Reviewing the Family Court
A Summary

September 2011

Overview

The Family Court deals with families and children at highly stressful and sometimes risky times in their lives. It is vital it operates effectively so all involved can safely and securely move on with their lives.

In April 2011 the Government directed the Ministry of Justice (the Ministry) to undertake a review of the Family Court (the Review). The Family Court is facing a number of issues that compromise its ongoing sustainability and effectiveness. Reform of the Court is necessary so it can manage the ongoing fiscal pressures and improve its efficiency.

The purpose of this Review is to go back to first principles and to look across the whole Family Court system. To improve the efficiency and effectiveness of the Family Court we need to reconsider what is the best configuration of services. The terms of reference for the Review can be found on the Ministry's website.

The Ministry brought together the work of previous reviews, administrative data, evidence about the operation of the current system, data gathered from a sample of court files, and relevant national and international experiences to develop a comprehensive overview of the issues facing the Family Court. The Ministry also undertook some targeted, preliminary consultation with a range of stakeholders.[1] The issues are outlined in detail in the consultation paper *Reviewing the Family Court*, which can be found on the Ministry's website.

This summary briefly discusses eight themes from the consultation paper and notes some of the key questions the Review is seeking feedback on. The themes discussed are:

- sustainability and delay
- children
- supporting early self-resolution
- conciliation inside or outside of the Court
- cultural responsiveness
- the role of professionals
- entering the Court
- pathways and processes in the Court.

This summary paper also outlines each chapter of the consultation paper, and describes how you can have your say on the Review.

A further paper is available to assist you to contribute to the Review. *Reviewing the Family Court: Case File Sample* provides data from an analysis of complex Family Court cases. In addition, an online survey for Court users is available on the Ministry of Justice website. *Reviewing the Family Court: A Questionnaire* asks people who have been through the Family Court, or sought legal advice, to tell the Review about their experiences.

[1] See Appendix 3 of the consultation paper for a list of consulted stakeholders.

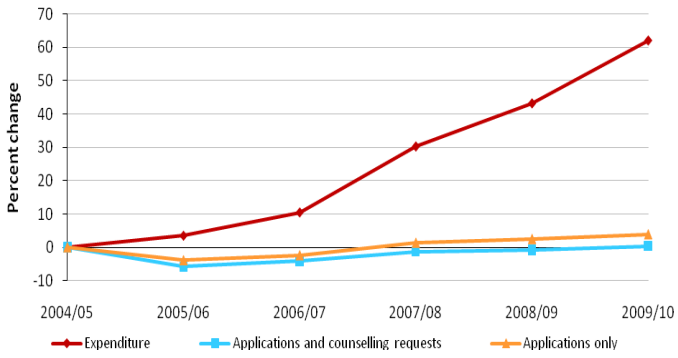
Sustainability and delay

The Family Court is a large, busy court. There are 51 Family Court judges and 59 Family Courts. In 2009/10 it dealt with approximately 58,000 families, 66,976 applications, and 14,895 requests for counselling. The overall operating cost for 2009/10 was $137 million[2] plus $13 million for judicial costs.[3]

In recent years, there has been a 63 percent increase in expenditure for the Court and a 49 percent increase in judicial costs, but only a small increase in application numbers (see Figure 1).[4] Such growth in expenditure cannot be sustained.

Reasons for this rise in expenditure include: increases in the growth of professional services payment rates, changes to legal aid payment rates and eligibility, increases in remuneration for court staff and the judiciary, increases in requests for counselling, more appointments of professionals by the Court, a widening in the scope of work undertaken, and an increasing number of events to conclude similar applications over time.

Figure 1: Percentage change in Family Court expenditure and business: 2004/05-2009/10



Family Court matters are taking longer to conclude, and delays can have serious negative impacts

A number of important Family Court matters are taking longer to conclude. For example, a parenting order application took on average 306 days to conclude in 2009/10 compared to 216 days in 2006/07.

Sometimes delay in concluding a case is necessary because a more durable outcome can be facilitated. However, stakeholders expressed concerns about delay, noting that it can be harmful for children and vulnerable people. For

[2] This figure includes direct court operating expenditure such as staff salaries; professional services cost typically incurred by counsellors, lawyers and specialist report writers; and family legal aid expenses.

[3] This figure includes judges' salaries and allowances.

[4] Including judicial costs reduces the overall increase in expenditure to 62% over the period.

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example, long uncertainty about a child's care arrangements can increase the stress and anxiety a child experiences.

Care of Children Act cases are driving cost increases

Court data demonstrates that proceedings under the Care of Children Act 2004 are driving the changes in the Court's activity and increasing costs. Cases under this Act occupy 50 percent of all court fixtures requiring judge time and are the most expensive cases to progress. A critical feature of these cases is the high and increasing professional service costs associated with them. For example, the cost of appointments of lawyers to represent children under section 7 of the Care of Children Act was $23.2 million in 2009/10. Care of Children Act costs and, in particular, the costs of lawyers representing children will be addressed in the Review.

Many cases under the Care of Children Act are associated with family violence, mental health, and alcohol and drug issues. These cases frequently result in negative consequences for children. The Review must consider how to progress these cases efficiently, manage costs, and improve outcomes for children.

Children

The needs and interests of children following parental separation is an important focus for the Review. In 2009/10 22,935 children were the subject of disputes under the Care of Children Act.

Parental separation does not necessarily mean poor outcomes for children but research shows that prolonged exposure to frequent, intense, and poorly resolved parental conflict is associated with a range of psychological risks for children.[5] Poor outcomes for children can include anxiety, depression, aggression, hostility, and low social competence.[6]

Stakeholders were concerned the current focus on parties' rights to 'have their day in court' ignores children's needs, and provides too many opportunities to delay and protract litigation unnecessarily.

What do you think?

What measures do you think could be used to manage and reduce conflict between parents following separation?

Lawyer for child may not be the best trained professional to obtain the child's views

The Care of Children Act provides that children must be given reasonable opportunities to express their views in Family Court proceedings. Children's views are generally obtained by the lawyer for the child and sometimes by the judge. However, a number of stakeholders queried whether it should be part of the role of lawyer for the child to obtain children's views or whether this role was best undertaken by other professionals such as counsellors or social workers who have specific training and expertise in interviewing children.

There is also ongoing confusion about whether a lawyer for the child should advocate for the child's views, their best interests, or a combination of the two.

What do you think?

Who should be responsible for obtaining a child's views on the Court's behalf?

An obligation to consult children may be beneficial

Studies show that most children are not told about the reasons for their parents' separation or how the separation will affect them.[7] These studies also show parents often do not keep children informed or involve them when making care arrangements. It is important that children are involved in decisions that affect them.[8] Children's participation in decisions is linked to better mental health outcomes for them.[9]

Stakeholders queried whether earlier engagement with children outside of court may deter parents from pursuing unnecessary litigation because they gain a better understanding of the impact on their children of engaging in an ongoing dispute. Earlier engagement with children could be achieved by a legislative obligation on parents to consult with their children about important matters that affect them, as in the Children (Scotland) Act 1995.

What do you think?

Would an obligation in legislation for parents to consult with their children about care arrangements following parental separation be helpful?

Increasing certainty may reduce litigation

In Care of Children Act proceedings, the welfare and best interests of the child is the paramount consideration. The breadth of the welfare and best interests test means that decisions can be tailored to an individual child's circumstances. However, the opened-ended nature of the discretion also means that there is little certainty for parties in how it will be applied in their case which, in turn, encourages parties to litigate.

Some stakeholders suggested a number of different ways in which greater certainty could be achieved when the Court decides care arrangements for children. Provisions could be included in the law to act as a starting point for decision making. For example, where there is domestic violence, a protected person should have sole responsibility for some guardianship matters, in particular, deciding where the child lives. Another example is that a child spending equal shared time between parents should be the starting point for decisions about care arrangements.

An assessment of any of these proposals should include whether and to what extent they may be inconsistent with the principle that the welfare and best interests of the child is the paramount consideration in decision making. Decisions about children are currently made according to an assessment of an individual child's circumstances and a wide range of considerations come into play. An inflexible rule is unlikely to be in the child's best interests. For example, research literature emerging from Australia and elsewhere suggests post-separation care arrangements for children must be crafted in response to the unique circumstances of each case. The research advises against presuming equal shared care after separation is best for children as, depending on the

[5] Hunt and Trinder (2011); Tolmie, Elizabeth and Gavey (2010); McIntosh and Chisholm (2008); Cummings and Davies (1994); McIntosh (2003).
[6] Hunt and Trinder (2011).
[7] Kelly (2006); Dunn, Davies, O'Connor and Sturgess (2001); Gollop, Smith and Taylor (2000); Parkinson, Cashmore and Single (2005).
[8] Smart and Neale (2000); Smith and Gollop (2001); Smith, Taylor and Tapp (2003).
[9] Lauman-Billings and Emery (2000); Smith and Gollop (2001); Kelly (2002).

circumstances, it can increase the mental health risks for children, particularly when parents are in conflict or when the children are very young.[10]

What do you think?

What changes, if any, do you consider are necessary to clarify the welfare and best interests of the child principle in the Care of Children Act, for example, should principles such as the 'delay,' 'no order,' or 'finality,' principle be introduced?

How else might more certainty be achieved in law when making care arrangements for children?

Supporting early self-resolution

A culture shift towards early resolution out of court is now required

International experience and research highlighted that the current adversarial court system can be harmful for families. It assumes lawyers and the Court are necessary for resolving disputes, permits the lawyers representing the parties to largely control the process, and can entrench conflict between parties. Family law reforms in Australia (2006), United Kingdom (2011) and British Columbia (2011) all focused on a culture shift towards early out-of-court resolution for family disputes.

Almost all stakeholders agreed families achieve better outcomes when they resolve their disputes:

- themselves, or with the assistance of their family, friends or community. Decisions are more likely to be complied with because the parties have reached an agreement that suits their needs, and is consistent with their values and culture.
- as early as possible. If disputes are resolved quickly they will become less entrenched and result in less harm to the relationship.
- by focusing on the best outcome for their children.

Early self-resolution will need to be supported

Stakeholders have suggested that achieving a culture shift would require education for the community and court professionals, and accessible information for families.

Some suggestions on how to encourage self- and early resolution include:

- enhancing the range and availability of information
- encouraging parties to attend the Parenting through Separation programme (a highly regarded parenting education programme), or making it mandatory
- amending legislation so that lawyers have an obligation to encourage parties to resolve their disputes in the interests of children
- encouraging the use of alternative dispute resolution processes (eg, mediation and counselling).

Consideration would need to focus on how such information and/or services should be supported, and the extent to which parties should contribute to the costs of information and/or services.

There is also a question whether it should be mandatory for parties to demonstrate they have attempted self-resolution in order to access the Court, as is required in Australia and the United Kingdom.

Some cases should go straight to court

It was generally recognised by stakeholders that self-resolution was not appropriate in all cases. For example, cases that involve family violence, care and protection of children, people lacking capacity to make decisions for themselves, or with mental illnesses or intellectual disabilities require intervention by the Court.

What do you think?

Should attendance at Parenting through Separation be compulsory before making an application to the Court?

Should lawyers who specialise in family law be obliged to work collaboratively in the interests of children rather than their clients?

Do you agree some form of ADR should be mandatory before an application can be filed in the Family Court, in certain circumstances? What is the best way to ensure both parties engage in alternative dispute resolution?

Conciliation inside or outside of the Court

Counselling and mediation may be more effective outside of the Court environment

An important feature of the Family Court at its inception was its therapeutic function. However, the usefulness of in-court conciliation (eg, court-ordered counselling and mediation) has been questioned by research. Courts are not well suited to resolving non-legal personal and emotional issues as well as legal ones, and asking a court system to provide a holistic service detracts from its fundamental role as a forum for fair and authoritative dispute resolution.[11] Court-based conciliation has also been found to have only a short-term effect, is often followed by further litigation, and has very limited impact on making arrangements work for children.[12]

What do you think?

If the Court is only dealing with serious cases should counselling or mediation be part of court processes?

Cultural responsiveness

The Family Court usually adopts an adversarial approach when it hears cases. Stakeholders challenged the assumption that this approach works equally well for all parties of different cultural or ethnic backgrounds. The adversarial approach focuses on individual rights and is seen as alienating for Māori, Pacific families, and families from other cultures who prefer holistic and wider family approaches.

[10] Tolmie, Elizabeth and Gavey (2010); McIntosh and Chilshom (2008).

[11] Murphy (2009).

[12] Trinder and Kellet (2008).

New Zealand's ethnic diversity is increasing

New Zealand will have greater ethnic diversity in the future and changing cultural patterns will have implications for the design and delivery of family dispute resolution services, including:

- challenging the current modes of dispute resolution, and looking at the value of offering more culturally responsive dispute resolution methods
- requiring professionals to be culturally competent.

What do you think?

How could modes of alternative dispute resolution be developed that are responsive to the cultural needs of Māori, Pacific and ethnic communities?

The role of professionals

Training in family violence and other family issues vital

There are a number of professionals involved in the delivery of the Family Court's services, including: lawyers for parties, counsellors, mediators, lawyers for children, lawyers appointed to assist the Court, specialist report writers, and programme providers. Most are involved in cases concerning the well-being of children, that is, cases under the Care of Children Act 2004; the Children, Young Persons, and Their Families Act 1989; and the Domestic Violence Act 1995.

Issues about whether the current practices associated with the various professionals who work in the Family Court are achieving the best outcomes for children are discussed in the consultation paper. However, stakeholders were particularly concerned with the training of professionals (judges, lawyers, psychologists, counsellors and mediators). It was suggested that many of these professionals have an inadequate understanding of family violence, disability issues, mental health issues, child development, family dynamics and cultural competency and safety, including an understanding of tikanga Māori. A lack of understanding of these matters can cause harm to families.

What do you think?

How can we ensure that professionals working in the Family Court have adequate training?

Entering the Court

Restricting access to the Court may improve its efficiency

Currently the Family Court has limited control over which cases come to court. Some cases are urgent or should only be dealt with by a judge such as those involving family violence or alcohol and drug abuse. However, others could be resolved without judicial intervention. The Court could be given more powers to screen applications and direct parties to undertake an alternative means of settlement, or limit the numbers of repeat applications.

What do you think?

Do you have any views for limiting access to the Family Court?

Screening cases may improve the Court's responsiveness

Screening applications to ensure they are dealt with appropriately could help to enhance safety and prioritise resources. For example, screening may identify family violence issues, and also enable minor cases to be dealt with appropriately.

What do you think?

Should all Family Court applications be screened to determine their appropriate pathway?

What kind of skills and training should a person carrying out screening have?

Applications could be more focused

Affidavits that accompany Family Court applications have been criticised for being too long, full of personal details, hearsay, and inflammatory material which is often irrelevant to the case. Internationally there is a move towards a questionnaire form of affidavit to ensure parties provide only relevant information about the matters in dispute.

Identifying issues in dispute earlier will increase efficiency

If the issues in dispute and those which are agreed to are identified early, the Court is able to deal more efficiently with the case. Applications could focus on and prioritise the issues to be determined, specify the outcomes sought, and include references to the relevant legislation and rules applicable to the case.

Stakeholders also suggest that the 'any evidence' rule in the Care of Children Act should be amended to raise professional standards as well as assisting self-represented litigants in providing the Court with the information it needs to make a decision.

What do you think?

What are your views on a standard questionnaire form of affidavit?

Should applications be focused on the issues to be determined and outcomes sought?

Does the 'any evidence' rule need to be clarified?

Court fees will be necessary

Most New Zealand courts charge a range of fees for proceedings in order to generate some revenue to offset court costs. Fees for certain court proceedings have been perceived as acceptable if the outcome of the court proceedings largely benefits private parties and not the State.

The costs of running the Family Court are almost entirely met by the taxpayer.[13] Given the current fiscal situation, decisions concerning fees for some Family Court applications may be made before the Review process is complete. The Government is considering introducing fees particularly for applications and hearings under the Property (Relationships) Act 1976, and for parenting order applications under the Care of Children Act 2004.

In regard to applications for parenting orders under the Care of Children Act, it is considered that the State should also

[13] The only type of application for which fees are currently charged is the dissolution of a marriage or civil union.

make some contribution to recognise the State's interest in the welfare of children.

An advantage of charging fees is that it may improve Court efficiency by reducing the number of last minute hearing cancellations or adjournments. For example, a non-refundable 'setting down fee' for allocating a hearing date would focus lawyers' attention on whether the case was ready for a hearing and whether all possibilities of settlement or part settlement had been exhausted.

What do you think?

In what circumstances do you consider the Family Court should impose application, setting down, and hearing fees?

Pathways and processes in the Court

Confusing processes could be standardised and restricted

The lack of clear processes has compromised the Court's efficiency and cost effectiveness and has contributed to delay. Currently the Court cannot tell people how long their case will take, and what to expect along the way.

To settle their dispute early and quickly parties must understand the court processes applicable for resolution. To develop such an understanding, parties need information on the relevant law, what the procedures are, what the likely outcome of their case is, what is expected of them, how long the matters will take, and what it will all cost.

In the current environment, parties seldom have access to such complete information, and they often are confused by what is happening in court. Court hearings are formal and, even though the Family Court tries to keep its processes straightforward, for many parties court processes seem needlessly complicated, drawn out, and costly.

A significant contributing factor to the complexity of Family Court procedures is the number of substantive and interlocutory applications which the Court may be required to consider in any type of case. Currently, there are in excess of 600 different substantive or interlocutory application types across the Acts administered by the Court.

The large number of potential processes in the Court has arisen because each application type follows its own procedures set out in legislation or the Family Courts Rules 2002, and augmented by judicial practice notes. To enable the parties to understand the processes and to encourage greater efficiency in the Family Court the processes need to be simplified and clarified.

Some stakeholders suggested the approach taken in the District Court Rules 2009 could be applied in the Family Court.

Under the District Court Rules, parties are encouraged to reach an out of court agreement. It is during this negotiation process that parties exchange evidence, which, if the claim later goes before a judge, will be the basis for judicial decision making. If an agreement is not reached by the parties, the case may be brought before the Court where it is assessed and either allocated a short hearing or a judicial settlement conference. In short trials, hearing time is subject to strict time limits for giving evidence and cross-examination with judicial discretion to extend these. In all other cases a judicial settlement conference is held to resolve or narrow the issues in dispute. The judge convening the settlement conference will determine whether the matter should be heard at a simplified or full trial if the settlement conference is unsuccessful. Simplified trials are those that can be determined in a day while full trials require more time. The settlement conference becomes a directions conference and lawyers for the parties must be well prepared for this eventuality.

An alternative approach is to restrict the number of stages in any proceedings to three events: a short, focused judicial conference; a settlement conference; and then a final hearing, if matters have not been resolved earlier. At each stage parties could be offered the opportunity to settle with greater powers to a judge at a settlement conference to deal with minor matters and make orders. Unsuccessful settlement conferences would become directions conferences. The introduction of a setting down fee and a hearing fee might provide a greater impetus for parties to settle.

To ensure delays are minimised it would also be necessary to have a process for the timely management of interlocutory applications, such as having these identified and disclosed at the first hearing. Adjournments might also be limited. Stakeholders raised the issue of unnecessary adjournments because of lawyer or client behaviour prolonging litigation and recommended the imposition of automatic penalties for failure to comply with court directions or orders or relevant rules, unless there was good reason for non-compliance.

What do you think?

Do you agree that a standard process for hearing Family Court proceedings should be introduced?

Should the number of steps in any process be restricted?

Durable clear decisions (orders) challenging as family circumstances change

The Family Court makes decisions based on a family's situation at a particular point in time. However, family situations can change quickly and often in ways that cannot be foreseen. Children's needs and views also change as they grow older and as their situations change.

Currently, in attempting to create as much certainty in their orders as possible, judges may:

- make orders dealing with the child's situation now but with provisions that will come into effect when the child reaches a certain age (eg, for a preschool child who will soon be going to school)
- make orders dealing with the child's situation now but with additional provisions that will only come into effect if a party meets certain requirements (eg, undertaking alcohol and drug counselling)
- make interim orders that are reviewed and/or varied after a trial period before they are made final.

Stakeholders have raised concerns about the current approach in attempting to make predictive assessments of a family's future circumstances. One view is that it is impossible to predict a family's situation in the future with any degree of certainty and therefore final orders should be made dealing with the situation as it exists at the date of hearing. Simpler, less expensive processes should be in place for parties to vary orders as and when this is required. Some stakeholders favoured a default position where interim orders became final after a specified period of time so that parties did not need to come back to court.

What do you think?

Should the number of interim orders made in any one case be restricted?

Should interim orders automatically become final after a certain period of time?

Should the Court attempt to make predictive assessments of a family's circumstances or make decisions on the basis of the evidence before them?

How could orders be varied (because a family's circumstances have changed) without the need for a court hearing? What could a simpler process to vary parenting orders look like?

A future Family Court

On the basis of an analysis of the issues to date, it is clear the Family Court cannot continue to operate as it does now. Significant change will result from this Review. We aim to create a sustainable court that can achieve the best outcomes for children and families.

Our vision for the future Family Court is one where:

- Vulnerable people and children are protected and prioritised.
- Access to the Court is well managed to avoid unnecessary litigation; that is, people are supported to resolve their disputes outside of court and the Court is used only as the last resort.
- Court processes are simple, clear, consistent and certain, and systems are in place to manage complex cases.
- Personal responsibility is emphasised, and where appropriate, the costs of accessing the courts are met by users.
- Decisions are made within a useful and acceptable timeframe and the decision is logical, workable and durable so that people do not come back to re-litigate their cases.
- The system is affordable for the Government.

Related policy work

There are a number of related policies and areas of work that are not the direct focus for this consultation paper but interact with it. These include the Legal Aid Review, as well as other work described in Appendix 2 of the consultation paper.

In April 2011 the Government announced proposals to reduce expenditure on legal aid over the next four years in response to rapid growth in legal aid expenditure. Family legal aid is under significant pressure and the recently introduced Legal Assistance (Sustainability) Bill proposes changes to legal aid eligibility, such as the merits test and special circumstances consideration. Existing provisions enabling the Court to require parties to contribute to the cost of lawyer for child are also being strengthened.

The scope of the Family Court Review does not specifically include examination of individual family law acts and the policy rationale that underpins them. However, some amendments to family law acts may arise as a result of this Review.

Chapter summaries

Chapter 1 – Aims of the Review describes the aims of the Review and the guiding principles against which proposals will be assessed. It also outlines related work, and what is out of the scope of the Review.

Chapter 2 – A court under pressure describes the main issues facing the Court: the Court's sustainability, the impact of delay, the role of the State in the lives of families, the need for early resolution of family disputes, the focus of the system on individual rights, the confusing court processes, the Court's conciliation function, the need for the Court to be culturally responsive, and the role of professionals and their training.

Chapter 3 – The changing Family Court describes the Court's workload, expenditure and some of its outcomes (in regard to timeliness, events, repeated applications, and numbers of adjournments). It discusses the highlights that emerged from a sample of Care of Children Act and Property (Relationships) Act cases, and considers the current social trends that may create workload pressures on the Court in the future. Finally, Chapter 3 outlines the jurisdiction of the Court and the contrary views to either expand or limit the jurisdiction, and asks whether the Court could be more open.

Chapter 4 – Focusing on children notes evidence demonstrating that prolonged exposure to parental conflict harms children. One of the aims of this Review is to reduce conflict by encouraging parties to focus on their children's welfare and best interests. This chapter discusses the benefits to children in participating in decisions that affect them, and suggests that an obligation could be placed on parents to consult with their children. It then raises the proposal that to reduce litigation, it may be necessary to clarify the open-ended best interests test to safeguard the interests of children. This chapter outlines the issues stakeholders raised about the processes that apply when children need to appeal a decision made under the Care of Children Act or the Children, Young Persons, and their Families Act. Finally, Chapter 4 discusses the role of professionals and the way they work with children.

Chapter 5 – Supporting self-resolution discusses the need to encourage parties to resolve their disputes themselves and out of court, and the roles information, the Parenting through Separation programme, and lawyers could play. To achieve self-resolution, a range of dispute resolution options and information would need to be available to parties. This chapter discusses ideas that would ensure lawyers play a more active role in advising families to resolve their disputes early and out of court, such as the use of collaborative law models, out-of-court binding parent agreements, and 'genuine steps' obligations.

Chapter 6 – Focusing on alternative dispute resolution discusses mediation and counselling services. The strength of these dispute resolution services is that they actively involve the parties in the decision-making process, which assists in reaching more durable agreements. Participative processes can also be readily modified to better respond to the needs of Māori, Pacific families and families from other ethnic communities. This chapter raises issues about how these services could interface with the Court, and asks what the State's role should be in the provision of these services. Some stakeholders also raised the option of creating an alternative forum to deal with standard family dispute applications.

Chapter 7 – Entering the Court notes that the Family Court has limited control over which cases come to court. Once an application is filed, the Court must deal with it regardless of whether it could have been satisfactorily resolved privately. This chapter looks at how the Family Court could control the matters that may be heard in the Court. For example, a system could be introduced to screen cases for family violence, mental health, or alcohol and drug matters – these cases should be heard promptly in court, rather than being included in options for self-resolution services. It may be that the Court should also be able to refuse to accept an application in certain circumstances. Chapter 7 also explores other ways to improve the quality of the applications and evidence filed in the Court. In conclusion, it notes that the Government will be introducing further fees into the Family Court.

Chapter 8 – Pathways and processes in the Court notes there is no prescribed standard set of steps that a case must follow. While less prescriptive processes may have the benefit of flexibility, they are also uncertain, less efficient and a cause of delay. What happens after an application is filed is largely driven by the Court and lawyers rather than clear rules-based procedures that parties, the Court, and lawyers must adhere to. There is a need for clearer pathways for cases so that court users know what to expect, how long their case was going to take, and what it will cost.

Chapter 9 – The way forward outlines the broad policy areas for future development.

Chapter 10 – Seeking your views outlines how to have your say.

Chapter 11 – Review questions lists the questions asked throughout the consultation paper.

Submissions

The closing date for submissions is Wednesday 29 February 2012.

Please send your submission in writing to:

Review of the Family Court
Ministry of Justice
SX 10088
WELLINGTON 6140

Or by email to: familycourtreview@justice.govt.nz

Next steps

After the Ministry has received submissions it will develop proposals for Government consideration. The Ministry will analyse the cost and benefits of any proposals developed. Any future policy proposals will need to be assessed against the principles set out in the consultation paper and be consistent with New Zealand's international obligations, especially the United Nations Convention on the Rights of the Child, and be culturally responsive to the needs of Māori, Pacific and ethnic communities.

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