

THE NEW FAMILY JUSTICE SYSTEM



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The Family Court assists everyday New Zealanders in a variety of ways. Family disputes may manifest in parenting arrangements, guardianship and relationship property disputes, or divorce situations. The Family Court also assists in adoption, protection of personal and property rights matters and provides children, young persons and their families with guidance, where needed. Every year nearly 60,000 families will take part in Family Court proceedings.

The Family Court has recently undergone its most significant changes since 1980. The objectives of the reform are to encourage parents to reach their own agreements without the need for court intervention, and to do so more efficiently.

A range of support systems are now available to help you settle disputes without going to Court. However, if you can't agree, the Family Court can assist in making decisions.

To help you reach your own private agreement without going to Court, the free "parenting through separation programme" will be the first step in most cases to support you to reach an agreement. The aim is to provide you with practical advice on how you can help your children deal with separation.

A notable change of the reform is the introduction of a new Family Dispute Resolution Process (FDR). The goal of

FDR is to help parents, guardians, or anyone else involved in a dispute regarding a child, to reach an agreement that is in the best interests of the child outside of Court.

Exactly what takes place during the FDR process is up to each individual FDR provider. However, in most cases it is likely to include a mediation process of some description. Parties cannot bring their lawyer to FDR. This process will be government funded, if a party is eligible. If you do not qualify, you will need to meet your own FDR costs. There is nothing to stop parties receiving legal advice outside of the FDR process.

Those who are not able to reach agreement with the other parent through the FDR process may need to file Court applications. At that point, funding may again be available for parties to see a Lawyer for assistance with completing those applications. Lawyers can participate in the Court hearing process in accordance with the old system.

Should you require any assistance with family disputes or any part of the new family justice system, please do not hesitate to contact the team at Collins & May.

20 MINUTE FREE

**WANT to review your Family Trust structure?
THEN call us and take advantage of our 20 Minute Free interview**