



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

Parents' and Caregivers' Perspectives – Research Summary June 2020

INTRODUCTION AND RESEARCH OVERVIEW

The family law reforms introduced on 31 March 2014 marked the most significant changes to New Zealand's family justice system since the establishment of the Family Court in 1981. They 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. The changes were intended 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 including the Ministry of Justice website; the Ministry of Justice 0800 2 AGREE phone line; Parenting Through Separation (PTS); the Family Legal Advice Service (FLAS); and Family Dispute Resolution (FDR). The reforms also made changes to the way the Family Court operated with the aim of making it more efficient and effective.

In 2014, the New Zealand Law Foundation generously funded an independent two-phase research project to evaluate these reforms. Phase One (2014-2015)¹ 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 2018.² This ascertained their views and experiences of making or changing their parenting arrangements and their use of, and satisfaction with, family justice services. The majority of the 655 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 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 summary outlines the major findings from the online surveys and interviews with the parents and caregivers who participated in the study.³

¹ 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.

² 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.

³ For the full reports see Gollop, M., Taylor, N., Cameron, C., & Liebergreen, N. (2019). *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. Dunedin, New Zealand: Children's Issues Centre, University of Otago; 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.

MAKING PARENTING ARRANGEMENTS

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 (33%), the Ministry of Justice 'Making a Parenting Plan' workbook (24%) and Family Dispute Resolution (24%).

MOST COMMON STEPS TAKEN TO MAKE OR CHANGE PARENTING ARRANGEMENTS

Discussed them with the other parent/party	75%
Talked with the children and sought their thoughts, feelings and views	66%
Sought legal advice	59%
Discussed them with family members/whānau	58%
Discussed them with friends/acquaintances	56%
Read books, articles or pamphlets	43%
Used the Internet and/or social media	42%
Used the Ministry of Justice website	40%
Went to the Family Court	37%
Negotiated with former partner/the other party through lawyers	37%
Attended a Parenting through Separation (PTS) course	33%
Sought advice from a health, social service or education professional	29%
Accessed support groups (including online)	27%
Attended privately-paid counselling	25%
Used the Ministry of Justice 'Making a Parenting Plan' workbook	24%
Went to Family Dispute Resolution (FDR)	24%

MOST HELPFUL STEPS TAKEN TO MAKE OR CHANGE PARENTING ARRANGEMENTS

Talked with the children and sought their thoughts, feelings and views	58%
Discussed with the other parent/party	49%
Sought legal advice	48%
Went to the Family Court	42%
Attended private counselling	40%
Attended community counselling	35%
Discussed with family members/whānau	34%
Went to Family Dispute Resolution (FDR)	32%
Attended a Parenting Through Separation (PTS) course	31%
Discussed with friends	30%

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.

HOW PARENTING ARRANGEMENTS WERE ULTIMATELY DECIDED

Nothing specific, they just happened	6%
Mainly by ourselves	40%
Privately through a professional (e.g., lawyer, counsellor)	9%
Through Family Dispute Resolution (FDR)	11%
Through the Family Court	34%

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 though 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.

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	40%	47%	47%
Mainly by ourselves	69%	64%	57%
Privately through a professional	57%	58%	45%
Through Family Dispute Resolution (FDR)	37%	40%	28%
Through the Family Court	37%	39%	26%

FACTORS THAT HELPED PARENTS AND CAREGIVERS

Parents and caregivers identified a variety of factors that helped them to adjust to their family transition and/or resolve, implement and manage their parenting arrangements.

RELATIONSHIP WITH FORMER PARTNER

A positive and amicable relationship between the former partners was a key factor in helping parents to resolve and manage their parenting arrangements. Co-operation, trust, flexibility, openness, getting along, a lack of animosity, a joint focus on their child(ren)'s best interests, and the ability to communicate and co-parent effectively were all important. Conversely, some parents who were solely responsible for making their parenting arrangements found this to be a helpful way forward.

PRIOR KNOWLEDGE/EXPERIENCE OR PROFESSIONAL BACKGROUND

Parents' prior knowledge or experience of parental separation, for example, as a child themselves, could be helpful in knowing what to do or what to avoid. Witnessing the detrimental impact of more recent relationship breakdowns on children within their extended family network could also prompt separated parents to focus on their own children's best interests. Parents' professions or employment, for example, as social workers, teachers and nurses, could provide invaluable knowledge or networks to tap into when faced with their own separation. The research and preparation that parents engaged in was helpful in readying them for how to proceed. Sometimes this process was assisted by a parent having a scientific background which encouraged them to look into the research evidence about what was best for children. Others took steps to gain greater familiarity with the law, for example, by reading the Care of Children Act 2004 or even studying law at university.

FAMILY MEMBERS

The help and support of family members was said to be invaluable. This included people's own parents (their mothers/fathers), aunts, uncles, siblings and family members, as well as their former partner's parents (in-laws) and relatives. Helpful advice was sometimes provided by family members who were also lawyers.

FRIENDS

Friends were an important source of support for participants, who benefitted from having someone close to them to talk with or to act as a go-between between them and their former partner. Friends with relevant knowledge or experience of separation/divorce or dispute resolution processes could be particularly helpful.

EMPLOYERS

Ongoing employment, and the helpful and flexible attitude of employers, were recognised as being helpful factors. The Employee Assistance Programme (EAP) provided by employers was also a welcome means of support in adjusting to life without a partner and working through family transition issues.

INTERNET INFORMATION AND SUPPORT GROUPS

Internet resources and social media platforms, such as Facebook, were useful resources where participants could, at convenient times (for example, during the evening), find helpful information and access support groups. Connecting with separated people who had 'been through it' and could share their experiences assisted people in deciding how best to approach post-separation parenting and the making of parenting arrangements for children. A range of support groups for both women and men were mentioned by participants including the Backbone Collective, Kidz Need Dadz, Solo Parents NZ, the Blended Families New Zealand Facebook Group and other single parent or fathers' groups. These helped people to feel that others were there for them and that they could obtain information, advice, support and friendship from group members.

SEMINARS, COURSES AND PUBLICATIONS

Undertaking seminars and courses, either face-to-face or online, provided helpful information and support. A variety of seminars and courses were mentioned including Living Without Violence, Parenting with Confidence, seminars on the Family Court process, an online American course recommended by a lawyer, courses on grief or how to talk with children, and a publication on contact schedules for young children.

COUNSELLING AND THERAPY

Some parents and caregivers found it helpful to engage a counsellor or psychologist privately so they could speak to someone outside of their family and friends, obtain neutral advice and support, or access therapy. This assisted them to deal with relationship issues; work through the emotional, possibly traumatic, aftermath of separation; learn communication and listening skills and how to avoid being 'triggered' by their former partner; defuse anger, conflict and hostility; test out perspectives and strategies; and consider next steps and the best way forward.

FAMILY JUSTICE SYSTEM

Some parents and caregivers appreciated the way the wider family justice system was working to provide them with advice, support and dispute resolution processes. Knowledge of the system also proved helpful. Some participants found an impartial approach and a lack of bias to be an unexpected form of support. Family justice services and professionals were specifically cited as helpful with the making of post-separation parenting arrangements.

AGENCIES, SERVICES AND GOVERNMENT DEPARTMENTS

A variety of agencies, services and government departments were commended as helpful to parents and caregivers in resolving their parenting arrangements. These included Barnardos, Community Law, Citizens Advice Bureau, Family Start, Playcentre, Birthright, Women's Wellness, Engage Training, Incredible Years, the Parenting Place, mental health units, Police, Victim Support, Inland Revenue, Work and Income, and the Ministry of Justice.

Services for women experiencing family violence, such as Women's Refuge, Shine, Aviva, the Hamilton Abuse Intervention Programme and Dove Hawkes Bay, provided necessary support, advice, protection and shelter, including assistance with obtaining legal representation and Protection Orders. Churches, general practitioners and schools were also helpful to family members.

SENSE OF EMPOWERMENT

Parents and caregivers who felt their views and interests were taken into account and their voices heard while making their parenting arrangements described this as a factor that assisted them personally and the decision-making process more generally. Their sense of empowerment was particularly heightened when they felt they had been the parent who organised, led, took charge of, or dictated the arrangements or, conversely, had reached agreement with their former partner amicably.

HELPFUL STRATEGIES

A variety of helpful strategies were utilised by participants to reach agreement on the day-to-day care and contact arrangements and to then co-parent as effectively as possible. Adopting a positive attitude during the process of making parenting arrangements and while co-parenting was a helpful strategy for some parents, even if they sometimes felt this required biting their tongue or keeping their angst private. Parents, required as guardians to consult together and agree on important aspects of their children's lives, mentioned this process as a strategy they embraced to help develop post-separation parenting arrangements and encourage meaningful intrafamilial relationships over time.

Participants also found it helpful to talk with their children and take their views and feelings into account. This enabled children to be better informed about their family situation and

to contribute, where appropriate, to the arrangements being made. Some parents had felt encouraged in this approach by the family justice professionals (for example, judges) they had seen and the services (like Parenting Through Separation) they had utilised. The strategy of trialling new parenting arrangements and reviewing their effectiveness over time was a useful way of monitoring how well they were working for the family members involved and tweaking them as necessary.

Communication strategies were frequently mentioned by parents. They utilised a range of technologies and tools to keep their lines of communication open, including the use of telephone calls, texts, emails, calendars, apps (like Our Family Wizard), and diaries and communication books shared between homes. Text and email helped keep communication calmer and more reflective and also had the benefit of providing a written record of the conversations between former partners. Many limited their communication to issues about the children and avoided all other topics. Some parents followed up their conversation with a written record, for example, an email, of what they had discussed. Others kept extensive records of their communications in case these might be needed in court proceedings.

Other practical strategies included planning ahead, exercising patience, allowing time for a former partner to consider a request, setting an example, limiting handovers, planting a seed, choosing the right battle, and operating a joint bank account for the children's expenses. Letting a former partner know that they were willing to be flexible was a key strategy in encouraging an amicable post-separation relationship and better meeting the children's best interests. This could include offering the other parent the first opportunity to care for the children if work commitments, social engagements or travel affected the existing arrangement. Some parents met with their former partner to discuss and schedule parenting arrangements or to clear the air regarding a new partner. Others went the extra mile by helping their former partner to be a better parent to the children by, for example, providing them with the children's clothing and personally teaching parenting skills. Strategies to better handle conflict and emotion included not reacting to your former partner, biting your tongue, keeping your head down, avoiding accusations towards your former partner, lowering your expectations and backing away. Finally, more direct strategies were sometimes used to set or enforce parenting arrangements and/or relationship boundaries, and manage poor parental behaviour. These included acting firmly, using a neutral third party, channelling all communications through lawyers, and threatening family justice proceedings.

BARRIERS & CHALLENGES TO MAKING PARENTING ARRANGEMENTS

The parents and caregivers described a range of barriers and challenges they faced when making their parenting arrangements.

FINANCIAL BARRIERS

The cost of making parenting arrangements was a significant barrier for many participants who utilised services and/or professionals. Fees for lawyers, FDR and the Family Court, and Cost Contribution Orders were all regarded as too expensive, ate into people's savings and resulted in debt. For some, this could be financially devastating. Even those who self-represented to avoid paying legal fees incurred costs that could be problematic when on a low income. The provision of legal advice could lead to participants incurring greater expenses than originally anticipated. Financial issues were sometimes a key factor in the dispute resolution pathway that participants took to determine their parenting arrangements. The cost of fees could be prohibitive for some people, deterring them from engaging professionals or utilising family justice services to assist with making parenting arrangements. Such costs could also act as a barrier to the other party engaging in FDR, despite their openness to utilising mediation. For some parents, the expense of legal fees and court costs was a barrier to instigating further Family Court proceedings, preventing them from applying for a Protection Order, appealing a decision they were dissatisfied with, pursuing further applications or attempting to change unsatisfactory parenting arrangements, resolving guardianship issues, and/or seeking to enforce Parenting Orders that were being breached. Some participants also had to abandon proceedings and agree to arrangements they were unhappy with as they could no longer afford to continue paying legal fees. Some parents and caregivers resented having to pay legal and court fees when the other party did not have to or had instigated what the participant believed to be unnecessary proceedings.

While those who received Legal Aid appreciated this, having to pay it back was difficult for some parents or caused prolonged debt. Being deemed ineligible for Legal Aid due to home ownership or employment was also considered problematic and unfair by those who could still not afford to engage a lawyer. Many who could not access Legal Aid expressed dissatisfaction with the inequality this created when the other party was eligible and could continue to litigate with ongoing or vexatious proceedings. Similarly, when one party had greater financial resources than the other, this could also lead to a power imbalance and inequity. Those with financial resources or Legal Aid were perceived as able to continue litigation, while those without could not afford the ongoing legal costs.

Lack of money also created stress in other aspects of parents' and caregivers' lives. For some, their parenting arrangements meant they could not work full-time or they had expensive childcare costs. Child support could influence parenting arrangements and some participants complained that their former partner manipulated their income to avoid paying child support or used

child support as leverage against them. Non-payment of child support detrimentally affected participants' financial situations and their own, and their children's, quality of life. Relationship property division could also influence parenting arrangements. When this was unresolved it could create financial uncertainty making it difficult to plan for the care of the children. Those leaving relationships with few possessions, or with property division unsettled, could experience financial hardship. However, despite regarding their situation as unfair, particularly when their former partner was not similarly struggling, some parents were reluctant to seek to settle their property division due to the cost, the length of time it would take and the potential difficulties it could create with their former partner.

PERSONAL FACTORS

A variety of personal factors were identified as challenging for many participants during the process of making parenting arrangements, which was often a highly stressful and emotional time. Some participants were still distressed and grieving about the breakdown of their relationship, while others were fearful of losing contact with their children. For some, it was a very traumatic process and their emotional state acted as a barrier to making parenting arrangements. The emotions involved in dealing with their former partner were difficult for many participants, particularly when the relationship and communication was poor or there had been family violence. Some parents found dealing with post-separation issues, such as housing and finances stressful while, for others, it was dealing with the systems and services that caused them to feel overwhelmed, pressured and stressed. The emotion and stress sometimes got in the way of parents thinking clearly, being able to make decisions or cope with other areas of their lives. Feelings of disempowerment, and having little control or choice, could be challenging for those engaging with dispute resolution services, particularly the Family Court. Participants spoke of feeling disempowered when they felt they did not get an adequate opportunity to voice their concerns and perspectives or when these were not listened to.

Allegations made against them by former partners caused considerable stress and frustration. Parents and caregivers reported being shocked and distressed by being on the receiving end of without notice applications, particularly if they considered such applications to be based on lies and false allegations and/or to be a means of control and manipulation by their former partner. Those participants who were not given the opportunity to refute or disprove such allegations felt disempowered and aggrieved. Less 'serious' allegations that were not the basis of without notice applications were similarly distressing. Being portrayed as an uninterested, poor or neglectful parent was very hurtful and could have a detrimental impact on the relationship between the parents.

Despite such stressful and emotional experiences, some participants reported a lack of support, such as mental health services, counselling and support from family. Several fathers noted a lack of support for men. A lack of knowledge or understanding about family justice systems and processes could also be challenging. For those with no experience of separation and/or the family justice system, making parenting arrangements could be a daunting process, particularly for

immigrants and those for whom English was a second language. Not understanding the process, or the different options and services available, could mean that people went down particular pathways that, in hindsight, they would have preferred to avoid. Post-separation parenting could be another personal challenge, especially for those fathers who did not have much prior experience of caring for their children.

RELATIONSHIP WITH, AND ACTIONS OF, THE OTHER PARTY

The participants' relationship with, and/or behaviour of, the other party were frequently mentioned barriers to making parenting arrangements. Many participants described difficult relationships with their former partner/the other party, characterised by poor communication, hostility, and conflict. The personality, nature and mental health of the other party were key factors which impacted on the process and could dictate the dispute resolution pathway. Some parents had agreed to arrangements they were dissatisfied with to avoid antagonising a difficult, controlling or abusive former partner and to minimise any negative impact on the children. Many participants found communicating with their former partner/the other party difficult and, for some, direct, face-to-face communication was impossible. Abusive, heated, angry and/or non-productive communication significantly hindered the process of making parenting arrangements. For some, the other party's inability or reluctance to communicate their views, or refusal to communicate at all, made the process very challenging.

Parents and caregivers found it difficult when the other party was not prepared to co-operate, compromise or negotiate, and/or would not engage in, or blocked, stalled or thwarted, the dispute resolution process. It could be frustrating when the other party declined to participate in FDR mediation, or began the process but then behaved in ways that were not conducive to a successful outcome, or refused to continue. During Family Court proceedings, when the other party did not undertake court-ordered actions or failed to attend meetings, conferences or hearings, this also hindered dispute resolution and prolonged the proceedings. Participants found it very frustrating when, having reached an agreement or decided on the parenting arrangements, the other party then changed their mind, did not follow through on what was agreed, reneged on the agreement, or refused to sign the written agreement. It was similarly difficult for participants when agreements or court orders were not adhered to. For some, this meant a reduction in, or cessation of, contact. Some participants questioned their former partner's motives for wishing to change arrangements or refusing to consider proposed changes, regarding them as being motivated by financial matters, vindictiveness, or an attempt to exert control over them.

Reaching agreement on parenting arrangements was difficult when the parties differed in their views on what their children needed and what was in their best interests, especially when participants believed the other party put their own needs ahead of their children's. Parents and caregivers regarded allegations against them made by the other party as attempts to maintain control over them or as ways to spite, discredit or continue to harass them. Investigating allegations could delay Family Court

proceedings and contact with children could be suspended. Participants were frustrated about false allegations being made and then accepted by the court, with little repercussion for the other party when these were later found to be groundless. Many participants also expressed dissatisfaction about not being able to defend or disprove the allegations.

Some participants said that the process of making parenting arrangements had been made more challenging when they thought that their former partner had manipulated, or attempted to manipulate, the children's views and alienate their children against them. The other party's new partner and extended family could also prove challenging when making parenting arrangements. Participants found that new partners could change the dynamics between parties and influence the other party.

FAMILY VIOLENCE

Family violence was a major challenge for some participants and a key determinant of their dispute resolution pathway. Due to safety concerns and Protection Orders, negotiation or even direct communication between the parties was often not possible. Family Dispute Resolution (FDR) and other forms of mediation were regarded as inappropriate when there was a history of abuse and safety concerns existed – in such cases, parenting arrangements mostly needed to be made through the Family Court. The process of making arrangements was made even more challenging for parents and caregivers by ongoing abuse, harassment and breaches of Protection Orders by the other party. Some participants believed their former partner used dispute resolution services, such as FDR and the Family Court, as a means to continue such harassment and abuse. An ongoing fear of antagonising their former partner and striking a balance between this and managing the risk of harm for themselves and their children was a major challenge for some women. Many felt frightened to be in close proximity to their former partner and felt unsafe and intimidated during FDR and Family Court meetings, conferences and hearings. It was difficult for some to speak in front of their former partner in such forums, particularly when being cross-examined. Such meetings could be very traumatic and trigger old feelings that participants had worked hard to overcome.

In addition, some participants thought that Family Court personnel and lawyers were not suitably aware or understanding of how difficult it was for them to be in the same room as the other party. They also perceived that professionals, in general, lacked adequate knowledge and understanding of family violence and the dynamics involved. Some participants suggested more training was necessary. A common complaint was that their concerns about their own, or their children's, safety were not listened to or believed and that family violence was not taken seriously enough or was minimised. Some reported that, even with evidence, claims of abuse and violence did not appear to be given adequate consideration or weight in Family Court proceedings and, in some cases, were dismissed entirely. There was also concern that psychological and emotional abuse did not seem to be regarded as seriously as physical abuse in the Family Court. Some participants felt that their safety concerns had been twisted and used against them, and that their attempts to

protect their children were interpreted as alienating behaviour. Many strongly resisted accusations of parental alienation.

Family Court processes could be extremely traumatic for some participants, who said they felt revictimised by the experience. A common view was that the adversarial nature of the Family Court processes, and 'the system' in general, exacerbated conflict and inflamed the situation. Some were dismayed that, rather than helping and protecting them, they found the Family Court to be abusive, unsafe and harmful to them and their children.

SERVICES AND PROFESSIONALS

During the process of making their parenting arrangements many parents and caregivers engaged with a variety of services and professionals external to the family justice system. While these were regarded as helpful and supportive by many, others found aspects of their engagement to be problematic. A small number of participants raised issues concerning the New Zealand Police, Oranga Tamariki (formerly CYF), supervised contact centres, Community Law Centres and Citizens Advice Bureau. Their complaints centred around professionals and organisations not taking safety concerns seriously, a lack of training in child protection and family violence, the provision of unhelpful or inadequate advice, and the cost and unavailability of supervised contact and professional supervisors.

A lack of services, or poor service provision, created barriers and challenges for some parents and caregivers when making their parenting arrangements. Many said when they first began the process of making parenting arrangements they did not know where to go for help and advice. Some reported difficulties finding the appropriate service to provide the information they required or were confused about what they needed to do and what services they could access. Having better liaison between services or an umbrella organisation to co-ordinate information and services was suggested. Some participants found it difficult to find a service that met their particular needs, such as counselling, social workers, psychologists, domestic violence programmes for themselves and their children, and those which were culturally appropriate for Māori. Finding locally-based services could also be challenging.

FAMILY JUSTICE SERVICES

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.

Almost 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 and almost a quarter (23%) were not aware of Family Dispute Resolution.

PROPORTION NOT KNOWING ABOUT FAMILY JUSTICE SERVICES SINCE THE REFORMS

Ministry of Justice website	21%
Ministry of Justice 0800 2 AGREE phone line	73%
Parenting Through Separation	15%
Family Legal Advice Service	64%
Family Dispute Resolution	23%
Family Court	4%

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 PTS 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 (34%) 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, PTS and FDR 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 PTS course (18%).

More participants rated the phone line as unhelpful (32%) than rated it as helpful (21%), 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)

PTS was the third most frequently used family justice service, with 40% of the survey respondents attending a course. PTS 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 FDR 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)

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 PTS. 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 the FDR process 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 former 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 former 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 former 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 former 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 former 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 former 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 former 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 a former 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 former 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.

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

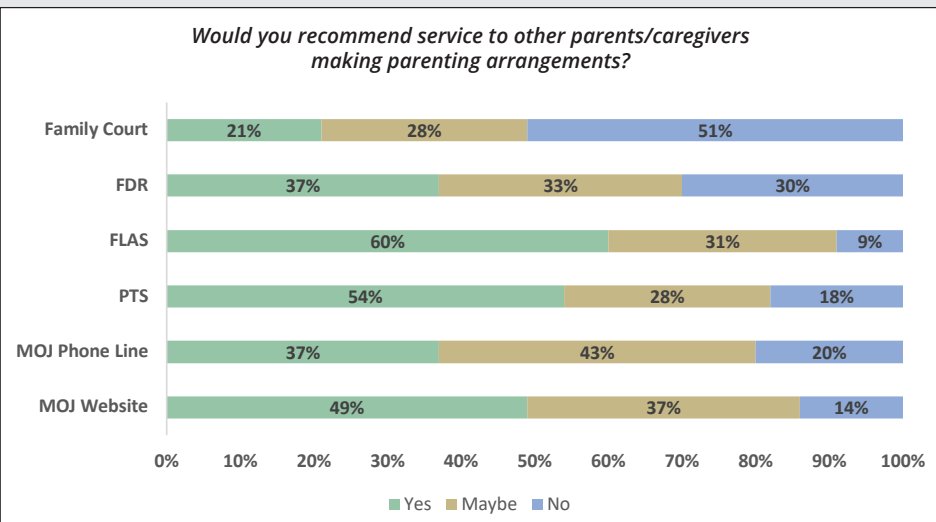
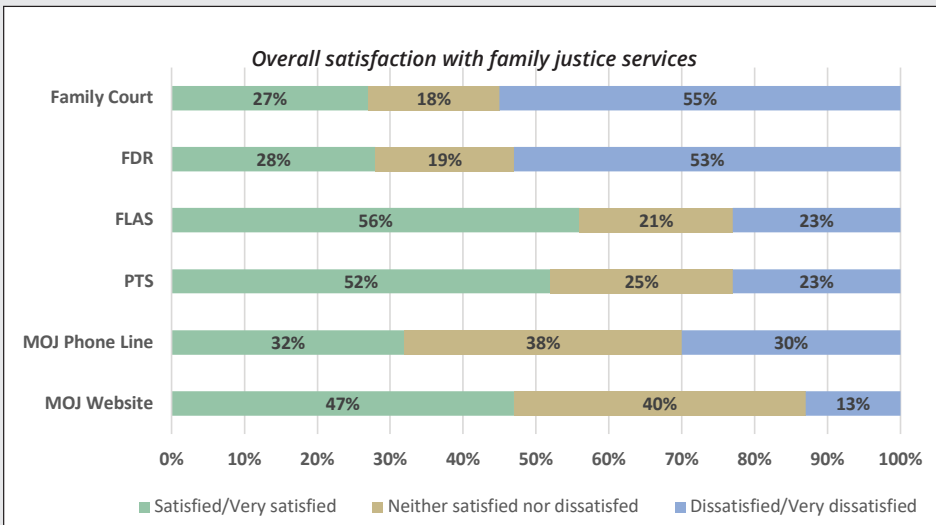
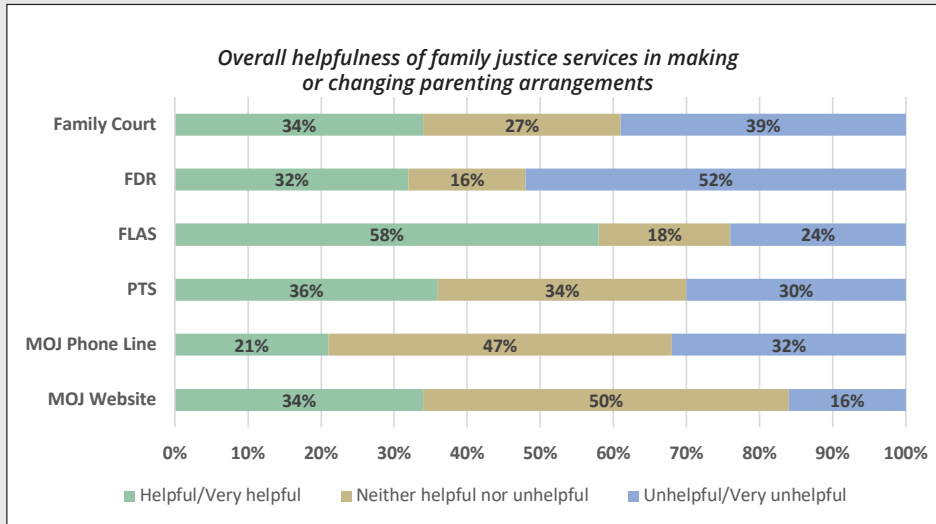
their client's behalf. Some were also said to hold outdated views and adopt rigid "one size fits all" approaches. Some parents had difficulty accessing legal representation. Some Legal Aid clients felt like they received second-rate legal representation. Lawyers' motivations were questioned, especially where stalling and other tactics were seemingly being used by lawyers to increase their legal fees and play or rort the system.

The adversarial nature of the Family Court could be particularly unhelpful. Emphasising the positive aspects of a former 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.

SUMMARY OF OVERALL VIEWS ON FAMILY JUSTICE SERVICES



THE IMPACT OF MAKING PARENTING ARRANGEMENTS

Parents and caregivers reported both positive and negative impacts from the process of making parenting arrangements, however most were negative. Those who made their arrangements quickly and with little acrimony reported little detrimental impact, while those who experienced more complicated and protracted negotiations or proceedings spoke of significant impact on their emotional wellbeing, financial security, personal relationships and their children's lives.

EMOTIONAL IMPACT

Those participants who experienced a positive emotional impact attributed this to their increase in self-awareness or a greater sense of control over their situation. However, many parents and caregivers said they were afraid and worried during the period they were making parenting arrangements. These fears were often associated with the likely, or potential, actions of the other party, as well as fears for their, and their children's, personal safety. Several participants said these fears and worries detrimentally affected their ability to function day-to-day and to parent. Unfortunately, some experienced serious mental health issues during the period they were making parenting arrangements, including depression, suicidal ideation and post-traumatic stress disorder. Mental health issues were said to be exacerbated, and diet and sleeping patterns affected, by the adversarial nature of the processes they went through to resolve their parenting arrangements. Participants also talked of the stress that resulted from making their parenting arrangements. The process was described as painful, pre-occupying, enduring, uncertain, humiliating and heart-breaking. Some were frustrated and angry about the position they found themselves in, the way they had been treated by others involved in the process, the dispute resolution system itself, and the outcome they achieved. Those participants who were separated from their children while the parenting arrangements were finalised expressed a great sense of loss about missing their children during this time.

FINANCIAL IMPACT

The process of making parenting arrangements often had a detrimental financial effect on parents and caregivers. No one said they had experienced a positive financial impact! Many discussed the significant financial cost they had personally incurred, and the domino effect this had had on their personal and emotional lives and those of their children. This was particularly evident for those who utilised the Family Court and/or experienced protracted proceedings. The stress and practical demands of making parenting arrangements could disrupt people's employment, working and personal lives by reducing their working hours from full-time to part-time, losing or quitting their job, repaying Legal Aid debt and lawyers' fees, having to become a beneficiary, living in poverty, losing financial opportunities, and having their children miss out on regular or special things. The financial impact of dividing relationship property and undertaking legal proceedings to make parenting arrangements could also result in parents and caregivers having

to make new living arrangements for their children by selling property; renting; flatting or boarding with others; shifting into a vehicle, cabin or garage; moving back to live with their own parents; or downgrading their standard of living, becoming beneficiaries, and experiencing financial hardship.

Some participants had spent their savings to fund their legal proceedings. Depending on the size of their debt and their age, some bemoaned their inability to recover any sense of financial security in the years ahead. What they had spent meant they had, for example, forfeited a house deposit and were going backwards financially. To meet their financial commitments some participants had to ask extended family members, often their own parents, for loans or gifts to pay the bills. Some also begrudged having to spend money on legal costs and court proceedings that could have been better spent directly on their children to see them or to avoid them missing out on enjoying things in life. As well as being dissatisfied with the costs they had incurred, some participants also thought they had benefitted little from their financial outlay. For them, the cost had not been worth the outcome. While most parents and caregivers talked about the financial impact on them personally, some also thought that wider society was negatively affected by the cost of resolving parenting arrangements through the Family Court.

IMPACT ON RELATIONSHIPS

A few participants reported a positive impact on their relationship with their former partner from making parenting arrangements. The process had enabled them to reach an agreement about the children's arrangements, which they could rely on and refer to when needed, thereby reducing the potential for conflict between them. Others said they had developed a better understanding and adopted a more flexible, give-and-take philosophy around the parenting arrangements. However, most of the parents and caregivers said the process of making parenting arrangements had a negative impact on their personal relationships. An adversarial approach to dispute resolution could increase the conflict between the parties, prevent them getting along or even being able to be in the same room together, and inflame the bitterness and hostility between them. For some, it took years for their relationship to improve after their parenting arrangements had been made and/or the legal proceedings had concluded. A conflictual relationship between former partners could also have a detrimental impact on a parent's current partner. They were said to find it difficult dealing with all the stress and pre-occupation that came with legal proceedings and with the challenges in the co-parental relationship when children are shared across homes. Parents and caregivers were concerned that their and the children's relationships with extended family members, such as grandparents, could be negatively impacted and that the wider family as a whole suffered from the relationship breakdown.

IMPACT ON CHILDREN

For some parents, making parenting arrangements had had a positive impact on, and benefitted, their children. The arrangements enabled children to have a routine to follow, reduced uncertainty, lowered anxiety, increased their happiness, and made them more relaxed. However, participants

more commonly expressed concern about the negative impact the separation, and the events that followed, had had on their children. The protracted nature of some proceedings as well as obstructive actions by the other party, made resolution difficult and kept children in uncertain and stressful situations for prolonged periods of time. When children were caught in the middle between their disagreeing or conflictual parents this could place them in a particularly challenging and stressful position. Serious concern about children's emotional and mental health was at the forefront of some parents' minds, particularly when their children were feeling confused or traumatised, had to change schools, had things ticking over in their minds, experienced difficulty in processing their emotions, refused contact, or were profoundly affected by the separation and ensuing interparental behaviour. Some also feared the long-term impact on their children. Parents and caregivers raised the lack of support available for children affected by post-separation issues, from either mental health or counselling services or from family justice professionals and services.

ADVICE TO PARENTS AND CAREGIVERS

The participants provided a wealth of advice for other parents and caregivers making parenting arrangements. Maintaining a focus on the children was the most common piece of advice offered. Parents and caregivers were urged to put aside their other issues, particularly those involving emotions and animosity towards the other party, and put their children first. They encouraged others to try and see the situation from their children's perspectives, to listen to their views and to acknowledge that both parents and wider family were important to children.

While the parents and caregivers acknowledged that it was sometimes difficult to do, they advised other people to try and maintain an amicable or civil co-parenting relationship with their former partner, or the other party, and to keep any conflict away from their children. The importance of being able to communicate effectively with the children's other parent/caregiver was highlighted and the use of professionals, such as counsellors or mediators, to achieve this was recommended. Participants also identified helpful strategies they used to deal with their former partner to minimise conflict, such as delaying responding, not being reactive, letting things go, and taking a solution- and child-focused approach.

Parents and caregivers emphasised that making parenting arrangements could be a long and arduous process, but provided reassurance that people would get through it and that

sometimes there could be positive outcomes. They strongly advised others to get advice and seek out help and support from professionals, such as lawyers, mediators and counsellors, and parents/caregivers who had been through the process themselves.

Many participants urged others to avoid using the Family Court, and to a lesser degree lawyers, and to try and make parenting arrangements themselves, either privately or through mediation. They cited the delay, cost and trauma involved with going through the Family Court and said this could exacerbate conflict between the parties and compromise both children's and adults' wellbeing.

Parents varied on whether they would advise others to make parenting arrangements quickly or not. Some suggested people should take their time, be patient and not rush into the process or make decisions immediately. Others recommended that people finalise their parenting arrangements quickly while the relationship between the parties was still amicable. Parents and caregivers were also advised to go into negotiations well prepared, knowing about the process, the law and their rights, and what they wanted. Some advised others not to give up too much or to agree to arrangements they were unhappy with.

The advice on the structure of parenting arrangements varied. Some recommended having arrangements that were flexible and able to be modified as life changed and children grew older. Alternatively, others thought very tight and detailed agreements that were documented in writing and formalised were optimal and provided greater clarity. Documenting and recording problems and changes to plans was also recommended by a small number of parents. Several practical ideas were suggested about how to approach the making of parenting arrangements and what to consider and include in parenting plans. Parents advised others to draft up plans, with various options, that could be shared and areas of agreement identified. They thought that, ideally, parenting arrangements should be designed for people's particular situations and the individual children's needs, rather than the adoption of a formulaic approach. They suggested consideration be given to how to deal with holidays and special days, not just day-to-day care.

Finally, parents and caregivers suggested that a helpful way of avoiding conflict and minimising children's distress was not having both parents at changeovers and using pre-schools and schools for these. Having professionals (not family) supervise contact if required, back-up systems in place for when plans changed, and parents living close to each other to allow more casual, child-led contact was also recommended.

ADVICE TO PROFESSIONALS

A range of advice was offered to family justice professionals to enhance the services they provide. Communicating the dispute resolution process more effectively to clients was thought to be very important. This included the provision of more information about the family justice system and the steps involved, setting realistic expectations, working to a realistic timeline, providing advice and options, being responsive and encouraging, avoiding ambiguity and uncertainty, and keeping people informed and regularly updated. Professionals were also advised to improve their case management and timeliness by not having too many clients at once, acting more quickly, and reaching resolution as soon as possible. Clients can be emotionally distressed and overwhelmed when making post-separation parenting arrangements and family justice professionals were urged to show empathy, compassion, care and patience with them. Parents and caregivers also thought professionals should understand the complexity of each individual family/whānau situation; treat clients with integrity and respect; show genuine interest in their clients and give them strength; listen to people and give them opportunities to feel heard; be open-minded; and put themselves in their client's shoes to appreciate what life might be like at the moment for them and their children.

Acting impartially, avoiding bias, and resolving, not inflaming, clients' situations was also recommended. Parents and caregivers wanted professionals to have greater awareness about, and more education on, the dynamics of family violence, abuse, power and control; mental health issues; and high conflict complex cases. Children's views and best interests were said to require more attention from professionals. In particular, children needed to be focused upon and listened to, with their needs coming first. Taking account of children individually, rather than just as a sibling group, was also considered important. Sometimes a person from outside the family could be most useful in ascertaining the children's thoughts, feelings and views as this could be difficult for separated parents to know accurately. Finally, parents and caregivers advised professionals to adopt a more positive, holistic and individualised approach – look at the whole picture – and to consider policy changes to improve the delivery of family justice in New Zealand.

SUGGESTED IMPROVEMENTS

Parents and caregivers suggested a variety of ways to improve the family justice system. The most frequently suggested improvement related to the better provision of information and support for separated parents, particularly when they entered, or while they navigated through, the family justice system. To remedy the current gaps, participants suggested being able to meet with a neutral third party who was not a lawyer, attend a community-based agency or subsidised service, or call a helpline to be able to talk with an informed person directly to discuss the options and work out which step(s) to take next. Some suggested the appointment of a specific case manager or liaison worker.

Others recommended establishing a general advice centre or volunteer service at the Family Court, setting up a 'one stop shop' or umbrella organisation, providing a wrap-around service or developing interagency collaborations. Written resources, including 'a parenting separation for dummies' guide, a fact sheet or a flow chart, would help to make information more accessible as would a pop-up chat box on relevant websites. Given the fluidity of post-separation family life, participants thought it would be beneficial for follow-up, review and monitoring services to be put in place to check how the agreements/orders were working out down the track.

The provision of free counselling sessions ended with the 2014 reforms, but parents and caregivers said they would like counselling to be reinstated. This could assist parents to deal with emotions like loss, grief, hurt and anger and understand that their former partner is not an ex-parent. Counselling could also assist people to get into the right headspace to focus on their children, reach decisions together or prepare to mediate. Communication counselling and employee counselling were also suggested as important, as was psychological evaluation or input, as ways of better dealing with inter-parental conflict or personality dynamics. Other counselling-related suggestions included an online course, early intervention for parents in the first six months following their separation, and the use of tools to assist separated parents to better understand each other's perspectives.

Participants wanted their children to be able to access counselling and participate in support programmes aimed at the children of separated parents. Age-appropriate booklets were recommended for children too. Providing greater opportunities, besides the appointment of Lawyer for the Child, for children to discuss their thoughts, feelings and views was also said to be important. Some parents specifically wanted other professionals, such as social workers, counsellors or child specialists, to be undertaking this role rather than lawyers.

Special approaches were suggested for family violence and complex cases so that victims would not need to come into contact with their abusers or could be catered for in a different type of family justice system.

Some participants suggested stronger enforcement of timelines, agreements and court orders as a way of improving the family justice system, enhancing accountability and signalling that delays and breaches would not be tolerated. Those concerned about lies, unsubstantiated allegations and alleged perjury also thought that penalties and bonds needed to be more frequently imposed.

Many other suggested improvements to the family justice system were made in relation to specific family justice services, professionals' roles and the 2014 reforms. These included reviewing the Family Court, greater openness, a less adversarial approach, greater cultural responsiveness, less delays, extended FDR hours, trauma and family violence specialists, higher quality information, and better resourcing.

THE 2014 REFORMS

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 that 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.

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 ($n=655$) and one-to-one interviews ($n=180$) 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 31 March 2014. As well as evaluating the 2014 reforms and family justice services, the study has provided more detailed and in-depth information about the process of making post-separation parenting arrangements in New Zealand and the pathways and services that parents and caregivers use to decide on children's day-to-day care and contact. It has identified the factors that helped and hindered them and the impact that making parenting arrangements had on them and their children. The participants also provided advice, practical strategies and suggestions for improvements to better help other parents and caregivers, as well as professionals, when making parenting arrangements. We hope that this research will contribute meaningfully to the body of knowledge on post-separation parenting, the making of parenting arrangements, and how the New Zealand family justice system can best support families and children in transition.

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