



The New Zealand Psychological Society

Te Rōpū Mātai Hinengaro o Aotearoa

Supplementary Submission to Justice and Electoral Select Committee

Family Court Proceedings Bill

7 March 2013

This submission is supplementary to the submission made by
Antony Mahon, Fred Seymour, Suzanne Blackwell, Allan Cooke and Sharyn Otene to the
Justice and Electoral Committee on the Family Court Proceedings Reform Bill dated 13.2.13

The New Zealand Psychological Society in all respects strongly supports the submission of Anthony Mahon and others (PSES7ZY) to the Justice and Electoral Select Committee. The Society has in excess of 1000 members, representing practitioners from the many branches of psychology and academia. Many are active practitioners within the Family Court and in applied psychological research.

The Society applauds one of the aims of the Bill which was said to be to reduce the adversarial nature of the current provisions. Indeed the Society made submission to the Ministry of Justice to this effect and suggested an alternative mechanism for achieving just this. The Society's submission also pointed to the State's obligation (Article 9 of the United Nations Convention on the Rights of Children, 1990) to "... respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis ..."

The Society strongly supports the Mahon et al submission about the needs and rights of children and of their parents / caregivers, and for these to be protected by having equal access to representation in advancing these needs and rights. The changes proposed in the Reform Bill are we believe, contrary to the Ministry of Justice expert Reference Group's recommendations, the submission of some of its members which we are currently supporting.

In particular we strongly agree that:

- There is an equity issue in that many parents will simply not be able to afford the Dispute Resolution fee-for-service, the Family Court application fee and a contribution to Lawyer for Child or Specialist Report Writer costs.
- Many parents and children are already disadvantaged by the cumulative effects of poverty and therefore are more at risk generally from a range of social ills. If their children's needs are not met through Vote Justice, then eventually for many the cost will be picked up by Vote Education, Social Development, Health, Police and Corrections.
- There is an inadequate empirical, statistical and research basis for the proposed changes.
- The Bill proposes the establishment of a Family Disputes Resolution service (which doesn't appear to be a service at all, rather an accreditation process) and which is silent on the methodology of the preferred mediation processes.
- There is no evidence to suggest that any more disputes will be resolved through this unidentified dispute resolution process than through the current counselling and mediation provisions within the Family Court.
- We believe that the Bill by proposing a mechanism whereby parents are obliged to consult with a private provider on a fee paying basis before they can have access to the Family Court, is in breach of the State's obligation under the United Nations Convention on the Rights of Children.
- The proposed changes will result in an irretrievable loss of psychological (and legal) expertise (e.g. about children's needs and development, parenting, separation and family structures) which has been available on a reasonably equitable basis (at least until until the recent reduction in the availability of Legal Aid), to parents and children through the Family Court.
- Instead if the dispute is not resolved, under the proposed changes there is a much higher likelihood that the Judge will be hearing from self-represented litigants about the perceived needs of their children rather than from lawyers appointed to represent children and from independent expert witnesses.

We therefore strongly urge the Select Committee to carefully consider the informed submission of Anthony Mahon et al and not pass into law a Bill which will have a calamitous effect on the lives of children whose parents have unfortunately, separated.

A handwritten signature in black ink, appearing to read 'P Coleman', written in a cursive style.

Peter Coleman
President