



FACULTY OF LAW
Te Kauhanganui Tātai Ture

Publication of Discussion Paper

One Court One Judge: An Integrated Court System for New Zealand Families Affected by Violence

Background

This discussion paper is the first of its kind in New Zealand and explores whether integrated domestic violence courts should be implemented in New Zealand. It was funded by the New Zealand Law Foundation under a partnership agreement with the Ministry of Justice; the aim of this agreement is to facilitate innovative independent research that is relevant to Ministry of Justice led reviews of legislation and policy development. The discussion paper will be taken into account as part of the review of New Zealand's legislative response to family violence that was launched by Minister of Justice Amy Adams in 2015.

Overview

The aim of this discussion paper is to start a constructive discussion about whether an integrated approach to managing related court proceedings concerning the same family should be adopted in New Zealand. This approach was pioneered in the state of New York where integrated domestic violence courts have been in operation since 2001.

In general terms, integrated domestic violence courts can hear all criminal and family proceedings relating to the same family where the underlying issue in those proceedings is family violence. One Judge is assigned to the family and will handle as many stages of the initial proceedings as logistically possible, as well as any subsequent proceedings. The judge essentially oversees the family's court involvement which may last several months or even years, depending on the family.

There is no doubt that this type of court system is very different from that which we currently have in New Zealand so both the advantages and disadvantages for families need to be carefully considered. However, we owe it to the considerable number of families effected by violence to have an open mind. New Zealand has the highest reported rate of intimate partner violence in the developed world and the fifth highest reported rate of child abuse. Now's the time to consider other options for our court system. To quote the words of Minister of Justice Amy Adams when the review of New Zealand's legislative response to family violence was launched: "we can, and must, do better for families affected by violence".

The discussion paper is divided into four parts:

Part 1 sets the scene by providing an overview of how the court system currently operates in New Zealand which is essentially a ‘multiple court / multiple judge’ system.

Part 2 explains how the integrated domestic violence court system currently operates in New York which is essentially a ‘one court / one judge’ system.

Part 3 compares both court systems to determine which is better for families affected by violence.

Part 4 highlights several key considerations for the Ministry of Justice in terms of developing a customised operating model for integrated domestic violence courts in New Zealand.

Main conclusions

The researcher assessed both systems using six main performance measures and drew on the results of 10 evaluations of integrated domestic violence courts in New York and Toronto. The researcher also drew on consultation she undertook with Judges and researchers during site visits to 4 integrated domestic violence courts in New York and Toronto. The results are as follows:

PERFORMANCE MEASURE	WHICH TYPE OF COURT SYSTEM PERFORMS BETTER OVERALL?
PERFORMANCE MEASURE A Which court system enables more informed judicial decision-making for families?	ONE COURT / ONE JUDGE
PERFORMANCE MEASURE B Which court system enables more consistent judicial decision-making for families?	ONE COURT / ONE JUDGE
PERFORMANCE MEASURE C Which court system results in speedier dispositions for families?	MULTIPLE COURT / MULTIPLE JUDGE
PERFORMANCE MEASURE D Which court system reduces the number of court appearances for families?	ONE COURT / ONE JUDGE
PERFORMANCE MEASURE E Which court system has greater linkages to social services and other resources to comprehensively address the needs of families?	ONE COURT / ONE JUDGE
PERFORMANCE MEASURE F Which court system instils greater confidence in families about the court process as a whole?	UNABLE TO DETERMINE

Overall, the results suggest that the New York one court / one judge system outperforms the New Zealand multiple court / multiple judge system on four of the six performance measures.

However, it is not possible to conclusively determine which court system instils greater confidence in families about the court process as a whole.

Feedback on discussion paper sought

Feedback on the discussion paper is sought from court stakeholders including all relevant government and non-government agencies as well as members of the public. In particular, feedback is sought from members of the public who have experience of the current court system.

The deadline to provide general feedback or specific feedback on any aspect of the discussion is Friday 25 August. All feedback will then be provided to the Ministry of Justice and published online. Members of the public are able to provide feedback anonymously and all identifying details can be redacted.

About the researcher

Zoë Lawton was hosted by the Victoria University Faculty of Law as a visiting researcher for the duration of the research. She holds a Master of Laws and a Bachelor of Political Science from Victoria University of Wellington. Prior to commencing this research, she worked for three years as the Research Counsel to the Principal Family Court Judge. In this role she also worked for the Chief District Court Judge and Principal Youth Court Judge on matters involving cross over between the District, Family, and Youth Courts. A full list of her credentials demonstrating her ability to undertake this research can be found [here](#).

Link to the discussion paper

<http://www.zoelawton.com/current-research.html>