

**RESPONSE OF PAUL von DADELSZEN QSO TO THE DISCUSSION
PAPER “ONE COURT ONE JUDGE: AN INTEGRATED COURT SYSTEM
FOR NEW ZEALAND FAMILIES AFFECTED BY VIOLENCE”**

1. I support the introduction into New Zealand’s judicial system of the “One Judge One Court” integrated court.
2. An integrated court will simplify process, reduce duplication and increase efficiency. Most importantly, it will also reduce re-victimisation; the victim will not have to give the same evidence twice - when the alleged perpetrator defends the criminal prosecution in the District Court and opposes the making of a protection order in the Family Court.
3. The integrated court should be presided over by specialist judges with the appropriate knowledge and awareness of the nature and dynamics of family violence.
4. Firm judicial management is required, with the one judge presiding throughout (including, where possible, future applications), as far as is possible. That one judge should manage all related issues between parties - domestic violence applications under the Domestic Violence Act 1995, any associated criminal prosecution, child care (day-to-day care and contact, care and protection), separation, property, maintenance and child support.
5. There are of course different standards of proof in the two jurisdictions, civil (family) and criminal – on the balance of probabilities in the former and beyond reasonable doubt in the latter. Experience establishes that the one judge will have no difficulty in applying those different standards to the separate components of the same hearing.
6. Management of cases will be assisted by ensuring that the court has dedicated and knowledgeable court staff.
7. A further advantage of an integrated court will be the ability to share information between jurisdictions. That must be automated via an appropriate computerised system.
8. In undertaking any research to establish what would be the “best practice” model for New Zealand, it will be important to ensure that any cost/benefit study is not limited solely to a financial one.
9. Pending any introduction of the “integrated court” or in the absence of such a court, all courts should operate a Family Violence Court. Such should be presided over by a Family Court Judge or a District Court Judge who has been specifically identified as having the necessary understanding and awareness of the nature and dynamics of family violence.
10. This response has been informed by my experience as a former District, Family and Youth Court Judge.