

Comments on Family Court Proceedings Reform Bill: Proposed changes to the CYPF Act

Prepared by WAVES Trust, 14 January 2013

The [Family Court Proceedings Reform Bill](#) proposes changes to the Children, Young Persons and their Families Act (CYPFA) some of which are outside the scope that was signalled in the 2011 [Family Court Review Discussion Document](#). This paper provides a brief overview of WAVES Trust's concerns about some of these proposed changes contained in the Bill. Our concerns are based on our experience of the work done by the family violence sector with victims, perpetrators, and their children and consultation meetings with various family violence sector stakeholders and professionals working within the Family Law sector.

For more detail see the word document titled 'Children, Young Persons and their Families Act changes' accompanying this paper. That document includes all the changes and the original 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 that do not appear to be in children's interests

In WAVES Trust's submission to the Family Court Review (2012) we argued against the suggestion that the Court should review arrangements for children in State or organisational care on papers. Stakeholders were supportive of continuing the Family Court's role of monitoring the progress of children in care and reviews on papers would not allow the level of oversight that these very vulnerable children need.

We are concerned to see that that advice has not been heeded in the Family Court Proceedings Reform Bill and raise concerns that the proposed changes to s.137 of the CYPFA remove vital monitoring of children's wellbeing.

Changes outside the scope of the original Review

The Bill proposes removing provisions in the CYPFA that were not discussed in the Family Court Review, specifically:

- Ss159-160 changing legal counsel for the child or to assist the court from barristers or solicitors to lawyers.
- S.161 removing these professionals' right to call or cross-examine witnesses.

Of particular interest to the Family Violence Sector

All the proposed changes to the CYPFA raise issues of particular interest to the family violence sector especially 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.