



Briefing Paper:

Proposed Family Justice reforms to ensure safer outcomes for children, adults at risk,¹ and victim-survivors of family violence (FV), sexual violence (SV), neglect, and exploitation

My children are not a battleground. I do not want revenge, and I do not want them to hate their father. I simply want them to be safe, to be listened to, and to have access to the support they need without requiring permission from the person who hurt them.

Victim-survivor

Summary

Urgent reform is needed of our Family Court, immigration and adult safeguarding² systems.

In this paper, we explain how and why the current system is failing to protect children, adults at risk and victim-survivors from family violence (FV), sexual violence (SV), neglect and exploitation, and failing to support their recovery and wellbeing. We discuss the number of people who are impacted by these failures.

We then propose and detail seven reforms that are needed to ensure these systems are consistently protecting children, adults at risk, and victim-survivors and providing them with pathways to recovery and wellbeing.

We are **Focus on Safety**, a non-partisan collaboration of experts in responding to FV, SV, and adult safeguarding situations across Aotearoa New Zealand, supported by FV, SV and adult safeguarding specialists across the motu, other social service providers and others.

See www.focusonsafety.org.nz/who-we-are for more detail.

The family justice system is one the most significant system barriers to victim-survivor safety and wellbeing in Aotearoa New Zealand.

Glossary of Acronyms:

FV: Family Violence

SV: Sexual Violence

CoCA: Care of Children Act

PPRA: Protection of Personal and Property Rights Act

FDR: Family Dispute Resolution

¹ While the term 'vulnerable adult' is used in legislation, '**adult at risk**' is the preferred term for adults across the lifespan who need care or support because of their age, sickness, mental impairment or other cause, and who are unable to protect themselves because of these needs when they experience, or are at risk of experiencing, FV, SV, neglect or exploitation.

² Adult Safeguarding refers to a collective, collaborative and consistent approach across sectors and services that supports adults at risk, by actioning a legal duty to protect their right to live in safety, free from abuse, neglect and exploitation.

Unsafe decision-making is likely to harm thousands of victim-survivors every year. This includes court orders forcing children and adults at risk into the unsupervised care of abusive parents or carers, and the lack of coordination between family justice and immigration which results in migrant victim-survivors being denied visas and therefore being separated from their children and/or forced to go to jurisdictions where they face considerable harm. Further, protective parents and other victim-survivors are forced into debt and financial hardship due to the cost of Family Court proceedings.

The state creates these harmful outcomes because the New Zealand Family Court is not set up to respond safely and effectively to adult and child victim-survivors. The Family Court:

- does not screen for FV, SV, neglect and exploitation
- does not provide a specialist response where violence and abuse are alleged or confirmed in applications regarding the care of and access to children (Care of Children Act) cases or adults at risk in Protection of Personal and Property Rights Act cases
- does not have FV and SV experts gather and analyse relevant information from multiple sources to inform safe court decision making
- is not coordinated with Immigration NZ in FV Visa proceedings
- does not have independent oversight, monitoring and a process for continuous improvement that centres adult and child victim-survivor experience and safety
- is expensive, allowing and encouraging economic abuse as well as litigation abuse
- is not supported in safe decision-making by an entity with statutory powers to protect adults at risk.

Focus on Safety proposes seven areas of reform of the Family Court to improve its response to victim-survivors and bring it closer in line with safer international family justice models:

1. **Introducing new FV, SV specialist roles to provide fuller and better information to inform court decisions and provide a safe voice for children and adults at risk to participate in decisions about them**
2. **Developing a family violence/ sexual violence (FV/SV) Specialist Family Court and Family Dispute Resolution pathway that introduces policies and processes, including accredited/trained Judges, who hear from FV, SV expert report writers and FV, SV child and adult at risk communication specialists that enable the court to identify and safely respond to FV, SV, neglect and exploitation**
3. **Coordinating FV Visa Proceedings with the FV/SV Specialist Family Court**
4. **Establishing an Independent FV/SV Prevention & Response Commissioner for oversight and monitoring of family justice responses to, and decisions about, victim-survivors**
5. **Enabling access to all Family Court data and processes for designated FV and SV specialist researchers and accredited media (with strict controls to protect privacy of court participants) to ensure a transparent Family Court**
6. **Ensuring victim-survivor access to non-means-tested, non-recoverable legal aid**
7. **Creating an Adult Safeguarding Statutory Framework with statutory powers to identify, protect, and support adults at risk, mirroring the legislative protections available to children.**

We are calling for our proposed reforms to be enacted as a priority, for the sake of current and future adult and child victim-survivors and their whānau. **We ask that political parties make a public commitment to prioritise beginning work on the seven proposed reforms.**

Introduction

FV and SV have a devastating impact on women and children, disproportionately impacting tangata whenua and other marginalised communities. The key drivers are gender inequity – the legacy of a British patriarchal society – and colonisation which imposed British institutions, laws, science, religion, values and language (Te Puna Aonui, 2021).

The Family Court of New Zealand was established in 1981 as “a vehicle for counselling, conciliation, mediation and, only as a last resort, hearing and adjudication,” and a “step away from the exclusively adversarial approach that had previously dominated the field.”³ But neither counselling and conciliation nor adversarialism are effective family justice approaches to FV and SV.

All of Aotearoa New Zealand wants a family justice system which protects child and adult victim-survivors from further violence and abuse, enabling them to heal and live free, independent lives. But **the Family Court continues to fail to protect many children, adults at risk and victim-survivors** from FV, SV, neglect and exploitation, and fails to support their recovery and wellbeing.

Other countries have similar problems; some are taking steps towards safer Family Justice systems to enable consistently safer outcomes in cases involving FV, SV, neglect or exploitation – in particular Australia and the UK. **It is high time Aotearoa New Zealand did too.**

We are not alone in our call for reform of the Family Court. A wide range of people agree the New Zealand Family Court should be safer, including researchers (Williams, 2025a&b; Boulton et al, 2020; Leonetti, 2025a), family violence service providers (Williams, 2025c), the Ministry of Justice (2025), and United Nations committees (CEDAW, 2024) and UN investigators (Alsalem, 2023), lawyers (Inder, 2022) and politicians on both sides of the house (NZ National Party, 2021; Williams, 2025a). The Principal Family Court Judge has requested changes to the Family Court so judges can know when the cases before them involve disclosure of family violence (Williams, 2025d).

We commend the judicial initiative [Te Ao Mārama](#) for taking some important steps towards “supporting children and families at greatest risk when engaging with the family and criminal justice systems” by partnering with iwi and communities. The initiative is a step in the right direction towards a more investigative approach and less adversarial approach. However, it operates in only eight of the fifty-nine District Courts at the discretion of local judges, and does not address most of the gaps and systems limitations we identify in this paper.



³ <https://www.courtsofnz.govt.nz/publications/speeches-and-papers/address-by-chief-justice-helen-winkelmann-on-the-40th-anniversary-of-the-establishment-of-the-family-court>

Family Justice system outcomes that harm child and adult victim-survivors

Time and again, victim-survivors name the Family Court as the key barrier to their safety and healing. We hear about outcomes of Family Court proceedings that include:

- **Parents with a history of perpetrating FV and/or SV towards children and/or their protective parent given care or shared care of their children, or unsupervised access, including where this history involves a criminal court conviction.**

There are countless documented cases of the Family Court ordering children into the day-to-day care of their abusers (Mackenzie et al, 2020; Hay, 2025; Leonetti, 2025a; NZ Psych Society, 2015).

- **Mothers who experience family violence being urged by their lawyer to participate in family dispute resolution (FDR), to not disclose family violence, and to agree to shared care with their abuser so that they are not seen by the court as obstructive.**

The Family Court system does not routinely respond safely when one party (parent) in care of children court proceedings is violent and/or coercively controlling the other, and does not address power imbalances nor provide safe processes for victim-survivors and children. The result is abusers being empowered to use the Family Court as a weapon to continue to control and abuse victim-survivors who are less safe by being required to participate in mediation, agree to orders by consent, or participate in court hearings without protections such as separate waiting areas, support people or the use of screens or alternative ways of giving evidence.

"A parenting order is supposed to provide stability, but in cases involving family violence, it frequently becomes just another tool of coercion. Protective parents are forced into impossible choices: break an order and risk losing your children, or comply with an order and send your frightened child into an unsafe situation. We need a complete overhaul of the family court system."

Victim-survivor

- **Mothers who refuse to participate in FDR, who disclose family violence, or who don't agree to shared care, being disbelieved and labelled by lawyers, psychologists and/or judges as an 'alienating parent' and are thereby misidentified as the abusive parent.**

Research and reports from Aotearoa New Zealand and overseas have found that when women disclose the abuser's use of violence and abuse towards their children, they are often not believed, the abuse is minimised, reframed as irrelevant or historical or their fault, and instead mothers are accused of alienating their children from the abusive parent, which is then seen as a form of psychological abuse. Through this use of the unscientific and internationally discredited concept of 'parental alienation' (Leonetti, 2025; Alsalem, 2023; The Backbone Collective, 2022; 2017; Mackenzie et al. 2020), which refers to the idea that one parent is deliberately destroying the child's relationship with the other parent, victims are reframed as abusers.

In situations involving family violence and sexual violence, this concept is dangerous and harmful. Other terms are commonly used in New Zealand to have the same meaning, e.g. Post Separation Parental Rejection, Enmeshment between the mother and child, Resist and Refuse dynamic, coaching, over-anxious mothering. In Backbone surveys, 55% to 62% of mothers said court professionals accused them of parental alienation or associated concepts/terms.

- **Protection orders being withdrawn by the Family Court against the will of victim-survivors and/or their children.**

Our organisations frequently hear from women who have been granted a Protection Order by the Family Court however, the Protection Order is either not made final or is discharged at a later date even when the protected person still believes the order is still necessary for their own protection and that of their children.

Oftentimes, this happens as a result of contested Care of Children Act proceedings where allegations of parental alienation or other related concepts are being made against the protective parent, and are in response to an application made to the court by the abuser (the respondent). Other times, this is at the recommendation of a Lawyer for Child, or what a Judge deems to be the best course of action.

“A family court system that gives out protection orders one week and then, a few weeks later, pressurises a mother to go into a shared-care arrangement, is unacceptable and completely lets down those women and children whom protection orders are supposed to help. How can protection orders have any weight and be taken seriously by perpetrators in such a case?”

Victim-survivor

- **Children who are victims of FV and/or SV being denied access to counselling or healing therapies or having their counselling records subpoenaed by the Family Court acting on behalf of the parent who perpetrated the violence.**

Our organisations experience children being blocked from attending family-violence and sexual-violence counselling sessions, including with government-funded and GP-referred providers because the abuser withholds their consent to such a service or the Family Court prohibits such a service (Backbone 2017 & forthcoming). We also experience abusers’ lawyers demanding the case notes of sessions with children to be shared with the abuser and the Family Court. In these actions, the Family Court enables abusers to continue to abuse and control adult and child victim-survivors post-separation.

- **Ethnic and migrant women experiencing FV and/or SV, without access to protection or visas, being deported and separated from their children as immigration and family law systems are not joined up.**

Recent research confirms what we see in our services - that “New Zealand’s immigration and family law systems operate in harmful isolation. When family lawyers don’t understand immigration implications, immigration officers don’t recognise family violence dynamics, and the Court doesn’t see visa status as relevant to protection order applications, women fall through the gaps—facing deportation despite experiencing violence, or remaining in abusive relationships to retain visa status.” (Nightingale, 2026).

- **Adults at risk being left in the care of someone who is perpetrating FV, SV, neglect or exploitation towards them.**

Aotearoa New Zealand does not have an adult safeguarding statutory framework in place to identify, protect, and support adults at risk. Unlike children and young people who are protected through a dedicated statutory care and protection framework, adults at risk are not covered by a comprehensive safeguarding system.

Family Court processes do not have adequate safeguards to ensure that applications and orders made under the Protection of Personal and Property Rights Act (PPRA) for the appointment of a

welfare guardian, enduring power of attorney, or to administer property do not appoint abusers in these roles, and thus place adults at risk in greater and ongoing danger of family violence, sexual violence, neglect and exploitation. The Family Justice System also does not have processes to identify and remove abusers who have been appointed as a welfare guardian, enduring power of attorney, or to administer property.

There is a significant body of evidence confirming the outcomes described above. Specific gaps and limitations that lead to these outcomes are described on p.7 and detailed in **Appendix A: Family Justice system gaps and limitations**. Further relevant research and evidence is outlined in **Appendix B: Evidence to support these reforms**.

The family justice system can be, and must be, changed.

"The Family Court system in fact fosters his abuse of us. IT IS NOT OK!!!"

Victim-survivor

How many people are affected?

Thousands of children and adults are impacted by the Family Court's decisions each year; there were 13,162 children linked to all Care of Children Act (CoCA) proceedings in the 2024-25 financial year (OIA 129671), and Australian evidence suggests the majority will be in situations involving family violence. The numbers of people impacted are significant:

- Approximately 16,025 Care of Children Act (CoCA) applications were filed at the Family Court in 2025 (MOJ Data Tables accessed July 2026), and there were 13,162 children linked to all CoCA proceedings in the 2024-25 financial year (OIA 129671).
- Significant numbers of these children are experiencing FV and/or SV. In Australia, 86% of Family Court parenting and property proceedings involved a party self-reporting FV, and 81% self-reporting that a child had experienced FV (Federal Circuit and Family Court of Australia Annual Report 2024-25). There's no reason to believe these percentages would significantly differ in New Zealand, as reported FV rates are higher than in Australia.
- Research concludes that more parties have parenting arrangements determined by the Family Court when there are safety concerns, and that FV is a significant barrier to separated parents making their own parenting arrangements (Gollop et al, 2020, p.2).
- There were 8595 substantive Protection of Personal and Property Rights Act (PPRA) applications to the Family Court in 2025 (MOJ Data Tables accessed July 2026), but there's not yet any published data about the incidence of FV, SV, neglect or exploitation in PPRA proceedings. The Law Commission cautions that "people with affected decision making can be particularly vulnerable to abuse by people supporting their decision making or making decisions on their behalf" (Law Commission, 2026).

"I applied for protection order when my [child] was [under 5]. I was forced to interact with the police on numerous occasions as my ex- partner breached this order continuously. I also applied for parenting orders in the Family Court when I sought to get my primary care put in place officially. My ex then countered this with an application for shared care. ... I was in the family court for around [nearly ten years] in total and this took away many years of enjoying my [child] grow up and was emotionally and financially draining."

Victim-survivor

- There were 1223 FV Work Visa applications and 532 FV Resident Visa applications submitted from 2015-2024 (OIA: DOIA-REQ-0008184 Appendix 1), but not yet any published data about the percentage of FV Visa applicants who are also a party to FV or CoCA proceedings.

Why is this happening? Family Justice system gaps and limitations

The outcomes described on previous pages happen because of gaps and limitations within the Family Court and adjacent systems outlined below and detailed in **Appendix A**.

The origins of these problems lie in a justice system based on British legal traditions and Western concepts of family, parenting, and evidence. Our system privileges Western, patriarchal values and understandings of families and relationships over Māori understandings of whānau relationships and a Māori worldview, resulting in assessments of families made through predominantly Western cultural lenses that marginalise tikanga Māori and weaken the role of whānau and hapū in decision-making.

Family Justice system gaps and limitations addressed by our proposed reforms include:

- A. A lack of access to information for individual cases about the presence, history and impact of FV, SV, neglect, and exploitation, that is held by other agencies, organisations or individuals.
- B. A lack of access to FV, SV and adult safeguarding expertise, with relevant cultural perspectives, to analyse and interpret information for the court.
- C. A lack of safe and effective processes for children and adults at risk to participate in decisions about them.

➔ **A, B, and C are addressed by Reform #1 New FV, SV Specialist Roles**

- D. Inappropriate policies & processes to consider and address violence including:
 - i. An adversarial system, which can be intimidating, unsafe and traumatic for victims-survivors and enable abusers to manipulate the system to cause further harm.
 - ii. A requirement for lawyers, in Family Court Act 1980 section 9A, to “so far as possible, promote conciliation”, which can make victims feel pressured to keep silent about abuse in order to avoid being seen as ‘uncooperative’ or ‘hostile’ to conciliation and to settle or mediate with their abuser and agree to unsafe orders by consent.

➔ **Addressed by Reform #2 A FV, SV Specialist Family Court**

- E. A lack of coordination with FV Visa processes and decision making.

➔ **Addressed by Reform #3 FV Visa Proceedings Connected with the FV, SV Specialist Family Court**

- F. A lack of transparency and oversight of Family Court processes and decisions to address issues and inform future improvements.

➔ **Addressed by Reform #4 Oversight by Independent FV, SV Prevention & Response Commissioner AND Reform #5 A Transparent Family Court**

- G. Victim-survivors are forced to pay to try protect themselves and their children through the Family Justice system, resulting in debilitating debt.

➔ **Addressed by Reform #6 Access to legal aid**

- H. A lack of statutory Adult Safeguarding authority responsible for protecting adults at risk (similar to the role of Oranga Tamariki for children).

➔ **Addressed by Reform #7 Adult Safeguarding Statutory Framework**

The children are the ones living the consequences. They are the ones walking on eggshells, trying to gauge what mood their father will be in when they walk through the door, and feeling their anxiety spike before every return to his care.

Victim-survivor

Proposed Reforms

On the following pages, we detail seven proposed reforms, which have been developed by our collaboration of violence experts, based on our knowledge of existing problems, our experience of what works to achieve safe outcomes for victim-survivors and children, and research from New Zealand and abroad.

1. **New FV, SV Specialist Roles – p.8**
2. **A FV, SV Specialist Family Court – p.10**
3. **FV Visa Proceedings Connected with the FV, SV Specialist Family Court – p.13**
4. **Oversight by an Independent FV, SV Prevention & Response Commissioner – p.13**
5. **A Transparent Family Court – p.14**
6. **Access to Legal Aid – p.15**
7. **Adult Safeguarding Statutory Framework – p.15**

1. NEW FV, SV SPECIALIST ROLES

These roles will provide fuller and better information to inform court decisions that is analysed and interpreted with FV and SV expertise, and they will provide a safe voice for children and adults at risk to participate in decisions about them.

Investment in establishing and maintaining a new infrastructure will be critical to providing national consistency and quality assurance for these new roles, described more fully below. **A Te Tiriti-based structure independent from government must be led by FV, SV, disability, and adult safeguarding specialists.** It must be established and run as a partnership between tangata whenua and tau iwi, and include Rainbow, disabled, Pacific Peoples, Asian, and other ethnic and migrant communities. The infrastructure will support recruitment, training and quality control processes and ensure national consistency.

- a. **FV, SV Child Specialist** and **FV, SV Adult Safeguarding Specialist** roles with skills, expertise and sufficient time will explain court processes to, and gather views of, children and adults at risk, respectively.
 - i. **FV, SV Child Specialists** will gather views of children to inform Care of Children (CoCA) and FV (protection order) proceedings. They will be trained in child development, trauma, FV, SV, coercive control and entrapment, grooming, post-separation abuse, disability (Disabled person means a person who is Deaf or blind, or who has a physical disability, a learning disability, a chronic illness, a significant mental health problem, Foetal Alcohol Spectrum Disorder, autism or other form of neurodivergence), culturally responsive practice,

developmentally appropriate communication, and relevant legislation and systems. They will interpret and communicate children's views within the broader context of their lived experiences and the impact of FV and/or SV on their safety, wellbeing, relationships and development.

They may specialise in working with tamariki (younger children) or rangatahi (young people or teenagers). Māori Specialists will work with tamariki/rangatahi Māori, and Rainbow/Takatāpui specialists with Rainbow/Takatāpui tamariki/rangatahi. The Child Specialist will explain court processes, ask about the child's relationship with their parents/caregivers and about what they want to have communicated to the court. They will explain the child's views within the context of child development and an understanding of the impact of FV and/or SV.

- ii. **FV, SV Adult Safeguarding Specialists** will gather views of adults at risk to inform Protection of Personal and Property Rights Act (PPRA) proceedings. They will explain court processes to the adult at risk, ask them about their relationship with their carer(s) or legal representative(s) and about what they want to communicate to the court. They will explain the person's views within the context of any limitations on their ability to communicate their views and the impact of FV, SV, neglect and exploitation.

They will be trained in trauma, FV, SV, coercive control and entrapment, grooming, disability, capacity, culturally responsive practice, and relevant legislation and systems. They will interpret and communicate views of adults at risk within the broader context of their lived experiences, capacity and the impact of FV, SV, neglect and exploitation on their safety, care, housing, financial dependence, wellbeing, relationships and capacity.

One of the hardest things about family violence is that the person who is abusive at home often looks nothing like the person the outside world sees. Some men are not obviously aggressive—they can be charming, articulate, successful, and deeply well-liked in their communities. They present themselves as devoted fathers, loving husbands, and reasonable people. Behind closed doors, however, their families experience something entirely different: fear, intimidation, control, manipulation, emotional abuse, and sometimes physical violence.

This creates a devastating trap when a family enters the justice system. While a mother tries desperately to explain what is happening behind closed doors, the father presents as calm, measured, and concerned. When the mother becomes increasingly distressed because nobody seems to be listening, that very distress is weaponized against her. She is labelled as angry, unreasonable, uncooperative, and "acrimonious." I know this because it was my exact experience.

Victim-survivor

- b. **FV, SV/Safeguarding Expert Report Writer.** This expert will gather, analyse and interpret information about the use of FV, SV, neglect and exploitation, and resulting harm and risk. They will gather this information from:
 - The **FV, SV Child Specialist** report re views of child or FV, SV Safeguarding Specialist report re views of the adult at risk.
 - A standardised **FV and SV risk analysis** (designed by independent Focus on Safety experts) focusing on the history and pattern of FV and/or SV behaviours and the impact of those

behaviours on adult and child victim-survivors. Both adult parties will be asked the same risk questions, and responses will help to differentiate who is using harmful behaviour against whom, and the impact of those behaviours on both the adult and the children.

- Family/whānau members, friends, neighbours and people in the community who know the parties/children/adult at risk.
- Organisations/services which have engaged with the parties/children/adult at risk, e.g. specialist FV and/or SV organisations, Police, healthcare providers, schools, disability or other social services, and particularly for adults at risk – legal representative(s), advocate(s), carer(s), etc.

In FV, SV Specialist Family Court processes, the **Lawyer for Child** and **Lawyer for Subject Person** will communicate with their client via the **FV, SV Child Specialist** or **FV, SV Safeguarding Specialist**. They will represent their client's views and best interests as informed by these roles and by the **FV, SV / Safeguarding Expert Report**. This will ensure that children and adults at risk are supported by professionals with specialist skills in eliciting and conveying their views, while also reducing pressure on an already overstretched legal workforce.

Similarly, court-appointed psychologists will no longer be needed in Family Court proceedings involving FV and SV, as the FV, SV/Safeguarding Expert Report Writer will better meet the need for information about the history and risk of further FV and SV and other relevant information. This will also reduce pressure on another overstretched workforce.

2. FV, SV SPECIALIST FAMILY COURT & FAMILY DISPUTE RESOLUTION (FDR) PATHWAYS

FV, SV Specialist Family Court and FV, SV Family Dispute Resolution Pathways will be created by introducing policies and processes that enable the court to identify and safely respond to FV, SV, neglect and exploitation.

TRAINING & PROCESSES

ALL court staff and professionals, including Judges, will have regular specialist FV and SV training to Enhanced-Expert level [FV capability](#)⁴ and [SV capability](#)⁵, and training to understand the needs of disabled children and adults at risk.

Within the **FV, SV Specialist Family Court**:

- Decisions will be informed by the FV, SV Child Specialist report OR Adult Safeguarding Specialist Report AND FV, SV / Safeguarding Expert Report. Judges can ask these specialist roles to gather further information or to explain anything in their report.
- Judges will be accredited to sit in this specialist Court
- Victim-survivors will be proactively offered options for safe participation, e.g. alternative ways of giving evidence, support person in Court, communication assistant, etc.

⁴ <https://preventfvsv.govt.nz/resources/workforce-capability>

⁵ [Strengthening sexual violence workforce capability to improve safety | The Centre for Family Violence and Sexual Violence Prevention](#)

Within **FV, SV Specialist FDR (Family Dispute Resolution)**:

- Processes will be informed by the **FV, SV Child Specialist report AND FV, SV / Safeguarding Expert Report**. If no agreement is reached and the case proceeds to FV, SV Specialist Family Court, these reports will then be used to inform the Court proceedings.
- Safe options for victim-survivor participation, e.g. online shuttle mediation, will be proactively offered.
- If an agreement is reached between parties, a court official will make the agreement an enforceable consent order, as a matter of course.

Parenting Order applicants who are identified as FV and/or SV victim-survivors, or as protective caregivers for children who have experienced FV and/or SV, will be able to freely opt for **FV, SV Specialist FDR OR FV, SV Specialist Family Court**.

Cases will enter the FV, SV Specialist Family Court or FV, SV Specialist FDR pathway when:

- **A Parenting order application OR an application under the PPPR Act OR a response to one of these applications, is accompanied by supporting evidence of FV and/or SV.**

Evidence can be a copy of the first page of a Protection Order, a Police Safety Order, a Police charging document, a statutory declaration from the applicant, or a written statement in prescribed form from a range of approved people, including a health professional; social worker; employer; lawyer; landlord; religious leader; family violence, sexual violence, whānau ora, disability or other social service provider (similar to evidence required for early withdrawal of tenancy due to family violence⁶).

This evidence will not be admissible nor shared with the other party. The applicant may opt for the **FV, SV Specialist FDR** pathway or the **FV, SV Specialist Family Court** pathway. If they opt for **FV, SV Specialist FDR** and the other party does not agree, the case will proceed to the **FV, SV Specialist Family Court** pathway.

- **Family Justice professionals** (FDR provider, party lawyer, Lawyer for Child, Lawyer for Subject Person, judge, Oranga Tamariki) **who recognise signs of FV and/or SV** from affidavits, testimony etc. will be able to provide information (non-admissible, not shared with parties) to trigger a FV, SV-informed pathway. At that point, the protective parent/caregiver may opt for the **FV, SV Specialist FDR** pathway or the **FV, SV Specialist Family Court** pathway.
- **An Oranga Tamariki or other professional who identifies a child victim of FV, SV, neglect or exploitation when there are CoCA proceedings but there is no adult victim nor protective parent** will be able to trigger the **FV, SV Specialist Family Court** pathway.
- **A statutory Adult Safeguarding professional who identifies an Adult at Risk when there are PPPR proceedings** will be able to trigger the **FV, SV Specialist Family Court** pathway. (Note: there is not yet a statutory adult safeguarding body, as we are calling for below)



⁶ [Withdrawal from a tenancy following family violence » Tenancy Services](#)

I was told I needed to support my children's relationship with their father, which I understood. But everything changed when my children began telling me they were frightened of him...Soon, they began showing unexplained injuries and detailing incidents where their father had hurt them. I was terrified—not just for their safety, but terrified of getting it wrong, knowing what the system does to mothers perceived as interfering. I sought advice, support services got involved, and concerns were reported. My children were interviewed, disclosures were made, and then the trap snapped shut.

Victim-survivor

FV, SV Specialist Family Court monitoring:

- **Responsive:** Anyone aware of a breach of Family Court orders that are in place (FV Specialist FDR consent orders or FV, SV Specialist Family Court orders), or who has evidence of further FV, SV, neglect or exploitation of a child or adult at risk, will be able to notify the court to enact monitoring proceedings. Notifications will be forwarded to the **FV, SV/ Safeguarding Expert Report Writer** (if possible, the one who wrote the original report for the court) who contacts the notifier for more information and if needed, updates report and submits to court for review. *(Note: the Family Violence Act definition of 'family violence' includes a child witnessing violence towards a family member)*
- **Pro-active:** If there are no notifications of concern within six months, the **FV, SV / Safeguarding Expert Report Writer** will contact the victim, and the **FV, SV Child Specialist** will contact the child, or the **FV, SV Adult Safeguarding Specialist** will contact the adult at risk. If necessary, both specialist reports will be updated and submitted to court for review.

PRINCIPLES

Principles for FV, SV Specialist Family Court proceedings:

- Children/adults at risk will not be forced to have contact with an alleged or confirmed abusive parent/carers/legal representative:** Instead the child/adult at risk will have support and time to heal, and will be able to decide for themselves if they want to have contact with the parent/guardian/carers who has used abuse, once that parent has demonstrated behaviour change (via standardised assessment developed by FV, SV experts). To support this principle:
 - The presumption that a FV perpetrator is not to be granted unsupervised contact with children will be reinstated in law,
 - An accreditation process will be created and implemented to ensure supervised contact centres have enhanced-expert level FV and SV capability and use safe practice, and
 - Section 73 of the Care of Children Act, which allows children to be uplifted by police or a social worker and handed to the other parent for contact/access, will be repealed.
- The use of discredited concepts, theories and interventions that are harmful in cases involving family violence and sexual violence will be prohibited,** e.g. parental alienation, resist-refuse, enmeshment, over-anxious mothering, and reunification therapy. See more evidence about this issue under “**The use of parental alienation**” in **Appendix B: Evidence to support these reform.**
- Participation in a non-violence programme, sexual violence programme, or other perpetrator intervention will not, and must not, by itself, be taken as evidence of behavioural change or reduced risk.** Any assessment of behavioural change will consider the person's demonstrated

acceptance of responsibility, sustained behavioural changes over time, patterns of coercive, abusive or grooming behaviour, independent corroborating information, the safety and experiences of affected adults and children, and any other relevant evidence (The Backbone Collective, 2026).

- iv. **The court, and court representatives (Lawyer for Child, Lawyer for Subject Person, Lawyer for parties, Psychologists, Oranga Tamariki Social Workers, etc), will not, and must not, take action on behalf of one guardian to deny children or adults at risk access to counselling and healing therapies** for the purpose of supporting them to heal from their experience of FV, SV, neglect or exploitation.

Reunification therapy to “re-build” a relationship between an abusive parent and their child is harmful to the child, and not a healing therapy. Following child sexual abuse, any reconciliation meetings will only occur if a child is ready for this and such meetings will only be run by the SV specialist services providing rehabilitation and therapy.

- v. **Protective parents, children, young people and adults at risk will not be prevented by the Family Court from talking (verbally) with friends, family, whānau or support services about their experiences of FV, SV and court proceedings** (Leonetti, 2024).

- vi. **Rights of guardians/legal representatives:**

- **In cases where a guardian has perpetrated FV** (as defined in the Family Violence Act, this includes any behaviour that is coercive or controlling), SV, neglect or exploitation of the child, **there will be a presumption in favour of limiting guardianship rights to protect the rights of the child** to: have their best interests prioritised; be safe from harm and heal from harm they have experienced; and to develop, grow and flourish as a whole person, including through access to stable care, cultural identity, education, health and meaningful participation in decisions affecting them. Limitations on guardianship will be able to be reassessed following a standardised risk analysis showing demonstrated behaviour change (see principle i and iii above).
- **In cases where a welfare guardian (PPPR Act) or EPOA (Enduring Power of Attorney) has perpetrated FV, SV, neglect or exploitation towards the adult at risk, there will be a presumption in favour of removing their representative rights to protect the rights of the adult at risk** to: be safe from harm, abuse, neglect, exploitation, and coercion; have the least restrictive intervention applied, consistent with their level of capacity; and be enabled and supported to exercise and develop their decision-making capacity to the greatest extent possible, including through access to appropriate support, advice, and information. The FV, SV Safeguarding Specialist will assist in finding a safe and appropriate alternative welfare guardian (PPPR Act) or EPOA (Enduring Power of Attorney).

3. FV VISA PROCEEDINGS CONNECTED WITH THE FV, SV SPECIALIST FAMILY COURT

In order to coordinate the approach of the Family Court and FV Visa systems, a victim-survivor involved in Family Court proceedings without NZ residency, and/or with a visa that depends on their relationship with an abusive partner or family member, will have interim visas granted for them and their dependent children, and FV Visa proceedings will be informed by reports from the FV, SV Specialist Roles.

The FV, SV / Safeguarding Expert Report Writer will routinely gather information about victim-survivors' visa/immigration status. This will remove the burden from victim-survivors of gathering evidence that is more appropriately gathered and interpreted for authorities by an expert report writer. If a victim-survivor parent or protective caregiver in CoCA proceedings, or adult at risk in PPR proceedings, does not have residency and/or has a visa that depends on their relationship with the abuser, then:

- The victim-survivor parent/caregiver or adult at risk will be granted an interim visa, with work rights if needed, and FV Visa process is delayed until the FV, SV Child Specialist or Adult Safeguarding Specialist Report AND the FV, SV/Safeguarding Expert Report are available to inform the FV Visa process. There will be no further requirements on the victim-survivor to provide evidence of FV and/or SV to Immigration. Immigration Officers will be able to contact the Report Writers with questions.
- Applicants' dependent children will automatically be included in the FV Visa application and issued an independent student visa (if age 5 or older) or visitor visa (if younger than 5 years old). The respondent will not be informed and will not have the right to override inclusion of the children.
- FV Visa applicants will be eligible for legal aid (See Reform #6) and MSD benefits, even if the respondent is not a resident.

The Immigration Act 2009 will also be amended to require children's best interests be the paramount consideration, rather than a primary consideration, in all immigration decisions where FV is a factor, to align with the Care of Children Act 2004.

4. OVERSIGHT BY INDEPENDENT FV, SV PREVENTION & RESPONSE COMMISSIONER

An independent FV, SV Prevention & Response Commissioner will provide expert oversight and systems level recommendations to ensure that the Family Court and adjacent systems respond to FV and SV safely, similar to the [Australian Domestic, Family and Sexual Violence Commission](#)⁷ and to the UK Domestic Abuse Commissioner.⁸

The Commissioner will have a specialist FV, SV background, and also an Adult Safeguarding background or be trained in Adult Safeguarding by FV, SV Adult Safeguarding specialists. The Commissioner will work towards a vision of a family justice system that has processes and a culture that supports safety and protection from harm, with central considerations being the needs of children and adults at risk, the impact of family violence, sexual violence, neglect, and exploitation, and where victim-survivors feel they are respected and their safety is prioritised.

The Commissioner's duties will include (but not be limited to):

- Driving meaningful change to make the Family Court safer for children, adults at risk and victim-survivors of FV and/or SV.
- Meeting regularly with key stakeholders including the judiciary; representatives from the new independent NGO that employs the new FV, SV specialist roles described above; family violence, sexual violence, adult safeguarding and disability service providers, and researchers; and victim-survivors.

⁷ [Welcome | Domestic, Family and Sexual Violence Commission](#)

⁸ <https://www.domesticabusecommissioner.uk/>

- Analysing court records and gathering views from court participants and FV, SV-informed court professionals to assess how new Family Court, FDR and FV Visa pathways are impacting on adult victim-survivors, children, and adults at risk, as well as other potential impacts on the system, and making recommendations for further improvement.
- Analysing FV Visa records and gathering views from applicants to assess how effectively the Family Justice and Immigration systems are integrated according to FV, SV victim-survivors.
- Working with complaints bodies for professionals involved in the Family Court to ensure responses to FV and SV-related complaints are fair and there are safe outcomes for children, adults at risk and FV and/or SV victim-survivors, including the Judicial Conduct Commission, the Law Society, Psychology Board and MBIE (which employs immigration officers).

5. A TRANSPARENT FAMILY COURT

Continuous improvement and safety of the Family Court will be enhanced by enabling access to all Family Court data and processes for designated FV and SV specialist researchers, accredited media and the FV, SV Prevention & Response Commissioner, with strict requirements for confidentiality/anonymising for use of data.

Researchers will gain access to court proceedings and court records either via a formal data-sharing agreement with appropriate entity such as Vine (the NZ national centre for family violence and sexual violence research and information hosted by Auckland University) OR via Transparency Orders allowing ‘accredited’ researchers and accredited media access, similar to Transparency Orders in the UK⁹.

All court parties will have digital access to court-commissioned reports and access on request to transcripts of court proceedings, with strict controls to safeguard from unauthorised access.

The current Family Violence, Sexual Violence and Family Court Judges’ Bench Books will be published online immediately, and an updated evidenced-based FV, SV Family Court bench book will be created in collaboration with Focus on Safety experts and made publicly available.

6. ACCESS TO LEGAL AID

FV and/or SV victim-survivors will have access to legal aid for FV/protection order proceedings, as well as CoCA, PPPR, and FV Visa proceedings, regardless of ‘official’ income in order to have equitable access to justice and safety.

Similar to [legal aid for protection orders](#), this aid will also be non-recoverable, except when the applicant is or becomes known to have perpetrated FV, SV, neglect or exploitation, including litigation abuse by applying for a Family Court order against their victim. FV Visa lawyers will be listed as a sub-specialty in refugee and immigration law to the [MoJ website legal aid lawyer register](#) to make it easier for applicants to find a lawyer.

⁹ [Transparency and reporting in the family courts - GOV.UK](#)

7. ADULT SAFEGUARDING STATUTORY FRAMEWORK

New Zealand needs a dedicated adult safeguarding framework with statutory powers to identify, protect, and support adults at risk mirroring the legislative protections available to children.

This statutory framework will complement Family Court Adult Safeguarding processes by:

- a) Protecting adult autonomy, legal capacity and human rights, in particular by shifting away from a framework enabling 'substitute' decision-making on behalf of adults at risk towards 'supported' decision-making in line with the United Nations Convention on the Rights of Persons with Disabilities,
- b) Supporting early intervention when adults at risk are experiencing or are at risk of family violence, sexual violence, neglect or exploitation,
- c) Strengthening system accountability to ensure safety and wellbeing of adults at risk and oversight,
- d) Clarifying agency roles and duties, and
- e) Centring lived experience evidence.

Appendix A: Family Justice system gaps and limitations detail

A. The Family Court does not have access to information about families appearing in court in terms of the presence, history and impact of FV, SV, neglect, and exploitation, that is held by other agencies, organisations or individuals.

Currently the Family Court relies on information brought to the court by lawyers for adult parties, the Lawyer for Child or the Lawyer for Subject Person (adult at risk). Sometimes the court appoints psychologists who interview parties and children to try to understand family dynamics relevant to CoCA (Care of Children Act) and PPPRA (Protection of Personal and Property Rights Act) proceedings. The Court may also seek information from Oranga Tamariki about their involvement or request a social worker report.

None of these roles are specifically and routinely directed to gather information from other individuals, agencies and services that have interacted with the family. This information will often provide the clearest picture of the history of FV, SV, neglect or exploitation and clarify who is causing what harm to whom, the impact of that harm, and the risk of further harm.

Individuals, agencies and services may include Police, the Criminal Court, Community Probation, health providers, schools, family violence services, sexual violence services, disability services, other social services, family or whānau members, friends, neighbours and others.

This information needs to be gathered by people with enhanced to expert FV and SV capability, who know how to recognise signs of harm and risk, what questions to ask, and how to respond to someone in distress because of their experience of violence, i.e. where there are signs of PTSD, brain injury, etc.

Efforts to reform the Family Court in Australia and the UK have focused on shifting towards a similar investigative approach that gathers better, more fulsome information to inform safe decision-making. Read more about these ongoing reform efforts in **Appendix B: Evidence to support these reforms**.

B. There is a lack of access to FV, SV and adult safeguarding expertise with relevant cultural perspectives to analyse and interpret information for the court.

Lawyers and occasionally psychologists and social workers are currently the only professionals providing and interpreting information about children, adults at risk and their families and caregivers to the Family Court.

The nature of family violence, coercive control, grooming and entrapment may mean that abusers appear credible, calm and respectable, while victim-survivors may appear disorganised, confused and emotionally volatile in a court setting. Children are less likely to share their experiences and views unless they feel safe, believed and understood.

Court professionals, including judges, do not have sufficient training and expertise in family violence, sexual violence, neglect and exploitation to assess harm and risk to children (Henaghan et al, 2021), whether based on talking directly to children and adult parties or from interpreting information from individuals, agencies and services involved with families. They also often lack cultural perspectives

that help them recognise and understand family violence and sexual violence when it is perpetrated and experienced in different cultural contexts.

As a result, the Court often fails to believe or give sufficient weight to allegations of family violence and sexual violence, and instead relies on “pseudo-scientific mythologies” (Leonetti, 2025) such as the concept of parental alienation or related terms such as resist-refuse, enmeshment, over-anxious mothering, and reunification therapy, which portray the victim-survivor as psychologically abusive. There is a growing body of work demonstrating the harm caused by the use of these concepts in family justice system cases involving family violence and sexual violence. See **"The use of 'parental alienation'" in Appendix B: Evidence to support these reforms.**

C. There is a lack of safe and effective processes for children and adults at risk to participate in decisions about them.

According to a Review of Children's Participation in the Family Justice System (Inder, 2022), children who experience family violence have a stronger desire to participate in Care of Children Act proceedings than children generally, and professionals working with children need an understanding of the effects and risks of harm from family violence. “A separate system of advocacy that ensures independent advice, allows for trusting relationships to be built, and gives the child ongoing support and information is what children repeatedly tell researchers is what they need.”

Lawyers for Child do not have the professional training nor the time to build trusted relationships with children, nor to understand the effects and risks of harm from family violence, sexual violence, neglect and exploitation.

According to a New Zealand Law Commission Review of adult decision-making capacity law, “Decision-making support should be defined and incorporated within the role of a representative. A new role of formal supporter should be established to help people to make their own decisions themselves. Where it is necessary for a decision to be made on behalf of a person, three key decision-making rules should apply:

- the decision should be centred on the person’s wishes and values and respect their rights;
- the person should receive decision-making support for the decision and have the opportunity to participate in it; and
- the decision should be based on relevant information.

Similarly, lawyers for Subject Persons under the PPPRA – do not have the professional training to understand how to best communicate with adults at risk who may have various forms of sickness, mental impairment, or disability, and be experiencing or at risk of family violence, sexual violence, neglect and exploitation.

➔ **Problems A, B, C >>> are addressed by Reform #1 New FV, SV Specialist Roles**

D. The policies & processes to consider and address violence are inappropriate.

The Family Court currently uses an adversarial system, where each party in CoCA proceedings provides evidence to support their case, can challenge the other party's evidence and arguments, and can be represented by a lawyer who advocates for their position. This process can be intimidating, unsafe and traumatic for victims-survivors and enable abusers to manipulate the system to cause further harm. "Reviews of the New Zealand Family Court have repeatedly identified its adversarial legal culture as a major problem for its ability to produce child-focused outcomes" (Henderson et al, 2022, p.3).

On the other hand, the Family Court Act 1980 section 9A requires lawyers to "so far as possible, promote conciliation," which can result in victim-survivors being pressured to settle or mediate with their abuser, agree to unsafe orders by consent, and to keep silent about abuse:

"While the legislation...explicitly prioritises children's safety, there is concern that in practice shared care has become the primary focus and objective, with the result that safety becomes a rebuttal argument, and a barrier to be overcome on the road to the optimal post-divorce arrangement.

"..any attempt to limit contact is immediately prima facie "bad" parent behaviour. This doubles the burden on any parent wanting to raise safety concerns: They must not only prove the allegation but must also overcome the presumption of unfriendliness or desire to cut the child off from the parent, even though the evidence from mothers who raise abuse allegations is that they are actually supportive of fathers' ongoing relationships. In other words, a shared care paradigm encourages additional scepticism of abuse allegations" (Henderson et al, 2022, p.21).

Neither an adversarial nor a conciliatory approach is appropriate in CoCA and PPPRA proceedings involving family violence, sexual violence, neglect or exploitation. In these cases, the court must have appropriately trained court staff and professionals who use an investigative approach to fact-find and make decisions that focus on safety for children, adults at risk and victim-survivors.

Other countries, in particular Australia and the UK, are shifting towards a more investigative approach to address similar problems. Read more about these overseas approaches in **Appendix B: Evidence to support these reforms.**

➔ **Problem D >>> is addressed by Reform #2 A FV, SV Specialist Family Court**

E. New Zealand's immigration and family law systems operate in harmful isolation. Migrant women whose visa status is dependent on an abusive partner face numerous hurdles in trying to protect their children and themselves by navigating FV Visa processes and Family Court proceedings, particularly because these two systems are completely disconnected from each other.

"When family lawyers don't understand immigration implications, immigration officers don't recognise family violence dynamics, and the Court doesn't see visa status as relevant to protection order applications, women fall through the gaps—facing deportation despite experiencing violence, or remaining in abusive relationships to retain visa status" (Nightingale, 2026).

When these hurdles are insurmountable, children are at risk of being put in the care of the abuser and losing contact with their protective parent if she is deported. Stories like these have been documented as long ago as 2007 (Robertson et al, 2007), and as recently as 2026 (Nightingale, 2026).

➔ **Problem E >>> addressed by Reform #3 FV Visa Proceedings Connected with the FV, SV Specialist Family Court**

F. There is a lack of transparency and oversight of Family Court processes and decisions to address issues and inform future improvements.

There is a dangerous lack of transparency for Family Court proceedings. It is a crime to publish a report of Family Court proceedings that might identify a child or 'vulnerable person' without permission from the court. This holds true for journalists and academics, and also for court participants who are restricted from talking about their personal experiences with the court (Leonetti, 2024).

A recent example is the glaring omission about the role of the Family Court in allowing Tom Phillips' continued access to his children in light of concerns and evidence about his unsafe behaviour – both in the inquiry and in media coverage of this story.

The judiciary publishes only a selection of Family Court decisions, and published judgements often contain only selected facts and reasoning. Researchers cannot study the full body of Family Court decision-making, patterns may be invisible, and systemic failures remain hidden.

In 2024, Chief Justice Helen Winkelmann published a report on Open Justice and Engagement, explaining the importance of public scrutiny to hold judges and courts "to the ideal of a fair hearing" and outlining a work programme overseen by two judicial committees. While laudable, this programme has not yet made any inroads into increasing transparency in the Family Court.

In 2025 the Judiciary published the first two of its 12 bench books (manuals on legal procedure that guide judicial decision-making). However, bench books for the Family Court and specialist areas of family violence and sexual violence are not yet published, and there's no information about when this will happen.

➔ **Problem F >>> addressed by Reform #4 Oversight by Independent FV, SV Prevention & Response Commissioner and Reform #5 A Transparent Family Court**

G. Victim-survivors are forced to pay to try to protect themselves and their children through the Family Justice system, resulting in debilitating debt.

Legal aid is a loan, not a grant; it normally has to be repaid. Applications for protection orders are often exempt from this requirement, but this is not the case in CoCA nor PPPRA proceedings.

Eligibility for legal aid is assessed against income, assets, prospects of success, and whether the likely benefit justifies the cost. Because legal aid must be repaid, whether or not a protective parent is eligible for this aid, Care of Children proceedings often leave that parent with debilitating debt in the tens of thousands, and occasionally hundreds of thousands, dollars' worth.

Victim-survivors should not have to pay to keep themselves safe. Protective parents should not have to pay to keep their children safe. This is a fundamental injustice.

In addition, there is a shortage of legal-aid lawyers, with [RNZ reporting in 2023](#) that self-represented litigants in the Family Court had more than doubled over the previous decade, while legal aid grants had fallen over the same period.

➔ **Problem G >>> addressed by Reform #6 Access to Legal Aid**

H. There is a lack of statutory Adult Safeguarding authority responsible for protecting adults at risk (similar to the role of Oranga Tamariki for children).

New Zealand does not have a statutory adult safeguarding system responsible for protecting adults at risk, unlike children and young people, who are protected through a dedicated statutory care and protection framework. While the Crimes Act 1961 contains offences relating to 'vulnerable adults', these provisions are focused on prosecuting harm after it has occurred and do not establish a statutory framework for prevention, early intervention, assessment, protection, or coordinated adult safeguarding responses.

Existing protections are fragmented across multiple agencies and legislative frameworks, resulting in inconsistent and often reactive responses. Adults at risk experiencing abuse, neglect, exploitation, coercion, or other forms of harm can fall through gaps between health, disability, social services, justice, family violence, sexual violence and community systems.

While Te Aorerekura, the national strategy to eliminate family violence and sexual violence, includes adult safeguarding, implementation to date has largely focused on integrating adult safeguarding within local multi-agency family violence response models. Much of this work has centred on disabled people who may also be adults at risk, rather than establishing a safeguarding framework for adults at risk more broadly. Evidence from the 12-month Waitākere (West Auckland) Safeguarding Adults from Abuse (SAFA) pilot highlighted the limitations of this approach, with participants identifying the absence of a specialist statutory adult safeguarding organisation as a key barrier to effective safeguarding responses (Roguski & Hager, 2026).

Read more under "Adults at risk" in **Appendix B: Evidence to support these reforms.**

➔ **Problem H >>> addressed by Reform #7 Adult Safeguarding Statutory Framework**

Appendix B: EVIDENCE TO SUPPORT THESE REFORMS

Overseas models and reform

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