

20 July 2023

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Our ref: OIA 104602 & 104607

Tēnā koe Zane

### **Official Information Act request: Care of Children Act 2004**

Thank you for your email to the Minister of Justice, Hon Kiri Allan on 12 May 2023 regarding information related to the Care of Children Act 2004 (CoCA).

On 12 May 2023, you also requested additional information relating to the CoCA from the Minister of Justice in a separate request.

On 15 May 2023, both of your requests were transferred from the Minister of Justice to the Ministry of Justice (the Ministry) for response under section 14 of the Official Information Act 1982 (the Act).

I have outlined your specific requests (referenced as OIA 104602 and OIA 104607 respectively) and my responses below.

#### **OIA 104602**

*In the Family Court, under the following sections of the Care of Children Act 2004;*

- *46G: Parties may be directed to counselling with an approved Family Court counsellor.*
- *46O: Judge may direct party to undertake parenting information programme, defined as parenting information programme means a programme specified as a parenting information programme in regulations made under this Act.*

1. *I would like to know the total number of referrals made to above services since 2013 until 2023 (per year) and the costs of the total referrals (per year).*

In response to part one of your request, please refer to Tables 1 through 4. The information provided in these tables has been broken down by Financial Year, not calendar year. A Financial Year runs from 1 July to 30 June each year.

Table 1 contains information concerning the number of directions under the CoCA for referrals to Family Court Counselling.

Table 2 contains the amount of money spent on s46 Referrals for Approved Family Court Counsellor from 2013 to 2023.

For Tables 3 and 4, please note that we have interpreted “parenting information programme” in your request as the Parenting through Separation (PTS) course, which is a self-referred service and participants engage with a provider directly.

Table 3 contains information concerning the number of directions under the CoCA for referrals to PTS.

Table 4 outlines the participant numbers to PTS, including outcome (such as the number of participants enrolled and the number of participants that did not attend) and total costs.

PTS is free for participants, with costs covered by the Ministry. A referral from the Court is not needed for participants to participate in the service. However, participants may be required to complete PTS prior to making a CoCA application. Also, it is worth noting that there are other, non-funded Ministry of Justice parenting programmes, that can be attended which also meet the criteria of attendance at a ‘parenting information programme’.

More information about PTS can be found on the Ministry’s website:

[www.justice.govt.nz/family/care-of-children/resolving-parentings-disagreements/parenting-through-separation/](http://www.justice.govt.nz/family/care-of-children/resolving-parentings-disagreements/parenting-through-separation/)

**Table 1: Number of directions under the Care of Children Act 2004 for referrals to Family Court Counselling**

Direction Type	Financial Year				
	2013/14	2014/15	2015/16	2016/17	2017/18
S46G Counselling	67	453	674	921	1,112
	2018/19	2019/20	2020/21	2021/22	2022/23
	1,319	1,185	1,662	1,317	1,088

**Table 1 notes:**

- Statistics are based on the Court’s Case Management System as at 31 May 2023. Since this is an operational system, data for earlier months may have been updated since any previous publications.
- Numbers are recorded in the month that the direction was made.
- Counts for the 2013/14 Financial Year is not a full 12-month period as the first recorded event occurred on 31 March 2014.
- Counts for the 2022/23 Financial Year is not a full 12-month period. They cover directions made during the 11 months, 1 July 2022 through to 31 May 2023.

- These statistics reflect directions made by a Family Court Judge, and do not include occasions where a participant contacted a provider directly.

**Table 2: Spend on s46 referrals for Approved Family Court Counsellor**

Financial Year						
Costs	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Approved Family Court Counsellor	\$652,674	\$388,587	\$229,724	\$529,730	\$658,724	\$1,164,409
	2018/19	2019/20	2020/21	2021/22	2022/23	
	\$1,318,935	\$1,313,707	\$1,834,809	\$1,251,119	\$1,352,129	

**Table 2 Notes:**

- We cannot split the costs by calendar year. As a result, the table is broken down by Financial Year, starting from 2012/13 (July 2012 to June 2013) through to 2022/23 (July 2022 to June 2023)

**Table 3: Number of directions under the Care of Children Act 2004 for referrals to Parenting Through Separation**

Financial Year					
Direction Type	2013/14	2014/15	2015/16	2016/17	2017/18
Parties to do PTS S46O	42	123	125	114	92
Parties to do PTS and attend FDR s46F and s46O	2	3	6	5	3
<b>Total</b>	<b>44</b>	<b>126</b>	<b>131</b>	<b>119</b>	<b>95</b>
Direction Type	2018/19	2019/20	2020/21	2021/22	2022/23
Parties to do PTS S46O	101	67	63	54	50
Parties to do PTS and attend FDR s46F and s46O	7	3	6	3	11
<b>Total</b>	<b>108</b>	<b>70</b>	<b>69</b>	<b>57</b>	<b>61</b>

**Table 3 Notes:**

- Statistics are based on the Court's Case Management System as at 31 May 2023. Since this is an operational system, data for earlier months may have been updated since any previous publications.
- Numbers are recorded for the month the direction was made.
- Counts for the 2013/14 Financial Year is not a full 12-month period as the first recorded event occurred on 31 March 2014.
- Counts for the 2022/23 Financial Year are not a full 12-month period. They cover directions made during the 11 months, 1 July 2022 through to 31 May 2023.
- These statistics reflect directions made by a Family Court Judge, and do not include occasions where a participant contacted a provider directly.

**Table 4: Parenting Through Separation parties from 1 April 2014 to 29 April 2023**

Financial Year					
Outcome	2013/14	2014/15	2015/16	2016/17	2017/18
Participants	1,499	6,032	5,407	5,311	5,317
Number of participants that did not attend	68	747	901	1,384	1,477
<b>Total number of participants enrolled</b>	<b>1,567</b>	<b>6,779</b>	<b>6,308</b>	<b>6,695</b>	<b>6,794</b>
<b>Total cost</b>	<b>See Table 4 Notes</b>	<b>\$670,299</b>	<b>\$700,090</b>	<b>\$765,676</b>	<b>\$550,341</b>
Outcome	2018/19	2019/20	2020/21	2021/22	2022/23
Participants	5,270	4,765	5,334	4,135	2,952
Number of participants that did not attend	1,606	1,492	1,647	1,500	1,055
<b>Total number of participants enrolled</b>	<b>6,876</b>	<b>6,257</b>	<b>6,981</b>	<b>5,635</b>	<b>4,007</b>
<b>Total cost</b>	<b>\$727,228</b>	<b>\$723,596</b>	<b>\$725,349</b>	<b>\$724,997</b>	<b>\$735,677</b>

**Table 4 Notes:**

- Data has been drawn from a live database as at 29 May 2023. The database is subject to change, as new data is continually recorded and/or recoded.
- Data for the 2013/14 Financial Year is not a full 12-month period. 1 April 2014 is the first recorded event.

- Prior to the 2014/15 Financial Year, there was no national oversight that accurately captured the cost of PTS.
- Data for the 2022/23 Financial Year is not a full 12-month period. 29 April 2023 is the last recorded event, and the “total cost” for 2022/23 Financial Year is to 30 April 2023.
- The Financial Year a particular course falls in is determined by the date of the course's first session.
- The participant count only includes parties who attended a Parenting Through Separation course.
- “Number Enrolled” includes all parties who were enrolled in a Parenting Through Separation course.
- The term "Party" refers to a person who was enrolled in a Parenting Through Separation course.
- “Total cost” refers to the funding provided by the Ministry to the PTS providers to provide the PTS course, as it is free to access for participants.

2. *Also I would like to know if there are any existing evaluative researches have been conducted to measure the KPI's / outcomes of both service and we require copies of any researches/studies and if not available, is it planned to be done?"*

In response to part two of your request, with regard to your request for any evaluative research, I am refusing your request under section 18(g) of the Act as the following information is published on the Ministry's website:

- *2017 Family Justice: An Administrative Review of Family Justice System Reforms.*  
You can access the report here: [justice.govt.nz/assets/Family-Justice-Administrative-review-2017-FINAL.pdf](https://justice.govt.nz/assets/Family-Justice-Administrative-review-2017-FINAL.pdf)
- *2016 Family Justice reforms: An Initial Cohort Analysis.*  
You can access the report here: [justice.govt.nz/assets/FJ-Cohort-analysis-FINAL.pdf](https://justice.govt.nz/assets/FJ-Cohort-analysis-FINAL.pdf)
- *2015 Evaluation of Family Dispute Resolution Service and Mandatory Self-representation.*  
You can access the report here: [justice.govt.nz/assets/Evaluation-of-Family-Dispute-Resolution-Service-and-Manadatory-Self-representation.pdf](https://justice.govt.nz/assets/Evaluation-of-Family-Dispute-Resolution-Service-and-Manadatory-Self-representation.pdf)
- *2009 Evaluation of Parenting Through Separation Programme.*  
You can access the report here: [justice.govt.nz/assets/Evaluation-of-Parenting-Through-Separation-Programme.pdf](https://justice.govt.nz/assets/Evaluation-of-Parenting-Through-Separation-Programme.pdf)

## OIA 104607

*I would like to know:*

1. *The total number of referrals made to the FDR since 2013 until 2023 (per year) and the costs of the total referrals (per year) to the taxpayers and the parents*
2. *The total costs and payments made to "Fair Way Resolution Limited" and "Family Dispute Resolution Centre Ltd" "Family Works" and any other FDR service providers. The breakdown of the payments / costs per year (from year 2013 to 2023).*
3. *The outcome of the total FDR referrals as per the reasons below:*
  1. *FDR is inappropriate for the dispute because:*
    - *At least one of the parties to the family dispute, or a child of one of the parties, has been subject to domestic violence by one of the other parties to the dispute.*
    - *At least one of the parties to the family dispute is unable to participate effectively in family dispute resolution. The reasons are listed below:*
    - *A situation exists which means that family dispute resolution is inappropriate for the parties to the family dispute.*
  2. *One party did not attend or continue to attend family dispute resolution*
4. *Also I would like to know if there are any existing evaluative researches have been conducted to measure the KPI's / outcomes / statistics of the FDR service and we require copies of any researches/studies and if not available, any plans to conduct any researches or studies and when?*

In response to parts one and two of your request, Family Dispute Resolution (FDR) is an out of court service, whereby parties primarily engage with a supplier directly. However, parties can also be directed to undergo FDR by the Family Court.

Please note that a Court direction does not mean that the parties engage with FDR suppliers following the Court referral, or that parties had not already engaged in FDR prior to the Court referral.

As a result, in response to your request asking for the total number of referrals to the FDR service, we have provided a count of all FDR assessments, grouped by Financial Year in Table 5, overleaf.

**Table 5: Count of all Family Dispute Resolution assessments**

Financial Year					
Dispute Assessment Count	2013/14	2014/15	2015/16	2016/17	2017/18
	108	2,593	3,872	4,171	4,159
	2018/19	2019/20	2020/21	2021/22	2022/23
	4,290	4,061	4,273	3,752	2,967

**Table 5 Notes:**

- Data has been drawn from a live database as at 29 May 2023. The database is subject to change, as new data is continually recorded and/or recoded.
- Data for the 2013/14 Financial Year is not a full 12-month period, as records began on 17 April 2014.
- Data for the 2022/23 Financial Year is not a full 12-month period, with data only until 1 May 2023.
- One assessment is counted per Financial Year for each Dispute.
- A Dispute ID can be counted in multiple Financial Years but only counted once in each Financial Year.
- This data includes all unique Disputes that attended a Family Dispute Resolution Assessment, Preparation for Mediation, and/or Mediation.

In response to the costs of the referrals to the parents, I must advise that there are three different types of funding scenarios for FDR:

- fully funded Disputes
- mixed funded Disputes; and
- partially funded Disputes.

The Ministry does not hold information on payments to FDR suppliers made by non-funded or partially funded parties. I am therefore refusing this part of your request under section 18(g)(i) of the Act as this information is not held by the Ministry.

In response to the breakdown of payments made to FDR suppliers from 2013 to 2023, please refer to Table 6. Please note that the information provided in this table has been broken down by Financial Year from 2014/15 to 2022/23.

**Table 6: Payments made to FDR suppliers**

Financial Year									
Supplier	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
AMINZ	\$50,000	\$5,000	\$10,000	\$35,000					
Canterbury Family Dispute Resolution Service	\$977	\$4,935	\$11,900	\$13,440	\$7,200				
Dispute Resolution HB Limited		\$940	\$2,615	\$1,440					
Fair Way Resolution Limited	\$1,403,585	\$1,972,905	\$2,578,248	\$3,265,890	\$3,265,243	\$3,726,476	\$3,440,454	\$3,741,827	\$3,206,365
Family Dispute Resolution Centre Ltd	\$13,184	\$36,481				\$75,838		\$499,110	
Interpreting New Zealand Inc					\$324				
LEADR and IAMA / Resolution Institute	\$45,000								
NZ Family Dispute Resolution Centre Ltd			\$68,654	\$89,994	\$723,735	\$944,103	\$878,841	\$1,172,875	\$1,076,065
NZLS CLE Ltd	\$60,000	\$5,000	\$40,000	\$4,348					
Out of Court Limited				\$480					



Financial Year									
Supplier	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Presbyterian Support Northern	\$558,945	\$689,253	\$962,493	\$1,084,142	\$929,894	\$758,249	\$935,884	\$57,008	
Presbyterian Support Northern (Family Works Northern)		\$6,000				\$346,337			
Resolution Institute		\$15,000	\$40,000	\$5,000					
Tim Clarke		\$705	\$3,439	\$8,080	\$960				
<i>Financial adjustments and accruals</i>	-\$58,733	\$156,623	\$68,679	-\$12,147	\$80,887	-\$490,522	\$605,000	-\$29,465	-\$575,535
<b>Total</b>	<b>\$2,072,958</b>	<b>\$3,289,497</b>	<b>\$4,403,619</b>	<b>\$5,259,095</b>	<b>\$5,711,188</b>	<b>\$6,205,986</b>	<b>\$6,501,727</b>	<b>\$6,074,991</b>	<b>\$4,214,380</b>

**Table 6 Notes:**

- Data for the 2022/23 Financial Year is not a full 12-month period, with data only until April 2023.
- Records are provided from the 2014/15 Financial Year as Suppliers began delivering following the enactment of the Family Dispute Act in September 2013.
- Financial adjustments and accruals have been included to provide context for the total funding paid to suppliers per Financial Year.

In response to part three of your request, we have interpreted that you wanted to know reasons why FDR did not go ahead. Please refer to Table 7 for a count of all disputes that went through FDR and were deemed 'Withdrawn'. These have been grouped by Financial Year and 'Withdrawn Reason' (such as administration withdrawal, agreement to mediate not signed, and joint withdrawal by all parties).

**Table 7: A count of all disputes that went through FDR and were deemed 'Withdrawn'**

Financial Year					
Withdrawn Reason	2013/14	2014/15	2015/16	2016/17	2017/18
Administration withdrawal	6	295	751	813	563
Agreement to Mediate not signed			7	6	
Joint withdrawal by all parties		10	98	89	82
Withdrawn Reason	2018/19	2019/20	2020/21	2021/22	2022/23
Administration withdrawal	634	579	653	705	489
Agreement to Mediate not signed	1	3	1	1	4
Joint withdrawal by all parties	121	158	140	174	118

**Table 7 Notes:**

- A dispute ID can be counted multiple times in the same Financial Year if multiple withdrawn events occur where the withdrawal reason is different. In these cases, the dispute ID will be counted in all withdrawal reason groups recorded under that particular ID.
- This includes all disputes that were withdrawn at the FDR Assessment, FDR Preparation for Mediation, or FDR Mediation stages.

In response to part four of your request, with regard to your request for any evaluative research, please see my response provided earlier in this letter to OIA 104602, listing the relevant work publicly available on the Ministry's website.

Please note that this response, with your personal details removed, may be published on the Ministry website at: [justice.govt.nz/about/official-information-act-requests/oia-responses/](https://justice.govt.nz/about/official-information-act-requests/oia-responses/)

If you are not satisfied with this response, you have the right to make a complaint to the Office of the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by phone on 0800 802 602.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Donella', with a stylized flourish at the end.

Donella Gawith

**Group Manager, Commissioning & Service Improvement**