



Open letter to Hon Amy Adams, Minister of Justice and Courts, His Honour Judge Laurence Ryan, and Ms Kathryn Beck, President of the New Zealand Law Society.

11 April 2017

Dear Minister, Judge, and Ms Beck,

Re: New Zealand Family Court

The Backbone Collective is an independent body taking action to change NZ's alarming violence against-women statistics (domestic and sexual violence and abuse being the most prevalent forms in NZ) by examining the present response system through the eyes of its users - women who have experienced violence and abuse.

We launched Backbone one month ago and since then our membership has been steadily growing and we have been inundated with emails and facebook messages from women wanting to share their experiences of the system that is supposed to keep them safe and help them rebuild their lives. We currently have 556 members – all are women who have experienced violence and abuse. An additional 81 people have registered with Backbone as supporters. These numbers are steadily increasing every day.

The NZ Family Court is a key part of the overall response system. During our establishment phase we surveyed 156 women who had experienced violence and abuse to ascertain how they wanted Backbone to be designed and asked them what their priority issues were for Backbone to collect their voices about. The Family Court was the priority issue for these 156 women.

After we launched on 5 March 2017 we asked ten of our members whom we understood had been involved in Family Court proceedings to each submit questions that they would like to ask those in authority about the Family Court. Those women have given 160 questions about how the Family Court functions presently. These have been collated into Backbone's first Watchdog report (copy attached). We have included the questions as the women submitted them to us – they are their questions and we have not edited them in any way. The report was released publicly last Friday, 7 April 2017 and since that time many women have contacted us to join the Backbone. We believe the

three of you have the authority and responsibility to answer these questions for the 10 women who asked them, but also for all the members of Backbone. To assist you we have prepared the attached tables listing all 160 questions and identifying which questions we think apply to whom. You will see we have a column showing which of you Backbone thinks is responsible for each question. **If we have incorrectly identified you as the person with the authority and responsibility for any individual question please note that in the blank column headed ‘correct entity responsible for answering’.** This might be one of the other two people this letter is addressed to or someone else.

We appreciate it might be easy for you to think that these questions are a ‘one-off’ pertaining only to one woman’s case and that to answer them would require a review of the relevant Family Court file. However, since we released the Watchdog report four days ago we have been inundated with women emailing, phoning and sending messages via Facebook saying that they could have asked all those questions with respect to their own case – that reading the questions was akin to reading about their own experience in the Family Court. This leads us to conclude that these are not isolated examples of failures in the Family Court, but rather the tip of an iceberg, with many more stories just under the surface.

Please send us your responses to the questions that you have authority and responsibility for to ruth@backbone.org.nz by **Friday 28 April**. We will be publishing your responses on our website and will be keeping a table to show length of time taken to respond. The Backbone Collective is committed to ensuring that the system that responds to women when they experience violence and abuse is safe, accountable and transparent.

We look forward to your replies.

Yours sincerely

Deborah Mackenzie, Tania Domett and Ruth Herbert
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The Backbone Collective
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c.c.

Her Honour Chief Judge Jan-Marie Doogue, Chief District Court Judge

New Zealand Psychologists Board

There is little or no independent and transparent monitoring of the Family Court

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
1	Minister for Justice and Courts			
2	Minister for Justice and Courts			
3	Minister for Justice and Courts			
4	Minister for Justice and Courts			
5	Minister for Justice and Courts			
6	Minister for Justice and Courts			
7	Minister for Justice and Courts			
8	Principal Family Court Judge			
9	Principal Family Court Judge			
10	Principal Family Court Judge			
11	Principal Family Court Judge			
12	Minister for Justice and Courts			
13	Principal Family Court Judge			
14	Minister for Justice and Courts			
15	Minister for Justice and Courts			
16	Minister for Justice and Courts			
17	Minister for Justice and Courts			

Family Court practices and processes are failing to uphold basic principles of natural justice and due process

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
18	Minister for Justice and Courts			
19	Principal Family Court Judge			
20	Principal Family Court Judge			
21	Principal Family Court Judge			
22	Minister for Justice and Courts			
23	Principal Family Court Judge			
24	Principal Family Court Judge			
25	Minister for Justice and Courts			
26	Principal Family Court Judge			
27	Principal Family Court Judge			
28	Principal Family Court Judge			
29	Minister for Justice and Courts			
30	Minister for Justice and Courts			
31	Principal Family Court Judge			
32	Minister for Justice and Courts			
33	NZ Law Society			

There is cause for serious concern about the quality of the practice of (some) Family Court judges

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
34	Minister for Justice and Courts and Principal Family Court Judge			
35	Minister for Justice and Courts			
36	Principal Family Court Judge			
37	Principal Family Court Judge			
38	Principal Family Court Judge			
39	Principal Family Court Judge			
40	Principal Family Court Judge			
41	Principal Family Court Judge			
42	Principal Family Court Judge			
43	Principal Family Court Judge			
44	Principal Family Court Judge			
45	Principal Family Court Judge			
46	Principal Family Court Judge			
47	Minister for Justice and Courts			
48	Principal Family Court Judge			

Some lawyers-for-child are putting children in more danger rather than keeping them safe

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
49	NZ Law Society			
50	NZ Law Society			
51	NZ Law Society			
52	NZ Law Society			
53	NZ Law Society			
54	NZ Law Society			
55	Principal Family Court Judge			
56	NZ Law Society			
57	NZ Law Society			
58	NZ Law Society and Principal Family Court Judge			
59	NZ Law Society			
60	Minister for Justice and Courts			
61	NZ Law Society			

Women’s voices and women’s complaints are not being used to inform change that would make the Family Court safer

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
62	Minister for Justice and Courts			
63	Minister for Justice and Courts			
64	Minister for Justice and Courts			
65	Minister for Justice and Courts			
66	Minister for Justice and Courts			
67	Minister for Justice and Courts			

There are shortfalls in the legislation

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
68	Minister for Justice and Courts			
69	Minister for Justice and Courts			
70	Minister for Justice and Courts			
71	Minister for Justice and Courts			
72	Minister for Justice and Courts			
73	Minister for Justice and Courts			
74	Minister for Justice and Courts			
75	Minister for Justice and Courts			
76	Minister for Justice and Courts			
77	Minister for Justice and Courts			

The rights of children are not being upheld in the Family Court

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
78	Principal Family Court Judge			
79	Principal Family Court Judge			
80	Minister for Justice and Courts			
81	Minister for Justice and Courts			
82	Principal Family Court Judge			
83	Minister for Justice and Courts			
84	Principal Family Court Judge			
85	Principal Family Court Judge			
86	Principal Family Court Judge			
87	Minister for Justice and Courts			

Parenting arrangements - the rights of abusive fathers appear to trump the safety of children

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
88	Principal Family Court Judge			
89	Minister for Justice and Courts			
90	Minister for Justice and Courts			
91	Minister for Justice and Courts			
92	Principal Family Court Judge			
93	Principal Family Court Judge			
94	Minister for Justice and Courts			
95	Principal Family Court Judge			
96	Principal Family Court Judge			
97	Principal Family Court Judge			
98	Minister for Justice and Courts			
99	Minister for Justice and Courts			
100	Principal Family Court Judge			
101	Minister for Justice and Courts			
102	Minister for Justice and Courts			
103	Principal Family Court Judge			
104	Minister for Justice and Courts			
105	NZ Law Society			
106	Principal Family Court Judge			
107	Principal Family Court Judge			

Mothers are being punished for trying to protect their children

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
108	Principal Family Court Judge			
109	Principal Family Court Judge			
110	Principal Family Court Judge			
111	Minister for Justice and Courts			
112	Principal Family Court Judge			
113	Principal Family Court Judge			

Women are being re-victimised and abused by the Family Court

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
114	Principal Family Court Judge			
115	Principal Family Court Judge			
116	Principal Family Court Judge			
117	Principal Family Court Judge			
118	Principal Family Court Judge			
119	NZ Law Society			
120	Principal Family Court Judge			
121	Principal Family Court Judge			
122	Principal Family Court Judge			
123	NZ Law Society			
124	Principal Family Court Judge			
125	Principal Family Court Judge			
126	Minister for Justice and Courts			

Violence and abuse is minimised by the Family Court

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
127	Principal Family Court Judge			
128	Principal Family Court Judge			
129	Minister for Justice and Courts			
130	Minister for Justice and Courts			
131	Principal Family Court Judge			
132	Principal Family Court Judge			
133	Principal Family Court Judge			
134	Principal Family Court Judge			

Family Court is being used as a tool of abuse by the abusive ex-partner/husband

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
135	Minister for Justice and Courts			
136	Minister for Justice and Courts			
137	Minister for Justice and Courts			
138	Minister for Justice and Courts			
139	Minister for Justice and Courts			
140	Minister for Justice and Courts			
141	Minister for Justice and Courts			
142	Minister for Justice and Courts			
143	Minister for Justice and Courts			

Protection orders are being watered down by the Family Court

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
143	Minister for Justice and Courts			
144	Principal Family Court Judge			
145	Minister for Justice and Courts			
146	Principal Family Court Judge			
147	Principal Family Court Judge			
148	Principal Family Court Judge			
149	Principal Family Court Judge			

Family Court proceedings are forcing women into debt

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
150	Minister for Justice and Courts			
151	Minister for Justice and Courts			
152	Minister for Justice and Courts			
153	Principal Family Court Judge			
154	Minister for Justice and Courts			
155	Minister for Justice and Courts			
156	Minister for Justice and Courts			

The Family Court does not recognise the impact of financial abuse on women and their children and respond appropriately

Question #	Entity Backbone thinks is responsible for answering	Correct entity responsible for answering	Answer provided by	Answer to the question
157	Minister for Justice and Courts			
158	Minister for Justice and Courts			
159	Minister for Justice and Courts			
160	Minister for Justice and Courts			