

# One Court, One Judge: An integrated Court system for New Zealand families affected by violence

Submission from the Office of the Children's Commissioner  
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Children are significantly impacted by family violence. They can be direct and indirect victims, witnesses, and even perpetrators. It is therefore important that the impact of family and whānau violence on children – and the impact of any potential law change – is considered.

Children have the right under Article 19 of the UN Convention on the Rights of the Child to be protected from all forms of abuse and neglect, and to access services that help them to recover from the impact of such abuse. It is important that the way the Court system responds to family violence supports children's rights and needs.

The Office of the Children's Commissioner (OCC) supports all efforts to improve the Court system for families affected by violence.

## CHILDREN ARE IMPACTED BY FAMILY AND WHĀNAU VIOLENCE

A large number of New Zealand's 1.1 million children are affected by family violence. Data gathered by the Ministry of Social Development<sup>1</sup> over five years (from 2012 to 2016 inclusive) shows that on average around 88,000 reports of concern (or 'notifications') were made about a child each year. These reports are made to Child, Youth and Family (now Oranga Tamariki) when someone is concerned about a child's safety or exposure to abuse or neglect. Oranga Tamariki decides whether to take further action. Every year, between 2012 and 2016 inclusive, the Police made approximately 61,000 family violence

referrals. These referrals are made when child/ren are present at violent incidents. The referrals are considered by community agencies for assessment and further action.

Not all reports of concern result in Oranga Tamariki taking action. About half the children who were the subjects of 2015-2016 reports of concern received intervention from Oranga Tamariki.<sup>2</sup>

The 2012 Youth '12 survey of the wellbeing of secondary school students reported that seven per cent of participants had witnessed adults at home hitting or physically hurting each other, and 14 percent had witnessed adults at home hitting or physically hurting children.

The direct and indirect impact of this violence on children is significant, ranging from physical injury to psychological trauma, and in the worst cases, death. Depending on the severity and recurrence of the exposure, these impacts can be life-long.

Improving court processes for families affected by violence will particularly benefit those groups of children who are more likely to experience or be exposed to family violence. This includes Māori

The OCC represents **1.1 million** people in Aotearoa New Zealand under the age of 18, who make up 24 percent of the total population.

We advocate for their interests, ensure their rights are upheld, and help them have a say on issues that affect them.

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<sup>1</sup> *Notifications*, Ministry of Social Development, downloaded 25 August 2017: <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/statistics/cyf/>

<sup>2</sup> Ministry of Social Development data over two years (from 2015 to 2016 inclusive): *Total and distinct children and young people with reports of concern requiring further action, by notifier type, for last two financial years and comparison of latest financial year-to-date*, Ministry of Social Development, downloaded 25 August 2017: <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/statistics/cyf/>

and Pacific Island children, children who have had contact with the care and protection system and the youth justice system.

**We do not have a position on whether New Zealand should move to a One Court, One Judge model, although we consider the model has the potential to benefit children.**

To determine whether such a change would be in the best interests of children, we suggest completing the government's *Child Impact Assessment: Best Practice Guideline*.<sup>3</sup> This guideline, developed by the Ministry of Social Development, is designed to identify the positive and negative impact of legislation or policy on children, any unintended consequences, and differential impacts on certain groups of children. It also provides guidance to ensure any trade-offs are clear and actively considered, negative impacts are mitigated and positive impacts maximised.

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<sup>3</sup> This guideline is available at:  
<https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/monitoring/uncroc/uncroc-guideline-a3-.pdf>