



**PARENTING ARRANGEMENTS AFTER
SEPARATION STUDY: EVALUATING THE
2014 FAMILY LAW REFORMS**

**Parents' and Caregivers'
Perspectives – Part 2**

**Research Report for the
New Zealand Law Foundation**

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Executive Summary

Research Overview

The 2014 Family Law reforms introduced on 31 March 2014 were intended to shift the emphasis of New Zealand’s family justice system away from in-court to out-of-court processes. In 2014 the New Zealand Law Foundation generously funded an independent two-phase research project to evaluate these reforms. Phase One (2014-2015) involved the initial scoping, consultation and planning for implementation of the Phase Two nationwide mixed methods study undertaken during 2016-2019.

In Phase Two, an online survey for parents and caregivers who had made or changed parenting arrangements since the reforms took effect was open for nine months from July 2017 to April 2018.¹ This ascertained their views and experiences of making or changing their parenting arrangements and their use of, and satisfaction with, family justice services. The survey was completed by 655 parents or caregivers. Almost two-thirds (65%) completed at least one of two follow-up online surveys, at approximately six to eight month intervals.

One hundred and eighty of these parents and caregivers participated in an interview with a member of the research team, mostly by telephone. The majority of the interviewees were female (77%), mothers (75%) and the resident parent or shared care parent (70%). Most identified as New Zealand European (84%) and/or Māori (11%). They lived across most regions of New Zealand.

The parent and caregiver data from the online survey, and the interview data in relation to their use of, and perspectives, on family justice services and professionals, was reported on in 2019.² This current report details the key findings from the remaining interview data.

Factors That Helped Parents and Caregivers

Parents and caregivers identified a variety of factors that helped them to adjust to their family transition and/or resolve, implement and manage their parenting arrangements. These included an amicable and co-operative relationship with their former partner; a focus on their children’s best interests; prior knowledge or experience of separation and dispute resolution; investigating and researching relevant information and feeling prepared; the advice and support of family members, friends, employers, GPs, church, and community- or internet-based support groups; attending seminars and courses; referring to helpful publications; engaging in (paid) counselling or therapy; being assisted by the family justice system and services (including the Family Court), professionals and agencies; having a sense of empowerment; and utilising a range of helpful strategies.

¹ A separate online survey was also completed by 364 family justice professionals who had worked in the family justice sector since the reforms came into effect and 100 of them also participated in an interview. See Taylor, N.J., Gollop, M.M., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 family law reforms – Family justice professionals’ perspectives*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children’s Issues Centre, University of Otago.

² See Gollop, M., Taylor, N., Cameron, C., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 Family Law Reforms – Parents’ and caregivers’ perspectives – Part 1*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children’s Issues Centre, University of Otago.

Relationship with Former Partner and Joint Focus on Children's Best Interests: A positive and amicable relationship between the former partners was a key factor in helping parents to resolve and manage their parenting arrangements. Co-operation, trust, flexibility, openness, getting along, a lack of animosity, a joint focus on their child(ren)'s best interests, and the ability to communicate and co-parent effectively were all important. Conversely, some parents who were solely responsible for making their parenting arrangements found this to be a helpful way forward.

Prior Knowledge/Experience or Professional Background: Parents' prior knowledge or experience of parental separation, for example, as a child themselves, could be helpful in knowing what to do or what to avoid. Witnessing the detrimental impact of more recent relationship breakdowns on children within their extended family network could also prompt separated parents to focus on their own children's best interests. Parents' professions or employment, for example, as social workers, teachers and nurses, could provide invaluable knowledge or networks to tap into when faced with their own separation. The research and preparation that parents engaged in was helpful in readying them for how to proceed. Sometimes this process was assisted by a parent having a scientific background which encouraged them to look into the research evidence about what was best for children. Others took steps to gain greater familiarity with the law, for example, by reading the Care of Children Act 2004 or even studying law at university.

Family Members: The help and support of family members was said to be invaluable. This included people's own parents (their mothers/fathers), aunts, uncles, siblings and family members, as well as their former partner's parents (in-laws) and relatives. Helpful advice was sometimes provided by family members who were also lawyers.

Friends: Friends were an important source of support for participants, who benefitted from having someone close to them to talk with or to act as a go-between between them and their former partner. Friends with relevant knowledge or experience of separation/divorce or dispute resolution processes could be particularly helpful.

Employers: Ongoing employment, and the helpful and flexible attitude of employers, were recognised as being helpful factors. The Employee Assistance Programme (EAP) provided by employers was also a welcome means of support in adjusting to life without a partner and working through family transition issues.

Internet Information and Support Groups: Internet resources and social media platforms, such as Facebook, were useful resources where participants could, at convenient times (for example, during the evening), find helpful information and access support groups. Connecting with separated people who had 'been through it' and could share their experiences assisted people in deciding how best to approach post-separation parenting and the making of parenting arrangements for children. A range of support groups for both women and men were mentioned by participants including the Backbone Collective, Kidz Need Dadz, Solo Parents NZ, the Blended Families New Zealand Facebook Group and other single parent or fathers' groups. These helped people to feel that others were there for them and that they could obtain information, advice, support and friendship from group members.

Seminars, Courses and Publications: Undertaking seminars and courses, either face-to-face or online, provided helpful information and support. A variety of seminars and courses were mentioned, including Living Without Violence, Parenting with Confidence, seminars on the

Family Court process, an online American course recommended by a lawyer, courses on grief or how to talk with children, and a publication on contact schedules for young children.

Counselling and Therapy: Some parents and caregivers found it helpful to engage a counsellor or psychologist privately so they could speak to someone outside of their family and friends, obtain neutral advice and support, or access therapy. This assisted them to deal with relationship issues; work through the emotional, possibly traumatic, aftermath of separation; learn communication and listening skills and how to avoid being ‘triggered’ by their former partner; defuse anger, conflict and hostility; test out perspectives and strategies; and consider next steps and the best way forward.

Family Justice System: Some parents and caregivers appreciated the way the wider family justice system was working to provide them with advice, support and dispute resolution processes. Knowledge of the system also proved helpful. Some participants found an impartial approach and a lack of bias to be an unexpected form of support.

Family Justice Services: Particular services within the family justice system were specifically cited as helpful with the making of post-separation parenting arrangements. The Ministry of Justice website was an easily accessible, straightforward and non-threatening way for many to obtain information and learn what they were supposed to do. Self-representing litigants liked that the forms were easy to access online on this website. The Ministry of Justice 0800 2 Agree phone line was also a helpful resource for parents wanting information or to check out the implications of particular courses of action, such as non-compliance with a Parenting Order. Realising they were not the only parent going through a separation and needing to make parenting arrangements was a real benefit of participation in the Parenting Through Separation (PTS) course. Meeting other parents, hearing their experiences and learning practical tips, including how to focus on the children, were all said to be helpful. The PTS experience could be confirmatory, as well as a refreshing avenue for learning about new information, resources and strategies. Parents either found the ‘Making a Parenting Plan’ workbook online through the Ministry of Justice website or were referred to it during their PTS course or by a family justice professional. Many found this resource to be a really helpful tool that enabled them and their former partner to work through, and agree on, the key aspects of raising children across separate households. The workbook prompted them to think about issues they had not previously considered, for example, handovers, holidays and special occasions such as family birthdays, Mothers’ Day and Fathers’ Day. Being able to receive up to four hours of free legal advice through the Family Legal Advice Service (FLAS) assisted separated parents eligible for this service to make their parenting arrangements. Parents who sought to resolve their parenting arrangements through Family Dispute Resolution (FDR) mediation received Preparation for Mediation (PFM) or Coaching to help prepare them for the joint mediation session(s). Many found this useful because it enabled them to better understand what to expect at FDR and to think through, in advance, their approach to the joint session and the key issues that needed to be discussed and negotiated with their ex-partner. FDR mediation provided an out-of-court means of reaching agreement on post-separation parenting arrangements that parents found helpful because it was non-adversarial and readily available. Parents were also assisted through their participation in Family Court Round Table Meetings (RTMs), chaired by Lawyer for the Child, as these enabled agreements to be reached about the parenting arrangements without the need for a defended hearing. Being able to have the parties’ lawyers present at RTMs provided parents with even further support. Mothers who had experienced family violence felt supported at the RTMs when they did not have to be physically present in a room with their former partner.

Family Justice Professionals: Participants welcomed the support provided by the range of professionals involved in the family justice system. Family Court registrars, the Family Court co-ordinator and the court staff on the front desk assisted parents by providing information and resources, pointing them in the right direction, answering questions, talking through issues and concerns, referring them to lawyers or other services where appropriate, and helping them to file applications for Protection Orders or Parenting Orders. Mediators who were firm, clear, honest and skilled were instrumental in assisting some parents to reach agreement on their parenting arrangements. Many participants commented that having a really good lawyer was what had supported and guided them personally or had achieved resolution of their parenting arrangements. They particularly liked having caring, empathic, fair, firm, pragmatic and straight-talking lawyers who were family law specialists and knew the family justice system well. Sometimes it was a former partner's lawyer who had made the difference. Parents said the appointment of Lawyer for the Child could be a helpful factor in enabling them to focus on the children's best interests and provide children with the opportunity to express their views to someone neutral outside the family, who would then advocate on the children's behalf. The s132 and s133 specialist report writers were said to have the skills to identify issues that could assist parents to better understand personal traits or interfamilial dynamics. Judges who understood exactly what was going on, listened to each party, cut through any 'nonsense' or set firm boundaries were highly regarded by parents and caregivers as being helpful in the making of parenting agreements and orders. Particular judicial attributes and skills, such as wisdom, fairness, timeliness and case management, were specifically mentioned as helpful and supportive.

Agencies, Services and Government Departments: A variety of agencies, services and government departments were commended as helpful to parents and caregivers in resolving their parenting arrangements. These included Barnardos, Community Law, Citizens Advice Bureau, Family Start, Playcentre, Birthright, Women's Wellness, Engage Training, Incredible Years, the Parenting Place, mental health units, Police, Victim Support, Inland Revenue, Work and Income, and the Ministry of Justice. Services for women experiencing family violence, such as Women's Refuge, Shine, Aviva, the Hamilton Abuse Intervention Programme and Dove Hawkes Bay, provided necessary support, advice, protection and shelter, including assistance with obtaining legal representation and Protection Orders. Churches, general practitioners and schools were also helpful to family members.

Sense of Empowerment: Parents and caregivers who felt their views and interests were taken into account and their voices heard while making their parenting arrangements described this as a factor that assisted them personally and the decision-making process more generally. Their sense of empowerment was particularly heightened when they felt they had been the parent who organised, led, took charge of, or dictated the arrangements or, conversely, had reached agreement with their former partner amicably.

Helpful Strategies: A variety of helpful strategies were utilised by participants to reach agreement on the day-to-day care and contact arrangements and to then co-parent as effectively as possible. Adopting a positive attitude during the process of making parenting arrangements and while co-parenting was a helpful strategy for some parents, even if they sometimes felt this required biting their tongue or keeping their angst private. Parents, required as guardians to consult together and agree on important aspects of their children's lives, mentioned this process as a strategy they embraced to help develop post-separation parenting arrangements and encourage meaningful intrafamilial relationships over time. Participants also found it helpful to talk with their children and take their views and feelings into account. This enabled children to be better informed about their family situation and to contribute, where appropriate, to the arrangements being made. Some parents had felt

encouraged in this approach by the family justice professionals (for example, judges) they had seen and the services (like Parenting Through Separation) they had utilised. The strategy of trialling new parenting arrangements and reviewing their effectiveness over time was a useful way of monitoring how well they were working for the family members involved and tweaking them as necessary.

Communication strategies were frequently mentioned by parents. They utilised a range of technologies and tools to keep their lines of communication open, including the use of telephone calls, texts, emails, calendars, apps (like Our Family Wizard), and diaries and communication books shared between homes. Text and email helped keep communication calmer and more reflective and also had the benefit of providing a written record of the conversations between former partners. Many limited their communication to issues about the children and avoided all other topics. Some parents followed up their conversation with a written record, for example, an email, of what they had discussed. Others kept extensive records of their communications in case these might be needed in court proceedings.

Other practical strategies included planning ahead, exercising patience, allowing time for a former partner to consider a request, setting an example, limiting handovers, planting a seed, choosing the right battle, and operating a joint bank account for the children's expenses. Letting a former partner know that they were willing to be flexible was a key strategy in encouraging an amicable post-separation relationship and better meeting the children's best interests. This could include offering the other parent the first opportunity to care for the children if work commitments, social engagements or travel affected the existing arrangement. Some parents met with their former partner to discuss and schedule parenting arrangements or to clear the air regarding a new partner. Others went the extra mile by helping their former partner to be a better parent to the children by, for example, providing them with the children's clothing and personally teaching parenting skills. Strategies to better handle conflict and emotion included not reacting to your former partner, biting your tongue, keeping your head down, avoiding accusations towards your former partner, lowering your expectations and backing away. Finally, more direct strategies were sometimes used to set or enforce parenting arrangements and/or relationship boundaries, and manage poor parental behaviour. These included acting firmly, using a neutral third party, channelling all communications through lawyers, and threatening family justice proceedings.

Barriers and Challenges to Making Parenting Arrangements

The parents and caregivers described a range of barriers and challenges they faced when making their parenting arrangements. These included financial barriers; personal challenges; the behaviour and actions of the other party; family violence; and services and professionals which had either hindered the process of making parenting arrangements or made it difficult.

Financial Barriers: The cost of making parenting arrangements was a significant barrier for many participants who utilised services and/or professionals. Fees for lawyers, FDR and the Family Court, and Cost Contribution Orders were all regarded as too expensive, ate into people's savings and resulted in debt. For some, this could be financially devastating. Even those who self-represented to avoid paying legal fees incurred costs that could be problematic when on a low income. The provision of legal advice could lead to participants incurring greater expenses than originally anticipated. Financial issues were sometimes a key factor in the dispute resolution pathway that participants took to determine their parenting

arrangements. The cost of fees could be prohibitive for some people, deterring them from engaging professionals or utilising family justice services to assist with making parenting arrangements. Such costs could also act as a barrier to the other party engaging in FDR. For some parents, the expense of legal fees and court costs was a barrier to instigating further Family Court proceedings, preventing them from applying for a Protection Order, appealing a decision they were dissatisfied with, pursuing further applications or attempting to change unsatisfactory parenting arrangements, resolving guardianship issues, and/or seeking to enforce Parenting Orders that were being breached. Some participants also had to abandon proceedings and agree to arrangements they were unhappy with as they could no longer afford to continue paying legal fees. Some parents and caregivers resented having to pay legal and court fees when the other party did not have to or had instigated what the participant believed to be unnecessary proceedings.

While those who received Legal Aid appreciated this, having to pay it back was difficult for some parents or caused prolonged debt. Being deemed ineligible for Legal Aid due to home ownership or employment was also considered problematic and unfair by those who could still not afford to engage a lawyer. Many who could not access Legal Aid expressed dissatisfaction with the inequality this created when the other party was eligible and could continue to litigate with ongoing or vexatious proceedings. Similarly, when one party had greater financial resources than the other, this could also lead to a power imbalance and inequity. Those with financial resources or Legal Aid were perceived as able to continue litigation, while those without could not afford the ongoing legal costs.

Lack of money also created stress in other aspects of parents' and caregivers' lives. For some, their parenting arrangements meant they could not work full-time or they had expensive childcare costs. Child support could influence parenting arrangements and some participants complained that their former partner manipulated their income to avoid paying child support or used child support as leverage against them. Non-payment of child support detrimentally affected participants' financial situations and their own, and their children's, quality of life. Relationship property division could also influence parenting arrangements. When this was unresolved it could create financial uncertainty making it difficult to plan for the care of the children. Those leaving relationships with few possessions, or with property division unsettled, could experience financial hardship. However, despite regarding their situation as unfair, particularly when their former partner was not similarly struggling, some parents were reluctant to seek to settle their property division due to the cost, the length of time it would take and the potential difficulties it could create with their former partner.

Personal Factors: A variety of personal factors were identified as challenging for many participants during the process of making parenting arrangements, which was often a highly stressful and emotional time. Some participants were still distressed and grieving about the breakdown of their relationship, while others were fearful of losing contact with their children. For some, it was a very traumatic process and their emotional state acted as a barrier to making parenting arrangements. The emotions involved in dealing with their former partner were difficult for many participants, particularly when the relationship and communication was poor or there had been family violence. Some parents found dealing with post-separation issues, such as housing and finances stressful while, for others, it was dealing with the systems and services that caused them to feel overwhelmed, pressured and stressed. The emotion and stress sometimes got in the way of parents thinking clearly, being able to make decisions or cope with other areas of their lives. Feelings of disempowerment, and having little control or choice, could be challenging for those engaging with dispute resolution services, particularly the Family Court. Participants spoke of feeling

disempowered when they felt they did not get an adequate opportunity to voice their concerns and perspectives or when these were not listened to.

Allegations made against them by former partners caused considerable stress and frustration. Parents and caregivers reported being shocked and distressed by being on the receiving end of without notice applications, particularly if they considered such applications to be based on lies and false allegations and/or to be a means of control and manipulation by their former partner. Those participants who were not given the opportunity to refute or disprove such allegations felt disempowered and aggrieved. Less 'serious' allegations that were not the basis of without notice applications were similarly distressing. Being portrayed as an uninterested, poor or neglectful parent was very hurtful and could have a detrimental impact on the relationship between the parents.

Despite such stressful and emotional experiences, some participants reported a lack of support, such as mental health services, counselling and support from family. Several fathers noted a lack of support for men. A lack of knowledge or understanding about family justice systems and processes could also be challenging. For those with no experience of separation and/or the family justice system, making parenting arrangements could be a daunting process, particularly for immigrants and those for whom English was a second language. Not understanding the process, or the different options and services available, could mean that people went down particular pathways that, in hindsight, they would have preferred to avoid. Post-separation parenting could be another personal challenge, especially for those fathers who did not have much prior experience of caring for their children.

Relationship With, and Actions of, the Other Party: The participants' relationship with, and/or behaviour of, the other party were frequently mentioned barriers to making parenting arrangements. Many participants described difficult relationships with their former partner/the other party, characterised by poor communication, hostility, and conflict. The personality, nature and mental health of the other party were key factors which impacted on the process and could dictate the dispute resolution pathway. Some parents had agreed to arrangements they were dissatisfied with to avoid antagonising a difficult, controlling or abusive former partner and to minimise any negative impact on the children. Many participants found communicating with their former partner/the other party difficult and, for some, direct, face-to-face communication was impossible. Abusive, heated, angry and/or non-productive communication significantly hindered the process of making parenting arrangements. For some, the other party's inability or reluctance to communicate their views, or refusal to communicate at all, made the process very challenging.

Parents and caregivers found it difficult when the other party was not prepared to co-operate, compromise or negotiate, and/or would not engage in, or blocked, stalled or thwarted, the dispute resolution process. It could be frustrating when the other party declined to participate in FDR mediation, or began the process but then behaved in ways that were not conducive to a successful outcome or refused to continue. During Family Court proceedings, when the other party did not undertake court-ordered actions or failed to attend meetings, conferences or hearings, this also hindered dispute resolution and prolonged the proceedings. Participants found it very frustrating when, having reached an agreement or decided on the parenting arrangements, the other party then changed their mind, did not follow through on what was agreed, reneged on the agreement, or refused to sign the written agreement. It was similarly difficult for participants when agreements or court orders were not adhered to. For some, this meant a reduction in, or cessation of, contact. Some participants questioned their former partner's motives for wishing to change

arrangements or refusing to consider proposed changes, regarding them as being motivated by financial matters, vindictiveness, or an attempt to exert control over them.

Reaching agreement on parenting arrangements was difficult when the parties differed in their views on what their children needed and what was in their best interests, especially when participants believed the other party put their own needs ahead of their children's. Parents and caregivers regarded allegations against them made by the other party as attempts to maintain control over them or as ways to spite, discredit or continue to harass them. Investigating allegations could delay Family Court proceedings and contact with children could be suspended. Participants were frustrated about false allegations being made and then accepted by the court, with little repercussion for the other party when these were later found to be groundless. Many participants also expressed dissatisfaction about not being able to defend or disprove the allegations.

Some participants said that the process of making parenting arrangements had been made more challenging when they thought that their former partner had manipulated, or attempted to manipulate, the children's views and alienate their children against them. The other party's new partner and extended family could also prove challenging when making parenting arrangements. Participants found that new partners could change the dynamics between parties and influence the other party.

Family Violence: Family violence was a major challenge for some participants and a key determinant of their dispute resolution pathway. Due to safety concerns and Protection Orders, negotiation or even direct communication between the parties was often not possible. Family Dispute Resolution (FDR) and other forms of mediation were regarded as inappropriate when there was a history of abuse and safety concerns existed – in such cases, parenting arrangements mostly needed to be made through the Family Court. The process of making arrangements was made even more challenging for parents and caregivers by ongoing abuse, harassment and breaches of Protection Orders by the other party. Some participants believed their former partner used dispute resolution services, such as FDR and the Family Court, as a means to continue such harassment and abuse. An ongoing fear of antagonising their former partner and striking a balance between this and managing the risk of harm for themselves and their children was a major challenge for some women. Many felt frightened to be in close proximity to their former partner and felt unsafe and intimidated during FDR and Family Court meetings, conferences and hearings. It was difficult for some to speak in front of their former partner in such forums, particularly when being cross-examined. Such meetings could be very traumatic and trigger old feelings that participants had worked hard to overcome.

In addition, some participants thought that Family Court personnel and lawyers were not suitably aware or understanding of how difficult it was for them to be in the same room as the other party. They also perceived that professionals, in general, lacked adequate knowledge and understanding of family violence and the dynamics involved. Some participants suggested more training was necessary. A common complaint was that their concerns about their own, or their children's, safety were not listened to or believed and that family violence was not taken seriously enough or was minimised. Some reported that, even with evidence, claims of abuse and violence did not appear to be given adequate consideration or weight in Family Court proceedings and, in some cases, were dismissed entirely. There was also concern that psychological and emotional abuse did not seem to be regarded as seriously as physical abuse in the Family Court. Some participants felt that their safety concerns had been twisted and used against them, and that their attempts to protect

their children were interpreted as alienating behaviour. Many strongly resisted accusations of parental alienation.

Family Court processes could be extremely traumatic for some participants, who said they felt revictimised by the experience. A common view was that the adversarial nature of the Family Court processes, and 'the system' in general, exacerbated conflict and inflamed the situation. Some were dismayed that, rather than helping and protecting them, they found the Family Court to be abusive, unsafe and harmful to them and their children.

Services and Professionals: During the process of making their parenting arrangements many parents and caregivers engaged with a variety of services and professionals external to the family justice system. While these were regarded as helpful and supportive by many, others found aspects of their engagement to be problematic. A small number of participants raised issues concerning the New Zealand Police, Oranga Tamariki (formerly CYF), supervised contact centres, Community Law Centres and Citizens Advice Bureau. Their complaints centred around professionals and organisations not taking safety concerns seriously, a lack of training in child protection and family violence, the provision of unhelpful or inadequate advice, and the cost and unavailability of supervised contact and professional supervisors.

A lack of services, or poor service provision, created barriers and challenges for some parents and caregivers when making their parenting arrangements. Many said when they first began the process of making parenting arrangements they did not know where to go for help and advice. Some reported difficulties finding the appropriate service to provide the information they required or were confused about what they needed to do and what services they could access. Having better liaison between services or an umbrella organisation to co-ordinate information and services was suggested. Some participants found it difficult to find a service that met their particular needs, such as counselling, social workers, psychologists, domestic violence programmes for themselves and their children, and those which were culturally appropriate for Māori. Finding locally-based services could also be challenging.

The Impact of Making Parenting Arrangements

Parents and caregivers reported both positive and negative impacts from the process of making parenting arrangements, however most were negative. Those who made their arrangements quickly and with little acrimony reported little detrimental impact, while those who experienced more complicated and protracted negotiations or proceedings spoke of significant impact on their emotional wellbeing, financial security, personal relationships and their children's lives.

Emotional Impact on Parents and Caregivers: Those participants who experienced a positive emotional impact attributed this to their increase in self-awareness or a greater sense of control over their situation. However, many parents and caregivers said they were afraid and worried during the period they were making parenting arrangements. These fears were often associated with the likely, or potential, actions of the other party, as well as fears for their, and their children's, personal safety. Several participants said these fears and worries detrimentally affected their ability to function day-to-day and to parent. Unfortunately, some experienced serious mental health issues during the period they were making parenting arrangements, including depression, suicidal ideation and post-traumatic stress disorder. Mental health issues were said to be exacerbated, and diet and sleeping patterns affected, by the adversarial nature of the processes they went through to resolve their

parenting arrangements. Participants also talked of the stress that resulted from making their parenting arrangements. The process was described as painful, pre-occupying, enduring, uncertain, humiliating and heart-breaking. Some were frustrated and angry about the position they found themselves in, the way they had been treated by others involved in the process, the dispute resolution system itself, and the outcome they achieved. Those participants who were separated from their children while the parenting arrangements were finalised expressed a great sense of loss about missing their children during this time.

Financial Impact: The process of making parenting arrangements often had a detrimental financial effect on parents and caregivers. No one said they had experienced a positive financial impact! Many discussed the significant financial cost they had personally incurred, and the domino effect this had had on their personal and emotional lives and those of their children. This was particularly evident for those who utilised the Family Court and/or experienced protracted proceedings. The stress and practical demands of making parenting arrangements could disrupt people's employment, working and personal lives by reducing their working hours from full-time to part-time, losing or quitting their job, repaying Legal Aid debt and lawyers' fees, having to become a beneficiary, living in poverty, losing financial opportunities, and having their children miss out on regular or special things. The financial impact of dividing relationship property and undertaking legal proceedings to make parenting arrangements could also result in parents and caregivers having to make new living arrangements for their children by selling property; renting; flatting or boarding with others; shifting into a vehicle, cabin or garage; moving back to live with their own parents; or downgrading their standard of living, becoming beneficiaries, and experiencing financial hardship.

Some participants had spent their savings to fund their legal proceedings. Depending on the size of their debt and their age, some bemoaned their inability to recover any sense of financial security in the years ahead. What they had spent meant they had, for example, forfeited a house deposit and were going backwards financially. To meet their financial commitments some participants had to ask extended family members, often their own parents, for loans or gifts to pay the bills. Some also begrudged having to spend money on legal costs and court proceedings that could have been better spent directly on their children to see them or to avoid them missing out on enjoying things in life. As well as being dissatisfied with the costs they had incurred, some participants also thought they had benefitted little from their financial outlay. For them, the cost had not been worth the outcome. While most parents and caregivers talked about the financial impact on them personally, some also thought that wider society was negatively affected by the cost of resolving parenting arrangements through the Family Court.

Impact on Relationships: A few participants reported a positive impact on their relationship with their former partner from making parenting arrangements. The process had enabled them to reach an agreement about the children's arrangements, which they could rely on and refer to when needed, thereby reducing the potential for conflict between them. Others said they had developed a better understanding and adopted a more flexible, give-and-take philosophy around the parenting arrangements. However, most of the parents and caregivers said the process of making parenting arrangements had a negative impact on their personal relationships. An adversarial approach to dispute resolution could increase the conflict between the parties, prevent them getting along or even being able to be in the same room together, and inflame the bitterness and hostility between them. For some, it took years for their relationship to improve after their parenting arrangements had been made and/or the legal proceedings had concluded. A conflictual relationship between

former partners could also have a detrimental impact on a parent's current partner. They were said to find it difficult dealing with all the stress and pre-occupation that came with legal proceedings and with the challenges in the co-parental relationship when children are shared across homes. Parents and caregivers were concerned that their and the children's relationships with extended family members, such as grandparents, could be negatively impacted and that the wider family as a whole suffered from the relationship breakdown.

Impact on Children: For some parents, making parenting arrangements had had a positive impact on, and benefitted, their children. The arrangements enabled children to have a routine to follow, reduced uncertainty, lowered anxiety, increased their happiness, and made them more relaxed. However, participants more commonly expressed concern about the negative impact the separation, and the events that followed, had had on their children. The protracted nature of some proceedings, as well as obstructive actions by the other party, made resolution difficult and kept children in uncertain and stressful situations for prolonged periods of time. When children were caught in the middle between their disagreeing or conflictual parents this could place them in a particularly challenging and stressful position. Serious concern about children's emotional and mental health was at the forefront of some parents' minds, particularly when their children were feeling confused or traumatised, had to change schools, had things ticking over in their minds, experienced difficulty in processing their emotions, refused contact, or were profoundly affected by the separation and ensuing interparental behaviour. Some also feared the long-term impact on their children. Parents and caregivers raised the lack of support available for children affected by post-separation issues, from either mental health or counselling services or from family justice professionals and services.

Advice to Parents and Caregivers Making Parenting Arrangements

The participants provided a wealth of advice for other parents and caregivers making parenting arrangements. Maintaining a focus on the children was the most common piece of advice offered. Parents and caregivers were urged to put aside their other issues, particularly those involving emotions and animosity towards the other party, and put their children first. They encouraged others to try and see the situation from their children's perspectives, to listen to their views and to acknowledge that both parents and wider family were important to children.

While the parents and caregivers acknowledged that it was sometimes difficult to do, they advised other people to try and maintain an amicable or civil co-parenting relationship with their former partner, or the other party, and to keep any conflict away from their children. The importance of being able to communicate effectively with the children's other parent/caregiver was highlighted and the use of professionals, such as counsellors or mediators, to achieve this was recommended. Participants also identified helpful strategies they used to deal with their former partner to minimise conflict, such as delaying responding, not being reactive, letting things go, and taking a solution- and child-focused approach.

Parents and caregivers emphasised that making parenting arrangements could be a long and arduous process, but provided reassurance that people would get through it and that sometimes there could be positive outcomes. They strongly advised others to get advice and seek out help and support from professionals, such as lawyers, mediators and counsellors, and parents/caregivers who had been through the process themselves.

Many participants urged others to avoid using the Family Court, and to a lesser degree lawyers, and to try and make parenting arrangements themselves, either privately or through mediation. They cited the delay, cost and trauma involved with going through the Family Court and said this could exacerbate conflict between the parties and compromise both children's and adults' wellbeing.

Parents varied on whether they would advise others to make parenting arrangements quickly or not. Some suggested people should take their time, be patient and not rush into the process or make decisions immediately. Others recommended that people finalise their parenting arrangements quickly while the relationship between the parties was still amicable. Parents and caregivers were also advised to go into negotiations well prepared, knowing about the process, the law and their rights, and what they wanted. Some advised others not to give up too much or to agree to arrangements they were unhappy with.

The advice on the structure of parenting arrangements varied. Some recommended having arrangements that were flexible and able to be modified as life changed and children grew older. Alternatively, others thought very tight and detailed agreements that were documented in writing and formalised were optimal and provided greater clarity. Documenting and recording problems and changes to plans was also recommended by a small number of parents. Several practical ideas were suggested about how to approach the making of parenting arrangements and what to consider and include in parenting plans. Parents advised others to draft up plans, with various options, that could be shared and areas of agreement identified. They thought that, ideally, parenting arrangements should be designed for people's particular situations and the individual children's needs, rather than the adoption of a formulaic approach. They suggested consideration be given to how to deal with holidays and special days, not just day-to-day care.

Finally, parents and caregivers suggested that a helpful way of avoiding conflict and minimising children's distress was not having both parents at changeovers and using pre-schools and schools for these. Having professionals (not family) supervise contact if required, back-up systems in place for when plans changed, and parents living close to each other to allow more casual, child-led contact was also recommended.

Advice to Professionals

A range of advice was offered to family justice professionals to enhance the services they provide. Communicating the dispute resolution process more effectively to clients was thought to be very important. This included the provision of more information about the family justice system and the steps involved, setting realistic expectations, working to a realistic timeline, providing advice and options, being responsive and encouraging, avoiding ambiguity and uncertainty, and keeping people informed and regularly updated. Professionals were also advised to improve their case management and timeliness by not having too many clients at once, acting more quickly, and reaching resolution as soon as possible. Clients can be emotionally distressed and overwhelmed when making post-separation parenting arrangements and family justice professionals were urged to show empathy, compassion, care and patience with them. Parents and caregivers also thought professionals should understand the complexity of each individual family/whānau situation; treat clients with integrity and respect; show genuine interest in their clients and give them strength; listen to people and give them opportunities to feel heard; be open-minded; and put themselves in their client's shoes to appreciate what life might be like at the moment for them and their children.

Acting impartially, avoiding bias, and resolving, not inflaming, clients' situations was also recommended. Parents and caregivers wanted professionals to have greater awareness about, and more education on, the dynamics of family violence, abuse, power and control; mental health issues; and high conflict complex cases. Children's views and best interests were said to require more attention from professionals. In particular, children needed to be focused upon and listened to, with their needs coming first. Taking account of children individually, rather than just as a sibling group, was also considered important. Sometimes a person from outside the family could be most useful in ascertaining the children's thoughts, feelings and views as this could be difficult for separated parents to know accurately. Finally, parents and caregivers advised professionals to adopt a more positive, holistic and individualised approach – look at the whole picture – and to consider policy changes to improve the delivery of family justice in New Zealand.

Suggested Improvements

Parents and caregivers suggested a variety of ways to improve the family justice system. The most frequently suggested improvement related to the better provision of information and support for separated parents, particularly when they entered, or while they navigated through, the family justice system. To remedy the current gaps, participants suggested being able to meet with a neutral third party who was not a lawyer, attend a community-based agency or subsidised service, or call a helpline to be able to talk with an informed person directly to discuss the options and work out which step(s) to take next. Some suggested the appointment of a specific case manager or liaison worker.

Others recommended establishing a general advice centre or volunteer service at the Family Court, setting up a 'one stop shop' or umbrella organisation, providing a wrap-around service or developing interagency collaborations. Written resources, including 'a parenting separation for dummies' guide, a fact sheet or a flow chart, would help to make information more accessible as would a pop-up chat box on relevant websites. Given the fluidity of post-separation family life, participants thought it would be beneficial for follow-up, review and monitoring services to be put in place to check how the agreements/orders were working out down the track.

The provision of free counselling sessions ended with the 2014 reforms, but parents and caregivers said they would like counselling to be reinstated. This could assist parents to deal with emotions like loss, grief, hurt and anger and understand that their ex-partner is not an ex-parent. Counselling could also assist people to get into the right headspace to focus on their children, reach decisions together or prepare to mediate. Communication counselling and employee counselling were also suggested as important, as was psychological evaluation or input, as ways of better dealing with inter-parental conflict or personality dynamics. Other counselling-related suggestions included an online course, early intervention for parents in the first six months following their separation, and the use of tools to assist separated parents to better understand each other's perspectives.

Participants wanted their children to be able to access counselling and participate in support programmes aimed at the children of separated parents. Age-appropriate booklets were recommended for children too. Providing greater opportunities, besides the appointment of Lawyer for the Child, for children to discuss their thoughts, feelings and views was also said to be important. Some parents specifically wanted other professionals, such as social workers, counsellors or child specialists, to be undertaking this role rather than lawyers.

Special approaches were suggested for family violence and complex cases so that victims would not need to come into contact with their abusers or could be catered for in a different type of family justice system.

Some participants suggested stronger enforcement of timelines, agreements and court orders as a way of improving the family justice system, enhancing accountability and signalling that delays and breaches would not be tolerated. Those concerned about lies, unsubstantiated allegations and alleged perjury also thought that penalties and bonds needed to be more frequently imposed.

Many other suggested improvements to the family justice system were made in relation to specific family justice services, professionals' roles and the 2014 reforms, which reflected those reported by parents and caregivers in our Part 1 research report. These included reviewing the Family Court, greater openness, a less adversarial approach, greater cultural responsiveness, less delays, extended FDR hours, trauma and family violence specialists, higher quality information, and better resourcing.

Conclusion

This report is the second of two research reports setting out the experiences and perspectives of those affected most directly by the 2014 family law reforms – separated parents and caregivers. Together with our earlier publication reporting on the experiences and perspectives of family justice professionals, this series of reports provides valuable insight into the impact of the significant changes made to New Zealand's family justice system.

This Part 2 report provides a rich and deep understanding gained from interviews with 180 parents and caregivers who had made post-separation parenting arrangements since 31 March 2014. It addresses the factors that helped and hindered them and the impact that making parenting arrangements had on them and their children. The report includes parents' and caregivers' advice, practical strategies and suggestions for improvement to better help other parents and caregivers, as well as professionals, when making parenting arrangements.

Given the scale of this research project, as the largest independent study to examine the 2014 family law reforms, we expect that this final report, like our earlier two, will contribute meaningfully to the body of knowledge on post-separation parenting, the making of parenting arrangements, and how the New Zealand family justice system can best support families and children in transition.

Introduction

The Family Law Reforms that took effect in New Zealand on 31 March 2014 (Family Dispute Resolution Act and Regulations 2013) marked “the most significant changes to New Zealand’s family justice system since the establishment of the Family Court” in 1981 (Collins, 2014; see also Ministry of Justice, 2011).³ These reforms were based on the review of the Family Court undertaken by the Ministry of Justice from 2011-2014. They primarily related to Care of Children Act 2004 matters, which accounted for about 40 per cent of applications to the Family Court, and aimed to reduce the stress on families and children by avoiding, wherever possible, the delays, conflict and expense that court proceedings can entail.

Background to the 2014 Reforms

In 2011 Cabinet agreed to a review of the Family Court, to be carried out by the Ministry of Justice. A consultation paper with options for reform was released for public comment in September 2011 and 209 submissions were received. A sample of 173 Care of Children Act cases and 88 Property Relationship Act case files were also analysed, and an External Reference Group established to assist the Ministry of Justice with the review. The 2011 Review identified that:

- Current court processes were complex, uncertain, and too slow;
- There was an insufficient focus on children and vulnerable people; and
- There was a lack of support for resolving parenting issues out-of-court.

There was also considerable concern about the cost to the taxpayer of running the Family Court. This had increased by 70 per cent in the six years to 2012, from \$84 million to \$142 million per year, despite the overall number of applications to the court remaining relatively steady.

On 2 August 2012 the Minister of Justice, the Hon. Judith Collins, announced a package of reforms to the Family Court to create a modern, accessible family justice system that was more focused on the needs of children and vulnerable people. The Family Court Proceedings Reform Bill was introduced to Parliament in 2012 and then considered by the Justice and Electoral Committee, which received 386 written submissions and heard 217 oral submissions. The Bill passed its Third Reading in Parliament on 19 September 2013, assent was given on 24 September 2013, and the changes took effect on 31 March 2014.

³ New Zealand Government. (2014, March, 25). *Address to Arbitrators’ and Mediators’ Institute* [Press release]. Retrieved from <http://www.scoop.co.nz/stories/PA1403/S00467/address-to-arbitrators-and-mediators-institute.htm>; Ministry of Justice. (2011). *Reviewing the Family Court: A summary*. Wellington: Ministry of Justice.

Purpose of the 2014 Reforms

The General Policy Statement included in the Family Court Proceedings Reform Bill⁴ stated the purpose of the reforms as follows:

To ensure a modern, accessible family justice system that is responsive to children and vulnerable people, and is efficient and effective.

The reforms emphasised parental responsibility by shifting the focus of the family justice system towards **supporting people to resolve their own disputes** (where appropriate), mainly through out-of-court processes, such as Family Dispute Resolution. The reforms focused on encouraging faster and less acrimonious resolution of family disputes about children, through **out-of-court dispute resolution processes**, thereby reducing “the number of cases coming to the court by encouraging people to focus on the needs of their children and on taking ownership of the agreement reached.” The aim was to improve outcomes for children “by reducing the likelihood of heightened conflict that often results from litigation.”⁵

The reforms were also aimed at **refocusing the Family Court** on the most serious and urgent cases and those disputes that required a judicial decision, thereby better targeting resources to support those children and vulnerable people most in need of the court’s protection and ensuring the family justice system remained affordable in the future. The reforms made changes to the way the Family Court operated with the intention of making it more efficient and effective, improving its response to family violence victims, and mitigating the adversarial nature of proceedings.

Summary of Changes to the Family Justice System

The 2014 reforms largely focused on **Care of Children Act 2004** matters, which include issues relating to children’s post-separation care arrangements such as day-to-day care and contact. They aimed to shift the emphasis away from resolving such parenting disputes within the Family Court to encouraging and supporting people to reach agreement themselves through access to out-of-court services. These include: Family Dispute Resolution (FDR), Parenting Through Separation (PTS) and the Family Legal Advice Service (FLAS). The Family Court was to be regarded as one part of a wider family justice system. Key features of the reforms included changes to both out-of-court and in-court processes.

Changes to Out-of-court Processes

- Introducing a new **Family Dispute Resolution (FDR)** mediation service for resolving parenting and guardianship matters out-of-court. An approved FDR provider (a mediator) assists parents and guardians to identify the matters in dispute, facilitates discussion, and helps them to reach agreements that focus on the needs of their children. FDR is mandatory for most parties prior to commencing Care of Children Act 2004 proceedings, unless an exemption is granted (such as when the matter is urgent, there are safety risks or a significant power imbalance exists, or parties consent to orders). Access to the Family Court is still available if FDR is unsuccessful. The cost of FDR is fully subsidised for participants who meet an eligibility test for out-of-court support.

⁴ Family Court Proceedings Reform Bill. *Explanatory note. General policy statement.* <http://www.legislation.govt.nz/bill/government/2012/0090/20.0/DLM4896269.html>

⁵ Ibid.

For those not eligible, the cost of FDR is \$897.00. A 12-hour FDR model was introduced in December 2016 which also placed greater emphasis on Preparation for Mediation or Coaching (initially called Preparatory Counselling) and child participation.

- Expanding **Parenting through Separation (PTS)** and making participation mandatory for many applicants before they proceed to the Family Court. PTS is a free information programme that helps parents and guardians to understand and manage their children's needs following separation, covering areas such as the impact of separation on children, what is best for children, and how to parent effectively.
- Providing low-income parents eligible for out-of-court support with up to four hours of free legal advice through a new **Family Legal Advice Service (FLAS)**. This service has two parts. Part one provides information about people's rights, responsibilities and legal options regarding children and their care, and what family justice services are available. Part two provides assistance with filling out court forms.
- **Providing information and resources** to assist parents to resolve disputes themselves without going to court. Information about the family justice system was made available via printed and online resources, the Ministry of Justice website (Care of Children section; see <https://www.justice.govt.nz/family/care-of-children/>) and the introduction of an 0800 2 AGREE phone line.
- Discontinuing the previous free Family Court counselling sessions.

Changes to In-court Processes

- Introducing a simplified **three-track system** to support people to navigate parts of the Family Court independently. Applications to the court are allocated to a 'track' depending on its complexity:
 - a) **Simple Track** – For simple issues not requiring extensive judicial involvement. For example, undefended proceedings or for those who wish to formalise private agreements with a Consent Order. This track is designed so that the parties are able to represent themselves, without the need for lawyers.
 - b) **Standard Track** – For non-urgent defended proceedings about multiple or more complex issues. For example, an application for day-to-day care or permission to take children to live overseas. This track is designed so parties are able to represent themselves, without the need for lawyers, for most of the process. If matters are not resolved, the case moves onto a formal hearing where lawyers are present.
 - c) **Without Notice Track** – For urgent matters, where there is a risk of serious injury to a child and/or parent, undue hardship, a risk to a child or parent's personal safety, or a child being removed from New Zealand without permission. This was designed to ensure that vulnerable people exposed to violence and children needing protection have immediate access to the court. Lawyers can be used to assist with filing applications and represent a person in court.
- Changes to **Family Court processes**, such as the introduction of new forms and different types of conferences and hearings.

- **Mandatory self-representation** – The removal of lawyers from the initial stages of non-urgent on-notice court processes. People are required to file their own Family Court documents and represent themselves when meeting with a judge in the early part of the process.
- **Mandatory participation in PTS and FDR** before an application can be made to the Family Court, unless on the without notice track or an exemption has been issued.
- Changes to the way **child safety** is addressed and assessed in the Family Court.
- Introducing **Cost Contribution Orders** requiring parties to pay part of the cost of Lawyer for the Child, Lawyer to Assist the court and specialist report writers appointed by the Family Court in their case.
- Changes to the appointment criteria for **Lawyer for the Child** to focus on situations where there are concerns for a child’s safety or wellbeing. Lawyer for the Child is now required to represent both a child’s views and their welfare and best interests.
- Changes to **specialist reports** – these are now only obtained when they are deemed essential to decide a case. A standardised brief has been introduced for specialist reports.

Research and Reviews Evaluating the Reforms

Our research project commenced in 2014 to provide an independent evaluation of the 2014 reforms. However, the Ministry of Justice has also undertaken its own research to evaluate the reforms, including:

1. 2015: A qualitative evaluation of the Family Dispute Resolution service and mandatory self-representation.⁶
2. 2017: An administrative review to assess whether the intended outcomes of the reforms had been achieved.⁷
3. A cohort analysis tracking people through the family justice system (not dated).⁸
4. 2017: An analysis of exemptions from FDR.⁹
5. 2017: An examination of the reasons for, and impact of, the increase in Family Court Care of Children Act without notice applications since the reforms.¹⁰

⁶ Ministry of Justice. (2015). *Evaluation of Family Dispute Resolution service and mandatory self-presentation*. Wellington, NZ: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/Evaluation-of-Family-Dispute-Resolution-Service-and-Manadatory-Self-representation.pdf>

⁷ Ministry of Justice. (2017). *Family justice: An administrative review of family justice system reforms*. Wellington, NZ: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/Family-Justice-Administrative-review-2017-FINAL.pdf>

⁸ Ministry of Justice. (n.d.). *Family justice reforms: An initial cohort analysis*. Wellington, NZ: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/FJ-Cohort-analysis-FINAL.pdf>

⁹ Ministry of Justice. (2017). *Exemptions from Family Dispute Resolution*. Wellington, NZ: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/FDR-Exemptions-for-Did-Not-Participate-September-2017.pdf>

¹⁰ Wehipeihana, N., Spee, K., & Akroyd, S. (2017). *Without notice application in the Family Court: A research report prepared for the Ministry of Justice*. Kinnect Group. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/Without-notice-applications-in-the-Family-Court-Final-Report.pdf>

In August 2018, the Minister of Justice, the Hon. Andrew Little, announced the establishment of an Independent Panel to review the 2014 reforms.¹¹ The Panel comprised Rosslyn Noonan, La-Verne King and Chris Dellabarca. An expert reference group was also appointed.

The Panel undertook two rounds of nationwide public consultations during late 2018¹² and early 2019¹³ with both users of the family justice system and those working within it. The Panel considered submissions¹⁴ and also commissioned an independent research company, UMR, to obtain the views of Māori and Pacific parents and whānau, parents with a disability, and children.¹⁵ The final report of the Independent Panel *Te Korowai Ture ā-Whānau*¹⁶ was provided to the Minister in May 2019 and publicly released on 16 June 2019.

While this review by the Independent Panel had not been anticipated when our research commenced, it was fortuitous as it enabled our preliminary findings to be shared with the Panel and to help inform their conclusions and recommendations. The research has thus contributed to the growing body of evidence about the impact of the 2014 family law reforms on parents, children, whānau and family justice professionals. It provides valuable insights as further changes to New Zealand's family justice system are considered to give effect to the Independent Panel's final report.

¹¹ See <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/family-court-rewrite/>).

¹² Independent Panel. (2018, September). *Have your say on the family justice system: A consultation document released by the Independent Panel examining the 2014 family justice reforms*. Wellington, New Zealand: Ministry of Justice.

¹³ Independent Panel. (2019, January). *Strengthening the family justice system: A consultation document released by the Independent Panel examining the 2014 family justice reforms*. Wellington, New Zealand: Ministry of Justice.

¹⁴ Independent Panel. (2019, January). *Submissions summary: Independent Panel examining the 2014 family justice reforms*. Wellington, New Zealand: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/Family-Court-Rewrite-Summary-of-Submissions.pdf>; Independent Panel. (2019, May). *Te Korowai Ture ā-Whānau: Summary of submissions on the Panel's second consultation paper. Independent Panel examining the 2014 family justice reforms*. Wellington, New Zealand: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/family-justice-reforms-te-korowai-ture-a-whanau.pdf>

¹⁵ UMR. (2019). *A qualitative study on behalf of the Independent Panel examining the 2014 family justice system reforms*. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/family-justice-reforms-main-report.pdf>

¹⁶ Independent Panel. (2019). *Te Korowai Ture ā-Whānau: The final report of the Independent Panel examining the 2014 family justice reforms*. Wellington, New Zealand: Ministry of Justice. Retrieved from <https://www.justice.govt.nz/assets/Documents/Publications/family-justice-reforms-final-report-independent-panel.pdf>

Project Overview

This report presents data from a two-phase research project generously funded by the New Zealand Law Foundation. Phase One was undertaken during 2014-2015 and involved the initial scoping, consultation and planning for implementation of the Phase Two nationwide study beginning in 2016. **Phase One** involved:

- Compiling an annotated bibliography of domestic and international research literature pertaining to New Zealand family law research and family law evaluation research;
- Ascertaining the existence of baseline data in New Zealand (collected prior to the March 2014 reforms) and its usefulness in enabling pre- and post-reform comparisons;
- Consultation and liaison with key New Zealand stakeholders;
- Consultation with international experts and key researchers in family law reform evaluation;
- Holding a workshop in Wellington on 30 October 2014 with stakeholder representatives to a) report back on the above activities and the themes that emerged from the consultation process; and b) to gauge sector/stakeholder interest in, and commitment to, an evaluation proposal.¹⁷

The primary purpose of **Phase Two** (1 August 2016 to 31 January 2020) was to undertake the empirical components of a large-scale nationwide mixed-methods study to evaluate the 2014 family law reforms. This phase addressed the following research questions:

- What are parents' and family justice professionals' perceptions and experiences of post-separation family dispute resolution processes regarding decisions about children's care arrangements post-31 March 2014?
- Which family justice systems/services/processes are working well for families and family justice professionals and which are not?
- How and why do parents choose different dispute resolution pathways (e.g., self-resolution, private agreement, out-of-court or in-court dispute resolution) and are they associated with different experiences, perspectives and outcomes (such as stability of care arrangements, conflict reduction)?

The Phase Two study involved the following data collection methods:

1. An anonymous nationwide online survey with separated parents/caregivers ($n=655$).
2. Interviews with a sub-set of parent survey participants ($n=180$).
3. Follow-up online surveys with separated parents/caregivers ($n=429$).
4. An anonymous nationwide online survey with family justice professionals ($n=364$).
5. Interviews with a sub-set of family justice professionals ($n=100$).

¹⁷ For the Phase One research report, see: Gollop, M.M., Taylor, N.J., & Henaghan, R.M. (2015). *Evaluation of the 2014 Family Law Reforms: Phase One. Report to the New Zealand Law Foundation*. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

An interim report¹⁸ focusing on the data collected from family justice professionals (points 4 and 5 above) was submitted to the New Zealand Law Foundation in April 2019. The final report¹⁹ on the perspectives of family justice professionals was completed in September 2019.

Part 1 of two reports on the perspectives of separated parents and caregivers focused on the quantitative and qualitative data collected by the **online surveys** and the **interview data relating to family justice services**.²⁰ The report provided a broad overview of all of the major descriptive findings about parents' and caregivers' experiences of, and views on, making parenting arrangements and their use of any family justice services and professionals to help achieve this.

This current report (Part 2) sets out key aspects of the remaining parent and caregiver interview data and focuses on:

- Factors that helped parents and caregivers;
- Barriers and challenges to making parenting arrangements;
- The impact of making parenting arrangements;
- Advice to others making parenting arrangements;
- Advice to professionals;
- Suggested improvements.

The study was approved by the University of Otago Human Ethics Committee (Reference number 16/164) on December 8, 2016. The University of Otago Māori consultation process was also undertaken with the Ngāi Tahu Research Consultation Committee in October 2016.

¹⁸ Gollop, M.M., & Taylor, N.J. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 Family Law Reforms – Family justice professionals' perspectives*. Interim Research Report for the New Zealand Law Foundation and the Independent Panel Examining the 2014 Family Justice Reforms. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

¹⁹ Taylor, N.J., Gollop, M.M., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 family law reforms – Family justice professionals' perspectives*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

²⁰ See Gollop, M., Taylor, N., Cameron, C., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 Family Law Reforms – Parents' and caregivers' perspectives – Part 1*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

Method

Participant Recruitment

Separated parents/caregivers who had made or changed parenting arrangements in New Zealand since the reforms took effect were recruited to take part in the study. The intention was to recruit as many separated parents/caregivers as possible to ensure a broad range of experiences and perspectives. Our goal was to recruit both those who had used family justice services to make or change parenting arrangements since the reforms, as well as those who had had limited, or no, service use. As it is unknown how many separating couples in New Zealand have children,²¹ the intention was not to gain a representative sample, but rather to ensure a diverse range of participants.

Participants were recruited to take part in the study by an extensive range of strategies including the following:

- Letters and fliers (see Appendix A) sent (via post and/or email) to family justice providers/suppliers nationwide e.g., Parenting Through Separation (PTS) providers, Family Legal Advice Service (FLAS) providers, Family Dispute Resolution (FDR) suppliers/providers (via contact details available on the Ministry of Justice website) and Family Courts.
- Letters and fliers sent (via post and/or email) to other community agencies – e.g., Community Law Centres, Citizens Advice Bureau offices, and social service agencies throughout New Zealand.
- Support groups for separated parents distributed information about the study to their members and/or posted information about the study on their websites and/or Facebook.
- FDR suppliers (e.g., Fairway, Family Works Central, and Family Works Northern) distributed information to their clients via email, fliers and items about the study in their newsletters and/or on websites.
- Articles in the *Family Advocate* (the magazine of the Family Law Section of the New Zealand Law Society) informing family justice professionals about the research and encouraging them to bring the study to their clients.
- Articles in the *Child Wellbeing Network* bulletin.
- Paid advertising on Facebook – dark posts²² targeted to reach around 45,000 New Zealand users aged 20-60 who had children aged 18 and under.
- Paid advertising on *Stuff* – a New Zealand news website.
- An article in the University of Otago staff bulletin.
- An email to all University of Otago staff.

Participants were asked how they had heard about the study and, of those who responded, the vast majority (85%) indicated that it was through Facebook or the Internet, with 8% hearing about it through support groups and 4% through family or friends. The number of participants who reported hearing about the study from other recruitment strategies was very low. Local recruitment via an email and article aimed at University of Otago staff initially proved quite effective, however, at this early project stage, data about where people heard about the study was not collected.

²¹ See Law Commission. (2017). *Relationships and families in contemporary New Zealand. He Hononga Tangata, He Hononga Whānau / Aotearoa O Nāianei*. Study Paper 22. Wellington: Law Commission. Retrieved from https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/Study%20Paper%20-%20FINAL_0.pdf

²² Targeted news style advertisements.

Data Collection

Online Surveys

The anonymous online survey was administered through the study website and was open for nine months from 31 July 2017 until 30th April 2018. Participants were self-selected and opted to complete the anonymous survey after receiving information about the study through the range of recruitment strategies outlined earlier. They accessed the survey via the study website. After accessing the survey, participants were asked a screening question to ensure they meet the criteria of: 1. having made or changed parenting arrangements for children; 2. since the reforms came into effect; 3. and within New Zealand. If not, they were directed away from the survey and invited to share their views in another format available on the study website. Those who had completed making or changing parenting arrangements and those who were still in the process were welcome to complete the survey. Parents and caregivers were eligible to participate. The online survey was completed by 655 respondents.

Participants who met the inclusion criteria detailed above were provided with an Information Sheet about the study (see Appendix B) and a Consent Form (see Appendix C), which could be read online and/or downloaded. Once participants indicated they had read the Information Sheet and the Consent Form, and had agreed to take part, they were given instructions on how to complete the survey.

The survey took around 30-60 minutes to complete and had four sections that asked about respondents' views and experiences of:

1. Making (or changing) their parenting arrangements.
2. Family justice services funded by the Government.
3. The New Zealand family justice system.
4. Demographic information.

Participants who had provided an email address when they completed the initial survey (91%, $n=595$) were invited to complete two subsequent **online follow-up surveys**; one approximately six months after their initial survey completion and then six months after completion of the first follow-up survey (or 12 months after their initial survey if they did not complete the first follow-up survey). Almost two-thirds (65%) of the participants completed at least one of two follow-up online surveys, at approximately six to eight month intervals.

See the Part 1 report for a detailed description of the online surveys.²³

²³ Gollop, M., Taylor, N., Cameron, C., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 Family Law Reforms – Parents' and caregivers' perspectives – Part 1*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

Interviews

At the end of the survey respondents were asked if they wished to express their interest in taking part in a telephone interview with a member of the research team to share, in more depth, their views and experiences. Those who indicated their interest were asked for their contact details, followed up by email and sent an Information Sheet and Consent Form (see Appendices D and E).

The interviews were predominately conducted via telephone, although a few locally based participants ($n=15$) were interviewed face-to-face and one participant elected to be interviewed via Zoom teleconferencing. Participants' verbal consent was obtained at the beginning of the interview, which was audio-recorded. The interviews were undertaken by four interviewers (Dr Margaret Mitchell, Dr Megan Gollop, and two legally-trained contract interviewers Kyla Mullen and Latafale Auva'a).

The semi-structured interview schedule (see Appendix F) covered similar topics to the survey and included the following areas:

1. Dispute resolution pathways/sequence – the steps people took and the processes they went through to make or change parenting arrangements;
2. The factors influencing the dispute resolution pathways;
3. Use of, and experience with, family justice services;
4. What helped and hindered making/changing parenting arrangements;
5. The effect(s) of making/changing parenting arrangements – on themselves, their children and the relationship with the other party;
6. The outcome of the process of making/changing parenting arrangements;
7. Knowledge and understanding of the 2014 family law reforms;
8. Advice to family justice professionals and other people making/changing parenting arrangements.

However, participants were also free to raise other relevant issues and topics that they wished to comment on.

All interviews were transcribed.

Participants

Online Survey Respondents

The online survey was completed by 655 parents or caregivers who had made or changed parenting arrangements since the reforms came into effect. The majority (80%) of the respondents were female, just under a fifth (19%) were male, 0.5% selected 'Other', and four participants (0.6%) chose not to answer the question. Most identified as New Zealand European (87%) and/or Māori (13%).

The survey was open to those who had completed making or changing their parenting arrangements and those who were still in progress. Nearly two-thirds of those completing the survey (64%, $n=417$) had finished making their arrangements, with the remainder (36%, $n=238$) yet to complete the process.

Interviewees

Of the 655 survey respondents, 41% ($n=271$) indicated their interest in participating in an interview. Another three participants agreed to an interview, but did not complete the survey. Of the potential 274 interviewees, 192 (70%) ultimately participated in an interview (82 participants decided not to be interviewed, did not respond to requests to schedule an interview time, or were unavailable during the period the interviews were being conducted). Data from 12 of the 192 interviewees was not included in any subsequent analysis because the interview had been discontinued when a participant became distressed or could no longer continue for other reasons or was not recorded due to a technical issue, or the participant did not meet the screening criteria of having made or changed parenting arrangements in New Zealand since the reforms took effect – for example, interviews that focused on non-parenting matters or pre-reform experiences.

Ultimately, interview data from 180 parents/caregivers was included in the qualitative analysis for this report. The demographic data for these interviewees is presented (see Tables 1-11). Where possible, demographic data was extracted from the interview transcripts of the three interviewees who did not complete the survey (hence, the totals in the following tables will vary between 177 and 180).

As shown in Tables 1-3, the majority (77%) of the participants were female, and just over a fifth (22%) were male. Most (79%) were aged between 30 and 49 years and identified as New Zealand European (84%); 11% were Māori.

Table 1: Gender of interviewees

Gender	<i>n</i>	Percent
Female	136	76.8%
Male	39	22.0%
Other	1	0.6%
Preferred not to answer	1	0.6%
Total	177	100%

Table 2: Age range of interviewees

Age	<i>n</i>	Percent
20-29 years	10	5.6%
30-39 years	53	29.9%
40-49 years	87	49.2%
50-59 years	25	14.1%
60-69 years	2	1.1%
Total	177	100%

Table 3: Interviewees' ethnicity

Ethnicity	<i>n</i>	Percent
New Zealand European	148	83.6%
Māori	20	11.3%
Samoan	0	0%
Cook Islands Māori	0	0%
Tongan	0	0%
Niuean	0	0%
Chinese	2	1.1%
Indian	1	0.6%
Other	20	11.3%
Skipped question	2	1.1%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

The majority (81%) of the participants were born in New Zealand and all were residing there when they were interviewed. Table 4 shows the regional spread of where the participants were residing at the time they completed the initial survey. Estimates of the resident population in New Zealand's regions at 30 June 2017 are also presented for comparison (the survey opened in July 2017). As shown in Table 4, over a quarter of the interviewees (26%) resided in Auckland, and the next most common regions participants lived in were Canterbury (15%), Otago (14%) and Wellington (12%).

Table 4: Locations interviewees currently lived in

Region	<i>n</i>	Percent	Estimated regional resident population at 30 June 2017 ²⁴
Northland	2	1.1%	3.7%
Auckland	46	25.8%	34.6%
Waikato	16	9.0%	9.6%
Bay of Plenty	9	5.1%	6.3%
Gisborne	0	0%	1.0%
Taranaki	9	5.1%	2.5%
Hawke's Bay	5	2.8%	3.4%
Manawatu-Wanganui	9	5.1%	5.0%
Wellington	21	11.8%	10.7%
Tasman	0	0%	1.1%
Nelson	1	0.6%	1.1%
Marlborough	2	1.1%	1.0%
West Coast	1	0.6%	0.7%
Canterbury	26	14.6%	12.8%
Otago	25	14.0%	4.7%
Southland	5	2.8%	2.1%
Skipped question	1	0.6%	-
Total	178	100%	

The geographical spread of the interviewees covered 14 of the 16 regions of New Zealand, with no interviewees from the Gisborne and Tasman regions. The proportion of the interviewees in each region were close (within 1 or 2 percent) to the estimated regional population when data collection commenced. The greatest differences were a lower percentage of respondents from Auckland compared with regional estimates (26% compared with 35%) and a higher proportion of participants from Otago (14% compared with 5%). This latter difference is likely accounted for by the study originating in Otago and the initial recruitment with University of Otago staff.

Table 5 shows that the interviewees were highly educated compared with the general New Zealand population. Only 2% had no qualification compared with 21% in the 2013 Census and over three-quarters (77%) had a tertiary qualification compared with 20% in the 2013 Census.²⁵

²⁴ See Stats NZ. (2018). Estimated resident population, regional council areas, at 30 June 2013, 2017, and 2018. In *Subnational population estimates at 30 June 2018 (provisional)*. Retrieved from <https://www.stats.govt.nz/information-releases/subnational-population-estimates-at-30-june-2018-provisional>

²⁵ See Stats NZ. *2013 Census quickstats about education and training*. Retrieved from <http://archive.stats.govt.nz/Census/2013-census/profile-and-summary-reports/qstats-education-training/highest-qualification.aspx#>

Table 5: Interviewees' highest level of educational qualification

Qualification	<i>n</i>	Percent
No qualification	3	1.7%
Secondary school qualification (e.g., NCEA, School Certificate, University Entrance, Bursary)	21	11.9%
Trade or vocational qualification	16	9.0%
Tertiary qualification (e.g., Bachelor's degree, Postgraduate Certificate/Diploma, Master's degree, PhD)	136	76.8%
Skipped question	1	0.6%
Total	177	100%

Table 6 shows the interviewees' personal before-tax income. In 2017 the median income in New Zealand was \$49,868.²⁶ The participants had a slightly higher income than this, with the greatest number ($n=27$, 15%) earning \$50,000-60,000 per annum.

Table 6: Interviewees' personal annual income before tax, from all sources

Income	<i>n</i>	Percent
Loss	0	0%
Zero income	4	2.3%
\$1-5,000	2	1.1%
\$5001-10,000	1	0.6%
\$10,001-15,000	5	2.8%
\$15,001-20,000	8	4.5%
\$20,001-25,000	12	6.8%
\$25,001-30,000	12	6.8%
\$30,001-35,000	12	6.8%
\$35,001-40,000	11	6.2%
\$40,001-50,000	13	7.3%
\$50,001-60,000	27	15.3%
\$60,001-70,000	16	9.0%
\$70,001-80,000	14	7.9%
\$80,001-90,000	8	4.5%
\$90,001-100,000	3	1.7%
\$100,001-150,000	13	7.3%
\$150,001 or more	6	3.4%
Don't know	6	3.4%
Skipped question	4	2.3%
Total	177	100%

²⁶ See <https://www.stats.govt.nz/topics/income>

Tables 7 and 8 detail the relationship the interviewees had with the children the parenting arrangements related to and the type of caregiver they were. Most were mothers (75%), with fathers making up just under a quarter of the participants (23%). The greatest proportion were resident (46%) or shared care parents (24%) (see Table 8). Just under a fifth (19%) were the contact parent.

Table 7: Interviewees' relationship to the children the parenting arrangements related to

	<i>n</i>	Percent
Mother	135	75.0%
Father	42	23.3%
Step-parent	2	1.1%
Grandparent	1	0.6%
Total	180	100%

Table 8: Caregiver type of interviewees

	<i>n</i>	Percent
Resident parent	82	45.6%
Contact parent	34	18.9%
Shared care parent	43	23.9%
Other (including split care)	21	11.7%
Total	180	100%

Table 9 shows that 63% of the interviewees ($n=114$) had completed making their parenting arrangements at the time they were interviewed and 37% ($n=66$) were still in progress.

Table 9: Status of parenting arrangements for interviewees at time of survey

	<i>n</i>	Percent
Completed	114	63.3%
In progress	66	36.7%
Total	180	100%

Table 10 shows the interviewees' use of family justice services. As shown, the most commonly used services were the Ministry of Justice website (61%), the Family Court (59%) and Parenting Through Separation (51%). Nearly a third (32%) had used Family Dispute Resolution, with lower numbers using the Family Legal Advice Service (14%) and the Ministry of Justice phone line (11%).

Table 10: Interviewees’ use of family justice services to make or change their parenting arrangements

Service	n	Percent
Ministry of Justice website	107	60.8%
Ministry of Justice 0800 2 Agree phone line	20	11.4%
Parenting Through Separation (PTS)	91	51.4%
Family Legal Advice Service (FLAS)	24	13.6%
Family Dispute Resolution (FDR)	56	31.8%
Family Court	105	59.3%

Note: Multiple selection was possible. Hence, percentages do not sum to 100.

Table 11 shows the main resolution pathway that participants used for those who had completed making their parenting arrangements ($n=114$). The two most common pathways were for participants to make their arrangements with their former partner mostly by themselves (42%) or through the Family Court (40%). Very few had made their arrangements through Family Dispute Resolution (8%) or privately through a professional (7%).

Table 11: Interviewees’ main resolution pathway to make or change parenting arrangements

Resolution Pathway	n	Percent
Nothing specific, they just happened/unilateral decision	4	3.5%
Mainly by ourselves	48	42.1%
Privately through a professional (e.g., lawyer, counsellor)	8	7.0%
Through Family Dispute Resolution (FDR)/Family Mediation	9	7.9%
Through the Family Court	45	39.5%
Total	114	100%

Data Coding and Analysis

A qualitative thematic analysis was undertaken to identify common themes in the interviews. One coder (Nicola Liebergreen) deductively coded all of the interview transcripts with NVivo qualitative data analysis software using a coding schedule which mirrored the content areas of the interview schedule.

The following broad coding categories (with sub-themes) were:

- Dispute resolution pathways – the steps people took and the processes they went through to make or change parenting arrangements;
- Factors influencing dispute resolution pathways;
- What helped and hindered making/changing parenting arrangements;
- The impact of making/changing parenting arrangements;
- The outcome of the process of making/changing parenting arrangements;
- Knowledge and understanding of the 2014 family law reforms;
- Advice to family justice professionals and other people making/changing parenting arrangements.

As participants’ use of, and experience with, family justice services had already been reported in the Part 1 report, this data was not coded again unless it was relevant to one of the categories above.

Findings

Factors that Helped Parents and Caregivers

Parents and caregivers identified a variety of factors that helped them to adjust to their family transition and/or resolve, implement and manage their parenting arrangements. These included an amicable and co-operative relationship with their former partner; a focus on their children's best interests; prior knowledge or experience of separation and dispute resolution e.g., as a child themselves; investigating/researching relevant information and feeling prepared; the advice and support of family members, friends, employers, GPs, church, and community- or internet-based support groups; attending seminars and courses; referring to publications; engaging in (paid) counselling or therapy; being assisted by the family justice system and services (including the Family Court), professionals and agencies; having a sense of empowerment; and utilising a variety of helpful personal and communication strategies to reach agreement and to co-parent as effectively as possible.²⁷

Relationship with Former Partner

A **positive and amicable relationship between the former partners** was a key factor in helping parents to resolve their parenting arrangements. Attributes such as co-operation, trust, flexibility, openness, getting along, a lack of animosity, and the ability to communicate and co-parent effectively were mentioned by participants.

I think us having quite an open relationship, as far as being able to talk about the kids, has been really beneficial. I suppose it's a very individual kind of situation. (1242, Mother)

I think that it helps that [former partner] and I get along and that I've always been really appreciative of him and I'm assuming it's mutual. We put [Child]'s needs first. I mean, there's times that I get frustrated with some of the things that he does and says but, in general, when it comes to the big picture stuff we both think about her and we get along well enough that we can talk about it. (1001, Mother)

I don't think that [former partner] and I had animosity towards each other. There were irreconcilable differences, but we didn't have to deal with any extreme emotions, any extreme bitterness, or anger, or anything like that. So, I think that helped. (1004, Mother)

We still communicate probably incredibly well compared to a lot of people that we know who have separated. ... Probably one of the things that has made our parenting work well now, is that we sorted out the property first and separately, away from everything else. That was done and dusted. We didn't go through a lawyer for that either – we actually did that together and just negotiated the whole thing between us and signed it and completed it and agreed that we can't go back and talk about it. (1347, Mother)

²⁷ Interview quotes have been edited for ease of reading. To preserve participants' anonymity some details have been deleted or modified without changing the meaning.

Even though we're not together anymore, I trust that he has the kids' best interests at heart. He's got a new girlfriend and she's amazing. She's so fantastic. I would never ever worry that he'd introduced the kids to somebody, because I know he just would never do that. I do trust his decisions. (1538, Mother)

The worst thing you could do is just forget why you still need to talk to each other. If we split up and we didn't have a child we could totally just go our separate ways and never speak to each other again, but you can't do that if you've got a kid, never, ever, even when he's grown up. This isn't just until he's 18. So, you're looking down the back of 30 or 40 years potentially of co-parenting with this person and you'd better find some way to get on. ... We actually bought on the same street, but that was more of an accident. Everyone said that will never work, but actually it's fantastic – because you don't have a kid with somebody and have all that shared history and not have ever been friends. So, yeah, I have neighbours and I have my ex-husband, my son's father, and we just live on the same street. He feeds my pets when I'm away and I might take him to the airport if he needs to go somewhere. So, we've looked at it and gone, let's act as if we're neighbours. (1493, Mother)

Conversely, some parents who were **solely responsible for making their parenting arrangements** found this to be a helpful way forward.

We didn't have any legal agreement or anything; it was just left up to me. Which was good in a way, but it would have been nice to have had some guidance. But it's worked out well. (1008, Mother)

Their dad didn't opt to argue anything. ... He didn't even bother responding to the application. I think that there was a bit more trust and he didn't have the energy – he's been on the sickness benefit – so, I think he just trusted that whatever I decided would be fine for the kids because he knows that I'm not spiteful or anything. (1239, Mother)

Well, the system now is that I do whatever I want and let him know because he's not here, he's not part of the day-to-day, he doesn't really know what's going on and ... he doesn't want any formal arrangement. (1368, Mother)

It wasn't me that left. It was him that decided to leave, so I just thought, well, he's left, he's made the choice. That's it. I'll just make it as good as I can for everyone else. That's all you can do, really. (1418, Mother)

Even when co-parental relationships were not that amicable, retaining a focus on the **former partner's parenting qualities and importance in their children's lives**, enabled some parents to achieve a satisfactory post-separation relationship.

I'm totally not interested in being friends with him, but he is a good dad and he does great things with the kids. I have to put my other stuff about him aside and just work hard. To me it's really important that they will have a relationship with both of us. (1347, Mother)

No matter how angry I got at my ex-partner, I always considered his best interests as well as the children. For me, it is about the children as well, but it's also considering your ex-partner. I know what I have experienced with people who stop the father seeing the kids and it's tragic. It's horrible. It's so, so horrible. I never wanted that to

happen with our children. I always considered what he was doing for work, when would be the best times for him, how would he navigate? (1538, Mother)

Focus on the Child(ren)

A joint focus on their child(ren)'s best interests was also conducive to parents resolving and managing the parenting arrangements. Making the children the number one priority, or putting them at the forefront, was a motivating factor and helped parents to set aside their relationship issues and achieve effective co-parenting arrangements.

We were both very much, "It's about [Child], not about our relationship." (1233, Mother)

I talked to a few people to see what was going on, to try to work out a solution. ... They were all the same: make sure it's for [Child], everything that you do should be for [Child]. Don't worry about the money, don't worry about this sort of stuff, it's just how it is. They were quite useful. ... Thinking of [Child], thinking of my son. Trying to work out what is best for him in terms of all of this. He was a very young kid, two years old when we separated. So, I was thinking through the process, how can I minimise this? (1086, Father)

The biggest thing for us is that our two children were our priority and our number one focus. We had to set aside personal feelings about our marriage breakdown to put the kids first. That was our motivating factor, the kids. Even if we weren't agreeing, we always just took it back from the kids' perspective. Even if we were in disagreement about how they're raised or different things, we would take it back to what would be best for the kids. That's really hard to do when you're quite emotional with each other. It did take a few deep breaths and, like, "Alright, let's reign it in." You sit down and this is how it is. Yeah, it was all really straight-forward actually. (1501, Mother)

There's a really good emphasis in this country on putting the child's needs first and ensuring that people continue to think about that. It kind of begins to objectify some of their own aversions to each other as ex-partners and keeps it focused on the child. (1690, Father)

The counsellor said, "You need to remove yourself from the situation and understand that with your ex-partner this is now a business arrangement. Remove the emotion – you have just got to see it as a business arrangement. You are partners in a company and the company is there to provide for the child. That is the sole purpose and you have just got to see it as a business arrangement. So, any time you start the emotions you need to step back because a business isn't emotional. You have just got to make the decision on what is best for the child, regardless of how you feel and if that means that, at times, you lose for the sake of the child, then you do, and you have got to take it on the chin because you are the adult, you made all the decisions leading up to this moment and now you live with the consequences. You have just got to suck it up and deal with it as a business arrangement." That was the best advice I had, because every time I got emotional, I could just refocus and go, "Oh, no, this is not about me, he is not doing this to hurt me necessarily, it is about my child." (1107, Mother)

We basically based the arrangements on what was best for our son, having the child's interests as the main focus. (1056, Father)

The kids are special people and that was the only thing that kept our communication line open. Were we, either of us, to have focused on what we wanted or our own needs, it would have shut down months and months and months prior and we'd be in the court. But the two of us, from the very outset, our first discussion was that the kids need both their parents. My ex is also from a divorce background, so we're both well aware of what it's like and that the kids need both of us. So, while we personally had many difficulties to work through, the kids' visitation was completely separate from that. (1016, Father)

Not going through mediation or court or anything has been the most helpful. Now, I can just do what's best for the kids and [former partner] doesn't fight me on it either. I think he knows what's best for them as well, or he wouldn't agree to it. Not going through lawyers and that process has been really good. (1479, Mother)

It was a little bit hard at the start, but we both thought that whatever is happening between us should not affect the children. Whatever we agreed upon had to be what was in their best interest. ... Both our intentions were really focused on the children rather than being angry or resentful with one and other. One of his fears was probably that I would try and keep the children away from him, but I was very clear from the start – I said, "Look a dad is just as important as a mum." Because I'm not originally from New Zealand, some of his family members had mentioned to him, "What if she moves back to [country]?" So, we talked that over and I said I would never do that. I would never take the kids to the other side of the world. After we had talked about the most anxiety-provoking parts and that we both had good intentions, that helped. (1218, Mother)

The kids have always come first and that's been our base for any decisions that we've made. [Daughter] – she's now 16 – decided that she doesn't want to go there every second weekend because she's just not feeling good about it. So, I've said to her, "I think you're old enough to decide for yourself" and her dad's been quite accepting of that as well. All he said to me was, "I miss her and I want her to feel that she can come here whenever she wants, but I am certainly not going to push her to do something that's going to push her away from me." (1230, Mother)

Having that mediator is a really important thing because it then stops you from getting emotional about yourself. It's actually the counsellors, the mediators, that end up bringing it back to what you're there for. It's not a competition to see who loves the children the most; it's not a competition to see which child loves which parent the most. I see examples of when children just adore their parents, they're their role models. ... I looked at my daughter last year and all she wanted to see was her father. I didn't like the way he was raising them and started doing that, "The more that they keep away the better." But, actually, she just looks up to him and adores him and so why would I be keeping her from that? There's two people here that love her just as much and it just shows in different ways. (1249, Mother)

My one and only focus is the kids. ... It was all about the kids. I just kept on the same track with regards to the stuff I've learned from PTS, knowing that my kids kept telling me what they wanted and I was listening to them as much as I could. (1339, Father)

Things are a lot easier now between us, because we get on okay and we can do drop-offs at other places if we need to and stuff, and we do consult better on the kids. I just

keep pushing that this is about the kids. We have to take our issues aside and that's not always easy; we didn't always do that. Other people have said to me, "God, you guys do it really well and your kids are quite comfortable with either of you." So, it does make you feel that, actually, the extra effort that I kind of pushed and pushed to say, "No, this is about the kids" did pay off. I mean, it didn't happen overnight. It took a few months for us to get to that point where we could sit down and go, "Okay, let's give this a go." ... I said, "Right, this is what I would like to try", rather than, "This is what I want to put in place." "This is what I would like to try and I want to see if the kids are okay with it." I took control of setting up the calendar and we changed a few things and that but, I think, being able to do that means we get on a lot better now and the interaction that we do have now is about the kids – what have the kids got on and what's happening? The kids know that Mum and Dad are both going to be at their sporting activities, or their school things, and that we will be civil to each other. So, we sort of eventually got to a point where we both wanted what was right for the kids. (1308, Mother)

For both of us, the most important thing was that the kids were well looked after, so we put the kids in the centre, not our own quarrel. I think that was the reason why we found it a lot easier to deal with the stuff and keep it out of court or didn't even need a mediator. We just basically sat down like adults and had a proper chat and that's this and that's that. (1487, Mother)

Prior Knowledge or Experience

Another factor that was said to help was **parents' prior knowledge or experience of parental separation**, for example, as a child themselves.

[Former partner] and I, both of our parents had divorced and remarried. So, we were both quite conscious about what we didn't want to do, from what we experienced as kids. We were really clear on that at the outset, which was really helpful. Both of us went through traumatic divorces with parents and, so, we're like, if we do anything, we are making this as smooth and as drama-free as possible. (1004, Mother)

My parents separated when I was five, and then they went through the Family Court when I was around 10. So, I do kind of know the process – having that prior knowledge has been helpful. (1475, Mother)

I don't have a problem with him as a parent, you know what I mean, I have a problem with him as a partner. And I have got to not get those two things confused because it's about [Child] and his relationships. [Former partner] had a terrible relationship with his father, he didn't know his father until he was 21 because his mother wouldn't let him see him. I don't want to do that to my child, I want her to know who her family is. I still see his parents, both sets, with their extra people and everything. There's no problem with any of that, all of the family is really good. They're a bit in shock of everything that's happened, but it's actually been an okay separation. (1336, Mother)

I talk to my children really openly about things and I always relate back to how it was for me as a child. It's important for them for me to say, "I know how you're feeling", because I feel their pain. I remember everything as a child and so I talk to them really openly without having an adult level conversation. My eldest son kind of broke down in tears on me the other day when we were talking and I just said to him, "It hurts your

heart doesn't it mate? It really hurts doesn't it and I know it does, but we have to keep remembering that because Mum and Dad are not together anymore, it does not affect how much we both absolutely love the bones off both of you boys." We keep reminding them how loved they are, how it's nothing to do with them – it's an adult thing, it's an adult problem. Lifting the burden away from a nine-year-old boy's shoulders because he's worrying about his mum and he's trying to go to school and concentrate. I don't want this to impact that. I don't know whether we're unusual or whatever, I don't know. I know some people have commented and said, "Wow, your arrangement, that's actually really unusual – most people are at each other's throats and fighting over the kids and everything." And I'm, like, I don't want that because it just damages them, it damages them. (1696, Mother)

Witnessing the detrimental impact of **more recent relationship breakdowns** on children within the extended family network could also prompt separated parents to focus on their own children's best interests.

I've seen my brother-in-law and his wife and it's awful – it's all through lawyers and it's, 'He said, she said.' It's just nasty and it's not good on the kids. Probably seeing what happened in their relationship has really pushed us to make sure that we don't do that, because we've seen the effect on the kids and we're thinking, actually, that's just not fair on anyone. So, we've probably both been extra aware of that, and just put everything else aside to deal with the kids. It's not their fault. (1242, Mother)

I was fortunate that my ex-husband was of the same kind of mind as me – that it actually was about the kids and what was best for them. ... My ex-husband's brother went through a really, really messy split and his poor kids have been dragged through every piece of mud there is. We both watched that and went, "Wow, that's awful" and it wasn't much fun for him and her either. I guess we are both reasonable people, in that I don't want to be married to him anymore, however he is still their dad and he is still a good dad. It's not about me and what I want, it's about the kids and what's good for them. So, it wasn't ever needing to be about me or me having them all the time and him missing out. There was never any bitterness in it. I think it was just having the interests of the kids at the forefront. (1287, Mother)

Parents' professions or employment (e.g., social worker, teacher, nurse) could also provide them with invaluable knowledge or networks they could tap into when faced with their own separation and need to make parenting arrangements for their children.

I'm a social worker, that helped. I contacted lots of different places: Child, Youth and Family and, even though it didn't quite fit the bill, a Women's Refuge. I contacted lots of people for advice. Being in the field and knowing who to contact and having connections in the field helped because sometimes I would just know somebody. I'd give them a call, "Look, this is a personal thing, but what would you suggest in this situation?" (1083, Mother)

My background is in education and whenever you have a problem in education the thing that gets drilled into you right from the beginning is, 'Document, document, document, document.' So, I had, I kid you not, three clear files filled with notes and references and printed screenshots and affidavits. ... I think that helped me – it gave me the strength to go through the process because I felt like I had evidence behind me if we were going to go before the judge. (1620, Mother)

Research and Preparation

The **research and preparation** that parents engaged in was helpful in readying them for how to proceed. Sometimes this process was assisted by a parent having a scientific background which encouraged them to look into the research evidence about what was best for children. Others took steps to gain greater familiarity with the law, for example, by reading the Care of Children Act 2004 or even studying law at university.

The internet – I googled all the possible avenues – what do other people do? How does it all work in terms of shared care? I put heaps of problem-solving skills into that – sort of actually mapping out what a week would look like. (1083, Mother)

We're both from very scientific backgrounds so I like my research and things like that. Actually knowing current research, as far as what's best for the kids, is what I'd rather base our decisions on things that have been shown to work well, rather than just a, "I want this and you want that." (1242, Mother)

The law is confusing and I'm a reasonably intelligent person. After I learnt of the Care of Children Act, I'm like I'm going to read that. I read a lot just to get clued up. That was actually one of the bits of advice that [staff member] told me from Barnardos. She said, "You've got to find out your rights and you've got to find out things." (1425, Mother)

What I have found the most helpful, and I don't know how many people in my situation would have done this, is to actually enrol in law. I have found it really helpful in understanding and rationalising law and decision-making. It has really focused my time at night on learning – I mean, you have got to look at the silver lining sometimes! (1714, Mother)

I had a general understanding of how it worked because I studied law. (1453, Mother)

It certainly felt like going in that I was much better prepared and had given it a lot more thought. I felt like [former partner] was on the backfoot, through his own doing, not because I was sinister or anything like that. I had obviously just spent a lot more time investing in what I needed this to look like for the kids. (1620, Mother)

Family Members

The help and support of **family members** was said to be invaluable. This included people's own parents (their mothers/fathers), aunts, uncles, siblings and family members, as well as their former partner's parents (in-laws) and relatives. Helpful advice was sometimes provided by family members who were also lawyers.

I honestly really believe that it's having a good family support. Not everybody has that. I'm just fortunate that I did and that [former partner] did as well. There's nothing you can really do to change that. You're either born into a very supportive and loving family or you're not. I'm just thankful that we both were and that we could both work together and figure that out. (1538, Mother)

I think it has to be within the family, some sort of family guidance. Your family has a good knowledge of what's going on, or mostly have a good knowledge of what's going

on, and there are families on both sides, generally. They can give good advice and help. I prefer to see it that way before it goes anywhere else. (1086, Father)

My mum and dad did have a lot of input into it as well. My mum helped me type [the agreement] up, because she's done it before. (1540, Mother)

After years and years of days' sobbing, working through email, I can forward everything straight away to my mum and my best friend and they can objectively read it and go, "That's an awful email, you are not that person." (1103, Mother)

We've both got really good family support. I'm really close to his family and he's really close to mine. I know that if either of us were doing something irrational, that both of our families would pull us in line. So, we've also got the outer network support from them too. (1501, Mother)

I was quite a mess. I needed to have someone to hold my hand for the whole situation and I relied on family members to help me. (1008, Mother)

My parents have been great, and my in-laws have been great as well. (1511, Mother)

If he'd continued being stubborn I was going to go through mediation, but we ended up doing our own version of it with my sister and his parents. We all just sat around and managed to work something out ourselves. (1589, Mother)

I still get along really well with his parents, which has been really, really nice. So, I would say to grandparents, "Don't be a dick, don't take sides, don't ever make comments." Just try and preserve that relationship, because they are probably well aware that their relationship with the children would have just disappeared if they couldn't get along with me. ... I have taken the children to [city] to visit them and stayed at their house. It's just always fine. (1247, Mother)

I have got really good support. I don't have any parents, so I have felt a little bit alone at times, but I have got really good family support, the rest of my family. They're always checking up on me to make sure that I'm okay and do I need anything? (1336, Mother)

Because there was just so much emotion, it was really hard to talk to each other. He was really angry at me for some reason. We agreed that my aunt would try and mediate for us. Before we went to FDR mediation, we met maybe two or three times with my aunt to talk through some of the stuff – in those early days before we got into the more formal mediation. That was probably a good way of doing it. (1453, Mother)

My sister's been through separation and she's got children too. She'd done it well before I had, so she had quite a good idea of different ways to work things out with the kids' father. ... And I've got to say, his parents have been awesome. (1589, Mother)

A couple of friends who have been through quite a painful process with the Family Court, they look at us and go, "You're a shining example of how to do it the right way." But I've had to find a lot of family support. I haven't looked to lawyers or the system to provide that support. I've looked to family and my new partner's family actually. (1690, Father)

I was lucky enough to have a family member who is a legal professional who was able to point me in the right direction as far as the, sort of, official avenues were concerned. She pointed me towards the Parenting through Separation course. (1016, Father)

I have an aunt [overseas], she's a very experienced family lawyer, and I had many, many conversations with her during this time. Even though their law is quite different to New Zealand law, she was able to make me see, in my despair, how the courts will be looking at this, what they're looking for. She said, "Ultimately, you're not looking to try to keep the children from [former partner], that's not what this is about." So, she kept telling me, "These are the types of things that they're going to be looking for." (1325, Mother)

Friends

Friends were an important factor in helping parents and caregivers by providing support and someone to talk with or to act as a go-between between the former partners. Friends with relevant knowledge or experience of separation/divorce or dispute resolution processes could be particularly helpful.

Friends, really. Two really, really good friends. One who is the Family Court system herself so she has got that understanding too, and the other one has got a child with really serious health issues, so she has had to battle similar kinds of things, but with the medical profession. (1081, Mother)

My friends are supportive and I've tapped into that more. Like, I have gotten better at saying, "I'm not coping, can I come over?" (1051, Mother)

It's therapeutic for me to talk at the stage I'm at now. People are like, "Oh, how can you do that?" but, in a weird way, it's therapeutic for me. It makes me feel like my experience hasn't been wasted, my grandchildren's experience hasn't been wasted. (1142, Grandmother)

I've got some good friends. I'm pretty selective of my friends. One of the things I value very highly in a friend is straight talking, not pandering, not pitying or sympathising, "Oh, you poor thing; oh, she's a real bitch" and things like that. So, I've got friends who are good that way and they ask me, "How are you coping emotionally?" They'll provide pastoral care for me, I suppose. (1430, Father)

A friend of both of ours who's neutral came and sat in so that if things got heated between us – because things do still. If you were in love and you've had a child together and you've owned a house together – for us it was 10 years ago – it's still not fixed, the relationship. He knows how to tip me off and I know what's going to make him upset. For me, it still doesn't work if I don't have someone there that's neutral who can calm us down. (1249, Mother)

A friend of mine actually ended up being the go-between between myself and my ex-partner. ... She's friends with us both and she ended up finding out what was really going on. She was being told one story by [former partner] and then another story by me and went, "Ah, that doesn't make sense." She ended up being the go-between for quite some time and I will always be grateful to her for doing that. (1339, Father)

I am not very good at asking for help, but I have got an awesome group of people that really care and they're just like, "It's just not a problem." So, when it all happened, people just kind of rallied around and said, "If you want any help, just ask." And so, I did, which was a little bit hard, but once I got sort of sorted, it was okay. ... I would say, "Talk to your friends at school, the mothers and that, and see if there's some sort of agreement you can come to do a bit of shared childcare." Because we have to look after each other. There's heaps of single mums out there, and single dads, and they all need help. ... I feel like I have been really supported by my community who are awesome, and I just don't know what it would be like in the city, I think it would be a lot harder. (1336, Mother)

Initially, I really had a lot of help from a friend of mine. She was separated and she was really quite a goldmine of information for me. It was nothing I'd ever encountered and I don't actually know that many people that are separated, not enough to talk to quite that openly anyway. So, she was really good. She was able to give me a lot of information – because one's emotions aren't exactly at, you know, normal at that time anyway. ... I also had a work colleague of mine, who's a good friend, and her cousin is a family lawyer in [town]. She said, "Look, you probably need to talk to a family lawyer." I wasn't sure where to start. So, she sent her an email and the lawyer recommended some names for me here in [city]. So, that's how I got hold of him. (1511, Mother)

Employers

Ongoing **employment**, and the helpful and flexible attitude of **employers**, were recognised as being helpful to parents. The **Employee Assistance Programme (EAP)** provided by employers was also a welcome means of support in adjusting to life without a partner and working through family transition issues.

Going to work was the best thing for me and I am so grateful that I have still got that job because it has just given me strength. (1082, Mother)

I am really lucky, actually, as I have got really good bosses and awesome teams that I work with. They're all very understanding. (1336, Mother)

I used EAP for a long time. Those sorts of things can assist people that maybe people aren't aware they could use. I used that to just work through my own processes. (1358, Mother)

The practical stuff, you can tick off. You can go, yeah, we've decided I'm having the children, he's having the children. We've decided we're doing this, and this, and this. All those things are quite tick-off-able. Then, when you go, holy crap, I don't have a husband anymore, those are the times when maybe support needs to be more readily available. I got support because I had it through my employer with my EAP, but if people don't have that, where do they go? ... You're grieving what you thought you had. For a very long time, I was married – with my ex-husband for 15 years. Your identity changes and you need to process that and work out who you are again, particularly when a long-term relationship ends or if you've had domestic violence or you've had, you know, emotional abuse, you've had all sorts of things. Without a doubt, I think that's really important. (1358, Mother)

There was an employee assistance programme and I asked my boss, who was very nice, if I could see the counsellor about the separation, rather than finding a new job. She was very generous and said, "Yes, we could." So, I rang [former partner], that's the father of my children, and I said, "We've got a one-hour appointment for the counsellor through my work." (1508, Mother)

I know that I went through my workplace and got a counsellor because with the fight being finally over, there was a realisation – I took a deep, big breath – and all the last four years of struggle and angst and anger and emotion and fighting so hard to be a parent, just all caught up with me. I had a bit of a crash, so I talked that through and, yeah, just talking about who I was again, because I'd been a homeowner and I'd been a husband and I'd been a father and then I'd fought for years just to be a father again. (1560, Father)

The Internet

Parents and caregivers found the **Internet, Facebook and other social media** to be useful resources where they could, at convenient times (for example, during the evening), find helpful information and access support groups. Connecting with separated people who had 'been through it' and could share their experience was often a key way of assisting people to know how to approach post-separation parenting and the making of the children's arrangements.

As a single parent you are at home alone in the evenings often with the kids and they are already in bed and it's a lonely time. So, most single parents I know end up on Facebook and on my groups, especially Facebook. Literally, most of us belong to maybe half a dozen groups and we know we're on each group and there are thousands and thousands of people on these groups, and they are all single parents and the more they help one another, they help themselves because they are learning. But also, they are there calming things down and also sharing what the government is doing, they are sharing what advocates are saying, they are sharing about the results that come out, about housing and all that. So, it has become the share network, including surveys. (1076, Mother)

The role of those Facebook groups or social media groups – I think that's a really untapped resource. I don't know if that's something the Family Court could or should be involved in, but it's certainly part of the process of helping people come to their own sense of what might be appropriate. (1064, Stepmother)

There's a web forum which was a sort of males after separation web forum, just an informal sort of thing, which I gained a lot of advice from. ... It was just asking simple questions. Even just reading through all the questions on it, it was like, "Oh, that's useful." It's experience based stuff. Someone has been there and done that and can tell you that's there, but this worked, which is useful. (1086, Father)

There's a lot of information on the Internet. You can talk to other people who have been through it, they can tell you what worked and what didn't work. (1312, Mother)

I was fortunate to discover a Facebook group which I did find helped, just because there's people having been through that. That feeling of not being alone. It's really nice to have the support of your lawyer, but it's very expensive. So, to have that

support of other people going through it, or who have gone through it, it was great to be able to do it online. For a mum of a young child sometimes that's actually better because of an evening or whatever. (1425, Mother)

It's a place that you can go to just to talk to someone who's been through this, or knows all of the processes like the back of their hand. I'm part of the solo parents group on Facebook which I find really helpful. (1475, Mother)

There's a Facebook group that I've got online – they give out advice quite happily. There's a lot of them that have had much worse break-ups and they've been through the entire system. So, just asking for a bit of advice on how to word things so that it comes across in a nice way and doesn't get a defensive response back. (1589, Mother)

Where I got most of my information from – and they say knowledge is power – was through a Facebook group actually. People who've been through it – well, there are a couple of lawyers on there and sort of advocates – but, yeah, huge amount of information. (1425, Mother)

Support Groups

A range of **support groups** for both women and men were mentioned by study participants including the Backbone Collective, Kidz Need Dadz, Solo Parents NZ, Blended Families New Zealand Facebook Group and other single parent or fathers' groups. These helped people to feel that others were there for them and that they could obtain information, advice, support and friendship from group members.

I'm actually in contact with a lot of women that are going through the Backbone Collective. It's good to know that so many know how I feel and you're kind of there for each other. Having a group full of women – because it is all women in this group – it feels powerful because we're there for each other. So, when someone's upset about their kids because they're not there for the weekend, we can support them. (1108, Mother)

What I have actually discovered through Backbone is that my story is not uncommon. My story is very common and there are a lot of women who are in far worse situations than me. (1081, Mother)

I went along to a meeting of Kidz Need Dadz. ... They're affiliated with a broader nationwide group that represents fathers' rights and custody. I met a really good friend through that. I feel that men's experience in separation is obviously very different from women's experience. For some reason, and I haven't really quite worked this out, even in situations where there's no family abuse or anything like that, or no question about how good the parents are, it still seems that the fathers all feel the same way. It's all about getting more access to their children which they feel is being denied to them. A lot of women seem to have the experience that their ex-husbands refuse to have their kids enough or something like that. But the men seem to have the opposite problem. That meeting helped. I felt more supported. I guess men support each other a little bit differently than women support each other, but, yeah, I made one really good friend there and we continue with that friendship. Getting involved in community support is really helpful. That's a really positive thing. (1491, Father)

One of the things that was particularly helpful was a couple of men's groups, or fathers' groups, on Facebook. That's actually where I've got most of my information and support from. (1532, Father)

I go to a lot of support groups. Like, on Facebook or meet up groups, single parent support groups. ... Similar people with the same problems to deal with, and also just to network and do activities together, including with the children. We do camps and weekends or playdates or picnics. So, the children form friendships and the parents are supporting each other. We come out as best friends, can just talk about issues and get support. It's really good. (1056, Father)

I am part of the Blended Families New Zealand Facebook group and you see the impact on lots of families. We've got away really, really well, but that's because I've made sure that I've had really good support and good advice and stuff like that. ... Our go-to support group is a group of mothers and stepmothers who are focused on trying to be amicable and trying to see the other party's point of view and stuff like that. There's a lot of horrible vent groups on Facebook, and I mean that's just not my jam at all. ... I think that it's had a massive impact and also helped me deal with my frustration. (1064, Stepmother)

Seminars, Courses and Publications

Undertaking **seminars and courses**, either face-to-face or online, also provided information and support that was helpful in making and managing post-separation parenting arrangements. A variety of seminars and courses were mentioned, including Living Without Violence, Parenting with Confidence, seminars on the Family Court process, an online American course recommended by the mother's lawyer, a course on grief, and a course and a publication about how to talk with children. A **publication** about contact schedules for young children provided by a lawyer was also helpful.

I have been to quite a few seminars on the whole Family Court process, like when the changes came out. Every now and then they would send me an invite to different seminars that they have [in city] and they had one on the changes that were coming up for the Family Court and how the children were going to be more involved and things like that. So, I have been to those, which helped. (1076, Mother)

My lawyer came across this online [American] course which I then did. The questions are really good. If you don't quite understand it, you can go through it again. It's got little video clips. It's got different scenarios, like how this scenario affects a child compared to that scenario. (1092, Mother)

The Living Without Violence course, even though I don't consider myself a violent person, was actually quite therapeutic and quite useful at times. It helped with a number of aspects. I definitely think I've come out better off, a bit more aware of some of the behaviours that I was exhibiting, which is good. (1339, Father)

I have started working with a really lovely counsellor and a psychologist who hooked me up with some cool things to be doing. So, I am currently doing this course about different cycles that you go through with grief and the different tools. ... I am very good at resourcing and reaching out and finding what I need when I need it. I am very in tune with myself and what I need. (1059, Mother)

I did a specific course for me to be able to talk to [Child] about these hard things, without getting upset or emotional about it. It is kind of like a semi-little interview in a way. When [Child] would come out, "Oh, Dad hit me the other day" and I would say, "That's no good, did he tell you why he hit you?" What was the situation or the angle you have used, so I can discuss with him and be his advocate. It been really, really helpful because I got emotional about it in the past and now I can learn to put that aside and put the poker face on with [Child], but also being able to say, "Look, that behaviour is unacceptable" instead of, "Oh, your Dad's a dick." You have got to change your working around, and I have every right to say that behaviour is unacceptable, and they were able to encourage me to say those things. But also, I found myself not feeling bad about saying, "Are you telling me the whole truth or are you just making up stories because you don't want to stay there?" I am confident I can say that to him instead of worrying about it. (1082, Mother)

What I found helpful to start with was the brochures for kids because I had children who were, kind of, asking questions and I didn't really know how to answer them. So, when I got given that stuff, I did find it useful because it helped me explain to them in a way that (a) they understood, and (b) wasn't going to make the situation any more difficult for them. (1308, Mother)

I jumped through all the hoops and did everything that would be expected, or not even asked for, in terms of getting in a position to show people, and people in charge, that I was serious about being a parent. I did a parenting course for separating teenagers. (1560, Father)

I used an article that [lawyer] provided to me because I wasn't sure about how the visitations would work because of the kids being so young. I didn't want them to be passed back and forth. So, she gave me this article, which was written by a child psychologist on what's best for children at each age group and that definitely helped to put something in place. I actually included that as an attachment to the parenting agreement because it helped that I'm not just making things up. (1250, Mother)

Counselling and Therapy

Some parents found it helpful to engage a **counsellor or psychologist privately** so they could speak to someone outside of their family and friends and obtain neutral advice and support, or therapy. This assisted them to deal with relationship issues; work through the emotional, possibly traumatic, aftermath of separation; learn communication/listening skills and avoid being 'triggered' by their former partner; defuse anger, conflict and hostility; test out perspectives and strategies; and consider next steps and the best way forward.

I got psychological counselling and I paid privately. I didn't have depression or anything, but I actually needed someone to talk to who wasn't my family. Because your family are so hurt as well – like, my parents hated him for how he treated me. So, when you go to them about an issue they start going, "Why is that happening?" You're like, I actually need someone who's outside the circle who can actually offload to, because you end up protecting your family from what's going on with you. ... There were many discussions that me and my psychologist had that was actually about the parenting arrangement and how I was actually going to face him without getting his triggers – he would say things that would purposely trigger me to react or to be upset because he loves that reaction. (1165, Mother)

I had some privately paid counselling to just help me deal with those relationship issues. That was a really good process actually. I'd never been to a counsellor before, I'd always gone, "Oh, that's a bit odd", but I think I had four, maybe five, sessions with her. Really good to work through a lot of those emotions of why you left and then having left, because actually leaving is quite tough. So, that was quite good to work through that and to help let some of it go. I've also subsequently had some about [Child]. (1458, Father)

I was lucky enough to have access to counselling help during that period. I really do think that that is an incredibly important facet that gets completely forgotten – the fact that you're two people going through what is quite possibly the most traumatic experience you've ever been through. When you are faced, rather than with open arms, support and kindness, with bureaucracy and forms and angry people who can't understand why you haven't turned up with a certified copy of your passport. It's not going to help the situation. I really do think that the mental health of the parents is paramount to the mental health of the children, so supporting that as much as making sure that the kids are okay is really important. (1016, Father)

I have had my own counsellor, privately paid for. ... Counsellors are very good at giving you homework. Especially on yourself and your perspective. That really was challenging and also opens your eyes to the other people's stressors. That was something he focused on, and how to change things in a way that might benefit everybody, different perspectives, how to view different perspectives. These are the things he'd teaching and give you homework on. And to work out how I wanted to do it before going ahead and doing it. (1076, Mother)

What we found really useful was counselling. We went to a counsellor who was able to help us deal with some of the emotional charge associated with the process. I found that pretty helpful. (1690, Father)

I had counselling. I talked to somebody because I have very close friends who were marvellous, absolutely marvellous but, ultimately, you need to talk a lot more and you need to get some strategies in place. So, for me, it was learning to actually start to think what do I like, what do I like to do with my friends, and reconnect with my former life before children, if you know what I mean, to fill the gap when [Child] wasn't here. So, yeah, I had a really, really good counsellor who became a friend basically and she was really, really good. Very fundamental at just talking me down and saying, "This is going to end, it's not going to be like this forever, you will regain your sense of family and your sense of control and be able to just enjoy your relationships with your children again." (1325, Mother)

I had to communicate with a qualified counsellor in order for her to communicate with [Child's] father. ... It is really important to maintain a really neutral space to keep communicating; probably a person outside of our own world. When we communicate directly, sometimes things don't get heard properly – you might hear it, but you're not actually listening. So, I think that a real fundamental part of making sure that you parent together, is that you're communicating together somehow, or you're hearing each other properly. (1280, Mother)

I have also used professional psychologists a couple of times, just to test my perspectives and test what's going on in me. I'll be doing that again to start mapping

out my way forward now for the next 10 years, sort of thing, because the decisions I made at the time of separation were all focused and driven to provide the consistency in the care for [Child]. Like, the home I have bought is about 10 minutes' drive from her mother's place. (1430, Father)

The counsellor had a bit of nous. She could read our body language. She wouldn't let [former partner] actually shut down and get away with what would be his norm. So, she was able to push him a little bit, and he knew that it was a court order so he couldn't run away. ... I said to [former partner], "I just need to ask you some hard questions and I don't care what the answers are. I want truth, because truth will set me free. We're this far gone; this is all about moving forward, moving on, so just say it how it is." He didn't want to talk about it at that session so I said, "Right, the next session, you can think about it." The counsellor facilitated it and there were tears from both of us, but it was freedom – forgiveness or truth, so that's good. Obviously, in any separation there's going to be communication breakdown as bottom line and if you're not communicating well things aren't going to go well. Communication is absolute key to anything in this. So, when we felt safe enough I guess, if that's the word, and we were given that opportunity within the communication counselling, it made it better. It gave us that opportunity – the most positive thing. (1451, Mother)

It helped me to talk through my fears, helped me to understand what the process looked like, the things that I could do, yeah, how to keep myself calm. So, dealing with the emotional side of it and the physical manifestations of the emotions and how to manage the situation. That was super helpful. (1368, Mother)

He was really fantastic, he helped a lot. If we had trouble communicating he helped us to talk to each other on a neutral basis. He had a lot of good ideas and was very experienced and backed it all up always with research. He was really knowledgeable. (1056, Father)

The Family Justice System and Services (including the Family Court)

Some parents and caregivers appreciated the way the wider **family justice system** was working to provide them with advice, support and dispute resolution processes. **Knowledge of the system** could also prove helpful.

What is available now in terms of the courses and the mediation and then, obviously, court later on, I think it's great. I've been blown away with the support because I had to go on the benefit after I separated and I've just been blown away with the help there is available for parents, especially when you're a single mum; there is a lot of support there available if you need it. (1250, Mother)

Overall, I found the court process to deliver fair, just, reasonable and good outcomes on the whole. (1458, Father)

I was well supported by my own lawyer, well supported by the mediator except for that one session. Well supported by Lawyer for the Children, well supported by Family Works Disputes Resolution Services as well as Barnardos, Family Works and Women's Refuge. Apart from one mediation session, it's been a reasonably positive experience for me. I've had good information given to me. I haven't been pressurised, you know, 'you have to answer by this date' type thing. So, I've had time to make decisions. I've

been given information to make informed decisions. I just don't think I could have done it without the help that I've had which is been pretty positive. (1442, Mother)

Parents found the **impartial approach** and **lack of bias** an unexpected form of support.

Going into it, you know, there was this fear that there was this bias. Certainly reading the men's support groups online would lead you to believe there is a heavy bias towards women in that system, but that just hasn't been my experience at all. (1301, Mother)

I found the process to be quite clear, quite neutral in terms of its outcome. ... I found my treatment to be quite impartial. You make a case for what it is that you want to achieve. (1691, Father)

Particular services within the family justice system (such as the Ministry of Justice website, 0800 phone line, Parenting Through Separation, the Family Legal Advice Service, Preparation for Mediation, FDR mediation, counselling, settlement conferences and Round Table Meetings), were mentioned specifically. While parents and caregivers' perspectives on, and experiences of, these services have been comprehensively addressed in our Part 1 Report,²⁸ some of the key ways they helped with the making of post-separation parenting arrangements are highlighted in the quotes below.

Ministry of Justice website

The **Ministry of Justice website** was an easily accessible, straightforward and non-threatening way for many to obtain information and learn what they were supposed to do.

What I gained from that website was how do I deal with the mechanics of what I have got right in front of me, not the logistics of how we work it out, but what is going on right now? How do I deal with this stuff? (1086, Father)

Helpful, yeah. I managed to get lots of information. Sometimes I found, when navigating it, I couldn't always get to where I wanted to go, but if I went to Google and just put in the Ministry of Justice, or whatever it was that I was looking for, it would invariably pop up. (1471, Mother)

Everyone has a horror story. You don't really hear anyone talk about it when it went really well. So, we both independently had a look and did a bit of a Google. I think we were more interested in what we were supposed to do, because we wanted to make sure we did what was right for our family. We didn't want to inadvertently do something wrong and end up in a really silly position. So, we had a look at what you had to do online. Obviously, as part of that we looked at what happens when we separate, what happens if we want to get divorced, the children thing is flagged there on pretty much every page. So, there's, "Do you have children? Look at this bit." It really draws quite a lot of attention to it. It was more looking to do what we had to do with the separation, and then we went through what our requirements were in regard to doing the right thing by our son. (1493, Mother)

²⁸ Gollop, M., Taylor, N., Cameron, C., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 Family Law Reforms – Parents' and caregivers' perspectives – Part 1*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

I have used as many online resources as I could find. Documents to download and scour, any kind of technical wording I could use in my favour, basically anything that would inform me of my rights, inform me of what didn't sound fair, anything I could use as my own backup. I kind of became like my own really good advocate, so that I felt that I could represent myself in the best way. (1530, Mother)

I looked on the website. It talks through how you can, like, navigate all the pages about what's best for the children. I did a lot of research on what benefits the children. Pretty much it was just the kids don't want to see us arguing and fighting and all of that stuff. We tried to figure out that. (1538, Mother)

It's a non-threatening way to find information, because no one knows your situation. You can just look up whatever you want. There's no judgement. (1635, Mother)
I started investigating the Ministry of Justice website and found parenting plan templates, and all that kind of stuff, which was fantastic. I found it incredibly useful because it gave me an agenda to work through and a bunch of things to think through. It helped me present a very credible, thought through, coherent case for myself to the legal profession fraternity and specifically the boys' lawyer at that point. (1691, Father)

Self-representing litigants liked that the **forms** were easy to access online at the Ministry of Justice website.

It was good that they simplified the forms online so that if you were representing yourself it was easy to know what to put in there and what wasn't required in there. (1123, Step-parent)

Ministry of Justice 0800 2 AGREE phone line

The **0800 2 Agree phone line** was also a helpful resource for parents wanting information or to check out the implications of particular courses of action, such as non-compliance with a Parenting Order.

I phoned the 0800 number because when stuff happened, my daughter, who was almost 16 at that stage, wanted to know if she was allowed to refuse to see him. So, I spoke to a person there and she was really helpful and ended up saying, "Well, just remember the Parenting Order is between the two adults. It's actually not her. So, if she was to refuse, she is not the one bound by the order. The adults are. If he chose to push it further, either a Lawyer for the Child or a Police officer would come to speak to her, but likely it would be enforced." That was really helpful. It gave my daughter the chance, that when he came onto the property and was yelling at her through a window, to turn around and say, "You need to go to get legal advice. I'm not coming with you. Go away" kind of thing. She was able to verbally refuse him because of hearing the information. (1564, Mother)

Parenting Through Separation (PTS)

Realising they were not the only parent going through a separation and needing to make parenting arrangements was a real benefit of participation in the **Parenting Through Separation (PTS)** course. Meeting other parents, hearing their experiences and learning

practical tips, including how to focus on the children, were all said to be helpful. The PTS experience could be confirmatory, as well as a refreshing avenue for learning about new information, resources and strategies.

Just hearing other people's experiences – even the other people that were doing the PTS course with me. It was just almost refreshing in a way that you weren't the only one going through it. And, also, to stop and think a bit from the kids' perspective. (1253, Mother)

What I found useful about it was meeting with other parents and also talking about other resources, maybe counselling services, that are available. (1113, Mother)

It reinforced me that what I wanted was not unreasonable, I was on the right track. (1188, Mother)

The best thing was Parenting Through Separation. I felt like the majority of the process we went through was all about aggravation and adversarial. Parenting Through Separation was the only thing that was focused on encouraging us and showing us ways to act like adults in the situation and to be decent parents. ... It was really great. It was practical tips to deal with the situation that I didn't expect to be in. I really appreciated it. (1237, Father)

The Parenting Through Separation course was a bunch of people in the same position able to talk through mutual issues. (1414, Mother)

It was really good, and it was actually quite empowering and affirming that I was trying to co-parent and communicate the right way. There was a small group of us doing the course on the day, there was only four I think. There was supposed to be eight. We all had really different reasons for doing the course and being there. Bit of an eye opener actually. (1442, Mother)

That was quite good, actually, from the perspective of when you come out of a separation there's a bit of anger and angst there and animosity. It was quite good in helping me separate that from the best interests of [Child]. Because I think the two can get blurred quite easily and it can just become a battle. Other than that, I didn't find the course all that beneficial as it was only a couple of hours; it was pretty short. But it certainly helped to open my mind and try and keep those two things separate. (1458, Father)

We both went to the Parenting Through Separation course individually. That was probably the first place I learned anything. It was so useful. I was only about three weeks separated when I attended that and it was the best thing I could have done at that early stage. That gave me lots of information and those booklets that kind of walked you through step by step. ... It was also really helpful listening to other people's experiences, because everybody was at different stages along the track. Most of them were much further down the track, 18 months plus. All of them said, "Oh, I wish we had done this much earlier on and got something formal in place, because we tried to do it informally and it had fallen over and led to bad feelings." ... The DVDs really hit home of how it affects the kids. Whilst we were both hugely in emotional turmoil and upset and angry and full of hate and recrimination and all of those things, we were both like, "I'm right", "No, I'm right", but we both wanted what was best for the kids. I

think it was really powerful doing that course very early on. We're not going to get back together so we need to go forward. I don't want to traumatise the kids any more than they already are, so how can we manage it best? I think that was probably the case for both of us. I can't say for sure for my ex, he was very upset but, yeah, for both of us, putting the kids' needs first, I think. (1471, Mother)

I was sitting in a group with other parents and I was hearing their experiences. It sounds bad to say, but some of their experiences were so horrific with abuse and things like that, that it made me feel better – just because I was hearing how bad it could have been or how bad what other people have gone through. Actually connecting up with other people in the room who are going through the same experience, men and women who were having similar and opposite problems, was useful. ... You feel really, really lost when this happens. Not only are you going through lots of emotional problems dealing with the breakup of the marriage, but you're also not really knowing where your life is going from this point on. It's really good to just see that other normal people have gone through this and that they are dealing with it in their way as well. (1491, Father)

Lawyer for the Child recommended that both parents do that. I straight away booked myself into it as soon as I could and went to one of those sessions. ... A couple of key things stood out to me from that was they did reinforce to try and keep the kids out of the whole process and the angst. One of the things that stuck in my mind from that was they said, "Think about this – when the kids look back on it do they want to be seeing you as the parent that tried to make things happen, or the parent who was trying to stop things from happening." So, there was a few things like that that helped. (1585, Father)

I knew on an anecdotal level that there was a family justice system, but I'd never actually had any interaction with it and so hadn't ever sought knowledge around it. I wasn't very informed at all going into it, but as I was coming out the other side of the Parenting through Separation course, I felt I had enough of an awareness as to how I would need to proceed were things to go further. The course really was extremely useful. That little booklet gave us the structure that we were able to work off to build the parenting arrangements. Sitting down and doing that semi-formal arrangement was a really a good thing. So, yeah, attending that course was probably the most helpful thing. (1016, Father)

Ministry of Justice Making a Parenting Plan workbook

Parents either found the **Making a Parenting Plan workbook** online through the Ministry of Justice website or were referred to it during their PTS course or by a family justice professional. Many found this resource to be a really helpful tool that enabled them and their former partner to work through, and agree on, the key aspects of raising children across separate households. The workbook prompted them to think about issues they had not previously considered, for example, handovers, holidays and special occasions such as family birthdays, Mothers' Day and Fathers' Day.

It was actually really helpful to have different ideas of what things to go through to actually discuss about the children. Like, what do you do in the holidays or on birthdays or on Mother's Day and Father's Day? Stuff that you wouldn't think of – you'd just be like, "Okay you have your days and I'll have my days." You don't always

think ahead to what's going to happen later or later with kids or birthdays and stuff like that. (1589, Mother)

I went online and found a booklet that was really helpful about how to go about preparing parenting arrangements. I found that really useful. (1690, Father)

[The workbook] is good for awareness about things. Just simple things like school arrangements, birthdays, Christmas, those kinds of things which you might not think about. Handovers, those kinds of things. (1056, Father)

Both myself and my ex-wife went through the Parenting through Separation course. She went through first, a couple of weeks before I did, and had come away with the guide for making your parenting arrangements, the little booklet. So, we sat down and worked through that together one evening and that was really useful just from the perspective of, "Have we ticked all the boxes, have we considered everything that we need to think about and to touch on?" It's a stressful situation you find yourself in and there were plenty of things that could have been missed or fallen out of one's mind when trying to think through it all. ... The parenting guide plan had specific questions that ask about religion and schooling and things. It was good to have those triggers to talk about those sorts of things from the very beginning, when we were having formal conversations to start with. So, going, "Well, what about religion?" "Damn, I hadn't even thought about that." While, my ex-wife and I are both atheists, I know that her mother is very religious and they were going to go and live with her mother. So, I felt, well, this is actually a conversation we need to have. Because of that we were able to start those conversations and keep those things in mind from the very beginning. ... And so, as far as formalisation was concerned of any parenting arrangements, that was about as far as we took it. (1016, Father)

The parenting plan, the booklet, that is actually quite a good resource. It covers a lot of stuff. Then if you take to a mediation and to a lawyer that is everything ticked. If you go to a court, the Parenting Order doesn't cover all these things. it doesn't talk about holidays, it doesn't talk about sickness, it doesn't talk about all these things. So, actually the parenting plan booklets are a lot more comprehensive? (1073, Mother)

I had printed it off. We talked it over and went through the whole booklet and then what we both wanted and made an agreement. (1218, Mother)

I went online and grabbed the parenting booklet. Read all about it, read all the stuff that should go in it. At one of our Friday night handovers, I just said to him, "Look, I am starting to put all this in writing. Once I've written that, I will send it to you as a draft so you can have a look. Please add to it. Offer suggestions." It went back and forward probably five or six times. He was okay with it being in writing. There were some things that each of us had to compromise on, little things I wanted included that he didn't. There was some stuff he wanted put in there that I knew we were doing, but he wanted it down in writing. Hence why there was a little bit of going back and forward. The parenting plan, the written form, and just being able to answer all the questions, was really good. It was logical, it was able to cover most of the steps. Yeah, I found that really good. (1312, Mother)

Family Legal Advice Service (FLAS)

Being able to receive up to four hours of free legal advice through the **Family Legal Advice Service (FLAS)** assisted separated parents eligible for this service to make their parenting arrangements.

I received FLAS which was incredibly helpful. I found it very, very helpful because I would go to sign the forms and I wouldn't be doing them properly and just sort of banging my head against a brick wall, saying, "What am I doing, what am I doing?" Even the things like ticking the boxes, you just take it for granted that you are supposed to physically tick the boxes. What I wished I had was sort of like an advocate or a support person who is able to sit down with you and explain things a bit better. So, that was what FLAS was. Luckily, I got on to a good lawyer who had experience around family violence. I wanted that specifically. I felt actually quite bullied by my previous lawyer, and like I was stupid, whereas with FLAS they would sit down with me and really talk things out, what we want to achieve, this is what is realistic, there is a lot of information here, sensitive information that you might want to use, and stuff, you know. (1126, Mother)

I went and saw a FLAS lawyer and I found that really helpful. To talk to her about my legal position. She just confirmed that, basically, I was actually being reasonable and what I was requesting was okay, legally. So that was really helpful, though I don't actually think the FLAS lawyers are supposed to go into details like that. I think they're supposed to just stick with procedural stuff. I just fired my massive list of questions at her and just went, "Am I right on this? Does this sound reasonable?" I just wanted to bounce my ideas off someone. She basically said, "Oh, FLAS is just a nightmare, it's not worth actually putting in an application for it. Just sit down, I'll just have a chat to you." ... That was really helpful because, at the end of the day, I need to know that what I'm asking for or wanting is reasonable. If it's not reasonable then I have to realign my thoughts, don't I? (1453, Mother)

It was really helpful, particularly since I have basically no money. It was very hard to understand what FLAS could be used for, because I understand that there's only some things that can be done with it. But apart from that, it was pretty straightforward and very, very helpful. (1414, Mother)

Preparation for Mediation (PFM)/Coaching

Parents who sought to resolve their parenting arrangements through Family Dispute Resolution (FDR) Mediation received **Preparation for Mediation (PFM)** or **Coaching** to help prepare them for the joint mediation session(s). Many found this useful because it enabled them to better understand what to expect at FDR and to think through, in advance, their approach to the joint session and the key issues that needed to be discussed and negotiated with their former partner.

The first time I had coaching this guy phoned me up. He talked to me about my strategy, how I was going to do an opening statement, what I was going to say, how I was going to feel when I went into the mediation, like what was going to happen. Of course, I just burst into tears. How it was going to be when I arrived at the mediation – was I going to see him in the foyer? Just talked through stuff like that. I actually found that really helpful. (1453, Mother)

I found it quite useful at the time because it made me feel that this was a serious thing I was going into. So, I took their advice quite seriously and it helped explain what was going to happen. Nothing can really prepare you for the kind of emotional experience that you go through when you go through FDR. At least that's my experience of it, but they did give me a little bit of help. They'd say write an introductory statement thanking everyone for being there and say only nice things and focus on the child, focus on the child. As someone who had never been through mediation in any sense I didn't know what to expect, so that was kind of useful. (1491, Father)

Family Dispute Resolution (FDR) mediation

Family Dispute Resolution (FDR) mediation provided an out-of-court means of reaching agreement on post-separation parenting arrangements that parents found helpful because it was non-adversarial and readily available.

The actual mediator was quite good, because they are very neutral. I found that quite helpful. When conversation starts drifting to something else, or you get too caught up on one thing, it's really helpful to have someone to say, "Actually, hang on, that's not important, come back to what is important." Definitely the best part would be mediation because we went in with a set goal and we achieved what we needed to, which was good. (1253, Mother)

Round Table Meetings (RTMs)

Parents found it helpful to participate in **Round Table Meetings (RTMs)**, chaired by Lawyer for the Child, as these enabled agreements to be reached about the parenting arrangements without the need for a defended hearing in the Family Court. Being able to have the parties' lawyers present at RTMs provided parents with even further support.

Definitely the Round Table Meeting [was the best aspect]. Because the next step was court where the decision gets taken out of your hands. So, I wanted to get it done on that day, I didn't want to take the risk of him getting his own way because he worked his magic on another person. (1047, Mother)

They just said we'll do a Round Table Meeting, then we went from there. ... It meant that we could put different ideas forward and, because the lawyers were there, she wasn't able to rebuff back on, I guess, most things. (1361, Father)

The Round Table was better for me because I had the lawyers there for support. (1047, Mother)

Mothers who had experienced family violence felt supported at the RTMs when they **did not have to be physically present in a room with their former partner.**

What I did like, was when he was on the phone and I was in the court in front of the judge and I didn't have to see him. I didn't mind that. I just didn't like him being there in the courtroom. (1394, Mother)

Lawyer for Child mentioned a Round Table Meeting and at first I said, "No, that's what I had at mediation, I can't be in the same room as him, it's the same thing again, I'm not comfortable." I spoke to my lawyer about it and she said the difference is that the

lawyers will be in the room, so if you can't speak or he's intimidating you, we can ask to go to another room or the lawyer can speak on my behalf. And then the Lawyer for the Child said, "Look, I'm in the room as well, so he can't intimidate you, he can't not let you talk and bully you." So, I agreed to it. On the day, he got there before me and had been put into one room and I got put into another room. We both had talks with our lawyers first and then we went into the Round Table Meeting. The Lawyer for the Child said that I had to start it off because I was the one who had made the application. So, I was like, "Look, I'm not comfortable. It's just the fear thing. I don't want to start it off because I didn't want him coming back at me." My lawyer said, "Come on, this is what you say, this is what you do", and I nailed it. At the end of the day I did well. We went through each detail. He just looked at the floor the whole time anyway – he didn't talk and he only mumbled when he got spoken to. Then, once we had the bulk of it in place, we got put into our break-out rooms and that's when he tried to play, "Oh, I want this and I'll give her this." But because I was in a separate room from him, I could actually say what I wanted. I was like, "No." So, the lawyer would go back and she'd be like, "No, this is not happening, but he can have this." There was lots of back and forth going, but I think after about two hours we came to an agreement and it got sorted. (1047, Mother)

He made sure that we didn't have contact with each other outside of the room that we were in. He managed that really very cleverly because it was, at that point, extremely anxiety inducing to see my ex. He just made sure that we weren't going to have any contact other than in that setting, and that he would steer things away from anything that was moving away from the business, if you like. In that respect it was good, a well-managed process. (1371, Mother)

Professionals

Parents and caregivers welcomed the support provided by **the range of professionals involved in the family justice system** and specifically mentioned Family Court registrars, Family Court co-ordinators and frontline staff, lawyers, Lawyer for the Child, judges, mediators, specialist report writers and counsellors as having been helpful to them.

While parents and caregivers' perspectives on, and experiences of, these professionals have been comprehensively addressed in our Part 1 Report,²⁹ some of the key ways they helped with the making of post-separation parenting arrangements are highlighted in the quotes below.

Family Court staff

Family Court registrars, the Family Court co-ordinator and the court staff on the front desk assisted parents by providing information and resources, pointing them in the right direction, answering questions, talking through issues and concerns, referring them to lawyers or other services where appropriate, and helping them to file applications for Protection Orders or Parenting Orders.

The Family Court staff were really good. (1132, Mother)

²⁹ Gollop, M., Taylor, N., Cameron, C., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 Family Law Reforms – Parents' and caregivers' perspectives – Part 1*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

Now that the court registrar is sending letters out with their email address, you have got another point of contact for them and you can reach them easier, rather than trying to phone or go in and see them. That has been a good improvement and their willingness to listen to you and point you in the right direction or answer any questions as best as they can. That's all been improved. (1123, Step-parent)

The people on the front desk at the courthouse were great. They took my application [for a Protection Order], they walked me through everything, made sure that nothing was missing. Then, because it was an urgent application, they told me that someone would be in contact with me later in the afternoon to tell me the result of what was going on and what would happen. Because, yeah, I thought if he got served with it then he'd be likely to show up and all of that sort of stuff. I think they told me around lunch time that it had been accepted by the judge and forwarded onto the Police. So, I had a without notice Protection Order that was going to be served on him later in the day. I picked up the kids and I left and went and stayed with my parents for the weekend. (1533, Mother)

My initial step was that I went into the District Courthouse and asked to speak to somebody about how do I go about this? The Family Court co-ordinator there that I spoke to was absolutely brilliant in the way they were helpful. She managed to sit me down, go through the paperwork, so that I had a reasonable understanding of it. When I mentioned that it was quite overwhelming how much paperwork there was, and that I didn't know what to put where or any of that, and asked if there was anybody there I could talk to for help, she immediately said, "Look, you can talk to a lawyer." Of course, I said, "Well, how do I go about that?" She then came with a list of Legal Aid lawyers because of my financial situation. Given the circumstances in my case, she also then pointed out some lawyers that she personally thought would be helpful with my case. She was absolutely brilliant. (1555, Father)

The Family Court registrar right at the start was very helpful. If I didn't have that information I don't quite know where we'd be, but it might be a very different picture – I know it wouldn't be a good one. It was sharp information, you know. She outlined the risks and the likely outcomes and then I felt really fully informed to make a decision. Which I did; I then filed the Without Notice application. So, that was really helpful. (1051, Mother)

FDR mediators

Mediators who were firm, clear, honest and skilled could be instrumental in assisting parents to reach agreement on the parenting arrangements.

The mediator was very good. One of the things that my partner does is talk hard at something, but doesn't listen to a response – because there is a defensive mechanism there which you can never get past. I think the mediator recognised that and focused us both to listen very clearly to what was being said, to write it down. So, the skills were there for that. The mediation was probably as much about the feeling of being heard in terms of how to go forward with this hard negotiating and no rhyme or reason. [The mediator] made it clear at the start that it is often the case with people that are entrenched, that they fail to learn to listen to the other party. ... The mediator was quite clear about how he saw things proceeding in the Family Court. Not with bias, with honesty, I think, which was useful. (1086, Father)

I just feel like my husband was quite bullying, kind of threatening and quite domineering over me. So, the mediator was really helpful in the sense that she didn't tolerate that during the mediation. She just pulled him up and held him accountable and said, "Actually that's not suitable, that's not appropriate, and you can't talk like that." That's why he didn't like it but, for me, it was like actually just confirmation of, okay, it's not just me. Yeah, so that was helpful. ... I felt like she batted for me, actually. I felt like I didn't have to say a lot, because she asked so many questions and she targeted those questions at my husband, so that it wasn't me having to say how I felt about it. It was him – it was her saying, "How do you think this is going to work?" Then, him sitting there going, "Oh, yeah, how is this going to work?" "Is this actually realistic?" "Oh, I don't know how it's going to work." That avoided me having to bring in all of my emotions about how I felt about it. As soon as I brought in how I felt about it, then that was going to create a fight. Whereas she asked very clever questions and it took the focus off me and put it back on him, saying, "You want this, how's it going to work? What do you actually mean by this?" Rather than me – you know what I mean. (1453, Mother)

Lawyers

Many parents commented that having a really good **lawyer** was what had supported and guided them personally or had achieved resolution of their parenting arrangements. They particularly liked having caring, empathic, fair, firm, pragmatic and straight-talking lawyers who were family law specialists and knew the family justice system well.

I contacted a local lawyer here in our area, who specialised in family law, and had a chat with her over what to do and what to expect. (1250, Mother)

My lawyer, just advising what's the best way to go. She was always playing fair and suggested a few days on, a few days off, how it could work. (1095, Mother)

Having time with my lawyer – someone who knows the system and knows when to push and when to sit back and let things happen. (1155, Mother)

I finally found a lawyer that was ... caring, but also firm ... otherwise I'd have been a wuss. It also gives you a bit of that strength going, "We're going to do this and this is what I need you to do for your kids kind of." (1249, Mother)

My lawyer was good. She listened to me and was also very pragmatic. She said, "Right, this is basically what's going to happen, this is what we're going to shoot for, are you comfortable with this because you're not going to get anything else?" (1181, Mother)

I really had a good lawyer. She was empathetic. She has good listening ears! (1494, Mother)

My lawyer was quite good. She wouldn't let me sit there and just whine and whinge and bitch. Just cut to it, just get to the detail, because that kept me on track. It stopped me focusing on my distrust in my ex and my dislike of her. Just the pure facts, the matter at hand. (1458, Father)

I had a lawyer for five years and he was really good. He said things like, "You need to take your rose-tinted glasses off." ... The emphasis that he put on the children and

trying to make people realise that they were dealing with adult issues, and to think about how they could work out arrangements for the children. ... There were things that he understood straight away from what I was telling him about my concerns. ... He was very experienced, very knowledgeable. I have to say he was Māori and he had grown up witnessing a lot of these things in his youth. (1142, Grandmother)

The lawyer that I have now has been the most helpful because she's explained things quite clearly and she's very to the point. Like, she'll tell me, "Well, you could apply to the court for an urgent such-and-such, but I don't recommend it" and then she gives an explanation why. She's very good at letting you know where she's at. Like, she'll get in touch with you and let you know what point she's up to in the process. I think she's been the most helpful, definitely. (1146, Mother)

I've got a good lawyer – she was really good with the affidavits. I was getting all these accusations and she said, "What we're going to do is we're not going to respond down the same line because that's just playing right into their ballgame." She said, "Just stay about the kids, about the kids, about the kids the whole time." She was really good. I don't believe there's probably many lawyers out there that are so child focused. (1199, Mother)

I talked to my lawyer about it and I said what my fears were and she said, "Look, it's an awful lot of money to go into a custody battle. You're the full-time parent, you have always been the parent that's there, always. You've stopped work to look after your daughter and then you have worked part time. That would all count for you and it would be very hard for him to just take her away completely." (1336, Mother)

Due to the terrible communication between us I am so glad that, at all times, we were accompanied by our lawyers. I understand the new system is trying to get away from lawyers. Well, oh my gosh, if I hadn't been allowed a lawyer and also granted Legal Aid which is a debt against my house, but still I was lucky to be allowed that. I would have been lost otherwise. When it's a domestic violence situation, I mean, that's terrifying. Lots of peoples' relationships break up and they remain friends or amicable and it's about the kids, "Let's sort it out, oh, yes, it's all good, do you want a cup of tea?" But when it's violence and you're terrified, to have to face that alone is terrifying. (1425, Mother)

The lawyer was really good at Community Law – very just factual and step-by-step – and they were easy to follow steps which was really important to me at that time, because obviously everything's pretty emotional. ... I had been feeling guilty about wanting to do certain things. She was like, "You know, you don't need to feel that kind of guilt, you need to do just this, this and this." I would've never probably have even asked for some of the stuff that I asked for in my separation, had I not known what to do. (1347, Mother)

He's been good because if I've ever been a bit wobbly on where I'm going or how it should go, he's straight down the middle. He is all for [Child]. We are pretty much – oh, about 98 per cent of the time – we're on the same page. So, I know that I'm heading in the right direction. (1519, Mother)

My lawyer had been an absolute godsend. Kept me in line very much and made sure I was aware of the processes as we went along. Like, the first time we made a without

notice application, "Well, what does that mean? How long's that going to take?" Being able to explain to me what the stuff is. When we made a without notice application really close to Christmas time at one point, she was able to keep me in the loop as to what was going on. Even though, technically, she was on leave, she still kept me in the loop. Just little things like that have been absolutely brilliant. ... I would say my views and what I was requesting and stuff was definitely taken into account. She's been very good at pulling me into line where I've become, I guess, too emotional. She's very good at going, "Just shut up. Be quiet. That stuff doesn't matter." (1555, Father)

Sometimes it was a **former partner's lawyer** who had made the difference.

His lawyer reinforced anything that came from my lawyer. (1075, Mother)

I actually have to give some credit to her lawyer because what she put forward first of all was quite detailed – it was like half a day here, half a day there, with very specific times given. Didn't allow for visiting grandma in [Europe]; and same pattern in the holidays; and didn't allow for going away for weekends. It was like an extremely strict version of what we'd had before. Then her lawyer – well, the three lawyers together, came up with something quite sensible. Still not quite perfect but, yeah. ... The most helpful thing was the three lawyers getting together because I've been dealing with someone who absolutely will not negotiate anything in life. I mean, her approach to life is, "My way or the highway" absolutely 100 per cent. Having someone negotiate on her behalf from a family law point of view was helpful. He toned down all that accusatory stuff. None of that was there in the later stages. (1509, Father)

What helped around making the arrangements was actually his lawyer. I'd already had conversations with my lawyer and we were pretty much on the same page. She was bit of a bulldog. She wouldn't hold her punches and she was quite straight up with me about what I could expect to get out of it, what I couldn't, and what was reasonable and what wasn't. So, her and I had pretty clear picture of what we wanted. What I met in those meetings with [former partner] was a whole lot of excuses that he didn't agree with and that he'd contend. It was actually his lawyer who turned around and said, "Actually, that's really reasonable, there's no reason why that shouldn't be in a Parenting Order." She said that a number of times. So that was the luck of the draw really. (1620, Mother)

Lawyer for the Child

The Family Court has the power to appoint a **Lawyer for the Child**. Parents said this appointment could be a helpful factor in enabling them to focus on the children's best interests and provide children with the opportunity to express their views to someone neutral outside the family, who would then advocate on the children's behalf.

The lawyer that was appointed for the children was quite a good mediator and he was very keen for us to come to an agreement ourselves as well, and he really pushed for it. (1253, Mother)

For me to know that we're in the system and Lawyer for the Child is there, that's actually something positive for me to have. A lot of my other friends don't have any backstop really. ... There's been a couple of issues that have been raised where I've been able to email [former partner] my concerns and, then, I tack on the end of it, "If

this cannot be resolved I will contact [Child's] lawyer." So, having a Lawyer for the Child is actually a really good positive as well. It just keeps [former partner] in line a little better. (1451, Mother)

The lawyer that the children had was absolutely fantastic. They were very much listened to. Yeah, he was absolutely brilliant. He was very much an advocate for the children and could see what the important things were for the children, even if the children couldn't see it. So, he was absolutely brilliant. (1329, Mother)

She's very clear with what she's doing, definitely. She clears away the nonsense and keep to the point. (1494, Mother)

One of the biggest factors in achieving the arrangement we have is [Child's] lawyer and [Child] herself. She's very articulate and was quite succinct in her intentions and what she wanted. So, with that clear intent, [Lawyer for the Child] was quite strong in putting her position forward. Because of that, [former partner] had to shift, had to come across, because [Child's] position was very clear in that she wanted to see more of me and my position was I always wanted to do what was best for [Child], and I needed her in my life as well. ... Lawyer for the Child really made things happen because she spoke to [former partner] and said, "Listen, if you don't change your attitude, if you don't change your mind, if you don't come on board with this then you are going to lose big." Pretty much, in the end, everybody was telling [former partner] that if you don't change your position then your daughter is going to make a decision to leave you. If it was the other way around then [Child's lawyer] would have told me I was a dropkick as well; told me exactly the same thing. I really feel that she was neutral, that in her eyes the gender didn't matter, it was that [Child's] wishes were paramount and she saw that [Child's] wishes were most similar to my wishes. So, any bias that may have been interpreted was because [Child] and I lined up better. ... Through the Round Table Meeting and stuff, [former partner] eventually got it into her head that if we went back to court she would be likely to lose bigger than what was on the table, that it would go nine/five, or even more, because of the clear instructions of [Child]. ... I'm lucky in that [Child] was older and had a voice – nobody was interpreting her intentions, because her intentions were quite clear. (1560, Father)

When we had the parenting agreement made between [Child's] lawyer and her father and myself, he was absolutely amazing. Her lawyer was a really lovely guy. We were always being asked about every aspect of the agreement when it was being drawn up. "Did we both agree? Was it okay if it was worded this way?" Obviously, it was sent to both of us to agree before it went back to the court. Considering we had to do it that way, I felt it was a really good experience. The other thing about the Lawyer for the Child I really loved was the fact that was totally impartial. He spent a lot of time and he interviewed [former partner] and then he interviewed me. He met [Child] and he went to the day care that I had her enrolled in – because part of the argument was that he didn't want her to be in a day care, it was detrimental. The lawyer actually went to [Child's] day care and saw it and saw that it was a totally fine place to be and yadda, yadda, yadda. That process itself, I thought was a really helpful one. (1583, Mother)

Specialist report writers

The **s132 and s133 specialist report writers** were said to have the skills to identify issues that could assist parents to better understand personal traits or interfamilial dynamics.

The report writers that we've come across, the s132 and s133, other than the fact I don't think they spent enough time, with the limited time that they did spend, they did a very thorough job. I mean, there were things that they pulled me up on that I was completely oblivious to. I'm like, "How did you pick that up in half an hour?" (1555, Father)

Judges

Judges who understood exactly what was going on, listened to each parent, cut through any 'nonsense' or set firm boundaries were highly regarded by participants as being helpful in the making of parenting agreements and orders. Particular judicial attributes and skills, such as wisdom, fairness, timeliness and case management, were specifically mentioned as helpful and supportive.

The final judge who said 'enough is enough' was the only reason that we are where we are now. (1434, Mother)

You're living day-to-day in that anxiety heightened, adrenalin state, but you get through it. ... I felt supported, let's put it that way, in that I'm happy with whatever a judge decides. I'm going to have to trust that he knows best. I'd already decided in my mind if it had to go to that, it had to go to that, but I really had hoped that it wouldn't. But I was in the system now. I'd actually run out of options. I had to keep my son safe. When [Child] said to me, "I'm scared that Daddy might not bring me back" that was enough to hear. As much as I want to think good of [former partner] and hope that he'll make the right choices, my son is fearful. Got to do something and the courts were the only thing that could protect him at that stage so, yeah, I had to trust the court system would do right. (1451, Mother)

Some of the judges were very good in that they actually heard out both sides and everything and then tried to kind of, I guess, work out where the facts were. Other judges I found that, even before anything was said, a decision was in their head. (1458, Father)

The judge was excellent. She case managed the file, which was the absolute saving grace for me in the proceedings, because I had to get warrants to enforce court orders. By the time that it got to her, that it happened a few times and he had just been throwing in different applications and trying to change it and had been bouncing around different judges. So, when she made the decision to case manage it, everything kind of stopped and it all started moving smoothly. She could see what had been happening. (1132, Mother)

The judge was awesome. He pulled out all the issues, he was a really cool judge. He listened to everybody, because there was myself and my lawyer, Lawyer for the Children and the kids' dad. He was fair to everyone. (1140, Mother)

The judge worked quite well, because he basically said, "These expectations that you're trying to get are just not going to happen." He also said that the court would pay for the children's lawyer. ... People responded better to the judge telling them things than perhaps their lawyers telling them things. He was very helpful because he basically sat there and outlined exactly what was happening, what the chances were and how ridiculous some of these things were. (1181, Mother)

My ex-husband had a lot of respect for, and was more inclined to listen to, a judge than to a lawyer or anyone else like a mediator. (1394, Mother)

He cut through the nonsense, he actually just made things sensible, he was very experienced. ... It was just like an elderly gentleman coming in with some sense who just went, "What do you think [son's] going to think about that?" Oh, thank god, somebody is actually listening. He was experienced enough to see through our personalities and where we were coming from and what was going to be best for the children at the end of the day. For me, sensible people like that judge – he made me feel confident that he was going to come to a sensible decision, that there was an ability to sit down and talk and that he would listen, that we were going to get somewhere and it was going to be ended before we left that day. He said to me, "This is going to be over, you've been through enough." It was very good. He said, "I don't care how long it's going to take, but we're going to have it sorted." (1325, Mother)

Agencies, services and government departments

A variety of **agencies, services and government departments** were commended as helpful to parents and caregivers in resolving their parenting arrangements. These included Barnardos, Community Law, Citizens Advice Bureau, Family Start, Playcentre, Birthright, Women's Wellness, Engage Training, Incredible Years, the Parenting Place, mental health units, Police, Victim Support, Inland Revenue (IRD), the Ministry of Justice and Work and Income (WINZ).

The Parenting Place programme is six weeks, two hours a week, and you do everything in the class. There's one that they've got now called Building Awesome Whānau and it's Māori tikanga-based. That's brilliant. It's a much better starting point. ... The Incredible Years was really good too. (1142, Grandmother)

There was one particularly helpful detective – and, when I say particularly helpful, he treated me like a human being. Whereas the other four that arrived thought I was guilty. At least he gave me some benefit of the doubt, the sense that I was innocent until proven guilty. There was five of them who arrived to serve all these notices because that's what she'd told them – the other four had obviously assumed that I was guilty and that was pretty obvious. They were very aggressive. On the night, he was one of the reasons that I got through it all. ... Like, I never saw it coming. It was a hell of a shock to me. I had a few very dark days, but the fact that he had treated me as a human being was probably one of the things that got me through it – that someone had some faith, you know. (1532, Father)

I did go through the Citizens Advice Bureau at one point because we just really were not communicating that well. I didn't exactly know what I was supposed to do because there were times where it was like really, really volatile and we couldn't speak to each other. ... His mother was a really good mediator. At one point she suggested I go to the Citizens Advice Bureau just to get just an idea because I couldn't afford to really speak

to a proper lawyer. She just said, "Just speak to them and find out what you can do and all that kind of stuff." ... I thought they were really good, because I was a bit sceptical. I ended up speaking to a lawyer within the Citizens Advice Bureau and he was good. The Citizens Advice Bureau people were lovely as well. They had a base knowledge and they could help me a little bit, which was really good. (1538, Mother)

We wrote our own separation agreement that we both signed ... and we also have a private arrangement for our child support. At the time, I used a lot of the calculators. I did a lot of Google work. I used calculators on the IRD website to work out what I would get, financially. I used all those tools readily available to me to work out how many nights I was going to have the kids in each year and what that would mean in the way of child support and stuff like that. (1358, Mother)

Services for **women experiencing family violence**, such as Women's Refuge, Shine, Aviva, the Hamilton Abuse Intervention Programme and Dove Hawkes Bay, provided necessary support, advice, protection and shelter, including assistance with obtaining legal representation and Protection Orders.

Women's Refuge pretty much just said Trespass Order, Protection Order, Parenting Order and then they had a lawyer that I went and met with one time. She was their Refuge lawyer. The lawyer I have now they referred me to as well. (1105, Mother)

I explained to my case worker at Refuge, "This is what he'd said to me." I had no idea the stuff that I was being taunted and teased with was a form of psychological abuse. I was really glad for the education I've received through Women's Refuge. ... Thanks to Women's Refuge they were able to help me get a lawyer. ... Thank god for Refuge – they got the counselling and support we needed, and for me having women's group once a week to go along and empty our bucket out and all that sort of stuff. That's what I will give Refuge – they don't walk away, they're there for as long as you need them. (1199, Mother)

I was lucky as I was scooped up by a Women's Refuge, who held my hand and took me along to my first lawyer's appointment. (1425, Mother)

My Women's Refuge key worker took me to a lawyer. She actually found me a lawyer and came to my appointment with me. (1442, Mother)

I was a bit of a zombie to be fair. So, they took me to a lawyer. That lawyer couldn't help me because they'd acted for my ex-husband previously. So, basically, they helped me along until we found a lawyer. ... I went through [the Women's Refuge] 10-week programme. ... They just understood it. In a way I guess I just knew that I needed to keep my son safe. That's all I needed. So, they kind of went, "Yep, that's fine, this is what you need to do." (1519, Mother)

Dove Hawkes Bay are great. They have found me another lawyer, because they said my big problem was my lawyers let me down really badly. So, they said this is a wonderful lawyer and they would get me in with her. Dove Hawkes Bay are lovely – they have given me an alarm because we've been through incidents where there has been stalking of the house. So, I have got a Dove alarm, and it's lovely. Dove Hawkes Bay is the best. (1145, Mother)

Shine are awesome. Shine did a lot for us and they're absolutely great. (1207, Mother)

I went through Aviva and they were great. I think the services are there, but they're just not well-used because they're not very well funded. The minute my case kind of settled, they had to write me off their books, and I couldn't get their service anymore. I was left on my own, through no fault of their own, but they just don't get the funding. So, I think the services are there, it's just everyone just pushing uphill really. (1523, Mother)

Churches, general practitioners and schools were also helpful to family members.

What keeps me going? Faith, God and the church community. (1494, Mother)

I'm quite involved in my church and it's massively made me hook in. Like, I've been there since we moved to [city] in 2011 but I've not, well, I have got good relationships there, but I've really hooked in this year and just gone, "Help, I'm not managing." And so, that for me has been really helpful. It's positive actually that's come out of it that I have made deeper relationships because I've had to ask for help. It's good, humbling, but it's good. (1051, Mother)

I saw my doctor, as well, because I was suffering from, I guess, depression and anxiety with huge amounts of stress. He put me on to a counsellor. (1339, Father)

When I see the GP I have a chat with her. Friends get sick of hearing about it, they don't want to talk about it any longer, and you end up isolating yourself from people. It is a very, very lonely place for people to be in. Even though the person you've been with is a complete and utter bastard, the fact that you've got them out of your life, but they've taken your children away as well, it's a very lonely place to be. I think that's a real indictment on society that people are left to have to fend for themselves. (1444, Mother)

When [Child] started school, I got given information about a community co-ordinator and we were able to have a meeting at [Child's] school with the school principal, the social worker, my parents and me. Work and Income was also invited to come along, but they didn't come. Inland Revenue were invited, they came along, that was great. There was also Victim Support, because I was relying on them a lot – I was ringing them when I was having panic attacks. So, it was nice to be able to talk about it as a discussion in the group, have a plan for [Child], make them aware, especially the school principal and the social worker, that [Child] is parent-ordered and to monitor his behaviour. (1082, Mother)

Sense of Empowerment

Parents and caregivers who felt their **views and interests were taken into account and their voices heard** while making their parenting arrangements described this as a factor that assisted them personally and the decision-making process more generally. Their **sense of empowerment** was particularly heightened when they felt they had been the parent who organised, led, took charge of, or dictated the arrangements or, conversely, had reached agreement with their former partner amicably.

I'm the person that puts down the plans in writing. I organise everything. ... I had my view heard – I didn't necessarily get the result I wanted at the end of it though. Sometimes that's just how it works. It has all been arranged between us and I have kind of dictated how it is going. (1083, Mother)

In our situation I do have the upper hand, really, in negotiations because I have the children, they live with me, and I have the time and the ability to write long letters, refer to legislation, to do all of those things. He's not nearly as confident with the written word, so he wouldn't be able to sit down and write a really articulate 800-word letter to someone stating his position, whereas I can. (1247, Mother)

I had all of the choice, he had no choice. (1533, Mother)

I probably feel like I've been quite in control. That's probably a reflection of how things were in our relationship, that I was the one who did everything. That has still continued. I've made all the decisions. I made the financial decisions. I did all of these sorts of things. That just continued and except I said, "This is what you're doing" and he said, "Okay", which is exactly what it'd been like when we were married. Yeah, there was a mature person in our relationship and an immature person in our relationship and that was evident. (1358, Mother)

I would have preferred to have made that Parenting Order together by consent. But when it became apparent that that plan had changed, I felt like I had a choice to make the Parenting Order by putting it in by myself and requesting that he respond to it that way. So, in that respect, yeah, I felt there were options and choices available. (1471, Mother)

I think I got a big say. I bought my own house, I got my half of the money and decided what I wanted to do with it. I'd made enough grown-up decisions I thought it was up to [Child] to decide what he wanted to do; how he wanted to make the best of the situation. Yeah, I was happy to go with whatever. I think it would have been a very different story if he had chosen to live with one parent exclusively, but he has always been scrupulously fair with his time. (1493, Mother)

I think I have the upper hand because I have the children, and I have for seven years. [Former partner] is fighting for a change, and I can kind of make him fight longer if I have to. I don't like it, and it comes at a massive personal cost, but if he can't see it from [Child's] perspective I guess I'll just keep fighting. (1051, Mother)

I had most of the control. I don't know how to say this nicely, but because he stuffed up I said, "Right, this is what I want." I wasn't unreasonable either. I wasn't really stupid about it. (1501, Mother)

For me, all I ever did was make sure that it suited my ex-partner and the kids the most, because I was lucky enough to be able to raise them, well we raised them together, but I was able to stay at home. When we separated, because I had them all the time anyway, I wanted to make sure that he had a lot of time with them. I had a lot of free rein with the choices, but I made sure that I was making the choices that best suited my ex-partner and the children the most. (1538, Mother)

I didn't want to ever put [Child] in unsafe situations. ... At first, I felt lost about what to do, but then realised that it ... I just wanted [Child] and his dad to have the right relationship, with honesty. You can't trip up if you're being honest to yourself and honest to your son and trying your best by someone else as well. (1008, Mother)

I definitely felt I was probably more in control of it, but I think that came from, one, I had a really good lawyer, and, two, I was the original applicant in the process. Whereas, I know in a lot of the situations the father is generally the respondent, not the applicant. So, that made a difference in how, I guess, I felt through that. (1555, Father)

Luckily, I knew that my son's father doesn't do anything so it was actually better for us to keep away from the court system because he would, and he still to this day comes in and says, "I want half/half care" and I just quietly, I have learned, because I used to get quite upset about it, now I have just learned to smile and go, "Okay, yeah, you tell me when it will start" and it has just never happened either. (1103, Mother)

*The s133 report, which is part of the Family Court process, was very supportive of me; it pretty much condemned everything [former partner] had set out to do. They saw the truth of the situation and the supervision was regarded as quite ridiculous and completely unnecessary. So, from that position, I was able to have a lot more, I guess, the term *mana* would come into it, to negotiate a better parenting arrangement. (1560, Father)*

I don't feel like I was without control by any means. We worked together and we kept it out of the system beyond the Parenting through Separation course. There was no point at which I felt that someone was coming in and dictating to me how often I would see my kids. (1016, Father)

Helpful Strategies

A variety of **helpful strategies** were utilised by parents to reach agreement on the day-to-day care and contact arrangements and to then co-parent as effectively as possible. These strategies included having a positive attitude, consulting together and agreeing, talking with the children, and trialling and reviewing the arrangements. **Communication strategies** were frequently mentioned by parents, with a range of tools utilised to keep their lines of communication open – telephone calls, texts, emails, calendars, apps, and diaries and communication books shared between homes. Many limited their communication to issues about the children, while some spoke of meeting with their former partner to plan the children's schedules. Text and email kept communication calmer and enabled a record to be kept. Other practical strategies included planning ahead, exercising patience, allowing time for a former partner to consider a request, setting an example, limiting handovers, planting a seed, choosing the right battle, being flexible, and operating a joint bank account for the children's expenses.

Strategies to better handle conflict and emotion included not reacting to your former partner, keeping your head down, avoiding accusations towards your former partner, lowering your expectations and backing away. Finally, a **more direct range of strategies** was used to set or enforce parenting arrangements and/or relationship boundaries, including putting your foot down, getting stroppy, not putting up with poor behaviour, channelling communication through lawyers, and threatening family justice proceedings.

Having a positive attitude

Adopting a **positive attitude** during the process of making parenting arrangements and while co-parenting was a helpful strategy for some parents, even if they sometimes felt this required biting their tongue or keeping their angst private.

The decision to separate, the circumstances that led up to it all, it was two very emotional people acting emotionally. There were many points where maybe, who knows, things could have been different. Going forward, actually changing gear and making sure that I was thinking rationally – if I hadn't been there were so many situations, there were so many moments, where we could have taken that hard left and slammed into a wall of legalese and acrimony. (1016, Father)

Let's just keep things bright and cheery and happy families for the children. Much biting of my tongue and yelling into pillows behind closed doors. (1075, Mother)

It's a slow process. The biggest problem is you can't tell a kid that they're wrong and can't tell him, "Your mum actually did this." That's just fighting fire with fire. So, I've got to approach it that I can only be the best dad I can be and show him that I am actually his dad and everything will be all right. It makes it longer because you're fighting an assault from the other end with passiveness on this end, if you get what I mean. (1701, Father)

Consulting together and agreeing

Guardians are, of course, required to **consult together and agree** on important aspects of their children's lives. Some parents mentioned this process as a strategy they embraced to help develop post-separation parenting arrangements and encourage meaningful intrafamilial relationships over time.

We pretty much came to an arrangement between ourselves, which suited everybody. It is not as though it wasn't difficult for a while, and there was a period of adjustment for all of us. But, yes, we are quite happy with the way things are going and any decisions with regard to the children are always made jointly. We always consult with each other. With me being the custodial parent, as it were, the onus is on me to inform him because obviously I have more of a handle on what is happening for them from a day-to-day perspective. But, I wouldn't consider making a big decision without involving him. (1217, Mother)

We're probably quite lucky in that we can still talk quite openly about things and it's about the kids, not about us. ... We have relatively similar ideas about most things, and we do try and get together and discuss decisions and things with each other. As long as we can keep doing that I think we'll be okay. Obviously if anything changes in our relationship then that could get a lot harder, but because we've got quite open lines of communication I think it should be okay. Yeah, there are some points that you don't always agree with, but that happens even if you're in the same house. (1242, Mother)

Talking with the children

Participants also found it helpful to **talk with their children** and take their views and feelings into account. This enabled children to be better informed about their family situation and to

contribute, where appropriate, to the arrangements being made. Some parents had felt encouraged in this approach by the family justice professionals (for example, judges) they had seen and the services (like Parenting Through Separation) they had utilised.

We've always been really open with the kids about all of our discussions. Any decisions that we make as a family, we've always sat down together. Firstly, my ex and I sat down, and we talked about what each of us wanted and what we thought would be best for the kids. Then we sat down as a family and discussed it with the kids and gave them an opportunity to tell us how they felt. We're always mindful that the kids may feel a little bit of pressure to agree with one parent or not, or didn't want to hurt another parents' feelings. We put it to them as, "Mum and Dad have talked about it and this is what we think would be best, but we want to hear what your opinions are." We didn't want the kids feeling guilty one way or another. (1501, Mother)

The judge showed me how getting input out of the child was good and the seminars we went to talked about it as well. I have to admit that played a big part in how I was talking to my family about these changes and making sure that they were there and present when I told everybody. So, when I told my ex, I told our son as well. I do think his response was also probably a bit different because my son was there. That was one thing the counsellor pointed out, "If your son's there, does he behave a whole lot better?" And I said, "Well, yeah, because [Child] is there." So, I guess I have used a lot from what I have learned and what the counsellor has suggested. (1076, Mother)

Our eldest has been very pragmatic about this. She straight away wanted to be shown the Google calendar that we have the kids' schedule in and that we base the rules around as well, in terms of notice, if we need to make any changes. She wanted to be able to see that so she could visualise it and work it out in her mind. When we made this most recent change, we both agreed that it made sense to ask her what she thought – we both agreed that she was old enough. So, it was good to get her feedback. (1004, Mother)

I said, "Look, this isn't actually about what you and I want. This is about what the boys want." He then started on the view that, "Well, actually, the boys are too young to know what they want." So I fired back with, "Actually, I don't think that's the case with [oldest child] – it's recognised at 13, with a very articulate child, that if you wanted to push this and take it to court they will give [oldest child] a say and they will listen to what he has to say." So, I think that gave him a little bit of pause for thought. (1488, Mother)

Trialling and reviewing parenting arrangements

The strategy of **trialling new parenting arrangements** and **reviewing their effectiveness over time** was a useful way of monitoring how well they were working for the family members involved and tweaking them as necessary.

We agreed to just continually review [our agreement] and monitor it and try and keep the kids at the forefront. (1001, Mother)

One thing I have learned is change happens and changes happen often. And the changes don't stop. So, the one thing I have learned second time around is to try as much as possible to do the amicable approach and try and have us all sit down, with

my son included, and work out between us, "Okay what is going to happen", you know. And also, not to rush it, to sleep on it, give everybody a couple of days to think about it and then we all meet again and discuss it again. Then we put something into trial practice, "Okay, let's give this a go." I've really tried to downplay the, "We must do this or we must do that, or we have to do that, or we have to go through the courts." We have tried to keep as far away as possible from that. (1076, Mother)

Communication strategies

Communication strategies were frequently mentioned by parents and included various technologies and tools, limiting communication to issues about their children, meetings between former partners to plan children's schedules, documenting communications, and exercising patience, restraint and flexibility to aid inter-parental communication.

Parents utilised a **range of technologies and tools** to keep their lines of communication open. These included the use of **telephone calls, texts, emails, calendars, apps** (like Our Family Wizard), and **diaries and communication books shared between homes**. Text and email helped keep communication calmer and more reflective and also had the benefit of providing a written record of the conversations between former partners. Many **limited their communication to issues about the children** and avoided all other topics.

We have agreed that we will keep our communication to the kids and that way there's no reason to fight. It's usually texts and I try to keep it, "[Child] got a school calendar today. Do you want me to order you one?" "Yes, please." Keeping it open so no one misses out on anything. (1095, Mother)

We always talk through text, so that we both had a record of our conversations. (1479, Mother)

My plan is to just get over it [separation] and just try and re-establish a line of communication at least. I'll be starting that by just using text to begin with. (1384, Mother)

A really useful tool that I really took out of the Parenting Through Separation course was the idea of, basically, a book to go back and forwards with the child for communication – that communication book. I'd never heard of that idea. I thought that was a brilliant idea and we tried that. (1555, Father)

We mainly do emails for the big stuff and texts for the little stuff. There haven't been a lot of misunderstandings about things. Everything has always been really clear and specific. I guess that's just how I do things. Having that initial formal agreement has been a good platform to start from. If we hadn't had that at the beginning we wouldn't have had that pattern set of actually you don't just do whatever. You have to have some kind of plan, even if the plan changes. (1247, Mother)

We do it all through email so it's all written down. You're not tempted to fight about anything. It's all there. It's a lot calmer way of doing it. (1368, Mother)

*I just basically said, "Let's try it." I wrote it all out and said, "This is how it would work." ... We just kind of talked about it and I set up **an electronic calendar** between us. I put it all in there so he knows what days he's picking up. Then, if we need to change days*

around due to work commitments, or something the kids have got on, or Dad's going on a trip, I just change the days around and the kids see it. I print it out every week and put it up at home so they know where they are. They say, "Where am I this weekend?" and I say, "You'll be at Dad's, it's on the calendar." It's all colour coded so they know. I'm a bit of a control freak like that [laughs], but it works for them and they seem happy. (1308, Mother)

*One of the things that we use is **Our Family Wizard**, which is an app recommended by the court. The positive with it is, that should we need to go back to court, all of that correspondence is visible. You can provide it to third parties in terms of psychologists and the like. (1444, Mother)*

*If I write something it's got to be in the **communication book**. If I say something, she might get it twisted. So, I write something, always. ... Also, I have less communication, because with too much communication things get worse. So, we only write in the communication book or text and email. No phone calls. (1521, Father)*

*We have mechanisms in place to communicate, we have had a little **diary** going for quite a long time of those sorts of things. (1086, Father)*

We haven't really got a relationship where we communicate with each other very well. I only speak to him if I have to, I don't really want to answer the phone if it's him, so I'll only answer the phone if I have to. The only thing I talk to him about is the kids and that's it. (1376, Mother)

I keep contact with him extremely minimal and just inform him of guardianship issues, which are very rare. (1442, Mother)

When we first began the court system he said we would only ever dialogue via email. He's now calmed down and he's happy to talk to me on the phone or text. I remove all emotion from my conversations. It's all just fact and I just say this is how [Child's] feeling. A lot of my girlfriends have still got the baggage and emotion and la-la-la – it's their own worst enemy. (1451, Mother)

Doctor's stuff – well, it is all free at this stage anyway, but those sorts of things are shared. So, it is based on custodial days at this stage. She has the rostered days so, if she has him, that's her responsibility to deal with those things on those days. Anything big we just have to talk about. (1086, Father)

Some parents followed up their conversation with a **written record**, for example, an email, of what they had discussed.

Whenever we talk about things we tend to follow it up with an email, just to document what we talked about. (1242, Mother)

Others kept **extensive records** of their communications in case these might be needed in court proceedings.

The thing that has helped in this situation is I have been keeping records. And there's now a very lengthy record that's detailing how the level of care and financials stand, and drug use, and that's all there on paper. It's about 75 pages long – from when the

problems started. ... That stuff needed to be recorded while it was still fresh. (1104, Father)

Practical strategies

Other **practical strategies** included planning ahead, exercising patience, allowing time for a former partner to consider a request, setting an example, limiting handovers, planting a seed, choosing the right battle, and operating a joint bank account for the children's expenses.

*There's nothing in writing, there's nothing, we've just made it work. I mean, we get frustrated with each other, but, we've never had to get anyone else involved. ... Generally, just because of the type of person that he is, he needs time to chew things over first. So, I tend to send a text and say, "Right, this is what we've got on our hands and I will give you a call tomorrow and we will have a chat and figure it out." Or sometimes I do just ring him and pour it all out there and he is like, "Oh, okay, I will get back to you tomorrow." So, I have had to learn to be a bit more **patient** and **learn to not expect an answer straight away** or for a decision to be made straight away – because I am like that and he is very much not. It is just continuing on, me being aware of that, and keeping that in mind and not getting frustrated with him and his lack of ability to make a decision straight away. (1287, Mother)*

*I guess it more helped with the fact that **I set the example**, I just effectively grew up. Because I was acting reasonably, she in turn would throw a fit to me, but then she'd come back and be reasonable after she'd had some time to discuss and time to think. ... I was using the threat of taking her back to court, but then she came back to me and said, "I'd really like it if you'd stop threatening the court thing." I just turned round and said, "I'd like you to be more reasonable and consider my requests, rather than trying to tell me what's happening." (1361, Father)*

*I have already had to start thinking about changes because I know that there's a job opportunity coming up, up north. I have no intention of selling the house or moving the kids, so I have actually already started the process of talking to [former partner] saying, "Hey, you know what, I may end up working up north. How do you think we would get along if I, say, go up there and work during the week and you look after the kids during the week, and I come back on the weekends?" It's a long way off and I haven't said, "Okay, this is how it's going to be" or haven't forced anything. I am just **planting that seed** now, I think they call it. So, I have already started a process like that. (1076, Mother)*

*Bottom line was just **pick your battles**, as ultimately what you want is [Child] to see his dad regularly. So, it's very important to have an arrangement in place. ... [Former partner] could see my heart from the beginning – that it was all about [Child] and him having a relationship with [Child] – so, it didn't actually let him keep running. ... [Former partner] might have made some wrong choices, but ultimately I do know he's got a good heart and I still truly believe from all research I've seen and know that the dad needs to have a relationship with his son. So, I just always went with that mindset; whereas some of my friends have just been all about keeping the kids away and it just makes men even angrier and fight harder. ... I gave him a really loose court order to abide by because I knew if I put much restriction on there was going to be just a revolt*

and he'd just disappear I guess. So, I had to learn which battles to pick and which not to. I have to trust that [Child's] safe when he's in his care. (1451, Mother)

*We've come to the point now where we have a **joint bank account** that we both put money into. It's joint only for the kids. We both put the same amount of money into it every fortnight because we don't pay child support. We both earn the same and we didn't want to argue about that between us. We have 50/50 shared care so we thought we'll just have a bank account that pays for all the kids' costs – school fees, trips, all that sort of stuff – so we're not having to contact each other about it initially. I just have Internet access and I pay it and send him a statement each month of what's been spent. (1308, Mother)*

Letting a former partner know a parent was willing to **be flexible** was a key strategy in encouraging an amicable post-separation relationship and better meeting the children's best interests. This was nicely illustrated by offering the other parent the first opportunity to care for the children if work commitments, social engagements or travel affected the existing arrangement.

I made it clear to her that I'm extremely flexible and on a week-to-week basis we can change things if need be. (1237, Father)

We've got quite a good relationship in that we're quite open to each other about changing nights, or whatever, depending on what each other's got on. If the other person's free we're happy to take the kids. It's not a 'my day, your day' kind of thing. (1242, Mother)

When it comes to health both of us will communicate with each other about how she is. He'll ring me and say, "Look, she's sick tomorrow and I need to work. Can you have her?" Sometimes I'm able to do this and sometimes I can't. So, we generally do communicate quite well around that. (1083, Mother)

The school holidays, we manage differently. We just see what the kids have got on and one of us generally will take the first week off and the other will take the second week off and then for that week they stay with that parent. (1308, Mother)

We didn't really formalise it with papers or with our lawyers or anything like that. We just agreed that that was what was going to happen and, if either of us needed a weekend off, we would ask the other person first. Then, if not, go to our parents. (1538, Mother)

We try not to be difficult with each other because we both love [Child]. There's just no problem with [Child] and our relationship with her – we're just trying to make it as easy on her as we can. So, if she wants to go to something, and it's the day that he would have her, he'd bring her home and she'd go to it with me, or whatever, or vice versa. We just try, and we try not to muck up her school. I rearranged all my work so I could work day shifts instead of night shifts, but it's okay, it's working out good. (1336, Mother)

We always do a communication at changeover. I'll tell him if there's anything in particular he needs to know about them or if they're all good, you know. We set some rules at the beginning when we did the 50/50, that we would be each other's first point of call if we needed childcare. We would check with the other parent first. It gives

the other parent a chance to spend more time. And if I've had overseas travel, he's had overseas travel as well, that we'd try to give as much notice as possible. It's probably made it better. I can't even remember the last time we had anything that was an issue, really. Most of our communication now is positive, it's just about the kids. So, yeah, it's good. (1004, Mother)

I have learned over time that [former partner] doesn't actually follow-up on anything so I have got to be the parent that I want to be and my son has got to be in a very stable environment. A Parenting Order where he is going to be divvied up certain days wouldn't be in my son's best interests for when his dad goes on benders or whatever. So, having no official arrangement gives me a lot more flexibility. It is not like an outside structure forcing him to be a dad when he can't be a dad. (1103, Mother)

I sometimes have to pull [former partner] up – like, he'll ring up and say, "I'm going to [city] next weekend" or, "Next week for work" or whatever, dah, dah, dah. And I'm like, "Well, actually, I've already got this and this and this on, so I'm not sure that's going to work." I don't really go away anywhere and, if I do, it's just in the holidays or something like that with the kids and he'll know that that's happening anyway. If it's an evening thing and he's got a meeting all day, it's not normally a hassle. It just annoys me that it's an expectation, it just kind of hurts me. He knows I'm not going to turn away my own daughter, but it's just the whole principle of the thing. You've just got to suck it up, really. (1003, Mother)

Some parents **met with their former partner** to discuss and schedule parenting arrangements or to clear the air regarding a new partner.

We meet every week for a coffee and talk about my daughter, all those sorts of aspects on a week-by-week basis. We're in a completely amicable place. (1690, Father)

Every January, at the beginning of the year, we sit and go through the diary and book in because he travels. So, he looks at the dates that he's in [city] and we go through the whole year. This has only just happened because last year I found my children were a mess because they didn't know when they were going to see their dad next. My daughter was getting quite emotional about missing her dad and feeling really confused about the situation. It was also frustrating for me that he felt that he could swan in and come in. I might be busy for the weekend and suddenly he's like, "Well, I'm here so I want the kids." It's like, "You can't have that." So, this year I just went "January, we're going to start the year afresh; you and I are sitting down; we're going to go through the whole year for when you're in [city] and we're going to do dates." It's been the best thing for my kids. They just know looking in the diary when they're next going to see their dad. (1249, Mother)

Another thing that I chose to do – and, man, it was hard, but I did it – was to actually ask for a meeting with [former partner] and his new girlfriend very early in on the piece. I was like, "As hard as this is going to be, I need to accept that [former partner's] chosen her. She's now going to be a part of my children's life, so I need to actually know who she is a little bit." So, I did that meeting. I asked for it and they were fine. It hurt my heart terribly to see her drape herself over my husband – she was just cocky-as – but what it did do was I showed, in regard to that, that she didn't have power over

me. That's been my biggest mental thing – how much power do you want to continue to give them? (1451, Mother)

Others went the extra mile by **helping their former partner to be a better parent to the children**, including providing them with children's clothing or personally supervising contact.

I gave him all the kids clothes, just everything that he could possibly need. He's already a good father. He just doesn't shop. He doesn't do things like that. So, I send up essentials, like underwear and singlets and things, that I just know he just wouldn't think to buy. (1538, Mother)

Strategies to better handle conflict and emotion

Strategies to better handle conflict and emotion included not reacting to your former partner, biting your tongue, keeping your head down, avoiding accusations towards your former partner, lowering your expectations and backing away.

*I put up with [Child] saying to me – like, sometimes spending the whole day – remembering things that [former partner] has said about me and repeating them back, “Your mother's messy. She's this, she's that. She's a bitch.” I **don't react** to that for the most part. It takes sometimes a superhuman effort not to do that, otherwise it gets acrimonious and the kids end up in the middle. Unless you've got reasonably advanced self-awareness and a really strong ability to keep your children at the centre of it – and that's really hard – you are going to lash out. And these things snowball. Like, once you start this process it's hard to get out of that loop. (1083, Mother)*

*It has been really hard to, I guess, just sit back and say nothing when the other house is doing what you don't really like. So, it just having to let them do whatever they are going to do because it is not your place to say something, but knowing that it is actually not doing your kids any good. There's a lot of **tongue biting**. (1287, Mother)*

*I've got to the point where I just spend hours and hours thinking about this. I'm a bit sick of it taking up so much of my headspace and my time. It's two and a half years since he's left me and I need to start trying to come to – and I am. I am getting faster at doing it probably. ... I just **don't respond to his personal attacks** on me. He has accused me of being manipulative and I think that's partly because I don't reply straight away and he sees that as me not being open with him. Whereas I don't respond straight away as I really take care and time to think about my responses. He thinks that I'm just withholding, I guess, not being honest, whereas I'm actually just trying to avoid conflict. (1453, Mother)*

*One of the things that I have made sure that I've done with my case is just **keep my head down**, focus on why I'm doing it, don't make any wild, crazy accusations, unless they're true. Because the moment you start getting into this, “He said, she said, or he did this, she did that crap”, you're losing focus of why you're doing it. You're just being vindictive to your ex. (1555, Father)*

*There used to be a lot more conflict because I was like, “What kind of father are you that you're happy to see your children once a month?” But it's a long time since we split up now and I'm just **resigned** to the fact that he's just not going to have the kind of relationship with them that I expected that he would have. (1247, Mother)*

*The problem was that I expected certain things of the co-parent in terms of communication and negotiation, and he wasn't prepared for that. Because I had those expectation I was constantly stressed that he wasn't meeting what he needed to do to co-parent the children. Eventually he said that he wasn't co-parenting, he was only parallel-parenting. That actually took a huge pressure off me, because I have absolutely **no expectation** of him now. (1017, Mother)*

*I thought it was better just to **back away** from it all because obviously, any time I make an application to have something to do with my kids, or shared custody or whatever, things tend to go awry. I don't see any other recourse than through the Family Court, so I decided it was in my best interests to back away a wee bit and be a bit less pushy with my demands, I suppose, and hope for the best. That worked to some degree, though I had to get my lawyer involved after that agreement was made to get her to do something as far as give me access. Now it's gone to the stage where I have them once a month, but she's not letting me see them on birthdays and that sort of stuff. She's stopped doing that. (1036, Father)*

*The temptation to put your fists up and assume a combative sort of posture in the court is overwhelming at times. It's really hard not to do that. The system's kind of geared to encourage you to do that. It's not the best thing to do. The best thing to do is actually take a deep breath, **step back** and **let things settle down**. (1522, Father)*

More direct strategies

Finally, **more direct strategies** were sometimes used to set or enforce parenting arrangements and/or relationship boundaries and manage poor parental behaviour. These included putting your foot down, getting stroppy, using a neutral third party, finding the groove, channelling all communications through lawyers, and threatening family justice proceedings.

*I'm pretty **stroppy** and I'll just **put my foot down** and be like, "No, that's not going to work for me." So, there will always be a bit of argy-bargy back and forth between what he thinks is the right way to do it and what I think is the right way to do it. Because the kids live with me and I've basically got full custody of them, I guess he knows that he can't really throw his weight around. We have got a bit better at taking the heat out of things and just being like, "This date?" "No, not that date, this date" you know? Rather than everything being a big drama. (1247, Mother)*

*Some of the points that he wanted in the agreement were particularly controlling of my behaviour. If I have to move to a new house, even in the same area, I had to get his permission first; that's what he wanted. Or if I ever wanted to introduce the children to a new partner, I had to get his permission first before he was happy with it, before I could do that. So, it was just all things like that, which would have made my life difficult; but we got around that by saying that, if you can't agree to it, we've got to go through the separation classes, and that was just too much for him to do, I think, so he signed it. ... So, I guess, us **finding the groove** between both of us that will, like, work and knowing how to handle him, and him to handle the situation as well. (1250, Mother)*

*He'd been told before that if he didn't change his behaviour then **the children could be taken away**, so I think he knew that if he made any wrong move, I wasn't going to put*

up with it. So, I think he has wanted to maintain his relationship with the children.
(1635, Mother)

*I suppose an upshot of the whole court process is that I said, "I want **all communication through counsel**" because I don't need to deal with that crap on top of everything else right now. "Why are you texting me, at all?" I cut off the stream of toxicity and his lawyer's letters are real mean, but it's better than a text on my phone.*
(1051, Mother)

*Once I **threatened mediation and court**, he got a bit more motivated. It was good to have that back-up for when there's just no answer – if he won't go to mediation, I get the exemption and just carry on.* (1368, Mother)

Summary

Parents and caregivers identified a variety of factors that helped them to adjust to their family transition and/or resolve, implement and manage their parenting arrangements. These included an amicable and co-operative relationship with their former partner; a focus on their children's best interests; prior knowledge or experience of separation and dispute resolution; investigating and researching relevant information and feeling prepared; the advice and support of family members, friends, employers, GPs, church, and community- or internet-based support groups; attending seminars and courses; referring to helpful publications; engaging in (paid) counselling or therapy; being assisted by the family justice system and services (including the Family Court), professionals and agencies; having a sense of empowerment; and utilising a range of helpful strategies.

Relationship with Former Partner and Joint Focus on Children's Best Interests: A positive and amicable relationship between the former partners was a key factor in helping parents to resolve and manage their parenting arrangements. Co-operation, trust, flexibility, openness, getting along, a lack of animosity, a joint focus on their child(ren)'s best interests, and the ability to communicate and co-parent effectively were all important. Conversely, some parents who were solely responsible for making their parenting arrangements found this to be a helpful way forward.

Prior Knowledge/Experience or Professional Background: Parents' prior knowledge or experience of parental separation, for example, as a child themselves, could be helpful in knowing what to do or what to avoid. Witnessing the detrimental impact of more recent relationship breakdowns on children within their extended family network could also prompt separated parents to focus on their own children's best interests. Parents' professions or employment, for example, as social workers, teachers and nurses, could provide invaluable knowledge or networks to tap into when faced with their own separation. The research and preparation that parents engaged in was helpful in readying them for how to proceed. Sometimes this process was assisted by a parent having a scientific background which encouraged them to look into the research evidence about what was best for children. Others took steps to gain greater familiarity with the law, for example, by reading the Care of Children Act 2004 or even studying law at university.

Family Members: The help and support of family members was said to be invaluable. This included people's own parents (their mothers/fathers), aunts, uncles, siblings and family members, as well as their former partner's parents (in-laws) and relatives. Helpful advice was sometimes provided by family members who were also lawyers.

Friends: Friends were an important source of support for participants, who benefitted from having someone close to them to talk with or to act as a go-between between them and their former partner. Friends with relevant knowledge or experience of separation/divorce or dispute resolution processes could be particularly helpful.

Employers: Ongoing employment, and the helpful and flexible attitude of employers, were recognised as being helpful factors. The Employee Assistance Programme (EAP) provided by employers was also a welcome means of support in adjusting to life without a partner and working through family transition issues.

Internet Information and Support Groups: Internet resources and social media platforms, such as Facebook, were useful resources where participants could, at convenient times (for example, during the evening), find helpful information and access support groups. Connecting with separated people who had 'been through it' and could share their experiences assisted people in deciding how best to approach post-separation parenting and the making of parenting arrangements for children. A range of support groups for both women and men were mentioned by participants including the Backbone Collective, Kidz Need Dadz, Solo Parents NZ, the Blended Families New Zealand Facebook Group and other single parent or fathers' groups. These helped people to feel that others were there for them and that they could obtain information, advice, support and friendship from group members.

Seminars, Courses and Publications: Undertaking seminars and courses, either face-to-face or online, provided helpful information and support. A variety of seminars and courses were mentioned, including Living Without Violence, Parenting with Confidence, seminars on the Family Court process, an online American course recommended by a lawyer, courses on grief or how to talk with children, and a publication on contact schedules for young children.

Counselling and Therapy: Some parents and caregivers found it helpful to engage a counsellor or psychologist privately so they could speak to someone outside of their family and friends, obtain neutral advice and support, or access therapy. This assisted them to deal with relationship issues; work through the emotional, possibly traumatic, aftermath of separation; learn communication and listening skills and how to avoid being 'triggered' by their former partner; defuse anger, conflict and hostility; test out perspectives and strategies; and consider next steps and the best way forward.

Family Justice System: Some parents and caregivers appreciated the way the wider family justice system was working to provide them with advice, support and dispute resolution processes. Knowledge of the system also proved helpful. Some participants found an impartial approach and a lack of bias to be an unexpected form of support.

Family Justice Services: Particular services within the family justice system were specifically cited as helpful with the making of post-separation parenting arrangements. The Ministry of Justice website was an easily accessible, straightforward and non-threatening way for many to obtain information and learn what they were supposed to do. Self-representing litigants liked that the forms were easy to access online on this website. The Ministry of Justice 0800 2 Agree phone line was also a helpful resource for parents wanting information or to check out the implications of particular courses of action, such as non-compliance with a Parenting Order. Realising they were not the only parent going through a separation and needing to make parenting arrangements was a real benefit of participation in the Parenting Through

Separation (PTS) course. Meeting other parents, hearing their experiences and learning practical tips, including how to focus on the children, were all said to be helpful. The PTS experience could be confirmatory, as well as a refreshing avenue for learning about new information, resources and strategies. Parents either found the 'Making a Parenting Plan' workbook online through the Ministry of Justice website or were referred to it during their PTS course or by a family justice professional. Many found this resource to be a really helpful tool that enabled them and their former partner to work through, and agree on, the key aspects of raising children across separate households. The workbook prompted them to think about issues they had not previously considered, for example, handovers, holidays and special occasions such as family birthdays, Mothers' Day and Fathers' Day. Being able to receive up to four hours of free legal advice through the Family Legal Advice Service (FLAS) assisted separated parents eligible for this service to make their parenting arrangements. Parents who sought to resolve their parenting arrangements through Family Dispute Resolution (FDR) mediation received Preparation for Mediation (PFM) or Coaching to help prepare them for the joint mediation session(s). Many found this useful because it enabled them to better understand what to expect at FDR and to think through, in advance, their approach to the joint session and the key issues that needed to be discussed and negotiated with their ex-partner. FDR mediation provided an out-of-court means of reaching agreement on post-separation parenting arrangements that parents found helpful because it was non-adversarial and readily available. Parents were also assisted through their participation in Family Court Round Table Meetings (RTMs), chaired by Lawyer for the Child, as these enabled agreements to be reached about the parenting arrangements without the need for a defended hearing. Being able to have the parties' lawyers present at RTMs provided parents with even further support. Mothers who had experienced family violence felt supported at the RTMs when they did not have to be physically present in a room with their former partner.

Family Justice Professionals: Participants welcomed the support provided by the range of professionals involved in the family justice system. Family Court registrars, the Family Court co-ordinator and the court staff on the front desk assisted parents by providing information and resources, pointing them in the right direction, answering questions, talking through issues and concerns, referring them to lawyers or other services where appropriate, and helping them to file applications for Protection Orders or Parenting Orders. Mediators who were firm, clear, honest and skilled were instrumental in assisting some parents to reach agreement on their parenting arrangements. Many participants commented that having a really good lawyer was what had supported and guided them personally or had achieved resolution of their parenting arrangements. They particularly liked having caring, empathic, fair, firm, pragmatic and straight-talking lawyers who were family law specialists and knew the family justice system well. Sometimes it was a former partner's lawyer who had made the difference. Parents said the appointment of Lawyer for the Child could be a helpful factor in enabling them to focus on the children's best interests and provide children with the opportunity to express their views to someone neutral outside the family, who would then advocate on the children's behalf. The s132 and s133 specialist report writers were said to have the skills to identify issues that could assist parents to better understand personal traits or interfamilial dynamics. Judges who understood exactly what was going on, listened to each party, cut through any 'nonsense' or set firm boundaries were highly regarded by parents and caregivers as being helpful in the making of parenting agreements and orders. Particular judicial attributes and skills, such as wisdom, fairness, timeliness and case management, were specifically mentioned as helpful and supportive.

Agencies, Services and Government Departments: A variety of agencies, services and government departments were commended as helpful to parents and caregivers in resolving

their parenting arrangements. These included Barnardos, Community Law, Citizens Advice Bureau, Family Start, Playcentre, Birthright, Women's Wellness, Engage Training, Incredible Years, the Parenting Place, mental health units, Police, Victim Support, Inland Revenue, Work and Income, and the Ministry of Justice. Services for women experiencing family violence, such as Women's Refuge, Shine, Aviva, the Hamilton Abuse Intervention Programme and Dove Hawkes Bay, provided necessary support, advice, protection and shelter, including assistance with obtaining legal representation and Protection Orders. Churches, general practitioners and schools were also helpful to family members.

Sense of Empowerment: Parents and caregivers who felt their views and interests were taken into account and their voices heard while making their parenting arrangements described this as a factor that assisted them personally and the decision-making process more generally. Their sense of empowerment was particularly heightened when they felt they had been the parent who organised, led, took charge of, or dictated the arrangements or, conversely, had reached agreement with their former partner amicably.

Helpful Strategies: A variety of helpful strategies were utilised by participants to reach agreement on the day-to-day care and contact arrangements and to then co-parent as effectively as possible. Adopting a positive attitude during the process of making parenting arrangements and while co-parenting was a helpful strategy for some parents, even if they sometimes felt this required biting their tongue or keeping their angst private. Parents, required as guardians to consult together and agree on important aspects of their children's lives, mentioned this process as a strategy they embraced to help develop post-separation parenting arrangements and encourage meaningful intrafamilial relationships over time. Participants also found it helpful to talk with their children and take their views and feelings into account. This enabled children to be better informed about their family situation and to contribute, where appropriate, to the arrangements being made. Some parents had felt encouraged in this approach by the family justice professionals (for example, judges) they had seen and the services (like Parenting Through Separation) they had utilised. The strategy of trialling new parenting arrangements and reviewing their effectiveness over time was a useful way of monitoring how well they were working for the family members involved and tweaking them as necessary.

Communication strategies were frequently mentioned by parents. They utilised a range of technologies and tools to keep their lines of communication open, including the use of telephone calls, texts, emails, calendars, apps (like Our Family Wizard), and diaries and communication books shared between homes. Text and email helped keep communication calmer and more reflective and also had the benefit of providing a written record of the conversations between former partners. Many limited their communication to issues about the children and avoided all other topics. Some parents followed up their conversation with a written record, for example, an email, of what they had discussed. Others kept extensive records of their communications in case these might be needed in court proceedings.

Other practical strategies included planning ahead, exercising patience, allowing time for a former partner to consider a request, setting an example, limiting handovers, planting a seed, choosing the right battle, and operating a joint bank account for the children's expenses. Letting a former partner know that they were willing to be flexible was a key strategy in encouraging an amicable post-separation relationship and better meeting the children's best interests. This could include offering the other parent the first opportunity to care for the children if work commitments, social engagements or travel affected the existing arrangement. Some parents met with their former partner to discuss and schedule

parenting arrangements or to clear the air regarding a new partner. Others went the extra mile by helping their former partner to be a better parent to the children by, for example, providing them with the children's clothing and personally teaching parenting skills. Strategies to better handle conflict and emotion included not reacting to your former partner, biting your tongue, keeping your head down, avoiding accusations towards your former partner, lowering your expectations and backing away. Finally, more direct strategies were sometimes used to set or enforce parenting arrangements and/or relationship boundaries, and manage poor parental behaviour. These included acting firmly, using a neutral third party, channelling all communications through lawyers, and threatening family justice proceedings.

Barriers and Challenges to Making Parenting Arrangements

The parents and caregivers described many barriers and challenges they faced when making post-separation care arrangement for children. These included financial barriers; personal challenges; the behaviour and actions of the other party; family violence; and services and professionals which had either hindered the process of making parenting arrangements or made this difficult.

Financial Barriers

As detailed in the Part 1 report,³⁰ over half (56%) of the survey respondents believed the amount that they had paid to make or change their parenting arrangements was reasonable and half reported that the cost was affordable for them. However, overall, 35% spent nothing at all and nearly half (45%) spent \$500 or less. Those participants who had used the Family Court spent more and described the cost as expensive and unaffordable.

The participants also reported finding financial factors a challenge. Many noted the **cost of utilising the family justice system**, including fees for lawyers, FDR and the Family Court, and Cost Contribution Orders, was “too expensive.” These expenses ate into their savings, resulted in debt and, for some, were financially devastating and had an ongoing impact on their lives.

The legal bills used up all my savings. (1075, Mother)

These days if someone splits up ... I already know the first thing I would send to them would be some money, because you end up with nothing in your bank account and you have to start again. People were giving me grocery vouchers and things like that because you just didn't have anything. (1472, Mother)

I found that it was all very expensive, and I have a decent income, but I'm not eligible for any assistance. The reality is that my legal bills this year actually, if I took my income after tax, probably were 18 per cent to 19 per cent of my income. So that is a huge, huge issue, and particularly seeing as it wasn't something that I had initiated, I felt that was quite unfair, seeing as I tried to not use lawyers. I tried to sort it out in a way that did not rack up the bills, and the only time you can actually go for costs is when you go for a full court hearing and that didn't happen, but there's still quite a considerable amount of cost if you've got one party that is dragging the other person through it, because I found that while it says you don't need a lawyer to respond, you do need a lawyer to respond, because you can't understand half of it anyway. If the other person has a lawyer ... it feels that you're being bamboozled all the time with multiple letters and things like that. (1181, Mother)

When you're only earning \$20 an hour, \$160 an hour is a hell of a lot of money. She was very good and I did have a lot of faith in her. To be honest, in the end I just gave up really and have 50/50. ... Of course, actually to be honest, it feeds the lawyers' pockets. As much as my lawyer was very good and I'm pretty happy with the fact that I

³⁰ Gollop, M., Taylor, N., Cameron, C., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 Family Law Reforms – Parents' and caregivers' perspectives – Part 1*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

don't think she wasted my money or anything, but by the same token, the whole process makes the money be a lot more than it should really need to be. (1328, Mother)

I found a very good lawyer, he's my current lawyer. He's really good, but he's very expensive. He's very smart, he's very expensive. ... Just receiving an email and forwarding to me, right, he charges me \$25 without GST, so it's very unfair. ... And then whatever court document comes to him, he might be referring, that's fine, he can charge. But just forwarding here and there, that's really unfair for the customers who are paying massive amounts. (1521, Father)

Some parents had to **self-represent to avoid legal fees**, but still incurred costs such as printing and missed income which was problematic for them.

I've got limited funds and I don't have a computer, I don't have a printer, so it's expensive printing out and documenting and things, all the stuff that's required for court, to tell you the truth. ... I mean, it was 17 pages this last response that I did and they gave me one copy, but I had to give a copy to him and keep a copy. It's just ongoing. It's just expensive to have to go and try and sort all that out. (1329, Mother)

It was bloody expensive. I don't know, I suppose, probably cost me close to \$50,000. But following on from that, I mean, basically I exhausted my financial means to keep funding, so I have self-represented. (1430, Father)

It took a lot of time and it meant that I sacrificed income earning potential. (1237, Father)

A mother who had experienced family violence described how she delayed proceedings in order to save money to pay a lawyer, so that she did not have to represent herself and question her former partner about his abuse.

I was in that situation where I was going to have to self-represent because I simply couldn't afford a lawyer. For a three-day hearing, it was about \$25,000. I applied to have it adjourned for a couple of months until I was back working and could afford it because I didn't want to have to stand there and be questioning my ex on how he had abused me. I couldn't face that. I don't think it's advisable at all. I don't think any person who has been abused should have to self-represent, I don't think it works. (1109, Mother)

Several participants reported that **the provision of legal advice led to them incurring greater expenses than they had originally anticipated** – for example, the cost of obtaining a Protection Order was much higher than a half-share of the FDR fee; or a Cost Contribution Order was imposed on them in the Family Court proceedings.

I went to a lawyer and she didn't really do Legal Aid as such. ... We tried to get a Protection Order, but it just fell flat. We didn't have the right advice and it ended up costing us \$1,500-\$2,000. [We] were all were a bit disappointed with the outcome and didn't really know what to do. (1008, Mother)

This lawyer had told me to withdraw the money and kick him out of the house. That is advice that she commonly gives women in my position that don't have a steady income stream and don't have the means to survive, because there is always a length

of time from separation to property settlement, which is absolutely the worst. I didn't know that at the time, but she said I would need some money to keep going. I only took \$15,000. I left money there and there was quite a lot of money coming in which he redirected to another bank account. The judge used that in court to paint me as a terrible person taking money from the family bank account. So, he used it as a means to completely annihilate me. And I kept saying it was advice that a lawyer gave me, and he refused to believe me. ... In April this year, [the judge] made a costs decision against me where [former partner] doesn't have to pay any legal or court costs. They are all on me and I have no income and am not even in the family home. (1132, Mother)

He wanted to go to mediation. ... But the thing is, it was going to cost me. He was on a Community Services card and this was going to cost me. So, I ended up going to a lawyer who basically said the only way I could get out of mediation was to apply for a Protection Order. ... This lawyer ... ended up costing me \$2000, after me telling her that I couldn't afford the mediation, which was \$400! (1257, Mother)

When I first sat down with my lawyer, I said, "What is the process? What do I need to do?" She didn't explain the full process, she explained the without notice, and she said, "This will be about \$250 to lodge." I went, "Oh, yeah, that's not too bad." The process of doing that cost \$2,500, and I didn't realise that. ... [Former partner] and I had actually spoken after that had happened, because he went, "Oh, crap, this is a bit serious." Yeah, so we sat down and we had a talk about it and we come to an arrangement. And then I went to my lawyer and she goes, "Well, it's too late now, we've done this. You can't just stop the process." Didn't know any of that. (1156, Mother)

The cost of fees could be prohibitive for some people, leading to them **not engaging professionals or utilising family justice services** as they could not afford to pay for them. Several mentioned, that while they wished to go to Family Dispute Resolution or counselling, their former partners refused to do so because of the cost involved.

He kept saying no, he didn't want to do it because he didn't want to have to pay for it. (1146, Mother)

I actually needed legal advice and I didn't have any money. I couldn't afford a lawyer. ... [Psychologist] was helpful initially, but then I would have liked to have seen us be able to go back to him, but I didn't have the money to do that. (1453, Mother)

Counselling too, that's been suggested. That was brought up again this week on the suggestion from the psychologist. But, of course, there's a price attached to it. We were told, of course, we will have to pay. So, we've been told to go away and think about it, but I know full well that my ex won't agree to it. Especially if there's a price attached to it. He's all about money. (1461, Mother)

I rang up the courts and didn't fit the criteria [for funded FDR], I think just because I earned too much money. ... I would have paid half, because I wouldn't think he would. ... You know, if you don't pay for something, you're not that invested. ... I tried. I rang the Justice Department and I talked to them, but I couldn't find that there was any way. ... The only counselling we had was, like, I think it was \$900 or something, that was the only thing they could offer. ... The mediation ... I didn't want to pay

\$900. ... *It was prohibitive.* (1508, Mother)

I haven't gone through with a lot of it [using family justice services] because ... I don't have the money to go through with it anyway. ... The main reason that I didn't do it, and of course he wasn't going to force it either because it means he was going to save money too ... that I couldn't afford it. Even though my dad offered to pay and things. But it wasn't his battle. It's mine. I think you need more help somewhere along the line. (1511, Mother)

Mediation wasn't an option ... that was too expensive for us. (1540, Mother)

The fee for [FDR] what they charge for it, is ridiculous. The first time around it was free, because I was on a solo parent benefit. I didn't pay for that. But the second time around, when I found out what the fee was going to be for mediation, I was absolutely flabbergasted. ... I realise that now I'm not on a solo parent benefit. But ... for what I earn and what my outgoings were and things, it wasn't a realistic amount of money for me to pay, at all, because it was ridiculous. ... That would probably be my biggest gripe about the whole situation. (1583, Mother)

For some participants, **the cost of legal fees and court costs were a barrier to instigating further Family Court proceedings**, preventing them from applying for Protection Orders, appealing decisions they were dissatisfied with, pursuing further applications or attempting to change unsatisfactory parenting arrangements, resolving guardianship issues, and/or seeking to enforce Parenting Orders that were breached.

It's been a real struggle. So, right now the guardianship rights is just not something that's on the table. ... It's too expensive, far too expensive. The whole system is far too expensive, and I am not eligible for Legal Aid. (1059, Mother)

I wasn't necessarily happy with the mediation outcome for myself and I was advised by the lawyer that it was unlikely that a court would change it. ... So, I didn't pressure it any further and I probably wasn't financially in a position to either. ... I won't say that financial is not a factor. I can't afford to go and throw money at lawyers all the time. It is an expensive process. I know the separation agreement was expensive, and that was with us using the same lawyer, just getting one other lawyer to read a letter. That was a whole separation agreement, it wasn't just to do with [Child], it was all the marital stuff as well. But that's certainly a factor. (1086, Father)

I couldn't appeal because one, I couldn't afford to. ... So, [former partner] took [Child] out of the country without any discussion with me. I could apply for a guardianship order. I could apply for another Protection Order on the basis of financial abuse and harassment and trying to prevent him from the abusive emails to all my friends saying how he is in the Family Court and I have been removed forever from having any contact because I am not safe to be with. So, I don't know, really there is not a whole lot that I can do. I really can't afford to do anything more. (1109, Mother)

I am just thinking, how do I enforce the order because we have to go back to the court and you have to pay for it. (1126, Mother)

There's only so many times I can afford to take him to court. My lawyer's not going to give me free legal counsel forever, and I wouldn't expect her to. So, I try and only take the really serious things, when I have to do something, and basically just eat whatever

he gives me for the rest of it. (1155, Mother)

I was wanting to oppose the 50/50 shared care, but in the end, I've just gone with it. It's just easier. I can't afford any more anyway. I'm already in debt up to my eyeballs. ... I don't actually have any money because all my assets are tied up in relationship property. ... It's too expensive to continue. (1384, Mother)

There's nothing I can really do unless I took him to court and I challenge him and I can't do that. I would need like a whole legal team and I don't have the money for that. Community Law can only give you advice, they can't represent you. (1530, Mother)

We are talking at the moment to work out if we can afford it monetary wise and emotionally, to go to the court and put forward something to them and see if they'll just make it an order. But emotionally doing that and not being able to engage with the lawyer to do it. ... We would have to [self-represent]. Last time we went through the court system I came out with over \$20,000 worth of debt through Legal Aid, that I'm still paying back. That was from when we were there nine years ago I think it was. So, I still haven't finished paying that back. I'm not prepared to take that debt on again. ... When the changes happened I actually found that really difficult because I knew the system before. So, if I needed to be doing something in that system I was familiar with it. When the changes happened, to go in and the first thing to be told by the person at the courts, it's \$220 to make any change. That sort of had me going, "Whoa, hang on." I've only just recently found out that you can apply to have the fee waived. That's something that was never told to me when I'd gone in to find out information. If I knew that then I potentially would've kept going on a bit more of the process as well. ... I think having to pay a fee in order to change a Parenting Order is a big stumbling block for a really large number of people. Remembering that most of the people advocating for their children will be a solo parent. Especially when those kids are younger. And \$220 is insane. That could be all of your food money for two or three weeks. (1564, Mother)

It's not that I am unwilling [to go back to court]. I re-mortgaged my house the first time to pay for a lawyer and I can't afford to do that again. It's not that I don't want to, but I just can't. (1156, Mother)

I reckon [I've spent] about \$30,000. ... Then, of course, I got a court bill paying for the psychologist report. ... I mean, I'm sitting here, I've got a couple of thousand dollars sitting in the bank, but that's about it. ... He probably hasn't got any more, but I can't do anything. My lawyer wants me to get a Protection Order from him ... yeah, she's is trying to get me to do it myself. (1148, Mother)

Well, the thing is ... he takes me to court. I don't take him to court because I can't really afford that whole process and so he gets away with it because I don't have the means to fight continually. This is seven years. This is happening every year for seven years, so you can imagine you've got to pick your battles and I can't keep fighting all of this, really. (1329, Mother)

Others **gave up or compromised** when they could no longer afford the legal fees necessary to continue proceedings.

I didn't want to continue spending money backwards and forwards through the lawyer,

trying to push for something more, so I accepted that on the basis that it was the first step towards reinstating the contact according to the previous Parenting Order. As it turned out, I had the hour and a half a fortnight, and that's as much as I ever managed to get with him. ... Knowing what I know now, if I was to go back through this process I probably wouldn't engage a lawyer because in the end it's the cost that's forced me out of the game, by and large, the time and the cost has forced me out of it. When I say out of the game, I don't want to minimise that, but ... I just couldn't continue to bleed money going nowhere. (1585, Father)

Some parents and caregivers **resented having to pay legal and court fees**, when the other party did not have to, or had instigated what they believed to be unnecessary proceedings.

It has been a nightmare. He has self-represented. He has paid nothing in court fees. I have had court fees, lawyer fees – the court will bend over backwards to cover him because he is self-represented. (1140, Mother)

Every time I want to do anything, he knows I have to ask his approval. ... The kids wanted to go to different schools, so I had to spend a thousand odd dollars on that to go through court to get that sorted because ... he said no, because he can. So, then I had to pay. This is why I don't agree with the court system. It's all in favour of the dad because he is a guardian, and every time I want to do anything I have either got to do it and face him if he goes through the court and I am in the poo for not asking. Or I ask and I have got to go to the court, so I have always got to pay. I have paid for this whole thing, just to get an agreement that we had wanted at the start. ... \$13,000 at least, my lawyer calculated. It's a lot of money that I could have borrowed to take the kids on holiday. ... Kind of a bit miffed because the judge had said, "You will be paying part" and now he has got away with doing all of this, and paid nothing. (1140, Mother)

Similarly, many expressed **dissatisfaction with Legal Aid** and the inequity this could create between former partners when one party did not meet the eligibility criteria, but the other party did and could continue with ongoing or vexatious proceedings.

Every time there's been a hearing coming up, she's quit her job, she's gone on the benefit and applied for Legal Aid. My lawyer has said she's doing that so that the court will not award costs against her because she knows she's going to lose in court at this hearing. If she's got Legal Aid, then the \$100,000 or so that you've spent has gone. (1591, Father)

People can say that having Legal Aid makes it a level playing field. Well, it doesn't, it just totally disadvantages the person who has to pay for the lawyer. (1401, Mother)

I engaged a lawyer. There goes some more money down the tubes, very quickly I might add, while she's still receiving Legal Aid because although she had these qualifications and everything, she didn't still have the income. So paying child support and then fighting the lawyers as well with the court. (1544, Father)

Being deemed ineligible for Legal Aid due to home ownership or employment was also problematic for some as they still could not afford to engage a lawyer and did not consider this to be fair. Having to pay back Legal Aid was difficult for some parents, causing ongoing debt.

If you don't have a job or a house, you are entitled to Legal Aid. I know the situation is different for everyone, but that was really frustrating as well. ... I wasn't entitled to it because I work and own a house, whereas some people can be as vexatious as they like because they are getting Legal Aid and they don't have to pay for it. So, they can keep fighting and keep fighting, whereas I just couldn't. (1156, Mother)

I've still got that final hearing and also I need to manage my finance. ... I have to be very careful because I know even my lawyer quoted me for my final hearing \$7500, two days hearing. Right. So I'm thinking, "How am I going to pay this?" I need the kids, but this is too much. Sometimes some people walk away because of the finance issue and also I can't go to Legal Aid because I work. ... So, my salary is not in the threshold, but still I am struggling because of this. I think the legal system also needs to change. Like, if the father pays this amount like, let's say I have paid my legal bill around now \$35,000, let's say if it reach up to \$40,000, Legal Aid should kick in for me. (1521, Father)

I couldn't get Legal Aid was because I was also in that trap, which I could not believe, of the fact that he has shares that are in his company that have my name on them. So they're my shares, so Legal Aid said, "No, you've got a house and you've got shares. You can sell those, so you're not eligible for Legal Aid." Which was mind boggling because I couldn't access the money. (1439, Mother)

The majority of people want to go through a lawyer and I think that possibly they do need to seriously look at the Legal Aid system because in my situation, okay, yes, I own a house, but I own it with the bank, I have a mortgage sort of thing. That meant that, of course, I couldn't get any Legal Aid. Just because you own a house doesn't mean you're rich, you've still got to pay stuff. ... Like I can't go and sell a little piece of my house, one little room or a couple of windows, or whatever, so that I can pay for the lawyer. I still don't have the money to pay for a lawyer. (1328, Mother)

My salary level was dropped because I got made redundant a few years back. All my assets were tied up in the relationship property, so I can't access Legal Aid because of the properties. And yet I have no money. (1384, Mother)

I was supporting my current partner and the kids. We only had one income. Basically, I got told no, because I was working I was not entitled to Legal Aid. So, I was trying to muddle my own way through it. ... Unless you've got money for a lawyer and that, you are pretty much stuffed. (1566, Father)

I got onto the Legal Aid system, except then I found out that I had to pay it all back because I owned some of my house. That again is a problem because it took me three years to pay that back, but my ex takes me to court every year so you can imagine that problem. So, suddenly I really can't afford a lawyer now, even with Legal Aid. ... It's so ongoing, he's making changes continually, and I was getting charged for it all. So, yeah, it was very one-sided and not in my favour at all. (1329, Mother)

Several participants expressed their **gratitude at being eligible for Legal Aid**, but noted that others were not so fortunate. Some acknowledged that without Legal Aid they would not have been able to pursue the process as they could not have afforded it.

I've been on the benefit while doing this so Legal Aid has paid for my lawyer. If I hadn't

had the Legal Aid opportunity this may not have even been something I could have ventured down, so the cost is something to be considered for others. One of my friends, she's not on the benefit. She's having to pay lawyers and it's expensive. That's food out of your kids' mouths when you're a single mum. So, I do feel sad for them that she's having to pay for that, which I got free. So thankful. (1448, Mother)

Now I have to pay more Legal Aid, that's another \$1350. I read about people who have hundreds of thousands of dollars in legal fees. If that was me I wouldn't have seen my son for 10 years. I just wouldn't have gone down that track, couldn't afford to. (1576, Father)

I managed to get Legal Aid for that because I didn't have any income and I was a student for a year. ... I haven't had an income for the last year. I just let the lawyer's bills mount up with Legal Aid and then I suppose that when I get a job next year, I'll find out some kind of repayment process with them. Legal Aid has, I think, actually worked for me. It's let me forget about the finances and not really look at them. (1491, Father)

When one party had greater financial resources than the other this could also lead to a **power imbalance and inequity**. Having financial resources or Legal Aid enabled litigation to continue, while those without were disadvantaged as they could not afford the ongoing legal costs.

It was a very messy court case. ... He said because he has money he was able to make it go longer. ... He wanted all these crazy arrangements and the risk was that court would go longer than two years because he just said to me, "I'll just keep fighting you." I was getting to the point that we had to apply heaps for financial aid and I wouldn't be able to fight him if I got a job or anything like that. ... Also with Legal Aid, if you put that onto it, because of how that's changed, that financial hardship will start to interfere with your decision-making as well. (1165, Mother)

He left me and only worked 18.5 hours a week and now I'm a single mother and he's on, like, \$130,000, and he could pay for all the court fees. While I had Legal Aid, I still had to pay all that back. Like, you really had to weigh it up. I was like, "Shit, have I even got a chance to win this?" I didn't have the money to pump into it like he did. (1214, Mother)

I found it was just too expensive. I couldn't sort of keep up with that and [lawyer]. ... She gave me one of her colleagues to work with because my ex was continually making changes and it was just quite messy. I've kind of footed the bill for his continual changes, really. So, I couldn't afford it. (1329, Mother)

I'm not appealing the care of children, the whole parenting, I'm not appealing it because I know that it's just ridiculous. I'm going to have them pulled off me if I do anything to protest about the children and so all I can do is appeal the evidence of violence against all of us in order to show that he actually isn't as safe as the judge thinks. That's where I'm at and his lawyer is just trying to push the court to do what he wants again. We're at that point, it's horrendous. It's all about money and control and power and he's wealthy. ... The financial side is only just getting started and it's too late, really. I'm out of money. I can't loan any more, I would be going into debt, claiming bankruptcy. (1439, Mother)

I just thought when you left a marriage ... when you could see a situation was very one-sided and someone was financially rich and all those things and the other one was struggling that there's places to help. It's certainly opened my eyes. ... I think that women in abusive situations that don't leave, I now understand why. That there isn't any protection through the Family Court. That if someone has the power and the money on one side, then there isn't the help there. ... I was completely naïve. (1642, Mother)

He's got a lawyer who's a mate. I think he's either paying nothing or very little. Or the lawyer's pro bono, I don't really know. The last time around he managed, as a beneficiary, part-time beneficiary/part-time worker, to go through what cost me \$10,000 with my lawyers, including a Legal Aid lawyer at the start. He managed to do that without any Legal Aid. ... So, he either didn't pay or he had a windfall of money that he couldn't use for our daughter's activities. So it's just not a level playing field. (1401, Mother)

Of course, there is a disparity between one side has more money than the other, and when you are going through the Family Court and the father has a lot of money and I have none, how can it be equitable, unless you have got a really good Legal Aid system – which, in my experience, wasn't that good. (1113, Mother)

There was a perception that 'you get what you pay for' with some parents expressing the view that **Legal Aid provided a lower quality service** which could disadvantage clients.

I think money comes into it a lot. We didn't get the help that we needed because we didn't have the money to get the help we needed. I think that's a huge problem. The services that you do get given, if you are not actually paying for the services, it's going through a Legal Aid thing, you are not actually getting the full service. That happened with the separation agreement too. We went through Legal Aid, but the lawyer wasn't the best lawyer possibly for us to fight for what was fair. (1157, Mother)

Because I was three hours away, my lawyer was obviously close to where I was living and Legal Aid would not pay for my lawyer to travel to court to represent me – which gives me a massive disadvantage. (1516, Father)

I don't know whether it's different from whether you have a paid lawyer to a Legal Aid one, but I had a Legal Aid lawyer and I think she probably just did the bare minimum of what she could do to get the case through. I understand that when I needed things explained they weren't explained to me properly; that she'd give me decisions and talk me into doing something, but then not say what the possible outcomes or consequences of those decisions could be. So, I felt quite ignorant of what there was. Obviously, if I'd had more money and I could afford a better lawyer or something, or a lawyer that was taking my money, the outcome probably would have been quite different. (1642, Mother)

Some Legal Aid lawyers were doing **pro-bono work** which, while appreciated, meant that one parent felt unable to ask for, or expect too much from, his lawyer.

With the lawyer I have got at the moment, I have run out of Legal Aid now. She is actually working for free for me at the moment. But it makes it hard, because when I need to push her along a little bit I can't because she could quite easily say, "No, sorry

you are out of hours and you are on your own." I can't pay, I don't know how I am going to pay. I am going to have to borrow off my family or something. (1072, Father)

Lack of money also created stress in other aspects of several participants' lives. For some, **their parenting arrangements meant they could not work full-time** or they had expensive **childcare costs**.

This is what was so frustrating, I was advised, because even though I had kicked him out, that we couldn't actually leave the area, even though he had been put into rehab and we had no money coming into the house. At that time, I wasn't on a benefit, I was just using my savings and so I was advised I couldn't actually legally uplift and move somewhere, I had to stay put even though he was in rehab and could be there for three to six months. So, it was quite a stressful time as you can imagine, because I had the baby all the time. I was trying to put him into childcare, but WINZ hadn't let me know that there was actually a subsidy for childcare so I was paying \$57 a day to put him in childcare. And things like this were adding up. I wanted to go to meetings to listen to other people to see what I could absorb from those and I couldn't afford a babysitter at night to go. (1008, Mother)

The cost of supervised contact could be prohibitive for some, with one mother supervising contact herself at a personal cost to herself and one father not seeing his children because he could not afford the fees. **Child support** was also problematic for several parents. Some reported child support influencing parenting arrangements and co-parenting, while others thought their former partner manipulated their income to avoid paying child support or used child support as leverage against them.

I had a system for child support, so I was paying quite a lot of money out of my wage in child support as well. He did that on purpose, because he knew that I wouldn't be able to afford to pay child support and a lawyer. ... He's just played the system and used the system to, at times, punish me for leaving him. ... At the moment I'm not paying child support through IRD, but I know if I say no to him moving, then I'll have to pay them. He'll put it back through. Those types of things, he drags me through the IRD, justice system, essentially, saying that I earned all this money that I wasn't declaring, just to put more stress on me, because he knew I was trying to sort all the court stuff out. The parenting agreement is working well at the moment, but only because he wants something from me. (1155, Mother)

When we split up I asked him, "You have to pay child support?" He said, "No." So, I have brought him to IRD and only when IRD took action, then he started saying, "Oh, I want the children." But this Family Court is not taking into consideration all these things. ... I remember the children's lawyer saying that money shouldn't be talked about in co-parenting. But, hey, I'm a student. "Your children want this, this, this, this and enrichment courses. I have wrote an email to you asking your permission, if you agree, you agree to it. Okay, now pay your 50 per cent." "You have to pay everything, because I'm paying IRD already." Oh, co-parenting and then [Lawyer for the Child] says don't talk about money? Then what's co-parenting? (1494, Mother)

[Child support's] had a huge impact. It's had a huge part to pay. I can truly say that because that stems also from the relationship that I had with the father as well. It was all about money too then. He's actually got a professional degree, would you believe. But he's chosen to work a menial job so that he can keep his child support down. He

has done that well. He's kept it to the minimum all these years and not had to pay lawyer fees either, because he's had special immunity because he has a Protection Order. ... I think finances need to be part of the discussion in any Family Court proceedings. Even when my child's been in the father's care, he still doesn't contribute. I still contribute more for both parents. (1461, Mother)

For other participants, their **former partner not paying child support** or “milking the system” detrimentally affected their own financial situation. Being the primary caregiver impacted on their ability to work full-time and provide for their children when their former partner did not pay child support. Some parents said their limited income due to non-payment of of child support had negative consequences for their children and their quality of life. When estimated child support was included in assessments for other benefits or payments (such as childcare subsidies and Working For Families support), but not paid, this had financial implications for working parents as well.

The law is, with the current amount that my husband earns, a \$100,000 a year, that he pays me \$18,000, which I don't think is fair at all. It's not fair, because ... I am doing the bulk of it, then I can't get a full-time job and the living wage is \$42,000 a year, so it's not really fair at all. ... If [Child] lived with him she would have more money and be in less poverty, but she wouldn't have the care, so it doesn't make any sense. ... He feels like he is paying me, not paying for his daughter to live. So, that's that. I think a lot of people have this in their minds about custody payments, that it's for the mother, but it's not, it's for living, you know. (1233, Mother)

I was receiving little to no child support. Actually I was receiving no child support from him for months. Now I only get \$75 a month off the benefit even though he's working. So, there's only so many times you can call IRD and say, “Hey, he's milking the system here team.” That actually impacted on parenting. (1519, Mother)

The child support ... it shouldn't be going through IRD. It should be through the Family Court ... and there should be some severe consequences if they don't pay. Like, I am talking jail time because it is ridiculous and there are too many loopholes. ... Sorry, I am getting very, very angry. ... Hang on, I am taking a deep breath. ... “This is now your estimated income, because we are going to include his child support with everything” – including my Working for Families and childcare subsidy. But he doesn't pay it, so I lose all of this money because he won't pay it. So, I am taxed more and I lose a lot more benefits. I would be better off living on a Work and Income benefit than working my arse off, studying and receiving his non-existent child support. I would have more money on a benefit than I would currently because I lose a lot of money, because I lose the childcare subsidy, so therefore I am paying \$300 a week for my daughter to go to childcare. And then, Working for Families, I receive almost none of it because of the estimated child support income. (1059, Mother)

That actually impacted what we were able to do and what we ate and day-to-day living, whether we went out in the car or we had to stay at home because, actually, I couldn't afford petrol, whether we had firewood or not. For the first winter I had the heater on in my son's room. That was the only heater that was on. We would hang out in his room because that was all I could afford to do. That shouldn't have been okay. That's not okay. (1519, Mother)

Finances is a big one and it's an awkward one because I have [Child] the majority, if

not all, the time, but [former partner] just does not pay any child maintenance, and that was a decision that I undertook, because I did not believe it was in [Child's] best interest at the time. The reason for that is, I've been trying to provide for my son, so I'm a full-time [student] and I'm also working three jobs at the moment. So, between that and raising [Child], I have a very full workload. But it also means I've got a bit more money and since [former partner] doesn't have a job, has never had a job, insists that she just doesn't have time to have a job, the amount of support that I could get from her would be the legal minimum of \$80 a month, it's something very small. ... So, I had to weigh for me what the value of \$20 more a week could do for my son, taking into account the disruption that would create to the relationship I have with his mother. I weighed that up and decided that I shouldn't do it, even though it was right and she had an obligation, she wouldn't see it that way and I believed that it would not be in [Child's] best interest to do that. But, unfortunately some things started to happen, so that whole period that she was seeing him at my house she was driving up heating costs, it was my food, and it was immensely frustrating for me. I'm doing most of the care myself, not paying any maintenance, and you're using resources at my house when you do care for him. ... So, that was the first financial issue. Eventually some of that financial stuff eased off, when he was spending time at her house. She was paying for him and paying for his food etc. etc. so that was good. But when she started to ask for my help with things – she'd tell me that he needs more clothes, or that he needs another jacket so that he could keep one at her house – it's been exhausting trying to make her understand that she's got a son and she's got an obligation to take care of him and she needs to get out and do something extra to make that happen, not just sit back and be like, "You need to pay for this." So, there's that. (1104, Father)

Now we've gone 50/50, because the court loves to rule 50/50 no matter what, he has claimed child support off me claiming zero income because he owns a business. So, once again, if this was part of the whole thing, you'd get a very clear picture of the financial situation of both parties and be able to make a reasonable equitable arrangement, but because they are kept separate, it's a frigging nightmare. Because here I am, I have to pay him child support. He's earning over \$200k a year, I am on a benefit, the children are suffering because I can barely put food on the table. I am under enormous stress, and the court system goes, "Bad luck." (1456, Mother)

Relationship property division also had major financial implications for some parents. Many had not yet resolved their property division and the resulting uncertainty over their future financial position could make it difficult to plan for the care of the children. Others had left the relationship with very few possessions and the lack of settlement had created financial hardship for both themselves and their children. Despite regarding their situation as unfair, particularly when their former partner was not similarly struggling, some parents were reluctant to seek to resolve their relationship property division due to the cost, the length of time it would take, and the difficulties and "whole heap of grief" it would create. One mother, who had had her relationship property division determined by the Family Court, said she was left with debt and with nowhere to live. A father had taken an unfavourable relationship property settlement in order to try and resolve the parenting arrangements to avoid putting his children through anymore stress and uncertainty.

I find it really difficult because I don't know how I can care for the children if I don't know what the financial situation is. And having it hanging over us that he might make us move out, and just the uncertainty of it. (1017, Mother)

We still haven't separated our relationship property stuff because it's too expensive. ... I just think, oh my gosh, I would go bankrupt, I would lose everything. There's just no way I would even attempt to try and take anything. I walked away with a bag of clothes and the children. I wouldn't even dare go for any of it because it's too hard. The process is too complex and it can drag on for years and years. And it's far, far too expensive. I am not going to gain anything from it except for a whole heap of grief. And that's not fair either, because if I could have done that, my children and I would be very well set up. I wouldn't have to work so hard and I wouldn't have to pay for their schooling for the rest of their lives. I could set up education trusts and they would be fine. So, no, instead, he lives the life that we built together and I have to struggle to make ends meet. (1059, Mother)

I could never understand it because what he was doing at the time with the money impacted on the children and I. Because the property was delayed, that meant we were living with nothing in the house, we were at his beck and call. He wanted to keep it like that because you're controlled then with nothing, to the point that I had to go and get [baby's] bottles warmed up and things at the neighbour's house because I didn't have a fridge. He had packed everything up out of the house and we were living in the shell of a house. (1143, Mother)

It's been over three years and he still wouldn't separate our assets, but he went and built himself a new house with our kids. He just took everything. Like, I left my house with my clothes and buggie all and that was pretty much it. I've got nothing out of it and probably won't now, because he just refused, flatly refused, to do it. So, the only way I could have done it is go through court, but it's been over three years, and by that time I couldn't battle him on the children and battle him [on] everything. ... I guess probably the money side of things [has been a barrier]. I would have been able to probably get things sorted a lot quicker if I had had a couple of thousand dollars sitting in my bank account, or if it was funded. I mean, ideally, you could go to a lawyer and have them sort it all out at once, but if you don't have the funds for that, then it just doesn't really happen. A lot of lawyers won't sort out the assets and stuff until the parenting stuff's sorted. (1155, Mother)

I have to have a different lawyer for [parenting arrangements] and a different lawyer for the [relationship property], and because they're kept so separate the child part of it doesn't look at the property side of it. In my case, it's actually majorly to the detriment of the children because I'm in a situation where my ex-husband has put a caveat over a house I bought four years after I left him because I hadn't settled property. So, Lawyer for the Child is not interested in that, not interested in the fact I am going bankrupt, can barely afford to feed the children because of action of [former partner]. (1456, Mother)

I'm sitting here not knowing my financial position properly, anyway, because part of the financial abuse was he's put all of the money in hiding and I don't know what I can get and claim. So, I don't know if I'm going to have to declare bankruptcy at this rate or whether he's got all of this money – because he's very wealthy, he earns over half a million a year. I've never seen any of that. (1439, Mother)

I was left by the judge's actions with nearly nowhere to live, and I am now left with debt hanging over me, because that judge deliberately left the Police statements out of the court hearing. The whole reason we went to court is because of what the Police

saw and said. So, you can't do this to someone, you can't say to them, "Okay, your marriage has split up, you don't have occupation of the family house." You are left relying on other people, basically to live. I could have ended up living in a car. They put me in hardship. I didn't have great prospects, you see, if you have given up your career to raise children and you can't get back into it that easily, all your time and energy is spent in the courts, and you have Legal Aid and then you have the costs of the whole thing put against you. Can you imagine what that feels like? (1135, Mother)

Well, hundreds of thousands of dollars in legal fees, and through having to settle my relationship property in a very unfavourable way, against [my lawyer's] advice – because it was the only way I could see that I wouldn't have to put the children through the process forever. (1448, Father)

It was particularly difficult because she, in my view, muddled up property issues and relationship property issues with child issues. That made it quite hard. (1690, Father)

Personal Factors

A variety of **personal factors** were identified by many parents and caregivers as having been challenging during the process of making parenting arrangements. For some, the process was hampered because it was a highly emotional, stressful and disempowering time. Others had to cope with allegations made against them. The lack of support and understanding about the family justice processes and services was an additional barrier. Parenting could also be challenging while trying to simultaneously reach agreement on the children's future care arrangements.

Emotional state

Many participants spoke of how their **emotional state** had made the process of making parenting arrangements difficult. Some were still hurting from the separation and were grieving that loss or were fearful of losing their relationship with their children. Others found that resolving their parenting plans was an emotional process and, for some, it was deeply traumatic. They described themselves as "overwhelmed", "distracted", "traumatised", "broken", "stressed" and "terrified." For some participants it was the emotion involved in dealing with their former partner that was difficult, particularly when their relationship and communication was poor or there had been family violence. Some parents found dealing with post-separation issues, such as housing and finance stressful, while others said that dealing with the systems and services caused them to feel overwhelmed, pressured and stressed.

The hardest part of the process for me was just managing the emotion between [former partner] and I. ... So, the most emotional part was just that initial ... when we were negotiating he initially wanted 5:5:2 and I can remember being so panicked about that and that was the hardest part about that. There was a couple of days we were working that out, just very emotional conversations and tears, but I was just digging my heels in. I was like, "No, we're just not doing that." Like, I just couldn't bring myself to at that stage. And he eventually came around and was like, "Okay." ... So, that was the hardest part, and I don't think there's anything we could have done or been provided to us. It was just the emotional situation we had to work through on our own. (1004, Mother)

I was quite devastated when I got the initial mediation. Everything's devastating for me, because I don't want my marriage to end. Every step that he took, meant that our marriage was over, was just a blow to me. It was a blow to me when I received the mediation letter because the letter was pretty hard core. (1453, Mother)

I was absolutely terrified the whole time of what was going to happen and where was I going to live and what was going to happen to the kids and what was I going to do for money. (1434, Mother)

I think the biggest thing is the ambiguous loss. It's a grief, but it's not a grief for a child that has died; it's a grief for a child that you are not really sure if you will have a relationship with again or contact. (1073, Mother)

It is definitely a hard process for people to go through and very stressful and emotional and it's an ongoing thing until the child is 16. It's a really long journey for some people. It can be very stressful. (1113, Mother)

My world was collapsing around me. I was just like overwhelmed. (1199, Mother)

Well, what hindered was that there was a lot of anger. I mean, the circumstances were that I had left him for someone else, so that created a whole lot of ... there was anger on his side and guilt on my part. The anger drove a lot of his, the alienating behaviour, and things like that, and the guilt drove my conceding to what he wanted stuff. (1371, Mother)

I think the stress ... the issue of the lawyers is that suddenly you're receiving parenting arrangements with somebody else's legal letterhead on it and so on. It just becomes really horrid, very, very pressured and more adverse than it needs to. (1690, Father)

I think just that pressure from everybody, from the lawyer, who obviously is working for me, to friends that you could do better, and you could get more, like it was some sort of competition with prizes. ... You could get more money, you could get more time, you could get more custody, you could get this, you could get that. ... So that sort of external pressure of you could. It's a bit like when you're pregnant, everyone talks about their birth story and you're terrified. (1493, Mother)

I was dealing with my own rolling grief, but I knew that for me the most important thing was to actually stay being the good parent because I knew the children were going through massive grief as well. I suppose, for me, the children and the family had been the most important thing all the way through and I wasn't about to throw that out the door. So, I really think I put myself on hold in those initial days, which I think is one of the hardest things to do. (1488, Mother)

You are dealing with so many layers, multifaceted. You are dealing with the end of a relationship, for whatever reasons, and you are dealing with the custody of children which is so emotive. I don't think people act their best. (1132, Mother)

Mothers with babies and very young children could find the emotional nature of the situation particularly difficult when caring for a young baby and being "hormonal."

You're in amongst so much emotion. I felt young. I couldn't cope with my children as

well as dealing with my own emotions of the separation. (1249, Mother)

Right after the separation with emotions all over the place, you know, and especially with me dealing with a young baby and my hormones already all over the place as well. (1250, Mother)

It would have been good to have a mental health advocate with me because I was absolutely broken. I was just trying to survive at that point. And I was still breastfeeding. I was incredibly hormonal. (1226, Mother)

The **emotion and stress could feel overwhelming** and sometimes got in the way of parents thinking clearly, being able to make decisions or cope with other aspects of their lives.

It was a massive amount of stress. I had been intimidated by Police. I had been lied to and deceived by CYF.³¹ I was threatened so many times by everyone, you know, the behaviour of the judge as well. It was so intimidating, and I was trying to keep it all together, put on a brave face because everyone was literally telling me you can't show your emotions, you can't do this, you can't do that, you can't react. It's like well, of course, I'm going to react. I was being shut down well and truly, and my brain couldn't handle it. (1256, Mother)

I am a reasonably smart person and can navigate my way around things, just with my job etcetera, I know about these things. But, with the emotion that's involved and because I got quite emotive because it was my daughter, I don't actually think that I was thinking 100% clearly. I was thinking emotion rather than a clear head. (1156, Mother)

It would be great if parents could put their children first, but then the reality of things is that if you are going through your own issues and heartache and you've been hard done by, you can't. How can you, actually at that time, think logically about your children's interests? Even though you do feel like you are actually putting them first, at the same time you have all that other emotion that's actually clouding your judgement. (1165, Mother)

He was being quite difficult and [mediator] wanted me to at least get started ... actually make some decisions, and it's impossible when you're so traumatised anyway. ... It was so horrible. (1439, Mother)

Similarly, one mother commented that resources and services such as the Ministry of Justice website and Parenting Through Separation were “all very sensible and very lovely” and would work in situations when “you’ve got two sensible people that are going through this”, but thought they would be inappropriate or ineffective for people who were in a highly emotional state.

If you've got people that are not out of their mind with worry, anger and all the other emotions that come into it, probably all those things would work. But, when you've got people that are highly emotional, because it is an emotional subject – and you might not have somebody that's terribly stable even, for one reason or another, I don't think it's going to matter. (1325, Mother)

³¹ Child, Youth and Family, a government department in New Zealand responsible for the wellbeing of children, now called Oranga Tamariki – Ministry for Children.

Three mothers described how they had almost **reached breaking point**, contemplating suicide or walking away from their children, revealing just how traumatising the situation could be for some.

Based on my trauma and based on being re-victimised, re-traumatised, through the cross examination ... I actually ended up in hospital and that's when I was diagnosed with PTSD, but the whole process itself pretty much put me to breaking point, entirely. You can assume that the process I've been through, which I thought would be hard, has put me to the point of feeling suicidal, that's how bad I got with the pressure and everything. I couldn't cope. (1439, Mother)

For me, the whole process has been absolutely awful and, at times, I just felt like giving up. ... [It] crossed my mind earlier in the year either taking my own life or leaving [Child] here and just starting anew. Everything sort of seemed stacked against me. Well, it felt helpless. (1427, Mother)

I can't mentally be strong enough. ... So, at what point do I give up and hand them over? It's very sad, but I'm doing it for the children and then it comes to a point of, well, for the best of us all maybe I just stop it and just let him do what he's doing. But it's agony, because that's the children. I've had thoughts to walk away from everything, just give up and move away, anything, but that would be giving up my children, totally. (1439, Mother)

Feeling disempowered

A common theme for those parents engaging with dispute resolution services, particularly the Family Court, was a **sense of disempowerment** during the process of making their parenting arrangements. Many spoke of feeling they had **no control or choice**.

I don't feel like I had any control over any of it really. (1148, Mother)

No, I don't feel like I have any choice in any of this. (1175, Mother)

I just felt like I was getting railroaded the whole way through. (1139, Mother)

No, he's had full control. My ex has been able to control it all. (1143, Mother)

Well, I had no choice. ... The first thing was the without notice from the court, and I felt that was very unfair. ... You can voice your concerns, but the reality is that once it's done, it's done, and there's no way you can backtrack with that without notice thing. ... With this mediation process, there was already the without notice court order in place, so we didn't come to the mediation on an equal footing. (1181, Mother)

That's one of the worst things. The feeling of powerlessness and not being able to control and not really knowing if there was anybody out there who was actually on my side, anybody. There didn't seem to be any law that was on my side that necessarily supported my right to have any contact with my daughter. ... The thing that I think I felt is completely disempowered. I think if you need to keep people feeling positive, you need to give them an idea of their power somehow. It's very easy to start feeling that there is just nobody in the official system that is on your side in any sense. Even the lawyers don't seem to be on your side in some sense because their initial idea is to try

to get some kind of resolution. It's somebody pushing you for resolution, somebody who's managing your expectations so ... they never say to you, "Yes, we can get that." They're always saying it's such an iffy process going through a hearing, you're never really going to have your say in court, you're never ever going to be able to ask your ex these questions or why she's been doing what she's doing. ... They keep on dismissing your need for your child as something that is completely irrelevant. Something that I've felt terribly, terribly hard to deal with, is that for all the love and all the connection I have with my child, they seem to say that's completely irrelevant to any kind of argument we're making or any kind of issue that the judge is making. (1491, Father)

For some, this sense of disempowerment related to their belief that their **concerns and/or perspectives were not listened to** or heard. As will be shown later, this was particularly difficult for participants who had experienced family violence.

That was at a Round Table Meeting, yeah. I still thought that my concerns were not being taken seriously by Lawyer for the Child. ... All along that's what I have been trying to tell the courts, I have been trying to tell the lawyers, everyone that we have spoken to, CYF, anyone. This is all to do with her mental health. ... It is a blanket thing that you get not listened to. (1072, Father)

I can tell you from this [research] interview, to actually just be listened to. I mean, that was one thing that was missing in the court processes. Nobody listened to me non-judgementally. I was only responding to what I thought were very judgmental questions and approaches. (1509, Father)

In the whole mediation thing, my concerns were there, but they weren't really listened to. (1047, Mother)

Others had concerns about their children's wellbeing, but **felt powerless to help them**.

The most annoying, frustrating thing out of the whole lot is that I know that I haven't been able to help my kids with what they need. I've had a daughter that had to drop out of school, well, it sounds like she's making some gains now. I've got a son who's suffering anxiety and he's heading down the same path. They've been alienated from all family virtually, and yet there's not a damn thing I can do about it. (1585, Father)

I had no control whatsoever and the lawyer said, you've got no case with any of those things because that's not something that's going to be taken terribly seriously. ... So when I talked to the lawyers about that and I said, "I'm really worried about x, y, z", they said you can't do anything about that. ... It takes away all sense of control, of trying to keep your child safe – which, as a parent, a fundamental thing that you want to do, is keep your kids safe. (1325, Mother)

Others complained that they **did not get an adequate opportunity to speak** in the Family Court proceedings.

My ex obviously is very charismatic, he fronts really well, and people believe him which is fine. But it is not fine in the Family Court because he can say anything he likes, he doesn't need to prove it, and the other person doesn't get the opportunity to disprove it. ... Because we are only at the hearing status. So, out of all the hearings that I went to, the judge asked maybe five questions, and you are not allowed to speak. ... There is

no opportunity to get anything in. ... I can't speak even if I represent myself. I have got to be asked. The judge has got to ask me a question and I have got to stick to that question. I can't just say, "Right, this is what I am going to say, this is what I want you to know." (1122, Mother)

I just felt really disempowered, in the court room. You can't talk, you have got no opportunity to speak or represent yourself – your lawyer does that. ... So, there is just so much, you have a lot of stress and then there is a lot of uncertainty, and the process feels like it is out of your control. ... Also, I struggled to feel believed. (1126, Mother)

Several participants were concerned they were **unable to receive any help or advice** when they had complaints about Family Court processes and decisions or were **prevented from sharing their experiences and speaking out** against injustices.

I have been to talk to everybody, even a GP. I have been to everybody and told them my story, and I said to them, "Who do I go to now to actually get help?" and there was nowhere, because the Family Court is at the top. They are not accountable to anyone, except God, and God probably thinks that they are a very bad word beginning with C. There's just no one to turn to, nowhere on the internet. I have looked everywhere. I have put in two formal JCC³² complaints now, I have done everything. I have talked to, I have reached out through The Backbone³³ community, before that I reached out to Children's Rights New Zealand. ... When you sit down and talk to counsellors you put all this energy into what you are saying and you tell them all about it and at the end they just go, "Hmm, anyway, what we need to work on is" and you know, there's nowhere, nobody can help. Nobody can actually do anything. There's no one to turn to. It's like living this dream, but they don't give a shit. I mean, there's nowhere to turn to. It's not like I'm depressed or, you know, mentally unstable or anything. I am really angry. I have been angry for the past two years nearly, now. Before that I was really unhappy. I finally got the courage to take steps, it took a whole lot of courage, it was like jumping off a cliff. And instead of being free I am bound to the highest authority in the land, you know. ... But you are actually just completely disempowered. You can't complain, you can't say what's happening, you can't speak for your children, you can't make anybody listen to your children. And so, it's like a clockwork thing that's been wound up and it just keeps doing what it's doing until it runs out and then everyone can go away and have a normal life, hopefully. Meanwhile, children are growing up, I am entering my fifties and I have no life and they have a broken life, and all because of the court. (1135, Mother)

I just have a couple of good friends who I can vent to. By the way, that's against the law because the judge put the gag order on me, that I cannot talk to anyone about my case, not even to my family or friends. (1110, Mother)

At the last Round Table Meeting, because I got quite proactive about fathers' rights and parental alienation ... because of the way I was prevented access to my children, I got quite active. I was told by Lawyer for the Child, if I don't stop it then the judge won't let me have the kids. ... Actively publishing on Facebook the issues around father's rights or Family Courts, you know. There's ones about how useless the Family Court system is, things like that. ... So, I found that quite concerning where you can't

³² Complaints about a judge made to the Judicial Conduct Commissioner.

³³ The Backbone Collective.

have the right to free speech or an opinion and have your children used against you by the courts. You can't speak out about these sorts of things. I set up an anonymous page now where I do it all from there. I found that quite concerning as well, that we were basically being told that we can't speak out about these issues, with the threat of not seeing your children being used against you. That was a bit concerning as well. (1072, Father)

Several parents thought that **the parent with the majority of the care of the children and/or who remained living them in the family home retained power** over the children and their contact schedule.

The power is [with] whoever leaves with the kids or takes the kids or restricts access to the kids. They are the one in power of the kids now, until the court process is finished. (1701, Father)

I felt like she had all the power because she had the majority of the time with the children. Every little scrap of time that I was trying to get extra with my kids, I was having to grovel for, ask for, swap for. She would say, "Oh, yes, you can have this, but that means I get that, or you bring them back earlier at the weekend." It was just this constant emotional pressure that wasn't good for me, and therefore wasn't good for my parenting either, and wasn't healthy in that time for me and my children. ... At that time [during FDR] I very much felt like she held the power, and she had held the power for four years. (1292, Mother)

We were relatively powerless, because our children ... had a better deal, I suppose, because they had better housing, they had more treats and they were being more spoiled by one set of grandparents. ... We weren't in a position to spoil them and make them feel as materially well-off, and so I think that really affected the balance of power as well. That's how we felt, anyway, or how I felt about it. ... We've just had to be reactive the whole way. It's because of resources and power. Whichever parent retains the family home and has the most family support with grandparents that spoil kids and has better income ... whichever parent has that power has the stronger power to influence the kids. That really is still such a big effect on who influences the kids. It's still just a really, really big factor. ... So, until my boys are 18, I'm stuck in this trap that feels like my ex-wife still has power and control over me in that way, and through my kids, and so it does feel a little bit like a term of sentence, like until my kids are 18, I'm not free. I'm not free to make decisions for me and my kids. (1153, Father)

Allegations

Several parents spoke of the stress and frustration of having **allegations made against them** by their former partner, which were sometimes then supported or endorsed by professionals. As described in the Part 1 report, parents reported being shocked and distressed at being on the receiving end of without notice applications, particularly if they considered such applications to be based on lies and false allegations and/or to be a means of control and manipulation by their former partner. Those participants who were not given the opportunity to refute or disprove such allegations felt disempowered and aggrieved. Less 'serious' allegations that were not the basis of without notice applications were similarly distressing. Being portrayed as an uninterested, poor or neglectful parent was very hurtful and could have a detrimental impact on the relationship between the parents.

She also made accusations that I was selfishly doing it, didn't really care about the kids, and then I didn't even go to the school parent interviews, and just said all these lies, just straight out to my face. Now, I didn't lose the plot, but that really ... made me cross, rather upset. (1544, Father)

That whole Protection Order system and the way they can use that, is, yeah, that's pretty bad. The fact that you are guilty until proven innocent and how do you prove your innocence? ... In terms of defending myself for all the allegations, etcetera, there was very little I could do. Yeah, I mean, I disputed everything I could, but when it comes to someone's words, you know, her word against mine, then what do you do? (1532, Father)

Allegations were made. I had allegations against my parenting. ... I've had Child, Youth and Family involved and had Police come and talk to me and it's been proved not to be true. ... There's just so much freedom for somebody to throw allegations out there and, like, the court systems etcetera, to be able to cause stress in somebody else's life. ... I can't talk to him. I can't even look at him. ... I think I feel that way because I can't believe that he's done this. (1020, Mother)

[The professional] kind of also confirmed that I was a crazy drugged-up mother on lots of pain relief and unable to parent. ... By that stage she was encaptured by my ex. She thought I had mental health issues, so she kept telling me I needed to ring the [mental health team]. And I said, "I'm not adult mental health, I'm not stressed out, I'm not overwhelmed and under duress or mentally incapable kind of thing, like I'm not at risk, you know, why are you telling me to contact the [mental health team]?" She was unqualified and didn't know how to work with mental health and was using the same discrimination and false allegations as my ex was accusing me of. So, I had that to battle with as well, and just the stigma about mental health ... like, I'm actually mentally fine. (1092, Mother)

What happened was, my daughter has been very ill. She had been in hospital. ... So, it was a really horrible time. He hadn't actually seen her for a long time before that ... but he did come up when she was in hospital to see her, and he did speak with the doctor. He would've known, because he'd spoken to the doctor, that it was a sporadic thing. However, he put in an application to say, basically, that she was in danger living with me and somehow my neglect of her had led to her being in hospital. ... So, she was immediately appointed a Lawyer for the Child and I had my home inspected. I was still recovering from the fact that my child had been so ill. To be slammed with that was really unpleasant, actually, I have to say. But I do understand that the court has to act when a parent makes claims like that. (1980, Mother)

The Family Court seems to take a very black and white view of things, so my drinking put me in the same category as any alcoholic or drinking, you know, in the gutter basically drunk, kind of neglecting your child. I don't feel like I was that parent, but there's no kind of grey area for that. The Lawyer for the Child has to follow a process and that process means 12 months of clear random blood tests and proof that I'm taking medication and seeing counsellors and all this sort of stuff on my side. [Former partner] just had to do nothing. That's created a lot of tension and became a bit of a power and control thing playing out as well through the lawyers and the court and that sort of thing. ... I felt like the Family Court lawyer would always seek my ex's advice on what to do and I keep thinking, you should be thinking about [Child] and

what's best for [Child] because [former partner] is always going to be angry and he is going to say, "Yeah, give her another six months blood test. Yeah, keep her supervised." ... I found that difficult to deal with. (1427, Mother)

[I] got accused of being on methamphetamine. Just because of the stress of it all, I dropped right down to 43 kilograms. So, I was accused of being on meth and going for the hair follicle sample test, you know stuff like that. Then we've had further accusations later. (1960, Mother)

The children complained about a very minor incident that had happened and they seized upon that incident to use that – the judge said later on that without notice papers should never have been allowed through. It was a quite ridiculous sort of thing and there was no way that I was a threat to the children or anything else. It still causes a lot of hurt quite frankly and unhappiness and difficulties and a lot of questioning and, of course, huge amounts of money. (1328, Mother)

Lack of support

As the above sections illustrate, making parenting arrangements can be an emotional and stressful time when people may require support. However, some participants reported a **lack of professional support**, such as mental health services and counselling, and limited support from family. Several fathers noted a lack of support for men.

I have a support network as far as agencies. But, as far as family goes, like my brother's overseas, my parents, there's no way I'd dump my kids on them. They're in their eighties, you know. Friends and that, you don't want to burn them out. Because, of course, they're the ones that supported you through the court process, you don't want to keep that ongoing. (1199, Mother)

I found that there wasn't a lot of mental health support. I mean, obviously the health system is really screwed up right now. Hopefully we'll fix that, So, there wasn't a lot of mental health support based on the stress of dealing with being in poverty due to being a single mother and having to try and figure it out. (1233, Mother)

At the very beginning, there was no counselling support for me. ... I was a mess. (1453, Mother)

It's a horrible process to go through. I think I'm a reasonably insightful person. I've got a reasonable handle over my emotions. But it's pretty isolating, like you're on your own. No one really holds your hand through this process. (1522, Father)

I don't know that [the Family Court] helps people who are in the extreme end of the continuum like I am. I've never had anybody ring me up from the Family Court saying, "Oh, hi, we realise you're pretty much a solo father and we know that it's harder for fathers in general to get good support. How can we support? This is the support that's available." Not a single person has ever rung up and asked me or told me. (1576, Father)

There's absolutely no support for fathers in this either. If I was a woman it will be completely different. They'll be throwing all resources at me, but as a male, no. (1516, Father)

One of the things I found was that there appeared to be a lack of supports for dads through the process. (1690, Father)

Lack of knowledge about the family justice system, processes and services

A lack of knowledge or understanding about the family justice system, processes and services could be challenging. For those with no experience of separation and/or the family justice system, it could be a daunting process.

I hadn't even been aware of the Family Court system. It wasn't on my radar. Maybe I had heard of, but none of that was in my world. So, when I went into it, I totally walked into the lion's den without a stool, let alone a chair. (1135, Mother)

It was completely left field, so I didn't have any experience. I had no idea about the justice system, so it was a kind of 'feel as you go along the way' sort of scenario. (1471, Mother)

Not understanding the process or the different available options and services sometimes led people down **particular pathways that, in hindsight, they would have preferred to avoid.**

I had rung some lawyers to find out what I was supposed to do. It sounded really daunting. They were like, "Oh, well, you'll have to have this and you'll have to have these things" and I was like, "But do we?" I guess, that is probably something that people maybe need to realise is that you don't have to have those things. You don't have to go to a lawyer and have visitation things drawn up. If things are okay, you don't have to do that. ... I was sort of scared by some of it and I was like, wow. At the time, it all seemed so formal and so that sort of stuff seemed quite daunting, whereas I did struggle to find somewhere to go, to say, you don't have to do that. You can do this yourself. If you guys can talk about it, just talk about it. I did find that a little bit hard to find that information, because I thought, "Oh, I've got to keep this and I've got to have this", and then I didn't. (1358, Mother)

A week before Christmas, literally we broke up in December, and I really panicked and I had a few referrals for lawyers from people who had dealt with these people and I really couldn't get hold of anyone or get anyone to help me. I did manage to get hold of this woman probably about the 22nd and she agreed to help me with the urgent Parenting Order. I guess, I didn't realise what I was getting into with that. ... I think the timing being a week out from Christmas and finding it difficult to get hold of the right source of advice and what to do. I wouldn't have done it that way again if the timing had been a bit different or I felt like I had a bit more time to try and sort things out. (1427, Mother)

Immigrants, particularly those for whom English was a second language, faced particular barriers in understanding the New Zealand family justice system.

At the beginning it was like a blank. Everything happened like in a sudden and emotional, you know, and the stress and everything. ... And then I couldn't see the kids, so just blank, don't know what to do. It's the first time hearing about all this, the trespass notice, Protection Order and everything. ... Yeah, it was just blank and also new to the country and don't know what to do and what's the system, how the system works. I didn't know anything about that. ... The thing is I'm very emotional, and I

don't know how I will handle in the court and English is not my first language. So, if it's emotional and then I wouldn't talk much, so I need someone to represent, a professional, but the thing is I think this is going to be a never-ending journey for me. (1521, Father)

For me, I think the hardest thing is that I'm from [country], so I feel like I am an outsider, and that's a really scary feeling. I'm in a different country from my home country and a lot of the advice is given to New Zealanders. So, I find it very difficult to figure out what my rights are as a person who is not a New Zealander and what that means for my children, because they are citizens of [country] and New Zealand, and if ever want to take them home, can I do that? How do I do that? So that sort of advice, I find, is almost impossible to find. (1635, Mother)

Parenting

Another personal challenge described by several participants centred around **fathers and their post-separation parenting skills**. They commented that some fathers may not have as much parenting experience as mothers and so need help and support to “upskill” and learn to parent. Mothers were considered influential in supporting (or not supporting) fathers in their parenting.

I think it is a difficult thing for men to go through that process because the belief is still there that the child is best with the mum. I struggle with that a little bit, to start with, but then I realised that she is not necessarily that way inclined and that he is really comfortable with his dad. I don't know how that would work for other people. I certainly have had to learn to be nurturing. I have struggled with that. You don't ever do it, you are cruising along happy in your life building your empire around you and all of a sudden you have got to learn to do a whole lot of other stuff. Certainly, an upskilling in the sense of that. That would be something that's useful in terms of counselling, is the nature of what's required of a father during that time. That was quite a common thread during those web forums things, “I don't know how to do this. How do I recognise the signs that something is going on?” (1086, Father)

I think one of the biggest problems for men is their sense of entitlement and their actually being able to be a parent. ... A lot of the time they don't have a lot of confidence, especially if it's been a fairly traditional thing where mum stays home, dad went out to work, and then all of a sudden it's like, “Oh, gosh, I've got to do this parenting gig all on my own.” And so, they're going to have to make all the mistakes we made as mums, as dads. They're going to have to go through a whole learning process. A lot of the time mothers have expectations that dads are at the same level of parenting that they are, when they have been doing it all day every day, and dads have only done it some of the time. ... I think some of it is why men end up walking away, women make it too hard. I think [husband] would have walked away from his kids if he hadn't had support. Just because it was so difficult and such a fight. (1064, Stepmother)

Relationship With, and Actions of, the Other Party

In the online survey 70% of the respondents rated their relationship with their former partner/the other party at the time they were making parenting arrangements as poor or very poor. Many interviewees raised their relationship with, and/or behaviour of, the other

party involved in making the parenting arrangements as a challenge. They spoke of difficult relationships with their former partner/the other party characterised by poor communication, hostility, and conflict. Their former partner's personality, behaviour and mental health could also be problematic and a barrier to making parenting arrangements. Such behaviour included refusing to communicate or negotiate; refusing to engage in, stalling or blocking, the process; and making false allegations. In addition, some parents experienced difficulties with the involvement of the new partner or extended family of their former partner.

Former partner's personality and behaviour

Some parents described their **former partner's personality and behaviour** as belligerent, tenacious, obstructive, abusive, manipulative, controlling, dogmatic, volatile, unpredictable, unreasonable, vexatious, narcissistic, stubborn, abusive, aggressive, immovable, and uncompromising. They found such traits to be significant barriers to being able to discuss and agree on parenting arrangements.

I honestly think, when you've got a case like this one where I am not Mr Perfect, but I am not totally unreasonable either. And when you've got one side that is totally unreasonable and is just not going to comply and is going to do everything they can to continue doing what they want to do, which is, you know, use the kids as a pawn, or whatever, there's got to be some sort of intervention, there's got to be a way of picking up on that. I don't think it's that hard to see, and once you find out what's going on, something needs to happen really quickly. (1036, Father)

I think the three lawyers, my ex's lawyer, my lawyer and the Lawyer for the Child are starting to see that my ex has ... you shouldn't label people, don't get me wrong, but he has quite a narcissistic personality. The one trait with a narcissistic personality, is they have no empathy. ... Those sort of people, rules are not for them. They don't follow due process, they can't think outside the square, they do transference ... they don't answer questions, they move the goal posts, don't take responsibility of any of their actions. (1461, Mother)

From my perspective, she's a big emotional manipulator. (1361, Father)

He is highly, highly narcissistic. So, it is never going to end, I am afraid. ... It will not end. It is just one of us will die, it is that simple. That is when it will stop. (1109, Mother)

It is just still, kind of, that attitude, we can't talk or reason with him cos he'll just throw his toys out of the cot ... which is quite challenging. (1139, Mother)

He won't agree to anything I say. ... It's such a problem because of the continual abuse, I believe really, that he's giving me on a day-to-day basis. This is seven years down the track. ... It's not going to stop. ... It's because he's continually taking me to court. I haven't taken him to court once. (1329, Mother)

At every session, every meeting in front of a counsellor, a judge, a mediator, whatever, there's just been this overt belligerence on [former partner's] part that she would argue that black was white when it comes to a conversation with me. I just wish someone had put on some grown-up pants a lot earlier in the process and said, "This is not a collaborative dynamic." ... I mean, even at one point in the judge-led mediation,

she thumped her hands on the table, said, "This is bullshit" and just stormed out of the room. ... We're all sitting there aghast. ... It was just ultimately her belligerence and tenacity, I mean, tenacity's a positive word, I don't want to say tenacity, but she doggedly resisted this application at every single juncture. (1988, Father)

At the moment he's in a good mood and we can have those discussions. But if something happens and he ends up in a bad mood those discussions go out the window. So, I just play it by ear. It will always come down to his mood. (1472, Mother)

There are lots of asshole parents out there, my ex being one of them. ... They're that hard to deal with, you just can't second guess them, you have no idea how things are going to turn out because they never turn out the way you think they will. Something else will crop up and you're, "Oh, bloody hell!" (1576, Father)

I think, to be fair, it was to do with my ex-partner. She was somebody who does not negotiate at all. She makes her stance and stays there. She's just a person that she's done this all her life. ... I think that in my situation I was dealing with a person that does not compromise, just will not see it from another person's point of view and just say this is what is going to happen. ... I felt that I was making a compromise, but there was no offer of compromise from the other side. Once the foot goes down, there's no compromise. She just thinks that it's in the best interest of our daughter for her to not have a substantial relationship with me. (1491, Father)

He's adamant. He is a stubborn character. He refused to see that he has made a mistake, that's him. Every mistake that he makes is everyone's fault, but him. That's why he has escalated this case to the Family Court, because he wants the Family Court to stand by him, to prove to everyone that he is not at fault, it's everybody's fault. ... He's still abusing us through the Family Court. (1494, Mother)

I think it's just because [the personality] of the ex-partner. I mean, I'm trying really hard to be open and to do what's best for the children, but that's part of the reason why we separated because of the anger and aggression from the ex-partner, which if anything doesn't go a certain way, instead of calmly talking about things, it'll be a sort of aggressive fight first. That's the initial reaction, which is what causes problems. (1250, Mother)

It invariably breaks down because he becomes abusive. There was an arrangement. Always it's been I'm happy to talk about the kids, I don't want to talk about anything else, but then he'll start. ... He pushes the boundaries and, invariably, he becomes abusive and critical and nasty. (1257, Mother)

I had a really nasty case and then Women's Refuge came in. Like, he was sending CYF round to my place, the Police. Anyway, and then Women's Refuge came into it, as a referral from the Police to them after I lost my rag at my ex – because he was coming around just being a prick and just taunting and teasing, and I just lost it. I was grieving, because I just didn't even know this was going to happen. He just walked out, out of the blue, you know. (1125, Mother)

For some, **the other party's personality and behaviour dictated the dispute resolution pathway** they had to use to make their parenting arrangements, with mediation not regarded as possible.

I can see why the system is set up to kind of make it a bit difficult for me to get to court so I don't go to court straight away, but there are some people in this world that you just can't talk to. I said to her dad early on, "If reasonable people are reasonable, we'll get through this painlessly." But, she took a position where she wasn't going to be reasonable and as soon as that occurred we were always going to court, because it was either I concede and accept eight hours a week for the next 15 years or not. It was either accept what she was offering or head to court, because I couldn't get anything else. Not directly from her. (1458, Father)

Then you've got people like my ex, who just file without notice applications, doesn't matter whether it's lies because they know that there has to be hearings and they know that they're on that track then. ... He's stalking me on Facebook and it's all very clear that he is around. ... This is the type of personality that the court should be dealing with. ... You just cannot put someone in mediation with a sociopath and a psychopath. That's what I'm saying, you cannot reach an agreement with someone who's a sociopath or a psychopath. (1207, Mother)

Well, when you're dealing with manipulative people, it doesn't matter how nice or open-minded you're attempting to be. It just doesn't work that way. If the paradigm is one lot is playing for power, then the other lot will not have a successful outcome if they try and engage on another level. So it just doesn't work in that [FDR] context. (1153, Father)

I had someone who took my passport, who took all of the money. There was no way that mediation was going to work, it just wasn't, and it never did. My case would be one of the one per cent. (1207, Mother)

Mediation never works unless you have some acknowledgement from the abusive parties that they have actually caused harm and upset other people. ...There's got to be that acceptance. Going into mediation without that just inflames things so much worse. It actually makes it more dangerous. (1142, Grandmother)

Some parents said they had agreed to arrangements they were not satisfied with to **avoid antagonising a difficult, controlling or abusive former partner** and minimise any negative impact on the children.

Just the way that he does things, it's either his way or not at all. It's either his way or he's going to cause trouble. I guess, trying to minimise the effect on the children I've ended up agreeing to things that I actually wouldn't choose for them or do and [there's] not really any way of changing it. (1223, Mother)

I can see it becoming a control thing, so until he's got what he wants he won't stop and so I have to make that choice. (1439, Mother)

If I acquiesce to whatever they want then it seems to be quite easy to make an arrangement. If I stand my ground ... it just became a bit of a sticking point. ... So, as long as I was willing to agree with whatever he wanted timewise, then he was okay with me having half the time. He just needed to dictate which days of the week that half the time happened in. ... I was told by my own lawyer, he's not going to compromise, you have to. That didn't seem fair. (1401, Mother)

I feel like if I challenged him in any regard he would just flip and be like, "Actually I'll come for, you know, more than 50/50" or something and that's the last thing I want to do. It's like if I just play meek and mild and nice then I'll keep what I have and its only for another five years. (1530, Mother)

Communication difficulties

Many participants found **communicating with their former partner or the other party a difficult and fraught process**. Sometimes they could only communicate with their former partner via email and some were prevented from doing so because of a Protection Order. Others described abusive, heated, angry and/or non-productive communications that hindered the process of making parenting arrangements.

That's just pretty much on the basis that we just had a total breakdown, that we just can't communicate and talk to each other. We don't call each other. It's restricted to emails and even her emails are abusive and it's got to the point where I'm actually in the middle of establishing a new email account; getting rid of one that I've had for the last 20-odd years, so I can have one that's private from her. I'm looking at seeing if I can get some kind of third party person to monitor my old email accounts so that once every couple of weeks they can send through anything important that comes through, so I don't have to read all the other nonsense that she sends through. (1315, Father)

Basically, so many years down the track, I still cannot communicate with him because everything I say will be manipulated or turned back on me. I could have just read all the literature, and I know what you're supposed to do and wanting to do the best for your kids is one thing, but how do you manage that within a situation like this? ... Communication is like the key thing between you and your ex-partner; how on earth do you do that when you have a Protection Order that means you're not able to do that? In fact, the sort of person that he is, even if the Protection Order wasn't in place, I wouldn't be able to have those conversations with him because you go round in circles and get nowhere. (1434, Mother)

It was all not good communication, right from everything, right from the word go. ... If the person at the other end is just being an arse, you can't do anything about it. That's the problem. (1157, Mother)

I do have to do it [by] email because he just shuts down as soon as he hears anything negative – what he perceives as negative – he just runs and shuts down, doesn't communicate. (1451, Mother)

It would be great if I could sit down with him and talk it through and he'd be sensible. But again that's not who I'm dealing with. (1519, Mother)

He just is not a communicator and he was just too angry with me. Just anger gets in the way sometimes. (1156, Mother)

Definitely the lack of communication that my ex-husband and I have [is a barrier], that's definitely part of it. Because I just don't feel comfortable having that conversation with him without a third party. ... It'd just get very heated and it would be very him over me, and then I'd just give up and walk away. (1146, Mother)

Communicating via **email**, while necessary for some, could prolong the dispute resolution process.

Well, it was just protracted trying to get through that process. [FDR mediation] did take a long time to resolve that because it ended up going through email because we couldn't talk to each other face-to-face. It just takes all the heat out of it, and then it's a day before she can answer and it's a day before I can answer. It just goes on and on and on, if you are negotiating something like that. (1086, Father)

Some parents described their former partners as having **communication difficulties or being reluctant to communicate what they wanted**, resulting in a lack of clarity about the issues that needed to be resolved.

I don't know what he wanted. We never actually even found out what. Even now, I still don't know what he wanted, because he never actually told ... even his lawyers were like, "We don't actually know what he wants." (1376, Mother)

I have tried emails, I have tried texts, I have tried talking to him in person, I have tried calling him on the phone and it always goes the same way. I don't see how that would change. ... It ends up with him not being able to express what he wants, me interpreting his utterances and saying, "Is it this, is it this, is it this?" and then getting to a conclusion on my own. ... He won't say what he wants, he never really did because he would say he didn't know what he wants. So, I would drive things and he would be upset at me if it didn't go the way that he wanted, not that he told me. (1233, Mother)

He wanted to go to mediation, but wouldn't say what he wanted, and I sent email after email to him saying, "If you want something different, let me know. Please let me know how you would like contact to be. Happy to oblige you and discuss it." [He said] "Oh, we'll just go to mediation." (1257, Mother)

For others, **the other party would not communicate at all**, or would only do so through lawyers. It was frustrating when a former partner would not respond and blocked communication, particularly when the participant was willing and prepared to discuss the issues.

I'd love to sit down, with the mum and a mediator, and actually try, respectfully, to come to a common ground that works for both people, and is in the child's interests. It's as simple as that. ... She won't even talk to me. (1700, Father)

There was no communication except via lawyers. I think the last time he ever spoke to me was early 2014. I've had absolutely no personal communication with him whatsoever. Absolutely nothing. He did tell the Family Court that he would communicate with me and he's never said a word to me. Not a word in that time. ... The only thing I had was the communication via the two lawyers. (1642, Mother)

He just wouldn't speak actually. That is extreme. The biggest hurdle for me is that if he won't actually answer an email or have a conversation. I can't negotiate anything with him. (1564, Mother)

He stopped all communication. So, I tried to talk to him about some things and he just stopped communicating. There was no responses, no nothing. (1122, Mother)

I said okay, wait a couple of weeks, haven't heard from her, so, "Have you found a mediator?", no response, a couple of weeks. I tried to contact her again saying, "Have you found a mediator yet that you want to use? I found some over here" and then no response. She's not responding to text messages, emails or phone calls. She's completely blanking our communication lines, so that was the point where I was just, okay, I've just got to start the FDR process now. (1104, Father)

Lack of co-operation or engagement

In addition to refusing to communicate, participants also complained that their former partner/the other party showed a **lack of co-operation or interest in making parenting arrangements, and/or refused to engage** in the process.

I think in that time it was quite hard. I guess, I didn't know where to go to get outside help. I was trying to do it myself, just thinking that what normal people do is sort out their issues and responsibilities. But, it's quite hard if another party doesn't want to do that. (1108, Mother)

He just didn't want to cooperate. (1368, Mother)

Trying to arrange things with someone who's not terribly interested in having his children – or at least he wasn't at the time – makes it a lot harder. I always felt like I was putting more pressure into him having the kids, than him actually wanting to. (1589, Mother)

Well, he refuses to make an arrangement. ... I sent him an email, saying I wanted him to fill in a parenting plan that I downloaded from the Ministry of Justice. I emailed that PDF document to him to fill in ... and he would not fill it in. He wouldn't even say he wouldn't fill it in, and since then he hasn't asked to have them, and hasn't had them. ... Where you've got one parent who basically opts out of the parenting, who won't honour any agreements, and then who doesn't even make an agreement and stops seeing his children ... it's a really awful situation. (1244, Mother)

Some parents found that their former partner was **not prepared to compromise and/or negotiate** with them.

There was no discussion. It was what he wanted and whether or not I'd say yes or take him to court, basically. (1155, Mother)

They don't agree to anything, you can't negotiate with them. They put it to the court that I wouldn't negotiate with them, and I was able to show the court an email that involved about 10 different things they wanted to negotiate about, and I had agreed to half. So, I proved that I can negotiate, but no, they don't negotiate. (1576, Father)

That process, I guess in short, was basically a process of negotiation with my ex-wife, which to put it bluntly, it's pretty hard to negotiate with someone who's unreasonable. ... When we had Round Table Meeting discussions and the like, they pretty much revolved around me saying that I wanted to play a proper part in my kids' life, and then the rest of the time was Lawyer for the Child, with some assistance from my lawyer, trying to get her to be reasonable and offer something more, and do what was in the best interests of the children. No one had any power to dictate anything

there, it was all, as I say, a negotiation, but against someone who was not prepared to be reasonable. You can't go anywhere quickly. (1575, Father)

He would refuse to do anything – like negotiate anything. ... He will refuse to go to mediation and things like that too. So, my only step is to go to court and pay for it. ... Their dad's very smooth and he's very articulate. He has the ability to convince people of stuff that just is not true. So [if] ... he's having a conversation, he's probably going to get his own way. He's always been like that. So, we really don't know if we're in a position in which we can risk trying to do it. We're actually in the position in which we just put up with his crap until my son's 16. (1564, Mother)

This particular individual, there is no negotiation. There has never been any compromise. So, I mean, yes, [FDR's] a good idea, and I would try it, but I seriously doubt that it would go anywhere. (1532, Father)

It's his way or no way; it doesn't matter who says it, whether a judge says it or anybody says it. He doesn't care. It's not about me, it's about his wants and no one else's. And so I give up lots and agree to lots of his demands and he says that he'll do it and then he reneges on it. So, he doesn't. It doesn't work. (1329, Mother)

For others, it was frustrating when their former partner **refused to engage in dispute resolution processes** or would **block, stall or thwart** them.

Like every couple is different. We're probably a good example of every couple being different. Because I'm completely open to being on track and getting things going and doing it in a time-efficient manner. Whereas the other person isn't and he constantly delays stuff or doesn't do stuff, or says he's going to do stuff, but actually you find out that he hasn't done it. That's what's the frustrating part, yeah. (1146, Mother)

Parents who were keen to participate in FDR mediation were disappointed when the other party **declined to participate** or did not respond to attempts by the FDR service to contact them.

He stalled the process for six months because every time FDR would ring him, he would say, "Oh, no, it's all sorted, it's fine." And I would ring [the FDR provider] up and say, "What's going on, I haven't heard from you?", "Oh, he says it's fine." I said, "I have lodged it, no one has checked with me." (1140, Mother)

Her mother refuses mediation and refuses to go to counselling, wants it done in the court. ... So the whole time my daughter's mum has refused any form of mediation and made it as difficult as possible. Even to serve her papers, it takes about three or four months because all the addresses change, and eventually she says, "Oh, I've always had the same email address." But when my lawyers have tried to contact her she ignored them and does nothing. (1552, Father)

He kept saying no, he didn't want to do it, because he didn't want to have to pay for it. ... I find it very ... almost sort of like I get a little bit lost in the system. It should be just a straightforward thing, but it's not a straightforward thing. I know that if I was to go to my lawyer today to say that I want to go ahead with the mediation, she would have it done and the steps would be taken to have it completed. Whereas when it's left to the other person, that's the bit that I am frustrated with because I have no control

over it. So, I'm just forced to sit and wait and wait and wait and wait, when he knows that our current agreement isn't working and that I want it changed – and that I now know that he wants it changed too because he told that to the Ministry of Vulnerable Children. Yeah, that's the most frustrating part. (1146, Mother)

I pressed for mediation when he returned from [country] and had the day-to-day care of my daughter, even though that's not in the Parenting Order. Because he didn't give her back, I said, "Look, we just need to sit down and have a chat about this." So, I initiated that, I even said that I would pay if he couldn't afford it. I initiated it close to his home, even though I would have to travel and I have done that again. But he declined, he won't do it. (1122, Mother)

I knew I had to do that, wanted to do mediation with my husband. He refused, so that put a stop to that. I didn't have any other avenues it felt like. Once you've made that decision that stopped that. I found it quite frustrating in that the men who leave get to make so many choices and we, as the mums, are trying to deal with the emotional aspects and trying to move forward, but if they say, "No, stuff you", you're just stuck, you're really stuck. (1451, Mother)

I thought that it would be sorted out between my husband and myself. He appeared to not be interested. ... The Family Works thing was really good and I had the initial talk, and I thought that could have worked. But [former partner], being the sort of person that he is, he wanted to be the one running everything. So, for him, he agreed to it and then never turned up to the interview. So, I have an exemption certificate. (1135, Mother)

She just completely blocked everything. ... So, I contacted FDR, tried to set that up. [Former partner] blocked again, every step of the way. Not quite sure what her thing was, but she was just blocking any kind of changes. ... It took several weeks – to the point that she was literally hanging up on them when they were phoning her. She would say she would call them back and then she wouldn't. Several incidents like that happened, to the point that we got so close to the wire of actually – and several times I said, "Well, can't you guys just give me an exemption?" Oh no, we have to try one more time, we have to do blah, blah, blah. But it took a long time. (1292, Father)

Some had begun taking part in FDR, when the other party withdrew from **the mediation process**. This necessitated Family Court proceedings, which was a pathway the parent preferred not to go down. Others said that their former partner would not compromise or behaved in ways that were not conducive to the mediation process.

Unfortunately [mediation] didn't really get anywhere because once I'd said what I had to say, [former partner] refused to go any further. He had his say, then I had my say and then that was it, he pretty much just walked out. ... So, yeah, because I think the second time around I wanted to have a mediation with him and he wasn't interested in that at all. He wanted it to go to full blown court and even my lawyer was like, "Oh, for goodness sake, this is ridiculous, this doesn't need to be." Yet he insisted it go to court and so, again, I think that's a problem isn't it because you end up having to shell out a lot more money whether you want to or not or otherwise you just give in and you say fine, I only see my kids under supervised visits. Well, who's going to do that? No one's going to do that. (1328, Mother)

We were asked to do three meetings, we did three meetings. He turned up to the first one, that was on schedule, that was fine. The second one, I turned up to and he didn't, and then the mediator rang and he said oh, he couldn't, but he would reschedule. Then that was fine. I was a little bit grumpy because I'd taken time off work to go to the meeting, but we rescheduled again and then, the third one, he simply didn't go to. (1325, Mother)

I tried to go to mediation. [Mediator] was really good, but he went out to see my husband and, basically, he wouldn't compromise on anything and he told [Mediator] that I would have to take him to court to get anything. Then my ex-husband asked for his money back for the mediation. ... I think there probably needs to be mediation, where he can't just opt out of it, because I took him to mediation twice. The first time he went he had to pay for it and just wouldn't cooperate. Then, the second time, he just flatly refused. (1155, Mother)

It was terrible. It was just terrible. I think if you've got two parties that are willing to communicate and resolve things, there's potentially a place for [FDR], but I went through all these pre-mediation phone calls with the mediator, in terms of conduct and how we go about it and what to put aside and don't argue, don't fight back, stick with the points, all that sort of stuff. For three hours on the phone, I done exactly that and went by all the principles that he told us. Whereas, she for three hours was abusive, was yelling and screaming, talking over top of me and the mediator. She hung up four times. It was three hours of just listening to constant screaming and bitching, for want of a better word, and abuse. We got absolutely nowhere. It was horrible. (1315, Father)

Similar difficulties were expressed in relation to experiences in the **Family Court**, with participants reporting that this **process could be thwarted and delayed by the other party's actions** or, in some cases, inaction. Parents found it frustrating when their former partner did not attend anger management courses or Parenting Through Separation as required by the court, particularly when the court then granted them more time to do so, which only delayed the proceedings.

I remember when I first applied to court, my ex-partner fired off a whole lot of letters trying to stop the process, delay the process, saying that she hadn't been asked to do some things, even though she had, couldn't make hearing times, so she just kept delaying, kept delaying. Again, it was just purely used to frustrate and delay the process. (1458, Father)

The next time we went to court he turned up and just caused an absolute scene and the judge didn't really do anything. ... He was quite abusive to the judge. ... So, then six months later we had to go back. Well, he didn't turn up. Once again, he wanted to do the phone thing and, again ... they had some lame excuse as to why he hadn't done his anger management programme that he was told he had to do. So, he didn't do that. He's only just done that – this was three years ago, he's only actually just finished his anger management course at the end of last year. So the third or fourth time we went back it was the same thing. The judge just kept going, "Oh, well, we'll give you another x amount of months and blah, blah, blah." ... He'd turn up to court and he'd be fried. There was one time you couldn't even make any sense about what he was saying, he was completely fried. The judge... if she couldn't see it, you'd have to be a complete moron. She just turns around, and that was one of the times where he had done nothing, he didn't have his psychiatrist report, didn't have a psychologist report. ...

She's just sitting there going, "Oh, well, I'll give you another six months. I'll see you in six months." (1376, Mother)

It was a very long process. Three years it actually took me in the end because they spent so long trying to give the father of my youngest the benefit of the doubt. He would say that he wants to see his son and wants time with him and he wants to go for shared custody, but then he wouldn't do the things that they asked. Then we had to go back and then we had to try the mediation. So, he turned up to those and he said that he would like to have shared custody and that. ... He physically abused me so they said that he'd be allowed to have supervised access for seven months. Out of that seven months he turned up three times to pick up my son. So, then we had to go wait and then you go back to court and you show the evidence and he's turned up three times in the seven months. Then he'll say that he was sorry, so then we had to go to the Parenting through Separation course and he really wanted it. Then he didn't show to the parenting course and I was there. In the end, the whole process took three years and the final court date where we went into court with the judge, he didn't actually show up for anyway. (1249, Mother)

Proceedings also became protracted when the **other party did not turn up for Family Court meetings, conferences or hearings.**

He wouldn't turn up. He is self-employed, so he had no reason not to turn up. He missed two or three of the court dates, but still there had to be no [going] backwards for him because, "Oh, he might." It was just a lot of covering ass. In any case, I presume, he comes back and says, "Oh, I didn't realise that was important, so I didn't turn up." (1140, Mother)

He never appeared [in court]. In fact, he drew the case out longer because he didn't respond in time, he kept dragging it out, dragging it out. He was never involved in the actual court hearings. (1122, Mother)

Mine is a case of hideous corruption in the Family Court, biased anti-mothers, money talks. This guy, he literally has a team of lawyers at every hearing. So the last five years he doesn't even turn up, after telling the New Zealand court that he lives in New Zealand, he's so committed to life here, he didn't even bother to turn up. I would turn up to a hearing, it was like a phantom case and defended myself against his team of lawyers for spurious [applications]. (1638, Mother)

Even my ex didn't turn up at a hearing yesterday, he didn't do an affidavit for it for this particular hearing, and now we have to wait for his preferences on contact. It's like, well, we're in a hearing because the parties couldn't agree, he didn't attend the hearing, so he didn't file an affidavit. He had a lawyer there providing submissions, and now we all have to wait to get his view like he's some king. It's like, isn't that the judge's job? (1143, Mother)

It could also be very frustrating for participants when, having reached agreement or decided on the parenting arrangements, their **former partner then changed their mind**, did not follow through on what was agreed, **reneged on the agreement** or **refused to sign written agreements.**

He changed his mind and wanted to just come up with our own agreement and put it

on Google documents and stick to that. ... It really quickly became clear that wasn't going to work for me, because it was constantly changing and being edited and I felt very much like it was being micromanaged. ... We'd pretty much got a basic arrangement that we'd drafted ourselves, and it was fair. It was 50/50 and there were just a lots of little issues that kept cropping up from my ex. It was constantly moving the goal posts. I just thought I can't move forward. I can't draw a line and go, right, this is what we're going to do. (1471, Mother)

We agreed on something [in FDR], I forget what it is now, but she reneged on it and wouldn't sign the document post the event. (1458, Father)

He just agrees in the moment and then later I am like, "Well, you said this" and he changes his mind. I think he's a very in the moment kind of person. So, in the moment that we're having a discussion and he feels bad ... then he makes an agreement and says, "Sorry." But then he doesn't actually follow through because the moment is gone. (1233, Mother)

My husband wouldn't sign it. We got it all drafted up and he said he'd go away and think about it. Of course, he never signed it, but at least we'd had a chance to talk and understand what my position was. The status quo basically remained the same as what had been already happening, anyway. (1453, Mother)

Even since then, trying to get an agreement with him, anything that I come up with is just a no, flat-out no, he's not interested. It's got to be his way or nothing at all. ... Yeah, it's just really frustrating that things get agreed to and then he turns around and goes, "No, actually I don't", or, "I want this added and this added." (1410, Mother)

With the private mediation that we went to, after every meeting we'd come to some sort of agreement at the meeting and I'd sort of back down because I want it all over and done with. I want to be free of him, I don't want negotiations with him, I need that space. We'd go to these meetings and they'd be two or three hours long and we'd come to an arrangement and then within a couple of days there'd be an email from him to the mediator, copied in to me, telling us that he couldn't possibly do what we'd agreed because of A, B and C, and this is his proposal from here on in. It's like, well, it doesn't work that way. (1408, Mother)

We had discussed at a Round Table Meeting prior to the hearing, and we'd had a tentative agreement put in place that was then taken away by both parties to be basically reread, considered and signed. I signed my end; they refused to sign theirs so, of course, we had to go to a hearing. (1555, Father)

I was absolutely beside myself. In that time, they just went free for all. I was held absolute captive, yep, and I was down at that lady's office every single day saying, "Can you sign that agreement? Have you rung [former partner]? Have you emailed him?" And he would not sign it and he would pretend he was busy on work, shift, blah, blah, blah, blah. At that time, they just made me suffer and I could do nothing about it. Even as proactive as I was trying to be, they made me suffer. (1214, Mother)

We signed it off and everyone was happy, and in the mediation agreement, it was decided that the children's father would file it with the court to make it a permanent order. Now, instead of filing it with the court, he filed something else saying that the

mediation agreement wasn't working and he filed an order to try and get custody of the children and things like that, stating the mediated agreement wouldn't work. ... Then what happened was the children's father didn't feel comfortable signing it anymore. I don't know why. That was annoying. I thought we were there. (1181, Mother)

A complete waste of time in my view. Because of my ex's mental health problems he comes across really plausible, but he reneges on everything he says in the end. So, it might sound like he's going to do everything and he can't see that it's all his way or no way. So, I end up agreeing to lots of his conditions; he won't agree to any of mine and it's, again, very one sided. Even after speaking to the mediators at length about how this happens continually, it still happens. ... He comes up with an agreement and he signs it and then he goes back a week later and says, "Oh, look, I'm not happy with that and I'm not going to do that anymore" and that's it, full stop. (1329, Mother)

I went back to doing it through lawyers for ages, but she'd send him a letter and he wouldn't respond to it for months on end. ... I went through the lawyer, because every time I tried to talk to him about it he'd go back on what we'd agreed, or what I thought we'd agreed. (1075, Mother)

Non-adherence to agreements and orders

Another difficulty faced by parents and caregivers was that, **despite reaching an agreement, or having a court order, the other party did not adhere to this.**

We came out with a mediated agreement that was sort of long. I didn't get everything I wanted, but it seemed like it would be workable at the time. From then, it actually took about three and a half weeks after the actual mediation session with me having to chase up the mediator on several occasions to get the copy written up to be signed. It was quite clear, at that point, that my ex-partner wasn't sticking to the terms of it and I was trying to talk to the mediator saying, "Well, what do we do here? Why should I sign this thing?" The mediator was very pushy, "Well, if you sign it then you can hold her to it" sort of thing. And then pretty much as soon as it was signed, within half an hour of me signing the agreement, I had a big nasty email from my ex-partner with all sorts of rubbish that didn't really line up with anything. The only explanation I can think of for that is that the mediator had told her when I was going to be coming in and signing it. (1044, Father)

What's happened in the past though is that [husband's former partner] will agree to something and then because she knows that there's absolutely no need for her to follow through, she'll just agree to them and then just go off and do whatever she wants. ... The problem is that [husband's former partner] never tries to discuss anything, she simply won't discuss it. So, the only option he has is to go to court, otherwise we wouldn't be going. It's a pain in the arse to go to court, you wouldn't want to. But she won't sit down and discuss anything, she won't, and because she has all the power, there's no need for her to. (1064, Stepmother)

Realising that it wasn't going to work was a long process, because she started cancelling all the time, and saying "I can't do this day" for this reason and it didn't matter if I objected to it and said, "No, I'm not okay with that", she still just wouldn't show up. I was like, okay she's not keeping to care arrangements. At this stage, I had

also already changed the care agreement with her for two or three months, because I tried all sorts of systems – I'd go for coffee to discuss with her and had regular interactions, "This is what's working and this is what's not working", just setting kind of minimum target. So, there was a period when we sat down and I said, "Look, you're missing a significant amount of days, so what I want you to aim for this month is make all your days, and if you have to miss at least one that's okay." Then that fell over. Every time there was a problem we sat down and looked at what we could change to make it better for her, swapping days out, but she just started doing less and less and less. ... That whole system exists to help negotiate disputes over care ... the system wholly exists to deal with two parties who both want to see the child at the same time, or more than they are at the moment. My situation was one of, I have a parent who is not doing her job and she's not contributing financially, she's not keeping to her days. (1104, Father)

When one party did not adhere to the agreement and **blocked or did not facilitate contact** this could lead to a **reduction in, or cessation of, the contact** the other parent had with their children.

Finally, I got it written down that I would have them every second weekend, but she never did it. It was agreed that I would drive up one weekend and she would bring them down the next. I drove up to collect them the first three months in a row, like every weekend I was supposed to have them. Then I lost my job and my car and since then I have basically seen them when she says. I have rung the court and they were like, "You need to reapply", but I was like, "I don't have the money." She basically turned round and went, "The court can't make me do anything." (1566, Father)

First school holiday came, my ex-wife just refused to abide by the court order, wouldn't send them back. Second school holiday came, wouldn't send them back. ... Now, it's been 10 months since I have had any face-to-face contact with my children. She has not abided by the court order, nor has she abided by doing all the things that it says in the order. (1544, Father)

The judge keeps saying to him that he needs to facilitate contact, but it's not really happening. I am the one usually requesting contact; he does not reply. Then I send another message, you know. So, I can't remember the last time I had even a short amount of contact. (1073, Mother)

He did the Parenting Order and that allowed him to keep the three children. He withheld them for one month with no contact and I couldn't have them. The order said I could have supervised access, but as per the father's discretion. (1105, Mother)

Motivation of the other party

The other party's motivation for wanting particular care arrangements, wishing to change existing ones, or refusing to consider proposed changes was called into question by several parents. They believed that their former partner was **motivated by financial matters, vindictiveness or a desire to exert control** over them.

I kept saying, "Look, I'm happy to talk about this. I'm happy to change things as we need to, but the kids are happy, why change something that's not broken?" That was my mantra the whole way through, was nothing's broken except [former partner]

being a dick. He said to me, "I'm entitled to these children. I will have them." So that was his motivation. (1614, Mother)

Her whole thing was nothing to with the child, it was all based on the break-up of our relationship which had happened a year earlier. ... The lawyer was making work for themselves, that's what they were doing. My ex couldn't see that. She was so angry and spiteful towards me still that she didn't care. So long as she could get at me, she would use any method to do that and that includes using the child to get at me. (1516, Father)

It was perfectly reasonable what was being suggested by the judge and Lawyer for the Child. My wife just wouldn't agree because I think she was using it ... we were trying to get a financial settlement at the same time and, miraculously, once we got the financial settlement the children settled a month later. So, the process was used for the purpose of getting a financial settlement. ... The children's issues were used as leverage for the relationship property ... [to get] more money. ... She basically wouldn't resolve anything until the money was resolved. (1448, Father)

He currently has no visa. He's only still in the country because the Police are prosecuting him. Otherwise he would be issued with a deportation order already I would imagine, which makes the whole Family Court thing just seem so much more useless, because he's fighting for custody that he's never actually going to realise. (1175, Mother)

He wants to make me bereft. He told me he's going to have all the children, he's going to have all the money. He got away with all the money and he's got away with [oldest child]. ... I think there's always going to be high level conflict cases. Like, you've got someone who's so litigious and can afford the battle and they're adamant they're going to win, you know what I mean? ... No, he's had full control. My ex has been able to control it all. (1143, Mother)

He doesn't care, from my eyes he doesn't care a stuff about the children. He is just angry at me. ... There is absolutely no reasoning with my ex 100%. So, he is still going, as the Lawyer for the Child said, "He will never give up" and it's like, flipping heck, I have got 15 years to put up with this. And going back to court probably another dozen times in that time. (1087, Mother)

I don't know why he wanted full custody he never really showed any [interest]. I think it was to get back at me. (1012, Mother)

I believe, it's just my own belief, that he struggles financially and he wants the children full-time because it's financially beneficial to him. ... After reading the s132 report, it just sounds like he's bitter and he's just being vindictive. Since I've separated from him, I've increased hours of work, I'm increasing my study and financially I am better off. So, it's probably hard for him to see that I am okay without him. (1020, Mother)

Control. For me, I can still see it as the last thing he had over me and our son. For him, it was a control thing and it also puts out the image that he's a good dad and he's fighting for his son. But, at the end of the day, it's about himself. It's not what's best for [Child]. (1047, Mother)

The other, I think, significant part of the puzzle, was I sought child support for the first

time this year, through the IRD. [Former partner] appealed the decision and then he lost and then the next week, this all coincided, he sought custody. ... I think [former partner's] motivation is financial. He doesn't want to pay and I don't think what he's asking for is good for the children. ... I don't know why he's fighting it either. Like, he's got no background information to fight about it, so I found that quite worrying because it almost seems like he's picking a fight for the sake of picking a fight, but his kids' wellbeing is at the centre of it. (1051, Mother)

He's had means to do it right the way through, but I think he's just too vindictive to do it. (1092, Mother)

Oh, yes, it's a competition as far as my husband is concerned, and he has to win, and he has to win as much of the custody as possible. He only really has access now to the smallest child and he knows that this is not great. He is not a super dad. This is the dad that wasn't really interested and didn't take part in much but, now he's gone, he's taken over all the parent-teacher stuff, he's parading himself around with [Child] and he's got an image to uphold now. ... His aim is to have primary care. ... And his aim is to see me with as little as possible. (1135, Mother)

She actually started the proceedings of the court. Basically, she started it to try and cause trouble. Like, she got the court documents sent to my work instead of my home, because she thought having a bailiff turn up at a government department would get me in trouble. ... She blatantly lied the whole way through it. (1566, Father)

Different perspectives on children's wellbeing and best interests

A barrier that some parents faced was having **different perspectives to the other party regarding what the children needed and what was in their best interests**. Several thought that their former partner did not put their children's needs ahead of their own.

I think that my husband, throughout this experience – because he seldom sees the children, his choice – he has an unrealistic perspective of what's best for them and what is suitable for their age and their stage. (1453, Mother)

He thinks he doesn't need supervised contact, in an effort to get unsupervised so he can have a relationship with them. He's only thinking about himself, not the children, which is typical. ... That's how he's been for many years. It just makes me very sad for the kids that they're obviously not important enough for him to prove that he can be a safe person to be around. (1442, Mother)

Because both my ex-partner and I have two completely different viewpoints on what should happen, it's just not going to be comfortable. (1414, Mother)

From my perspective, my ex can't put himself after the children; his needs come before the children's needs and his need, at that time, was to have the kids with him. I always got the impression that he could win this, if that's the right choice of words, have the kids, and it would be just one up for him. But then, a year later, he might say to me, "I'm actually going back to [overseas country] now." Because, for him, this wasn't ever about a long-term thing, it was about hurting me now, telling me that no, you're not actually going to run this, I'm going to take over. So, his way of approaching it wasn't right. It wasn't for the benefit of the children – which everybody says all the time, "This

is not about you, it's about the children." But some parents don't have the ability to put the kids first. (1325, Mother)

It was really hard because the main thing of my child document was that it needed to be child-centric, whereas for [former partner] it very much about him and how it impacts on what he wants, and he can't quite see it from the kids' perspective. So, I spent all my time trying to make it from the kids' perspective, but without the opportunity to talk to them about it. ... [Former partner] doesn't, "Children don't have any rights until they are sixteen and until then their parents make the decisions", which is not where I am coming from at all. ... I think he has got this idea that if you go to court, the judge is like God and can make decisions and they are all seeing and they can get it right for everybody. Whereas I feel like I know my kids best and I do the best for them. So, completely different perspectives, it makes it really hard. (1017, Mother)

He's still playing the victim role which the court, you know, it's like, "Come on court, can't you see what's going on?" Two years later I'm willing to move on and put our kids first so that we're parenting before our own issues. But, he's still like, "Ah, no, I'm too scared to be alone with her, I'm too scared to do that cos she'll say this or do this." It's like, "Mate, at some point you've got to move on" because I've had to. I'm the one that you nearly killed, I'm the one that you threatened to kill. I'm the one that copped all of that. I've had to spend a lot of hours in therapy to get over that. (1108, Mother)

We might be doing all the best that we can, but it doesn't mean that someone else is going to do the best that they can. They see the world as they see the world. For them, that's how it is and the same with us, on your outlook, on anything. You can only do what you can do. (1157, Mother)

The other problem was that throughout the process – and this is the bit that got used against me a hell of a lot – was the idea that ... he'd picked up this phrase, best interests of the children. That is an absolute truth, okay, but when you've got different viewpoints of what best interests of the children – every communication that I had from him, or from any communication in regards to anything, it was the last few sentences that would always say, best interests of the children. When it's being a manipulated thing to you, it starts to lose its bloody meaning – like, "I'm going to pick them up at five because this is in the best interests of the children." You're thinking, oh my god, ... it was like a weapon using that lingo. It was almost a threatening sort of thing, because if you don't do the best interests of the children that means that I've got evidence against you to take that further or whatever. ... So, I always felt very frightened about what best interests of the children actually bloody was. I had an idea of what I believed it to be, but he definitely used it as a weapon against me and used my fear against it regarding that. (1214, Mother)

What I discovered at mediation is that I'm never going to get any kind of resolution with him. We see things just completely differently, and he's not willing to move too much. (1472, Mother)

Former partner's mental health

When former partners had mental health issues, this could become a challenge for parents seeking to make parenting arrangements. Sometimes a **diagnosed mental illness** had been

made, but some participants said it was their belief that their former partner had a **personality disorder or psychological problem**.

When it's in a situation that was quite emotionally charged, and when dealing with somebody who is mentally unwell and abusive, it's very hard to make those arrangements. (1257, Mother)

He had some mental health problems which he is, and was, receiving treatment for. (1175, Mother)

I don't want to be rude to my ex-partner and I don't discuss this with a lot of people anymore because it's just same-old-same-old, but I believe that she's got a personality disorder. That's what I think. She had issues as a child with mental health. I didn't find out this stuff until I talked to her parents after we separated. She was very, very controlling and I think she uses the kids as a weapon. That's basically what's going on and I'm trying to be straight down the middle so the kids don't get dragged into this, and trying to be kind on the kids, as well as maintain some contact with them. But, yeah, I think that's what's driving it. (1036, Father)

Then he had another mess as he'd crashed the car. Then he had to go to court-ordered rehab. So, everything got really messy. I guess that's why mine was delayed, because he had other proceedings going on. ... To be honest, I'm very jealous of other people I've seen where they have week on, week off. They can talk to each other. I would love to have that with [Child's] dad, but it's just not going to happen. I did try at the start, initially, to kind of be a bit more free like that. But every time I did that it just ... yeah, no. ... He's a very sick man and it doesn't look like he will be rehabilitated. (1519, Mother)

Their former partner's poor mental health was a reason some parents **resisted changes to parenting arrangements or ceased contact altogether**.

I know that sitting underneath it, and he probably knows this, is that I actually don't want him to have more access than he's got right now because he's really in a bad place. He's really depressed. He's talked to me about wanting to be run over by a bus. [Child] sees him upset and crying a lot and he's in deep financial poo. (1083, Mother)

I actually think he's a sociopath. I think he's got major, major mental health problems. Part of the reason why I cut contact off was he exposed her to porn several times. (1012, Mother)

Some participants recognised that it was their **former partner's mental health that was influencing their behaviour** and had spoken to professionals, such as lawyers and counsellors, about how best to approach resolving the parenting arrangements in light of this.

It's either what I went through where it's pure lawyers or you're diving very deep into extreme things like psychologist reports and things like that. There's no middle way. I think there are psychological issues on her side and I talked to my lawyer and he said, "Well, it could be incredibly damaging to go down that route" and I agree with him. (1509, Father)

We went along separately for the first meeting; my ex went first and I went to see him after. He hadn't even told the counsellor about his mental illness. I said to the guy, we started chatting, getting to know each other a wee bit, and I said, "Look, I don't know how you're going to do this, because I don't believe that it's a personality thing. I think it's all to do with the mental illness." He goes, "What mental illness?" I'm like, "Oh my god, he's not told you?" So, he'd no idea, the counsellor. Once I'd told him and given him lots of examples of why it's difficult, he was under no illusion that we can't change this. ... He actually sent me an email in writing about what I can do and what might help the situation. So, it changed after that to what can he do to help me, basically, rather than what can he do to help us communicate, because he said, "There's just no way; he's clearly not going to work with you ever." (1329, Mother)

I said, "Well, you know there's far deeper issues here than just communicating. If she is well, we communicate fine, but if she's not well, that's when she gets nasty. The issue is not to do with us not communicating; it's to do with her mental health, plain and simple. If she deals with her mental health, then we won't have a problem." ... That's what I said to the counsellor, "How can they treat her correctly if they don't know what is actually going on?" He agreed because he had met her a couple of times, he sort of knows a bit of the background. ... Mental health is the crux of what's going on here. So, the only way that we were going to get any resolution, was to actually sit down with the counsellor and deal with that mental health issue that's behind it all. But, my ex declined to continue. (1072, Father)

Allegations made by the other party

As mentioned earlier, many participants found a former partner making allegations against them a stressful and distressing experience. Several related how they believed their former partner had **made allegations against them as a way of maintaining control over them, to spite them, or as a way of continuing to harass them.**

It was just two years of basically doing what I was told by him, with this agreement over my head the whole time, and quite a few times he rang the Police on me. A couple of times mental health checks, which was just ridiculous. Just the usual crap like that, I suppose. (1155, Mother)

He wrote an affidavit accusing me of doing P and drugs and all sorts of stuff and at a Round Table Meeting, when the Lawyer for the Child brought it up he was like, "Ah, I was just angry when I did that. Can I take it back?" And the lawyer was going, "This is a court sworn affidavit where you promise to tell the truth", but that never got followed up on. (1139, Mother)

Originally my lawyer at the time said, "You need to be honest about everything, because the court likes that, it likes people to be honest. It doesn't like them to hide anything." So, I admitted to mental health issues, which is depression and anxiety, and also about cannabis use, and that became really problematic because, all of a sudden, that was used against me by the other party. They absolutely denied all the things about the abuse and everything like that, and basically tried to slant it that I was crazy and unfit to be a mother, and all these kinds of things. That was really unhelpful. I didn't realise that as soon as you are honest it is out there and it can be used against you. I wish my lawyer proceeded with more caution. Maybe she didn't envisage that the other party would fight like they did, really dirty. ... [Former partner] wanted

absolute control. ... He wanted to get me sectioned under the Mental Health Act, and I was suffering from PTSD. So, yeah, it was just really nasty. But, because I had already engaged with my doctor and other agencies, there were no grounds to have me put under an order and sectioned. It just got that nasty very quickly. (1126, Mother)

Others viewed allegations by their former partner as **attempts to discredit them** during the proceedings. Some were concerned that the court would believe the allegations and worried they would lose the care of their children – in one case, this had occurred.

He tried to begin to create this sort of case against me. Because when he went into the Parenting Order, that's what he did. It was an urgent Parenting Order, and it stated things that to me were just ludicrous. Things like I had left our daughter in a park in the dark by herself, that I yelled at the kids every morning and night. It was a whole lot of absolute rubbish. That was his only evidence, was his own affidavit, and so he was, by the end of the day, awarded interim care of the kids based on that. I thought what a messed-up system we have that it can actually do that. (1105, Mother)

I know what he is capable of and, at that point, I was totally convinced that he was going to take all of the children from me and I would never see any of them again. He was putting all sorts of things in place, like that I had mental health issues and I was insane and things like that, that I lived in poverty, things like that. He was very convincing too. (1059, Mother)

He said bad things about me, saying I was crazy and I was this and I was that. ... But, goodness knows, because there is still this allegation, I am still worried about going to the psychologist. I am still worried that he will twist them around his thumb and they will believe his allegations, and I scared she will be taken off me. Even the Lawyer for the Child reckons he has kind of lost the plot now, but it's still scary, you know. I have debated going to the media over it a few times. (1087, Mother)

Making allegations could also detrimentally affect the process of making parenting arrangements by **causing delays while the allegations were investigated** and specialist reports were ordered. Family Court proceedings, and contact with children, could be suspended while such investigations were underway.

There were a lot of accusations made against me by quite an adversarial ex-partner. So, it took quite a bit of time for that to all get settled and the truth to start to come out. (1132, Mother)

She made an allegation that I hit my son; I threw my son from the table, or something like that. ... We've come through all this way and with one allegation she can easily stop me seeing the kids. That's the really bad thing. ... I spent like, say, \$40,000 or \$50,000, all right and then, the next day, she can apply for a without notice application, put some allegations, right. Then it will go straight to the judge without my response or anything. The judge, normally what they do if there's concerns about safety, they just suspend the order and go, "Mother, full-time care." ... And the investigation happens. CYF involved, Police involved, everything, and they still go a very slow track. Another three to four months. Five to six months maybe. ... So that's how they played the game. With my case there was no evidence; the CYF interview, and everything, they never found anything, right. There's no proof, or whatever. There's nothing, so the first order was removed and then the kids were back to normal, right, like before.

But what's the penalty for her? Nothing. There's a record in the Police about me, but nothing about her. ... So perjury is easy, I don't think anyone has been convicted for doing perjury. (1521, Father)

I just found it frustrating because he demanded the psych report that we then had to go through, because he was claiming parental alienation, which has been overturned overseas. Well, he was claiming that. So, I have had all of that going on and he's contacted witnesses and claimed all sorts. (1140, Mother)

I got a charge of assaulting her and my kids a month before the court case. I didn't assault my kids, but that's what I got accused of. So, the court case got stood down. ... There was just no access. As soon as I got charged with assaulting the kids she withdrew any contact and she had the right to do that, I suppose, because of the charges. She just wouldn't reinstate it after I was found not-guilty. (1036, Father)

While participants acknowledged that the Family Court did need to take allegations seriously, they were **frustrated about false allegations being made and then accepted by the court** with little repercussion for their former partner if later found to be groundless. Many parents also expressed dissatisfaction about **not being able to defend or disprove the allegations**.

She put all this rubbish about them being scared of me which is so not true. ... But then that's what's presented to the court and that sort of sets the frame. I think one of the purposes of the court is to protect children from angry, violent men; they're going to take that seriously. (1509, Father)

What contributed to it was that my ex, obviously, is very charismatic, he fronts really well, and people believe him which is fine, but it is not fine in the Family Court because he can say anything he likes, he doesn't need to prove it, and the other person doesn't get the opportunity to disprove it. (1122, Mother)

They complained about me numerous times and CYF found, on each and every occasion, it was all bollocks. ... The fact that people can go in and write lies, and I was able to disprove many of those lies. The fact that those lies are even allowed to be put on paper and put before a judge, says a lot to me about what lawyers are working with. Why are all these lawyers letting clients write all this crap? (1576, Father)

The biggest thing for professionals, what is happening now, is that my ex runs around telling everyone, believe me everyone thinks I am the most disgusting parent that walked this earth, and I have been told that I will be trespassed. I have not done a single thing wrong. I am not perfect, but I have not done anything drastically wrong. He has done this through the courts, so they all look at me like that, but none of them, no one, no one sought the truth. Nobody asked me about these things. We have a real serious issue in New Zealand with some parents, not a lot hopefully, but it is enough to be an issue, where they are lying. (1122, Mother)

Manipulation of children

Some participants said that the process of making parenting arrangements had been made more challenging when they **thought that their former partner had manipulated, or attempted to manipulate, the children's views and alienate their children against them**.

If you read the court's judgment, this is actually parental alienation. ... At the starting point of this, the children were saying we want nothing to do with our father, which was very unusual given that all that had happened was that their mother had basically an emotional breakdown over a personal rejection. ... In a period of a month, they've gone from having a perfectly fine relationship with me to total extreme rejection of me. ... The other strange element to this case; their mother videoed a whole lot of attempted changeovers on her phone. ... This video evidence was then demanded by the court and her phone was taken off her actually in the court by the court security and the counsel to assist. When the court viewed all this footage, the mother had home goaled herself by filming herself behaving in a really highly manipulated sort of destructive manner towards the children in terms of turning them against me. If that hadn't happened, I'd be down the gurgler on this. I'd be one of those fathers that's waiting for my children to grow up until I saw them again. ... I think the court already suspected it. Then, when the evidential interviews were done of the children, Oranga Tamariki³⁴ pretty much immediately concluded that they'd been manipulated by the mother. So, that was pretty much dismissed right at the beginning. (1522, Father)

From my point of view, he manipulated [Child] to the point where she then wanted to go because he told her that that was what was right and fair and I was being mean and horrible and manipulative and all those things. (1148, Mother)

[Lawyer for the Child] interviewed the two oldest children. My oldest son said that he wanted to see me with supervision and, then the daughter, she didn't want to see me at all. So, it was kind of scary. I thought, "Oh my god", because I know my daughter so well and so I thought, "Man, she's really been tampered with here, psychologically." (1105, Mother)

We weren't prepared to try and influence the kids. It didn't feel right. It didn't sit well with us. But we could see it was happening at the other end, because the kids, when they were being delivered to us, they would be in tears, they'd be frightened. Obviously, there was a bit of a discourse that they were telling the kids that we were the bad ones and they should be scared to come to us. ... So, about the time we went to mediation, my partner and I felt it was a done deal, it was a lost cause, we had to give up our kids because they were so scared, they were so upset that for us to fight for what we felt was right would just be too harmful for the kids. So by the time we went into mediation, we'd already given up on the prospect of having our kids with us. It was just gutting. That's the slow-motion train wreck. There were all these factors feeding into it. We had no power, no control, and we had to be the safety valve that released in order for the kids to actually be okay at the end of it. (1153, Father)

The judge himself said that ... well, the kid's lawyer for a start, said it was one of the worst cases that they've come across in terms of parental alienation; so that was alienation of me from my children, their mother alienating me away from the children. They said it was one of the most difficult cases they've had to deal with and indicated that that was, in large, because of [former partner's] behaviour and conduct. (1315, Father)

My ex-partner's view of me is so negative that in her view [Child] shouldn't be in my presence at all. So, it's pretty difficult to get resolution with that kind of perspective. ...

³⁴ Oranga Tamariki – Ministry for Children, a government department responsible for the wellbeing of children; formerly called Child, Youth and Family (CYF).

I left her, she hates me for that. I'm now remarried, she interprets that as I was having an affair. She thinks I have taken all her money, she thinks I'm a shit father and I'm stealing her daughter. So, a whole lot of negative views of me. For a year she was able to only give me eight hours a week with [Child] and there was nothing I could do about that. I couldn't actually walk into the house and take her. ... There was alienation going on very early on. She said to [Child], "Daddy has left us. Daddy is forcing us to sell the house. Daddy doesn't love us." So it started very early on and then all that stuff got entrenched in her attitude and also in my daughter. I've had a lot of issues with [Child] in the way she speaks to me, the way she speaks about me, the way she thinks about my wife, the way she thinks and behaves towards my new-born child. (1458, Father)

My son had said that, when he saw the judge, "I don't want to talk about it. I just want to live with my dad." So, he had been taken out of school for a week and he had been drilled about what he needed to say to the judge, say to the Lawyer for the Child, he had been threatened. Yeah, it was pretty horrible for him. So, unfortunately, he turned into one of those little chameleon kids, or whatever the term is. Really manipulated, and there was nothing I could say or do. (1109, Mother)

New partners

For some parents it was their former partner's new partner and extended family that proved challenging when making parenting arrangements. Some noted that **new partners could change the dynamics between parties and influence the other party**, sometimes based on their own experiences.

Of course, each parent has rights as such to their children, and they should be connected with their children. But there is such an influence that happens when there are new partners that come into the situation that you probably wouldn't have an issue before. It's just that the dynamics change then. So, yeah, so it was really quite horrendous. ... Once I realised that [former partner's] new partner had decided that between the two of them there should be a formalised arrangement then, of course, I read everything and I found out about mediation and I looked at it and all of those things. But, I think, she had maybe gone through a process and a messy breakup herself, so she had shared her experience with him, obviously. (1325, Mother)

Ninety per cent of the problem that we had was because my ex had jumped ship to another woman. Part of what draws everything out is that any other people that are involved – i.e., extended family and new partners – are not shut down. So, they like to keep things going because some people just thrive on drama. (1199, Mother)

It can be a bit more difficult when there is a new partner involved because they quite often want to have a say as well. That's the thing, then the new person is the one between a rock and a hard place and they eventually sometimes have to pick sides. They might agree with the other parent rather than your partner, which can be difficult for their relationship. (1487, Mother)

There was a girlfriend involved and I do believe she had a huge part to play in keeping things very separated and trying to create toxicity. ... The best part of what came out of that was when the judge ordered us to do communication counselling. It was awesome because it removed the girlfriend from the dynamics. (1451, Mother)

For some, **existing parenting arrangements were destabilised by the introduction of new partners.**

Probably, when other partners have been involved, that can complicate things. ... When I stopped [former partner] being able to have the girls, throughout that time, I made it very clear to him that he was always more than welcome to come and stay at our house any time he wanted to come and see the kids. Of course, his partner at the time was not okay with that. Same with when I've had partners. You know, they're not really too thrilled at having the ex come and stay. At the end of the day, I don't care, because the kids love their dad. You know, I just won't let them go to his house. (1479, Mother)

Oh my god, it was just a nightmare, from start to finish it was a nightmare. And if he had a girlfriend he wanted the children; if he didn't have a girlfriend he didn't want the children. (1456, Mother)

They just didn't like going to his house very much. ... His new partner, they just saw her as a stranger in the house, and they didn't like being around her. They still want him to be part of their lives, but they just feel like their home is in my house, and that is just somewhere they go to visit. (1188, Mother)

Family Violence

As detailed in the Part 1 report, many participants believed that some family justice services (such as the Ministry of Justice website and Parenting Through Separation) did not adequately or realistically address family violence and abuse. Concerns were expressed that some services, such as Parenting Through Separation and Family Dispute Resolution, were inappropriate for those who had experienced family violence. Survey respondents were also critical that family justice professionals, such as PTS facilitators, FDR mediators, lawyers and judges, had an inadequate understanding of, or failed to properly acknowledge, family violence and abuse. Family Court clients, primarily mothers, who had experienced family violence and abuse found their experience of the court to be particularly devastating. They described it as life destroying or traumatising and some said it had broken or revictimised them.

Similar issues were raised in the interviews, as a large proportion (42%) of the interviewees had reported in their online survey that, at the time they were making or changing their parenting arrangements, their situation had involved family violence. **Family violence was therefore described in the interviews as a significant barrier for those making parenting arrangements.** Participants found it difficult to engage with former partners whose behaviour towards them was problematic and not conducive to discussion and negotiation. When family violence was a factor, this made decisions about parenting arrangements even more difficult and, to some extent, dictated the dispute resolution pathway. Most often, this involved using the Family Court to address safety issues and determine parenting arrangements.

Family Dispute Resolution and other forms of mediation were not considered appropriate when there was a history of abuse and safety concerns.

In theory, I think the whole thing of mediation when there isn't violence is probably quite effective and works well enough. But, cases involving violence, they just need to

get rid of it and put something in place that keeps people safe. (1079, Mother)

As far as domestic violence goes, no mediation should take place; it shouldn't even be on the table. (1079, Mother)

At one stage, my kids and me were in hiding for eight weeks from the court itself. So, mediation was never going to happen and there's cases where it doesn't, it's just not going to be a case. You cannot mediate with certain groups of people. (1207, Mother)

For some participants, **negotiation, or even direct contact**, with their former partner was **impossible**, particularly when a Protection Order was in place.

So, definitely an adversarial respondent, my personal safety and the need for a Protection Order meant that some of the options weren't available to me, like mediation or a Round Table Meeting. Like, none of those options would have worked. So, the only option really was to go through and have a judge make the decision, to put the evidence in front of the judge and for the judge to make the decisions. Because, even if we tried the mediation, tried the court appointed counselling, it just didn't work. (1132, Mother)

If you involve highly controlling people and they've spent so many years abusing you and controlling every aspect of your life, just trying to work out parenting arrangements with them or co-care with them, it ain't going to work. The women that did the PTS course could not answer my questions when I raised concerns saying, "You're saying do changeovers and avoid conflict, just putting the kids first is hard to do." Like, I was trying to put the kids first to keep them safe, but it just wasn't working and it's still not working. ... And it was quite hard because me and my husband actually haven't had any contact in just over two years, because his mother is his in-between person. (1108, Mother)

If you're in a position in which you've been abused by your ex, using this system, it's virtually impossible. So my ex-husband can't have a conversation with me unless he is verbally abusive. He's the only person in the world that I have to have contact with, who's allowed to do that to me. I have to waiver those rights in order for my kids to have contact with their dad, kind of thing. (1564, Mother)

There were a number of things about the [Parenting Through Separation] course that I found hard. One was that for me it was too soon because I had a Protection Order, so I had no contact with my ex-husband, so there was no communication. Everything was going through the lawyers and ... some of the stuff they were talking about, communicating down the track, and for me it was like, well, I cannot even imagine. ... You know, they were saying, "Oh, you'll probably end up talking to each other every day and it's really important to keep the communication channel going." I was just thinking, well, how does that relate to me when I've got a Protection Order in place that means that my husband can't. He's not allowed to phone me or contact me in any way other than by email or text? So that was one thing that made it not real. It wasn't real for me. All the stuff about, you know, the importance of all these things for the children and how important it is to work together, it was all like well how do you do that when you are physically not able to communicate, even on the phone, let alone face-to-face, because we weren't allowed. He wasn't allowed to come anywhere near the property. So how does that Parenting Through Separation relate to people who

[have experienced that]? (1434, Mother)

Some participants described **experiencing ongoing abuse and harassment** and breaches of their Protection Order by their former partner while they were in the process of making parenting arrangements.

He had lots of breaches of bail, so he was arrested. The last time he was arrested he then applied to the District Court to start proceedings against me. Just a made-up claim. So, after that, I was getting harassed all the time, lots of drive-bys. I had a private investigator from his lawyer who was looking at everything in my history, contacting old friends, family, boyfriends, everything. It was full on, lots of harassment, he continued to harass me. So, I applied for an urgent Protection Order, that was awarded. It made little difference to his behaviour. ... We had to put a camera up at our gate because of what was happening. It just showed him endlessly driving past, his family members driving past. We had to contact Police to try and get it to stop. Then there was lots of mailbox drops, about my proceedings and how I was being investigated, or the recipient of it. All things that were completely untrue. And then he contacted my work and did the same thing there. So, I had to stand down and explain what had actually happened. But all of these things got documented back to go back to court. ... The issue is that he wants to keep it embroiled in conflict, he wants to keep contact with me no matter if it's adversarial. (1892, Mother)

We've had harassment after harassment that the court has done nothing about because he is self-representing. ... He's abusive. He just will never admit that he's a problem. He will never get help. If the moon exploded, it would be my fault. So, there's just no point. (1140, Mother)

[Former partner] breached the Protection Order on numerous occasions to the point where we ended up having to get an intermediary involved, so that he couldn't communicate with me directly. He subsequently breached further, breached bail conditions, got arrested on three separate occasions. ... I know every marriage separation is acrimonious, and I get that because there's a lot of hurt feelings, and everything, but this individual is right now continuing to make my life a misery. ... He is still doing everything in his power to get me back, and to being able to communicate with me directly, and have access to me. (1444, Mother)

Some parents believed that their **former partner had used the Family Court and FDR** as a way of continuing to abuse and harass them.

He was really using the court as a kind of a way to manipulate me and continually put in a lot of applications ... that was quite a horrible thing. ... Anyway, I actually wrote to the court and said that I felt like he was using the court process to basically intimidate me. ... It was actually really nice of the judge ... he acknowledged that and said that actually he agrees that there is some merit to what I was suggesting. That he was using this court process to be abusive. Because I have a Protection Order because he does this kind of thing. ... I hated the fact that everything I said about his impact on me went back to him. ... I just thought I just can't take this anymore. Because it had been, at that point, seven years of being in the court. I just thought, I just can't keep doing this. Because I have a very busy job. I am a single parent. ... I can't cope with this additional stress of having someone do this. ... I mean, it was good to have the fact that the judge wrote that there was some merit that he was using his applications in

this way. Because I thought, if he does keep doing this, it has to stop. ... I think the only reason why it did stop is because he found a new partner. I don't think it was anything that the court did. I think there needs to be a way to stop people using the court process to harass someone else. I know it's not easy to do that. ... When it's in the Family Court, when it's someone that has been in a situation of domestic violence. When someone is trying to leave and get on with their life, to have that constantly happening is just awful. It's just horrible. There needs to be some way, I think, of stopping the court being abused in that way. (1394, Mother)

I think my situation, which is pretty common, is that it was an abusive relationship. Upon separation he was using the whole notion of having mediation for going to court as a kind of threat and intimidation tactic towards me around the children. So, I had actually a lot of fear around engaging in that process. (1105, Mother)

Some mothers reported an **ongoing fear** of antagonising their abusive and controlling former partner and having to manage the risk of harm for them and their children.

I suppose our biggest barrier is his emotional and verbal abuse towards me. So, I kind of have to do everything I can to work to minimise the impact of that on myself or my son. So, really everything becomes about trying to achieve what I need to achieve for myself or my son and our relationship and not have it antagonise him, or upset him, to the point when he reacts badly and treats me badly. There's always the fear that he could treat my son badly, although he never has as far as I can tell. So, it's about appeasing his reactions and keeping him calm. (1067, Mother)

I think it was a massive struggle because just trying to figure out what was right for the kids; because I didn't want them to lose out on a relationship with their father. But, both of them, especially my older girl who witnessed the abuse, it was really hard for her to agree to see him again. I was torn between her safety, because my ex was quite volatile and you weren't sure what he was going to do. So, safety of the child, but then making sure that it doesn't go to court because I don't want the kids to get dragged through court. (1152, Mother)

I have stuck to the order as such, but he hasn't, but I feel I will be punished if I don't do the right thing. I am scared of the consequences. I am still, in a way, under his control, so I am scared of what would happen if I don't do whatever. (1087, Mother)

For many, this fear and ongoing abuse made dispute resolution processes such as FDR mediation, Round Table Meetings or other Family Court hearings extremely difficult. The participants described the **fear they felt being in close proximity to their former partner** and reported feeling unsafe and intimidated. Some found the experience triggered old feelings that they had worked hard to overcome and recover from.

I think, actually, for me being a survivor of domestic abuse – mostly psychological, but some physical as well – just having to be sat in a room with that person for a three-hour period, it's intimidating and it's upsetting. (1623, Mother)

I think he was going to come back and have a go at me. Yeah, he belittles a lot, that's why I didn't like being in the environment. I couldn't talk confidently because of how I felt being opposite to him. ... I mean, I tried to use the advice, like, just think before you speak and take some deep breaths and avoid eye contact, all that sort of thing. But, at

the end of the day, he's still intimidating, so I still was uncomfortable. (1047, Mother)

Lack of safety, because this is about abuse and violence, so it's really hard to speak up, because you know you're going to be intimidated and abused by those that are doing the abuse. Having to sit in a tiny court room waiting room, waiting for a court that always runs behind. (1142, Grandmother)

To be honest, as soon as I was back in that room with him, it was just instantaneous back into the old feelings of how I used to feel and just the fact that he had done no work on himself. I think that for people in that particular situation – I've done a lot of work to improve myself and get past the old feelings and the old thoughts and beliefs and stuff – and I couldn't help thinking people that haven't been through that must find it really awful if you are in a room and you're listening to all the rubbish that he's talking. They teach you about abuse tactics and how the abuser will distort your view of reality and then you're just always questioning yourself. You think you're going crazy because they're like, "I never said that, I never said that." You know damn well that they did, but because they're so adamant that they didn't you start thinking, "Oh, did he?" (1623, Mother)

I couldn't imagine having to have a Round Table Meeting. I can't even be in the same vicinity of him without having a huge anxiety attack really. I just don't think it would work when there has been domestic violence involved, with all these power and control issues, where one has more power than the other. (1109, Mother)

I was the respondent with the Family Court. The first thing my first lawyer wanted to do was to have a Round Table Meeting. I found that very stressful just even thinking about it. (1110, Mother)

I got a Protection Order, but we were directed to communication counselling. That was also a joke. Because a Protection Order had been in place, and so that was kind of completely disregarded as to whether it was safe for me or not to do that. I was really uncomfortable going. (1384, Mother)

I know I do come across as being very angry and bitter and I don't like him at all. I was told in the Round Table Meeting that I was very hostile and you could cut the air with a knife, but when someone tries to run you over, I don't see why I should sit in the room with them and be pleasant. (1408, Mother)

The other thing I wanted to gripe about was, you turn up at the courthouse and you have to wait face-to-face with the person that's abusing you. That just used to get me. I hadn't seen him for three years face-to-face and then I had to face him and his partner outside the courthouse for hours waiting to be called in. It's just ridiculous. (1140, Mother)

For some, **having to speak in front of their former partner** and be **cross-examined** was particularly traumatising, especially when their former partner was a self-representing litigant.

Because of my level of distress, I'm unable to even be in the same room as him, which even being in cross examination – I couldn't even be there to tell my truth – it was impossible to speak and yet I gave all of my feelings – my depth of facts and

experiences in front of him, so it's made it worse. I don't want him to know or see – yeah, so I can't. I can't talk with him, I can't even see an email arrive with his name on it because it just throws me back into that re-triggered. ... A big part of all of this, too, is based on my trauma and based on being re-victimised, re-traumatised, through the cross examination – I actually ended up in hospital and that's when I was diagnosed with PTSD, but the whole process itself pretty much put me to breaking point, entirely. You can assume that the process I've been through, which I thought would be hard, has put me to the point of feeling suicidal, that's how bad I got with the pressure and everything. I couldn't cope. (1439, Mother)

For someone that has been in an abusive relationship ... that you then have to confront the person because they've chosen not to have a lawyer present, it's just a little bit offish. (1451, Mother)

Some parents thought that **Family Court personnel and lawyers were not suitably aware** or understanding of how difficult it was for them to be in the same room as their former partner.

I didn't want to be within the same vicinity with him, but my lawyer just kept pushing me, if I don't go and do this Round Table Meeting, the court will look down on me and the judge doesn't like this, the judge doesn't like that. It was a very stressful time of my life that. Less than three months from the second assault, I was pushed into a situation where I had to be in the same room with him and with his lawyer. (1110, Mother)

I still feel threatened by him and scared by him. It's just horrible and there is no understanding from the judges or the lawyers. Lawyer for the Child, or even my lawyer, to a degree, just didn't get that, how that makes me feel. (1087, Mother)

The [lawyer] I had, she was very nice and kind and that leading up to, but in court, oh my gosh, she pulled me apart. She apologised afterwards, but she should have given me the heads up that that could have been an option. She goes, "I needed the judge to see that you were scared because you are so emotionally numb, you weren't showing enough emotion, so I had to elicit some emotion." (1107, Mother)

When you say you're intimidated by someone, "Oh, yeah, but you'll be fine." But sometimes you're not fine because your anxiety is through the roof. You can't think, but they're still saying, "No, you need to sit there and you need to sort it out." (1047, Mother)

More broadly, many participants considered that some **family justice professionals and services did not have an adequate understanding of family violence** and the dynamics involved. They suggested that more training was necessary.

What I do think is that a lot of the people working in these services don't understand. They don't believe you, but I see a really serious lack of understanding about the dynamics, and I want to call it men's violence against women and children. I thought domestic violence was a terrible label, family violence is even worse. It just waters down what is going on and places responsibility where it shouldn't be placed. It aids these abusers as holding the woman complicit in their own abuse, if that makes sense? So, I think you need a wrap-around service, but I think more so it needs to be the level of training that these people have got. The level of understanding that they've got. It

doesn't seem to be people who are experts in the area of violence and abuse, and that's certainly not in the court. (1081, Mother)

I think domestic violence is hugely under understood, especially the psychological stuff. (1105, Mother)

I think they need to have a basic understanding of power and control and how people who are accused of abuse, if they really are challenging a Protection Order, there is a good chance that that Protection Order is needed and that they need to do everything they can to get the understanding of how people like that operate so they can be a little bit more empathetic and understanding. The people that I dealt with, they had no understanding of even basic psychological principles of behaviour for people, and motivation. It is a real hard one, it is just a complete lack of understanding. My lawyer is pretty fantastic, but she is still a lawyer at the end of the day with no training in psychology, no training in personality disorders. And when they are people like that, it is going to be far more difficult for the victim. (1109, Mother)

The court psych said something like, "The mother has been abused extensively in front of the child, therefore she should get counselling so she can speak positively about the father to the child." ... That's a court psych! (1079, Mother)

A common complaint from participants was that their **concerns about their own, or their children's, safety were not listened to or believed** and that family violence was **not taken seriously or was minimised**.

The whole domestic violence thing I think is underplayed. The Lawyer for the Child knew all the stuff, but I felt like I was completely bullied on the stand. ... Just to have understanding, because the Lawyer for the Child was saying, "You say you were under control" and it's like, "Yes, I did", but she was just condescending, "Really, that is how I felt?" I did what I was told because I was scared of him, but she was saying that I was a stupid woman or whatever. Just no real belief. There are people out there who think that women are all, make up, there is no such thing as domestic violence, and the argument on the other side of course. Just that understanding that it is actually real, the psychological stuff is huge. (1087, Mother)

Outside of court, you know, there's all this, It's Not OK campaign, safe women, safe men, safe families, the Women's Refuge, Shine, you know, there's all these places that you can go to for help. They all state on their websites And when you talk to the people themselves, the advocates, they'll tell you what the red flags are, they'll tell you the danger signs and that strangulation is a huge one, isn't it? I think they've just changed the law now around that. It's a very serious precursor to murdering, it's usually the next stage on that. There's all this stuff that tells us and the outside world this is a dangerous business and what you need to do. This is how you can get away, this is how you can keep yourself safe, and then you get into Family Court and they don't even look at it. (1108, Mother)

I don't think women actually win too many of these fights, especially when it comes to abusive men. The man will say she was abusive, she used language or whatever, but hitting her trumps a couple of words. But you're still not given that weightage. People don't take women seriously and their emotions, because they're automatically labelled as over-dramatic and what have you. (1152, Mother)

Then, you know, often they say it is an adult issue. My lawyer often texts me, and they often refer to adult issues ... the domestic violence. It gets minimised as being this couple's issues, and yes, it is in some ways. We know it is, but it's also much bigger than that. If somebody is going to smack the crap out of his partner or her partner in front of children, then that's abusing the children as well. So, I think domestic violence is minimised when it comes to all of those services. You're up against the system at the end of the day is what I'm trying to say. (1105, Mother)

Every time the kids come home injured I report it to CYF and the Police and the doctors. Every time something happens I report it to the appropriate authorities, they all do nothing about it. I will continue to cry myself to sleep most nights knowing that my children aren't safe. And knowing I cannot afford to take them back to court, knowing if I do the likelihood of me succeeding is minimal because the Family Court is not suited to victims. It is suited to combative abusers and they are the ones who win. So, I will just do the best I can to try to keep them safe, give them the tools to get through life, and pray one day they find a voice. Because the other thing that upsets me the most about the court system now is they don't listen to the children. And, if they do listen to the children, they don't listen to the fact they're being coached, they're being manipulated, they're being blackmailed. Because my kids were blackmailed. They were told if they didn't say 50/50 they would never see me again. That's what they were told, and I told that to Lawyer for the Child and she just went, "Lies." (1456, Mother)

[Lawyer for the Child] said along the lines of, "Because abuse is normal for him, then surely you can't take offense to his abuse because it is just part of who he is, therefore, you taking his abuse at you as an offense, it is actually your problem and not his." ... Then, at that point, you go, "Well, abuse is abuse. It is unacceptable on all levels", was my reaction. I was actually horrified that they normalised abuse – because it was normal for him it should be normal for everyone, and you should just accept it. (1107, Mother)

We need better quality information to be put towards the judges. There's too much discounting of what families tell lawyers because it's not their reality, and they think they know. "Oh, we've heard all this before" and they're not actually listening. When you go in to see them, you're in a state of trauma anyway, and when the Police come to the house, which is usually the start of the legal process, by that stage ... so much has happened before they got so fed up, so concerned, that they called the Police on their own family, and when those Police come, they want them to take action. They want them to record accurately what's happening. But the Police come in and their whole modus operandi seems to be to calm the situation down. So, they're saying all these things, and I've actually heard this myself and I've heard other families say it to me, that they say "Oh, look, we just want to calm things down, we want to sort things out, because when it comes to Christmas, you all want to be able to sit around the Christmas dinner table together." Well, inside they're just going, "What? If you'd seen our last four, five, six Christmases ... we never want to see these people again, let alone on Christmas Day. We wanted you to take them away and lock them up or give us a document that we can take to court so we can get a Parenting Order." (1142, Grandmother)

I get to hear things, like my son getting kicked by his father. ... All of these things which now, no longer do they have a voice, because it's all been proven that he's safe. All of these things are just ignored and the children are miserable and it's not good and I'm

in the thick of appealing the judges' decision to reject the Protection Order. (1439, Mother)

Our children were very much involved in the family violence, but because they weren't hurt the court doesn't care. (1108, Mother)

[They] can never ignore it, even if turns out to be false. I don't care; never ignore a report of any sort of psychological, physical, emotional or financial violence – never ignore it, deal with it. I know it may hold up the process to a degree, but get it sorted first. Because otherwise the little people at the other end, they're the ones who are still going to be suffering the most, along with both parents. (1256, Mother)

Several participants reported that **despite evidence** to support claims of family violence, they did **not believe these were given adequate consideration or much weight** in the Family Court proceedings and, in some cases, were dismissed altogether.

For me and my community, my family, my friends and even his family and community, are going, "How the heck could this have happened, when we know that he's abusive, you know?" Yet, there's actually nothing anybody can do, and even though there's Women's Refuge records of me and the kids staying in a safe house and there's call-out records and there's Police records of call-outs ... and there's all this kind of stuff, at the end of the day he can just walk into court with a piece of paper and be given the children. ... I think the process of identifying the source of where the abuse is coming from is paramount. Once it hits that court, once it gets to court, that piece of paper, that application, that's where if there was a process that kind of went, "Hang on a second. Let's just have a quick look at this. Let's look at this individual to see if there is evidence of abuse historical abuse, well that's a concern. You should not just be giving your kids to that person." (1105, Mother)

I pushed for a s133 report writer to interview [Child]. Before that, the father got several affidavits stating he never ever hit this child. Suddenly after that ... he actually put an affidavit in going, "I admit one account of smacking, but it was a light touch." I was, like, "For goodness sake!" He kept saying he [wasn't] even at fault; he only changed his bloody plea to guilty on the morning when two of my witnesses turned up. So, now we've got to believe him that he did not hurt that child? When I had three supportive affidavits from three different adults in her life who [Child] disclosed that her dad was hitting her. Regardless of that, the Lawyer for the Child did not want to hear it. (1110, Mother)

I've already tried to do an appeal and a judicial review. Unfortunately the judge basically ignored evidence again and it was just like he was repeating the results of the original hearing. He couldn't prevent the evidence still. And, yeah, they just ignored any domestic abuse and violence towards me and the children. (1092, Mother)

Everything's gone wrong from the start, because even if he didn't go to jail at least he would be held accountable, and he would have to work on his alcohol and anger issues. They were documented through the court hearing, but the judge didn't ... he just ignored it. He thought it was okay to throw furniture and items across the room and punch holes in desks ... when it wasn't, you know? (1092, Mother)

It's just so frustrating, the whole process. With the Protection Order he did his anti-

violence programme, or whatever it is, and at the end of it they wrote a letter to say he was incredibly angry, no remorse, no nothing, and he should be having supervised access with the children. But, it means nothing. There is a proper report from them, but it's like taking that to the judge, no regard for it. Just the sheer frustration of how the heck is he getting away with this, again and again and again? (1087, Mother)

Yes, went to court. We had a two-day hearing to do the safety and Protection Order hearing, which I guess involves the children because the children were also interviewed. They had Police interviews, they had evidential video interviews, they had CYF involved, they had everything. But, at this point, the prime decision-makers, such as the Lawyer for the Child, didn't believe anything, so that was the overriding voice for the children, and didn't feel it was bad. The threshold was clearly right up there. You have to be nearly dead before it's taken into account, often. (1439, Mother)

[Lawyers] were also saying, you know, "These parents are just idiots, they just want to get at each other" and that's literally what the judge said as well, that these parents are just idiots and that we just wanted to get each other. [The family violence] ... was wiped away, it was dismissed, completely and utterly dismissed. There was a mention of there had been violence but, of course, the court sees it as being historic because it had happened prior to that day, and it was literally dismissed. So, it became very much a focus on me and what I had done. (1256, Mother)

Honestly, it just really makes me feel absolutely disgusted with the system, that here is a convicted criminal, against a mother who's been a victim of domestic violence. I have no Police record, not a single parking ticket to my name and yet his word is like a bible message to the judge and anything I say, they just don't even want to hear it. (1110, Mother)

Several parents expressed frustration that **psychological and emotional abuse** did not seem to be regarded as seriously as physical abuse in the Family Court.

Well, the whole thing for me has been a nightmare and the kids. Because it's not physical abuse we struggled to get a Protection Order and help. That part of it is so frustrating. If he hit them then I could have easily got a without notice straight to the court. Because he hasn't, the kids have been through counsellors, we've had the Lawyer for the Children, we demanded a psych report. ... I really think, in my case, for partners, like women whose ex-partner is abusive, that all forms of abuse need to be looked into ... and especially when it's not physical. The emotional and psychological side of it is just as harmful. And, the courts need to realise that. (1140, Mother)

I kind of feel, with the whole court thing, if it's physical abuse it's noticed just because there's bruises and you've got evidence of it, but if it's verbal and emotional abuse it's harder to prove so it's not really taken into consideration as much. (1047, Mother)

I really feel the judge has pursued me and he's got a personal stake in continuing to rule against me, continuously because of that initial defending ... it was almost like, how dare you defend yourself to this request for a Protection Order? When I was effectively saying, well, look, the only way that I will accept a Protection Order is if your Honour's willing to give me a Protection Order, and my children one, from the woman who's doing this alienation and this psychological abuse, the sabotage of my contact. Because if you read the letter of what the law is describing in the Domestic

Violence Act, it is psychological and emotional. They say all the time, [that] is the same as physically hurting them, but that hasn't applied for me. (1544, Father)

Some participants felt that their safety concerns had been “twisted” and used against them, and that their attempts to protect their children had been interpreted as alienating behaviour. Many strongly resisted accusations of **parental alienation**.

The next thing is, as soon as you start bandying the word around about inappropriate behaviour with children, suddenly it comes up that you have accused that person of molesting the children. It changes the mindset of the court, because now subsequently in hindsight, reading all these case studies, I can see that the court twists that around and says, “Okay, so she’s basically, or he’s basically, trying to use that as leverage to get the children.” They don’t take it seriously, especially as you can’t prove it. (1444, Mother)

A 50/50 split when there is violence or intimidation, psychological, physical, or whatever, emotional, financial – any of that, there is no way a 50/50 split is going to work, because the moment you do that, you are literally still giving the intimidating ex-partner, control. I really think they need to be looking at that. I firmly believe that as parental alienation gets bandied around quite a bit and we all know now that that’s not a syndrome. It does happen, but it’s not a syndrome as such. That’s one of the things you get accused of if you say that you want to stop someone from seeing their child, or have a supervised visit to their child. You know, you get accused of parental alienation very, very quickly, and I got accused as well. (1256, Mother)

The women, sometimes we just don’t know quite what the issues are, we just know that it’s bad. Whereas the men will come in and go, “It should be 50/50 parenting, parental alienation needs to be outlawed.” Whereas a lot of us would go, “The doctrine of parental alienation needs to be specifically outlawed in the case of family violence because it is like a frontline defence for an abuser, because all the evidence of abuse is reframed as evidence against the mother of alienation.” So, it is virtually impossible to fight it. (1079, Mother)

I did not take a Protection Order because you feel really guilty that you’ve called the cops on your own spouse. I didn’t take a Protection Order within, I think, it was 24 hours or 48 hours. [Lawyer] said it’s too late for you to be in retrospect thinking of him as an abuser. No one’s going to believe that because they’re just going to think that you’re manipulating the system to get the kids and to hurt him. ... [Lawyer] said you can go to court, but the judge is probably not going to buy into what your daughter’s going to say. They’re going to think that you’ve influenced the child. (1152, Mother)

When I got the Protection Order the judge said things like, “He has got a stronger personality, he has got a quick temper, he has got no insight into the effects on the children.” All this sort of stuff that said bad things about him. And it was like, wow, that’s so true. He picked up on so much. But in the next hearing the judge said that I was an alienator. I had been down picking [children] up every bloody fortnight for the last two years, but because he claimed that he hadn’t seen the child since Christmas, which was a complete lie, I had been down four times. Lawyer for Child picked that up and said, “Actually, [she] has been down”, but the judge just said that I had alienated the child and the father hadn’t seen them since Christmas. (1087, Mother)

I think it's a major issue, this parent alienation stuff which comes from Richard Gardner. I looked into it, I read through on it. Even Richard Gardner who came up with this, being a stupid idea of parent alienation, even he said that it should not be used in a domestic violence situation. ... He's got convicted counts at the criminal court for assaulting me in front of the children. So, you know, the judge went down on the parent alienation, protective mother, that line, instead of the domestic violence situation. He characterised me as the bad one. ... They're claiming parental alienation. He never actually left the door open for the possibility that this child's reaction to both her father, because she witnessed him hitting and punching and pushing the mother, also strangling the older sister, also kept smacking her. That's was just totally swept under the carpet, no one was interested to hear that and the domestic violence situation [was] minimised. (1110, Mother)

Family Court processes could be extremely traumatic for some participants who said they felt **revictimised** by the experience. Their common view was that the **adversarial nature** of the Family Court processes, and 'the system' in general, **exacerbated conflict** and **inflamed the situation**.

Being in that situation and being a victim already, and then being revictimised in front of your abuser is really hard. Especially when there are other people in the court room like, for instance, my mother was. Everyone in the court knew, except for my mother, all the details of the situation. (1107, Mother)

Basically, if you are involved in a high conflict split, where you have a person with a personality disorder, the court system in fact inflames the whole situation because the personality disorder loves conflict and the court system is an adversarial system. So, by supporting the conflict and inflaming the adversarial system, the person who has been abused is further victimised, and continues to be victimised throughout the whole court process, including the destruction of her personally and her mothering skills, and absolutely everything she does to protect the children. ... All it does is it intensifies the level of conflict. ... So, we're talking about a system that perpetuates abuse, perpetuates domestic violence which is based on secrecy and lying. I am sure you've heard this all before, but it's absolutely appalling and devastating and destructive towards the victim. I am an extremely strong, competent woman and I was decimated, absolutely decimated, by the system. (1456, Mother)

I just really think, if you're going to look to changing the court system, you need to remove the adversarial part of it – just like when a rape victim stands on the stand, you are not allowed to besmirch her, you know. This is where they're missing the mark because rape victims are victims, domestic violence victims are domestic violence victims. They should be accorded the same protection and they're not. Rape victims can go into court and not have to stand there with their abuser. Domestic violence victims have to, especially in the Family Court, be sitting within ten feet of somebody who threatened them with a knife, who told them they were going to die if they left him. And they fall apart and the judge goes, "So, you're an unfit mother." Does that make sense? And this is where I think the Family Court system will never work as long as it remains adversarial and unfortunately, it has. The 2014 reform has done nothing. (1456, Mother)

Several participants believed that, rather than protecting and helping them, the 'system' or the **Family Court had been harmful, abusive and unsafe**.

My daughter and I have been through family violence and that is a very, very different thing than people where there is no violence in the relationship and are trying to make routine arrangements. I would argue that the structures around trying to make any sort of arrangements when domestic violence is involved are really, really unsafe. They actually cause, literally cause, a great deal more violence and a great deal of really serious harm. Really, really serious, serious harm. (1079, Mother)

My story is not unusual. Most of the grandparents are absolutely exhausted and don't have the resources that I have to do what I've done for my grandchildren. I'm sure it's very similar with mothers and fathers that separate when one person is being abusive, violent, addicted to drugs. The parent is speaking up for the child, which is a whole separate role to the issues that have gone on between the adults. They're getting abused in the court for it, and ignored and discounted. (1142, Grandmother)

I am going to take a gendered approach and this is that the United Nations and World Health Organisation both recommend that a gendered approach must be taken to domestic violence, if it is to be addressed, to the women and children who are in the Family Court. I know that there is a subset of men who are victims of family violence but (a) it's a limited number and (b) the most noise seems to be that men seem to be the perpetrators that are trying to pull themselves out as victims. It's a really dangerous dynamic and they are very, very skilled at doing it. I am sure that you have interviewed a few of them through this process. It's just, it's really, really harmful what is happening in the Family Court. (1079, Mother)

I know I am right, I know that none of it is in my head, I know that violence is wrong and that anything that has been done to me both by him and the court is actually wrong and that I have done all that I can to keep myself safe and I will die knowing that. But, a lot of women in this position would still be second guessing themselves and going, "Oh my god, what have I done to bring this on to myself?" I just know that it is because the system is actually harmful and dangerous and I don't do anything to bring this on-board to myself, you know? It is the system not doing the job. (1079, Mother)

I think that women in abusive situations that don't leave I now understand why. That there isn't any protection through the Family Court. That if someone has the power and the money is on one side, then there isn't the help there. (1642, Mother)

I don't want [Child] not to know her father, but I don't think she should be forced into this shared care arrangement because I've tried offering olive branches, I have tried with FDR, I've tried to talk to [former partner]. I have said, "Maybe we should meet, all sit down together and have a conversation." But he won't, he won't play ball. He wants to keep using the court. I mean, I can get counselling and I have a security alarm and I can have people come to the house and look grave and listen to me, you know. I can go to the GP and be told it's terrible and she wishes she could do something. ... It's awful being so disempowered, and it's your own child that you are trying to protect. And it's awful to know that you've actually walked into a trap that they, an institution like the judiciary, put you in this position where you're so unsafe and your concerns are being minimised and actually tables turned and you're being abused by the system. There's nowhere to turn, there really isn't. You can go through all of them, you know, I've done Shine and ... there's just nobody, no one can actually help. It's really frustrating because it's so circular. (1135, Mother)

I just think you can't stay in a situation like that, you can't stay in an abusive situation, you have to get out because I just think there needs to be more of a protective feeling around that in the court. You need to feel safe to go to the court. I don't think you should be abused in the court, I think you should be able to be listened to. I think that all people should be not condemned without being heard, you should be allowed and entitled to file an affidavit, and twice I have been disallowed that. I just think both parties should be allowed to be heard. (1143, Mother)

Two mothers expressed regret that the **Family Court's focus was not more therapeutic**. They thought that families needed support in order for both parents to be able to play a role in their children's lives and to co-parent.

I think the whole thing has been absolutely hideous really. It's certainly not what I imagined the Family Court was. I thought the Family Court could help the situation. It was incredibly awful to be honest. There was nothing good about the situation. I thought they could have put in place enforced counselling, look at the situation, see that that this was a situation where there's been a man with quite a significant history of offending sexually against women, but also doing some other things that aren't quite correct, and put some boundaries in place that would protect the family and us as a unit; to try and have some sort of relationship with the girls to have both parents involved in their lives. ... I would have also expected in a situation that's this volatile that there would be extra help. I think this court knew that I was fearful of this man and yet they did nothing. They just said well, "Here we go, let's sort it out, you do this, you do that." I know they're under pressure and I know that they want things settled as soon as they can. ... But, in reality, for two children where the parents haven't communicated and clearly the dad's not going to communicate or take part in the procedures, there should be something able to be put in place to make things easier for everybody. So, it was a very negative experience and it actually caused more harm than it did good. If I'd walked away from the marriage by myself with nothing I probably would be psychologically better off. I felt bullied and traumatised from the system. (1642, Mother)

It is a protection matter. At that point in time the judge should really be referring things back to, okay, well there's some issues here, and even if there's been no reported violence as such, there are some issues here that need to be sorted out and we need to take care of both parties, I know that. And I know that's probably one mistake that I made, because I saw the other party as the enemy, and he was. You have to take care of both of them; so in our case it was the violence that needs to be addressed. He needed help, he really did need help. I understood why he was the way he was. It doesn't make it okay, but I understood it, but no one was giving him the help that he really needed to sort his issues. We needed help too. Both sides need to be supported to get to the place where they can actually work together. You can't expect someone who's got all these violent issues and intimidation and aggression issues, and stuff like that, to suddenly be able to miraculously co-parent with another person. It's not going to happen because the patterns will repeat until those things are addressed. (1256, Mother)

Services and Professionals

In the process of making their parenting arrangements many parents and caregivers engaged with services and professionals. While these services were regarded as helpful and supportive by many, others found aspects of their engagement problematic. A lack of services or poor service provision also created barriers and challenges for some parents and caregivers when making their parenting arrangements. Many of the services and professionals identified as problematic operated within the family justice sector and included services such as the Ministry of Justice website, the Ministry of Justice phone line, Parenting Through Separation, Family Dispute Resolution, the Family Court; and professionals such as Lawyer for the Child, judges, lawyers (both private and Legal Aid), and specialist report writers. The participants' perspectives on these family justice professionals and services were reported on in the Part 1 report, which provided a detailed evaluation of each of service and professional.³⁵ Therefore, this section focuses on the barriers that a small number of participants encountered in their dealings with services and organisations other than those mentioned above. They included the New Zealand Police, Oranga Tamariki, supervised contact centres, Community Law Centres, and Citizens Advice Bureau.

The New Zealand Police

Thirty-seven percent of the interviewees reported some involvement with the Police while they were making their parenting arrangements. Some thought that the advice they received from the Police conflicted with the approach of the Family Court and, in some cases, disadvantaged them at a later stage of the proceedings. Some were particularly concerned that the Police did not take their safety concerns about their children seriously.

Every time there is a breach or every time that something has not been abided by, it just gets overlooked. Any time I've tried to go to the Police or the courts to get it enforced, the Police say, "Well, it's a civil matter." ... I sought advice from my lawyer, I sought advice from the Police, who all on record all said, you have to abide by the court order, and then off record, all said, "If it was me, I'd keep my damn kid with me." ... When it comes to people, I have found the Police to be very unhelpful. There seems to be a misunderstanding as to what they can and cannot do when it comes to a Family Court matter and enforcing a court order. ... Police, I can say in general, because when it comes to the Family Court stuff, I've not found a single useful cop yet. Maybe they don't know how to handle that sort of situation, especially when it's a father trying to say that the mother's in the wrong. ... To be blunt and honest, I think it's because I'm male. I think if a mother had gone to the Police with similar concerns, Police would have immediately given sole custody to the mother, protected the crap out of her, and probably arrested the father. (1555, Father)

Police actually also took steps to tell me what to do and they urged it and literally wouldn't let me leave the office without doing what they said. They escorted me and everything and yet that's been used against me. So, what the Police advised me even was used against me. (1439, Mother)

³⁵ Gollop, M., Taylor, N., Cameron, C., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 Family Law Reforms – Parents' and caregivers' perspectives – Part 1*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

There needs to be more of an understanding, from my perspective, with the Police force. They need to understand the dynamics of separating court processes, how it is for children. (1461, Mother)

I think it was quite hard because ... I mean, to start with the Police lost the statement and then the Women's Refuge and Family Safety Team weren't notified and by the time I got hold of them and they turned up ... it actually took three weeks for the Family Safety Team to turn up. (1092, Mother)

No one really seemed to take me seriously and I also get that kind of thing from the Police, even today. ... He is always constantly handing my son back sick, unwell, or something has happened or my son is exhausted or very tired with bags under his eyes. But they still don't believe me. And yet there has to be evidence. So, there was bruising from the holiday. [Child] came back with bruises on his legs and finger marks. The Police take a week to call me back and take photos. ... My son has reported that his dad has drunk boxes of beer, he has pushed him down the stairs, he has done many assaults, but no one really seems to care. The Police seem to think I am a pain sometimes. ... I think the Police really need to take us seriously in their reports. Like, I have been in and out of the Police station and given so many statements, statement after statement. (1798, Mother)

With the amount of work I've done in the last eight or nine years, understanding parenting the second time around, parenting children with trauma, caring for children with trauma, trying to understand developmental levels, protecting the children. I've been through it. I've had to call the Police, had to take out Protection Orders, you name it, been let down every step of the way. (1142, Grandmother)

Oranga Tamariki – Ministry for Children

Nearly a quarter (24%) of the interviewees had had some involvement with Oranga Tamariki (or Child, Youth and Family (CYF) as it was previously known until April 2017) and a few expressed frustration with their dealings with this government department. They thought that some staff were not adequately trained or knowledgeable in relation to child protection and family violence and some questioned social workers' practice.

You've got social work [programmes] which don't even teach child protection or I think it might have started in [university] last year. ... So, you've got a lot of social workers in Oranga Tamariki who've never studied child protection in their life and that's where you get the whole personal opinion coming in because they're not working off principles, they're not working off what we know and that's the problem. (1207, Mother)

You've got the social workers that I've caught out lying. I know other people have caught them out lying, so, there's got to be questions about why are they doing that. Well, my question to them is, why are you practicing within high conflict frameworks? Why are you not educating yourself on DV [domestic violence] and child protection and why are you not assessing people within those frameworks as well? I don't know if you know about the report in America that came out, when they said, these people are not trained to do this job. So, they cannot assess DV and child protection and this is what's causing the problems. (1209, Mother)

The first CYF investigator we had, he spent three days on the case apparently and closed the case with no issue. As you can see, our case has since then got worse. Again, there's no accountability for the fact that he missed what was a potentially severe situation. There's no way to hold any of these people to account. (1555, Father)

Supervised contact providers/supervisors

Just over a quarter (27%) of the interviewees reported that supervised contact had been required in their situation. The issues they outlined related to difficulties finding a supervised contact centre or professional supervisor (particularly in the same location), the availability of supervision at times that met the needs of the family and the cost of the service.

I contacted a couple of services. I can't remember who helped me, but some said there was a service that could do supervised contact. But the lady who did it was based in [different town] and it was going to be \$200-\$300 a visit. ... When I was trying to sort out this lady, who apparently comes up from [town], she was sort of like, "Oh, we can only do it on a Tuesday." And I'm like, Tuesday, that's the middle of the week. I'm working now and [Child's] dad is supposed to be working now too. It's going to have to be the weekends. There wasn't really that much choice as far as I could see, for supervision, here in [city] for what we needed. (1008, Mother)

Barnardos cost \$320 for an initial assessment and then \$130 for just a one-hour visit. .. So, that's a bit much, because I've got my partner and her two kids, so I look after them all the time. We're only living on her wage ... and it's just a bit too much. As much as I love my boys and I want to see them again, I can't afford that. (1361, Father)

Finding an appropriate supervisor was also an issue. While one participant did not like having a supervisor who was a stranger, most others **wanted professional, independent supervision from someone who was qualified**. One mother wanted a supervisor who could not only supervise the contact, but also teach her former partner how to interact with his young son.

I think the supervised visits thing was a huge thing. It's easier said than done, and I believe that Barnardos don't do that anymore, the supervised visits. The court can order a supervisor, it can be a complete stranger. (1082, Mother)

Okay, let's start with supervised access, no skills, no qualifications. Anybody can do it without any criteria. How is that beneficial to the children? (1456, Mother)

I just found, when I was looking for supervision down here, it was just really difficult to actually come across something that would deal with what we needed. I obviously wanted a sort of homely situation, or a park, or someone that could actually go with them, and it had to be someone who was highly qualified to manage the interaction between [Child] and [former partner] or else [former partner] would just sit there and let [Child] climb all over him and basically, you know, talk baby-talk. I just didn't feel there was enough options. ... Like, he couldn't even relate to my wee boy. He couldn't have conversations properly. ... It was really upsetting. And I wanted [Child] to have the right guidance for a wee boy too, you know, because you'd have to prompt [Child's] dad to say the right things or, "What do you think of this?" or "Look at this picture that he made." So, he really needed the right sort of contact. But the amount of money that

was going to cost for supervised contact, I couldn't afford that, and I knew that [Child's] dad had no money. We had no child support, nothing during this time. I don't even think he could go on a benefit or anything while he was in rehab, it was just government funded, I'm not too sure. (1008, Mother)

One mother complained that she and her children were **forbidden from speaking te reo Māori** by the supervised contact centre her family used.

We are bilingual, my kids and I, so we all go Māori/English, or we all go Māori – it's how we've always been. Well, we were told by the [supervised contact centre] that I was not allowed to speak any Māori to my children when I was dropping them off for these visits. Dropping them off, or picking them up, I wasn't allowed to talk to them in Te Reo Māori. I was completely disgusted, and I even told them that. It's an official language of New Zealand, for goodness sake. They provide the service on behalf of the courts. Why is it that me and my family have to be compromised or be penalised because we're speaking an official language of New Zealand? They can't provide the service to cater for us? Well, that's not our problem, you know what I mean? ... I don't expect people to have Te Reo fluency, but what I do expect is that we are dealt with professionally and culturally sensitively, just like anyone would be. We've got to comply to mainstream culture and we do it very well, but we're basing our society on the Treaty of Waitangi and its biculturalism. I think we need to step up a bit. (1466, Mother)

Using **lay supervisors**, such as family members or friends, was considered problematic by some. They were concerned that having people choose friends to supervise them could result in lax supervision, which could compromise the children's safety. When one party had to approve the supervisor this could result in contact being prevented when proposed supervisors were declined.

We went through the court and we had the Protection Order and I had full-time custody. ... Because my two youngest children are both at school, part of that Protection Order was to make sure that he was safe around the girls without another adult present. ... For that time my eldest daughter got put in as a court supervisor. ... She was 21 at the time and that was a very big mistake by the Family Court because [I think that] any court supervisor should be an independent person. (1485, Mother)

The thing that I found difficult with supervised visits was that it was always someone that he picked. I will pick someone, which was Grandma, and obviously he squealed about that, but at the end of the day, I don't really care because Grandma has [Child's] best interests. It was just like, these supervisors, oh my god, they just were incapable. ... I'm unimpressed with the latest supervisor because [Child] was having supervised Sundays with his dad. I had found myself writing to my lawyer because she [the supervisor] wouldn't listen to me ... that [Child's] dad was able to talk in [Child's] ear and threaten him, "Don't tell any lies about me", things like that. It was just unacceptable, and yes, they have written an agreement that they would do that and that, but they're his friend. Like they are going to say anything nasty about him, they are just friends! If anything, he was probably paying her to be the supervisor, to keep her mouth shut. I do not know, I wouldn't be surprised, because nothing surprises me of his actions these days. (1633, Mother)

The order said I could have supervised access, but as per the father's discretion. So for

the first month I got four different possible supervisors that were approved by the court and he turned all of them down. ... And then I tried Barnardos, went through that process and he declined that. He just kept on keeping me at bay while he continued doing what he was doing with the kids. So, it was a whole month until he finally agreed. ... He had to because my lawyer started saying, "This isn't looking good the way you're refusing all these appropriate supervisors." He finally agreed to his sister supervising. (1105, Mother)

His family doing the supervision has caused major dramas. I don't have a relationship with any of his family at all which isn't what I wanted, but because we used them on supervised visits and they didn't understand. They didn't understand. I was told that Lawyer for the Child would ring them and tell them exactly what they had to do and she didn't. They got no information or anything. (1376, Mother)

For one mother, the lack of available and affordable supervision resulted in her **personally supervising the contact** even though she found it exhausting and she felt frightened being with her former partner.

You know, at this time I was scared, I didn't really want to be in [former partner's] company. But then I didn't want to leave my son in his company either. And, I guess in a way, supervised supervision. We went down that track maybe three times, just to have that outside view, that outside mediation of how everything was going. But the cost of it was too much. ... So, then I decided that, even though it terrified me, I was going to do the supervised contact myself. And so, for a year, I supervised. [Child's] dad would drive down here and we would meet in a public place, if we were healthy, sick, whatever, every Friday night. Because it wasn't my issue, it was their relationship. I thought, "Okay, we'll go to Chipmunks,³⁶ we'll go swimming, we will go to a café and we'll go to a park, winter, summer, we'll just do this." And two hours, I decided, and that two hours went quickly, you know; over the year it would turn out being, you know, six hours or seven hours, and it was exhausting. Because you want them to have a good time, but you're basically teaching [Child's] dad how to be a dad, and helping [Child] relate to him, because he couldn't really relate very well. (1008, Mother)

Community Law Centres and Citizens Advice Bureau

A small number of participants thought that the advice they received from Community Law Centres and Citizens Advice Bureaus was unhelpful. One complaint about **Community Law Centres** was being given advice to go and get a lawyer, when it was the parent's inability to afford legal representation that had been the reason they had gone to the Community law Centre in the first place.

I tried going to see [community] legal advice, when it first started. They told me basically to go and get a lawyer. I was like, "I can't afford one. That is why I am here." (1566, Father)

The Community Law Centre ... just said they couldn't really say much about my situation in particular and that I'd have to go see a proper lawyer. I was like, "Well, I can't afford that, I'll figure things out on my own'." (1589, Mother)

³⁶ A children's indoor play centre.

The thing is, you go [to a Community Law Centre], I've been to a couple, you go there and it's like they're trying to get the customer. That's what they do in a Community Law Centre. So, you go there, you give your stuff, you stay and say something and then they will say, "You come to my office." That's what they do. They first look at your income. If you are high income, "You come to the office, we can help you." It's like the place where they can find customers. (1521, Father)

Two participants found the advice they received from a **Citizens Advice Bureau** to be inadequate.

My first thing that I did was I went to Citizens Advice. They just gave me the divorce papers and I just walked out of there going, "Oh, I'm pretty sure I have to wait before we can actually get divorced", so ah, that was interesting. (1347, Mother)

I made an appointment in town to go to Citizens Advice Bureau. You can go there, get free ... So, I went there and chatted to a lady there, but she was pretty unhelpful. She was just like, "Oh, that's terrible. Oh, what an awful man." (1444, Mother)

Service availability

Many parents and caregivers said when they first began the process of making parenting arrangements they **did not know where to go for help and advice**. Some reported **difficulties finding the appropriate service** to provide the information they required or they were confused about what they needed to do and what services they could access.

In that first week of separation I did read the Ministry of Justice website and Citizens Advice, and stuff like that, but actually it was quite hard to get hold of somebody to talk on the phone to answer all your questions or talk about your specific situation. Yeah, actually being able to talk to someone on the phone about the right path to take, the right action. (1427, Mother)

I kind of just got onto the Internet and Googled stuff which I found kind of frustrating initially, because you're going through enough stuff without having to try and figure out who you're supposed to talk to and stuff. ... I did go along to the Family Court and just said, "Do you have some brochures and what do I do?" Because there was so much stuff on the Internet, I kind of just was quite confused on what I was meant to be doing. (1308, Mother)

Several participants commented that **better liaison between services, or an umbrella organisation that co-ordinated information and services**, particularly for family violence and programmes for children, would have been helpful.

Really, when I sit down and think about it, your first point of contact as far as a Protection Order or anything like that goes, is the Police and Women's Refuge. I just think it would be really helpful if the Police and Women's Refuge and lawyers had all of that information so all they had to do is say, "Yes, here's who you ring if you want to do a domestic violence programme." You kind of want the Police working with Women's Refuge and the court as well, so they've all got the same information and they can all give you the information, just in case it gets missed, like it does. Because it was really hard ... and it's really stressful. Just trying to find those programmes and for the kids. Yeah, it just should not have taken six months for me to get my daughter into

a safety programme. (1376, Mother)

It would be really good to have an umbrella organisation that has these different divisions that literally operate for women and children and understanding the processes, understanding their condition, understanding the support they can get, because I was all over the board. I can tell you, I researched, I looked, I tried every single avenue possible, and I couldn't believe I was bouncing between everyone, not knowing where to go. Even trying to find counsellors that were experienced with the trauma of what I've been through, it's not easy. (1347, Mother)

I just said to my lawyer – I got quite angry and I said, “Why the frig is there not just one person that liaises with all of these agencies and just gets to know the kids, independent from me and [former partner]?” (1199, Mother)

I had absolutely no idea [what to do], under these circumstances, so I trusted and put trust in Women's Refuge, Shine, Family Action and those sorts of agencies, as well as another person who had a legal background, but also training in Police and domestic violence or something. Everyone sort of guided me and I tended to get the same message, but it didn't make me feel too confident. Then, once I'd done what they'd advised, I realised it was totally the wrong way to handle things, because it inflated everything. (1439, Mother)

Some participants **reported difficulties finding a service that met their needs**, such as those offering counselling, social workers, or psychologists, or programmes for both themselves and their children. Finding a particular service in their local area could also be difficult.

I am in the country so it is quite different with getting, like social workers and things like that, there's not really any of that. You'd have to go to town. (1336, Mother)

Talking to the lawyer, they were able to give me the things with regards to law. ... They can give you everything that's legal, but they're not really there to counsel you in an emotional sense. Because you can be quite messed up and I think it would be nice. Maybe there are those things available, but I wasn't aware of them. (1513, Mother)

It just would have been helpful if there was a child psychologist or something available for me to be able to ... for him as well, to go back to and refer to ... over the last two and a half years to have an understanding of what was actually appropriate for the children in this situation, what was best for them. Because what's best for them – you're just making it up as you go. (1453, Mother)

Finding a **programme for children who had experienced family violence** was also difficult for some.

There was only one person in the whole Family Works who actually understood my case, so I went from counsellor to counsellor until I found one now, finally, who actually helped me and understood the whole dynamics of the domestic violence and the Family Court and my narcissistic ex. ... Yeah, they should be helping me to strengthen my relationship with my daughter as both of us being victims of domestic violence. I have to go to the media and bang the tables for [Child] to actually be considered for going through on the domestic violence safety programme, which she was then part of through the Ministry of Justice. They kept denying it. Family Works

kept saying they can't help [Child] to do the domestic violence safety programme because she's under six. So I kept banging the doors. ... The Ministry of Justice changed it and they put it into plan that actually those aged under six can be included in the domestic violence safety programme. I just learnt it by pure logic. Everyone is saying the first five years of the child's life, that's when it's so important, the brain development, the synapses are developing, and blah, blah, blah. So, I thought, here is my child who's a victim of domestic violence, her dad is beating and punching mummy up and hitting her older sister, yet no one wants to give her any mental health help or trauma counselling or, the fact that still now, two years' on, he's still exercising his parental rights and not allowing [Child] to have trauma counselling. So what does that tell you? (1110, Mother)

I was trying to get my daughters onto the ... well, I was trying to find a DV [domestic violence] programme for me, but I was trying to find them the safety programme that they do for the kids. No one knew anything about it. The Women's Refuge didn't know anything about it. The Police gave me a pamphlet – well, the Police actually told me more about it, but they couldn't really give me any information. The lady who was doing my DV programme ended up telling me just to ring the court or just to go to the court, so I ended up just going to the court. But they couldn't really tell me anything. They said, "Yeah, we'll look into it for you and let you know" and then it must have been about a week later they gave me a phone number. They gave me a Barnardos number and I rang Barnardos and then they said, "Yes, we'll get back to you" and then Barnardos basically never got back to me. ... We ended up finding one in [town]. But, yeah, it took six months and yet the court, when they turned around and said to [former partner], "You have to do an anger management programme", they gave him all of the paperwork. They gave him the numbers, they gave him all of the information he needed. All he had to do was ring and go to one of the courses and yet me, the victim and the kids, we got nothing. ... When my kids finally got on a safety course, because it's down in [another town], the organisation that does it, they've only got one lady that does that course for the kids. They had all of these rules around it, that she wasn't allowed to come to my house, but she's in [town] which is an hour and a half away. ... I think she ended up seeing [Child] maybe three times over a period of about five months, three or four times. It wasn't her fault. Me and her tried as much as we could, but by the time [Child] actually got to do the course it was kind of pointless. Because it's one of those things that they really need to start doing with the kids when they're in Refuge, not wait until you've gone through this whole process and the kids are feeling safe – well, the kids are already feeling safe in the house, so then you're going to do a safety programme with them. It was a bit pointless, really. (1715, Mother)

A lack of services, programmes and professionals that **met the needs of grandparents** and were **culturally appropriate for Māori** was also identified, However, two participants appreciated that things were improving in relation to the latter.

I was rigorously trying to find someone who might be available. Originally, because I bring my children up with a Māori-medium education, so originally it was trying to find someone who could cater for our cultural needs as well and have an understanding, because my children are immersed in Māori education. But I couldn't. It's a shame there isn't ... well, I think it's growing since then. I suppose the pool of available therapists that are available or becoming available, like clinical psychologists, Māori clinical psychologists, I think it's on the increase, which is really great. (1466, Mother)

I did find Incredible Years useful, but having said that, I don't think it's appropriate for most people at that point, when they are going through Family Court or when they are separating. There was about four or five grandmothers that did it at the same time I did, most of us for the same reason. Most of us went through Family Court and had the same terrible outcomes for the children. We got to the point where we got really frustrated. We felt that with children with high anxiety, some of the practices that they said to do don't apply and it actually sets the children up to fail for more, and also you've actually got to be quite calm and in control of yourself to be able to practice the techniques. For most of the people that were on the course with us – there was about 20 – they were not at that level to be able to do that. You also had to read a couple of chapters of the book every week, and some of them would have struggled to do that. I actually personally believe that the Parenting Place programme, which is six weeks, two hours a week and you do everything in the class and it's very preparatory and there's one that they've got now called Building Awesome Whānau and it's Māori tikanga-based. That's brilliant. It's a much better starting point. You can either do them in the evening or during the day, but even in the evening, to be out for three hours in the evening, when you've got children at home, even if it's only 50/50 or whatever, and you're in a state of anxiety because you're newly-separated and the children are in a state of anxiety, much better to bring it back to something more low-key at that point. (1142, Grandmother)

Summary

The parents and caregivers described a range of barriers and challenges they faced when making their parenting arrangements. These included financial barriers; personal challenges; the behaviour and actions of the other party; family violence; and services and professionals which had either hindered the process of making parenting arrangements or made it difficult.

Financial Barriers: The cost of making parenting arrangements was a significant barrier for many participants who utilised services and/or professionals. Fees for lawyers, FDR and the Family Court, and Cost Contribution Orders were all regarded as too expensive, ate into people's savings and resulted in debt. For some, this could be financially devastating. Even those who self-represented to avoid paying legal fees incurred costs that could be problematic when on a low income. The provision of legal advice could lead to participants incurring greater expenses than originally anticipated. Financial issues were sometimes a key factor in the dispute resolution pathway that participants took to determine their parenting arrangements. The cost of fees could be prohibitive for some people, deterring them from engaging professionals or utilising family justice services to assist with making parenting arrangements. Such costs could also act as a barrier to the other party engaging in FDR. For some parents, the expense of legal fees and court costs was a barrier to instigating further Family Court proceedings, preventing them from applying for a Protection Order, appealing a decision they were dissatisfied with, pursuing further applications or attempting to change unsatisfactory parenting arrangements, resolving guardianship issues, and/or seeking to enforce Parenting Orders that were being breached. Some participants also had to abandon proceedings and agree to arrangements they were unhappy with as they could no longer afford to continue paying legal fees. Some parents and caregivers resented having to pay legal and court fees when the other party did not have to or had instigated what the participant believed to be unnecessary proceedings.

While those who received Legal Aid appreciated this, having to pay it back was difficult for some parents or caused prolonged debt. Being deemed ineligible for Legal Aid due to home ownership or employment was also considered problematic and unfair by those who could still not afford to engage a lawyer. Many who could not access Legal Aid expressed dissatisfaction with the inequality this created when the other party was eligible and could continue to litigate with ongoing or vexatious proceedings. Similarly, when one party had greater financial resources than the other, this could also lead to a power imbalance and inequity. Those with financial resources or Legal Aid were perceived as able to continue litigation, while those without could not afford the ongoing legal costs.

Lack of money also created stress in other aspects of parents' and caregivers' lives. For some, their parenting arrangements meant they could not work full-time or they had expensive childcare costs. Child support could influence parenting arrangements and some participants complained that their former partner manipulated their income to avoid paying child support or used child support as leverage against them. Non-payment of child support detrimentally affected participants' financial situations and their own, and their children's, quality of life. Relationship property division could also influence parenting arrangements. When this was unresolved it could create financial uncertainty making it difficult to plan for the care of the children. Those leaving relationships with few possessions, or with property division unsettled, could experience financial hardship. However, despite regarding their situation as unfair, particularly when their former partner was not similarly struggling, some parents were reluctant to seek to settle their property division due to the cost, the length of time it would take and the potential difficulties it could create with their former partner.

Personal Factors: A variety of personal factors were identified as challenging for many participants during the process of making parenting arrangements, which was often a highly stressful and emotional time. Some participants were still distressed and grieving about the breakdown of their relationship, while others were fearful of losing contact with their children. For some, it was a very traumatic process and their emotional state acted as a barrier to making parenting arrangements. The emotions involved in dealing with their former partner were difficult for many participants, particularly when the relationship and communication was poor or there had been family violence. Some parents found dealing with post-separation issues, such as housing and finances stressful while, for others, it was dealing with the systems and services that caused them to feel overwhelmed, pressured and stressed. The emotion and stress sometimes got in the way of parents thinking clearly, being able to make decisions or cope with other areas of their lives. Feelings of disempowerment, and having little control or choice, could be challenging for those engaging with dispute resolution services, particularly the Family Court. Participants spoke of feeling disempowered when they felt they did not get an adequate opportunity to voice their concerns and perspectives or when these were not listened to.

Allegations made against them by former partners caused considerable stress and frustration. Parents and caregivers reported being shocked and distressed by being on the receiving end of without notice applications, particularly if they considered such applications to be based on lies and false allegations and/or to be a means of control and manipulation by their former partner. Those participants who were not given the opportunity to refute or disprove such allegations felt disempowered and aggrieved. Less 'serious' allegations that were not the basis of without notice applications were similarly distressing. Being portrayed as an uninterested, poor or neglectful parent was very hurtful and could have a detrimental impact on the relationship between the parents.

Despite such stressful and emotional experiences, some participants reported a lack of support, such as mental health services, counselling and support from family. Several fathers noted a lack of support for men. A lack of knowledge or understanding about family justice systems and processes could also be challenging. For those with no experience of separation and/or the family justice system, making parenting arrangements could be a daunting process, particularly for immigrants and those for whom English was a second language. Not understanding the process, or the different options and services available, could mean that people went down particular pathways that, in hindsight, they would have preferred to avoid. Post-separation parenting could be another personal challenge, especially for those fathers who did not have much prior experience of caring for their children.

Relationship With, and Actions of, the Other Party: The participants' relationship with, and/or behaviour of, the other party were frequently mentioned barriers to making parenting arrangements. Many participants described difficult relationships with their former partner/the other party, characterised by poor communication, hostility, and conflict. The personality, nature and mental health of the other party were key factors which impacted on the process and could dictate the dispute resolution pathway. Some parents had agreed to arrangements they were dissatisfied with to avoid antagonising a difficult, controlling or abusive former partner and to minimise any negative impact on the children. Many participants found communicating with their former partner/the other party difficult and, for some, direct, face-to-face communication was impossible. Abusive, heated, angry and/or non-productive communication significantly hindered the process of making parenting arrangements. For some, the other party's inability or reluctance to communicate their views, or refusal to communicate at all, made the process very challenging.

Parents and caregivers found it difficult when the other party was not prepared to co-operate, compromise or negotiate, and/or would not engage in, or blocked, stalled or thwarted, the dispute resolution process. It could be frustrating when the other party declined to participate in FDR mediation, or began the process but then behaved in ways that were not conducive to a successful outcome or refused to continue. During Family Court proceedings, when the other party did not undertake court-ordered actions or failed to attend meetings, conferences or hearings, this also hindered dispute resolution and prolonged the proceedings. Participants found it very frustrating when, having reached an agreement or decided on the parenting arrangements, the other party then changed their mind, did not follow through on what was agreed, reneged on the agreement, or refused to sign the written agreement. It was similarly difficult for participants when agreements or court orders were not adhered to. For some, this meant a reduction in, or cessation of, contact. Some participants questioned their former partner's motives for wishing to change arrangements or refusing to consider proposed changes, regarding them as being motivated by financial matters, vindictiveness, or an attempt to exert control over them.

Reaching agreement on parenting arrangements was difficult when the parties differed in their views on what their children needed and what was in their best interests, especially when participants believed the other party put their own needs ahead of their children's. Parents and caregivers regarded allegations against them made by the other party as attempts to maintain control over them or as ways to spite, discredit or continue to harass them. Investigating allegations could delay Family Court proceedings and contact with children could be suspended. Participants were frustrated about false allegations being made and then accepted by the court, with little repercussion for the other party when these were later found to be groundless. Many participants also expressed dissatisfaction about not being able to defend or disprove the allegations.

Some participants said that the process of making parenting arrangements had been made more challenging when they thought that their former partner had manipulated, or attempted to manipulate, the children's views and alienate their children against them. The other party's new partner and extended family could also prove challenging when making parenting arrangements. Participants found that new partners could change the dynamics between parties and influence the other party.

Family Violence: Family violence was a major challenge for some participants and a key determinant of their dispute resolution pathway. Due to safety concerns and Protection Orders, negotiation or even direct communication between the parties was often not possible. Family Dispute Resolution (FDR) and other forms of mediation were regarded as inappropriate when there was a history of abuse and safety concerns existed – in such cases, parenting arrangements mostly needed to be made through the Family Court. The process of making arrangements was made even more challenging for parents and caregivers by ongoing abuse, harassment and breaches of Protection Orders by the other party. Some participants believed their former partner used dispute resolution services, such as FDR and the Family Court, as a means to continue such harassment and abuse. An ongoing fear of antagonising their former partner and striking a balance between this and managing the risk of harm for themselves and their children was a major challenge for some women. Many felt frightened to be in close proximity to their former partner and felt unsafe and intimidated during FDR and Family Court meetings, conferences and hearings. It was difficult for some to speak in front of their former partner in such forums, particularly when being cross-examined. Such meetings could be very traumatic and trigger old feelings that participants had worked hard to overcome.

In addition, some participants thought that Family Court personnel and lawyers were not suitably aware or understanding of how difficult it was for them to be in the same room as the other party. They also perceived that professionals, in general, lacked adequate knowledge and understanding of family violence and the dynamics involved. Some participants suggested more training was necessary. A common complaint was that their concerns about their own, or their children's, safety were not listened to or believed and that family violence was not taken seriously enough or was minimised. Some reported that, even with evidence, claims of abuse and violence did not appear to be given adequate consideration or weight in Family Court proceedings and, in some cases, were dismissed entirely. There was also concern that psychological and emotional abuse did not seem to be regarded as seriously as physical abuse in the Family Court. Some participants felt that their safety concerns had been twisted and used against them, and that their attempts to protect their children were interpreted as alienating behaviour. Many strongly resisted accusations of parental alienation.

Family Court processes could be extremely traumatic for some participants, who said they felt revictimised by the experience. A common view was that the adversarial nature of the Family Court processes, and 'the system' in general, exacerbated conflict and inflamed the situation. Some were dismayed that, rather than helping and protecting them, they found the Family Court to be abusive, unsafe and harmful to them and their children.

Services and Professionals: During the process of making their parenting arrangements many parents and caregivers engaged with a variety of services and professionals external to the family justice system. While these were regarded as helpful and supportive by many, others found aspects of their engagement to be problematic. A small number of participants raised issues concerning the New Zealand Police, Oranga Tamariki (formerly CYF), supervised

contact centres, Community Law Centres and Citizens Advice Bureau. Their complaints centred around professionals and organisations not taking safety concerns seriously, a lack of training in child protection and family violence, the provision of unhelpful or inadequate advice, and the cost and unavailability of supervised contact and professional supervisors.

A lack of services, or poor service provision, created barriers and challenges for some parents and caregivers when making their parenting arrangements. Many said when they first began the process of making parenting arrangements they did not know where to go for help and advice. Some reported difficulties finding the appropriate service to provide the information they required or were confused about what they needed to do and what services they could access. Having better liaison between services or an umbrella organisation to co-ordinate information and services was suggested. Some participants found it difficult to find a service that met their particular needs, such as counselling, social workers, psychologists, domestic violence programmes for themselves and their children, and those which were culturally appropriate for Māori. Finding locally-based services could also be challenging.

The Impact of Making Parenting Arrangements

The impact on parents and caregivers from the process of making parenting arrangements was experienced in a variety of ways. Both positive and negative impacts were reported, however most were negative. Those who made their arrangements quickly and with little acrimony reported little detrimental impact, while those who experienced more complicated and protracted negotiations or proceedings spoke of significant impact on their emotional wellbeing, financial security, personal relationships and their children's lives.

Emotional Impact on Parents and Caregivers

Parents who said they had experienced a **positive emotional impact** attributed this to their increase in self-awareness or a greater sense of control over their situation.

I have learned a lot about myself and other people and I am closer to my son, so those are positives. (1086, Father)

For me, it felt good because I felt I could finally control my life a bit better. It made me feel much more in control of my life. (1250, Mother)

However, the **negative emotional impact** experienced by many parents and caregivers as a result of making their parenting arrangements included fear and worry; mental health issues; stress; frustration and anger; and missing their children.

Fear and worry

Many parents and caregivers said they were **afraid and worried** during the period they were making parenting arrangements. These fears were often associated with the likely, or potential, actions of the other party, as well as fears for their, and their children's, personal safety.

It's awful. It's one of the worst things I've been through and I've had some pretty horrible things happen in my life. But nothing has destabilised me like this has. I think it's probably the fear. Fear about both children, actually. (1051, Mother)

The other party could take you down that road where you have to defend yourself as a parent and that somebody could make the decision to take your child from your care. It's quite a huge fear. When [Child] was younger you were afraid of everything you did. You didn't want to put a thing wrong in case you could be accused of being a bad mother. So, I suppose there is an element there where it does make you afraid to relax. Don't sleep, you know. (1067, Mother)

Horrendous, just horrendous. I don't even know how to explain it. You are just hypervigilant. I was looking outside because somebody had pulled up in their car outside my house. And I am going, "Oh, is that them coming to take her away again? Who is that, what are they doing?" (1079, Mother)

Several said these fears and worries detrimentally affected **their ability to function day-to-day and to parent**.

I've just accepted that sleeping tablets and painkillers are being used more than they might otherwise be at the moment because I can't sleep, I'm so worried all the time. It's really horrible. (1051, Mother)

It will be 22 years of my life I will have been in Family Court. I feel like I can't parent how I would instinctively want to parent in a lot of cases, because I feel like I have got the eyes of the court on me all the time. That is a huge stress, you know. I feel like I will always be worrying that I see a letter being put in my letterbox and I feel sick. (1081, Mother)

This may just be a necessary by-product of the system that as a parent I actually feel quite vulnerable most of the time. (1104, Father)

All I was capable of doing was getting chips from the fish and chip shop. So, that was it. Unless somebody came around with food I just couldn't. Every ounce of me was busy dealing with all the court stuff, all the Police stuff, and trying to bring up my son for the first couple of weeks. (1519, Mother)

The five years for me have been exhausting. What I feel for is my daughter who is five years old and this has been going on since she was eight weeks old. So, she hasn't had the best of me. As much as I try my very, very best to be very present for her, she still hasn't been able to have the best of me. And we have lost a lot. I can't even explain how bad it has been, really. (1109, Mother)

Mental health issues

Some participants unfortunately experienced **serious mental health issues** during the period they were making parenting arrangements, including depression, suicidal ideation and post-traumatic stress disorder.

I have considered suicide, I felt depressed and needed counselling. (1055, Father)

I guess for me I have to really look after myself nowadays because I feel that I'm a lot more vulnerable to things like post-traumatic stress and trust and depression and things like that. (1073, Mother)

The mental side of it is very harmful. (1576, Father)

I have post-traumatic stress disorder. So, I would never work as a [professional] again for the simple reason that my brain, when it gets under pressure now, it just switches off. I can't process information and, I mean, I have two degrees. I should not be in this situation. ... Whether or not I'd even get a job now, I don't know. The impact on my career, on my – I'm not going to say my mental health because I'm now training for a [sporting event] and I'm not going to be beaten by those people. But I cannot process information in the way that I used to be able to because the stress of all of this has affected my brain whether I like it or not. My brain just shuts down when it can't deal with anything and I never used to be like that. The stress that we were under ... my GP said you've been living like a prisoner of war for seven years. She said, there's no way that you could not have been damaged from it. (1207, Mother)

Some parents thought that the **adversarial nature of the processes** they went through to

resolve their parenting arrangements had exacerbated their mental health issues and affected their diet and sleeping patterns.

I feel like it does affect my health. It affects my eating and my sleeping. I have got PTSD and you can't heal from what you have been through because you go into the court and it reopens it all. The court allows these people the means to open it all up for you again. They support that. Like, his lawyer is so abusive to me on the stand, it's awful. And that's allowed. It is really state-sanctioned abuse, as I see it. So, you can't heal. I am triggered, often triggered, unless I can make myself go dead from the scalp down. I can be triggered all over the place. (1081, Mother)

It's just crazy, this whole process is a crazy-making process. (1110, Mother)

I am not now dealing with the court because it takes over your whole life. I had no idea, it is the only thing that is on your mind 24/7. You can't sleep, you wake up in the middle of the night in a sweat, you've got a constant headache. A lot of women turn to drugs and alcohol. It just takes over your life and so it affects everything, it affects your ability to be involved in your community. We have insulated ourselves which is not entirely healthy, because people don't understand it. (1079, Mother)

Stress

Parents also talked of the **stress** that resulted from making their parenting arrangements. The process was described as painful, pre-occupying, enduring, uncertain, humiliating and heart-breaking.

I have to say for me, as a parent, it was the most stressful thing I've ever gone through. (1325, Mother)

As long as my kids are happy I'm fine. I am fine, but it's almost like post-traumatic stress, if you know what I mean. ... Other than losing a parent it was the worst thing I've ever gone through. (1325, Mother)

We got to that really hard place where, yeah, I was pretty much a basket case. I wasn't sleeping, I wasn't eating. It was like how it had been when we first separated, which is unnecessary stress again, four years down the track. We should be beyond that stuff. Yes, changes need to be made as the children get older, as things happen, but the length of time the process took really, really added to the stress. (1292, Mother)

It's been incredibly painful. It's not an easy thing at all and one of the things that, I suppose, I read it, that it's an ever-changing constant process. So, it's not like you can make a parenting arrangement and that's problem solved. It's not like that, it's an ongoing everyday process, because things change and you're constantly having to review things anyway. So, when it comes to parenting arrangements, it's seen as something you do and it's done, but it's not that simple. (1067, Mother)

I would say [I was] well and truly forcibly dragged [to court]. And it did feel like a dragging, and it still does some days you know, the trauma from the actual court process and everything else that we were put through prior to that. Then after that for a while it was very, very difficult. It's taken a huge toll on my health and it's taken a huge toll on the children as well. (1256, Mother)

I've got to the point where I just spend hours and hours thinking about this. I'm a bit sick of it taking up so much of my headspace and my time. (1453, Mother)

The only reason that I pulled out was not because I think it's the right thing to do. It's because I just don't think I'll win and the impact on me and everybody else in my life and my kids is just too horrific. (1636, Mother)

This is the most humiliating process I've ever been through. ... Not humbling. (1584, Father)

You're just so stressed. As much as work have been supportive ... I'm not easy to replace. So, it was expected that you have to keep going. (1519, Mother)

Frustration and anger

Parents expressed **frustration and anger** about the position they found themselves in and the way in which they had been treated by others involved in the process. Others were frustrated with the dispute resolution system and the outcome they achieved.

It was hard. I mean, even talking about it now, I've done so much work around it, but there's still so much to be done, you know, emotionally. They put us through hell – they really did. They all put us through hell and I've just literally had to walk away with no real justice over the whole thing, and just go okay, "Well, that was an experience, there's nothing I can do about it." (1256, Mother)

If there's one word, the word is just frustrated. Just frustrated. I'd like to say I've learnt patience and I've been forced to be patient. But I don't know how much patience I've learnt. I've learnt that I'm powerless over it. There's nothing much I can do. (1700, Father)

I'm angry, I'm real bloody angry, basically at how slow everything is, and the fact that you can tell lies in court and get away with it, or supposedly get away with it. And it just takes up more time reading stupid reports that go on and on and on, and it's not necessary. Totally not necessary. So yeah, I don't know how they'll improve it. (1576, Father)

Missing the children

Those parents and caregivers who were separated from their children while the parenting arrangements were finalised expressed a great sense of loss about **missing their children** during this time.

If you can't see the children that's really painful, because they're small. So, that's the biggest emotional stuff. Like, I haven't been able to see our kids even though [I'm] around. ... Because of this legal [situation] I can't go to his day care, I can't go to his school. It's everything. So, that affects my life, my health and my work. I had to go through counselling. (1521, Father)

Financial Impact

Participants often raised the **detrimental financial impact** that the process of making parenting arrangements had had on them. No one said they had experienced a positive financial impact! Rather, they talked about many different monetary impacts including the actual financial cost; the impact on their employment and working life; the impact on their living arrangements; the impact on their savings, financial security and future financial wellbeing; having to ask extended family members for financial help; spending their money on legal costs and court proceedings rather than on their children; the outcome not being worth the money it cost; and the financial impact on society.

Some also discussed the domino effect the financial impact had on their personal and emotional lives and those of their children. This was particularly evident for those who utilised **the Family Court** and/or experienced protracted proceedings.

My life was derailed for 10 years, the collateral damage of that is indescribable. I have lost my career and my son's life has just totally changed. I was someone who had reasonable means because I had worked so hard all my life and my son had lots of opportunities because I had the financial means prior to going into the Family Court. But then all that of changed. So there were lots of things he missed out on that other kids had, basic things. We lived in poverty for years and I'm only just resurrecting my life now. He has a scholarship to go to a very good school and, yeah, I'm just resurrecting our life now, but we've lived it very tough. Honestly, the Family Court destroyed our lives. (1638, Mother)

Financial cost

A detailed analysis of the amounts that parents and caregivers' spent on making parenting arrangements is set out in our Part 1 Report,³⁷ but during their interviews many also discussed the **significant financial cost** they had personally incurred.

I was thinking about it the other day. Just last year and the year before came to over \$50,000. So, I think I have spent at least \$100,000 on this. That's without all of the other proceedings through the other courts which was probably close to another eighty. (1109, Mother)

It cost me two grand to get the Protection Order and then every time we go to the Family Court, it costs me \$700-\$800. (1175, Mother)

I have got Legal Aid, thank goodness. So, I won't have to pay for the psychologist or anything like that, but I still have to pay Legal Aid back, but at a cheaper rate. I think the bill is about \$15,000, or something, so far. (1087, Mother)

I spent in excess of probably \$40,000 to \$50,000 plus from memory initially in that early phase. (1301, Father)

We were then on to court and he then started the whole alienation thing. That took

³⁷ Gollop, M., Taylor, N., Cameron, C., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 Family Law Reforms – Parents' and caregivers' perspectives – Part 1*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children's Issues Centre, University of Otago.

essentially three years to beat and my bill for that went from \$11,000 to \$240,000. (1207, Mother)

I've had 10 years. So, it escalated, and then we had a seven day hearing. Can you imagine how much that cost me? It's unbelievable. I had legal bills over \$400,000. (1638, Mother)

I know what it cost me because I paid the bill last year for the Legal Aid. It cost me \$25,000 all up for Family Court and it cost me another \$3,000 for the criminal case as well. (1036, Father)

I've got nothing positive to say about the whole experience. There's been nothing – nothing good's come of it. It's just been terrible for everyone – except for my ex-husband, he's sitting pretty. But for the rest of us, for the kids, for everybody else, it's just been a hideous waste of time and money and heart breaking, absolutely heart breaking. (1636, Mother)

Impact on employment and working life

Many parents and caregivers experienced disruption to their **employment and working lives** from both the stress and the practical demands of making parenting arrangements. This included reducing their working hours from full-time to part-time, losing or quitting their job, repaying Legal Aid debt and lawyers' fees, having to become a beneficiary, living in poverty, lost financial opportunities, and children missing out.

It's affected me in many ways, health-wise, mental health, it's affected me in terms of my working ability. The whole process really does impact your life. (1067, Mother)

The opportunities lost from it is enormous because all my energy and focus for a decade has gone on the Family Court and trying to keep us safe. (1079, Mother)

At the end of the day, I've had to give up my job and I haven't been able to get another job like I had. I was working full-time when all of this happened and I'd been working there for six years when I left. In 2016 I was able to reduce my hours so I was at home with the kids before school, got them to school before I had to start work, and then I finished at three o'clock so I was able to pick them up from school and go straight home. I haven't been able to find another job where I can do that. To be honest, that's the kind of job I really do need because I really do need to be here for the kids. ... I've lost that financial support, really. (1702, Mother)

Financially, it's devastating [with] the lawyers' fees. I had set up a business and I was struggling with the global recession. It was tough times when all this happened. I had to employ people to do my work, so I had no income. I had legal fees. I had Legal Aid the first time around, but I had to repay it. I'm still repaying it. I had to top it up myself. ... I've been on a benefit for years. I haven't earned any money. ... I was a professional working woman all my life until this happened. And it's not an unusual story. In fact, most people wouldn't actually speak out about it because they're too poor, but it's happened all around. (1142, Grandmother)

The priorities should have been the welfare of those children, which was for me to be able to get a job because there was no way the father was ever going to be able to look after them. We don't have money for the dentist or the doctor and I just say, why

should my children have to live like this because I can't get a job, because I'm not allowed to move? I've got that in the judgment, from the property judgment. The court had no problem agreeing that the 362 job applications that were slapped in front of them, or job rejections, meant that I do need to be able to move as a [professional] to get a job. (1207, Mother)

It's been really stressful. I've had to take a lower level job, because I couldn't cope with the stress. (1384, Mother)

I had to quit work. I had to literally put everything else in my life on hold to go through this process, because trying to find a job that'll employ you when, "Ah, crap, I've got a lawyer's meeting. Ah, crap, I've got a Family Court hearing. I've got this, I've got that." It's just damn near impossible. So, I literally had to put my life on hold, which meant I had to go on to a benefit. (1555, Father)

Impact on living arrangements

The financial impact of dividing relationship property and undertaking legal proceedings to make parenting arrangements could result in parents and caregivers having to make **new living arrangements** by selling property; renting; flatting or boarding with others; shifting into a vehicle, cabin or garage; moving back to live with their own parents; or downgrading their standard of living; becoming beneficiaries; and experiencing financial hardship.

I now have no assets and I had an almost freehold house, at the start of all this, which I had borrowed a small amount against to start my business and I lost everything. ... I now board with friends because at the moment, while I'm a student, I can't even afford to pay rent, even if there was any houses available in [city]. (1142, Grandmother)

I'm back living at home because there's no way I could afford to pay rent and bills and pay my lawyer over \$1000 a month. Yep, I'm living with my parents. ... I don't know when it's going to end. I don't know when you stop being dragged through the Family Court. They obviously can't give you a time frame on that. Every time we have a meeting, they just schedule another one of the exact same meeting where nothing is done. (1175, Mother)

Financially it stripped me, because I owned part of a house and that had to get sold and that paid for the courts. For a while there, we just needed to hunker down, so me and the kids lived in a [vehicle]. Then we moved into a cabin and we've only just got back into a house. So, you know, financially, you're trying to cope and you're trying to cope with all this big stuff going on. (1963, Mother)

I've always been a high achiever and now I'm sitting unemployed on state benefits, living in a garage in New Zealand. That is down to the Family Court as far as I'm concerned. (1207, Mother)

I was left by the judge's actions with nearly nowhere to live, and I am now left with debt hanging over me, because that judge deliberately left the Police statements out of the court hearing. The whole reason we went to court was because of what the Police saw and said. You can't do this to someone, you can't say to them, "Okay, your marriage has split up, you don't have occupation of the family house." You are left relying on other people, basically to live. I could have ended up living in a car. They put

me in hardship. (1135, Mother)

Impact on savings, financial security and future financial wellbeing

Some parents had used all their money up by **spending their savings** to fund their legal proceedings. Depending on the size of their debt and their age, some bemoaned their inability to recover any sense of financial security in the years ahead. The debt would hang over them for many years to come or what they had spent meant they had forfeited a house deposit and were going backwards financially.

Basically, what I have spent on this goes a good way towards a house deposit. (1044, Father)

Ah, well, one of my friends put that quite helpfully the other day. She said, "You're really screwed aren't you because you can spend the \$50,000 and have a shot at keeping the children where you are and the IRD will chase him and he'll have to pay child support, or you can forfeit the custody and get no child support, but that's still going to cost you like \$100,000 over the next few years." So, that's it. Has it motivated me? Not really, no. No, I'm screwed both ways, I think, financially. And I've just got to accept that I can't renovate my house for a really long time. (1051, Mother)

I have a debt over me for the rest of my life for \$400,000 that I will never recover from. (1638, Mother)

It's obviously used all my money up. (1055, Father)

At this point right now, I am trying to re-establish our lives. I have got a lot of psychological issues going on with the children and myself, and I am just trying to get my head around all the debt that I currently owe. [Former partner] was meant to pay it all, cos that was part of the deal. He had to pay the court costs, my lawyer bill and he has to pay for all the visitation stuff. Until that happens I am really stuck. (1059, Mother)

The price of it, it's absolutely excruciating. I don't know how anyone is supposed to work with that. I have spent years and years and years saving. I sold my house, it's the only reason I had money for it. (1059, Mother)

The legal bills used up all my savings. (1075, Mother)

Realistically, I am 50 now so I am not going to ever recover financially from the last decade. (1079, Mother)

I've spent over a year going backwards, basically. (1439, Mother)

Having to ask extended family members for financial help

To meet their financial commitments some parents had to **ask extended family members**, often their own parents, for loans or gifts to pay the bills.

It's impacted hugely. My mother's actually spent whatever inheritance I would get when she died, on fees. Court, lawyers and we had the criminal case in the District

Court to fight over the breaches. That cost a huge amount of money. (1461, Mother)

My parents paid for it, thank god. It cost a bit. (1540, Mother)

I'm quite well-educated. I come from a very well-off family and I've done things on my own, so I'm very independent. Even then my family paid a year of the flat and they've probably spent about \$20,000 supporting me. After I realised how much they were spending I actually got on my feet and did my own thing. But if I hadn't had my family then the Family Court would have absolutely – I mean, it was devastation. (1642, Mother)

This is me without a job, with a medical condition, which also got used against me, my mental state was used against me – my trauma – that cost me. I borrowed from family, thinking I could at least take it off the house when the separation settlement was made – so far \$120,000. (1439, Mother)

Spending money on legal costs and court proceedings rather than on their children

Parents also begrudged having to spend money on legal costs and court proceedings that could have **been better spent directly on their children** to see them or to avoid them missing out on enjoying things in life.

A huge chunk of my income went on the court case, rather than things they might have been able to experience. That money would have been saved, but it would have also been spent on things for them, basically, so they've missed out. (1181, Mother)

If I had still been able to work – I was earning anywhere from \$2,500 to \$5,500 a week – my son would have a brilliant well-provided-for life. He's still provided for, but things like being able to take him out and do stuff with him is unobtainable, meaning my child does miss out on being able to enjoy certain things in life because I had to leave work because of the Family Court processes. (1555, Father)

I'm on a very low income. The children – I can't put them into after-school care because they're quite traumatised when they come back from their dad's and they lash out a lot. They're quite emotionally unsettled and so I choose to be home for them because they need me to be home for them, rather than doing the extra hours to get the money. So, I do put them first. We have enough money to live, obviously, but we don't have lots of extras. (1329, Mother)

I'm spending so much money on legal fees, I don't have money to go paying for airfares for them every x amount of weeks to see them. So, the consequence of having all those legal fees is I haven't seen my kids. ... It's not so much the lawyer's fault but, at the end of the day, all I wanted to do was to be able to pick up the phone and talk to my kids and see my kids. The reality for me is I've spent probably between \$6000 and \$8000 on legal fees in the last 12 months and I still can't pick up the phone and talk to my son. The amount of times I can't phone the kids because she changed the night and didn't negotiate, and I've got something else on or because she's sick and you can't call or because there's a babysitter there and, "I don't want you calling when the babysitter is there." All those sort of excuses! I'm probably paying, \$50, \$60 a time, every time I pick the phone up and call them. That's effectively how much it's cost me. So, when I haven't seen them for the last 12 months, part of the reason is because she

keeps changing plans. (1315, Father)

Financially, it's cost me thousands, pretty much bankrupted me, so I can't put that quality of life into me and [Child]. I can't take him over to [country] to see his brother, which I had been going to, because now I can't afford it anymore. He hasn't seen his brother for two years. (1576, Father)

Oh, it was just wasteful. It's been wasteful of [former partner's] money, it's been wasteful of my money while I retain bloody \$350 an hour legal people. There's \$16,000 that could have gone into the care of the boys just pissed into the bloody parenting through separation system. (1691, Father)

The outcome not being worth the money it cost

As well as being dissatisfied with the costs they had incurred, some parents also thought they had benefitted little from the financial outlay. For them, the **cost had not been worth the outcome**.

I paid quite a lot of money to go through the legal system. In the end, I felt like I got exactly what we started with, but just all written on a piece of paper. ... I paid over \$10,000 worth of lawyer's fees. To end up with what I started with – the same outcome that I walked in there with, with the same shared care arrangement. (1280, Mother)

The best bit of all of it is I lost my Protection Order and I have nothing gained from \$120,000 spent to protect us regarding all of this. The whole lot. (1439, Mother)

I ended up applying for a variation to the Parenting Order which cost me further funds. I've spent \$370,000 of money on lawyers and they have delivered absolutely nothing. (1444, Mother)

I've always believed in buying quality and looking after things. I used the same approach when it came to lawyers. I went to one of the best lawyers in the city, thinking that that would help my cause and get this thing over and done with. But even with one of the most experienced, respected lawyers around, he was not able to achieve much for me. ... You just drag your way through the process, and meanwhile you're being milked for money from the lawyers. I've been too scared to tally the sums up, but I think I'm in the order of \$60,000 down the gurgler. I've gotten nowhere essentially. If I'd rolled over on day one then I would've gotten one day a week with my kids, and then tried to make some progress from there. But I've spent \$60,000 or more, plus I've still got the whole relationship property thing to go, that's purely Family Court child custody stuff. (1585, Father)

In the last year, I think I have spent \$30,000 and I have got nowhere. (1073, Mother)

Nothing has been useful. I mean, both families have completely broken down. ... While there were lots of fees taken by professionals, and a lot of legal fees paid by us in both cases, there was never any resolution. And it didn't appear that they wanted a resolution. (1138, Mother)

Financial impact on society

While most parents talked about the financial impact on them personally, some also thought that **wider society** was negatively affected by the cost of resolving parenting arrangements through the Family Court.

The other thing that I just wanted to touch on is the cost to the taxpayer of all this. They could have kept us safe for a few thousand dollars. When I first applied for the Protection Order, if they had given me the Protection Order and just said that we can be safe and I don't have to engage, it would have been, I am guessing, under \$10,000 all up. I estimate that the cost to the taxpayer in harming us, and this is not the ongoing cost of the lack in my productivity and the ongoing medical and social costs of what has happened, add that on and it's probably hundreds of thousands of dollars more. It is probably in the vicinity of \$300,000 that it has cost the taxpayer to harm us. It could be more actually, especially with this upcoming criminal case. (1079, Mother)

He is making these off-the-wall accusations and it is costing thousands of dollars, with the psychologist, going to court, there have been three mediation conferences. It is just a complete waste of money. It's like a complete waste of money, but he is making these up so they have to act on it. It's thousands of dollars for nothing. (1087, Mother)

Impact on Relationships

Impact on relationship with former partner

A few parents and caregivers reported a **positive impact on their relationship with their former partner** from making parenting arrangements. For some, this was because the process enabled them to reach an agreement about the children's arrangements, which they could rely on and refer to when needed, thereby reducing the potential for conflict between them.

The process hasn't actually impacted on my relationship with my ex, except that now I can say, "In the document it says", which helps. (1017, Mother)

It has improved. Yeah, it's better than it was and I think having 50/50 gives us the ability to just deal with the big things and focus on the big things. So, yeah, it's had a positive effect. (1301, Father)

Getting to the position where we had something that was fairly sorted has made it a lot more positive. (1414, Mother)

I think it has had its ups and downs. Initially, my ex-partner was a bit annoyed that I went down this whole track to have the kids more. But, as time went on, I think she could probably see a little bit more of a good outcome really. She was able to see that, obviously, on a weekend, for example, she was able to look after the kids on Monday morning, rather than having to drop what she was doing on a Sunday to look after the kids, or whatever. So, there was benefits to both sides of it I think, and it probably took a month or two to realise that. The strain on that relationship that you have with your ex did come to the surface at the start, but once the change had occurred – which was an agreed change, it wasn't like she was forced into changing anything – but once it settled out, and the kids were happy about it, I think it sort of smoothed out a bit. (1431, Father)

Other parents said the process enabled them to develop a **better understanding** and adopt a **more flexible, give-and-take, philosophy** around the parenting arrangements.

The atmosphere is really positive and it keeps getting more positive. We're enjoying parenting and we're enjoying be able to discuss things. We don't have to see a lot of each other or anything like that, or even like what each other wants, but we can say, "Actually, that might work, we'll give it a go." We are not so hard on each other. (1076, Mother)

Our communication has definitely really opened up. It's actually been quite interesting. I think we're really mindful of each other's feelings. Because I know if I went down the track of, "No, you're not having the kids this weekend", that he might turn around and do the same thing. I know he's a really great dad and there's no benefit in me behaving like that. So, I think both of us are really considerate of each other. Obviously, our marriage broke down so there were lots of problems. But I think us doing the whole sorting out parenting arrangements and that, has really brought us closer together as friends again. (1501, Mother)

[Going through the court] meant that I most definitely have a better appreciation for her efforts. I don't totally agree with a lot of them, but I can sort of see where she was coming from. At that time, I was heavily involved with different drugs, so I could see where she was coming from, from that point of view. We get on a lot better now than we did together. (1372, Father)

I think, probably, the way we've done it, it's made it better. Because everything we've done has not been to get a result; it's just been to get through the first year and then the second year and now to be at the point where we're not really getting through, this is actually just the way it is, and it works. So, just as life throws up little challenges, you still have to work through them together even though you're not together. (1493, Mother)

With [former partner], at times, it was very tense and I'm told that I was not spoken of highly at all in her circles because I'd chosen to question her right as a mum to do whatever she wanted. It was like a click, like a switch, pretty much when, just after the blackmail attempt that she tried on [Child], I think she realised then that if she pursued this any further and followed the course she was on she was going to lose her. So, now we have a good ability to talk to each other and we can discuss things with [Child]. We can easily sit in the same room. (1560, Father)

However, most of the parents and caregivers who were interviewed said the process of making parenting arrangements had a **negative impact on their personal relationships**. For some, the adversarial nature of the process increased conflict, particularly with their former partner, while others experienced detrimental consequences on their relationship with their current partner or for their, or their children's, relationships with extended family members.

An adversarial approach to dispute resolution could increase the conflict between the parties, prevent them getting along or even being able to be in the same room together, and inflame the bitterness and hostility between them. For some, it took years for their relationship to improve after their parenting arrangements had been made and/or the legal proceedings had concluded.

[The process] has definitely made it embittered because affidavits are used, a lot of nasty things are said, or truths are brought out that are quite shame inducing, and they can't be put back once they are said. (1126, Mother)

That whole process can seem very adversarial. Emotions get fired up and all the rest of it. That sort of made it quite difficult and now all that sort of dropped away, you know, we get on okay. (1139, Mother)

Oh, it's huge, it's huge. I mean, any dynamic, any process that the system has that creates acrimony, or creates a forum for acrimony, is just hugely stressful – especially when one half of the equation doesn't behave rationally. (1691, Father)

The processes created acrimony where acrimony didn't previously exist. (1691, Father)

It took years, it really took years, for the resentment to calm down on both sides. Sadly, I think that for a lot of people, and absolutely for us, that going through the Family Court just aggravated the disagreement rather than helping to resolve it. (1237, Father)

The system not only allows, but I think, at times, fosters [conflict]. That's what I have to keep coming back to. If a skilled person from a mediation or a legal profession background in the Family Court system sees a degree of belligerence or irrationality on the part of one parent then I think they should have an avenue to go down – whereby they either flag it as a risk factor and go, "We might need to accelerate this one" because if we go through the whole mediation process this person's just going to have a forum to vent and rant. It might be cathartic for the other person, but it just unnecessarily drags the process out. (1691, Father)

I think the process of getting there has had some really long-term negative aspects. Because we don't co-parent, we parallel parent or whatever it's called, we basically never speak to each other. A lot of that was developed during the process in which we were trying to come to this agreement. (1414, Mother)

Because it turned into an urgent Parenting Order it meant I had to do an affidavit type thing. It went to the court. Essentially he got delivered with a court order a few days later. Then all hell broke loose between us, and backwards and forwards with the Family Court, and that sort of thing. ... Definitely negatively. Partly because I've been angry and upset, he's been angry upset at me for instigating the whole Family Court thing, and then his backlash to that and then the tit for tat with lawyers has just been phenomenal. Every angry text message was going through – being sent to lawyers and letters from lawyers to lawyers to the Family Court. It's been really stressful for both of us. (1427, Mother)

It's totally destroyed any kind of relationship. It's created conflict. The lawyers are responsible for that. (1516, Father)

It's got worse, there is absolutely no trust whatsoever. (1516, Father)

We had something that was worth salvaging before. It wasn't perfect but, from the kids' perspective, it was workable enough. We lost that, that's all destroyed now. Now the court's dealing with two people that are so far apart and they're trying to get us back together with an enormous amount of resource and good intention. But it's like

we were almost there to start with before we went off the rails, if that makes sense. The lack of effective mediation, and, I guess, the court system because it is still adversarial until you're actually in front of a judge. The judge that's presiding over our file is very much about trying to create a solution here. She's taken a very proactive stance in terms of trying to defuse things after the event, but the bomb's already gone off, unfortunately, in our situation. (1522, Father)

It just makes more dislike between the two parties. Less communication, mind games, things like that. (1123, Step-Mother)

That whole process can seem very adversarial – emotions get fired up and all the rest of it. So, that sort of made it quite difficult and now that all that has dropped away we get on okay. (1139, Mother)

I haven't spoken to ex-partner in a very long time. He has nothing to do with us. We haven't heard from him since midway between the Round Table Meeting, or whatever the last thing was before the final hearing – he just dropped off contact and then didn't try. (1012, Mother)

It made it worse because he didn't get his own way. (1047, Mother)

We could get along at first outside the court, but in court it's an entirely different person. I am sure she hates my guts and she'll blame me for it, and her mum. I'm not that bothered any more to be honest. (1055, Father)

It had a huge detrimental impact on the relationship between [husband] and [his former partner]. (1064, Stepmother)

It's really given him power. The last time around when we got the court ordered Parenting Order he just had a cleverer lawyer than me. He didn't have a better argument, he just had a lawyer that came across better in the court. So, at no point did he have to really sort of speak up and say much. He just left it all up to the lawyer. (1401, Mother)

Oh, wow, we've gone from being quite amicable to the underlying feelings and the emotion that's there. We had a big flare-up on the weekend over driving and meeting and where we were supposed to be. I guess, I felt like a bit of victim and still feel quite hard done by. Even in the weekend there was the threat of lawyers again and things like that. It just feels like I've made all the compromises, to be honest, and my ex-husband has got to sit pretty because I don't have the rights to change anything. It's interesting that he basically is just sitting in the driving seat because any change that I want to have effected he has to agree to. So, I'm never really going to be able to change anything. I feel a bit powerless. In fact, I do feel powerless. So in terms of us and how it's got now, it couldn't be worse. We're not communicating. It all stems from that whole process and the things that are said and the crap that goes between lawyers and things. It has been so detrimental for us. I guess I knew that, but obviously my hands were tied. What was my choice? What was my alternative? (1636, Mother)

It got worse. She felt the system supported her – and in the beginning the system did – and she was vindicated at first, if that's the right word. Then, by the end, she was, "It was all my fault that things didn't work out the way they should have." (1701, Father)

My ex-wife just wants me gone. She wants me eliminated from the children's lives permanently. She said that on Friday. So six months of just letting things stew and stew and stew has actually made her position more intractable than it was when we entered this process. (1522, Father)

You've just got all of this stress. Then we weren't getting along at all, we couldn't even be in the same room as each other, so every time we had to go to court – we went to court about six or seven times – and every single time we went to court it was just a drama. (1376, Mother)

Impact on relationship with current partner

A conflictual relationship between former partners could also have a detrimental impact on a parent's **current partner**. They were said to find it difficult dealing with all the stress and pre-occupation that comes with legal proceedings and with the challenges in the co-parental relationship when children are shared across homes.

My husband, as lovely as he is, he can't take any more. For our whole relationship there has predominantly been these issues going on. It is too difficult for him, so he can't support me. (1109, Mother)

Hugely stressful on [partner] who is my youngest two's Dad. (1012, Mother)

The thing is because you're going back to court all the time that's hard for a new partner to take on all that stress. There's a lot of preparation especially when you're having to prepare for court yourself and write your own affidavits. Because you need to win, or because you're fighting for the children, you're forced into that response. It's taxing, and then you're working as well, so it's like a monkey on your back kind of thing all the time. While I don't let it rule me, because I do work and things, it's still there. (1143, Mother)

Impact on relationships with extended family members

Parents and caregivers were concerned that their and the children's **relationships with extended family members**, such as grandparents, could be negatively impacted and that the wider family as a whole suffered from the relationship breakdown.

Devastating. It's broken down family relationships in the extended family. It's taken up a huge amount of time that should have been better invested in actually caring for the children and being supported to care for the children. (1142, Grandmother)

I've seen from people that more splitting and dividing happens when they go through the Family Court than there ever is reconciliation and good outcomes. In fact, the friends I know that have been through the Family Court I would wholeheartedly say that more damage has been done than there has been reconciliation. There has been something done at the counselling stage and getting the family back involved, because the children I know that have been involved in this have missed out. They've missed out on one parent. I thought the outcomes of the reform were that the children were allowed both parents in their lives, but it doesn't work that way. It works out that one parent is basically erased. My parents feel like this has happened to them, so that's the grandparents and the extended family. ... They feel they're missing out on their

grandchildren quite a bit because they're second choice at Christmases and they're second choice at birthdays. When my children try to go and tell their dad they want to come down to us first as first choice – because my daughters and I previously were extremely close – they feel like they can't because that power and control that he used to have over me he now has over them. So, it's understanding these dynamics and understanding the situations. The long-term is you go in there and you get this order, or you go in there and you go through the system, but what it does is it hurts and splits and divides and denies children the people that they want in their lives. The reforms have done nothing to stop that. In fact, maybe they've made it worse. (1642, Mother)

The court is a destructive force and I think it destroys families. It has not helped. I think the conflict is higher than it was right at the beginning. (1143, Mother)

Impact on Children

Some parents said that making parenting arrangements had had a **positive impact** on, and benefitted, their children. The arrangements enabled children to have a routine to follow, reduced uncertainty, lowered anxiety, increased their happiness, and made them more relaxed.

I am surprised by some of the good things that have happened as a result of this. It is not all negative. His conflict resolution is good and his awareness of what is happening around him, he is not anxious about stuff when things aren't quite right. So, there's stuff that I will attribute to that, in my limited knowledge of psychology. (1086, Father)

For the kids, having it in place was a better situation for them. Living-wise, it's a much more happier family for them. (1250, Mother)

Yeah, definitely more positive. More positive. I think my kids are better off for it because we're able to sort things out without it having too much of an effect on them. (1446, Mother)

I noticed the kids' behaviour as soon as they knew. I can write on the calendar, "Hey, you're off to Dad's this weekend and this weekend" and they can see it. They're so much more relaxed because they can plan their whole thing. So, it has been beneficial. (1603, Mother)

However, parents and caregivers more commonly expressed concern about the **negative impact** the separation, and the events that followed, had had on their children.

We have been hammered by it and brutalised, as have our children. (1079, Mother)

There would be very few people going through the Family Court, even separating parents, whose children have not suffered some sort of trauma, even amicably separating parents. There are some; I know there are some. But the high percentage of the families in Family Court, I believe the children have experienced trauma and abuse. (1142, Grandmother)

The most frequently mentioned detrimental consequences related to the length of the process putting stress on children and their families; children being caught in the middle between their parents; children's emotional and mental health; and insufficient support being provided to children.

The length of the process can put stress on children and their families

The protracted nature of some proceedings could lead to a negative impact on the children. Parents and caregivers spoke of delays in appointments with professionals or with hearing dates, drawn-out negotiations, and obstructive actions by the other party that made resolution difficult and kept children in uncertain and stressful situations for prolonged periods of time.

I think the whole process, the stress that's put onto the children, the stress that's put onto me, it could have been avoidable. I don't agree with the system at all, for separation, especially going through the court system. It drags on and the unknown of never knowing when you're going to be finished. The kids pick up on that. It doesn't need to be this way. (1020, Mother)

[The length of time it took] was really damaging for the children in terms of their relationship with [my partner] – their father – and me. It put them under enormous pressure. ... They were under prolonged stress for years because [their mother] was so terrified of losing custody of them. (1064, Stepmother)

His lawyer managed to get an agreement, which is what the children's lawyer put together, which is what we had wanted from the start, where it is up to the kids. If the kids want contact then they will contact him, and that's basically it. So, it's been 13 grand and a year and a half of absolute stress. The kids have been petrified because they were worried they were going to be made to go around there and no one would listen to them. In the end, they have what they wanted, but it has just been such a long haul to get there. (1140, Mother)

I suppose it had to be court imposed and I spent so long without my kids. It was incredibly rough in the beginning with my son rejecting getting to know Dad again because he was an evil individual and running around telling everybody all these horrible, horrible things I did to his mum. Because he kept saying it, it just caused more resentment, and me knowing that she had said this and I wasn't there to show that I wasn't or anything. In effect, she had poisoned my son against me. I mean, that wasn't a result of the process. That was a side-effect of the amount of time the process takes to undergo without caring about having kids actually see their parents. (1701, Father)

The actual court side of it itself, and the lawyers, that was fine. They did what they had to do as their job. So, in that respect it was positive. But, as far as how long it took, you know, it's a cloud that hangs over you, but it doesn't sort out the bigger issues. I guess, for me, because I'm like going I can take it, but it's my kids. My kids have gone through hell. (1199, Mother)

The Family Court took a year and a half to get to its outcome. Now, that put my children, like my son was A-plus, amazing, doing well in school and everything, he went to Ds, Es and getting kicked out of school. It affected all the children horrendously, and they were put through the mill over it. I blame that on the Family Court's contribution of why on earth did they allow this to go on and leave it all up in the air? (1544, Father)

The system is too slow. Every time we filed something, it's been months and months and months and months, before the next thing gets heard. By the time you get to the

next thing, something else has happened. But more so, so much time has gone under the bridge that things will have settled down and they will have moved on. The system has to speed up to enable these things to be addressed quickly. The fact it takes too long, the damage done to these kids is just horrendous. [Former partner's] lawyer wrote to Lawyer for the Child and said, "No, no, this has all been sorted out." It took another six months before they then reviewed the situation with the children. (1444, Mother)

We tried to progress the proceedings. But the delays in the court meant it wasn't going to be heard until next year. And because of delays and the [s133] report, there then needed to be a further report, because it took so long getting a fixture, because it was a year later. In the interim, my eldest child became completely ostracised from me and I hadn't seen him for four months. ... The court should deal with things quickly. The delays in the process were shocking. Continual delays. My wife's lawyer sought to delay things successfully at every turn. The fact that it got delayed and then we had further psychological reports scheduled, then suddenly she would say, "Well, the older child couldn't come" and we couldn't compel him to come. So, then it got delayed for another six months. I have lost my relationship with my son. (1448, Father)

It's abuse, it's the most hideous thing in my life. I haven't slept in a bed since it began because of the trauma of being told I would lose my child constantly enforced on me and seeing my child go through years of trauma, trying to shelter him from that. (1638, Mother)

Oh, this goes on like this for years. I won't talk all day, but this is just an example. The children never saw their lawyer. Then 22 months later, when we finally had a three-day defended hearing after several failed mediations and a judge-led judicial settlement, the Lawyer for the Child wanted to come see the children at home in our house – you can imagine after 22 months? (1142, Grandmother)

The coming into their school lives to be interviewed – how long it goes on for. There's no end in sight. And, to be fair, I don't know when the next time the children's father is going to put another allegation in. (1020, Mother)

Children caught in the middle between their parents

When children were **caught in the middle between their disagreeing or conflictual parents** this could place them in a particularly challenging and stressful position.

He's not thinking clearly, I'm not thinking clearly, it's a complete shock. The kids are actually caught right in the middle of the crossfire. No one's stopping to go, "Oh, god, what about?", they're not. There's just this massive fight going on with the two of you in a really stressed state, so the kids cop the lot. The only good thing is that the kids seem to have selective memories. (1472, Mother)

I know that [Child] has got some issues through that process as well. She's got some underlying anger about the situation and having her life turned upside down going between two houses and having two parents that couldn't talk to each other at all unless they were yelling at each other. Being in one place where her dad was belittled and talked about with profanity and stuff, that hit her reasonably hard. So yes, she's had stuff to go through. (1560, Father)

Poor [Child] putting up with the complaints – you know, ringing me in tears saying, “Give Dad what he wants because otherwise he’s going to take you to Family Court.” This is a nine-year-old, you know? (1083, Mother)

It’s very re-victimising. It’s very damaging to children. I don’t even know where to start. If only one parent is the abuser and doesn’t think of the children’s best interests, then the children get treated like property and just as a bullying tactic to say, “Well, you can’t have your kids then.” So, I hear a lot of ‘in the children’s best interest’ or ‘in the children’s wellbeing’, but I don’t see it. (1092, Mother)

The other parent chose to take the kids to this counsellor without our knowledge or permission and gather evidence that supported what they were trying to do and they had the opportunity to work on the kids and do some ground work to put the kids in an emotional space that made them vulnerable. So mediation, at that stage, was going to fail. It was too late. It was all the manipulation had been done, all the conditions had been – all the ground work had been done and all the conditions set for one party to get what they felt they wanted out of it and for us to just have to be that safety valve. (1153, Father)

Now my daughter’s connection with me is extremely important but ... I feel that not only is my ex-wife dismissing my connection to her, but I also feel that all the professionals that I’m dealing with are also dismissing that connection. The only option I have is to put my foot down and say I am now in a situation where I am fighting for my child. I shouldn’t ever be in a situation where I’m fighting for my child because that puts the child right in the centre of parental conflict. That is really, really, really bad for her. That’s the worst thing. It seems somehow because they’re ignoring the parent’s bond with a child, they almost officially ignore it and say it’s got no relevance, then it’s then increasing parental conflict. That’s where we’ve been left now. (1491, Father)

Children’s emotional and mental health

Serious concern about children’s **emotional and mental health** was at the forefront of some participants’ minds, particularly when their children were feeling confused or traumatised, had to change schools, had things ticking over in their minds, experienced difficulty in processing their emotions, refused contact, or were profoundly affected by the separation and ensuing interparental behaviour.

There’s a mental health element for the children. I’m concerned about that actually because I see the impact on the kids. (1143, Mother)

The children are hugely, hugely damaged by the situation, and all I can do as a parent is look after them. (1444, Mother)

Cases where maybe the children are 10, 11, 12 years old, that’s actually a benefit, not a negative, that they understand more what’s going on. A child that’s young doesn’t understand what’s going on – “I’m with Dad at the moment, but then I’m with Mum, but then I’m with Dad and then I’m with Mum. I don’t know what’s going on. Oh, look, I spent three days with Dad. Oh, look, now I’m spending two weeks with Dad. Oh, look, now I’m with Mum full-time. Now I don’t see Dad.” So that could screw with a kid psychologically. I do a lot of voluntary work in mental health and suicide and stuff. A lot of the statistics you see of adolescent suicide, a lot of it has come from separated

homes. Yeah, they have an issue when it comes to processing those emotions because they're so used to everything being a shambles. (1555, Father)

At that point, I had one of my daughters cutting herself again because she was all upset about the fact he wanted them every second week and she didn't want to go and everybody was in tears and it was just a real shambles. Then he put the court application in and, of course, they knew – I mean, you have to tell them what's in it. They're not little people. (1148, Mother)

It wasn't what I wanted, but I could see my children were being destroyed through the process and I didn't want to put them through further psychological reports, which had ostracised my son. He became suicidal. It is hard to think of a worse process, quite frankly. (1448, Father)

Yeah, my poor children are in a hell of a state now. But they're coming right, they're sort of healing slowly. But it's a slow process. (1522, Father)

At this point right now, I am trying to re-establish our lives. I have got a lot of psychological issues going on with the children and myself. (1059, Mother)

In effect, what's happened now is my daughter will not go at all to see her dad. She's nearly 15 and I feel that if this had been handled better – because I want her to have a relationship with her dad, I want her to have a good relationship with men. Now this whole experience, she doesn't trust him, she doesn't want to be around him. She won't go at all to see him. I've tried really hard to say to her, "Look, go for a milkshake with him or something, don't actually go and spend the night or anything. But if I could get him to come and see you and take you for a milkshake that might work?" But she pulled right back. She's never spent time with her dad since he came back from [overseas]. She won't now go at all with him. So, effectively, he's now saying, "Well, if she's not going to come and see me, I'm not going to buy her any Christmas or birthday presents." So this rift between the two of them is just getting larger and larger and larger. It's completely destroyed the relationship. (1325, Mother)

They're confused, no one tells them why. And when they do tell them why they get the Lawyer for the Child's, or the ex-husband's, words and so they don't know what to make out of the truth. ... My youngest one especially just wants to know why he can't come and stay. Whereas my oldest one will say, "We can't come and stay because the Lawyer for the Child says no." ... You also see him sometimes wondering why he can't come and stay and it's ticking over in his mind. (1092, Mother)

Some parents and caregivers also feared that the separation and its aftermath might have a **long-term impact** on their children.

I can tell you that for the children it hasn't been good and I am quite concerned about them in terms of their long-term outcomes out of this whole thing. The research is not very good about long-term outcomes for children who reject contact with one parent. (1073, Mother)

Insufficient support provided to children

Parents raised the **lack of support** available for children affected by post-separation issues, from either mental health or counselling services or from family justice professionals and services.

There's no support there really for children. They were exposed to so much in the early days. You know, my girl, she needs counselling hard out, but she's so anti it now. ... You're six years old and you're meeting all these people and it went on for two-and-a-half years. They're too little to cope with that. (1199, Mother)

I really struggled with not being able to get help for the kids. I was forever grateful that the schools had counselling services. (1472, Mother)

If you look back at the Lawyer for the Child's interviews with the children, they wanted to come home. They absolutely hated being in a Women's Refuge. They were born in [city] and they grew up in [another city] so going into a Women's Refuge was a hell of a shock for them. They regularly tried to call me and tell me what was happening. The Woman's Refuge staff or their mother – if they found out – they would hang up the phone. So, look, the children just had no voice whatsoever. (1591, Father)

Things with the kids just kind of carried on and on. I would say to them, "You have to go because of your age" because legally I thought they had to. And then [Child] started getting anxiety attacks. ... So, then we tried, my lawyer wrote and said, "[Child] has been to the doctor, he has recommended counselling so we are going to go down that path." But that counsellor wasn't available because she had changed her times, it didn't suit us. So, the kids went to the counsellor that I was having. (1140, Mother)

When we say it is about the kids they wear the consequences, they're the ones that emotionally are really damaged by it, and there wasn't a lot of places I could go. So, the kids just had to get older and you just had to try to be the rock. That was a tough one. (1472, Mother)

In the meantime, the kids were suffering. We'd had all this problem with CYF and the Police and [former partner] and that had gone on. I could see very clearly, even though the kids were attending school counsellors, referred there by the teacher and a friend's mother, that they weren't coping. The younger one in particular, the counsellor there was really concerned about him. He was hiding under the bed. He would lash out. He was beating [his older sibling] up. It was obviously anger issues, it was anxiety issues. He was letting himself out at night and walking up the road. I tried to get him some more help because I could see that, if your parents aren't going to behave well, his problem was us. And, if I couldn't get us to behave well, how do I get him support to deal with that. I went to [counselling agency] and they assessed him and said they couldn't help him, because they only help children that have issues, not children that have issues that are caused by people like us. They referred me onto psych services, and psych services had a look. Psych services assessed him and basically said, "He's fine, there's nothing mentally wrong with him. It's you guys. You need to sort yourselves out." Which, obviously I knew that, that's really helpful! (1472, Mother)

Summary

Parents and caregivers reported both positive and negative impacts from the process of making parenting arrangements, however most were negative. Those who made their arrangements quickly and with little acrimony reported little detrimental impact, while those who experienced more complicated and protracted negotiations or proceedings spoke of significant impact on their emotional wellbeing, financial security, personal relationships and their children's lives.

Emotional Impact on Parents and Caregivers: Those participants who experienced a positive emotional impact attributed this to their increase in self-awareness or a greater sense of control over their situation. However, many parents and caregivers said they were afraid and worried during the period they were making parenting arrangements. These fears were often associated with the likely, or potential, actions of the other party, as well as fears for their, and their children's, personal safety. Several participants said these fears and worries detrimentally affected their ability to function day-to-day and to parent. Unfortunately, some experienced serious mental health issues during the period they were making parenting arrangements, including depression, suicidal ideation and post-traumatic stress disorder. Mental health issues were said to be exacerbated, and diet and sleeping patterns affected, by the adversarial nature of the processes they went through to resolve their parenting arrangements. Participants also talked of the stress that resulted from making their parenting arrangements. The process was described as painful, pre-occupying, enduring, uncertain, humiliating and heart-breaking. Some were frustrated and angry about the position they found themselves in, the way they had been treated by others involved in the process, the dispute resolution system itself, and the outcome they achieved. Those participants who were separated from their children while the parenting arrangements were finalised expressed a great sense of loss about missing their children during this time.

Financial Impact: The process of making parenting arrangements often had a detrimental financial effect on parents and caregivers. No one said they had experienced a positive financial impact! Many discussed the significant financial cost they had personally incurred, and the domino effect this had had on their personal and emotional lives and those of their children. This was particularly evident for those who utilised the Family Court and/or experienced protracted proceedings. The stress and practical demands of making parenting arrangements could disrupt people's employment, working and personal lives by reducing their working hours from full-time to part-time, losing or quitting their job, repaying Legal Aid debt and lawyers' fees, having to become a beneficiary, living in poverty, losing financial opportunities, and having their children miss out on regular or special things. The financial impact of dividing relationship property and undertaking legal proceedings to make parenting arrangements could also result in parents and caregivers having to make new living arrangements for their children by selling property; renting; flatting or boarding with others; shifting into a vehicle, cabin or garage; moving back to live with their own parents; or downgrading their standard of living, becoming beneficiaries, and experiencing financial hardship.

Some participants had spent their savings to fund their legal proceedings. Depending on the size of their debt and their age, some bemoaned their inability to recover any sense of financial security in the years ahead. What they had spent meant they had, for example, forfeited a house deposit and were going backwards financially. To meet their financial commitments some participants had to ask extended family members, often their own parents, for loans or gifts to pay the bills. Some also begrudged having to spend money on

legal costs and court proceedings that could have been better spent directly on their children to see them or to avoid them missing out on enjoying things in life. As well as being dissatisfied with the costs they had incurred, some participants also thought they had benefitted little from their financial outlay. For them, the cost had not been worth the outcome. While most parents and caregivers talked about the financial impact on them personally, some also thought that wider society was negatively affected by the cost of resolving parenting arrangements through the Family Court.

Impact on Relationships: A few participants reported a positive impact on their relationship with their former partner from making parenting arrangements. The process had enabled them to reach an agreement about the children's arrangements, which they could rely on and refer to when needed, thereby reducing the potential for conflict between them. Others said they had developed a better understanding and adopted a more flexible, give-and-take philosophy around the parenting arrangements. However, most of the parents and caregivers said the process of making parenting arrangements had a negative impact on their personal relationships. An adversarial approach to dispute resolution could increase the conflict between the parties, prevent them getting along or even being able to be in the same room together, and inflame the bitterness and hostility between them. For some, it took years for their relationship to improve after their parenting arrangements had been made and/or the legal proceedings had concluded. A conflictual relationship between former partners could also have a detrimental impact on a parent's current partner. They were said to find it difficult dealing with all the stress and pre-occupation that came with legal proceedings and with the challenges in the co-parental relationship when children are shared across homes. Parents and caregivers were concerned that their and the children's relationships with extended family members, such as grandparents, could be negatively impacted and that the wider family as a whole suffered from the relationship breakdown.

Impact on Children: For some parents, making parenting arrangements had had a positive impact on, and benefitted, their children. The arrangements enabled children to have a routine to follow, reduced uncertainty, lowered anxiety, increased their happiness, and made them more relaxed. However, participants more commonly expressed concern about the negative impact the separation, and the events that followed, had had on their children. The protracted nature of some proceedings, as well as obstructive actions by the other party, made resolution difficult and kept children in uncertain and stressful situations for prolonged periods of time. When children were caught in the middle between their disagreeing or conflictual parents this could place them in a particularly challenging and stressful position. Serious concern about children's emotional and mental health was at the forefront of some parents' minds, particularly when their children were feeling confused or traumatised, had to change schools, had things ticking over in their minds, experienced difficulty in processing their emotions, refused contact, or were profoundly affected by the separation and ensuing interparental behaviour. Some also feared the long-term impact on their children. Parents and caregivers raised the lack of support available for children affected by post-separation issues, from either mental health or counselling services or from family justice professionals and services.

Advice to Other Parents and Caregivers Making Parenting Arrangements

The parents and caregivers were asked if they had any advice for others making parenting arrangements. Their responses centred around keeping the focus on the children and trying to maintain a civil relationship with the other party; seeking support and advice when needed; and practical advice on the process of making, and the content of, parenting arrangements.

Keep the Focus on the Children

The most common advice offered was to **set other issues aside**, particularly the relationship between the parties, and to **maintain the focus on the children and their needs**.

Look out for your child. I mean, that really is centred around your child. You have to forget yourself and get over a lot of stuff and move forward for them. (1086, Father)

Put the children first, absolutely, it is the children's best interests. It's not about what you want or what they want. It's the children. (1087, Mother)

Being able just to put your own emotions to one side and focus on the kids, I guess, that would be my advice, because if there weren't kids involved, it must be so much easier to separate. (1471, Mother)

Take their own issues away and out of the discussion. At the end of the day it is about our children and what is best for them. (1501, Mother)

Chill out. ... Often, they are their own worst enemy because they will go in and say, "I want this, it's for me" and some of them, no matter what their ex says, will always say no. It's like a habit. ... I never give the same answer to the same person. But certainly getting them to focus on the children is usually the best start, and focusing on the co-parenting rather than ownership of the kids, or ownership of the house ... or the rights of people involved. (1076, Mother)

A general piece of advice, to just follow your instincts and remember that you're doing the best that you can for your children. Because, at the end of the day, they come first, not whatever issues you may or may not have with your ex-partner. The children always have to be at the front of every decision that you make. So just think about the kids and what you want for them going forward. If you can get it right early on, then you'll set yourself up fine for the years going forward. (1146, Mother)

Just to keep the kids at the centre of it and keep your relationship with each other separate from the children. (1347, Mother)

My advice for them would be to focus on the kids and put the energy into how the kids are going to feel, rather than them themselves. The parents may have big emotional hurt from the other parent from their separation problem, but always remain focused about the kids instead of focusing about themselves. (1361, Father)

The first thing that parents should be doing is how do I actually set this up to make sure my kids are okay, what can we do to help them right now? (1325, Mother)

If everybody would always put their children first, and themselves second, things would be a lot easier. ... That's essentially what you have to do. If you're in a situation where you don't have even a working relationship with your former partner, the only way to know that you are both doing the right thing is to put your kids first and take yourself completely out of the equation as a secondary thing. (1434, Mother)

I would say, put yourself sometimes in the shoes of the other and really to sometimes try to keep the emotion out of it. Just take a step back and a deep breath and think about your children, rather than your hurt feelings. (1487, Mother)

You've just got to get past yourself, eh. You hear it all the time, "Oh, the kids come first. Think of the kids." But then you hear all this other stuff – "Oh, he didn't do this or she that or this, that" – you know? You really have to get past yourself and honestly and truly focus on your children, and let the other party do as they please. (1700, Father)

I think the dream would be that families come together, like his side and her side. ... I know that that's probably not perfect either, but I suppose in Māori society that's ideal. So, you try and work through it and work out for the benefit of the children. People, the ones who genuinely care about the children, aren't going to get caught up in the adult issues and can really look out for them. (1105, Mother)

Participants advised others **not to let animosity towards with the other party and/or a desire to hurt or spite them** get in the way of putting their children first.

I would echo the message from Parenting Through Separation that you must, above all else, set any animosity towards the other parent aside and only consider what is good for the child. I would advocate strongly that children aren't possessions, that as a parent you're given a privileged position that has really serious responsibilities and that you, at all cost, must honour those responsibilities to being a parent to that child. (1430, Father)

Basically, pull your head out of your arse. You know, it's about the kids. It's not about getting at the other parent, it's about the children. (1199, Mother)

I think you have to try as step one to really take your personal emotions out of it and say, "Okay, I'm going to put my parenting hat on, not my wife or husband hat, and I'm going to try and keep all the anger that I feel towards the other person out and try and do the best deal for the kids." (1488, Mother)

I think putting the kids first is the most important thing, and ensuring they've got a stable environment and making sure that your decisions are based around what the kids need and not what you need, or what you think you need, or spite against your ex-partner. (1242, Mother)

Take yourselves out of it and make it about the kids and what they need, not so much about your own feelings about the other person. If there is a genuine reason for there to be limited access to one of the parents, then fine. But if there's not, and it's purely

just the bitterness thing, or because you can, then you have got to look at your own motives really, don't you? (1287, Mother)

They also suggested **not regarding the process as a competition** between the parties, with winners and losers.

Put your own emotions aside. It's not about you getting back at your ex. It's not a game; it's the children's lives, and they love you both equally. That's been a big lesson for me too. A hard lesson because you really want to make the other person hurt. But it's not about you. ... It's not a competition to see who loves the children the most; it's not a competition to see which child loves which parent the most. (1249, Mother)

I guess what I would want to say to people when it comes to some of those sorts of things [is] put it back to thinking about what's more important for the children? Who's going to gain out of this situation? Is it a lawyer? Is it you? Is it the ex, or is it your children? To me, I always think the best thing that it's got to be about is, who's going to gain from this scenario? ... You've got to think about who's gaining. Who's going to win from this? But is it a competition? I don't think it is. I guess, that's probably the thing. It's not a competition. The only person who should be the winner out of anything is your children. (1358, Mother)

I think recognising kids are going to love both parents all the time no matter what, so you don't lose anything. (1488, Mother)

Many participants encouraged others to try and see things from the child's perspective and **to acknowledge the importance of the other parent to their children.**

If they can, try to really look at it from the child's point of view in the very first instance. (1384, Mother)

The kids haven't actually lost Mum and Dad, they're just in different houses. So, the kids aren't harbouring the same feelings that you've got for each other. Kids are kids, they need to have their own little innocent life, they don't need to know all the stuff that's going on. (1410, Mother)

No matter what they are not going to see the worst in their parents, are they? They are always going to see the best. So, even if you are trying to protect them by taking them away from one parent, it is not always the way to go. (1095, Mother)

Just to remember that there are two attachments that a child can have and also to include family into that attachment and just to remember that your experience with the family is actually not the experience that your child has with the family. (1165, Mother)

I would definitely remind people things between you two didn't turn out like you had hoped, but that doesn't change the relationship that the children have with each of you. ... He is still their father, you are still their mother, and you should allow the children to continue that relationship and not interfere in that. (1218, Mother)

Realise that both parents are really important to the child. (1237, Father)

They need to realise that the kids come first. That cutting out the other parent is never going to help children and arguing about it isn't really going to help it either. They need to put kids first and think, "Well, how are we going to get it so that both parents get to see their children?" (1589, Mother)

You need to understand that just because you don't love them anymore doesn't mean the kids don't love them. You can't force your emotion of a situation onto a child. (1023, Mother)

It's all for your kid in the end, and the relationship they have with the other parent. (1008, Mother)

Trying not to think that one parent is more important than the other, because I don't believe that, but I also see a lot of women in particular do that. And, I don't necessarily think that it's a good thing, because fathers are important too. (1004, Mother)

Others urged parents/caregivers to also consider what arrangements children might want and to **listen to their views**. Some noted that older children, in particular, could be involved in decisions.

I would say that everybody really needs to listen to children and what children want. ... Children need to be able to have a say. It needs to be more child-centred. (1095, Mother)

I think my feeling is try and keep emotions out of it as much as possible. It's very difficult to do. Focus on what the children want and what is the best thing for them. Ideally, the best thing for them is to actually manage things without a lot of resistance and without a lot of argument and difficulty. (1217, Mother)

Above all, listen to your kids and make sure the relationship is strong. (1301, Mother)

Our kids were really quite young still, but if your kids are a little bit older, I think at some stage you would have to involve them and ask them what they want – but to be very mindful that that doesn't make them feel like they have to choose one over the other and that it is not a choice about one over the other, but what might be better for them in the circumstances and that things can change as well and whatever they decide today doesn't mean that that's forever. (1218, Mother)

Focus on the kids. Just focus on what the kids want and what's best for the kids. Sacrifice what you want. (1339, Father)

There's lots of options out there and you just have to weigh it out. What's best for your child? Every child's different and my two are like chalk and cheese. You just have to do what works for them. She was asked what she wanted to do, where she wanted to go, and everything. She was quite honest in her answer. It's different when your children are older. If my children were younger I'd be more of a dictator and say, "You have to do this and you have to do that." They're not, you know, they're really good. They're really independent. (1418, Mother)

Do you want your child to be unhappy [or] do you want your child to be able to feel like they're valued, and their choices are valued? (1468, Mother)

Just literally ask the kid what they want to do, but then be prepared that you might be upset by that because I think most kids are quite fair. ... They've learnt how to share at school and they'll want to do some sort of 50/50 thing. So, don't ask the kid what they want to do unless you're prepared for the answer basically. (1488, Mother)

Relationship with the Other Party

As many of the quotes above highlight, much of the advice participants offered others centred around the relationship between the parents or caregivers. While acknowledging it was difficult, they advised others to put personal feelings aside and to try and **maintain an amicable, or at least civil, relationship with their former partner** or the other party and to keep any conflict away from the children. They spoke of the need to have a constructive co-parenting relationship and 'playing a clean game.'

They say try and be the bigger person and not be warring, but it is really hard because you be the bigger person and you get shat on again and again and again. It's like, you're both called these warring parents even though you are trying to do the right thing. You don't win. Don't be petty though and just treat someone how you would want to be treated yourself, basically. (1087, Mother)

Keep it classy, don't wish them dead on any social media. (1008, Mother)

If you can, just get together in a room and discuss it calmly which isn't really that easy when you've got a lot of other stuff going on – because you're trying to deal with your own issues and feelings and things at the same time, so it's very hard to put those aside. But, I suppose, you do have to try and put those to one side and try – I mean, that's what parenting courses are trying to tell people isn't it? (1148, Mother)

My feeling is to try and keep emotions out of it as much as possible. It's very difficult to do. ... I realise that that obviously can be really difficult in a lot of cases, but the quicker and the easier that this process can be worked through. And being prepared to listen to each other and being prepared to be flexible about it. It can only benefit everybody. The more stress that you get involved with, the worse it can be. So, I guess the rule of thumb is, don't let your relationship get to the point where every decision that you have to make ends up being very adversarial with each other. That's not always possible, I guess. (1217, Mother)

If you can work with your ex-partner and have a really constructive relationship with them, then that's the ideal, because it's so much easier on the kids if you can deal with your ex-partner in a pleasant way and you can be constructive in your compromises. (1232, Mother)

I think that if you can work it through amicably then that's great. (1371, Mother)

Yeah, pull your socks up. You're in for a big ride. To go down my track – I guess try to play a clean game effectively. Always have the end goal in mind, which is obviously a safe, happy kid. (1519, Mother)

I have quite a few parents that come to me for advice because I've been doing this for a while and unlike a lot of other dads, they go through the Family Court, I've had a reasonably pleasant experience. So, they are all like, "Well, how the hell did you

manage that?" The biggest piece of advice I give them is never get personal, so don't attack the other parent. Because what they do with their personal life, what they do in their day-to-day, unless it has an impact on the child, is irrelevant when it comes to making a custody arrangement. Who the person chooses to see, unless that person is a risk, doesn't matter. "They went out for coffee with friends when the child wasn't with them?" Doesn't matter. ... The only stuff that does matter is anything that is going to impact on the child and the child's wellbeing. If you can do that, and if both parties can manage to do that, I think coming to a civil agreement is actually reasonably easy, regardless of how much hurt or hatred there is between you. (1555, Father)

If you can keep a civil tongue in your mouth when you talk to them and you can just basically put aside all of the crap, whatever that was, that made you break up in the first place and just remember that the child has got nothing to do with any of that. ... Just remember that it's going to be hard and it's going to suck. It's going to be awful. You are going to want to scream and rant and rave and probably drink some wine and stuff. ... But just remember to do all of that when your kid is in bed and asleep. Just try and remember that when you are talking to the ex about whatever it is, just remember that don't do it in front of your kid. Just remember that that kid loves both of you and would like to see you happy. Try and remember that whenever you see them. So that would probably be it. (1583, Mother)

Try and be friendly. ... I'm always sad that some people have been separated for years and years and they still hate each other, it's so sad. Just lighten it up, it doesn't have to be so deep. (1508, Mother)

Several parents suggested that it was important to remember that **once there had been a loving relationship** and when children are involved, the **co-parenting relationship continues**.

Just keep repeating, my mantra the whole time was, we have to live this life together. As soon as I was pregnant, it was a contract for the rest of my life, that I have to be involved with this person, and involve this person in my life and my son's life. It has to be, you know. I can't live with fear or anger or resentment, danger, you just don't want that. You don't want to be bad-mouthing them. You choose your friends carefully and you bad-mouth them to them [laughter] or to your mum. ... But apart from that you just have to be cool, calm and collected and keep it classy. (1008, Mother)

Put your feelings aside about the other person. You might be separated, but at one stage you loved each other enough to actually make a child or children, so at some stage you did actually care about each other. (1410, Mother)

I guess it would just be, think about the children. Yeah, like, just think about each other as well. A lot of people can't do that. They don't want to have to worry about the other person that has just left. But I think that's really important to think about not only the children, but your ex-partner as well. ... Because you love them or you were with them and you really don't just stop loving someone because you break up. You go through the stages of hurt. But, yeah, my only advice for anybody going through a separation would be to not be a dick. (1538, Mother)

You've got to be partners in a project that is going to support your child to flourish. So, there's no two ways about it, you've got to partner-up. And you can have contact that's very limited, but yeah, just put opinions aside and grow up. (1055, Father)

You're not going to enjoy it at first, but sitting down face-to-face with your ex-partner and reminding yourself that they care about their kid too. That you cared about them very much once, that they're human beings. When we don't interact, we get sort of biased notions/emotions, like the monster in our heads and psych's done a lot of work with demonstrating that even with routine puzzle-solving tasks when you're on a team, it can really help to reverse that impression of each other. (1104, Father)

It's really important that people understand that you can have a good divorce. You can have a terrible marriage, but still have a good divorce and that it is worth trying for. ... The worst thing you could do is just forget why you still need to talk to each other. If we split up and we didn't have a child we could totally just go our separate ways and never speak to each other again, but you can't do that if you've got a kid, never, ever, even when he's grown up. This isn't just until he's 18. So, you're looking down the back of 30 or 40 years potentially of co-parenting with this person and you'd better find some way to get on. (1493, Mother)

Many participants emphasised **the importance of good communication** between the parties.

You know communication is the key to the majority of it. If you're dealing with a psychopath, wow, it's going to be a lot different and those are probably the cases that the court needs to deal with a lot more. But, wherever you can, communication is absolutely key. (1256, Mother)

Well, if they can talk about it, even through email, and do it calmly, that would be helpful. Communication is the key. But each one needs to be clear about what the other wants so that if they're asked, "What do you want?" they know what they want. (1257, Mother)

I think it's probably really important to maintain a really neutral space to keep communicating, and probably a person outside of our own world. When we communicate directly, sometimes things don't get heard – you might hear it, but you're not actually listening. So, I think, a real fundamental part of making sure that you parent together, is that you're communicating together somehow, or you're hearing each other properly. (1280, Mother)

I would say, "Think mostly about being able to co-parent" because I think that's really important. ... I've seen the kids are far happier than I've seen other kids that are with parents that can't talk to each other. I mean, we're the adults. We have to be grown up about this and help the kids. I just think I would say that you need to try and work so that you can both communicate about the kids because if you get to a situation where you can't talk to each other, it'll never work and ... the kids should never have to choose. (1308, Mother)

Just keep communicating positively where possible. Think about what's best for your children, not yourself. It's not ideal but you will get through it. (1451, Mother)

They just need to talk to the co-parent better. (1540, Mother)

Some **recommended the use of professionals**, such as counsellors or mediators, to assist parties with their communication.

If there were more people encouraged to do a bit of counselling. Just sort out, you know, wow, what's just happened and why. Just to kind of get that understanding of, "Oh, yeah, like you know, perhaps it is a communication breakdown or you're just not right for each other." Just that you can actually go, "Cool, we don't have to be best buddies, but we are going to be in each other's lives for the rest of our lives." I think the Family Court should almost be ordering that to happen. ... Because it's definitely helped me. (1108, Mother)

Yeah, definitely try to, if you can, work with the other person, do it yourself. If there's issues that can be worked on, you know those sort of low-lying kinds of issues, not to be dismissive, but the things that basically can be worked out with a lot of communication, go see a counsellor, someone who knows about this kind of stuff, and get the communication flowing so you can actually hear each other's point of view. Because even an arbitrary difficult person has a point of view that is significant to them, even a narcissist, their point of view is significant to them. (1256, Mother)

[What is] really important is to maintain a really neutral space to keep communicating, and probably a person outside of our own world. When we communicate directly, sometimes things don't get heard ... you might hear it, but you're not actually listening. So, I think that is a real fundamental part of making sure that you parent together, is that you're communicating together somehow, or you're hearing each other properly. (1280, Mother)

When you are really badly behaved or you know when you are in fight mode you are probably going to regret it later. So, often, you make bad decisions because you are hurt and angry. When you have to fight, it is a real battle, it is actually a battle. And then, later on you are going, I probably shouldn't have behaved like that. ... But you, actually, really have to fight and I think that's the hard part, both sides are fighting, battling, instead of amicably, peacefully, respectfully working together to find the solution. I don't know how that changes. I guess that my thought around having a session or two, a counselling session or two, would be around that, like how do I operate from a solution-based perspective rather than a fight. (1132, Mother)

Several participants identified **strategies they used to deal with their former partner to minimise conflict** and "keep the peace", including delaying responding, not being reactive, letting things go, and taking a solution-focused approach.

Try and communicate. My big kids' ex, he is married again, and we still have a few issues. I have been to a couples' counsellor with him and there were a few things, but we still get on, we talk to each other probably about once a week and I have 50/50 care of those kids. We co-parent, you know. It's the way it should be, it's hard but you have got to do it for the children. If one person is constantly hard, let stuff go as well because there is no point, because you know they are not going to agree to let it go. (1087, Mother)

Time is very useful. Not entering into conflict. Over the years I would get the email, I would get upset about it, I would reply to it a week later. I tell a lot of my friends whatever the situation is, if they are upset, just write it if it works for you, or just talk it out to yourself. I have unseen written pages and pages and pages. But I am quite analytical, so I can go back and go, "Well this is where this is coming from" and in the situation what needs to be said. So, really trying to disentangle the emotional, that's been a big thing for me, especially because he is emotionally abusive. If I can keep emotions out of it, then I am safer. And looking for solutions, suggesting a variety of solutions and making them the options, and open dialogue. (1103, Mother)

Epecially if it's an abusive person who's manipulative, or whatever, I think laying low would help. At times you've just got to bite your teeth and just let it go and maybe not ruffle too many feathers. Because as angry as I've been, I think for me what helped has just being okay with it if he wants to come and drop off the kids – because his agreement was maybe 11 o'clock he drops the child off and if there was a day that he'd drop the child off earlier or maybe one day he decided to drop the kid off half an hour later. Because he's allowed to do whatever he wants to do. I think not making a big deal about that, because for your sanity I think you just let it go. (1152, Mother)

If you feel that the other party is being an idiot and their behaviour's shocking that doesn't mean that you have to respond in a similar way. (1237, Father)

I always say to people if you're going to write something down, write it and then wait 24 hours and read it again. (1564, Mother)

My advice is don't respond straight away to anything. That's just always been my approach. I just don't respond. In the instances where I have broken that rule, it just escalates. So, my approach is, most of the time, except on the rare occasion where I've risen to the occasion and done the wrong thing, has been to just sleep on it, really. I usually write a response. I'm a bit of a nut. I'll write my initial response, which would be the emotional rant and then I will, the next day, go, okay, let's try and look at this factually and take out the emotion. Then I write the unemotional, factual, as the response and then I usually write a third response, which tries to be softer. ... My other advice is, don't respond to the personal attacks. (1453, Mother)

I think if you can put stuff aside. You're always going to have regrets, and you're always going to get grumpy about stuff. At the minute, my daughter is quite unwell and I've had to take some time off work. My ex-husband hasn't offered to make any financial contribution to assist me in that time, and I'm a little bit grumpy about that. I think this is the time he probably should step it up, but I won't do anything about it. I won't go to any lengths, because he's not going to do it, he just gets another tick for, 'I'm glad he's my ex-husband' [laughs], rather than being a total arsehole and I'm going to take you to court. I just think you're going to have to take some lows and some highs along the journey in order for it to work out. (1611, Mother)

I would say, try and work it out yourselves in as calm a way as possible and not react and not allow fear and stigmas to affect your behaviour and decision-making too much. (1067, Mother)

Seek Advice, Help and Support

Parents and caregivers **acknowledged that making parenting arrangements could be a long and onerous process** and they advised others to “hold onto your hats.”

Just hold tight and get on with it. It's a rough ride. (1059, Mother)

Be patient themselves 'cos it's a long, drawn-out process. (1475, Mother)

I guess the only thing would be that in my experience, it has taken a long time. The whole working through it all probably took several years so, yeah, I guess that's something that people don't realise when they're going in to it. (1371, Mother)

I said to one guy, "You're looking at a minimum of two years mate. ... So, yeah, buckle in and try and focus your mind on other things, besides missing your children." (1700, Father)

They also provided **reassurance** that, despite it being difficult “you will get through it” and sometimes there could be **unexpected positive outcomes**.

It's not smooth sailing. ... But it will get easier. You learn to accept your losses and you learn to move on. (1165, Mother)

It'd probably be just ... don't give up. A lot of the cases I've come across, the dads, they just have no access to their kids. They're still going through the court process. They don't see the light at the end of the tunnel. Yeah, my advice to them is just don't give up. Just keep it up. It may take a while, but in the end you'll get there. (1372, Father)

Nothing lasts forever and what you think might be a bad thing could turn out to be a great thing. (1508, Mother)

Part of me felt like, "Oh, god, I didn't want this to happen. Why should I not have the children around 100 percent of the time? I've had them 100 percent of the time." ... So, I had to learn myself that actually having some time without the kids was a good thing for me and could be a positive thing. (1488, Mother)

Because the process of making parenting arrangements could be a difficult one, many participants encouraged others to look after themselves and **seek advice, help and support**. This could either be from friends, family, other parents or professionals.

Just to look after yourself as best you can. I mean, I've read this stuff myself quite recently because I was trying to give myself some advice, but it's really ... especially if you're in a position where you're close to full-time parenting ... like you've got to have some outlets. If you can afford it, to have good counselling. That's definitely completely supported me and [Child] in the last six years and having your friendships and having fun as much as possible, both for you and your children. Even if it's just going to the beach or just doing fun things. (1083, Mother)

Hold onto your hats. It depends what their situation is, but if it's involving safety of the children and wellbeing of the children, then I advise them to get every bit of support they can, that the system is not user-friendly, but it is the only system we've got and

they have to do it, legally. No good thinking, "Oh, we don't have to go to court, we don't have to get that legal thing, we'll just try and humour them for now and hopefully they'll accept that this is best." That might work for a year or two or three, but something is going to happen and then that's going to turn to custard, so do it now and do it right, but get a lot of support around you. (1142, Grandmother)

Get a lawyer. Go to WINZ. Make sure you have someone at all appointments that you can, because you're often too stressed to be able to take on advice. (1414, Mother)

Make sure that there are people around you that can support you. (1614, Mother)

I think if people aren't strong enough, or don't feel that they're capable of sorting it out, then they definitely need to talk to a specialist. (1611, Mother)

I think that probably having a really good support around you. I mean, I am talking about really good support. I am not talking about people who say, "Oh, yeah, yeah, he's a really so-and-so or she's a real whatever." I am talking about some really, some support that actually provides balance and perspective rather than just being all on your side. (1064, Stepmother)

My advice would be find a good support system, a counsellor or psychologist, talk to your doctor if you're not feeling happy. Find other agencies or a social worker to support you and your family. (1059, Mother)

I would just ask for support and make use of the support which is out there. It's really crucial, especially counselling because there's a lot of grief and emotional difficulties. So, reach out to other parents as well. Reach out for support, I think that would be the main advice, because it makes it much easier. Also, organisations like Fathers and Child Trust or men's groups. Make use of the support that is out there. Not only services, but also private people, groups which are supportive. (1056, Father)

I'd go to a lawyer and ask what, realistically, I could expect in these circumstances? ... Some lawyers will tell you bullshit, but go to a lawyer that will tell you what you can realistically expect. I would then engage not a Family Court mediator; I would engage a business mediator and know what the parameters are, then just sort it from there. I would also engage some sort of counselling service that you can kind of go to as a family group to figure out how the agreement that you make is going to go looking forward. I think that would be far cheaper. (1181, Mother)

Reach out and get as much advice as you can. ... Get the pamphlets and the professional advice. If you feel that you need to have counselling to work it out, or have someone, that means you're going to make a good decision, then do it. (1003, Mother)

Several participants urged others to **seek legal advice and representation**. While some acknowledged the cost, they saw a good lawyer as being "worth it" and helpful in outlining their rights and options.

The only thing I can say would be, right here and now, and I may be wrong, I don't know, is probably to see a lawyer very early on and get a lawyer to actually sort it out. (1244, Mother)

I would probably tell them to go and see a lawyer to see what your options are. They're the best ones to get, when it comes to the legal side of it, because not only are you worried about where it comes with regards to your children, you are also very aware of where it [might lead] financially as well. I mean, that's a lot of stress ... and then you know you have those bitter ex's as well, they're worried and they're both wanting the kids ... it's very complicated. I would tell them to go and seek professional legal help and then some sort of counselling if required as well. (1513, Mother)

Getting a lawyer was the best idea that I had. When we went through mediation I was busy trying to avoid conflict and I gave away so much in trying to avoid a fight. When [former partner] eventually took me to court, my lawyer said, "Well, I've actually got clients who are in prison who see their children more than you do." She was a good lawyer, yeah. ... I know that [former partner] studied the system and worked out the ways she could use it to get what she wanted. I was always on the back foot because she was coming up with new ways to try and knock me out of the deal. Once she was legally allowed to be part of the process, my lawyer was wise to that and was able to blunt those and deflect them from me. A lot of those attacks were blunted because it had to go through my lawyer. She was able to deflect them, so I didn't feel the full weight of those things. (1560, Father)

Talk to a lawyer first. I know people that are like, "Oh, but they cost so much", but you can't put a price on when you are trying to get something that's right for your child. (1047, Mother)

Get a good lawyer. Get a really good lawyer. It's well worth it, every which way, I think. (1051, Mother)

Other participants urged people to **obtain counselling**, to both deal with their own emotions or to prepare them for mediation, but also, as outlined above, to help build the relationship and communication between the parties.

It would be to not be so proud and to go and get some of your emotions out of the way. For men as well, because men don't like the thought of counselling. (1199, Mother)

Don't do it all by yourself. For sure. For sure. Definitely get a lawyer on board and a counsellor. ... I don't think you could do it without some form of counselling initially. (1511, Mother)

First of all, I think if you can get to some counselling prior to separation to at least separate amicably and get that help, but often I know that's impossible in many situations. I'd be straight into counselling and joint counselling at the minimum and using that third party or a mediation situation. (1427, Mother)

You've got to suck it up, you've got to go and get some help for yourself and find out how you can be the strongest woman or man that you can be and go to mediation and say what you want to say because once you go into court, then the way things are at the moment, the court's going to say what it wants to say, it's going to go down a very singular track. (1207, Mother)

Few participants specifically advised others to use **family justices services**. However, five participants recommended attendance at a Parenting Through Separation course, and another advised people to use the Ministry of Justice website.

I think that if you can work it through amicably then that's great. If you can't, I think probably doing the Parenting Through Separation course in the first instance. Yeah, and then make a decision after that about what to do. It's really tricky, because every circumstance is different. Some people I might say, "Oh, go straight to court." Some people I'd say, "Do mediation." It just depends. But, yeah, I think Parenting Through Separation gives you a good overview of the process and what your options are. (1371, Mother)

I guess I would encourage people to give it a go themselves and to check out the Department of Justice website and all the forms and the information that's there. (1239, Mother)

I would suggest to them to try and sort it out themselves before having to lay out any costs. So, my number one thing that I would suggest would be for them to attend the Parenting Through Separation course. (1123, Step-parent)

Seeking **advice from parents with experience** of the process was also recommended. They were seen as sources of support and helpful advice on different types of parenting arrangements or for recommendations of other professionals, such as lawyers.

Seek out other friends or peers that may have been through the process to lean on through it. (1690, Father)

Talk to other people. (1635, Mother)

Probably talk to other parents before you do it and get recommendations of lawyers from other people. (1376, Mother)

Get advice and listen to other people about what they do and things like that. Just because most people have an arrangement where the kids stay with Mum, and every second week Dad has them, doesn't mean that that's the only way of doing it. (1232, Mother)

Ask others that have been through it and have had both positive and negative experiences, so you're sort of getting both sides of the coin. (1003, Mother)

One mother thought **focusing on other matters** and helping others in the community was a good coping strategy and also helped the healing process for both parents and children.

Maybe just one more piece of advice that I'd give to somebody who's going through this, would be potentially to immerse yourself into something else that's not family, that's not kids, but it's just about you. Just maybe going out and helping someone in the community, just to give you that sense of fulfilment. I think that's something I've been processing and I've been setting my foot into, but I think that really works with the healing process as well. Taking your kids along if they're at that age where they can understand, so it [heals] them as well. Just because you've received bad, doesn't

mean you've got to give it back, you do good instead. I think that's another piece of advice that I potentially would give somebody. (1152, Mother)

The Process of Making Parenting Arrangements

Many parents and caregivers provided suggestions about the process of making parenting arrangements. Common advice was to **avoid using the Family Court**, and to a lesser degree lawyers, and/or to try and make arrangements with the other party by themselves, either privately or through mediation. They cited the delay and cost involved in going to the Family Court, but also described how the Family Court process could be traumatic, exacerbating conflict between the parties and compromising both children's and adults' wellbeing.

Quite often, even though it is really badly run, when I am talking to women who are just starting this process I go, "Give mediation a try because once you get into court and CYF and Lawyer for the Child and court psychs then you are going to be stuck in there for years upon years upon years and it is going to be really harmful. Try mediation." (1079, Mother)

Stay out of Family Court, do absolutely everything you can to stay out of Family Court. You hear women saying, "Oh, I am trying to sort this out with him and it's not working so I am going to take it into court" and I am thinking, "Oh, my god, don't take it in to Family Court, you are going to be there for the next twenty years and you won't be happy with the outcome and you will be abused in the process of getting there and your children won't be safe." But what do you do? Like, people go in to Family Court because they are trying to make safe arrangements for their children, but the arrangements aren't safe because the Family Court does not take abuse seriously. What I would say, my first reaction, would be to stay out of Family Court. (1081, Mother)

It should be, try to sort it out yourselves. If you can't do it, take it to mediation where it's somebody who is not on either side who can try and explain the reasons why somebody is saying this and what they are trying to achieve and try and make that other person who is, "No, nope, I'm not doing that", just make them see sense. It should be about the child – the lawyers and everything claim it's all about the child but, to be quite honest, what they say is a load of bullshit. They don't think about the child, they think about the dollar. (1516, Father)

The Family Court does not care about children. So if you guys really love your kids, don't get [him] in Family Court, because it's so not child-focused. That's a fact, I can tell you, that was nothing that was ever done that was for the benefit of my child. He was so grossly abused and his primary care parent very much abused, and of course, I have a debt over me for the rest of my life for \$400,000 that I would never recover from. (1638, Mother)

Really, I think, avoid the Family Court like the plague. (1105, Mother)

Don't do it. Don't even enter into the Family Court process. There is nothing good that will come of it for anyone, there really isn't. (1109, Mother)

Obviously, if you can mediate and do it with your partner, that would be ideal, and keep it out of the court system, that would be ideal. Otherwise, get a really good lawyer. Be prepared to spend money. (1113, Mother)

Not to go through the court, it's too conflictive. Once you've read those affidavits it's like they become your enemy because they lie to win or whatever. ... Definitely, the best thing is if you can avoid court and make it amicable; of course, that's going to be better for everybody. (1143, Mother)

Avoid the court process. Do anything you possibly can because it's the worst experience of my life. Other than losing a parent, it was the worst thing I've ever gone through. ... You just know, I don't like the idea of anybody going through that. I've got friends who are and it just makes me shudder. I just think, "Oh, my god", there's just nothing worse. I say to them do anything to avoid it, anything, do just anything, try. ... Take a deep breath and understand that it's one foot in front of the other and just try to stay sensible. But try to avoid going to court at all costs, try and, try to have discussions. Think of somebody within your family or a friend who could mediate between, who both of you perhaps get along with. (1325, Mother)

Avoid the Family Court if at all possible, because it will not be for the benefit of the children. (1456, Mother)

I would say absolutely try to work it out for yourselves first. Don't go near the court system unless you absolutely have to, because it's traumatic. (1509, Father)

So, first thing I'd say, you don't go through the court. You try to negotiate with your partner or whatever, the other party, and then you try to get it resolved. That's what I advise. ... Just to talk, just to email, text, worst case only, you go to the lawyer. (1521, Father)

The advice I tend to give people is the quickest way between two points is a straight line. If you get involved with the Family Court you will end up at the end point, but it won't be a straight line. The damage they'll do to themselves and their family it's just not worth it. Even if they win and have the kid 24/7, 365 days per year, the effort and resources required to achieve that, they still haven't won. Nobody's won. (1576, Father)

Don't go through the courts, and I've said that to people. Keep it out of the courts if you can and if you think it's nice now you won't be ever wanting to talk to your ex-partner again. Gosh, I don't know, I've got nothing positive to say about the whole experience. Nothing good's come of it. It's just been terrible for everyone – except for my ex-husband, he's sitting pretty. But for the rest of us, for the kids, for everybody else it's just been a hideous waste of time and money and heart-breaking, absolutely heart-breaking. (1636, Mother)

However, one mother thought for serious cases it was **important to go to the Family Court** in order to get the matter resolved quickly to avoid ongoing conflict between the parents.

I would actually say, if it's really serious, don't muck around, go straight to the judge. See what line and course of action will get you in front of the judge as fast as possible and go straight there because just prolonging, especially if you really know that you've

got someone that is impossible to deal with, there's no point in prolonging the agony of the kids. ... Because it's been years. I think that affects the kids. They can actually deal with a bit of conflict and you can talk them through it and help them understand it and move them through all of those emotions and everything that goes with it, but if it's continuing over a long period of time then that's when more damage is done. ... I'm of the view that you get in front of the judge and you get it sorted out, but also that means the judge actually making decisions, which they don't seem to like to do either. (1533, Mother)

Some participants also advised people to **avoid using lawyers**.

If you act on your own and know what you're doing ... you're less likely to have two opposing parties' lawyers who are working in cahoots together to maximise the profit from each client. ... I said, "Don't use a lawyer in the Family Court if you end up there, don't use a lawyer. Do everything you can yourself, get advice from lawyers, pay for their advice, but don't use them for anything. Not in court, not for lodging paperwork or anything else, just do as much you can yourself." I had a feeling that the process would be a lot quicker, there'd be less holdups and you're more in touch with exactly what's going on and there's no being kept in the dark about stuff and finding out things later on by mistake. (1036, Father)

It wasn't my ideal to go a lawyer in the first place, I didn't want to do it, and if I can I would tell everybody never to go to a lawyer. Essentially, the only people that win out of arguments are the lawyers. Like, if you can just sit down and talk to somebody ... I mean, that is not always practical and it is not always a reasonable request depending on the emotions etcetera involved. But, essentially, my first port of call is always to phone her dad and try and talk to him about it. (1156, Mother)

Several participants suggested **not rushing into the process**, but rather taking their time, being patient and not making decisions immediately.

Just the thing I would say, to the parents, is things do take time. Nothing ever resolves straightaway, nothing is ever quick. So, things do take time, just keep patient and keep working towards being the best example for your children. (1361, Father)

For parents, I would strongly recommend that they come together at a time where they are not quite as angry. Take some time out. (1501, Mother)

Take your time, don't rush into anything. Don't be bullied. ... Yeah, it's easier said than done but, yeah, just take the time. I did that and it bit me in the bum, but I did not rush, and I did not sign anything. There's no reason to rush things, I don't think, so just take time to think things over. (1614, Mother)

I would advise people who separate ... I really think they should take the time out. I know there's so much emphasis on putting the kids first, immediately doing that. I think, if people just took a few weeks after separation to work on themselves. ... Not spending that time drinking. (1108, Mother)

Plan months in advance and get legal advice months in advance before they do anything. (1384, Mother)

I would still advise somebody to find a good lawyer, but not to rush into decisions with that lawyer and to seek some support around them. Seek feedback from those people I think is really important. (1690, Father)

Definitely to think on things and not make on-the-spur decisions. (1253, Mother)

Patience and take a deep breath before making any emotional decision. Don't make an emotional decision, make a logical decision. Anything that you agree to, anything that you sign, anything that you don't agree to, or don't sign, can have really dramatic effects going on down the road. So, be patient, be cognisant of the situation you are in and what has led to it, and remember the person on the other side of the table once meant something to you and that there's kids involved and they should at least mean everything to you, so, patience, patience, patience. (1016, Father)

Conversely, others recommended **getting parenting arrangements finalised quickly** while the relationship between the parties was still amicable.

Get the parenting plan in place while you're still talking, while you're still amicable. Huge one. Until you're in this situation, I think most parents would sit there and think, "Well, I don't need to do it", but ... I got given that advice and didn't take it. (1312, Mother)

I guess my advice would be to try to at least formalise it in the earliest possible moment. Yeah, formalise it as soon as you can, especially while things are mutual. (1315, Father)

Under the current system, make agreements on property and children as soon as you can, because often straight after the initial period there's a period of extreme acrimony which means that nothing productive gets done for a while. (1414, Mother)

Get on to it sooner than later. ... Definitely get on to it as soon as possible. (1702, Mother)

Several parents were of the view that people **should go into negotiations well prepared**, knowing about the process, the law and their rights, and what they wanted and **not giving up too much or agreeing to arrangements they were not happy with**.

Figure out what you want and stick to it. (1223, Mother)

When you go into like a Round Table Meeting, and this took me three meetings to get my tactics, go in with your absolute wish list. It's negotiation skills isn't it? Go in with your absolute wish list so that you can negotiate down to actually what you will be satisfied with. Because I was naïve and went in with what I wanted and came out with a lot less than what I wanted. Until the third time and then I was like, well, you know, I'll concede Christmas Day and it was actually convenient for me. ... I guess entering the system ... I can only speak for people who perhaps have a terrible relationship with their ex-partner like I did. I think it is just get clued up. Find out what is the law, what are your rights, what has successfully worked for other people. (1425, Mother)

This sounds very, very cynical, but I would say that if it was a man that was going through the situation, I would just say make sure [to] not agree to any even interim

arrangements for her to get more time with [child/ren] than you. I would say it just seems to me that possession is nine tenths of the law. That's disgusting to say about a human being, but it seems that just because I made that temporary arrangement at the beginning that was meant to only last a few weeks, it's now been pushed out to a year and now it's become a status quo. Now it's becoming harder and harder and harder for me to reverse it. ... I would say never ever at the beginning make any agreement less than what you want, significantly from what you want. (1491, Father)

I think they need to get educated upfront as much as they can on the process, the protocols, why these things happen, or else they're in for a world of disappointment. (1591, Father)

Practical Advice on the Content of Parenting Arrangements

Some of the advice the parents and caregivers gave centred on how to approach the process of making parenting arrangements and **what to consider and include in parenting plans**. It was suggested that broad plans, with various options, be drafted that could be shared and areas of agreement identified. Designing parenting arrangements for people's particular situations and the individual children's needs, rather than a formulaic approach, was recommended, as was considering how best to deal with holidays and special days, not just day-to-day care.

Don't start with who gets him this day, or that day. Start with where's the child going to live? What's the best situation for the child? How do we get the relationship with both parents in there for the child? It's about the kid's right to have an agreement about things. Then, go on to the Family Court Ministry website and download the parenting plan, because that parenting plan will ask you something you had not thought of. We think week-to-week, but we don't stop to think, what if I want to take so and so away for a week overseas? Who gets him this Christmas? Who's got the 5th birthday? Can we go to birthdays together? (1104, Father)

Mostly my advice is just work it out between yourselves. Think of what you would like and think about what the other person would like and think about how the best way to work it would be. Also, think about the children involved and the ages and abilities. Then put it all down on paper and make as many different options as possible and talk it over with the other person. If that's not possible then have someone help you talk it over with the other person. (1589, Mother)

Try and not get hung up on holidays and particular events. For me, Christmas – I can do Christmas with my kids before Christmas or after Christmas. I don't need to do it on that particular day. It's easier to alternate it yearly. That way you can plan to go away and visit other friends and family and stuff. It's all about the children, not about what you want. (1592, Mother)

If you can, try and work things out, but put things in writing and have a plan. And then people can come together with their plans and look at where they're aligned, and go with that, and then look at the differences. Try and get some common ground first. (1384, Mother)

Some mothers **advised against a 50/50 shared care arrangement**, believing the individual circumstances needed to be considered rather than using the default arrangement of shared care, which they thought could be hard on children.

First of all, the biggest thing is ... whatever you do, you don't use a formula okay? So, you don't use a formula. ... That is the other thing I find scary about going through a court process is that they're going to look at everything in a very formulaic way. With the default being 50/50 and all the rest. Well, I think you need to look at each individual situation, the dynamics of the relationship between the parents and what can work there, the dynamics of their work schedule where applicable. ... Draw a big circle and the kids are in the middle and then you work out from there. Okay, so you draw a circle on the piece of paper, you put your children in the middle of that circle, and then you work outwards and then you come to the arrangement that works for everybody. You think about the children and their feelings and how they are going to respond and you put them at the forefront basically, you put them in the middle. That is what I would say. (1696, Mother)

That 50/50 isn't necessarily the right thing. I know that it can be very much the thing to do, but you just see these kids jumping from one place to another and I just think it's too hard on them. You always have one main caregiver and you don't normally do 50/50 when you're together. It's quite unrealistic. (1242, Mother)

Parents that are not getting along, shared care doesn't work, it just doesn't work. It's actually destructive. (1135, Mother)

Two parents emphasised the **role of money in making parenting arrangements**.

Don't underestimate the money side. And I am not just saying dads don't want to pay child support. ... It's quite powerful and it can influence the time that one parent gets over the other and it shouldn't be a factor. But, if someone is going to lose out on money, it does become a factor and, yeah, it just means that the child will get pulled to whatever advantage of the parent that has control at the moment. I just say, really be wary of people's decision-making, or the impact of the money on each household, and how that might influence the decision-making. (1055, Father)

Grow up. I mean, really, take responsibility, you know. It's usually the men that don't in my experience. Yeah, because if you are also arranging the children at the same time and trying to work out the matrimonial property, trying to work out the child support, it's just Punch and Judy. And compartmentalising it doesn't change that. So, I would say, if there was something that actually said, "These children are the most vulnerable and they are going to need a home, and somebody is going to have to be the one that puts more in, both in time and it shouldn't have to be money as well." So, there has to be a real frank acknowledgement, in my point of view, that being a mother or a parent is actually hard work, and it's going to limit income. (1138, Mother)

Some participants recommended having **parenting arrangements that were flexible** and able to be modified as life changed and children grew.

To remain flexible as well for the parents because life changes and things change and circumstances and needs. So remain as flexible as possible and it's give and take as well. You can't have it all your way, but that's life isn't it? (1218, Mother)

Be prepared for it to be lifelong. You have just got to be prepared for that, it is always going to be changing, your child is growing. (1233, Mother)

Alternatively, others thought having very tight and detailed agreements in place that were **documented in writing and formalised** were optimal.

Get something in writing. Because things change and people go into new relationships and all sorts of things and then it changes all the time. (1075, Mother)

Just make it really, really clear so there can be no doubt. Before it actually gets sealed by the court, work out whether each party actually knows what that clause means. So, if in our case, when it's who pays for extra-curriculars, make it really clear. She now does activity A and activity B, she can keep doing it till she's 16. ... Just huge amounts of clarity. Things that say a person has to be in a certain place at a certain time, that you should have responsibility from that time. Not have to physically be there in person. ... Where there's a pick-up and drop-off, state who has to pick-up and drop-off. Because it's all those little things ... the devil's in the detail. (1401, Mother)

To get it legally formalised. If you've come to your own agreement, go and make it formal. (1020, Mother)

Documenting and recording issues and changes was also recommended. A few participants advocated documenting and recording any problems and to "collect evidence" if needed.

I'd say both of you keep a record and be transparent about the fact that you're keeping a record. Sit down, I did this with [former partner] and said, "I've started keeping a record and I encourage you to do the same thing. This is not me trying to get ahead of you. I think it would be good for both of us." Do it face-to-face as much as you can, so text and e-mail are only useful for communicating sort of unemotional up-to-date things, not requests. So, if you want to update them on what pills [Child] is taking, yes, that's an email thing. If you have a request to take some time off, do it face-to-face. Changes to care, aim for something practical that you can both keep to. Remember that it is about keeping to providing stability. (1104, Father)

Get things in writing. So, [former partner] and I email contact a lot, so we've got a record of things that have been said and that are going on. Especially when it comes to changes of plans for days. Even though I know people can say things, it get lost in translation, it's important you've got a record. If you make verbal arrangements, it's [a] risk. (1004, Mother)

I'd also be saying document, record, take photos. But, in saying that, that doesn't always help because in the Family Court, one thing I've learnt is you don't have to have high levels of evidence. (1461, Mother)

Keep a diary of everything. (1576, Father)

I think the advice is that so much can happen that you, even when the slightest inkling that something is wrong, you need to write it down and timeline it. Everything has to be factual, because over time things can change in your mind or you start thinking about something, or what other people say can influence you. But, if you have your very own timeline of exactly your account and how you're feeling about what happened, dates and everything, that's the thing that's going to keep you sane through it all. Because, you know, things change in your head and you go back and look at it. Even now, I couldn't tell you the dates, but a couple of months from writing some of the things on the timeline I could have rattled it off. So, I think, you have to be very clear and write everything down for your own sanity and then if it gets used in court or for child supervision issues or anything, just to have that down. (1008, Mother)

Some participants provided advice about **practical matters involved in post-separation parenting**. They recommended not having both parents at changeovers as a way of avoiding conflict and minimising children's distress, to have professional supervised contact rather than family members undertaking supervision, having back-up systems in place for when plans changed, and parents living close to each other to allow more casual child-led contact.

The other thing that's worked quite well is trying to limit pick-ups and drop-offs, switch-overs. When you have both parents in the same place, especially with young children, for example [Child], he gets quite upset when he sees us both in the same place and then he goes off with one parent and not the other. So, we tried to make it so that it all just worked over pre-school or school. So, you'd drop them off and then the other parent would pick them up. (1004, Mother)

Even at the start, that the kids just stay with one parent until a lot of this issue is ironed out. Even handovers – this is why we did it through school and kindy, it was a safety thing, so that we didn't see each other and that nothing could erupt via the children. It's interesting, because I find myself giving that advice now on solo parent page. You know, "Why don't you do your handovers through school or kindy where you don't have to see each other?" (1199, Mother)

Have a back-up system in place for if somebody can't make a day, how are they going to make that day up? Is your agreement going to allow them to do an extra day next week? Or do you decide it is in the best interest of the child just to keep to the routine and not change it up. Always try to put the child first. That, for me, is really the best way to approach parenting agreements. (1104, Father)

I guess in my situation I would say to dads, don't move far away, stay close. That would be the number one thing so that the kids can just be relaxed about it because being able to just pop around whenever you feel like it is just so much nicer than saying, "Oh, no, Dad's time is only once a week at the end of the term", you know? You can't have a close relationship with your kids if that's the nature of your relationship with them. (1247, Mother)

If you have to do supervised visits, fight for it to be professional supervision. It's just better for everyone. It's better for the person who is on supervised visits and it's better for the custodial parent if it's just done professionally. (1376, Mother)

Summary

The participants provided a wealth of advice for other parents and caregivers making parenting arrangements. Maintaining a focus on the children was the most common piece of advice offered. Parents and caregivers were urged to put aside their other issues, particularly those involving emotions and animosity towards the other party, and put their children first. They encouraged others to try and see the situation from their children's perspectives, to listen to their views and to acknowledge that both parents and wider family were important to children.

While the parents and caregivers acknowledged that it was sometimes difficult to do, they advised other people to try and maintain an amicable or civil co-parenting relationship with their former partner, or the other party, and to keep any conflict away from their children. The importance of being able to communicate effectively with the children's other parent/caregiver was highlighted and the use of professionals, such as counsellors or mediators, to achieve this was recommended. Participants also identified helpful strategies they used to deal with their former partner to minimise conflict, such as delaying responding, not being reactive, letting things go, and taking a solution- and child-focused approach.

Parents and caregivers emphasised that making parenting arrangements could be a long and arduous process, but provided reassurance that people would get through it and that sometimes there could be positive outcomes. They strongly advised others to get advice and seek out help and support from professionals, such as lawyers, mediators and counsellors, and parents/caregivers who had been through the process themselves. Many participants urged others to avoid using the Family Court, and to a lesser degree lawyers, and to try and make parenting arrangements themselves, either privately or through mediation. They cited the delay, cost and trauma involved with going through the Family Court and said this could exacerbate conflict between the parties and compromise both children's and adults' wellbeing.

Parents varied on whether they would advise others to make parenting arrangements quickly or not. Some suggested people should take their time, be patient and not rush into the process or make decisions immediately. Others recommended that people finalise their parenting arrangements quickly while the relationship between the parties was still amicable. Parents and caregivers were also advised to go into negotiations well prepared, knowing about the process, the law and their rights, and what they wanted. Some advised others not to give up too much or to agree to arrangements they were unhappy with.

The advice on the structure of parenting arrangements varied. Some recommended having arrangements that were flexible and able to be modified as life changed and children grew older. Alternatively, others thought very tight and detailed agreements that were documented in writing and formalised were optimal and provided greater clarity. Documenting and recording problems and changes to plans was also recommended by a small number of parents. Several practical ideas were suggested about how to approach the making of parenting arrangements and what to consider and include in parenting plans. Parents advised others to draft up plans, with various options, that could be shared and areas of agreement identified. They thought that, ideally, parenting arrangements should be designed for people's particular situations and the individual children's needs, rather than the adoption of a formulaic approach. They suggested consideration be given to how to deal with holidays and special days, not just day-to-day care.

Finally, parents and caregivers suggested that a helpful way of avoiding conflict and minimising children's distress was not having both parents at changeovers and using pre-schools and schools for these. Having professionals (not family) supervise contact if required, back-up systems in place for when plans changed, and parents living close to each other to allow more casual, child-led contact was also recommended.

Advice to Professionals

Parents and caregivers provided a range of advice to family justice professionals to enhance the services they provide. The advice related to better communication and provision of information; case management and timeliness; empathy, compassion and patience; greater awareness of family violence, mental health issues and high conflict dynamics; addressing children's views and best interests; and adopting a more positive, holistic and individualised approach.

Communication and Provision of Information

Communicating the process more effectively to clients was thought to be very important. This included the provision of more information about the family justice system and the steps involved, setting realistic expectations, working to a realistic timeline, providing advice and options, being responsive and encouraging, avoiding ambiguity and uncertainty, and keeping people informed and regularly updated.

Don't make assumptions that people know how things work. Make sure they know exactly what is going to happen. Like, for a Round Table Meeting; what this means is that your ex will be on one side of the table, you will be on the other. And you'll be asked to talk about things, and this is how you should approach it. You know, really keeping it simple, but making sure all the steps are explained. ... Be responsive. Don't just wait 10 days and then reply to an email. That doesn't work. (1384, Mother)

Keep people informed where they can. Or if there is no change, even just an email or a text to say, "Hey, there's no change, but I'll be in contact when there is." It's a segue to sort of let people know that they haven't been forgotten about, especially if things are slow-moving. (1312, Mother)

Advise people in a really practical way: if you do this, this is what's going to happen. I know every situation's different, but keeping it practical, keeping it focused on the child is really important. (1690, Father)

There needs to be more information and support and a little bit of encouragement. Actually, I think that's the biggest part. (1059, Mother)

Case Management and Timeliness

Professionals were also advised to improve their **case management and timeliness** by not having too many clients at once, acting more quickly, and reaching resolution as soon as possible.

Do not have too many clients so you actually have time. The first lawyer I had I was given her name by the Women's Refuge because she did all the family violence stuff. That was what she was good at, but she never said "No" to anybody. So, she had a ridiculous number of clients, and I just think she couldn't do any of us justice. I never felt that I was important or that I was heard or that she had time for me and, you know, she made mistakes. She forgot to send me things and then something would happen at the weekend and I hadn't got the information and so I didn't turn up at the right place or I wasn't home on time. It's just frustrating because they're not helping

when they're just too busy. It wasn't that she didn't want to, or wasn't good at it, she had too many clients. (1434, Mother)

They need to be realistic about how many cases that they take on and their time management of how to progress those files. And to do what they say that they're going to do. (1592, Mother)

The quicker the decision is made the better. What is more crippling is indecision. ... Nothing's forever, so just make a decision and we can re-look at it in six months. Six months just goes past so fast. Let's not go through a whole lot of fighting. ... It doesn't have to be long and drawn out and deep and meaningful – lighten it up a bit, make it a bit quicker. (1508, Mother)

I would just say to lawyers, "Sometimes people are just trying to split up nicely so that there isn't any animosity." And, as angry as you can be at someone, you really just want it over. You just want to get through it and just want the things that you want and to be a bit fair. (1336, Mother)

Don't push your values on the parents – the values are to be agreed to between the parents rather than have them put on that. Stop trying to rush everything through. That was the one thing I got from the mediators, "Oh, we've got to get an agreement, got to get an agreement, got to get an agreement." The rushed nature of that has basically kicked everything down to now whereas, I think, if there was a bit more time taken and a bit more opportunity to actually think about it and seek a bit more advice and all that sort of stuff, at that stage, it may have avoided court. (1044, Father)

Personal Qualities

Clients are often emotionally distressed and overwhelmed when making post-separation parenting arrangements and family justice professionals were urged to show **empathy, compassion, care and patience** with them. Professionals should **understand the complexity** of each individual family/whānau situation; treat clients with **integrity and respect**; show **genuine interest** in their clients and **give them strength**; **listen** to people and give them opportunities to **feel heard**; be **open-minded**; and **put themselves in their client's shoes** to appreciate what life might be like at the moment for them and their children. **Acting impartially**, avoiding bias, and resolving, not inflaming, clients' situations was also recommended.

Treat people with integrity and respect. Understand the complexity, as there are so many factors there. Every context is so different. (1103, Mother)

Listen to people and hear both sides of the story. It's a hard one to do, but is necessary. (1086, Father)

Listen. Listen well, is what I would say. Because a lot of people don't listen; they just talk. (1418, Mother)

Patience and kindness and empathy. These are people going through this all for the very first time and it's a horrific experience and they may not be acting at their best and showing their true colours. All I can say is that, for any professional, take a deep

breath and deal with this person as an individual rather than as number 400 that you've seen this week. (1016, Father)

Understand that the worst is coming out in people. The process brings out the worst in you; you are definitely not on your best behaviour. (1132, Mother)

Remember that that person is so affected by it all that it's actually really overwhelming, especially if they don't have other support around them. (1165, Mother)

They can't look past the fact that these parents are going through hell and that speaking down to them, or trying to make light of a situation like this – the trauma that you do to people when you do that. It's quite intimidating to see people who are very good at their jobs, they know the words, they know all the law, and everything else. But it actually doesn't give you a great deal of confidence if you're not getting the feeling they understand. ... Law is black and white and this is not black and white – this is as far from black and white as you can get. (1325, Mother)

I would ask them to have some perspective. These are the lives of people's children that they are fighting for. The reason they are in the court in the first place is because something is wrong. It's not a step that someone takes lightly to take the matter to court. So, you know, treat it with the seriousness or the dignity it deserves. These people are trying to fight for the lives of their children and they're not trying to be a nuisance to you. They're not trying to upset your day. They are there because they feel they have to be, for the safety of their kids. (1591, Father)

Take a deep breath. They say that love and hate are two very emotions that are very close together. Try to calm the client and steer them back to what is important, which is the wellbeing of their children. (1218, Mother)

I think they need compassion. They need to try and understand what it's like to not be able to afford food for the week and what it might feel like to be surveilled, what it feels like when you've had your home broken into and you come home and your ex-husband has had other people rummaging through your things, the fact that you can be physically assaulted and they can get away with it with lies, the fact that perjury is acceptable. Maybe, as well, not be so lenient, but actually enforce the Protection Orders and enforce those breaches. (1143, Mother)

Be more open-minded than saying, "No, this is what I've learnt, this is how it is and this is how it needs to be." Be open-minded about those different aspects and just be able to hear what the client that you're dealing with has to say. (1361, Father)

If anything it would be just listening, just hearing us. Thinking about the lawyers, thinking about the counsellors, and all the professionals who have helped us over the years, the people I responded to best were when there was empathy and there was just an ear. Sometimes I just needed to get it all out first before we went into what next. Obviously there were times when it was very emotional. ... Just give straight advice of the parenting or what needed to happen for the next step. It was like, "Actually, I just need to share my concern, then I think I'll be calm enough. I just want you to listen to me first; I want you to hear that this is such a worry for me and then I'll be okay to listen back." Just care. (1249, Mother)

It would be helpful if they were to think of the parents from their perspectives more than just from a legal point of view, because it's people's lives and people's children, you know. The parents are thinking of that from a very, usually, child-focused way and sometimes the professionals forget that and just think it's a transaction that needs to take place and this is what needs to happen. At the end of the day they walk away and go back to their own lives, whereas we have to live this. (1253, Mother)

To keep people feeling positive you need to give them an idea of their power somehow. It's very easy to start feeling that there is just nobody in the official system that is on your side in any sense. ... It's somebody pushing you for resolution, somebody who's managing your expectations – they never say to you, "Yes, we can get that." They're always saying it's such an iffy process going through a hearing, you're never really going to have your say in court, you're never ever going to be able to ask your ex these questions or why she's been doing what she's doing. It's never about your own personal feelings. They keep on dismissing your need for your child as something that is completely irrelevant. That's something that I've found terribly, terribly hard to deal with – that for all the love and all the connection I have with my child they seem to say that's completely irrelevant to any kind of argument we're making or any kind of issue that the judge is considering. (1491, Father)

They need to treat each case as an individual case and not bring any pre-judgement based on previous things that they've seen from other cases. Keep an open mind and actually remember that the people they're dealing with are people too. They're not just a number. They're not just another piece of their day they have to go about. Parents when they're going through the Family Court are obviously going to be very emotional. They've got to remember that, that emotions run high. (1555, Father)

Family Violence, Mental Health and High Conflict

Parents and caregivers wanted professionals to have greater awareness about, and more education on, the **dynamics of family violence, abuse, power and control; mental health issues; and high conflict, complex cases.**

The professionals need more understanding. I just don't think these judges have even the tip of the iceberg understanding of the dynamics of violence and abuse. I don't actually think they want to, because if they accept what they are hearing in their job every day, they wouldn't be making the decisions that they're making. (1081, Mother)

They need to identify domestic abuse – not just the violence, but the abuse as well. They need to recognise it and the abuser needs to be held accountable. (1092, Mother)

They need to have a basic understanding of power and control and ... that there is a good chance that that Protection Order is needed and that they need to do everything they can to understand how people like that operate so they can be a little bit more empathetic and understanding. The people that I dealt with had no understanding of even basic psychological principles of behaviour for people and motivation. (1109, Mother)

Where domestic violence proved, don't try to minimise it, don't try to scrape it under the carpet and then turn around and attack the mother's character. Basically, the judge was yelling at me, treating me like I was a criminal and threatening me with

prison. I didn't even know what to do. He kept calling submission-only hearings, not giving me a chance to speak or talk or bring evidence in, you know what I mean? (1110, Mother)

It's really important that people that have been abused have a high level of support and protection in terms of not being put in vulnerable situations. (1442, Mother)

The Family Court needs to improve. They need to update themselves with the current affairs. The judges should open their eyes, take into consideration the human behaviour, and recognise that whatever he did in the past, that's affecting the children in the future. Don't come in with an assumption, like my second lawyer did, saying, "Oh, now you're separated he will definitely improve." Because what I'm seeing is that I caught him drunk the first time; he will stay good for a while. Then the second time, now he has the kid with him in the car, drunk-driving. What's going to happen that time? Then the next time – they need to take this into consideration. (1494, Mother)

They need some sort of education around how to identify if there has been abuse in the relationship. (1564, Mother)

In my particular case there's no immediate threat of violence, or immediate threat of running off to another country, or immediate threat of drugs or substance abuse in either house or anything like that. It just feels like because it is not in that extreme category, it's basically ignored. But there's serious issues here: my kids are lashing out and being violent at their mother's and my daughter is having anxiety attacks about going back there. There's a whole heap of growing mental health issues under that because of the situation. But because there's no immediate threat posed by either parent, it just seems like it is put as, "Okay, that's not urgent." I think there needs to be a bit more urgency placed on the less extreme situations. (1044, Father)

Everyone in that line of work needs to have some type of training around what abuse is, what family violence is. I think basically comes down to psychology. (1108, Mother)

Learn about some of the stuff around pathogenic parenting and around how kids can be influenced by parents. There's not a lot of understanding about the psychological damage that happens to kids when they have parents who are basically trying to poison them against the other parent. (1064, Step-mother)

I would like to see a lot more training around the high conflict complex cases. A lot of the time there's mental health issues in one or more members of the family and there's not a lot of understanding around that – how they are impacting the family dynamics, how historic trauma of the parent or how drug addiction is affecting the whole family dynamics. The Family Court system sees family violence as the extreme, but it is such a big continuum. Family violence can just be the psychological stuff that has been tinkering for years in a relationship and all of a sudden it comes to an explosion around the separation, around things like allegations of abuse or things like that. I think a lot more training and awareness around those cases is needed. (1073, Mother)

Children's Views and Best Interests

Children's views and best interests were said to require more attention from professionals. In particular, children needed to be focused upon and listened to, with their needs coming first. Taking account of children individually, rather than just as a sibling group, was also considered important. Sometimes a person from outside the family could be most useful in ascertaining the children's thoughts, feelings and views as this could be difficult for separated parents to know accurately.

Focus on the child, cut to the chase. (1458, Father)

The kids probably need a bit more of a say. To have their voice heard. (1511, Mother)

Listen to the kids. We think that kids have got to be 15 or 16 before we can take their word seriously. But just listen to kids from the time they're about five. If a child doesn't want to be with a certain parent, for whatever reason, I think we need to take that seriously. (1152, Mother)

Remind parents that it's not just about them. The impact of the separation can have a huge impact on the children as it is, without being dragged into some of the nasty business. Just make sure the needs of the children are put first. (1296, Mother)

Tell the parents that they're the parents and that they need to look into the future. It's such a short time that they're children, so parents need to look and think, "What are these children going to think when they're in their twenties?" How are they going to look back on this and think about how their Mum and Dad dealt with this whole thing. (1230, Mother)

In a lot of cases somebody that just, for want of a better expression, bangs people's heads together a little bit and goes, "Look, this bit isn't about you, this bit is about your children and we're here today to sort out about your children. All the other stuff, that's cool, but you get to deal with that in your financial settlement etc. You do that with these people, but today we're actually talking about your children and I need you to really focus on that." (1493, Mother)

It might have to be almost a constant thing that, "This is not just about you." Well, it is to a certain extent, but more so it's about the children. "They're going to be the ones that are moving from one house to the next, it's not you." It's about what you feel they can handle, how happy they would be with the moving. Some children have Asperger's and they don't handle change very well. So, you've got to be conscious of the child and their personality and stuff. Just put the kid first. ... Look at the individual child, not the children as a whole. There might be four children in the family and they might be all quite different, and while you don't want one going for three days a week and the other going for five, or whatever, sort of try and encompass what's best for them all as a whole. And if one is just not in a place that they're going to handle going because of the change and all that, don't just stand up there doing the gabble and going, "Right, Johnny's not going to go at the moment because we don't think he's going to handle it." And the father going, "Well, that's not very fair" dah, dah, dah. Explain why. And just keep the children as the focus. (1003, Mother)

I keep coming back to the kids' perspective. It is hard for both parents to know that their perspective of the kids is actually accurate. So, having someone from outside who could see that and work it out would be helpful. (1017, Mother)

Holistic, Individualised Approach

Finally, parents and caregivers advised professionals to **adopt a more positive, holistic and individualised approach** – look at the whole picture – and to consider **policy changes** to improve the delivery of family justice in New Zealand.

Try to keep both parents involved in the kid's life and not encourage negative behaviour from either party. Try to foster and encourage positivity rather than negativity. (1237, Father)

Look for the common ground between the two people and try to find the space where they can agree on things, like what they want for their kid. I realise that that's not always possible and it's tough. Sometimes professionals do need to make judgements around where there are power games, right, and they have to be there and not just go, "Oh, this is between the two of you and that's it." I guess it's a tricky thing to do, but take a bit of time to do it. (1001, Mother)

Take the time before getting into mediation and things to actually get to know what the relationship was like. I know it's all about what's best for the kids and rah, rah, rah, but if they can actually understand what the relationship was like before they broke up, then maybe they could help people get to being able to do it without professionals a lot sooner. (1479, Mother)

This is not an oiled machine; this is a guillotine, this is cutting families up. They are all colluding together and there are so many children being badly, badly scarred for life. All the agencies and the institutions like the Police and the judiciary and whatever, Law Society or whatever, and the bar, just need to sit down, have a conference, actually be locked in a room with no food, until they have actually worked it all out between themselves. (1135, Mother)

The entry into my journey to begin in the first place wasn't the right one, yet that initial thing set the course. The judges that are dealing with the requests that my ex-partner made – who the heck would have read that and believed anything that that person said. They eventually go, "Bang, you're out of there." I understand they do that to cover their arse in case there is actually domestic violence but, seriously, you need to look at whether you can find some evidence. They need to have someone to communicate with that other person to get a view on what's actually going on – not just take one person's view of it, written down, and do an emergency without notice order. (1339, Father)

It's not a game. It's children's lives and wellbeing that are at stake. Judges need to be in some cases, I would say, modernised. It's a lottery as to what judge takes on the case. They were very much set in the historic custody and access regime. The fact that I had been nine years as the primary at home parent appeared to count for absolutely nothing. The court-appointed psychologist didn't appear to place importance on my role in [Child's] life and the importance of the continuation of that role. The judge basically handed down orders that would have been common 30 years ago; every

second weekend, school holidays shared 50/50 and, perhaps his only departure, one afternoon after school a week. I don't know how you get change. (1430, Father)

Be a bit more understanding that not every case is black and white. Like, you either have a good relationship and you guys can still talk and it's all good; or you have a bad relationship and it's not good, but you guys can still work it out; or there's been physical violence, let's keep you guys separate. You can't categorise it. I know you sort of have to in some sense, but each is different to a certain degree. (1047, Mother)

Don't underestimate the money side. It's quite powerful and it can influence the time that one parent gets with the child over the other. It should be a factor as the child will get pulled to whatever advantage of the parent that has control at the moment. Be wary of people's decision-making, or the impact of the money on each household and how that might influence the decision-making. (1055, Father)

My advice is not for the professionals, because I think the professionals probably do the best job they can. Mine is for policy-makers who apparently see things in very black-and-white box terms. Talk to them about having the ability to look at things on a more individualised basis and to realise what a stressful time this is for people. Let there be flexibility in the system. (1418, Mother)

I would ask them to be considerate of everyone's personal situation. ... Be really open to the unusualness of families and the fact that what works for one probably or might not work for another. That's the thing that I'm trying to get across. Every family has their own individual stuff going on. One size doesn't fit all in this situation. I feel at the minute, that's what you get; it's one size fits all. (1611, Mother)

Summary

A range of advice was offered to family justice professionals to enhance the services they provide. Communicating the dispute resolution process more effectively to clients was thought to be very important. This included the provision of more information about the family justice system and the steps involved, setting realistic expectations, working to a realistic timeline, providing advice and options, being responsive and encouraging, avoiding ambiguity and uncertainty, and keeping people informed and regularly updated. Professionals were also advised to improve their case management and timeliness by not having too many clients at once, acting more quickly, and reaching resolution as soon as possible. Clients can be emotionally distressed and overwhelmed when making post-separation parenting arrangements and family justice professionals were urged to show empathy, compassion, care and patience with them. Parents and caregivers also thought professionals should understand the complexity of each individual family/whānau situation; treat clients with integrity and respect; show genuine interest in their clients and give them strength; listen to people and give them opportunities to feel heard; be open-minded; and put themselves in their client's shoes to appreciate what life might be like at the moment for them and their children.

Acting impartially, avoiding bias, and resolving, not inflaming, clients' situations was also recommended. Parents and caregivers wanted professionals to have greater awareness about, and more education on, the dynamics of family violence, abuse, power and control; mental health issues; and high conflict complex cases. Children's views and best interests were said to require more attention from professionals. In particular, children needed to be

focused upon and listened to, with their needs coming first. Taking account of children individually, rather than just as a sibling group, was also considered important. Sometimes a person from outside the family could be most useful in ascertaining the children's thoughts, feelings and views as this could be difficult for separated parents to know accurately. Finally, parents and caregivers advised professionals to adopt a more positive, holistic and individualised approach – look at the whole picture – and to consider policy changes to improve the delivery of family justice in New Zealand.

Suggested Improvements

Parents and caregivers suggested a variety of ways to improve the family justice system. These included: better provision of information and support; the availability of counselling; providing support, particularly counselling, for children and giving them a voice; adopting an early intervention approach during the first six months following parental separation; special approaches for domestic violence and complex cases; and stronger enforcement of timelines, agreements and court orders. Many other suggested improvements to the family justice system were also made in relation to specific family justice services, professionals' roles and the 2014 reforms.

Information and Support

The most frequently suggested improvement related to the better provision of information and support for separated parents, particularly when they entered, or while they navigated through, the family justice system. To remedy the current gaps, parents suggested being able to meet with a **neutral third party who was not a lawyer**, attend a **community-based agency or subsidised service**, or call a **helpline** to be able to talk with an informed person directly, discuss the options and work out which step(s) to take next.

I think it should be much easier to do and more clear. You don't really know the system until you are in the system. (1020, Mother)

There's a gap. When I was looking around it was really hard to find actual advice about this stuff unless you went to a lawyer. You sort of patch stuff together, rather than having something that's actually designed for this purpose. I wonder if Community Law end up in that position sometimes. I think there's a big gap in terms of where do you go? Because people's information is completely out of date – you know, the common opinion of your sister, your friend – they have no clue. (1083, Mother)

For us, there's nowhere, no one. We're having to work it out on our own. When things kind of get bad it's, "Oh, I'm going to ring the lawyer, or we're going to go back to the Family Court." It becomes that dwindling threat, instead of, "Oh, well, why don't we go and see blah blah, and then we'll work this out together." You know, like a middle step or something, having someone to talk to. And maybe having to do something once a year so that you're actually held accountable – a little bit of a review to see how things are going, what the big issues are, what's happened, instead of waiting for all of the shit to fall to pieces and then try and fix it. (1280, Mother)

My lawyer cost \$300-and-something-odd dollars an hour. Even if there was a paid-for service that was subsidised in some way, that may well be better. I don't think everything should be given away for free, otherwise you don't value it. But some subsidised service that will help provide some of the legal guidance. (1339, Father)

Someone you can talk to so that they could guide you through the whole process would be useful. Different options. Someone who's more easily accessible than a lawyer. Someone who knows the system, knows what to expect and knows how to help you work out what you want. (1223, Mother)

At the beginning, it would have been nice to have been able to sit down with somebody and just have a talk. Not so much of a formal mediation process, but

somebody who's a neutral party, as it were. Just to sit down, "Okay, you've just separated, what do you each want? Maybe write it down. Let's have a talk and discuss separate situations." An hour's meeting probably would be all that would be needed. (1257, Mother)

I think community-based and in an advisory nature. What could have helped me during all of my processes, it would be if I could go somewhere local that wasn't attached or branded as legal or government. If it was branded as a community organisation in some way, then I wouldn't feel so threatened. I could go there and I could at least talk about some of my issues and it would be good to have some advice but in a non-legal way. You want and need to know the legal options that you can take. I think it's good to be told that, "It is the best option if you can work it out yourself, but here are some helpful tools to help you do that." The helpful tools to help do that have been a bit non-existent in my experience. So, yeah, maybe community-based counselling and an advisory service specifically for separated and divorced families, would be great. (1067, Mother)

Having some help line or somebody to call or talk to that could provide advice on the process and what help was available, I would have found useful. (1690, Father)

More information about what different Parenting Orders could look like and what different things could be included in those different orders – so that you could know the things you need to discuss, the things that people don't think of ahead of time, like Christmases or birthdays, those sorts of things. It's good to have a set plan in place. (1253, Mother)

Some suggested the appointment of a specific **case manager** or **liaison worker**.

It would be better if there was a case manager for people, specifically to know how to manage their case, what options they have, support and advice. Let people know realistic timeframes, because there seems to be a lot of stress to get information into the court and then you are just left dangling and not knowing what is happening. ... A case manager would be a good way to support parents to manage their own situation? (1126, Mother)

It would really help if there was one person assigned to you to help show you the way. (1008, Mother)

I found the social worker that I worked with very good, but it would have been nice if something like that had continued through the separation to help you know what resources are available. I don't know what you'd call it, a liaison, who can kind of be in the middle, and tell you this is who you can talk to, here is this brochure that gives you the phone numbers, here's who you call if the arrangement that you've made falls apart, and even maybe just goes through the law with you or someone to carry you through it a little bit. (1635, Mother)

In a situation like mine, there should be someone available to support. I was very vulnerable and alone in the system. If there was someone who would help me be able to negotiate the process, like a supporter or somebody in the system, that could have helped me, just stand beside me – while these decisions are being made, then I would have had a much better outcome. ... I just felt very alone in the court and very

frightened by the whole experience. If there'd been someone there to actually support me to make decisions that were more informed that would have been really good. You're just chucked in with the lawyer and then you're chucked out again and there's nothing to help guide you through the process and perhaps advise you differently. Somebody that's actually not involved in the legal side of things and actually wants to see a better outcome. (1642, Mother)

Other parents suggested that establishing a **general advice centre** or volunteer service at the Family Court, setting up a '**one stop shop**' or umbrella organisation, providing a **wrap-around service** or developing **interagency collaborations** would be helpful.

They definitely need to provide advice, certainly with familiarising the people concerned with the state of the law. There seems to be quite a few holes as to where people can actually go and ask advice and find out what supports are available to them. ... If the Family Court has, like, a general advice centre where you can make an appointment with an advisor, that doesn't actually take sides and doesn't even necessarily have to have a legal background – just knows the law and knows what's available and can provide general information and if they've got any specific questions they can find them out at that point. That's probably the most important thing. Having said that, you could possibly also have information available at places like public libraries and councils and things like that. (1217, Mother)

The biggest problem doing it yourself, and when you are in shock, you can go on the Justice website, but it doesn't really tell you what to do. There needs to be, like, some sort of assistance programme in the court, maybe even run by volunteers, that can help, not giving legal advice, but giving help with the process so people know exactly what to lodge and when. And some sort of integration programme where they can be assisted through the process. Even now thinking about Family Court, I find it very daunting and that's why I'm paying for a lawyer for a couple of hours to know how to lodge something. (1036, Father)

When a couple first separate if there could be some kind of service that they can go to – I'm not saying it has to be free but, at least, very, very low cost so that it's not prohibitive – and see somebody and sit down and say, "Right, everything has just turned to custard. We're not going to be together anymore, but we don't want to cause any harm to our children in the process, what do we do? How do we do this?" Maybe just for like eight to 12 weeks of, like, a once a week meeting with somebody. I think what's going wrong for me is that those wrap-around services are not there. There's no free relationship counselling anymore to try and salvage the marriage, just to say, "Actually, I know that you said you want to separate, but can this be salvaged or is it absolutely dead? Can we get things back on track?" Once the couple has decided that there's absolutely no going back, there is nowhere to go to then say how do we deal with this, you know? I would say that that's a bit of a fail and it will be affecting children that those services are not in place because people are trying to scrabble around based on their own life experiences. (1696, Mother)

The system is hard. Trying to come up with a system that supports people in a really vulnerable and fragile time is a difficult thing to do and an expensive thing to do. I think, making it more centralised the better, from the perspective of one-stop shop information. Being able to go to someone and say, "This is the horrible situation I found myself in, help me, tell me what I need to do", would be great. In an ideal world,

there would be a place you could go and there's a counsellor and there's somebody that can tell you everything about the court, all ready to go at your beck and call. Having that emotional support, as well as the practical support, is the key thing to it. And making it easy access, making it centralised, being able to come to someone who can point you to the right things, tell you which forms to fill in. (1016, Father)

There needs to be a service that provides women options for support, especially when they have no family support. In these circumstances it's pretty common that you're isolated. ... You do need somebody. It would be really good to have an umbrella organisation that has these different divisions that literally operate for women and children and understand the processes, understand their condition, understand the support they can get, because I was all over the board. I researched, I looked, I tried every single avenue possible and I couldn't believe I was bouncing between everyone, not knowing where to go. Even trying to find counsellors that were experienced with the trauma of what I've been through, it's not easy. ... None of them work as a cohesive whole. They all have different opinions, all have different ways to manage things. ... You never get independent, true advice that's really genuine. ... There needs to be an independent body that supports women and that also has options for therapy. (1439, Mother)

My experience has been that the services are so limited with what they can do, their scope is limited, and they are afraid to challenge the system. They all do their little bit, they each have their little piece, but they don't work together. There's not, like, an all-encompassing wrap-around service. (1081, Mother)

It would be very beneficial if there was an ease of communication between the courts and services, such as Work and Income or IRD, so that instead of relying on what the parents are saying, or the information the parents are providing, the court is able to receive that information direct – there's no manipulation, there's no contortion of the facts. Those other services can enact things very quickly. I had to quit work, I had to literally put everything else in my life on hold, to go through this process, because trying to find a job that'll employ you when you've got a lawyer's meeting, a Family Court hearing, I've got this, I've got that. It's just damn near impossible. I literally had to put my life on hold, which means I had to go on to a benefit. (1555, Father)

Written resources were recommended, including 'a parenting separation for dummies' guide, a fact sheet or a flow chart, to make information more accessible.

Nobody enters into a relationship intending on splitting up, and those who have kids intending to solo parent either. So, people need really accessible information, "Hey, look, this is what you need to do and these are the steps that you can take." It is hard – I was a solo parent with four kids all of a sudden, you don't have any energy for anything. So, a parenting separation for dummies guide would be really useful. (1075, Mother)

Some form of information that quite clearly, and in really simple terms, lays out the process and what you can and cannot do, what's good and what's bad when it comes to dealing with the Family Court. I had no idea of the processes. If I hadn't have had a really good lawyer, I don't think I ever would have. (1555, Father)

Look a bit more closely at the complexity of the situation because to put everyone in the same box, it just doesn't work. When I printed off that booklet, it was just a very basic way of looking at things and my circumstances were much more complicated than that. (1067, Mother)

A **pop-up chat box** on relevant websites was also suggested.

Websites often have a little chat box that pops up and you can talk to someone. Not straight away, but often you can – it's like, "Hi, can I help you?" and it's automated. You can type what you want and then someone will come chat to you. If something like that was actually available on the Justice website, or even if it was like, "Leave a question and someone will get back to you." A lot of the information is technical and if you're not up to date with technical terms or a lot of the information there, that kind of back and forth would be possible if someone was there to clarify things for you less legally. I think that would be really helpful. I understand it would come at a cost, but I think that could be really useful especially if you're not quite so educated or have the benefit of a higher academic background. (1530, Mother)

Given the fluidity of post-separation family life, parents thought it would be beneficial for **follow-up, review and monitoring** to be put in place to check how the agreements/orders were working out down the track.

It would be nice to have somebody, not necessarily a lawyer, but a representative from the court, who once you have filed paperwork, contacts you and says, "Hey, I see you've done this. Are you aware there's that, and you can do that, and these are your next steps, and don't forget" that kind of thing. There were a few parts of the process where I didn't realise I was supposed to have all my arguments written out and ready to present to the judge. So, that was a bit of a panic. There isn't enough step-by-step instruction type information on the website for you to go it alone. Either more of that, or somebody who can just contact you and let you know what your next steps are, would be good. (1239, Mother)

There should be a monitoring process as to how the court order's going, because once you have an order you cannot apply for two years in between applications. If it's made just by a judge you have to follow up that it has been adhered to. When it's not adhered to, they shouldn't just change the order and say, "Well, it used to be two weeks, now we'll change it four weeks, or we'll change it to eight weeks to see if it works." You can't just work like that. If you have an order to see her every two weeks, then you can't just say, "Well, that's not working, let's try every eight weeks." (1552, Father)

It's an ever-changing constant process. It's not like you can make a parenting arrangement and that's problem solved. It's not like that; it's an ongoing, everyday process, because things change and you're constantly having to review things. When it comes to parenting arrangements, it's seen as something you do and it's done; but it's not that simple. I wanted somebody I could go and see in the community for advice to help with that constant changing of the parenting arrangements, rather than a place I could go to make the arrangements and never see them again. It would be helpful to have had ongoing contact with somebody who is aware of the legal ramifications of decisions and things, to say, "Well, I don't think you should go down that road because legally this is what could possibly occur." (1067, Mother)

More follow-up, I think, for parents and for children, a year after Parenting Orders are made. Offer counselling or another mediator, or something, just to see how it is working. (1087, Mother)

What they could do is they could have a review time. Where if you make a change every, say, two years it doesn't cost you. But if you're wanting it more frequently than that then you pay maybe? So, it can't get into someone trying to change it continuously. (1564, Mother)

If you felt like you'd made a parenting plan that had covered everything to start with, and then you realised quite quickly that actually there's a little blip there, and it would've been more helpful to have had someone to go back quickly to tweak it. If you sign any sort of credit agreement, or anything like that, you usually have a 24-hour or one-week window when it's a legal document. But, in this case, there was no cooling off – I wouldn't have wanted it to call it off, to cancel it, but just to have that option that if something came up, "Oh, look, we haven't set that – we've said changeover is going to be Thursday, but we haven't said if it's going to be at the end of the day or the start of the day. So, we need to have certainty here." (1574, Mother)

Finally, the establishment of a **Ministry for Men** was suggested as a place where separated men could receive advice and support.

We need a Ministry for Men or something along those lines. Somewhere where men can go to get the advice around this stuff and can actually get support. We've got a Ministry for Women's Affairs, we've got a Ministry for Children, we've got a Ministry for the Elderly, but there's no Ministry for Men. There's nowhere for us to go and turn to. I felt really, really alone through a lot of this until I started finding other fathers who were going through similar stuff. Which, of course, I've just found through social media. But there seems to be nothing really there for guys to turn to. (1555, Father)

Counselling

The previous free counselling sessions ended with the 2014 reforms, but participants said they would like **counselling** to be available once again. This could help deal with emotions like loss, grief, hurt and anger, and could also foster an understanding that an "ex-partner is not an ex-parent." Counselling can also assist people to get into the right headspace to focus on their children, reach decisions together or prepare to mediate.

They shouldn't have dropped the counselling. I think the six sessions of counselling were quite beneficial. (1073, Mother)

I would like to see more counselling, because the counselling really did help. ... Having that other person there who was a third person, with their experience, to talk things through was definitely the best thing we've had. (1076, Mother)

Even with that Parenting Through Separation course, if there was another lot of counselling that could be provided to people who have separated to help them to get past that 'they are an ex-partner, not an ex-parent' stage. That would help. It did take me a lot of time to get past that, that he was my ex-husband, not the girls' ex-father. Within myself it took a lot time to move through that stage. (1023, Mother)

If there were more counselling options available for people I think that would be a good resource. ... Understanding how these sorts of changes in children's lives impact them and what we as parents can do to support them through this. There is a little bit of that at the Parenting through Separation course, but it was all very much like, "Don't worry, your child will be fine, you don't need to do anything, you just need to be aware that they will come out the other end fine." That might be the case, but it is not always very reassuring in this process as a lot of fear that you have is around their wellbeing. (1113, Mother)

Both parents should be made to do a block of counselling to get rid of the anger. Not together, I reckon separately to start with. I just think more things need to be put in place to deal with emotion from the get-go. (1199, Mother)

There needs to be a lot more counselling available. ... It's not a legal problem. ... You've got to get someone to a certain headspace before they can mediate. It's all very easy to blame everyone else but, actually, you need to change yourself as a person. That is probably the biggest thing that needs to happen before mediation. (1207, Mother)

We have to go to mediation before we can go to court. Shouldn't we also have to go to a counsellor together and sit down and try and work through how we're going to communicate, how we're going to make sense of this, what is suitable for different children at different stages, to give us a guideline. I just see that as being, maybe, a helpful first step before mediation. We shouldn't be able to get a divorce without having actually done counselling. (1453, Mother)

It's almost about bringing parents out of themselves, when they're highly emotional, to take them back to a sensible place. Sort of, "You guys need to actually think what is this doing to your kid?" (1325, Mother)

Sometimes the offloading can be very important in terms of moving forward. ... You're supposed to look forward, and supposed to look to the future of your child, and not concentrate on what's gone on before. I understand that, and in terms of coming to an agreement, that is important. But what that leaves is a whole bunch of people with what, for them, is quite large trauma and no place to discuss that productively. ... I think that the counselling that they used to have, something like that, is very, very useful. (1414, Mother)

I personally think anyone going through the Family Court process, unless it's a dangerous situation or whatever, should be offered counselling and perhaps get to a point where a decision can be reached between each other. I would have thought that would make life easier for the Family Court in the long run. (1427, Mother)

If there was some kind of individual counselling to help people clean up their stuff before they went and tried to negotiate, I think that would make a massive difference. If you have the right kind of therapy, you can make a massive difference to people's ability to move beyond the hurt. ... The Family Court can only do what individuals are equipped to follow through on, and if you don't have individuals who are equipped, then it doesn't matter. (1064, Step-mother)

Communication counselling was also suggested as important for former partners.

I think it is about supporting communication. These people who have got failed marriages, that is where it is lacking, that is why they have struggled so far. So, suddenly, to expect them to be able to communicate and sort things out like normal people is a bit of an impossible aim without huge support. (1017, Mother)

I went through a bit of an exercise of working out what my communication style was and what my ex-partner's communication style was, so that I could understand that. I found it really useful, because one of the difficulties we had was the fact that I wanted snap decisions. I communicate, I want feedback straight away, agree it and move on with life. She wanted a month to mull over things and then come back with a decision. I worked through understanding that and that actually really helped me to work out how to manage the situation and not get stressed and impatient and bring additional emotion to it. I would advise anybody going through it to try and understand that. So, when they're thinking about their ex-partner's perspective and how they're going to receive messages and how you're going to go about that process, I think that would really help – communication styles are really important. (1690, Father)

If the government's going to invest money ... I'd say pay a counsellor. I really do think the communication counselling subconsciously sets people up. (1451, Mother)

Besides counselling, **psychological evaluation** or input was recommended as a way of better dealing with inter-parental conflict or personality dynamics.

Every parent should have to go through a psychological evaluation when there's high conflict. ... Because, if you've got high conflict, there are going to be personality disorders there, and these are the things that damage children apart from, of course, physical abuse. (1456, Mother)

If you're going to end up going through the court process, there needs to be some sort of psychologist or psychiatrist coming in and just sort of trying to work out what sort of personalities they're dealing with – because that has huge, huge influence on how things play out. (1461, Mother)

Other counselling-related suggestions included **an online course, early intervention** for parents in the first six months following their separation, and use of **figure eight and nine tool** to assist separated parents to better understand each other's perspectives.

Newly separated couples are probably in their most dangerous and volatile state emotionally, sometimes physically, and that is when they need the most support. Those first six months are absolutely the hardest. Getting people to calm down when they are emotionally overwhelmed, or they are the hurt person, or they have been lumped with all the responsibility, or financially they are going into crisis. All these things happen in the first six months and how they come out of that six months will pretty much determine the next six years. So, early intervention is best and giving the right support, with the right people around them is vital. (1076, Mother)

I came up with this idea: picture a figure nine, okay, you put it in front of the two ex-partners at either side of the table. One sees a nine and one sees a six. That's your perspective. That's how it feels in separation. You already know you couldn't live

together; that's why you're not together. So, his perspective; her perspective. Values have changed; there's been a change. What you need to do for parenting is to create a figure eight. You need to work out what that back strait is down the back – that's going to create a figure eight, and it becomes a racetrack. You have to work out which way you're going to go around this racetrack, because if you're going different directions it becomes a demolition-derby about who's standing last on your track. Then you talk about who else can come onto the racetrack and you talk about the new spouse, the grandparents, whoever's involved in your parenting. You put them all on the track basically. And the children are on this track and thus following us and are watching how we dialogue; they're watching how we interact. So, if I could create that model and give it to you guys and talk about it, I think it would change the dialogue of how things could happen. When I presented it to [former partner] he was like, "Wow, this is really good" and I was like mm-hm. And then I shared it with two of my friends who were having issues and I was like, "Present this." The guys were like, "Oh, you're actually hearing me; I do think different; I do see different." It just gave a more positive place to then start dialoguing. (1451, Mother)

Children

Parents wanted their children to be able to access **counselling** and participate in **support programmes** aimed at the children of separated parents.

There's not a lot on offer for the children themselves or getting help through child psychologists or counsellors for little ones. How do you make the process as easy as possible for them to understand what's going on? You know, how to deal with this separation anxiety and the things to say and all that sort of stuff. (1427, Mother)

Children need to be in some kind of counselling, or something, right from the minute an application is made in the court by parents because there is so much that they go through. ... When parents are stressed, children's home life is not going to be ideal. They need to look after them better, they really, really do. It would be good if, alongside the parent, there would have been a programme for the children. You could actually make it work quite well and time it for when a parent comes into their parenting course. (1059, Mother)

I'm arranging for the children to go to counselling, arranging for a child psychologist or an art therapist. You just don't know what they're dealing with. They can talk to you as a mother and child, or parent and child, but they might not be actually verbalising what's going on inside. So, find somebody that they can talk to, a third party that they're not going to have to worry about hurting people's feelings or saying the right or wrong thing – they just get to talk how they think it is. (1020, Mother)

My children needed counselling and, if the courts had listened and understood the abuse, they would have organised counselling. It would help explain things to the children more and just help them with their worries. (1092, Mother)

I am interested in counselling for my kids especially when they are little. Having some sort of services for children to help them through the process. He has friends at school – they go to their mums and their dads and he doesn't think much about it. But, when he is going through it, it's like, oh, it just hurts. Give him someone to talk to that isn't Mum or Dad. (1095, Mother)

Every child should be entitled to some sort of counselling, or just someone to come and work with them. If it is going to continue to be nasty, there should be one spokesperson that gets to know the child, they go and see them at school. I've got this vision of what the perfect person would be in my head. They get to know them, they take them out – even if it's to take them like out of school, take them to the beach, get their trust, or take them for an ice-cream. Not talk about the big stuff; just get to know them, get to know who are their friends. You know, the real stuff that kids like to talk about first before hitting the deeper stuff. ... Then this person knows the child independent of any parent's say-so. You know what I mean? Even if the kids are pulled in to go to court, they can take this independent person with them. Or if the child's got to go and see a Lawyer for the Child, this person goes with them. If CYF are involved, this person is allowed in the room with them. Because they have no safety net when they're getting interviewed by these people, they have no one in there with them. There definitely needs to be more thought about the children and how they're feeling. (1199, Mother)

The courts have not ordered counselling for me and my son to have together. I've asked for that and they've said we need the consent of his mother, which I think is really wrong. So, I can't take him to a counsellor for him and I to have a chat around our relationship without her consent. ... It would have been nice to be able to go to a counsellor and have him and I just have a chat and try and work through some of the issues that him and I were grappling with. (1458, Father)

Age-appropriate booklets were also suggested for children.

There could have been a better series of booklets for children to read aimed at different reading ages. ... I kind of researched and found my own stuff that I needed, but I would have loved to have something that I could have given the kids that was age appropriate and available quickly. (1488, Mother)

Providing greater opportunities, besides the appointment of Lawyer for the Child, for **children to discuss their thoughts, feelings and views** was also said to be important. Some parents specifically wanted **other professionals, such as social workers, counsellors or child specialists**, to be undertaking this role rather than lawyers.

I do feel a lot that kids of a certain age deserve to have an input. Obviously they need to be of a certain age, because when they are too young they don't understand. But once they are, say 8 and 10, and they fully understand and they know what's going on for me, and when they say to me that they want to go to Dad's this weekend instead of staying here, that's fine. I think going through the court they kind of listen to children when they are about 12. But, kids these days are more mature than they were 10 years ago because they see a lot more, they do a lot more. So, that age needs to drop down. If a couple separated when a kid is five and the kid is not getting a say until they are 12, that's seven years of missed relationship building. (1023, Mother)

Give them a bit more say the older they are about what they want to do. A seven- or eight-year-old you probably wouldn't give as much say as you would give, like, a mature ten-year-old. Just say, "What would you like to do? Would you like to be with Mum one week and Dad the next? What's practical around working that?" You know, in families where the father works out of town it's not going to be practical for them to have week about. (1003, Mother)

If there had been someone else who had heard the kids and knew what they needed, I would have felt much better about the whole thing. ... Having someone who knows how to listen to kids and get the real story would be really helpful. ... No matter how little they are, they still need someone to see it from their perspective. It is hard though, because you don't want to add to their stress by introducing a whole bunch of scary people and making it all their fault. (1017, Mother)

There needs to be other professionals involved that aren't lawyers. Social workers, child counsellors, child psychologists, domestic violence experts. It's around children having an autonomous voice. ... People that are parents, that is huge – some of these lawyers don't even have children. They need to be people that are up to the play with what's going on – child development – and it's got to be evidence-based, research-based. I mean, these lawyers are still stuck in the time-warp that 50/50 is best. Once size fits all. (1461, Mother)

What I'd like to have seen is a process that encourages and strengthens the relationships between the children and the rest of the family, including the father and the grandmother. What came across in the report was basically, "Tell me what you don't like about your Mum and Dad." That was the approach. "What's better about Mum's house? What's better about Dad's house?" It felt quite judgemental. If one party is saying, "Oh, the children don't want to spend time with their father", I think that's a signal to look at what's wrong with the relationship between the children and the father. So, if the mother is saying that, there's one of two things going on: either the father is really dodgy or the mother doesn't want the children to have a relationship with the father for reasons of her own. The kind of default assumption is that there's a problem with the father. I'm just wondering if the system can dig deeper into whether the mother has some kind of personal agenda that she's using the children to further. I don't know how the system could accommodate that. (1509, Father)

Family Violence and Complex Cases

Special approaches were suggested for **family violence and complex cases** so that victims would not need to come into contact with their abusers or could be catered for in a different type of family justice system.

A different system that caters with a special understanding of the issues involved in family violence is needed, way away from all the people who are currently involved in the system. I'd personally like a panel of domestic violence experts to do those. The fallout would be enormous because all these men, even though they squeal terribly at the moment, are going to be ropeable when their ability to control is ripped out from under them. Maybe that is part of the motivation why nobody is keen to do anything about it, because it is a big chunk of the population that is going to be very angry. I am going to quote Lundy Bancroft who, to me, is the guru of all this, he says, "These violent men they can change, most of them can change, but they don't because they don't have to." They don't have to change because, as the system currently stands, they can keep getting away with their violence and control forever. So, the only way is to stop the harm by not forcing us all to have to engage with them and to actually have some serious accountability for people here. Some serious accountability and, to me, that serious accountability is not being involved with their kids. (1079, Mother)

If there could be some sort of process where the women don't have to come into contact with their abusers in terms of the Family Court system. Because you are forced to sit in the same waiting room as them, you have got to sit in the same courthouse as them, the same courtroom as them. I spent three days in the Family Court with him sitting directly behind me and I knew that he could lean over and touch my back at any time he wanted. That was really, really intimidating. It was awful; I felt sick the whole time. It impacted on how I was in the whole process. (1081, Mother)

I look at the courtroom thing and think, why is it just one judge? It needs to be a jury for domestic violence. (1439, Mother)

There needs to be a system set up. If you're in a position in which you've been abused by your ex – using this system, it's virtually impossible. ... There needs to be something in place which means I can communicate with him without actually having to talk to him or be the one that directly receives his emails back. So, there needs to be a buffer thing in which if I send something and say, "I would like this to happen, are you open to this or can this happen? Can we swap this or something?" Not be the one that opens the email that starts with, "You stupid bitch." I don't think that's a safe place. But if he was having to do it through a third party, or somebody else was copied into emails or something, he wouldn't behave that way. (1564, Mother)

Enforcement

Some parents suggested **stronger enforcement of timelines, agreements and court orders** as a way of improving the family justice system, enhancing accountability and signalling that delays and breaches would not be tolerated.

Don't allow parties to draw things out. ... The judge needs to be able to put definite timelines down, recognise if a party is trying to drag things out and to call the party out. ... Another example, too, is that if you are applying after two years to vary an order, they still accept it even after a couple of months. They are not putting their foot down and saying, "No" and so then the whole process starts again. (1123, Step-parent)

I want to see some accountability on both the mother and the father; some accountability to put the kids at the centre of it all and think about the kids. I've tried really hard to do that, but some accountability so that when you just blatantly go and behave in any way that you like, that that is taken into account. (1315, Father)

Accountability, not so much of the professionals, but establishing a strong, robust accountability amongst the participants. One thing that's come out of this for me is that there is no apparent consequence of ignoring court orders or mediation agreements. When I think about this whole process I've been through I am left with a feeling of what the hell was the point? I've done everything I possibly can and it has achieved absolutely nothing for my daughter. In fact, all it has achieved is entrenched alienation and maybe that's a peculiarity of the personality of my ex, [Child's] mother, but it just seems that if one parent just wants to thumb their nose at the law of the land they can do so with total impunity. (1430, Father)

Stick to the rules! If it says on the Protection Order, "If you haven't done an anger management course in six months you're going to jail", then put them in jail. Don't just

leave it dragging on and on and on. If it says that's what you have to do, then that is what you have to do. (1376, Mother)

Those concerned about lies, unsubstantiated allegations and alleged perjury also thought that **penalties and bonds** needed to be more frequently imposed.

If allegations in the Family Court of abuse – psychological or physical or emotional abuse or whatever – are made and are found to be false then the person who made them should be subject to perjury. Like, to me one of the big problems with the Family Court is that people can make horrendous allegations about someone that are untrue and there's no penalties for it. That undermines one of the basic principles of justice, which the perjury laws are supposed to uphold. I think that's really very toxic. (1237, Father)

People can lie their pants off in the Family Court, and do, often. There's absolutely no consequence. So, you can break parenting orders; there's no consequence. Basically, what the system has taught [my husband's former partner] over the last six or seven years, is that she can pretty much do whatever the hell she wants and it's not going to affect her one iota. (1064, Stepmother)

There should be penalties for a parent who doesn't actually follow court orders. My ex-husband was meant to do anger management courses, but to my knowledge, he's not done that. We were meant to have court-ordered counselling; he decided that he wasn't going to turn up. None of that seemed to make a difference at the judicial settlement. (1410, Mother)

If there were consequences for perjury and costs awarded for false allegations, it would free up a huge amount of resource for the Family Court, and then the other problems could be solved as well that are clogging the system up. (1591, Father)

There are lots of asshole parents out there, my ex being one of them, who know they won't do anything. But, if she'd been told, "Well, you've got to put down a \$5000 bond, and if it's proven that you've breached the Protection Order, or Parenting Order, then we're going to take your \$5000." I know, for me, for sure, I wouldn't be breaching, I'd be complying. But, it's like, "Oh, where's that wet bus ticket again?" (1576, Father)

One parent suggested that **contact with a non-resident parent should be able to be enforced:**

There needs to be some ability to enforce contact. Something I've thought about a lot is that the fathers can bugger off and do what they like. He went to [another country]. But if the person having custody, if I'd wanted to go to [that country], I would have had to have gone through court etc. I'm a little bit sexist here – I know that mothers do it as well, but there's nothing in the legal system that says, "Hang on a minute, you can't just leave your children and go to another country, even if you're not the custodial parent." You should have to apply to go to that other country, just like the custodial parent would have to do, because the effect on the children is the same. ... I think there should be some form of enforced contact. If there's an agreement in place, the other person should be able to enforce that contract and say, "Yes, you do see them for three hours, not just an hour. You do make arrangements. That's what you

do.” Because if the custodial parent doesn’t let the child go and see them, then they can take them to court, but you can’t take the non-custodial parent to court for not seeing them. Everything is on the person who has custody to do everything. It’s not an equitable arrangement. It’s just not equitable. (1257, Mother)

Other Suggested Improvements

Numerous **other suggested improvements** to the family justice system were made, which reflected those reported by parents and caregivers in our Part 1 research report³⁸ in relation to their experience of, and perspectives on, **family justice services, professionals’ roles and the 2014 reforms**. These improvements included:

- Abolishing/overhauling the family justice system; rebuilding it from the ground up
- Reviewing the Family Court – Royal Commission of Inquiry; Select Committee; performance audit; complaints body
- The Rangitahi Court as a family-oriented model
- Opening up the Family Court
- A less adversarial approach
- Greater cultural responsiveness and use of Te Reo
- More than one judge in complex cases
- Better quality information being given to judges
- Trauma and family violence specialists who can inform the court
- Avoiding the revictimisation of family members
- More training for all professionals e.g., on dealing with family violence; the psychological aspects of family transitions
- Quicker, more informal, dispute resolution options
- Reducing delays; improving timeliness; a faster process
- FDR as either a mandatory or optional requirement
- FDR being extended via more funded hours
- FDR agreements more easily being able to be converted into consent orders
- More support for parents and for children
- Better understanding of what children are going through
- Having a separate Lawyer for the Child for each sibling
- Discussing written specialist reports with parents to check for accuracy and assist families to learn from the expert’s findings
- More support people e.g., a McKenzie Friend
- Resourcing for volunteer support groups
- The availability of financial assistance for separated parents in the family justice system
- More, and better qualified, frontline staff at the Family Court
- MOJ website improvements
- A dedicated phone line separate from the MOJ for people to ring for advice and referral
- Take greater account of financial issues and their influence on parenting arrangements
- Introduce standardised options like 50/50 care unless there are mitigating circumstances
- Greater promotion of dispute resolution options

³⁸ Gollop, M., Taylor, N., Cameron, C., & Liebergreen, N. (2019). *Parenting Arrangements after Separation Study: Evaluating the 2014 Family Law Reforms – Parents’ and caregivers’ perspectives – Part 1*. Research Report for the New Zealand Law Foundation. Dunedin, New Zealand: Children’s Issues Centre, University of Otago.

The court is adversarial and everyone is in there trying to discredit everyone. At the Family Court that should not happen. That should be about being positive and looking for opportunities to build bridges and create new ways ahead, instead of that whole trying to discredit everyone. It's the wrong process. It leaves people absolutely ruined. ... I firmly believe with a better system, parents could have help and therapy and get care of their children back. But the system actually empowered them that they didn't need to get help for their addictions and their tempers. So, yeah, I think the court system is wrong. I don't think it should be adversarial. ... I want the whole thing to be reviewed. I actually support the Backbone Collective for a Royal Commission inquiry, and a Select Committee to be appointed, and for consultation to be done with families that have been through the Family Court process and to look overseas and see what's working in other countries. ... Look at the Rangatahi Court, society needs decisions and a far more family-oriented physical space with input from people that know the family. People like the doctor, the schools, the childcare workers, the extended family, and people who have knowledge around child development and child protection – because, let's face it, the number of children that are suffering from domestic violence in New Zealand is huge. (1142, Grandmother)

There is not enough resources, not enough, and the whole system needs an overhaul. (1087, Mother)

Shorter time frames, I think. The drawn-out process is pretty horrible because the whole thing is pretty horrible. Even if it's going in your favour, it's still stressful. (1012, Mother)

There needs to be Commission of Inquiry into the practices by the professionals because it's actually been the professionals that have been my downfall. They have allowed all this to happen, they haven't followed due process. They have colluded. The court system itself, the administrative side of it, haven't followed due process either. In fact, I think they're quite manipulated by the lawyers themselves. There's no autonomy – it needs to be opened up. The court needs to be open. There needs to be an outside governing body, like the Police Complaints Commission, to make sure there's accountability. (1461, Mother)

I don't think there's anything that could be done to the current system to improve it because it is so bad. ... The whole system just needs to be rebuilt from the ground up. It just needs to be abolished as it currently stands. ... It just has to completely go and start again from the beginning, set up by domestic violence experts. ... You've got to get it away from the lawyers and away from the judges because what they do and what they believe endorses and encourages the violence. (1079, Mother)

I think the whole thing has to be stripped down and start from word go, because it's otherwise going to end up as the same as CYF – different name, same circus, same clowns really. (1110, Mother)

Money to provide that level of qualified staff on the frontline – that is an expensive thing. A lot of this is the really cheap Family Court system here, because it's all based on the parents are the problems, not the court. So, if you can keep blaming it on the parents, then you can run a very cheap system because you don't have to put any resources in. That's what's happening right now. So, you need that government shift to agree that there are people in that system who should not be in court. ... Once you get

the ear of the government then you've got to get money to put in really qualified people to assess cases. (1207, Mother)

Timeliness. That's a vital one. I don't know how to emphasise that enough. When you have a situation of developing parental alienation, then the longer between the commencement of that and any intervention, the greater the psychological/emotional harm that's inflicted on the child. So, the opportunity for intervention is compromised the longer it goes on. ... The Family Court has strong powers to act, and act really promptly, where a child is in physical danger, but the Family Court doesn't recognise that the emotional, psychological damage that can result from alienation is also one that requires urgent and timely intervention. ... It's not a game. It's not a game. It's children's lives and wellbeing that are at stake. (1430, Father)

The courts, ultimately, from my perspective, are a huge amount of time, heartache, money, for what comes out the other side of it and for the amount of resource and the number of people involved. ... I think one of the unintended consequences of the court is that somebody who has custody of a child can see it as an advantage to try to find issues with their child, or with the parent who doesn't have perhaps as much care if they're really desiring that, which I am. So, you're in a situation where effectively you're under the microscope as a parent who would otherwise not be. You're also in a situation where every interaction you have is fuelled with what fault can I find either in you or in my child related to you which is not a great environment to raise a child in. ... I think the solution is if FDR and the courts were able to have an agreed templated option and say, "Look, this is what will happen" and then that then follows through in the courts. For example, "We expect that there will be a 50/50 arrangement for your child by age six unless there are mitigating circumstances that this shouldn't occur." There's a lot of control that happens when you become a primary parent and that's pretty heart-breaking. ... It was completely a tick the box. So, you kind of end up at this point in a court process being fairly cynical in thinking, "Oh, well, my life's going to be in the court process" and not really seeing a way to get out of it. Which is why I think, within the FDR process, if they do present an agreed templated option, it is your choice as both parents not to adopt that. Then whoever is effectively saying, "I do not wish to adopt that template", then you should face the consequences in court of being completely inflexible or not. We need to force people away from the courts. It's such an unhelpful environment when you're actually trying to raise kids. What hindered was the uncertainty, or no really clear boundaries, in terms of the court system as to what might be expected. Every case is different and we all have to think about it differently, but through the whole process, there hasn't been any boundary setting. They say, "Hey, you need boundaries with kids", well you need boundaries with adults too. (1584, Father)

I totally agree with the Lawyer for the Child idea, but I think that they are very, very under-skilled regarding a lot of the family dynamics that happen. They need a lot more training. There needs to be a whole umbrella of professionals dealing with high conflict cases. Because, let's face it, these are the cases that end up in court – the high conflict cases. The people dealing with them, whether it's the report writers, the Lawyer for the Child, the judges, everyone, they just need a bit more. (1073, Mother)

There needs to be more help at the coalface. A lot of people have gone through the Family Court because the lawyers get involved. If you want to avoid the Family Court ... they don't understand there's other processes to go through. I think people initially

turn to a lawyer because that's just the way they still believe it should be done. There's got to be more done to actually let people know there are other ways. I think the Family Court has got to step up as well and understand situations. So, if we're going to avoid the Family Court we've got to have something prior to the Family Court. ... At the moment it's very one-sided. If one person's got more money and more power and more stamina then things go their way; whereas I think at the coalface if there was mediation and they could say, "Look, if you don't get involved in this mediation then you will end up in the Family Court", or something along those lines, maybe you could keep people out of the Family Court. I'm not quite sure. It's hard to know, but I would like to see things change or people become more educated as to what's involved.
(1642, Mother)

Summary

Parents and caregivers suggested a variety of ways to improve the family justice system. The most frequently suggested improvement related to the better provision of information and support for separated parents, particularly when they entered, or while they navigated through, the family justice system. To remedy the current gaps, participants suggested being able to meet with a neutral third party who was not a lawyer, attend a community-based agency or subsidised service, or call a helpline to be able to talk with an informed person directly to discuss the options and work out which step(s) to take next. Some suggested the appointment of a specific case manager or liaison worker.

Others recommended establishing a general advice centre or volunteer service at the Family Court, setting up a 'one stop shop' or umbrella organisation, providing a wrap-around service or developing interagency collaborations. Written resources, including 'a parenting separation for dummies' guide, a fact sheet or a flow chart, would help to make information more accessible as would a pop-up chat box on relevant websites. Given the fluidity of post-separation family life, participants thought it would be beneficial for follow-up, review and monitoring services to be put in place to check how the agreements/orders were working out down the track.

The provision of free counselling sessions ended with the 2014 reforms, but parents and caregivers said they would like counselling to be reinstated. This could assist parents to deal with emotions like loss, grief, hurt and anger and understand that their ex-partner is not an ex-parent. Counselling could also assist people to get into the right headspace to focus on their children, reach decisions together or prepare to mediate. Communication counselling and employee counselling were also suggested as important, as was psychological evaluation or input, as ways of better dealing with inter-parental conflict or personality dynamics. Other counselling-related suggestions included an online course, early intervention for parents in the first six months following their separation, and the use of tools to assist separated parents to better understand each other's perspectives.

Participants wanted their children to be able to access counselling and participate in support programmes aimed at the children of separated parents. Age-appropriate booklets were recommended for children too. Providing greater opportunities, besides the appointment of Lawyer for the Child, for children to discuss their thoughts, feelings and views was also said to be important. Some parents specifically wanted other professionals, such as social workers, counsellors or child specialists, to be undertaking this role rather than lawyers.

Special approaches were suggested for family violence and complex cases so that victims would not need to come into contact with their abusers or could be catered for in a different type of family justice system.

Some participants suggested stronger enforcement of timelines, agreements and court orders as a way of improving the family justice system, enhancing accountability and signalling that delays and breaches would not be tolerated. Those concerned about lies, unsubstantiated allegations and alleged perjury also thought that penalties and bonds needed to be more frequently imposed.

Many other suggested improvements to the family justice system were made in relation to specific family justice services, professionals' roles and the 2014 reforms, which reflected those reported by parents and caregivers in our Part 1 research report. These included reviewing the Family Court, greater openness, a less adversarial approach, greater cultural responsiveness, less delays, extended FDR hours, trauma and family violence specialists, higher quality information, and better resourcing.

Conclusion

This report is the second of two research reports setting out the experiences and perspectives of those affected most directly by the 2014 family law reforms – separated parents and caregivers. Together with our earlier publication reporting on the experiences and perspectives of family justice professionals, this series of reports provides valuable insight into the impact of the significant changes made to New Zealand’s family justice system.

This Part 2 report provides a rich and deep understanding gained from interviews with 180 parents and caregivers who had made post-separation parenting arrangements since 31 March 2014. It addresses the factors that helped and hindered them and the impact that making parenting arrangements had on them and their children. The report includes parents’ and caregivers’ advice, practical strategies and suggestions for improvement to better help other parents and caregivers, as well as professionals, when making parenting arrangements.

Given the scale of this research project, as the largest independent study to examine the 2014 family law reforms, we expect that this final report, like our earlier two, will contribute meaningfully to the body of knowledge on post-separation parenting, the making of parenting arrangements, and how the New Zealand family justice system can best support families and children in transition.

Appendices

Appendix A: Recruitment Flier



Parenting Arrangements After Separation Study (PASS)

The Faculty of Law and the Children's Issues Centre at the University of Otago are doing a study about how separated parents or caregivers make arrangements for children's day-to-day care and/or contact.

Are you a separated parent or caregiver who has had to make or change parenting arrangements since 1 April 2014? We are interested in how you did this and your satisfaction with any family justice services you may have used (including Family Dispute Resolution Mediation or the Family Court). We'd really like to hear about your views and experiences.

Taking part in the study involves completing an **online survey**, which should take around 20-30 minutes. You'll also have the option of talking with us in an interview and completing two shorter follow-up online surveys.

Principal Investigators

Associate Professor Nicola Taylor
Dr Megan Gollop
Professor Mark Henaghan

To learn more about the study:
Ring: 0800-4-PASSNZ [0800-472 776]
Email: passnz@otago.ac.nz

To complete the survey go to:
passnz.co.nz

This project has been reviewed and approved by the University of Otago Human Ethics Committee. Reference: 16/164

Appendix B: Information Sheet for Survey



Parenting Arrangements After Separation Study (PASS)

Thank you for your interest in this study. Please read this information sheet carefully before deciding whether to participate. If you decide to participate we thank you. If you decide not to take part there will be no disadvantage to you and we thank you for considering our request.

Information Sheet (A) for
Parents/Caregivers

What is the Aim of the Study?

The Faculty of Law and the Children's Issues Centre at the University of Otago are doing a study about how separated parents or caregivers make or change parenting arrangements. This includes deciding who children live with (day-to-day care or shared care) and when parents and others have contact with children (contact). Day-to-day care used to be called custody, and contact used to be called access. Separated parents may have had to deal with other issues like relationship property or child support, but this study is only about **parenting arrangements**.


We are interested in the different ways that parents and caregivers make these parenting arrangements, and their experiences of, and satisfaction with, any family justice services they use. We also want to better understand how parents make parenting arrangements themselves without using any (or many) of these services. We will be asking professionals about their views on, and experiences of, the New Zealand family justice system as well. We want to find out, from both parents and professionals, what is working well and whether any improvements are needed in order to better help separated families.

What Type of Participants are being sought?

This study is for separated parents or caregivers who have had to make or change arrangements for children's care in New Zealand since **1 April 2014**, either by themselves or with the assistance of family justice professionals and services. These could be parenting arrangements that have been made for the first time or when significant changes to existing arrangements have been needed. Caregivers, such as grandparents or other family members, may have had to make or change parenting arrangements for children in their care or whom they have contact with too. They are also most welcome to participate in the study.

We want as many separated parents and caregivers as possible to take part, so if you meet the following criteria we welcome your participation:

- You have had to make or change parenting arrangements for children since 1 April 2014;
- You made these arrangements either by yourselves or with the assistance of professionals (e.g., mediators or lawyers) or the Family Court;
- The parenting arrangements were made in New Zealand or relate to children living in New Zealand at the time.



Parenting Arrangements After Separation Study (PASS)

What will Participants be Asked to Do?

If you agree to take part in this study, you will be asked to complete an **online survey** about the process of making or changing parenting arrangements for children. This survey should take about 30 minutes to complete. You are able to skip any questions you do not wish to answer. We do not anticipate any risk associated with completing the survey. However, if you need some support with your family and/or personal situation there is a list of services and agencies available on our study website (passnz.co.nz).

At the end of the survey you can indicate if you would also like to participate in an **individual interview** and, if so, the researchers will contact you by phone or email. You will also be invited to complete brief follow-up online surveys and interviews in 6 and 12 months time.

Please be aware that you may decide not to take part in the study without any disadvantage to yourself of any kind.

What Data or Information will be Collected and What Use will be Made of it?

The survey will ask about how you made or changed your parenting arrangements, your views on, and experiences of, making these arrangements, and your satisfaction with any family justice services you might have used. The follow-up surveys will ask about whether there have been any changes in your parenting arrangements and if you have used any family justice services since you answered the first survey.

The survey will not ask you for any personal information that could identify you, unless you choose to provide your contact details (which will be stored separately from your survey responses). Only members of the research team (or those employed by the research team) will have access to the data that will be stored securely.

The study findings will not identify individual participants and the responses from all those who complete the survey will be combined and analysed as a group. Quotes from open-ended responses may be used in reports in an unidentifiable way. The findings of the research will be written in a report that will be made publicly available and distributed to key stakeholders, family justice professionals and other interested parties to help them better assist families to make parenting arrangements in the future. Articles will also be published in journals or presented at conferences. Every attempt will be made to preserve your anonymity.

A summary of the study findings and the final report will be made available on our study website (passnz.co.nz), and participants may also contact the research team directly to obtain a copy.

The data collected will be securely stored in such a way that only the research team can access it. Data obtained as a result of the research will be retained for **at least 5 years** in secure storage. Any personal information held on the participants (such as contact details if provided) may be destroyed at the completion of the research even though the data derived from the research will, in most cases, be kept for much longer or possibly indefinitely.

Can Participants Change their Mind and Withdraw from the Study?

You may withdraw from participation in the study at any time before the data are analysed without any disadvantage to yourself of any kind.

What if Participants have any Questions?

If you have any questions about our study, either now or in the future, please feel free to contact the Project Manager:-

Dr Megan Gollop
Children's Issues Centre
University of Otago
Tel: (03) 479 4918; 0800-472 776
Email: megan.gollop@otago.ac.nz; passnz@otago.ac.nz

To contact a member of the
research team:
Ring: 0800-4-PASSNZ [0800-472 776]
Email: passnz@otago.ac.nz

To complete the survey go to:
passnz.co.nz

This study has been approved by the University of Otago Human Ethics Committee (Reference Number: 16/164). If you have any concerns about the ethical conduct of the research you may contact the Committee through the Human Ethics Committee Administrator (ph +643 479 8256 or email gary.witte@otago.ac.nz). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.

Appendix C: Consent Form for Survey

Reference Number 16/164]



PARENTING ARRANGEMENTS AFTER SEPARATION STUDY (PASS)

CONSENT FORM FOR PARENTS/CAREGIVERS

I have read the Information Sheet concerning this project and understand what it is about. All my questions have been answered to my satisfaction. I understand that I am free to request further information at any stage.

I know that:-

1. My participation in the project is entirely voluntary;
2. I am free to withdraw from the project at any time without any disadvantage;
3. Personal identifying information such as contact details may be destroyed at the conclusion of the project but any raw data on which the results of the project depend will be retained in secure storage for at least five years;
4. This project is funded by the New Zealand Law Foundation.
5. The results of the project may be published and will be available in the University of Otago Library (Dunedin, New Zealand) but every attempt will be made to preserve my anonymity.

I agree to take part in this project.

Appendix D: Information Sheet for Interview



Parenting Arrangements After Separation Study (PASS)

Thank you for your interest in this study. Please read this information sheet carefully before deciding whether to participate further. If you decide to continue your participation we thank you. If you decide not to take part there will be no disadvantage to you and we thank you for considering our request.

Information Sheet (B) for
Parents/Caregivers

What is the Aim of the Study?

The Faculty of Law and the Children's Issues Centre at the University of Otago are doing a study about how separated parents or caregivers make or change children's day-to-day care and contact arrangements. We are interested in the different ways that parents and caregivers make these parenting arrangements, and their experiences of, and satisfaction with, any family justice services they use. We also want to better understand how parents make parenting arrangements themselves without using any (or many) of these services. We will be asking professionals about their views on, and experiences of, the New Zealand family justice system as well. We want to find out, from both parents and professionals, what is working well and whether any improvements are needed in order to better help separated families.

What Type of Participants are being sought?

This study is for separated parents or caregivers who have had to make or change arrangements for children's care in New Zealand since 1 April 2014, either by themselves or with the assistance of family justice professionals and services. These could be parenting arrangements that have been made for the first time or when significant changes to existing arrangements have been needed. Caregivers, such as grandparents or other family members, may have had to make or change parenting arrangements for children in their care or whom they have contact with too. They are also most welcome to participate in the study.

We invite all parents and caregivers who completed our online survey on making or changing parenting arrangements to now participate further in our study.

What will Participants be Asked to Do?

If you agree to participate further this will involve being **interviewed** by a member of the research team via telephone or face-to-face (depending on your location). This should take about 30 minutes and will be arranged for a time convenient for you.

You can decline to answer any questions if you wish to. We do not anticipate any risk associated with taking part in the interview. However, if you need some support with your family and/or personal situation, there is a list of services and agencies available on our study website (passnz.co.nz).

Please be aware that you may decide not to participate further in the study without any disadvantage to yourself of any kind.



Parenting Arrangements After Separation Study (PASS)

What Data or Information will be Collected and What Use will be Made of it?

The interview will ask you about similar issues to those covered in the online survey like your views on, and experiences of, making or changing parenting arrangements, and your satisfaction with any family justice services you might have used. The interview will provide an opportunity for you to discuss these issues more fully with the researcher.

The interviews will be audio-recorded and transcribed by either a member of the research team or a professional transcriber, who will each sign a confidentiality agreement. Participants will be assigned a unique identification number and no names or identifying details will be included on any audio-files or transcribed material. Only members of the research team (or those employed by the research team) will have access to the data that will be stored securely.

The study findings will not identify individual participants and the responses from all those who take part in an interview will be combined and analysed as a group. Quotes from interview transcripts may be used in reports in an unidentifiable way. The findings of the research will be written in a report that will be made publicly available and distributed to key stakeholders, family justice professionals and other interested parties to help them better assist families to make parenting arrangements in the future. Articles will also be published in journals or presented at conferences. Every attempt will be made to preserve your anonymity.

A summary of the study findings and the final report will be made available on our study website (passnz.co.nz), and participants may also contact the research team directly to obtain a copy.

The data collected will be securely stored in such a way that only the research team can access it. Data obtained as a result of the research will be retained for **at least 5 years** in secure storage. Any personal information held on the participants (such as contact details if provided) may be destroyed at the completion of the research even though the data derived from the research will, in most cases, be kept for much longer or possibly indefinitely.

Can Participants Change their Mind and Withdraw from the Study?

You may withdraw from participation in the study at any time before the data are analysed without any disadvantage to yourself of any kind.

What if Participants have any Questions?

If you have any questions about our study, either now or in the future, please feel free to contact the Project Manager:-

Dr Megan Gollop
Children's Issues Centre
University of Otago
Tel: (03) 479 4918; 0800-472 776
Email: megan.gollop@otago.ac.nz; passnz@otago.ac.nz

To contact a member of the
research team:
Ring: 0800-4-PASSNZ [0800-472 776]
Email: passnz@otago.ac.nz
Web: passnz.co.nz

This study has been approved by the University of Otago Human Ethics Committee (Reference Number: 16/164). If you have any concerns about the ethical conduct of the research you may contact the Committee through the Human Ethics Committee Administrator (ph +643 479 8256 or email gary.witte@otago.ac.nz). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.

Appendix E: Consent Form for Interview

[Reference Number 16/164]



PARENTING ARRANGEMENTS AFTER SEPARATION STUDY (PASS)

CONSENT FORM FOR PARENTS/CAREGIVERS

I have read the Information Sheet concerning this project and understand what it is about. All my questions have been answered to my satisfaction. I understand that I am free to request further information at any stage.

I know that:-

1. My participation in the project is entirely voluntary;
2. I am free to withdraw from the project at any time without any disadvantage;
3. Personal identifying information such as audio-recordings may be destroyed at the conclusion of the project but any raw data on which the results of the project depend will be retained in secure storage for at least five years;
4. This project involves an open-questioning technique. The general line of questioning includes similar topics as in the online survey about your views and experiences of making parenting arrangements. The precise nature of the questions which will be asked have not been determined in advance, but will depend on the way in which the interview develops and that in the event that the line of questioning develops in such a way that I feel hesitant or uncomfortable I may decline to answer any particular question(s) and/or may withdraw from the project without any disadvantage of any kind.
5. This project is funded by the New Zealand Law Foundation.
6. The results of the project may be published and will be available in the University of Otago Library (Dunedin, New Zealand) but every attempt will be made to preserve my anonymity.

I agree to take part in this project.

.....
(Signature of participant)

.....
(Date)

.....
(Printed Name)

..... (Name of person taking consent)

Appendix F: Interview Schedule

INTRODUCTION

The interview will cover similar issues as in the survey, but will explore your views and experiences in more depth. It is an opportunity for you to reflect on the ways you made / are making your parenting arrangements, the sequence of steps you have taken, what has helped and/or hindered you in making arrangements; and the impact of this process on you, your child(ren) and your family.

New Zealand's Family Justice system was reformed in 2014 and we are interested in finding out how people now make parenting arrangements within this new system. We'd like to understand what is working well for families and whether any improvements are needed to better help separated families make parenting arrangements for children.

1. PATHWAY SEQUENCE

Firstly, we are interested in the different pathways that people take to make parenting arrangements and the sequence of the steps they took.

- When you had to make or change your parenting arrangements, did you know what to do? How did you know what to do? / where to start?
- How well informed did you feel about how to make parenting arrangements and the family justice services on offer to you?

For those who have made arrangements [RP3=0]:

I note that you said in the survey that you RP24 series responses:

- Took informal steps
- Used some community or private services
- Used lawyers
- Used some family justice services such as [RP24i-t series]

And that ultimately, you made your arrangements: Mainly by yourselves/Private through a professional/Through Family Dispute Resolution/Through the Family Court [RP27]

For those who are still in the process [RP3=1]:

I note that you said in the survey that you are still in the process of making your arrangements and that so far you have RP24 series responses:

- Taken informal steps
- Used some community or private services
- Used lawyers
- Used some family justice services such as [RP24i-t series]

Can you just talk me through the sequence you took.

- Who was first person/professional you spoke to/got advice from – what did they recommend?
- What did you do next? etc

Which were the most helpful steps and why?

How much choice did you feel you had over the process of making your parenting arrangements and the sequence you took?

How well do you feel your views and interests were taken into account in the process?

How well were the children's views and interests taken into account?

2. FACTORS INFLUENCING PATHWAY

What factors influenced the pathway that you took? Why did you make your arrangements this way?

- Inter-parental and co-parenting relationship?
- Other party's engagement or lack of?
- Financial reasons?
- Personal beliefs about best approach?
- Children's views?
- Safety?

3. FAMILY JUSTICE SERVICES

Now we would like to ask you a bit more about your experiences of and satisfaction with the family justice services that you used.

So, you said in your survey you used ...

Website

0800 number

PTS

FLAS

FDR

FC

For each service:

So, you used [service]. How was that for you? Tell me about your experience of using/attending [service]? Was this helpful for you?

4. WHAT HELPED?

Overall, what helped / is helping you to make arrangements?

- What worked well?

5. WHAT HINDERED?

Overall, what hindered / is hindering you in making arrangements?

- What didn't work well? Did you experience any barriers or challenges?
- What would have made/make things easier for you?

6. EFFECT OF MAKING ARRANGEMENTS

Now we would like to talk about the effect of making your parenting arrangements on you and your child(ren), and your co-parental relationship with your ex-partner (the other party).

- Overall, was it a **positive or negative process** – for you? Your child(ren)? Your ex-partner/the other party? Why?
- How did the decision-making process affect you? Your children? Your children’s relationship with their other parent / the other party?
- Did the process of making your parenting arrangements impact on your **relationship with your ex-partner / other party** and, if so, how?
- How did the process affect your **co-parenting relationship** with your ex-partner / the other party? So, by this we mean how you make decisions about your children, for example, about health, education etc. If so, how?
 - Did the process of making your parenting arrangements affect the way you co-parent and communicate about your children and their care?
 - What approach would you take next time a parenting challenge arises?
- (Depending on time since resolution) Has your relationship with your ex-partner/other party changed over time? e.g., have things improved/deteriorated over time? Why?

7. OUTCOMES

We are also interested in your view of the outcome of the process of making your parenting arrangements.

For those whose parenting arrangements have been resolved:

- At the time, how satisfied were you with the arrangements that were made?
- How fair did you think they were?
- How confident were you that they would work?
- How have the arrangements worked out? Any problems or challenges?
- How have the children responded to the arrangements? Have they asked for any changes?
- Have the parenting arrangements changed since then? Why? How did you do that?
- Any changes to your situation that impacted on your parenting arrangements?
- Have you had to re-engage with any family justice services since making your arrangements? If so, which ones? How did that work out?
- Do you anticipate any further changes to your parenting arrangements in the future?
 - If so, how would you go about doing this?
 - Would you use the same process again?

For those still in the process:

- How confident do you feel that you will be able to finalise your parenting arrangements?
- What steps still need to be taken? What else needs to happen? How do you see this working out for you, your child(ren) and your family?

8. REFORMS

Finally, we would like to ask you about the 2014 Family Law Reforms.

The reforms were designed to make the process of making parenting arrangements less adversarial, less expensive, and faster for families. They also placed a much greater emphasis on supporting parents and caregivers to reach their own decisions by using out-of-court services like mediation, rather than lawyers and the Family Court. There were also changes to the Family Court to improve its response to family violence and make it more efficient and effective.

- Were you aware of these reforms when you started making your parenting arrangements? Did you know about new services such as Family Dispute Resolution and the Family Legal Advice Service?
 - If yes, what did you know about the reforms?
- In principle, do you agree with the aims of the reforms? Do you think that parents should be supported to reach their own decisions about parenting arrangements rather than having to use lawyers and the Family Court?
 - How is the best way to support parents to do this?
- Parents are being encouraged to represent themselves instead of using lawyers – do you have any views on this?
- From your perspective, having gone through the process of making your parenting arrangements, do you think the reforms have been effective in achieving their goals/been a good idea?
 - Why? Why not?
- The reforms and the new services only relate to making parenting arrangements so issues, such as relationship property and child support, still need to be dealt with separately. What are your views on this?
- Are there any (new or different) types of services that you think would be helpful for separated parents and their child(ren)?
- Are there any improvements that you would like to see?
- Would any of these have made a difference for you?

9. ON REFLECTION

- What advice would you give to professionals working in the family justice sector?
- What advice would you give to other people making parenting arrangements?

How did you find out about the study?