

02 MAR 2017

Zane Collins
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Dear Mr Collins

Official Information Act 1982 request

I am replying to your Official Information Act 1982 (the Act) requests of 25 January and 2 February 2017, requesting Family Court statistics. I understand your initial request was clarified on 31 January 2017.

Background Information

Before answering your questions, I would like to provide some background on parenting orders and protection orders.

People can apply for a Parenting Order if there's a dispute about who looks after their children and when (day-to-day care) or where parents and others see the children (contact).

If a decision needs to be made urgently, the applicant can make a "without notice" application. A judge will look at the application promptly, and if they decide there are good reasons to do so, they can make an Interim Order before the other person gets to have their say. If they don't think there are good reasons to make an order straight away, they will direct that the application is placed on notice, which means that the other person will get a copy of the application and will be able to respond before an order can be made.

There is more information about parenting orders on our website here: justice.govt.nz/family/care-of-children/when-you-dont-agree/disagreements/apply-parenting-order/

Protection order applications can be made to the Family Court. Also, a judge may issue a protection order at sentencing for domestic violence related offending. The District Court can issue a temporary protection order following a breach of a Police Safety Order.

The judge may make the protection order if satisfied that domestic violence has occurred and the order is needed to protect a person and any children who usually live with them from the person who has been violent. A final protection order remains in force permanently unless the Family Court agrees to discharge it.

In some instances a protection order may cover other people with whom the applicant has a domestic relationship. These people are defined as other potential protected adults.

A protection order can also be made against other people who the respondent has encouraged to abuse or threaten the applicant or to do other things that amount to domestic violence against the applicant. These people are then called “associated respondents”.

Breaches of protection orders are taken seriously by Police and the Courts and the number of convictions reflects this. In September 2013, the maximum penalty for breaching a protection order was increased from two to three years’ imprisonment. About a third of all people convicted of breaching a protection order are sentenced to imprisonment.

There is more information about protection orders on our website:
justice.govt.nz/family/domestic-violence/legal-protection-you-can-get

Request for Information

In response to your request, please see the attached 6 tables.

The data provided includes applications captured in the Court’s Case Management System which has been in use in all District Courts since October 2003. Accordingly, the data you have requested for protection orders prior to 2004 is not readily available. Therefore, this part of your request is declined pursuant to section 18(f) of the Act on the grounds that this information cannot be made available without substantial collation or research.

Furthermore, as clarified, information on parenting orders is provided after the implementation of the Care of Children Act 2004 in mid 2005.

The Ministry does not have a gender break down of protection orders made on notice or without notice or by how many were granted or declined. Accordingly, your request for this information is declined under section 18(f) of the Act as this information cannot be made available without substantial collation or research.

However, I have provided the number of protection order applications, by

- application type (table 3)
- application outcome (table 4)
- gender of applicants and/or other potential protected adults (table 5)
- gender of respondents and/or associated respondents (table 6).

The Ministry is unable to provide a breakdown of applications by the grounds under which the applications were filed (offence type). This information may be held on the court record, however, courts are excluded from the operation of the Act under section 2(6)(a). Therefore, this part of your request is declined pursuant to section 18(g) of the Act on the grounds that this information is not held by the Ministry and there are no grounds for believing it is held by another department, Minister of the Crown, organisation or local authority.

If you require any clarification of the information contained in this response please contact Antony Paltridge, Team Leader, Media and External Relations, at media@justice.govt.nz or call (04) 918 8980.

If you are not satisfied with my response to your request, you have the right to make a complaint to the Ombudsman under section 28(3) of the Official Information Act. The Ombudsman may be contacted by writing to PO Box 10-152, Wellington.

Yours sincerely



J.P.
Jacquelyn Shannon

Group Manager, Courts and Tribunals, Regional Service Delivery

Ref: 60631

Table 1: Number of Parenting Order applicants, by relationship to child, 2006 - 2016

Relationship to child	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Grandparent	1,088	1,220	1,240	1,259	1,303	1,324	1,334	1,165	1,111	1,060	1,251
Father	3,157	3,241	3,337	3,570	3,705	3,362	3,060	2,973	2,184	1,741	1,857
Mother	4,818	5,090	5,334	5,643	5,875	5,174	4,674	4,720	3,837	3,370	3,480
Other	965	980	1,074	1,060	1,092	1,147	1,100	1,008	872	935	872
Total	10,028	10,531	10,985	11,532	11,975	11,007	10,168	9,866	8,004	7,106	7,460

Note:

- Data has been extracted only where the relationship to the child information is recorded for parenting order applicants - collection of this data was only possible following the introduction of the Care of Children Act 2004 in July 2005.
- Not all parenting order applicants request full time care, so these figures cannot easily be compared to those in the table below (table 2).

Table 2: Number of Full-time Day to Day Care Orders, by relationship to child, 2006 - 2016

Relation to child	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Grandparent	191	282	280	334	359	438	427	361	394	388	419
Father	511	632	680	782	867	872	908	810	750	658	661
Mother	2,616	3,057	3,414	3,768	4,417	4,430	4,167	3,782	3,621	2,845	2,825
Other	1,396	846	588	564	529	481	476	380	320	316	295
Total	4,714	4,817	4,962	5,448	6,172	6,221	5,978	5,333	5,085	4,207	4,200

Note:

- Data has been extracted only where the relationship to the child information is recorded for all parties granted full time care - collection of this data was only possible following the introduction of the Care of Children Act 2004 in July 2005.

Table 3: Number of Protection Order applications, by application type, 2004 - 2016

Application type	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
On notice Protection Order	613	511	569	548	494	557	621	521	453	432	298	149	168
Without notice Protection Order	4,051	4,034	3,863	3,964	3,928	4,085	4,063	3,543	3,159	3,375	3,877	4,141	4,163
Sentencing Act Protection Order	-	-	-	-	-	-	73	362	630	768	870	896	1,025
Breach of Police Safety Order temporary Protection Order	-	-	-	-	-	-	14	37	56	60	79	79	105
Total	4,664	4,545	4,432	4,512	4,422	4,642	4,771	4,463	4,298	4,635	5,124	5,265	5,461

Note:

- Sentencing Act Protection Orders and temporary orders resulting from a Breach of Police Safety Order came into effect on 1 July 2010 (s4 Sentencing Amendment Act (No2) 2009 and s124N Domestic Violence Act 1995).
- Year is the calendar year the application was filed.

Table 4: Number of Protection Order applications, by application outcome, 2004 - 2016

Application outcome	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Application granted	2,741	2,563	2,520	2,632	2,506	2,641	2,751	2,737	2,746	3,014	3,353	3,421	2,886
Dismissed or struck out	580	604	578	540	610	559	576	487	469	447	446	449	247
Application lapsed, withdrawn or discontinued where temporary Protection Order not granted	787	787	759	741	717	821	823	675	539	560	559	510	360
Application lapsed, withdrawn or discontinued where temporary Protection Order granted	556	591	574	598	589	621	621	564	542	610	753	800	445
Application still active or transferred to High Court	-	-	1	1	-	-	-	-	2	4	13	85	1,523
Total	4,664	4,545	4,432	4,512	4,422	4,642	4,771	4,463	4,298	4,635	5,124	5,265	5,461

Note:

- The number of applications granted for the latest year is lower than in previous years because some cases filed in that year are still before the court. For the same reason, the number of applications still active or transferred is higher in the latest year.
- A temporary Protection Order is not a final outcome. Temporary Protection Orders last for 3 months or until a hearing is held and may then be replaced by a final Protection Order.
- Year is the calendar year the application was filed.

Table 5: Number of Applicants/Other potential protected adults of Protection Order applications, by gender, 2006 – 2016

Gender	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Female	4,164	4,070	4,080	4,136	4,059	4,299	4,439	4,122	3,988	4,350	4,768	4,862	5,073
Male	473	457	470	523	500	486	516	434	372	422	497	513	552
Unknown	170	182	73	67	76	92	74	68	57	92	85	99	110
Total	4,807	4,709	4,623	4,726	4,635	4,877	5,029	4,624	4,417	4,864	5,350	5,474	5,735

Note:

- The number of applicants/other potential protected adults each year will not equal the number of Protection Order applications or the number of respondents/associated respondents.

Table 6: Number of Respondents/Associated respondents of Protection Order applications by date of filing, by gender, 2006 – 2016

Gender	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Female	520	476	500	534	554	508	566	501	402	430	526	544	564
Male	3,983	3,964	3,898	3,979	3,882	4,132	4,239	3,949	3,863	4,202	4,609	4,775	4,936
Unknown	171	161	76	70	62	88	73	57	69	56	63	28	25
Total	4,674	4,601	4,474	4,583	4,498	4,728	4,878	4,507	4,334	4,688	5,198	5,347	5,525

Note:

- The number of respondents/associated respondents each year will not equal the number of Protection Order applications or the number of applicants/other protected people.
- The gender of the respondent/associated respondent is provided by the applicant. Not all applicants know the profile of the respondent/associated respondent and they are not required to fill this information out.