

Comments on Family Court Proceedings Reform Bill: Proposed changes to Domestic Violence Act

Prepared by WAVES Trust, 20 December 2012

This Bill proposes changes to the Domestic Violence Act (DVA) that are significant.

This paper provides a brief overview of the WAVES Trust's concerns about some of these proposed changes in the [Family Court Proceedings Reform Bill](#). Our concerns are based on our experience of the work done by the family violence sector with victims, perpetrators, and their children. For more detail see the word document titled 'Domestic Violence Act Changes' accompanying this paper. That document includes all the changes alongside the current DVA clauses with our comments and suggestions that we will use for our submission; you are welcome to make use of these for your own submissions.

Changes to requirements related to respondents' attendance at programmes

In our submission on the 2011 [Family Court Review Discussion Document](#) we argued that the justice system must continue to mandate and enforce protection order (PO) respondents' attendance at stopping violence programmes. While the Bill addresses a number of issues welcomed by programme providers as providing greater flexibility for programme provision, it also contains some changes that will reduce the numbers of respondents required to attend programmes and eliminate the Court's role in overseeing and enforcing attendance. In particular:

- Section 32, the Bill proposes rewording that would remove the onus on the court to direct PO respondents to a programme unless there is good reason not to, into the court need not refer if certain circumstances apply.
- Section 40, the Bill proposes that programme providers should inform the court when the programme has concluded but will no longer be required to state whether the respondent has 'participated fully', we will argue that some indication of the nature of participation is necessary in such notices. See also changes to sections 41 and 49A.

Changes affecting children

Changes proposed by the Bill to section 81 of the DVA limit the powers of lawyers appointed to assist the court and lawyer for child in protection order proceedings and appear to remove state funding for these roles - limiting funding to representation for adults lacking in capacity (reference section 11). This is a major departure from NZ's obligations under the UN Convention on the Rights of the Child as well as, presumably, imposing greater costs on applicants to protection orders.

Of particular interest to the Family Violence Sector

The proposed changes to sections 3, 31, 32, 33, 34, 35, 36, 38, 40, 41, 49, 49A, 81, raise issues of particular interest to the family violence sector including those working in child protection. We will discuss these in our consultation meetings on January 22nd and 31st. Contact Jo Richdale to RSVP: jo@waves.org.nz.