



New Zealand
Family Violence Clearinghouse

Reading guide for the family justice system review

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A selected bibliography

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Introduction

The New Zealand Family Violence Clearinghouse (NZFVC) has produced this selected bibliography to assist those wishing to provide feedback to the Independent Panel on [Rewriting the 2014 Family Justice System Reforms](#), also called the family justice system review (submission close **9 November 2018**). It also seeks to inform ongoing work on the family justice system and the Family Court.

This reading guide includes research providing an understanding of how the family justice system affects the lives of adult and child victim/survivors of domestic and family violence and their whānau and families. It brings together recent New Zealand government documents, research and victim/survivor views on the family justice system.

For background information on the history of Family Court and family justice reform in New Zealand see the previous [Family Court Review: A selected bibliography](#) (NZFVC, 2011).

The material has been selected from the NZFVC library, supplemented by targeted searches of relevant websites and databases.

Most of the report literature is readily available on the internet or from NZFVC. Permanent links to journal article abstracts are provided.

How to access items: Most title links will access the library record, but some go directly to the online source. To journal articles not freely available online, use the interlibrary loan service available from your local library. For assistance, please contact the Information Specialist: info@nzfvc.org.nz or (09) 023-4640.

New Zealand

Backbone Collective reports

The Backbone Collective examines the system that responds to women and children escaping abuse through the eyes of the women themselves. It has written a series of reports on women and children's experiences of the Family Court, using their experiences to encourage those in authority to make the system safer and more effective.

[All eyes on the Family Court: A watchdog report from The Backbone Collective](#)

The Backbone Collective, 2017

[Survey One: findings](#)

The Backbone Collective, 2017

["Don't tell me your problems": The Family Court complaints and appeals landscape](#)

Mackenzie, Deborah | Herbert, Ruth L | The Backbone Collective.

The Backbone Collective, 2017

[Out of the frying pan and into the fire: Women's experiences of the New Zealand Family Court](#)

The Backbone Collective, 2017

[Seen and not heard: Children in the Family Court. Part one - force](#)

The Backbone Collective, 2017

[Seen and not heard: Children in the New Zealand Family Court. Part two - Lawyer for the child?](#)

Herbert, Ruth L | Mackenzie, Deborah.

The Backbone Collective, 2018

Ministry of Justice reviews since 2014

[Family justice: An administrative review of family justice system reforms.](#)

Wellington, New Zealand: Ministry of Justice, 2017

[Family justice reforms: An initial cohort analysis](#)

Wellington, New Zealand: Ministry of Justice, 2017

[Without Notice Applications in the Family Court: A report prepared for the Ministry of Justice](#)

Wehipeihana, Nan | Spee, Kellie | Akroyd, Shaun.

Wellington, New Zealand: Ministry of Justice, 2017

[Exemptions from Family Dispute Resolution: Exemptions from Family Dispute Resolution where a party did not participate](#)

Spee, Kellie | Akroyd, Shaun | New Zealand. Ministry of Justice.

Wellington, New Zealand: Ministry of Justice, 2017

[Evaluation of the 2014 family law reforms: phase one: Report to the New Zealand Law Foundation](#)

Gollop, Megan | Taylor, Nicola | Henaghan, Mark.

Dunedin, New Zealand: University of Otago, 2015

[Evaluation of Family Dispute Resolution service and mandatory self-representation: Qualitative research findings](#)

Wellington, New Zealand: Ministry of Justice, 2015

Family violence legislative reform begun by National Government

[Safer sooner: Strengthening New Zealand's family violence laws](#)

Wellington, New Zealand: Ministry of Justice, 2016

[Reform of family violence law: Paper 2. Family violence civil law. Cabinet paper](#)

Adams, Amy.

Wellington, New Zealand: Ministry of Justice, 2016

[Strengthening New Zealand's legislative response to family violence: Summary of submissions](#)

Wellington, New Zealand: Ministry of Justice, Tāhū o te Ture, 2016

[Strengthening New Zealand's legislative response to family violence: A public discussion document](#)

Wellington, New Zealand: Ministry of Justice, 2015

Current research project

[PASSNZ: Parenting Arrangements After Separation Study](#)

“This study aims to better understand how separated parents and caregivers make or change arrangements for children’s care and to determine how New Zealand’s reformed family justice system is working for parents and professionals. The nationwide study is being conducted by the Faculty of Law and the Children’s Issues Centre at the University of Otago and is funded by the New Zealand Law Foundation. It will investigate the perceptions and experiences of separated parents and caregivers, family justice professionals, and key stakeholders via online surveys and interviews.”

Research

Māori

Kua tutu te puehu, kia mau: Māori aspirations and family law

Ruru, J.

In: Atkin, M. H. B. (Ed.). *Family law policy in New Zealand*. 4th edition. Wellington: LexisNexis Butterworths; 2013

Available via inter library loan

[Guardianship, custody and access: Māori perspectives and experiences](#)

Pitama, Di | Ririnui, George | Mikaere, Ani.

Wellington, New Zealand: Ministry of Justice, 2002

[Justice: The Experiences of Māori Women - Te Tikanga o te Ture: Te Mātauranga o ngā Wāhine Māori e pa ana ki tēnei.](#)

Law Commission report, R53

Wellington: Law Commission, 1999

Children

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[Article 12 of the UN Convention on the Rights of Children: Where have we come from, where are we now and where to from here?](#)

Henaghan, Mark.

International Journal of Children's Rights, 2017, 25(2): 537-552

[No weight for "due weight"? A children's autonomy principle in best interest proceedings](#)

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[Thinking about children: How does it influence policy and practice?](#)

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Case study 3: Ascertaining children's views in family law proceedings

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Women

[Protective mothers: Women's understandings of protecting children in the context of legal interventions into intimate partner violence](#)

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Australian Community Psychologist, 2016, 28(1): 59-78

[From domestic violence to coercive control: Towards the recognition of oppressive intimacy in the family court](#)

Elizabeth, Vivienne.

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[The portrayal of post-separation parents in the speeches of the Principal Family Court Judge of New Zealand](#)

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Women's Studies Journal, 2014, 28(1):4-17

["... He's just swapped his fists for the system": The governance of gender through custody law](#)

Elizabeth, Vivienne | Gavey, Nicola | Tolmie, Julia.
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[The gendered dynamics of power in disputes over the post-separation care of children](#)

Elizabeth, Vivienne | Gavey, Nicola | Tolmie, Julia.
Violence against Women, 2012, 18(4), 459-481

[Gendered dynamics in Family Court counselling](#)

Elizabeth, Vivienne | Gavey, Nicola | Tolmie, Julia.
New Zealand Journal of Counselling, 2011, 31(2), 1-20

[Turning mothers into villains: Gaps and silences in media accounts of custody abductions](#)

Elizabeth, Vivienne.
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[Between a rock and a hard place: resident mothers and the moral dilemmas they face during custody disputes.](#)

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Feminist Legal Studies, 2010, 18(1): 253-274

[Raising questions about the importance of father contact within current family law practices](#)

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[Is 50:50 shared care a desirable norm following family separation? Raising questions about current family law practices in New Zealand](#)

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[The gender agenda and relocation disputes](#)

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International Family Law, 2012 (June): 184-191

[The experiences of parents with an intellectual disability within the New Zealand Family Court system](#)

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Theses

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PhD thesis, University of Otago, 2016

["What will people think?" Indian women and domestic violence in Aotearoa / New Zealand](#)

Somasekhar, Sripriya.
PhD thesis, University of Waikato, 2016
Discusses family court issues for Indian migrant women, pp.250-254

[Keeping up appearances: Accessing New Zealand's civil courts as a litigant in person](#)

Toy-Cronin, Bridgette A.

PhD thesis, University of Otago, 2015

Includes two Care of Children Act cases (one female, one male litigant in person), highlights barriers in justice system

[Recommendations from lived experience informed groups](#)

[The people's blueprint: Transforming the way we deal with child abuse and domestic violence in New Zealand](#)

Auckland, New Zealand: The Glenn Inquiry, 2014

Puts the case for a family violence court for criminal and civil law, pp. 38-40

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[Manufacturing egalitarian injustice: A discursive analysis of the rhetorical strategies used in fathers' rights websites in Aotearoa/New Zealand](#)

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International

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Australia

Court and government guidelines

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Attorney General's Department, Australasian Institute of Judicial Administration & TC Beirne School of Law, University of Queensland, 2018.

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Canberra, ACT: Family Law Council, 2016

[COAG National Summit on Reducing Violence against Women and their Children: Outcomes and reflections](#)
Brisbane 27-28 October 2016
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[Safety First in Family Law - a Five Step plan](#)
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[Abbey's Project: A Bravehearts paper on the family law system](#)
Arundel, Qld: Bravehearts, 2016

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[Hearing children's voices? Including children's perspectives on their experiences of domestic violence in welfare reports prepared for the English courts in private family law proceedings](#)

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[Domestic violence and private Family Court proceedings: Promoting child welfare or promoting contact?](#)

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Ireland

['Ordinary decent domestic violence': A discursive analysis of family law judges' interviews](#)

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United States

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[Evaluating the evaluators: research-based guidance for attorneys regarding custody evaluations in cases involving domestic violence](#)

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["Paper abuse": When all else fails, batterers use procedural stalking](#)

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Geffner, Robert | Conradi, Lisa | Geis, Kari | Aranda, M. Brenda.

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Parental Alienation Syndrome and parental alienation: Getting It wrong in child custody cases

Bruch C.

Family Law Quarterly, 2001, 35(3): 527-552

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