

Appendix: Terms of Reference for the rewrite of the 2014 family justice system reforms

- A. The panel is to consider the 2014 family justice reforms as they relate to assisting parents/guardians to decide or resolve disputes about parenting arrangements or guardianship matters, in the following areas:
- a) the effectiveness of out-of-court processes, in particular, Family Dispute Resolution;
 - b) the effectiveness of court processes, in particular, the increase in without notice applications and the need to ensure the timely resolution of cases;
 - c) the appropriate role and use of professionals, for example, family dispute resolution mediators, lawyers for parties (including legal aid lawyers), lawyers for children, and psychologists (court appointed report writers);
 - d) the extent to which out-of-court and in-court processes, including for determining final parenting orders, enable decisions that are consistent with the welfare and best interests of the child, with a particular focus on any differential impacts on Māori children.
- B. In examining the points above and in reaching its conclusions and recommendations, the panel should consider, in particular, the extent to which the family justice system:
- a) is child-centred and provides the services necessary to ensure the child's welfare and best interests are paramount;
 - b) is accessible, with consideration of barriers to access including financial, disability, cultural, linguistic, geographic, and institutional (such as the lack of information about how the system works and its purpose);
 - c) is coherent, with clear purposes, roles and functions (including the role of professionals) for different parts of the system;
 - d) has processes flexible enough to be appropriate for the issues being addressed (including where there are multiple issues or concurrent proceedings) and which are responsive to the changing needs of the community;
 - e) is evidence based and reflects research about what works best for children, including, for example, within the context of family violence and how this affects parenting and children; children with disabilities and/or disabled parents;
 - f) is cost-effective, with reference to financial sustainability for the Crown given the various drivers of cost, capability and resources.
- C. The panel will consult with children and young people (including Māori children and young people), Māori, Pacific peoples, academics, the Judiciary, the legal profession, disabled people, relevant professional groups, community organisations, interest groups, court users and the public over 2018.
- D. In making its recommendations, the panel shall have regard to international, and domestic research (including kaupapa Māori research) and best practice and the Ministry's evaluations of the 2014 family justice system reforms;

- E. The panel may, in their final report, recommend further work be undertaken on specific issues which the panel considers it has not been able to explore sufficiently, or that were outside the terms of reference but which could benefit from being considered in the context of its recommendations.
- F. The panel will report to the Minister of Justice with its recommendations no later than May 2019.