



# Family Court Review

## A selected bibliography

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Prepared by the New Zealand Family Violence Clearinghouse,  
The University of Auckland

### Contents

<b>Introduction</b>	<b>2</b>
<b>History</b>	<b>2</b>
<b>Commentary</b>	<b>3</b>
<b>Research</b>	<b>3</b>
<b>Overseas – Principles and Practice</b>	<b>5</b>
<b>United Kingdom</b>	<b>5</b>
<b>Australia</b>	<b>5</b>
<b>United States</b>	<b>6</b>
<b>Further Reading</b>	<b>7</b>
<b>Contact Information</b>	<b>7</b>

## Introduction

The New Zealand Family Violence Clearinghouse has compiled this selected bibliography to assist those wishing to make submissions on the Family Court Review. Submissions close 29 February 2012.

The Family Court Review consultation document (which also contains a bibliography), terms of reference and information on how to make a submission are available on the Ministry of Justice website, online at: <http://www.justice.govt.nz/policy/justice-system-improvements/family-court-review/family-court-review>.

The list of references provided below relates to the role of, and current practice in the family court in New Zealand and other countries.

Resources included in this bibliography were identified by searching the NZFVC library, bibliographic databases and the Internet. The NZFVC's Academic Advisory Committee also assisted with identifying relevant sources. The Families Commission has also prepared a list of material related to the Family Court Review. This is listed in Further Reading.

Links to full text or abstracts is provided where available. Other items should be obtained through your local library.

## History

Articles and reports in this section provide an insight into the rationale for the establishment of the Family Court in New Zealand and describe how it has evolved over the last 30 years. These are presented in chronological order.

Beattie, D.S., Kawharu, I.H., King, R.M., Murray, J.H. (1978). *Report of the Royal Commission on the Courts*. Wellington: Government Printer.

Sturm, D. (2001). **Family Court turns 20**. *The Family Advocate*, 4(4); 14-15.

Law Commission. (2002). *Family court dispute resolution: a discussion paper*. (Preliminary paper, 47). Wellington: Law Commission.

Online at:

[http://www.lawcom.govt.nz/sites/default/files/publications/2002/01/Publication\\_87\\_207\\_PP47.pdf](http://www.lawcom.govt.nz/sites/default/files/publications/2002/01/Publication_87_207_PP47.pdf).

Law Commission. (2003). *Dispute resolution in the Family Court* (Report 82). Wellington: Law Commission. Online at:

[http://www.lawcom.govt.nz/sites/default/files/publications/2003/03/Publication\\_87\\_208\\_R82.pdf](http://www.lawcom.govt.nz/sites/default/files/publications/2003/03/Publication_87_208_R82.pdf)

Taylor, N.J. (2006). **Establishment of the New Zealand Family Court.** *New Zealand Law Journal*, September 169 – 180.

Boshier, P. (2006). The Family Court 25 years on. Speech to the Family Law Section – New Zealand Law Society (13 October 2006).

Online at: <http://www.justice.govt.nz/courts/family-court/publications/speeches-and-papers/the-family-court-25-years-on>

Kazmierow, M. (2011). **Family Court – 30 years (1981-2011).** *New Zealand Lawyer Online*, 160. Online at:

<http://www.nzlawyermagazine.co.nz/Archives/Issue160/160F2/tabid/3286/Default.aspx> .

Boshier, P., Taylor, N., Seymour, F. (2011). **Early intervention in New Zealand family court cases.** *Family Court Review*, 49(4): 818-830.

## Commentary

This section includes published commentaries of the functioning of the family court.

Boshier, P. (2011). **Government review of the Family Court – some room for change.** *New Zealand Family Law Journal*, 7: 53.

Boshier, P. (2011). **Family law: family violence,** *Family Matters*, 88:27-30.

Online at: <http://www.aifs.gov.au/institute/pubs/fm2011/fm88/fm88c.html>

Caldwell, J. (2010). **Family proceedings concerning children: the nature of natural justice.** *Otago Law Review*, 12(2): 345-368.

Davis, W. (2004). **Gender bias, fathers' rights, domestic violence and the Family Court.** *Butterworths Family Law Journal*, 4(12): 299.

## Research

This section includes research on how the current Family Court system (including the Family Violence courts) operates in New Zealand, with the emphasis on how this may impact on victims of family violence.

Coombes, L, Morgan, M., McGray, S. (2007). **Counting on protection: a statistical description of the Waitakere Family Violence Court.** Palmerston North: Massey University.

Online at: <http://www.massey.ac.nz/~psyweb/pdf/Counting-on-Protection.pdf>

Elizabeth, V., Gavey, N., Tolmie, J. (2010). **Between a rock and a hard place: resident mothers and the moral dilemmas they face during custody disputes.** *Feminist Legal Studies*, 18(3): 253-274.

Access abstract online: <http://dx.doi.org/10.1007/s10691-010-9159-9>

Elizabeth, Vivienne (2010). **Turning mothers into villains.** *Feminist Media Studies*, 10(1): 51-67.

Access abstract online: <http://dx.doi.org/10.1080/14680770903457105>

Knaggs, T. & Harland, A. (2009). **The Parenting Hearings Programme pilot: evaluation report.** Wellington: Ministry of Justice.

Online at: <http://www.justice.govt.nz/publications/global-publications/p/parenting-hearings-programme-pilot-evaluation-report-1/publication#-full-report>

Morgan, M. et al. (2007). **Accounting for safety: a sample of women victims' experiences of safety through the Waitakere Family Violence Court.** Palmerston North: Massey University.

Online at: <http://www.nzfvc.org.nz/sites/default/files/Accounting%20for%20Safety%20Final%20-%20grey.pdf>

Morgan, M., Coombes, L., McGray, S. (2007). **An evaluation of the Waitakere Family Violence Court protocols.** Palmerston North: Massey University & WAVES.

Online at; [http://www.massey.ac.nz/~psyweb/pdf/Family-Court-Protocols\\_Apr2007.pdf](http://www.massey.ac.nz/~psyweb/pdf/Family-Court-Protocols_Apr2007.pdf)

**Protecting victims rebuilding lives sending the right message: a discussion paper written by survivors of domestic violence.** (2010). Upper Hutt: It's Still Not OK. See 4.1 Justice, p.27-28. Online at:

<http://www.roundtablevaw.org.nz/PDF%20Its%20STILL%20Not%20OK%21%20Discussion%20Paper.pdf>

Taylor, N.J. (2006). **Care of children: families, dispute resolution and the Family Court.** Ph.D Thesis, Dunedin: University of Otago.

Online at: <http://otago.ourarchive.ac.nz/handle/10523/153>

Tolmie, J., Elizabeth, V., Gavey, N. (2010) **Is 50:50 shared care a desirable norm following family separation? Raising questions about current family law practices in New Zealand.** *New Zealand Universities Law Review*, 24(1): 136 -

Tolmie, J., Elizabeth, V., Gavey, N. (2009). **Raising questions about the importance of family contact within current family law practices.** *New Zealand Law Review*, 659-694.

Robertson, N. (2007). **Living at the cutting edge: women's experiences of protection orders.** Hamilton: University of Waikato.

Online at: <http://research.waikato.ac.nz/CuttingEdge/>

Zondag, B. (2009). *Procedural innovation in the New Zealand Family Courts: the Parenting Hearings Programme*. Ph.D. Thesis. Auckland: The University of Auckland.  
Online at: <https://researchspace.auckland.ac.nz/handle/2292/5764>

## Overseas - Principles and Practice

This section includes examples of reviews and practice guidelines from other countries.

### United Kingdom

Family Justice Review Panel. (2011). *Family Justice Review, final report*. London: Ministry of Justice.  
Online at: <http://www.justice.gov.uk/publications/policy/moj/family-justice-review-final.htm>

Justice Select Committee. (2011). *Sixth report. Operation of the Family Courts*. United Kingdom. Parliament. Online at:  
<http://www.publications.parliament.uk/pa/cm201012/cmselect/cmjust/518/51802.htm>

### Australia

Family Court of Australia. (2011). *Family violence best principles*. Canberra: Family Court of Australia. Online at:  
[http://www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/Publications/Family+Law+Courts+publications/fv\\_best\\_practice\\_for\\_flc](http://www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/Publications/Family+Law+Courts+publications/fv_best_practice_for_flc)

Rhoades, H. (2010). **The Family Court of Australia: examining Australia's first therapeutic jurisdiction**. *Journal of Judicial Administration*, 20: 67-80.

Faulks, J. (2010). **A natural selection? The potential and possibility for the development of less adversarial trials by reference to the experience of the Family Court of Australia**. *West Australia Law Review*, 35: 185-196.

Kaspiew, R. Et al. (2009). **The AIFS evaluation of the 2006 family law reforms: a summary**. *Family Matters*, 86: 10-18.  
Abstract online at: <http://www.aifs.gov.au/institute/pubs/fm2011/fm86/index.html#ab1>

### United States

Bancroft, L. (2002). **The abusive man and the legal system** (Chapter 12, pp. 291-314) in *Why does he do that? Inside the minds of angry and controlling men*. New York: Berkley Press.

King, M., Batagol, B. (2010). **Enforcer, manager or leader? The judicial role in family violence courts**. *International Journal of Law and Society*, 33: 406-416.  
Abstract online at: <http://dx.doi.org/10.1016/j.ijlp.2010.09.011>

***Special Issue on the Unified Family Courts.*** (2008). *Family Court Review*, 46(2)

The theme of this issue is Unified Family Courts (UFC). It grows out of the Second Summit on Unified Family Courts organized by the American Bar Association (ABA) and the University of Baltimore School of Law's Center for Families, Children and the Courts (CFCC) in May 2007 (Second ABA/CFCC Summit), a conference in which many AFCC members participated.

**Table of contents**

Shepard, A. **“The white flame of progress”** Editorial. pp.217-223.

Abstract online at: <http://dx.doi.org/10.1111/j.1744-1617.2008.00194.x>

Babb, B.A. & Danziger, G. **Introduction to special issue on Unified Family Courts.**  
Pp.224-226.

Abstract online at: <http://dx.doi.org/10.1111/j.1744-1617.2008.00195.x>

Mathis, K.J. **Summit on Unified Family Courts; serving children and families efficiently, effectively and responsibly.** pp.227-229.

Abstract online at: <http://dx.doi.org/10.1111/j.1744-1617.2008.00196.x>

Babb, B.A. **Evaluating where we stand: a comprehensive survey of America’s family justice system.** pp.230-257.

Abstract online at: <http://dx.doi.org/10.1111/j.1744-1617.2008.00197.x>

Spinak, J.M. **Romancing the court.** pp. 258-274.

Abstract online at: <http://dx.doi.org/10.1111/j.1744-1617.2008.00198.x>

Young, D.W. **Journey from success to significance.** pp. 275-278.

Abstract online at; <http://dx.doi.org/10.1111/j.1744-1617.2008.00198.x>

Kessler, R.M. **A practitioner’s perspective on the Unified Family Courts; case notes.**  
pp. 279-281.

Abstract online at; <http://dx.doi.org/10.1111/j.1744-1617.2008.00200.x>

Sandler, I. et al. **Effects of father and mother parenting on children’s mental health in high- and low-conflict divorces.** Pp. 282-296.

Abstract online at: <http://dx.doi.org/10.1111/j.1744-1617.2008.00201.x>

Kreeger, J.L. **Family Court improvement and the art of grantsmanship: a Judge’s perspective.** Pp. 331-339.

Abstract online at: <http://dx.doi.org/10.1111/j.1744-1617.2008.00203.x>

Greacen, J.M. **Confidentiality, due process and judicial disqualification in the Unified Family Court: report to the Honorable Stephanie Domitrovich.**  
pp.340-346.

Abstract online at: <http://dx.doi.org/10.1111/j.1744-1617.2008.00204.x>

## Further Reading

Australian Domestic and Family Violence Clearinghouse (2010). **Special collections: Domestic violence and family law**. Sydney: The Clearinghouse.

Online at: <http://www.adfvc.unsw.edu.au/specialcollectionfamilylaw.htm>

Families Commission. (2011). **Family Court Review**. Wellington: Families Commission.

Online at: <http://www.familiescommission.org.nz/act/family-court/family-court-review>

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