

Draft Table of Initial Responses to Recommendations

Recommendation	Considered by
Amendments to relevant legislation	
<p>1. THAT section 13 of the Domestic Violence Act 1995 be amended to the effect that a without notice application for a protection order may not be declined or placed on notice unless the applicant and her lawyer have had an opportunity to participate in an (ex parte to the respondent) hearing, in the court in which the application was filed, to address any questions which might have led the judge to decline the application or put it on notice.</p>	<p>Ministry of Justice (MOJ)</p> <p>MOJ will consider this recommendation and an outline of it may be incorporated into the review of the Domestic Violence Act 1995 and related legislation.</p> <p>Other recommendations that will be considered may address the intention of this recommendation in another way.</p>
<p>2. THAT section 13 of the Domestic Violence Act 1995 be further amended to require Family Court judges to give reasons (in writing) when they either decline or put on notice a section 13 application for a temporary protection order.</p>	<p>MOJ</p> <p>MOJ will include an outline of this recommendation in the discussion document reviewing the Domestic Violence Act 1995 and related legislation.</p>
<p>3. THAT section 47 of the Domestic Violence Act 1995 be amended to prevent the court from discharging a protection order without first being satisfied that the protected person and any child of the protected person will be safe from all forms of the respondent's violence.</p>	<p>MOJ will:</p> <ul style="list-style-type: none"> • review the current information that is provided to applicants when seeking to discharge a protection order, with a view of providing better information, particularly about what further assistance and services are available to the applicant • review section 5(e) of the Care of Children Act 2004 and consider whether a similar provision should be included in the Domestic Violence Act 1995.

<p>4. THAT section 50(2) of the Domestic Violence Act 1995 be repealed and replaced by a provision that, unless there are special circumstances, police shall arrest where there is cause to suspect that the respondent has committed a breach of a protection order.</p>	<p>MOJ</p> <p>MOJ will include an outline of this recommendation in the discussion document reviewing the Domestic Violence Act 1995 and related legislation.</p>
<p>5. THAT section 58 of the Care of Children Act 2004, be amended by adding “psychological violence” to the types of violence which trigger the rebuttal assumption that a violent party should not have a role in providing the day-to-day care of a child or have unsupervised contact with a child unless the court is satisfied that the child will be safe.</p>	<p>MOJ</p> <p>MOJ will undertake work on this recommendation in conjunction with other issues concerning the interface between the Care of Children Act and the Domestic Violence Act as part of the review of the Domestic Violence Act and related legislation.</p>
<p>6. THAT the Care of Children Act 2004 be amended to the effect that, where allegations of domestic violence have been made in parenting order proceedings, no consent parenting orders be made unless the Family Court judge first scrutinises the proposed consent order and satisfies himself or herself that the particular parenting order is in the best interests of the child(ren). The impact and effects of the violence on the child(ren) must be evaluated and the court must be satisfied that the physical, sexual and psychological safety of the child(ren) will be ensured during any day-to-day parenting and/or contact arrangements.</p>	<p>MOJ</p> <p>MOJ will undertake work on this recommendation in conjunction with other issues concerning the interface between the Care of Children Act and the Domestic Violence Act as part of the review of the Domestic Violence Act and related legislation.</p>
<p>7. THAT section 4 of the Care of Children Act 2004 be amended to the effect that, where a party has used violence against the other party or a child of the other party (as defined by section 3(2) of the Domestic Violence Act 1995), the court must, in determining what best serves the child’s welfare and best interests, take into account any wish of the other party to relocate so that she or he is able to recover from the trauma of violence and to better provide an environment which will support the recovery of the child.</p>	<p>MOJ</p> <p>MOJ will undertake further work on this recommendation in conjunction with other issues concerning the interface between the Care of Children Act and the Domestic Violence Act as part of the review of the Domestic Violence Act and related legislation.</p>

<p>8. THAT the Care of Children Act 2004 be amended to the effect that unsupervised contact with a party who has used violence (as defined by section 3(2) of the Domestic Violence Act 1995) against the other party or a child of the other party, shall not be granted unless the court has first considered a report from a psychologist who has specialist training in domestic violence. Such a report shall evaluate the risk to the child, the impact of the prior violence on the child, the implications of the violence on each party's parenting abilities, and the meaning of the child's expressed wishes.</p>	<p>MOJ</p> <p>MOJ will undertake further work on this recommendation in conjunction with other issues concerning the interface between the Care of Children Act and the Domestic Violence Act as part of the review of the Domestic Violence Act and related legislation.</p>
<p>9. THAT the Family Proceedings Act 1980 be amended to empower judges considering applications under the Care of Children Act 2004 to direct that the parties <i>not</i> be referred for counselling or to a mediation conference:</p> <ul style="list-style-type: none"> a) when a party has used violence (as defined by section 3(2) of the Domestic Violence Act 1995) against the other party or a child of the marriage or civil union or de facto relationship; or b) if because of previous counselling or mediation within the past 12 months, counselling or mediation is unlikely to serve a useful purpose; or c) for any other reason. 	<p>MOJ</p> <p>MOJ will undertake further work on this recommendation in conjunction with other issues concerning the interface between the Care of Children Act and the Domestic Violence Act as part of the review of the Domestic Violence Act and related legislation.</p>
<p>10. THAT the Family Proceedings Act 1980 be further amended to specifically exclude victims of domestic violence (as defined by section 3(2) of the Domestic Violence Act 1995) from being required to take part in counselling.</p>	<p>MOJ</p> <p>MOJ will undertake further work on this recommendation in conjunction with other issues concerning the interface between the Care of Children Act and the Domestic Violence Act as part of the review of the Domestic Violence Act and related legislation.</p>

<p>11. THAT sections 103 to 106 of the Evidence Act 2006 be implemented immediately so that victims of domestic violence are able to give their evidence while screened from the accused or via video.</p>	<p>The Evidence Act came into force on 1 August 2007.</p> <p>No further work is required.</p>
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<p>Family and District Courts</p>	
<p>12. THAT specialist domestic violence victim advocacy be provided for victims of domestic violence within both the criminal and family jurisdictions. This should be a free service provided by approved community-based domestic violence services, with advocates having speaking rights in court. Advocates should be available to assist victims of domestic violence by:</p> <ul style="list-style-type: none"> (a) helping women file applications for protection orders; (b) explaining protection orders and their enforcement; (c) helping women make safety plans; (d) encouraging women to attend protected persons programmes; (e) preparing women for any hearings in both the criminal and family courts, as well as any mediation which may be part of proceedings under the Care of Children Act 2004, and supporting them through such hearings and mediation; (f) advising non-resident women about the special residence policy for victims of domestic violence; and (g) helping women access other relevant services. 	<p>Ministry of Women’s Affairs (MWA) with MOJ</p> <p>MOJ is currently working with MWA on a project considering the development of specialist victims’ advocates for domestic violence cases as part of the Taskforce for Action on Violence within Families’ programme of action. This work will be reported to the Family Violence Taskforce in November 2007. There is no need for new work to be initiated to meet this recommendation.</p>

<p>13. THAT the Ministry of Justice ensure that all professionals (for example, judges, counsel for the child, specialist report writers, mediators, counsellors and supervised access providers) working in the Family Court and specialist domestic violence criminal courts be required to demonstrate a multidisciplinary understanding of domestic violence, including the principles of scientifically rigorous risk assessment, prior to their appointment, and that they be required to participate in annual “refresher” training on these matters.</p>	<p>MOJ will</p> <ul style="list-style-type: none"> • examine risk assessments and interventions when it reviews the service specifications for counselling • ensure that there is a continued consideration of domestic violence issues when reviewing relevant practice notes and services descriptions.
<p>14. THAT the Family Court follows the practice of allowing affidavits in support of applications for temporary protection orders to be amended to omit information which might identify the applicant’s whereabouts or endanger the applicant, the children of the relationship, or any other person supporting the applicant.</p>	<p>MOJ</p> <p>MOJ notes that the current regime enables temporary orders to be amended to omit identifying information.</p>
<p>15. THAT a counsellor who receives any referral from the Family Court to conduct counselling shall screen for the occurrence of domestic or family violence between the parties. Where evidence of domestic violence exists, mediation shall occur only if:</p> <ol style="list-style-type: none"> a) counselling is requested by the victim of the violence; b) counselling is provided by a counsellor who is trained in domestic violence and able to protect the safety of the victim; and c) at any counselling session with the perpetrator, the victim is permitted to have in attendance a support person of her choice (including a lawyer) who may advocate on her behalf. 	<p>MOJ</p> <p>The recommendation arises from concerns that external mediators used by the Family Court may not have adequate understanding of the dynamics of family violence and that victims may be referred to mediation against their wishes. The authors appear to be under the impression that the court refers cases to external mediators. This does not currently occur. The Family Mediation pilot was completed in September 2006.</p> <p>The issues being raised, however, would be relevant if Family Mediation is legislated and thus implemented.</p>

<p>16. THAT the Parenting Hearings Programme Pilot deal only with cases in which both parties have freely consented to take part. Moreover, sufficient time periods and resources need to be available for specialist reports to be obtained and the mandatory approach specified in sections 60 and 61 of the Care of Children Act 2004 to be carried out.</p>	<p>MOJ</p> <p>Further developments in regard to this recommendation have already occurred. For example, the timeframes for completion of Parenting Hearings Programme hearings have been lengthened in the cases where the Care of Children Act proceedings are accompanied by a defended domestic violence application.</p> <p>To date no issues have been identified by the pilot Courts around obtaining specialist reports within the required timeframes. It has been indicated that the briefs for these reports are more focussed on the information that the Court requires to make decisions, and that this is helpful for the report writers.</p>
<p>17. THAT the Ministry of Justice reviews information systems to ensure that:</p> <ul style="list-style-type: none"> (a) judges in the criminal court considering sentences in domestic violence cases can access relevant records of proceedings in the Family Court (including applications for a protection order, affidavits in support, and judges' decisions and memoranda); (b) judges in the Family Court considering applications under the Domestic Violence Act 1995 and the Care of Children Act 2004 can access records of domestic violence offences from the criminal courts and POL400 forms from the police; (c) judges in one Family Court registry can access records relating to matters involving the parties in other registries; and (d) the records referred to above are retrievable under the name of each party and each child. 	<p>MOJ</p> <p>Note that for information sharing to take place, legislative change is required.</p> <p>This is part of MOJ's existing work programme.</p>

<p>18. THAT no more specialist domestic violence courts be established until the present courts have been properly evaluated to identify both good and problematic practices.</p>	<p>MOJ</p> <p>MOJ is evaluating the Manukau Family Violence Court, and findings will be completed later this year. An evaluation of the Waitakere Family Violence Court is likely to be completed over a similar period of time.</p> <p>MOJ will continue with the work currently on the work programme and as part of the Taskforce for Action on Violence within Families.</p>
<p>19. THAT the Ministry of Justice ensures information about the Domestic Violence Act 1995 and protection orders, including how to apply for them and how to have them enforced, is translated into the various languages common in New Zealand, makes that information available on its website and disseminates that information widely through community networks.</p>	<p>MOJ</p> <p>MOJ will review the information and the translation of information for applicants and respondents. It will also review the information sent with a protection order and ensure that information is given every time a protection order is served.</p> <p>Actions of the Taskforce for Action on Violence within Families are also focused on reviewing communications materials and building capacity of interpreters in the court process.</p>
<p>20. THAT a plain-English order be developed.</p>	<p>MOJ</p> <p>Part of the Ministry of Justice's existing work programme.</p> <p>Part of the Taskforce for Action on Violence within Families' first programme of action.</p>

<p>21. THAT the Family Court encourages counsellors from across the wide range of linguistic and cultural communities within New Zealand to become accredited so that culturally appropriate counselling can be provided as frequently as possible, and that it ensures that interpreters are available to assist parties in court who have limited facility with English.</p>	<p>MOJ will</p> <ul style="list-style-type: none"> • liaise with The New Zealand Association of Counsellors to encourage counsellors from a range of ethnic backgrounds to undertake Family Court work, and • ensure Family Court Co-ordinators have time available to meet and network with their community of counsellors, and use this opportunity to attract more counsellors into this work. <p>Taskforce for Action on Violence within Families actions are also focused on reviewing communications materials and building capacity of interpreters in the court process.</p>
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<p>22. THAT the Ministry of Justice commissions periodic evaluations to assess the extent to which decision making regarding applications for protection orders and parenting orders contributes to the Domestic Violence Act 1995's goal of providing effective protection to victims of domestic violence and their children.</p>	<p>MOJ</p> <p>MOJ recognises the importance of protecting victims of domestic violence and their children. Undertaking research in this area continues to be a serious consideration for MOJ when developing its research programme.</p>
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<p>Family law practitioners</p>	
<p>23. THAT family law practitioners not recommend undertakings in situations where there is a potential for future physical, sexual, or psychological violence.</p>	<p>MOJ</p> <p>While this recommendation is directed at the New Zealand Law Society, MOJ will examine the issue as part of its review of the Domestic Violence Act 1995 and related legislation.</p>

Legal services agency	
<p>24. THAT the eligibility criteria for legal aid be revised so that all bona fide applications for protection orders are free.</p>	<p>MOJ</p> <p>Changes to Legal Services Act came into force on 1 March 2007. This included increasing the threshold of eligibility for aid. Those who apply for a protection order through legal aid do not normally have to repay the domestic violence related part of legal fees.</p>
<p>25. THAT fee ceilings for legally aided temporary protection orders and other Domestic Violence Act 1995 proceedings be increased so that senior family law practitioners can be encouraged to accept this type of work.</p>	<p>MOJ</p> <p>The Legal Services Agency has developed the terms of reference for a review of remuneration rates. The review is expected to be completed by 30 September 2007.</p>
<p>26. THAT legal aid should be available to women who wish to appeal against decisions of Immigration New Zealand under Victims of Domestic Violence Policy. Additionally, or alternatively, this work could become one of the roles of the free domestic violence victim advocacy services we have recommended.</p>	<p>MOJ/DOL</p> <p>The Immigration Bill will make minor consequential amendments to the Legal Services Act to expand the cases in which legal aid is available to include the protection claims and appeals under the Convention Against Torture, Inhuman and Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights and immigration detention cases.</p> <p>However, it is not proposed that the legal aid will be available for appeals to the Tribunal in respect of residence applications. Legal aid will therefore not be available in respect of appeals against residence decisions made under the victims of domestic violence policy.</p> <p>MOJ is responsible for the legislation related to legal aid. DOL may discuss this issue with MOJ as part of the work, in conjunction with MWA, to review the Victims of Domestic Violence Policy.</p>

Domestic Violence Act Programmes	
27. THAT the Ministry of Justice works with relevant community organisations to ensure linguistically and culturally appropriate protected persons and respondents programmes are available for diverse groups, and that these be actively promoted in appropriate ways.	<p>MOJ</p> <p>MOJ will continue to encourage existing and new providers to submit new programmes for approval, to fill identified gaps with a particular focus on providers of Māori, Pasifika and Asian/new immigrant programmes.</p>
28. THAT much higher priority be placed on prosecuting non-attendance at respondents programmes, that the procedure be streamlined, and that statistics for programme completion and enforcement action taken be routinely collated and published.	<p>MOJ</p> <p>MOJ will include an outline of this Recommendation in the discussion document reviewing the Domestic Violence Act 1995 and related legislation.</p>
29. THAT protocols be developed so that providers of respondents programmes are routinely given names and contact details of protected persons to facilitate victim contact.	<p>MOJ</p> <p>MOJ will include an outline of this Recommendation in the discussion document reviewing the Domestic Violence Act 1995 and related legislation.</p>
New Zealand Police	
30. THAT the New Zealand Police Family Violence Policy be revised to: <ul style="list-style-type: none"> a) incorporate a predominant aggressor test in relation to arrest; b) include a specific direction that the victim is not to be placed in the position of having to decide whether the offender is to be charged and/or arrested; c) reflect a presumption that victims will not be able to participate in prosecutions, and that prosecution without victim participation be used whenever possible; d) emphasise investigative practices which will support the more effective prosecution of offenders, including collecting and presenting evidence which demonstrates the full extent 	<p>Police</p> <p>New Zealand Police is developing a proposal for a first principles review of the Police Family Violence Policy to be undertaken. Any review will consider the recommendations of this report.</p> <ul style="list-style-type: none"> a) Police have previously considered a “predominant aggressor” test. The Police recommendation is that in the NZ environment (with no mandatory arrest) emphasis should be given to focusing staff on legal requirements in relation to self-defence. b) The practical implications and viability of this recommendation for victims, and the operational (and prosecution) consequences for the Police, will be considered as part of the proposed review of the Police Family Violence Policy. Police training for investigations and

<p>and impact of violence; and</p> <p>e) reflect the provisions of the Bail Act 2000 to incorporate a presumption against the granting of police bail to any domestic violence offender, and a specific direction that any offender released on police bail be subject to a non-association condition in respect of the victim.</p>	<p>risk assessment recognises that victims may be reluctant witnesses in a prosecution or may recant their evidence.</p> <p>c) The newly approved Police Family Violence Prosecution Policy (a key item of work initiated by the Taskforce for Action on Violence within Families in 2006) provides guidance about victims giving evidence, including how to deal with cases where the victim is reluctant or refuses to give evidence. Police training for investigations and risk assessment recognises that victims may be reluctant witnesses in a prosecution or may recant their evidence.</p> <p>d) The Family Violence Prosecution Policy places emphasis on the need for competent investigations to be undertaken and that all available and relevant admissible evidence will be submitted by investigators. It will be supported by work underway on the Police <i>Family Violence Investigation Report</i>, which provides a practical tool for improving family violence investigations. This is supported by mandatory training for frontline staff on investigation and risk assessment for family violence, which includes advice about how to manage the difficult dynamics associated with family violence investigations.</p> <p>e) This recommendation will be considered as part of the proposed review of the Police Family Violence Policy. This will be complemented by the Family Violence Prosecution Policy in the context of court bail.</p>
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<p>31. THAT the New Zealand Police places much greater priority on following up and charging respondents who breach the non-contact provisions of their protection order but have left the scene by the time the patrol arrives, and that where there are multiple offences, each is charged.</p>	<p>Police</p> <p>Police are working to improve the enforcement of protection orders as part of the Taskforce for Action on Violence within Families' 2006/07 work programme. Central to this is the Family Violence Prosecution Policy, which places emphasis on prosecuting for breaches, where there is evidence. Work is also underway to implement mandatory training to frontline staff on protection orders, including training around breaches and investigation. This will strengthen Police investigation practices in family violence cases, including for alleged breaches of protection orders.</p>
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<p>32. THAT, wherever possible, police officers completing domestic violence risk assessments do so in consultation with victims and that the results be made available to them.</p>	<p>Police</p> <p>This is being considered as part of the current work programme within Police regarding the implementation of the <i>Family Violence Investigation Report</i> (which includes risk assessment). The current mandatory training on family violence investigations and risk assessment instructs investigators that wherever possible, risk assessments are obtained and that they are undertaken in consultation with the victim.</p>
<p>33. THAT the New Zealand Police:</p> <ul style="list-style-type: none"> a) accelerates efforts to increase the ethnic, cultural and linguistic diversity among police recruits; and b) ensures District Commanders identify interpreters on whom they can call to assist when dealing with non-English speakers in their districts. 	<p>Police</p> <ul style="list-style-type: none"> a) Increasing diversity within the Police is one of Police's key recruitment priorities. All Police recruits receive ethnic training. Asian and ethnic liaison officer positions have been established in Auckland and Christchurch and are supported by an ethnic advisor providing a national perspective on these issues. b) Police are seeking to improve access to interpreting services and this is being considered as part of the current work programme within Police. As a starting point, each District has a list of interpreters available locally.
<p>34. THAT the New Zealand Police substantially increases the amount of pre-service and in-service training in domestic violence, and ensures that such training pays particular attention to helping police officers understand the dynamics of family violence in diverse cultural contexts.</p>	<p>Police</p> <p>Police are currently working to increase the provision of in-service training.</p> <p>Police will consider increasing the provision of pre-service training given to recruits.</p> <p>Police response to family violence is supported by the appointment of additional family violence co-ordinators to assist frontline officers to understand and respond appropriately to family violence.</p>

<p>35. THAT the New Zealand Police places greater priority on working in genuinely collaborative partnerships with Women's Refuges and other specialist domestic violence organisations and negotiates with them;</p> <ul style="list-style-type: none"> a) protocols for the provision of support to victims of family violence; b) case-specific protocols for sharing information which will help to hold offenders accountable for their violence; and c) arrangements by which specialist domestic violence community-based organisations can participate in monitoring the response of the police and other state institutions. 	<p>Police</p> <p>Police participation in the Taskforce for Action on Violence within Families and its work programme has increased opportunities for Police to engage with other agencies and non-government organisations to respond to family violence.</p> <p>The Family Violence Interagency Response System (FVIARS) was initiated by the Taskforce and involves Police, the Ministry of Social Development (CYF) and the National Collective of Independent Women's Refuges. This aims to better support victims of family violence and build stronger links between government and non-government agencies at a community level.</p> <p>Police are also working with Victim Support to determine how that organisation may contribute to effective services to the victims of family violence, particularly where other specialist services are not readily available.</p>
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<p>Immigration Issues</p>	
<p>36. THAT the Victims of Domestic Violence Policy be aligned with the Domestic Violence Act 1995 by including the interests of children as one of the factors that must be considered when determining whether a woman's application for residence and/or a work permit should be granted.</p>	<p>Department of Labour (DOL) with MWA</p> <p>The victims of domestic violence policy was strengthened in April 2007 to include a final protection order as evidence of domestic violence for the purposes of this policy.</p> <p>DOL, in consultation with MWA, is undertaking a further review of this policy and associated processes to identify any other improvements that can be made to its provisions and operation. This work will include engaging with the recommendations in the report.</p> <p>In addition, DOL is establishing an inter-agency group focused on migrant family violence to identify initiatives in place across government and opportunities for further action. This work will link to the Taskforce for Action on Violence within Families, the Taskforce for Action on Sexual Violence and the New Zealand Settlement Strategy National Action Plan.</p>

<p>37. THAT immigration officers considering applications for residence under the Victims of Domestic Violence Policy be given powers to consider a wider range of evidence in determining whether domestic violence within the meaning of section 3 of the Domestic Violence Act 1995 has occurred, but that the rules be drafted to specifically exclude consideration of information from the abuser.</p>	<p>DOL</p> <p>See above comment at recommendation 36</p> <p>Note that the Immigration Act is framework legislation with details on specific policies set out in the Operations Manual. As part of the Immigration Act Review, Cabinet has agreed that the legislation will provide that sponsors have to be acceptable to the Minister of Immigration or an immigration officer.</p>
<p>38. THAT when an application for residence under the Victims of Domestic Violence Policy is being considered, the woman's own perception of her circumstances should be the basis for the verification of evidence in support of her claim of an inability to return home, that her husband's or partner's views should not be considered, and that the burden of proving the general status of women in a society should not depend exclusively on evidence provided by the applicant.</p>	<p>DOL</p> <p>See above comment at recommendations 36 and 37.</p>
<p>39. THAT Immigration New Zealand works with relevant migrant communities to:</p> <ul style="list-style-type: none"> a) make information about the Victims of Domestic Violence Policy available in a simple form and in languages understood by the major immigrant groups in New Zealand; b) ensure that such information is provided to women when they arrive in New Zealand or make an application for residence; c) distribute that information in places where immigrant women are most likely to go; and d) ensure that orientation programmes for new immigrants allocate time exclusively for women where they are informed about the Policy as well as other relevant New Zealand law and services. 	<p>DOL</p> <p>See above comment at recommendations 36 and 37.</p>

40. THAT a clear statement should be included in the Immigration New Zealand <i>Operations manual</i> to the effect that the purpose of the Victims of Domestic Violence Policy is to give effect to New Zealand's international obligation to end violence against women.	DOL See above comment at recommendations 36 and 37.
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Child, Youth and Family	
41. THAT Child, Youth and Family adopts risk assessment protocols which: <ul style="list-style-type: none"> a) are consistent with the definition of domestic violence in the Domestic Violence Act 1995, especially section 3(3) where the victim of the violence is not construed as having caused the children to hear or see the abuse meted out against her; b) require social workers to screen for domestic violence; and c) require social workers, where domestic violence is detected, to evaluate battered women's parenting in the context of the constraints imposed by such violence. 	Child, Youth and Family (CYF) When Child, Youth and Family receive a notification of concern for a child or young person, the information the notifier provides is explored in order to identify what safety issues are indicated for the child or young person. This includes exploring for issues of potential family violence, if indicated by the information provided. Phase 2 of the Local Case Co-ordination approach (part of the Taskforce for Action on Violence within Families' first Programme of Action and known as the Family Violence Interagency Response System, or FVIARS) addresses this recommendation. While the Case Co-ordination approach enables agencies to work together to determine the best response to incidents of family violence notified to Police, agreement has been secured across three agencies (Police, CYF and Refuge) to work together to establish a common risk assessment framework.

42. THAT Child, Youth and Family places greater priority on perpetrator accountability through the use of restraining orders and the prosecution of perpetrators, and works collaboratively with the police to ensure the effective prosecution and enforcement of restraining orders.	CYF CYF's role is about the care and protection of children, not accountability of perpetrators. While the use of restraining orders (pursuant to section 88 or 87 of the Children Young Persons and their Families Act 1989) is one approach to help keep children safe and abusers accountable for their violence, greater use of this statutory mechanism could have unintended consequences for the women and children.
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	<p>However, due to the process involved in obtaining a restraining order under this legislation the State's involvement in this process may not be welcomed by the women involved.</p> <p>Obtaining a restraining order is a statutory process to be invoked where there is a reasonable belief that a child is in need of care and protection.</p> <p>In the first instance it involves an application to the Family Court for a declaration (section 67) that a child is in need of care or protection. This is then followed by a Family Group Conference and either the development of an FGC plan or a plan that is approved by the Court. The perpetrator and his/her family (assuming the perpetrator has a parental relationship with the child) are entitled members to any FGC and have a right to be involved in the decisions made.</p> <p>Taking such action introduces to the family statutory intervention by the State and may require involvement of the perpetrator in resolving care and protection issues for the child(ren).</p> <p>Clearly it is desirable to institute the provisions of the CYP&F Act but only when appropriate, taking such action should not occur in lieu of other processes and mechanisms to ensure, first and foremost the safety of children, and that of their mothers.</p>
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<p>43. THAT Child, Youth and Family places greater priority on working collaboratively with community agencies which specialise in domestic violence work. This must include working in partnership with such organisations to assess cases, determine priorities and allocate the follow-up of children exposed to domestic violence.</p>	<p>CYF</p> <p>CYF is placing greater emphasis on working collaboratively with agencies specialising in domestic violence work, and both the Family Violence Case Co-ordination approach and the Differential Response Model (DRM) provide evidence of this.</p> <p>The National Collective of Independent Women's Refuges has been a full and equal stakeholder in the development and implementation of FVIARS nationwide, and other NGOs providing an emergency response to family violence Police reports, have been involved at local levels.</p>
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	<p>Key family violence agencies, such as Preventing Violence in the Home (PVH), were involved in the development and implementation of DRM. CYF continues to collaborate with PVH, with a PVH worker located at the Royal Oak site half-time.</p> <p>CYF collaboration with Women's Refuge is further evidenced through social work support provided in various site-specific ways: for example Tauranga is moving towards co-locating a CYF Social Worker in the local Women's Refuge.</p>
<p>44. THAT social worker training, both pre-service and in-service, pays greater attention to the dynamics of domestic violence, the co-occurrence of violence against children and women, the role of the state in holding perpetrators accountable and the importance of interagency collaboration.</p>	<p>CYF</p> <p>The need for training relating to Family Violence has been identified across the sector. As an interim step to assist with this gap, an existing family violence training package has been distributed through Police to be considered for use within the local case collaboration networks between Police, Refuge and CYF.</p> <p>CYF has also identified a particular need for further training for statutory social workers, around the dynamics of and responses to family violence within a child protection context. CYF has taken steps to address the need for specific training for CYF staff and the new Practice Induction includes a module on family violence.</p>
<p>Community and non-government organisation sector</p>	
<p>45. THAT the New Zealand Police, the courts, Child, Youth and Family, and the Department of Corrections collaborate with specialist community-based domestic violence agencies to plan and implement regular safety audits of the state agencies' handling of domestic violence cases.</p>	<p>MOJ</p> <p>MOJ works closely with other agencies to promote best practice. MOJ also has robust procedures for reviewing any identified lapses in practices (usually regulated). MOJ carries out critical incident reviews and, along with other Taskforce for Action on Violence within Families agencies, is part of the Death Review Project (lead by the Ministry of Health).</p>

<p>46. THAT counselling and generic social service agencies adopt domestic violence screening and safety protocols and ensure that only counsellors with training in domestic violence work with perpetrators and victims of domestic violence.</p>	<p>CYF</p> <p>CYF acknowledges that more family violence training is required for social workers, and is already taking steps to address this.</p> <p>MOJ</p> <p>May review the assessment process and training for court appointed counsellors to ensure best practice when referred clients have been or are experiencing domestic violence.</p>
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