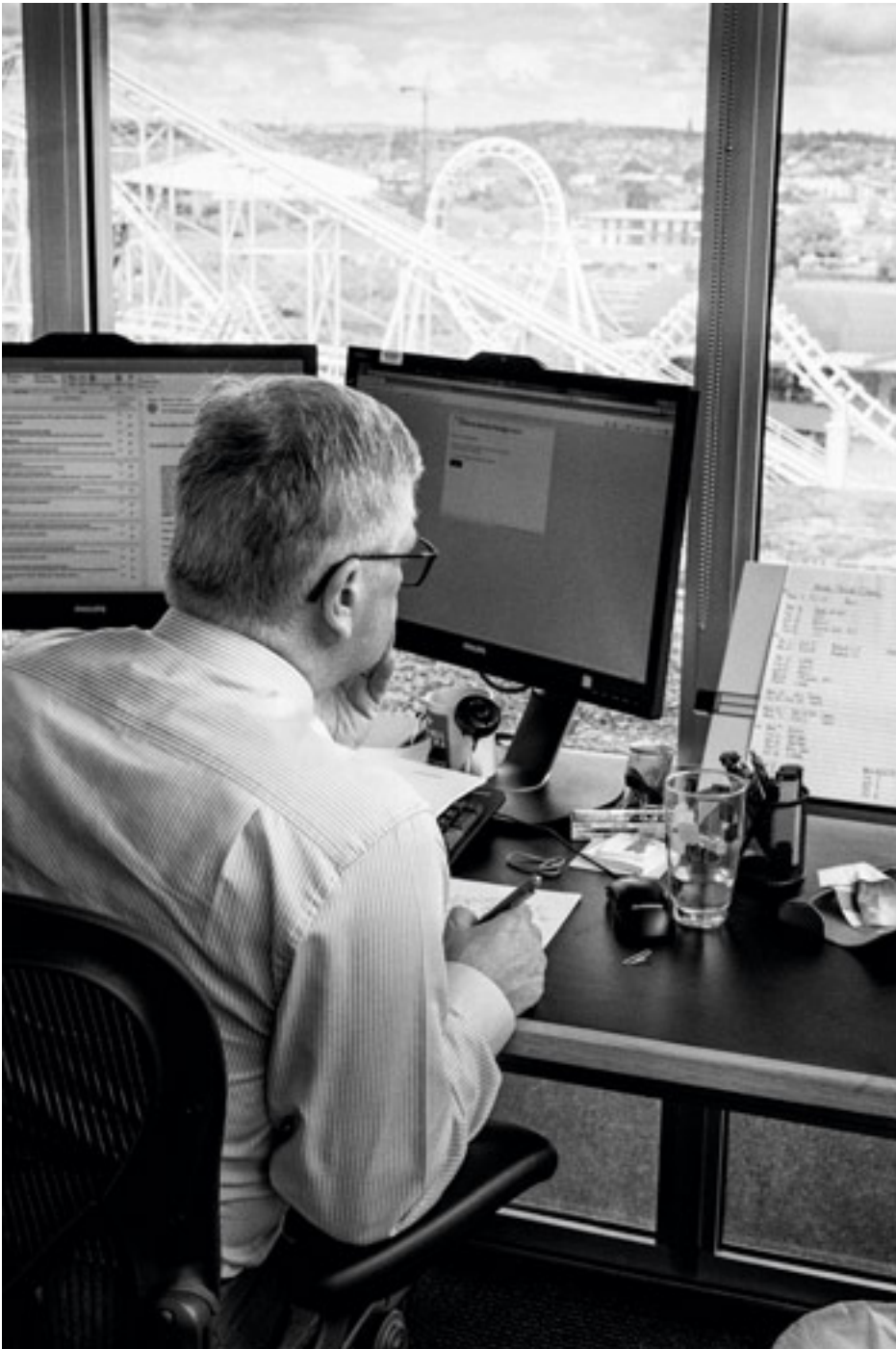


# The Family Court is more broken than ever – what will it take to fix it?

[By Donna Chisholm](#) Jan 29, 2019



*As a review panel considers the future shape of the Family Court, Donna Chisholm asks what it will take*

***to fix an institution that looks more broken than ever – despite law changes designed to improve the way it works. Experts and advocates, parents and mediators speak out.***

Look out the window of the Family Court judges' chambers in Manukau and all you can see is the rollercoaster at Rainbow's End. A bloody rollercoaster! Arguably it's a perfect metaphor for what the families are going through inside these courtrooms, but the fun-park world of excitement, laughter and healthy fear is one they can't begin to comprehend right now.

"It's a great irony," says Alan Goodwin, who's been a judge here for two years, after a two-decade career in family law. Today, he will see more of the kids across the road than he does of those whose future he will decide. He's got eight cases on his list in courtroom 8, all involving domestic violence, most of them during relationships built precariously on the joint fault lines of drug and alcohol abuse.

Some insiders call these the "kitchensink cases" because they've got it all – issues around mental health, drugs, violence, children's developmental problems and dysfunctional parents who don't have the insight to see another way out. In the toxic soup that's part of the Family Court's daily diet, there's the pregnant young woman fighting her mother for greater access to the child she had taken from her when her P addiction raged; a

mother wanting to change her former husband's access to their children after he allegedly sexually abused their four-year-old daughter; and another woman who claims her former partner's relatives are harassing her during handovers at access visits. In these courtrooms, the children themselves are seldom seen or heard. All the noise comes from the adults fighting each other, and the lawyers who represent them. It is ugly, often nasty and, in a court system that's becoming increasingly bogged down thanks to the reforms then-Justice Minister Judith Collins ushered through in 2014, resolution – if it comes at all – is reached after almost unendurable delays.

At the time, Collins hailed the changes as the culmination of three years' work, which would put children at the heart of the country's family justice system, stop litigants going to court unnecessarily, take lawyers out of the process and reduce its burgeoning cost. Well, Family Court participants have news for Collins, and it's all bad. [The reforms have been a spectacular failure](#), having had precisely the opposite effects. In August 2018, Justice Minister Andrew Little announced an independent panel would examine the 2014 changes and sort out the mess his predecessor created.

Under Collins' reforms, the only way parties can get before a Family Court judge quickly, and with a lawyer to represent them, is to file an urgent "without-notice" application, on the grounds that a delay poses a risk of undue harm or hardship to the child or applicant. Each of

Goodwin's cases today started out this way. Each party today has lawyers assigned and paid for through legal aid, although many working parents have to pay privately.

Before 2014, only 30% of applications were made without notice. Now, that figure has leapt to 70%, with a resulting surge in demand on court time and judges' attention.

Judges are rostered on around the country every day to deal with these applications, which must be approved or declined within 24 hours. David Smith, the acting principal Family Court judge, says 11 judges a day – three in the morning, eight in the afternoon – consider the applications as they come in. "That's taken more than 500 judge sitting days out of the system. That's the difference between 30% and 70%."

Importantly, the changes also scrapped the six free counselling sessions previously available, and introduced a Family Dispute Resolution (FDR) service – essentially 12 hours of mediation in 12 months, paid for by legal aid if the parties qualified, or costing \$900 if they did not.

We asked Collins' office for comment on National's reforms, but were referred to current Courts spokesperson, Chris Penk. He said the changes were made in 2014 because the Family Court was underperforming, and needed to be less adversarial so it was easier for families to get justice.

National itself had planned to review the changes. "We

have heard concerns that lawyers may be gaming the system," said Penk. The Government's review needed to acknowledge the reasons for the original changes.

"Failing to understand the complex needs of Family Court litigants will likely result in a misguided lurch in an unhelpful direction, merely for the sake of providing distance from the 2014 reforms."

So what will it take to fix a broken system? Here's what participants and expert observers had to say.



# The academic

## Mark Henaghan, professor of law, University of Auckland

The 2014 reforms were driven largely by the belief of former justice ministers Judith Collins and Simon Power that because marriage break-ups were private matters, the system that dealt with them should be privatised too, says Henaghan. "Yes, they are private matters but they have massive public consequences."

One of his biggest complaints about the new system is the absence of state-funded counselling. "We see it as a public responsibility to support people to resolve their disputes in a way that's not too adversarial, so they came out the other end still talking to each other and being able to work with their children. We've moved to a process now where they have to pay for counselling themselves and even if they go to court, unless it's absolutely urgent they can't get a lawyer. And people feel kind of abandoned. All the studies I've seen overseas say people need someone they know who is totally on their side. Once you privatise it, it's really the law of the jungle."

Henaghan says Collins "spread the myth" that Family Court lawyers were "totally adversarial". "Some were, but the majority aren't because they've learned to use court only as a last resort."

Although the Family Dispute Resolution service works quite well for some, he says, research has shown others feel railroaded into a compromise they're unhappy with. Justice Ministry research in 2015, albeit on a small sample size of 67 people, found 40% felt they were pushed into agreements that were impractical or temporary. "People need time to come to terms with emotional turmoil. When you're trying to settle something, even the simplest thing, when you are under stress you need someone to help you out... someone you can ask if you're doing the right thing. The assumption is that people can resolve things on their own. You can't do it on your own." The result, he says, has been an unmitigated disaster.

The desire to have a lawyer has driven an 87% increase in without-notice applications to court (the only way lawyers can be involved from the start). "It's become the main way people get into court, which is ridiculous because not every case is urgent." Henaghan says although the reforms suggested judges should appoint a lawyer for a child only when necessary, "judges want them in every case", partly because the lack of counsel for the warring parties means proceedings can be a nightmare to handle.

In pre-reform days, counselling co-ordinators in the Family Court helped triage cases appropriately. "They were the best thing in the court system when it was set up. They were often middle-aged women, they were

experienced, they had a great manner with people, and they'd sit with both parties, get their confidence, and say, 'Right, this is what needs to be done.' They got totally wiped out. It's crazy."

Henaghan wants a return to free counselling and legal representation in these non-urgent cases. Asked if the reforms had improved anything, he said, "I can't see it."



## **The psychologist**

**Sarah Calvert, senior report writer**

To reduce costs, the 2014 reforms restricted access to psychologist reports to those cases where it is regarded



as essential, rather than simply helpful. There are now so few report writers, however – Calvert believes less than 100, about a third of the numbers of a decade ago – that it can take up to six months for a psychologist to be assigned and a further three to six months for a report to be completed.

Calvert also describes the 2014 changes as “an unmitigated disaster”. “They have made the court system dysfunctional, caused great harm to the professionals who work in the Family Court, and have allowed advocacy groups an incredibly loud voice. The reforms left no way of trying to address things in the complex way that families need.”

She wants a return to taxpayer-funded counselling, saying it is crucial in helping parents understand what life post-separation might look like. “Most women at the point of separation haven’t really thought about what it’s going to be like not to have their children with them 100% of the time. They don’t think, ‘I’m actually not going to see them for a week or not see them for three days at a time.’ I don’t think FDR is the solution to this.”

Because participants know they’ll get a lawyer only by filing an urgent, without-notice application, there’s an incentive for them to choose that pathway, even if the conflict is relatively low level. That’s not to underplay the blight of domestic violence, but Calvert says there’s evidence that roughly 90% of people will have at least

one relatively serious conflict during the pre- and immediate post-separation process. "Some of it is verbal, but there is usually some pushing or shoving or throwing or something like that. Sometimes it's breaking something in front of someone, hitting a wall. When we separate, we're breaking our attachment bond and people don't do that well... people are at times angry and hurt. In that period, if people are still having contact with each other, there will be some kind of conflict."

She says the numbers of report writers are dropping, partly because of fears of complaints by self-represented litigants or those who've spent six-figure sums on a lawyer. "If you haven't got what you wanted out of it or what your lawyer suggested you might get out of it, you're going to look for somebody to be angry at."

Separation is "always hideous" for the kids, says Calvert. They don't want their parents to separate, and once they do, children's lives become more difficult, but parents don't always realise that. Parents re-partner in most cases and say they are a lot happier. "Their lives move on in the adult world and kids are stuck with an arrangement that is sort of the best of a very bad deal."

She's not suggesting children stay in a home when they're being abused, but says the issues are usually "more complicated than people want to listen to. What kids want when you interview them is for Dad to stop hitting them – they don't want Dad to leave home – but no

one works on that. So how do we keep him in the family if that's what Mum wants, and not hitting people, or keep him alongside the family in a safe way? Nobody asks those questions, it's all too blunt."



## The mum

"Sharon" has been in and out of the Family Court for the last decade after leaving her relationship with her 18-month-old child; she says "it's a war zone".

"My biggest advice to people is, don't go there; see how you can stop that happening. If you throw it to the wolves in the Family Court, you're throwing away your ability to

make a decision, or you're asking other people to make those decisions for you so when it comes to you and your children, you're essentially handing it over."

So why couldn't Sharon avoid it? "Hindsight is a wonderful thing. You should try to resolve all the things you need to resolve by sitting down and working it through. Don't enter into an antagonistic process and threats. Get some help so the pair of you can sit down and work it through. Ten years ago, I was asking people who'd never been there for advice, and their advice was to go to the Family Court. There was no suggestion that we try to figure this out or mediate. The advice was if he [the father] didn't agree, I didn't have any other options. I believed in this thing called justice and that the Family Court would help. If someone had told me they'd make things 100% worse, it would have been a very different story. The court process isn't about sorting it out. It takes away your power to effectively make decisions together. You are handing over the power to someone else. In my case, the court claimed I was making false allegations and I needed to be punished.

"When I first turned up, I had no idea I was going into a courtroom. No idea at all. I didn't know what we were doing there when I hadn't done anything wrong. It was the most frightening experience ever."

She and the father of her child have had a 50-50 parenting order "since day one", but she's tried to reduce

his access to five days every fortnight after allegations of violence, and her wish for the child to have a more stable home life. She believes family violence issues are "swept under the carpet" by the court. "If you're female, you're made out as being a woman who doesn't want the father involved and who wants to cut him out. And that's not the case. What we are trying to do is protect our children from further violence. You're standing there fighting for your children and he is standing there saying that did not happen. I was told by two psychologists that I was the problem. My child doesn't have a home base. I've said to my former husband, 'You pack up your bags and shift every three days and do that for six months and see how you feel.' The best thing for the child is not to be moving constantly."

She says he wouldn't go to counselling when it was available. "When the other party isn't willing to compromise or think like that, where do you go from there? You get stuck in that realm and there is no escape." She says protection orders should be easier to get. "When women turn up in fear of their lives, they're not actually lying. It takes a lot of guts to turn up there after going through domestic violence."

She estimates the years of Family Court litigation have probably cost each of them around \$150,000.

## **The dad**

When "Mike" went through the Family Court after his relationship broke up early in 2018, he couldn't afford a lawyer. He says without the help of fathers' advocacy group Kidz Need Dadz, he'd have struggled to cope. "Without them, I don't think I would have been able to negotiate the paperwork and it would have been unfair. I wasn't given any education by the court."

Mike made a without-notice application for custody of his child, alleging neglect. His former partner qualified for legal aid but he did not, which he says gave her a "huge advantage" in negotiating the process. The court appointed a lawyer for their child. "You've got to trust in the system, but as a father and a male, it's quite scary. Even without any history of aggression or violence, you feel just one wrong move and the system is going to flip upside down and the mother has all the rights."

Asked what he wants to see in the Family Court, he replies, "Equality. It's almost like mothers have a birthright. I understand there's a stigma against men. The options the mother got were greater." It could have been worse: he says his former partner's lawyer was "useless".

He voluntarily did a parenting through separation course where he met "some really nice guys who had stories of being walked all over because they had no power. They felt disadvantaged. It feels like if the mother makes an accusation, we have to try a lot harder, and the court will automatically side with the mother."

Mike has full-time care of his young daughter after her mother abandoned her attempts to share care, so their time in court lasted just four months. She lives in another city, and is entitled to video calls every second day and visits two nights every second week – but she hasn't been sticking to that, he says.

## **The mediator**

### **Family Works' Resolution Service manager Timothy McMichael**

McMichael would like to see a return to state-funded couple or relationship (formerly "marriage guidance") counselling sessions for couples to either help them stay together healthily, or work through their decision to separate. He says the six free sessions under the old rules – which could be extended to 12 on application to the court – were "very effective" at supporting couples at difficult times in their lives.

Under the old rules, couples who then separated and who had children could apply for another six sessions of counselling to help them agree on a parenting plan for their children. "The intention was to keep Mum and Dad out of court and support them to come up with a parenting plan."

Now, most couples who have separated and can't agree on a parenting plan, go straight into Family Dispute

Resolution (FDR) mediation. He doesn't accept criticisms that some people feel strong-armed to reach a deal, because couples are given time after each two-hour meeting (in most cases, there are up to 12 hours available) to see how ideas that come up at mediation work in practice. Ministry of Justice figures suggest 83% of cases that go to mediation reach full or partial understandings. "If some things have been resolved and others haven't, they can either stick with how it is, or ask the court to make a determination on the things they can't agree on."

He says one of the benefits of the 2014 reforms is that parents can take control of their future more quickly with FDR. "Before, they had to really wait until they went into the court process to begin formalised mediation; now that happens right at the start." He says FDR is also more affordable than appointing a lawyer; 75% of his clients qualify for public funding.

McMichael says he'd like to see FDR providers able to request the appointment of a lawyer for child – something that can't happen at present without a judge's order. He'd like the services enabled to deal with relationship property matters as well. "So often, it's integral – who gets the family home and where parents can live." He also wants the court to refer more suitable cases back to FDR rather than couples being exempted, and to have the number of without-notice applications restricted so there's a greater incentive for mediation.





## **The advocates**

### **Ruth Herbert and Deborah Mackenzie, founders of the Backbone Collective**

Problems with the Family Court are much bigger than the review panel is mandated to investigate, Herbert and Mackenzie say. They want a Royal Commission of Inquiry.

The collective's "Utopian model" is one where cases involving domestic violence are handled by specialist staff – something like the drug and alcohol courts currently being piloted. It wants trained, independent advocates screening women's applications and affidavits, looking for "red flags" and filtering for signs of abuse.

Mackenzie says issues of non-compliance with court

orders, or interim orders, often bring warring parties back to court. "It's like a washing machine that's on a continual cycle. Some women are in the Family Court for up to 16 or 20 years and they have no life. We're speaking only to women who have experienced violence and abuse, so that's a subset of women going to the Family Court. But we would say categorically that the court is responding extremely poorly to these women and children – not believing them, or minimising it, and valuing fathers' rights to care and contact over the safety of children. It's as if we have four lanes on the Auckland motorway and all these children are trying to dodge the traffic and nobody is stopping it, but are just standing back and watching the carnage."

On top of that, says Herbert, there seems to be "a veil of misunderstanding" – the notion that because the woman has left the relationship, her former partner can't abuse her anymore, so he should be able to have a relationship with his children. "Being such a little country, we have the potential to turn this right around, to do it very differently. We have among the worst rates in the world for domestic and sexual violence, so we have the ability to build something world-leading."



## **Allan Harvey, Kidz Need Dadz**

The rise in without-notice applications as a result of the 2014 changes is escalating and perpetuating hostility between separating couples, Harvey says. Both sides are being disadvantaged. "Judith Collins' view was that she wanted people going to the Family Court to be supported by other people to make applications, not lawyers, but there aren't the resources and there aren't the support groups. It's a fiasco that is absolutely crippling the court."

Harvey, whose experience of the Family Court began about 15 years ago and who's been voluntarily helping

fathers navigate the system ever since, says in his experience only about 20% of splits end up in court. About half of those are resolved reasonably quickly, but about 2-3% become intractable and drag on for years. "This is a group that is so concerned about their own rights as they perceive them, or their own feelings, that things become World War III very quickly."

Access to legal aid should be widened to improve equity, he says. "If a man has a job and earns more than about \$30,000 a year, he can't get legal aid. But if a woman is on a benefit, her lawyer can be funded almost as much as she likes through legal aid."

He also wants more funding for support services to help families through the court process, and a return of free counselling.



## **The judge**

### **Acting principal Family Court judge David Smith**

The 2014 amendments have increased judges' workload and thwarted the intention of saving cost and time, Smith says. He says courts need a triaging system in which experienced staffers ensure that cases that need to be dealt with promptly get before a judge as soon as possible. Former principal Family Court judge Peter

Boshier introduced an early intervention process (EIP) in 2010 that enabled judges to play a more active role in proceedings; for urgent cases to be heard sooner; and for the court to direct mediation, led by senior lawyers, in more routine matters. However, there was no provision for EIP in the 2014 reforms. A return to the old system, Smith says, "would be an improvement on what we have now. As it stands, it's difficult for us to keep tabs on the progress of files, and we need to get that back."

He says the lack of lawyers for parties in court is a big issue. "Invariably people who are self-represented are incapable of representing themselves. They have difficulty in forming the issue and difficulty in providing the information that's necessary for the judge, so some of them end up getting less than they would have been entitled to. What the court is trying to do in Care of Children Act matters is to ensure the child's interests are to the fore. We can only work on the information that is before us.

"Self-represented litigants take twice as long to deal with than those who have a lawyer who's explained everything to them beforehand, who's able to make succinct submissions so you can move on to focusing on the issues. Quite often with self-represented litigants, we spend a lot of time at the beginning of the hearing making sure we understand what the issues are. There is a risk that if the true facts are not known to the court, children will be placed [in situations] or have conditions of

contact made that are not in their best interests."

The shortage of psychologist report writers to give an independent assessment is also a major problem and "it can be really dangerous" not to have their input, says Smith. Up to 15% of cases before the Family Court are applications by Ōranga Tamariki (formerly Child, Youth and Family) to remove a child from its parents – raising "incredibly important" issues that can't be resolved without serious consideration.

He emphatically rejects Backbone Collective claims of a lack of expertise among judges in handling abuse and violence cases. "Violence is sitting in front of Family Court judges day after day after day. We have had extensive training in what constitutes family violence and patterns of behaviour. We see more of it than anyone else in this country, including the Backbone Collective. You'd have to have rocks in your head if you weren't fully aware of the implications of family violence and the effect it has, not only on relationships but most particularly on children."



## **The lawyers**

### **Lawyer for children Caroline Hickman**

The number of unrepresented parents in the Family Court has massively increased the workload of lawyers for children, says Napier-based Hickman. "The effect of the reforms has been that we now have to act as case managers of files because of the massive delays in the courts, because of the lack of resourcing. We have to be very proactive to find workarounds to delays. I've had cases where kids have not seen one or other parent for seven or nine months and other lawyers have reported the same.

"Unrepresented people file documents that omit material we need to know about and include a lot of stuff that isn't



helpful, so it elongates the process. They're at the worst point of their lives, so they are not thinking particularly objectively or reality-checking their positions, but they have no one to advise them. They expect the lawyer for child is going to magically fix things, which we just can't."

The Backbone Collective says, according to its research, lawyers for children in about 10% of cases are not even seeing them before a matter is heard. But Hickman says lawyers are obliged to see the children, unless there's a good reason not to. "Children are heard, but it doesn't mean their views are followed. So if the child says they don't want to see one parent, it can be that that's the parent who has the rules and boundaries."

She wants a return to the system that allowed lawyers to be involved from the start in non-urgent applications. "Money would be saved because court proceedings would take a shorter time, the right documents would be filed and there wouldn't be inadmissible evidence."

The issues the Family Court grapples with today are far more complex than they were even 20 years ago. "Before, it was almost *Kramer v Kramer*. Now it's multiple issues, including a huge number of cases – easily 60% – that involve P [methamphetamine]. It's not just that Mum and Dad aren't getting on, and it's a real risk to kids."

She believes the system that was designed to save costs has actually increased them. "We need better court

resourcing, more judges and more registry staff. Things don't get dealt with. We can ask for an interim order for something but it can take weeks or months, so people are stuck in this no-go zone."



**New Zealand Law Society family-law section chair Kirsty Swadling**

The without-notice application pathway into the Family Court can be the judicial equivalent of a Molotov cocktail thrown into the proceedings, Swadling agrees. Often orders are made preventing one parent from seeing the child or children, and because of delays in the court, a child may have no contact with a parent for months.

She says there needs to be an intermediate option

between the urgent and non-urgent applications. "These would cover where one party thought there might be a good reason to stop contact, but it fell short of something that was so obvious there was no debate about it. Many times you have a parent saying, 'I'm concerned the child has come back and said this or that and I'm not happy about it.'" This could also cover concerns about possible drug use without independent evidence, or fears that one parent is drinking to excess when they have care of a child. "Or there might be a bruise which had been explained away but the other parent didn't buy it, a child who starts to behave differently or saying they just didn't want to go to Mum's or Dad's for visits."

Unsurprisingly, Swadling believes strongly that parents should have a right to have a lawyer helping them with the Family Court process if they want one. "Some are able to deal with it themselves, but generally it's a very stressful time and even very able people would find it difficult." Those who can afford it are finding ways around parts of the new set-up anyway, she says. Some lawyers will prepare an application for parenting orders and file it in the name of the parent.

Using the ambulance-at-the-top argument, Swadling believes FDR should be publicly funded, but acknowledges it doesn't work for all, with some participants feeling pressured into getting an outcome, the result of either limited time or the mediator's

approach. She says there's a band of couples who notionally can afford to pay for FDR "but the reality is they really can't. There can also be a resistance if one party isn't paying, and the other one is. That kind of feeling leads to unfairness right from the start and you don't want to be entering mediation feeling a sense of injustice."

Having lawyers involved would resolve that sort of problem, she says. "They would be getting independent advice about the issues and whether what you are asking for is or isn't going to be something the judge is likely to give you. Without that advice, you are trying to settle in a vacuum and even if what you settled for was objectively reasonable, if you don't think it was because you didn't know the true legal position, you're going to come away from the process feeling you didn't get a fair go. And if you're thinking like that, any compromise is less likely to be long-lasting."

## **The researcher**

**Lisa Shamseldin, PhD, specialist in human rights law and child protection research**

Shamseldin worries that the fall-back position for the Family Court in child custody cases appears to be 50-50 shared care for mums and dads, whereas many cases shouldn't be decided that way.

"It's not one size fits all. The Family Court model here is that every person who comes into it is equal, but I come from a very different perspective – the European human rights perspective, which works on the idea that everyone is not equal, but there needs to be equity. The court in New Zealand appears to be saying that in the best interests of the child, face-to-face unsupervised contact with both parents comes first and everything else is unimportant. The court seems to have developed a belief that the best interests of the child are 50-50 shared care, and in many cases that's fine. But in many cases it's not. The cases that are the real problem for the court are those in the middle, not the ones at the extreme ends – including extreme physical domestic violence. The middle ones are the hard ones, with a set of behaviours that can be interpreted either way."

The problem with the 50-50 model, she says, is when one party uses it as a tool of abuse for post-separation violence. "It gives those people a playground in the court, because they're just going to keep going, and fighting to get 50-50, and it becomes abusive because it's not in the best interests of the child."

Fathers aren't always the worst abusers in those cases, she says. "Women are more into psychological abuse and taking their children away is pretty powerful psychological abuse."



Back at the Manukau Family Court, Judge Goodwin is leafing through the files of the cases on his list today. The already heavy burden on the court's time is exacerbated by an industrial dispute and staff work-to-rule breaks that have reduced sitting hours. By the end of the day, only one case has been significantly progressed – most are adjourned to another time. "There's nothing like systemic delay," one lawyer mutters to this journalist on the way out after another wasted morning.

The afternoon is taken up with the evidence of a woman who wants her former partner to visit their baby daughter at a supervised contact centre rather than being supervised by his mother and sister at home, after escalating tensions between them and her at handover times. She's also concerned he's not taking enough notice of the child's possible food allergies, and that the

little girl seems more tired and aggressive when she returns after visiting her dad.

The couple, who both have older children with other people, split before their daughter was born and have never parented together. If you listen to her evidence in isolation, it sounds like a playground-level squabble: "They were laughing at me", "they gave me the fingers", "harassing me behind my back", "they called me names"... But really, it's not about that at all. Today's evidence is the equivalent of the lights swaying or the pictures on the wall tilting after a kilometres-deep earthquake. The real problem is the seismic force of the quake itself – the mental health issues that forced the child's father into care and on to medication, the alcohol dependence that saw him turn up drunk and suicidal on her doorstep. She doesn't trust him with their child – has never and probably will never trust him – even now that he's out of treatment and off the booze.

Only her story is heard today, not his, because there isn't time. He'll get his say about six weeks later, when the case comes up before Goodwin again, before an order is made. Judge Goodwin will write his decision in December at the standing desk in his chambers on the second floor, where he's hung three large black-and-white portraits of men who inspire him – Ernest Hemingway in literature, Albert Einstein in science, and Martin Luther King in human rights. He'll need the worldliness and wisdom of all three. It'll be summer school-holiday time, and in the

fun park across the road he'll glance at the rollercoaster taking its passengers on another terrifying ride. From here, just as in courtroom 8, he's close enough to see the fear on their faces but too far away to hear their screams.

## **In their court**

The independent panel reviewing the 2014 changes to the Family Court system consists of former Chief Human Rights commissioner Rosslyn Noonan and family law experts La-Verne King and Chris Dellabarca. They're being advised by an Expert Reference Group including mediators, psychologists and lawyers. In announcing the review in August, Justice Minister Andrew Little said he was concerned about how the changes had affected families and children. The panel, which took public submissions until November, is expected to report by May 2019. Containing the Family Court's sharply increasing cost – which, according to figures released by Judith Collins when the changes were being made, rose 70% from \$84 million to \$142 million in the six years to 2012 – was the main driver of the reforms. Collins predicted the reforms would save \$70 million in four years. However, new figures, or even confirmation of those earlier ones, are much harder to come by. The Ministry of Justice says it does not quantify how much it costs the Family Court to run annually, so it's impossible to calculate the financial impact of the reforms. It declined an OIA request for the information on the



grounds of the substantial collation required.

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