FLAS provider
- 71% waited 2 weeks or less to receive FLAS
- 74% found the time they waited to receive FLAS was reasonable
- 71% travelled under 10 km (one way) or didn't travel to receive FLAS
- 95% found the distance they had to travel to receive FLAS reasonable
- FLAS was most commonly delivered face-to-face (81%)
- 80% reported receiving Part 1; 60% reported receiving Part 2
- 81% found Part 1 helpful or very helpful; 77% found Part 2 helpful or very helpful
- 58% found FLAS helpful or very helpful overall in making or changing parenting arrangements
- 64% agreed or strongly agreed that receiving FLAS was worthwhile
- 68% agreed or strongly agreed that FLAS met their cultural or language needs
- 55% agreed or strongly agreed that FLAS helped them to feel confident about what to do next to make parenting arrangements
- 60% agreed or strongly agreed that they would have preferred to have legal advice more tailored to their particular situation
- 35% required legal advice on other matters not covered by FLAS
- What participants found particularly helpful or positive about FLAS:
 - The information provided
 - Help with understanding and navigating the system
 - The support and guidance given by the FLAS provider
- What participants found particularly unhelpful or negative about FLAS:
 - The limited nature of FLAS – the advice and time available
 - FLAS providers not listening or considering parents' concerns and background information or providing poor advice
 - Finding the experience of receiving FLAS scary, painful, confusing and protracted
- 56% were satisfied or very satisfied with FLAS overall
- 60% would recommend FLAS to others, 31% maybe would and 9% would not

Family Dispute Resolution (FDR)

Over a quarter (29%, $n=185$) of the survey respondents had participated in FDR pre-mediation intake and assessment and 22% ($n=141$)³⁸ had attended joint mediation sessions with their former partner/the other party. Of the 185 participants who indicated they went through intake and assessment, 139 (75%) said they also participated in joint mediation, and 46 (25%) indicated that they were aware of joint mediation, but did not use it.

Overall, 216 participants (a third of the survey respondents) indicated some experience with FDR – going through intake and assessment and/or joint mediation.

Reasons For Not Using FDR

Half of the those who answered the questions about their use of FDR were aware of the service, but did not use it ($n=323$). Their reasons for not doing so are presented in Table 110.

Table 110: Reasons for not using FDR

	<i>n</i>	Percent
Didn't need or want to take part	117	36.5%
Was unable to take part	9	2.8%
Ex-partner/the other party didn't want, or refused, to take part	81	25.2%
Ex-partner/the other party was unable to take part	3	0.9%
Didn't think mediation would be helpful/effective	49	15.3%
Didn't think my ex-partner/the other party would take part constructively	72	22.4%
I/we preferred to make parenting arrangements privately	54	16.8%
Didn't know how to access FDR/Family Mediation	9	2.8%
Couldn't find an FDR/Family Mediation service/mediator	0	0%
The financial cost of FDR/Family Mediation	22	6.9%
Wanted/needed to go directly to the Family Court	36	11.2%
Our case was on the 'Without Notice/Urgent' Family Court track (so by-passed FDR/Family Mediation)	65	20.3%
Wanted legal representation	39	12.2%
An exemption was issued	17	5.3%
Other	16	5.0%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

As shown in Table 110, people did not attend FDR for a variety of reasons, with the most common being not needing or wanting to take part (37%), the other party not wanting, or

³⁸ Some participants showed confusion about what steps of FDR they had received, and some answered the questions inconsistently. For instance, 170 participants initially indicated that they had had joint mediation sessions through FDR, but later in the survey 29 indicated that they had, in fact, not participated in joint mediation, because they had an exemption or for some other reason. For this reason, the revised figure of $n=141$ has been used above and in Table 65. Interestingly, of those 170 participants who initially indicated they took part in joint mediation sessions, 8 (5%) indicated they knew about intake and assessment, but did not use it, and 23 (14%) indicated they were not aware of the intake and assessment process.

refusing, to take part (25%), a belief that the other party would not take part constructively (22%), and being on the without notice/urgent track (20%).

Not being able to access FDR did not appear to be a barrier to using the service. There were low numbers of participants reporting their lack of use was due to not knowing how to access FDR (3%) or not being able to find an FDR provider (0%). Similarly, there were low numbers of participants not using FDR because they (3%) or the other party (1%) were unable to take part.

Some of the family justice professionals who participated in this study whose perspectives are reported elsewhere³⁹ commented that, in their experience, people were attempting to bypass FDR in order to go straight to the Family Court and to obtain legal representation. However, data from the parents and caregivers does not reflect this. Only 11% indicated they did not use FDR as they wanted or needed to go directly to the Family Court and 12% because they wanted legal representation.

Only a small number ($n=17$), 5% of those being aware of, but not attending, FDR received an exemption to bypass mediation. The reasons given for the exemption being issued are presented in Table 111. The most common reason for an exemption was the other party refusing to take part (41%), followed by family violence or safety risks (35%), and/or being on the without notice Family Court track (24%).

Table 111: Reasons for an FDR exemption being issued

	<i>n</i>	Percent
I was unable to take part in FDR/Family Mediation	0	0%
I refused to take part in FDR/Family Mediation	0	0%
My ex-partner/the other party could not be contacted by the FDR/Mediation service	2	11.8%
My ex-partner/the other party was unable to take part in FDR/Family Mediation	0	0%
My ex-partner/the other party refused to take part in FDR/Family Mediation	7	41.2%
One party was unable to take part effectively (e.g., because of language issues)	0	0%
Family violence/safety risks	6	35.3%
A 'Without notice/Urgent' application was made to the Family Court	4	23.5%
Our case was assessed as not suitable or appropriate for mediation	3	17.7%
Other	0	0%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

³⁹ Taylor, N.J., Gollop, M.M., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 family law reforms – Family justice professionals' perspectives*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

As stated above, 216 participants had some experience with FDR – indicating they had participated in intake and assessment processes and/or joint mediation with their former partner/the other party. The survey asked about their experience of accessing and receiving FDR (including pre-mediation processes and the process and outcome of mediation), their views on the helpfulness of FDR, and their satisfaction with the service.

Accessing FDR

Of the 216 participants who had used FDR, 213 people responded to a question asking where they heard of the service (see Table 112). Lawyers were the most common way people heard of FDR (53%), followed by the Ministry of Justice website (22%), the Family Court (16%), and through Parenting Through Separation (14%).

Table 112: Where participants heard of Family Dispute Resolution

	<i>n</i>	Percent
On the Ministry of Justice website	47	21.8%
On the Internet/another website	14	6.5%
From the Ministry of Justice/Family Court 0800 2 AGREE phone line	9	4.2%
At a Parenting Through Separation course	31	14.4%
From a lawyer	114	52.8%
From the Family Court	35	16.2%
From another professional or agency	13	6.0%
Some other way	25	11.6%
Don't know/can't remember	14	6.5%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

The issues that needed to be resolved at FDR are presented in Table 113. The two most common issues related to contact arrangements (76%) and day-to-day care (72%), with 42% also needing to resolve guardianship issues. Participants were also asked if it would have been helpful to be able to resolve other issues such as relationship property and finances through FDR; 58% thought it would have, or maybe would have, been helpful to do so.

Table 113: Issues needing to be resolved at FDR

	<i>n</i>	Percent
Day-to-day care	155	71.8%
Contact arrangements	163	75.5%
Relocation	39	18.1%
Guardianship issues	91	42.1%
Another matter relating to the children	41	19.0%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

Table 114 shows which party initiated FDR. Three-quarters of those using FDR were the ones who had first contacted the mediation service, either solely (69%) or jointly with the other party (6%).

Table 114: Initiator of FDR

	<i>n</i>	Percent
I did	145	69.1%
My ex-partner/the other party did	53	25.2%
My ex-partner/the other party and I did it jointly	12	5.7%
Total	210	100%

Those who had contacted an FDR service were asked how easy it was to find and contact a provider (see Tables 115 and 116). The majority of participants found it 'easy' or 'very easy' to find (69%) and contact or register with (71%) an FDR provider. Less than 10 percent reported finding these steps 'difficult' or 'very difficult'.

Table 115: Ease of finding an FDR provider to contact

	<i>n</i>	Percent
Very difficult	2	1.3%
Difficult	9	5.7%
Neither difficult nor easy	37	23.6%
Easy	87	55.4%
Very easy	22	14.0%
Total	157	100%

Table 116: Ease of contacting or registering with an FDR provider

	<i>n</i>	Percent
Very difficult	2	1.3%
Difficult	6	3.8%
Neither difficult nor easy	38	24.2%
Easy	87	55.4%
Very easy	24	15.3%
Total	157	100%

Pre-Mediation Intake and Assessment

The survey asked participants about their experience of pre-mediation intake and assessment. Ratings of their satisfaction with these procedures are presented in Tables 117 and 118.

Table 117: Satisfaction with FDR intake

	<i>n</i>	Percent
Very dissatisfied	17	8.1%
Dissatisfied	19	9.0%
Neither satisfied nor dissatisfied	54	25.6%
Satisfied	95	45.0%
Very satisfied	26	12.3%
Total	211	100%

Table 118: Satisfaction with FDR assessment

	<i>n</i>	Percent
Very dissatisfied	18	8.6%
Dissatisfied	10	4.8%
Neither satisfied nor dissatisfied	49	23.4%
Satisfied	99	47.4%
Very satisfied	33	15.8%
Total	210	100%

Around 60% were 'satisfied' or 'very satisfied' with pre-mediation intake (57%) and assessment (63%).

Positive comments about pre-mediation intake and assessment mainly related to finding the staff helpful and friendly, and the process being straightforward.

They were very helpful. (1236, Mother; Survey)

She contacted me, had a brief, but satisfactory, first appointment. (1425, Mother; Survey)

It was very straightforward and being able to go through it by telephone was great. (1367, Mother; Survey)

The pre-mediation contact with [provider] and their contractor education counsellor was awesome. (1417, Mother; Survey).

All were friendly and helpful. (1086, Father; Survey)

It was well structured, with the mediator first talking to me by phone then my ex-wife by phone. This happened a few times. (1307, Father; Survey)

It was great. They were brilliant, to be fair. They were really kind of, "Yeah, we can do this, or we'll follow it up so it happens, but we need to contact your ex-partner and they need to be willing for it." And they had done their best to contact him. I passed through that process twice actually, because apparently, they can help with relationship property, but both times he refused to do it. Yeah, but no, they were lovely and they were really good about checking in and communication was excellent. (1075, Mother; Interview)

Dissatisfaction with pre-mediation intake and assessment related to **negative interpersonal experiences** with FDR staff and **dissatisfaction with the process and organisational/structural matters**. Some participants described the process as rushed, biased, disorganised and impersonal. There were comments from those with safety concerns and/or a history of family violence that the process was 'clinical' and 'matter of fact' and others did not feel there was enough time to express their concerns or that they were listened to.

When I first rang to inquire, the lady wasn't very helpful and came across as [if] I should know what I'm doing when I asked questions. ... The initial person should be more empathetic to the people inquiring. It's an already stressful time. Doesn't need to be made worse by an unhelpful person on the phone. (2045, Mother; Survey)

Very unfriendly and impersonal. Felt rushed by people who contacted me. (1414, Mother; Survey)

Very matter of fact. Difficult when discussing history of family violence. (1277, Mother; Survey)

They did nothing to help with safety. They [were] clinical in handling the future of my children. (1199, Mother; Survey)

The whole thing was stressful. (1093, Mother; Survey)

The intake was disorganised, pushy and the person and I struggled to understand each other. (1298, Mother; Survey)

It was rushed. (1774, Mother; Survey)

Very biased towards mother before any contact ... was spoken down to and informed that I would do as told – complete disregard for rights. (1029, Father; Survey)

I was surprised and uncomfortable when I was contacted by phone by the mediator. My ex-partner had told me she was going to initiate mediation to 'get what she wants'. I had experienced biased treatment previously by (IRD) and dealing with parenting issues made me very anxious as I perceived the system would always favour mothers. (2139, Father; Survey)

I didn't like the process that I went through over the phone. It made me uncomfortable and I was concerned about confidentiality because of the questions they were asking me. (1908, Mother; Survey)

I contacted [FDR service] initially before I went to Parenting Through Separation. I had a fairly aggressive person on the other end of the phone who was not easy to talk with. (1135, Mother; Survey)

Were awful people to deal with in a stressful time. (1595, Mother; Survey)

Didn't feel like it was enough time to express our concerns, even though we didn't initiate. (1025, Stepmother, Survey)

I was unsafe and no one would listen to me. (1806, Mother; Survey)

I didn't get any choice in mediation, that was forced. I just got a call one day from a mediator. [INT: Did you feel coerced into that?] Yeah, I did. Not by the mediation company, they were very clear to say I didn't have to participate. They were also very clear to say that it wouldn't necessarily be seen as a black mark if we did go to court afterwards, that I had failed to go to mediation. ... They were quite clear about that. But I don't know ... there was something between the way that it was said and the way that I heard it that I wasn't sure of, I am not sure. It was one thing that I picked up on, anyway. (1086, Father; Interview)

Complaints about **operational matters** such as the funding, forms, the screening process for family violence, and administrative matters were also raised.

I think it would have been easier to ask the risk questions at the start. It was quite a way through the process that I realised it was unlikely to be appropriate for us due to their father's previous aggression. (1051, Mother; Survey)

It was quite hard to organise things with FDR. To start with they have forms that you have to fill in for funding, which seemed very simple to me, but it took a lot of to-ing and fro-ing before I actually got hold of the forms. They kept having a different person ringing up, so you would have to retell the story. (1017, Mother; Interview)

The finance forms were tedious. (1971, Mother; Survey)

[FDR service] had conflicting policy regarding mediation costs. This took some time to work through and I had to accept that if the other party did not attend I would not receive a refund. (1301, Father; Survey)

A lack of communication by the FDR service and **long delays** were also frustrating for clients, particularly when the delays were due to the **other party's lack of response or engagement**, which held up the intake and assessment process, and ultimately the resolution of the dispute.

I would have liked them to have moved faster, but I understand that they are underfunded. And I realise that my ex-partner is very hard to get a hold of. (1101, Mother; Survey)

I contacted FDR, tried to set that up. [Ex-partner] blocked again, every step of the way. Not quite sure what her thing was, but she was just blocking any kind of changes. It took several weeks – to the point that she was literally hanging up on them when they were phoning her. She would say she would call them back and then she wouldn't. Several incidents like that happened, to the point that we got so close to the wire of actually – and several times I said, "Well, can't you guys just give me an exemption?" "Oh, no, we have to try one more time, we have to do blah, blah, blah." But it took a long time. ... I think one thing that they need to sort out – and this is just thinking about the FDR process – is how to manage when the second parent is blocking. Because usually what would happen is that the person starting the FDR process is the one wanting change, and therefore the other parent, the longer they procrastinate for, and the longer they block for, the longer the status quo stays in place. Therefore, the longer it is that then becomes status quo by the time you hit court. "Oh, well, that's the status quo." Well, yeah, only because an extra six months has gone by because it

has been blocked everywhere. So there's a part of me now thinking, I wish I'd started this FDR process back at the beginning because we've got this time lag of the FDR process before it will hit court. Again last time, if I'd started that from the first conversation where she'd gone, "No" then it would've been resolved three or four months earlier. And we wouldn't have got to that really hard place where – yeah, I was pretty much a basket case. I wasn't sleeping, I wasn't eating. It was like how it had been when we first separated, which is unnecessary stress again. ... We should be beyond that stuff. Yes, there are going to be changes need to be made as our children get older, as things happen, but the length of time the process took really, really added to the stress. (2193, Mother; Interview)

I didn't find anything wrong in regards to the admin side of the process. I found that really straightforward and easy and ... there wasn't anything daunting for me. It was more the fact of we had that delay because it happened over Christmas that I couldn't get to see someone regarding the FDR for that Christmas period. I had all that drama and I couldn't do anything about it because we were waiting for the FDR to come and I really felt like I was trapped by the system a lot of time. (1214, Mother; Interview)

Slow. Took a long time to send things out to my ex. And didn't keep me informed. They let her control the pace. (1875, Father; Survey)

I started that process in February, but we finally got there in November. So it took a very, very long time and it was very frustrating. ... Because he kept saying no, he didn't want to do it because he didn't want to have to pay for it. (1146, Mother; Interview)

My ex wouldn't return phone calls to sort stuff, so it dragged on for months. (1271, Mother; Survey)

It was really frustrating that my ex-partner refused to engage in the FDR process for a long time and I had to wait and wait. I would have liked the exemption to kick in earlier for non-engagement. (1292, Mother; Survey)

The other party stalled the initial mediation process for six months by continually lying to staff saying we had sorted issues when we hadn't!!! No one rang to check with me if he was lying, so I had to keep ringing to see where things were at – when I was the one who filed for mediation in the first place!!! (1140, Mother; Survey)

I found [FDR service] really frustrating to deal with, to actually get the referral to see [mediator]. Just lots of trouble getting someone to return my calls and that kind of thing. I found them quite frustrating. But once I got to [mediator], it was really good. So it was just getting them to return my calls. (1604, Mother; Interview)

So I attempted [to go to FDR] and the Family Dispute Resolution people who I was put in contact with – this went on for about six months or so, trying to get it going – they eventually said, "Well, we can't get hold of the mother of your children and, therefore, our involvement is finished." (1693, Father; Interview)

Some participants also complained that the FDR provider had **made a commitment to contact them, but then did not**. One participant related how this lack of communication had negatively impacted on the process of making parenting arrangements.

I was contacted by [provider] via email and she said she would call me first before talking with [ex-partner]. My concern came when she rang me and told me she had already talked to the other parent. So right from the start there was miscommunication. This may not seem much, but as someone who has initiated contact and has been told they will be contacted before the other parent, I was somewhat shocked by this and it leads me to suspect this was the beginning of a series of 'wrong doings' by the mediator. (2350, Father; Survey)

Sometimes they didn't call when they said they would and I wouldn't hear back for a few days, sometimes weeks. (1475, Mother; Survey)

I was promised a follow-up call regarding organising a pre-mediation intake assessment. This never happened. I chased up about it and an appointment was made. Three days prior to the appointment, I was called by [FDR service] telling me that the appointment had been cancelled because of a conflict of interest and I would be contacted by another mediator to make an appointment. ... which was quite frustrating because this was about six weeks down the track from when I had initiated the mediation in the first place. And then I spent three days trying to chase him up, trying to figure out what happened because I couldn't see why you could go six weeks before discovering a conflict of interest. ... I was then informed via email that I had missed the appointment and to make another. The mediation service informed my ex-partner that I was a no-show ... despite the fact that I'd been busy trying to figure out what the hell was going on. I immediately sought rectification of this and an urgent appointment. ... The actions of the mediators indelibly soured everything about the process of determining care for the children and no appropriate rectification has yet been made. (1044, Father; Survey and Interview)

Table 119 shows the outcome of FDR intake and assessment. Most (69%) did proceed to mediation, 16% received an exemption and 15% did not proceed to mediation for some other reason.

Table 119: Outcome of intake and assessment

	<i>n</i>	Percent
Proceeded to mediation	147*	69.3%
Exemption issued	34	16.0%
Did not proceed to mediation for another reason	31	14.6%
Total	212	100%

* In a six cases, the matter was deemed appropriate to proceed to mediation, but had not occurred – either because the participant was still waiting for joint mediation to start or the other party did not participate in scheduled joint mediation sessions.

If the matter did not proceed to mediation, participants were asked to outline the reason(s) for this. The most common reason for not proceeding to mediation was the **other party not engaging, either by refusing to participate or not responding** to attempts by an FDR service to contact them. Other participants cited **safety reasons** and also a **belief that FDR would not be effective**.

I felt it would not work and did not want to communicate with him. (1905, Mother; Survey)

I did not feel safe or that it would be productive. (1051, Mother; Survey)

My ex refused to mediate. Plus I didn't want to sit around a table with someone who had previously tried to strangle me and make my life as difficult as possible if I tried moving away to another city with the kids. (1019, Mother; Survey)

Ex had upper hand. He was messing around making appointments and at [the] end of the day he was never going to agree to change anything. It was wishful and desperate thinking on my behalf as a heartbroken mother. (1771, Mother; Survey)

Three participants raised the issue of **how reasons for exemptions or refusals were recorded** and how this could be then viewed if the matter went to court. All were unhappy that it could appear that they had refused to participate in FDR when, in fact, they had not, or that the other party's refusal was not taken into account in the Family Court.

My husband refused when I first asked for it and it stopped the process, but [that] was recorded against his name. Then the following year, once I engaged with [the] court system, he tried to file for FDR to avoid court and then it got complicated because we were in [the] court system yet I couldn't say no, as such, without it been recorded against my name that I declined. But my lawyer advised not to have the two systems working at the same time. Issue here not really clarified? Needs consideration. (1451, Mother; Survey)

I got to speak with a violence expert who said our case couldn't go ahead due to the high levels of abuse and manipulation. It wouldn't be safe. However, when ex got given the exemption it did not state why ... just said he was exempt. Then he told the court I refused to do it. Very unhappy with that. (1108, Mother; Survey)

The ex-wife refused to attend and that meant absolutely zilch to the Family Court judge when the matter finally reached a hearing. (2040, Father; Survey)

A small number of participants ($n=5$) **resolved the issue themselves** prior to mediation and therefore no longer needed to attend.

We managed to start communicating about our child amicably and fairly. (1034, Father; Survey)

We had already completed seven months of relationship counselling and drawn up a rough parenting plan ourselves. (1471, Mother; Survey)

Those participants who did not proceed to joint mediation ($n=65$), either because an exemption was issued or for some other reason, were asked if an application was subsequently made to the Family Court seeking a Parenting Order. Of those who answered the question ($n=63$), 60% said an application was made to the Family Court, while in 40% of the cases no subsequent application was made.

Receiving FDR

Those who indicated that after intake and assessment they had proceeded to participate in joint mediation with the other party ($n=141$) were asked about their experience of receiving FDR. This included questions about their experiences of, and perspectives, on:

- Preparation for Mediation;
- Waiting time to receive joint mediation;
- Travel distances to receive joint mediation;
- The cost of FDR;
- FDR delivery mode;
- Children's thoughts, feelings and views in the FDR process;
- The mediation outcome;
- What they found particularly positive or helpful about FDR;
- What they found particularly negative or unhelpful about FDR;
- How helpful overall they found FDR;
- Their satisfaction with FDR;
- Whether they would recommend FDR to others;
- How FDR could be improved.

Preparation for Mediation

Preparation for Mediation (PFM) prepares clients for mediation by helping them to manage their feelings, understand their behaviours and develop strategies to maximise the effectiveness of FDR. It is usually delivered through individual session(s) with the mediator or another FDR staff member, and can occur face-to-face, or via phone or video conference. It is also referred to as Coaching and was originally called Preparatory Counselling. As shown in Table 120, just over half (55%) of those who had proceeded to joint mediation had received PFM.

Table 120: Did you receive Preparation for Mediation/Coaching/Preparatory Counselling?

	<i>n</i>	Percent
Yes	77	54.6%
No	52	36.9%
Don't know/Can't remember	12	8.5%
Total	141	100%

Table 121: Helpfulness of Preparation for Mediation

	<i>n</i>	Percent
Very unhelpful	8	10.4%
Unhelpful	6	7.8%
Neither helpful nor unhelpful	12	15.6%
Helpful	31	40.3%
Very helpful	20	26.0%
Total	77	100%

As shown in Table 121, 66% of those who received PFM found it 'helpful' or 'very helpful', with less than a fifth (18%) rating it as 'unhelpful' or 'very unhelpful'.

Survey and interview comments also revealed that, generally, participants who had received Preparation for Mediation found it helpful. However, some did report negative experiences.

Those who were positive about PFM valued the **advice given and the tools and practical skills** they could use during the mediation sessions. It also gave them an idea of what to expect at mediation, provided some **reassurance**, and for some, **made them optimistic** about what could be achieved. Some participants also found it **helpful to talk through some of their issues and concerns** prior to mediation.

The counsellor, while only with phone contact, had great ideas on how to deal with the ex and the mediation. (1574, Mother; Survey)

Pre-mediation guidance was a great help. (1623, Mother; Survey)

Made you feel better about the mediation. (1816, Mother; Survey)

It was good knowing what was going to happen prior (where we were going to be, who we'd talk to etc.). (1187, Mother; Survey)

It made me hopeful. (1059, Mother; Survey)

It felt like it might work. (1660, Stepmother; Survey)

I enjoyed the support [of] pre-mediation as it taught me a lot of skills to use. (1821, Mother; Survey)

Very thorough and good advice. (1315, Father; Survey)

She understood that there were some severe power and control issues and to call time when I was struggling. (1169, Mother; Survey)

What to expect and the reiterating of 'all you can do is your best'. Really good. Good, positive stuff. He is talking to us and he's talking to our exes as well. It's whether you are prepared to listen. Just good listening and good pointers. It meant we were much better prepared. (1157, Mother; Interview)

It was good to discuss some issues and certainly to unburden myself a little bit because I find it quite isolating grappling with these issues. As much as my friends don't want me to go through it alone, I don't want to spend all my time with them, going over these issues. ... Having a person that could just talk me through what's been happening was very beneficial for me. In terms of preparing me for mediation it wasn't overly ... it was helpful in reminding me that I had the right attitude. ... I thought the tools were helpful, but they're tools that I've been given before, so using "I" statements, trying to avoid confrontation, trying to put yourself in that person's shoes and appreciate that this person does care about their kid, and to remind yourself that you care about that person is important. So we discussed them, but they were all largely tools that I've dealt with before and that I've been trying to use in my discussions with [former partner] up until this point. ... So, many of the

communication skills that we talked about were things that I'd already been doing, but it was good to hear even then that I had been doing the right things. (1104, Father, Interview)

Even from the pre-mediation team, that was really good because it was really scary and I'm not very good at confrontation and there was a lot of old feelings coming up. To know that I was going to have to sit in this room with him ... because we'd managed to avoid each other for three years. Only do what we have to do. So, with all the stuff that was going to have to come up I was really worried. So, actually having and talking to a lady – I think I spoke to her twice – and she explained how it all worked and what my rights were and what I didn't have to ... and there's no lawyers. Because then I thought maybe [former partner's] fiancé at the time was going to be in there. I thought, "Oh, my gosh", but she explained it all which when you go there, you pop those anxieties aside, which makes things more productive when you go in there. (1603, Mother; Interview)

However, several participants described how the **reality of mediation did not match the way in which it had been portrayed** to them in Preparation for Mediation. Others found that despite having PFM, they still found the **actual experience of mediation emotionally painful and frightening**, and were not prepared for how difficult they would find dealing with their former partner.

When I was having the phone call about the preparation for it she said, "You know you can have breaks. You don't have to do it all in one day. It's a long time, you can split it over two [sessions] that are one and half [hours]." The mediator wasn't interested in that at all. It had to be the whole three hours all at once. That's really traumatising coming from the background of the marriage that I'd come from. (1623, Mother; Interview)

I wish I had been told and more warned how emotionally painful it would be. (1129, Mother; Survey)

I think they call it like a pre-mediation counselling or something where they're like, "So you need to stay calm and be open-minded and don't butt in and be respectful and be polite" and all that, and so I found that really helpful ... until I got into the room with my ex, and then that information just all went flying out the door. Just because of his, "I'm so perfect and she's really rubbish" attitude towards everything. (1623, Mother; Interview)

He belittles a lot, that's why I didn't like being in the environment. I couldn't talk confidently because of how I felt being opposite to him. ... I mean, I tried to use the advice, like, just think before you speak and take some deep breaths and avoid eye contact, all that sort of thing. But, at the end of the day, he's still intimidating, so I still was uncomfortable. (1047, Mother, Interview)

We got the opportunity to go and get some counselling support around that and I found that really valuable and to prepare for what was actually going to happen to me because it was the first port of call. So, I've done it twice; the first guy was really great and he made me focus on what was the task at hand and the way to present myself and the way to talk and the way to not aggravate things and all of those sorts of things he taught me about; so, I felt quite ready to go into the FDR process. Then I met

the FDR mediator for the first time just by myself and I actually felt really, really, really terrified by the mediator. ... I just felt really – like, it's an exaggeration but I felt like – I said to my parents afterwards, I just feel like jumping off [mountain] at the end of it. I just felt so hopeless and ripped apart ... and torn apart, and I haven't even gone to the mediation process yet. ... But I do think the pre-preparation for the FDR is actually really valid. I must admit even though I did find the FDR processes really, really challenging and really, really hard, especially that very first one; I just felt so despondent and hopeless ... imagine if I hadn't had any preparation. (1214, Mother; Interview)

Phone counsellor sessions turned out to be useless because I did not realise how angry and belittled it would make me feel being in the mediation room with him, and hearing him blatantly lie to the mediator. Counselling could not prepare me for that because I didn't know how awful it would be or that I would be unable to cope. There was no opportunity to delay mediation or provide another preparatory counselling session once that was identified. I just had to go ahead. ... The idea of it was good, but in reality, it was a phone call with a man in [town], and it was before I had actually been in a room with [ex-partner] so, I didn't realise how wrought I would feel hearing him telling lies to the mediator. So, I kind of wasn't in a position to make the best use of the pre-mediation counselling. ... I think if I had realised all of that when I had the opportunity to talk to the counsellor, that would have been useful. Because I just didn't know how hard it would be being in a room with him. So, I guess I wasted the pre-counselling mediation because I didn't know what to expect. (1017, Mother; Survey and Interview)

The other few negative comments related to **difficulties involved in organising and travelling to PFM** and a **negative experience with a PFM provider** who was ill.

Time consuming and hard to arrange for all involved. I had to travel far too. Was a bit like prep for something you had no idea what you will be thrown into. (1439, Mother; Survey)

The training call was very bad. The guy was sick and in training. He really shouldn't have been at work at all, coughing and sneezing, and out of the hour I took maybe five minutes of usefulness. (1420, Mother; Survey)

Wait Time to Receive FDR

Once all the pre-mediation steps (intake, assessment and PFM) were completed, the majority (54%) waited four weeks or less to have their first joint mediation session (see Table 122). Just under a fifth (18%) waited 1-2 months, and only a small number (4%) waited longer than two months.

Table 122: Waiting time for first joint mediation session

	<i>n</i>	Percent
Less than a week	3	2.1%
1-2 weeks	35	24.8%
3-4 weeks	38	27.0%
1-2 months	26	18.4%
3-4 months	4	2.8%
More than 4 months*	2	1.4%
Don't know/Can't remember	33	23.4%
Total	141	100%

* One person waited 8 months and another 15 months.

Table 123 shows participants' views on the reasonableness of the time they waited to commence joint mediation sessions. Over three-quarters (76%) thought the time they waited was reasonable (84% of those who could not remember exactly how long they waited thought the time they waited was reasonable as well).

Table 123: Reasonableness of wait time for first joint mediation session

	<i>n</i>	Percent
Yes	106	75.7%
No	34	24.3%
Total	140	100%

A cross tabulation of waiting time with perceived reasonableness (for those who could remember how long they waited) shows a gradual decline in perceived reasonableness as waiting times increased (see Table 124). Up until a wait of more than two months, more thought the wait time was reasonable than not. However, after this, the trend reversed, and all who waited for three months or longer saw this delay as unreasonable (although numbers were small for this group).

Table 124: Reasonableness of wait time for first joint mediation session by wait time

	<i>Reasonable Yes</i>	<i>Reasonable No</i>
Less than a week (<i>n</i> =3)	100%	0%
1-2 weeks (<i>n</i> =35)	94.3%	5.7%
3-4 weeks (<i>n</i> =38)	76.3%	23.7%
1-2 months (<i>n</i> =26)	53.8%	46.2%
3-4 months (<i>n</i> =4)	0%	100%
More than 4 months (<i>n</i> =2)	0%	100%
Total <i>n</i>	79	29

Travel Distances to Receive Joint Mediation

Table 125 details how far the participants had to travel (one way) to participate in joint mediation sessions. Almost half (49%) either did not have to travel at all or travelled less than 10 kilometres. Nearly three-quarters (71%) travelled less than 20 kilometres. A small number (5%) reported travelling 100 kilometres or more (one way) to attend mediation.

Table 125: Distance travelled (one way) for joint mediation session(s)

	<i>n</i>	Percent
No travel	17	12.1%
Under 10 km	52	37.1%
10-19 km	31	22.1%
20-29 km	19	13.6%
30-49 km	9	6.4%
50-99 km	5	3.6%
100-199 km	4	2.9%
200-499 km	2	1.4%
500 km+	1	0.7%
Total	140	100%

Those who did travel were asked how reasonable they thought the distance they had to travel was (see Table 126). The vast majority (91%) found the distance they travelled one way was reasonable.

Table 126: Reasonableness of travel distance for joint mediation

	<i>n</i>	Percent
Yes	112	91.1%
No	11	8.9%
Total	123	100%

Table 127 presents a cross tabulation of participants' views on the reasonableness of how far they travelled by the distance.

Table 127: Reasonableness of travel distance (one way) for joint mediation session by travel distance

	<i>Reasonable Yes</i>	<i>Reasonable No</i>
Under 10 km (<i>n</i> =52)	100%	0%
10-19 km (<i>n</i> =31)	96.8%	3.2%
20-29 km (<i>n</i> =19)	94.7%	5.3%
30-49 km (<i>n</i> =9)	66.7%	33.3%
50-99 km (<i>n</i> =5)	60.0%	40.0%
100-199 km (<i>n</i> =4)	75.0%	25.0%
200-499 km (<i>n</i> =2)	50.0%	50.0%
500 km+ (<i>n</i> =1)	100%	0%
Total <i>n</i>	112	11

Table 127 shows that under 100 kilometres, as travel distance increased the proportion of participants thinking it was a reasonable distance to travel decreased. Almost all thought travel distances under 30 kilometres were reasonable. Numbers are too small to draw conclusions for greater travel distances. However, three participants out of the seven who travelled in excess of 100 kilometres one way, thought the distance was reasonable.

Cost of FDR

Table 128: Personal cost of FDR

	<i>n</i>	Percent
Nothing	78	55.3%
\$448.50 (half of the \$897 fee)	46	32.6%
Other amount	3	2.1%
Don't know/can't remember	14	9.9%
Total	141	100%

Around a third of the participants paid for FDR, with over half (55%) receiving it for free (see Table 128). Participants' views on the reasonableness and affordability of what they paid for FDR are presented in Tables 129 and 130. The majority found the cost of FDR both reasonable (71%) and affordable (73%).

Table 129: Reasonableness of FDR cost

	<i>n</i>	Percent
Yes	95	70.9%
No	39	29.1%
Total	134	100%

Table 130: Affordability of FDR cost

	<i>n</i>	Percent
Yes	98	72.6%
No	37	27.4%
Total	135	100%

However, for those who paid half of the \$897 fee ($n=46$), less than half thought it was a reasonable (33%) and affordable (43%) cost (see Tables 131 and 132).

Table 131: Reasonableness of FDR cost for those paying \$488.50

	<i>n</i>	Percent
Yes	15	32.6%
No	31	67.4%
Total	46	100%

Table 132: Affordability of FDR cost for those paying \$488.50

	<i>n</i>	Percent
Yes	20	43.5%
No	26	56.5%
Total	135	100%

The fee itself, what they charge for it, is ridiculous. ... The first time around it was free, because I was on a solo parent benefit. I didn't pay for that. But the second time around, when I found out what the fee was going to be for mediation, I was absolutely flabbergasted. I realise that now I'm not on a solo parent benefit, but for what I earn and what my outgoings were and things, it wasn't a realistic amount of money for me to pay at all, because it was ridiculous. ... That would probably be my biggest gripe about the whole situation. (1583, Mother; Interview)

FDR Delivery Format

Tables 133 and 134 detail the delivery mode of FDR and who was present during joint mediation sessions. The majority (87%) of joint mediation sessions were conducted face-to-face, with 14% using shuttle mediation. Very small numbers used video or teleconferencing.

Table 133: FDR delivery mode

	<i>n</i>	Percent
Face-to-face	123	87.2%
Shuttle mediation	19	13.5%
Videoconference	6	4.3%
Teleconference/phone	4	2.8%
Other	0	0%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

One mother was very positive about FDR being delivered by video-conferencing.

Doing a Skype one, we are not limited for where we have to travel and stuff. The Skype, I think, is a really good idea. Not having to sit in the room with the other people. ... When things weren't going so well, because the communication breaks down quite quickly, she could talk to us separately. Ring the other person back. It was much better doing things through Skype and Zoom. (1157, Mother; Interview)

Table 134: People present during joint mediation

	<i>n</i>	Percent
Support person	27	19.2%
Other party's support person	21	14.9%
My lawyer	16	11.4%
Other party's lawyer	16	11.4%
Co-mediator	4	2.8%
Another person	7	5.0%
None of the above	94	66.7%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

As shown in Table 134, two-thirds of those attending joint sessions did not have anyone else other than the other party in the room during mediation. Around a fifth (19%) had a support person with them during mediation and 11% reported having either their own or the other party's lawyers present.

Children's Thoughts, Feelings and Views

When FDR was first introduced there was no mechanism in place for children's thoughts, feelings and views to be ascertained directly and fed into the mediation process, unless this was done through one of the parents/caregivers. However, following changes to the FDR model in December 2016, FDR providers each developed their own procedures for talking with children and including their voices in the mediation process, if this is desired. The results and responses below may be influenced by the timing of when the participant took part in FDR, and whether or not a child-inclusive model was then on offer. Some responses may, therefore, not reflect current practice.

Table 135 shows that nearly 60% of the participants indicated that no professionals had provided the children with an opportunity to express their views (59%) and in 14% of cases, it was not applicable (for example, the child was a baby). When the children's thoughts, feelings and views were ascertained, this was most commonly achieved through a Lawyer for the Child (19%).

Table 135: Did the children have an opportunity to express their thoughts, feelings and views to any of the following professionals at any stage of the mediation process?

	<i>n</i>	Percent
Mediator	7	5.0%
Lawyer for the Child	27	19.2%
Child consultant	3	2.1%
Social worker	3	2.1%
Another professional	10	7.1%
None of the above	83	58.9%
Not applicable	19	13.5%
Don't know/can't remember	2	1.4%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

Participants were also asked if, during their joint mediation sessions, the children's thoughts, feelings and views were discussed (see Table 136). Close to two-thirds (62%) indicated that they had been, with a third of the participants saying that no such discussion had occurred.

Table 136: Discussion of children's thoughts, feelings and views in joint mediation sessions

	<i>n</i>	Percent
Yes	87	61.7%
No	47	33.3%
Don't know/can't remember	7	5.0%
Total	141	100%

Of those who had discussed the children's thoughts, feelings and views during their mediation ($n=87$), only 27% found this 'helpful' or 'very helpful', with more (37%) reporting that they found it 'unhelpful' or 'very unhelpful'. A similar proportion (36%) were neutral, finding the discussion 'neither helpful nor unhelpful' (see Table 137).

Table 137: Helpfulness of discussing children's thoughts, feelings and views in joint mediation

	<i>n</i>	Percent
Very unhelpful	15	17.2%
Unhelpful	17	19.5%
Neither helpful nor unhelpful	31	35.6%
Helpful	19	21.8%
Very helpful	5	5.8%
Total	87	100%

All of the participants who had had joint mediation sessions ($n=141$) were asked to rate their satisfaction with the consideration given to the children's thoughts, feelings and views (see Table 138). Just under a quarter (24%) of the participants were 'satisfied' or 'very satisfied', with over twice as many reporting dissatisfaction (52%). A third were 'very dissatisfied', compared with only 4% who were 'very satisfied'.

Table 138: Satisfaction with the consideration given to the children's thoughts, feelings and views during the FDR/Family Mediation process

	<i>n</i>	Percent
Very dissatisfied	46	32.6%
Dissatisfied	27	19.2%
Neither satisfied nor dissatisfied	34	24.1%
Satisfied	28	19.9%
Very satisfied	6	4.3%
Total	141	100%

The survey provided the participants with an open text box to add any comments they had about the consideration that children's thoughts, feelings and views were given in their joint mediation sessions. The predominant theme in comments made about children's thoughts, feelings and views was that they were **not** sought or considered or were dismissed during FDR.

Our daughter's own views were totally overlooked by everyone. It was as if everyone had an agenda, which was 50/50. I was left feeling no one listened to what my daughter wanted and I felt I was thought to be an overbearing mother which was not the case. (2035, Mother; Survey)

Total waste of time. Ex just got mad. ... Children's thoughts were NEVER taken into account. (1129, Mother; Survey)

The children are ignored by everyone. Their voices are not heard. Their feelings are ignored. They are treated like furniture. It's appalling. (1439, Mother; Survey)

The children overall wanted more time with their father, but these thoughts were dismissed. (2047, Mother; Survey)

It would have been nice for the children's thoughts and feelings to be taken by an independent person (e.g., mediator) and consideration given to these. It did not come up. (2028, Father; Survey)

Our children were not consulted with during the mediation process. I think it would be helpful for them to meet with the mediator or counsellor and the outcome to be discussed with BOTH parents. (1050, Mother; Survey)

The children's wishes were not considered in ways I felt comfortable with. ... I tried hard to explain how the children felt and what they had asked of me, but that was dismissed because I was saying it. If there had been any way to give the children a voice I would have grabbed it, but nothing was offered. I have asked for another FDR session which can take the children's views, feelings, experiences and wishes into account, but their father says he is just going to take it to court. (1017, Mother; Survey)

Most often the comments mentioned children's thoughts, feelings and views being **dismissed or disregarded by the other party** or reflected a perspective that the **other party's views took precedence**.

They were disregarded by the other party, as expected. (1660, Stepmother; Survey)

The process was about what the ex wanted with no real thought for the children. (1254, Father; Survey)

The mediator and I wanted to discuss these, but the other parent did not care or take them into account. (1426, Mother; Survey)

The ex made it clear that he thought all conversations regarding their feelings were to be considered "adult-only". This made it impossible to go into mediation with their views (despite him discussing matters with the kids and then bringing his manipulated view to the table). (1574, Mother; Survey)

My son's father does not care about our son's feelings. Only his own and what suits him. He refused to get into a proper conversation about this topic. (1971, Mother; Survey)

It was very much driven by the prejudices of my ex-partner, rather than with any consideration to what the children might want. (1044, Father; Survey)

I wanted child-inclusive mediation, but because my ex-partner refused we couldn't do it. I brought along my children's views that they wrote down and my ex-partner refused to have them read or considered. I found this outrageous. (1261, Mother; Survey)

I considered our child's thoughts and feelings, but these were of no consequence to my ex. (1131, Mother; Survey)

The children's thoughts were overpowered by father's opinion. (1481, Mother; Survey)

They weren't considered. It was called closed quickly as the mediator could see that I had been abused and that there was no point as my ex was not open to anything other than what he wanted. (1890, Mother; Survey)

My children and I weren't listened to. It all went my ex-husband's way as I was too terrified to talk and no-one listened anyway. (1806, Mother; Survey)

Some participants commented that the **mediator and other professionals had not considered the children's views either.**

They were dismissed by the Lawyer for the Child and mediator as being "irrelevant." (1660, Stepmother; Survey)

The mediator promised me that mediation would help my teenagers' voices be heard. But once we got there she told me that I should just tell them to stop whingeing. I felt totally betrayed. (1188, Mother; Survey)

The kids' views seemed to have no bearing in the discussion with the mediator. (1301, Father; Survey)

My children's views were never represented despite them being old enough to say their views and feelings. ...The children had very strong views as much of their father's behaviour was becoming increasingly abusive and harassing. Rather than include their views and protect the kids, the mediator told my ex-husband not to do several of the behaviours anymore. He has continued since then and escalated them. Our kids are not little and are well spoken. ... Their views should have been included and heard. My ex-husband refused to have their views considered or heard which made the process fairly pointless. (1615, Mother; Survey)

I think our first mediator didn't even mention our child's name after the introductions and treated her like she was nothing. The next mediator cared and spoke lots about the children. (1900, Mother; Survey)

I was very concerned that the FDR mediator didn't mention our children's interests; she discussed the matter as though it were between two adults only. ... In fact, she sounded rather like an advocate for the other party and didn't mention that mediation required her to get us to reach an agreement that promoted our children's welfare/best interests. I felt quite shocked and very disappointed from a systems point of view. I wonder how child-centred FDR decisions really are. (1687, Mother; Survey)

Child was a gifted six-year-old with strong views about where she wished to live. Mediator did not consider six years old was old enough to have a say in her future. (1224, Mother; Survey)

However, **situations where mediators had worked to have children's thoughts, feelings and views considered** were also mentioned. Such efforts were not always successful if one party was resistant.

The mediator was trying to manage the mediation from the child's interests, but my child's mother managed to conflate her interests with the child's. (2139, Father; Survey)

Most of the time was wasted with the mediator trying to explain to my ex how the kids felt and what their needs were. (1148, Mother; Survey)

The mediator herself had much experience with child welfare and advocacy, so it was obvious that she was keeping our son in mind. (1187, Mother; Survey)

Father has an inability to see viewpoint of daughter. Lack of understanding about age appropriateness of child. Mediator did push that child needed to be considered and importance of consistency of contact, getting child to school on time and child's feelings around being late etc. Ultimately father didn't care about child's feelings around a lot of things. (1908, Mother; Survey)

Some participants identified some of the **challenges involved in considering children's views**. They noted that without an independent person seeking children's views it was parents who represented their children's views in mediation and worked on a "he said, she said" basis with the **potential for parents to just represent their own views**. There were also instances where parents thought their children's views had been misrepresented or that their **children had been coached**.

This is emphasised, but works on a "he said, she said" basis. (1414, Mother; Survey)

The children weren't spoken to so it was my word against theirs. (1386, Father; Survey)

The child is not represented by anyone and it's left to the parents to represent them from their own conflicted positions. (2139, Father; Survey)

These views were presented by the parent with primary care of the child. It's completely subjective. The mediator should have spoken to the children independently before mediation. (1315, Father; Survey)

The children's views weren't accurately given ... and after the agreement had been made they said it didn't meet what the children or I had wanted. (1253, Mother; Survey)

The children's thoughts and feelings that they had input to the mediation were those of my ex-partner, and it was quite obvious. So, it was quite frustrating listening to their lawyer talk on their behalf when I knew that the views being expressed weren't really what they thought. (1659, Father; Survey)

The children were taken to a counsellor without my knowledge, to give statements that were subsequently used in mediation. Afterwards my oldest son was remorseful because he had exaggerated in his statement. It was disgusting to see kids put in this position, being manipulated and made responsible for decisions that should be made by adults. (1153, Father; Survey)

Parental alienation happens, so it's hard to justify the child's feelings. (1644, Father; Survey)

Sometimes the kids said stuff that sounded coached. (1412, Mother; Survey)

Depending what brainwashing the foster parents are doing. (1816, Mother; Survey)

Children's views just become ammunition for personal attacks, with anything going as it's 'what the children want/need/feel'. Parents have different experiences with their children, especially when they're under the pressure of being in a dispute like this. Any weight on what the kids are feeling, thinking and viewing can only be taken so far. (1845, Mother; Survey)

The children were not interviewed. Only information we had was what the other party had brought to the table, so it was not clear if it was a true reflection of their concerns. (1025, Stepmother; Survey)

Other participants noted that the **age of the child was a factor** in whether their children's voices were ascertained and/or considered in the mediation process.

This is a very important phase depending on the ages of the children. (1292, Mother; Survey)

The children's views were not considered at all. It was complicated by the mediation only being about the youngest child who was nearly three and had not been allowed to have contact with myself as my ex-partner had refused. ... Her age made it difficult to capture her thoughts and feelings as she was too young. (1581, Father; Survey)

She was just a toddler. Not applicable to the purpose of our mediation/counselling. (1425, Mother; Survey)

Obviously, if the child is old enough, what they want should be taken into consideration. (1583, Mother; Survey)

N/A as she was only 18 months old. (1053, Father; Survey)

My daughter was four at the time and she simply didn't know anything was happening until visitation restarted. (1463, Mother; Survey)

It is hard to know at what age a child's opinion is worth considering. Particularly when the other party is set on one outcome! (1417, Mother; Survey)

The older child just said she didn't want to go [see her father] and the younger one also expressed a bit of reluctance. Their views were discussed, but then there was like from his behalf, eye rolling and just implications that I was making it up. That they're not old enough to make their own decisions about that, and when they are old enough he's sure that either one of them will want to see him. (1623, Mother; Interview)

He was two years old, so we couldn't really ask him his thoughts or feelings. (1604, Mother; Survey)

Children's thoughts and feelings were dismissed due to age and one child being autistic. (1833, Stepmother; Survey)

Because the children were considered young their views/feelings were not taken as seriously as they should have been. (1410, Mother; Survey)

Aside from concerns about children's age and their views being misrepresented, generally, the participants thought that **it was important for children's thoughts, feelings and views to be considered in FDR** and thought that children needed an advocate or representative to achieve this.

I would welcome their involvement in decisions regarding them. (1802, Mother; Survey)

An advocate for the child needs to be put in place. (1220, Mother; Survey)

A Lawyer for the Child should absolutely have been present. The situation was inappropriate for her best interests. (1169, Mother; Survey)

They need to have a representative there. (1181, Mother; Survey)

The fact that there is no advocate or representative of the child meant that it was easy for him to become a part of the conflict, which is what happened. (2139, Father; Survey)

They need to know the children's views. How can they help make decisions on people's lives if they do not know what they want??? (1129, Mother; Survey)

However, one participant emphasised that '**a voice, not a choice**' was important.

I felt that we needed to remember that her opinions are important, but that we need to make the decisions based on what's best for her not just what she wants. (1101, Mother; Survey)

The following two quotes highlight the contrast between participants' experiences regarding the inclusion of children's voices in FDR – with quite different outcomes.

The mediator said, "Now, it's very important here to get the children's views on all this, and what we can do is we can bring in an outside person or whatever to talk with the children because we need to see where the children are with all this, get their side."... So [ex-wife] says to the mediator, oh, she had the ideal person who would get the children's views, and it was a friend of the family. ... So the mediator was suggesting she's the ideal person for this, and she knows the children, they're comfortable with her. I initially baulked because I said, "Well, my ex-wife is asking for it, so therefore I don't trust it at all. It's going to be biased." But I was convinced that it was a good option, and that it would show that I was prepared to trust her to allow this person to do that report. So, this lady, she met with the children individually and wrote a brilliant thing on each of the children, on their views. At that mediation she stood up and she said – and I was absolutely blown away – that not one, two, but all of the children at that point were aware that Mum was wanting to relocate with them, they were well aware because of their ages what had been taking place, and if you

like, the conflict between the mother and father. But my youngest ... she wanted 50/50. ... My next eldest, said, "I'd like 50/50." My eldest didn't really say what he wanted ... he just wanted more time with Dad. So, I was really impressed that that was the result. (2188, Father; Interview)

There was no representation for my children, and any explanations I tried to give of what they said or feel were dismissed. I don't feel enough consideration was given to them, and I didn't have the opportunity to consult them about agreements that were made. Before I went, one child told me there was no way he was going to sleep anywhere except at home on Sunday nights, or else he is too tired for school. His sister did not tell me that, and I thought she would be okay with it. But without consulting her, I agreed for her to stay on her own, which she lost her rag about and still resents. But it is in the document, so he enforces it, to her unhappiness. There just needed to be a way to include the children and I remain uncomfortable that they were not consulted about decisions that affect them. (1972, Mother; Survey)

Outcome of Mediation

Table 139 shows the percentages of participants reaching full, partial or no agreement as an outcome of mediation. Similar proportions for each outcome were reported, with slightly more (39%) reaching full agreement with the other party, and around 31% reaching partial or no agreement.

Table 139: Agreement reached in mediation

	<i>n</i>	Percent
Full agreement	55	39.0%
Partial agreement	43	30.5%
No agreement	43	30.5%
Total	141	100%

Table 140 presents participants ratings of satisfaction with the outcome (agreement reached).

Table 140: Satisfaction with level of agreement reached

	<i>n</i>	Percent
Very dissatisfied	56	39.7%
Dissatisfied	29	20.6%
Neither satisfied nor dissatisfied	30	21.3%
Satisfied	19	13.5%
Very satisfied	7	5.0%
Total	141	100%

As shown in Table 140, there were low levels of satisfaction with the outcome (agreement reached). Only 18% were 'satisfied' or 'very satisfied', compared with 60% who were 'dissatisfied' or 'very dissatisfied'. Over three times as many participants expressed dissatisfaction with the level of agreement they reached with the other party in FDR than were satisfied.

Looking at the ratings of satisfaction with the level of agreement level broken down by the outcome (see Table 141), reveals that for those who reached no agreement, 84% were dissatisfied with this outcome and none expressed satisfaction; two-thirds rated themselves as 'very dissatisfied'. Of those reaching a partial agreement, around a half (51%) were 'very dissatisfied' or 'dissatisfied', compared with 40% who reached full agreement. In contrast, 42% of those who reached full agreement were 'satisfied' or 'very satisfied', compared with 19% who reached partial agreement and none who did not reach any agreement.

Table 141: Satisfaction with level of agreement by agreement

Level of agreement	Very dissatisfied	Dissatisfied	Neither satisfied nor satisfied	Satisfied	Very satisfied	Total
No agreement (n=55)	67.3%	16.4%	16.4%	0%	0%	100%
Partial agreement (n=43)	27.9%	23.3%	30.2%	18.6%	0%	100%
Full agreement (n=43)	16.3%	23.3%	18.6%	25.8%	16.3%	100%

It is somewhat surprising that less than half of those reaching full agreement expressed satisfaction with this outcome. It could be that participants were also expressing their level of satisfaction with *what* had been agreed to.

Those participants who had reached either a partial or full agreement with the other party (n=86), were asked to rate their satisfaction with the parenting arrangements that had been agreed on (see Table 142), how fair they thought those agreements were (see Table 143), and how confident they were that they would work out (see Table 144) at the time that they were agreed upon.

Table 142: Satisfaction with parenting arrangements agreed on at mediation

	<i>n</i>	Percent
Very dissatisfied	14	16.3%
Dissatisfied	20	23.3%
Neither satisfied nor dissatisfied	16	18.6%
Satisfied	29	33.7%
Very satisfied	7	8.1%
Total	86	100%

Similar proportions of participants were satisfied/very satisfied with the arrangements (42%) as were dissatisfied/very dissatisfied (40%). A similar pattern was found in relation to ratings of fairness, with 43% thinking the arrangements were fair/very fair and 40% rating them as unfair/very unfair (see Table 143).

Table 143: Perceptions of fairness about parenting arrangements agreed on at mediation

	<i>n</i>	Percent
Very unfair	15	17.4%
Unfair	19	22.1%
Neither fair nor unfair	15	17.4%
Fair	27	31.4%
Very fair	10	11.6%
Total	86	100%

Table 144: Confidence in parenting arrangements agreed on in mediation working

	<i>n</i>	Percent
Very unconfident	20	23.3%
Unconfident	20	23.3%
Neither confident nor unconfident	20	23.3%
Confident	20	23.3%
Very confident	6	7.0%
Total	86	100%

A larger proportion of participants (47%) was unconfident/very unconfident that the arrangements would work out, than was confident/very confident (30%) (see Table 144).

Table 145 reports on whether any applications were made to the Family Court once FDR mediation had been completed. The greatest proportion (43%) did not make any applications at all, with 15% applying for the parenting agreement made in FDR to be converted into a Consent Order. Just over a third (35%, $n=49$) proceeded to the Family Court to resolve the issues that could not be agreed on in mediation. As reported earlier, 86 participants did not reach full agreement, so 57% of those not reaching full agreement went on to the Family Court in order to resolve the outstanding issues.

Table 145: Post-mediation applications for a Parenting Order to the Family Court

	<i>n</i>	Percent
Consent order to formalise parenting agreement	21	14.9%
To resolve issues that couldn't be agreed on	49	34.8%
For another reason	11	7.8%
None	60	42.6%
Total	141	100%

Helpfulness of FDR

Table 146: Helpfulness of FDR in making or changing parenting arrangements

	<i>n</i>	Percent
Very unhelpful	48	34.5%
Unhelpful	24	17.3%
Neither helpful nor unhelpful	23	16.6%
Helpful	28	20.1%
Very helpful	16	11.5%
Total	139	100%

As Table 146 shows, the proportion of participants finding FDR ‘helpful’ or ‘very helpful’ in making or changing their parenting arrangements (32%) was much lower than the proportion rating FDR as ‘unhelpful’ or ‘very unhelpful’ (52%).

To determine if ratings of helpfulness of FDR varied across the different levels of agreement reached, a cross tabulation of ratings of helpfulness with level of agreement was undertaken and is presented in Table 147.

Table 147: Ratings of helpfulness by level of agreement reached

	Full agreement	Partial agreement	No agreement	Total
Very unhelpful (<i>n</i> =16)	12.5%	22.9%	64.6%	100%
Unhelpful (<i>n</i> =28)	4.2%	37.5%	58.3%	100%
Neither helpful nor unhelpful (<i>n</i> =23)	26.1%	39.1%	34.8%	100%
Helpful (<i>n</i> =24)	50.0%	42.9%	7.1%	100%
Very helpful (<i>n</i> =48)	87.5%	12.5%	0%	100%

As Table 147 shows, the highest proportion of those finding FDR unhelpful or very unhelpful were those who had reached no agreement; 65% of who found FDR very unhelpful had reached no agreement, compared with 13% of those who reached full agreement. Conversely, the vast majority (88%) of those who rated FDR as very helpful had reached full agreement.

A Pearson chi-square test showed evidence of an association between how helpful participants found FDR in making or changing parenting arrangements and the degree of agreement reached in FDR. More people than expected found FDR unhelpful when they had not reached any agreement, and fewer than expected found it unhelpful when they reached full or partial agreement ($\chi^2 = 60.76$, $p < 0.001$).

Participants were asked what (if anything) they found particularly helpful or positive and what they found particularly negative or unhelpful about FDR. Open-ended survey comments and interview quotes about FDR revealed that approximately twice as many participants provided negative comments about FDR than positive comments.

What Participants Found Particularly Helpful or Positive about FDR

Participants' **general positive comments** about FDR described it as a good service that was worthwhile and helpful.

It provides a helpful service. (1623, Mother; Survey)

It's worth it. (1473, Mother; Survey)

It's great. ... It was perfect. (1187, Mother; Survey)

It's a really good service if you just can't even have a face-to-face conversation with your ex. (1757, Mother; Survey)

It is a good option, and we are lucky to have it available. (1417, Mother; Survey)

It's a very good tool. (1293, Mother; Survey)

Great service. (1881, Mother; Survey)

I think it is was a nice and clear system and I think it will be a useful system for people. (1086, Father; Interview)

Very worthwhile. (1604, Mother; Survey)

Some found **FDR preferable to going to the Family Court** and regarded this positively.

Trying to settle things ourselves out of court. (1253, Mother; Survey)

It was an attempt to sort an agreement without the enormous costs of court. (1148, Mother; Survey)

It was a good opportunity to try and resolve the issues without having to go to court. (1623, Mother; Survey)

Really grateful this service is available. Much better than having to deal with the lengthy impersonal court process. (1101, Mother; Survey)

A better way to formalise parenting arrangements without going to court. (1011, Mother; Survey)

I think the whole mediation processes are really good. I definitely would be positive in the fact that – from what I now know about having to go through the court part of the system, I think it's awesome that they've put those mediation parts into it. Yeah, I think the majority of cases should be able to be solved through that. I personally would like to see the mediation stages extended so that there is more time and hours available ... and over a longer period of time just rather than one mediation session. Looking back that mediation was the cheap part of the whole system. (1148, Mother; Interview)

The participants' more specific positive comments mostly related to the mediator and their skills, and the mediation process.

The mediator

The majority of the positive comments about FDR focused on the mediator. Some participants provided general comments describing the mediator positively in terms such as: "great", "lovely", "fantastic", "good", and "amazing". They appreciated having a mediator with **good inter-personal skills** – one who was friendly, caring and respectful and easy to relate to.

We had a fantastic mediator and he was really helpful and very easy to talk to. (1757, Mother; Survey)

Very friendly caring mediator. (1093, Mother; Survey)

The mediator was natural and that was something I appreciated. (1146, Mother; Survey)

Mediator was relatable and friendly. (1503, Stepmother; Survey)

Mediator was respectful. (1481, Mother; Survey)

They were very professional. Great at keeping me informed of what was happening. (1367, Mother; Survey)

What's been good this time is the [mediator] has done the mediation and she's been a good communicator and been listening. ... It was good to have a female mediator instead of a male mediator, because she was compassionate, empathetic and just the right person. [In] saying that, that guy [male lawyer], he would be a good mediator too. I think the mediator you have, it depends on who it is, because if they're a good listener and they can communicate well on a real cool, calm level, instead of a hoity-toity snotty lawyer level or something, then there is a better result. Someone with good communication skills is good. (1157, Mother; Interview)

The mediator **being accommodating** was also seen as helpful. Two women appreciated the mediator finding them a separate waiting room away from their former partner. Others appreciated the mediator understanding when they needed a break.

The mediator was lovely, and accommodating in my request for separate waiting spaces. (1417, Mother; Survey)

It was a positive experience and I found that she was really good, because I went in there and I said, "I'm sorry. I've found something out in the last week and I'm so angry with him. I don't want to sit in the same waiting room with him. Is there somewhere else that I can sit so that I don't have to be alone with him?" Because ... I was angry with him and I didn't want to have to sit with him without somebody else there, because I just didn't trust myself not to have a go at him and I knew that that wouldn't help the whole situation. So she said, "Yep" and she put me in a separate room until it was time for us to start and he sat out in the waiting room. So I felt like she was really sensitive to my feelings and my needs at the time. (1604, Mother; Interview)

The mediator could work in with my time schedules and make the calls based around me and my son. (1307, Father; Survey)

That I could request a break. (1119, Mother; Survey)

I would get upset. The mediator did call a break, but he also knew I wasn't comfortable being face-to-face. ... He called a couple of breaks and said, "Look, I think she needs a bit of a break, let's call a 5-minute break and go from there and then come back." (1047, Mother; Survey)

Participants also praised the **skill of the mediator**, particularly in being able to **keep control of the mediation and deal effectively with conflict and abuse**.

Was firm and fair. (1472, Mother; Survey)

Appreciate the expertise of the mediator. (1584, Father; Survey)

The mediator was able to listen and take control of the situation. (1494, Mother; Survey)

The mediator stopped arguments from happening. (1975, Mother; Survey)

He maintained a very professional persona right through the thing and guided us through parts where we were starting to get heated, things like that. So, it was okay. The process itself was good. (1086, Father; Interview)

The mediator stepped in and protected me when my ex became violent. (1890, Mother; Survey)

Our mediator was very level headed and kept us level headed. Our mediator was fantastic [and] kept control over the meeting. (1821, Mother; Survey)

Mediator being able to deal with father when he threw a massive tantrum. Mediator didn't call it quits; he calmed him and put him in a different room. Mediator also allowed father to air his grievances about child support in order to help separate child support and parenting responsibilities as different issues. (1908, Mother; Survey)

I guess that [mediator] was a really good example. She was professional, but she was considerate. She allowed little things, like me to wait in a separate room and she just kept bringing everything back to the child and what was important to him. If either of us said something, she said, "Tell me how that will make [Child's] life better". So that was a really good way of making us stay focused on the child. She didn't react to [former partner's] hostility, because you could just feel the hostility coming off him when he walked into that room. I'll never forget that. She just didn't react to it and she didn't allow his hostility to enter into – she acknowledged his feelings. She said, "I think that you're not feeling happy about being here today, but we need to remember that this is about [Child], about making things good for him." ... [Ex] came in really negative, right from the start, everything was going to be a battle. ... I just wanted to throttle him, because I could just see we were going nowhere. So it was really good having [mediator] [who] was really calm and she was really good at actually making him validate his responses. So he just went, "Oh, she's getting her own way" and

[mediator] kept bringing him back to, "Well, why do you say that? If you say that that's her way, what would you like to see happen?" He just couldn't come up with anything. It was like he just wanted to be antagonistic for the sake of it. She kept drawing him back to saying, "What was the best thing for the child? How will that impact on him? Is that the best ...?" She just kept saying, "We're thinking about [Child] here. It's not about you. It's about [Child]. What's the best outcome for him in this?" (1604, Mother; Interview)

The mediator that we had was great at trying to keep things calm and reasonable, and logical. (1574, Mother; Interview)

Having a **mediator who was skilled in helping parties to negotiate and compromise** was also seen as helpful.

The mediator made a very good effort to try and get some negotiation happening and agreement reached, however, it was unsuccessful. (1426, Mother; Survey)

He would not discuss anything, he was very hostile and said that I was getting everything my own way. The mediator was very skilled in getting him to back up his accusations with evidence or to clarify his feelings and drew information out of him that I could never do. She kept his focus on our son and what was best for him. He also refused to sign the agreement, probably because he didn't understand it, and she spoke to him on his own and got him to sign. (1604, Mother; Survey)

The mediator was great. Balanced, fair, intelligent and helped us get compromise. (1574, Mother; Survey)

The mediator pushed for us both to compromise. (1261, Mother; Survey)

[Mediator] was really good. She talked, asked stuff about our children, which obviously puts us on a common ground, which was great because then we start off with a common ground and then we can kind of do issues. ... She was very good at that, like helping us negotiate with each other – and I know they are ideas that they teach you – how to communicate with each other to resolve things. So, it was good. (1603, Mother; Interview)

The mediation process

Some participants found it **helpful to have a third-party present** and saw mediation as a **neutral, fair and safe forum** to discuss issues with their former partner.

Neutral ground. (1430, Father; Survey)

Just having that independent party to mediate. (1305, Father; Survey)

It was helpful to have an impartial person guiding us so that we could focus on the future and not get bogged down in past issues. (1101, Mother; Survey)

It was helpful having a third person to guide the conversation. (1603, Mother; Survey)

Having a mediator who was impartial. (1220, Mother; Survey)

An independent third party present. (1558, Mother; Survey)

A very controlled and safe environment. (1371, Mother; Survey)

I think it does help to have a non-biased person or an unbiased person there that can take into account everything that the people are saying. (1538, Mother; Interview)

I think having the actual mediator was quite good, because they are very neutral. I found that quite helpful. And also, to just bring you back, you know when conversation starts drifting to something else or you get too caught up on one thing, it's really helpful to have someone to say, "Actually, hang on, that's not important, come back to what is important." (1253, Mother; Interview)

One of the things that [mediator] talked about was that she commented that [former partner] and I were both very good at talking to each other about the stuff that needed to be said, and that [mediator] didn't actually need to say very much herself. She commented on that several times, and she said, "I'll intervene when I need to, but when you guys are just onto it I'll leave you to it." So with that safe space of the third person being there, we could nut out most of it. Then there were some tricky bits that she went backwards and forwards with us on. But mostly we were able to do our mediation completely together. (1292, Mother; Interview)

Probably it was a lot of relief, because there was someone else driving it. There was someone else ... he's not the sharpest knife in a block and I was getting frustrated at trying to put it into language that he understood. So, having somebody else to do that and when he said, "I don't understand" and, obviously, they're thinking, "Oh, Christ, how many times have we been through this already?" I could just sort of distance from it and sit there and just think about something else until [mediator] said, "What do you think?" So, it made it a lot less stressful for me and it was nice to be able to go out at the end of it and go, "Right, that's sorted." (1604, Mother; Interview)

Some participants liked having a **third party present to witness the other party's poor behaviour** and/or to **support their position**.

There was a person there to hear how ridiculous his behaviour is. (1293, Mother; Survey)

Mediator was impartial party. They got to see all sides of other parent. In their one-on-one he was fake in mediation he was aggressive, trying to make out I was a bad parent. (1543, Mother; Survey)

My ex showed his true colours to the counsellor. (1425, Mother; Survey)

Being able to express my feelings and having the mediator agree that I was being more than reasonable. (1053, Father; Survey)

Having a third party agree my requests weren't unreasonable. (1848, Mother; Survey)

For some participants the **mediation process allowed open and frank discussion that enabled people to present their viewpoints and have them listened to**.

It was a healthy forum to honestly share the children's situation as I saw it and my husband had to listen. He had to respond as reasonably and rationally as he could because of the third person present. And the mediator was able to pull him up when he was inappropriate and unreasonable. It was intensely emotional and stressful, but well worthwhile. (1453, Mother; Survey)

Face-to-face contact. Eye balling the person. Very helpful if both parties are honest about why they are there. (1900, Mother; Survey)

I was able to explain to my ex-partner what I was hoping to achieve from the mediation and explain how I believed it was of benefit to my children compared to the existing agreement at the time. (1431, Father; Survey)

I didn't really find anything negative about it, because I'd reached the point where I couldn't have a conversation with [former partner] that resulted in an answer coming out. I couldn't get [him] to agree to anything or disagree. He just wouldn't talk about anything. That's why I went for mediation, because I knew that having a neutral party and that [mediator] would be skilled at getting someone to open up and say yes or no. It also gave us an opportunity to discuss a couple of other things that weren't quite to do with [Child]. I don't know whether she meant it to happen, but it actually cleared the air a bit and allowed the other process to go through. (1604, Mother; Interview)

A good way to discuss/formalise arrangements with someone neutral. (1011, Father; Survey)

Fair method of presenting both sides to the story. (1086, Father; Survey)

Being able to discuss issues in depth. (1050, Mother; Survey)

It was quite a long mediation. ... Three and a half hours, something like that. ... Yeah, we didn't resolve everything, but we fleshed it out. It was enough to be heard, the mediator was very good. One of the things that my partner does is, talks hard at something, but doesn't listen to a response because there is a defensive mechanism there which you can never get past. And I think the mediator recognised that and focused us both to listen very clearly to what it was, to write it down. So, the skills were there for that. ... But it was quite good in that sense because the mediation was probably as much about the feeling of being heard in terms of how to go forward with this hard negotiating. ... And he made it clear at the start that it is often the case with people that are entrenched, is that they fail to learn listen to the other party. (1086, Father; Interview)

For others, it was the **outcome of mediation** – reaching some agreement and having this documented – that was positive or helpful.

I think definitely the best part would be mediation because we went in with a set goal and we achieved what we needed to, which was good. (1253, Mother; Interview)

It was good to get a document for a rules-based man to follow. Unfortunately he seems to think it is for me to follow and he still does what he feels like. But I felt better having it written down and "official" that there are certain expectations and obligations. (1017, Mother; Survey)

Mediator took notes, documented agreement. (1364, Mother; Survey)

Managed to have an issue concerning me about alternative childcare raised and noted down that the other parent is to be consulted prior to using different/new people as babysitters all the time. (1561, Father; Survey)

I felt like we were making progress for the first time. (1252, Mother; Survey)

First time in the same room without lawyers in three years. The first mediation we agreed on points. (1774, Mother; Survey)

It got things mostly sorted. (1414, Mother; Survey)

It did get resolved. It was much better – not that I’ve ever been to court, but I’m assuming it was much better than going to court from what I’ve heard of stories. It was hard and it was emotional and it was really tough. ... We did get an agreement. We got it signed. We both had to compromise, which was great. ... From my perspective, I can’t speak for him, but from my perspective, both of us didn’t lose and in the end the kids got a routine, something that works. ... It was really beneficial. I would say we’d probably be still writing emails to each other – no, actually we would’ve gone to court if mediation wasn’t there. ... Probably the mediation was the most helpful [part]. (1603, Mother; Interview)

Other **miscellaneous aspects** of FDR that participants found positive or helpful included: having their children’s views considered; being able to have support people and lawyers present; and the information provided by the mediator.

The child psychologist was great. She actually listened to the teenagers. (1188, Mother; Survey)

That the children’s views were made known. (1544, Father; Survey)

It talked about what was best for the kids. (1181, Mother; Survey)

That my lawyer was there. (1119, Mother; Survey)

I was able to bring a support person. (2049, Mother; Survey)

Mediator had wider knowledge of the Family Court process. (1595, Mother; Survey)

Getting a sense of how issues were approached by other people was helpful. (2028, Father; Survey)

The mediator was fantastic. He explained a lot to me how the process worked etc. (1970, Mother; Survey)

What Participants Found Particularly Unhelpful or Negative about FDR

More participants made comments about aspects of FDR that they found unhelpful or negative or outlined areas for improvement, than were positive about FDR. As the following quotes from the survey and interview transcripts show, some participants had had negative experiences with FDR, often describing it as a “waste of time” and money, and “pointless”. Some had hoped that FDR would be effective and felt let down and disappointed by the process and/or outcome.

Nothing was positive. It was a very negative experience and it victimised me over and over again. (1835, Mother; Survey)

Very unpleasant experience. (1491, Father; Survey)

Harrowing and pressurised. (2035, Mother; Survey)

Very disappointing experience. (1329, Mother; Survey)

A pointless exercise. ... The processes were okay. I thought the mediation was an absolute waste of time and we could have quite easily not have even bothered to do it. It was one of those situations where even the mediator said, “This is just crazy.” ... So that, to me, was an absolute waste of taxpayers’ money. In fact that whole thing has been. Someone else has been paying for this crazy dispute. (1636, Mother; Survey and Interview)

The FDR process was a waste of time. My ex-partner had no intention of being reasonable and used the process as an opportunity to delay and frustrate the overall process. (1458, Father; Survey)

My last hope and it destroyed me. The court is no better. Very disappointed with the NZ justice system. (1439, Mother; Survey)

I had great hope for the mediation process and was totally let down. It would have been a lot easier than court, but there was no follow through from the other party. (1845, Mother; Survey)

It was not helpful at all. (1615, Mother; Survey)

I don’t really have a good thing to say about mediation. I found that whole process really frustrating and the outcome extremely disappointing, that you’ve got to sweep it all under the carpet and pretend nothing happened. (1315, Father; Interview)

Felt let down by the system. (1431, Father; Survey)

I’m so disappointed that a service designed to get the best outcomes for children failed to address a number of concerns. (1787, Mother; Survey)

The whole process was a farce. Not helpful at all. (1318, Mother; Survey)

Just a waste of my energy and time in a dangerous situation for my sons. (2040, Father; Survey)

For me it was a joke. I didn't feel taken seriously. I had to go through the process twice. The third time it went straight through to the court and a psychologist wrote up a recommendation. That is what is adhered to to this day. (1895, Mother; Survey)

It was a waste of time, highly stressful, expensive and very inconvenient. (1426, Mother; Survey)

Several participants related how **traumatic and disempowering** they found the FDR process.

Overall, it was a highly traumatic, revictimising, disempowering and incredibly frustrating experience, that has left me powerless to have any say with child care arrangements unless I come into substantial amounts of money to access lawyers, and has taken any faith I may have had in the justice system helping me give my kids a voice and advocate for what is best for them. (1491, Father; Survey)

Being coerced into signing away your parental rights without any explanation. Being completely disempowered and unheard. Being left for over an hour in a room by myself then being told if I don't sign over my child there is no knowing when you will see her again. ... It was incredibly traumatic to go in thinking you were there to negotiate and walk out essentially having your child stolen. (1131, Mother; Survey)

Many outlined how **FDR would never work because their former partner was never going to agree** or that it hadn't worked because of the **other party's reluctance to engage in the process or compromise**.

Ex was never going to agree to anything other than what he wanted. Wasted everyone's time. (1410, Mother; Survey)

Wasn't suitable as my ex wasn't interested in negotiations. (1062, Mother; Survey)

The ex wouldn't agree to anything so it was a waste of time. (1703, Aunt; Survey)

My ex didn't really budge when it came to communication. He wanted it his way and his way only. (1757, Mother; Survey)

My ex-husband's unwillingness. (1778, Mother; Survey)

My ex not compromising. (1053, Father; Survey)

*It kind of fell apart in our second joint session when my ex turned up 15 minutes late and told the counsellor to "F**k off, this is a waste of my f***ing time!" (1425, Mother; Survey)*

It requires both parties to want to find a positive solution. My ex didn't. (1458, Father, Survey)

As long as you have a second party that has no intention of negotiating and is abusive through the entire three-hour mediation then it's a complete waste of time. (1315, Father; Survey)

However, some could see that **FDR could be effective for other people**, where the parties were willing to participate and prepared to work together and compromise. Otherwise they could not see FDR being effective.

I can see that it could be effective in some circumstances. I think it was an unnecessary delay in my case. (1425, Mother; Survey)

Requires a willingness to compromise on both sides. When one party will not compromise then the process is fatally flawed. (1430, Mother; Survey)

The process would have worked well with two parties who were willing to work together. I was willing, but not at the cost of my children's health and safety. (1761, Mother; Survey)

Both parties need to be willing to take part. (1425, Mother; Survey)

It only works if parents are genuine and put their children first. (1461, Mother; Survey)

It doesn't work unless all the parties are prepared to listen to each other and the children. (1318, Mother; Survey)

It only works if both parties actually want to resolve the issues at mediation and are prepared to negotiate and compromise. They also need to want to follow the agreement that [was] made afterwards. (1148, Mother; Survey)

It may have worked better if there was a good working relationship between the separated parents. (1581, Father; Survey)

I think it would be better if the mediation was optional. Not optional, well, kind of optional, because mediation is going to work if the parents can talk to each other, or there is some agreeances and some disagreements. But if it's just not there between the two of them, then it's just sort of a waste of time. (1047, Mother; Interview)

I do think it's a good process and I can see the benefit in it. If you're dealing with a reasonable person I can see that it would have a good outcome. I can see how it would work with a normal person who's not got those issues. (1623, Mother; Interview)

Comments from the open-ended survey questions and the interview transcripts relating to negative or unhelpful aspects of FDR and/or areas that needed improvement included:

- Issues to do with the mediator;
- The suitability of FDR for cases involving family violence;
- Support people;
- Time constraints;
- Pressure to agree;
- Mediation agreements.

The mediator

As outlined above, some participants spoke very positively about the mediators and their skills. Conversely, there were others who reported negative or unhelpful experiences with their FDR mediators.

Mediator bias or a perceived lack of neutrality was the most common complaint made about mediators – some said that the **mediator was biased, did not listen to their side, and/or “took sides” with the other party.**

Mediator was biased ... only listened to the other side. (2056, Father; Survey)

It's inadequate and personally, in my humble opinion, it is prejudiced towards one or other parties due to personal beliefs and attitudes. (2350, Father; Survey)

The mediator was awful. ... The mediator took sides and was only interested in getting my signature on the paper and not interested in my wellbeing at all. (1978, Mother; Survey)

The mediator seemed totally on the side of the other parent. I feel he charmed her and sucked her in. (1967, Mother; Survey)

In the mediation itself the mediator was incredulous of my position and began to put emotional pressure on me and to explicitly advocate for the other parent's interests (not the child's) and I was unable to manage the situation. ... It was a deeply traumatic process. (2139, Mother; Survey)

The mediator we worked with should not be in the business of mediation at all. ... This mediator was working to further the agenda of what she mistakenly thought was a “victim father.” She failed to be objective and, worst of all, she failed the children involved. I would hope that she is not the norm. My ex-husband and I have successfully mediated before, but it was impossible to accomplish anything with the environment she created. (1615, Mother; Survey)

The fact that the mediator wasn't exactly non-biased. He believed everything that was said by my ex and talked me into agreeing to her terms in the meantime. Then at the next meeting when I pulled her up on lying and trying to play the system, and had all her abusive texts admitting she was lying and there's nothing I could do about it, he had a go at me saying that I was being unreasonable and I should just agree to her terms if I wanted to see my kids. Turned out to be a good waste of time. (1566, Father; Survey)

I was mediating with someone who had a documented history of abusive behaviour toward me and my children, yet the mediator showed clear bias and was negative and cold toward both me and my husband from the moment we signed on to the Skype. We had difficulty getting it to connect and she scolded us as if we had done it deliberately with all the parties on the Skype session. She was unprofessional, and was wanting to write into the agreement things my ex-husband wanted, that put the kids at clear safety risks given his history. She had been given the information of the previous court orders and issues with him, but clearly I should have given her underlined copies to make the risks clear to her. She seemed to be quite charmed by his “nice guy” personality and let me know in front of the group that I was horrible for not cooperating with him. He is now in trouble and looking at supervised contact only for more instances of anger outbursts directed at the children and more abusive behaviour – along the exact lines of what I brought up in this mediation as needing to be stopped and addressed and had dismissed by this mediator. It was not helpful at all. (1946, Mother; Survey)

Mediator did nothing, he let the ex walk all over him, and she got her way, didn't let me have a say and get what I wanted. (1976, Father; Survey)

I wasn't listened to and told I may as well give my ex what he wants as he'd just take me to court and get it granted anyway (was told this by the mediator). (1787, Mother; Survey)

The mediator would listen to my concerns in private and make me think she understood by saying things like, "Yes, he isn't really considering the impact on the kids is he?" but then go back into the room and behave as though the conversation never happened and made it all about what was best for my ex again. I didn't feel like she listened at all. My ex is a master deceiver and good at the smoke and mirror technique. I am used to this so pin him down on the specifics, repeating what I am saying. ... She just was not listening. She was also not picking up on inconsistencies in what he was wanting that revealed he was not being truthful. (2049, Mother; Survey)

I felt that the mediator took the other party's side in every topic discussed even when we agreed. (1463, Mother; Survey)

I felt the process was in favour of ex-husband who was in the room with mediator in [city] whilst I was on Skype in [town]. (1761, Mother; Survey)

Didn't feel that our issues were as important or addressed as well as the other party's. The other party spent a lot of time talking, making it difficult to respond or express own feelings or concerns. (1025, Stepmother; Survey)

Biased towards mother ... terrible attitude towards myself ... no support allowed for me. (1029, Father; Survey)

I actually complained about [Mediator]. I thought she was really biased against me. ... I actually found the mediation to be really awful, it was really distressing. I went away and thought about it for a good couple of weeks, and then I actually phoned FDR and placed a complaint about it. Just because I thought – and she had backed me in a corner and she had put me on the spot. She'd say things like, "Oh, are you not ever going to forgive him. Are you going to forgive him? Why won't you forgive him?" I was thinking, "Well, actually I have and it's not even relevant to any of this." She'd ask questions and I'd give her a really thoughtful answer. He'd just give an answer like, "Oh, no, I'm not going to do that." She wouldn't question him at all, but I got the third degree about everything. I thought that was rubbish. Rubbish. Yeah, it wasn't fair. It was really one-sided. I thought, for her, it was really unprofessional. (1981, Mother; Interview)

She blatantly lied the whole way through it. The guy that was the mediator believed everything she said. Even when she was proved wrong, he was like, "Oh yeah, it's a lot of stress for a woman to go through." I was like, "And I'm not going through stress?" ... No matter what I said – or any ideas I had – I was wrong and it had to all be done her way. He agreed with her entirely, and it was like, "Okay, I thought this was supposed to be a non-biased opinion." (1558, Father; Interview)

The other party's inability to compromise on anything, and the quick acceptance of their position (vs pressure on us to compromise). We compromised, they didn't, the mediator was bullied and manipulated by the other party. (1660, Stepmother; Survey)

However, two participants **found the neutrality of the mediator problematic**, believing it would be helpful if mediators could point out unreasonable behaviour when it occurred.

Unfortunately, the emphasis on neutrality, I think made it hard to differentiate between acceptance of a person's views and no opinion on those views. Some ability to point out when one party is being unreasonable would have been good. (2028, Father; Survey)

No ability to tell either party to try to be reasonable. (1254, Mother; Survey)

Some participants **questioned the competence, experience and ability of their mediator**.

I've been through the FDR process fully once and had the preliminary interview once and I didn't really feel that either of the mediators were very capable. Maybe they are qualified, but I felt like they were taking on government funded contracts because they weren't good enough at their occupations to successfully run their own business and so used this line of work to "top" them up financially. ... I realise that these people also have their own practices and their own lives, but I wonder if the reason that they end up working for the legal system is because they're not that great at their job. I'm wondering what kind of qualifications they have that means that they have these contracts. Because I did wonder after both experiences, did they need the money? (1583, Mother; Survey and Interview)

The mediator I initially met with was not competent or engaged. (2139, Father; Survey)

I'm sure other mediators are a lot more professional. My experience is one that isn't normal I think. (1614, Mother; Survey)

The first mediator was unprofessional in her advice and final product. (1774, Mother; Survey)

Hold providers accountable for a minimum standard of service. He did not seem to care at all about a resolution. (1522, Mother; Survey)

He appeared to have had little experience working with a narcissistic schizo-affective person. (1329, Mother; Survey)

Mediator was not skilled in high conflict people, how these people think. (1301, Father; Survey)

Some participants felt **judged by the mediator** and thought the **mediator lacked empathy**.

I found the mediator to be rude, and pre-judged me. Also biased. ... The mediator could have had more empathy. (1623, Mother; Survey)

Mediators can stop being so judgemental, and actually make parents feel welcome. (1153, Father; Survey)

The mediator didn't listen and didn't really care. (1806, Mother; Survey)

The point of FDR was my ex wanted to prevent me from placing my children in childcare so I could return to work. When he said in mediation that paying for childcare while working would mean I would be better off on a benefit the mediator agreed with my ex. Then when I asked how that was even possible, the mediator assumed that I would be in a minimum wage job because I was uneducated. He didn't even ask. I felt like he saw me as a low class, uneducated, solo mum just because at that stage I was on a single parent benefit. He didn't even ask me. ... I said, "I've been tossing up studying nursing." My mediator turned around and he gave me a look and said, "That's a very hard profession to get into." ... I just felt like he was really belittling. ... He made me feel like I was the typical uneducated single parent, solo parent, who doesn't really have a very high education and therefore doesn't have very good work prospects, is going to have many children and is going to be on the benefit for the rest of her life. I just felt really belittled about the whole thing. At that point, when he was saying that to me, I actually already had a degree. I had a higher education than [ex-partner] at that stage. ... But it was just the way that he was talking to me. It just made me feel very much like I was being very undervalued as anything other than a mother. I didn't like it. (1983, Mother; Survey and Interview)

One participant had asked specifically for a **Christian mediator**, but was told it would be discriminatory for the FDR service to ask their mediators if they were Christian.

I asked for a Christian mediator given that we came from a strong Christian background. The lady on the phone seemed offended at my request and said it was very unusual and would be discrimination for them to ask who their Christian mediators might be. Eventually we did get a Christian mediator but it seemed like a big deal and added further stress. I subsequently received a letter outlining my client rights. One of the first stated I had a right to a service that took into account the needs, values and beliefs of my religion. (1453, Mother; Survey)

When the **mediator focused too much on reaching a decision** and not enabling or allowing a negotiation and/or a full discussion this was viewed negatively.

Very poor mediator. Didn't allow a chance for my ex to fully explain his rationale. Put us in separate rooms and threatened court and that we had to agree on our best/worst option. This is no negotiation! (2022, Mother; Survey)

The mediator wasn't there to help mediate. He just wanted to get a decision made and move on to the other case. (1157, Mother; Survey)

A very pushy mediator that put her views on top of that of the parents. Stifling of being able to have opinions heard or fully fleshed out in discussion. A very rushed process. (1044, Father; Survey)

A lot of statements were made by my ex-husband that were not true. There was no opportunity to discuss or dispute these things. The mediator's focus was purely in reaching resolution so all other conversations were shut down. (1472, Mother; Survey)

I do not think lawyers are good at mediation they have too much ego and are not humble enough to listen. (2056, Father; Survey)

The mediator seemed mostly interested in getting something signed so the mediation could be recorded as successful even though I did not agree to a single point she had written down. (1224, Mother; Survey)

Conversely, a mediator who **did not direct or guide the mediation** was also considered unhelpful. Providing more structure and information to assist people in the mediation process was seen as something that could improve FDR. Some people also commented that FDR didn't have enough "teeth".

The mediator could have helped us a bit more to structure our discussion at the beginning. The first hour felt very wasteful as we went round and round in circles. Finally, I took the lead and made some suggestions for moving forward and then we started getting a bit further. (1453, Mother; Survey)

There was no guidance about what to cover (you don't know what you don't know) – things should have been raised to us that would have been likely to come up separately as we had missed them, or as an unintended consequence of an agreement we had made. (1845, Mother; Survey)

[Need] a bit more structure around what kind of parenting arrangements are typical, what the court would find acceptable, and how disagreements might be enforced if the court is involved. (2028, Father; Survey)

There's not enough teeth to the mediation process. Like it's not arbitration, it's mediation. The people who run the FDR process, I think, need training in arbitration and to be given more opportunity to really set out what the expectation of the court is with clear boundaries as to what a normal care regime might look like. Also set out clearly what an extreme situation might be in terms of why that templated situation is unlikely to occur. (1584, Father; Interview)

In the mediation, the lady had no teeth to say, you guys must do this – the mediation. So, that felt at the time like it was a bit of a waste of time, but obviously it's a step that would work for some people. (1254, Father; Interview)

There should be set topics on what to discuss. Care, communication and child support should be compulsory topics to make sure those issues have a clear and definite agreement. They are the three that cause the most issues. (1442, Mother; Survey)

Other complaints related to the mediator **not adequately managing the process** and **allowing one party to control the session**.

Costly waste of time if mediator is not strong with all parties and willing to put a stop to irrelevant trains of conversation. ... Very easy for a "sensitive" mediator to let a parent spiel on about aspects that are unrelated to the safety or care of the kids. (1691, Father; Survey)

Other parent taking over and thinking he's right. The mediator said to me after he'd gone, "You best get to court quickly." (1087, Mother; Survey)

I think my ex was manipulative with it and the system allowed him to do that. (1900, Mother; Survey)

Being harder on the other party involved would have got things sorted quicker and cheaper, but he just controlled everything with his ongoing lies!!! (1140, Mother; Survey)

[It] was a disaster. [Former partner] sat there and told me I should get some more counselling. He sat there and criticised my appearance and basically took the mickey out of the whole thing. All I really wanted to do, and what I have always wanted to do was to discuss [Child's] diet, to discuss healthcare. In a way, he came out better than me because I spoke to the mediator and said, "This is what I would like to be doing" and then he kind of took over with, "Well, this is what I want to do" and so we ended up with an agreement that he wanted. ... [Mediator] was really apologetic, but I still don't think she could see what was going on in that room. I really don't think she took control at all. ... If anyone had the control, it was him, upsetting me the whole time and putting me down. (1082, Mother, Interview)

Having a mediator who did not adequately manage power dynamics between the parties, particularly in cases of family violence, was raised by many participants. Several described **how intimidating they found being in the same room as their former partner**, particularly when family violence was an issue. They therefore found it very difficult when the **mediator did not manage this effectively during the mediation** and allowed one party to abuse or intimidate their former partner. This left some participants feeling traumatised and frightened.

The way the mediator got frustrated that I would not accept his demands. She knew he was very manipulative, but could only work with how he behaved. It did not work at all. This is not a suitable process for high conflict or DV relationships. ... The entire experience re-traumatised me. I could hardly drive home. (1439, Mother; Survey)

The mediator let him abuse me. (1082, Mother; Survey)

The other party wasn't taking the process seriously, and wasn't reprimanded for a verbal attack against me. (1220, Mother; Survey)

One of the worst experiences of my life. It was terrible. I think if you've got two parties that are willing to communicate and resolve things, there's potentially a place for it, but yeah, I went through all these pre-mediation phone calls with the mediator, in terms of conduct and how we go about it and what to put aside and don't argue, don't fight back, stick with the points, all that sort of stuff. For three hours on the phone, I done exactly that and went by all the principles that he told us. Whereas, she for three hours was abusive, was yelling and screaming, talking over top of me and the mediator. She hung up four times. It was just three hours of just listening to constant screaming and bitching, for want of a better word, and abuse. We got absolutely nowhere. It was horrible. ... [Mediator] was a really nice guy and he done a really good job in the build up to it and the lead up and all the pre-phone calls and, this is how we behave, and this is what we do and all that sort of thing, but he was up against a wall on the day. (1315, Father; Interview)

She didn't stop him when things got negative and he was able to say hurtful things. (1261, Mother; Survey)

My ex started yelling and screaming, but there were no consequences for him, so he carried on. I was pushed to be in the same room with my abuser. (1110, Mother; Survey)

Mediator struggled to manage the emotional abuse of ex. (1481, Mother; Survey)

Ex was a bully and I was left to defend myself. It was horrible. (1271, Mother; Survey)

I was told that we would talk only about the children, but my ex sat there waving his finger and intimidating me whilst I just sat and cried and the mediator just sat and let him. The mediator should have stopped him and brought him back to the reason we were there. (1943, Mother; Survey)

Being yelled and swore at by my ex and the mediator not stepping in. Being left alone in the room with him while the mediator went out to print something. I felt petrified. (1129, Mother; Survey)

I think my case is the exception due to the mental health issues. I would have thought the process would have been more supportive and aware of abusive behaviours and how to make both parties behave appropriately, for the children! ... It was difficult working with someone with mental illness and a history of power/control issues and behaviour, who also kept making unrealistic demands. This behaviour was not addressed. (1895, Mother; Survey)

Suitability of FDR when family violence is involved

Some mothers related how **traumatised, powerless, intimidated and unsafe they felt having to participate in FDR with their former partners**, and questioned the suitability of FDR when there was, or had been, family violence and abuse.

Needs massive improvement. No support for people who suffered threats of violence etc. to be just dumped in a room with the person. Even though it didn't happen to me, I was terrified of the prospect. Fact he got to do it over phone rather than turn up was unhelpful. (1627, Mother; Survey)

If your ex is manipulative, or you feel intimidated by him you shouldn't have to be sat in a room with them. (1047, Mother; Survey)

I was forced to do mediation with the man who had abused me in many ways, including raping me. Just being in the same room as him was a huge trigger for me. I felt really unsafe and needed a support person, but the ex would not "allow" this. (1119, Mother; Survey)

I think actually for me being a survivor of domestic abuse – mostly psychological, but some physical as well – just having to be sat in a room with that person for a three-hour period, it's intimidating and it's upsetting. ... I felt like I'd made some really good progress. But, to be honest, as soon as I was back in that room with him, it was just instantaneous back into the old feelings of how I used to feel and just the fact that he

had done no work on himself. ... So, when we got back into the room, for me, it was going back in time, straight back into that old way of thinking, and then he seemed to actually try and negotiate. The hour of counselling help before him was no help at all. It's really hard to keep your cool and not be emotional and be distanced from it when there's just blatant lies coming at you across the table. (1623, Mother; Interview)

No victim of any family violence, even non-physical family violence, should ever be forced to sit in a room with their abuser. There should not be a burden of proof on the victim, simple acknowledgement should be enough that alternative arrangements (such as shuttling) be implemented as a default. (1224, Mother; Survey)

I said to the mediator, when it was just one-on-one with him, that my ex is very manipulative and quite intimidating and when I'm in the room with him I just sort of shut down, my anxiety goes up and I am not comfortable. ... I felt like I just wanted to say, "Yes" just to get through it. ... Like, for me coming out of an emotionally and verbally abusive relationship, I didn't have the confidence to deal with it. (1047, Mother; Interview)

I left my marriage a result of psychological and financial abuse. It didn't seem to matter or make any difference in the way the process worked, even though I felt confronted and powerless. (1417, Mother; Survey)

It doesn't work in all cases. It's funny how those couples who can't communicate (usually due to abuse) are forced to do mediation. The abuser will keep control at all costs. Plays the system to get what they want anyway and the system actually gives the abuser this power. (2006, Mother; Survey)

For one mother, the sense of despair and hopelessness she felt by having to engage with her former partner in FDR had resulted in her contemplating suicide.

I was already contemplating suicide before the mediation and was as low as I could get because there was no hope of ever being free of his control or having a break/rest/time off. ... That is the place this mediation got me to, helpless, powerless, hopeless. (2049, Mother; Survey)

Support people

Clearly, for some parents/caregivers, participating in mediation was a very distressing process and they would have valued having a support person with them. However, several participants said they were **not able to have support people present** in their joint mediation sessions.

We were told we couldn't have a support person with us, even though we were in separate rooms. (1262, Mother; Survey)

I have undiagnosed Autism Spectrum Disorder which means I have difficulty managing face-to-face situations of conflict. I asked to have a support person at the mediation but this was vetoed by my children's mother. ... The mediation format did not work well for me personally as I have undiagnosed ASD which makes emotional stimulation and conflict overwhelming. I was unable to have a support person and the mediation company was not helpful in addressing this. (2187, Father; Survey)

I wished I had taken a support person along with me. (1146, Mother; Survey)

I was not allowed to bring my support person in (my sister) because my ex-partner said no. He brought his lawyer along and then couldn't bring him into the meeting either (because the mediator rightly said it would be both support people or neither), and he refused to negotiate over anything, so the whole thing was a frustrating waste of time. He was never held accountable for this, and should have been. ... One parent should not be able to veto the other parent having a support person present! I had paid for my sister's flight down from the North Island just to be there with me, at a cost of \$500 and she wasn't allowed to attend. I'm sure if we had both had our support people present, negotiations would have gone better. (1426, Mother; Survey)

I was not able to bring the support person who would have been most helpful to me because my ex wouldn't agree to her attending. (2049, Mother; Survey)

Not having a support person present as the other party refused. (1581, Father; Survey)

Several participants thought that there needed to be good reason for not allowing a support person to attend FDR, and the other party should not be able to veto this without just cause.

The other party should have to give a very good reason why a requested support person cannot attend and the requesting person's response to that should be considered, as well as a phone interview carried out with the support person, before the mediator decides if the support person will be allowed. (2049, Mother; Survey)

Both parties should be able to bring a support person of their choice so long as there is no clear reason why they would disrupt the process. The other party should not get to veto the person without just cause. (1261, Mother; Survey)

Time constraints

Another aspect of FDR that participants found negative or unhelpful was **not having enough time** and feeling the **mediation process was rushed** and in some cases this made participants feel pressured to reach agreement.

It was too short. We ran out of time. (1971, Mother; Survey)

Didn't feel we had a fair amount of time. (1816, Mother; Survey)

More time is needed. A lot of issues were not resolved due to lack of time. My ex could just say no and I didn't get the same opportunity. (1050, Mother; Survey)

[Could be improved by] allowing a more even distribution of time to both parties to discuss their issues and come to appropriate arrangements. (1025, Stepmother; Survey)

I would like to see it extended. More sessions available that is. (1101, Mother; Survey)

There was time pressure the whole time. (1017, Interview)

The mediator repeatedly told us our time was nearly up, and it felt like a frantic scramble to try and get something down – with her pointing out we were holding her up. The time limit of two hours was not helpful and put undue pressure on me. (1017, Mother; Survey)

Second meeting we started late due to the mediator's flight being delayed. This caused the session to be rushed and not productive. I felt like I was not listened to. (1603, Mother; Survey)

Rushed due to venue closing. Mediator was very against going through court so encouraged a 'result'. (1371, Mother; Survey)

It was rushed. My ex's issues took up 98% of the session and no time was left for things I thought were important. I was pushed to agree with decisions despite feeling I had not been heard. No second session to discuss this was available. (1414, Mother; Survey)

A very rushed process. (1044, Father; Survey)

The sessions were not long enough to go over everything. ... At the same time, the session was too long. It should have been set over consecutive days, for 90 minute bites, so it is less draining and there is more time to reflect and be sure that the agreements are sustainable and not just decided under pressure. (1845, Mother; Survey)

Pressure to agree

As well as the pressure felt due to a lack of time, other participants reported **experiencing pressure from the mediator** to agree or acquiesce.

Mine went on for six hours without a break. ... I had to get back to school pick up and felt pressured to agree. (1129, Mother; Survey)

Mediators try to force the more reasonable human being to cave in to the bully. The children's needs get lost in this process. ... The mediator just wanted an agreement. She didn't care whether it was fair. She leant on me as the more reasonable, less aggressive party. This sucked. (1188, Mother; Survey)

Mediator took sides with other parent to bully me into signing an agreement without relocation which had nothing to do with the purpose of mediation and would have compromised the relocation case. The only way I felt I could avoid this bullying was to walk out of mediation. I lodged a formal complaint about the mediator. (1224, Mother; Survey)

Don't push your values on the parent. For one, the values are to be agreed to between the parents rather than have them put on that. Stop trying to rush everything through. That was the one thing I got from the mediators, "Oh, we've got to get an agreement, got to get an agreement, got to get an agreement." The rushed nature of that has basically kicked everything down to now, whereas I think if there was a bit more time taken and a bit more opportunity to actually think about it and seek a bit more advice

and all that sort of stuff, at that stage, it may have avoided court. In this particular case I don't think so, but I can see in some cases it might. (1044, Father; Interview)

I think [the reason we got to an agreement] was due mainly to the mediator pushing to have an outcome, and the fact that I just [unclear] without having to go to Family Court because I don't have the time and I don't have the energy and I don't think it's necessary. ... I did [feel pressured]. Yeah, I felt like the mediator had an expectation that there would be an agreement made. She sounded a bit put out that there were some things that were still unresolved. (1623, Mother; Interview)

For some participants, this meant **agreeing to arrangements they were not happy with.**

Had to sign mediation because there was no suitable option available for childcare based on partner's workload. I didn't agree with the mediated outcome but had to back down from my argument in order to have agreement, despite it being detrimental to my son's development. (1086, Father; Survey)

Forced decisions. (1741, Mother; Survey)

Stop forcing people to sign agreements because "the Family Court is worse." (1180, Mother; Survey)

Mediation agreements

A number of participants expressed dissatisfaction with the agreements reached in mediation, in terms of how they were documented and their unenforceability. Some commented that the **documentation was inadequate**, "shoddy", "vague" and not detailed enough. Some thought the mediator should have realised that the lack of detail in an agreement could be problematic. Others complained that they left the mediation with just a handwritten document.

I feel the resulting document is shoddy and that it doesn't cover all the aspects of joint parenting that would make life easier were there rules in place. ... The actual document that we ended up with was less fulsome than the document that I started off with and because it was done in a rush, it has got spelling mistakes in it, you can just tell that it is kind of shonky. ... It doesn't feel as solid as it should be. [The mediator] should have seen that there was too much ambiguity in the document, she should have saved us from that grief. (1017, Mother; Survey and Interview)

We went to mediation twice. The first time the mediator let us take photos of a handwritten document and it was never lodged with the court. Because of this we returned to the Parenting Order a year later. (1774, Mother; Survey)

The other parent is going back to his lawyer and saying things that are different to what we discussed in mediation – manipulation. The letter from the mediator is not detailed enough. (1442, Mother; Survey)

The agreement wasn't even emailed to us. We walked away with a piece of paper which just isn't useful and was lost. There is nothing that keeps anyone sticking to it, and so many times I have had my ex arguing with me for me to only remind him that we discussed this in mediation. (1845, Mother; Survey)

I left with a handwritten note of vague details that I was then told I was obliged to adhere to. (1614, Mother; Survey)

We had a handwritten agreement. It was very vague though. (1188, Mother; Interview)

Timings weren't nailed down in the agreement. With experience under their belt, the mediator should point out the importance of this (i.e., changeover is at 9 am) or one party is free to change it as it suits them. (1574, Mother; Survey)

I felt the mediator did not make clear the consequences of signing any agreement. She told me the agreement was temporary, then it turned out that it was permanent. (1491, Father; Survey)

It was just like get something on paper and our mediated agreement from that first one, the purpose of mediation was just to discuss where the kids were going to live. There was so much else in the picture that should have been in that agreement. (1157, Mother; Interview)

There was also frustration waiting for the other party to sign the agreement.

The person who typed the agreement left as the mediation went over time. This meant father and I did not sign the agreement and father played on this, which was then a waiting game of 'will he sign or pull out of agreement?' (1908, Mother; Survey)

So, we came out with a mediated agreement that was sort of long. I didn't get everything I wanted, but it seemed like it would be workable at the time. From then it actually took about three and a half weeks after the actual mediation session with me having to chase up the mediator on several occasions to get the copy written up to be signed. Because it was quite clear at that point that my ex-partner wasn't sticking to the terms of it and I was trying to talk to the mediator saying, "Well, what do we do here? Why should I sign this thing?" and the mediator was very pushy, "Well, if you sign it then you can hold her to it" sort of thing. And then pretty much as soon as it was signed, within half an hour of me signing the agreement I had a big nasty email from my ex-partner with all sorts of rubbish that didn't really line up with anything, but the only explanation I can think of for that is that the mediator had told her when I was going to be coming in and signing it. So, there is another bit of inappropriate communication. And the other thing around that is my ex-partner was saying, "Well, we're not going to do any of this until we've had something to work on our communication" and set up communication counselling with the mediator that she wanted cash for under the table. ... Again, I was just in there trying to expediently do everything that I was being asked to do. So, I was basically held to ransom over the mediated agreement saying, "Well, no, we need to have these communication sessions." They were an absolute waste of time. As it was, it was part of the mediated agreement that the children were going to be in ice skating lessons?" My ex-partner wasn't responding to anything, I was trying to coordinate setting them up, and I was sitting there with my son in tears going, "Can you talk to Mummy, because I really want to do these skating lessons?" And I had to say, "Oh, she's not actually responding to anything." A whole load of nonsense around that. So, it became very clear within a few days that the mediated agreement was not going to be a workable way going

forward. At the end of February I applied to the Family Court for them to make a Parenting Order, that was on notice. (1044, Father; Interview)

As highlighted in the above quote, another common complaint about the agreements resulting from FDR was that they were **not binding or enforceable**. Some participants commented that the other party did not adhere to the agreement reached in mediation and there was no recourse if agreements were breached.

It was a waste of time. The other party did not follow through with anything that was agreed. (1111, Mother; Survey)

The agreement was not adhered to and there was nothing binding about the agreement according to the mediator. (1942, Mother; Survey)

The process is non-binding. (1691, Father; Survey)

No formalisation, it means nothing. (1214, Mother; Survey)

My ex-husband doesn't even abide by court appointed Parenting Orders so there is no way he will abide by a mediation agreement. (2006, Mother; Survey)

Mediator told [the] other parent at the end of session that the child didn't not have to follow it if they didn't want. (1169, Mother; Survey)

This programme was a big failure for me. I have also gone through this process with my husband and his ex-wife who reached an agreement on one occasion and failed the next. The problem I have found is that even when an agreement is reached, it seems to have very little hold on either party. There is very little incentive to comply. We haven't really found the process to be helpful in either situation. (1615, Mother; Survey)

If the mediated agreement had been stuck to it would have been fine, but within a week it was breached. No trust between the parties before or after mediation. We knew this would happen, but the mediator put faith in the nice white professional other party and pressured us to compromise. And then even the compromise wasn't honoured. (1660, Stepmother; Survey)

FDR was a good programme, but my ex, being who she is, couldn't stick to any agreement that was made and she just continued to do her own thing. (1307, Father; Survey)

It's a waste of everyone's time as nothing sticks and it doesn't stick in court. (1979, Mother; Survey)

Satisfaction with FDR

The survey asked participants to rate how strongly they agreed or disagreed with a series of 20 evaluative questions about their experience with FDR, before rating their overall satisfaction with the service. Table 148 provides a condensed summary of these ratings (see Table 208 in Appendix L for the full data table).

Table 148: Views on FDR

	Disagree/ Strongly disagree	Neither agree nor disagree	Agree/ Strongly agree	Total
I felt comfortable with the mediator (<i>n</i> =140)	24.3%	20.0%	55.7%	100%
The mediator was highly skilled (<i>n</i> =140)	28.6%	20.7%	50.7%	100%
The mediator was effective in clarifying the issues we needed to discuss (<i>n</i> =140)	27.1%	18.6%	54.3%	100%
It was helpful to have a third party facilitate the discussion with my ex-partner/the other party (<i>n</i> =137)	21.9%	21.2%	56.9%	100%
I felt safe attending mediation (<i>n</i> =141)	31.2%	14.9%	53.9%	100%
I felt pressured to reach agreement with my ex-partner/the other party (<i>n</i> =141)	21.3%	17.7%	61.0%	100%
The mediation process was fair (<i>n</i> =140)	42.1%	25.7%	32.1%	100%
I had enough of an opportunity to have my say (<i>n</i> =141)	38.3%	15.6%	46.1%	100%
I gained a better understanding of my ex-partner's/the other party's perspective (<i>n</i> =141)	41.8%	36.2%	22.0%	100%
The amount of time we had for mediation was sufficient (<i>n</i> =140)	32.1%	27.9%	40.0%	100%
Attending mediation was difficult for me for practical reasons (e.g., transport, childcare, work commitments) (<i>n</i> =140)	42.1%	22.9%	35.0%	100%
FDR/Family Mediation met my cultural or language needs (<i>n</i> =138)	3.6%	37.0%	59.4%	100%
Going to mediation worked well for me (<i>n</i> =141)	58.9%	19.9%	21.3%	100%
Going to mediation worked well for my ex-partner/the other party (<i>n</i> =139)	23.0%	41.7%	35.3%	100%
Going to mediation worked well for the children (<i>n</i> =140)	58.6%	17.1%	24.3%	100%
Going to mediation was worthwhile (<i>n</i> =141)	54.6%	13.5%	31.9%	100%
FDR/Family Mediation was a better option than going to the Family Court (<i>n</i> =141)	44.0%	20.6%	35.5%	100%
I only went to mediation because I had to (<i>n</i> =141)	36.2%	12.1%	51.8%	100%
I would have preferred to go straight to the Family Court (<i>n</i> =141)	47.5%	15.6%	36.9%	100%
Going to mediation has helped my ex-partner/the other party and I to resolve other parenting issues ourselves as they have arisen (<i>n</i> =141)	69.5%	18.4%	12.1%	100%

As shown in Table 148, participants agreed more than disagreed with positive statements about the mediator – a small majority agreed that they felt comfortable with the mediator, and that the mediator was highly skilled and effective in clarifying the issues. The majority also agreed that it was helpful having a third party to facilitate discussion. More felt safe than felt unsafe, although nearly a third did not agree that they felt safe attending mediation. Only a small number (4%) indicated that FDR did not meet their cultural or language needs.

Very few (12%) agreed that going to FDR had helped them and the other party to resolve other parenting issues as they arose and only just over a fifth (22%) agreed that they gained a better understanding of their former partner/other party's perspective.

Less than a third (32%) agreed that the mediation process was fair and 61% had felt pressured to reach agreement with their former partner/the other party. Nearly half (46%) felt they had had enough of an opportunity to have a say. The majority (59%) disagreed that going to mediation had worked well for them and for the children, compared with only 23% who disagreed that mediation had worked well for their former partner/the other party.

Over half (52%) indicated that they only went to mediation because they had to. While 48% disagreed that they would have preferred to go straight to the Family Court, only 36% agreed that FDR was a better option than going to court. Less than a third (32%) agreed that going to FDR was worthwhile.

There was evidence that how participants viewed their experience with FDR was associated with the outcome of FDR and whether they had reached agreement with the other party. For instance, more participants than expected:

- Strongly agreed that they were comfortable with the mediator if they had reached full agreement ($\chi^2 = 24.49$, $p=0.002$);
- Strongly agreed that the mediator was highly skilled if they had reached full agreement ($\chi^2 = 17.54$, $p=0.025$);
- Strongly agreed that the mediator was effective in clarifying the issues that needed to be discussed if they had reached full agreement ($\chi^2 = 18.75$, $p=0.016$);
- Strongly agreed that it was helpful having a third party to facilitate a discussion if they had reached full agreement ($\chi^2 = 24.81$, $p=0.002$);
- Strongly agreed they felt safe attending mediation if they had reached full agreement ($\chi^2 = 16.90$, $p=0.031$);
- Agreed or strongly agreed that the mediation process was fair if they had reached full agreement ($\chi^2 = 31.00$, $p<0.001$);
- Agreed or strongly agreed that the amount of time they had for mediation was sufficient if they had reached full agreement ($\chi^2 = 16.07$, $p=0.041$);
- Agreed or strongly agreed that going to mediation worked well for them if they had reached full agreement ($\chi^2 = 61.95$, $p<0.001$);
- Agreed or strongly agreed that going to mediation worked well for the children if they had reached full agreement ($\chi^2 = 48.48$, $p<0.001$);
- Agreed or strongly agreed that mediation was worthwhile if they had reached full agreement ($\chi^2 = 45.59$, $p<0.001$).

The majority (58%) of those who reached no agreement with their former partner/the other party strongly disagreed that mediation was worthwhile and that the process was fair,

compared with 79% of those reaching full agreement, who strongly agreed that FDR was worthwhile and that the process was fair.

Table 149 presents the participants' overall satisfaction with FDR. A greater proportion was dissatisfied/very dissatisfied (53%) than was satisfied/very satisfied (28%).

Table 149: Satisfaction with FDR

	<i>n</i>	Percent
Very dissatisfied	37	26.2%
Dissatisfied	38	27.0%
Neither satisfied nor dissatisfied	26	18.4%
Satisfied	28	19.9%
Very satisfied	12	8.5%
Total	141	100%

To determine if ratings of satisfaction with FDR varied across the different levels of agreement reached, a cross tabulation of satisfaction ratings with level of agreement was undertaken and is presented in Table 150.

Table 150: Ratings of satisfaction with FDR by level of agreement reached

	Full agreement	Partial agreement	No agreement	Total
Very dissatisfied (<i>n</i> =37)	21.6%	21.6%	56.8%	100%
Dissatisfied (<i>n</i> =38)	15.8%	34.2%	50.0%	100%
Neither satisfied nor dissatisfied (<i>n</i> =26)	11.5%	46.2%	42.3%	100%
Satisfied (<i>n</i> =28)	50.0%	35.7%	14.3%	100%
Very satisfied (<i>n</i> =12)	100%	0%	0%	100%

Table 150 shows that the majority (57%) of those participants who were 'very dissatisfied' with FDR overall had reached no agreement in mediation. Conversely, all of the participants who were 'very satisfied' with FDR had reached full agreement.

A Pearson chi-square test showed evidence of an association between overall satisfaction with FDR and the degree of agreement reached. More people than expected were dissatisfied or very dissatisfied with FDR if they had not reached any agreement, and more people were satisfied or very satisfied with FDR if they reached full agreement ($\chi^2 = 49.65$, $p < 0.001$).

Table 151 : Would you recommend FDR to other people making parenting arrangements?

	<i>n</i>	Percent
Yes	53	37.6%
Maybe	46	32.6%
No	42	29.8%
Total	141	100%

As Table 151 shows, 38% of the participants who had used FDR would recommend it to others making parenting arrangements, a third maybe would and 30% would not recommend FDR.

Table 152 presents a cross tabulation of level of agreement by willingness to recommend FDR to others.

Table 152: Willingness to recommend FDR by level of agreement reached

Willingness to recommend FDR	Full agreement	Partial agreement	No agreement	Total
Yes (<i>n</i> =53)	50.9%	30.2%	18.9%	100%
Maybe (<i>n</i> =46)	17.4%	34.8%	47.8%	100%
No (<i>n</i> =42)	19.1%	26.2%	54.8%	100%

As shown in Table 152, of those who would not recommend FDR to others, the majority (55%) had reached no agreement, compared with 26% who had reached a partial agreement, and 19% who had reached full agreement. A similar pattern was found for those who would 'maybe' recommend FDR. The reverse was found for those who would recommend FDR, with 51% of this group being those who had reached full agreement, compared with 30% who had reached partial agreement, and 19% who had reached no agreement.

Evidence of an association was found between willingness to recommend FDR and the degree of agreement reached. Fewer people than expected would recommend FDR if they had not reached any agreement, and more people than expected would recommend it if they had reached full agreement ($\chi^2 = 21.30$, $p < 0.001$).

Suggested Improvements to FDR

Survey respondents were asked how FDR could be improved (if at all). Many of the responses given by the participants detailed some negative or unhelpful aspects of FDR and these have been included in that analysis detailed earlier. Suggestions for improvement often addressed these negative aspects and related to:

- Mediator practice;
- FDR process;
- FDR agreements;
- Mandatory attendance.

Mediator Practice

Participants detailed a range of suggestions for areas where the mediators' practice could be improved, including training to be **more child-focused, less biased and better at listening**.

Training which reinforces that this is about putting the children at the centre, rather than simply getting parents to settle. (1687, Mother; Survey)

Mediators need to focus on what is best for the kids. It is what is in the contract I signed, but it didn't happen. (2049, Mother; Survey)

More weight on the children's best interests. (1883, Mother; Survey)

Listen better. (1199, Mother; Survey)

They could listen to a mother's concerns and actually put the children first. (1787, Mother; Survey)

Take into consideration that fathers have rights and should be free to speak. (1514, Father; Survey)

Let the father have a say. (1976, Father; Survey)

Be gender neutral, be able to answer questions (couldn't answer many). (1544, Father; Survey)

Train the mediators not to be so sexist and biased ... and listen to what fathers experience rather than dismissing it. (2056, Father; Survey)

Better mediator who knew what she was doing. I think the private untrained mediator we used first was actually better. (1148, Mother; Survey)

Fairer mediators who listen to both parties and see each topic though. (1135, Mother; Survey)

Allowing more even distribution of time to both parties to discuss their issues and come to appropriate arrangements. (1025, Stepmother; Survey)

Quality of mediators as this process should help. Respond to complaints. (2022, Mother; Survey)

A mediator who didn't put time pressure on from the outset. Someone who was prepared to listen to what we had already agreed, instead of forcing us to rush to get as much down in her session as possible, while leaving out much of the agreement we had already been close to in our private negotiations. (1017, Mother; Survey)

Hold providers accountable for a minimum standard of service. (1522, Mother; Survey)

By not taking things at face value and actually listening. It probably works for some people, but if someone can lie to get what they want and have the mediator still try to pressure the other party even after they get caught out ... Start being fair and not taking sides. (1566, Father; Survey)

Ensuring mediators were **knowledgeable about high conflict and family violence dynamics** and skilled to deal with these situations during mediation was also suggested. One participant also thought that mediators should have personal experience of the issues facing their clients.

I believe that the best mediators will be the ones that have been through similar circumstances to the people that are involved. Because people really can't understand it unless they've been in that situation themselves. ... if you haven't been through it, then how do you really relate to it? (1157, Mother; Interview)

The FDR process should be beneficial, where the mediator is skilled. These skills must extend to dealing with high conflict people. Providers [should] indicate qualifications/certifications and specialist (high conflict people) capability. ... Providers [should] indicate qualifications/certifications and specialist (high conflict people) capability. Service needs to be paired to the type accessing the service and the issues being resolved (not an all size fits approach). (1301, Father; Survey)

Mediators need to be trained in personality dynamics. (1461, Mother; Survey)

Better training for the mediators in domestic abuse, abuse dynamics post separation and PTSD issues for survivors/typical ways of being/displaying. (2049, Mother; Survey)

FDR mediators should receive more training on recognising non-physical family violence. It was clear that control issues, emotional abuse and financial abuse were factors in our relationship but this was actively dismissed by the mediator. (1224, Mother; Survey)

To take into account emotional, verbal and financial abuse. Not all abuse is physical!!! (1806, Mother; Survey)

Training provided on abusive relationships and tested to general operational bias, i.e., to prevent biased outcomes. (1131, Mother; Survey)

I think just be aware of all the psychological and emotional damage that being in an abusive relationship can do to people. If they are aware that there has been family violence, they need to be aware of that in the mediation. ... The physical safety is an aspect, but I think anyone would have to be nuts to actually go and attack someone in a place like that. But it's the psychological and the emotional thing that's like an undertone that mediators don't necessarily know about. I think the mediator that I had was very aware of that kind of thing. ... I don't know what kind of training and stuff they did, but I think a focus on, I don't know, abusive tactics and stuff so that they can be aware of what's going on in the room in front of them that they may not otherwise even notice. (1623, Mother; Interview)

Linked to this, was the recommendation that **mediators should ensure vulnerable parties were protected** and should not allow or tolerate abusive or obstructive behaviour during the mediation process.

Protect the vulnerable that are at risk from controlling, abusive spouses. (1835, Mother; Survey)

Needs to be consequences if the basic safety or respect isn't abided by. (1220, Mother; Survey)

To alert the other party they are out of line. (1082, Mother; Survey)

Being harder on the other party involved would have got things sorted quicker and cheaper, but he just controlled everything with his ongoing lies!!! (1140, Mother; Survey)

FDR Process

Changes to the FDR process itself were suggested. Some participants thought FDR services/mediators should have **more power to ensure parties participated constructively in the process** and were not obstructive. Others thought mediators should have the ability **to feed information about parties' behaviour during mediation to the Family Court** if subsequent applications to the court were made.

More force to [attend] joint sessions or punishment for stalling or prohibiting the process. (1555, Father; Survey)

Firm rules that are adhered too and stop people from doing it just to tick a box as it's a waste of time for all. (1900, Mother; Survey)

Make parties accountable for proper participation in mediation – if a parent refuses to negotiate and just tries to force their position on the other parent, this information needs to go back to the Family Court. It reflects badly on the parent that is trying and as the mediation is confidential the court does not know when one party is being obstructive. ... Mediation could have been useful if the mediator had had some power to make the other parent participate, or if there had been any consequences for them being obstructive. (1426, Mother; Survey)

Mediators should be required to report to the court their observations from the session such as abusive behaviours and lack of willingness to work together. (1131, Mother; Survey)

While I was sitting there in mediation and she's just yelling and screaming and everything at me and the mediator, I'm kind of sitting there thinking, this actually doesn't do me any harm because I can take this to court now and we can say that we've been through mediation and I was prepared to move on these areas, she wasn't prepared to move at all, this was her general conduct and behaviour throughout mediation so it gives me a pretty good case to go to court with. But, then on talking to the mediator the next day, and he's like, "Oh, sorry, you can't do that." Nothing that's discussed or happens in mediation can go to court. So, that was at the point where I'm like, oh, this mediation's just a total waste of time. I sat there for three hours and listened to that and I can't use any of it. So, I have to be honest, at that stage frustration turned to anger. I was really angry at that part of the process. (1315, Father; Interview)

Greater communication with court. (1181, Mother; Survey)

Give them more grunt inside the Family Court hearing or, at least, get the judges to take notice and put comments into their findings etc. (2040, Father; Survey)

Three participants suggested **specialist support and/or intervention** when dealing with family violence, when poor mental health was an issue, or other issues hindering mediation were identified.

If there are allegations of domestic abuse a support person, preferably trained in domestic abuse and experienced working with both survivors and perpetrators, should

be present. Survivors need an advocate there for the process to be fair or the power dynamic is imbalanced. (2049, Mother; Survey)

Specific intervention for DV with expert opinion like mental health/DV agencies/lawyers present. (1439, Mother; Survey)

Opportunity for a counselling session once issues have been identified that block mediation session, especially disparate power and confidence. (1017, Mother; Survey)

Ensuring that the **service met the unique needs of the situation**, rather than a “one size fits all” approach was also advocated.

Stop pretending there is a one-size-fits-all model for everyone – not all kids are better off in shared care. (1180, Mother; Survey)

Several participants thought the operation of the FDR service could be improved by **speeding the entire process up**, being **better organised**, and **having more time** available.

Be speeded up – much quicker process from application. (1293, Mother; Survey)

Speed up the process. (1292, Mother; Survey)

More time is needed. A lot of issues were not resolved due to lack of time. (1050, Mother; Survey)

Having more time available for complex issues. (1581, Father; Survey)

Timeframe and process looked into. Not satisfactory. (1197, Mother; Survey)

There should be more providers, it took too long to gain an appointment. (1122, Mother; Survey)

Setting a time limit for the return of documents etc. so that the process cannot be stretched out. (1104, Father; Survey)

Less pressure to reach agreement, better communication, better timeliness ... ensuring privacy of clients and not circulating incorrect information. (1044, Father; Survey)

More time for the mediation, just give it more of a chance to [have] something to be fully negotiated because when it was done – basically it was done by negotiation like that in the end. It just took a lot more time to do it and more flexible maybe in the ways it is done. ... The thing about getting everybody together is the pressure it puts on you to make a decision on the spot and I’m not good at making decisions on the spot. I have to think about it. I have to have time. So maybe there could be – mediation doesn’t have to be everybody in the same room together at the same time discussing it and having to make a decision then and there that day. (1148, Mother; Interview)

Maybe more mediation hours, need funding. (1153, Father; Survey)

Quicker turn around, more urgency. (1934, Father; Survey)

Proactive. Chase the other party more so. She was too busy buying a house to reply. I was sick and still had to chase up. (1875, Father; Survey)

A speed up would be a good thing. (1044, Father; Interview)

Be speeded up. Mediation should not be allowed to be delayed for months nor used as a cog in obtaining without notice Parenting Orders. (1131, Mother; Survey)

They could be better organised and provide clearer information. (1475, Mother; Survey)

Having a greater focus on children's participation and **listening to children** more during the FDR process was also advocated.

Listen to children. (1199, Mother; Survey)

The children's views need to be considered even when one partner does not wish it. (1261, Mother; Survey)

Take the children's views into consideration. (1569, Mother; Survey)

One father, who found the mediator "abysmally terrible" suggested making it easier to change mediators and thought the Ministry of Justice needed greater oversight over FDR services and to implement a **complaints procedure**.

I think the ability to get a different mediator and get a different handle on it, something like that would potentially help. The whole reason we are at the court now is basically because the mediator at the mediation was so abysmally terrible. I think that's compounded a lot of the problems that would have been there in the first place. And actually, an avenue through the Ministry of Justice to complain about that, because they, they just said, "Well, you need to complain to the provider", you know. You registered these providers to meet your Acts, you need to actually oversee them a bit more. And under my circumstances those two things would help the situation. ... There is more bad stuff about [FDR service] from the process, but I have tried to complain to the Ministry of Justice about the provider, but they said you need to complain to the provider directly, which doesn't seem like a particularly good way of monitoring their providers, because that's the provider they recommended from ringing up the 0800 number. (1044, Father; Interview)

Mediation Agreements

As discussed earlier, many participants expressed dissatisfaction with the mediation agreements and their lack of enforceability. **Making agreements binding** and able to be enforced was a commonly mentioned suggestion for improving FDR. Ensuring **agreements were well defined** or **independently assessed** was also suggested.

Make the reached agreement binding and enforceable. (1561, Father; Survey)

That the mediator brings their experience to the table and makes sure an agreement is tight/certain/defined. (1574, Mother; Survey)

Make mediated agreement legally binding. (2034, Father; Survey)

Have everything sent to both parties in writing. (1108, Mother; Survey)

Agreements should only be signed when the consequences are explained. No signatures should be asked for until the mediation is completed. (1491, Father; Survey)

Having an opportunity for independent assessment of any agreement reached. (1044, Father; Survey)

A few participants advocated for having FDR agreements **recognised by the Family Court**.

All agreements made at mediation need to automatically be turned into a court order. There shouldn't be an option to change your mind and take the other party to court about matters already agreed on. (1148, Mother; Survey)

The FDR should be recognised in the Family Court/law and parents shouldn't be allowed to make any more challenge to it at the Family Court. The Family Court should not recognise any other form of filing against the agreement that was agreed at mediation. ... The agreement should be a solid piece of document recognised in the eyes of the law. The Family Court should not receive any other order that is put against the agreed mediated agreement after a specific number of months. (1494, Mother; Survey)

Mandatory Attendance

Some of the suggested improvements to FDR related whether it should be **compulsory or optional**. Opinions were mixed on whether FDR should be mandatory or not. Five participants thought it should not be mandatory to attend FDR.

People shouldn't be forced to attend. (1703, Aunt; Survey)

It would not be compulsory. (1448, Father; Survey)

It should be optional. (1458, Father; Survey)

It should not be a forced process, particularly when family violence has been involved. In order to mediate you need two adults who both want what is best for the children, it is impossible to mediate with a narcissistic liar. (1119, Mother; Survey)

Don't make people do it! (1736, Mother; Survey)

However, slightly more participants ($n=7$) believed FDR should be compulsory and/or "court ordered".

Making it a court ordered process. (1059, Mother; Survey)

Make it mandatory for both parties to attend. I recently applied again to try resolve unresolved issues from two years ago. My son's Dad has refused to attend. So, I am now stuck with no option as too scared to apply to court. (1971, Mother; Survey)

Make it compulsory for both parties to attend. (1627, Mother; Survey)

Made compulsory or child support stops if cancelled by the custodial parent. Increased if cancelled by the paying parent. (1516, Father; Survey)

It should be compulsory. (1866, Mother; Survey)

Alternative Approaches

Two participants suggested new processes for FDR, one a more whānau-led approach and the other involving assessment of the likelihood of parties reaching agreement before mediation.

Each parent should be assigned a mediator. Each child should be assigned someone to elicit their needs and interests relating to whānau matters. On completion of gathering the family plan information from each participant a plan should be brought together by the three professionals and then fed back to the whānau as a whole. The plan should be whānau-led where/if possible with a strict undertaking that it takes as long as it takes. Valuing and a non-judgemental approach and due diligence to process is key I think. (2350, Father; Survey)

A test should be applied collaboratively between respective legal counsel and Lawyer for the Child, if appointed, to determine if a “collaborative” and non-binding mediation is likely to result in a mutually agreed outcome. If objectively the answer is no, then the case should be allowed to proceed straight to [the] Family Court. (1691, Father; Survey)

Other suggestions included making the cost equal for both parties and providing options for religious families.

Costing should be equal. I understand that one party should not be disadvantaged because they cannot afford the cost, but I was disadvantaged because it was deemed that I could. (1580, Mother; Survey)

When you’re going through divorce and separation, finances can be quite critical, and so to force one parent to pay for it and not the other is unfair. Either both not pay or both pay some of it. It shouldn’t matter, because otherwise it’s not equal, and I think in that way the person who doesn’t have to pay has nothing to lose by going, “Oh, well, I’ll just take them to mediation” and when it’s not used as actually a way of seeing the children, then it’s a way of controlling the other person. (1257, Mother; Interview)

Have options for religious parents and families. (1420, Mother; Survey)

Summary

Around a third of the participants had used a Family Dispute Resolution service, with 22% attending joint mediation sessions. Just under a fifth (23%) of the participants were not aware of this service. Over half of the participants were aware of FDR, but did not use it. The most common reasons given for not using FDR were that they did not need or want to; the other party not wanting, or refusing, to take part; a belief that the other party would not take part constructively; and being on the without notice/urgent track. Not being able to access FDR did not appear to be a barrier to using the service. Those who used FDR most commonly heard of it from lawyers and other family justice services such as the Ministry of Justice website, the Family Court, and Parenting Through Separation. The majority (around 70%) of those who had contacted an FDR service found it easy to find and register with a provider.

The majority (around 60%) were satisfied with both pre-mediation intake and assessment processes, finding the staff friendly and helpful and the process straightforward. Those who expressed dissatisfaction with intake and assessment procedures cited negative experiences with staff, organisational issues, lack of communication and long delays. The reason people did not proceed to mediation most commonly related to the other party not engaging or refusing to participate.

Two-thirds of those who had received Preparation for Mediation (PFM) found it helpful. They valued the advice and practical skills given and the reassurance it provided. Some participants, however, found that the reality of mediation did not match the way in which it had been portrayed to them in PFM and they were not prepared for how emotionally difficult they found mediation with their former partner.

Most participants waited four weeks or less to have their first joint mediation session and over three-quarters (76%) thought the time they waited was reasonable. Most people did not have to travel more than 20 kilometres one way to attend FDR and nearly all (91%) thought the distance they had to travel was reasonable. Overall, the majority found the cost of FDR both reasonable (71%) and affordable (73%). However, of those paying half of the FDR fee, only a third thought it was reasonable and 43% thought it was affordable. Most (87%) received FDR face-to-face, with 14% having shuttle mediation. Two-thirds did not have anyone else present during joint mediation other than the mediator and the other party; 11% had either their own and/or the other party's lawyer present during FDR.

Children's thoughts, feelings and views were most commonly ascertained during FDR by Lawyer for the Child, but in 59% of cases no professional had provided children with this opportunity. Two-thirds of the participants had discussed their children's views in joint mediation sessions. Only 27% reported this discussion as being helpful, with more finding it unhelpful (37%). Overall, around a quarter (24%) were satisfied with the consideration given to children's thoughts, feelings and views during FDR, with twice as many (52%) being dissatisfied. Many expressed dissatisfaction that their children's views were not sought or considered or were dismissed during mediation. The participants were aware of some of the challenges involved in considering children's views, but generally they believed it was important for this to happen and thought that children needed an advocate or representative to achieve this.

Similar proportions reached full (39%), partial (31%) or no agreement (30%) with their former partner/the other party in FDR. Satisfaction with the level of agreement reached was low, with 60% being dissatisfied with this outcome. Satisfaction varied with the level of agreement reached; those who had reached no agreement were the most dissatisfied, and those who had reached full agreement were the most satisfied.

For those reaching some agreement at FDR, 42% were satisfied with the parenting arrangements agreed on at mediation, 43% thought they were fair and 30% were confident they would work. For those not reaching full agreement, 57% proceeded to make an application to the Family Court to resolve outstanding issues.

More participants found FDR unhelpful than helpful (52% compared with 32%). There was evidence of an association between ratings of helpfulness and the level of agreement reached. The majority of those who found FDR unhelpful had reached no agreement at FDR, and the majority of those finding it very helpful had reached full agreement.

Participants varied in their views and experience of FDR. Some had found attending mediation a very positive experience and preferable to going to the Family Court. They found it helpful to have a neutral third party present and saw mediation as a fair and safe forum to make their parenting arrangements. Reaching an agreement and having this documented was regarded as a positive outcome of attending FDR.

Others did not have a good experience with FDR, with some finding it disempowering, intimidating and traumatising having to engage with their former partner. Some participants did not consider that FDR was appropriate for cases involving family violence. Frustration was expressed about having to attend when it was thought it would not be effective because of the other party's reluctance to engage in the process or to compromise. Some participants found it difficult when the other party vetoed them having a support person present.

Participants found it helpful having a mediator with good interpersonal skills, who was accommodating and able to deal effectively with conflict, and skilled in helping parties to negotiate. However, others complained that the mediator was biased, lacked empathy, did not listen, was judgemental and too focused on reaching a decision. Mediators were viewed negatively when they did not provide enough guidance or direction, allowed one party to control the mediation, or did not manage power dynamics between parties effectively, particularly in cases involving family violence. Overall, participants were more positive than negative about mediators, with around half agreeing they felt comfortable with the mediator, and that the mediator was highly skilled, and effective in clarifying the issues that needed to be discussed.

Experiencing time constraints and feeling the process was rushed was regarded as problematic, as well as feeling pressure from the mediator to agree or acquiesce – 60% agreed they felt pressured to agree with the other party. A number of participants expressed dissatisfaction with the agreements reached in mediation due to their inadequate and vague documentation and lack of enforceability.

Nearly a third (32%) agreed that the mediation process was fair and that going to FDR was worthwhile. More participants thought FDR had worked well for the other party, than thought it had worked well for themselves or the children.

Overall, more participants expressed dissatisfaction (53%) than satisfaction (28%) with FDR. However, like views on the helpfulness of FDR, satisfaction ratings varied depending on the level of agreement reached in FDR. The majority of those who were very dissatisfied had reached no agreement, while all of those who were very satisfied had reached full agreement. The majority (70%) of those who had attended FDR would, or maybe would, recommend FDR to other people making parenting arrangements. Willingness to recommend FDR to people was also related to the level of agreement reached.

Suggested improvements to FDR included more training for mediators to ensure they were knowledgeable about high conflict and family violence dynamics, unbiased, more child-focused, and better able to protect vulnerable parties by not allowing abusive or obstructive behaviour during mediation. Participants recommended FDR suppliers and mediators should have more power to ensure both parties participated in mediation in constructive ways, and that information from FDR should be made available to the Family Court. Specialist intervention and support was also suggested. Participants thought FDR could also be improved by speeding up the process, having more time for mediation, and having a greater focus on children's participation. Making binding and enforceable parenting agreements that were more detailed and defined was also recommended. Participants varied in their views on FDR being mandatory.

Key Findings – FDR

- 185 participants (29%) had participated in FDR pre-mediated and assessment
- 141 participants (22%) had attended joint mediation
- 23% were not aware of FDR
- Reasons for not using FDR:
 - Didn't need or want to take part (37%)
 - Ex-partner/the other party didn't want, or refused, to take part (25%)
 - Didn't think my ex-partner/the other party would take part constructively (22%)
- 53% heard of FDR from a lawyer
- 69% found it easy or very easy to find an FDR provider; 71% found it easy or very easy to contact or register with an FDR provider
- 57% were satisfied or very satisfied with the FDR intake
- 63% were satisfied or very satisfied with the FDR assessment
- 66% of those who received Preparation For Mediation found it helpful
- 54% waited four weeks or less to have their first joint mediation session; 76% found the time they waited reasonable
- 71% travelled less than 20 kilometres to attend joint mediation sessions; 91% thought the distance they had to travel was reasonable
- The majority thought the cost of FDR was reasonable (71%) and affordable (73%)
- 55% paid nothing to attend FDR
- Of those who paid half the \$897 fee, 33% thought the cost was reasonable and 43% thought it was affordable
- 87% received FDR face-to-face; two-thirds had no others attending FDR such as a support person; 11% had a lawyer present
- 59% indicated that no professionals had provided the children with an opportunity to express their views during FDR. When a professional was involved, it was most often Lawyer for the Child
- 67% discussed the children's thoughts, feelings and views in mediation sessions – 27% found this discussion helpful; 37% found it unhelpful
- Overall, 54% were dissatisfied with the consideration given to children's views
- The proportions of participants reaching full, partial and no agreement with the other party in FDR were similar (39%, 31% and 30% respectively) – 60% were dissatisfied with this outcome
- 42% were satisfied with the parenting arrangements agreed on; 43% thought they were fair; 30% were confident they would work
- 57% of those not reaching full agreement made a subsequent application to the Family Court
- 52% found FDR unhelpful in making or changing their parenting arrangements; 32% found it helpful; views on helpfulness were associated with the level of agreement reached
- What participants found particularly helpful or positive about FDR:
 - The mediator had good interpersonal skills and was accommodating, skilled and helpful
 - Having a neutral third party present in a safe, fair forum that allowed open discussion
 - Achieving agreement and a positive outcome

Key Findings – FDR

- What participants found particularly unhelpful or negative about FDR:
 - Finding it intimidating and traumatic having to engage with the other party and inappropriate when family violence is involved
 - Seeing it as a waste of time as the other party would not compromise
 - Negative experiences with the mediator – seeing them as biased, lacking in skill and knowledge
 - Not being allowed a support person to attend
 - Time constraints
 - Feeling pressured to agree
 - Unenforceable, non-binding and vague mediation agreements
- 32% agreed the mediation process was fair
- 32% agreed going to FDR was worthwhile
- More participants thought FDR had worked well for the other party, than thought it had worked well for themselves or the children
- 53% were dissatisfied overall with FDR, 28% were satisfied
- Satisfaction was related to level of agreement reached
 - 57% of those who very dissatisfied had reached no agreement
 - All of the participants who were very satisfied had reached full agreement
- 30% would not recommend FDR to others; 70% would or maybe would
- Suggested improvements to FDR included:
 - Training for mediators
 - Giving more power to FDR suppliers and providers to ensure parties participated constructively
 - Specialist support and/or intervention
 - Speeding up the process
 - Having more time
 - Making arrangements more binding and enforceable
- Views varied on whether FDR should be mandatory

Family Court

Nearly half (47%, $n=308$) of the survey respondents had used the Family Court to make or change their parenting arrangements since the reforms took effect. Nearly the same proportion (49%, $n=322$) knew about the Family Court, but did not use it. A small number ($n=23$, 3.5%) did not know about the Family Court.

Reasons For Not Using the Family Court

Almost half of the those who answered the question about use of the Family Court were aware of the service, but did not use it ($n=322$). Their reasons for not doing so are presented in Table 153.

Table 153: Reasons for not using the Family Court

	<i>n</i>	Percent
Didn't need or want to	188	58.4%
Ex-partner/the other party and I had agreed on our parenting arrangements	106	32.9%
I/we preferred to make parenting arrangements privately	108	33.5%
The financial cost involved	79	24.5%
Didn't think the Family Court would be helpful/effective	51	15.8%
Didn't want to have to first attend a PTS course and FDR	7	2.2%
Didn't know how to access the Family Court	6	1.9%
Other	19	5.9%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

The most common reason for not using the Family Court was because the participant did not need or want to (58%), followed by just over a third preferring to make their parenting arrangements privately (34%), and a third indicating that parenting arrangements had been made by the parties some other way. A quarter reported not using the Family Court because of the financial cost involved and 16% did not think it would be helpful or effective. Very small numbers (around 2%) did not use the Family Court because they did not wish to have to attend PTS or FDR first or because they did not know how to access the Court.

Accessing the Family Court

Those participants who accessed the Family Court were mainly applicants (42%) or both applicants and respondents (34%) (see Table 154). The most common issues they needed to be determined through the Family Court were contact arrangements (80%), day-to-day care (77%) and guardianship issues (40%) (see Table 155).

Table 154: Status of participant in Family Court proceedings

	<i>n</i>	Percent
Applicant	128	41.8%
Joint applicant	5	1.6%
Respondent	63	20.6%
Both applicant and respondent	104	34.0%
Other	4	1.3%
Don't know/can't remember	2	0.7%
Total	306	100%

Table 155: Issues to be resolved at the Family Court

	<i>n</i>	Percent
Day-to-day care	237	77.0%
Contact arrangements	247	80.2%
Obtaining a Consent order	50	16.2%
Relocation	55	17.9%
Guardianship issues	124	40.3%
Other	52	16.9%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

Those participants using the Family Court were asked how far they had to travel (one-way) to the court (see Table 156) and, for those who travelled, their views on the reasonableness of this travel distance (Table 157). Nearly half (45%) travelled less than 10 kilometres or didn't have to travel at all, and around a fifth travelled between 10 and 19 kilometres (21%). A third ($n=102$) had to travel 20 kilometres or more to a Family Court, and four participants had to travel in excess of 500 kilometres – a 1000 kilometre round trip.

Table 156: Distance travelled (one way) to the Family Court

	<i>n</i>	Percent
Didn't travel	16	5.2%
Under 10 km	122	40.0%
10-19 km	65	21.3%
20-29 km	27	8.9%
30-49 km	27	8.9%
50-99 km	14	4.6%
100-199 km	16	5.2%
200-499 km	14	4.6%
500 km+	4	1.3%
Total	305	100%

Those who travelled were asked how reasonable this travel distance was to them (see Table 157) and the majority (83%) thought that the distance they travelled was reasonable.

Table 157: Was the distance you had to travel (one way) to the Family Court reasonable to you?

	<i>n</i>	Percent
Yes	240	82.8%
No	50	17.2%
Total	290	100%

Looking at a cross tabulation of distance travelled with perceived reasonableness of distance (see Table 158) shows, a clear pattern where, as travel distance increases, the proportion of participants believing the distance was reasonable decreases. Up to a travel distance (one way) of 49 kilometres, more thought the distance was reasonable than unreasonable. However, for distances greater than 50 kilometres the reverse was seen, with the proportion believing such distances were not reasonable greater than the proportion who regarded the distance as reasonable.

Table 158: Reasonableness of travel distance to Family Court with distance travelled (one way)

Distance travelled	Reasonable travel distance?	
	No	Yes
Under 10 km (<i>n</i> =122)	0%	100%
10-19 km (<i>n</i> =65)	1.5%	98.5%
20-29 km (<i>n</i> =27)	7.4%	92.6%
30-49 km (<i>n</i> =27)	29.6%	70.4%
50-99 km (<i>n</i> =14)	57.1%	42.9%
100-199 km (<i>n</i> =16)	87.5%	12.5%
200-499 km (<i>n</i> =14)	92.9%	7.1%
500 km+ (<i>n</i> =4)	100%	0%
Total	50	240

Court Processes

Without Notice/Urgent Track

Nearly two-thirds (63%) of those using the Family Court were on the without notice/urgent track (see Table 159).

Table 159: Participants on the without notice track

	<i>n</i>	Percent
Yes	191	62.6%
No	92	30.2%
Don't know/Not sure	22	7.2%
Total	305	100%

Over half (55%, *n*=105) of the 191 participants on the without notice/urgent track thought it was reasonable. When broken down by respondent type, 89% of the applicants on the

without notice track thought it was reasonable to be on this track, whereas 86% of respondents on the without notice track thought it was *not* reasonable.

Those participants who were on the without notice track were asked how they felt about this. Many were positive about their experience, especially when they were the applicant. They said they felt “happy”, “glad”, “supported”, “relieved”, “reassured” about their and their children’s safety, and were pleased someone was taking their case seriously. Being on this track was “necessary”, “fine”, “good”, “satisfying”, “reasonable”, “ideal”, “the only option” and “empowering” – particularly when safety concerns had arisen due to threats, violence, bullying, aggression, alcohol and drug use. Some people also filed without notice applications in order to have lawyers representing them or to bypass FDR.

It felt good to know that initial plans could be authorised and be safe. (1139, Mother; Survey)

Grateful and relieved as it prevented the children’s father from uplifting my son while he was very unwell mentally. (1051, Mother; Survey)

Very satisfied as there were safety issues. (1359, Mother; Survey)

Fine. Going to parenting courses and mediation with someone who is completely unreasonable and violent or an addict is ridiculous and a waste of time. (1376, Mother; Survey)

I was okay with it as I needed the matter dealt with and I was getting nowhere on my own with my ex-husband. (1146, Mother; Survey)

Safer as the without notice and the Protection Order protected the children when their father was mentally unwell and posed a risk to them and myself. (1835, Mother; Survey)

Relieved. I had been struggling with a partner with alcohol addiction and mental health issues. (1272, Mother; Survey)

It was necessary as I was very unwell due to alcoholism. I was grateful that option was available so my daughter could be kept safe while I entered into treatment. (1101, Mother; Survey)

It was empowering to be able to do something and felt good to have someone objective looking out for the children. (1261, Mother; Survey)

It brought things to the attention of the judge sooner, resolved the immediate issue in the short-term and stopped my ex-partner manipulating the Lawyer for the Child and Court system as he had done in the past. (1461, Mother; Survey)

It was necessary because of the threats and drugs involved in our situation. (1397, Mother; Survey)

He threatened to kill me and was using methamphetamine. (1327, Mother; Survey)

I'm grateful for it because I got a lawyer and a support person. It would have been really, really awful, instead of just awful, without them. (1180, Mother; Survey)

I felt it was reasonable as I applied for day-to-day care directly after an act of domestic violence against me by my ex. There were serious concerns about his safety given the violence and also his mental health. (1862, Mother; Survey)

It gave the oldest child security in knowing that he did not need to return to his mother after the school holidays finished. (1123, Stepmother; Survey)

Supported. It was nice to know his violence was recognised. (1907, Mother; Survey)

Good as it needing addressing immediately to protect my son. (1077, Mother; Survey)

I had just left an abusive relationship and went straight for legal advice and this is the route that was best to take. Am happy with the outcome. (1299, Mother; Survey)

My ex was saying she was going to take my children to her home country and did not need permission to take them overseas without me. ... The Non-removal Order was needed at that time which was granted for six months. It enabled me time to establish court ordered conditions for travel that would ensure my children's return. (1584, Father; Survey)

It was a very difficult decision to file the application, but safety concerns arose after my husband tried to take our son from school without notification or communication. I had no "legal grounds" upon which he needed to return my son, even though I had been the main carer for all his life. (1451, Mother; Survey)

It was a matter of survival – living with no benefit, no money, in a town with no family to support us while my ex was in rehab. I was worried about what would happen when he got out. (1008, Mother; Survey)

I was nervous about how it would play out, knowing my ex's behaviour towards me (and our son), but I felt I had no other choice. (1384, Mother; Survey)

I thought their father's behaviour and other safety issues would be acknowledged and attended to. (1505, Mother; Survey)

I had no choice as there were safety issues for the child. (1031, Father; Survey)

I am ethical so I didn't like not informing the other party and, in fact, placed the court documents in her box myself because the court failed to serve the other party. It was probably best for the children given the options available. (2056, Father; Survey)

I applied with notice, but it got changed to without notice so that it was fast-tracked through the court due to my son's age and concerns for his wellbeing and safety. (1047, Mother; Survey)

The without notice urgent track was used so we could involve lawyers. (1448, Father; Survey)

Without notice, that's what it was. It was hugely emotional to go through that whole part, but I'm saying now it was a real blessing to have. (1451, Mother; Interview)

Parents particularly liked **the speed** with which **interim orders** (such as Protection Orders, Occupation Orders and Non-removal Orders) could be made on the without notice track. They said the process was “fast” and “acknowledged the urgency.”

I was happy it would be pushed through faster. (1350, Father; Survey)

The process was fast and acceptable. (1236, Mother; Survey)

Pleased as it was a safety issue. I would have been very upset to have to do the slower private track. (1107, Mother; Survey)

Good, we had an interim order done which was quick. (2053, Father; Survey)

Once it finally went to a judge it was quick. (1736, Mother; Survey)

My application for a without notice Temporary Protection Order was granted. I was very satisfied with this process. Although it was extremely difficult having to relive past traumatic experiences in order to prepare an affidavit to apply for this, the Temporary Protection Order was granted within 24 hours of my application. I thought the service was prompt. (2012, Mother; Survey)

It did provide the Protection Order and Occupation Order quickly so I could return to the family home with the children within a few days of separation. (1434, Mother; Survey)

However, other parents bemoaned the **length of time and delays** they experienced on the without notice track in seeking to resolve their dispute. People commented on “excessive delays to get court dates” and were “frustrated” by the one, two or three years to achieve an outcome.

Even though it was supposed to be fast it still took a long time to get our case heard. (1290, Father; Survey)

I expected rapid resolution i.e., a court date within two months of application but, in reality, it took 12 months to get to court. (1430, Father; Survey)

It all took too long to complete the final Parenting Order. All up near on a year. (1895, Mother; Survey)

From the time I made the initial application for a Parenting Order without notice, it took just under two years for the case to be heard in court. (1444, Mother; Survey)

It has made no difference at all to the waiting times. We are still stuck in the court process going on three years now. (1967, Mother; Survey)

Urgent? It still took three years without a final hearing. Settled out-of-court. (1036, Father; Survey)

The process is still ridiculously slow. (1211, Mother; Survey)

It still took a long time. Not good for children. (1014, Father; Survey)

The interim order was issued promptly, but since then there have been issues finding a confirmed date for the proceedings to be heard in the court. (1084, Mother; Survey)

Not happy at the delays the Family Court thrives on. Waiting for bloody reports etc. The Family Court and CYFS have no concept of "urgent." (1576, Father; Survey)

The Protection Order took five days to serve. (1334, Mother; Survey)

Terrified. The Safety Order issued on my husband was to run out on the Friday. I was informed on the Thursday afternoon that I had been successful. There were several Police call outs and breaches of Safety Orders prior to this event. After a month or so it became a with notice order and it has not progressed in the 14 months since I applied. (1519, Mother; Survey)

Some parents were also **dissatisfied with the outcome of their without notice application** when it was declined, moved to the standard track, left the child in the ex-partner's care, or they received a decision they believed was biased.

I felt encouraged that the court did recognise the serious nature of his behaviour and criminal offending. Now being in court though it's a different story. I may potentially lose the children to my abuser. I am disgusted in the judge's attitude towards women and children. (1439, Mother; Survey)

I felt it was needed as there was drugs and gang affiliation involved. Unfortunately, the respondent replied with lies which were believed and it was taken off this track. (2045, Mother; Survey)

I wanted urgent, but it was put on notice. (1343, Mother; Survey)

Good to begin, but then felt it wasn't taken seriously. (1302, Mother; Survey)

The process ended up being very expensive and I was extremely shocked that the judge ruled against my application even after my child witnessed serious abuse. It did not serve me well. (1510, Mother; Survey)

On one application I applied for a Protection Order without notice as my son was being physically abused by his father. However, the judge decided the order was "with notice." (1318, Mother; Survey)

I was declined five without notice applications all in serious situations which ultimately resulted in my son being left in a dangerous environment for a prolonged period. (1555, Father; Survey)

My without notice application was "heard" by an out-of-town judge who hadn't met my ex-partner and therefore made an insensitive, unwise and ultimately dangerous decision on the application. (1425, Mother; Survey)

I feel extremely let down by the system that the child is still in the care of the parent where he self-harms because the without notice was declined. (1064, Step-parent; Survey)

The without notice was not accepted. My son felt terrified of his father and he knew I was powerless to protect him. (2006, Mother; Survey)

Arbitrarily [my ex-partner] suspended all contact. And that's when I filed a without notice application to the court. It was declined on the grounds that there was no imminent physical risk to [Child] and so it entered the long, drawn-out court process. (1430, Father; Interview)

Some applicants found **the process** difficult, expensive or “traumatising” or were “terrified” their ex-partner would seek revenge.

The process made me terrified their father would lose the plot and seek revenge, which I know 100% he will eventually. (1210, Mother; Survey)

All I know is the Family Court is terrible. Everything I have gone through has been horrible. (1130, Mother; Survey)

There were so many counter applications by the defendant to my urgent parenting and protection applications. Two years to get to a substantive hearing which was handled appallingly. The last being an urgent application by the other party earlier this year. It was endless, horrendous, financially crippling and completely traumatising for me. (1109, Mother; Survey)

I was given advice (written in a report) by Police to apply for without notice. They had arrested the other parent and kept him overnight and placed a PSO (safety) on him. The without notice failed. Then the court hearing failed because the judge refused to allow the evidence from the Police, refused to discuss the evidence I had given, and allowed a lot of extraneous evidence from the respondent which was all about whether I was in a relationship with another man, and about parental alienation. I was threatened with the loss of my children within minutes of sitting down, and then again later on. I endured hostile cross-examination in what appeared to be an 18th century adultery trial, rather than a hearing for a Protection Order. I was given bad advice, had poor legal representation, and have had to research and go through a very steep learning curve to now realise that what was done to me was unbelievably wrong. I was too naive and trusting to realise that at the time. (1135, Mother; Survey)

Parents on the receiving end of the without notice applications – **the respondents** – felt “stunned”, “shocked”, “gutted”, “stressed”, “like a criminal”, “undermined”, “blindsided”, “ambushed”, “shat on”, “unprepared”, “defensive”, “completely distraught” and “an emotional wreck.”

I was shocked I never saw it coming. It still took too long to resolve. (1532, Father; Survey)

Gutted, could not believe it, wanted to die. (1571, Father; Survey)

Shocked. My children were given to their father immediately based only on his affidavit. It has now been seven months. (1105, Mother; Survey)

It was scary. I hope I never have to go through all of that again. (2005, Mother; Survey)

I still do not understand why it was filed in this way. My ex-husband was having regular contact as detailed in the original Parenting Order and there were no concerns for the children's wellbeing or safety (evident by the fact they are still in my primary/sole care six years later). It just added stress and time pressures that made it difficult for me. ... I really question the ability of a parent to put in a without notice application. I can understand and appreciate that there needs to be a way to support children that genuinely need urgent attention and things to go fast through the courts. But to this day I can't understand how he managed to get away with a without notice application. I know that there's a place for them, but how they're accessed and on what grounds is massive. (1620, Mother; Survey and Interview)

It is hard to express how stressful this time was. My child had been incredibly ill (nothing to do with my parenting, which my ex knew as he had spoken to the doctors). This was the most stressful time in my life and immediately after to be given a without notice application in which he requested day-to-day care was just awful. I was also served with a subsequent application on our child's birthday (i.e., the court called and I picked it up). My ex was doing this deliberately to get at me – it was horrible. (1980, Mother; Survey)

Hugely disadvantaged. Distraught. Unfairly treated. Stressful for my youngest daughter. Totally unjust. Very insulting. (1149, Mother; Survey)

I felt undermined as a mother that allegations against me were being believed. (1020, Mother; Survey)

Blindsided by a vindictive ex seeking to use circumstance and the system to pursue her interests. (1560, Father; Survey)

On the receiving end of urgent proceedings it feels like a legal tactic is to get in front of a judge as quickly as possible so the other party (me) has very little time to respond. Information is withheld, there is stalling for months and months and then, all of a sudden, an urgent application/ambush. (1584, Father; Survey)

Nothing was ever ruled against the wishes of the mother. (1702, Father; Survey)

The whole process was extremely difficult and explains why some people just give up or take off. (1097, Mother; Survey)

He didn't bother to talk to me before he served me with [without notice] court papers. I wasn't even near to relocating. This whole process has just been awful. For me, I've lost 20 kilos in weight. (1408, Mother; Interview)

I had no choice because the first thing was the without notice from the court. I felt that was very unfair. You can voice your concerns, but the reality is that once it's done, it's done, and there's no way you can backtrack with that without notice thing. ... I didn't

go down the pathway I wanted to at all. I wanted to sit down and to sort something out. I felt that the pathway I went [without notice] was all in response to the other parent's actions, because it got very expensive and it wasn't something I could afford. (1181, Mother; Interview)

They complained about a very minor incident that had happened and they seized upon that incident to use that. The judge said later on that the without notice papers should never have been allowed through. (1328, Mother; Interview)

Basically, my ex decided there was safety concerns. Rather than making any attempt whatsoever to discuss them with me I think he just saw it as an opportunity for full custody and so he went for it. (1401, Mother; Interview)

Many respondents considered the without notice application(s) to be based on **lies and false allegations** and/or to be a means of **control and manipulation** by **their ex-partner**. They regarded this as “totally unfair and unjustified” and, for some, it led to lengthy periods of either not seeing their child or to experiencing supervised contact. There was particular criticism of the **lack of opportunity to respond** to the (false) allegations and of the **lack of consequences** to their ex-partner for any perceived “perjury” or “dishonesty.”

This was another injustice as the basis for the urgent applications have been false and proven to be. (1638, Mother; Survey)

The orders were issued based on lies and false allegations of domestic violence. Even Lawyer for the Child thought it was ridiculous that the order was made without notice. (1072, Father; Survey)

The safety issues were fabricated; the children weren't in any danger as my ex had stated. (1975, Mother; Survey)

It was applied for and given far too quickly based on lies told writing the application. (1060, Father; Survey)

It's just a way for exes to control and manipulate unfairly. (1900, Mother; Survey)

The without notice action was a lie, made falsely, and was a manipulation of the system because doing that gets you into court and ramps up costs. (1028, Father; Survey)

The mother used it as tool against me knowing it would likely inconvenience me. She used the term “likely to cause harm” frivolously so the court would sway her way – wasting both the court and my time. (1168, Father; Survey)

A remote judge made a decision based only on the information presented to him. The application was patently untrue, but no test of veracity was undertaken. Even a phone call to the Lawyer for the Child could have put a stop to it. (1691, Father; Survey)

What had been reported against me was all lies from my ex. An investigation should be conducted before judgment is passed. It was a traumatic experience to myself and my children. (1494, Mother; Survey)

I immediately lost ALL contact with my children due solely on my ex's lies without any burden of proof requirements whatsoever! (1544, Father; Survey)

Allegations were made about me and a decision made for supervised access without any evidence of any violence or concerns. It was 11 months before we could attend a court hearing so I could produce my evidence and have supervised access lifted and more contact with my son. (1916, Father; Survey)

The without notice track is the most evil thing in the whole Family Court process. My ex has used this track twice now to make false allegations against me and prevent contact with my children. I was falsely alleged to have physically assaulted my ex. This never occurred and, in court, she admitted it never happened. There was no perjury charge from the Family Court judge. More false allegations, this time of psychological abuse, were subsequently falsely claimed. The ex has taken the children almost 200km away. I am blocked from all contact. I have been forced to undergo a living without violence course. Both times all of this happened with absolutely zero ability for me to respond. She has proven that lies are okay in the Family Court. I simply want to demonstrate my fitness as a parent, not be involved in the ex's fairyland delusions. The judge made me respond, made me give examples of her aggression etc. The conflict is bad for the children, but the without notice application track forces men in my position to participate in the conflict. (1324, Father; Survey)

Given my understanding of this process, I can see why my ex-wife used it to her advantage. Perjury was used by her in the without notice application that was acted on unknowingly by the Family Court. This all happened while I was away for a week and unaware. Knowing what I know now I should have walked away from the whole thing or taken my own life as it's not really been worth living not seeing my children and having over \$60,000 deducted without notice by the IRD for alleged child support for children I have not seen for over three years. (1855, Father; Survey)

We had started the mediation and it was due to happen the following week. But my ex ran off to her lawyer, who then put a stop to that and told my ex to say the reason for the cancellation of the mediation was because she was now scared of me. Despite there being no violence or anything like that because, obviously, I would have been arrested if there was. She then made a without notice application to the court with a load of lies in it. Her whole thing was nothing to with the child – it was all based on the breakup of our relationship, which had happened a year earlier. ... She lied to the Family Court claiming I was a risk to, and causing undue hardship to, the child. This couldn't have been further from the case. I had not been arrested, aggressive in any way and just wanted to see my child on a regular basis. ... When I got issued the summons I then had to try and find a lawyer very quickly because I only had a few days to respond because that's all the court gave me. It took me a long time to try and get hold of a lawyer that would do it on Legal Aid because there are not many of them. You can imagine the rush to get something back into court that can effectively change your life considerably and that of your child. The timing is appalling. ... The judge asked for a response from me based on her affidavit. It was then sent to the standard track, but the use of lawyers still allowed. The other party and her lawyer should have been prosecuted for perjury and defamation. (1516, Father; Survey and Interview)

My ex-partner made false allegations of physical and sexual abuse of my youngest daughter by myself. These allegations were investigated by the Police and CYFS and

the case was closed due to lack of evidence that the claimed abuse occurred. I felt powerless as the case was fast-tracked on the basis of false allegations. My contact with my daughter was cut off for months and then, when contact was reinstated, it was gradually introduced starting with supervised contact with my ex-partner present. During the contact time my ex-partner was very controlling and even took my daughter away if she saw any of my family. This process alienated my daughter from me for no valid reason. There were no consequences for my ex-partner regarding the false allegations made. In fact, the without notice track encourages dishonest behaviour from a disgruntled ex-partner. (1966, Father; Survey)

She [ex-partner] made an application to the court and she had in there a whole bunch of allegations which had no substantiation to them and, to be quite honest, were just lies. She put on there that she wants to get custody of [eldest daughter]. Because of the nature of the allegations, instead of giving me 21 days' notice of response, the courts only gave me three days. So, suddenly I was faced with a massive task to get a response through to them and find a lawyer within three days. (1315, Father; Interview)

I'm stunned that the court would accept baseless accusations without a shred of evidence and without any input from the other party. Once the court accepts such an application it is extremely difficult and expensive to resolve. ... The whole thing started when my wife left with the kids and she filed a without notice application, which was accepted by the court despite providing no evidence, no history or anything whatsoever. So, I found myself suddenly in the position where, without having any voice whatsoever in the process, I was regarded as being too dangerous to my children to even have unsupervised contact with them. So that's how the whole thing started. Our marriage was dead basically, it was just a case of who walked away. But it caught me completely by surprise that the court process could be abused in that way. You could have an application taken out against you and accepted without any input from you whatsoever, and without a shred of evidence whatsoever, and with ridiculous claims. It's been hugely damaging, and just pointless. It's utterly pointless. If they'd just actually used their damn brains at the beginning and looked at the application and said, "Well, this lacks any kind of evidence whatsoever, we're not going to accept this." But along with that application she sought a Protection Order as well, and the two went in together. The Protection Order served to reinforce the custody application, and it was even referenced in the judge's decision. But the court actually rejected the Protection Order and said that no, this can't be done without notice, it has to go on notice. So, she withdrew it, but it had already done its damage. ... It sounds like, from hearing other peoples' stories, that the first one across the line with a without notice application has got the upper hand in the process. Then the other party is pretty much screwed, particularly if you're a bloke. You're seen as a danger, capable of abusing them, or whatever, according to her. But all the emotional and mental stuff that she's put them through is not recognised one bit. Personally, I think the judges and the lawyers, they know damn well the thing's being rorted. They know these without notice applications, just with the increase in them – I think 70 per cent of applications are now without notice, or something like that. It's clear the lawyers, they're playing the system, playing the game, and the court is unprepared to punish them for it. Even when someone is found to have misled the court, and done so deliberately, that's bordering on perjury and surely there should be some comeback for that, but there isn't. So, lawyers know that they can get their clients to just mislead and stretch things, and exaggerate, and there's no comeback on them for having done

it. They're incentivised to continue greasing their own wheels by using this process to make them a fortune. They're ripping people off. (1585, Father; Survey and Interview)

Sometimes the without notice application was **dismissed as groundless** or **shifted to the on notice standard track**.

It was ridiculous. Thankfully the judge who received this application was a professional and could see my ex-husband had no grounds to stand on and dismissed it. (1098, Mother; Survey)

My ex filed without notice after he filed for custody claiming that the stress I was under due to the original affidavit he had served would make me a crappy parent, therefore my daughter was not safe in my custody. Thankfully a judge had a brain and changed it to on notice so I still got a 21 day right of reply. (1583, Mother; Survey)

Some people felt the without notice/urgent track had been **properly explained** to them, while others said it was not.

It was explained reasonably well and the court staff were helpful. (1522, Father; Survey)

The people at the courthouse were great. They took my application, they walked me through everything, made sure that nothing was missing. Then because it was an urgent application they told me that someone would be in contact with me later in the afternoon to tell me the result of what was going on and what would happen. I thought if he got served with it then he'd be likely to show up and all of that sort of stuff. They told me around lunchtime that it had been forwarded onto the Police and it had been accepted by the judge, and that I had a without notice Protection Order that was going to be served later in the day. I picked up the kids and I left and went and stayed with my parents for the weekend. (1533, Mother; Interview)

I didn't really know anything about what it meant. I engaged a lawyer which I am paying for privately. It only came to my attention when we had a Directions Conference at which time the children's father consented to the Protection Order being made final and it was discussed between all the lawyers' present (mine, Lawyer for the Child, the respondent's lawyer) whether proceedings should change to the standard track. All were in agreement, except for the respondent's lawyer as he felt he would have access to more state funding for his client on the without notice/urgent track. (2012, Mother; Survey)

It was not properly explained to me the implications of going down the without notice track. Getting into the Family Court system was a mistake I wish I had avoided if I had been given all the information. ... I had to do an affidavit type thing. It went to the court. Essentially, he got delivered with a court order a few days later and then all hell broke loose between us, and backwards and forwards with the Family Court, and that sort of thing. ... I think the timing being a week out from Christmas, and finding it difficult to get hold of the right source of advice and what to do. I wouldn't have done it that way again if the timing had been a bit different or I felt like I had a bit more time to try and sort things out. (1427, Mother; Survey and Interview)

When I first sat down with my lawyer, I said, "What is the process? What do I need to do?" She didn't explain the full process, she explained the without notice. She advised that I had to put a without notice application in. If I had fully understood the implications of what would happen, I probably wouldn't have gone down that track. ... But we did the without notice application – it obviously got granted. [Ex-partner] was not very happy about that and it just didn't go very well really. Not that you can put a price on your children, but I didn't realise that it was a \$15,000 exercise. It was just a long arduous frustrating process for everybody. Essentially what I wanted was for [daughter] not to be in that environment. ... When I got that granted he opposed it obviously. He was fairly angry that I had gone ahead and done the without notice. We had actually spoken after that had happened, because he went, "Oh, crap, this is a bit serious." Yeah, so we sat down and we had a talk about it and we came to an arrangement. And then I went to my lawyer and she goes, "Well, it's too late now, we've done this. You can't just stop the process." I didn't know any of that. ... We had to put affidavits in, back and forth, which was horrible. It was just horrible. It was stressful and it was not a pleasant year. ... Then his lawyer got involved and it was just back and forth for quite a while, and then we had to go to court. (1156, Mother; Interview)

Attendance at Family Court Meetings, Hearings and Conferences

Over three-quarters (79%, $n=242$) of those who had used the Family Court had attended a meeting, hearing or conference with a judge – including issues, settlement, directions, pre-hearing and case management conferences. Their ratings of how helpful they found these meetings with a judge are presented in Table 160.

Table 160: Helpfulness of meeting(s) with a judge

	<i>n</i>	Percent
Very unhelpful	44	18.2%
Unhelpful	54	22.3%
Neither helpful nor unhelpful	69	28.5%
Helpful	61	25.2%
Very helpful	14	5.8%
Total	242	100%

A greater proportion (41%) found meetings/conferences with a judge 'unhelpful' or 'very unhelpful' than found them 'helpful' or 'very helpful' (31%). Nearly a fifth (18%) found such meetings 'very unhelpful', compared with 6% who found them 'very helpful'.

Table 161 shows the reported outcomes of meetings with a judge.

Table 161: Outcome of meeting(s) with a Judge

	<i>n</i>	Percent
We reached agreement on our parenting arrangements	27	11.2%
The Judge made a Parenting Order by Consent	58	24.0%
The Judge made a decision and made a Parenting Order	67	27.7%
The Judge directed us to counselling	52	21.5%
The Judge referred us to Family Dispute Resolution (FDR)/Family Mediation	18	7.4%
Lawyer for the Child was appointed	146	60.3%
A specialist report writer was appointed (e.g., a psychologist)	81	33.5%
The Judge made interim Parenting Orders	123	50.8%
The Judge directed us to a Round Table Meeting run by Lawyer for the Child	81	33.5%
A defended hearing date was set	78	32.2%
The application was withdrawn	21	8.7%
We are still in the Family Court process	83	34.3%
Other	13	5.4%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

Because, as shown in Table 161, 34% were still in the court process, these figures should not be taken as the prevalence of different types of outcomes from Family Court meetings with a judge. However, Table 161 does give an indication of the types of processes the participants experienced and the outcomes they achieved.

Of those outcomes where a decision resulting in a parenting arrangement was made, the most common outcome was for a judge to make an Interim Parenting Order (51%), compared with a Final Parenting Order that was judicially determined (28%) or by consent (24%). Referrals to FDR were relatively infrequent, with only 7% being directed to FDR mediation, compared with 34% being directed to a Round Table Meeting.

Table 162: Overall, satisfaction with the outcome(s) of these meetings

	<i>n</i>	Percent
Very dissatisfied	63	26.0%
Dissatisfied	61	25.2%
Neither satisfied nor dissatisfied	54	22.3%
Satisfied	53	21.9%
Very satisfied	11	4.5%
Total	242	100%

As shown in Table 162, nearly twice as many participants (51%) were 'dissatisfied' or 'very dissatisfied' with the meetings/conferences they had with a judge than were 'satisfied' or 'very satisfied' (26%).

Round Table Meetings

Just over half (51%, $n=158$) of the participants who had used the Family Court had attended a Round Table Meeting (RTM), a meeting convened and led by Lawyer for the Child to

attempt to resolve the issues between parties that are before the Family Court. Table 163 presents how helpful participants found them to be.

Table 163: Helpfulness of Round Table Meeting

	<i>n</i>	Percent
Very unhelpful	54	34.2%
Unhelpful	27	17.1%
Neither helpful nor unhelpful	33	20.9%
Helpful	36	22.8%
Very helpful	8	5.1%
Total	158	100%

Over half (51%) found RTMs ‘unhelpful’ or ‘very unhelpful’, with over a third (34%) finding them ‘very unhelpful’, compared with 28% who reported finding them ‘helpful’ or ‘very helpful’. Only 5% found them ‘very helpful’.

Table 164 details the outcome of the Round Table Meetings participants attended. Just under half (48%) reached no agreement with the other party in the Round Table Meeting, 37% reached partial agreement and 15% reached full agreement.

Table 164: Outcome of Round Table Meeting

	<i>n</i>	Percent
Full agreement	23	14.6%
Partial agreement	59	37.3%
No agreement	76	48.1%
Total	158	100%

A comparison of ratings of helpfulness of RTMs against the outcome is shown in Table 165 and shows the polarisation of ratings of helpfulness between those reaching full agreement and those reaching none. Unsurprisingly, 74% of those who reached no agreement rated the RTM as ‘unhelpful’ or ‘very unhelpful’, compared with 17% of those reaching full agreement and 36% of those reaching partial agreement. Conversely, 65% of those who reached full agreement found the RTM ‘helpful’ or ‘very helpful’, compared with 5% of those did not reach any agreement.

Table 165: Ratings of helpfulness against outcome of Round Table Meeting

	Full agreement	Partial agreement	No agreement
Very unhelpful (<i>n</i> =54)	13.0%	23.7%	48.7%
Unhelpful (<i>n</i> =27)	4.4%	11.9%	25.0%
Neither helpful nor unhelpful (<i>n</i> =33)	17.4%	22.0%	21.1%
Helpful (<i>n</i> =36)	43.5%	39.0%	4.0%
Very helpful (<i>n</i> =8)	21.7%	3.4%	1.3%
Total	100%	100%	100%

Several participants expressed **positive comments** about the Round Table Meeting(s) they attended and found them **helpful in achieving an outcome** that avoided needing to go on to a defended hearing in the Family Court.

Another great thing was the Round Table mediation with the lawyers present – [child’s] lawyer, my lawyer and [ex-partner’s]. We took two Round Tables to do that. It was very positive. The lawyers kept saying, “If you two cannot decide, this is going before a judge.” Lawyer for the Child was very good in that he kept putting out the worst-case scenario for [ex-partner]. It forced him to actually back down and be a little bit okay. He heard from his lawyer too that he had some issues and that was really good. It wasn’t me having to tell him; other people, from seeing his reactions or hearing his words, were just like, “You know what? That’s not okay.” So, it was really positive in that regard. (1451, Mother; Interview)

Definitely the Round Table was helpful. Because the next step was court where the decision gets taken out of your hands. So, I wanted to get it done on that day, I didn’t want to take the risk of him getting his own way because he worked his magic on another person. (1047, Mother; Interview)

I attempted to request a Round Table Meeting for October of last year and that got rejected by [ex-partner]. She didn’t want to do it, even though there would have been Lawyer for the Child, her lawyer, my lawyer and myself in the same room. Then about two months ago we were about to get a finalised agreement from the court. The lawyers were present. So, they had Lawyer for the Child, my ex-partner’s lawyer and my lawyer in the room for about three or four hours. It was mediated by the Lawyer for the Child. It was good. (1339, Father; Interview)

We had one Round Table Meeting and before that meeting the Lawyer for the Child talked to the children. The lawyers had kind of figured out and got on the table what everyone’s important issues were. That meeting didn’t really go particularly helpfully, but it did make a slight bit of progress. (1181, Mother; Interview)

My lawyer prepared me for what to expect at the Round Table Meeting and I’ve gotten what I wanted. It’s been much more gradual than I had hoped. I sort of just hoped it would all be over and settled within six months. (1427, Mother; Interview)

Others, however, said they **felt unsafe** at the Round Table Meeting and disliked having to face their ex-partner across the room or being on the receiving end of threats or abuse from them.

At the Round Table my ex became abusive, so I had to be ushered out of room. (1460, Mother; Interview)

The Round Table Meeting was very stressful, the other party was threatening and yelling. I did not feel safe. (1139, Mother; Survey)

At a Round Table Meeting, my ex-husband was made to leave the room when his anger became unmanageable. (1092, Mother; Survey)

I know I do come across as being very angry and bitter. I was told in the Round Table Meeting that I was very hostile – you could cut the air with a knife. But when someone

tries to run you over, I don't see why I should sit in the room with them and be pleasant. (1924, Mother; Interview)

A Round Table Meeting was directed, but I declined to participate as I could not be in the same room with the respondent for safety and wellbeing issues. Furthermore, I do not believe the Round Table Meeting would have been of much help as the respondent and the three different lawyers he has had have been obstructive to proceedings. (2012, Mother; Survey)

It isn't nice to have to sit in Round Table Meetings with someone who had threatened to kill you and then feel as though the Lawyer for the Child allows this abuser to have his say like it's a court session. It's actually an unsafe forum. (1327, Mother; Survey)

The things said at the Round Table Meetings with Lawyer for the Child don't seem to be looked into. So, the ex could say he didn't go to a party and do drugs/beat people up etc., and he was taken at his word. He was able to postpone doing a hair follicle test for six months so it would come back clean. (2045, Mother; Survey)

Not impressed with the Round Table. I felt it was a time for him to manipulate and lie his way through, but under instruction from my lawyer, was told not to defend myself. He got week on/off care, but my application to relocate 43km north was not entertained. The kids had not been able to see a potential new home or schools as it was felt that would be "influencing them." It does not seem fair and I still feel I've let my children down. (1574, Mother; Survey)

Several participants found the Round Table Meeting to be **a stressful, intimidating or unhelpful experience.**

The next, and hopefully, last step is another Round Table in February. There was mention by the lawyers and the Lawyer for the Child at the last one that perhaps things can be finalised without having to have a Round Table. My lawyer had indicated, "Oh, we'll get this sorted out over email and you can stop your blood tests. You've done enough." So, it was pretty disappointing for the Lawyer for the Child to come back and say, "No, we need to get together." Each one's taken about four hours and there's tears and it's stressful and, you know, there's three, four lawyers in the room. It's not pleasant. (1427, Mother; Interview)

Absolutely terrible. The meetings were Lawyer for the Child-led mediations and the judge would say to us, "Go away and have one of those and come back at the Directions Hearings." That's what we'd get told. The first ones were held in the Lawyer for the Child's office. It was so tiny, you couldn't move your chair to get out. I had two very intimidating parents, one that would look all smiley and just sit there and smile, that was the mother, but underneath, you know what's really going on. And my [adult] son is a very big person, very intimidating. They just sang from the same song sheet all the way through and the lawyer just absolutely bullied me. She actually shouted at me several times, and I couldn't get out and I'd just go to pieces. I'd just feel so intimidated. It would be me and my lawyer with all these other lawyers in the room, hammering me, questioning everything. The Lawyer for the Child would speak over me the whole time. At one point I just took a deep breath and I looked at her and, after she said some particularly offensive sentence and then asked for my comment, I looked at her and I said, "Who are you working for?" She looked at the parents and

then she suddenly realised and she pointed to the names of the children written on the whiteboard behind her. But she had, honestly, just repeated, word for word, the lies of the parents. I didn't feel safe and my own lawyer went really quiet. She apologised afterwards and she said to me, "All I can say is that I've learned in those situations, if I had spoken up, it would have made the Lawyer for the Child even worse." She said, "You did amazingly well to stay calm and not raise your voice. I could see that you were close to tears but you didn't cry." (1142, Grandmother; Interview)

Some parents felt **pressured to reach agreement** at the Round Table Meetings.

The Round Table Meeting felt as though the outcome was predetermined. I felt pressured into agreeing to an arrangement I didn't feel was safe for my children. My children's views were not represented by anyone and I considered the Lawyer for the Child had a conflict of interest as she convened it as though she was a neutral party, when she was not. (1088, Mother; Survey)

After the Directions Conference we had a Round Table led by the Lawyer for the Child, [ex-partner's] lawyer and my lawyer. We agreed to some interim custody arrangements and access. I was pushed, I felt really, really pushed to agree to anything. (1012, Mother; Interview)

We're in the Round Table Meeting to talk about the care of our child. Basically, it was horrible. Because here he is across from me, that bloody arsehole and he's yelling and being aggressive. It's really intimidating and I felt pressured to agree. So, I did. I was wanting to oppose the 50/50 shared care but, in the end, I've just gone with it. It's just easier. I can't afford any more anyway. I'm already in debt up to my eyeballs. (1384, Mother; Interview)

At the Round Table mediation I was able to get my point across and I came out of it with what I wanted. I wasn't going to let him bully me into giving him what he wants. He wasn't doing it for the right reason. When it comes to your kids, you're not going to give up fighting. (1047, Mother; Interview)

Satisfactory outcomes could be difficult to achieve at some Round Table Meetings because of the attitude of one party.

We had a Round Table Meeting before we had the mediation, which was just a waste. We were never going to agree. I asked not to do it because I knew what the outcome would be, but we had to before we could get a court date. (1156, Mother; Interview)

We had a Round Table Meeting with my lawyer and me and the children's lawyer, and [ex-partner]. We came to discuss a new parenting agreement, which I'd been trying to put in place for probably 10 months. But [ex-partner], he just wouldn't have it. He'd got a court date and then, all of a sudden, he wanted to come around the table, so we went along to it. He basically told the children's lawyer and my lawyer that he would do what he wanted, even move the children, and no one would stop him. So, that was fun! (1155, Mother; Interview)

We had two Round Table Meetings and both were very unprofessional and some of the terms placed on me for visitation were questionably legal. There were also false claims of drug addiction including meth, codeine, tramadol etc. Even though all these

claims were untrue, I find it totally appalling that I was never once offered drug and addiction help. (1032, Mother; Survey)

Round Table Meetings were also criticised for **lacking in power to reach or enforce agreements**.

The Round Table discussions pretty much revolved around me saying that I wanted to play a proper part in my kid's life. Then the rest of the time was Lawyer for the Child, with some assistance from my lawyer, trying to get her to be reasonable and offer something more, and do what was in the best interests of the children. No one had any power to dictate anything there – it was a negotiation, but against someone who was not prepared to be reasonable. You can't go anywhere quickly. (1585, Father; Interview)

Round Table Meetings are okay, but no evidence is considered and nobody can force a vindictive ex to stick to the agreements. (1607, Father; Survey)

We repeated Round Table Meetings until she changed her mind. (1560, Father; Interview)

Defended Hearings

Of those who used the Family Court, 37% ($n=113$) had attended a defended hearing. Table 166 shows that over half (56%) were 'dissatisfied' or 'very dissatisfied' with the defended hearing, compared with 31% who reported being 'satisfied' or 'very satisfied'.

Table 166: Satisfaction with defended hearing

	<i>n</i>	Percent
Very dissatisfied	46	40.7%
Dissatisfied	17	15.0%
Neither satisfied nor dissatisfied	15	13.3%
Satisfied	24	21.2%
Very satisfied	11	9.7%
Total	113	100%

Participants primarily reported negatively on their experience of **defended hearings**, even when they were satisfied with the outcome. They described defended hearings as "horrible" and "vile" and disliked having "no voice".

It was vile. My ex spoke, I was told to shut up. They talked over our heads. I don't even know why I was there. They humiliated me. They were so cruel, especially the judge. It was pointless. (1256, Mother; Survey)

I actually hate the court process, it is like you have no voice, only affidavits which are usually drawn up in haste or summarised to fit succinctly into the affidavit form or producing evidence. It is a very impersonal setting with sensitively personal information being exposed and judged. Affidavits can also be attacked by the other party. For example, you may be given legal advice to be honest about something because the "court likes you to be upfront", but the other party may deny any

allegations against them so the court just has to weigh up what is presented in front of them, which can be completely unjust for yourself and your child. It is such a formalised setting it is intimidating. You feel like you are just another one in the system. (1126, Mother; Survey)

There wasn't enough opportunity for me to highlight my concerns. (1736, Mother; Survey)

I had two defended hearings through the Family Court. The first one lasted two days and I was very dissatisfied and it was distressful. The second one came 2.5 years later and lasted less than one hour, which I was very satisfied with. (1019, Mother; Survey)

The **number of prior court events** (conferences and meetings) and the **lengthy wait** for a defended hearing were particularly criticised.

It worked well when they cut through all the tape and you got the three-day hearing. Or when we actually had to be in there giving evidence and going through the process. Not all the bloody meetings leading up to it. (1576, Father; Interview)

If the court had dealt with our case earlier we would not be in the mess we are in now. I am overall very dissatisfied. (1522, Father; Survey)

The hearing took 13 months from the initial application. This is not acceptable. And even then, the hearing had to be held over owing to the judge being double booked! (1670, Father; Survey)

The time taken to get to the hearing was just over a year. This was far too long. Insufficient time was allocated for the hearing. The hearing was in April 2016 and the decision came at the end of October 2016. This was not a timely outcome. (1401, Mother; Survey)

It took about a year to get even an Interim Parenting Order in place. It took a ridiculous amount of work and time to get to this point, which was only interim. There was a lack of clarity about progress through the system of the Family Court, reviews that were scheduled never happened and it all seemed very haphazard. It took two years to get a Final Parenting Order even on the urgent track! All the while I had to live with uncertainty and the costs just kept mounting due to such a long time being taken with the court system. (1426, Mother; Survey)

Several parents said they **did not feel safe in the courtroom**.

I did not feel safe having to be in a courtroom with the abusive ex. My requests were ignored. The child's lawyer bent over backwards for the ex, ignoring me, because it was easier just to let the abuser get his way. (1450, Mother; Survey)

I was harassed, intimidated and required a security guard protecting me from the ex. I was seated far too close to my ex most of the time. My files from the Police were not accepted into evidence, the abuse I suffered was minimised and as an educated European woman I was not considered vulnerable. I found the judge particularly lacking in domestic violence knowledge and failed to act on stalking, intimidation and

breaches of orders. I was victim-blamed and treated with a complete lack of respect and empathy. (1109, Mother; Survey)

Cross-examination was said to be a “gruelling”, “bullying” and “annihilating” experience.

After the two days that were scheduled, the hearing was adjourned part-heard. I was cross-examined for the entire two days. My lawyer was not able to object and I was mentally and emotionally destroyed in the process and suffered dissociation from my PTSD. My mental state was used against me. Now that we hear the Lawyer for the Child is away on holiday and I have to wait for two months for the third hearing day where my ex will be cross examined. In the meantime, the judge made interim parenting decisions and threw the children straight into overnight access with their father without even hearing his cross-examination for evidence. I can't even begin to explain what a destructive experience this was for me and the children. The children have been close to losing their primary bonded caregiver due to the trauma and litigation abuse I've been through that the judge allows. (1439, Mother; Survey)

I was satisfied with outcome. But giving evidence was hard and being cross-examined was horrific. ... I was gobsmacked. (1107, Mother; Survey)

The entire hearing consisted of the Lawyer for the Child and the judge bullying me and threatening to have my son taken off me if I continued to raise concerns about the risk of him being abused by his father. I was accused of being in a lesbian relationship with the friend who supported me through the court case, with no evidence at all. The time my son's father was in the stand was approximately ten minutes through the entire long hearing; the rest of the time it was me in the stand being bullied on one side by the Lawyer for the Child and on the other side by the judge. They spoke the whole time in terms of not rewarding me for “bad behaviour” any time my son's needs were raised by me. (1228, Mother; Survey)

At each court appearance his lawyer pushed me to accept changes to the parenting, so it changed from supervised access with an agency, to supervised access with friends of his, to supervised access over a period of days. Then at my court hearing, where I was totally annihilated after a cross-examination, she then pushed me to accept overnights. In all of those things I felt under duress and forced to accept. I never opposed anything – I was frightened to because all I had was this threat that the children would be taken away from me. So, I had to go home and tell the kids, “Sorry guys, you have to go overnight” and I had to manage the consequences. (1439, Mother; Interview)

I was verbally abused and harassed by both the Lawyer for the Child and the other party's lawyer. I was on the stand more than seven hours, compared to the father's two. The psychologist lied about his credentials and my lawyer appeared to give up fighting for me. Evidence of mine regarding the abuse one of my children had experienced was disallowed. (1081, Mother; Survey)

Some **court orders** made by judges as a result of the defended hearing were considered inadequate because they were based on disputed evidence or led to a lack of compliance or breaches of them.

I told the truth about what I wanted and the violence I experienced in our marriage. Ex told so many lies on the stand (even after swearing on the Bible as he is a Christian) and still won. (1455, Mother; Survey)

There was a two-day defended hearing, court orders were issued and from that time there was only a limited degree of compliance, but not to any really meaningful degree, that recognised the importance of dual parent participation in the parenting. (1430, Father; Interview)

The hearing established that all of the other party's allegations of violence against me were false. The other party went into a Women's Refuge for three months which was fraud. The hearing established that the other party had engaged in physical and psychological violence against all of the children, but there were no consequences for perjury. My son was placed in my care and counselling was ordered for the children. But the other party refused to go to counselling. She has also committed child support fraud. After the hearing, she retained shared custody of our daughter and she has continued to accuse me of violence because there are no consequences for false allegations. (1987, Father; Survey)

Legal Representation

Participants were asked if they had a lawyer during their involvement with the Family Court (see Table 167). A very small number (4%) reported that they did not need a lawyer, and nearly equal proportions had a Legal Aid lawyer (48%) and/or were represented by a privately paid lawyer (46%). Nearly half of the participants had some legal representation, either privately (46%) or through Legal Aid (48%). Over three-quarters (77%, $n=238$) had their lawyer with them in court. Just under a fifth (18%, $n=56$) represented themselves.

Table 167: Legal representation

	<i>n</i>	Percent
Didn't need one	12	3.9%
Represented myself	56	18.2%
Lawyer through Legal Aid	149	48.4%
Privately paid lawyer	143	46.4%

Note: Multiple selection was possible. Participants may have had legal representation then represented themselves, and vice versa, throughout their involvement with the Family Court. Hence, percentages do not sum to 100.

Self-representation

Nearly a fifth (18%) of the participants going through the Family Court had self-represented at some point (although they may have also have been represented by a lawyer at other times). Their main reasons for representing themselves are presented in Table 168.

Table 168: Reason for self-representation

	<i>n</i>	Percent
I chose to self-represent	19	34.5%
I couldn't afford a lawyer	29	52.7%
I wasn't eligible for Legal Aid	5	9.1%
I thought couldn't have lawyer in Court	0	0%
I wasn't allowed to have lawyer in Court	2	3.6%
Total	55	100%

The majority (53%) of the participants who represented themselves did so because they could not afford a lawyer, with over a third (35%) choosing to self-represent.

The two main reasons that participants gave in the survey open text boxes and/or in their interview for choosing to represent themselves in their Family Court proceedings related to i) their concerns about, or previous experience with, the use of lawyers; and ii) wanting to save money and avoid the cost of legal representation.

Several participants had found their **previous legal advice** to be “unsatisfactory” or “grossly incompetent” and the lawyers to be “egging on conflict” or “the only winners.” They therefore felt they were **“better off” representing themselves**.

I chose to represent myself as with prior representation I saw the lawyers were just egging on conflict. I represented myself to be more resolution focused. (1843, Mother; Survey)

I prefer to keep lawyers out of the equation. They tend to be the only winners. (1653, Father; Survey)

I made the application on my own as the legal advice I received prior was unsatisfactory. (1881, Mother; Survey)

I would have preferred to have a lawyer, but it became clear I could do at least a three times better job representing myself. The lawyer graduated from [university] – she needs to go back to school because I was teaching her things. She was also a very poor communicator. (2056, Father; Survey)

The Legal Aid lawyers I had were grossly incompetent, did not follow instructions and certainly had NO understanding of domestic violence. Once your case becomes complex it's impossible, I have found, to find good Legal Aid representation. (1079, Mother; Survey)

Legal Aid lawyers are paid 2-4 times less than for their paying clients. It is difficult to find a lawyer prepared to put time into a complex case. I began with a Legal Aid lawyer, but after not being able to get an appointment before a Directions Conference or when submissions were due, I realised after several months I was better off representing myself because at least that the submission got in and contained what was relevant to the case. I have looked into other Legal Aid lawyers, but all say they don't have time to put in or are happy to do it paying privately. It is really hard to

know what is happening, but I know more self-representing than I did with the Legal Aid lawyer I had. (1102, Mother; Survey)

Several participants had incurred **legal expenses and/or debts from prior court proceedings** and were therefore reluctant, or could not afford, to pay for further legal representation. They therefore chose to self-represent.

I had paid for a lawyer from 2009-2013 and couldn't afford to keep doing that. (1394, Mother; Survey)

I still had Legal Aid debt from last time. (1329, Mother; Survey)

It is very difficult to represent yourself, but the costs of representation against a serial litigant are exorbitant. I am in horrendous debt because of this and the Court allows it to continue. (1211, Mother; Survey)

It was bloody expensive – probably cost me close to \$50,000. I basically exhausted my financial resources to keep funding, so I have self-represented since that time in initiating enforcement proceedings when orders were repeatedly breached by my ex-partner. ... I had been a full-time at-home parent for nine years prior to separation and was 59 years old at that time. My ex-partner had, and still has, high income and can afford to fight to prolong proceedings and she does. (1430, Father; Survey and Interview)

Some parents started out self-representing, but **eventually “had to get a lawyer”** often because of their ex-partner’s tactics or the serious nature of the concerns raised.

I didn't want to get into debt with a lawyer but, in the end, I had to hire a lawyer as I was being bullied and had to resolve things. The lawyer did that successfully. (2014, Mother; Survey)

I made the application on my own as the legal advice I received prior was unsatisfactory. When the judge placed it on the urgent track I felt it safer and necessary for me to have representation given the concerns I raised. (1881, Mother; Survey)

Table 169: Ease of self-representing

	<i>n</i>	Percent
Very difficult	19	33.9%
Difficult	12	21.4%
Neither difficult nor easy	12	21.4%
Easy	11	19.6%
Very easy	2	3.6%
Total	56	100%

As shown in Table 169, the majority (55%) of those who represented themselves reported that they found this ‘difficult’ or ‘very difficult’, with over a third (34%) finding it ‘very difficult’. Just under a quarter (23%) found it ‘easy’ or ‘very easy’, with few (4%) finding it ‘very easy’.

Participants who self-represented were asked to comment on this experience. Self-representation could be a **positive experience**. Some people regarded it as being “more accurate”, more “in touch” or found the judge to be “kind and supportive” or “compassionate”. Others felt confident because of previously being legally represented in the Family Court and the knowledge they had picked up from this experience.

The judge was very kind and supportive to me. (1329, Mother; Survey)

The judge was compassionate to my plight and may have worked harder during proceedings as I was self-representing. (1132, Mother; Survey)

I went without a lawyer and I was fine. I got what I wanted out of it. You don't have to give in to what the other person demands – you should still negotiate. (1368, Mother; Interview)

An application was instigated by my ex-husband. I didn't speak to someone at the Family Court as I actually did it myself without the help of a lawyer. Because I had spent about five years going through the court previously, I felt like I could do it myself. I responded to the application and, I guess, because I have a reasonable level of education, I didn't find that too daunting. But I can imagine it would be very daunting if I hadn't had that background and also hadn't had the experience of five years going through the Family Court beforehand. (1394, Mother; Interview)

The barrister that I had previously he just knew his stuff and he didn't keep me on the gravy train. I had learnt from his working and the way he wrote the applications up. So, under the new system, I was more than prepared to be able to self-represent. It was having those skills. If you were a new parent, new to the situation going into it, writing up one of those applications, the judges must just see some bomb sites. It just must be awful. The gap I see at the moment is that to get the knowledge and for people to get help they generally have to seek legal counsel to seek clarification. That's costly and I don't think that was the aim of the new system. My understanding is to reduce the cost and it does. I think I've saved thousands. Absolute thousands it would have cost me. (1301, Mother; Interview)

It's not too bad at all. I probably didn't use the right language for the judge, but I could just let the judge know personally how I felt about things. He wasn't hard on anything. If I needed time to think about something, he was keen to give me that. ... I did some very basic affidavits. I didn't really go in too deep. You can download the PDF and print it out and then just go through all the questions. It takes a little bit of work, but it's not too difficult. I suppose it depends on how literate you are – like some people would find that quite hard, but maybe having a lawyer would help them with that. (1254, Father; Interview)

Don't use a lawyer in a Family Court if you end up there; don't use a lawyer. Do everything you can yourself – get advice from lawyers, pay for their advice, but don't use them for anything. Not in court, not for lodging paperwork, or anything else. Just do as much you can yourself. I had a feeling that the process would be a lot quicker, there'd be less holdups and you'd be more in touch with exactly what's going on. There's no being kept in the dark about stuff and finding out things later on by mistake. (1036, Father; Interview)

A couple of years ago when there was an incident with my older son and his dad, I had to apply for a variation without notice to the existing Parenting Order. I did that all myself. I didn't go to a lawyer because I no longer qualified for Legal Aid. I just followed the processes through, called the Ministry of Justice and asked what I needed to do and how I should do it. So, I guess, the difference was that I didn't try and have a lawyer the second time around, whereas the lawyer did everything the first time around. I looked at websites to see what I needed to do and the forms that I needed to fill out. I did my own affidavit and got that all signed and lodged with the court. And that was without notice because of the situation. ... I had to appear before the judge myself, but the kids had a lawyer, and so he was there to represent them, I was there to represent myself, and my ex-husband didn't respond actually to the application at all. So, whatever I put forward with the Lawyer for the Child was put in place by the judge. ... Although my lawyer was fantastic in the original case, it is good for people to not have to have that money stress. Having a system that means you can do it yourself if you want to in principle is good. (1239, Mother; Survey)

In the end it worked out fine. It was mostly a long process – and bearing in mind you're not seeing your kids. That's just insane, but it wasn't hard to find the documents or anything like that. For myself it was pretty straightforward, but I do know the process. If it was my first time it would have been a lot harder. It's straightforward really – here's some forms to fill out. But it's not straightforward in telling you what is actually expected of you or what's relevant and what's not relevant. Just focus on your child. Everything you write is about your child. Just change your whole thinking to be about your child. As long as it's fair and reasonable the courts don't have a reason to say no. (1701, Father; Interview)

Many acknowledged the **information and assistance they received** as self-representing litigants from the Ministry of Justice website, Court staff, Community Law Centres, online reading, friends and support groups. Some also felt confident as a result of the knowledge and experience gained from previous proceedings.

The Justice website was helpful, as were friends who had been through court. (1975, Mother; Survey)

After reading all the info online I felt confident to self-represent. (1129, Mother; Survey)

It was great that I found Kidz Need Dadz who helped me in court in the end. (1014, Father; Survey)

Self-represented through previous lawyer-led experience. (1301, Mother; Survey)

Due to previous Family Court cases we have gained a lot of knowledge and experience over the years, so found it easier to self-represent at this stage. (1123, Stepmother; Survey)

After multiple sessions in the Family Court it was no longer daunting and the court staff were quite helpful and provided guidance on what form needed to be filled out and when. (1691, Father; Survey)

I ended up going through Women's Refuge and they advised me to go to a lawyer who did Legal Aid. So, I got onto the Legal Aid system, except then I found out that I had to pay it all back because I owned some of my house. It took me three years to pay that back, but my ex takes me to court every year so you can imagine that problem. Suddenly I really can't afford a lawyer even though it's so ongoing and he's making changes continually. It was very one-sided and not in my favour at all. Then I decided I'd represent myself and that's what I've done. ... After the first court date, I got told I needed to respond. I thought, how am I going to do this? Someone said, "Why don't you go and see Community Law?" So, I rang them up and made an appointment and off I went with my friend, who has got a business degree and done a couple of law papers. She knows all the situation well and was supporting me. So, we went along and they helped me – "Look, you've got this, this is how you respond." They told me how to do it. They said because I could articulate, and had all the evidence to back it up, I could do this myself. So, I did. I sent in the response. The Community Law Centre was so encouraging that I did have the skills to do that, which was really good to know and so that's what I've done. ... The Community Law Centre was fantastic, but you see a different lawyer every time you go and I feel like I've got such a complicated story to tell, it's hard to believe because it's so ongoing. So, it's difficult to have to keep talking about that to each different person. You tend to miss sort of important bits out because you want to get straight to the point, or a bit more to the point, because you don't want to waste their time. So, that's the tricky part. (1329, Mother; Interview)

Others, however, found the **information, website** and **support for self-representing litigants to be inadequate**.

Unless you have got legal representation, you get eaten alive. Like, I am informed, "Go to the website" is what they say – "Go to the website, have a look at the website." I did all that, but it doesn't actually help you with putting the correct information on the forms or getting all the evidence that you need. If you miss one thing they send it all back and you start again with it. It is not helpful. And I didn't know that I could just go to the court and lodge papers. I thought I had to have a lawyer to do that for me. (1156, Mother; Interview)

I don't think there's enough information out there for the people to represent themselves well. Nobody cares what your opinion of your ex is. It's not about what you want – you have to focus on what's right for the kids. Otherwise people, whether representing themselves or with lawyers, say the exact same thing. They build up stacks of paperwork and affidavits about how evil their ex is, submit it to the court, and then the ex responds with another stack of paperwork about how evil they are – and it just goes on and on and on. (1701, Father; Interview)

Self-representation involved a significant commitment to **preparation** for the court proceedings, which could, at times, feel like a full-time job in and of itself. The printing and preparation of documents could also be expensive at times.

There's a lot of preparation especially when you're having to prepare for court yourself and write your own affidavits. Because you're fighting for the children you're forced into that response. It's taxing, and then you're working as well, so it's like a monkey on your back kind of thing all the time. (1143, Mother; Interview)

I went on the benefit after my son's Mum left and it would've cost me a lot if I didn't become a self-litigant. But for a couple of months it became like a full-time job because I had to kind of educate myself on how the Family Court worked. (1237, Father; Interview)

I've got limited funds and I don't have a computer or a printer, so it's expensive printing out and documenting and things – all the stuff that's required for court. It was 17 pages this last response that I did and they gave me one copy, but I had to give a copy to [ex-partner] and keep a copy. It's just ongoing; it's just expensive to have to go and try and sort all that out. (1329, Mother; Interview)

The importance of **understanding the process** and **“keeping calm”** was emphasised.

I just had to understand processes and what is expected of me in the Courtroom. (1060, Father; Survey)

Just had to state my case and keep calm. (1254, Mother; Survey)

However, others found self-representation to be **“the worst experience ever”** and said it was “a mistake.” They also found that the “forms were unclear” and Family Court staff could be “very unhelpful” to them. Many felt “uncomfortable” in court due to its formality where it was difficult to avoid getting “caught up in the legal procedural issues.”

It was the worst experience ever, as my ex had a very highly paid lawyer who was a bully. The judge didn't seem to care. (1318, Mother; Survey)

I felt uncomfortable in court due to the formal process and procedures. I had to ask permission to have a support person with me. On several occasions my request was declined due to my ex-partner's counsel objecting on her behalf. (1581, Father; Survey)

I relied on the info and videos available on the Justice website about representing yourself in the Family Court. It was nothing like it! (1544, Father; Survey)

All [court] does is it intensifies the level of conflict and, like, my ex could fund a major solicitor, whereas I was self-representing most of the time, because I was broke, hammered. Then when it went to court I had one hour to consult with a lawyer before a five-day hearing, which was okay according to the judge. There was perjury left, right and centre, and that's also okay according to the judge. So, we're talking about a system that perpetuates abuse, perpetuates domestic violence and which is based on secrecy and lying. It's absolutely appalling and devastating and destructive towards the victim. I am an extremely strong, competent woman and I was decimated, absolutely decimated, by the system. (1456, Mother; Interview)

Some participants did not know “how anything worked” or where to obtain help from. This made self-representation a **“difficult”, “stressful”, “challenging” and “very emotional” experience**.

I had no idea where to get help or how to best position myself for help or advice. (1131, Mother; Survey)

It was impossible to know how to navigate the system with having multiple situations being dealt with. (1444, Mother; Survey)

Very emotional and therefore very difficult. (1950, Mother; Survey)

It was scary and as a victim of domestic violence from my ex-partner it placed me in a vulnerable position. (1132, Mother; Survey)

It was very challenging for me not to cry in the in-person situations. (1394, Mother; Survey)

Several participants felt they had been **obstructed, discriminated against, not listened to, nor respected in the Family Court.**

The court process is not an easy process for self-litigants. The court ignores people that self-represent and simply addresses the lawyers in the room and uses legal references that are not understood by self-litigants. (1116, Father; Survey)

You are discriminated against whilst self-represented. (2047, Mother; Survey)

The judge did not hear me out. (1567, Father; Survey)

The judge was rude and condescending, as were the other two lawyers. (2040, Father; Survey)

Some judges and lawyers tried to “catch me out.” Lawyer for the Child didn’t like dealing with me, she wanted to deal with a lawyer. I am not sure if it was wise to represent myself or not. (1129, Mother; Survey)

The Lawyer for the Child tells my husband in every conversation he has with her, “You need a lawyer.” She has conversations with the lawyer for the other party in front of him and ignores him. (1064, Step-parent; Survey)

I found the court tried to dissuade me from representing myself and ran roughshod over me whenever I tried to make a point e.g., when they were setting the hearing date and length down I said that wasn’t suitable, but they ignored me and put down what the lawyers (Lawyer for the Child and my ex’s lawyer) said. (1456, Mother; Survey)

When I raised issues of false and misleading without notice applications, and that the Police needed to be involved in the abduction of my children, I was told to sit down. (1855, Father; Survey)

I did NOT represent myself – I was “unrepresented.” This is a breach of human rights. As I was also the ONLY person advocating for my daughter that is a breach of her rights too. (1079, Mother; Survey)

I’m representing myself now in the Family Court. It’s frustrating. The reality is without spending nearly \$100,000 on lawyers so that I became familiar with the process, it would be incredibly daunting for a parent new to the Family Court to represent themselves. ... The Family Court is a formal court and there’s a lot of paperwork that

has to be done. There are deadlines. I'm constantly having to go back to the case management team and say, "You have referenced a direction made by this judge on this date in relation to my case. I don't have a copy of that so can you please send it?" Because they'll send me an email with some information on it as per the judge's direction, but where is that document? They're just like, "Oh, well, we'll send it to you." It's a shocker. ... When I decided to represent myself, in order to make submissions for the review that was coming up, I needed to see the latest s133 reports, which are normally not given to parents. They only go to the lawyers. So, I had to make an application to the judge to be given an exemption as someone who was self-represented to see the s133 reports. The judge gave me that exemption – "Yes, he can have the reports." Then when I went to go and get them, the court said, "No, you're not allowed those reports." I showed them the judge's decision and they said, "Oh, that must be only in relation to one of them, you can't have the others." I'm like, "Hang on, you know, what? If I'm allowed the s133 for submissions and to show that the pattern of behaviour is the same, the judge meant that I was allowed the previous ones too." They're like, "Well, he didn't say that." So that spun our wheels for another two months. The judge got angry. He's like, "I've already made that decision – give him the reports. Why are you coming back to me on this?" I'm like, "Here's the email. They're saying that I can't have them." He looked, you know, like he's losing his temper over it. "This is holding up the case." And I'm like, "Well, talk to the case management team, because I asked for the reports, you've made an order that I could have them, and the case management team has denied me." You know, there's just a level of incompetence. ... Administration is a huge risk when you self-represent – not knowing that there's been a fixture set to occur. I'd get an email about a judicial conference too late. So, I didn't attend. The judge was critical. I'm like, "Well, I didn't even know this was on." He was like, "Well, the case management team said that they told you." I'm like, "Well, cool, but they didn't." But you can't get into an argument like that with a judge. The other party didn't get it either. They didn't even know. So, what can you do? Any new self-represented litigant in the Family Court won't be able to keep their head above water – there almost needs to be like a Family Court 101 process. It's an incredibly daunting task for any parent which is exacerbated by the fact that their children are at risk, or the children could be at risk. I would not wish it on my worst enemy. It's a hell of a situation to be in. (1591, Father; Interview)

Several parents and caregivers commented that **self-representation was out of the question** as they much preferred to have a lawyer. Some also thought it was unfair to have one party legally represented and the other party not.

For me to go in against a team of lawyers, you must be joking. He went off and did a law degree as well – this is a guy who has got so much time on his hands. So, there would be him and, at times, he has had three other lawyers in there as well. So there's absolutely no way I'd self-represent. (1638, Mother; Interview)

I just found the process really quite confusing and needed that support and legal advice. I don't think I would have been able to do it on my own. I don't think I would have been able to represent myself. (1427, Mother; Interview)

I knew you could go and do it on your own, but I was sort of advised indirectly that it would be better to turn up with a lawyer. (1325, Mother; Interview)

The thing is I'm very emotional, alright, and I don't know how I will handle the court and English is not my first language. So, if it's emotional then I wouldn't talk much, so I need a professional to represent me. But, the thing is, I think this is going to be a never-ending journey for me. Once I get the final order I'm going to self-represent because I've so far spent around \$35,000. So now I have access. I'm still waiting for the final hearing three plus years now. (1521, Father; Interview)

[Ex-partner] chose to represent himself and I think he did that because if he doesn't have a lawyer present my lawyer couldn't address them. That is the way it works. So, Lawyer for the Child was able to speak to [ex-partner], but my lawyer was not allowed to. My lawyer was a lady. So, basically, she sat there and I had to do all the talking and the dialoguing to [ex-partner]. She would give me little notes to say, or whatever, but I'm quite up with the play anyway. My lawyer said, "Mate, you didn't even need me there." But for someone who has been in an abusive relationship to then have to confront the person because they've chosen not to have a lawyer present – it's just a little bit offish. (1451, Mother; Interview)

At the moment, having to put in this application now, I have gone and sought advice from a lawyer – because I wanted to know if what I was asking for was a reasonable thing? How likely this would be to upset the current arrangement which is working really well? Even though lawyers are kind of out of the picture in the courtroom, I still feel like people need to get good advice. (1394, Mother; Interview)

Parents aren't that capable of doing it when there's so much grief and anger involved. They're not in a frame of mind to do it. (1199, Mother; Interview)

I don't think that that [self-representation] is actually going to be a viable option, because most parents, when they get there, find it's a very, very scary process for them. So, they'll want someone holding their hands. ... Lawyers are hand-holders in half of these things, and I do not think it's fair or just to have one person with a lawyer and one person without. Because then you've got discrepancies, you've got someone who knows how the game is played, and you don't necessarily have someone on the other side that knows how the game is played. You're almost doing it blindfolded. There needs to be some sort of advocate service of people who understand the law – because what's law and what's common sense does not always add up. So, it's very hard to ask parents to represent themselves. (1181, Mother; Interview)

I might be better off now if I had to go into court and face a judge because I've had an experience with the court. But, as a first timer I walked into that hearing completely unprepared – no-one prepared me for that. And with a judge like that, anyone walking into the Family Court the first time is going to be well and truly traumatised and badly affected. So, no, I do not recommend keeping lawyers out. If you are capable of self-representing and you know what you're doing, you can have like a McKenzie Friend or whatever – some sort of support that can give you the advice. If you're a good talker, yeah, go for it. But, I think, for the majority of women in the position that I was in, no, you're going to need a lawyer. (1256, Mother; Interview)

My journey has been really complicated and I've struggled to get my head around it. Actually having independent legal advice from someone who's been through this hundreds of times is a good thing. They provide a balance to your way of thinking or a counterpoint. If I went in there alone maybe I might have gone in far more

aggressively than I should have or there might have been some further negative things. I don't think it's a really good idea. (1339, Father; Interview)

Several also spoke of the difficulties they encountered being legally represented while their **ex-partner was self-representing, or vice versa**.

We've had harassment after harassment that the court has done nothing about because he is self-representing. You can't make someone have a lawyer, but I think they should find something at the start saying that if they don't get things right, that's their problem. ... They need to be more aware of the whole cycle of abuse. I shouldn't have had to sit eye-balling him outside the courthouse. I shouldn't have had to have read all the crap that he put into court in response to stuff – 99% of it was irrelevant. I understand when they self-represent that there is that issue, because they don't have a lawyer reining them in. I said to my lawyer, "So, if I didn't have you, I could say whatever I like?" She said, "Well, yeah." He doesn't have a lawyer so he gets away with it and no one did anything. (1140, Mother; Interview)

The kids' lawyer has, in some ways, been good, but because I'm not a lawyer, I can't read into things that she's saying. There may be hidden wording in there that I don't quite recognise. She's also quoted other Family Court cases, which obviously I'm not privy to, so I've got no idea what it's all about. It's unfair that he's represented, I'm not, and I don't know about this. (1329, Mother; Interview)

Some suggested that a **McKenzie Friend** or other **knowledgeable support person** could assist parties instead of lawyers.

It depends on people's level of competency, I suppose. Me personally, I'd be happy to represent myself. I have files from my court case, and they are all chronologically ordered with all the evidence – every conversation for the last 15 years so I would be more than covered. But for people that aren't so smart, I think maybe not a lawyer, but maybe someone that's an experienced support person. Someone that knows the system, but isn't charging the earth, you know what I mean? Someone who guides them through, has the experience and has sat in a number of mediations and seen the way that they flow, where compromises can and can't be made, and that can understand the situation and then give them a chance to talk it out and get them to see it from a different perspective. No offence to lawyers, but often they're really, really busy, whereas people in that situation want someone who's compassionate and can listen to them – because it's really stressful and it's really emotional. (1360, Mother; Interview)

Legal Fees

Those participants who had had legal representation ($n=272$), either privately and/or through Legal Aid, were asked how much they had spent on legal fees to make or change parenting arrangements through the Family Court (see Table 170). There was a range of expenditure, with 12% spending nothing at all, 3% spending in excess of \$100,000, and 32% spending between \$10,001 and \$50,000.

Table 170: Cost of legal fees to make or change parenting arrangements through the Family Court

	n	Percent
Nothing	32	11.8%
\$1-\$500	10	3.7%
\$501-\$1000	4	1.5%
\$1001-\$2000	15	5.5%
\$2001-\$5000	37	13.6%
\$5001-\$10,000	40	14.7%
\$10,001-\$20,000	44	16.2%
\$20,001-\$50,000	44	16.2%
\$50,001-\$75,000	8	2.9%
\$75,001-\$100,000	3	1.1%
\$100,001-\$150,000	2	0.7%
\$150,001-\$200,000	0	0%
\$200,001 or more	5	1.8%
Don't know	28	10.3%
Total	272	100%

Those participants who provided an amount of what they had spent on legal fees were asked whether they thought this amount was reasonable to them and affordable for them. Overall, 29% indicated that what they had spent on legal fees was reasonable, and less than a fifth (18%) thought it was affordable for them. Tables 171 and 172 present cross tabulations of participants' views on the reasonableness and affordability of their legal costs by the amount they had spent.

Table 171: Reasonableness of cost of legal fees by amount spent

	Amount reasonable	Amount not reasonable
Nothing (<i>n</i> =30)	96.7%	3.3%
\$1-\$500 (<i>n</i> =10)	50.0%	50.0%
\$501-\$1000 (<i>n</i> =4)	100%	0%
\$1001-\$2000 (<i>n</i> =15)	40.0%	60.0%
\$2001-\$5000 (<i>n</i> =37)	40.5%	59.5%
\$5001-\$10,000 (<i>n</i> =40)	25.0%	75.0%
\$10,001-\$20,000 (<i>n</i> =44)	11.4%	88.6%
\$20,001-\$50,000 (<i>n</i> =44)	2.3%	97.7%
\$50,001-\$75,000 (<i>n</i> =8)	0%	100%
\$75,001-\$100,000 (<i>n</i> =3)	0%	100%
\$100,001-\$150,000 (<i>n</i> =2)	0%	100%
\$150,001-\$200,000 (<i>n</i> =0)	0%	0%
\$200,001 or more (<i>n</i> =5)	0%	100%
Total <i>n</i>	75	167

Table 171 shows that, generally, as legal costs increased the proportion thinking the amount was reasonable decreased. Once legal costs exceeded \$1000, the proportion who thought the amount was not reasonable was greater than the proportion who thought the amount was reasonable.

Table 172: Affordability of cost of legal fees by amount spent

	Amount affordable	Amount not affordable
Nothing (<i>n</i> =30)	96.7%	3.3%
\$1-\$500 (<i>n</i> =10)	70.0%	30.0%
\$501-\$1000 (<i>n</i> =4)	50.0%	50.0%
\$1001-\$2000 (<i>n</i> =15)	13.3%	86.7%
\$2001-\$5000 (<i>n</i> =37)	5.4%	94.6%
\$5001-\$10,000 (<i>n</i> =40)	5.0%	95.0%
\$10,001-\$20,000 (<i>n</i> =44)	2.3%	97.7%
\$20,001-\$50,000 (<i>n</i> =44)	4.5%	95.5%
\$50,001-\$75,000 (<i>n</i> =8)	12.5%	87.5%
\$75,001-\$100,000 (<i>n</i> =3)	33.3%	66.7%
\$100,001-\$150,000 (<i>n</i> =2)	0%	100%
\$150,001-\$200,000 (<i>n</i> =0)	-	-
\$200,001 or more (<i>n</i> =5)	0%	100%
Total <i>n</i>	45	197

Table 172 shows a similar pattern in relation to the affordability of legal fees. Again, once legal fees were greater than \$1000 more saw them as unaffordable, than saw them as affordable. (See pages 338-345 for more detail about participants' views on cost.)

Lawyer for the Child

Lawyer for the Child was appointed in 91% of the participants' cases (*n*=280). As shown in Table 173, 46% found the appointment of Lawyer for the Child 'very unhelpful' or 'unhelpful', and 37% found it 'helpful' or 'very helpful'. The highest proportion (33%) were those who found it 'very unhelpful' having Lawyer for the Child appointed.

Table 173: Helpfulness of Lawyer for Child appointment

	<i>n</i>	Percent
Very unhelpful	92	32.9%
Unhelpful	36	12.9%
Neither helpful nor unhelpful	49	17.5%
Helpful	53	18.9%
Very helpful	50	17.9%
Total	280	100%

Parents and caregivers with experience of a Lawyer for the Child appointed by the Family Court to represent their child(ren) either commended this role and the lawyer appointed or expressed dissatisfaction with the lawyer and their performance.

Positive aspects regarding the role of Lawyer for the Child

Those expressing a **positive** perspective **praised the Lawyer for the Child** as “good”, “great”, “amazing”, “awesome”, “fantastic”, “brilliant”, “helpful”, “impartial”, “neutral”, “fair”, “wise”, “kind”, “supportive”, “thorough”, “a great listener”, “an excellent advocate”, “understood my concerns”, “conveyed the child’s thoughts/feelings/views accurately”, “did a great job with the kids”, “has the child’s best interest at heart” and is “the best thing about the whole process.” Several commented on the appointment as being “essential”, “very necessary” and liked its independence and direct focus on the child’s best interests, wellbeing and views. Particular skills that parents mentioned were Lawyer for the Child’s ability to spend time and listen to the child and parents, explain and clarify information, challenge parents when needed, chair Round Table Meetings effectively, act as a mediator, advocate for the child, put forward the child’s views accurately and contribute well in Family Court conferences and hearings.

The lawyer that was appointed to my daughter was very helpful. (1583, Mother; Survey)

I felt very supported by the Lawyer for the Child. (1519, Mother; Survey)

We had an amazing Lawyer for the Child. (2006, Mother; Survey)

This was a very sensible person who was impartial. (1132, Mother; Survey)

She was great, very approachable and understanding. (1148, Mother; Survey)

Very good to have an independent person represent the children as they were not ready to represent themselves. (1254, Father; Survey)

The Lawyer for the Child took the time to understand the situation and clarify information the kids had told her. (1977, Mother; Survey)

She fully understood the situation and honoured the children’s wishes. (1155, Mother; Survey)

She felt very comfortable expressing what she wanted to her lawyer. It was a positive experience for her to see her lawyer. (1101, Mother; Survey)

My daughter was still very young so not able to communicate really, but the Lawyer for the Child was kind and genuinely interested in doing what’s best for all parties. (1753, Mother; Interview)

The Lawyer for the Child was calm and methodical. She met with the lads unobtrusively and was very thorough in her reporting of their wishes. She also facilitated well in the Round Table Meeting. (1691, Father; Survey)

So good to have a lawyer just representing the children and taking their wellbeing into consideration as they are both extremely young (two years and under one). (1299, Mother; Survey)

The lawyer for my youngest kids is all about the kids, not what any else thinks, so that's good. (1811, Father; Survey)

My daughter was older and able to clearly instruct her lawyer about what she wanted and the lawyer did exactly that. (1560, Father; Survey)

Lawyer for the Child was skilled and represented the children well. (1301, Father; Survey)

Lawyer for the Child was able to explain the situation to my daughter as I do not discuss these matters with her. (1738, Mother; Survey)

Great to have the child's views represented, and also someone objective. (1660, Stepmother; Survey)

Lawyer for the Child luckily was a good person. She did not always agree with me and sometimes misread statements made by my child. But, overall, she was a fair and decent person and a good lawyer. (2054, Father; Survey)

Initially I really struggled with having someone represent my daughter's views based on a two-sentence conversation with her at just under four years of age. However, during the Round Table Meeting she was great and really frank, laying things on the table, and again made it very clear that unless my ex-partner could commit to everything agreed to, there was nothing to sign. (1768, Mother; Survey)

I have been blessed with a fantastic lawyer for my son. He has an understanding of the various issues and proceedings and is very supportive of keeping my son and I safe. He has been unbiased and I have felt listened to. He has been direct, in conferences and in court, about the immediate safety concerns. (1519, Mother; Survey)

He was quite effective at chairing the one Round Table Meeting that we have so far had and has been prompt in directions for case management reviews. (1044, Father; Survey)

My daughter was nearly three when the proceedings started, but Lawyer for the Child met with her regularly and she had a psych evaluation done. For her age and ability to express what she wanted, I think that was quite well managed. Her views were taken into account. (1132, Mother; Interview)

Well, the kids got what they wanted – they very clearly stated to the Lawyer for the Child that they liked spending time at Mummy's house and Daddy's house and that they were happy and they were happy with things how it was going. So that was listened to. (1181, Mother; Interview)

The lawyer is good. She listens to the children. She understands the Care of Children Act 2004. She's really for the children. She's really for the welfare of the children. So, I'm very happy about it. She was very clear with her job that she represents the children and she listens to the children. She's not here to represent the parents, but she will listen to everyone, to the parents' statements, but she will bring what the children want across. She's very clear with what she's doing, definitely. She clears away the nonsense and keeps to the point. (1494, Mother; Interview)

The lawyer that was appointed for the children was quite a good mediator. He was very keen for us to come to an agreement ourselves and he really pushed for it. (1253, Mother; Interview)

We had a child lawyer appointed by the court. She was good and it worked really well for them. They've been able to have private conversations. The first time they met the youngest – eight and a bit years' old – wasn't comfortable with how it went, as it was just a whole new situation for him. So, he was a bit scared of it and didn't say what he really wanted to say. This time around he was a couple of years older and a little clearer about what he wanted and how it was to go. He'd met the lady before, so he was happier. (1254, Father; Interview)

Having that Lawyer for the Child who knew the situation was very helpful. That she had witnessed him get very angry and therefore had those concerns too. (1394, Mother; Interview)

There's been a couple of issues that have been raised where I've been able to email [ex-partner] my concerns and then I tack on the end of it, "and if this cannot be resolved I will contact [Child's] lawyer." So, having a Lawyer for the Child is actually a really good positive. It just keeps [ex-partner] in line a little better. [Child] only had to meet [Lawyer for the Child] the one time and he got enough information, he felt, to be able to keep him safe. Then once he met [ex-partner] he put two and two together. He was very, very good. Obviously I'm all about making sure [my child] was safe and so I needed to emotionally prepare [Child]. I never called him a lawyer. I just told him there was a man that needed to come and check with him and I made sure that there were toys out when [the lawyer] came to the house. Initially you could see he was fearful. He was clinging to me, so I just sat down on the ground with him and started playing with his toys. [Lawyer for the Child] sat on the couch and started just chatting to him and told him he had kids. Then as I saw [Child] start to just melt a little bit, and not be clinging to me, I exited the room and left them to it. (1451, Mother; Interview)

She was absolutely brilliant. She come into the family home, talked to the kids. I buggered off outside and left them to it. She probably got a really good idea where the kids were at and what the kids wanted. (1702, Father; Interview)

Lawyer for Child was a really lovely guy. We were always being asked about every aspect of the agreement when it was being drawn up. "Did we both agree? Was it okay if it was worded this way?" That was a really good experience. The other thing about the Lawyer for the Child that I really loved was the fact that he spent a lot of time. He interviewed [ex-partner] and then he interviewed me. He met [Child] and he went to the day care that I had her enrolled in – because part of the argument was that her father didn't want her to be in day care, it was detrimental. The lawyer actually went there and saw it and saw that it was a totally fine place to be. That process itself, I thought, was a really helpful one. (1583, Mother; Interview)

Some children were said to **love having a lawyer to represent them.**

The kids loved Lawyer for the Child. (1574, Mother; Survey)

My daughter loved having her own lawyer. I felt she kept us focused on what was really important. That is, our child's welfare. (1101, Mother; Survey)

Parents also liked the way the Lawyer for the Child would sometimes **challenge an ex-partner** about their attitudes or behaviour towards their child.

The lawyer that the children had was absolutely fantastic. They were very much listened to. Yeah, he was absolutely brilliant. He was very much an advocate for the children and could see what the important things were for them, even if the children couldn't see it. He would say to [ex-partner] to his face, "Why would you not pay for your own kid's braces? Why would you not help pay for that?" [Ex-partner] would just stand there blankly and say, "No, it's not my responsibility." He just wouldn't do it. But [Lawyer for the Child] had the words to question him. (1329, Mother; Interview)

It was Lawyer for the Child that really made things happen because she spoke to [ex-partner] and said, "Listen, if you don't change your attitude, if you don't change your mind, if you don't come on board with this, then you are going to lose big time." If it was the other way around then she would have told me I was a dropkick as well and told me exactly the same thing. I really feel that she was neutral, that in her eyes the gender didn't matter – it was that the child's wishes were paramount and she saw that his wishes were most similar to my wishes. So, my child and I lined up better – that was the only reason that she was on my side per se. (1560, Father; Interview)

One of the biggest factors in achieving the arrangement we have is the child's lawyer and [the child] herself. She's very articulate and was quite succinct in her intentions and what she wanted. So, with that clear intent, Lawyer for the Child was quite strong in putting her position forward. Because of that, [ex-partner] had to shift, had to come across, because my position was quite clear in that I wanted shared care. [Child's] position was very clear in that she wanted more time with her dad. Through the Round Table Meetings and stuff [ex-partner] eventually got it into her head that if we went back to court she would be likely to lose bigger than what was on the table, that it would go nine/five or even more. (1560, Father; Interview)

Concerns about the role of the Lawyer for the Child

Many more parents and caregivers made **negative comments** about the Lawyer for the Child than positive ones. In their experience, the appointment of a Lawyer for the Child was "a waste of time" and "ineffective."

The Lawyer for the Child was a waste of time. Why bother talking to the children and asking for their thoughts if they are not going to be considered? Why put them through the additional stress of building a relationship with someone new, if the only real purpose for the lawyer being there is to ensure their safety – yet there was never any concern in this area? (1620, Mother; Survey)

She's neutral – does nothing. (1900, Mother; Survey)

The kids' lawyer was useless and ineffective. She wouldn't do any work or step in when she should have. (1061, Father; Survey)

It could have been great, had she not been a useless patsy – one of the only things my ex and I can agree on. (1180, Mother; Survey)

Seemed totally unnecessary. Made no difference to outcome. (1237, Father; Survey)

Seemed like a waste of time and money when the dispute was between the parents, not the child. (1031, Father; Survey)

How can they claim to know more about how the child thinks and feels than the child's own parents? (1516, Father; Survey)

She was disinterested and gave up early when she found difficulties in dealing with the respondent. (1448, Father; Survey)

My son has now had his fourth Lawyer for the Child appointed in addition to a Lawyer to Assist – nice in theory, but if the judges persist in ignoring the advice of Lawyer for the Child/Lawyer to Assist it is clearly a waste of time and money. Not to mention that multiple interviews are abusive and hugely disruptive to a child. Not something children should ever have to experience. (1638, Mother; Survey)

The Lawyer for the Children process didn't highlight anything we didn't already know. (1653, Father; Survey)

The Lawyer for the Child gave no insight nor did they add anything to the case. I feel like it just gave the court an opportunity to delay getting a resolution. (1360, Mother; Survey)

Several specific concerns were raised in relation to the appointment of a Lawyer for the Child or the way they undertook their role. Parents said that the Lawyer for the Child **did not meet with their child at all, or met only briefly**.

Should have had more than one meeting for ten minutes and it should've been done in a different environment. (1156, Mother; Survey)

They were met with only once. They are very shy with strangers and wouldn't say much about their feelings. (1556, Father; Survey)

The child's views, thoughts or feelings were not ascertained at all in way, shape or form. Lawyer for the Child met with the child once (that I know of) and had a 30 second conversation with her about her favourite animal. (1200, Mother; Survey)

Lawyer for the Child met him once and for minimal time. Asked questions he didn't understand. (1774, Mother; Survey)

Only met once with only two of the three children. The meeting, to my understanding, was brief. (1837, Mother; Survey)

I fail to understand how a complete stranger could have gained any insight into the children's views after a 15-minute conversation. (1614, Mother; Survey)

I think she needed to spend more time with the children to ensure they shared openly. It was very important to have their views represented. (1261, Mother; Survey)

It would have been great if the lawyer met and tried to talk/form some relationship with the child where they felt comfortable to open up. (1627, Mother; Survey)

The very short time children spend with Lawyer for the Child is very insufficient. (1328, Mother; Survey)

They meet children a couple of times, don't get to know them. The kids were young and scared. (1199, Mother; Survey)

The Lawyer for the Child met with them for roughly 20 minutes at school. She did not take into account the other party's alienating behaviour. It seemed ridiculous that someone who has met children for 20 minutes could "know best." (1371, Mother; Survey)

The Lawyer for the Child did not meet with the child after the decision was reached. (1460, Mother; Survey)

She spent very little time with the children, who were three and five at the time. (1614, Mother; Survey)

She's met my son a total of three times so far. And from that she is supposed to have a full understanding of how he feels and what's best for him? One of those times was at my ex's mother's house! How neutral is that? It's just a joke. (1384, Mother; Survey)

She did not spend long with the kids so they did not get a chance to feel comfortable and trust her. (1261, Mother; Survey)

He lived [in a different town] and talked to the kids by phone for five minutes. The kids had no idea who he really was, and their rights. (2001, Mother; Survey)

Lawyer for the Child hardly had anything to do with the children. Never responded to concerns raised. (1277, Mother; Survey)

In the ongoing five years my whānau have been before the Family Court, the court-appointed Lawyer for the Child has had only two face-to-face sessions with my children and one phone call with my three children individually. (1646, Mother; Survey)

The Lawyer for the Child met my son once when he was about 15 months old. This was the only time the Lawyer for the Child met my son. He showed no interest in keeping up-to-date with my son's process and to my knowledge he did not contact my son's day care to ask about my son's process. (1228, Mother; Survey)

She only spent 15-20 minutes with the children. At the Round Table Meeting she did not know the names of the children, what orders were being sought and their concerns or circumstances. (1881, Mother; Survey)

Children who were very young or pre-verbal were sometimes not seen by a Lawyer for the Child or had their **views and feelings dismissed because of their age**.

The children's lawyer did not meet with the kids as they were both young. She didn't see the children in any form of danger so therefore just sat through meetings and mediations and came to court with us as well. (1970, Mother; Survey)

My daughter can't converse yet, so kind of pointless. (1302, Mother; Survey)

As my daughter was only one at the time of separation (two now) the Lawyer for the Child only met with her once. She is a very bright kid and needed to be met with more. (2045, Mother; Survey)

She was extremely unhelpful as I felt that she favoured the other side. I also was forced to give her my four-year-old for a 15-minute interview while I sat outside the room. I felt this was a violation of my rights. It was not videoed or another person present. She then used my child's interview to write a report to the court and draw psychological assessment and conclusions for which she was not qualified to assess. I challenged her on this through my lawyer and an affidavit. (1398, Mother; Survey)

She decided the three-year-old was too young to have an opinion, and selected little bits of her conversation with the five-year-old to make her judgement. (1614, Mother; Survey)

My daughter was two going on three. Lawyer for the Child should have at least visited to see if she was okay, but didn't bother. (1256, Mother; Survey)

Was able to represent the feelings and view of my older daughter who was seven, but did not interview my younger daughter as she was only three years and two months at the time of the defended hearing. The previous Lawyer for the Child did however interview my older daughter when she was three for a previous application for a Parenting Order. (1581, Father; Survey)

Parents and caregivers also criticised their Lawyer for the Child for **not listening to the child**, not knowing how to establish **rappport and trust** with them, holding **preconceived or outdated ideas**, and for seeming **disinterested** in them or the case.

Overall, given his age, five to seven years, it was believed that he was "too young to know what he wants." He knew what he wanted and it wasn't listened to by Lawyer for the Child. (1722, Mother; Survey)

The children did not feel supported or represented by her. (1119, Mother; Survey)

She only met my daughter once, and did not ask about her views or feelings. I felt she was only there looking out for the idea of a child, not for my actual daughter. (1426, Mother; Survey)

He has never met or made any attempt to meet with the child; only makes recommendations based on studies done on children of the same age. (1967, Mother; Survey)

Lawyer for the Child was not adequately trained to talk with children, especially where domestic violence is involved. She talked to them for less than 10 minutes at the start of proceedings and then never again. She didn't report back to them on outcomes or check in with them after interim Parenting Orders were put in place. I felt she failed to represent my children at all. (1088, Mother; Survey)

She didn't listen to the children, she made decisions on what her opinion was, not what the children wanted and needed. She didn't listen at all. (1806, Mother; Survey)

Ignorant man who did not understand kids. (2034, Father; Survey)

Lawyer for the Child seemed disinterested in the best interests of my children. (1072, Father; Survey)

I don't believe he has been thorough in ascertaining the true views of the child. He interviewed the children when in my ex-partner's care instead of in a neutral setting as I suggested, he has not talked to any of the children's education providers, after school carers, witnesses to me being assaulted, my fiancé, or my ex-partner's new partner etc. (1044, Father; Survey)

He did not contact my son for his opinion on how things were going for him before the second Round Table Meeting which I felt a bit disappointed about, because he had indicated that he would do a follow-up with my son and also his school teacher. However, he verbalised that because he hadn't heard from either parent regarding any issues then he deemed it not necessary. Not certain that was correct because if we hadn't been able to agree on terms at that meeting, he didn't have any of my son's opinions to negotiate with. If it had gone on to a judge, I would hope that he would have met his obligations for my son and represented him well. (1451, Mother; Survey)

My son told both Lawyer for the Child and the report writer that he wanted to move with myself and his older sister. He made it very clear. My son's impression of Lawyer for the Child is that he is a liar and it's a waste of time telling him what his wishes are. Awesome! I encouraged my children to be honest and just tell him what they wanted as he was THEIR representative. Neither of them want to deal with this jerk ever again. He is very good buddies with my ex's lawyer in a small town. (1771, Mother; Survey)

Another concern that parents raised was that the Lawyer for the Child would sometimes **inaccurately report and misrepresent the children's views, needs and feelings** or **fail to report them to the court.**

Lawyer for the Child tried to put my children at ease when she met them. However, she did not fully support what they had to say and gave an incomplete account of their feelings in court. (1325, Mother; Survey)

The Lawyer for the Child didn't take on board what the children wanted in the first hearing. Totally disregarded their views on not wanting to live with their father and made the process more complicated. She was very unhelpful for the children, who she never met before the hearing. The Lawyer for the Child remained very neutral and had no strong opinions either way and didn't act in the best interests of the kids. She was very wishy washy and presented the judge with questions such as: "What if the children are telling the truth about their father's abusive behaviour? What if they are not telling the truth?" If children of seven, 10 and 12 years tell their lawyer their father is abusive and they do not want to live with him then she should present this information to the judge and not beat around the bush. (1019, Mother; Survey)

I have been astonished by the Lawyer for the Child in our case. She has acted against my son's instructions (he is 14.5), and has shown significant deference to their father despite numerous safety issues raised by the children themselves. She deviated from the judge's directed brief. She has contributed significantly to further conflict. (1051, Mother; Survey)

He was unhelpful and didn't express what the child wanted. (1310, Mother; Survey)

The Lawyer for the Child did not represent her views at all even though she was very clear and articulate. My daughter even directed him what to report, but he did not. (1116, Father; Survey)

The Lawyer for the Child didn't present the children's issues, nor did they advise anything about the children's wishes until after the judge made the decision. (1253, Mother; Survey)

She took some of children's thoughts into account, but wasn't interested in listening to them when they specifically asked that their father complete a drug/alcohol programme or an anger management programme before they visited him. (1337, Mother; Survey)

Lawyer for the Child does not listen to my kids! She forces them back to contact, even when they run away. (1211, Mother; Survey)

Lawyer for the Child met the kids, made bizarre assumptions. She did not speak for the kids in court at all. (1129, Mother; Survey)

I wish the Lawyer for the Child would just listen to the children and take note of fear when it is present rather than continually spouting off about "what normally happens." Just represent the children and their wishes. Please!!! (2009, Mother; Survey)

The Lawyer for the Child was able to witness the distress the children went through on their father's arrival, but made the recommendation to the court that contact be continued in this way. (1620, Mother; Survey)

The biggest problem in the whole scenario is the Lawyer for the Child. I have seen it time and time and time again and it was certainly the case in our situation. He doesn't meet with the kids, he doesn't ask them anything. When he does, it's like five minutes with a total stranger and you expect them to spill their guts, tell their deepest, darkest secrets – you may as well not meet with them. My oldest son kept coming out and saying, "Mum, I wanted to tell him this and I wanted to tell him that and he wouldn't let me." I have put letters, stories, poems, pictures that the kids have written and drawn before the court and they are just ignored. So, what do you do? The father's voice is privileged. (1081, Mother; Interview)

Several parents complained that the Lawyer for the Child asked **leading questions**, **told the child what to say**, was **"forceful"** or **"applied pressure"** on the child, or ignored their or the parent's concerns and fears.

The Lawyer for the Child was leading and not impartial. Told the child what she should think/say. (1062, Mother; Survey)

The Lawyer for the Child was not fair and only asked very leading questions of a young child, e.g., "You want to spend time with your Dad, don't you? All children love to spend time with their Dad." (1890, Mother; Survey)

The Lawyer for the Child applied pressure to my daughter telling her that her brother wanted this, "Doesn't she want it too?" The Lawyer for the Child didn't seem to understand what my children were going through, their discomfort at a stranger asking them personal questions or their developmental stages or difficulties understanding what she was asking. She wrote down information about their lives that could not have come from them (e.g., the incorrect school). The Lawyer for the Child spoke to my husband first, did not ask me at all about my concerns and when I raised them she said she didn't want to hear about it. (1102, Mother; Survey)

The lack of care demonstrated, particularly the leading questions of the Lawyer for the Child, were extremely distressing to my daughters. In four years, she spoke with them twice, they did not trust her and were not allowed to take a school teacher or other trusted adult in with them. (1119, Mother; Survey)

It's a really inappropriate way to get the child's views. Forced into a room with the lawyer she despises and mistrusts who tells her what to say. Views need to come via someone the child has a relationship with, who they trust. Lawyer for the Child was completely incompetent in his understanding of children or how to relate to them. (1079, Mother; Survey)

Lawyer for the Child just prolonged the process, and it meant that the kids were then under pressure as she would coach them to try and get them to say they hated Daddy, were scared of Daddy, etc. (1645, Father; Survey)

The Lawyer for the Child did not act in our daughter's interest or take notice of her wishes. One day my daughter went in to see her after making a decision about what she wanted to do. When she came out this had completely changed and our daughter told us she had been asked to spend more time with her father. (2035, Mother; Survey)

The child's lawyer twisted and forced the child to agree to what the applicant wanted, rather than have their feelings even taken into consideration and how they felt. The child got told what to do and was coerced. (1896, Mother; Survey)

The Lawyer for the Child works as an agent for the judge. She never reported the children's views about the father's behaviours. She left the children in unsafe situations. Contact periods with drugs, pornography and my daughter being made to sleep in bed with her uncle. This was all acceptable to Lawyer for the Child. Her role was to coach/manipulate the children that abuse is normal and okay. And her role was to ensure contact went ahead regardless of the abuse to the children. The contact was more important than the abuse and denigration of me. Mothers are told they must promote the father's relationship, but not so for the father – he is able to denigrate the mother in the hopes of winning the child over before the 16th birthday. (1143, Mother; Survey)

Lawyer for the Child should be struck off. I wanted to make a formal complaint about him after he spent 1.5 hours bullying my daughter into agreeing with his statements!!! Lack of training and lack of regulations, lack of accountability, lack of supervision – but lucrative!!! They should not ever be alone with children. (1771, Mother; Survey)

Our Lawyer for the Child was very unhelpful. She was not fair. She did not put my child's rights first, but rather the rights of the parents and fairness on parents. She was very forceful in what she wanted to happen. She interviewed my daughter with only a male present and visited her at school and disrupted her in her class without my consent. (1012, Mother; Survey)

She is not experienced in DV either and has taken her own stance and assumptions on the opinions of the children. They flat out don't want to go to their father after witnessing an act of violence towards me as well as their own abuse suffered at his hands. Psychological abuse is not recognised and I am told to encourage the children to go to their father and speak well about him. There is a quiet expectation on me to fix the children's relationship with their father who is cruel and manipulative and psychologically abuses us all. I have been disappointed in the Lawyer for the Child being manipulated and aligning with the father and his lawyer while taking no notice of my and the children's genuine fears. (1439, Mother; Survey)

The children said when they go to the Lawyer for Child their dad is in the waiting room and they can hear him, so they feel like they can't talk. Or he'll be in the room, so they feel that they can't talk. There's words in affidavits and they're not the words of a 10-year-old boy – a lot of it has been said to him. They're words from the Lawyer for the Child or from the dad in that they sound like legal terms – like [Child] discussing what time he's going to be visiting me. That's not something a 10-year-old would normally discuss and definitely not in that way – like understand the word "supervision" and "supervisor" and knowing that the supervisor was a supervisor and not a friend coming over for coffee. (1092, Mother; Interview)

The Lawyer for the Child was also said to be **unfair or biased towards one parent** – either **pro-father or pro-mother**. Sometimes **collusion** was perceived between the Lawyer for the Child and one party's lawyer or the specialist report writer.

The Lawyer for the Child was biased and I found her to be completely unprofessional. (1020, Mother; Survey)

She was extremely unhelpful as I felt that she favoured the other side. (1398, Mother; Survey)

Very one-sided. Never took my concerns seriously. She is the reason my son has stayed too long with the other party from one year old! (1082, Mother; Survey)

Difficult to gain a good perspective with her once she had spoken with my ex-partner. She did not really value my view or stand for what was best for the children. (1134, Mother; Survey)

Has advocated for their father – the alleged perpetrator – to have day-to-day care. She had pre-conceived notions of parental alienation syndrome, so she obviously is not an appropriate person to be "representing" children. She obviously had no understanding

of child protection, child abuse or child development to act the way she has. (1137, Mother; Survey)

The lawyer was less concerned about the best outcome for the child, and more concerned with what the father had to say. It was incredibly biased, insensitive and stressful. (1427, Mother; Survey)

I was disappointed in the Lawyer for the Child who was very pro-father. (1397, Mother; Survey)

The Lawyer for the Child held an inherent bias against fatherhood and lobbied for me to have no contact with my children whatsoever. (1688, Father; Survey)

The Lawyer for the Child has been biased, working on misinformation, hearsay and contributed to confirmatory bias. She's had multiple meetings with my ex-husband and my children but I've only seen her twice. Any contact with her on my part has to go through my lawyer, yet she meets and talks to my ex-husband as well as his family. She's had meetings with the children where they've said they've felt unable to talk as their father has either been in the room or just outside the room, where they're scared they can be heard, but doesn't see this as the children being influenced. She has a disclosure from my son, but has not forwarded it into Police or CYFS. She has been involved with other parties, including the court-appointed child psychologist, which I have evidence of collusion, yet the judge won't allow the evidence to be presented. She's discriminated against me using stigma, hearsay, unqualified opinions and false allegations from my ex-husband and his family in regards to my health and mental health. She's made comments to my children that are inappropriate and inaccurate or untrue. (1092, Mother; Survey)

At court, she sat with my ex-partner and his lawyer, presenting a very biased position. (1614, Mother; Survey)

I think that whole Lawyer for the Child thing is huge. I don't know how you should give children a voice. It shouldn't be a lawyer – their training is just about non-existent from what I can gather. They don't have to understand child development or anything like that. It is just appalling and so unsafe. In 12 years, the Lawyer for the Child has probably met my kids six times. Maybe spent a total of five minutes with each child, each time. He has got a very loud voice and the first time he met them was at our home just after my little one had disclosed. I heard him saying to him – I could hear it, there were doors shut and everything – "You like seeing your Daddy, don't you? You're a happy boy, aren't you?" You know, putting words in their mouth. Then, in the middle of our first hearing at the lunch break in a café, my ex and his lawyer came in and went straight to the table with Lawyer for the Child and they lunched with him. Then we go back into court and I am hammered by Lawyer for the Child, as I have been all the way through. He didn't even question my ex at all. I made a complaint about that and it was swept under the carpet, because there is no independent complaint process. You make a complaint about any part of the process or anyone in it and it's referred back to the presiding judge! (1081, Mother; Interview)

She consistently ignores the breaches of the order, the coercion of the children, and the fact they say very different things when with their mother. She tends to believe what they say when with their mother, despite them saying they are scared of their

mother's reaction and not scared of my husband. My assessment of her is that she is biased towards mothers as primary caregivers, ill-equipped to understand pathogenic parenting and unaware of the long-term consequences for the children. (1064, Step-parent; Survey)

Only interested in not upsetting the mother. (1702, Father; Survey)

Lawyer for the Child disregarded the children's claims and sided with my ex-wife. The best thing that can happen to her is that she gets run over by a bus. She destroys kids' lives with no remorse. (1028, Mother; Survey)

Lawyer for the Child was gender biased and feminist in nature. She refused to meet with me when the children were in my care (at home or in her office) on even one occasion, yet she had constant meetings (cups of tea etc.) with the mother (at home) and meetings with the children mostly with the mother present. (1544, Father; Survey)

Lawyer for the Child was working alongside with the other party's lawyer. It did not matter what the children wanted – all decisions ended biased. (2047, Mother; Survey)

Lawyer for the Child only contacted the parent with day-to-day care and never contacted the other parent. Was very biased towards the mother. Never spoke to the father during court proceedings and ignored everything the father said. It was a horrible experience for the father. He felt he was ignored by someone who should have his child's best interests at heart. (1238, Step-parent; Survey)

Lawyer for the Child = money for old rope. They don't represent my child's thoughts and feelings at all. They simply support the mother with all arguments. It's just another lawyer for the mother, but you have to pay half towards. They are a waste of time and money. (1516, Father; Survey)

I was initially pleased to meet with this lawyer, however she had been heavily influenced by my ex-wife's story and chose her side. She became rather manipulative and was not acting in the best interest of the children. (1855, Father; Survey)

I thought it would be of benefit for the children to have a representative, but the Lawyer for the Child – we have had three – all seemed to have their own agenda and appeared to be very friendly with the other party's lawyer. (1318, Mother; Survey)

I found the Lawyer for the Child sided with the grandmother, and a lot of unnecessary stuff happened which didn't need to. (1413, Mother; Survey)

He was very biased towards my ex and his parents. Didn't seem to understand my point of view and crossed the line with asking me questions about my relationship property because my father-in-law had been ringing him and discussing these issues. I felt on the defence all the time when all I wanted to do was protect my kids. (1397, Mother; Survey)

He has a personal view because he's a grandad and he told me he wants the paternal family having more access because he knows how hard it is to not have that. Yet the kid's safety is being ignored! (1108, Mother; Survey)

He sided with my son's father from the start and was very friendly with him. (1228, Mother; Survey)

Have someone that is not biased against males and is interested in best outcome for child. (1529, Father; Survey)

Lawyer for the Child has had a firm liking for the other parent, did not stick to protocols as set down by the Court leaflets or her job description or brief by the judge. Manipulated and colluded with the other parties. (1461, Mother; Survey)

She was dreamy, had no idea and sided with the mother. Never once came and seen or spoke to me. (1447, Father; Survey)

The Lawyer for the Child visited my daughter when she was at home with her father. She never visited me with my daughter (and she only visited me when I insisted on it). Subsequently a glowing report was issued about the strong bond father and daughter had, and how well he had set up the house for her (it was still set up as I had left it when separating). I never got the same opportunity to meet with Lawyer for the Child with my child. (1427, Mother; Survey)

I was told that a certain process would be followed, but it was not. She was supposed to meet with me and the children in my home and my ex-wife's home, but she only met with them in my ex-wife's home. Her meeting with me felt like a job interview for the job of father. Some comments she made, made me feel that she was not sympathetic to fathers generally. I felt under scrutiny and under judgement when I was not the one who ended the marriage. I felt that the questions put to the children were one-sided, i.e., it was all about how they felt about me, and nothing about how they felt about their mother. I felt that the children had been put in a position of judgement over me. I felt that this judgement reversed the child-parent relationship. I felt that it damaged our relationship and I had to very carefully and delicately work to recover our relationship after the report. I think that unless there is abuse, it is wrong to put children in the position of passing judgement on their parents. I wanted a process that would involve whānau meetings, but my ex-wife wanted a Family Court process specifically to have a Lawyer for the Child. (1509, Father; Survey)

Lawyer for the Child organised two meetings with the children behind my back. She managed to get [ex-partner] to whip them off after school when they needed to be at sports. It's really unhelpful. I hate it because I feel like she's really quite biased. But it's also terribly stressful for my son because he's got no idea it's coming. Normally I prepare him for everything, it wouldn't matter what it was – I'd say, "Hey, remember tomorrow we've got basketball" or "We're going to go and meet X tomorrow." But [ex-partner] just picks them up and they think they're going to sport and off they go to the lawyers. It's just foul. You would think that logic would dictate that you don't treat people like that, but, for whatever reason, she has. (1051, Mother; Interview)

Concern was expressed that the Lawyer for the Child **was ineffectual, "sat on the fence" or lacked power or willingness**, particularly to act to protect children.

While Lawyer for the Child was able to raise concerns about the veracity of the mother's claims, having spoken with the children, he is basically sitting on the fence. (1585, Father; Survey)

The first Lawyer for the Child sat on fence until everyone knew what way the judge was going and then she would take a parent's side. She was useless. (1811, Father; Survey)

The Lawyer for the Child was like a flower in the wind. She had no spine or beliefs – she just bent in whatever direction the mood of the room was going. (1458, Father; Survey)

It's great, except even if they know one side is lying, they have to be seen as neutral, which leaves them powerless to help the side being victimised. (1607, Father; Survey)

I felt that by trying to stay neutral the Lawyer for the Child did not really pay attention to my concerns. (1722, Mother; Survey)

Despite the fact she believes my ex is lying, she is powerless to do anything about it. (1689, Father; Survey)

Lawyer for the Child has a very difficult job. I don't understand how, if Lawyer for the Child knows for a fact that abuse is occurring, that they cannot engage with the courts themselves on the children's behalf. Instead, the Lawyer for the Child asked me to make the applications, which I did at a cost of more than \$6,000 each time. (1591, Father; Survey)

Lawyer for the Child has not acted to protect the children. Even though he is aware that they are suffering serious abuse. (1713, Father; Survey)

No consideration was given to the children's thoughts, feelings and views during the Family Court proceedings. The Lawyer for the Child worked as an agent to best suit the outcome the judge wanted. The Lawyer for the Child dismissed all evidence of the abuse on the part of the father. It was simply overlooked. I was to be blamed even when evidence was to the contrary. The children were made to continue to go to abusive contact. (1143, Mother; Survey)

Some parents complained about a **Lawyer for the Child's personality, skills, knowledge or approach to their role**. They said that their Lawyer for the Child was "awful", "terrible", "nasty", "rude", "poison", "intimidating", "frightening", "scary", "horrible, the kids didn't like him", "dishonest", "culturally insensitive", "difficult to communicate with", "did not ask the right questions", "arrogant", "opinionated", "judgemental", "generally incompetent", "provided a poor service" and "left everything to the last minute."

She said her lawyer did not listen to her properly and she was worried the lawyer would say the wrong thing in court. She did not trust her lawyer and did not like meeting with her. At six, she described her lawyer as "no good" because "she talks too fast, walks too fast, doesn't listen properly and doesn't do what she says she is going to do." I could not have put it better myself. (1142, Grandmother; Survey)

Lawyer for the Child was not transparent, incompetent, biased and very unprofessional. She did not know the child she was representing and did not have any up-to-date third-party information about the child, but wrote reports to the court as if she did. (1200, Mother; Survey)

They are meant to represent the children, not keep parents happy by glossing over reality for the children. (2057, Mother; Survey)

They hold too much sway of power and do not represent the children professionally. They did not even interview my sons appropriately to get the boys' honest opinions. It left my sons hating him and wanting him replaced asap. (2040, Father; Survey)

Lawyer for the Child had her own personal issues and failed to protect my kids. Further, even when the kids told her the truth she discounted that and decided that the lies my ex-wife told, even though document proof showed otherwise, were the truth. Lawyer for the Child should be taken out the back and beaten for what she did to my kids. Many of these lawyers are morally bankrupt and destroy children's lives due to their own personal issues. (1028, Father; Survey)

He does not represent the children's views and wishes. He aligns with outdated and debunked concepts. (1081, Mother; Survey)

A competent Lawyer for the Child should be beneficial to the child. Our one was very, very harmful. She breached her duty of care many times. She did not do things she promised the children she would do, including not coming to our home to meet them. They met her briefly in her office and she said she'd come and see them at home in a few days – that she'd bring her flash car and her doggy. OMG, the first things a child abuser uses with children, and these are children who have been in a car with a crazed mother driving the wrong way down the road, and whose father has scary dogs to keep "bad people" away from his house (paranoid behaviour). Lawyer for the Child came to our house 20 months later, seven days before the defended hearing. She did go to school twice without notice and removed my granddaughter from class to speak to her alone in the school board room. ... I actually arrived to pick her up and was standing outside the classroom and her friends came out, really agitated, all jabbering away at once and they're going, "This lady came and took her from the classroom." So, I picked up her shoes and her bag and I ran down to the office and the office lady said, "Oh, she's in there with the lawyer, it's okay." I said, "Oh, I don't think so." At which stage the lawyer saw me coming and she goes, "It's okay, we're fine, aren't we, [Child]? We're just finishing this session." So, we walk out and it's a really wet day. She goes to [Child], "Oh, how come you're in bare feet?" [Child] just looked at her and I said, "It's tikanga." She says, "What's tikanga?" I said, "They don't wear their shoes inside at school." She goes, "Oh, how ridiculous, on a cold day like this." (1142, Grandmother; Survey and Interview)

My second husband died suddenly one month before meeting Lawyer for the Child and her first telephone conversation with me was, "Hello, my name is xxx. I heard your husband just died. Did you still want your kids?" This was her actual wording! From that point on she seemed very focused on keeping them in a two-parent family unit despite health and safety issues and the fact that their father had made it very difficult for me to even contact my children. (1989, Mother; Survey)

She was very eager to push this case through. No investigation into my claims regarding my ex was done. She met my daughter once (daughter is two now) and told me that marijuana is a lifestyle choice that some people choose and we have to accept that, access needs to move forward, and he has said he won't smoke 24 hours prior to or during a visit! (2045, Mother; Survey)

The Lawyer for the Child formed a rigid view of the situation which was inaccurate and unhelpful. When I pointed out to the Lawyer for the Child that the other parent would continue to take me to court at whim for the next 10 years, he laughed and said it was fine by him as he gets \$385 per hour (ex GST). The Lawyer for the Child had no clue as to the cognitive ability of a six-year-old to conceptualise time and relied on a misinterpretation of the child's wishes. The Lawyer for the Child did not meet with the child after the decision was reached. (1401, Mother; Survey)

She only gets a snapshot of the situation and doesn't know how unsafe the father is as he presents well in a half hour meeting. (1327, Mother; Survey)

Lawyer for the Child was dishonest, unreliable, habitually late, friendly with the violent father and abusive towards the non-violent mother, did not represent their client, did not represent their client's views, and did not give the child the opportunity to appeal. (1079, Mother; Survey)

She made herself open to be manipulated by either parent. She discussed openly what the other parent had said and based her opinions on that more than on what the children told her. She made incorrect and misleading statements in her report which I then had to dispute. She was really derogatory to me and my family and told us how nice she thought the children's father was. She was not impartial, was extremely biased and easily influenced. She would also swing from one view to the next, but stood up for nothing. She didn't follow through with her promises and made suggestions about the children that should be reserved for a psychologist's view, not that of a lawyer. She filed documents without agreement from my lawyer. The list goes on and yet we have been stuck with her for seven years while the situation for the children deteriorates and my husband and I are almost broke and emotionally spent. (1210, Mother; Survey)

They need to be child focused. I get they have to neutral, but not at the cost of the children's safety and welfare. Privately said how bad ex was to me, but in court very neutral and said equally good parents. (1087, Mother; Survey)

She was very nice and kind and that, leading up, and she was good with the children. But in court, oh, my gosh, she pulled me apart. She apologised afterwards that she should have given me the heads up. She explained, "I needed the judge to see that you were scared because you are so emotionally numb, you weren't showing enough emotion, so I had to elicit some emotion." But it was hard. (1107, Mother; Survey and Interview)

She didn't like me from the moment she met me, and it was just horrible, honestly horrible. I don't know what they're generally like, but the Lawyer for the Child we had seemed to sort of have a bit of a God complex, if that makes sense. She seemed to think that she knew what was best, even though she only met [Child] for 30 minutes and had only met me for an hour and [ex-partner] for an hour. She seemed to think that she knew absolutely everything that would be best for her, and I wasn't allowed to discuss anything with [Child], even though she would come home from school and talk to me about it. I still talked to her about it; I didn't give a shit what Lawyer for the Child said. I did not care because [Child] needed to talk about it. But I was not supposed to be discussing anything to do with this. She was just very forceful – her way was the right way. (1012, Mother; Interview)

Others commented that the Lawyer for the Child could be **too busy, overworked, too inactive on the case, and difficult to contact** especially in crisis situations.

He was often busy and didn't follow it right through. (1978, Mother; Survey)

I consider her inaction and inattention to my children's situation has led to the situation becoming more, rather than less, irretrievable. I think her work has been less than helpful to date, she has ignored my correspondence and allowed things to get worse and worse for our children, only really paying attention when things went completely off the rails. (1522, Father; Survey)

He did not care about my son, made no effort to stay up to date on my son's process, did not reply to emails a lot of the time, refused to look at the photos of the bruises my son came home from his father's with every week after visitation, and visibly enjoyed bullying me every chance he got. (1228, Mother; Survey)

I felt on tenterhooks with the Lawyer for the Child. I do see their role as very crucial, but I do worry about lawyers taking what is said to them as evidence rather than doing more investigative work, especially around issues of abuse and lying. (1126, Mother; Survey)

Needs to respond promptly to concerns raised. Answer phone calls and requests. Don't let the child down. Acknowledge material provided by the psychologist and take these concerns seriously. Some follow-up after arrangements are made to review how things are. (1097, Mother; Survey)

She doesn't take any concerns I bring up seriously. Does not respond to emails or phone calls. (1556, Father; Survey)

My concerns for the child weren't brought up through the child's lawyer. She seemed to brush them off due to the child's young age. She did say she was one of only a couple of child lawyers available in [province] and had a massive workload. (1627, Mother; Survey)

Not enough knowledge around domestic violence. (1162, Mother; Survey)

The Lawyer for the Child is a great idea, but I presume they're probably stretched, they probably don't have time, they probably don't have the resources. I'm also gobsmacked that the Lawyer for the Child did not seem to respond to anything I'd written in my affidavit. (1371, Mother; Interview)

Participants did not like it when the Lawyer for the Child was unable to attend a meeting or court event and **used a colleague** instead.

This lawyer didn't even meet the child in question and wasn't present at the defending hearing – she sent a different lawyer. (1736, Mother; Survey)

Lawyer for the Child didn't meet the child and never attended the court hearing. She had a stand-in. (1256, Mother; Survey)

The Lawyer for the Child did not attend, instead he sent his colleague who knows nothing about the child. (1777, Mother; Survey)

Our child saw two different lawyers. It would have been helpful if he saw the same lawyer each time. (1050, Mother; Survey)

They were also unhappy when a **Lawyer for the Child was used to assist their self-representing ex-partner** during the Family Court proceedings.

The other party was abusive to the children and then dragged the court proceedings just to control and abuse us further. Should be made to pay part of the Lawyer for the Child costs – and not get help from that lawyer because he was self-representing and had no idea what he was doing!!! (1140, Mother; Survey)

Some complained about the **lack of a support person** when interacting with the Lawyer for the Child.

The Lawyer for the Child would not allow me to have a support person with me when interviewed by him. (1401, Mother; Survey)

Suggested improvements to the role of the Lawyer for the Child were made by several participants. These included training, vetting, implementing a complaints mechanism, the Lawyer for the Child being supported by other professionals, not appointing them too early, having two Lawyers for the Child in each case to help avoid bias or allowing other people (like a teacher, social worker or family friend) to put a child's views before the Family Court.

Train Lawyer for the Child to work in an appropriate manner with children. (1119, Mother; Survey)

I totally agree with the Lawyer for Child idea, but actually I think that they are very, very, under-skilled in a lot of the family dynamics that happen. They need a lot more training. There needs to be a whole umbrella of professionals dealing with high conflict cases, because let's face it, these are the cases that end up in court. So, the high conflict cases really need a lot more people dealing with them whether it's the report writers, the Lawyer for the Child, the judges, everyone. They just need a bit more training. (1073, Mother; Interview)

Somewhere there is a sheet that shows what is included in Lawyer for Child training – there is nothing on children's rights, there is nothing on child development, nothing on forensic child interview techniques, building a relationship with the child. There is actually nothing in there that's really particularly useful in so far as dealing with children and building a relationship with them and upholding their rights. [Child] hates him with a passion, but she is forced to have him. There is no process in this system for her to challenge her lawyer, for her to seek another lawyer, for her to seek a different way to have her view put before the court, for her to complain about her lawyer, there is no process that that lawyer is held accountable at all. My theory is that the role of Lawyer for the Child has been set up not to represent children, but to subvert children's rights. I went to the Law Society about this recently going, "How does a child complain about their lawyer?" and they basically go, "Oh, well, the only way to do that is for the parent to complain!" The process is wrong because the child's lawyer is there to represent them separately to the parents and yet it's the parent who has to complain.

That is a system that has been set up to not have a check or balance in it. ... Children are forced to have this lawyer represent them – they are not allowed to use a teacher or a social worker or a family friend or somebody to put their views in front of the court. Even though the law doesn't specifically exclude it – the law just says that the child's views need to be taken into consideration when they are given directly or via a representative. "Oh, it has to be Lawyer for the Child!!" It's only since I became unrepresented that I looked into all these things and go, "Well, the law doesn't say that that's the only way of putting their views in front of the judge." (1079, Mother; Interview)

Lawyer for Child ought to be vetted for relevant experience such as mental health. (1051, Mother; Survey)

I think that the Lawyer for the Child report/advice should be supported by a social worker/counsellor with child protection experience assessment that includes Māori cultural needs and values of the children. (1881, Mother; Survey)

I don't think they should be appointed immediately. It is a major barrier to using court processes for resolution. They are of arbitrary value and potentially damaging to the family dynamic. (1950, Mother; Survey)

I've found that the Lawyer for the Child has been quite biased. She has firm opinions of me, which are unfounded, and I think she's not meant to have any sort of opinion – she's meant to be with the child and working from their point of view. I know that it builds up the cost, but I think there should be two of them. They speak to one person first to get their story and then they've already formed an opinion when they talk to the next. So, if you had two lawyers – one goes and speaks to one person and the other goes and speaks to the other person. Then they get together. The Lawyer for the Child interviewed me by telephone so she never actually met me in person. Yet she met [ex-partner]. I find that highly unprofessional. (1020, Mother; Interview)

Specialist Report Writers

In 44% of the participants' cases, a specialist report writer was appointed. Table 174 presents how helpful participants found this. The highest proportion (33%) were those who found the appointment of a specialist report writer 'very unhelpful'. Overall, 47% found having a specialist report writer 'unhelpful' or 'very unhelpful', while 30% found it 'helpful' or 'very helpful'.

Table 174: Helpfulness of having an expert write a specialist report

	<i>n</i>	Percent
Very unhelpful	44	33.1%
Unhelpful	19	14.3%
Neither helpful nor unhelpful	30	22.6%
Helpful	24	18.0%
Very helpful	16	12.0%
Total	133	100%

Participants with experience of an expert appointed by the Family Court to write a specialist report expressed a wide range of views on their satisfaction or dissatisfaction with this process and its outcome. Those who were **positive** either praised **the specialist report writer** as “excellent”, “professional and thorough”, “unbiased” and “impartial” or perceived **the report** the specialist had written as “balanced”, “detailed”, “accurate”, “helpful” and “providing insight.” When the report was perceived as supporting the participant’s position it was regarded very favourably.

She was one of a kind, very educated, very intelligent, she did not take sides, but most court-appointed child psychologists are not like that. (1110, Mother; Survey)

Great experience. Able to remain impartial. Able to make clear and reasonable recommendations. (1555, Father; Survey)

This captured some of the intricacies in our situation and was a balanced report. (1132, Mother; Survey)

Was able to identify some concerns about the mother’s parenting. (1585, Father; Survey)

It was great to have our position supported by an objective professional. (1660, Stepmother; Survey)

The court-appointed psychologist’s findings were instrumental in my gaining full custody. I felt their findings were spot on with regards to the psychological abuse and its impact on my son, which he receives when he is around his mother and maternal grandmother. (1576, Father; Survey)

Should always happen in all court proceedings. (1059, Mother; Survey)

The social worker was great. She was actually really, really thorough, really good. (1012, Mother; Interview)

The clinical psychologist who works with the court has been incredibly helpful in helping me to understand what to expect. (1584, Father; Interview)

The s132 and s133 report writers that we’ve come across, other than the fact that I don’t think they spent enough time, with the limited time that they did spend, they did a very thorough job. There were things that they pulled me up on that I was completely oblivious to. I’m like, “How did you pick that up in half an hour?” Those are probably the biggest positives. (1555, Father; Interview)

Some participants were **positive about the report** or felt it “**validated**” or “**vindicated**” them, but **disappointed about its lack of impact**, sometimes because the report was out-of-date by the time the court hearing occurred or because the judge placed more weight on other evidence.

This process was incredibly helpful in one sense, because the psychologist’s report proved that the other party was abusing the children. The same psychologist testified that my son has PTSD from the many assaults by his mother. But the first s133 report was in 2013, the next one was in 2015, and the most recent one was in 2017. Still the

same issues continue because the court will not act to protect the children from a violent mother. (1713, Father; Survey)

The first CYFS report ordered agreed with me – no unsupervised contact. But it was nine months old when got to court so the judge ignored it. We now have a psychologist's report that is in support of me, but we have been waiting a year for a court date, so I'm not sure if that will also be ignored. (1460, Mother; Survey)

I have undergone six specialist reports in ten years. All positive, but all ignored by the court. (1552, Father; Survey)

He was very fair and did see my concerns. The Family Court did accept his summary that the children enjoyed time with their father and that this relationship would prosper. However, his findings were somewhat disregarded as the mother's requests were considered. (1855, Father; Survey)

The court has not yet heeded the very clear findings. (2057, Mother; Survey)

When I got the reports back from all of the people who had had me investigated, I felt totally vindicated because I knew there was nothing to find. But it's still really stressful thinking that one of these people could say one thing and possibly you don't have your child anymore full-time. (1583, Mother; Interview)

The judge didn't think I was credible, yet the psych report, which came out two weeks after, has shown the complete opposite of what the judge was saying. So, it has been horrifying, but at least the psych report shows it for my own validation. (1439, Mother; Interview)

Some participants **commended the time the specialist report writer spent** getting to know the children, speaking with other family members and education/welfare professionals.

She did spend a reasonable amount of time with the children getting to know them a little. (1328, Mother; Survey)

The psychologist spoke at length with each of my children individually, with me, the children's father, school teacher, counsellors. (1119, Mother; Survey)

However, other participants criticised the time the specialist spent with the children/family as **inadequate** or **rushed**.

You can't do a report on meeting children one time; it's ridiculous. (1761, Mother; Survey)

The child in question was never met with. (1967, Mother; Survey)

The psychologist reported his assessment of three children from two meetings with them! (1544, Father; Survey)

The person only met me once and didn't bother to see me with the children. However, the report was not negative towards me. (1072, Father; Survey)

How this guy made up this report based on a couple of short meetings is beyond me. I regret opening my house up to both this man and Lawyer for the Child. (1770, Father; Survey)

A 40-minute visit wasn't an accurate time to assess a person; not a great window into lifestyle. (1093, Mother; Survey)

No history was taken into account and it was very rushed and last minute. (1359, Mother; Survey)

There needs to be some expert who can look at applicants' patterns of behaviour. Just because she can show a clean house for one visit means nothing. (1841, Father; Survey)

The phrase **"a waste of time"** was used by several participants to summarise their perspective on the specialist report writing process and outcome. Some also referred to the reports being a **"waste of money."**

A lot of wasted time and money. No one ever took any notice of it, certainly not my ex. (1148, Mother; Survey)

A father shouldn't need to fight in the court to have the children in his care equally. Those reports are good, but a waste of money, resources and time. (1521, Father; Survey)

The report writer simply referred to the interim decision and so did not investigate the safety concerns. So that was a waste of time. (1102, Mother; Survey)

The other party demanded the s133 psychological report even though the Lawyer for the Child, my lawyer and I told the judge it was a waste of cost, stress and time – which it proved to be. (1140, Mother; Survey)

The report was hardly even used in the hearing, so it was another waste of a lot of time (many appointments) and stress. (1426, Mother; Survey)

Kids don't even remember they liked coco pops for breakfast the day before – how can they be trusted to answer? Just a waste of time and money in my opinion. (1181, Mother; Survey)

I had a two-hour psych report meeting with him. Then the kids each met with him again, then he had to observe us all together. We ended up wrapping a Christmas present. I said to him, "This is totally alien for them." I couldn't think of anything else. What do you do – the three of us are not normally sitting in one room having somebody observe us, you know? One of them will be off doing something, or I will be cleaning or doing this or that, hanging out washing. We are not always in the same room at the same time, unless we are watching a movie. So, I said, "Well, we've got a Christmas present to wrap", so we just wrapped that and he watched us. He had to observe us for 40 minutes. Oh, it was really nerve wracking. And it was a waste of time because the report came back fine, obviously. But it was \$7,500; it was ridiculous. Luckily, I didn't have to contribute, but I still think he [ex-partner] should have been

made to, because he demanded it and it was a waste of everyone's time and money. (1140, Mother; Interview)

The s133 report was largely a waste of time. It didn't achieve its goal. My lawyer had said to me that the s133 reports are useless and we had held off going down that path because we knew it was a flip of the coin, depending on which psychologist you got and how good they were, and all the rest of it, whether it would be any use, or cause even more damage. He failed to pick up on so much, it was blatantly obvious. He failed to follow through on the things that he did pick up on, and he was played by a 13-year-old girl. By that stage my daughter was so alienated that she was clearly trying to manipulate what the psychologist was seeing and so she behaved ridiculously. I pointed that out to the psychologist, because for part of it he had to observe me with my children. So, he got to observe me for a couple of hours after school one time which, I think, by that stage I had just started seeing [daughter] for a few hours a fortnight. So, I'd seen her for about six hours in the last nine months, and I was to pick her up after school and bring the girl home, and then the psychologist would observe me. I don't think he really took account of the fact of how little time I'd had with her. Before the psychologist arrived [daughter] was interacting happily with me. Everything was good, there were no real issues. She seemed to be enjoying herself, and yet the perception that was being applied from her mother was that ... she was finding it exhausting with me, having that emotional stress of having to deal with me and all this kind of carry on. So, she was happy with me, playing, before the psychologist arrived. Then, as soon as the psychologist walked in the door, [daughter] just shut down completely. I could barely get anything out of her. ... The psychologist was sucked in by it all. So, I've got no faith in any step of the process anywhere along the way. (2585, Father; Interview)

Specialist reports were criticised for being “**biased**”, “**one-sided**” or “**off-piste**” with some report writers said to have expressed strong personal opinions, relied too heavily on parental alienation, misquoted family members, “twisted” or “distorted” their words, or spent unequal amounts of time with each party. One parent suggested that two report writers should be appointed to help “eliminate any misunderstanding of verbal content.”

The report was based more on allegations than substantiated facts. Both my son and I were repeatedly misquoted in the four comprehensive reports that were written. Furthermore, the brief from the judge influenced the entire report and what its findings had to be so it was another predetermined so-called piece of “evidence.” It is well known that s133 writers are obliged to write what the judge wants otherwise they won't be getting any more court-appointed jobs. (1638, Mother; Survey)

The specialist psychologist was strongly biased against me and twisted words I had said and used them out of context – to the point of stating the complete opposite of what I had actually said. (1426, Mother; Survey)

Very biased. Let the Lawyer for the Child lead her. Did not make a balanced contribution, but rather personal opinions on a very large scale. (1461, Mother; Survey)

The specialist had strong personal views against relocation and this was strongly evident in the report. My lawyer managed to dig up prior testimony from this specialist stating that in her opinion relocation was never appropriate. (1224, Mother; Survey)

The so-called expert made a report that was extremely biased, full of opinion and assumption. (1193, Mother; Survey)

The court psychologist made up things that never happened and was extremely biased and nasty all through the report. When I asked my lawyer for advice about contacting the judge about this, I was advised that this would result in the discrimination against me being a lot worse. (1228, Mother; Survey)

The s133 report writer received her brief from Lawyer for the Child, who had written the brief with the father and his lawyer – even claiming that I agreed to the school and was getting contact with [Child]. The brief was full of inaccuracies so I refused to sign it and so did my lawyer. The brief went ahead regardless. The s133 report writer then wrote a one-sided report, given that she never had an affidavit from me (I was disallowed to file one by the judge). She also held numerous interviews with my ex and spent only 30 minutes with me. (1143, Mother; Survey)

Please don't get me started. I have a document that I have already prepared about her. It shows how "off piste" these people go from their remit. She could have been employed by my husband. ...The "Court-anointed Psychopath" was on a witch hunt and used leading questions, inaccurate facts, and was on a hunt for an alleged "nest egg" she thought I must have, with 20 questions directed at one person to find that out. I wish! I asked her why she was interested in finding out if I had money and she replied that she "only asked what the Court wanted." There was NO SUCH QUESTION in the court's brief. (2135, Mother; Survey)

An experienced older psychologist who demonstrated strong gender bias and devalued my commitment to parenting – nine years full-time as the "at home" parent! (1430, Father; Survey)

A person with limited English skills who came from a culture where men are worshipped. Lawyer for the Child asked for the person to be experienced in mental health, but the person appointed doesn't have a lot of experience interviewing children. Twisted (or confused) a lot of what she was told. (1455, Mother; Survey)

Although the report was positive to me, the writer's opinion was obvious. To have a clear unbiased report there should be two writers, one to start with each party involved. Opinions are formed and therefore expressed. Also, a writer may hear what they hear and not what you say. Two writers would eliminate any misunderstanding of verbal content. (1020, Mother; Survey)

A child psychologist was appointed to prepare a report, but that process was distressing for my children. I don't think what the psychologist did was accurate or helpful because she wouldn't make determinations about issues. The issue was parental alienation and she wouldn't come to a view on that. She just said that it was a matter of conflict, but effectively, her report wasn't helpful in considering or resolving the process. (1448, Father; Interview)

We had a final hearing, which was four days, that I ended up refusing to go to because the psychologist had written another report and she'd written it within this parental alienation stuff and she blamed me. There was a lot of stuff that wasn't being answered and I wrote a lengthy submission on fair trials and said there was no way,

based on her use of parental alienation, that I could possibly get a fair trial. It's a circular argument that runs along the lines of "mother doesn't want the father to see the kids unless the kids are safe. The kids are safe, therefore the mother is the problem." The more you say, "Well, no, this is about domestic violence and child protection, the more the psychologist will say, "This is evidence of the mother's mental health." So, you can't win that argument and, because it's based on somebody's interpretation of words and behaviour, then all you end up with is a mother who's trying to protect the kids and a state psychologist who's saying those arguments are evidence that the mother is mentally unbalanced. Parental alienation is not based on science, it's not based on principles of psychology, it's just based on somebody's interpretation of what you're saying based on their status. There's no way you can get a fair trial because you're up against somebody who's got the status of a state psychologist, but how do you know their interpretation is right? You don't, because it's not based on science. In New Zealand, there's this real thing that because you're a professional you must be trustful and honest. Well, that's not true because these people can be incredibly dishonest. So, there was no way I could go to court to get a fair trial. I refused to go and sacked my lawyer. My question to the state psychologists is why are you practicing within high conflict frameworks? Why are you not educating yourself on DV and child protection and why are you not assessing people within those frameworks as well? (1207, Mother; Interview)

There's been a report, yet again by the same psychologist, that has an extreme bias. I know that her processes have been corrupt all the way through my court proceedings. Everything's always hinged on the s133 report, which has been always pretty bad against me and my family and my son. His voice has never been heard. (1461, Mother; Interview)

Alleged errors and inaccuracies in the reports could create frustration and irritation for parents and caregivers.

Two specialists have been appointed. The first psychologist got the report wrong – several errors. (1738, Mother; Survey)

The specialist should go through the draft report with relevant parties before submitting it to court as all three reports done had errors in them. (1139, Mother Survey)

She completely made things up that she claimed I said. (1193, Mother; Survey)

The children were coerced. She painted my relationship in a bad way with my children which was untrue. (1329, Mother; Survey)

My ex made false claims against me just for "tit for tat." The social worker came to my house, took down names and asked questions. A week later I received a text asking for my partner's details which we had supplied. When reading the report there were gross mistakes of things NEVER said or discussed. I can see why people have no trust in CYFS. I was disgusted with the report taking. (1930, Mother; Survey)

Her treatment of me was bizarre and extremely nasty. She was also in communication with my ex who was using her and her report to threaten me. She claimed my ex was primary carer for first six years and that my child was well-adjusted and happy. I had

always been the primary carer. Despite these facts and zero allegations of abuse I was, all of a sudden, a serious danger to my child and at risk of causing her permanent psychological damage. I could write pages and pages regarding the inaccuracies and insanity of the report. (1193, Mother; Survey)

The child psychologist with her “gathering information” obtained information based on bias and hearsay without checking if it was factual. ... She misinterpreted terminology and quoted herself as one of the research references. She lied about information I had told her including saying, “I hadn’t told her.” With her “fact gathering”, she used false allegations from my ex-husband either directly from him or via people who knew him. She judged me for giving my children cookies and juice for afternoon tea at her home visit, yet didn’t say anything about my ex-husband filling the children’s lunchboxes with pre-packaged foods, multiple cookies and donuts. She was in collusion with the Lawyer for the Child and other parties, also interfering with the Police investigation of child abuse. The report should have been thrown out of court due to its multiple inaccuracies, which she admitted to in the hearing, but the judge still based his decision using those inaccuracies. (1092, Mother; Survey)

The court psychologist said my ex-husband was, I quote, “A wonderful, caring, charming, gentle-natured man.” She made up things that were not true about me and my relationship with the children. She said I had conspired with the children (who were living with their father in a different city two hours away by plane) to make up lies about his abusive behaviour. He then went on to physically assault our children in his care and has a Police record. (1017, Mother; Survey)

Several participants thought that the specialist report had been influenced by **lies told by the other party**.

They have a way of writing these reports to be politically correct. My ex-husband’s information was not true. He lied to the psychologist who did the report. I was also in the process of a relationship breakup, so was teary at times during my interview, which was reported as instability. There is a difference between short-term upset, such as my relationship breakup, and long-term psychological abuse as suffered by myself and my son. Yet the long-term psychological abuse was not picked up. (2006, Mother; Survey)

The child’s mother lied so the report was worthless. (1031, Father; Survey)

Lies were told by the other parent and were taken for gospel. (1556, Father; Survey)

Listen to the children. Adults can be great actors. (2008, Mother; Survey)

Participants were also critical when there was a **lack of understanding, or acknowledgment, of domestic violence, abuse or alienation** in the report writing process or in the specialist report.

There was no acknowledgement of the abuse that I had suffered throughout our relationship. (1444, Mother; Survey)

These report writers often do not understand violence or think it is my problem to get over. (1211, Mother; Survey)

The specialist report referenced unrecognised Parental Alienation Syndrome (which he shouldn't have used), ignored Police reports of violence and the escalated threats and intimidation of the other party towards me at handovers. He knew about the endless litigation, physical and sexual abuse to me by my ex, but didn't believe it impacted on my ex's ability to parent. (1109, Mother; Survey)

The "expert" appointed has been fraudulently manipulating Family Court lawyers and judges for over 20 years. She has pre-conceived ideas of Parental Alienation Syndrome and also revealed her complete lack of understanding of child sexual abuse issues. But the judges and lawyers don't know any better, because nobody in the Family Court has child protection training or child development training. (1137, Mother; Survey)

I don't like having to recall all of the events that my son and I have been through. It feels like I am being assessed and the parent who is incapable of parenting effectively just gets to put me through it over and over again. (1519, Mother; Survey)

Honestly, after years of abuse, you become unable to speak, hiding everything because you have learnt to blame yourself. I was interviewed by the psychologist and her first statement, within minutes of meeting her, was that my ex was not that different from any other father. ... This, of course, shut me down, unable to talk truthfully, wanting to hide all the things from my past that my ex had used against me. ... She then questioned my children, but because they were aware of abusive texts from my ex to my friends threatening violence, they felt unable to talk openly. They said that she told them things and so they just agreed. My ex – it was very hard to sit in court – he had convinced everyone. He is the type of guy ... able to use people and make them believe in his god-like status. So, the reports were not helpful as my ex does not get the help he really needs, and my children are still at risk of his "sophisticated grooming." (2001, Mother; Survey)

The psychologists that they employ to write the reports acknowledge that the system sets them up for failure, but I suspect that they are psychologists that would never get a job elsewhere. I've yet to see a competently-written report and I've had a lot of experience. The first and basic rule that they don't acknowledge is that the children are highly-traumatised merely by the fact of having to be there. They don't understand the behaviour of children that are feeling anxiety. You can get a child that is lying to the psychologist and his lawyer because a parent has told him to lie to them about what his real wants, needs and desires are. So, when the psychologist says the child was so excited about telling me and sharing with me because he was sitting on the edge of his chair and jumping up and down – no, that's a child in anxiety that can't sit still because he knows he's about to tell a monumental lie and he's terrified of not telling what the person he's most afraid of wants him to say. (1142, Grandmother; Interview)

Some participants commented negatively on the **report writer's qualifications, skills and experience** to write specialist reports, or **the way they approached the task**.

The s133 reporter is not even qualified ... and came from [another city] to do the report. Go figure that one. The report was terrible. Lawyer for the Child told me she "secretly" compared it to other reports of his and they were like generic findings just with different names. He went and had a beer with my ex. You couldn't even make this madness up. (1129, Mother; Survey)

No understanding of Te Ao Māori. (1744, Mother; Survey)

The report writer has no qualifications or training in child abuse. He quoted lengthy academic works (including his own) on trauma in children, but appeared to have no actual understanding of what a traumatised child is, what behaviours they might present with, what fears they might have, and that a child rarely tells the story in words – it is in pictures or actions. (1142, Grandmother; Survey)

The “expert” was unable to answer the questions when on the stand, and changed his mind three times. He did not have any peer reviewed material to back up his comments in his report. He breached numerous standards under his ethical code of conduct. (1081, Mother; Survey)

I am scared to check my emails because I know the report is due out. I am terrified to look at my emails in case that report’s there and he may have misrepresented my children’s views because of what he said on the stand. He just gets on the stand, this s133 writer, and told the court he was a doctor and he had a PhD, but he doesn’t. And then a week later he came back and got on the stand again and said, “Oh, I may have given the court the impression that I am a doctor, but I am not.” This is the kind of stuff you are dealing with. And you sit there stunned. (1081, Mother; Interview)

Didn’t say much. (1900, Mother; Survey)

Arrogance was a common theme. (1670, Father; Survey)

Inferred the child and mother were liars, didn’t report abuse when child clearly told her, didn’t use appropriate literature to back up findings, didn’t produce her notes when asked. Told child she had all the power with the judge and led the child when interviewed. (Recordings were taken of interviews). Didn’t take seriously other social services or GP notes. (1461, Mother Survey)

The s132 report was a terrible joke. ... The brief was to ascertain whether my daughter’s father could pick her up from school. After an interview, and no investigation, the social worker concluded that there were no care and protection concerns with my daughter’s father. She had not viewed his criminal history; she had not viewed his DV history (three Protection Orders, with at least 13 convicted breaches). Even though his lack of suitable housing to have contact at had always been a feature, she did not visit him where he was proposing to have contact, and did not ask him where he proposed that contact should take place. (1079, Mother; Survey)

Someone who started writing s133 reports 10 years ago and has done no further academic research in that time (i.e., quotes outdated academic literature etc.) and notes the children have been coerced, but then states the children have expressed a preference and so the contact arrangements should follow their coerced stated preferences, is incompetent. The results for two children since that recommendation have been regression socially, academically and self-harming, and suicidal ideation in another one. (1064, Step-parent; Survey)

He was unprofessional, he had a conflict of interest, he was rushed and short of time. He relied on email advice from a family therapist, a person he had never met, who did not have qualifications to comment on the things he asked her opinion on (one of

them being the children's attachment). He lied in court. He appeared to be directed by Lawyer for the Child. He denied the need for the children to be referred to [a child mental health service] despite a reliable assessment that showed extremely high mental health issues for my granddaughter in particular. He suggested to lawyers at the back of the courtroom that they suggest to the judge that he be appointed to monitor the children instead (all I could assume was that he wanted to feather his own nest income-wise). Why write a report recommending urgent referral to a publicly funded service then try to manipulate the court to fund his private service? I asked my lawyer to veto his "under the table" suggestion, which she was happy to do. Why can the court not accept written statements from people who have daily past experience with the children – teachers, early child workers, doctors, neighbours, church leaders, sports and extra-curricular activity providers, family friends? These will build a picture of the child's true situation. (1142, Grandmother; Survey)

He asked me to bring the children to his rooms for a follow-up visit due to the defended hearing being over a year after his initial report. The children did not want to go. Despite all my very best efforts they were in high anxiety – the 8-year-old ran away rather than get in the car. It was a 25-minute drive. He sent an email 25 minutes before the appointment time to advise he had a family issue to attend to and could we make the time 30 minutes later? I didn't get email. I was waiting in his crowded waiting room with two highly anxious children for 20 minutes. He walked in casually with a takeaway coffee in his hand, looking surprised to see us there. Needless to say, the children's visit with him did not go well. He reported to the court that I caused them anxiety! TOTAL lack of awareness of his actions that day, and other times too. (1142, Grandmother; Survey)

It didn't matter what our daughter or I said, no one believed us. I felt like I was being portrayed as an overbearing mother, which was devastating because my daughter had felt so unsafe at her father's she had prepared her own safety and escape plan. I think they believed I put the thoughts into her head, which I didn't. (2036, Mother; Survey)

That social worker, I don't think did her job properly. I think she probably should have challenged the Lawyer for Child. That's really the level of professionalism I would expect from the social worker. It wasn't until 18 months later that my daughter told me how the interview went. (1079, Mother; Interview)

Even the child psychologist said they don't have enough time to make the report and get the right information. My lawyer and I were talking about it and saying these people that provide these reports should be writing the report, giving the information, and then checking with each party whether it is correct or incorrect before submitting their report to the court. The child psychologist went on what they called a fact gathering information bender, and she came back with the report from the Children's Team which was incorrect and she didn't check those facts. There were things that she lied about that she said I didn't say and it's like, "Well, I did say that, because then I said this." But I didn't get to argue it. ... Not all the report writers that the court employs are clinical psychologists. So, they get a person to assist the family who is not a clinical psychologist – well, what's the point of it? You might as well just dismiss the whole thing. And then, psychologists make like \$80 an hour. Obviously a psychologist that is getting some contract work from the court, it is pretty good money. So, they don't turn it down, but actually ethically they are not allowed to take those cases if they're not qualified – especially when there is a direction from the judge to assist with

things like alienation. It is quite a high expertise area. And there are hardly any psychologists in New Zealand that deal with that. Those types of things put court cases on the back burner for a lot of families because they are just stuck in limbo. You have got this report writer who did a report without any concrete recommendations of how to proceed or even the assessment itself might be quite lacking. (1092, Mother; Interview)

Parents and caregivers also expressed their **dissatisfaction with a specialist report** for being “**vague**”, “**superficial**”, “**wishy-washy**” or lacking insight, for being “**irrelevant**” because the report had been written months/years previously, and for not “contributing to the end result at all.”

Comments in these reports can be vague, and are open to interpretation. A judge and court officials, like Lawyer for the Child, will pick and choose which parts of a report they wish to acknowledge, rather than the entirety of the report as a whole. (1646, Mother; Survey)

By the time the judge saw the report it was a year old and not relevant anymore. (1061, Father; Survey)

It was over two years old and the information was out-of-date. No updating report was allowed. (1456, Mother; Survey)

The psychologist did not investigate the concerns mentioned by the Lawyer for the Child. The report was not very detailed despite the large cost. (1715, Father; Survey)

A report had been requested to assess the mother’s abilities to provide parental care due to concern about continued alcohol and drug abuse. Instead of a psychologist, the report was compiled by a social worker who completely missed the intended purpose and mainly documented either irrelevant facts (about the mother’s childhood and information about her parents) or facts already known by the Family Court. It could not give any insights and was not used. (2054, Father; Survey)

Lacked adequate investigation and analysis of the findings, therefore resulting in wishy-washy conclusions. Was too superficial to provide much real insight. Due to the specialists being used by the court in the role of “expert witnesses”, investigation and analysis was at arm’s length, rather than being able to dig in and assist the parties. (1585, Father; Survey)

The report was dishonest and unprofessional, and I would have made a formal complaint if I had any energy left over from the court proceedings. (1426, Mother; Survey)

Participants also expressed concern about **delays** in the specialist reports being written, sometimes due to the unavailability of a report writer.

It’s taken them three months to write it and it still hasn’t turned up. (1175, Mother; Survey)

He ordered a s133 report in February 2017. That report wasn't completed until October 2017. The report writer had 125 documents to read, plus the court transcript, which was over 300 pages from 2015. (1591, Father; Interview)

I waited, I think it was about six months, for a social worker's report. It was going to take eight to 10 weeks. Six months later – you know? It's absurd. (1700, Father; Interview)

The thing that annoys me about the administration of the Family Court is that they don't seem to look ahead. They said they had to have the s133 report issued by August, but, "Oh, we can't find a writer." I got my barrister to chase them hard to get a writer and eventually we got one. He came and saw me twice. The second time he said, "Well, you weren't a very good parent so you basically deserve what you got." Well, I said, "Not really your job – your job is to write the report, you're not the judge mate. That's the judge's job." I thought he was very arrogant and condescending, little miserable twit. He came out with a whole lot of psychologist-type speak and didn't give me much encouragement, put it that way. (1670, Father; Interview)

Having to view the specialist report at the Family Court and not receive **a copy** of it was another concern.

The report isn't accessible outside of court. (1055, Father; Survey)

It wasn't helpful to me when I was self-represented as I could not have a physical copy to take away. I was only allowed to view the report at the court with administrators present. (1581, Father; Survey)

The other ridiculous self-protecting aspect is the fact that reports can't be released to the parties. This is another policy supposedly to protect the children, when everyone knows the policy protects the s133 writer and the Family Court. Once again there's no transparency and accountability. (1638, Mother; Survey)

I know the reports are not supposed to be released – they're supposed to be court-held information. That's another thing that I don't think should be, because that information could be useful for the child to get support elsewhere, and it could also be countered from information elsewhere or even a new approach put on it. (1142, Grandmother; Interview)

A few parents suggested the specialist report should be **followed up**.

Provide follow-up care after meeting with the specialist to make sure people are okay. The psychiatric and psychological report were very triggering. (1139, Mother; Survey)

Father looks perfect. There are no follow-ups to these reports, so if he doesn't follow through with what he says he will do nobody in the court knows about it. Yet in the real world we do know about it. It's a joke. (1108, Mother; Survey)

Children's Thoughts, Feelings and Views

The survey asked the participants which professionals (if any) met with the children (see Table 175). The most common professional to meet with children was Lawyer for the Child (83%), followed by a specialist report writer (32%). In just under 10% of the cases a judge met with the children, and in another 10% no one met with the children.

The other professionals who met with children included: social workers, police, counsellors, school personnel; religious personnel, contact supervisors, psychologists, support agency staff and volunteers, mediators, lawyers and play therapists.

Table 175: Professionals who met with children during the Family Court process

	<i>n</i>	Percent
Lawyer for the Child	254	82.5%
Family Court judge	28	9.1%
Expert/Specialist report writer	97	31.5%
Another professional	40	13.0%
Not applicable	12	3.9%
None of the above	31	10.1%
Don't know/can't remember	3	1.0%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

Table 176: Satisfaction with the consideration given to the children's thoughts, feelings and views in the Family Court

	<i>n</i>	Percent
Very dissatisfied	98	32.7%
Dissatisfied	65	21.7%
Neither satisfied nor dissatisfied	53	17.7%
Satisfied	60	20.0%
Very satisfied	24	8.0%
Total	300	100%

As shown in Table 176, over half (54%) of the participants were 'dissatisfied' or 'very dissatisfied' with the consideration given to the children's thoughts, feelings and views, with the greatest proportion (33%) being 'very dissatisfied'. Twenty-eight percent were 'satisfied' or 'very satisfied', with only 8% being 'very satisfied' with children's participation.

Participants expressed varying perspectives on children's thoughts, feelings and views in Family Court proceedings. Unsurprisingly, given the significance of Lawyer for the Child in this context, many of their comments related to this role and the way it was undertaken with their child(ren). However, these findings about Lawyer for the Child have been reported in the section above, allowing this section to focus on other aspects regarding children's thoughts, feelings and views and the impact of the court proceedings on them.

A small number of participants said their **child(ren) were listened to**.

Our child's feelings are finally being listened to. (1131, Mother; Survey)

In the court her views were recognised and recommendations as to how those views should be recognised were made by the psychologist and Lawyer for the Child, albeit from a gender-biased perspective of the psychologist. (1430, Father; Survey)

[Child] was of the strong opinion that she wanted to see more of me and my position was I always wanted to do what was best for [Child], and I needed her in my life as well. So, it was two onto one really in that case. I'm lucky in that [Child] was older and had a voice; nobody was interpreting her intentions, because her intentions were quite clear. (1560, Father; Interview)

They were listened to. (1197, Mother; Survey)

The psychologist was very thorough, and listened well to us all. (1460, Mother; Survey)

However, the majority of the comments, made in both the survey and the interviews, expressed **concern that children's thoughts, feelings and views were not adequately taken into account** during Family Court proceedings.

A number of participants thought their children **did not have an opportunity to express their views and/or were not listened to**.

*I think that really, the huge elephant in the room here is the children. They need to bloody well listen to children. They write down what the children say and they go, "Oh, but we can't really set any store against that because clearly the mother must be poisoning their minds." Well, for f**** sake, I can't even afford to look after the children. I would love it if I had a wonderful ex-husband who was helping me. I would love it if he was a great guy and they enjoyed being with him and they did stuff. But he's not, and I don't have any choice. You know, I just don't have any choice but to listen to the children. So, why doesn't the court listen to the children, just for a second? (1135, Mother; Interview)*

The consideration given to the kids was a sham. Nobody really listened to them – if they had, they'd have known that they didn't KNOW their dad. They were too little to remember. It makes me actually cry thinking about how little the kids 'actually' mattered in the process. (1180, Mother, Survey)

They are just not listened to. My kids are teenagers, whose voices are ignored still. Their father's rights to demand more contact and not to pay child support outweighs their right to a voice – and their right to safety. (1211, Mother; Survey)

Going to repeat myself. LISTEN to the children. (2009, Mother; Survey)

Her thoughts, feelings and views were NEVER taken into account during the proceedings. She was never asked! I was appalled by this, and it is hard to explain to my daughter why no one cares what she thinks. (1426, Mother; Interview)

My children have voiced that they want to talk to the judge, but no-one has indicated to them when they can do this. (1646, Mother; Survey)

There was not any other voice for the child except for the psychologist's report that I had to fight to get. (1441, Grandparent; Survey)

One child was adamant for no change and wasn't listened to. (1329, Mother; Survey)

No-one seemed to care about her feelings. (1736, Mother; Survey)

They don't care how the child feels at all. They don't listen and really do not care. (1130, Mother; Survey)

I've heard so many stories. I've got friends who ran away to Australia because the Family Court here couldn't work out for them. They told me that the Australian court did take the human behaviour into consideration and it's fairer for the children. Especially when the children are saying, "No, I don't want to go to him", to the father. Family Court is taking [that] into consideration, despite their age. They may be 13, they may be 14, but they're listening. But so far, what I'm listening [to] here, I'm so frightened and scared because my second lawyer told me that, no matter what, it's going to be 50/50, whether the child has a voice or not. "Get it into your skull", that's what he said. (1494, Mother; Interview)

The court process has failed to hear the children's voice (through drawings, play, excessive quietness, etc.) and failed to listen to me as their main caregiver for most of their lives. I am very dissatisfied with the consideration given to the children's feelings. If there was follow up and review, the children would speak to that judge now and tell her themselves, but there is no avenue to re-approach the judge or the court. (1142, Grandmother; Interview)

No-one was interested in her views at the end of the day. She asked if she could speak to the judge herself and I was told no. Even that wasn't right – she could have done. (2035, Mother; Survey)

My children's feelings, wishes and opinions were totally disregarded in the first court hearing and completely dismissed. In the second court hearing 2.5 years later, the Family Court had to listen after their father assaulted them. (1019, Mother; Survey)

As far as I'm concerned, my children's stories will come out, but it's just unfortunate that they're going to have to go through whatever process the court deems to be right for my children. That's what they have to endure. ... We try and educate our kids to be confident so that they can get up and speak for themselves and grow to be young adults. Well, I just hope they get the opportunity to speak their share to the judge, that's all. I hope they get that opportunity at least. (1646, Mother; Survey)

I think they have got used to it, yep, and they just accept that's what's happened. They're very accepting children. ... They don't get a voice, you see, so they just accept what has to happen and this is what happened. (1329, Mother; Interview)

Some participants stated that, while someone had spoken with the children, **their views were misrepresented** to the court or **were dismissed or minimised**.

They don't report accurately. And if they do report the children's wishes the judge or the court ignores that and acts as though it must be because they've been poisoned by the mother. Damned if they do, damned if they don't. (1135, Mother; Survey)

Yeah, so when we went through the court and the kids talked to their lawyer, they had said that they didn't want to be away from Mum for more than five days, saying that it was too long. So that's when the Lawyer for the Child read out his report and it was almost like the judge just disregarded what the kids had said because of their ages. (1410, Mother; Interview)

The children had a long list of mental health/trauma related issues and these were seriously minimised. Letters, stories and pictures written by the children were misrepresented. The children did not appear to have been given the opportunity to speak freely – they could only answer question in a limited way. They felt they had not been given a voice. (1081, Mother; Interview)

The children recorded the meetings and the reports produced by the Lawyer for the Child and the psychologist from those meetings in no way resembled what had actually taken place. The thoughts, feelings and views of the children were dismissed as “coaching” by the mother, despite photographic evidence, witnesses and other contemporaneous evidence. I was left with the clear impression that the children were the least concern of the court. (1207, Father; Survey)

Was left very angry to find my child's thoughts and feelings were twisted and ignored. (1896, Mother; Survey)

It is up to the interviewer how to present child feedback. Sometimes, small things have been magnified, e.g., “Do you miss your mother?” – “Yes, I do”, had been presented to the Family Court as, “Child desperately wants to see her mother.” (2054, Father; Survey)

In all cases the four different Lawyer for the Child have recorded and conveyed my son's thoughts/feelings/views accurately, but in every instance the 12 plus judges who have presided over the case have dismissed these on the ridiculous (impossible) basis that my son is an “alienated” child. Even though the s133 writer's four reports confirm that the child had no prior relationship/bond with the father as there was no history of co-habitation/co-parenting. And in spite of the track record of prevalent violence which the s133 writer acknowledged. Despite the judge dismissing this. Finally, I was not found guilty of one “alienating” act but it was determined that I had “unconsciously and unintentionally” alienated the child. Again, laughable if the consequences weren't so horrific. (1638, Mother; Interview)

Participants also commented that while they believed children's views should be taken into consideration, **safety concerns and estrangement issues should also be thoroughly addressed**. Some thought these should **take priority to ensure their safety**.

I felt that the safety of the children was overlooked in regards to accommodating their wants, rather than ensuring they were safe. (1835, Mother; Survey)

Children don't always know what is best for them, but ultimately they get to choose without understanding the full facts and consequences of those decisions. (1148, Mother; Survey)

While the children's views were represented, they seem to be at a very superficial level and are given too much weight in the situation where one parent is alienating the other. (1585, Father; Survey)

Keeping kids safe matters; thoughts and feelings don't. I love my kids and have custody of them, but the parent they like is a junkie drunk. (1811, Mother; Survey)

I am devastated that the children continue to suffer by being forced to visit him against their wishes and with no time to heal – yet I left him to try to protect them from the abuse. The children are ignored and treated like furniture to be shared fairly and with no regard to their needs or wants or emotional psychological safety. It is breaking my heart that I left him and now cannot protect the children. (1439, Mother; Survey)

In addition to commenting on children's thoughts, feelings and views, participants also commented on **the impact of court proceedings on children**. Many thought that the **mechanisms of the court process and delays acted against the best interests of the children**. For some, these delays meant that the child would have aged out of the system by the time the case reached a hearing, while for others it acted to prolong the trauma. Others regarded delays as leading to their children being further alienated from them.

[Child] was alienated and the Lawyer for the Child and my lawyer all saw that but, the delays in the court system [meant] I wasn't going to get to that hearing until the middle of next year. By that time, he would be 15 and too old to be in the process. (1448, Father; Interview)

It just strung out the whole entire process and it just led me and the kids down a hell path. Like for my kids to have met 22 different people ... on their journey, and that is what I'm not okay with. (1199, Mother; Interview)

Timeliness. That's a vital one. I don't know how to emphasise that enough. When you have a situation of developing parental alienation, then the longer between the commencement of that and any intervention, the greater the psychological/emotional harm that's inflicted on the child. So, the opportunity for intervention is compromised the longer it goes on and that's exactly what's happened in this case. It's dragged on and the position or [child's] situation has been consolidated. Her emotional, psychological ability to or capacity to go against her mother has become less and less achievable, more fragile, I suppose. ... The Family Court has strong powers to act and act really promptly where a child is in physical danger. I think the Care of Children Act recognises it. But the Family Court doesn't recognise that the emotional, psychological damage that can result from alienation is also one that requires urgent and timely intervention. (1430, Father; Interview)

The overall process from the day I left to, I guess, when the Parenting Order was put in place, I don't think it wasn't a positive experience for [Child]. I think the length of the time was not a good thing because there was so much uncertainty and the poor little bugger was caught in the middle, basically. I didn't talk to him very much at all about what was going on or what he might want. I had a couple of chats, but I chose to keep him away from that because he was just too young I thought to be involved in that and it was an adult matter effectively. Whereas his mother took the opposite view and talked to him a lot. I think there were a lot of leading conversations going on there

which leads to the parental alienation conversation. So, when his Lawyer for the Child talks to [Child], it's exactly the mirror of what his mother says, and a lot of the language he uses is exactly his mother's language. Through that period he displayed all the classic symptoms of a child [who was] alienated. (1458, Father; Interview)

Children's views are not considered. The Family Court allows more delay, children get to stay with the mother more time, children get easily brainwashed the way mother wants the children to respond. (1521, Father; Survey)

Unfortunately, my child was trying to please everyone and was far from consistent with her wishes. No-one seemed to have experience in child psychology and came to some damaging conclusions regarding her responses. They decided that I was coaching and brainwashing her, but she just simply believed that if she said Mum told me, she would be believed and taken seriously. She felt secure in the fact that Mum had her back. Two years have passed and my daughter still cries about not living with me. She was begging me last week to go back to court. I've explained to her that she isn't ready She is turning 10 and is already asking to read all the paper work pertaining to the case. I've told her she is still too young, but it's all there for her to read when she's older. The system is so broken that there is nothing a child can do to change their situation and nowhere that I can get help for her either. She's been let down by all the government departments involved. (1193, Mother; Survey)

Many participants thought that the **Family Court was not focused on the best interests of children** and did not prioritise their interests above those of their parent/caregivers.

It's very damaging to children. I don't even know where to start. I mean, if one parent is the abuser and doesn't think of the children's best interest, then the children get treated like property and just as a bullying tactic to say, "Well, you can't have your kids", then, so yeah. I mean, I hear a lot of "in the children's best interest" or "in the children's well-being", but I don't see it. (1092, Mother; Survey)

Mainly the judge's education or, the ignoring [of] domestic violence. I know that they want to keep things, like, that a father still sees their child or a mother stills see their child even if they'd been abusive, and as long as they get the anger management or something like that that they might need or to work through not being abusive, but they're putting children in harm's way [by] allowing them to be with their abuser, with no supervision, where they can continually abuse and children get killed from it. So, it is not really working for the children. (1092, Mother; Interview)

They know how things work, but nobody cares about what's best for the kids. It's the legal system. (1521, Father; Interview)

I would love to see people focusing more on the children, especially what's best for the kids. Because, it was so easy for the court to forget about them in my personal opinion. (1059, Mother; Interview)

The key, the whole thing that sort of sums up all of that, is that there needs to be less focus on parents' rights and more focus on how they are performing with their responsibilities as a parent. (1142, Grandmother; Interview)

It wasn't about the kids. The whole court case hinged on a personal assassination of me, not on what was best for the kids, not on what would benefit them the most, not on their needs. It was about personal attacks by his party on mine. I told my lawyer to focus on the children; she did. But the combative process of the Family Court is about decimating the individual, not what's best for the kids. (1456, Mother; Interview)

Yep, [it's tough] for the kids, let alone the adults. They're meant to be why the Family Court exists. I'm sick of hearing about their flagship saying or whatever about, "Oh, it's not about you parents, we're here for the children." In my experience they're absolutely not. They've caused mayhem and are one of the hugest contributors to the psychological and ongoing effects those children will bear from the results. (1544, Father; Interview)

Family Court, it's so not child-focused. That's a fact. I can tell you, there was nothing that was ever done that was for the benefit of my child, he was so grossly abused and his primary care parent very much abused, and of course, I have a debt over me for the rest of my life for \$400,000 that I will never recover from. (1638, Mother; Interview)

"Oh, we're here for the children, it's all about them and their best interests, we've all got them at heart, we'll make a decision." But, oh, once the fricken hammer comes down and it's rubber stamped, ha, "Good luck kids, that's your lot for the rest of your days until you become an adult." (1544, Father; Interview)

My daughter was not taken into account at all. It was all aimed at making it fit around her father and not her. (1334, Mother; Survey)

Teenagers should have more voice than the parents. Forcing teens into contact and care arrangements they don't want is setting the family up to fail. (2057, Mother; Survey)

Children are just marbles to the court. They get bounced around from pillar to post and the court system is failing them. The only ones who win are the lawyers. (1318, Mother; Survey)

Children's needs and safety should take precedent and therefore any parent's rights to not give evidence should be forfeited when either parent makes an allegation that [a] child is in danger. (1055, Father; Interview)

When you have got a system that's set up and based on the assumption that both parents will act in the best interests of the children, and one is blatantly not, then there just doesn't seem to be anything you can do about it. (1044, Father; Interview)

The position or view of what is in the child's best interest when there was a huge history of domestic violence and a Protection Order that was deliberately discharged was all ignored. (1744, Mother; Survey)

They spell out that our organisation is based on the Treaty of Waitangi or our organisation's priority is the child is paramount. To be honest, it's a load of crock. For some of these practitioners out there, it is a load of crock, and they need to be made accountable. To be quite honest, there needs to be a bloody performance audit report

done by the Auditor General or something. That's what I honestly feel [about] the Family Court system. (1646, Mother; Interview)

Many people believed that their **children had suffered trauma, stress and unhappiness** as a result of Family Court proceedings.

My [grandchildren] are very, very quiet. The school says they're very quiet. They have a social worker at the school [who] they talk to – they go see her, but they won't tell her anything. They're too scared to. They tell me all the time that they would rather come and live with me. My grandson has just turned seven and he used to cry every Friday, and I'd just sit and rock him and he couldn't get any words out. He'd just cry. I couldn't even drive away from the school. We just sat in the car park and wait until the other cars left and then I'd climb in the back seat and hug them, because they'd just be sitting in their car seats crying. Then it took him weeks to start to say that he wasn't happy, he wished he was with me, and then finally he broke down and he says, "I did a really, really bad thing," and it still took him quite a bit to get it out. This bad thing was that he lied to the Lawyer for the Child and he lied to the psychologist and he did it because Daddy told him to. ... He doesn't trust Daddy anymore, "because Daddy doesn't look after us properly." (1142, Grandmother; Interview)

Well, it has really destroyed my relationships with my son and my middle son, probably as well. It caused massive disruption for them, unhappiness, probably caused my eldest son to be suicidal. (1448, Father; Interview)

She didn't want to have anything to do with [father] and she couldn't understand why these adults kept talking to her about him. I think the whole process was very confusing for her. Her behaviour at home was horrendous the entire time and [she] is still now quite anxious. (1012, Mother; Interview)

I'm big, I made this bad choice, but the kids are the ones who are the victims here and it's disgusting. (1456, Mother; Interview)

I think if a lot of this process had not been so traumatic on the kids, she wouldn't hate her dad now. (1199, Mother; Interview)

Yep, there's been huge damage done to my kids by the court, by this entire process basically. I think, sure, there are cases where they need to intervene, but if they're accepting such a low bar for these [without notice] applications, then they need to take responsibility for deciding that if they're not going to make this matter better, then stay the hell out of it. They're clearly taking these things on and making them dramatically worse, and that's the most frustrating thing. (1585, Father; Interview)

I haven't found any of it helpful. I think the whole process, the stress that's put onto the children, the stress that's put on to me ... it's avoidable. I don't agree with the system at all, for separation. Especially going through the court system. It drags on and the unknown of you're never going to know when it's finished, when you're going to be finished. The kids pick up on that. It doesn't need to be this way. (1020, Mother; Interview)

Some participants outlined **suggested improvements** to address some of these issues. These included having other professionals, such as counsellors talk with children instead of

lawyers, allowing children to meet with the judge, taking a more holistic and whānau orientated approach and focusing more on children's rights and well-being.

They were asked to comment on my desire for 50/50, which put them in the position of making a decision I think they shouldn't have had to make. I think there are better ways of including their thoughts and feelings other than through a meeting with a lawyer. It should be a process that involves a counsellor who has time to get to know the children and find out over time what they feel about their parents. The way it was done asked them to be judgemental, which was incredibly damaging. There must be a more emotionally intelligent way to discover the children's feelings other than having a lawyer ask direct and leading questions. (1509, Father; Survey)

I think they need to be quite holistic. ... There's a lot of 'everything the kids want, they should have' kind of thing. I think children are given almost too much power, because if they say, "Well, I want to do X", then a lawyer's going to go, "Oh, well, the child wants to do X." But it's not as simple as that. I think that their voice needs to be taken in to account of course, but I think there needs to be more examination of where that voice is coming from. I don't even know if lawyers are the right people to be advocating for children. I think maybe trained counsellors, specifically trained around children, may be the right people to be advocating for children. (1371, Mother; Interview)

I actually believe, looking at the Rangatahi Court, society needs decisions and a far more family-oriented physical space with input from people that know the family. People from the doctor, the schools, the child care workers, the extended family, and people that have knowledge around child development and child protection, because let's face it, the number of children that are suffering from domestic violence in New Zealand is huge. There would be very few people that are going through the Family Court, even separating parents, whose children have not suffered some sort of trauma, even amicably separating parents. There are some. I know there are some. But [with] the high percentage of the families in Family Court, I believe the children have experienced trauma and abuse. (1142, Grandmother; Interview)

There are techniques that specialists can use to interview young children to allow their views to be represented and I believe this should be done instead of acting on assumptions made by others. (1581, Father; Interview)

Children should be allowed to see and tell the judge what they feel and want. (1737, Mother; Interview)

I do not think lawyers should be seeing children at all. They do not have enough training or experience with children. Lawyers are trained in points of law not in supporting and caring for children's wellbeing. Childcare workers and teachers train for three years in child development and then have supervision. These lawyers seem to be following a court process without regard for how it feels to the child. (1102, Mother; Survey)

It needs to be the primary focus and all proceedings need to be centred around the children not the adults. (1059, Mother; Survey)

I don't know how you get around this, but parents with custody are fuelled to find issues with their kids and associate this negatively to the other parent or the fact the child is not spending enough time with them. Putting some boundaries in place e.g., daycare/preschool/school must support an application for a psychologist's report would be helpful. (1584, Father, Survey)

Somehow in New Zealand, the rights of our children and the worthiness of the child is diminished through different things that happen in our community. So, I think we need to see a service that really gets that out there, that really works on the rights of our children. (1122, Mother; Interview)

Some participants thought that **counselling, or some other form of support, should be available for children** going through the Family Court process. They said that this could support the children and help mitigate their stress and anxiety, as well as help them to express their views and have a voice in the process.

The children should have been allowed to see a trained child counsellor, just for themselves, who they could develop a rapport with and feel safe to talk to. The people who did talk to the children are not people who the children feel safe with, are people who have advocated for the children to be put with their father, when the children have expressed fear of him, and are people who refuse to take account of the children's wishes. The children's views have not been obtained. (1137, Mother; Survey)

I feel children would benefit from a support programme while going through this process especially if family violence is involved. (1977, Mother; Survey)

It's all very traumatic for everyone involved, from everyone I have talked to. And the children get dragged into all the adult issues, it's not fair. It's not fair at all. ... Children need to be in some kind of counselling or something right from the minute an application is made in the court by parents. Because there is so much, so much, that they go through. (1059, Mother; Interview)

The hardest part I think is that the children, like my children, needed counselling. If the courts listened, and understood the abuse, they would have explained it, like they would have organised counselling. Counselling would help explain things to the children more or just help them with their worries, whereas the Lawyer for the Child is just telling them as a lawyer to their clients. (1092, Mother; Interview)

I do believe that every child should be entitled to some sort of counselling, or just someone to come and work with them. If it is going to continue to be nasty, there should be one spokesperson that liaises – they get to know the child, they go and see them at school. I've got this vision of what the perfect person would be in my head. They get to know them, they take them out. Even if it's to take them out of school, take them to the beach, get their trust. Or take them for an ice-cream. Not talk about the big stuff, just get to know them, get to know who are their friends. You know the real stuff that kids like to talk about first before hitting the deeper stuff. With kids being so amazing and open, it wouldn't take long to do. (1199, Mother, Interview)

The courts have not ordered counselling for me and my son to have together and I've asked for that and they've said we need the consent of his mother, which I think is really wrong. So, I can't take him to a counsellor for him and I to have a chat around

our relationship without her consent. I think that's really bad because there's alienation going on, but it's not to a degree that I'm going to go to court over because it's just not that bad, it's too hard to prove, and it will be too destructive for [Child] to get pushed down that path. But it would have been nice to be able to go to a counsellor and have him and I just have a chat and try and work through some of the issues that him and I were grappling with. (1458, Father, Interview)

Outcome of Family Court Involvement

Participants were asked what the final outcome of their involvement with the Family Court was (see Table 177) and their satisfaction with this and any parenting arrangements that were decided.

Table 177: Final outcome of involvement with the Family Court

	<i>n</i>	Percent
Decision made by parties/Judge made Consent Order	105	34.5%
Judicial referral to FDR	2	0.7%
Judicial decision – Parenting Order made	94	30.9%
Still in Family Court process	97	31.9%
Something else	6	2.0%
Total	304	100%

Nearly a third (32%, $n=97$) were still in the Court process and so did not have a final outcome. Table 178 presents the findings excluding these participants, and shows that of those who had completed their Family Court involvement, the most common outcome for around a half (51%) was for the parties to have reached a decision or come to an agreement prior to a defended hearing. A judge may then have made a Consent Order. A judicial decision determined the parenting arrangements for another 45%. It was rare for a judge to refer the parties to FDR, with this happening for only 1% of those who had completed the court process.

Table 178: Final outcome of involvement with the Family Court excluding those still in process

	<i>n</i>	Percent
Decision made by parties/Judge made Consent Order	105	50.7%
Judicial referral to FDR	2	1.0%
Judicial decision – Parenting Order made	94	45.4%
Something else	6	3.0%
Total	207	100%

Participants (including those still in the process) were asked how satisfied they were with the outcome of their involvement with the Family Court and the findings are presented in Tables 179 and 180.

Table 179: Satisfaction with outcome

	<i>n</i>	Percent
Very dissatisfied	106	35.8%
Dissatisfied	43	14.5%
Neither satisfied nor dissatisfied	53	17.9%
Satisfied	60	20.3%
Very satisfied	34	11.5%
Total	296	100%

Overall, more participants were dissatisfied with the outcome – 50% were ‘dissatisfied’ or ‘very dissatisfied’, compared with 32% who were ‘satisfied’ or ‘very satisfied’ (see Table 179). The greatest proportion (36%) were ‘very dissatisfied’. Table 180 shows satisfaction with each individual outcome.

Table 180: Satisfaction with outcome by Family Court outcome

	Very dissatisfied	Dissatisfied	Neither satisfied nor satisfied	Satisfied	Very satisfied	Total
Decision made by parties/ Judge made Consent Order (<i>n</i> =105)	21.9%	10.5%	23.8%	33.3%	10.5%	100%
Judicial referral to FDR (<i>n</i> =2)	0%	0%-	50.0%	0%	50.0%	100%
Judicial decision – Parenting Order made (<i>n</i> =94)	33.0%	17.0%	5.3%	23.4%	21.3%	100%
Still in Family Court process (<i>n</i> =89)	53.9%	18.0%	24.7%	3.4%	0%	100%

The greatest proportion of those who were ‘dissatisfied’ or ‘very dissatisfied’ were those who were still in the Family Court process (72%), compared with just 3% who were ‘satisfied’. Those participants whose parenting arrangements had been made by judicial decision were fairly evenly split between those who were ‘dissatisfied’ or ‘very dissatisfied’ (50%) and those who were ‘satisfied’ or ‘very satisfied’ (45%). A similar proportion (44%) of those whose parenting arrangements were made by the parties were ‘satisfied’ or ‘very satisfied’, with nearly a third (32%) being ‘dissatisfied’ or ‘very dissatisfied’. Nearly a quarter (24%) were ‘neither satisfied nor dissatisfied’.

The above analysis relates to participants’ satisfaction with how, or if, decisions about parenting arrangements were made. Those whose use of the Family Court resulted in parenting arrangements and/or orders being made (*n*=199) were asked about their satisfaction with these, how fair they thought they were, and how long they took to determine.

Table 181: Satisfaction with parenting arrangements/order(s) made

	<i>n</i>	Percent
Very dissatisfied	57	28.6%
Dissatisfied	34	17.1%
Neither satisfied nor dissatisfied	20	10.1%
Satisfied	57	28.6%
Very satisfied	31	15.6%
Total	199	100%

As shown in Table 181, the participants were polarised on how satisfied they were with the parenting arrangements made, with nearly equal proportions being 'dissatisfied' or 'very dissatisfied' (46%) as were 'satisfied' or 'very satisfied' (44%). Only 10% were neutral about their satisfaction with the parenting arrangements/orders made.

Table 182 presents a cross tabulation of satisfaction with the parenting arrangements made with who made the arrangements – either the parties themselves ($n=105$) or judicial decision ($n=94$).

Table 182: Satisfaction with parenting arrangements made by how arrangements were decided

	Very dissatisfied	Dissatisfied	Neither satisfied nor satisfied	Satisfied	Very satisfied
Decision made by parties/Consent Order	40.4 %	52.9%	80.0%	64.9%	35.5%
Judicial decision – Parenting Order made	59.6%	47.1%	20.0%	35.1%	64.5%
Total	100%	100%	100%	100%	100%

As shown in Table 182, of those who were 'very dissatisfied' with the arrangements, the majority (60%) had had those arrangements judicially determined. However, for those who were 'very satisfied' with their arrangements, the majority (65%) were also those participants whose arrangements were made by a judge. Of those who were 'satisfied' with the arrangements, 65% had made them themselves.

A chi-square test showed evidence of an association between how the arrangements were decided and satisfaction with arrangements ($\chi^2 = 16.57$, $p=0.002$). More participants than expected were either very satisfied or very dissatisfied when the arrangements were judicially determined. Similarly, fewer participants than expected were very satisfied or very dissatisfied when they had made the arrangements with the other party. Given that in order to reach a decision with the other party compromises would likely be required, this finding of a more moderate rating of satisfaction is perhaps not surprising.

Table 183: Perceptions of fairness about parenting arrangements/order(s) made

	n	Percent
Very unfair	55	27.6%
Unfair	38	19.1%
Neither fair nor unfair	23	11.6%
Fair	54	27.1%
Very fair	29	14.6%
Total	199	100%

As shown in Table 183, ratings of perceived fairness of the parenting arrangements showed a similar polarisation, as was seen above, in relation to satisfaction with the parenting arrangements. Similar proportions thought the arrangements were ‘unfair’ or ‘very unfair’ (47%) as thought they were ‘fair’ or ‘very fair’ (42%).

Table 184 presents a cross tabulation of perceived fairness of the parenting arrangements made, with who made the arrangements – either by the parties themselves ($n=105$) or by a judicial decision ($n=94$).

Table 184: Perceived fairness of parenting arrangements made by how arrangements were decided

	Very unfair	Unfair	Neither fair nor unfair	Fair	Very Fair
Decision made by parties/Consent Order	38.2%	55.3%	69.6%	64.8%	41.4%
Judicial decision – Parenting Order made	61.8%	44.7%	30.4%	35.2%	58.6%
Total	100%	100%	100%	100%	100%

As shown by Table 184, the majority of those participants who thought the arrangements were ‘very unfair’ or ‘very fair’ had had their arrangements judicially determined (62% and 59% respectively). However, the majority of those who thought the arrangements were ‘fair’ and ‘neither fair nor unfair’, were those who had decided on the arrangements with the other party.

A chi-square test showed evidence of an association between how the arrangements were decided and the perceived fairness of the arrangements ($\chi^2 = 12.05$, $p=0.017$). More participants than expected thought the arrangements were very fair or very unfair when the arrangements were judicially determined. Similarly, fewer participants than expected thought the arrangements were very fair or very unfair when they had made the arrangements with the other party.

Over half of those whose parenting arrangements were determined by a judicial decision were dissatisfied/very dissatisfied with them (53%) and thought they were unfair/very unfair (54%). However, only 10% reported that they had appealed, or were considering appealing, the decision made by the Family Court judge, and 8% indicated they perhaps would.

Table 185 presents the time it took to determine parenting arrangements in the Family Court. As shown, for 18% of the participants it took long than two years to have their

arrangements made. For just over a quarter (27%) of the participants it took six months or less to have their arrangements determined and for nearly a half (49%) it took a year or less. There was evidence of an association between how the arrangements were decided and the time it took to determine them ($\chi^2= 17.91$, $p=0.022$). More participants than expected took two years or more to have their parenting arrangements determined if they were decided by a judge.

Table 185: Time taken to determine parenting arrangements in the Family Court

	<i>n</i>	Percent
0-3 months	29	14.6%
4-6 months	25	12.6%
7-9 months	24	12.1%
10-12 months	20	10.1%
13-15 months	16	8.0%
16-18 months	18	9.1%
19-21 months	16	8.0%
22-24 months	7	3.5%
More than 2 years	35	17.6%
Don't know/Can't remember	9	4.5%
Total	199	100%

Table 186: Was the length of time it took to determine your parenting arrangements in the Family Court reasonable to you?

	<i>n</i>	Percent
Yes	53	26.9%
No	144	73.1%
Total	197	100%

Table 186 shows that almost three-quarters (73%) of the participants did not think the time it took to determine their parenting arrangements through the Family Court was reasonable.

Table 187 presents a cross tabulation of the time taken to determine arrangements by views on the reasonableness of the length of time taken. For any time greater than six months, the vast majority saw this as *not* a reasonable time to determine parenting arrangements. Taking three months or less was the only time frame where more participants thought this was reasonable than thought it unreasonable.

Table 187: Time taken to determine parenting arrangements in the Family Court

	<i>Reasonable Yes</i>	<i>Reasonable No</i>
0-3 months (<i>n</i> =29)	89.7%	10.3%
4-6 months (<i>n</i> =24)	41.7%	58.3%
7-9 months (<i>n</i> =24)	12.5%	87.5%
10-12 months (<i>n</i> =20)	5.0%	95.0%
13-15 months (<i>n</i> =16)	6.2%	93.8%
16-18 months (<i>n</i> =18)	11.1%	88.9%
19-21 months (<i>n</i> =16)	12.5%	87.5%
22-24 months (<i>n</i> =7)	0%	100%
More than 2 years (<i>n</i> =35)	8.6%	91.4%
Total <i>n</i>	48	141

Helpfulness of the Family Court

Table 188, detail participants' ratings of how helpful overall they found the Family Court in making or changing their parenting arrangements. The proportion of those finding the Family Court 'unhelpful' or 'very unhelpful' and those rating it as 'helpful' or 'very helpful' were similar (39% and 34% respectively). However, while 31% rated the Family Court as 'very unhelpful', only 13% thought it was 'very helpful'.

Table 188: Overall, helpfulness of Family Court in making or changing parenting arrangements

	<i>n</i>	<i>Percent</i>
Very unhelpful	91	30.6%
Unhelpful	26	8.8%
Neither helpful nor unhelpful	79	26.6%
Helpful	64	21.5%
Very helpful	37	12.5%
Total	297	100%

What Participants Found Particularly Helpful or Positive About the Family Court

Survey respondents were asked what (if anything) they found particularly positive or helpful about the Family Court. Their responses, along with relevant quotes from interview transcripts, showed that aspects of the Family Court that parents and caregivers considered to be positive or helpful included: the decisions, Court Orders and outcomes achieved; the Family Court process; the length of the proceedings; the assistance provided by Family Court staff such as frontline counter staff, registrars and Family Court co-ordinators; the role of Family Court judges and family lawyers; counselling; and the advice and support provided online and within the community by agencies and parent support groups.

General positive or mixed comments

Some participants made **positive** comments on the Family Court and said they were “very satisfied with the outcome”, “it worked for me”, “it was helpful”, “it has provided certainty for our children” and “they were respectful to the domestic violence and my nerves.”

I am really very grateful to the Family Court as the correct outcome was achieved.
(2008, Mother; Survey)

Several provided **mixed** general comments regarding the helpfulness of the Family Court.

Room for improvement, but they didn't do too bad. (1957, Mother; Survey)

I would rather have not had to go, but overall a good option to have. (1254, Father; Survey)

I was mostly satisfied with the outcome, but very disappointed in the entire process, and the willingness of the court to let one parent use the system against the other – by allowing them to not work towards resolution and use their drawing out of court proceedings to impose financial and emotional control over the other parent. (1426, Mother; Survey)

Decisions, court orders and outcomes

Achieving a decision, outcome or interim/final court order was commented on by parents and caregivers as one of the most positive or helpful aspects of the Family Court. Judicial authority and the formality and enforceability of an order were particularly liked.

I feel so much relief knowing that we have a documented outline of what is to happen regarding the ex having the children. This way I can act upon it if he doesn't follow through. (1907, Mother; Survey)

In an urgent situation, the Family Court dealt with my case in quick and timely manner, and was helpful. (2054, Father; Survey)

They were able to put an interim order in place. (2045, Mother; Survey)

It eventually resulted in a very clear Parenting Order as directed by the judge. (1774, Mother; Survey)

It gave me and my child legal protection and structure. (1126, Mother; Survey)

It resolved issues we couldn't resolve ourselves. (1030, Father; Survey)

That the judge made the decision. Otherwise, as much as we aren't happy with it, we would still be fighting over it. (1093, Mother; Survey)

The parenting arrangement is final and one that the courts were satisfied would be sustainable. (1768, Mother; Survey)

It forced cooperation. (1169, Mother; Survey)

We got a binding agreement that she has to stick to. (1532, Father; Survey)

Ex-husband actually took notice of the judge. (1761, Mother; Survey)

It is the only authority that my ex-husband (sometimes) abides by. (2006, Mother; Survey)

We had an authority figure decide on arrangements for us. The other parent refused to agree to relocation as he was convinced that the judge would order in his favour. He would not have accepted a relocation decision from any other source. (1224, Mother; Survey)

It created accountability. With it being a more formal process, it seems serious compared to FDR which allows parties to opt out and not reach resolution. (1451, Mother; Survey)

The process does move forward and issues can be resolved in the long run. (1591, Father; Survey)

It felt so good once the court order was in place. I know what has to happen and that was good for [Child]; it was great for me. It just was safe again. It takes the worry away. (1451, Mother; Interview)

Family Court process

Some parents found **the Family Court process** “unbiased”, “clear”, “efficient” or “easy to navigate” and liked the **emphasis by the Court on children’s best interests**.

The ease of putting in an application and not requiring a lawyer. (1261, Mother; Survey)

I found the Family Court system easy to navigate. (1442, Mother; Survey)

I like that the Family Court try their best to support the parents to come to an amicable agreement. I love that the Family Court emphasise that everything is about the child’s best interests. (1220, Mother; Survey)

Going into it, there was this fear that there was this bias. Certainly reading the men’s support groups online it would lead you to believe there is a heavy bias towards women in that system. But that just hasn’t been my experience at all. I couldn’t see that at all. They dealt with the facts. It was fantastic from that point of view. (1301, Father; Interview)

Length of the Family Court proceedings

The **length of the proceedings** was considered “reasonable” by some parents, especially given the processes involved. The time taken could enable opportunities for reflection and space for the children to “grow up a bit.”

It was a very stressful time, but I don’t think speeding up the process is sometimes in the best interests either. Letting it kind of play out allows people to have a bit of

perspective, so it's not all a rush. I actually think it went quick enough. We got filed in February, we were in front of the judge in September. I think that's a perfectly reasonable turnaround time when you think about the process that had to occur before then. (1181, Mother; Interview)

One thing I've learnt is that there is no rush. The legal system is really helpful with that. It's very slow and it allows time for the child to grow up a bit. I took a while to understand how helpful the time can be. (1425, Mother; Interview)

It ended up being a Consent Order and the registrar was really good. She dropped it in front of whatever judge came along and two days' later it was done. It was really good. (1368, Mother; Interview)

It was a process and I guess it was empowering in a way because I felt supported to make decisions that had a positive outcome in the end. Whilst I've heard not such positive experiences from other people, I'm really grateful for how it was for me. It enabled me to move on with my life and it didn't drag on for ages and ages and ages. In hindsight, it moved quite quickly and it worked. (1471, Mother; Interview)

Family Court staff

Participants said that another positive aspect of the Family Court was the **helpfulness of the court staff**, who were described as “polite”, “awesome”, “respectful” and friendly.”

The staff were all polite and helpful and clear in their instructions. (1132, Mother; Survey)

The Family Court frontline staff are awesome. (1505, Mother; Survey)

The court staff were always friendly and helpful. 1394, Mother; Survey)

Friendly people in administration. Court personnel were respectful. (1328, Mother; Survey).

They tried to make it easy. (1957, Mother; Survey)

I was totally panicked about seeing the ex. They understood my concerns about seeing him. (1197, Mother; Survey)

Administration and case managers in the office helped me when self-representing. (1132, Mother; Survey)

Family Court registrars and a **Family Court co-ordinator** were mentioned specifically.

The Family Court registrar right at the start was very helpful. If I didn't have that information I don't quite know where we'd be, but it might be a very different picture. I know it wouldn't be a good one. So, that was helpful. It was sharp information. She outlined the risks and the likely outcomes and then I felt really fully informed to make a decision – I filed the without notice application. So, that was really helpful. (1501, Mother; Interview)

Now that the Family Court registrar is sending letters out with their email address, you have got another point of contact for them and you can reach them easier – rather than trying to phone or go in and see them. That has been a good improvement. Their willingness to listen to you and point you in the right direction or answer any questions as best as they can is also really helpful. (1123, Stepmother; Interview)

The Family Court co-ordinator that I spoke to was absolutely brilliant. Managed to sit me down and go through the paperwork so that I had a reasonable understanding of it. I mentioned that it was quite overwhelming, how much paperwork there was, and that I didn't know what to put where or any of that. I asked if there was anybody there I could talk to for help. She immediately said, "Look, you can talk to a lawyer." Of course, I said, "Well, how do I go about that?" She came then with a list of Legal Aid lawyers, because of my financial situation. She also pointed out some lawyers that she personally thought would be helpful with my case. Yeah, she was absolutely brilliant. (1555, Mother; Interview)

Family Court judges

Family Court judges' skills and attributes were commended by parents and caregivers as helpful. They were said to be "fair", "unbiased", "approachable", "reasonable", "down to earth", "direct", "unbiased", "patient" and "wise."

A very reasonable and fair Family Court judge. (1051, Mother; Survey)

The judge was fair and patient. (1753, Mother; Survey)

Good, down to earth judges. (1254, Father; Survey)

Most of the judges were wise enough to see through the bullshit. (2006, Mother; Survey)

Just how friendly and relaxed the judge was during the hearings. (1307, Father; Survey)

Each time we went before the judge, he or she was fair and made me feel good about my decision to stand up and stay standing up for our daughter. (2036, Mother; Survey)

I think the judge was actually quite wise in the long-run. (1328, Mother; Interview)

The judge was awesome. He was a really cool judge. He listened to everybody and he was fair to everyone, but firm. (1140, Mother; Interview)

We've had the same judge in every single court hearing that we had, which was useful. I'm not sure how much he remembered from any of the previous times we went through, but I thought it was helpful because you could see that it was the same sort of decision-making. I found him to be very, very helpful – very fair and acknowledged and definitely heard what I was saying. (1339, Father; Interview)

He's one of the younger Family Court judges, a more recent appointment, and he calls a spade a spade – so he's not pandering to anyone. (1430, Father; Interview)

The judge that's presiding over our file is very much about trying to create a solution. She's taken a very proactive stance in terms of trying to defuse things after the event. But the bomb's unfortunately already gone off in our situation. (1522, Father; Interview)

Participants liked judges who **understood** their situation, **took their concerns seriously**, **offered suggestions**, actively **managed the case**, and **listened to both parties**.

The judge was willing to speak with us about our concerns, it was quite informal. (1975, Mother; Survey)

I was so grateful to the judge who I felt actually listened to me. (1761, Mother; Survey)

The judge did listen to both sides. (1334, Mother; Survey)

The judge did try and mediate an agreement and did seem to have some understanding of the situation. (1148, Mother; Survey)

Out of all the people I felt like the judge was the only one who truly heard and took on where I was coming from. (1998, Mother; Survey)

The current judge is actively managing the case. (1430, Father; Survey)

Our first judge sat and had a conference with us. (1978, Mother; Survey)

The judge offered suggestions on what we need to do to get this resolved. (1050, Mother; Survey)

The second judge was good and seemed impressed that we had proactively sorted out an arrangement by consent. (1237, Father; Survey)

Having a female judge who spoke and acknowledged my cultural integrity. (1646, Mother; Survey)

The judge was pretty keen to hear what I had to say and why, so that was good. (1254, Father; Interview)

The continuity of seeing the same people is so important. We had a really good judge who spent probably an entire day. We'd only booked into the court for the morning. She said, "I'm just going to see this right through." I don't know what happened to the rest of her court day, but it was so good. There were so many issues on the table and she just walked through every single one. She took the time with us to get to know what the situation was. I really appreciated that. Whereas, sometimes, you go into court and you know the judge hasn't even read the file by the questions they're asking. ... Straight away, the judge basically said to my ex-partner, "It's very unhelpful that you're saying that you want full day-to-day care of her because that's not going to happen. What is a sensible thing for you to suggest?" [Daughter] has been living with me and he has been a very inconsistent parent, to say the least. There was just no way that they were going to take a five-year-old kid away from her mum. (1394, Mother; Interview)

The judge we had was particularly good with mediation – or whether it was that people responded better to the judge telling them things than perhaps their lawyers telling them. He was very helpful because he basically sat there and outlined exactly what was happening and what the chances were and how ridiculous some of these things were. It's been positive for the children in that they got what they wanted at the end of it. They've got four parents that talk to each other on a regular basis. I don't think the process was fair, but I think the outcome was fair, and I think that the new arrangement we came up with is very flexible. (1181, Mother; Interview)

I felt the judge was excellent. She case managed the file which was the absolute saving grace for me in the proceedings because I had to get warrants to enforce court orders. By the time that it got to her that had happened a few times and he had just been throwing in different applications and trying to change it. It had been bouncing around different judges, so when she made the decision to case manage it, everything kind of stopped and it all started moving smoothly. She could see what had been happening. (1132, Mother; Interview)

We had about five or six different judges throughout our period of being in the Family Court. I would say two of them have been absolutely brilliant – they actually heard out both sides and then tried to work out where the facts were. Other judges it seemed that, even before anything was said, that a decision was in their head. (1555, Father; Interview)

I agreed to 50/50, but my conditions involved a big list. The judge was absolutely fantastic; he came down and sat on the bench beside us all and then he said, "Now, what else is on the list?" I told him and he said, "Everything you've said is absolutely fair." I said, "This is really important to this kid. Can you make it that he plays soccer on a Saturday and basketball for school?" And the judge said, "Absolutely, fair enough, yep totally." So, he wrote that into the orders too. (1329, Mother; Interview)

The judge we had made me feel confident that he was going to come to a sensible decision. There was an ability to sit down and talk and he would listen. We were going to get somewhere and it was going to be ended before we left that day. He said to me, "This is going to be over, you've been through enough." It was very good. He said, "I don't care how long it's going to take, but we're going to have it sorted." He also talked very directly to the lawyers as well – I was surprised about that too. It was just like an elderly gentleman coming in with some sense who just went, "What do you think [son] is going to think about that?" Oh, thank God, somebody is actually listening. He was experienced enough to see through our personalities and where we were coming from and what was going to be best for the children at the end of the day. But it was a long road to get to that point, it was a really long road. (1325, Mother; Interview)

Family lawyers

Some parents and caregivers commended their **lawyers** as "good", "excellent" or "amazing." Their **helpful skills and attributes** included being "compassionate", "sensible", "pragmatic", "reassuring", "understanding", "concise" and "to the point" with a good knowledge of family law, excellent listening, writing and advocacy skills, and a clear focus on what was best for the children.

I would not have been able to deal with my difficult, controlling ex without the support of my lawyer. (1203, Mother; Survey)

My lawyer was good. She listened to me, but she was also very pragmatic – “Right, this is basically what’s going to happen. This is what we’re going to shoot for. Are you comfortable with this because you’re not going to get anything else?” She was really good with the affidavits. Because I was getting all these accusations and she’d say, “What we’re going to do is we’re not going to respond down the same line. That’s just playing right into their ballgame. Just stay about the kids, about the kids, about the kids, the whole time.” She was really good. I don’t believe there’s probably many lawyers out there that are so child focused. (1181, Mother; Interview)

I would have been lost without the support and knowledge of my lawyer. (1425, Mother; Survey)

I really had a good lawyer. She was empathetic. She has good listening ears. (1494, Mother; Interview)

The biggest one has got to be my lawyer. My lawyer has been an absolute godsend. Kept me in line very much and made sure I was aware of the processes as we went along. Like the first time we made a without notice application – “Well, what does that mean? How long’s that going to take?” Being able to explain to me what the stuff was. She kept me in the loop as to what was going on. Even when technically she was on leave, she still kept me in the loop. Just little things like that have been absolutely brilliant. She’s also been very good at pulling me into line when I’ve become too emotional. She’s very good at going, “Just shut up, be quiet, that stuff doesn’t matter.” (1555, Father; Interview)

The thing that was helpful was my lawyer was really good, and me and her had a good relationship. (1165, Mother; Interview)

Having access to a good lawyer – someone who knows the system and knows when to push and when to sit back and let things happen. (1155, Mother; Interview)

What helped around making the arrangements was actually his lawyer. I’d already had conversations with my lawyer and we were pretty much on the same page. She was bit of a bulldog and she was quite straight up with me about what I could expect to get out of it, what I couldn’t and what was reasonable and what wasn’t. So, between her and I we had a pretty clear picture of what we wanted. But in those meetings with [ex-partner] there was a whole lot of excuses and things that he didn’t agree with and that he’d contend. It was actually his lawyer that turned around and said, “Actually, that’s really reasonable, there’s no reason why that shouldn’t be in a Parenting Order.” She said that a number of times. So, that was the luck of the draw really. The impression I got was that because [ex-partner] was hearing it from his lawyer, rather than from me or my lawyer, it was more stomach-able. A whole lot of the arguments at the table were because, as far as he was concerned, he didn’t finish work until 5.00 pm and therefore he wanted me to go and pick the kids up, to look after them for two hours and babysit them basically until he got home from work – which made me working really hard. So, again, that was one that his lawyer actually turned around and said, “Well, no, look, it’s actually really common to have handovers and pickups at school.” That was transformative for the children and a whole lot of the

emotional stuff that they'd been having prior to that just ceased to exist when the handovers happened from school. (1620, Mother; Interview)

My lawyer will give me reports or articles that help and she organised me to do an online parenting programme. It's like doing a 12-hour version of the Parenting Through Separation course. My lawyer explained to me well before doing the course that it's about trying to arrange a business type relationship where everything's factual. My lawyer is part of the AFCC⁴⁰ and she came across this course and went through it and went through a couple of the other ones that they offered in America. She's trying to get it brought over here, so I was kind of the first in New Zealand to do it. The questions are really good and if you don't quite understand it, you can go through it again. It's got little video clips and different scenarios. (1092, Mother; Interview)

My lawyer was great. If you had a question about anything she was right there with an answer. (1012, Mother; Interview)

My lawyer has been very reassuring and the way she writes to counsel and the other lawyers is fantastic writing. (1082, Mother; Interview)

My lawyer has been with me for about two or three years now. He's incredibly concise and relatively simple in the way he sees the world. He's just been sensible. (1584, Father; Interview)

The lawyer I have now has been the most helpful, because she's explained things quite clearly and she's very to the point. Like she'll tell me, "Well you could apply to the court for an urgent such-and-such, but I don't recommend it." Then she goes on to explanation why. She's very good at letting you know where she's at. Like, she'll get in touch with you and let you know what point she's up to in the process. She's been most helpful, definitely. (1146, Mother; Interview)

She's a very good lawyer, she was a very good speaker. She knew the law very, very well and knew exactly what she was talking about. She'd tell you directly, "They're not going to be interested in that, they're going to be interested in this." You had to leave out the emotion as much as you could, which was extremely hard. (1325, Mother; Interview)

My lawyer was quite good. She was a pretty strong lady, she wouldn't let me sit there and just whine and whinge and bitch. She just cut to it, just got to the detail, and that kept me on track. It stopped me focusing on my distrust in my ex and my dislike of her. Just the pure facts, the matter at hand. (1458, Father; Interview)

I've been dealing with someone who absolutely will not negotiate anything in life. That's just her approach to life – "my way or the highway" – absolutely 100 per cent. Having someone negotiate on her behalf from a family law point of view was helpful. He toned down all that accusatory stuff. None of that was there in the later stages. (1509, Father; Interview)

⁴⁰ Association of Family and Conciliation Courts.

My lawyer was supposed to be one of the top Family Court lawyers in [city]. She was always busy and that's how I knew they were good lawyers. They didn't muck around, they asked you what they wanted to know and they got onto it. I would have her in a heartbeat again. (1576, Father; Interview)

Counselling

Several parents spoke of the benefits they had gained from either **privately paid counselling** or **communication counselling** provided free of charge by the Family Court.

I had some privately paid counselling to just help me deal with those relationship issues. That was a really good process actually. I'd never been to a counsellor before – I'd always gone, "Oh, that's a bit odd", but I think had four, maybe five, sessions with her. It was really good to work through a lot of those emotions of why you left, because actually leaving is quite tough. So, it was quite good to work through that and to help let some of it go. Subsequently the court ordered joint counselling free of charge for me and the ex. She has refused to participate on both occasions that it was ordered. I think it's great the court gave us that opportunity, particularly making it free of charge. I could have afforded it, but they still made it free. (1458, Father; Interview)

In any separation there's going to be communication breakdown as a bottom line and if you're not communicating well things aren't going to go well. Communication is the absolute key to anything in this. We were given that opportunity within communication counselling – the most positive thing. (1451, Mother; Interview)

We did do a communication counselling course that was mandated by the court. We got six hours with this lovely lady. I thought it was beneficial but, unfortunately, my ex-partner thought it wasn't useful at all. I thought it was quite useful to clear the air and try to see everyone's point of view. I've seen that they do consider both sides. (1339, Father; Interview)

The communication counselling probably worked the best. Having those 10 counselling sessions, which is high, apparently, for the Family Court. I thought the number was good and I thought the counsellor was very effective. Taking that approach with the partners was good as well. (1181, Mother; Interview)

Agencies and services

Several **agencies and services** were mentioned as being particularly helpful for parents and caregivers using the Family Court, and also the wider family justice system. These included Community Law Centres, Shine, Women's Refuge, Barnardos and the Police.

Community Law was fantastic – they encouraged me to do the response and that I did have the skills to do that myself, which was really good to know. So, that's what I've done. (1329, Mother; Interview)

Shine are awesome. They did a lot for us and they're absolutely great. (1207, Mother; Interview)

All of it felt really necessary and I feel really grateful that it all seemed to come at the right time for me – the Parenting Through Separation, the Women’s Refuge, the family violence officer from the Police, my solicitor. (1471, Mother; Interview)

I guess I was lucky as I was scooped up by a women’s refuge who held my hand and took me along to my first lawyer’s appointment. She guided me. But the single most helpful thing, for my daughter and her chance to establish a relationship with her father, was when he started contact with her when she was probably about 18 months old. The first contact was supervised through Barnardos. The lady had a meeting with him and a meeting with me. She was really strict and she said to me, “What’s going to make or break this is your positivity to [Child] about these visits. She will cry the first time because she’s never been apart from you or anything. You just have to smile and you have to walk out.” The rules were really strict. I had to deliver [Child] 15 minutes before the contact started and I had to drive away and then the father comes, so there’s no crossover. She said, “Your daughter’s happiness is resting on how you present it.” She was absolutely right and like I got a little bit of feedback from the supervised visits. For the first three months he had no idea. He couldn’t change a nappy and that’s okay because parents have to learn. It was really great that there were unbiased, non-judgemental people there. So as far as a service goes that was amazing, to have access to that. I think it’s just wonderful. (1425, Mother; Interview)

The app, **Our Family Wizard**, was also considered very helpful.

We use Our Family Wizard, which is an app recommended by the court. The positive with it is that should we need to go back to court, all of that correspondence is visible. You can provide it to third parties in terms of psychologists and the like too. (1444, Mother; Interview)

Parent support groups

Participants found **support groups** they accessed to be very helpful – these included online and community-based support groups such as Facebook groups, the Backbone Collective, Kidz Need Dadz, men’s groups and Blended Families New Zealand.

The Backbone Collective made me aware that it’s actually just not my case, that it’s happening to lots of women with domestic violence. But also lots of men like that guy that burned himself outside Parliament. It’s brought to light for me that actually the Family Court’s not working, it’s destructive, it needs an overhaul and it needs maybe a less adversarial approach. Maybe we need to promote family more than separation. (1143, Mother; Interview)

Much later down the track I got most of my information – and they say knowledge is power – through a Facebook group. People who’ve been through it, there are a couple of lawyers on there and sort of advocates. A huge amount of information. (1425, Mother; Interview)

I went and accessed a men’s group, some support groups, on Facebook. That was really helpful. (1055, Father; Interview)

I went along to a meeting of Kidz Need Dadz and met a really good friend through that. I feel that men’s experience in separation is obviously very different from

women's experience. For some reason, and I haven't really quite worked this out, but even in situations where there's no family abuse or no question about how good the parents are, it still seems that the fathers all feel the same way. It's all about getting more access to their children which they feel is being denied to them. A lot of women seem to experience that their ex-husbands refuse to have their kids enough or something like that. That's their problem, but the men seem to be the opposite problem. I felt more supported at Kidz Need Dadz. I guess men support each other a little bit differently than women support each other. Getting involved in community support is really helpful. (1491, Father; Interview)

I am part of the Blended Families New Zealand Facebook group and you see the impact on lots of families. We've got away really, really well, but that's because I've made sure that I've had really good support and good advice and stuff like that. It's mainly from a group that I found across in the United States. It's a group of mothers and stepmothers who were focused on trying to be amicable and trying to see the other party's point of view. There's a lot of horrible vent groups on Facebook and that's just not my jam at all. So, it wasn't where you went to be validated; it's a place where you went to be challenged. I think that that's had a massive impact on me, and also helped me deal with my frustration. (1064, Step-parent; Interview)

What Participants Found Particularly Unhelpful or Negative About the Family Court

A range of negative and unhelpful aspects about the Family Court were raised by parents and caregivers in their survey responses as well as in the interviews. These included negative comments about the Family Court in general, as well as specific concerns regarding the Family Court process; delays; cost; gender bias, discrimination and one-sidedness; dishonesty, lies, false allegations and breaches of Court Orders; family violence, abuse and re-victimisation; without notice applications; 50/50 shared care and equal parenting rights; children's best interests, needs and views; and the way judges and lawyers undertook their roles.

General negative and unhelpful aspects of the Family Court

Many parents and caregivers described the Family Court in **very negative** terms as "useless", "an abomination", "an embarrassment", "a disgrace", "a joke", "austere", "awful", "terrible", "horrible", "broken", "abusive", "shocking", "life-destroying", "hell", "corrupt", "dangerous", "very intimidating", "not easy to understand", "the ambulance at the bottom of the cliff", "a necessary evil", "it took the light out of my life", "it ruined my life", "I feel very let down", "highly disillusioned", "a terrible few years", "it doesn't work" and "it has a lot to answer for".

This has literally ruined my children's childhoods. It would have been safer for me to stay with a violent man. My children are now in intensive therapy because of years of assaults that the Family Court ignores. I am waiting for them to turn 16 just so we can finally get out of this hideous system that actively encourages abusers to vexatiously litigate. (1211, Mother; Survey)

They only appear to be an ambulance at the bottom of the cliff. If they had taken a proactive role in assisting my wife and I earlier on we would not be at the bottom of the cliff now. (1522, Father; Survey)

The only winners are lawyers' pockets. (1328, Mother; Survey)

I absolutely hate the Family Court – it has been no use to my family. (1900, Mother; Survey)

Hope never to go there again. ... The process wasn't streamlined or as smooth as the reforms would make out that it should be. It was a real hassle getting it through the hands of the registrar and before the judge. It was a nightmare. I really felt that they were opposed to me because I'm a father. You don't deal with many men when you're going through the Family Court process. No, it wasn't good at all. (1237, Father; Survey and Interview)

A horrible system to have to work through. (1954, Mother; Survey)

Family Court was a four-year hell for me. I was unsupported and frankly terrified. I felt forced to back down many times to hand my daughters over to their abuser. I used to believe that telling the truth was enough, but now I know it is not. I have no faith in this country's legal system. Each time I went to the Family Court I would vomit from fear. NOBODY should feel like that – least of all an innocent victim of domestic violence doing his or her best to protect children from a very real threat. (1119, Mother; Survey)

The Family Court is corrupt. No wonder our domestic violence and child abuse rates are climbing. Abuse to mothers and children is supported by Family Court. Abusers are the favoured party. ... I think that the court is a destructive force, I don't think it aids family; it destroys families. I don't think it's just women – there's men, as well, that have been done a raw deal in the courts. They just need to promote family; it seems to be that family is lost. (1143, Mother; Survey and Interview)

I believe the Family Court in New Zealand is a disgrace and has a lot to answer for. (1638, Mother; Survey)

It is a justice process that I wouldn't wish on my worst enemy! (1398, Mother; Survey)

It is not culturally responsive at all and works for abusive ex-partners. (1744, Mother; Survey)

My experience with the Family Court is by far the worst and most abusive thing I have experienced. I have suffered at the hands of abusive parents and an abusive ex-husband. I have survived being raped a few times, but the abuse at the hands of every one involved in the court is the worst. And it's ongoing as my child is regularly distressed and in need of comfort due to the unhappiness of her current living predicament. (1193, Mother; Survey)

The Family Court is an abomination that is destroying kids' lives day in and day out in New Zealand. It is an embarrassment in this day and age that we allow this institutional abuse. The fact that this court is protected by law and unable to be dealt with is shameful. New Zealand's shame. (1028, Father; Survey)

It's a joke! The only people who have a good outcome are the judges and lawyers. All PC crap. (1930, Mother; Survey)

If I have to deal with the Family Court again I will kill myself. (1571, Father; Survey)

It is unfair and a waste of taxpayers money, does not represent the best interests of the child and uses parental alienation as a weapon against victims of domestic violence. (1110, Mother; Survey)

I have nothing positive to say. They have made my life hell. (1130, Mother; Survey)

It does not support families in resolving issues The courts only create more damage. (1134, Mother; Survey)

It is the most dangerous place for families and children. (1137, Mother; Survey)

Too many things were negative and unhelpful, hence we're now trying to sort the issue through private mediation. (1240, Mother; Survey)

Nobody that I know has had a positive experience, on either side of the fence. It's all very traumatic for everyone involved, from everyone I have talked to. And the children get dragged into all the adult issues. It's not fair at all. (1059, Mother; Interview)

The Family Court process

Some parents and caregivers were particularly **“disillusioned” and upset about their experience of the Family Court process**, which they felt was “adversarial”, “uncaring” and “a farce” or “a necessary evil”. Some said it was unhelpful **not knowing what to expect**.

Don't go if you don't have to, not a particularly pleasant experience. (1254, Father; Survey)

I am highly disillusioned by my experience and would like to see that the various parties working in the system are made to feel accountable. Some KPI's that they might like to consider: turnaround time to minimise distress; minimising financial outlay; accessibility of third party professionals to aid in getting a better picture. I am not a legal person, but I am a professional and I can say that to navigate the system as a layperson is impossible. No-one has the bandwidth when they are attempting to get their life back together. Especially when you are attempting to escape from a controlling marriage (this was my second attempt). (1444, Mother; Survey)

The whole system is adversarial. It requires the parties to try and prove the other parent unfit, rather than focusing on which parent is able to provide the most beneficial environment for the children. If the court focus was on which home will give the children the best options to grow into healthy, functional adults, the outcomes for children would be much better. The lack of understanding of basic psychology and child development in the court and lawyers for children is a massive flaw. I find it extraordinary that people who have no real understanding of the impacts of their decisions for children developmentally, socially or psychologically, are the ones making decisions about what the children's needs are. There need to be consequences for breaching Parenting Orders. If a parent shows themselves to be unwilling or incapable of sharing guardianship responsibilities or maintaining court-ordered contact, then them losing day-to-day care should be an obvious and potential consequence. The

current system supports day-to-day carers to exclude the other parent from their children's lives. (1064, Step-parent; Survey)

It was a necessary evil which drew the process out. It felt completely uncaring. The processes and terms used were completely foreign and no-one explained them. (1277, Mother; Survey)

It is a horrible, horrible process. I do not want to give the impression I am a horrible person – I am a good person with a great job. I love my children more than anything. My process with separation began in 2007. For 10 years I have tried to make things better for my kids, but every time I try, my ex threatens court. When I stand up to him, he applies for more custody. I am waiting until he decides he is going for full-time, because at that point my youngest will probably not have a choice but to go there because of the lack of caring or compassion the court system provides. My 13-year-old will refuse to be made to go full-time, I know that. My older two children struggle every day with the ongoing effects this has had on them. I cannot understand how a horrible person, who has been verbally, physically and emotionally abusive to myself and my children is able to manipulate the system in such a way. If he had been a good father and husband I would have no problem entrusting my children into his care. But he has not been and he continues to abuse them without any repercussions. If the court had stood up for me ten years ago, then he would not have carried on as he has. The court system is a complete farce. (1318, Mother; Survey)

The worst part is that when you go through the Family Court not everything is set in stone. You don't know what to expect going in, and I found that quite hard. If I know what to expect then I can prepare myself, but if I don't then it's hard to prepare for what you're going to go through. (1253, Mother; Interview)

It really took years for the resentment to calm down on both sides. Sadly, for a lot of people, and absolutely for us, going through the Family Court just aggravates the disagreement rather than helping to resolve it. The Family Court also diminishes the time and energy people have got to put into their kids. (1247, Mother; Interview)

I would encourage parents to, as far as they humanly possibly can, sit down and talk about it. Or even get a third party and mediate, or whatever. Just don't go down the Family Court route because it's not helpful for anyone. No one ever gets what they want, no one ever gets their own way. Nobody wins, everybody loses, especially the child. It is just not worth it. (1156, Mother; Interview)

It took me going through the process to understand how broken the court system is. My ex-husband used lawyers to victimise me through allegations, lies and he fought everything. It was such a horrific experience and four years later I still have ongoing issues with the results of the court processes due to my ex-husband prolonging the court proceedings, costing me financially more than I could afford, and isolating me from all support networks. Due to the length of time spent trying to sort these issues out, and the financial cost involved, I ended up losing the house I had for my children. The court process took so long it broke me financially and emotionally due to the length of time to sort parenting orders and other court-related issues. I'm still coping with the financial fallout and emotional anxiety this ordeal has caused me and my family. (1835, Mother; Survey)

Delays

The length of time people spent in the Family Court and **the delays they experienced** were the most frequently mentioned negative or unhelpful aspect of the court. The lack of timeliness and “extending of deadlines” were said to be “ridiculous”, “stressful”, “unacceptable” and “traumatic”, created uncertainty, and had detrimental consequences for children and their best interests. Parents could also be profoundly affected by the delays.

The time it takes to be heard or move proceedings forward is ridiculous!! My child turns four in a week and still nothing has really changed since this started before his first birthday!!! (1967, Mother; Survey)

You have to take the whole afternoon off to attend because you’re just in a queue to be seen. (1175, Mother; Survey)

The length of time for things to happen – it took six months to hear from the psychologist assigned. (1077, Mother; Survey)

Having to wait for court dates etc., and letters in the mail took ages to receive. (1753, Mother; Survey)

Too slow process. The longer decisions are not made the more it affects the children as well as the parents to move forward. (1737, Mother; Survey)

It’s all about slowing things down and this has not helped in our situation – it’s just allowed things to get very toxic. (1522, Father; Survey)

It has been traumatic and has lasted over two years. Still unresolved. (1277, Mother; Survey)

We withdrew after 2.5 years because the ex-partner was dragging it out so long it was affecting the children and the court was favouring the mother. We still have no Parenting Order. (1386, Father; Survey)

It takes so bloody long to get anything done! We’ve been doing this for 3.5 years and it’s still not over. Poor child still doesn’t know whether she’s coming or going. (1660, Stepmother; Survey)

Only after my children were abused and physically assaulted and the Police were involved did the courts bother to listen to my children and I about their father’s behaviour. They made the right decision in the end, but it took almost three years. (1019, Mother; Survey)

Time frames are not adhered to. They kept changing and it was frustrating and emotionally taxing. It drew the process out when you’re just wanting to have something concrete and final to work with so you can get on with life. (1451, Mother; Survey)

Time delays. We had lots of time changes due to things happening at the court like staff changes. (1272, Mother; Survey)

The time taken in this process has been unbelievable and not in our child's best interests. (1131, Mother; Survey)

The process takes too long. As a caring loving father, it was a long time to not be seeing my little girl. (1053, Father; Survey)

The delay in getting the proceedings resolved through the Family Court was very detrimental to my children and my relationship with them. ... The court should deal with things quickly. The delays in the process were shocking. Continual delays. My wife's lawyer sought to delay things successfully at every turn. Then we'd have further reports, and then further psychological reports scheduled. (1448, Father; Survey and Interview)

It takes too long and by the time you get to the hearing, the child has been coached and threatened. (1074, Stepmother; Survey)

The process is far too long. Fourteen months after I applied I still have a Temporary Protection Order, no formal Parenting Order and no word at all on my relationship property. After living under an abuser for so many years, it almost seems like there won't be an end and he will continue to have access to me. (1519, Mother; Survey)

The long process, the emotional and financial effects are horrific. (1283, Father; Survey)

The court failed to address things more quickly. It was not prepared to make substantive decisions early, but rather continually delayed the process by its mismanagement. (1448, Father; Survey)

The amount of time taken was ridiculous, it's taken six months more than it should of. (1339, Father; Survey)

It can be a long, complicated process. (1370, Mother; Survey)

Waiting times at the service counter are very long. (1060, Father; Survey)

Recognise that taking so long to reach the end of proceedings (two years in my case) is unacceptable and extremely stressful, costly, and results in uncertainty for too long. (1426, Mother; Survey)

The amount of time it took resulted in anxiety issues and a drawn out period of fear. (2006, Mother; Survey)

I wish we could just have a decision and move on with life. (1283, Father; Survey)

I learnt really early on that nothing happens fast and I was, like, really impatient. I was like right, I've made this massive decision, it's absolutely the right one and I want this sorted right now. But you have to learn that actually it takes ages and you can't rush the system. It takes months. (1434, Mother; Interview)

Since the reforms, things were going to be better. Well, actually, from my experience and the experience of my children, in our eyes it's not. Our own experiences have been

very lengthy and frustrating – it's been such a lengthy haul for us. (1646, Mother; Interview)

You just get in line and go through the system, and know it's going to take you a couple of years to sort out. (1700, Father; Interview)

The process for how long it takes is too long. If a judge says, "You've got 10 days to get this affidavit in", and the party says, "Oh, 10 days isn't long enough", well, tough shit – you've got 10 days, get it in! None of this time-wasting crap just because, "Oh, my lawyer was away and I couldn't organise another lawyer." Well, too bad, write it yourself, pay someone else to write it for you. (1576, Father; Interview)

It didn't even get in front of a judge for a long time. I forget exactly how long it was, but it felt like far too long even though we were supposedly on the fast track. The first contact with the judge was either a 15-minute or a 30-minute Directions Conference, where pretty much both parties just put their views forward. The judge decided what was going to be the next step in the process, so then that was another appearance in front of a judge some months in the future. No decision-making whatsoever; no regard for what was in the best interests of the children. Basically the status quo just remained until the next chance to get in front of the judge. Every step involved waiting until the next court date, which was three months down the track or whatever. (1585, Father; Interview)

I get a little bit lost in the system. It should be just a straightforward thing, but it's not. Like, if I was to go to my lawyer today to say that I want to go ahead with the mediation, the steps would be taken to have it completed. Whereas when it's left to the other person, that's the bit that I am frustrated with, because I have no control over it. So, I'm just forced to sit and wait and wait and wait and wait, when he knows that our current agreement isn't working and that I want it changed. That's the most frustrating part. (1146, Mother; Interview)

The **most frequent improvement** that parents and caregivers said should be made to the Family Court was to "work faster", reduce the time taken and "speed the process up". As noted immediately above, the time taken was said to be "too long" and "ridiculous" with many parents and caregivers asking for Family Court proceedings to be "much, much faster" with "radically improved timeliness."

You have to speed up the process. It really is not okay for families to be put in limbo and, in my case, be exposed to more abuse and suffer emotionally, psychologically and financially for such a long period of time. (1519, Mother; Survey)

The length of time really needs to be fixed as being in limbo and not being able to have closure or move on for almost two years is not acceptable. (1118, Mother; Survey)

Timely hearings, timely decision making. (1401, Mother; Survey)

The time to be at least halved. (1030, Father; Survey)

It could deal effectively with cases at a much earlier stage. (1448, Father; Survey)

Work faster to get children to see the other parent – do not listen to one-sided applications. (1391, Mother; Survey)

When a without notice order is made with an urgent hearing requested, “urgent” shouldn’t take almost a year. (1092, Mother; Survey)

Remove the long delays between filing the application and hearings/resolution. In my case of parental alienation, the child suffered a major injustice and potentially serious long-term harm from such delays. Given the mandate is the Care of Children Act, my conclusion is that it is a travesty against the children the way I have experienced it operating. (1430, Father; Survey)

Family orientated more. Ensure all parties have all paperwork done and on time when the judge says. (1737, Mother; Survey)

Judges need to demand their requests are followed in a short time frame and should not be taking piss weak excuses when they are not. (1376, Mother; Survey)

Stop extending deadlines that have already been extended multiple times already. (1302, Mother; Survey)

Do not give parties the opportunities to keep delaying the process. (1123, Stepmother; Survey)

It has taken almost two years and yet I’m no further ahead. The system is a joke – it could be improved in every aspect. (1900, Mother; Survey)

It takes too long – when children are involved it needs to go faster. (1074, Stepmother; Survey)

If a judge says an affidavit must be in court by a certain date, don’t accept any put before the court after that date. All that serves to do is allow one side to read the other side’s affidavit and to then comment on it. Deliberately being late gives one side an unfair advantage. (1576, Father; Survey)

Cost

The **cost of Family Court proceedings** was criticised as “expensive”, “excruciating”, “devastating” and “unaffordable.” Some people had sold their family home, used an inheritance or borrowed money from family to afford their legal fees and/or court proceedings.

It is hideously expensive if you don’t qualify for Legal Aid. I am completely helpless. (1175, Mother; Survey)

It was the worst most expensive experience of my life. (1061, Father; Survey)

Financially, it’s devastating. (1142, Grandmother; Interview)

In my experience it has been an expensive waste of time and has completely failed to address the best interests of the children. (1585, Father; Survey)

The financial cost is enormous. I have had to do untold things to qualify for Legal Aid, which then provides substandard assistance anyway. (1131, Mother; Survey)

Legal Aid!! How can someone earning \$23,000 a year before tax afford a lawyer?? I had to borrow money from my family and I am lucky they could loan it to me so I could get a Parenting Order that protects my children from their mentally unwell and drug-using father. (1314, Mother; Survey)

I've been on the benefit while doing this so Legal Aid has paid for my lawyer. If I hadn't had the Legal Aid opportunity this may not have even been something I could have ventured down. One of my friends is not on the benefit and she's having to pay lawyers – it's expensive. That's food out of your kids' mouths when you're a single Mum. So, I do feel sad that she's having to pay for that, which I got free. So thankful. (1451, Mother; Interview)

The price is absolutely excruciating. I have spent years and years and years saving. I sold my house – it's the only reason I had money for it. The whole system is far too expensive. (1059, Mother; Interview)

I have been lucky I have been able to borrow from my parents to pay for all of this. Women and kids who don't have that ability are therefore pushed about by their ex-partners or men on the other side. (1140, Mother; Interview)

I went to considerable expense to do the court application. I don't get any Legal Aid because I have a new partner and despite this having nothing to do with her, my income is still assessed, like joint income is assessed. I was fortunate that I had an inheritance, quite by chance, that gave me the opportunity to be able to access legal support. (1371, Mother; Interview)

Even now, right at this very minute, if he came back for another round, I would lose my children before I could fight for them. I would have to hand them over because there is no way in hell I'd be able to afford to go through that process again. (1059, Mother; Interview)

The lawyers are the biggest problem in this whole thing. They should be taken out of the situation completely. They shouldn't be allowed to be involved. If you go to court it should be you, your partner and a judge. The judge can make his mind up just like in the Disputes Tribunal – because that's what it is, it's a dispute. So why are all the lawyers involved? That creates thousands of dollars of expense for both parents at a time when they're financially vulnerable anyway. They've got young children and they've separated, so they've got a whole new raft of finances as it is. The last thing they need is a \$10,000 legal bill. (1516, Father; Interview)

Many people commented on **the amount they had actually spent** on their legal representation and court proceedings – the figures mentioned included \$2000, \$2800, \$3000, \$5000, \$7000, \$8000, \$10,000, \$12,500, \$13,000, \$16,000, \$25,000, \$30,000, \$50,000, \$60,000, \$120,000, \$370,000 and \$400,000. As shown earlier, the majority of the participants regarded legal fees exceeding \$1000 to be both unreasonable and unaffordable (see Tables 171 and 172).

Traumatised children and a bill of over NZ\$200,000. (1207, Mother; Survey)

It's cost me more than \$20k so far. I'm struggling to make ends meet. I can't get Legal Aid because we own property. (1384, Mother; Survey)

It's cost me way over \$10,000 to ensure my daughter's safety, yet we are the victims and it's costing the father who is the abuser nothing at all as he is representing himself. (1327, Mother; Survey)

It is also extremely expensive if you are not legally aided. My total spend with my lawyer in the last 12 months is about \$12,500. I expect it to be around \$25,000 by the end of the year due to a three-day defended hearing being set down. (2012, Mother; Survey)

What do people do if they have no disposable income? We can afford it, but we've probably spent \$10k over the three years. We'd have been starved out into letting a child go into a bad situation. (1660, Stepmother; Survey)

This is going to cost me tens of thousands of dollars. She's done 56 hours and it's \$2800 and it's still going. (1020, Mother; Interview)

I've spent probably between \$6000 and \$8000 on legal fees in the last 12 months and I still can't pick up the phone and talk to my son. (1315, Father; Interview)

Oh, \$13,000 at least. I have paid for this whole thing, just to get an agreement that we had wanted at the start. (1140, Mother; Interview)

I know exactly what it cost me because I paid the bill last year. It cost me \$25,000 all up for Family Court. (1036, Father; Interview)

I hate to imagine how it is for people who can't afford good legal advice. I've spent probably about \$25,000, \$30,000 now, and so has he. (1427, Mother; Interview)

In the last year, I have spent \$30,000 and I have got nowhere. Even this hearing, what I might get out of it is supervised visits, that's pretty much it. (1073, Mother; Interview)

I've spent upwards of \$30,000 on lawyers just to keep my children in my own care. (1401, Mother; Interview)

I reckon about \$30,000 because, of course, I got a court bill to pay for the psychologist's report. (1148, Mother; Interview)

The court date is actually this week for the final order. I was wanting to oppose the 50/50 shared care but, in the end, I've just gone with it. It's just easier. I can't afford any more anyway. I'm already in debt up to my eyeballs. It's probably cost me about \$30,000. And I don't actually have any money because all my assets are tied up in relationship property. (1384, Mother; Interview)

This is going to be a never-ending journey for me. Once I get the final order, right, I'm going to self-represent because I've so far spent around \$35,000 to have access. I'm still waiting for the final hearing, three plus years now. (1521, Father; Interview)

It was bloody expensive. I suppose it probably cost me close to \$50,000. Basically, I exhausted my financial means to keep funding, so I have self-represented since that time. (1430, Father; Interview)

I borrowed from family, thinking I could at least take it off the house with the separation settlement – so far \$120,000. The best bit of all is that I lost my Protection Order and I have gained nothing from the \$120,000 spent to protect us regarding all of this. (1439, Mother; Interview)

I ended up applying for a variation to the Parenting Order which cost me further funds. I've spent \$370,000 of money on lawyers and they have delivered absolutely nothing. (1444, Mother; Interview)

Some discussed the hourly charges they were incurring from their lawyers and particularly disliked costs associated with **emails** or **photocopying**.

Every time an email was sent or a phone call was made, they charge in six-minute blocks for their time. Even for, "Can we express a response to the previous email?" Well, that would be \$100. It's huge. One bill came in with photocopying at \$270. For photocopying! (1075, Mother; Interview)

The good thing is that I can tell by looking at my lawyer's online system – whenever there's time spent on my account it updates and then it shows that time spent. So, whenever he forwards me an email, or anything, I just look what to see happened, how much he charged me, how much time is being spent. He will put 0.1, 0.1, 0.2. It depends on the work he does. From this I got to know that just to receive an email and forward it to me, right, he charges me \$25 without GST. So, it's very unfair. Then, whatever court document comes to him, that he might be referring to, that's fine, he can charge. But just forwarding stuff here and there, that's really unfair for the customers who are paying massive amounts. I even called the New Zealand Law Society and said this is what is happening, "Is there something you can do, like forwarding an email, it's unfair?" But they said, "You can't do anything because they can justify that that's the time they spent." (1521, Father; Interview)

Parents greatly appreciated lawyers who charged **lower fees**, e.g., at Legal Aid rates, or did **pro bono work** to assist them with their budgets.

The lawyer charged me Legal Aid rates and she tried to keep the costs as low as she could. If I hadn't have had that, it would have been a massive impediment to accessing the court. (1371, Mother; Interview)

I unfortunately didn't get Legal Aid, but she still let me pay at the Legal Aid rate which was very nice. That's still a lot of money. That's still \$160 an hour. When you're only earning \$20 an hour, \$160 an hour is a hell of a lot of money, sort of thing. (1328, Mother; Interview)

I would have got Legal Aid but, in the end, my lawyer said that my ex-husband is such a horrible person that she wasn't going to charge me. So, I didn't end up being charged for the last bit. My previous lawyer to that, I think, just to get the Parenting Order in place and stuff was three grand. (1155, Mother; Interview)

With the lawyer I have got at the moment, I have run out of Legal Aid now. She is actually working for free for me at the moment. But it makes it hard because when I need to push her along a little bit I can't because she could quite easily say, "No, sorry, you are out of hours and you are on your own." I can't pay, I don't know how I am going to pay. I am going to have to borrow off my family or something. She has got allocated hours for the hearing, but that's it. (1072, Father; Interview)

The **impact of the money spent** on the Family Court proceedings was often begrudged as it meant the money could not be spent on the children, who lost life opportunities because of this and sometimes had to live in poverty or alternative places like a bus or cabin. Sometimes the cost had led to the loss of assets (like a home), poverty, having to live with relatives, and having to rebuild financial resources (sometimes later in life).

Financially it stripped me, because I owned part of a house and that had to get sold and that paid for the court. For a while there I just needed to hunker down, so me and the kids lived in a bus. Then we moved into a cabin and we've only just got back into a house. Financially, you're trying to cope with all this big stuff going on. (1199, Mother; Interview)

A huge chunk of my income went on the court case, not things that they might have been able to experience. That money would have been saved, but it would have also been spent on things for the children, so they've missed out. (1181, Mother; Interview)

\$13,000 at least, my lawyer calculated. It's a lot of money that I could have borrowed to take the kids on holiday. (1140, Mother; Interview)

I have a debt over me for the rest of my life for \$400,000 that I will never recover from. I had a lawyer represent me in court, but I did all the work behind the scenes and stuff just would go out on his letterhead to save me money. Yet I still had a case that was about \$400,000. I have lost my career and my son's life has just totally changed. I was someone who had reasonable means because I had worked so hard all my life and my son had lots of opportunities because I had the financial means prior to going into the Family Court. But then all that of changed – there were lots of things he missed out on that other kids had, basic things. We lived in poverty for years and I'm only just resurrecting my life now. He has a scholarship to go to a very good school, but we've lived it very tough. Honestly, the Family Court destroyed our lives. (1638, Mother; Interview)

I'm back living at home because there's no way I could afford to pay rent and bills and pay my lawyer over \$1000 a month. (1175, Mother; Interview)

Financially it's cost me thousands, pretty much bankrupted me, so I can't put that quality of life into me and [my child]. I can't take him overseas to see his brother, which I had been going to do, because now I can't afford it anymore. (1576, Father; Interview)

It was just wasteful. It's been wasteful of [ex-wife's] money, it's been wasteful of my money, while I retain bloody \$350 an hour legal people in [city]. There's \$16,000 that could have gone into the care of the boys just pissed into the bloody parenting through separation system. (1691, Father; Interview)

It's not that I am unwilling – I just re-mortgaged my house the first time to pay for a lawyer, and I can't afford to do that again. It is not that I don't want to, but I just can't. (1156, Mother; Interview)

I'd like to see the kids more, but I've only ended up with fortnightly access – Thursday through Monday. I was hoping to have more time and it's been rejected. For the time being, from a legal perspective, I really can't afford to go for more. I don't have enough funds to pay for that until after the separation's sorted and even then, I kind of want to get my own life sorted and get back on track again. (1339, Father; Interview)

Realistically I am 50 now, so I am not going to ever recover financially from the last decade. The opportunities lost from it are enormous because all my energy and focus for a decade has gone on the Family Court and trying to keep us safe. (1079, Mother; Interview)

Legal Aid was welcomed by some parents, but others thought it created an uneven playing field. Several parents wanted Legal Aid to be easier to access and more generous, or some form of financial assistance to be available for Family Court proceedings.

I have got Legal Aid, thank goodness. So, I won't have to pay for the psychologist or anything like that, but I still have to pay Legal Aid back, but at a cheaper rate. I think the bill is about \$15,000 so far. It's just absurd. (1087, Mother; Interview)

I managed to get Legal Aid because I didn't have any income and I was a student for a year. I just let the lawyer's bills mount up with Legal Aid and then, I suppose, when I get a job next year, I'll find out some kind of repayment process with them. Legal Aid has actually worked for me. It's let me forget about the finances and not really look at them. (1491, Father; Interview)

It was a without notice hearing and it was about \$5000. I was talking to the lawyer and she advised me to get Legal Aid, which was fantastic for me. Then it was two years in Court and it was a very messy. [Ex-partner] said because he has money he was able to make it go longer. He wanted all these crazy arrangements and the risk was that court would go longer than two years because he said to me, "I'll just keep fighting you." I never would have been able to fight [ex-partner] if I had to pay for it myself. (1165, Mother; Interview)

Every time there's been a hearing coming up, she's quit her job, she's gone on the benefit and applied for Legal Aid. My lawyer has said she's doing that so that the court will not award costs against her because she knows she's going to lose in court at this hearing. (1591, Father; Interview)

He managed as a part-time beneficiary/part-time worker to go through court proceedings that cost me \$10,000 with my lawyers. So, it's just not a level playing field. People can say that having Legal Aid makes it a level playing field, but it doesn't. It just totally disadvantages the person who has to pay for the lawyer. (1401, Mother; Interview)

She went to Family Court for a relocation order, which meant I had to get a lawyer. She had Legal Aid so she could afford whatever she wanted, and I had to finance myself. Thankfully I was able to do that, and one week before court date she withdrew

the order because she knew she was going to lose. She hadn't spent any money, but I'd spent \$7000! (1560, Father; Interview)

I have to pay for it myself. I work full-time and I think the cut off for Legal Aid is about \$26,000. It cost me two grand to get the Protection Order and then every time we go to Family Court, it costs me \$700-\$800. It would help if there was some sort of financial assistance because obviously leaving a relationship due to a domestic violence situation, you're already in a pretty shit position and then the court is happy to force lawyer bills on you. They've no problem with that. I have a full-time job, but it doesn't pay that well – the costs are kind of ridiculous. (1175, Mother; Interview)

It is all user-pays. They need to put back into it a little bit and make it fair for both parties in terms of the finances because if you've got one side of it that is funded, the other may not necessarily be so and it becomes a bit of an imbalance and a very costly exercise. (1301, Mother; Interview)

Community Law are pretty, I don't want to say hopeless, but they're not versed in dealing with this sort of stuff. They give you basic information and then tell you to go and see a lawyer. So, maybe having something at a community level that's free and accessible to people. If you don't have a job or a house, you are entitled to Legal Aid. I know the situation is different for everyone, but that was really frustrating as well. I wasn't entitled to it because I work and own a house. But some people can be as vexatious as they like because they are getting Legal Aid and they don't have to pay for it. They can keep fighting and keep fighting, whereas I just couldn't. (1156, Mother; Interview)

Several parents said that the costs they incurred were unfair because their **ex-partner had been the one to instigate or extend the court proceedings.**

I found that it was all very expensive, and I have a decent income, but I'm not eligible for any assistance. The reality is that with my legal bills this year, my income after tax was probably 18-19 per cent of my income. So that is a huge, huge issue, particularly seeing as it wasn't something that I had initiated. I felt that was quite unfair, seeing as I tried to sort it out in a way that did not rack up the bills. But there's still quite a considerable amount of cost if you've got one party that is dragging the other person through it. While it says you don't need a lawyer to respond, you do need a lawyer to respond, because you can't understand half of it anyway. If the other person has a lawyer, it feels that it you're being bamboozled all the time with multiple letters and things like that. (1181, Mother; Interview)

Sometimes the legal expenses that parents incurred meant they could not “continue to bleed money” and they would **self-represent in the future.**

You just drag your way through the process, and meanwhile you're being milked for money from the lawyers. I've been too scared to tally the sums up, but I think I'm in the order of \$60,000 down the gurgler. I've gotten nowhere essentially. If I'd rolled over on day one then I would've gotten one day a week with my kids, and then tried to make some progress from there. But I've spent \$60,000, plus I've still got the whole relationship property thing to go. That's purely Family Court child custody stuff. ... I went to one of the best lawyers in the city, thinking that that would help my cause and get this thing over and done with. But even with one of the most experienced,

respected lawyers around, he was not able to achieve much for me as well. I feel he did a good job, but knowing what I know now, if I was to go back through this process I probably wouldn't engage a lawyer because in the end it's the cost that's forced me out of the game. I just couldn't continue to bleed money going nowhere. (1585, Father; Interview)

[Ex-partner] can afford to keep going and he will, but I'm nearly out – I'm going to self-represent. (1439, Mother; Interview)

Reducing the financial cost to “minimise financial outlay” and incur less expense was suggested as a way of improving the experience of using the Family Court. It was also suggested that **the Government should pay** any legal fees in child-related disputes.

Make it easier to access for people in terms of costs. Being legally represented privately is crippling when you are struggling to pay for day-to-day costs and provide for children for the future. (1084, Mother; Survey)

Prevent financial stress on applicants. (1384, Mother; Survey)

There needs to be an incentive for the other party who is legally aided to take into account the overall cost. In my case, she was legally aided and I wasn't. By dragging this out for as long as it was, I had to seriously consider giving up due to financial constraints. I have seriously considered giving up work to be suitable for Legal Aid. (1715, Father; Survey)

Remove the cost for lawyers where there is domestic violence. (1175, Mother; Survey)

Costs need to come down for those who don't qualify for Legal Aid or actually want good lawyers. (1118, Mother; Survey)

More support workers would be ideal rather than trying to get support just from your lawyer, especially if you are on Legal Aid and contact with the lawyer is limited. (1126, Mother; Survey)

I just feel that the legal process, the legal guidelines and the legal profession are not for the child. I am paying this person to represent me, they are making money out of a process which, I know it shouldn't be free, but I would like the government to say we are going to invest in our children and when our children are experiencing family issues, we are going to pay for that so that child isn't impacted by it. I am not a big one for saying everybody should have a hand out, but people are just making too much money out of something that needs to become a social issue for New Zealand, that our government gets behind. I do have a lawyer now and I do pay her, but I am not going to pay her to go to court simply because I feel it is wrong. (1122, Mother; Interview)

Gender bias, discrimination and one-sidedness

Some mothers accused the Family Court of being **one-sided or biased towards fathers**.

I felt that they overcompensate for the dads. What got thrown out a lot was that dads are important, kids should see their dad. (1140, Mother; Interview)

The Family Court just bullied me into giving and giving and giving, but not once has the ex-husband had to. They've said, "Okay, your wife has said that she had concerns about your mental state when you were together. How do you feel about that and what actions have you taken since then to maybe get some help?" And he's just like, "No, she was an abusive cow and she's alienated my children from me. I deserve to see my kids." And the court is like, "Okay, back him up." (1108, Mother; Interview)

When I talked to the lawyers and I said I'm really worried about x, y, z, they said, "You can't do anything about that." They view even having a dysfunctional dad or a slap happy dad, or whatever you want to call it, as better than having no dad at all in the picture. So, that just takes away all sense of control, of trying to keep your child safe which, as a parent, is a fundamental thing that you want to do. (1325, Mother; Interview)

Shitty procedure that discriminates against women who have been in an abusive relationship. (1450, Mother; Survey)

Some participants (mainly fathers) accused the Family Court of being one-sided or biased towards mothers and/or against fathers.

The sexism, bias and belief in "mothers are best." (2056, Father; Survey)

There is still a gender discrimination at the Family Court: the perception of the father being the bad guy and the mother being right. I felt it clearly having a female judge assigned to my case. Once she wasn't available at the Directions Conference and she was replaced with a male judge. I felt a huge difference: more understanding, better judgement, and more sympathy from him. (2054, Father; Survey)

Best to not be a dad in the Family Court because the Family Court is only too happy to destroy the dad and the children at the behest of the mother. (1702, Father; Survey)

It has been hugely stressful at times and I do feel that females get away with conduct in court/mediation that males would not – emotional, angry behaviour being a case in point. (1691, Father; Survey)

The way this court currently operates is basically a tool for mothers to use in abusing fathers. (1324, Father; Survey)

Be fair to mothers and to fathers – equal rights. It takes two to make a baby, but when the couple splits, all of a sudden, the father is deemed an unfit parent. How is this fair and just?? (1703, Aunt; Survey)

I feel very let down by the way things have been handled in the Family Court. It would seem to me that more weight is placed on a party's gender, rather than on evidence. (1916, Father; Survey)

Accountability is the downfall of the system. People, specifically women know they can get away with lying to get the arrangements that they want – kids' best interests be damned. They all say they have the best interests at heart, but they are blinded. The entire system is so biased against men and they are completely blind to it. The judges and lawyers all deny it outright and then when you call them on it, you are

called a woman-hating abuser. So, you can't say anything. It needs to forget about "preserving the relationship between the parents" and worry about preserving the relationships of both parents TO or WITH the children! They kept trying to get us to agree, but she was my abuser and they refused to acknowledge what she was doing – denying shared care, making false accusations that cost me mega bucks to defend, as abuse. And then there was the abuse on the kids and the manipulations. (1645, Father; Survey)

Personally what I've gone through, there's a bias against the father. That's just based on my journey, that's all. I understand they do that to cover their arse in case there is actually domestic violence. If I could have words with that judge, I would. I'd be going, "Seriously, you need to look at whether you can find some evidence." They need to have someone to communicate with that other person to get a view on what's actually going on – not just take one person's view of it, written down, and do an emergency without notice order. There's way too many guys who have gone through my journey or similar. (1339, Father; Interview)

I do feel that the family justice system is very much biased towards the female custodial parent. I think that's got as much to do with our societal constructs around gender and everything else as it has to do with the Family Court system. The Family Court is just a reflection of us as a society and the values that we place around child rearing and things like that. So, there is an automatic assumption, "Just because it's a woman she is better set up to nurture the children." So, she has to do a tremendously crap job for it to be seen as a better option for the children to be with their father. (1064, Step-parent; Interview)

There have been times when I definitely have had enough. The only thing to keep me going is my kids. I was treated like a criminal the way that I've been accused of things. I am definitely over the Family Court. You're guilty before proven innocent as regards the Protection Order when there was absolutely no evidence – words put down on a piece of paper – then going through six months of having supervision with my own children. I definitely don't think they take into account the father's rights. (1339, Father; Interview)

I wonder if it's like a hangover from the days where it was all about custody battles. What I'd like to have seen is a process that encourages and strengthens the relationships between the children and the rest of the family. What came across in the report was basically, "Tell me what you don't like about your Mum and Dad. What's better about Mum's house? What's better about Dad's house?" It felt quite judgemental. I think if one party is saying, "Oh, the children don't want to spend time with their father", I think that's a signal to look at what's wrong with the relationship between the children and the father. Either the father is really dodgy or the mother doesn't want the children to have a relationship with the father for reasons of her own. The kind of default assumption is that there's a problem with the father. I'm just wondering if the system can dig deeper into whether the mother has some kind of personal agenda that she's using the children to further. (1509, Father; Interview)

Don't be gender biased. There's too much gender bias – there's two situations to one story. There's not just one side. The gender bias stuff has got to stop. Because she's the mother, she's got more maternal things – I don't believe in that. I was more of a mother to our children than their mother was, but they still believe her, and they still

took my children off me for nothing, and we're now in this situation. (1514, Father; Interview)

I'm Māori and, you know, it's super hard being a Māori and a male in the Family Court. It's almost unrealistic to have any measure of confidence that the right thing will happen. One word from her and instantly I was supervised. I could only see my children for two hours a week with supervision. I'm just like, I don't understand. What I believe is, it's because I'm Māori and I'm male and in the Family Court – that is a harsh explanation for why a case is being treated like this. It's not something that anyone in the Family Court would be proud of, but it just feels like that's the reality. (1951, Father; Interview)

There's absolutely no support for fathers in this either. If I was a woman it would be completely different – they'd be throwing all the resources at me, but as a male, no. There's got to be equal rights given to both parents unless there are exceptional circumstances like child abuse or alcohol or drugs or something like that. If the other side are accusing somebody of something, they should have to provide evidence that proves that. Oh, it's heavily biased. The system is so sexist it is unbelievable. (1516, Father; Interview)

In all my experience it has been such a gender-biased process in every which way. The Family Court always seem to err on the side of caution and protect themselves just in case I really was a madman and the children would be at risk of being hurt. It's easier just to stop the father seeing the children, and all this causing restrictions or asking for supervised contact and so forth. I found the judge very biased. I represented myself for defending the third Protection Order hearing, because I felt I had just such outright proof there was no way this was going to go against me. And I was not going to spend any more money on the lawyers when, in my view, it was a cut-and-dried case. But the judge allowed her to take the stand and give, under oath, a written affidavit and oral testimony claiming that in the mediation she was threatened for her life. When I said, "Well, I wish to call the woman who gave the report for the children, who was present; I want to call the mediator, he was present, and I want to call my wife", he wouldn't allow it because it's private. I said, "Well, how come you're allowing [ex-wife's] version of what happened?" He said, "Because I can. I'm allowed to." This is what the Family Court judge does – they can choose to hear, listen or accept anything they like, and afford what weight they so deem fit. It is so very one-sided. (1544, Father; Interview)

It is corrupt, highly in favour of females. I am a female and disgusted not only at my treatment by the opposition lawyer, but disgusted in what my current partner has been faced with as a male. He is classed as a second-rate citizen and has been alienated by his evil ex who has used the children as a pawn. I am disgusted with the system. No wonder there is a high depression/suicide rate with people going through the Family Court!!! (1930, Mother; Survey)

Dishonesty, lies, false allegations and breaches of court orders

Dishonesty, lies and false allegations by one party were said to be very damaging, could lead to protracted proceedings and might mean a parent may not see their child for a lengthy period. The **lack of accountability or redress** for this conduct, which some said amounted to **perjury**, and for **breaches of court orders**, was criticised by parents and caregivers.

Anyone can go in and outright lie and there's no way to prove them lying. The Lawyer for the Child and court just take their word for it. (2045, Mother; Survey)

It's all very well telling parents to work together, but when one is being deliberately obstructive and unhelpful (or has mental health issues) that just isn't going to work. (1394, Mother; Survey)

There's zero accountability for dishonesty. (1324, Father; Survey)

We need to find ways to filter out those that are using the system to abuse exes. False allegations are made all the time, but these aren't proven and the person they are about isn't given the opportunity of innocence until proven guilty. (1211, Mother; Survey)

Unfortunately, the process incentivises some people to make false allegations in order to gain Legal Aid. ... There must be a penalty for perjury, there must be the ability to recover costs from someone legally aided who is making false allegations. This would reduce the number of long-term cases and allow the court to be more efficient. (1713, Father; Survey)

I feel that the other parent laughed off the arrangement and has never stuck to anything. Why can't he be held accountable legally? (1977, Mother; Survey)

Many parents suggested that the Family Court should be improved by more **proactively identifying and managing manipulative tactics, obstructive behaviour, dishonest or false statements and breaches of court orders**. They also suggested stronger **accountability** and the introduction of **more robust penalties**, particularly for **perjury** and **breaches or orders**. Firmer case management by judges was recommended as well. Generally, a more balanced approach and fairness to both parties was desired.

Hold the lies to account. It's a court of law, not the damn Jeremy Kyle show!!! (1324, Father; Survey)

Look past the lies at what is good for children. (1447, Father; Survey)

Be more abused wife friendly. (1093, Mother; Survey)

Allow fathers to have a voice and be heard. (1833, Stepmother; Survey)

Raise the bar on proof. Don't allow affidavits to make claims that are not backed up with evidence. Perjury is rampant in the Family Court. (1576, Father; Survey)

Judges need to case manage more often. Tighten up processes re parties breaking orders – have consequences. Acknowledge parties using the process as a manipulation tool re costs and withholding contact. (1132, Mother; Survey)

There needs to be accountability for perjury, defamation, discrimination, breach of the Act, judges and other parties who make significant errors in judgment, false allegations. They're affecting people's lives, in particular the children who are court-ordered to live with an abuser. The courts have been an extension of the abuse and

enable the abuser. Without notice orders should not be made without evidence or be based on false allegations. (1092, Mother; Survey)

Stop trying to make one size fits all and stop letting abusive exes get their way by being abusive. If an ex is being abusive there should be a consequence. (1450, Mother; Survey)

Start listening to fathers. Hold a party accountable for false allegations, lying in court. Need to negate the ability for the court to be used as a means for continuation of manipulation and control. (1084, Mother; Survey)

Acknowledge fathers' parental rights, remove inherent bias towards mothers, cease seeking to impose parental alienation against fathers, and take the children's wishes into account. (1688, Father; Survey)

Have consequences for perjury. (1703, Aunt; Survey)

Take into consideration both sides of the parenting story. The children were created by a mother and a father. There are no single plays. If a father is accused of something, discuss/communicate with him and investigate the whole story. I felt persecuted and blamed for things I did not do. The Family Court judge believed my ex-partner's deception and signed the day-to-day care to the mother "without notice." (1514, Father; Survey)

If an order is breached then it should be immediately penalised. Perjury should be imprisoned. Since it's the Family Court the mothers don't give a shit. They have their perception that fathers are not capable to equally handle the kids and the Family Court encourages that. (1521, Father; Survey)

Give it more teeth to force obstructive parents to participate and comply. (1430, Father; Survey)

Make harder rules so that exes can't abuse the system. (1329, Mother; Survey)

Stop granting rubbish applications. Be firm with parties that are clearly manipulating the system. ... The fact of the matter is that judges are accepting these without notice applications without basis. Then once you're in the process, you're in this stupid, ridiculous, long-winded process, and then the process is denying the judges the opportunity to make decisions. You're also up against this thing where you're guilty until proven innocent almost. There's no common sense applied anywhere. It's, "Oh, she has said these things" therefore there must be the slither of a possibility that some of that may be true, and therefore we have to take the least-risk option for us and cover our butts so that if anything goes wrong down the track then we didn't put the kids in danger with having to spend more than an hour and a half with their father. The court has no teeth, there's no comeback for lying to, there's no comeback for ignoring the orders. They can just do what they hell they want and the court's not going to do anything about it. So, there's every incentive to lie and cheat and go against their wishes. (1585, Father; Survey and Interview)

Include dishonesty in the court process as a recognised form of child abuse. Prosecute perjury when there is evidence of people lying under oath or in affidavits. (1841, Mother; Survey)

There needs to be a penalty for false and misleading applications. Fathers need to have rights. (1855, Father; Survey)

Make consequences for breaching parenting orders more formidable and ensure people who breach parenting orders are held accountable very early. (1576, Father; Survey)

Make perjury illegal as in every other court. (1532, Father; Survey)

There must be consequences for perjury and remedies for parties who have had false allegations made against them. This should have the impact of removing some of the long-term problematic cases which will free up the court schedule and result in other cases being heard and resolved quicker. (1591, Father; Survey)

Claims need to be investigated properly to ascertain the truth of what is being said. (1763, Mother; Survey)

In the UK there's the power to put these guys on community service. So, they're not getting away with it; there's no excuses made. If you come to court for an order and you get it, when you start breaching it then you're going to be taken seriously and you're going to be sanctioned. That doesn't happen in New Zealand. People are just let run with it. People who are there to play games are given the clear message that it's fine – and so they will play games for as long as the court lets them. (1207, Mother; Interview)

The frustration for me about the court part is there still doesn't seem to be any accountability on either of the parties to stick to that court order. They've got in there that if you don't stick to it, you can be subject to a fine. But the reality is you've got to go back to court, you've got to spend more money on lawyers and stuff for that to happen. And I doubt that that would kick in the first time they don't follow the order. You'd have to go back multiple times before a judge actually says, "That's not good enough, you can go to jail for three days or three weeks, or, you can pay this amount of dollars in fines." So, it just seems that despite having gone through that process, at the end of the day, there's no accountability. The judge himself said, "I can't do anything about behaviour." (1315, Father; Interview)

I firmly believe that parental alienation gets bandied around quite a bit and we all know now that it's not a syndrome. It does happen, but it's not a syndrome as such. It's one of the things you get accused of if you say that you want to stop someone from seeing their child, or have a supervised visit to their child. You get accused of parental alienation very, very quickly. (1256, Mother; Interview)

Family violence, abuse and revictimisation

Family Court clients, primarily women, who had experienced family violence and abuse found their experience of the court to be **particularly devastating**. They described it as **"life destroying"** or **traumatising** and some said it had **"broken"** or **"revictimised"** them.

I am bereft of words at how shocking and life destroying this experience has been for my family and I. We will never recover. Never ever be the same again. Your Family Court exacerbates difficult separations. Your Family Court process gives abusive partners a powerful tool with which to further abuse, manipulate and control their families. It feeds the ego of dysfunctional personalities who look plausible and professional, who appear normal, but who have previously ruled their family with an iron fist. If judges and lawyers can relate better to the narcissist than the victim, then what hope does the victim have? I was revictimised and reabused by the Family Court. My children and I have been put into hardship and could have been made homeless by the Family Court, but for my mother – the children's beloved Nana who an abusive judge ruled must not have contact with the children. How shocking is this Family Court? Most people are fortunate enough to never find out. I am so sorry I trusted the justice process in New Zealand. I wish the Police had never advised me to turn to the Family Court. I wish it with all my heart. (1135, Mother; Survey)

The Family Court has completely traumatised me and made me feel worthless. I feel like I have been raped and abused all over again for five years. I simply want to die with what has happened. I recommend to people not to go because if you are a victim it is unlikely you will receive any justice or sense of closure. If I knew then what I know now I would've just let my ex kill me because that would've been better than the hell I have been put through and am still going through. It's no wonder we have such appalling DV in New Zealand because the Family Court invalidates the good work that NGOs are doing to get women and children to safety. (1109, Mother; Survey)

The Family Court has broken me and my family. I asked a Family Court staff member how they measure their success. She said it is measured based on whether you file another application or not!!!!!! If I had unlimited funds and time and energy I would file EVERY WEEK. I have given up now. That is a fail for the process. The system is geared up for rich people with the best lawyers to win every time. I wish I was rich so my children lived with me. I would never have had children if I knew the state had the power to make "f___ked up" decisions like they have. It cracks me up to read how people go on about the state splitting siblings from each other in foster care etc. The Family Court split my kids (different fathers) up without a second thought. They hardly see each other now. THE SYSTEM IS BROKEN. (1771, Mother; Survey)

I am shocked and saddened that it is safer for abused women to stay with their partners in New Zealand than become pawns of the courts and have the court enable and facilitate ongoing abuse. I have lost track of who has abused and traumatised me more now – my ex or the court system. We need to fix the system for our kids!!! (1131, Mother; Survey)

It has been more traumatic than being throttled by my ex. It has destroyed my mental health and family. Has enabled my ex to make good on his threat to take my kids off me if I left him. Lawyers and judges are ignorant, prejudiced and discriminate against people with experience of mental distress (mental illness diagnosis). There is NO recognition that domestic violence causes mental distress. There is systemic bias against mothers because of the hierarchical nature of the Family Court and the lack of female lawyers and judges. (1886, Mother; Survey)

When you've been a long-term victim of domestic violence and done everything you can to protect yourself and your children with the help of the Police, Shine, Women's Refuge and counselling you don't expect to be treated as a criminal and unworthy of protection. The length of time and money spent is ridiculous. Some judges understand controlling abusive men and some think you're just trying to prevent the father from contact with the child for no reason at all. Awarding costs to convicted abusive men is simply abhorrent. Having to be present with my ex after what he has done to me is traumatic and feeling unsafe in times of court recess is unacceptable. (1109, Mother; Survey)

It is not a one size fits all problem when a marriage falls apart. Misogyny and patriarchy need to be thoroughly weeded out. The idea that all women are bitter and often "make up" domestic abuse must be removed from judges' training curriculum. If children tell the Lawyer for the Child they've watched their mother suffer at the hands of their father, that it was not an "equal partnership" and there is animal abuse, throwing crockery, throwing a child, threats and violence culminating in Police arrest, then perhaps the threshold at which judges must act to protect the vulnerable party needs to be looked at. (1092, Mother; Survey)

They've not acknowledged the domestic violence, abuse, alcohol and anger issues by my ex-husband. They've used hearsay, bias, confirmatory bias and discrimination over evidence and facts. They won't allow evidence to be presented that would show the abuse and manipulation of the system by my ex-husband, the collusion and withholding of evidence by Lawyer for the Child, the psychologist (s133 report writer) and other parties. My ex-husband is red-flagged in the Police system and there are multiple incident reports, an ambulance report, etc., yet the judge denies any abuse to me or the children. The judge has ignored the courses I've completed of my own volition, yet despite the partial admission and evidence, my ex-husband hasn't done anything about his alcohol and anger issues or been held accountable for anything he's done. The stigma and discrimination of my mental health and health is like being in the 1800s. The evidence from specialists has been ignored and they've used my ex-husband's allegations as fact. I've been denied a Protection Order. The only safety I have is moving house and having a Trespass Order. My children have been put into day-to-day care where they still get abused and nothing can be done about it. ... I can't do anything to protect my children, I can't speak out. If I breach the interim order I could go to jail, yet when my ex-husband does, nothing happens. (1092, Mother; Survey)

Participants with serious and distressing experiences of **family violence and abuse** called for the Family Court to provide **greater support and protection** and **to avoid adding to their trauma through systemic abuse**. They also recommended that more attention be given to **emotional abuse** and to **the review of court orders**.

Stop the victims from being victimised over and over again. (1835, Mother; Survey)

Protect people from ex-partners who are using the court process to harass. Being forced to be in the same room as my ex-partner and explain my fears is impossible. If he knew how scared I was for our child in his care, he would use that knowledge to deliberately scare me, so I had to be careful about what I said. (1394, Mother; Survey)

Take emotional abuse into account. (1302, Mother; Survey)

Do not ignore and dismiss emotional abuse as a form of domestic abuse. (1426, Mother; Survey)

Recognise emotional, verbal, mental and financial abuse!! It's terrifying! My children and I were unsafe during the whole process. No one would listen and we were ignored when we spoke about abuse. (1806, Mother; Survey)

Recognition of a DV controlling ex using the court system to continue abuse. Need to hear cases faster. (1306, Mother; Survey)

Maybe having seating so I didn't feel trapped in a room with the ex. I was afraid of him. (1197, Mother; Survey)

Parents need to have actual psychological tests. Borderline personalities, sociopaths etc., need to be treated carefully in the system because they use the system to feed their personality trait. The system does not cater for psychological, emotional or financial abuse. The system needs to be changed so it cannot be used to inflict further abuse on the victim. (2006, Mother; Survey)

Give support to traumatised victims of domestic violence. Listen to the very real fears of targets of domestic violence. Listen to children – if they are frightened find out why instead of assuming that a parent has alienated the child from the other parent. Move far quicker, the Family Court was as traumatising as the original abuse. (1119, Mother; Survey)

I was very fearful of seeing my ex-husband there. I had Protection Orders and had not seen him for six months when we had a Directions Conference. Fortunately, he had moved out of the area, so it was on the phone and I didn't have to see him, but support would have been good. I didn't know the process or that I could bring someone else along. It is very, very scary seeing, or potentially seeing, someone who has been abusive to you even when orders are in place. (1272, Mother; Survey)

By listening to children, by believing Police reports, by not thinking that violent men will change with six sessions of counselling, by not forcing women to negotiate with men who have assaulted them, by not allowing serial litigation when there is no evidence that it is in the children's interests! Too many things to count. (1211, Mother; Survey)

The Family Court is a very dangerous and traumatising place for women and children who have been subjected to violence and abuse. Safety of victims is not prioritised at the time of attending or in the decisions that are made. ... If there could be some sort of process where the women don't have to come into contact with their abusers in terms of the Family Court system. You are forced to sit in the same waiting room as them, you have got to sit in the same courthouse as them, the same courtroom as them. I spent three days in the Family Court with him sitting directly behind me and I knew he could lean over and touch my back at any time he wanted. That was really, really intimidating. It was awful, I felt sick the whole time. It impacted how I was in the whole process. (1081, Mother, Survey and Interview)

The whole process was quite threatening. There's no security around going to court, and I question why, in this day and age of technology, you need to be in the same city

as them, let alone the same building. It would probably be easier to record it and everything like that. So, the whole process of going to court is horrifying. Not just psychologically abusive, but these men are dangerous, they are really dangerous, they kill people. There's no recognition of that – it's like they think that because it's a public place, or whatever, it's not going to happen, but they do. To me, it is like the system has intentionally been set up so that there isn't anywhere to go. It is intentionally set up so that they can do this to women and children and there is no way that it can be overturned or no way to stop it happening. It's horrifying, and everybody says, "Oh, I have no authority there." ... Women and children who are victims of domestic violence need to be released from the Family Court with urgency as the Family Court is harming those victims further. I recommend a panel of domestic violence experts makes decisions about these cases based on international best practice. A leading international expert should set up training and monitoring for the domestic violence experts. The judiciary has proven they are simply not capable of making safe decisions. (1079, Mother; Survey and Interview)

Once you've got an order in place, there's no standard review process. It doesn't say that you must review it annually, which you should, because the children change, right? Circumstances change, and if you've come out of an abusive relationship, the last thing you want to do is be trying to poke the bear, to try and get that reinstated or relooked at. I've tried to approach the subject with my son's father a number of times, particularly via my lawyer, because I just can't face him myself. That's just come to no avail and I just can't go back into the justice system. It's actually really hard to get back into the justice system once you've made an agreement, particularly if you've been in a relationship that's had some form of abuse. Even with the reforms, it's been really hard for me to approach the matter. I've had lawyers involved to make sure he's following the right rules that were set out initially. But other than that, going back, it's an emotional and really hard situation to be in. (1360, Mother; Interview)

Without notice applications

Without notice applications were criticised for being either too easily granted on the basis of inadequate evidence or for not taking the concerns raised seriously enough. Some parents and caregivers wanted the **threshold increased** and corroborating evidence provided.

If without notice applications are to be submitted, they should only be accepted with a Police report where a parent has been proven to be an actual risk to the child. (1516, Father; Survey)

No without notice orders without specific, respectable, professional affidavits. (1131, Mother; Survey)

Without notice applications should be taken more seriously especially when filed by lawyers or professional services. (1555, Father; Survey)

Decisions made by judges in without notice applications need to have a higher threshold for evidence and not be based on an applicant's gender. (1916, Father; Survey)

It seems that "without notice" really means first in, first served. (1032, Father; Survey)

The bar has been set so low for without notice applications. That is a failing of the judges in my view, they must own that one. In the climate today they don't want to take any risk and have something blow up on them, so they always have to take the least-risk approach, which is harming the kids more in doing so. But, at least, then it's not going to come back, "Oh, you refused to accept this application and now this child has suffered an injury as a result." (1585, Father; Interview)

50/50 shared care

Several parents were critical that **50/50 shared care** or **equal parental rights** was not the starting point for children's post-separation care arrangements and recommended that this occur.

Once separated, if there is no concern regarding the children's care then parents should be given equal access. If an order is breached then it should be immediately penalised. Perjury should be imprisoned. Since it's the Family Court the mothers don't give a shit. They have their perception that fathers are not capable to equally handle the kids and the Family Court encourages that. (1521, Father; Survey)

Never breach 50:50 parenting rights. (1693, Father; Survey)

The law needs to be reconsidered to make equal the needs of all parties. And, also, to link with IRD and child support, or lack thereof. (1425, Mother; Survey)

However, some argued that 50/50 shared care should not be the preferred outcome.

The Family Court needs to look at the research that says 50/50 care is not the best thing for most children, despite their insistence that that is the way to go. It may be easier for the court to rule that way, but it's terrible for the children, especially special needs children. (1456, Mother; Survey)

Be open – it seems the judge was only interested in one outcome, that of shared care. But I don't believe it's in my son's best interests. (1384, Mother; Survey)

I don't think anything has helped except sleeping pills. The only outcome the court was interested in was 50/50 shared care. It seems that's the only objective that they were working towards because it's best for a child to have a relationship with both parents. While I agree with that – I'd never want my son not to have a good relationship with his dad – there are other aspects to the care of the child, not just having fun with Dad. I want my son to grow up to be a good citizen and I want him to grow up healthy. But when you've got a parent that's a drug addict and his mates have introduced their kids to drugs, things like that, that that worried me. Maybe I am wrong; maybe I am just being paranoid or an overanxious mum or something. (1384, Mother; Interview)

I didn't think it was the best thing for the kids. I tried to express that to the judge, but the judge didn't actually seem interested. He sort of used the example, "Well, it works for a lot of other children." And I was like, "Well, not every kid fits that mould." When you get a judge involved, anything can happen sort of thing. I think the judge had a preconceived idea that it was going to be 50/50 regardless of what anyone said. (1410, Mother; Interview)

It was so intimidating. I was trying to keep it all together, put on a brave face because everyone was literally telling me, "You can't show your emotions, you can't do this, you can't do that, you can't react." Well, of course, I'm going to react. I was being shut down well and truly and my brain couldn't handle it. ... I don't see it going well until the culture and the beliefs and this ridiculous Freudian notion of 50/50 care is best for children – there's going to have to be such a huge shift in their thinking. A 50/50 split when there is violence or intimidation, psychological, physical, or whatever, emotional, financial, any of that, there is no way a 50/50 split is going to work, because the moment you do that, you are giving the intimidating partner, or ex-partner, control. I really think they need to be looking at that. (1256, Mother; Interview)

Children's best interests, needs and views

Some parents and caregivers commented that the Family Court was **insufficiently focused on what was best for children**.

You are just a number. The child's individual voice, needs and unique characteristics and circumstances as per the Care of Children Act are not represented; just a set of theories about what some "strangers" think and a formal process that blocks out the lay parent's voice in a theatre of practised parts. (1441, Grandparent; Survey)

Children's voice within the courtroom is not being considered. (1737, Mother; Survey)

The Family Court already has preconceived ideas about the care of children and is more focused on the rights of one party over the child itself. (1200, Mother; Survey)

The children have been mucked around so much by unprofessional "professionals" who don't really care about the damage they are doing to these children. (1137, Mother; Survey)

The wellbeing of children is not the primary interest of the Family Court. Decisions are made without full information and this means significant consequences for children and families that are unjust and not in the interests of children. It is a place where it appears accepted that people will lie and the Family Court allows this without regard for the consequences on children of the Family Court accepting such lies and not prosecuting perjury. It is a place and a tool whereby abusers are allowed persecute their ex-partners trying to care for their children. (1102, Mother; Survey)

The Family Court is supposed to be all about the child. It is not. It is all about mothers using their children to gain revenge on former partners and about judges and lawyers making money aka a gravy train. (1516, Father; Survey)

It's failing children. (1410, Mother; Survey)

The Family Court has enabled false allegations to be entrenched and has destroyed two children's relationships with one of their parents – breaking one of the most important sections of the Care of Children Act – s6 – a child's right to have relationships with both parents. (1073, Mother; Survey)

The parents and caregivers suggested that the Family Court would be much improved if greater emphasis was placed on **children's best interests, needs or views**.

Put needs of the children first, rather than fairness to parents. (1119, Mother; Survey)

The overall process should be transparent and be focused on the child, not about the parents. (1228, Mother; Survey)

Take into account the views of the child, even if they are young. Base the care of the child on what is best for them given the behaviour of the parents they have, not on the “fairness” of contact for the parents. (1426, Mother; Survey)

Children’s voices heard and, at the very least, more child advocates. (1461, Mother; Survey)

More emphasis on the children’s thoughts. (1907, Mother; Survey)

More consideration for people’s individual circumstances. A lot is at stake – children! A lot more thought/consideration needs to be given to the children. At the moment, pleasing both mother and father is not in the child’s best interests. (1427, Mother; Survey)

There needs to be more accountability to ensure correct decisions are being made to ensure children’s safety. Children’s safety should be paramount. (1084, Mother; Survey)

It ruins children’s childhoods. Once you are in the system you are there until they turn 16. The old saying, “whoever gets in first wins” is so true. There needs to be more credit given to mothers, child attachment and the emotion that goes with rearing children. (1461, Mother; Survey)

There’s not enough focus on what’s best for the child – more on what’s fair on the parents. ... But it’s not about the parents, it’s about the kids. There was so much emphasis on us as parents and what was best for us. Well, not me, but a lot on what would be easiest on her dad. But it’s not about him. It was never about him. It’s not about me. It’s what was best custody-wise for [Child]. Yeah, I really struggle with that. (1012, Mother; Survey and Interview)

Information, support and being listened to

Parents and caregivers could feel **lost and uncertain** about where to turn for help. They wanted **more information and greater support** to be provided, plus more opportunities to have a say and be heard.

I felt, absolutely lost, to be honest. I didn’t know where to turn. I didn’t know who to ask for help. (1532, Father; Interview)

I think I’m a reasonable person. I’ve got a reasonable handle over my emotions. But it’s pretty isolating, like you’re on your own – no one really holds your hand through this process. (1522, Father; Interview)

There’s absolutely no support for fathers in this. If I was a woman it would be completely different. They’d be throwing all the resources at me, but as a male, no. (1516, Father; Interview)

I can tell you from this [research] interview, to actually just be listened to – that was one thing that was missing in the court processes. Nobody listened to me non-judgementally. I was only responding to what I thought were very judgemental questions and approaches. (1509, Father; Interview)

The whole thing was quite vague. I did lots of research trying to figure out the steps that were being taken. I think I was given a flow chart by my lawyer, but I didn't really understand what all the different conferences were about. I went onto the Ministry of Justice website numerous times. I did the same with the FDR. I just tried to find out some information, but everything was quite vague. I guess every situation is different, but I found it quite frustrating. I did lots of Googling. I wanted to look at cases and things and to get a bit of an idea as to my chances once I had that without notice order slapped on me. I was trying to read about that. There was nothing really that helped, I guess. There was nothing that I could find out about it that was helpful at all. If you've had no experience of the justice system, then I imagine it must be completely daunting for some people. (1636, Mother; Interview)

What hindered was uncertainty or no really clear boundaries in terms of the court system as to what might be expected. Apparently, every case is different and we all have to think about it differently. But put the cards on the table and don't dilly-dally about it anymore. (1584, Father; Interview)

I used the MOJ call centre. Mostly, 99 per cent, are female employees, but some are very rude. They don't understand it's an emotional call. There's a father involved, children, kids involved. They should be trained how to talk to all the ordinary citizens. First, I asked, "Can I have an update on my case?" Their answer to that question was, "Do you have a lawyer? If you have a lawyer, please keep in touch with your lawyer." So, my answer to them was, "Do you know if I go and ask him for an update, how much he would charge me?" They went blank. They know the system, they know how much lawyers charge. But they don't want to give an update. So that "always go to the lawyer thing" needs to be changed. (1521, Father; Interview)

Family Court judges

Parents and caregivers commented on the unhelpfulness of some Family Court judges who they criticised for being **arrogant, biased, lacking in objectivity, inconsistent and overly influenced by Lawyer for the Child and report writers.**

What is scary is that the judges really do seem to think they know it all. They have no humility despite the fact they are not equipped to make judgements about the needs of children. They treat applicants with utter disrespect when we have applied to the court for help to gain safety for our children. We are treated like criminals, villified and punished, having our children taken off of us when we have been good, caring parents, honestly making the effort, and braving the fear, to involve the services that are supposed to be here for the safety and protection of our children. Shameful! (1137, Mother; Survey)

I'm not impressed – old judges need to adapt to change and realise one size doesn't fit all. More care and consideration and consistent judges – they vary so much, which is not right or fair for children. (1087, Mother; Survey)

A judge who has a pre-formed view, having largely only heard one side of the story through a succession of without notice applications, and fails to recognise his own prejudice. (1162, Mother; Survey)

The judge had already decided his perspective on me. I was standing up for my kids, but was labelled bolshy and difficult. I'm still angry about that. I should legally be allowed to stand up for my children and should be treated with respect. I should not have to be contrite and feeble because I'm a woman. (1505, Mother; Survey)

I felt the judge was not objective at all. (1384, Mother; Interview)

The judge is not autonomous. They are always relying on the influence of the Lawyer for the Child and the psychologist. Judges are lazy. They just rely on their right-hand-man – the Lawyer for the Child and the report writer. I haven't come across a good one yet, I have to be honest. I'm sure there are some out there. (1461, Mother; Interview)

It's difficult because I realise everything I've done has been because everyone's afraid of the judge. I've been shunted down the path of being told, "You're just going to have to because this is the system." I haven't disagreed with anything, I'm too scared to – but there's no choice. I have no choice. I've had a number of people tell me my judge is really just like my ex and so it's sad because I realise I'm fighting the same people that I'm escaping from. (1439, Mother; Interview)

People wanted judges to be “gender neutral”, to be better prepared, to “take time” to read files, to “have more support” and to “be held to account more easily”.

Be gender neutral. Judges should be forced to require evidence and be forced to observe the evidence given. (1607, Father; Survey)

Inclusive judges who respect people of other cultures, care about children, and aren't jaded by prior cases. (1505, Mother; Survey)

Maybe more judges so they can actually get involved enough to make correct decisions. (1061, Father; Survey)

Actually, do what is in the best interests of the child, not what the judge thinks the father needs. (1310, Mother; Survey)

Appoint one judge to be responsible for ensuring every decision made (with regards to the same family) has their input. This way the decisions made by judges who don't have all the information about the family being dealt with (e.g., when without notice decisions are being made) can be supervised. (1576, Mother; Survey)

Take time to review histories and fully read applications, even when they are extensive. ... Sometimes, you go into court and you know the judge hasn't even read the file by the questions they're asking – “Oh, well you've missed everything that I spent hours preparing and writing and you haven't even had the chance to look at it.” I realise they're really busy and they don't have time to read 300 pages of things, but when they start asking questions that make you realise they haven't read it you kind of think, “And you're going to make a judgement based on what?” Having continuity is a really important thing. (1394, Mother; Survey and Interview)

Lawyers are afraid of the judges, because they can get disbarred and lose their job basically if they go against the judge. There is one judge who feels entitled to call a lawyer “an imbecile”, but there is no real transcript because not every word gets recorded like at the criminal court. So, there are no consequences for judges – they are like demigods. They can do what the hell they want basically, with you, with your life, and with your children’s lives, without even making an effort to get to know the situation or see the facts. ... The judges must start to take accountability for their decisions especially if these have put children and women into more danger and allowed the convicted criminal to further abuse the children who have already been victims of domestic violence. (1110, Mother; Survey and Interview)

There was criticism of judges expressing **generalised, outdated or biased views**, especially around contemporary family life, parental alienation or shared care issues.

Judges need to be, in some cases, I would say modernised. It's a lottery as to what judge takes on the case really. They were very much set in the historic custody and access regime. The fact that I had spent nine years as the primary at-home parent appeared to count for absolutely nothing. The psychologist didn't appear to place importance on that, on my role in [child's] life and the importance of the continuation of that role. The judge basically handed down orders that would have been handed down 30 years ago; every second weekend, school holidays shared 50/50 and, perhaps his only departure, one afternoon after school a week. Because I was having virtually no contact I accepted that, because at least that would maintain contact. (1430, Father; Interview)

One judge has followed the case, but I think he had formed a view. Over time, what I've realised is that some judges, and particularly the one that we had, had formed a view of myself and my ex. In this last hearing it went in my favour, but I could still see the importance that he placed on Mum being the primary caregiver and how caring she is. Some of the comments that he made were difficult to absorb given the experiences that I'd had over the last two years, particularly, with her controlling my connection to our son. I got a bit of a shock at some of the views of the judge if I'm honest. It felt like I was living in the 1950s. You know, very, very different perhaps to my own views. He even said to me, “Look, you need to change your world view.” I didn't say anything back, but my view was actually, I think, you're not necessarily perhaps, given our life stages, commenting from a position where our society is currently at in terms of diversity, inclusion, how we operate as a society. I just kept my mouth shut, but I just thought, goodness me, you're presiding over so many kids' lives and your views of what a family should look like are quite different to mine. (1584, Father; Interview)

We had about five or six different judges throughout our period of being in the Family Court, and I would say two of them have been absolutely brilliant. They actually heard out both sides and everything and then tried to, I guess, work out where the facts were. Other judges, I found, that even before anything was said, that a decision was in their head. One has been hands down horrible. At court in 2016 was where I encountered true sexism in the Family Court. The judge we had – and from what I understand now she's actually known for being like this – outright said, even with all the evidence we had, you know we had CYFS, we had the s132 report writer, the s133 report writer, we had my son's doctor, my doctor, my mother, her lawyer, my lawyer and the Lawyer for the Child all saying to the judge that, in their

professional opinions, my son needs to remain in my sole care with the mother having supervised contact. The judge blatantly turned around in the courtroom and said, "I will never grant sole care to the father. I would far sooner see the child return to where the child belongs – which is with his mother – or be made a ward of the state." (1555, Father; Interview)

I'd like a different judge, one that's not patriarchal. I've shown my document just the other day to a McKenzie Friend company, and they said the judge should have recused. I've already written two recusal letters, but he refuses. He does the same to lots of women here because we all get together through the Backbone Collective. There's so many grounds of appeal, but the judge has kept on wanting to track my case. I think he just wants to push me to suicide, that's what it feels like. It's like I've got two people that I'm having to fight now. I feel like I'm having to fight the judge as well as my ex. There just needs to be a fair hearing. You go in there thinking both parties are going to be heard, it's going to be an even playing field, and you get there and it's not. (1143, Mother; Interview)

Participants also found it unhelpful when they perceived **judges' personal ideologies influencing their decisions** or there were **significant differences in approaches between judges to their judicial role**.

Most judges are fine, but a few are working from personal ideologies. Lawyers know which judges to go to. I know there have to be phone calls saying, "Hey, there's a file coming, can you pick it up out of the duty box?" You can see the judges in each area of the country who are, I believe, operating out of an ideology that every father on the planet is a saint and there's no safety issues. But equally you've got women in that system who are really not victims of DV and are running cases off emotionally. So, the whole system is a mess and they've got judges as well who just make it up as they go along. Half the time, they're not even interpreting the law. Those judges have got a lot of discretion and a lot of judicial immunity in New Zealand. So, some of them run with it. (1207, Mother; Interview)

My lawyer found out that somehow, strangely, the monster of a judge from [city] was suddenly switched over and the nice judge that would have been on my case was somehow given an extra day on holiday, suddenly. The horrible monster of a judge, who was really supremely suited to my husband and his lawyer, was suddenly placed on my application for protection. My lawyer was just about having chickens and said, "This is really bad." I said, "Why?" and she said, "Well, he has no children" and she explained a bit about what he was like. I said, "Well, I don't have to go through with this, can I withdraw my application?" She said, "No, you can't", and I said, "Well, what am I going to do?" She said, "You just have to keep going", and I said, "Well, what's going to happen?" She said, "Well, I think you have every reason to keep going, but it's not looking as good." I mean, wasn't that just shocking? (1135, Mother; Interview)

It was back and forth for a couple of Directions Conferences with different judges. Huge differences depending on the judge as to what actually happened at the conference. I was really, really surprised. At the second Directions Conference there was a judge from out of town and I remember sitting down and he had read [ex-partner's] affidavit and I assumed he had read mine. I don't know how much time he had beforehand. But he basically told me that if I didn't change my last affidavit CYFS would take all my children off me. My lawyer didn't really say anything. I left that and

went into a room with her and basically screamed for an hour. I was so angry. I phoned the social worker as well and she was like, "Oh, my God." Here I am thinking I'm a good parent, but all I could take out of that was that he had only read [ex-partner's] affidavit which was such a load of crap. It was horrible; that was one of the worst times. (1012, Mother; Interview)

Some judges were said to **lack expertise in family violence and abuse**.

I don't think these judges have even the tip of the iceberg understanding of the dynamics of violence and abuse. I don't actually think they want to. Because if they accept what they are hearing in their job every day, they wouldn't be making the decisions that they're making. (1081, Mother; Interview)

I don't think the decisions should come down to one person. I don't think it should be the judge. I think it should be people who are experts in the area of abuse. Because these guys clearly aren't and they are using any excuse they can to not take on board research and things like that. Our judge has told me that he will not look at any research that's international because it is not related to New Zealand. This is how they get away with running with Parental Alienation Syndrome and stuff like that. (1081, Mother; Interview)

Others said judges had **disregarded children's views**.

When we went through the court and the kids talked to their lawyer, they said that they didn't want to be away from Mum for more than five days, saying that it was too long. Yet when the Lawyer for the Child read out his report, it was almost like the judge just disregarded what the kids had said because of their ages. (1410, Mother; Interview)

Unsatisfactory or pre-determined outcomes or orders were criticised by some parents and caregivers, as were judges who seemed reluctant to make decisions.

I don't agree with the week about. I think the four-day, three-day, three-day, four-day was much better. The judge ... sort of said in his decision that a four-day, three-day was for pre-schoolers and young primary aged children. I'm thinking, well, what's my seven-year-old, if that isn't what she is? He thought that the week about would be robust well into the future. It lasted all of five months before the next application for a variation came in from the ex. So, I don't think it was very future proof at all. (1401, Mother; Interview)

I'm of the view that you get in front of the judge and you get it sorted out. But that also means the judge actually making decisions, which they don't seem to like to do either. (1533, Mother; Interview)

Going to court was just a farce because the judge just got so many things wrong. She was ridiculously busy and then she went straight off on a conference, so she was away. She didn't then come back to do the judgment writing for three weeks. At that point she'd totally misinterpreted what had been said, and really badly. She's got the notes; she must have the transcripts because they've got people in court that are taking notes. But she just totally misinterpreted things that were really hurtful to me. It made it out like I had been the person who had done something wrong. She just got the

whole thing the wrong way round. She missed the point completely which was horrible. It was really, really horrible. It wasn't very nice. (1434, Mother; Interview)

Right the way through the process the judge did not make any kind of decision at all, it was always just what was going to be the next court appearance, and what would happen. Everything else basically came down to trying to negotiate something between the parties. (1646, Mother; Interview)

I felt the judge had already made her decision prior to the hearing, she was derisive, condescending and rude. She blatantly ignored my ex-partner's lies while under oath, and belittled me and the witnesses we had called. She called a violent episode involving myself, my ex-partner, his parents and the children an "unfortunate incident" and scoffed when I mentioned I had used [a family violence service]. Overall, it was an incredibly stressful time which completely enabled my ex and his behaviour. (1614, Mother; Survey)

Some participants also suggested having **"more judges", "rotating judges" and having continuity through "one judge per case."**

Lawyers

Parents and caregivers were critical of lawyers for being **"unprofessional", "expensive", "disinterested" or too friendly with the other lawyers at court.**

I am really disappointed at the conduct of some of the counsel – toxic letters flying back and forth, false and contradictory evidence filed. Just feels quite unprofessional. For the children, it is worth getting it right. (1051, Mother; Survey)

It was kind of like the lawyers weren't that interested. It just felt like, "We just want to get this over and done with as quickly as possible." (1139, Mother; Interview)

The other thing that got me, when we were coming into court, was that I didn't think the lawyers were taking it seriously. They were talking about their own private situations, going on holidays and having a little chinwag – not understanding at all that I'm going through hell right now, that this is absolutely not okay, this is life changing stuff for me and I quite frankly don't want to know about what you've done at the weekend and things like that. I felt very let down. (1325, Mother; Interview)

Lawyers, don't be buddy-buddy with the opposite's lawyer. It's really concerning when you are walking into a court scenario and both sets of lawyers are just joking around about what they did at the weekend. It's like, actually, we are supposed to be on opposite sides here. That's not making this person feel like you are on their side. (1107, Mother; Interview)

They were also unhappy when lawyers **did not provide enough information to their clients, left things to the last minute, were in a rush or too busy, or seemed unprepared.**

The lawyers are the tail and they wag the court. The court needs to set down very firm dates and if they don't abide by them, then just go ahead. The lawyers seem to leave everything to the last day. You hear nothing for six weeks and then there's this mad panic the afternoon before the hearing date. (1670, Father; Interview)

I have to follow her up, all the time. I understand that they're busy, but it's still my life. I can understand how cases do sort of drag on and then get put to the wayside but, still, updates or just touching base and saying, "We're still waiting" would be quite good. (1012, Mother; Interview)

I think they kind of forget that you don't know these things. Like, we went to the Round Table Meeting. I didn't know what to expect and I'd asked her. She gave me some information, but that wasn't enough. Lawyers need to be a bit more educated. Not just in the facts of the law, but also in understanding a bit more about the impacts on people. And providing people with information about where to get services, and what services are available. Not one of my three lawyers mentioned any services that were available. (1384, Mother; Interview)

My lawyer knew exactly what the process was, but there isn't a checklist anywhere; a nice flowchart that says this is what happens. My lawyer was doing it all the time, so she thought I would know what happened next. I had that feeling all the time and she probably got really pissed off with me because I'd always be going, "So, what happens next?" (1434, Mother; Interview)

Participants were also critical of lawyers who **provided problematic advice or were not strongly advocating on their client's behalf.**

When we went through court, [ex-partner's] quite a confrontational person and he can sort of manipulate situations to get what he wants out of them. My lawyer was a bit useless and didn't ask him questions enough. She just sort of sat back and was like, "Oh, okay, okay, okay", sort of thing. So, I questioned him on a few things that I didn't agree with, but the Lawyer for the Child and the judge didn't actually seem to listen to those either. (1410, Mother; Interview)

It felt like the lawyers were doing it behind my back. They were sort of making deals like, "Okay, if she gives up her application for a Final Protection Order, we will let her have day-to-day care." So, it felt like it was bartering. I felt I had to let the Protection Order go – it had been used as a currency in a way to get the day-to-day care. Also, my lawyer had said, "You need to be honest about everything, because the court likes that, it likes people to be honest, it doesn't like them to hide anything." So, I admitted to mental health issues, depression and anxiety, and also about cannabis use. But that became really problematic because, all of a sudden, that was used against me by the other party. They absolutely denied all the things about the abuse and everything like that, and basically tried to slant it that I was crazy and unfit to be a mother. All these kinds of things. That was really unhelpful – I didn't realise that as soon as you are honest it is out there and it can be used against you. I wish my lawyer had proceeded with more caution. Maybe she didn't envisage that the other party would fight like they did, really dirty. (1126, Mother; Interview)

My lawyer – I felt really aggrieved. I had told my lawyer that I had these overseas business trips coming up, and also had a wedding which was overseas. Her advice, which was completely wrong, and which completely just wrecked everything, was that I should sneakily go off to the wedding and not tell my ex-husband until the last minute, so he'd have no chance to prevent me going. But, in hindsight, I think if he'd been advised of it, he may have been a little bit more receptive to it. So off I went to

this wedding with my son. While we were there, he got a court order preventing me now from ever taking our son overseas again. Then about a week or two after the wedding was the business trip. When I got back I went straight to see my lawyer. She wasn't replying to any of my emails and I didn't know what to do. She'd already said to me, "Okay, you just go, it's fine." When I went on the business trip, my mum was home looking after my son. Then when I got back – this is what really made me really angry with her – she really growled at me. She said, "Oh, you've got your head in the sand." I'm like, "What? Clearly you know the process, you work with this all the time. I have no idea how these things work. No idea what I'm expected to do, what the next steps are – nothing." Had she given me better advice, I might have been able to arrange things. Because of that, she basically said, "Well, you have to agree to his demands now, because you went on this trip!" (1384, Mother; Interview)

Some lawyers were also said to hold **outdated views** and adopt rigid **"one size fits all"** approaches.

It needs to be people that are up to the play with what's going on. It's got to be evidence-based, research-based. These lawyers are still stuck in the time-warp that 50/50 is best – one size fits all! (1461, Mother; Interview)

I don't particularly like my lawyer. I'm sure he's a good lawyer, but he's kind of a dick. He has a very fixed idea of what's going to happen and there's absolutely no way to change that. I guess that's just from his experience dealing with this day in, day out. It all seems to happen the same way. (1175, Mother; Interview)

We need better quality of information to be put towards the judges. There's too much discounting of what families tell lawyers because it's not their reality, and they think they know, "Oh, we've heard all this before", and they're not actually listening. When you go in to see them, you're in a state of trauma anyway. (1142, Grandmother; Interview)

Some participants commented that they had **difficulty accessing legal representation**.

I found it very, very difficult to get legal help to begin with. There seems to be, in this area, a real shortage of lawyers. My lawyer who had dealt with our matrimonial property situation had decided that he wasn't going to be doing any more Family Court stuff because it was too difficult. So, I had to literally ring around until I found somebody who would. (1325, Mother; Interview)

Several participants felt that **being a Legal Aid client** meant they received second-rate legal representation.

Lawyers just shut their doors, especially with Legal Aid cases. But thanks to Women's Refuge they were able to help me get a lawyer. (1199, Mother; Interview)

I get Legal Aid, but I never hear from my lawyer until he'll message me, or email me, on a Friday night and say, "You know, you've got court on Thursday next week." I'm like, "What?" "Oh, we've got four days to get an affidavit to them, if you do this quickly and get it sworn." He always says he is very busy. It's a very important job he has, but if you can't handle or manage your workload, perhaps pass it onto someone

who can. Or simply say, "Look, I can't take on your case, because I'm way, way busy." But I just get excuses every time. (1108, Mother; Interview)

My lawyer was via Legal Aid. I really felt she was under-resourced in her time, which wasn't particularly good, not that she could help that. (1113, Mother; Interview)

A lot of those Legal Aid lawyers do the minimal amount of work on big cases sometimes, so you don't get well represented – especially if you've got a litigious ex-husband like mine that's got QCs and stuff – so, he's got two lawyers in court. And you're supposed to have your Legal Aid lawyer who puts in minimal hours, and you're having to write the affidavit and they're just editing it. It's like you don't have a lawyer at all. Maybe what they need is support people, like a McKenzie friend. (1143, Mother; Interview)

I had a lawyer that I had had to scramble at the last minute to find. Because after almost a year into the proceedings, I thought my Legal Aid lawyer was not doing me any favours and I've got to get my own actual lawyer. Then, at the same time, the court sent out a thing going, "You've got a hearing in 10 working days' time." So, I had 10 working days to find a lawyer. I didn't get a good one. Anyone that was good wasn't available in 10 days' time. I got to the court, and that's when it became obvious – in the corridors before we went in – that she hadn't received, or hadn't found in her files, my affidavit and response. So, my lawyer hadn't read all my arguments that I had before she got to the court. (1410, Mother; Interview)

My lawyers were Legal Aid. They were not really listening to me at all; they were not defending me. The one I ended up going into court with, she was about my third or fourth by that stage – there were so many doing the paperwork prior to that. Some of the things they were saying to me, you could just tell they didn't believe me at all, and they just appeared not willing to go into bat whatsoever. I had an advocate working with me, so she was trying to help me as well. In court, my lawyer hardly said a thing. When I was being ripped apart, my lawyer just pretty much stood there and hardly said a thing at all. I'm looking at her going, you know, "Why aren't you defending me, why aren't you speaking about what's happened?" But she just hardly said a word. They all start off really good to begin with and then down the track it's, "Oh, look, just take what you're given and bugger off" kind of attitude. (1256, Mother; Interview)

Lawyers' **motivations** were questioned by some parents and caregivers who disliked **stalling and other tactics** seemingly being used by lawyers to **increase their legal fees and "play" or "rort" the system.**

Lawyers love the affidavits going backwards and forwards, flinging shit at each other, because they're making money on it. They're not about the kids. (1199, Mother; Interview)

Personally, I think the judges and the lawyers, they know damn well the thing's being rorted. They know these without notice applications, just with the number of them, or the increase in them, I think 70 per cent of applications are now without notice, or something like that. It's clear the lawyers are playing the system, playing the game, and the court is unprepared to punish them for it. Even when someone is found to have misled the court, and done so deliberately, that's bordering on perjury, and surely there should be some comeback for that, but there isn't. So, lawyers know that they

can get their clients to just mislead and stretch things, and exaggerate, and there's no comeback on them for having done it. So, they're incentivised to continue greasing their own wheels by using this process to make them a fortune. They're ripping people off. (1585, Father; Interview)

Do your job before you take the money. Be accountable. I understand being a Family Court lawyer you have to disengage just to survive, because you can't take on all the bullshit of your clients. But I've seen some pretty tardy lawyering. It wouldn't wash in the private sector frankly. I'm not sure if it's any different if you're paying rather than Legal Aid. At court, the judge is wasting her time most of the time because the counsel are sitting there shuffling stuff, unprepared, uninterested, they haven't read stuff – really, really tardy. I've got a very capable lawyer who ended up in it by accident, who's kind of a higher level in the pecking order. His input really cuts through everything and moves stuff forward massively. But the other ones, there's too many cooks in the kitchen. (1522, Father; Interview)

The lawyers I dealt with either have no interest in pursuing a case really, or are more interested in stalling it as long as they can. My second lawyer operated to string it out as long as he could to get the maximum dollar out of the case. Anytime there was a disruption I said, "Well, this disruption is unjustified, we need to make it clear to the court that this is not acceptable and something really quickly needs to happen for the interests of the children not being able to see me." But there was never any action, although the costs were phenomenal. A lot of pile-ups at the Family Court, a lot of the time, expenses, all these things, are being driven by clients such as my ex, but I think a lot of it, too, is being driven by the lawyers themselves. That's my strong belief and I know a lot of lawyers would jump up and down if you said that to their face, but I think that's the truth. (1036, Father; Interview)

The court system was the most disgusting thing I have every experienced. Perhaps the majority do well out of it, I don't know. But I feel like the legal fraternity is pillaging; they are just reaping the rewards of the money. I am sorry, this is about children, how dare they make so much money out of this? (1122, Mother; Interview)

The adversarial nature of the Family Court

Several participants found the **adversarial nature of the Family Court** to be particularly unhelpful. Emphasising the positive aspects of an ex-partner's parenting skills and setting out to "build bridges" with them, rather than discredit them, was suggested as important going forward.

The system is basically an adversarial system. It's based on winning and losing. And the premise of it is that the status quo is valued. So, for the status quo to be changed, you need to prove that the parent you are trying to change it with is a bad parent, or is not doing a good job. It's a very negative kind of thing. Whereas, when I first went into this process I thought the system was about what home would be able to meet the children's needs. For some reason I thought that's what the Family Court was about, but it's not. I think that is the biggest problem in the whole system – that it's not about what do the kids need. I don't actually know what it's about, apart from making people lots of money. I just think that's the fundamental problem with it. It's an adversarial system, you have to prove the other parent is unfit to get what you want and it's not about what the kids need at all. (1064, Step-parent; Interview)

Lack of safety, because this is about abuse and violence. It's really hard to speak up because you know you're going to be intimidated and abused by those that are doing the abuse. Having to sit in a tiny courtroom waiting room, waiting for a court that always runs behind. The courtroom itself is intimidating, and it's all about process. There's no dialogue. There's no talking backwards and forwards. It's your lawyer speaking for you and you're sitting there. Sometimes you know that your lawyer hasn't heard what you're saying correctly. The court is adversarial and everyone is in there trying to discredit everyone. That should not happen at the Family Court. It should be about being positive and looking for opportunities to build bridges and create new ways ahead, instead of trying to discredit everyone. It's the wrong process. It leaves people absolutely ruined. (1142, Grandmother; Interview)

If you're going to look to changing the court system, you need to remove the adversarial part of it. Just like when a rape victim stands on the stand, you are not allowed to besmirch her, you know? And this is where they're missing the mark because rape victims are victims, domestic violence victims are domestic violence victims. They should be accorded the same protection and they're not. Rape victims can go into court and not have to stand there with their abuser; domestic violence victims have to, especially in the Family Court, be sitting within ten feet of somebody who threatened them with a knife, who told them they were going to die if they left him. And they fall apart and the judge goes, "So, you're an unfit mother." This is where I think the Family Court system will never work as long as it remains adversarial. Unfortunately, the 2014 reform has done nothing. If you are involved in a high conflict split, where you have a person with a personality disorder, the court system, in fact, inflames the whole situation because the personality disorder loves conflict and the court system is an adversarial system. So, by supporting the conflict and inflaming the adversarial system, the person who has been abused is further victimised, and continues to be victimised throughout the whole court process including the destruction of her personally and her mothering skills, and absolutely everything she does to protect the children. It would be much better to have no judges making the decisions and no lawyers making the decisions, rather to have mediators. All the reforms do is intensify the level of conflict. ... We're talking about a system that perpetuates abuse, perpetuates domestic violence which is based on secrecy and lying. It's absolutely appalling and devastating and destructive towards the victim. I am an extremely strong, competent woman and I was decimated, absolutely decimated, by the system. (1456, Mother; Interview)

Satisfaction with the Family Court

Table 189 presents a series of statements about the Family Court and how strongly participants agreed or disagreed with them. For ease of reading, the categories 'Agree' and 'Strongly agree' and 'Disagree' and 'Strongly disagree' have been collapsed (see Table 209 in Appendix L for the full data table).

Table 189: Views on Family Court experience

	Strongly disagree/ Disagree	Neither agree nor disagree	Agree/ Strongly agree	Total
The Judge was effective in clarifying the issues that needed to be resolved (<i>n</i> =294)	35.4%	22.1%	42.5%	100%
It was helpful to have a Judge involved in making our parenting arrangements (<i>n</i> =295)	32.9%	26.1%	41.0%	100%
I felt safe attending the Family Court (<i>n</i> =298)	37.9%	21.5%	40.6%	100%
I felt pressured to reach agreement with my ex-partner/the other party (<i>n</i> =298)	22.5%	17.4%	60.1%	100%
The Family Court process was fair (<i>n</i> =299)	55.5%	22.4%	22.1%	100%
I had enough of an opportunity to have my say (<i>n</i> =299)	58.5%	16.4%	25.1%	100%
Attending the Family Court was difficult for me for practical reasons (e.g., transport, childcare, work commitments) (<i>n</i> =299)	29.8%	25.1%	45.1%	100%
The Family Court met my cultural or language needs (<i>n</i> =297)	12.1%	37.3%	50.5%	100%
The Family Court was conveniently located for me (<i>n</i> =302)	19.9%	18.5%	61.6%	100%
Going to the Family Court worked well for me (<i>n</i> =299)	51.5%	19.1%	29.4%	100%
Going to the Family Court worked well for my ex-partner/the other party (<i>n</i> =293)	15.7%	36.2%	48.1%	100%
Going to the Family Court worked well for the children (<i>n</i> =297)	55.6%	18.5%	25.9%	100%
Going to the Family Court was worthwhile (<i>n</i> =298)	45.6%	18.1%	36.2%	100%
I would have preferred to make the parenting arrangements without going to Court	18.7%	15.7%	65.7%	100%

As shown in Table 189, far more participants agreed than disagreed that the Family Court was conveniently located (62% vs 20%) and met their cultural or language needs (51% vs 12%). However, this latter finding likely reflects the ethnic homogeneity of the survey respondents. While less extreme, the same pattern was also true for views about the role of the judge. More participants agreed than disagreed that the judge was effective in clarifying the issues that needed to be resolved (43% vs 35%) and was helpful to have involved in making parenting arrangements (41% vs 33%). However, two-thirds agreed that they would have preferred to have made their parenting arrangements without going to Court.

Around the same number agreed (41%) as disagreed (38%) that they felt safe attending the Family Court. However, 60% agreed that they felt pressure to reach agreement with the

other party, 56% did not think the Family Court process was fair, and 59% thought they had not had enough of an opportunity to have a say. Difficulties attending the Family Court due to practical reasons were experienced by 45%.

Nearly half (48%) agreed that going to the Family Court had worked well for their former partner/the other party, compared with 16% who disagreed with this statement. However, while participants may have thought the Family Court had worked well for the other party, they disagreed it had worked well for them (52%) or their children (56%). Overall, 46% did not agree that going to the Family Court was worthwhile, compared with 36% who believed it had been worthwhile.

Ratings of satisfaction with various aspects of the Family Court are presented in Table 190. Almost equal proportions were 'satisfied' or 'very satisfied' with representing themselves in Court as were 'dissatisfied' or 'very dissatisfied' (36% and 34% respectively). In relation to filling in forms and applications, writing affidavits and dealing with Family Court administrative/counter staff, greater proportions reported being 'satisfied' or 'very satisfied' than indicated dissatisfaction. The reverse was seen for the length of time it took to reach a decision and the financial cost. While a fifth were 'satisfied' or 'very satisfied' with the time it took to resolve the dispute, 69% were 'dissatisfied' or 'very dissatisfied', and nearly half (47%) were 'very dissatisfied'. Similarly, in relation to financial cost, three-quarters were 'dissatisfied' or 'very dissatisfied', and only 10% indicated satisfaction.

Table 190: Satisfaction with aspects of the Family Court

	Very dissatisfied	Dissatisfied	Neither satisfied nor satisfied	Satisfied	Very satisfied	Total
Filling in forms/applications (n=270)	13.7%	18.5%	28.9%	30.0%	8.9%	100%
Writing affidavit(s) (n=280)	15.7%	17.5%	23.9%	34.6%	8.2%	100%
Dealing with administrative/counter staff (n=260)	12.7%	11.5%	18.5%	34.6%	22.7%	100%
Representing yourself i.e., without a lawyer (n=121)	20.7%	13.2%	29.8%	24.8%	11.6%	100%
The length of time it took to reach a decision (n=286)	46.5%	22.4%	11.5%	14.7%	4.9%	100%
The financial cost (n=275)	56.0%	19.3%	14.5%	7.3%	2.9%	100%

Table 191 presents participants' overall satisfaction with the Family Court. Twice as many participants were 'dissatisfied' or 'very dissatisfied' with the Family Court (55%) as were 'satisfied' or 'very satisfied' (27%). While, over a third (39%) were 'very dissatisfied' only 5% were 'very satisfied'.

Table 191: Overall satisfaction with Family Court

	<i>n</i>	Percent
Very dissatisfied	115	38.6%
Dissatisfied	49	16.4%
Neither satisfied nor dissatisfied	55	18.4%
Satisfied	65	21.8%
Very satisfied	14	4.7%
Total	298	100%

Table 192 presents a cross tabulation of overall satisfaction with the Family Court and the outcome of participants' involvement with the court.

Table 192: Overall satisfaction with Family Court by outcome

	Very dissatisfied	Dissatisfied	Neither satisfied nor satisfied	Satisfied	Very satisfied
Decision made by parties/ Judge made Consent Order (<i>n</i> =104)	20.9%	34.7%	45.5%	47.7%	50.0%
Judicial referral to FDR (<i>n</i> =2)	0%	0%	1.8%	1.5%	0%
Judicial decision – Parenting Order made (<i>n</i> =94)	31.3%	32.7%	20.0%	36.9%	50.0%
Still in Family Court process (<i>n</i> =92)	44.3%	32.7%	30.9%	12.3%	0%
Something else (<i>n</i> =6)	3.5%	0%	1.8%	1.5%	0%
Total <i>n</i>	100%	100%	100%	100%	100%

As shown by Table 192, the highest proportion of those who were very dissatisfied with the Family Court overall, were those who were still in the court process (44%). Nearly half (46%) of those who were neither satisfied nor dissatisfied were those who had made their arrangements with the other party. Most/all of those participants who indicated they were satisfied or very satisfied with the Family Court overall, had had their arrangements made either jointly with the other party or by judicial determination.

Evidence of an association was found between the outcome of involvement with the Family Court and overall satisfaction with the Family Court ($\chi^2 = 40.63$, $p=0.001$). More people than expected were satisfied or very satisfied when their involvement with the Court had resulted in a parenting arrangement, either made with the other party or by a Judge. Satisfaction with the Family Court appears to be linked with getting an outcome or decision, regardless of whether it was made by the parties or by a judge.

Table 193: Would you recommend the Family Court to other people making parenting arrangements?

	<i>n</i>	Percent
Yes	63	21.0%
Maybe	83	27.7%
No	154	51.3%
Total	300	100%

The dissatisfaction with the Family Court shown in Table 191, was also reflected in the proportion of participants who said they would not recommend the Family Court to other people making parenting arrangements (see Table 193). A little over a half (51%) reported they would not recommend the Family Court to others, just over a fifth (21%) said they would, and 28% reported they maybe would.

There was evidence of an association between willingness to recommend the Family Court to others and the outcome of Family Court involvement ($\chi^2= 20.24$, $p<0.001$). More people than expected would recommend the Family Court to others when their involvement with the Court had resulted in a parenting arrangement, either made with the other party or by a Judge.

These findings are similar to what was reported earlier in relation to satisfaction with FDR and willingness to recommend the service to others. For both FDR and the Family Court, having an outcome where a parenting arrangement is made appears to be related to how positively participants viewed the service.

How the Family Court Could be Improved

Many suggested improvements have already been set out in the previous sections regarding the Family Court, particularly in the section on the negative or unhelpful aspects of the Family Court. The **most frequently suggested improvement** was to **reduce the delays**. The **other most frequently mentioned improvements** were eliminating bias and one-sidedness; having stronger consequences for false allegations, lies, perjury and breaches of orders; achieving greater fairness, transparency, openness and accountability; providing safer environments and more support for victims of family violence and abuse; focusing more explicitly on children's best interests; reducing the cost involved in court proceedings and improving accessibility to Legal Aid; enabling more opportunities for parents and caregivers to have a say and be listened to by the professionals; higher quality professionals; training for professionals; the provision of support and information; and more widespread reform of the Family Court.

The remainder of this section addresses the **other suggestions** that parents and caregivers made to improve the Family Court, including providing more information and greater support; family justice professionals listening better to parties and being more accountable, compassionate and respectful; training for professionals working within the court; the establishment of a Royal Commission of Inquiry into the Family Court; and further reform of the Family Court.

Information and Support

People wanted greater opportunities for information and support to be provided.

The opportunity to attend a meeting on how the process works would be better. (1360, Mother; Survey)

A social worker to help applicants deal with the scariness of being there would have been good. (1957, Mother; Survey)

Have empathy for the stresses someone is going through during proceedings, especially their concern for their child. (1426, Mother; Survey)

It would be good if there were support people within the system, that were there to provide support with dealing with the courts, the difficulties, the uncertainty, the lack of justice around omissions and denials. So you are not just dealing with legal representatives who are incredibly expensive and time bound, or officials who see you as just another person in the system. Support people to help you through the process, but who could also act as case managers if required. Dealing with multiple agencies can be exhausting, so having someone who understood the workload involved in dealing with your case could help be an advocate. Also counselling dealing directly with the trauma of going to court would be helpful for the wellbeing of individuals and families involved. Have more information available about the realistic expectations people should have, such as how long cases can take (months/years), different directions cases can take and the different options available, so people can plan better instead of being so reactive. Help people see a bigger picture rather than just thinking about what the next hearing/affidavit/report etc. will be. (1126, Mother; Survey)

Professionals Working Within the Family Justice System

Professionals were urged by parents and caregivers to “listen” to them better, to “let the client speak”, and to be fair, balanced and transparent. Suggestions to improve the roles of judges, lawyers, Lawyer for the Child and court staff more generally included greater accountability; more compassion, respect and integrity; and getting rid of perceived poor performers.

The judge’s personal experiences, opinions or beliefs should not affect their decision making e.g., a male siding with a male, female siding with a female. The amount of hearsay that gets taken as fact is appalling, so is the discrimination of health and mental health. Judges and lawyers are not doctors or psychiatrists. If they need clarification, they should be requesting it or accept the reports supplied as evidence. They should not be basing decisions on the allegations made by the other party. Lawyer for the Child needs to represent the children and not be biased towards one parent. Any representation for the children needs to be in regards to their wellbeing or do not have a Lawyer for the Child at all. Any information the Lawyer for the Child receives about a parent needs to be clarified. If the Lawyer for the Child is going to be in contact with the parents, it should be impartial. There should be equal opportunity to discuss matters in regards to the children. (1092, Mother; Survey)

The most important thing is to get rid of the idiots and biased lawyers – the ones that rort the system. Many are very poorly trained and do not know wtf they are doing,

with no kids experience. The court needs to get the good people working in it and pay them properly, not all the morons with no clue. (2056, Father; Survey)

Get rid of all the staff and employ people with people skills, compassion, integrity and respect. (1141, Mother; Survey)

Training

Training (particularly on family violence and abuse issues) for professionals dealing with family violence and child protection cases to better understand patterns of behaviour was suggested, together with training on family dynamics, child development, personality disorders and listening skills.

Staff need appropriate training and ongoing education, including practicing competency-based assessments regularly. (1109, Mother; Survey)

Need to educate lawyers and judges about abuse further. (1642, Mother; Survey)

Prioritise child protection training for all Family Court staff, lawyers and judges. (1142, Grandmother; Survey)

An inquisitorial system is needed, as are trained professionals especially around personality disorders. A complaints body outside of the justice system, accountability for everyone involved. Social workers that understand family dynamics and child development. Lawyer for the Child need more than three days training. (1461, Mother; Survey)

Judges, lawyers, specialists and CYF social workers all need more training in assessment and intervention for high conflict complex parental disputes around day-to-day care. (1073, Mother; Survey)

Ongoing training in empathy and listening skills for all Family Court staff. (1228, Mother Survey)

General Suggested Improvements

A diverse range of other suggestions were made to improve the Family Court. These included the introduction of kaupapa Māori and bilingual approaches; bringing back counselling; agencies working together; a tougher stance on drug use/addiction; greater powers to drug test parents; relaxation around McKenzie friends; revision of Parenting Orders; a more open court; more security at court; more opportunities to attend mediation; and complaints being taken seriously and acted upon.

Make it feel less rushed and also take into account people's worries/concerns and people with mental issues such as anxiety and depression which would be at peak during the meetings, wouldn't get everything they want across when feeling more like burden. (1627, Mother; Survey)

Reviews of all cases to date should be made and reparations made in the form of remuneration, funding for counselling, and letters of apology from officials to the people their actions have harmed. (1228, Mother; Survey)

Open door policy to media. (1461, Mother; Survey)

If any part of the Parenting Order is not working for the kids, it should be an option for revision. It's creating a bigger problem in the future. (1199, Mother; Survey)

Publish Family Court statistics, including the care arrangements concluded, the children's ages, genders and the themes of factors taken into consideration by the judge. Challenge the social view that mums should be at home raising kids. For a court system that prides itself on using facts and evidence, attachment theory is the closest means to uphold the gut feeling that mums should be the primary caregivers. It does not make it right or non-discriminatory. The premise of attachment is a theory. There is zero empirical evidence to support this. In a court there should be no room for theories unless backed by evidence. I would suggest finding alternate research and facts that support the view, one way or another, that kids are not better off when both play equal roles as the basis for making decisions about their care as their kids grow up. I want my boy to know that our justice system does not discriminate based on gender or utilise ulterior reasons to support this discrimination (e.g., attachment theory). In every aspect of our lives when we are in situations where this needs to be tested, the courts should be there. Bring in a greater diversity of judges and in the application process test for potential gender biases. Publish stock standard orders and tell potential court users that they will 99% be used by the court as the basis for their order. Require parents to use/adjust these and try to come to resolution on them before coming to court. (1584, Father; Survey)

We are bilingual, my kids and I, Māori/English, it's how we've always been. Well, we were told by the [supervised contact centre] that I was not allowed to speak any te reo Māori to my children when I was dropping them off for these visits or picking them up. I was completely disgusted. I even told them that it's an official language of New Zealand, for goodness sake. They provide the service on behalf of the court. Why is it that me and my family have to be compromised or be penalised because we're speaking an official language of New Zealand? They can't provide the service to cater for us? Well, that's not our problem, you know what I mean? (1466, Mother; Interview)

Royal Commission of Inquiry into the Family Court

Several participants recommended that a **Royal Commission of Inquiry into the Family Court or the establishment of an independent body** was needed.

The Family Court needs a Royal Commission of Inquiry into the way it operates, particularly for women subjected to domestic violence and psychological abuse. The long-term effects on a victim are not recognised. At all. I have lost everything and nearly the children as well. My children are struggling psychologically. Listen to women and children. Hear us. We need more experts in the room at court – mental health and DV agencies such as Shine and Women's Refuge. Lawyers should all be Legal Aid as I had no idea how expensive this would be and it's too late to change lawyers now. Opposing lawyers should not be allowed to constantly harass and intimidate victims/applicants and drag us through court to force us to back down and run out of money or strength. ... Lives are being destroyed and New Zealand's domestic violence figures will only continue as abusers are empowered and get away with their abuse. (1439, Mother; Survey)

I have seen calls for a Royal Commission into the Family Court and would support that. (1088, Mother; Survey)

A Royal Commission of Inquiry is needed. Far too many abusers claim alienation, far too many guardianship rights outweigh the human rights of the other party. (2057, Mother; Survey)

Have a Royal Commission of Inquiry into the Family Court. There are huge gaps and flaws within this system and they need to be stopped. This is state sanctioned abuse. (1108, Mother; Survey)

An Inquiry into the overall system to identify issues, particularly for cases surrounding family violence. Archaic unjust system. (1105, Mother; Survey)

There's no independent body to go to when you feel that the Family Court has made an error. An independent body is needed to monitor their failings, like an ombudsman, rather than the Chief Judge. Some form of redress from their Family Court mistakes. (1398, Mother; Survey)

There needs to be a Commission of Inquiry into the practices by the professionals because the professionals have been my downfall. They have allowed all this to happen, they haven't followed due process, they have colluded. The court system itself, the administrative side, hasn't followed due process either. They're quite manipulated by the lawyers. There's no autonomy. The court needs to be open. There needs to be an outside governing body, like the Police Complaints Commission. (1461, Mother; Interview)

The Family Court needs a clean-out and it will only operate properly when there's transparency and accountability. You need an independent Complaints Commissioner, not someone whose mates have been complained of, and you want transparency. The court should be open to parties that are related to the case. This closed court and operating in secrecy is unacceptable. It has allowed this corruption to grow and become so insidious. (1638, Mother; Interview)

Reform of the Family Court

More participants wanted the Family Court to be “overhauled”, “disbanded”, “dismantled”, “closed down”, “reformed”, “completely deconstructed”, “totally redone” or “abolished.” Others said it needed “a good shake-up”, a “complete revamp”, a “complete review”, a “complete reorganisation”, to “start again from scratch” or be included in “a petition to the United Nations.”

The entire system needs an urgent overhaul. My ideas are: an independent NGO that provides specially trained staff to be present in court proceedings to ensure that they are fair; strict penalties for judges, lawyers and other officials who are biased and unprofessional; immediate consequences for professionals who lie in official documents or settings; complaints to be made to an external NGO that deals with the lawyer/judge/etc. quickly and effectively. (1228, Mother; Survey)

It should be closed down as it damages children. (1552, Mother; Survey)

The Family Court is shocking and needs an overhaul. (1105, Mother; Survey)

It should be abolished and replaced by a relationship-driven process. There is simply nothing positive about the way it operates. I do not understand how issues relating to people's most important relationships – with their children – can be resolved through a legal process. (1509, Mother; Survey)

It is really in need of serious reform. Many parents have no choice, but the Family Court fails children badly. (2056, Mother; Survey)

The Family Court is an organisation that is extremely arrogant and needs a huge cultural mindset change to a proactive service-based organisation. ... The Family Court needs a good shake up with service being the number one priority. (1670, Grandmother; Survey)

The Family Court needs to be renamed as it does not deal with families. The family situation has disintegrated by the time it gets to the anti-Family Court system. I think it should simply be shut down so as people would have to sort it out between themselves or with mediators instead of lawyers charging unbelievable hourly rates in a very time-consuming sort. (2040, Mother; Survey)

Please be open to finding a better way to solve family issues – maybe a Family Court like the Rangitahi Court? (1142, Mother; Survey)

It needs to be abolished and a new, relevant system started instead, which puts the children first and central to an enquiry, involving professionals who really are trained in child protection, domestic violence issues, child development, and have experience and skills in truly meeting children's needs. An adversarial process is completely wrong when dealing with parenting issues. It provides a poor example to our communities on how to deal with issues. It leaves children with the "winner" of the manipulation game. Nobody wins but the people who make money out of this mess. (1137, Mother; Survey)

A complete overhaul. It needs to be based around the children's needs and their benefit. The financial cost needs to be lowered and deadbeat parents need to be penalised for lack of involvement and jailed for not contributing to the costs of raising a child. (1059, Mother; Survey)

The Family Court needs to be completely deconstructed and entirely new and safe processes put in place. Processes that prioritise the safety of children, are not gender biased, are transparent, disallow blatant conflicts of interest, hold the professionals involved accountable for their behaviour, has an independent monitoring authority and an independent complaints process. (1081, Mother; Survey)

The Family Court needs to be abolished and a safe, efficient system built in its place that keeps victims of family violence safe, allows their autonomy, holds perpetrators to account and monitors them. (1079, Mother; Survey)

The Family Court needs a complete reorganisation to include members who understand the applicable Acts and apply them in accordance with their intent. (1109, Mother; Survey)

I think rather than treat parents like criminals in a court setting, judges should run family dispute sessions around a table, discussing things, then drawing conclusions with the parents and, if necessary, adjudicating on hard topics. ... The Family Court is modelled on a criminal court. I am no criminal and neither is my ex. The reality is we disagree on care arrangements and the whole process is entirely overblown for our circumstances. I would suggest extending settlement conferences to incorporate binding decisions. A party can then choose to go to a full hearing to challenge that, but would need to wear the costs. Publish the stats of our court decisions. With this information it maybe that we do not philosophically like what is happening as dads, but at least we'd know the odds. I can step-parent any number of other children in New Zealand without any court case to determine my suitability as a dad and the court seems to be quite okay with this – but not okay that I equally share care of my own son! I think there'll be a lot of people who cannot believe that the underlying premise for our society, as represented through this court is this, or that dads are the primary breadwinners and go to work while mums stay home. It is like going back in a time warp to the 1950s. Thankfully, I can see the legislation has shifted in New Zealand, but the judge I experienced still holds these beliefs and is still practicing law that was developed during that time. Please, please, please can there be a way to ensure the judges are rotated. (1584, Father; Survey)

Start over. Get rid of current judges. Somehow regularly review outcomes to check any trends which indicate biases towards gender, ethnicity etc. (1771, Mother; Survey)

Overhaul it. Should be based on restorative justice. (1886, Mother; Survey)

Overhaul the system so that it centres on the victims, not those that have the largest bank accounts or the biggest influence. Need to think about the ethics of what is fair and in the best interests of the children. (1444, Mother; Survey)

Go back to the pre-2014 system. Things have got much worse since then. (1203, Mother Survey)

Get rid of the old boys' club that pats abusers on the back. (1337, Mother; Survey)

Burn it to the ground and start again with people who understand manipulative controlling behaviour and don't side with abusers. (1967, Mother; Survey)

We can fix the court quickly by setting up a special unit to prosecute all perjury, setting up a special unit to process lawyer complaints, and setting up a special unit to process judge complaints. (1028, Father; Survey)

Allow both parents to be heard. Don't let lawyers talk clients into something – check and be sure both parents understand and are happy. Check it's in the best interests of the child. (1901, Mother; Survey)

A parent should not be allowed to bypass the mediation process and proceed straight to Family Court. I do not believe that an adversarial legal process is the right way to resolve the issues around children's relationships with their parents and wider whānau. These decisions should be made within the whānau with help from appropriately trained counsellors and mediators. The lawyers (in my experience) were simply too black and white in their thinking, too direct, and too lacking in emotional

intelligence to help people navigate these issues. It should be focused on building up relationships. Nothing about the Family Court process builds up relationships. It is totally destructive. It also gives a powerful platform to the party who is most prone to behave in conflict-driving ways. (1509, Father; Survey)

The clear indications of the big fall down in the system are that the accusers are not accountable. They just say anything to a judge or a court or whatever and they all just get up in arms and support the accuser. So, there is no ability to disprove, probably several thousand dollars later. And the other thing is that Parenting through Separation and FDR have to be the first ports of call. Roll them out everywhere; make them accessible and easy, create mentor positions for people. Some people might be like, "I don't think I need it right now, but I am not really sure what I am doing." Then have a mentor, add an extra step in there so that that mentor can say, "Hey, there is something not quite right here, we need to really get on to this because otherwise it is going to fail." If I had a mentor four years ago, they would have said that to me! (1122, Mother; Interview)

The Family Court system is broken beyond repair. It needs to be taken apart and put back together with compassion, justice, and a reverence for parenting. ... I hadn't even been aware of the Family Court. It wasn't on my radar. Maybe had heard of it, but none of that was in my world. So, when I went into it, I totally walked into the lion's den without a stool, let alone a chair. ... I felt like I was really down a rabbit hole and I couldn't believe it. I have sat down in a court completely trusting, imagining that given what had happened to me that I was going to be looked after, that there was care in the justice system. Within 20 minutes I was being threatened with having the children removed from me. And then three and a half hours cross-examination with that banging around inside my head. Until the Family Court has been completely dismantled and put together with different people and a different set of standards and actually some compassion, everybody should stay well clear of it. I think it is completely unsafe and it minimises domestic abuse. They must have a training day where they are brainwashed to think that all women who leave their husbands are harlots who must be punished and are only trying to take the children away from their fathers because they want to hurt fathers and they are bitter. ... There is something incredibly broken and all the agencies and the institutions, like the Police, judiciary, Law Society, the bar, they just need to sit down and have a conference – actually be locked in a room with no food until they have worked it all out between themselves. This is not an oiled machine, this is a guillotine, this is cutting families up. And they are all colluding together. This is horrific. There are so many children being badly, badly scarred for life. ... Marketing themselves and putting out propaganda that the Family Court is holistic. They need to actually step up and be holistic, not just say it is. (1135, Mother; Survey and Interview)

Summary

Nearly half (47%) of the participants had used the Family Court. Those participants who accessed the Family Court were mainly applicants or both applicants and respondents. The most common reason for not using the Family Court was not needing or wanting to (58%), with around a third preferring to make parenting arrangements privately or doing so through other ways.

Access to the Family Court: Not being able to access the Family Court did not appear to be a barrier for participants. Very few people did not know how to access the Family Court, although a small number (3.5%) were not aware it existed. For those using the Family Court, nearly half (45%) had to travel 10 kilometres or less one-way to the court and most (83%) thought the distance they had to travel was reasonable. The majority (62%) agreed the Family Court was conveniently located. However, nearly half (45%) agreed that attending court was difficult for practical reasons, such as childcare, transport or work commitments.

The Without Notice Track: Nearly two-thirds of those who had used the Family Court were on the without notice track. While overall, 55% thought this was reasonable, views on the reasonableness of being on the without notice track varied between whether the participant was the applicant or the respondent – 89% of the applicants thought it was reasonable while 86% of the respondents thought it was unreasonable. Many of the parents and caregivers who had been on the without notice track were positive about their experience, especially when they were the applicant. They were pleased someone was taking their case seriously, particularly when safety concerns had arisen due to threats, violence, bullying, aggression, alcohol and drug use. Some people also filed without notice applications in order to have lawyers representing them or to bypass FDR. Parents particularly liked the speed with which interim orders could be made on the without notice track. However, others bemoaned the delays they experienced and were frustrated by the one, two or three years to achieve an outcome. Some parents were also dissatisfied when their without notice application was declined, moved to the standard track, left the child in their ex-partner's care, or they received a decision they believed was biased. Some applicants found the process difficult, expensive or traumatising or were terrified their ex-partner would seek revenge. Parents on the receiving end of the without notice applications – the respondents – felt stunned, shocked and blindsided. Many respondents considered the application to be based on lies and false allegations and/or to be an unjustified means of control and manipulation by their ex-partner. For some, it led to lengthy periods of either not seeing their child or to experiencing supervised contact. There was particular criticism of the lack of opportunity to respond to the (false) allegations and of the lack of consequences to their ex-partner for any perceived dishonesty. Some people felt the without notice track had been properly explained to them, while others said it was not.

Round Table Meetings: Just over half (51%) of those using the Family Court had attended a Round Table Meeting. Nearly half (48%) reached no agreement with the other party at the Round Table Meeting, 37% reached a partial agreement, and 15% reached full agreement. About half found them unhelpful and around a third found them helpful. Some participants were positive about the Round Table Meeting(s) they attended and found them helpful in achieving an outcome that avoided needing to go on to a defended hearing in the Family Court. Others, however, said they felt unsafe at the Round Table Meeting and disliked having to face their ex-partner across the room or being on the receiving end of threats or abuse from them. Several participants found the Round Table Meeting to be a stressful, intimidating or unhelpful experience, or felt pressured to reach agreement. Satisfactory

outcomes could be difficult to achieve due to the attitude of one party. Round Table Meetings were also criticised for lacking in power to reach or enforce agreements.

Defended Hearings: Over a third (37%) had attended a defended hearing. The majority (56%) were dissatisfied with the hearing and 31% were satisfied. Participants primarily reported negatively on their experience of defended hearings, even when they were satisfied with the outcome. The number of prior court events (conferences and meetings) and the lengthy wait for a defended hearing were particularly criticised. Several participants said they did not feel safe in the courtroom. Cross-examination was described as a gruelling, bullying and annihilating experience. Some court orders made by judges as a result of the defended hearing were considered inadequate because they were based on disputed evidence or led to a lack of compliance with, or breaches of, them.

Self-representation: Nearly a fifth (18%) represented themselves in their Family Court proceedings. The two main reasons that parents and caregivers gave for choosing to represent themselves related to i) their concerns about, or previous experience with, the use of lawyers; and ii) wanting to save money and avoid the cost of legal representation. When previous legal advice was considered unsatisfactory or incompetent this was sometimes because the lawyers were said to be egging on conflict and parties therefore felt they were better off representing themselves. Several participants had incurred legal expenses and/or debts from prior court proceedings and were therefore reluctant, or could not afford, to pay for further legal representation. They therefore chose to self-represent. Some participants started out self-representing, but eventually had to get a lawyer, often because of their ex-partner's tactics or the serious nature of the concerns raised. Twice as many participants reported finding it difficult to represent themselves than found it easy (55% found it difficult compared with 23% who found it easy).

Self-representation could be a positive experience. Some people regarded it as being more accurate or a better means of keeping them in touch with their own proceedings than having a lawyer, or they found the judge to be kind, supportive or compassionate towards them. Others felt confident because of previously being legally represented in the Family Court and the knowledge they had gleaned from this experience. Many acknowledged the information and assistance they received as self-representing litigants from the Ministry of Justice website, Family Court staff, Community Law Centres, online reading, friends and support groups. Some also felt confident as a result of the knowledge and experience gained from previous proceedings. Others, however, found the information, website and support to be inadequate. Self-representation involved a significant commitment to prepare for the court proceedings, which could, at times, feel like a full-time job. The printing and preparation of documents was expensive. Understanding the process and keeping calm was thought to be important.

Some participants found self-representation a negative experience. They said the forms were unclear and the information and support for self-representing litigants was inadequate. Many felt uncomfortable in court due to its formality and found it difficult to avoid getting caught up in the legal procedural issues. Many did not know how anything worked or where to obtain help from. This made self-representation a difficult, stressful, challenging and emotional experience. Several felt they had been obstructed, discriminated against, not listened to, nor respected in the Family Court. Self-representation was out of the question for some as they much preferred to have a lawyer. It was also considered unfair to have one party legally represented and the other party not. Several spoke of the difficulties they encountered being legally represented while their ex-partner was self-

representing, or vice versa. Some suggested that a McKenzie Friend or other knowledgeable support person could assist parties instead of lawyers.

Legal Fees: Those participants who had legal representation varied in how much they spent on legal fees; 12% spent nothing, 3% spent in excess of \$100,000, and around a third spent between \$10,000-\$50,000. Overall, 29% thought what they had spent was reasonable and 18% thought their legal fees were affordable. Legal costs exceeding \$1000 were regarded by most as both unreasonable and unaffordable.

Lawyer for the Child: Lawyer for the Child was appointed in 91% of the participants' Family Court cases. Nearly half (47%) found this appointment unhelpful, and 30% found it helpful. This role was either commended or criticised. Some parents and caregivers praised Lawyer for the Child and liked its independence and direct focus on the child's best interests, wellbeing and views. Some children were said to love having a lawyer to represent them. Participants also liked the way Lawyer for the Child could challenge an ex-partner about their attitudes or behaviour towards their child. Many more parents and caregivers made negative comments about Lawyer for the Child and said they were a waste of time and ineffective. The Lawyer for the Child did not always meet with the child, or met only briefly. They were criticised for not listening to the child, not knowing how to establish rapport and trust with them, holding preconceived or outdated ideas, and for seeming disinterested in them or the case. Sometimes children's views were said to be inaccurately reported and misrepresented to the court. Several parents complained that the Lawyer for the Child asked leading questions, told the child what to say, applied pressure on the child, or ignored their or the parent's concerns and fears. Lawyer for the Child was also said to be unfair or biased towards one parent or colluded with one party's lawyer or the specialist report writer. Some Lawyer for the Child were criticised for being ineffectual, sitting on the fence or lacking the power or willingness to act to protect children. Complaints were also expressed about Lawyer for the Child's personality, skills, knowledge or approach to their role. Some were said to be too busy, overworked, too inactive on the case, difficult to contact, especially in crisis situations, or sent colleagues to meetings or court events they could not attend. Parents were also unhappy when Lawyer for the Child was used to assist their self-representing ex-partner. Suggested improvements included training, vetting and implementing a complaints mechanism.

Experts Writing Specialist Reports (s132 and s133): In 44% of the participants' cases a specialist report writer was appointed. Nearly half (47%) found this appointment unhelpful, and 30% found it helpful. Some participants praised the specialist report writer as professional, thorough and impartial, and felt their report was balanced, helpful, validating and insightful. When the report was perceived as supporting their position it was regarded very favourably. Participants appreciated the specialist report writer spending time getting to know the children, speaking with other family members and education/welfare professionals. Others said the process was too delayed or a waste of time and money. Sometimes the report was out-of-date by the time of the court hearing. Specialist reports were also criticised for being biased or one-sided with some report writers said to have expressed strong personal opinions, relied too heavily on parental alienation, misquoted family members, or spent unequal amounts of time with each party. Alleged errors and inaccuracies in the reports could create frustration and irritation. Participants were also critical when there was a lack of understanding, or acknowledgment, of family violence, abuse or alienation. Some commented negatively on the report writer's qualifications, skills and experience, or the way they approached the task. Vague or superficial reports were

regarded as unhelpful, as was being unable to receive a copy of the specialist report. A few participants suggested the specialist report should be followed up.

Children's Thoughts, Feelings and Views: The most common professional to meet with children during Family Court proceedings was Lawyer for the Child. In 10% of the cases nobody met with the children. Over half (54%) were dissatisfied with the consideration given to children's thoughts, feelings and views. While a small number thought the children had been listened to, the majority of the participants were concerned that the children had not had an opportunity to express their views and/or thought the children were not listened to. Some participants reported that, while their children's views had been ascertained, they had been misrepresented to the court or were dismissed. Some participants thought that while children's views were important, safety concerns and estrangement from a parent also needed to be a priority. Participants were also very concerned about the negative effect of Family Court proceedings on children, and expressed frustration with the impact of delays and the uncertainty this created for children. Many commented on the trauma, stress and unhappiness for children being involved in Family Court proceedings and advocated for counselling or some form of support being made available for children. On a broader level, some participants thought, despite what it claimed, the Family Court did not focus on the best interests of children.

Outcome of Family Court Proceedings: For those whose proceedings had concluded, 51% had decided on their parenting arrangements themselves and 45% were judicially determined. Equal numbers (around 45%) were dissatisfied or satisfied with the resulting parenting arrangements. Evidence of an association was found between how the arrangements were decided and satisfaction with them. More participants were either very satisfied or very dissatisfied when the parenting arrangements were judicially determined. Similar proportions thought the arrangements were fair (42%) and unfair (47%). Nearly half (49%) had their parenting arrangements determined in a year or less, with 15% reporting it took three months or less. However, for nearly a fifth (18%) it took more than two years. Nearly three-quarters (73%) thought the time it took to determine their parenting arrangements was unreasonable.

Positive or Helpful Aspects About the Family Court: Just over a third (34%) found the Family Court helpful overall in making or changing their parenting arrangements. Judicial authority and the formality and enforceability of an order were particularly liked. Some participants found the Family Court process unbiased, clear, efficient or easy to navigate and liked the emphasis by the court on children's best interests. They also found court staff to be helpful and polite. Judges were commended for understanding the situation, taking parents' concerns seriously, offering suggestions, actively managing the case, and listening to both parties. Lawyers were also praised for being sensible, pragmatic, reassuring, knowledgeable and with a clear focus on what was best for the children. Several participants spoke of the benefits they had gained from either privately paid counselling or communication counselling provided free of charge by the Family Court. The advice and support provided online and within the community by agencies (such as Community Law Centres, the Police, Shine, Barnardos etc.) and parent support groups (such as the Backbone Collective, Kidz Need Dadz, Blended Families New Zealand etc.) was also much appreciated.

Negative or Unhelpful Aspects About the Family Court: Over a third (39%) found the Family Court unhelpful overall in making or changing their parenting arrangements. Many parents and caregivers described the Family Court in very negative terms. Some were particularly disillusioned and upset about their experience which they felt was adversarial, uncaring and

a farce or necessary evil. The delays experienced were the most frequently mentioned negative or unhelpful aspect of the court. Many wanted the court to work faster. The cost was criticised as expensive, devastating and unaffordable. Some people had sold their family home, used an inheritance or borrowed money from family to afford their legal fees and/or court proceedings. The amount spent ranged from \$2000 to \$400,000. Hourly charges and costs associated with emails or photocopying were particularly disliked. The money could not be spent on the children, who lost life opportunities because of this and sometimes had to live in poverty or alternative places like a bus or cabin. Sometimes the cost had led to the loss of assets (like a home), poverty, having to live with relatives, and having to rebuild financial resources (sometimes later in life). Parents greatly appreciated lawyers who charged lower fees, e.g., at Legal Aid rates, or did pro bono work for them. Some parents planned to self-represent in the future. Legal Aid was welcomed by some parents, but others thought it created an uneven playing field.

Some participants considered the Family Court to be one-sided or biased towards a particular gender. Dishonesty, lies and false allegations were said to be very damaging, could lead to protracted proceedings and might mean a parent may not see their child for a lengthy period. The lack of accountability or redress for this conduct, which some said amounted to perjury, and for breaches of court orders, was criticised. Many parents suggested that the Family Court should be improved by more proactively identifying and managing manipulative tactics, obstructive behaviour, dishonest or false statements and breaches of court orders. They also suggested stronger accountability, the introduction of more robust penalties, and firmer case management by judges. Generally, a more balanced approach and fairness to both parties was desired.

Family Court clients, primarily mothers, who had experienced family violence and abuse found their experience of the court to be particularly devastating. They described it as life destroying or traumatising and some said it had broken or revictimised them. They called for the court to provide greater support and protection and to avoid adding to their trauma through systemic abuse. They also recommended that more attention be given to emotional abuse and to the review of court orders.

Without notice applications were criticised for being either too easily granted on the basis of inadequate evidence or for not taking the concerns raised seriously enough. Some parents and caregivers wanted the threshold increased and corroborating evidence provided. Several parents wanted 50/50 shared care or equal parental rights to be the starting point for children's post-separation care arrangements, while others argued against this. Some said the Family Court was insufficiently focused on what was best for children. Parents and caregivers could feel lost and uncertain about where to turn for help. They wanted more information and greater support to be provided, plus more opportunities to have a say and be heard.

Participants commented on the unhelpfulness of some Family Court judges who they criticised for being arrogant, biased, lacking in objectivity, inconsistent and overly influenced by Lawyer for the Child and report writers. They wanted judges to be gender neutral, to be better prepared, to take time to read files, to have more support and to be held to account more easily. There was criticism of judges expressing generalised, outdated or biased views, especially around contemporary family life, parental alienation or shared care issues. Participants also found it unhelpful when they perceived judges' personal ideologies influencing their decisions or there were significant differences in approaches between judges to their judicial role. Some judges were said to lack expertise in family violence and

abuse or to disregard children's views. Unsatisfactory or pre-determined outcomes or orders were criticised. Some participants suggested having more judges, rotating judges and having continuity through one judge per case.

Participants were critical of some lawyers for being unprofessional, expensive, disinterested or too friendly with other lawyers at court. They were also unhappy when lawyers did not provide enough information, left things to the last minute, were in a rush or too busy, seemed unprepared, provided problematic advice or were not strongly advocating on their client's behalf. Some were also said to hold outdated views and adopt rigid "one size fits all" approaches. Some parents had difficulty accessing legal representation. Some Legal Aid clients felt like they received second-rate legal representation. Lawyers' motivations were questioned, especially where stalling and other tactics were seemingly being used by lawyers to increase their legal fees and play or corrupt the system.

The adversarial nature of the Family Court could be particularly unhelpful. Emphasising the positive aspects of an ex-partner's parenting skills and setting out to build bridges with them, rather than discredit them, was suggested as important going forward.

Overall, 55% were dissatisfied with the Family Court and 27% were satisfied. Evidence of an association was found between the outcome and overall satisfaction with the Family Court. More people than expected were satisfied with the Family Court when it resulted in a parenting agreement, whether this was made by the parties or by a judge. Just over half (51%) would not recommend the Family Court to other people making parenting arrangements, 21% would and 28% maybe would.

Suggested Improvements to the Family Court: The most frequent improvement that parents and caregivers wanted was to reduce the delays. Other improvements included eliminating bias and one-sidedness; having stronger consequences for false allegations, lies, perjury and breaches of orders; achieving greater fairness, transparency, openness and accountability; providing safer environments and more support for victims of family violence and abuse; focusing more explicitly on children's best interests; reducing the cost involved in court proceedings and improving accessibility to Legal Aid; enabling more opportunities for parents and caregivers to have a say and be listened to by the professionals; family justice professionals listening better to parties and being more accountable, compassionate and respectful; training for professionals; a Royal Commission of Inquiry into the Family Court or the establishment of an independent body; reform or overhaul of the Family Court; the introduction of kaupapa Māori and bilingual approaches; bringing back counselling; agencies working together; a tougher stance on drug use/addiction; relaxation around McKenzie friends; a more open court; more security at court; more opportunities to attend mediation; and complaints being taken seriously and acted upon.

Key Findings – Family Court

- 308 participants (47%) had used the Family Court
- Reasons for not using the Family Court:
 - Didn't need or want to (58%)
 - A preference for making parenting arrangements privately (34%)
 - Parenting arrangements agreed to through other ways (33%)
- 45% travelled under 10 km (one way) or didn't travel to the Family Court
- 83% found the distance they had to travel to the Court reasonable
- 63% were on the without notice track
 - Overall, 55% thought this was reasonable
 - 89% of applicants thought this was reasonable; 86% of respondents thought it was not reasonable
- 79% had attended a meeting, conference or hearing with a judge
 - 41% found them unhelpful; 31% found them helpful
 - 51% were dissatisfied with the outcome of meetings with a Judge; 26% were satisfied
- 51% had attended a Round Table Meeting led by Lawyer for the Child
 - 51% found Round Table Meetings unhelpful; 34% found them helpful
 - 15% reached full agreement with the other party at a Round Table Meeting; 37% reached partial agreement; 48% reached no agreement
- 37% had attended a defended hearing
 - 56% were dissatisfied and 31% were satisfied with the defended hearing
- Nearly half had legal representation privately (46%) or through Legal Aid (48%)
- 18% self-represented, mainly because they couldn't afford a lawyer or chose to
- 55% found it difficult or very difficult to represent themselves; 23% found it easy or very easy
- 12% had no legal fees; 3% spent in excess of \$100,000 and 32% spent between \$10,000-\$50,000
- 29% thought what they had spent on legal fees was reasonable; 18% thought their legal fees were affordable. Legal fees in excess of \$1000 were seen as unreasonable and unaffordable
- Lawyer for the Child was appointed in 91% of the cases
 - 46% found it unhelpful; 37% found it helpful
 - 83% reported the Lawyer for the Child met with the children
- A specialist report writer was appointed in 44% of the cases
 - 47% found it unhelpful; 30% found it helpful
 - 32% reported the specialist report writer met with the children
- The most common professional to meet with children was Lawyer for the Child; in 10% of cases no one met with the children
- 54% were dissatisfied with the consideration given to children's thoughts, feelings and views in the Family Court; 28% were satisfied
- For those whose Family Court proceedings were completed, in 51% of cases the decision was made by the parties; 45% were judicially determined
- 46% were dissatisfied with the parenting arrangements made, 44% were satisfied
- 47% thought the parenting arrangements made were unfair, 42% thought they were fair
- 49% had their parenting arrangements resolved in a year or less; 15% had them resolved in three months or less; 18% took more than two years
- 73% did not think the time it took to determine their parenting arrangements was reasonable

- 39% found the Family Court unhelpful in making or changing parenting arrangements; 34% found it helpful
- What participants found particularly helpful or positive about the Family Court:
 - Achieving a decision, outcome or interim/final court order
 - The process being unbiased, clear, efficient with a focus on children's best interests
 - The helpfulness of Family Court staff
 - The skill and personal attributes of the judges
 - Helpful and effective legal representation
 - Having communication counselling
- What participants found particularly unhelpful or negative about the Family Court:
 - The process
 - Delays
 - The cost
 - Bias and discrimination
 - Dishonesty, false allegations
 - Breaches of court orders
 - Revictimisation and trauma for those who had experienced family violence and abuse
 - Without notice applications
 - 50/50 shared care
 - Insufficient focus on children's best interests, needs and views
 - Lack of support and not feeling heard
 - The unhelpfulness of judges
 - Negative experiences with lawyers
 - Adversarial nature of the Family Court
- 60% agreed or strongly agreed that they felt pressured to reach agreement with the other party
- 56% disagreed or strongly disagreed that the Family Court process was fair
- 59% disagreed or strongly disagreed that they had enough of an opportunity to have a say
- 45% found it difficult to attend the Family Court for practical reasons
- 62% found the Court's location convenient
- 51% agreed or strongly agreed the Family Court met their cultural or language needs
- 48% thought the Family Court had worked well for the other party, but 52% thought it hadn't worked well for them, and 56% thought it hadn't worked for the children
- 66% would have preferred to have made parenting arrangements without going to Court
- 36% agreed going to the Family Court was worthwhile; 46% did not agree
- 39% were satisfied with filling in forms and applications; 32% were dissatisfied
- 43% were satisfied with writing affidavits; 33% were dissatisfied
- 57% were satisfied with dealing with administrative/counter staff; 24% were dissatisfied
- 69% were dissatisfied with the length of time it took to reach a decision
- 75% were dissatisfied with the financial cost
- 55% were dissatisfied with the Family Court overall; 27% were satisfied
- More people than expected were satisfied with the Family Court when it resulted in a parenting agreement, whether this was made by the parties or by a judge
- 51% would not recommend the Family Court to others; 21% would and 28% maybe would

The 2014 Family Law Reforms

A range of views were expressed by parents and caregivers about the 2014 reforms. Some spoke very positively about their **emphasis on helping people to resolve post-separation care arrangements themselves**.

If you can resolve it yourselves, do it, absolutely. For the most part we managed to do that. ... We don't always agree with the other person. Sometimes I think that he's totally being irrational about whatever it is that he wants. But I think that it's so much better to try and do it that way than through having some stranger making a decision about when you get to see your kid. (1583, Mother; Interview)

If you can keep people out of court then that's a really positive thing – because if you can get people to negotiate and work together and make joint decisions, they're more likely to keep to those decisions and follow them. (1148, Mother; Interview)

I found that that whole mediation process amazing. Like, why didn't they have this ages ago? You just fought with the Family Court in the past. It was impossible to get anywhere and it just took forever. Whereas with that mediation process, I was like, wow, this would have been easier 10 years ago. (1360, Mother; Interview)

There should only be less than a per cent of people that need the Family Court to help them. Only abuse, parental alienation – those really hardcore things that can affect outcomes. (1301, Father; Interview)

Others **agreed in principle with the thrust of the 2014 reforms**, but had concerns about how realistic they were; the increase in without notice applications; and the way the reforms have been implemented or resourced.

In principle, yeah, it sounds great. It's not that realistic though, is it? (1156, Mother; Interview)

The reforms are a good idea, but I haven't looked at the statistics. That is something that I will look at. I think they're on the right track, but it is still not good enough. And to be fair, I have got a horror story myself. I know a lot of people who have horror stories in this arena as well. But you have got to put it in perspective, we are still in the minority. There is a good amount of work being done out there, there are agreements being made every day that are good for those children and their parents are working well. (1122, Mother; Interview)

The without notice orders, they've gone like four times as much post-reform. So, they're obviously being used as a weapon or a tool or something. They're not being used the way that it was intended. The principle is fine, but it doesn't look like it's being used properly. Definitely something needs to be done with that. (1560, Father; Interview)

I agree with the focus – trying to keep lawyers out of it is good. Just after our separation when we were working out the property division, we agreed between us it was 50:50, we'll work this out. Then my ex decided to get a lawyer involved and that's fair enough. I'm not really blaming her for that. She probably had advice that a lawyer really needed to get involved. But as soon as that happened, I had to get a lawyer and

then all the communication flowed down and turned into a really formal process. It's very difficult to have personal communication through a lawyer and often it comes off as being really negative and aggressive when, really, if you had just communicated that through an email it would have gone a lot quicker. That started the decay in our relationship actually. Trying to get this done without lawyers, between a couple, is a really good and probably very positive thing. It didn't work in our case because our positions were too far apart and too hard set, but I can see that it would be very beneficial to do that in general. (1491, Father; Interview)

I understand why they did the reforms. I don't know whether they were that successful, in all honesty. They have changed a lot and there's definitely less going before the court, but I wonder how much of that is viewed by people as just cheap points to get to the court now. I think the reforms are really good, but in our case, you could have probably done away with half of the "before" stuff and just put more money in for 10 more judges in the court. I don't think they were particularly effective for us, because they were viewed as maybe just a textbook exercise to get you through to the court. (1181, Mother; Interview)

The reforms are a reasonable idea if they can get people away from lawyers and the court and get them sorting it out through mediation. Theoretically, that should free up the court for more complicated cases – it should do, but whether it has or not is another thing. (1368, Mother; Interview)

I agree with the purpose, I just don't agree with how they are implemented. I would support any system that led to resolution by agreement quicker, without having to resort to the Family Court. Absolutely. I think that is admirable, but that's not what's being achieved in practice at the expense of the acrimonious cases. (1448, Father; Interview)

Ex-partner's attitudes or behaviour were said to sometimes hinder or derail the 2014 intent of a co-operative dispute resolution process.

In principle it's a great idea. It's nice to have the opportunity to try and reach those decisions yourself or to at least have a go without somebody else dictating those to you. However, at the end of the day, it just depends on the individuals involved and whether they can do that and how much assistance they need. It's been so interesting, the different people I've met along the way over the last two years. It's really clear that some people just can't do that, because they can't put the needs of their children first. That's where the system might come unstuck a bit. Or that's where you'd need those other people to help you make those decisions or a judge to do that for you. From my experience, I'm really grateful that we could do that without having to go through court and all of the added strain and stress and expense that would have involved. (1471, Mother; Interview)

In principle, absolutely, yeah. If the cost of litigation and the engagement of lawyers can be avoided, then that's money available for children, for parenting. In some ways it's a bloody criminal waste. But when any reforms take effect, you have legacy elements that take time for all the players within the system to adjust to the new playing field. The case loading within the Family Court and the resourcing of the Family Court is such that long delays are inevitable, unless there is an imminent threat to the physical safety of the child. At the time of that first application, I understood that I could self-represent, but then I didn't know anything about filing affidavits and all that

sort of stuff. That's why I opted to have legal representation. The principles of the reforms are fine, but you can have one party that refuses to engage. The assumption is that parents are reasonable people and will, through a mediator or through the judge, listen to a different perspective and come to a compromise. Now when one party absolutely refuses to compromise, then the reforms don't mean a tinker's cuss if you understand what I'm saying. (1430, Father; Interview)

They are good aims to have and I can see how they think that it would work. But it's very dependent on the situation. Like every couple is different. I think we're probably a good example of every couple being different. I'm completely open to being on track and getting things going and doing it in a time-efficient manner. Whereas the other person isn't and he constantly delays stuff or doesn't do stuff – or says he's going to do stuff, but actually you find out that he hasn't done it. That's what's the frustrating part. (1146, Mother; Interview)

If you had two reasonable adults, it would help. I don't think it made a smidge of difference except it has actually made things worse for some women, considerably worse. (1456, Mother; Interview)

I got thrown into the situation just on the boundary of when the reforms came in. All the professionals involved were rather confused about what they had to do, to be honest. I had to get a solicitor and he said, "Well, it's changing and we haven't had all the information we need and we haven't had the questions answered that we've asked." It falls down if one person doesn't want to go there with it. There are people who just don't want to negotiate and discuss and they want everything their way. I guess that's no fault of the system. I don't know what the system can really do if we've got such a stubborn person. (1509, Father; Interview)

I think they're misguided. In a lot of cases if things aren't that difficult it can work, but it relies on people being reasonable. People in entrenched positions, for financial advantage, it's never going to happen. (1448, Father; Interview)

The **inability to be legally represented** in the early stage of Family Court proceedings was criticised, as was the **overuse of the without notice track** in order to have a lawyer from the outset.

The intention's good, but I needed a lawyer. There were times there where my lawyer was like, "I can't act on behalf of you", and we were standing in the court and she was still like, "I'm not supposed to be here." But I needed legal support from early on. It was stuff that I didn't understand and couldn't do by myself. Not being supposed to have a lawyer just seems ridiculous. It's a legal process – why can't I have my lawyer? We were literally standing in the court and she had to ask permission from the judge to act on my behalf, because I still wasn't allowed a lawyer. Ridiculous! (1155, Mother; Interview)

I don't think the reforms have helped because, in my opinion, it's just all about money. How do I put this? I needed a lawyer when [ex-partner] took the kids. Through the process I needed a person who could give me that advice and support me. I think I'm a relatively intelligent person, but since I was so emotionally involved in it, I needed that neutral person. Now people are falling through the gaps because they can't do it themselves, but the impression I'm getting, that you have to represent yourself. That's just huge on people who are battling exes or people who aren't particularly nice and

easy to deal with, in a system where you don't know the little ins and outs unless you've got the time. That's just the impression I'm getting, is that it's actually made it worse for the general Joe Bloggs out there to get resolution in things. (1614, Mother; Interview)

I think it's a good principle getting the parties more involved and having lawyers less involved. In the first instance, that is noble. But it seems, to me, that the way that it was carried out was lacking. The resources that court staff should have had to come to terms with how to carry out this new law weren't provided to them. So, it seems to have led to a lot of cases where lawyers are getting involved from the get go and you're having more people without notice, full custody orders, and making various allegations so that they can get a lawyer on the case. Ideally, it's great to get the people to do Parenting Through Separation and get them to go through a mediation process, rather than get things happening adversarially first of all. Unfortunately, well from my experience, the reforms were kind of shabby. They are on the right track in terms of trying to get parties to work it out first of all without lawyers. But the way that its being implemented it seems that there have been heaps more allegations of abuse in order to get lawyers involved from the get go. (1237, Father; Interview)

It's such a stressful process that, to be honest, I would rather just have handed it off to my lawyer and said, "Can you sort this out?" When I got to the point where I could do that, it took the stress off my life. It was hard to function with that kind of stress going on. I have a new partner and we have a new daughter, so it's not like it's the only thing that's going on in your life and you still have to manage your children when you do have them, and work or whatever else. To me, it's a legal process and you do need legal representation. (1155, Mother; Interview)

Participants also commented that **publicity about the reforms** was needed so that separated parents and caregivers could be informed about the availability of the other dispute resolution options introduced in 2014.

I think the principle's a good idea, but there needs to be more help at the coalface if you want to avoid the Family Court. I know other people who have split up since I've split up and they have gone through the Family Court because the lawyers once again get involved and they don't understand there's other processes they could go through. I think people initially turn to a lawyer because that's just the way they still believe it should be done. So, there's got to be more done to actually let people know there are other ways. (1642, Mother; Interview)

Some parents and caregivers expressed **entirely negative perspectives on the 2014 reforms** and believed they had not had a positive impact and, at times, had **inflamed or escalated interparental conflict**. Some believed the reforms suited particular cases, but not those that involved acrimony and complex factors. **Reinstating counselling** to assist parties, particularly with their communication, was suggested by some participants.

The system is predicated on having people that can behave reasonably, parents that can behave reasonably. Clearly, if you're entering into that process, you're not behaving reasonably. So that process is doomed to fail. (1585, Father; Interview)

I just feel frustration at the process and I think the process needs to be overhauled. I thought it was misconceived and that was the primary problem. The reforms were naïve. I understand, idealistically, it would be better if people could agree without

lawyers, but in cases which are acrimonious and difficult all that means is that there's no justice for anyone. Once you compromise the rules and enter into a process where there's less control, people take advantage of it. (1448, Father; Interview)

It's understanding the dynamics and the situations. You go in there and go through the system or you get this order, but what it does is it hurts and splits and divides and denies children the people that they want in their lives. I think the reforms have done nothing to stop that. In fact, maybe they've made it worse. (1642, Mother; Interview)

I'm still in the court system. Now, that's got to tell you something! Since the reforms, things were going to be better. Well, actually, from my experience and the experience of my children, in our eyes it's not. Our own experiences have been very lengthy, frustrating, and we've engaged with multiple people. It's been such a lengthy haul for us. It's still flawed. There needs to be a performance audit done on all these different officials who provide a service. This is quite an integral part of our society. It really is, and the impacts on our New Zealand families is astronomical. I'm only one. Lord only knows how many others out there are going through something similar or worse. It's disgusting. It's not good enough. It really isn't. (1646, Mother; Interview)

The old process, whether it was state-funded or not, would have worked better for me than the new. I guess, what's changed? My observation would be that I don't think a great deal has changed other than the fact that it's user pays. (1691, Father; Interview)

It became a tick box exercise to use the government approach in my opinion rather than an authentic attempt to utilise the services as they're intended. (1584, Father; Interview)

I can see where it was supposed to head, but it just hasn't got there. Whether it takes time, whether it's just that that's what we've ended up with, I don't know. It's just not quick enough, it's slow, it's expensive and it's one-sided. (1140, Mother; Interview)

Interesting that I hear on the radio this morning that they're looking at changing things, which would just be an absolute relief. When I first engaged my lawyer a couple of years ago she said to me, "The courts certainly won't rule in your favour. It's a hideous process at the moment and, unfortunately, you're going to be the brunt of it." Which was exactly right! Our case was really obvious – it was black and white. It was relocation. So to go through the steps that we did, knowing that they were never ever going to achieve an outcome, somebody could have stopped that right at the beginning and said, "Look, let's make a decision here. It's a yes or no." We could have got straight in front of a judge, which is what we needed. Some of the steps they've got in place would be helpful for people if they're working out things like who gets the kids on a Saturday or whether or not they have religious education. Maybe there are some benefits to it then, but if they're looking at day-to-day care and where children live and where they go to school, then in my mind, it was such a waste of time and waste of money, everybody's money. I completely disagree with the reforms. I don't know how you could make it a better system. Talking to lawyer from the outset, I wish she'd had the ability to say, "There is no way that mediation will help or the Parenting Through Separation, this is my recommendation." We could have avoided a whole lot of bullshit to just have an answer – done. But she knew that her hands were tied. (1636, Mother; Interview)

The reforms made no difference because they were just a joke. It's so hideous and I think it's actually fed the parental alienation thing. It was intended to shut down some stuff that didn't need to go to court and people could have the opportunity to mediate and whatever. I was around lawyers who were all panicking, "Oh, my God, we're going to lose a slice of a pie." They really strongly reacted to that and there was a lot of concern amongst the legal fraternity – "Oh, my God, what's going to happen to our big money, our big earnings?" I think that's why the parental alienation scam has just got so out of control. Every case I know of now is a case where a violent father has now turned into a parentally alienating mother and they take the kids off the mothers, who go from the protective parent to the abusive parent. These mothers will just fight to the end of the earth to get their children back and safe, and so it's a guaranteed never-ending fight. (1638, Mother; Interview)

You're talking about very hurt people. If they could actually dialogue and communicate they'd still be together. That's the bottom line of it. They are not together because there's issues. There's a breakdown in communication. Then the system wants them to talk to create something positive. Do you see that cycle? It's actually not going to happen unless there's a third party to help keep it all safe. Hence, why the communication counselling would be my first go-to for anybody. (1451, Mother; Interview)

It's like going to the doctor; you don't go to the doctor unless you're actually sick. Those reforms were based on an assumption that half the people going there are hypochondriacs basically. I don't think that's true. It might be in some cases. I don't want other families to go through this because it's an awful thing to go through and it does damage the kids. I do get that people, when they're hurt and broken can do horrible things. If you're in this situation you're obviously asking for help, aren't you? They would have been better off not cutting out that counselling. (1522, Father; Interview)

Summary

Some participants spoke very positively about the emphasis of the reforms on helping people to resolve post-separation care arrangements themselves. Others agreed in principle with the thrust of the reforms, but had concerns about how realistic they were, the increase in without notice applications, and the way the reforms have been implemented or resourced. The attitudes and behaviours of former partners were said to sometimes hinder or derail the 2014 intent of a co-operative dispute resolution process.

The inability to be legally represented in the early stage of Family Court proceedings was criticised, as was the overuse of the without notice track in order to have a lawyer from the outset. It was thought that publicity was needed so that separated people could be informed about the availability of the other dispute resolution options introduced in 2014. Some parents and caregivers expressed entirely negative perspectives on the 2014 reforms and believed they had not had a positive impact and, at times, had inflamed or escalated conflict between the parties. Some believed the reforms suited particular cases, but not those that involved acrimony and complex factors. Reinstating counselling to assist parties, particularly with their communication, was also suggested.

Conclusion

This research project has been the largest independent study undertaken to examine the 2014 family law reforms from the perspectives of those affected most directly by the reforms – separated parents and caregivers. The findings from the nationwide online survey and one-to-one interviews have provided a much deeper and richer understanding of their experiences of the family justice system, including their use of the new services implemented from 2014. While the review of the 2014 reforms by the Independent Panel appointed by the Minister of Justice in 2018 had not been anticipated when we began our research, we were able to share our preliminary findings with the Panel to help inform their Final Report.⁴¹ The findings presented in this research report resonate with the conclusions and recommendations reached by the Independent Panel and with the other studies undertaken to evaluate the reforms by the Ministry of Justice and others. They also largely complement the perspectives of the 364 family justice professionals who participated in our study through their own online survey and interviews.⁴²

This body of research provides valuable insights as further changes to New Zealand’s family justice system are contemplated in response to the Independent Panel’s report. In addition, it is hoped the detailed examination of how well family justice services are working for families, from the perspectives of their clients, will be of particular value to those providing these services.

As well as evaluating the 2014 reforms and family justice services, our study was designed to gain an understanding of the process of making post-separation parenting arrangements in New Zealand and the pathways and services that parents and caregivers use. This report provides a broad overview of the complex survey and interview data collected, giving a snapshot of the descriptive findings. Further analysis of both the survey and interview data will be reported on in forthcoming publications from our research team. This will provide a more detailed and in-depth understanding of the experiences of separated parents and caregivers making parenting arrangements for children in New Zealand’s family justice system.

⁴¹ Independent Panel. (2019, May). *Te Korowai Ture ā-Whānau: The final report of the Independent Panel examining the 2014 family justice reforms*. Wellington, New Zealand: Ministry of Justice.

⁴² Taylor, N.J., Gollop, M.M., & Liebergreen, N. (2019, September). *Parenting Arrangements after Separation Study: Evaluating the 2014 family law reforms – Family justice professionals’ perspectives*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children’s Issues Centre, University of Otago.

Appendices

Appendix A: Recruitment Flier



Parenting Arrangements After Separation Study (PASS)

The Faculty of Law and the Children's Issues Centre at the University of Otago are doing a study about how separated parents or caregivers make arrangements for children's day-to-day care and/or contact.

Are you a separated parent or caregiver who has had to make or change parenting arrangements since 1 April 2014? We are interested in how you did this and your satisfaction with any family justice services you may have used (including Family Dispute Resolution Mediation or the Family Court). We'd really like to hear about your views and experiences.

Taking part in the study involves completing an **online survey**, which should take around 20-30 minutes. You'll also have the option of talking with us in an interview and completing two shorter follow-up online surveys.

Principal Investigators

Associate Professor Nicola Taylor
Dr Megan Gollop
Professor Mark Henaghan

To learn more about the study:
Ring: 0800-4-PASSNZ [0800-472 776]
Email: passnz@otago.ac.nz

To complete the survey go to:
passnz.co.nz

This project has been reviewed and approved by the University of Otago Human Ethics Committee. Reference: 16/164

Appendix B: Information Sheet for Survey



Parenting Arrangements After Separation Study (PASS)

Thank you for your interest in this study. Please read this information sheet carefully before deciding whether to participate. If you decide to participate we thank you. If you decide not to take part there will be no disadvantage to you and we thank you for considering our request.

Information Sheet (A) for Parents/Caregivers

What is the Aim of the Study?

The Faculty of Law and the Children's Issues Centre at the University of Otago are doing a study about how separated parents or caregivers make or change parenting arrangements. This includes deciding who children live with (day-to-day care or shared care) and when parents and others have contact with children (contact). Day-to-day care used to be called custody, and contact used to be called access. Separated parents may have had to deal with other issues like relationship property or child support, but this study is only about **parenting arrangements**.


We are interested in the different ways that parents and caregivers make these parenting arrangements, and their experiences of, and satisfaction with, any family justice services they use. We also want to better understand how parents make parenting arrangements themselves without using any (or many) of these services. We will be asking professionals about their views on, and experiences of, the New Zealand family justice system as well. We want to find out, from both parents and professionals, what is working well and whether any improvements are needed in order to better help separated families.

What Type of Participants are being sought?

This study is for separated parents or caregivers who have had to make or change arrangements for children's care in New Zealand since **1 April 2014**, either by themselves or with the assistance of family justice professionals and services. These could be parenting arrangements that have been made for the first time or when significant changes to existing arrangements have been needed. Caregivers, such as grandparents or other family members, may have had to make or change parenting arrangements for children in their care or whom they have contact with too. They are also most welcome to participate in the study.

We want as many separated parents and caregivers as possible to take part, so if you meet the following criteria we welcome your participation:

- You have had to make or change parenting arrangements for children since 1 April 2014;
- You made these arrangements either by yourselves or with the assistance of professionals (e.g., mediators or lawyers) or the Family Court;
- The parenting arrangements were made in New Zealand or relate to children living in New Zealand at the time.



Parenting Arrangements After Separation Study (PASS)

What will Participants be Asked to Do?

If you agree to take part in this study, you will be asked to complete an **online survey** about the process of making or changing parenting arrangements for children. This survey should take about 30 minutes to complete. You are able to skip any questions you do not wish to answer. We do not anticipate any risk associated with completing the survey. However, if you need some support with your family and/or personal situation there is a list of services and agencies available on our study website (passnz.co.nz).

At the end of the survey you can indicate if you would also like to participate in an **individual interview** and, if so, the researchers will contact you by phone or email. You will also be invited to complete brief follow-up online surveys and interviews in 6 and 12 months time.

Please be aware that you may decide not to take part in the study without any disadvantage to yourself of any kind.

What Data or Information will be Collected and What Use will be Made of it?

The survey will ask about how you made or changed your parenting arrangements, your views on, and experiences of, making these arrangements, and your satisfaction with any family justice services you might have used. The follow-up surveys will ask about whether there have been any changes in your parenting arrangements and if you have used any family justice services since you answered the first survey.

The survey will not ask you for any personal information that could identify you, unless you choose to provide your contact details (which will be stored separately from your survey responses). Only members of the research team (or those employed by the research team) will have access to the data that will be stored securely.

The study findings will not identify individual participants and the responses from all those who complete the survey will be combined and analysed as a group. Quotes from open-ended responses may be used in reports in an unidentifiable way. The findings of the research will be written in a report that will be made publicly available and distributed to key stakeholders, family justice professionals and other interested parties to help them better assist families to make parenting arrangements in the future. Articles will also be published in journals or presented at conferences. Every attempt will be made to preserve your anonymity.

A summary of the study findings and the final report will be made available on our study website (passnz.co.nz), and participants may also contact the research team directly to obtain a copy.

The data collected will be securely stored in such a way that only the research team can access it. Data obtained as a result of the research will be retained for **at least 5 years** in secure storage. Any personal information held on the participants (such as contact details if provided) may be destroyed at the completion of the research even though the data derived from the research will, in most cases, be kept for much longer or possibly indefinitely.

Can Participants Change their Mind and Withdraw from the Study?

You may withdraw from participation in the study at any time before the data are analysed without any disadvantage to yourself of any kind.

What if Participants have any Questions?

If you have any questions about our study, either now or in the future, please feel free to contact the Project Manager:-

Dr Megan Gollop
Children's Issues Centre
University of Otago
Tel: (03) 479 4918; 0800-472 776
Email: megan.gollop@otago.ac.nz; passnz@otago.ac.nz

**To contact a member of the
research team:**
Ring: 0800-4-PASSNZ [0800-472 776]
Email: passnz@otago.ac.nz

To complete the survey go to:
passnz.co.nz

This study has been approved by the University of Otago Human Ethics Committee (Reference Number: 16/164). If you have any concerns about the ethical conduct of the research you may contact the Committee through the Human Ethics Committee Administrator (ph +643 479 8256 or email gary.witte@otago.ac.nz). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.

Appendix C: Consent Form for Survey

Reference Number 16/164]



PARENTING ARRANGEMENTS AFTER SEPARATION STUDY (PASS)

CONSENT FORM FOR PARENTS/CAREGIVERS

I have read the Information Sheet concerning this project and understand what it is about.
All my questions have been answered to my satisfaction. I understand that I am free to
request further information at any stage.

I know that:-

1. My participation in the project is entirely voluntary;
2. I am free to withdraw from the project at any time without any disadvantage;
3. Personal identifying information such as contact details may be destroyed at the conclusion of the project but any raw data on which the results of the project depend will be retained in secure storage for at least five years;
4. This project is funded by the New Zealand Law Foundation.
5. The results of the project may be published and will be available in the University of Otago Library (Dunedin, New Zealand) but every attempt will be made to preserve my anonymity.

☐ I agree to take part in this project.

Appendix D: Online Survey

SECTION 1: MAKING YOUR PARENTING ARRANGEMENTS

We are interested in the different ways people reach agreement on parenting arrangements or resolve parenting disputes. This section asks about how you have made or changed parenting arrangements **since 1 April 2014** (when New Zealand's family justice system was reformed).

*If you have had to make or change arrangements for **children from more than one relationship** please choose **only one** of these situations to answer the questions in this section.*

RP1	<p>What best describes your situation?</p> <p>1=Our first parenting arrangements have been made since 1 April 2014 and they have not substantially changed</p> <p>2=Our first parenting arrangements have been made since 1 April 2014 and have had to be substantially changed since then [Go to RP1a]</p> <p>3=Our first parenting arrangements were made before 1 April 2014 and have had to be changed since 1 April 2014 [Go to RP1b]</p>
RP1a	If RP1=2 Please answer this section in relation to when you made your first parenting arrangements since 1 April 2014 .
RP1b	If RP1=3 Please answer this section in relation to when you first changed your parenting arrangements since 1 April 2014 .
RP2	<p>When did you begin the process of making or changing parenting arrangements (since 1 April 2014)?</p> <p>If you can't remember the exact date, please provide the best approximate date. Otherwise select 'Don't know'.</p> <p>Drop down for month and year mm/yyyy from April 2014 to December 2017 (Don't know at top) Nothing pre April 2014.</p>
RP3	<p>Are you still in the process of making or changing parenting arrangements?</p> <p>1=Yes</p> <p>0=No</p>
RP4	<p>How many children do the parenting arrangements relate to?</p> <p>Drop down box 1-15</p> <p>1=1</p> <p>2=2</p> <p>3=3 etc., to 15</p>

	What are the dates of birth of these children? Insert drop down for day, month and year (dd/mm/yyyy) for the number of children specified in RP4. Remaining cells assigned values of 88
RP5a	Child 1
RP5b	Child 2
RP5c	Child 3
RP5d	Child 4
RP5e	Child 5
RP5f	Child 6
RP5g	Child 7
RP5h	Child 8
RP5i	Child 9
RP5j	Child 10
RP5k	Child 11
RP5l	Child 12
RP5m	Child 13
RP5n	Child 14
RP5o	Child 15
RP6	What is your relationship to these children? 1=Mother [Go to RP7] 2=Father [Go to RP7] 77=Other (e.g., step-parent, aunt, uncle, grandparent etc.) [Go to RP6ota]
RP6ota	If RP6=77 Please specify your relationship to the children: Open text box
RP7	At the time of making or changing the parenting arrangements, where were you living? Please specify the town/city/rural district or, if overseas, the country. Open text box
RP8a	At the time of making or changing the parenting arrangements, what issue(s) needed to be resolved? Please select all that apply.
RP8b	Day-to-day care – who the children lived with (selected=1, not selected=0)
RP8c	Contact arrangements – when the children saw their other parent/caregiver (selected=1, not selected=0)
RP8d	Relocation (selected=1, not selected=0)
RP8e	Guardianship issues (e.g., the children’s education, health, religion etc.) (selected=1, not selected=0)
RP8ot	Another matter relating to the children (selected=1, not selected=0) [Go to RP8ota]

RP8ota	<p>If RP8ot=1</p> <p>Please specify what other issue(s) relating to the children needed to be resolved:</p> <p>Open text box</p>
RP9 RP10	<p>At the time of making or changing the parenting arrangements, did you also need to resolve the following issue(s)?</p> <p>Division of relationship property Yes=1, No=0</p> <p>Child support Yes=1, No=0</p>
RP11 RP12 RP13	<p>At the time of making or changing the parenting arrangements, were there any safety concerns:</p> <p>For yourself? 1=Yes 0=No 99=Don't know</p> <p>For the children? 1=Yes 0=No 99=Don't know</p> <p>For your ex-partner/the other party (i.e., the person you were making parenting arrangements with)? 1=Yes 0=No 99=Don't know</p>
RP14 RP15 RP16 RP17 RP18 RP19 RP20 RP21	<p>At the time of making or changing the parenting arrangements did any of the following apply?</p> <p>Family violence 1=Yes 0=No 99=Don't know</p> <p>Protection order 1=Yes 0=No 99=Don't know</p> <p>Trespass order 1=Yes 0=No 99=Don't know</p> <p>Mental health issues 1=Yes 0=No 99=Don't know</p> <p>Addiction issues (drugs, alcohol, gambling) 1=Yes 0=No 99=Don't know</p> <p>Supervised contact 1=Yes 0=No 99=Don't know</p> <p>Involvement with Child, Youth and Family (CYFS)/Oranga Tamariki: The Ministry for Vulnerable Children 1=Yes 0=No 99=Don't know</p> <p>Involvement with Police 1=Yes 0=No 99=Don't know</p>
RP22	<p>At the time of making or changing the parenting arrangements, how would you describe your relationship with your ex-partner/the other party?</p> <p>1=Very poor</p> <p>2=Poor</p> <p>3=Neither poor nor good</p> <p>4=Good</p> <p>5=Very good</p> <p>88=Not applicable</p>
RP23	<p>How would you describe your relationship with your ex-partner/the other party now?</p> <p>1=Very poor</p> <p>2=Poor</p> <p>3=Neither poor nor good</p> <p>4=Good</p> <p>5=Very good</p> <p>88=Not applicable</p>

	<p>The next questions focus on the steps you took to make or change your parenting arrangements.</p> <p>Since 1 April 2014 what steps have you taken to make or change your parenting arrangements? Please select all that apply from the lists below.</p> <p>(selected=1, not selected=0 for all)</p> <p>Informal Steps</p> <p>RP24a Nothing specific</p> <p>RP24b Discussed them with the other parent/party</p> <p>RP24c Discussed them with family members/whānau</p> <p>RP24d Discussed them with friends/acquaintances</p> <p>RP24e Talked with the children and sought their thoughts, feelings and views</p> <p>RP24f Read books, articles or pamphlets</p> <p>RP24g Used the Internet and/or social media</p> <p>RP24h Accessed support groups (including online)</p> <p>RP24na None of the above</p>
<p>RP24i</p> <p>RP24j</p> <p>RP24k</p> <p>RP24l</p> <p>RP24m</p> <p>RP24n</p> <p>RP24o</p> <p>RP24p</p> <p>RP24q</p> <p>RP24r</p> <p>RP24s</p> <p>RP24t</p> <p>RP24nap</p>	<p>Family Justice Services Funded by the Government</p> <p>Used the Ministry of Justice website</p> <p>Phoned the Ministry of Justice/Family Court 0800 2 AGREE phoneline</p> <p>Used the Ministry of Justice 'Making a Parenting Plan' workbook</p> <p>Sought help or advice from Family Court administrative staff</p> <p>Attended a Parenting through Separation course – <i>free parenting information programme</i></p> <p>Used the Family Legal Advice Service (FLAS) – <i>free initial legal advice and help with form filling</i></p> <p>Went through the initial intake and/or assessment pre-mediation processes for Family Dispute Resolution (FDR)/Family Mediation but did not attend mediation</p> <p>Attended Preparation for Mediation/Coaching/Preparatory Counselling</p> <p>Went to Family Dispute Resolution (FDR)/Family Mediation with my ex-partner/the other party</p> <p>Went to the Family Court – <i>made, or responded to, an application for a Parenting Order from the Family Court</i></p> <p>Went to a higher Court for an appeal of a Family Court decision – <i>filed, or responded to, an appeal to the High Court, Court of Appeal or Supreme Court</i></p> <p>Attended Court-directed counselling</p> <p>None of the above</p>
<p>RP24u</p> <p>RP24v</p> <p>RP24w</p> <p>RP24nal</p>	<p>Lawyers</p> <p>Sought legal advice</p> <p>Negotiated with ex-partner/the other party through lawyers</p> <p>Used Collaborative Law processes – <i>where both parties work together in meetings with their lawyers and other experts to resolve post-separation issues</i></p> <p>None of the above</p>
<p>RP24x</p> <p>RP24y</p> <p>RP24z</p> <p>RP24za</p> <p>RP24zb</p> <p>RP24zc</p>	<p>Community or Private Services</p> <p>Sought advice from a Community Law Centre or YouthLaw</p> <p>Sought advice from the Citizens' Advice Bureau</p> <p>Sought advice from a community agency (e.g., Plunket, Barnardos)</p> <p>Sought advice from a health, social service or education professional (e.g., doctor, social worker, teacher)</p> <p>Sought advice from my church or religious/spiritual community</p> <p>Sought advice from my cultural community</p>

RP24zd RP24ze RP24zf RP24zg RP24nac	<p>Attended privately-paid counselling</p> <p>Attended community-based free counselling</p> <p>Attended privately-paid mediation</p> <p>Attended community-based free mediation</p> <p>None of the above</p>
RP24ot	<p>Did you take any other steps to make or change your parenting arrangements not listed above?</p> <p>1=Yes [Go to RP24ota]</p> <p>0=No</p>
RP24ota	<p>If RP24ot=1 Please specify what other steps you took to make or change your parenting arrangements:</p> <p>Open text box</p>

	<p>Select all the items in RP24 series that =1 and list again Items not selected in RP24 series to be assigned a value of 88.</p> <p>Of the steps you took, which did you find helpful in making or changing your parenting arrangements?</p> <p>Please select up to 3 steps that you found the most helpful and rank how helpful you found them where 1 = the most helpful.</p> <p>If you found none of the steps helpful, please skip the question (by clicking on the x at the top right).</p>
RP25a RP25b RP25c RP25d RP25e RP25f RP25g RP25h	<p>Nothing specific</p> <p>Discussed them with the other parent/party</p> <p>Discussed them with family members/whānau</p> <p>Discussed them with friends/acquaintances</p> <p>Talked with the children and sought their thoughts, feelings and views</p> <p>Read books, articles or pamphlets</p> <p>Used the Internet and/or social media</p> <p>Accessed support groups (including online)</p>
RP25i RP25j RP25k RP25l RP25m RP25n RP25o RP25p RP25q RP25r RP25s RP25t	<p>Used the Ministry of Justice website</p> <p>Phoned the Ministry of Justice/Family Court 0800 2 AGREE phoneline</p> <p>Used the Ministry of Justice 'Making a Parenting Plan' workbook</p> <p>Sought help or advice from Family Court administrative staff</p> <p>Attended a Parenting through Separation course – <i>free parenting information programme</i></p> <p>Used the Family Legal Advice Service (FLAS) – <i>free initial legal advice and help with form filling</i></p> <p>Went through the initial intake and/or assessment pre-mediation processes for Family Dispute Resolution (FDR)/Family Mediation but did not attend mediation</p> <p>Attended Preparation for Mediation/Coaching/Preparatory Counselling</p> <p>Went to Family Dispute Resolution (FDR)/Family Mediation with my ex-partner/other party</p> <p>Went to the Family Court – <i>made, or responded to, an application for a parenting order from the Family Court</i></p> <p>Went to a higher Court to appeal a Family Court decision – <i>filed, or responded to, an appeal to the High Court, Court of Appeal or Supreme Court</i></p> <p>Attended Court-directed counselling</p>
RP25u RP25v RP25w	<p>Sought legal advice</p> <p>Negotiated with ex-partner/other party through lawyers</p> <p>Used Collaborative Law processes – <i>where both parties work together in meetings with their lawyers and other experts to resolve post-separation issues</i></p>
RP25x RP25y RP25z RP25za RP25zb RP25zc	<p>Sought advice from a Community Law Centre or YouthLaw</p> <p>Sought advice from the Citizens' Advice Bureau</p> <p>Sought advice from a community agency (e.g., Plunket, Barnardos)</p> <p>Sought advice from a health, social service or education professional (e.g., doctor, social worker, teacher)</p> <p>Sought advice from my church or religious/spiritual community</p> <p>Sought advice from my cultural community</p>

RP25zd	Attended privately-paid counselling
RP25ze	Attended community-based free counselling
RP25zf	Attended privately-paid mediation
RP25zg	Attended community-based free mediation
RP25ot	Something else
RP26	<p>If RP3=0 [If RP3=1 then RP26-RP54 series=88]</p> <p>You have told us all the steps you took to make your parenting arrangements. In the end, who decided on your parenting arrangements?</p> <p>1=No-one really, they just happened 2=My ex-partner/the other party and I decided together 3=I decided 4=My ex-partner/the other party decided 5=The children decided 6=A judge decided 77=Someone else decided [Go to RP26ota]</p>
RP26ota	<p>If RP26=77</p> <p>Please specify who decided on your parenting arrangements:</p> <p>Open text box</p>
RP27	<p>In the end, how were your parenting arrangements made?</p> <p>1=Nothing specific, they just happened 2=Mainly by ourselves 3=Privately through a professional (e.g., lawyer, counsellor) 4=Through Family Dispute Resolution (FDR)/Family Mediation 5=Through the Family Court 77=Some other way [Go to RP27ota]</p>
RP27ota	<p>If RP27=77</p> <p>Please specify how your parenting arrangements were made:</p> <p>Open text box</p>
RP28	<p>Why was this particular approach taken (i.e., how the arrangements were made and by whom) to reach your parenting arrangements?</p> <p>Open text box</p>

	<p>Now we are interested in how well this approach worked.</p> <p>Please indicate how much you agree or disagree with the following statements:</p> <p>1=Strongly disagree 2=Disagree 3=Neither agree nor disagree 4=Agree 5=Strongly agree</p> <p>RP29 This approach worked well for me RP30 This approach worked well for my ex-partner/the other party RP31 This approach worked well for the children RP32 I had an adequate opportunity to put my position forward RP33 My ex-partner/the other party had an adequate opportunity to put their position forward RP34 The process was fair RP35 The time it took to make the arrangements was reasonable RP36 The financial cost of making the arrangements was reasonable RP37 I was satisfied with the approach taken</p>
RP38	<p>Looking back, would you rather have taken a different approach to make or change your parenting arrangements?</p> <p>1=Yes 0=No [Go to RP40] 99=Don't know/not sure [Go to RP40]</p>
RP39	<p>If RP38=1</p> <p>What approach would you rather have taken to make or change your parenting arrangements?</p> <p>1=Mainly by ourselves 2=Privately through a professional (e.g., lawyer, counsellor) 3=Through Family Dispute Resolution (FDR)/Family Mediation 4=Through the Family Court 77=Some other way [Go to RP39ota]</p>
RP39ota	<p>If PR39=77</p> <p>Please specify how you would rather have made or changed your parenting arrangements?</p> <p>Open text box</p>
RP40	<p>When were your parenting arrangements decided?</p> <p>If you can't remember the exact date please provide the best approximate date. Otherwise select 'Don't know'.</p> <p>Drop down for month and year mm/yyyy from Jan 2014 to December 2017 (Don't know at top)</p>

RP41	<p>Approximately how long did it take to have your parenting arrangements decided?</p> <p>Open text box</p>
RP42	<p>At the time the parenting arrangements were decided, how satisfied were you with them?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
RP43	<p>At the time the parenting arrangements were decided, how fair did you think they were?</p> <p>1=Very unfair 2=Unfair 3=Neither fair nor unfair 4=Fair 5=Very fair</p>
RP44	<p>At the time the parenting arrangements were decided, how confident were you that they would work?</p> <p>1=Very unconfident 2=Unconfident 3=Neither confident nor unconfident 4=Confident 5=Very confident</p>
RP45	<p>Were these parenting arrangements formalised in a parenting agreement, parenting plan or Court order?</p> <p>1=No 2=Yes – In an informal parenting agreement or parenting plan (e.g., a verbal agreement or understanding) 3=Yes – In a written parenting agreement or parenting plan 4=Yes – In a Consent Order made by the Family Court 5=Yes – In Parenting Orders made by the Family Court (i.e., a Judge determined the children's day-to-day care and contact arrangements) 77=Other [Go to RP45ota] 99=Don't know/not sure</p>
RP45ota	<p>If RP45=77</p> <p>Please specify how the parenting arrangements were formalised:</p> <p>Open text box</p>

	<p>Now we are interested in the cost of making these parenting arrangements. What did you spend money on? Please select all that apply. (selected=1, not selected=0 for all)</p>
<p>RP46a RP46b RP46c RP46d RP46e RP46f RP46g RP46ot RP46h</p>	<p>Legal fees/lawyer Private counselling Private mediation Family Dispute Resolution (FDR)/Family Mediation Court fees The Family Court ordered me to pay Cost contributions for Lawyer for the Child or a specialist report The Court ordered me to pay costs to the other party Something else [Go to RP46ota] None of the above</p>
RP46ota	<p>If RP46ot=1 Please specify what else you spent money on to make these parenting arrangements:</p> <p>Open text box</p>
RP47	<p>What was the total cost, to you, to make these parenting arrangements?</p> <p>1=Nothing 2=\$1-\$500 3=\$501-\$1000 4=\$1001-\$2000 5=\$2001-\$5000 6=\$5001-\$10,000 7=\$10,001-\$20,000 8=\$20,001-\$50,000 9=\$50,001-\$75,000 10=\$75,001-\$100,000 11=\$100,001-\$150,000 12=\$150,001-\$200,000 13=\$200,001 or more 99=Don't know</p>
RP48	<p>Was this amount reasonable to you?</p> <p>1=Yes 0=No</p>
RP49	<p>Was this amount affordable for you?</p> <p>1=Yes 0=No</p>

RP50	<p>Did you receive Legal aid?</p> <p>1=Yes 0=No</p>
RP51	<p>Please add any comments you might have about the cost of making or changing parenting arrangements.</p> <p>Open text box</p>
RP52	<p>Since making these parenting arrangements, have you had to change them?</p> <p>0=No, these are the current arrangements [Go to RP55] 1=Yes, minor changes have been needed (e.g., changing the time of contact, changing pick-up and drop-off arrangements) 2=Yes, substantial changes have been needed (e.g., changing who the children live with, major changes to contact arrangements, relocation)</p>
RP53	<p>If RP52≠0</p> <p>How were these new parenting arrangements made?</p> <p>1=Nothing specific, they just happened 2=Mainly by ourselves 3=Privately through a professional (e.g., lawyer, counsellor) 4=Through Family Dispute Resolution (FDR)/Family Mediation 5=Through the Family Court 77=Some other way [Go to RP53ota]</p>
RP53ota	<p>If RP53=77</p> <p>Please specify how the new parenting arrangements were made:</p> <p>Open text box</p>
RP54	<p>If RP52≠0</p> <p>Are these your current parenting arrangements?</p> <p>1=Yes 0=No</p>
RP55	<p>What are the children's current living arrangements?</p> <p>1=The children (mainly) live with me 2=The children (mainly) live with their other parent/caregiver 3=The children live (more or less) equally with me and their other parent or caregiver [shared care] 77=Other e.g., there are different living arrangements for each child [split care]</p>
RP56	<p>Please briefly specify the children's current day-to-day care and contact arrangements:</p> <p>Open text box</p>

RP57	<p>How satisfied are you with these day-to-day care and contact arrangements?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
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SECTION 2: FAMILY JUSTICE SERVICES FUNDED BY THE GOVERNMENT

Thank you for telling us about how your parenting arrangements were made, which may have included using the new family justice services introduced in New Zealand since 1 April 2014. We are particularly interested in how well these services are working for separated parents/caregivers and whether any changes are needed.

Please indicate whether you knew about and/or have ever used the following services to make or change parenting arrangements since 1 April 2014 .				
	Only one option must be selected for each row. 99=Don't know/can't remember	I have used this service since 1 April 2014	I knew about this service but didn't use it	I didn't know about this service
S1	Ministry of Justice website	Selected=1	Selected=2	Selected=3
S2	Ministry of Justice/Family Court 0800 2 AGREE phoneline	Selected=1	Selected=2	Selected=3
S3	Parenting Through Separation (PTS) course – <i>free parenting information programme</i>	Selected=1	Selected=2	Selected=3
S4	Family Legal Advice Service (FLAS) – <i>free initial legal advice and help with form filling</i>	Selected=1	Selected=2	Selected=3
S5	Family Dispute Resolution (FDR)/Family Mediation – <ul style="list-style-type: none"> pre-mediation intake (<i>the initial contact you had with the FDR mediation service</i>) and assessment (<i>individual pre-mediation contact with a mediator – either in person, by phone or some other electronic means, e.g., skype, email – to assess appropriateness of mediation</i>) 	Selected=1	Selected=2	Selected=3
S6	<ul style="list-style-type: none"> joint mediation session(s) with your ex-partner/the other party and the mediator 	Selected=1	Selected=2	Selected=3
S7	Family Court	Selected=1	Selected=2	Selected=3
If ppt does not select any 'I have used this service since 1 April' or 'I knew about this service but didn't use it' i.e., if all S1-S7=3 [Go to REF1]				
If S3, S4, S5, S6 and S7=2, ppt then gets asked why they didn't use service				

<p>S8a</p> <p>S8b</p> <p>S8c</p> <p>S8d</p> <p>S8e</p> <p>S8f</p> <p>S8g</p> <p>S8ot</p>	<p>If S3=2, otherwise=88</p> <p>Why didn't you attend Parenting Through Separation (PTS)? Please select all the reasons that apply.</p> <p>(1=Selected, 0=Not selected for all)</p> <p>I didn't need or want to</p> <p>I didn't know how to access a PTS course</p> <p>I couldn't find a PTS course to attend</p> <p>Other commitments e.g., work, family</p> <p>It was too difficult/far for me to travel to attend</p> <p>I couldn't afford to attend</p> <p>I had an exemption from attending</p> <p>Other [Go to S8ota]</p>
<p>S8ota</p>	<p>If S8ot=1</p> <p>Please specify the other reason(s) why you didn't attend PTS:</p> <p>Open text box</p>
<p>S9a</p> <p>S9b</p> <p>S9c</p> <p>S9d</p> <p>S9e</p> <p>S9ot</p>	<p>If S4=2, otherwise=88</p> <p>Why didn't you use the Family Legal Advice Service (FLAS)? Please select all the reasons that apply.</p> <p>(1=Selected, 0=Not selected for all)</p> <p>I didn't need or want to</p> <p>I didn't know how to access FLAS</p> <p>I couldn't find a lawyer who provided FLAS</p> <p>I wasn't eligible for FLAS</p> <p>I got legal advice elsewhere</p> <p>Other [Go to S9ota]</p>
<p>S9ota</p>	<p>If S9ot=1</p> <p>Please specify the other reason(s) why you didn't use FLAS:</p> <p>Open text box</p>
<p>S10a</p> <p>S10b</p> <p>S10c</p> <p>S10d</p> <p>S10e</p> <p>S10f</p> <p>S10g</p> <p>S10h</p> <p>S10i</p>	<p>If S6=2, otherwise=88</p> <p>Why didn't you use Family Dispute Resolution (FDR)/Family Mediation? Please select all the reasons that apply.</p> <p>(1=Selected, 0=Not selected for all)</p> <p>I didn't need or want to take part</p> <p>I was unable to take part</p> <p>My ex-partner/the other party didn't want, or refused, to take part</p> <p>My ex-partner/the other party was unable to take part</p> <p>I didn't think mediation would be helpful/effective</p> <p>I didn't think my ex-partner/the other party would take part constructively</p> <p>I/we preferred to make parenting arrangements privately</p> <p>I didn't know how to access FDR/Family Mediation</p> <p>I couldn't find a FDR/Family Mediation service/mediator</p>

S10j	The financial cost of FDR/Family Mediation
S10k	I wanted/needed to go directly to the Family Court
S10l	Our case was on the 'Without Notice/Urgent' Family Court track (so by-passed FDR/Family Mediation)
S10m	I wanted legal representation
S10n	An exemption was issued [Go to S11 series]
S10ot	Other [Go to S10ota]
S10ota	<p>If S10ot=1</p> <p>Please specify the other reason(s) you didn't use FDR/Family Mediation:</p> <p>Open text box</p>
S11a	If S10n=1
S11b	Why was an exemption issued? Please select all the reasons that apply. (1=Selected, 0=Not selected for all)
S11c	I was unable to take part in FDR/Family Mediation
S11d	I refused to take part in FDR/Family Mediation
S11e	My ex-partner/the other party could not be contacted by the FDR/Mediation service
S11f	My ex-partner/the other party was unable to take part in FDR/Family Mediation
S11g	My ex-partner/the other party refused to take part in FDR/Family Mediation
S11h	One party was unable to take part effectively (e.g., because of language issues)
S11i	Family violence/safety risks
S11ot	A 'Without notice/Urgent' application was made to the Family Court
S11ota	Our case was assessed as not suitable or appropriate for mediation
S11ot	Other [Go to S11ota]
S11ota	<p>If S11ot=1</p> <p>Please specify the other reason(s) an exemption was issued:</p> <p>Open text box</p>
S12a	If S7=2, otherwise=88
S12b	Why didn't you use the Family Court? Please select all the reasons that apply. (1=Selected, 0=Not selected for all)
S12c	I didn't need or want to
S12d	My ex-partner/the other party and I had agreed on our parenting arrangements
S12e	I/we preferred to make parenting arrangements privately
S12f	The financial cost involved
S12g	I didn't think the Family Court would be helpful/effective

S12f S12g S12ot	I didn't want to have to first attend a Parenting Through Separation course and Family Dispute Resolution (FDR)/Family Mediation I didn't know how to access the Family Court Other [Go to S12ota]
S12ota	If S12ot=1 Please specify the other reason(s) you didn't use the Family Court: Open text box

	<p>If S1=1, otherwise WEB series=88</p> <p>Ministry of Justice Website [www.justice.govt.nz]</p> <p>Where did you hear of the Ministry of Justice family justice website? Please select all that apply. (selected=1, not selected=0 for all)</p> <p>WEB1a On the Internet/another website</p> <p>WEB1b From the Ministry of Justice/Family Court 0800 2 AGREE phonenumber</p> <p>WEB1c At a Parenting Through Separation course</p> <p>WEB1d From a Family Dispute Resolution(FDR)/Family Mediation service/mediator</p> <p>WEB1e From a lawyer</p> <p>WEB1f From the Family Court</p> <p>WEB1g From another professional or agency [Go to WEB1ga]</p> <p>WEB1ot Some other way [Go to WEB1ota]</p> <p>WEB1h Don't know/can't remember</p>
WEB1ga	<p>If WEB1g=1</p> <p>Please specify from which other professional or agency you heard of the Ministry of Justice website:</p> <p>Open text box</p>
WEB1ota	<p>If WEB1ot=1</p> <p>Please specify where else you heard of the Ministry of Justice website:</p> <p>Open text box</p>
<p>WEB2a</p> <p>WEB2b</p> <p>WEB2c</p> <p>WEB2d</p> <p>WEB2e</p> <p>WEB2f</p> <p>WEB2g</p> <p>WEB2h</p> <p>WEB2i</p> <p>WEB2ot</p>	<p>What did you use the Ministry of Justice website for? Please select all that apply. (selected=1, not selected=0 for all)</p> <p>WEB2a Finding information and resources (e.g., factsheets, brochures, booklets)</p> <p>WEB2b Watching the videos about family justice</p> <p>WEB2c Understanding how the family justice system works</p> <p>WEB2d Finding a family justice service provider</p> <p>WEB2e Getting the 'Making a Parenting Plan' workbook</p> <p>WEB2f Downloading forms (e.g., Court applications)</p> <p>WEB2g Finding a Family Legal Advice Service provider</p> <p>WEB2h Finding a Parenting Through Separation course</p> <p>WEB2i Finding a Family Dispute Resolution (FDR)/Family Mediation) provider</p> <p>WEB2ot Something else [Go to WEB2ota]</p>
WEB2ota	<p>If WEB2ot=1</p> <p>Please specify what else you used the Ministry of Justice website for:</p> <p>Open text box</p>

WEB3	<p>How do you rate the Ministry of Justice website on the information provided?</p> <p>1=Very poor 2=Poor 3=Neither poor nor good 4=Good 5=Very good</p>
WEB4	<p>How do you rate the Ministry of Justice website on ease of use – to find and download information and/or forms?</p> <p>1=Very poor 2=Poor 3=Neither poor nor good 4=Good 5=Very good</p>
WEB5	<p>Did the Ministry of Justice website provide the information/resources you needed?</p> <p>1=Yes [Go to WEB7] 2=Some, but not all 0=No</p>
WEB6	<p>If WEB5≠1 If WEB5=1=88 What information/resources did you need but couldn't find or access on the Ministry of Justice website?</p> <p>Open text box</p>
WEB7	<p>What information or resources provided on the Ministry of Justice website did you find helpful, if any?</p> <p>Open text box</p>
WEB8	<p>What did you find particularly positive or helpful about the Ministry of Justice website, if anything?</p> <p>Open text box</p>
WEB9	<p>What did you find particularly negative or unhelpful about the Ministry of Justice website, if anything?</p> <p>Open text box</p>

WEB10	<p>Overall, how helpful was the Ministry of Justice website in making or changing your parenting arrangements?</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful</p>
WEB11	<p>Overall, how satisfied were you with the Ministry of Justice website?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
WEB12	<p>Would you recommend the Ministry of Justice website to other people making parenting arrangements?</p> <p>1=Yes 2=Maybe 0=No</p>
WEB13	<p>Based on your experience, how could the Ministry of Justice website be improved, if at all?</p> <p>Open text box</p>
WEB14	<p>Please add any final comments you might have about the Ministry of Justice website.</p> <p>Open text box</p>

	<p>If S2=1, otherwise PHN series=88</p> <p>Ministry of Justice/Family Court 0800 2 AGREE phoneline</p>
<p>PHN1a</p> <p>PHN1b</p> <p>PHN1c</p> <p>PHN1d</p> <p>PHN1e</p> <p>PHN1f</p> <p>PHN1g</p> <p>PHN1ot</p> <p>PHN1h</p>	<p>Where did you hear of the Ministry of Justice 0800 2 AGREE phoneline? Please select all that apply. (selected=1, not selected=0 for all)</p> <p>On the Ministry of Justice website</p> <p>On the Internet/another website</p> <p>At a Parenting Through Separation course</p> <p>From a Family Dispute Resolution (FDR)/Family Mediation service/mediator</p> <p>From a lawyer</p> <p>From the Family Court</p> <p>From another professional or agency [Go to PHN1ga]</p> <p>Some other way [Go to PHN1ota]</p> <p>Don't know/can't remember</p>
PHN1ga	<p>If PHN1g=1</p> <p>Please specify from which other professional or agency you heard of the 0800 2 AGREE phoneline:</p> <p>Open text box</p>
PHN1ota	<p>If PHN1ot=1</p> <p>Please specify where else you heard of the 0800 2 AGREE phoneline:</p> <p>Open text box</p>
PHN2	<p>What did you find particularly positive or helpful about the 0800 2 AGREE phoneline, if anything?</p> <p>Open text box</p>
PHN3	<p>What did you find particularly negative or unhelpful about the 0800 2 AGREE phoneline, if anything?</p> <p>Open text box</p>
PHN4	<p>Overall, how helpful was the 0800 2 AGREE phoneline in making or changing your parenting arrangements?</p> <p>1=Very unhelpful</p> <p>2=Unhelpful</p> <p>3=Neither helpful nor unhelpful</p> <p>4=Helpful</p> <p>5=Very helpful</p>

PHN5	<p>Overall, how satisfied were you with the 0800 2 AGREE phoneline?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
PHN6	<p>Would you recommend the 0800 2 AGREE phoneline to other people making parenting arrangements?</p> <p>1=Yes 2=Maybe 0=No</p>
PHN7	<p>Based on your experience, how could the 0800 2 AGREE phoneline service be improved, if at all?</p> <p>Open text box</p>
PHN8	<p>Please add any final comments you might have about the 0800 2 AGREE phoneline.</p> <p>Open text box</p>

	<p>If S3=1, otherwise PTS series=88</p> <p>Parenting Through Separation (PTS)</p>
<p>PTS1a</p> <p>PTS1b</p> <p>PTS1c</p> <p>PTS1d</p> <p>PTS1e</p> <p>PTS1f</p> <p>PTS1g</p> <p>PTS1ot</p> <p>PTS1h</p>	<p>Where did you hear of Parenting Through Separation (PTS)? Please select all that apply. (selected=1, not selected=0 for all)</p> <p>On the Ministry of Justice website</p> <p>On the Internet/another website</p> <p>From the Ministry of Justice/Family Court 0800 2 AGREE phoneline</p> <p>From a Family Dispute Resolution (FDR)/Family Mediation service/mediator</p> <p>From a lawyer</p> <p>From the Family Court</p> <p>From another professional or agency [Go to PTS1ga]</p> <p>Some other way [Go to PTS1ota]</p> <p>Don't know/can't remember</p>
PTS1ga	<p>If PTS1g=1</p> <p>Please specify from which other professional or agency you heard of Parenting Through Separation:</p> <p>Open text box</p>
PTS1ota	<p>If PTS1ot=1</p> <p>Please specify where else you heard of Parenting Through Separation:</p> <p>Open text box</p>
PTS2	<p>How easy was it to find a Parenting Through Separation course?</p> <p>1=Very difficult</p> <p>2=Difficult</p> <p>3=Neither difficult nor easy</p> <p>4=Easy</p> <p>5=Very easy</p>
PTS3	<p>How easy was it to enrol in a Parenting Through Separation course?</p> <p>1=Very difficult</p> <p>2=Difficult</p> <p>3=Neither difficult nor easy</p> <p>4=Easy</p> <p>5=Very easy</p>

PTS4	<p>Once you had enrolled, how long did you have to wait to attend Parenting Through Separation?</p> <p>1=Less than a week 2=1-2 weeks 3=3-4 weeks 4=1-2 months 5=3-4 months 6=5-6 months 7=More than 6 months 99=Don't know/can't remember</p>
PTS5	<p>Was the length of time you had to wait to attend Parenting Through Separation reasonable to you?</p> <p>1=Yes 0=No</p>
PTS6	<p>Which organisation ran the Parenting Through Separation course you attended?</p> <p>1=Barnardos New Zealand 2=Birthright Hawke's Bay Child and Family Care 3=Family Works Northern 4=LIFEWISE 5=The Methodist Mission 6=Methodist Social Services 7=Parentline Manawatu 8=Presbyterian Support 9=Presbyterian Support Central (Family Works Central) 10=Plunket Society 11=Skylight 12=Triple P NZ 77=Other [Go to PTS6ota] 99=Don't know/can't remember</p>
PTS6ota	<p>If PTS6=77</p> <p>Please specify the organisation that ran the Parenting Through Separation course you attended:</p> <p>Open text box</p>
PTS7	<p>In which town or city did you attend Parenting Through Separation?</p> <p>Open text box</p>

PTS8	<p>How far did you have to travel (one way) to attend Parenting Through Separation?</p> <p>1=Under 10 km 2=10-19 km 3=20-29 km 4=30-49 km 5=50-99 km 6=100-199 km 7=200-499 km 8=500 km+</p>
PTS9	<p>Was the distance you had to travel to attend Parenting Through Separation reasonable to you?</p> <p>1=Yes 0=No</p>
PTS10	<p>What did you find particularly positive or helpful about Parenting Through Separation, if anything?</p> <p>Open text box</p>
PTS11	<p>What did you find particularly negative or unhelpful about Parenting Through Separation, if anything?</p> <p>Open text box</p>
PTS12 PTS13 PTS14 PTS15 PTS16	<p>Please rate how helpful you found learning about the following at Parenting Through Separation:</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful 6=Not covered</p> <p>How separation affects children, what children need, and how to talk to them about it</p> <p>How to discuss parenting arrangements with the children's other parent or caregiver</p> <p>How to make a parenting plan</p> <p>How the Family Justice system works</p> <p>Other support services in your community</p>

PTS17	<p>Overall, how helpful was Parenting Through Separation in making or changing your parenting arrangements?</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful</p>
<p>PTS18</p> <p>PTS19</p> <p>PTS20</p> <p>PTS21</p>	<p>Please indicate how much you agree or disagree with the following statements about Parenting Through Separation (PTS):</p> <p>1=Strongly disagree 2=Disagree 3=Neither agree nor disagree 4=Agree 5=Strongly agree</p> <p>Attending PTS was worthwhile</p> <p>PTS helped me feel confident about what to do next to make parenting arrangements</p> <p>PTS met my cultural or language needs</p> <p>Attending PTS was difficult for me for practical reasons (e.g., transport, childcare, work commitments)</p>
PTS22	<p>Overall, how satisfied were you with Parenting Through Separation?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
PTS23	<p>Would you recommend Parenting Through Separation to other people making parenting arrangements?</p> <p>1=Yes 2=Maybe 0=No</p>
PTS24	<p>Based on your experience, how could Parenting Through Separation be improved, if at all?</p> <p>Open text box</p>
PTS25	<p>Please add any final comments you might have about Parenting Through Separation.</p> <p>open text box</p>

	<p>If S4=1, otherwise FLAS series=88</p> <p>Family Legal Advice Service (FLAS)</p>
<p>FLAS1a</p> <p>FLAS1b</p> <p>FLAS1c</p> <p>FLAS1d</p> <p>FLAS1e</p> <p>FLAS1f</p> <p>FLAS1g</p> <p>FLAS1h</p> <p>FLAS1ot</p> <p>FLAS1i</p>	<p>Where did you hear of the Family Legal Advice Service (FLAS)? Please select all that apply. (selected=1, not selected=0 for all)</p> <p>On the Ministry of Justice website</p> <p>On the Internet/another website</p> <p>From the Ministry of Justice/Family Court 0800 2 AGREE phoneline</p> <p>At a Parenting Through Separation course</p> <p>From a Family Dispute Resolution (FDR)/Family Mediation service/mediator</p> <p>From a lawyer</p> <p>From the Family Court</p> <p>From another professional or agency [Go to FLAS1ha]</p> <p>Some other way [Go to FLAS1ota]</p> <p>Don't know/can't remember</p>
FLAS1ha	<p>If FLAS1h=1</p> <p>Please specify from which other professional or agency you heard of FLAS:</p> <p>Open text box</p>
FLAS1ota	<p>If FLASot=1</p> <p>Please specify where else you heard of FLAS:</p> <p>Open text box</p>
FLAS2	<p>How easy was it to find a FLAS lawyer?</p> <p>1=Very difficult</p> <p>2=Difficult</p> <p>3=Neither difficult nor easy</p> <p>4=Easy</p> <p>5=Very easy</p>
FLAS3	<p>How long did you have to wait to receive FLAS?</p> <p>1=Less than a week</p> <p>2=1-2 weeks</p> <p>3=3-4 weeks</p> <p>4=1-2 months</p> <p>5=3-4 months</p> <p>6=5-6 months</p> <p>7=More than 6 months</p> <p>99=Don't know/can't remember</p>

FLAS4	<p>Was the length of time you had to wait to receive FLAS reasonable to you?</p> <p>1=Yes 0=No</p>
FLAS5a FLAS5b FLAS5c FLAS5ot	<p>How was FLAS delivered to you? Please select all that apply. (selected=1, not selected=0)</p> <p>Face-to-face with a FLAS lawyer Online/Video conference via internet (e.g., by Ebborn Law) Over the telephone Other [Go to FLAS5ota]</p>
FLAS5ota	<p>If FLAS5ot=1 Please specify how else FLAS was delivered to you:</p> <p>Open text box</p>
FLAS6	<p>If FLAS5a=1 In which town or city was the FLAS lawyer based?</p> <p>Open text box</p>
FLAS7	<p>How far did you have to travel (one way) to receive FLAS?</p> <p>0=I didn't have to travel [Go to FLAS9] 1=Under 10 km 2=10-19 km 3=20-29 km 4=30-49 km 5=50-99 km 6=100-199 km 7=200-499 km 8=500 km+</p>
FLAS8	<p>If FLAS7≠0 Was the distance you had to travel to receive FLAS reasonable to you?</p> <p>1=Yes 0=No</p>
	<p>FLAS has two key parts:</p> <p>Part 1: Provides information about parents' rights, responsibilities and legal options regarding children and their care; and what family justice services are available; Part 2: Provides help to fill out court forms (if applying or responding to applications for Parenting Orders at the Family Court).</p>

FLAS9	<p>Did you receive Part 1?</p> <p>1=Yes 0=No 99=Don't know/not sure</p>
FLAS10	<p>Did you receive Part 2?</p> <p>1=Yes 0=No 99=Don't know/not sure</p>
FLAS11	<p>If FLAS9=1</p> <p>How helpful did you find Part 1?</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful</p>
FLAS12	<p>If FLAS10=1</p> <p>How helpful did you find Part 2?</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful</p>
FLAS13	<p>What did you find particularly positive or helpful about the Family Legal Advice Service, if anything?</p> <p>Open text box</p>
FLAS14	<p>What did you find particularly negative or unhelpful about the Family Legal Advice Service, if anything?</p> <p>Open text box</p>
FLAS15	<p>Overall, how helpful was the Family Legal Advice Service in making or changing your parenting arrangements?</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful</p>

	<p>Please indicate how much you agree or disagree with the following statements about the Family Legal Advice Service (FLAS):</p> <p>1=Strongly disagree 2=Disagree 3=Neither agree nor disagree 4=Agree 5=Strongly agree</p>
FLAS16 FLAS17 FLAS18 FLAS19	<p>Receiving FLAS was worthwhile</p> <p>FLAS helped me feel confident about what to do next to make parenting arrangements</p> <p>FLAS met my cultural or language needs</p> <p>I would have preferred legal advice more tailored to my particular situation</p>
FLAS20	<p>Did you require legal advice on other matters that were not covered by FLAS?</p> <p>1=Yes 0=No [Go to FLAS22] 99=Don't know/can't remember [Go to FLAS22]</p>
FLAS21	<p>If FLAS20=1</p> <p>Please specify what other legal advice you needed and where you got this from:</p> <p>Open text box</p>
FLAS22	<p>Overall, how satisfied were you with the Family Legal Advice Service?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
FLAS23	<p>Would you recommend the Family Legal Advice Service to other people making parenting arrangements?</p> <p>1=Yes 2=Maybe 0=No</p>

FLAS24	<p>Based on your experience, how could the Family Legal Advice Service be improved, if at all?</p> <p>Open text box</p>
FLAS25	<p>Please add any final comments you might have about the Family Legal Advice Service.</p> <p>Open text box</p>

	<p>If S5=1 and/or S6=1, otherwise FDR series=88</p> <p>Family Dispute Resolution (FDR)/Family Mediation</p> <p>The next questions ask about your experience with Family Dispute Resolution (FDR)/Family Mediation processes, including:</p> <ul style="list-style-type: none"> • Your initial contact with the mediation service • Any meetings/contact you had individually with the mediation service/mediator • Your joint mediation session(s) with your ex-partner/the other party and the mediator. <p>You might not have taken part in each step, but we are interested in those you did experience.</p>
FDR1a FDR1b FDR1c FDR1d FDR1e FDR1f FDR1g FDR1ot FDR1h	<p>Where did you hear of Family Dispute Resolution (FDR)/Family Mediation? Please select all that apply. (selected=1, not selected=0 for all)</p> <p>On the Ministry of Justice website</p> <p>On the Internet/another website</p> <p>From the Ministry of Justice/Family Court 0800 2 AGREE phoneline</p> <p>At a Parenting Through Separation course</p> <p>From a lawyer</p> <p>From the Family Court</p> <p>From another professional or agency [Go to FDR1ga]</p> <p>Some other way [Go to FDR1ota]</p> <p>Don't know/can't remember</p>
FDR1ga	<p>If FDR1g=1</p> <p>Please specify from which other professional or agency you heard of FDR/Family Mediation:</p> <p>Open text box</p>
FDR1ota	<p>If FDRot=1</p> <p>Please specify where else you heard of FDR/Family Mediation:</p> <p>Open text box</p>
FDR2a FDR2b FDR2c FDR2d FDR2ot	<p>What issue(s) needed to be resolved at FDR/Family Mediation? Please select all that apply. (selected=1, not selected=0)</p> <p>Day-to-day care – who the children lived with</p> <p>Contact arrangements – when the children saw their other parent/caregiver</p> <p>Relocation</p> <p>Guardianship issues (e.g., the children's education, health, religion etc.)</p> <p>Another matter relating to the children [Go to FDR2ota]</p>

FDR2ota	<p>If FDR2ot=1</p> <p>Please specify what other issue(s) relating to the children needed to be resolved:</p> <p>Open text box</p>
FDR3	<p>Who first contacted the mediation service?</p> <p>1=I did 2=My ex-partner/the other party did [Go to FDR6] 3=My ex-partner/the other party and I did it jointly</p>
FDR4	<p>How easy was it to find a mediation service to contact?</p> <p>1=Very difficult 2=Difficult 3=Neither difficult nor easy 4=Easy 5=Very easy</p>
FDR5	<p>How easy was it to contact or register with a mediation service?</p> <p>1=Very difficult 2=Difficult 3=Neither difficult nor easy 4=Easy 5=Very easy</p>
FDR6	<p>Which FDR/Family Mediation service did you use?</p> <p>1=FairWay 2=Family Works Central (covers Taranaki, Manawatu-Whanganui, Wairapa, Hutt Valley, Porirua, Wellington, South Island) 3=Family Works Northern 4=FDR Centre 77=Another mediation service/mediator [Go to FDR6ota] 99=Don't know/can't remember</p>
FDR6ota	<p>If FDR6=77</p> <p>Please specify what mediation service you used:</p> <p>Open text box</p>

FDR7	<p>Pre-Mediation</p> <p>We're interested in your experience before you had your joint mediation session(s) with your ex-partner/the other party and the mediator.</p> <p>When was your initial contact with the FDR/Family Mediation service?</p> <p>1=April-December 2014 2=January-December 2015 3=January-November 2016 4=Since December 2016 99= Don't know/not sure</p>
FDR8	<p>How satisfied you were with the initial contact you had with the mediation service [Intake]?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
FDR9	<p>How satisfied you were with the contact you had individually with a mediator (either in person, by phone or some other electronic means, e.g., skype, email) to assess suitability for mediation [Assessment]?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
FDR10	<p>Please add any comments you might have about these pre-mediation steps.</p> <p>Open text box</p>
FDR11	<p>Once the pre-mediation steps were complete, did you proceed to mediation with your ex-partner/the other party?</p> <p>1=Yes [Go to FDR13] 2=No, an exemption was issued [Go to FDR11ota] 3=No, for some other reason [Go to FDR11ota]</p>
FDR11ota	<p>If FDR11 ≠ 1</p> <p>Please briefly outline the reason(s) why you did not proceed to mediation:</p> <p>Open text box</p>

FDR12	<p>If FDR11≠1</p> <p>Was an application subsequently made to the Family Court seeking a Parenting Order?</p> <p>1=Yes 0=No</p> <p>[Go to FDR 63] FDR13-FDR62 series=88</p>
FDR13	<p>Did you receive Preparation for Mediation/Coaching/Preparatory Counselling?</p> <p>1=Yes 0=No [Go to FDR15] 99=Don't know/can't remember [Go to FDR15]</p>
FDR14	<p>If FDR13=1</p> <p>How helpful did you find Preparation for Mediation/Coaching/Preparatory Counselling?</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful</p>
FDR15	<p>Mediation</p> <p>Once all the pre-mediation steps were complete, how long did you have to wait for your first joint mediation session with your ex-partner/the other party and the mediator?</p> <p>1=Less than a week 2=1-2 weeks 3=3-4 weeks 4=1-2 months 5=3-4 months 77=Other [Go to FDR15ota] 99=Don't know/can't remember</p>
FDR15ota	<p>If FDR15=77</p> <p>How long did you have to wait for your first joint mediation session?</p> <p>Open text box</p>
FDR16	<p>Was the length of time you had to wait for your first joint mediation session reasonable to you?</p> <p>1=Yes 0=No</p>

FDR17	<p>In which town or city was your mediator based?</p> <p>Open text box</p>
FDR18	<p>How far did you have to travel (one way) to take part in the joint mediation session(s)?</p> <p>0=I didn't have to travel [Go to FDR20] 1=Under 10 km 2=10-19 km 3=20-29 km 4=30-49 km 5=50-99 km 6=100-199 km 7=200-499 km 8=500 km+</p>
FDR19	<p>If FDR18≠0</p> <p>Was the distance you had to travel to take part in the joint mediation session(s) reasonable to you?</p> <p>1=Yes 0=No</p>
FDR20	<p>How much did FDR/Family Mediation cost you?</p> <p>1=Nothing, because I qualified for the government-funded FDR service 2=\$448.50 (half of the \$897 fee) 77=Other amount [Go to FDR20ota] 99=Don't know/can't remember</p>
FDR20ota	<p>If FDR20=77</p> <p>Please specify the amount you paid and why:</p> <p>Open text box</p>
FDR21	<p>Was the amount you paid for FDR/Family Mediation reasonable to you?</p> <p>1=Yes 0=No</p>
FDR22	<p>Was the amount you paid for FDR/Family Mediation affordable for you?</p> <p>1=Yes 0=No</p>

	Now we want to ask you some questions about the joint mediation session(s) with your ex-partner/the other party
FDR23a FDR23b FDR23c FDR23d FDR23ot	<p>What form(s) did your joint mediation session(s) take? Please select all that apply. (selected=1, not selected=0)</p> <p>We were face-to-face in the same room, with the mediator We were in separate rooms and the mediator moved between rooms [Shuttle mediation] By videoconference – e.g., Skype, Facetime, Zoom By teleconference/phone Other [Go to FDR23ota]</p>
FDR23ota	<p>If FDR23ot=1 Please specify what form(s) your joint mediation session(s) took:</p> <p>Open text box</p>
FDR24a FDR24b FDR24c FDR24d FDR24e FDR24ot FDR24f	<p>Were any of the following people also present at any of the joint mediation session(s)? Please select all that apply. (1=Selected, 0=Not selected)</p> <p>A person to support me A person to support the other party My lawyer The other party's lawyer A co-mediator Another person [Go to FDR24ota] None of the above</p>
FDR24ota	<p>If FDR24ot=1 Please specify who else was present at the joint mediation session(s):</p> <p>Open text box</p>
FDR25a FDR25b FDR25c FDR25d FDR25ot FDR25e FDR25f FDR25g	<p>Children's Thoughts, Feelings and Views</p> <p>Did the children have an opportunity to express their thoughts, feelings and views to any of the following professionals at any stage of the mediation process? Please select all that apply. (selected=1, not selected=0)</p> <p>Mediator Lawyer for the Child Child consultant Social worker Another professional [Go to FDR25ota] None of the above Not applicable (e.g., child was a baby) Don't know/can't remember</p>

FDR25ota	<p>If FR25ot=1</p> <p>Please specify which other professional met with the children during the mediation process:</p> <p>Open text box</p>
FDR26	<p>Were the children's thoughts, feelings and views discussed in your joint mediation session(s)?</p> <p>1=Yes 0=No [Go to FDR28] 99=Don't know/can't remember [Go to FDR28]</p>
FDR27	<p>If FDR26=1</p> <p>How helpful was this discussion about the children's thoughts, feelings and views in your joint mediation session(s)?</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful</p>
FDR28	<p>Overall, how satisfied were you with the consideration given to the children's thoughts, feelings and views during the FDR/Family Mediation process?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
FDR29	<p>Please add any comments you might have about children's thoughts, feelings and views being considered during FDR/Family Mediation.</p> <p>Open text box</p>
FDR30	<p>The following questions ask about the outcome of your mediation</p> <p>Did you reach agreement on your parenting arrangements?</p> <p>1=Yes, full agreement 2=Yes, partial agreement 0=No</p>

FDR31	<p>How satisfied were you with this outcome?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
<p>FDR32a</p> <p>FDR32b</p> <p>FDR32c</p> <p>FDR32d</p> <p>FDR32ot</p>	<p>If FDR30≠1 Which issue(s) did you not reach agreement on? Please select all that apply.</p> <p>Day-to-day care – who the children lived with</p> <p>Contact arrangements – when the children saw their other parent/caregiver</p> <p>Relocation</p> <p>Guardianship issues (e.g., the children’s education, health, religion etc.)</p> <p>Another matter relating to the children [Go to FDR32ota]</p>
FDR32ota	<p>If FDR32ot=1</p> <p>Please specify the other matter(s) relating to the children on which you did not reach agreement:</p> <p>Open text box</p>
FDR33	<p>Would it have been helpful to be able to resolve issues such as relationship property and finances through FDR/Family Mediation?</p> <p>1=Yes 2=Maybe 0=No</p> <p>If FDR30=0 Go to FDR37</p>
FDR34	<p>If FDR30≠0</p> <p>At the time, how satisfied were you with the parenting arrangements that you agreed on at mediation?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
FDR35	<p>If FDR30≠0</p> <p>At the time, how fair did you think these parenting arrangements were?</p> <p>1=Very unfair 2=Unfair 3=Neither fair nor unfair 4=Fair 5=Very fair</p>

FDR36	<p>If FDR30≠0</p> <p>At the time, how confident did you feel that the parenting arrangements that you agreed on at mediation would work?</p> <p>1=Very unconfident 2=Unconfident 3=Neither confident nor unconfident 4=Confident 5=Very confident</p>
FDR37	<p>Was an application made to the Family Court seeking a Parenting Order after your mediation was completed?</p> <p>1=Yes, to formalise our parenting agreement as a Consent order 2=Yes, to resolve the issues that couldn't be agreed on at mediation 3=Yes, for another reason [Go to FDR37ota] 0=No</p>
FDR37ota	<p>If FDR37=3</p> <p>Please specify the reason(s) for making an application to the Family Court:</p> <p>Open text box</p>
FDR38	<p>The next questions ask about your satisfaction with FDR/Family Mediation.</p> <p>What did you find particularly positive or helpful about mediation, if anything?</p> <p>Open text box</p>
FDR39	<p>What did you find particularly negative or unhelpful about mediation, if anything?</p> <p>Open text box</p>
FDR40	<p>Overall, how helpful was mediation in making or changing your parenting arrangements?</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful</p>

	<p>Please indicate how strongly you agree or disagree with the following statements about mediation:</p> <p>1=Strongly disagree 2=Disagree 3=Neither agree nor disagree 4=Agree 5=Strongly agree</p>
FDR41	I felt comfortable with the mediator
FDR42	The mediator was highly skilled
FDR43	The mediator was effective in clarifying the issues we needed to discuss
FDR44	It was helpful to have a third party facilitate the discussion with my ex-partner/the other party
FDR45	I felt safe attending mediation
FDR46	I felt pressured to reach agreement with my ex-partner/the other party
FDR47	The mediation process was fair
FDR48	I had enough of an opportunity to have my say
FDR49	I gained a better understanding of my ex-partner's/the other party's perspective
FDR50	The amount of time we had for mediation was sufficient
FDR51	Attending mediation was difficult for me for practical reasons (e.g., transport, childcare, work commitments)
FDR52	FDR/Family Mediation met my cultural or language needs
FDR53	Going to mediation worked well for me
FDR54	Going to mediation worked well for my ex-partner/the other party
FDR55	Going to mediation worked well for the children
FDR56	Going to mediation was worthwhile
FDR57	FDR/Family Mediation was a better option than going to the Family Court
FDR58	I only went to mediation because I had to
FDR59	I would have preferred to go straight to the Family Court
FDR60	Going to mediation has helped my ex-partner/the other party and I to resolve other parenting issues ourselves as they have arisen
FDR61	<p>Overall, how satisfied were you with Family Dispute Resolution (FDR)/Family Mediation?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
FDR62	<p>Would you recommend FDR/Family Mediation to other people making parenting arrangements?</p> <p>1=Yes 2=Maybe 3=No</p>

FDR63	<p>Based on your experience, how could FDR/Family Mediation be improved, if at all?</p> <p>Open text box</p>
FDR64	<p>Please add any final comments you might have about FDR/Family Mediation.</p> <p>Open text box</p>

	<p>If S7=1, otherwise FC series=88</p> <p>Family Court</p>
FC1	<p>In which town or city was the Family Court you used located? If you went to more than one Family Court, please list them all.</p> <p>Open text box</p>
FC2	<p>How far did you have to travel (one way) to the Family Court? If you went to more than one Family Court, please select the greatest distance you had to travel.</p> <p>0=I didn't have to travel [Go to FC4 series] 1=Under 10 km 2=10-19 km 3=20-29 km 4=30-49 km 5=50-99 km 6=100-199 km 7=200-499 km 8=500 km+</p>
FC3	<p>If FC2≠0</p> <p>Was the distance you had to travel to the Family Court reasonable to you?</p> <p>1=Yes 0=No</p>
FC4a FC4b FC4c FC4d FC4e FC4ot	<p>What issue(s) needed to be resolved at the Family Court? Please select all that apply. (selected=1, not selected=0)</p> <p>Day-to-day care – who the children lived with Contact arrangements – when the children saw their other parent/caregiver Converting a parenting agreement made privately (e.g., by ourselves, through mediation) into a Court order by Consent A relocation dispute Guardianship issues (e.g., the children's education, health, religion etc.) Other [Go to FC4ota]</p>
FC4ota	<p>If FC4ot=1</p> <p>What other issue(s) needed to be resolved?</p> <p>Open text box</p>

FC5	<p>In your involvement with the Family Court since 1 April 2014 were you:</p> <p>1=An applicant? 2=A joint applicant? 3=A respondent? 4=Both an applicant and a respondent (e.g., because of multiple applications and/or court proceedings)? 5=Other 99=Don't know/can't remember</p>
FC6	<p>Was your case on the 'Without Notice/Urgent' track for urgent proceedings – <i>for example, when a delay would be problematic or if there were safety risks – bypassing the requirement to attend Parenting Through Separation and Family Dispute Resolution (FDR)/Family Mediation?</i></p> <p>1=Yes 0=No [Go to FC9] 99=Don't know/not sure [Go to FC9]</p>
FC7	<p>If FC6=1</p> <p>Was being on the 'Without Notice/Urgent' track reasonable to you?</p> <p>1=Yes 0=No</p>
FC8	<p>If FC6=1</p> <p>Please briefly explain how you felt about being on the 'Without Notice/Urgent' track?</p> <p>Open text box</p>
FC9	<p>Going to the Family Court can involve attending a range of different types of meetings with a Judge, where you and (usually) the other party meet with a Judge to try and reach agreement or to progress your case. <i>These meetings usually all happen before more formal hearings (like defended hearings), where a Judge considers the evidence, decides the case and makes Parenting Orders.</i></p> <p>These meetings with a Judge may include issues, settlement, directions, pre-hearing and case management conferences.</p> <p>Since 1 April 2014, have you attended any of these meetings/conferences with a Judge at the Family Court?</p> <p>1=Yes 0=No [Go to FC14]</p>

FC10	<p>How many of these meetings have you attended since 1 April 2014?</p> <p>1=1 2=2 3=3 4=4 5=5 6=6-9 7=10 or more</p>
FC11	<p>Overall, how helpful were these meeting(s) with a Judge?</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful</p>
FC12a FC12b FC12c FC12d FC12e FC12f FC12g FC12h FC12i FC12j FC12k FC12l FC12ot	<p>What was the outcome of these meeting(s) with a Judge? Please select all that apply. (1=selected, 0=not selected)</p> <p>We reached agreement on our parenting arrangements The Judge made a Parenting Order by Consent The Judge made a decision and made a Parenting Order The Judge directed us to counselling The Judge referred us to Family Dispute Resolution (FDR)/Family Mediation Lawyer for the Child was appointed A specialist report writer was appointed (e.g., a psychologist) The Judge made interim Parenting Orders The Judge directed us to a Roundtable meeting run by Lawyer for the Child A defended hearing date was set The application was withdrawn We are still in the Family Court process Other [Go to FC12ota]</p>
FC12ota	<p>If FC12ot=1</p> <p>What was the other outcome of these meeting(s)?</p> <p>Open text box</p>
FC13	<p>How satisfied were you with the outcome(s) of these meeting(s)?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>

FC14	<p>Sometimes a Judge can direct you and the other party to jointly attend a Roundtable meeting run by Lawyer for the Child to try and reach agreement. A Judge is not present.</p> <p>Since 1 April 2014, have you attended a Roundtable meeting?</p> <p>1=Yes 0=No [Go to FC17] 99=Not sure/can't remember [Go to FC17]</p>
FC15	<p>How helpful was this Roundtable meeting?</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful</p>
FC16	<p>Did you reach agreement on your parenting arrangements at this Roundtable meeting?</p> <p>1=Yes, full agreement 2=Yes, partial agreement 0=No</p>
FC17	<p>A defended hearing is more formal and takes place in a courtroom before a Judge who will consider the evidence. Lawyers can be present and witnesses can be cross-examined. The Judge will make a decision at the end of the hearing (or shortly after) and issue Parenting Orders.</p> <p>Did you attend a defended hearing at the Family Court?</p> <p>1=Yes 0=No [Go to FC20]</p>
FC18	<p>How much time did the defended hearing take?</p> <p>1=Half a day or less 2=1 day 3=2 days 4=3 days 5=4 days 6=5 days 7=6 or more days</p>

FC19	<p>How satisfied were you with the defended hearing?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
FC20	<p>Please add any comments you might have about meetings, conferences or hearings at the Family Court.</p> <p>Open text box</p>
FC21a FC21b FC21c FC21d	<p>Did you have a lawyer during your involvement with the Family Court? Please select all that apply. (selected=1, not selected=0)</p> <p>I didn't need one [Go to FC27] I represented myself [Go to FC22] I had a lawyer through Legal Aid [Go to FC24] I had a lawyer who I paid privately [Go to FC24]</p>
FC22	<p>Which best describes the reason why you represented yourself?</p> <p>1=I chose to represent myself 2=I couldn't afford a lawyer 3=I wasn't eligible for Legal Aid 4=I thought I couldn't have a lawyer with me in Court 5=I wasn't allowed to have a lawyer with me in Court</p>
FC222	<p>How easy was it to represent yourself?</p> <p>1=Very difficult 2=Difficult 3=Neither difficult nor easy 4=Easy 5=Very easy</p>
FC23	<p>Please add any comments you might have about representing yourself.</p> <p>Open text box</p>

FC24	<p>If FC21c=1 or FC21d=1</p> <p>How much did you spend on legal fees to make or change your parenting arrangements through the Family Court?</p> <p>1=Nothing 2=\$1-\$500 3=\$501-\$1000 4=\$1001-\$2000 5=\$2001-\$5000 6=\$5001-\$10,000 7=\$10,001-\$20,000 8=\$20,001-\$50,000 9=\$50,001-\$75,000 10=\$75,001-\$100,000 11=\$100,001-\$150,000 12=\$150,001-\$200,000 13=\$200,001 or more 99=Don't know</p>
FC25	<p>If FC21c=1 or FC21d=1</p> <p>Was this amount reasonable to you?</p> <p>1=Yes 0=No</p>
FC26	<p>If FC21c=1 or FC21d=1</p> <p>Was this amount affordable for you?</p> <p>1=Yes 0=No</p>
FC27a FC27b FC27c FC27d FC27e	<p>Were any of the following people with you in Court? Please select all that apply. (selected=1, not selected=0)</p> <p>Your lawyer</p> <p>A 'McKenzie Friend' – <i>a person, instead of a lawyer, who can sit with you in court, take notes and offer advice and suggestions, but cannot speak directly to the Judge</i></p> <p>Another support person – such as a family member or friend</p> <p>None of the above</p> <p>Not applicable</p>
FC28	<p>Did the Family Court appoint a lawyer to represent the children – Lawyer for the Child?</p> <p>1=Yes 0=No [Go to FC31] 99=Don't know [Go to FC31]</p>

FC29	<p>How helpful was it to have Lawyer for the Child appointed?</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful</p>
FC30	<p>Please add any comments you might have about Lawyer for the Child.</p> <p>Open text box</p>
FC31	<p>Was an expert appointed by the Family Court to prepare a specialist report (such as a psychological, social work or cultural report)?</p> <p>1=Yes 0=No [Go to FC34 series] 99=Don't know [Go to FC34 series]</p>
FC32	<p>How helpful was it to have an expert writing a specialist report?</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful</p>
FC33	<p>Please add any comments you might have about an expert writing a specialist report.</p> <p>Open text box</p>
FC34a FC34b FC34c FC34ot FC34d FC34e FC34f	<p>Children's thoughts, feelings and views</p> <p>During the Family Court process did any of the following professionals meet with the children? Please select all that apply.</p> <p>(selected=1, not selected=0)</p> <p>Lawyer for the Child Family Court judge Expert/Specialist report writer Another professional [Go to FC34ota] Not applicable (e.g., child was a baby) None of the above Don't know/can't remember</p>
FC34ota	<p>If FC34ot=1</p> <p>Please specify what other professional(s) met with the children:</p> <p>Open text box</p>

FC35	<p>How satisfied were you with the consideration given to the children's thoughts, feelings and views during the Family Court proceedings?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
FC36	<p>Please add any comments you might have about children's thoughts, feelings and views in Family Court proceedings.</p> <p>Open text box</p>
FC37	<p>The following questions ask about the outcome of your involvement with the Family Court.</p> <p>What was the final outcome of your Family Court involvement?</p> <p>1=The other party and I reached agreement on our parenting arrangements/the Judge made a Consent Order 2=The Judge referred us to FDR/Family Mediation 3=The Judge made the decision about our parenting arrangements at a defended hearing and made Parenting Orders 4=We are still in the Family Court process [Go to FC38 then FC45] 77=Something else [Go to FC37ota]</p>
FC37ota	<p>If FC37=77</p> <p>Please specify the other outcome(s) of your involvement with the Family Court:</p> <p>Open text box</p>
FC38	<p>How satisfied were you with this outcome?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
FC39	<p>At what stage in the Family Court process were your parenting arrangements decided?</p> <p>1=At a meeting/conference with a Judge 2=At a Roundtable meeting with Lawyer for the Child 3=At a defended hearing 77=At another stage (e.g., just prior to a defended hearing) [Go to FC39ota] 99=Don't know</p>

FC39ota	<p>If FC39=77</p> <p>Please specify at what stage in the Family Court process your parenting arrangements were decided:</p> <p>Open text box</p>
FC40	<p>At the time, how satisfied were you with the parenting arrangements/Order(s) that were made?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
FC41	<p>At the time, how fair did you think these parenting arrangements/Order(s) were?</p> <p>1=Very unfair 2=Unfair 3=Neither fair nor unfair 4=Fair 5=Very fair</p>
FC42	<p>If FC37=3, else=88</p> <p>Have you appealed, or are you considering appealing, the decision made by the Family Court Judge?</p> <p>1=Yes 2=Maybe 0=No 99=Don't know</p>
FC43	<p>How long did it take to determine your parenting arrangements in the Family Court – from when the application was made to when a decision was reached?</p> <p>1=0-3 months 2=4-6 months 3=7-9 months 4=10-12 months 5=13-15 months 6=16-18 months 7=19-21 months 8=22-24 months 9=More than 2 years 99=Don't know/can't remember</p>

FC44	<p>Was the length of time it took to determine your parenting arrangements in the Family Court reasonable to you?</p> <p>1=Yes 0=No</p>
FC45	<p>The next questions ask about your satisfaction with the Family Court.</p> <p>What did you find particularly positive or helpful about the Family Court, if anything?</p> <p>Open text box</p>
FC46	<p>What did you find particularly negative or unhelpful about the Family Court, if anything?</p> <p>Open text box</p>
FC47	<p>Overall, how helpful was the Family Court in making or changing your parenting arrangements?</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful</p>
FC48 FC49 FC50 FC51 FC52 FC53 FC54 FC55 FC56 FC57 FC58 FC59	<p>Please indicate how strongly you agree or disagree with the following statements about the Family Court:</p> <p>1=Strongly disagree 2=Disagree 3=Neither agree nor disagree 4=Agree 5=Strongly agree</p> <p>The Judge was effective in clarifying the issues that needed to be resolved</p> <p>It was helpful to have a Judge involved in making our parenting arrangements</p> <p>I felt safe attending the Family Court</p> <p>I felt pressured to reach agreement with my ex-partner/the other party</p> <p>The Family Court process was fair</p> <p>I had enough of an opportunity to have my say</p> <p>Attending the Family Court was difficult for me for practical reasons (e.g., transport, childcare, work commitments)</p> <p>The Family Court met my cultural or language needs</p> <p>The Family Court was conveniently located for me</p> <p>Going to the Family Court worked well for me</p> <p>Going to the Family Court worked well for my ex-partner/the other party</p> <p>Going to the Family Court worked well for the children</p>

FC60 FC61	<p>Going to the Family Court was worthwhile</p> <p>I would have preferred to make the parenting arrangements without going to Court</p>
FC62 FC63 FC64 FC65 FC66 FC67	<p>How satisfied you were with the following aspects of your Family Court experience:</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied 88=Not applicable</p> <p>Filling in forms/applications</p> <p>Writing affidavit(s)</p> <p>Dealing with administrative/counter staff</p> <p>Representing yourself i.e., without a lawyer</p> <p>The length of time it took to reach a decision</p> <p>The financial cost</p>
FC68	<p>Overall, how satisfied were you with the Family Court?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
FC69	<p>Would you recommend the Family Court to other people making parenting arrangements?</p> <p>1=Yes 2=Maybe 0=No</p>
FC70	<p>Based on your experience, how could the Family Court be improved, if at all?</p> <p>Open text box</p>
FC71	<p>Please add any final comments you might have about the Family Court.</p> <p>Open text box</p>

SECTION 3: THE NEW ZEALAND FAMILY JUSTICE SYSTEM

On 31 March 2014 changes were made to the New Zealand Family Justice System

REF1	<p>At the time you were making or changing your parenting arrangements were you aware that the family justice system had changed?</p> <p>1=Yes 0=No 99=Don't know/can't remember</p>
REF2	<p>Did you ever make parenting arrangements under the previous system (before 31 March 2014)?</p> <p>1=Yes 0=No [Go to REF5] 99=Don't know/can't remember [Go to REF5]</p>
REF3	<p>In the end, how were those parenting arrangements made under the previous system?</p> <p>1= Nothing specific, it just happened 2=Mainly by ourselves 3=Privately through a professional (e.g., lawyer, counsellor, mediator) 4=Through Family Court counselling 5=Through Judge-led mediation at the Family Court 6=Through Counsel-led mediation at the Family Court 7=At a Family Court defended hearing 8=At an appeal court 77=Some other way [Go to REF3ota] 99=Don't know/can't remember</p>
REF3ota	<p>If REF3=77</p> <p>Please specify how those parenting arrangements were made under the previous system:</p> <p>Open text box</p>
REF4	<p>In hindsight, which family justice system do you prefer?</p> <p>1=The previous system (prior to the 2014 changes) 2=The current system 3=No preference 99=Don't know/not sure</p>
REF5	<p>Lastly, please add any final comments you might have about making or changing parenting arrangements and New Zealand's family justice system.</p> <p>Open text box</p>

SECTION 4: DEMOGRAPHIC INFORMATION

To ensure we have a broad range of people taking part in our survey we would like to ask you some questions about yourself.

DG1	<p>Are you?</p> <p>1=Male 2=Female 77=Other 666=Prefer not to answer</p>
DG2	<p>What is your age in years?</p> <p>1=Under 20 2=20-29 3=30-39 4=40-49 5=50-59 6=60-69 7=70-79 8=80+</p> <p>666=Prefer not to answer</p>
DG3a DG3b DG3c DG3d DG3e DG3f DG3g DG3h DG3ot	<p>Which ethnic group(s) do you belong to? Please select the option(s) which apply to you.</p> <p>New Zealand European (selected=1, not selected=0) Māori (selected=1, not selected=0) Samoan (selected=1, not selected=0) Cook Island Māori (selected=1, not selected=0) Tongan (selected=1, not selected=0) Niuean (selected=1, not selected=0) Chinese (selected=1, not selected=0) Indian (selected=1, not selected=0) Other (such as Dutch, Japanese, Tokelauan) (selected=1, not selected=0) [Go to DG3ota]</p>
DG3ota	<p>If DG3ot=1 Please specify which other ethnic group(s) you belong to:</p> <p>Open text box</p>
DG4	<p>Were you born in New Zealand?</p> <p>1=Yes [Go to DG6] 0=No [Go to DG5]</p>

DG5	<p>If DG4=0</p> <p>What country were you born in?</p> <p>Open text box</p>
DG6	<p>Do you currently live in New Zealand?</p> <p>1=Yes [Go to DG7] 0=No [Go to DG8]</p>
DG7	<p>If DG6=1</p> <p>What city, town or rural district do you live in?</p> <p>Open text box</p>
DG8	<p>If DG6=0</p> <p>What country do you live in?</p> <p>Open text box</p>
DG9	<p>What is your highest level of educational qualification?</p> <p>1=No qualification 2=Secondary school qualification (e.g., NCEA, School Certificate, University Entrance, Bursary) 3=Trade or vocational qualification 4=Tertiary qualification (e.g., Bachelor's degree, Postgraduate Certificate/Diploma, Master's degree, PhD)</p>
DG10	<p>What is your current occupation?</p> <p>Open text box</p>

DG11	<p>What is your annual personal income, before tax, from all sources (e.g., wages, salary, interest, child support etc.)?</p> <p>1 = Loss 2 = Zero income 3 = NZ\$1 - NZ\$5,000 4 = NZ\$5,001 - NZ\$10,000 5 = NZ\$10,001 - NZ\$15,000 6 = NZ\$15,001 - NZ\$20,000 7 = NZ\$20,001 - NZ\$25,000 8 = NZ\$25,001 - NZ\$30,000 9 = NZ\$30,001 - NZ\$35,000 10 = NZ\$35,001 - NZ\$40,000 11 = NZ\$40,001 - NZ\$50,000 12 = NZ\$50,001 - NZ\$60,000 13 = NZ\$60,001 - NZ\$70,000 14 = NZ\$70,001 - NZ\$80,000 15 = NZ\$80,001 - NZ\$90,000 16 = NZ\$90,001 - NZ\$100,000 17 = NZ\$100,001 - NZ\$150,000 18 = NZ\$150,001 or more 99 = Don't know</p>
REC	<p>Please tell us how you heard about this study, e.g. flier/poster, from a friend or family member, Facebook, newspaper article or advertisement etc. This will help us to understand how well the various ways we are promoting our study are working.</p> <p>Open text box</p>
DG12	<p>That was the last question. Please add in any final comments you might have.</p> <p>Open text box</p>

Appendix E: Follow-up Survey 1A

<p>Post-separation parenting arrangements can change over time as family circumstances and children's needs change. This follow-up survey asks about whether there have been any changes to your parenting arrangements and if you have used any family justice services since you completed our first survey.</p>	
FU1	<p>Have your parenting arrangements changed since you completed the first survey on DATE?</p> <p>0=No [Go to FU2] 1=Yes, minor changes have been made (e.g., changing the time of contact, changing pick-up and drop-off arrangements) [Go to FU5] 2=Yes, substantial changes have been made (e.g., changing who the children live with, major changes to contact arrangements, relocation) [Go to FU5]</p>
FU2	<p>If FU1=0 Even though your parenting arrangements haven't changed, have any attempts been made to change them since you completed the first survey on DATE?</p> <p>0=No [Go to FU9series] 1=Yes, the process is now completed, but the arrangements did not change 2=Yes, but the process is not yet completed</p>
FU3	<p>If FU2≠0 Please briefly explain what changes to your parenting arrangements were considered and the reason(s) for this:</p> <p>Open text box</p> <p>If FU2=2 [Go to FU9series]</p>
FU4	<p>If FU2=1 How was the matter resolved?</p> <p>1=Nothing specific, it just happened [Go to FU9series] 2=Mainly by ourselves [Go to FU9series] 3=Privately through a professional (e.g., lawyer, counsellor) [Go to FU9series] 4=Through Family Dispute Resolution (FDR)/Family Mediation [Go to FU9series] 5=Through the Family Court [Go to FU9series] 6=Through a higher Court (e.g. High Court, Court of Appeal or Supreme Court) [Go to FU9series] 77=Some other way [Go to FU4ota]</p>
FU4ota	<p>If FU4=77 Please specify how the matter was resolved:</p> <p>Open text box [Go to FU9series]</p>

FU5	<p>If FU1≠0</p> <p>Please briefly outline the change(s) made to your parenting arrangements and the reason(s) for this:</p> <p>Open text box</p>
FU6	<p>If FU1≠0</p> <p>Who decided on these new parenting arrangements?</p> <p>1=No-one really, they just happened 2=My ex-partner/the other party and I decided together 3=I decided 4=My ex-partner/the other party decided 5=The children decided 6=A judge decided 77=Someone else decided [Go to FU6ota]</p>
FU6ota	<p>If FU6=77</p> <p>Please specify who decided on these new parenting arrangements:</p> <p>Open text box</p>
FU7	<p>If FU1≠0</p> <p>How were these new parenting arrangements made?</p> <p>1=Nothing specific, they just happened 2=Mainly by ourselves 3=Privately through a professional (e.g., lawyer, counsellor) 4=Through Family Dispute Resolution (FDR)/Family Mediation 5=Through the Family Court 6=Through a higher Court (e.g., High Court, Court of Appeal or Supreme Court) 77=Some other way [Go to FU7ota]</p>
FU7ota	<p>If FU7=77</p> <p>Please specify how the new parenting arrangements were made:</p> <p>Open text box</p>
FU8	<p>Why was this particular approach taken (i.e., how the arrangements were made and by whom) to change your parenting arrangements?</p> <p>Open text box</p>

	<p>Since you completed the first survey on DATE have you used any of the following services and/or professionals in relation to your parenting arrangements? Please select all that apply. (1=selected, 0=not selected)</p>
FU9a	Lawyer
FU9b	Ministry of Justice website
FU9c	Ministry of Justice/Family Court 0800 2 AGREE phoneline
FU9d	Parenting Through Separation – <i>free parenting information programme</i>
FU9e	Family Legal Advice Service (FLAS) – <i>free initial legal advice and help with form filling</i>
FU9f	Family Dispute Resolution (FDR)/Family Mediation – <i>intake and assessment</i>
FU9g	Family Dispute Resolution (FDR)/Family Mediation – <i>joint mediation sessions</i>
FU9h	Family Court
FU9ot	Other professionals, agencies and/or services [Go to FU9ota]
FU9i	None of the above
FU9ota	<p>If FU9ot=1</p> <p>Please specify which other professionals, agencies and/or services you used in relation to your parenting arrangements:</p> <p>Open text box</p>
FU10	<p>What are the children's current living arrangements?</p> <p>1=The children (mainly) live with me 2=The children (mainly) live with their other parent/caregiver 3=The children live (more or less) equally with me and their other parent or caregiver [shared care] 77=Other e.g., there are different living arrangements for each child [split care]</p>
FU11	<p>Please briefly specify the children's current day-to-day care and contact arrangements:</p> <p>Open text box</p>
FU12	<p>How satisfied are you with these day-to-day care and contact arrangements?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>

FU13	<p>Overall, how have your parenting arrangements worked out since you completed the first survey on DATE?</p> <p>1=Very poorly 2=Poorly 3=Neither well nor poorly 4=Well 5=Very well 88=Not applicable</p>
FU14	<p>Please briefly outline the reason(s) for your rating of how well your parenting arrangements have worked out since you completed the first survey:</p> <p>Open text</p>
FU15	<p>Do you anticipate any changes to your parenting arrangement over the next 6 months?</p> <p>1=Yes 2=Maybe 0=No</p>
FU16	<p>Finally, how would you describe your relationship with your ex-partner/the other party now?</p> <p>1=Very poor 2=Poor 3=Neither poor nor good 4=Good 5=Very good 88=Not applicable</p>
FU17	<p>Please add any final comments you may have about making or changing parenting arrangements:</p> <p>Open text box</p>

Appendix F: Follow-up Survey 1B

This follow-up survey asks about your parenting arrangements and whether you have used any family justice services since you completed our first survey.	
FUP1	<p>At the time you completed our first online survey on DATE you indicated that you were still in the process of making or changing parenting arrangements.</p> <p>Did you complete this process of making or changing parenting arrangements (even if those parenting arrangements have since changed, or might change in the future)?</p> <p>1=Yes [Go to FUP26]</p> <p>0=No</p>
FUP2	<p>If FUP1=0</p> <p>Please briefly update us on what has happened since you completed the first survey on DATE in relation to making or changing the parenting arrangements:</p> <p>Open text box</p> <p>[Go to FUP9 series]</p>
FUP26	<p>We are interested in how you made those parenting arrangements and your views on this process.</p> <p>In the end, who decided on your parenting arrangements?</p> <p>1=No-one really, they just happened 2=My ex-partner/the other party and I decided together 3=I decided 4=My ex-partner/the other party decided 5=The children decided 6=A judge decided 77=Someone else decided [Go to FUP26ota]</p>
FUP26ota	<p>If FUP26=77</p> <p>Please specify who decided on your parenting arrangements:</p> <p>Open text box</p>
FUP27	<p>In the end, how were your parenting arrangements made?</p> <p>1=Nothing specific, they just happened 2=Mainly by ourselves 3=Privately through a professional (e.g., lawyer, counsellor) 4=Through Family Dispute Resolution (FDR)/Family Mediation 5=Through the Family Court 77=Some other way [Go to FUP27ota]</p>

FUP27ota	<p>If FUP27=77</p> <p>Please specify how your parenting arrangements were made:</p> <p>Open text box</p>
FUP28	<p>Why was this particular approach taken (i.e., how the arrangements were made and by whom) to reach your parenting arrangements?</p> <p>Open text box</p>
<p>FUP29</p> <p>FUP30</p> <p>FUP31</p> <p>FUP32</p> <p>FUP33</p> <p>FUP34</p> <p>FUP35</p> <p>FUP36</p> <p>FUP37</p>	<p>Now we are interested in how well this approach worked.</p> <p>Please indicate how much you agree or disagree with the following statements:</p> <p>1=Strongly disagree 2=Disagree 3=Neither agree nor disagree 4=Agree 5=Strongly agree</p> <p>This approach worked well for me</p> <p>This approach worked well for my ex-partner/the other party</p> <p>This approach worked well for the children</p> <p>I had an adequate opportunity to put my position forward</p> <p>My ex-partner/the other party had an adequate opportunity to put their position forward</p> <p>The process was fair</p> <p>The time it took to make the arrangements was reasonable</p> <p>The financial cost of making the arrangements was reasonable</p> <p>I was satisfied with the approach taken</p>
FUP38	<p>Looking back, would you rather have taken a different approach to make or change your parenting arrangements?</p> <p>1=Yes 0=No [Go to FUP40] 99=Don't know/not sure [Go to FUP 40]</p>
FUP39	<p>If FUP38=1</p> <p>What approach would you rather have taken to make or change your parenting arrangements?</p> <p>1=Mainly by ourselves 2=Privately through a professional (e.g., lawyer, counsellor) 3=Through Family Dispute Resolution (FDR)/Family Mediation 4=Through the Family Court 77=Some other way [Go to FUP39ota]</p>

FUP39ota	<p>If FUP39=77</p> <p>Please specify how you would rather have made or changed your parenting arrangements?</p> <p>Open text box</p>
FUP40	<p>When were your parenting arrangements decided?</p> <p>If you can't remember the exact date please provide the best approximate date. Otherwise select 'Don't know'.</p> <p>Drop down for month and year mm/yyyy (Don't know at top)</p>
FUP41	<p>Approximately how long did it take to have your parenting arrangements decided?</p> <p>Open text box</p>
FUP42	<p>At the time the parenting arrangements were decided, how satisfied were you with them?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
FUP43	<p>At the time the parenting arrangements were decided, how fair did you think they were?</p> <p>1=Very unfair 2=Unfair 3=Neither fair nor unfair 4=Fair 5=Very fair</p>
FUP44	<p>At the time the parenting arrangements were decided, how confident were you that they would work?</p> <p>1=Very unconfident 2=Unconfident 3=Neither confident nor unconfident 4=Confident 5=Very confident</p>

FUP45	<p>Were these parenting arrangements formalised in a parenting agreement, parenting plan or Court order?</p> <p>1=No 2=Yes – In an informal parenting agreement or parenting plan (e.g., a verbal agreement or understanding) 3=Yes – In a written parenting agreement or parenting plan 4=Yes – In a Consent Order made by the Family Court 5=Yes – In Parenting Orders made by the Family Court (i.e., a Judge determined the children’s day-to-day care and contact arrangements) 77=Other [Go to FUP45ota] 99=Don’t know/not sure</p>
FUP45ota	<p>If FUP45=77 Please specify how the parenting arrangements were formalised:</p> <p>Open text box</p>
FUP46a FUP46b FUP46c FUP46d FUP46e FUP46f FUP46g FUP46ot FUP46h	<p>Now we are interested in the cost of making these parenting arrangements. What did you spend money on? Please select all that apply. (selected=1, not selected=0 for all)</p> <p>Legal fees/lawyer Private counselling Private mediation Family Dispute Resolution (FDR)/Family Mediation Court fees The Family Court ordered me to pay Cost contributions for Lawyer for the Child or a specialist report The Court ordered me to pay costs to the other party Something else [Go to FUP46ota] None of the above</p>
FUP46ota	<p>If FUP46ot=1 Please specify what else you spent money on to make these parenting arrangements:</p> <p>Open text box</p>

FUP47	<p>What was the total cost, to you, to make these parenting arrangements?</p> <p>1=Nothing 2=\$1-\$500 3=\$501-\$1000 4=\$1001-\$2000 5=\$2001-\$5000 6=\$5001-\$10,000 7=\$10,001-\$20,000 8=\$20,001-\$50,000 9=\$50,001-\$75,000 10=\$75,001-\$100,000 11=\$100,001-\$150,000 12=\$150,001-\$200,000 13=\$200,001 or more 99=Don't know</p>
FUP48	<p>Was this amount reasonable to you?</p> <p>1=Yes 0=No</p>
FUP49	<p>Was this amount affordable for you?</p> <p>1=Yes 0=No</p>
FUP50	<p>Did you receive Legal aid?</p> <p>1=Yes 0=No</p>
FUP51	<p>Please add any comments you might have about the cost of making or changing parenting arrangements:</p> <p>Open text box</p>
FUP52	<p>Since making these parenting arrangements, have you had to change them?</p> <p>0=No, these are the current arrangements [Go to FUP9series] 1=Yes, minor changes have been needed (e.g., changing the time of contact, changing pick-up and drop-off arrangements) 2=Yes, substantial changes have been needed (e.g., changing who the children live with, major changes to contact arrangements, relocation)</p>

FUP53	<p>If FUP52≠0</p> <p>How were these new parenting arrangements made?</p> <p>1=Nothing specific, they just happened 2=Mainly by ourselves 3=Privately through a professional (e.g., lawyer, counsellor) 4=Through Family Dispute Resolution (FDR)/Family Mediation 5=Through the Family Court 77=Some other way [Go to FUP53ota]</p>
FUP53ota	<p>If FUP53=77</p> <p>Please specify how the new parenting arrangements were made:</p> <p>Open text box</p>
FUP9a FUP9b FUP9c FUP9d FUP9e FUP9f FUP9g FUP9h FU9ot FU9i	<p>Since you completed the first survey on DATE have you used any of the following services and/or professionals in relation to your parenting arrangements? Please select all that apply. (1=selected, 0=not selected)</p> <p>FUP9a Lawyer FUP9b Ministry of Justice website FUP9c Ministry of Justice/Family Court 0800 2 AGREE phoneline FUP9d Parenting Through Separation – <i>free parenting information programme</i> FUP9e Family Legal Advice Service (FLAS) – <i>free initial legal advice and help with form filling</i> FUP9f Family Dispute Resolution (FDR)/Family Mediation – <i>intake and assessment</i> FUP9g Family Dispute Resolution (FDR)/Family Mediation – <i>joint mediation sessions</i> FUP9h Family Court FU9ot Other professionals, agencies and/or services [Go to FUP9ota] FU9i None of the above</p>
FUP9ota	<p>Please specify which other professionals, agencies and/or services you used in relation to your parenting arrangements:</p> <p>Open text box</p>
FUP10	<p>What are the children’s current living arrangements?</p> <p>1=The children (mainly) live with me 2=The children (mainly) live with their other parent/caregiver 3=The children live (more or less) equally with me and their other parent or caregiver [shared care] 77=Other e.g., there are different living arrangements for each child [split care]</p>
FUP11	<p>Please briefly specify the children’s current day-to-day care and contact arrangements:</p> <p>Open text box</p>

FUP12	<p>How satisfied are you with these day-to-day care and contact arrangements?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
FUP13	<p>Overall, how have your parenting arrangements worked out since you completed the first survey on DATE?</p> <p>1=Very poorly 2=Poorly 3=Neither well nor poorly 4=Well 5=Very well 88=Not applicable</p>
FUP14	<p>Please briefly explain the reason(s) for your rating of how well your parenting arrangements have worked out since you completed the first survey.</p> <p>Open text</p>
FUP15	<p>Do you anticipate any changes to your parenting arrangement over the next 6 months?</p> <p>1=Yes 2=Maybe 0=No</p>
FUP16	<p>Finally, how would you describe your relationship with your ex-partner/the other party now?</p> <p>1=Very poor 2=Poor 3=Neither poor nor good 4=Good 5=Very good 88=Not applicable</p>
FUP17	<p>Please add any final comments you may have about making or changing parenting arrangements:</p> <p>Open text box</p>

Appendix G: Follow-up Survey 2A

<p>Post-separation parenting arrangements can change over time as family circumstances and children's needs change. This follow-up survey asks about whether there have been any changes to your parenting arrangements and if you have used any family justice services since you completed our last follow-up survey.</p>	
2FU1	<p>Have your parenting arrangements changed since you completed the last follow-up survey on DATE?</p> <p>0=No [Go to 2FU2] 1=Yes, minor changes have been made (e.g., changing the time of contact, changing pick-up and drop-off arrangements) [Go to 2FU5] 2=Yes, substantial changes have been made (e.g., changing who the children live with, major changes to contact arrangements, relocation) [Go to 2FU5]</p>
2FU2	<p>If 2FU1=0 Even though your parenting arrangements haven't changed, have any attempts been made to change them since you completed the last follow-up survey on DATE?</p> <p>0=No [Go to 2FU9series] 1=Yes, the process is now completed, but the arrangements did not change 2=Yes, but the process is not yet completed</p>
2FU3	<p>If 2FU2≠0 Please briefly explain what changes to your parenting arrangements were considered and the reason(s) for this:</p> <p>Open text box</p> <p>If 2FU2=2 [Go to 2FU9series]</p>
2FU4	<p>If 2FU2=1 How was the matter resolved?</p> <p>1=Nothing specific, it just happened [Go to 2FU9series] 2=Mainly by ourselves [Go to 2FU9series] 3=Privately through a professional (e.g., lawyer, counsellor) [Go to 2FU9series] 4=Through Family Dispute Resolution (FDR)/Family Mediation [Go to 2FU9series] 5=Through the Family Court [Go to 2FU9series] 6=Through a higher Court (e.g. High Court, Court of Appeal or Supreme Court) [Go to 2FU9series] 77=Some other way [Go to 2FU4ota]</p>
2FU4ota	<p>If 2FU4=77 Please specify how the matter was resolved:</p> <p>Open text box [Go to 2FU9series]</p>

2FU5	<p>If 2FU1≠0</p> <p>Please briefly outline the change(s) made to your parenting arrangements and the reason(s) for this:</p> <p>Open text box</p>
2FU6	<p>If 2FU1≠0</p> <p>Who decided on these new parenting arrangements?</p> <p>1=No-one really, they just happened 2=My ex-partner/the other party and I decided together 3=I decided 4=My ex-partner/the other party decided 5=The children decided 6=A judge decided 77=Someone else decided [Go to 2FU6ota]</p>
2FU6ota	<p>If 2FU6=77</p> <p>Please specify who decided on these new parenting arrangements:</p> <p>Open text box</p>
2FU7	<p>If 2FU1≠0</p> <p>How were these new parenting arrangements made?</p> <p>1=Nothing specific, they just happened 2=Mainly by ourselves 3=Privately through a professional (e.g., lawyer, counsellor) 4=Through Family Dispute Resolution (FDR)/Family Mediation 5=Through the Family Court 6=Through a higher Court (e.g., High Court, Court of Appeal or Supreme Court) 77=Some other way [Go to 2FU7ota]</p>
2FU7ota	<p>If 2FU7=77</p> <p>Please specify how the new parenting arrangements were made:</p> <p>Open text box</p>
2FU8	<p>Why was this particular approach taken (i.e., how the arrangements were made and by whom) to change your parenting arrangements?</p> <p>Open text box</p>

2FU9a 2FU9b 2FU9c 2FU9d 2FU9e 2FU9f 2FU9g 2FU9h 2FU9ot 2FU9i	<p>Since you completed the last follow-up survey on DATE have you used any of the following services and/or professionals in relation to your parenting arrangements? Please select all that apply. (1=selected, 0=not selected)</p> <p>Lawyer</p> <p>Ministry of Justice website</p> <p>Ministry of Justice/Family Court 0800 2 AGREE phoneline</p> <p>Parenting Through Separation – <i>free parenting information programme</i></p> <p>Family Legal Advice Service (FLAS) – <i>free initial legal advice and help with form filling</i></p> <p>Family Dispute Resolution (FDR)/Family Mediation – <i>intake and assessment</i></p> <p>Family Dispute Resolution (FDR)/Family Mediation – <i>joint mediation sessions</i></p> <p>Family Court</p> <p>Other professionals, agencies and/or services [Go to 2FU9ota]</p> <p>None of the above</p>
2FU9ota	<p>If 2FU9ot=1</p> <p>Please specify which other professionals, agencies and/or services you used in relation to your parenting arrangements:</p> <p>Open text box</p>
2FU10	<p>What are the children’s current living arrangements?</p> <p>1=The children (mainly) live with me</p> <p>2=The children (mainly) live with their other parent/caregiver</p> <p>3=The children live (more or less) equally with me and their other parent or caregiver [shared care]</p> <p>77=Other e.g., there are different living arrangements for each child [split care]</p>
2FU11	<p>Please briefly specify the children’s current day-to-day care and contact arrangements:</p> <p>Open text box</p>
2FU12	<p>How satisfied are you with these day-to-day care and contact arrangements?</p> <p>1=Very dissatisfied</p> <p>2=Dissatisfied</p> <p>3=Neither satisfied nor dissatisfied</p> <p>4=Satisfied</p> <p>5=Very satisfied</p>

2FU13	<p>Overall, how have your parenting arrangements worked out since you completed the last follow-up survey on DATE?</p> <p>1=Very poorly 2=Poorly 3=Neither well nor poorly 4=Well 5=Very well 88=Not applicable</p>
2FU14	<p>Please briefly outline the reason(s) for your rating of how well your parenting arrangements have worked out since you completed the last follow-up survey:</p> <p>Open text</p>
2FU15	<p>Do you anticipate any changes to your parenting arrangement over the next 6 months?</p> <p>1=Yes 2=Maybe 0=No</p>
2FU16	<p>Finally, how would you describe your relationship with your ex-partner/the other party now?</p> <p>1=Very poor 2=Poor 3=Neither poor nor good 4=Good 5=Very good 88=Not applicable</p>
2FU17	<p>Please add any final comments you may have about making or changing parenting arrangements:</p> <p>Open text box</p>

Appendix H: Follow-up Survey 2B

This follow-up survey asks about your parenting arrangements and whether you have used any family justice services since you completed our last follow-up survey.	
2FUP1	<p>At the time you completed our last follow-up survey on DATE you indicated that you were still in the process of making or changing parenting arrangements.</p> <p>Did you complete this process of making or changing parenting arrangements (even if those parenting arrangements have since changed, or might change in the future)?</p> <p>1=Yes [Go to 2FUP26]</p> <p>0=No</p>
2FUP2	<p>If 2FUP1=0</p> <p>Please briefly update us on what has happened since you completed the last follow-up survey on DATE in relation to making or changing the parenting arrangements:</p> <p>Open text box</p> <p>[Go to 2FUP9 series]</p>
2FUP26	<p>We are interested in how you made those parenting arrangements and your views on this process.</p> <p>In the end, who decided on your parenting arrangements?</p> <p>1=No-one really, they just happened 2=My ex-partner/the other party and I decided together 3=I decided 4=My ex-partner/the other party decided 5=The children decided 6=A judge decided 77=Someone else decided [Go to 2FUP26ota]</p>
2FUP26ota	<p>If 2FUP26=77</p> <p>Please specify who decided on your parenting arrangements:</p> <p>Open text box</p>
2FUP27	<p>In the end, how were your parenting arrangements made?</p> <p>1=Nothing specific, they just happened 2=Mainly by ourselves 3=Privately through a professional (e.g., lawyer, counsellor) 4=Through Family Dispute Resolution (FDR)/Family Mediation 5=Through the Family Court 77=Some other way [Go to 2FUP27ota]</p>

2FUP27ota	<p>If 2FUP27=77</p> <p>Please specify how your parenting arrangements were made:</p> <p>Open text box</p>
2FUP28	<p>Why was this particular approach taken (i.e., how the arrangements were made and by whom) to reach your parenting arrangements?</p> <p>Open text box</p>
2FUP29 2FUP30 2FUP31 2FUP32 2FUP33 2FUP34 2FUP35 2FUP36 2FUP37	<p>Now we are interested in how well this approach worked.</p> <p>Please indicate how much you agree or disagree with the following statements:</p> <p>1=Strongly disagree 2=Disagree 3=Neither agree nor disagree 4=Agree 5=Strongly agree</p> <p>This approach worked well for me This approach worked well for my ex-partner/the other party This approach worked well for the children I had an adequate opportunity to put my position forward My ex-partner/the other party had an adequate opportunity to put their position forward The process was fair The time it took to make the arrangements was reasonable The financial cost of making the arrangements was reasonable I was satisfied with the approach taken</p>
2FUP38	<p>Looking back, would you rather have taken a different approach to make or change your parenting arrangements?</p> <p>1=Yes 0=No [Go to 2FUP40] 99=Don't know/not sure [Go to 2FUP 40]</p>
2FUP39	<p>If 2FUP38=1</p> <p>What approach would you rather have taken to make or change your parenting arrangements?</p> <p>1=Mainly by ourselves 2=Privately through a professional (e.g., lawyer, counsellor) 3=Through Family Dispute Resolution (FDR)/Family Mediation 4=Through the Family Court 77=Some other way [Go to 2FUP39ota]</p>

2FUP39ota	<p>If 2FUP39=77</p> <p>Please specify how you would rather have made or changed your parenting arrangements?</p> <p>Open text box</p>
2FUP40	<p>When were your parenting arrangements decided?</p> <p>If you can't remember the exact date please provide the best approximate date. Otherwise select 'Don't know'.</p> <p>Drop down for month and year mm/yyyy (Don't know at top)</p>
2FUP41	<p>Approximately how long did it take to have your parenting arrangements decided?</p> <p>Open text box</p>
2FUP42	<p>At the time the parenting arrangements were decided, how satisfied were you with them?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
2FUP43	<p>At the time the parenting arrangements were decided, how fair did you think they were?</p> <p>1=Very unfair 2=Unfair 3=Neither fair nor unfair 4=Fair 5=Very fair</p>
2FUP44	<p>At the time the parenting arrangements were decided, how confident were you that they would work?</p> <p>1=Very unconfident 2=Unconfident 3=Neither confident nor unconfident 4=Confident 5=Very confident</p>

2FUP45	<p>Were these parenting arrangements formalised in a parenting agreement, parenting plan or Court order?</p> <p>1=No 2=Yes – In an informal parenting agreement or parenting plan (e.g., a verbal agreement or understanding) 3=Yes – In a written parenting agreement or parenting plan 4=Yes – In a Consent Order made by the Family Court 5=Yes – In Parenting Orders made by the Family Court (i.e., a Judge determined the children’s day-to-day care and contact arrangements) 77=Other [Go to 2FUP45ota] 99=Don’t know/not sure</p>
2FUP45ota	<p>If 2FUP45=77</p> <p>Please specify how the parenting arrangements were formalised:</p> <p>Open text box</p>
2FUP46a 2FUP46b 2FUP46c 2FUP46d 2FUP46e 2FUP46f 2FUP46g 2FUP46ot 2FUP46h	<p>Now we are interested in the cost of making these parenting arrangements. What did you spend money on? Please select all that apply. (selected=1, not selected=0 for all)</p> <p>Legal fees/lawyer Private counselling Private mediation Family Dispute Resolution (FDR)/Family Mediation Court fees The Family Court ordered me to pay Cost contributions for Lawyer for the Child or a specialist report The Court ordered me to pay costs to the other party Something else [Go to 2FUP46ota] None of the above</p>
2FUP46ota	<p>If 2FUP46ot=1</p> <p>Please specify what else you spent money on to make these parenting arrangements:</p> <p>Open text box</p>

2FUP47	<p>What was the total cost, to you, to make these parenting arrangements?</p> <p>1=Nothing 2=\$1-\$500 3=\$501-\$1000 4=\$1001-\$2000 5=\$2001-\$5000 6=\$5001-\$10,000 7=\$10,001-\$20,000 8=\$20,001-\$50,000 9=\$50,001-\$75,000 10=\$75,001-\$100,000 11=\$100,001-\$150,000 12=\$150,001-\$200,000 13=\$200,001 or more 99=Don't know</p>
2FUP48	<p>Was this amount reasonable to you?</p> <p>1=Yes 0=No</p>
2FUP49	<p>Was this amount affordable for you?</p> <p>1=Yes 0=No</p>
2FUP50	<p>Did you receive Legal aid?</p> <p>1=Yes 0=No</p>
2FUP51	<p>Please add any comments you might have about the cost of making or changing parenting arrangements:</p> <p>Open text box</p>
2FUP52	<p>Since making these parenting arrangements, have you had to change them?</p> <p>0=No, these are the current arrangements [Go to 2FUP9series] 1=Yes, minor changes have been needed (e.g., changing the time of contact, changing pick-up and drop-off arrangements) 2=Yes, substantial changes have been needed (e.g., changing who the children live with, major changes to contact arrangements, relocation)</p>

2FUP53	<p>If 2FUP52≠0</p> <p>How were these new parenting arrangements made?</p> <p>1=Nothing specific, they just happened 2=Mainly by ourselves 3=Privately through a professional (e.g., lawyer, counsellor) 4=Through Family Dispute Resolution (FDR)/Family Mediation 5=Through the Family Court 77=Some other way [Go to 2FUP53ota]</p>
2FUP53ota	<p>If 2FUP53=77</p> <p>Please specify how the new parenting arrangements were made:</p> <p>Open text box</p>
2FUP9a 2FUP9b 2FUP9c 2FUP9d 2FUP9e 2FUP9f 2FUP9g 2FUP9h 2FU9ot 2FU9i	<p>Since you completed the last follow-up survey on DATE have you used any of the following services and/or professionals in relation to your parenting arrangements? Please select all that apply. (1=selected, 0=not selected)</p> <p>Lawyer Ministry of Justice website Ministry of Justice/Family Court 0800 2 AGREE phonenumber Parenting Through Separation – <i>free parenting information programme</i> Family Legal Advice Service (FLAS) – <i>free initial legal advice and help with form filling</i> Family Dispute Resolution (FDR)/Family Mediation – <i>intake and assessment</i> Family Dispute Resolution (FDR)/Family Mediation – <i>joint mediation sessions</i> Family Court Other professionals, agencies and/or services [Go to 2FUP9ota] None of the above</p>
2FUP9ota	<p>Please specify which other professionals, agencies and/or services you used in relation to your parenting arrangements:</p> <p>Open text box</p>
2FUP10	<p>What are the children's current living arrangements?</p> <p>1=The children (mainly) live with me 2=The children (mainly) live with their other parent/caregiver 3=The children live (more or less) equally with me and their other parent or caregiver [shared care] 77=Other e.g., there are different living arrangements for each child [split care]</p>
2FUP11	<p>Please briefly specify the children's current day-to-day care and contact arrangements:</p> <p>Open text box</p>

2FUP12	<p>How satisfied are you with these day-to-day care and contact arrangements?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
2FUP13	<p>Overall, how have your parenting arrangements worked out since you completed the last follow-up survey on DATE?</p> <p>1=Very poorly 2=Poorly 3=Neither well nor poorly 4=Well 5=Very well 88=Not applicable</p>
2FUP14	<p>Please briefly explain the reason(s) for your rating of how well your parenting arrangements have worked out since you completed the last follow-up survey:</p> <p>Open text</p>
2FUP15	<p>Do you anticipate any changes to your parenting arrangement over the next 6 months?</p> <p>1=Yes 2=Maybe 0=No</p>
2FUP16	<p>Finally, how would you describe your relationship with your ex-partner/the other party now?</p> <p>1=Very poor 2=Poor 3=Neither poor nor good 4=Good 5=Very good 88=Not applicable</p>
2FUP17	<p>Please add any final comments you may have about making or changing parenting arrangements:</p> <p>Open text box</p>

Appendix I: Information Sheet for Interview



Parenting Arrangements After Separation Study (PASS)

Thank you for your interest in this study. Please read this information sheet carefully before deciding whether to participate further. If you decide to continue your participation we thank you. If you decide not to take part there will be no disadvantage to you and we thank you for considering our request.

Information Sheet (B) for
Parents/Caregivers

What is the Aim of the Study?

The Faculty of Law and the Children's Issues Centre at the University of Otago are doing a study about how separated parents or caregivers make or change children's day-to-day care and contact arrangements. We are interested in the different ways that parents and caregivers make these parenting arrangements, and their experiences of, and satisfaction with, any family justice services they use. We also want to better understand how parents make parenting arrangements themselves without using any (or many) of these services. We will be asking professionals about their views on, and experiences of, the New Zealand family justice system as well. We want to find out, from both parents and professionals, what is working well and whether any improvements are needed in order to better help separated families.

What Type of Participants are being sought?

This study is for separated parents or caregivers who have had to make or change arrangements for children's care in New Zealand since **1 April 2014**, either by themselves or with the assistance of family justice professionals and services. These could be parenting arrangements that have been made for the first time or when significant changes to existing arrangements have been needed. Caregivers, such as grandparents or other family members, may have had to make or change parenting arrangements for children in their care or whom they have contact with too. They are also most welcome to participate in the study.


We invite all parents and caregivers who completed our online survey on making or changing parenting arrangements to now participate further in our study.

What will Participants be Asked to Do?

If you agree to participate further this will involve being **interviewed** by a member of the research team via telephone or face-to-face (depending on your location). This should take about 30 minutes and will be arranged for a time convenient for you.

You can decline to answer any questions if you wish to. We do not anticipate any risk associated with taking part in the interview. However, if you need some support with your family and/or personal situation, there is a list of services and agencies available on our study website (passnz.co.nz).

Please be aware that you may decide not to participate further in the study without any disadvantage to yourself of any kind.



Parenting Arrangements After Separation Study (PASS)

What Data or Information will be Collected and What Use will be Made of it?

The interview will ask you about similar issues to those covered in the online survey like your views on, and experiences of, making or changing parenting arrangements, and your satisfaction with any family justice services you might have used. The interview will provide an opportunity for you to discuss these issues more fully with the researcher.

The interviews will be audio-recorded and transcribed by either a member of the research team or a professional transcriber, who will each sign a confidentiality agreement. Participants will be assigned a unique identification number and no names or identifying details will be included on any audio-files or transcribed material. Only members of the research team (or those employed by the research team) will have access to the data that will be stored securely.

The study findings will not identify individual participants and the responses from all those who take part in an interview will be combined and analysed as a group. Quotes from interview transcripts may be used in reports in an unidentifiable way. The findings of the research will be written in a report that will be made publicly available and distributed to key stakeholders, family justice professionals and other interested parties to help them better assist families to make parenting arrangements in the future. Articles will also be published in journals or presented at conferences. Every attempt will be made to preserve your anonymity.

A summary of the study findings and the final report will be made available on our study website (passnz.co.nz), and participants may also contact the research team directly to obtain a copy.

The data collected will be securely stored in such a way that only the research team can access it. Data obtained as a result of the research will be retained for **at least 5 years** in secure storage. Any personal information held on the participants (such as contact details if provided) may be destroyed at the completion of the research even though the data derived from the research will, in most cases, be kept for much longer or possibly indefinitely.

Can Participants Change their Mind and Withdraw from the Study?

You may withdraw from participation in the study at any time before the data are analysed without any disadvantage to yourself of any kind.

What if Participants have any Questions?

If you have any questions about our study, either now or in the future, please feel free to contact the Project Manager:-

Dr Megan Gollop
Children's Issues Centre
University of Otago
Tel: (03) 479 4918; 0800-472 776
Email: megan.gollop@otago.ac.nz; passnz@otago.ac.nz

**To contact a member of the
research team:
Ring: 0800-4-PASSNZ [0800-472 776]
Email: passnz@otago.ac.nz
Web: passnz.co.nz**

This study has been approved by the University of Otago Human Ethics Committee (Reference Number: 16/164). If you have any concerns about the ethical conduct of the research you may contact the Committee through the Human Ethics Committee Administrator (ph +643 479 8256 or email gary.witte@otago.ac.nz). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.

Appendix J: Consent Form for Interview

[Reference Number 16/164]



PARENTING ARRANGEMENTS AFTER SEPARATION STUDY (PASS)

CONSENT FORM FOR PARENTS/CAREGIVERS

I have read the Information Sheet concerning this project and understand what it is about. All my questions have been answered to my satisfaction. I understand that I am free to request further information at any stage.

I know that:-

1. My participation in the project is entirely voluntary;
2. I am free to withdraw from the project at any time without any disadvantage;
3. Personal identifying information such as audio-recordings may be destroyed at the conclusion of the project but any raw data on which the results of the project depend will be retained in secure storage for at least five years;
4. This project involves an open-questioning technique. The general line of questioning includes similar topics as in the online survey about your views and experiences of making parenting arrangements. The precise nature of the questions which will be asked have not been determined in advance, but will depend on the way in which the interview develops and that in the event that the line of questioning develops in such a way that I feel hesitant or uncomfortable I may decline to answer any particular question(s) and/or may withdraw from the project without any disadvantage of any kind.
5. This project is funded by the New Zealand Law Foundation.
6. The results of the project may be published and will be available in the University of Otago Library (Dunedin, New Zealand) but every attempt will be made to preserve my anonymity.

I agree to take part in this project.

.....
(Signature of participant)

.....
(Date)

.....
(Printed Name)

..... (Name of person taking consent)

Appendix K: Interview Schedule

INTRODUCTION

The interview will cover similar issues as in the survey, but will explore your views and experiences in more depth. It is an opportunity for you to reflect on the ways you made / are making your parenting arrangements, the sequence of steps you have taken, what has helped and/or hindered you in making arrangements; and the impact of this process on you, your child(ren) and your family.

New Zealand's Family Justice system was reformed in 2014 and we are interested in finding out how people now make parenting arrangements within this new system. We'd like to understand what is working well for families and whether any improvements are needed to better help separated families make parenting arrangements for children.

1. PATHWAY SEQUENCE

Firstly, we are interested in the different pathways that people take to make parenting arrangements and the sequence of the steps they took.

- When you had to make or change your parenting arrangements, did you know what to do? How did you know what to do? / where to start?
- How well informed did you feel about how to make parenting arrangements and the family justice services on offer to you?

For those who have made arrangements [RP3=0]:

I note that you said in the survey that you RP24 series responses:

- Took informal steps
- Used some community or private services
- Used lawyers
- Used some family justice services such as [RP24i-t series]

And that ultimately, you made your arrangements: Mainly by yourselves/Private through a professional/Through Family Dispute Resolution/Through the Family Court [RP27]

For those who are still in the process [RP3=1]:

I note that you said in the survey that you are still in the process of making your arrangements and that so far you have RP24 series responses:

- Taken informal steps
- Used some community or private services
- Used lawyers
- Used some family justice services such as [RP24i-t series]

Can you just talk me through the sequence you took.

- Who was first person/professional you spoke to/got advice from – what did they recommend?
- What did you do next? etc

Which were the most helpful steps and why?

How much choice did you feel you had over the process of making your parenting arrangements and the sequence you took?

How well do you feel your views and interests were taken into account in the process?

How well were the children's views and interests taken into account?

2. FACTORS INFLUENCING PATHWAY

What factors influenced the pathway that you took? Why did you make your arrangements this way?

- Inter-parental and co-parenting relationship?
- Other party's engagement or lack of?
- Financial reasons?
- Personal beliefs about best approach?
- Children's views?
- Safety?

3. FAMILY JUSTICE SERVICES

Now we would like to ask you a bit more about your experiences of and satisfaction with the family justice services that you used.

So you said in your survey you used ...

Website

0800 number

PTS

FLAS

FDR

FC

For each service:

So, you used [service]. How was that for you? Tell me about your experience of using/attending [service]? Was this helpful for you?

4. WHAT HELPED?

Overall, what helped / is helping you to make arrangements?

- What worked well?

5. WHAT HINDERED?

Overall, what hindered / is hindering you in making arrangements?

- What didn't work well? Did you experience any barriers or challenges?
- What would have made/make things easier for you?

6. EFFECT OF MAKING ARRANGEMENTS

Now we would like to talk about the effect of making your parenting arrangements on you and your child(ren), and your co-parental relationship with your ex-partner (the other party).

- Overall, was it a **positive or negative process** – for you? Your child(ren)? Your ex-partner/the other party? Why?
- How did the decision-making process affect you? Your children? Your children's relationship with their other parent / the other party?
- Did the process of making your parenting arrangements impact on your **relationship with your ex-partner / other party** and, if so, how?
- How did the process affect your **co-parenting relationship** with your ex-partner / the other party? So, by this we mean how you make decisions about your children, for example, about health, education etc. If so, how?
 - Did the process of making your parenting arrangements affect the way you co-parent and communicate about your children and their care?
 - What approach would you take next time a parenting challenge arises?
- (Depending on time since resolution) Has your relationship with your ex-partner/other party changed over time? e.g., have things improved/deteriorated over time? Why?

7. OUTCOMES

We are also interested in your view of the outcome of the process of making your parenting arrangements.

For those whose parenting arrangements have been resolved:

- At the time, how satisfied were you with the arrangements that were made?
- How fair did you think they were?
- How confident were you that they would work?
- How have the arrangements worked out? Any problems or challenges?
- How have the children responded to the arrangements? Have they asked for any changes?
- Have the parenting arrangements changed since then? Why? How did you do that?
- Any changes to your situation that impacted on your parenting arrangements?
- Have you had to re-engage with any family justice services since making your arrangements? If so, which ones? How did that work out?
- Do you anticipate any further changes to your parenting arrangements in the future?
 - If so, how would you go about doing this?
 - Would you use the same process again?

For those still in the process:

- How confident do you feel that you will be able to finalise your parenting arrangements?
- What steps still need to be taken? What else needs to happen? How do you see this working out for you, your child(ren) and your family?

8. REFORMS

Finally, we would like to ask you about the 2014 Family Law Reforms.

The reforms were designed to make the process of making parenting arrangements less adversarial, less expensive, and faster for families. They also placed a much greater emphasis on supporting parents and caregivers to reach their own decisions by using out-of-court services like mediation, rather than lawyers and the Family Court. There were also changes to the Family Court to improve its response to family violence and make it more efficient and effective.

- Were you aware of these reforms when you started making your parenting arrangements? Did you know about new services such as Family Dispute Resolution and the Family Legal Advice Service?
 - If yes, what did you know about the reforms?
- In principle, do you agree with the aims of the reforms? Do you think that parents should be supported to reach their own decisions about parenting arrangements rather than having to use lawyers and the Family Court?
 - How is the best way to support parents to do this?
- Parents are being encouraged to represent themselves instead of using lawyers – do you have any views on this?
- From your perspective, having gone through the process of making your parenting arrangements, do you think the reforms have been effective in achieving their goals/been a good idea?
 - Why? Why not?
- The reforms and the new services only relate to making parenting arrangements so issues, such as relationship property and child support, still need to be dealt with separately. What are your views on this?
- Are there any (new or different) types of services that you think would be helpful for separated parents and their child(ren)?
- Are there any improvements that you would like to see?
- Would any of these have made a difference for you?

9. ON REFLECTION

- What advice would you give to professionals working in the family justice sector?
- What advice would you give to other people making parenting arrangements?

How did you find out about the study?

Appendix L: Full Data Tables

Table 194: This approach worked well for me – full data

Resolution pathway	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree	TOTAL <i>n</i>
Nothing specific, they just happened/unilateral	13.3%	23.3%	33.3%	10.0%	20.0%	30
Mainly by ourselves	5.8%	7.7%	8.7%	46.9%	30.9%	207
Privately through a professional	10.2%	8.2%	20.4%	46.9%	14.3%	49
Through Family Dispute Resolution	19.3%	22.8%	15.8%	29.8%	12.3%	57
Through the Family Court	40.6%	12.2%	18.3%	17.8%	11.1%	180
TOTAL <i>n</i>	105	62	80	172	104	523

Table 195: This approach worked well for my ex-partner/the other party – full data

Resolution pathway	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree	TOTAL <i>n</i>
Nothing specific, they just happened/unilateral	-	13.3%	36.7%	26.7%	23.3%	30
Mainly by ourselves	2.9%	2.4%	17.5%	45.2%	32.0%	206
Privately through a professional	2.0%	10.2%	42.9%	34.7%	10.2%	49
Through Family Dispute Resolution	1.8%	10.5%	36.8%	26.3%	24.6%	57
Through the Family Court	13.0%	10.7%	32.8%	18.6%	24.9%	177
TOTAL <i>n</i>	31	39	147	166	136	519

Table 196: This approach worked well for the children – full data

Resolution pathway	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree	TOTAL <i>n</i>
Nothing specific, they just happened/unilateral	20.0%	20.0%	20.0%	13.3%	26.7%	30
Mainly by ourselves	4.8%	6.3%	9.2%	34.8%	44.9%	207
Privately through a professional	16.3%	6.1%	16.3%	42.9%	18.4%	49
Through Family Dispute Resolution	19.3%	15.8%	22.8%	29.8%	12.3%	57
Through the Family Court	43.9%	16.1%	13.3%	11.1%	15.6%	180
TOTAL <i>n</i>	114	60	70	134	145	523

Table 197: I had an adequate opportunity to put my position forward – full data

Resolution pathway	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree	TOTAL <i>n</i>
Nothing specific, they just happened/unilateral	23.3%	26.7%	20.0%	10.0%	20.0%	30
Mainly by ourselves	7.7%	11.1%	10.1%	42.0%	29.0%	207
Privately through a professional	12.2%	10.2%	12.2%	51.0%	14.3%	49
Through Family Dispute Resolution	10.5%	14.0%	17.5%	45.6%	12.8%	57
Through the Family Court	31.1%	25.0%	8.9%	22.2%	12.8%	180
TOTAL <i>n</i>	91	89	59	181	103	523

Table 198: My ex-partner/the other party had an adequate opportunity to put their position forward – full data

Resolution pathway	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree	TOTAL <i>n</i>
Nothing specific, they just happened/unilateral	3.3%	3.3%	23.3%	23.3%	46.7%	30
Mainly by ourselves	1.5%	2.4%	7.7%	56.5%	31.9%	207
Privately through a professional	2.0%	2.0%	10.2%	61.2%	24.5%	49
Through Family Dispute Resolution	1.8%	-	12.3%	57.9%	28.1%	57
Through the Family Court	1.7%	1.7%	12.9%	40.5%	43.3%	178
TOTAL <i>n</i>	9	10	58	259	185	521

Table 199: The process was fair – full data

Resolution pathway	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree	TOTAL <i>n</i>
Nothing specific, they just happened/unilateral	23.3%	23.3%	20.0%	20.0%	13.3%	30
Mainly by ourselves	7.7%	8.7%	14.5%	47.3%	21.7%	207
Privately through a professional	22.5%	4.1%	24.5%	38.8%	10.2%	49
Through Family Dispute Resolution	17.5%	24.6%	12.3%	35.1%	10.5%	57
Through the Family Court	43.9%	19.4%	12.2%	15.0%	9.4%	180
TOTAL <i>n</i>	123	76	77	170	77	523

Table 200: The time it took to make arrangements was reasonable – full data

Resolution pathway	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree	TOTAL n
Nothing specific, they just happened/unilateral	23.3%	10.0%	30.0%	26.7%	10.0%	30
Mainly by ourselves	6.8%	12.6%	13.5%	47.3%	19.8%	207
Privately through a professional	26.5%	20.4%	8.2%	40.8%	4.1%	49
Through Family Dispute Resolution	14.0%	21.1%	7.0%	47.4%	10.5%	57
Through the Family Court	51.7%	21.7%	8.9%	12.8%	5.0%	180
TOTAL n	135	90	61	176	61	523

Table 201: The financial cost of making the arrangements was reasonable – full data

Resolution pathway	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree	TOTAL n
Nothing specific, they just happened/unilateral	20.0%	23.3%	33.3%	10.0%	13.3%	30
Mainly by ourselves	7.7%	9.7%	21.7%	29.5%	31.4%	207
Privately through a professional	38.8%	18.4%	14.3%	24.5%	4.1%	49
Through Family Dispute Resolution	15.8%	10.5%	21.1%	38.6%	14.0%	57
Through the Family Court	58.9%	15.0%	12.8%	8.3%	5.0%	180
TOTAL n	156	69	97	113	88	523

Table 202: I was satisfied with the approach taken – full data

Resolution pathway	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree	TOTAL n
Nothing specific, they just happened/unilateral	36.7%	16.7%	13.3%	16.7%	16.7%	30
Mainly by ourselves	5.8%	8.7%	14.0%	44.9%	26.6%	207
Privately through a professional	14.3%	12.2%	28.6%	34.7%	10.2%	49
Through Family Dispute Resolution	15.8%	24.6%	15.8%	31.6%	12.3%	57
Through the Family Court	43.9%	20.6%	16.7%	13.3%	5.6%	180
TOTAL n	118	80	86	157	82	523

Table 203: Satisfaction with parenting arrangements at the time they were decided by resolution pathway – full data

Resolution pathway	Very dissatisfied	Dissatisfied	Neither satisfied nor dissatisfied	Satisfied	Very satisfied	TOTAL <i>n</i>
Nothing specific, they just happened/unilateral	16.7%	16.7%	26.7%	26.7%	13.3%	30
Mainly by ourselves	3.9%	12.6%	14.5%	47.8%	21.3%	207
Privately through a professional	8.2%	14.3%	20.4%	44.9%	12.2%	49
Through Family Dispute Resolution	19.3%	24.6%	19.3%	29.8%	7.0%	57
Through the Family Court	35.0%	15.0%	12.8%	22.2%	15.0%	180
TOTAL <i>n</i>	93	79	82	186	85	523

Table 204: Perceptions of fairness about parenting arrangements at the time they were decided resolution pathway – full data

Resolution pathway	Very unfair	Unfair	Neither fair nor unfair	Fair	Very fair	TOTAL <i>n</i>
Nothing specific, they just happened/unilateral	20.0%	20.0%	13.3%	33.3%	13.3%	30
Mainly by ourselves	4.8%	16.4%	14.5%	44.0%	20.3%	207
Privately through a professional	4.2%	16.7%	20.8%	45.8%	12.5%	48
Through Family Dispute Resolution	14.0%	22.8%	22.8%	26.3%	14.0%	57
Through the Family Court	31.1%	17.2%	12.8%	22.8%	16.1%	180
TOTAL <i>n</i>	82	92	80	179	89	522

Table 205: Confidence in parenting arrangements working at the time they were decided by resolution pathway – full data

Resolution pathway	Very unconfident	Unconfident	Neither confident nor unconfident	Confident	Very confident	TOTAL <i>n</i>
Nothing specific, they just happened/unilateral	13.3%	16.7%	23.3%	26.7%	20.0%	30
Mainly by ourselves	4.4%	15.9%	22.7%	40.1%	16.9%	207
Privately through a professional	4.1%	24.5%	26.5%	38.8%	6.1%	49
Through Family Dispute Resolution	15.8%	31.6%	24.6%	21.1%	7.0%	57
Through the Family Court	30.0%	22.8%	21.1%	16.1%	10.0%	180
TOTAL <i>n</i>	78	109	119	151	66	523

Table 206: Helpfulness of PTS content – full data

	Very unhelpful	Unhelpful	Neither helpful nor unhelpful	Helpful	Very helpful
How separation affects children, what children need, and how to talk to them about it (<i>n</i> =256)	5.1%	3.1%	25.4%	38.7%	27.7%
How to discuss parenting arrangements with the children's other parent or caregiver (<i>n</i> =254)	11.0%	15.4%	35.0%	28.3%	10.2%
How to make a parenting plan (<i>n</i> =251)	7.2%	9.2%	35.5%	33.5%	14.7%
How the Family Justice system works (<i>n</i> =252)	6.3%	9.1%	31.3%	37.7%	15.5%
Other community support services (<i>n</i> =231)	4.8%	11.3%	48.5%	25.5%	10.0%

Table 207: Percentage agreeing with statements about PTS – full data

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
Attending PTS was worthwhile (<i>n</i> =257)	11.3%	17.5%	20.2%	33.5%	17.5%
PTS helped me feel confident about what to do next to make parenting arrangements (<i>n</i> =256)	16.4%	18.0%	31.3%	23.4%	10.9%
PTS met my cultural or language needs (<i>n</i> =256)	1.6%	3.5%	41.0%	38.3%	15.6%
Attending PTS was difficult for me for practical reasons (<i>n</i> =254)	18.5%	37.8%	22.0%	16.5%	5.1%

Table 208: Views on FDR – full data

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
I felt comfortable with the mediator (<i>n</i> =140)	13.6%	10.7%	20.0%	35.0%	20.7%
The mediator was highly skilled (<i>n</i> =140)	12.1%	16.4%	20.7%	30.7%	20.0%
The mediator was effective in clarifying the issues we needed to discuss (<i>n</i> =140)	16.4%	10.7%	18.6%	35.0%	19.3%
It was helpful to have a third party facilitate the discussion with my ex-partner/the other party (<i>n</i> =137)	13.9%	8.0%	21.2%	29.9%	27.0%
I felt safe attending mediation (<i>n</i> =141)	17.0%	14.2%	14.9%	30.5%	23.4%
I felt pressured to reach agreement with my ex-partner/the other party (<i>n</i> =141)	6.4%	14.9%	17.7%	24.8%	36.2%
The mediation process was fair (<i>n</i> =140)	17.1%	25.0%	25.7%	22.1%	10.0%
I had enough of an opportunity to have my say (<i>n</i> =141)	18.4%	19.9%	15.6%	33.3%	12.8%
I gained a better understanding of my ex-partner's/the other party's perspective (<i>n</i> =141)	20.6%	21.3%	36.2%	16.3%	5.6%
The amount of time we had for mediation was sufficient (<i>n</i> =140)	16.4%	15.7%	27.9%	32.1%	7.9%
Attending mediation was difficult for me for practical reasons (e.g., transport, childcare, work commitments) (<i>n</i> =140)	8.6%	33.6%	22.9%	25.7%	9.3%
FDR/Family Mediation met my cultural or language needs (<i>n</i> =138)	2.2%	1.5%	37.0%	42.8%	16.7%
Going to mediation worked well for me (<i>n</i> =141)	37.6%	21.3%	19.9%	11.4%	9.9%
Going to mediation worked well for my ex-partner/the other party (<i>n</i> =139)	8.6%	14.4%	41.7%	15.8%	19.4%

Going to mediation worked well for the children (<i>n</i> =140)	35.0%	23.6%	17.1%	16.4%	7.9%
Going to mediation was worthwhile (<i>n</i> =141)	35.5%	19.2%	13.5%	18.4%	13.5%
FDR/Family Mediation was a better option than going to the Family Court (<i>n</i> =141)	24.8%	19.2%	20.6%	14.2%	21.3%
I only went to mediation because I had to (<i>n</i> =141)	16.3%	19.9%	12.1%	30.5%	21.3%
I would have preferred to go straight to the Family Court (<i>n</i> =141)	22.0%	25.5%	15.6%	14.9%	22.0%
Going to mediation has helped my ex-partner/the other party and I to resolve other parenting issues ourselves as they have arisen (<i>n</i> =141)	50.4%	19.2%	18.4%	9.2%	2.8%

Table 209: Views on Family Court experience – full data

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
The Judge was effective in clarifying the issues that needed to be resolved (n=294)	22.4%	12.9%	22.1%	30.3%	12.2%
It was helpful to have a Judge involved in making our parenting arrangements (n=295)	23.3%	9.5%	26.1%	25.1%	15.9%
I felt safe attending the Family Court (n=298)	22.1%	15.9%	21.5%	26.8%	13.8%
I felt pressured to reach agreement with my ex-partner/the other party (n=298)	6.4%	16.1%	17.4%	22.8%	37.2%
The Family Court process was fair (n=299)	39.1%	16.4%	22.4%	17.7%	4.3%
I had enough of an opportunity to have my say (n=299)	37.2%	21.4%	16.4%	18.7%	6.4%
Attending the Family Court was difficult for me for practical reasons (e.g., transport, childcare, work commitments) (n=299)	6.7%	23.1%	25.1%	25.4%	19.7%
The Family Court met my cultural or language needs (n=297)	7.7%	4.4%	37.3%	36.0%	14.5%
The Family Court was conveniently located for me (n=302)	10.6%	9.3%	18.5%	49.0%	12.6%
Going to the Family Court worked well for me (n=299)	33.4%	18.1%	19.1%	19.7%	9.7%
Going to the Family Court worked well for my ex-partner/the other party (n=293)	6.8%	8.9%	36.2%	19.1%	29.0%
Going to the Family Court worked well for the children (n=297)	39.4%	16.2%	18.5%	15.8%	10.1%
Going to the Family Court was worthwhile (n=298)	34.6%	11.1%	18.1%	24.5%	11.7%
I would have preferred to make the parenting arrangements without going to Court (n=300)	11.3%	7.3%	15.7%	25.3%	40.3%