

**New Zealand
Psychological Society**

Rōpū Mātai Hinengaro o Aotearoa

**Submission on the Ministry of Justice's Draft Family Court Psychological
Report Standards from the New Zealand Psychological Society Rōpū
Mātai Hinengaro o Aotearoa**

Introduction

The New Zealand Psychological Society Rōpū Mātai Hinengaro o Aotearoa (NZPsS) is the largest professional association for psychologists in Aotearoa New Zealand and is committed to supporting quality practice, education, and research in psychology. The NZPsS represents more than 2500 members and students and encompasses a broad range of practice in psychology in Aotearoa New Zealand, including clinical, counselling, health, organisational, and educational. As an organisation we have a strong commitment to Te Tiriti o Waitangi.

We appreciate the opportunity to provide feedback on the Ministry of Justice's draft standards for Family Court psychological reports. The following submission is based on views of psychologists who are experienced in providing Family Court psychological reports.

Overview

The Society welcomes the Ministry's commitment to improving the consistency, quality, and timeliness of specialist reports, and acknowledges the considerable work that has gone into developing these draft standards. We support many aspects of the drafted standards, particularly ensuring ethical practice and high professional standards, and clear outlining of roles and responsibilities:

Beneficial aspects to the draft include:

- clearer delineation of the roles of the Court, Family Court coordinators, lawyers and report writers
- emphasis on independence and the expert's overriding duty to the Court

- explicit attention to family violence, coercive control and safety
- use of multi-method and multi-source assessment
- distinguishing allegations, reported information, observations and psychological opinions
- consideration of alternative hypotheses and disconfirming evidence
- caution regarding diagnosis and psychometric assessment
- guidance concerning artificial intelligence, recordings, remote interviews and information security
- improving accessibility and participation
- ensuring that parties can respond to significant adverse allegations, and
- encouraging appropriate feedback from the Court.

Members working in this area also appreciate the recognition that “Family Court psychological report writing is a highly specialised field”.

However, significant concerns have been raised regarding certain sections of the draft, and their application and potential implications for the integrity of Family Court psychological reports.

Key concerns

Prescribed approach detrimental to robustness and validity of assessments

The draft standards, in certain sections, extend beyond *establishing* professional standards to *prescribing* specific assessment methodologies, thus constraining psychologists’ ability to exercise specialist clinical judgement in adapting assessment approaches to individual circumstances. This proposed prescriptive approach risks compromising the robustness and forensic validity of assessments.

Requirements may create delay not increase timeliness

Many of the proposed requirements risk creating an increase in cost, delay, and professional and legal exposure, even though the Ministry is simultaneously seeking greater timeliness and brevity of reports.

Proposals may lead to compliance with process over quality of reports

There is a risk in these proposals that compliance with the prescribed process may negatively affect the quality and forensic value of the evidence. This may produce reports that are more consistent in form, but not necessarily more reliable, valid, or fit for purpose. This is likely to limit the intended benefits of the standards and adversely affect professional practice and the quality of specialist reports available to the Court.

Specific areas of concern and recommendations relating to these

The Society endorses the specific concerns raised in the submission made by Renuka Wali, April Trenberth, Dr Louise Smith, Simone Powell, and Dr Sylvia Blood, and in the separate submission made by Jill Butterworth. We also agree with their recommendations for addressing these issues. Rather than repeating the points they raise here, please consider this statement as a submission in support of the points they raise.

Conclusion

Support for quality reports

The Society further wishes to express its support for the Ministry's objective of developing standards that promote high-quality, consistent, and appropriately focused psychological reports for the Family Court. The quality and integrity of professional practice is deeply important to us as a Society, and to our members, both as psychologists and as practitioners entrusted with providing independent expert evidence to the Court.

Concern about cumulative adverse effects of proposals

The concern of the psychologists with expertise in undertaking psychological assessments and providing reports for the Family Court is something we take seriously, and so we wish to echo their concern as to the cumulative adverse effect of the aspects of the draft raised by them. Taken together, they risk creating a substantially more resource intensive and procedurally complex process, with potential consequences for professional flexibility and the forensic robustness of psychological reports. They are also likely to compound the existing challenges in retaining experienced specialist report writers and recruiting appropriately qualified practitioners.

Failure to draw on Aotearoa New Zealand expertise

The draft refers to having “drawn heavily” on various overseas standards and guidelines but makes no mention of the guidance published in a Society publication by senior Family Court practitioners, derived after extensive consultation with other senior specialist report writers (Wali, Seymour, & Blackwell, 2022).

We hope that the recommendations made in these submissions will be carefully considered, and that the experience and expertise of those who work in this area will meaningfully contribute to the final standards.

Reference

Wali, R., Seymour, F., & Blackwell, S. (2022). Psychologists working within the Family Court in relation to care of children and child protection matters. In F. Seymour, S. Blackwell, & A. Tamatea. (Eds.). *Psychology and the law in Aotearoa New Zealand*. (pp. 109-159). Wellington: New Zealand Psychological Society).

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