



Family Court of New Zealand

te Kooti a Whanau o Aotearoa





Family Court Reforms

LEADR

26 February 2009



Workload

Case Type	Number of Applications filed between August 2007 and July 2008	Percentage of the Family Court Workload involved in this case type
Alcohol and Drugs	106	0.2%
Adoption	516	0.8%
Child Support	352	0.5%
Children, Young Persons and their Families Act	11,702	17.7%
Dissolution/Marriage	10,064	15.3%
Domestic Violence	7,816	11.8%



Workload

Case Type	Number of Applications filed between August 2007 and July 2008	Percentage of the Family Court Workload involved in this case type
Estates	226	0.3%
Family Proceedings	880	1.3%
Guardianship	23,985	36.3%
Hague Convention	174	0.3%
Mental Health	5,792	8.8%
Miscellaneous	75	0.1%
PPPR Act	2,305	3.5%
Property	1,992	3.0%



Dealing with the Work

- Annual applications – 65,985
- 6% of applications defended equals 4,000 defended cases annually
- At present, we have set down long causes for the next three months in our Courts
- Beyond this, there are 457 cases (not related to domestic violence) requiring 508 Judge days to dispose of
- In Auckland, 56 cases waiting to be set down requiring 61 days of Judge time

Non-Judge Led Mediation

- Judge-led mediation should be partially devolved to non-Judge, specialist mediators.
- Family Mediation Pilot in North Shore, Hamilton, Porirua and Christchurch was conducted. The results showed:
 - 95% of cases led to a full or partial agreement.
 - Participants found the process less stressful, more personal and more goal focused.
 - Process was faster than Judge-led mediation.

Mediation

Requests for mediation that will not come near a Judge:

- A request by a person in a relationship for mediation in respect of that relationship.
- A referral for mediation by a Family Court Registrar upon an application to the Family Court for a separation order.
- A request for mediation by a party to a guardianship dispute.
- A request for mediation by a party to an actual or proposed agreement regarding day to day care, contact and upbringing.
- A request by a party to a parenting order who believes there has been a breach of that order.

Mediation

Instances where a Judge may direct the Family Court to refer the dispute to mediation include applications:

- Under s67 Family Proceedings Act for a maintenance order.**
- By a party to the Court for its direction in relation to a guardianship dispute.**
- Made to the Court for a s48 parenting order.**



Mediation

- **Judges will chair “mediation conferences”.**
- **Mediation conferences must be convened where a party or Judge requests a mediation conference in respect of a guardianship dispute or a parenting order under s48.**



Expansion of the availability of counselling

- **Counselling is now made available for children**
- **The first aspect is to prepare children for the Family Court process**
- **Where a mediator agrees a child can attend a mediation, the child can be counselled**



Expansion of the availability of counselling

- **A reference to counselling can also occur if the child “is in exceptional need of assistance in accepting the terms of an order or an adjusting to any changes resulting from the terms of the order”**
- **Counselling post order should be valuable and an important tool**

Senior Family Court Registrars





Examples of Senior Registrars' Powers

- **Interlocutory matters**
- **Applications made without notice**
- **Pre-hearing conferences**
- **Uncontested applications**
- **Applications for leave**
- **Matters that are consented to by all the parties**



Examples of Senior Registrars' powers

- **Confirmation of orders made overseas**
- **The holding of inquiries**
- **The enforcement of orders and directions**
- **Senior Registrars' decisions will be reviewable by a Judge**

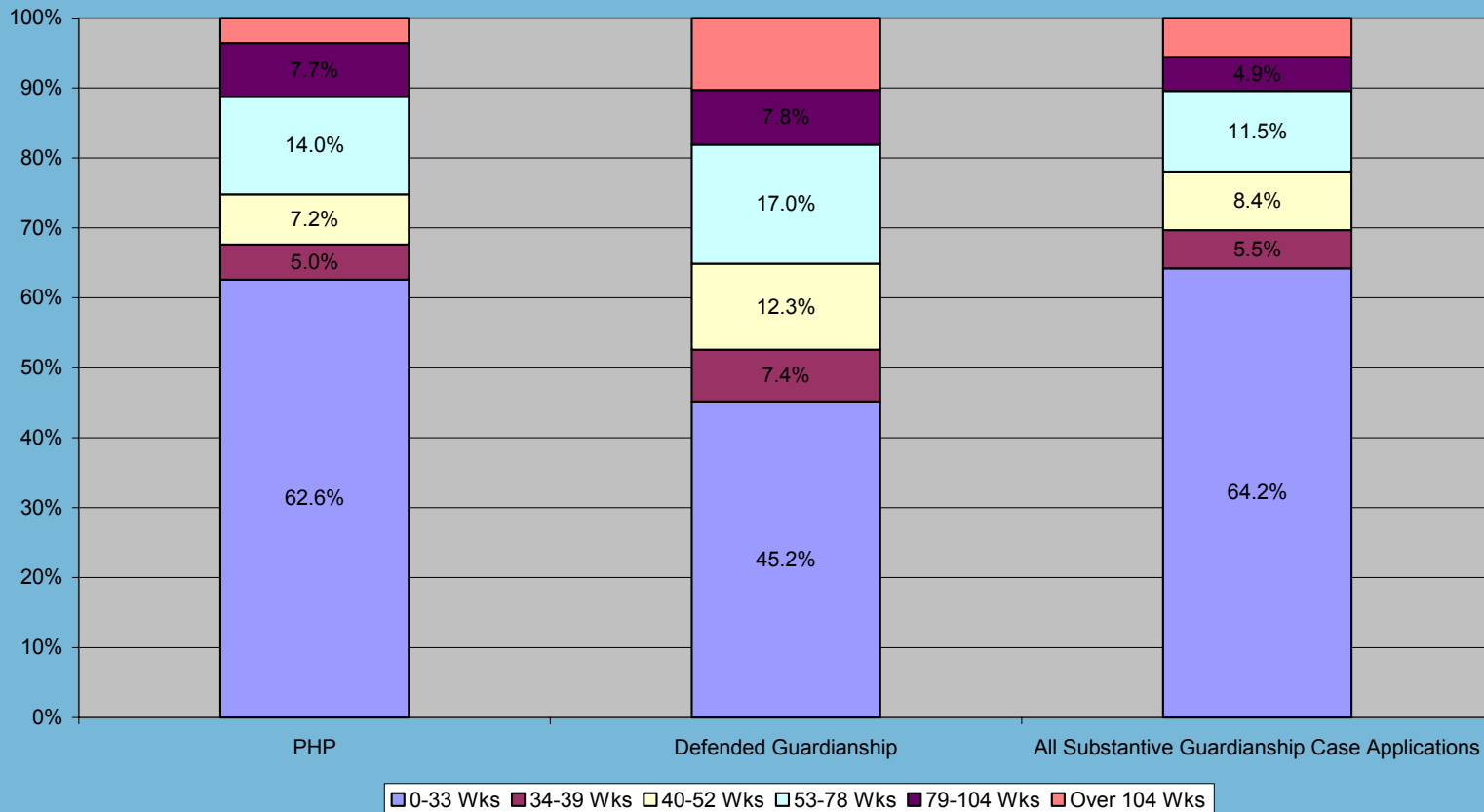


Parenting Hearings Programme



Normal Case Times

Proportion of Guardianship Case Applications Disposed of
Between 1 November 2006 and 31 July 2008 Within Disposal Age Bands





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