

STATISTICAL REPORT

Family Court Statistics in New Zealand in 2006 and 2007



MINISTRY OF
JUSTICE
Tābū o te Ture

Family Court Statistics in New Zealand in 2006 and 2007

April 2009



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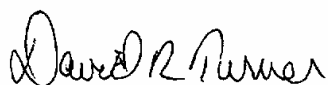
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Executive Summary

This report presents statistics on the activity in the New Zealand Family Court, and profiles some of the people that access this Court. This, the third edition, reports on two years of activity. The statistics presented here are based on applications made and disposed in the Family Court in the 2006 and 2007 calendar years. The key findings are outlined below.

Guardianship: Following the introduction of the Care of Children Act in July 2005 there was a marked decrease in the number of applications filed. This decrease was expected, because of the legislative and associated process changes which required just one application for a single parenting order covering both day-to-day care and contact arrangements. Previously, separate applications were made for each of these.

Domestic Violence: The number of applications for protection orders seems to have stabilised in recent years after a number of years of decline. Part of the reason for this observed trend is that protection orders do not expire and once a protection order is in place, the applicant will have no need to seek a new order. This explains, at least in part, the decreasing trend. The levelling off in recent years may reflect a stabilisation in the number of new applicants.

Care and Protection: After an increase in applications that children were in need of care and protection in 2005 and 2006, the number of applications seems to have returned to the level at which it was 2004. The reason for the rise and fall in applications is unclear.

Property Relationships: The number of applications for the division of relationship property has remained quite stable in recent years with only seasonal fluctuations apparent, with the lowest number of applications received during the holiday period of January. Around two thirds of applicants for the division of relationship property were women.

Protection of Personal and Property Rights: Overall, the number of applications filed for the protection of personal and property rights has been gradually increasing since the start of the period reported here (July 1998). This gradual increase might be expected to continue with the gradually increasing age of the national population.

Mental Health and Intellectual Disability: Applications for compulsory treatment orders have been gradually declining in the last three years. Despite this, there has been a gradual rise in the number of applications for the review of patients' conditions. Further monitoring may be necessary to better understand these contrary trends.

Requests for Counselling: There has been a marked increase in the number of requests for counselling services provided through the Family Court. It is clear that more people are accessing counselling than ever before, which may be due to increased awareness of the services that can be accessed, as well as changes to legislation (Care of Children Act) making counselling more accessible.

Adoption: There was a generally decreasing trend in adoption applications until early 2006 when the number of applications appeared to climb a little. It is possible that an application rate of just under 30 per month is generally stable with small fluctuations that are proportionately amplified by the relatively small numbers involved.

Dissolution of Marriage or Civil Union: Of all the trends reported in this report, the number of applications for dissolution of marriage or civil union has shown the most stability – even as far back as 1998.

Costs of government funded services: Expenditure on judicially ordered services in the 2005/06 financial year was \$38.3 million, rising to \$41.2 million in 2006/07. While the annual increase in spending was relatively small in 2005/06, the 2006/07 increase of 7.7 percent was the largest since 2000/01. The main part of that increase came in the area of programmes designed for those involved in or affected by domestic violence.

1 Introduction

This report presents statistics on the case flow in the Family Courts throughout New Zealand. The statistics reported here are intended for monitoring trends in the activity of the Family Court and for providing insight into the characteristics of the people accessing the Family Court in New Zealand. The report provides a descriptive overview of cases heard in the Family Court. Furthermore, the purpose of this report is to provide an overview of some of the most common case types dealt with by the Family Court, rather than provide a detailed analysis of all Family Court activity and case flow.

While this is the third report of this kind, the current report is unlike the previous ones in that it presents statistics on two calendar years rather than just a single year. The statistics cover both the 2006 and 2007 calendar years. This is intended to provide more timely data to stakeholders and users of this data.

It is expected that this report is of interest to all those with a focus on family-related issues. This may include policy analysts in related government organisations, key stakeholder groups, academic researchers and students interested in family related issues or indeed the general public.

The New Zealand Family Courts hear a variety of cases – primarily those that involve disputes and legal issues within family settings. This report primarily covers Family Court involvement where relationships have broken down, and those cases involving children. The report also discusses cases where domestic violence is involved, as well as cases that involve family members who have become mentally incapacitated.

In response to feedback from stakeholders and users of the 2005 report, there have been a number of key improvements to this report. These changes included making a change to the way that guardianship cases were counted to add some degree of clarity to data being presented. There is also additional information in this report on paternity orders and parenting orders made on domestic violence cases which did not feature in the previous report. Finally, it will be apparent that a number of the tables include more detail than was previously reported. This additional detail includes a breakdown of supervised and unsupervised contact types for granted contact orders in guardianship cases, as well as further detail on how many children were involved with granted protection order applications. These changes contribute to the continuous improvements in annual statistical reporting with the intention to provide an increasingly rich and useful source of information.

1.1 Structure of the report

This report follows the same structure as the previous two reports of this kind. This introduction contains a summary of information on all Family Court activity in 2006 and 2007 by type of case and location. The second chapter presents most of the Court statistics, with

subsections for the main types of Family Court cases. Case types that make up the subsections in Chapter Two are:

- Guardianship
- Domestic violence
- Care and protection
- Property relationships
- Mental health
- Protection of personal and property rights
- Requests for counselling
- Adoption
- Dissolution of marriages and civil unions.

For each case type, the analysis concentrates on reporting the following:

- Applications and cases in 2006 and 2007
- Trends in activity since mid 1998
- Indicative statistics on the length and outcomes of cases
- Demographic information about the main participants in the Family Court.

For some case types, the data has been insufficient in particular areas. For others, different methods are used to report the most meaningful data. Any differences in measurement and reporting are noted where relevant.

Demographic information is reported only where it had been recorded. Where appropriate, the proportion of people for whom age, gender, and ethnicity was not known is reported separately. Where appropriate, comparisons are drawn between the demographics of the people accessing the Family Court and the general population. All of the relevant Statistics New Zealand Population Census tables can be found in Appendix D at the end of this report.

All of the counts of applications, including those used in trend analysis, consider only substantive applications. This means that applications that are interlocutory in nature (i.e. those which are procedural or almost purely legal in nature where factual evidence plays little or no role) are excluded. This has been done because interlocutory applications do not impose a heavy workload on the Courts, unlike substantive applications. They also bear no relationship to the numbers of people accessing the Family Court.¹

The last section of Chapter Two reports on some of the observed Interrelationships between different case types.

The third and final chapter provides a brief discussion of trends in expenditure of government funded services made available through the Family Courts.

¹ Requests for Counselling are categorized in CMS as 'substantive' although they technically involve no judge or hearing time.

1.2 Source data

The statistics reported here were extracted from the computerised data captured from the Ministry of Justice's Case Management System (CMS). CMS has only been fully operational since November 2003 and, while there was a large migration of data from earlier Court databases (such as the Family Court Data Base or FCDB), there are some limitations to the earliest data. For this reason, some of the discussion of statistics over time pertains only to the years since CMS. This means that trend analysis is only possible for selected statistics. Furthermore, only migrated data that has been checked for its quality and consistency is reported here.

A more detailed discussion of data sources, the move to CMS, and data quality can be found in Appendix 1 of Bartlett (2006). It is important to note, however, that the availability and quality of data continues to improve over time.

It is also important to note that the CMS is a live, operational database, where the data is continually updated. Even data over a year old is subject to change, as cases and applications progress through the Courts. Data presented here is correct at the time of analysis (February/March 2008) but is subject to minor changes at any time thereafter. Furthermore, it is possible that some of the counts presented in Chapter One may differ very slightly because there was a slight delay between the main data run for Chapter Two and the summary counts as reported in Chapter One. Such small changes do not affect the analysis in any way, but do illustrate the very nature of the live and constantly changing database.

1.3 Summary information

1.3.1 Family Court activity in 2006 and 2007

A case in the Family Court is usually initiated by an application (or applications) made under one of the relevant Acts covered by the family jurisdiction. The number of applications made and the way that those applications relate to the number of cases differs from Act to Act (and case type to case type). For example, cases under the Domestic Violence Act (DV cases) are almost always triggered by a main application for a protection order, with some other applications that may be filed concurrently. With guardianship cases, on the other hand, a case may arise from several applications because there may be more than one person applying for parenting orders of the same child. Furthermore, some types of case may remain unresolved for long periods and various different applications may be filed at different points in a case's history.

Table 1.1 attempts to relate the various measures by case type. 'All applications' records all substantive applications made under the relevant Act in 2006 and 2007 respectively. The Court gives a file number to a group of applications based on the family group involved and the Act under which they are brought. The measure 'Cases for which an application was made' includes all such cases if at least one application was made in the year reported. This measure is considered to give the best indication of how many groups of people come before the Family Court each year. "New files" includes only those groups for whom a file had been

newly opened in the year of interest – i.e. those family groups who had not previously been involved in any applications of that case type. The ‘Main application(s)’ measure is the number of applications most commonly identified with the particular case.

The table shows that there is no consistent relationship between application numbers and case and/or file numbers for the various case types. For example, in 2007 just over 23,000 guardianship (GU) applications were made that related to cases involving just over 13,000 family groups. Of these family groups, 8,378 had not previously been involved with a GU application (i.e. they had a new file). For DV cases these three counts were much closer to each other.

What these two tables do show is that guardianship cases generate the most applications. This suggests that they form the largest part of Family Court activity. However, comparing numbers alone does not give a true comparison of the relative time taken by each type of case. Different cases require different levels of involvement from Court staff and the judiciary. For example, Requests and Dissolution cases are often relatively procedural, being dealt with administratively, and do not form a large part of Court activity.

The total number of applications filed in 2006 was only 0.75 percent less than the total that was recorded in 2005. In 2007, there were 2.73 percent more applications than in 2006. The number of new files in 2006 remained the same as the previous year and increased by only 0.6 percent in 2007. This may suggest that the workload of the Family Court is fairly stable. However, anecdotal evidence from Court staff suggests that the complexity of cases is increasing along with a rising number of self-litigants. This may be leading to an increased workload which is not able to be accurately measured at this stage, but should not be overlooked when considering work flow within the Family Courts. Unfortunately the number of self-litigants is not reliably recorded in CMS at the present due to the way that parties often change their representation without formal documentation.

Each of the main case types listed in the above table are discussed in more depth in separate sections in Chapter Two. There are no sections on Child Support, Estates, Alcohol and Drugs or Miscellaneous case types – since the number of applications within each of these case types is too small for meaningful analysis. Statistics on Family Proceedings cases (Paternity) are included at the end of the guardianship section.

Table 1.1: Family Court activity by case type, 2006 and 2007

| Year | Case type | All applications | Cases for which an application was made | New files | Main application(s) | Main Applications |
|------|-----------------------------|------------------|---|-----------|--|-------------------|
| 2006 | Guardianship (GU) | 21,736 | 12,422 | 7,920 | Parenting Order | 15,796 |
| | Requests (REQ) | 12,915 | 12,783 | 11,983 | Request for Counselling | 12,915 |
| | CYPF (CYPF) | 12,317 | 6,384 | 1,472 | Review of Plan | 6,338 |
| | Dissolution/Marriage (DISS) | 10,341 | 10,295 | 10,261 | Joint / Single Dissolution | 10,329 |
| | Domestic violence (DV) | 7,660 | 4,982 | 4,047 | Protection Order | 4,432 |
| | Mental health (MH) | 5,382 | 3,497 | 1,524 | Compulsory Treatment | 2,934 |
| | PPPR (PPPR) | 2,249 | 1,289 | 580 | Appointment of Welfare Guardian / Property Manager | 1,410 |
| | Property (PROP) | 1,821 | 1,395 | 1,253 | Division Relationship Property | 993 |
| | Family proceedings (FP) | 867 | 776 | 731 | Paternity ¹ | 556 |
| | Adoption (AD) | 566 | 497 | 402 | Adoption | 356 |
| | Child support (CS) | 322 | 244 | 214 | | |
| | Estates (ES) | 234 | 206 | 199 | | |
| | Alcohol & drugs (AADA) | 108 | 93 | 75 | | |
| | Miscellaneous (MISC) | 75 | 75 | 76 | | |
| 2007 | Guardianship (GU) | 23,304 | 13,136 | 8,378 | Parenting Order | 16,841 |
| | Requests (REQ) | 13,280 | 13,090 | 12,060 | Request for Counselling | 13,280 |
| | CYPF (CYPF) | 12,198 | 6,286 | 1,231 | Review of Plan | 6,558 |
| | Dissolution/Marriage (DISS) | 10,212 | 10,166 | 10,123 | Joint / Single Dissolution | 10,198 |
| | Domestic violence (DV) | 7,727 | 4,984 | 4,095 | Protection Order | 4,511 |
| | Mental health (MH) | 5,741 | 3,704 | 1,559 | Compulsory Treatment | 2,875 |
| | PPPR (PPPR) | 2,229 | 1,320 | 584 | Appointment of Welfare Guardian / Property Manager | 1,426 |
| | Property (PROP) | 1,862 | 1,406 | 1,263 | Division Relationship Property | 957 |
| | Family proceedings (FP) | 829 | 734 | 701 | Paternity ¹ | 537 |
| | Adoption (AD) | 596 | 544 | 460 | Adoption | 379 |
| | Child support (CS) | 337 | 269 | 211 | | |
| | Estates (ES) | 234 | 209 | 204 | | |
| | Alcohol & drugs (AADA) | 94 | 87 | 57 | | |
| | Miscellaneous (MISC) | 78 | 78 | 83 | | |

Notes:

1 There was an error in the 2005 report where this number was grossly underrepresented. There were 732 applications for Paternity Orders in 2005.

2 Hague (HA) case types have been excluded from the above table because of known inaccuracies in the way that these cases are recorded in CMS.

1.3.2 Distribution by Court cluster in 2006 and 2007

To compare Family Court activity by geographical location, the measure of 'Cases for which an application was made' was used. This is reported in Tables 1.2 and 1.3 for 2006 and 2007 respectively. The tables report both application counts in each cluster, as well as each count as a proportion of the total cases for each Court cluster.

The breakdown is presented here by Court cluster rather than by individual Court. The Court Cluster groups and the Courts covered by them are listed in Appendix B of this report. Note that the number of Courts included in each cluster varies. For example the Auckland cluster includes only the Auckland Family Court whereas the Wellington cluster includes the Porirua, Masterton, Upper Hutt, Lower Hutt and Wellington Courts.

Note also that the number of cases for each case type varies considerably by location. For example in 2006, while the Christchurch cluster has the largest number of guardianship applications, and indeed almost double that of the Palmerston North cluster, it had relatively fewer applications relating to protection of personal and property rights cases than Palmerston North. This can similarly be seen in the 2007 Court cluster table.

The mix of cases for each Court cluster changed little between 2005 and 2006. The largest difference within a cluster between 2005 and 2006 appeared to be in requests for counselling cases in the North Shore. This increase was from 789 applications in 2005 to 945 applications in 2006.

Between 2006 and 2007 there were also no major changes. The biggest difference in application count in any one case type in any one Court cluster was in guardianship applications in Hamilton. There were 133 more applications received in 2007 than there were in 2006. While this equated to a 15 percent increase for this type of application in Hamilton, the distribution of these types of applications across the country was generally unchanged.

Of further note, Christchurch has the highest proportion of requests for counselling for both years, at 20 percent in 2006 and 17 percent in 2007. Some may expect that the regional distribution of counselling requests to generally mirror the regional distributions of guardianship and domestic violence cases. This seems not the case here. While Christchurch does have the highest proportions of guardianship and domestic violence cases (at around 12 percent for GU and 15 percent for DV), the share of counselling requests is greater in Christchurch than might be expected. Further analysis into this, as well as case resolution times may uncover some useful insights around the use of counselling services in Christchurch.

Table 1.2: Cases for which an application was made in 2006 by court cluster

| Cluster | Alcohol & Drugs | | Adoption | | Child Support | | CYPF | | Dissolution | | Domestic Violence | | Estates | | Family Proceedings | |
|------------------|-----------------|-----|----------|-----|---------------|-----|-------|-----|-------------|-----|-------------------|-----|---------|-----|--------------------|-----|
| | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % |
| Auckland | 1 | 1 | 34 | 7 | 16 | 7 | 299 | 5 | 1,093 | 11 | 377 | 8 | 32 | 16 | 65 | 8 |
| Christchurch | 40 | 43 | 67 | 13 | 47 | 19 | 1,077 | 17 | 1,488 | 14 | 696 | 14 | 35 | 17 | 130 | 17 |
| Dunedin | 2 | 2 | 17 | 3 | 8 | 3 | 323 | 5 | 430 | 4 | 164 | 3 | 11 | 5 | 35 | 5 |
| Gisborne | 1 | 1 | 5 | 1 | 1 | 0 | 110 | 2 | 85 | 1 | 124 | 2 | 2 | 1 | 12 | 2 |
| Hamilton | 7 | 8 | 29 | 6 | 19 | 8 | 493 | 8 | 796 | 8 | 316 | 6 | 12 | 6 | 48 | 6 |
| Hawke's Bay | 1 | 1 | 18 | 4 | 10 | 4 | 268 | 4 | 416 | 4 | 271 | 5 | 10 | 5 | 39 | 5 |
| Invercargill | 3 | 3 | 8 | 2 | 3 | 1 | 215 | 3 | 214 | 2 | 135 | 3 | 6 | 3 | 26 | 3 |
| Manukau | 2 | 2 | 88 | 18 | 25 | 10 | 657 | 10 | 1,155 | 11 | 559 | 11 | 11 | 5 | 63 | 8 |
| Nelson | 4 | 4 | 1 | 0 | 9 | 4 | 223 | 3 | 358 | 3 | 126 | 3 | 7 | 3 | 20 | 3 |
| New Plymouth | 1 | 1 | 10 | 2 | 7 | 3 | 141 | 2 | 289 | 3 | 163 | 3 | 7 | 3 | 31 | 4 |
| North Shore | 1 | 1 | 31 | 6 | 26 | 11 | 191 | 3 | 664 | 6 | 233 | 5 | 14 | 7 | 31 | 4 |
| Palmerston North | 7 | 8 | 19 | 4 | 8 | 3 | 502 | 8 | 567 | 6 | 347 | 7 | 6 | 3 | 64 | 8 |
| Rotorua | 2 | 2 | 21 | 4 | 10 | 4 | 227 | 4 | 274 | 3 | 237 | 5 | 7 | 3 | 34 | 4 |
| Tauranga | 3 | 3 | 26 | 5 | 12 | 5 | 414 | 6 | 538 | 5 | 272 | 5 | 13 | 6 | 32 | 4 |
| Waitakere | 0 | 0 | 43 | 9 | 13 | 5 | 330 | 5 | 547 | 5 | 239 | 5 | 10 | 5 | 47 | 6 |
| Wellington | 17 | 18 | 66 | 13 | 21 | 9 | 641 | 10 | 1,055 | 10 | 469 | 9 | 17 | 8 | 61 | 8 |
| Whangarei | 1 | 1 | 14 | 3 | 9 | 4 | 273 | 4 | 326 | 3 | 254 | 5 | 6 | 3 | 38 | 5 |
| Total | 93 | 100 | 497 | 100 | 244 | 100 | 6,384 | 100 | 10,295 | 100 | 4,982 | 100 | 206 | 100 | 776 | 100 |

Table 1.2: Cases for which an application was made in 2006 by court cluster (continued)

| Cluster | Guardianship | | Hague | | Mental Health | | Miscellaneous | | Protection of Personal and Property Rights | | Property | | Requests for Counselling | |
|------------------|--------------|-----|-------|-----|---------------|-----|---------------|-----|--|-----|----------|-----|--------------------------|-----|
| | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % |
| Auckland | 829 | 7 | 9 | 9 | 462 | 13 | 6 | 8 | 99 | 8 | 134 | 10 | 703 | 5 |
| Christchurch | 1,516 | 12 | 12 | 12 | 432 | 12 | 18 | 24 | 200 | 16 | 186 | 13 | 2,528 | 20 |
| Dunedin | 523 | 4 | 4 | 4 | 177 | 5 | 4 | 5 | 54 | 4 | 62 | 4 | 580 | 5 |
| Gisborne | 257 | 2 | 4 | 4 | 50 | 1 | 0 | 0 | 12 | 1 | 14 | 1 | 145 | 1 |
| Hamilton | 852 | 7 | 8 | 8 | 369 | 11 | 9 | 12 | 52 | 4 | 96 | 7 | 845 | 7 |
| Hawke's Bay | 590 | 5 | 4 | 4 | 121 | 3 | 5 | 7 | 49 | 4 | 58 | 4 | 530 | 4 |
| Invercargill | 360 | 3 | 0 | 0 | 43 | 1 | 2 | 3 | 27 | 2 | 33 | 2 | 515 | 4 |
| Manukau | 1,322 | 11 | 12 | 12 | 411 | 12 | 5 | 7 | 106 | 8 | 119 | 9 | 876 | 7 |
| Nelson | 286 | 2 | 4 | 4 | 82 | 2 | 0 | 0 | 37 | 3 | 63 | 5 | 532 | 4 |
| New Plymouth | 461 | 4 | 1 | 1 | 48 | 1 | 5 | 7 | 35 | 3 | 59 | 4 | 379 | 3 |
| North Shore | 600 | 5 | 3 | 3 | 180 | 5 | 2 | 3 | 44 | 3 | 118 | 8 | 945 | 7 |
| Palmerston North | 924 | 7 | 7 | 7 | 142 | 4 | 5 | 7 | 274 | 21 | 70 | 5 | 539 | 4 |
| Rotorua | 590 | 5 | 3 | 3 | 54 | 2 | 0 | 0 | 31 | 2 | 40 | 3 | 282 | 2 |
| Tauranga | 767 | 6 | 4 | 4 | 98 | 3 | 2 | 3 | 34 | 3 | 79 | 6 | 907 | 7 |
| Waitakere | 692 | 6 | 11 | 11 | 210 | 6 | 0 | 0 | 49 | 4 | 57 | 4 | 801 | 6 |
| Wellington | 1,259 | 10 | 11 | 11 | 445 | 13 | 8 | 11 | 160 | 12 | 139 | 10 | 1,051 | 8 |
| Whangarei | 594 | 5 | 5 | 5 | 173 | 5 | 4 | 5 | 26 | 2 | 68 | 5 | 625 | 5 |
| Total | 12,422 | 100 | 102 | 100 | 3,497 | 100 | 75 | 100 | 1,289 | 100 | 1,395 | 100 | 12,783 | 100 |

Table 1.3: Cases for which an application was made in 2007 by court cluster

| Cluster | Alcohol & Drugs | | Adoption | | Child Support | | CYPF | | Dissolution | | Domestic Violence | | Estates | | Family Proceedings | |
|------------------|-----------------|------------|------------|------------|---------------|------------|--------------|------------|---------------|------------|-------------------|------------|------------|------------|--------------------|------------|
| | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % |
| Auckland | 2 | 2 | 51 | 9 | 23 | 9 | 318 | 5 | 1,113 | 11 | 357 | 7 | 27 | 13 | 58 | 8 |
| Christchurch | 40 | 46 | 63 | 12 | 31 | 12 | 1,051 | 17 | 1,400 | 14 | 742 | 15 | 26 | 12 | 123 | 17 |
| Dunedin | 4 | 5 | 7 | 1 | 3 | 1 | 322 | 5 | 406 | 4 | 193 | 4 | 10 | 5 | 42 | 6 |
| Gisborne | 0 | 0 | 2 | 0 | 8 | 3 | 116 | 2 | 98 | 1 | 95 | 2 | 1 | 0 | 4 | 1 |
| Hamilton | 4 | 5 | 36 | 7 | 24 | 9 | 465 | 7 | 776 | 8 | 361 | 7 | 12 | 6 | 54 | 7 |
| Hawke's Bay | 3 | 3 | 16 | 3 | 6 | 2 | 229 | 4 | 376 | 4 | 243 | 5 | 6 | 3 | 26 | 4 |
| Invercargill | 3 | 3 | 13 | 2 | 6 | 2 | 221 | 4 | 217 | 2 | 124 | 2 | 10 | 5 | 21 | 3 |
| Manukau | 3 | 3 | 107 | 20 | 37 | 14 | 622 | 10 | 1,115 | 11 | 495 | 10 | 14 | 7 | 57 | 8 |
| Nelson | 3 | 3 | 10 | 2 | 4 | 1 | 248 | 4 | 381 | 4 | 135 | 3 | 9 | 4 | 16 | 2 |
| New Plymouth | 1 | 1 | 8 | 1 | 10 | 4 | 117 | 2 | 276 | 3 | 153 | 3 | 9 | 4 | 24 | 3 |
| North Shore | 0 | 0 | 31 | 6 | 24 | 9 | 211 | 3 | 736 | 7 | 210 | 4 | 9 | 4 | 40 | 5 |
| Palmerston North | 6 | 7 | 26 | 5 | 10 | 4 | 528 | 8 | 559 | 5 | 376 | 8 | 16 | 8 | 60 | 8 |
| Rotorua | 2 | 2 | 17 | 3 | 6 | 2 | 233 | 4 | 274 | 3 | 240 | 5 | 7 | 3 | 41 | 6 |
| Tauranga | 0 | 0 | 24 | 4 | 21 | 8 | 401 | 6 | 579 | 6 | 293 | 6 | 14 | 7 | 36 | 5 |
| Waitakere | 0 | 0 | 38 | 7 | 24 | 9 | 356 | 6 | 466 | 5 | 219 | 4 | 6 | 3 | 31 | 4 |
| Wellington | 16 | 18 | 78 | 14 | 26 | 10 | 598 | 10 | 1,043 | 10 | 523 | 10 | 24 | 11 | 76 | 10 |
| Whangarei | 0 | 0 | 17 | 3 | 6 | 2 | 250 | 4 | 351 | 3 | 225 | 5 | 9 | 4 | 25 | 3 |
| Total | 87 | 100 | 544 | 100 | 269 | 100 | 6,286 | 100 | 10,166 | 100 | 4,984 | 100 | 209 | 100 | 734 | 100 |

Table 1.3: Cases for which an application was made in 2007 by court cluster (continued)

| Cluster | Guardianship | | Hague | | Mental Health | | Miscellaneous | | Protection of Personal and Property Rights | | Property | | Requests for Counselling | |
|------------------|---------------|------------|-----------|------------|---------------|------------|---------------|------------|--|------------|--------------|------------|--------------------------|------------|
| | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % |
| Auckland | 851 | 6 | 8 | 9 | 482 | 13 | 0 | 0 | 111 | 8 | 154 | 11 | 698 | 5 |
| Christchurch | 1,588 | 12 | 5 | 5 | 454 | 12 | 25 | 32 | 217 | 16 | 182 | 13 | 2,546 | 19 |
| Dunedin | 493 | 4 | 4 | 4 | 198 | 5 | 0 | 0 | 54 | 4 | 62 | 4 | 585 | 4 |
| Gisborne | 229 | 2 | 2 | 2 | 62 | 2 | 0 | 0 | 5 | 0 | 12 | 1 | 128 | 1 |
| Hamilton | 983 | 7 | 10 | 11 | 389 | 11 | 10 | 13 | 61 | 5 | 90 | 6 | 915 | 7 |
| Hawke's Bay | 641 | 5 | 1 | 1 | 126 | 3 | 7 | 9 | 43 | 3 | 46 | 3 | 468 | 4 |
| Invercargill | 391 | 3 | 5 | 5 | 42 | 1 | 4 | 5 | 16 | 1 | 42 | 3 | 500 | 4 |
| Manukau | 1,306 | 10 | 11 | 12 | 447 | 12 | 4 | 5 | 113 | 9 | 129 | 9 | 995 | 8 |
| Nelson | 338 | 3 | 3 | 3 | 86 | 2 | 0 | 0 | 41 | 3 | 54 | 4 | 603 | 5 |
| New Plymouth | 532 | 4 | 3 | 3 | 73 | 2 | 8 | 10 | 35 | 3 | 38 | 3 | 353 | 3 |
| North Shore | 696 | 5 | 5 | 5 | 180 | 5 | 3 | 4 | 55 | 4 | 121 | 9 | 982 | 8 |
| Palmerston North | 995 | 8 | 4 | 4 | 143 | 4 | 0 | 0 | 232 | 18 | 55 | 4 | 583 | 4 |
| Rotorua | 628 | 5 | 1 | 1 | 60 | 2 | 0 | 0 | 26 | 2 | 44 | 3 | 403 | 3 |
| Tauranga | 842 | 6 | 6 | 7 | 117 | 3 | 2 | 3 | 48 | 4 | 66 | 5 | 947 | 7 |
| Waitakere | 684 | 5 | 7 | 8 | 217 | 6 | 0 | 0 | 69 | 5 | 76 | 5 | 693 | 5 |
| Wellington | 1,381 | 11 | 14 | 15 | 463 | 13 | 13 | 17 | 171 | 13 | 158 | 11 | 1,082 | 8 |
| Whangarei | 556 | 4 | 2 | 2 | 165 | 4 | 2 | 3 | 23 | 2 | 77 | 5 | 609 | 5 |
| Total | 13,134 | 100 | 91 | 100 | 3,704 | 100 | 78 | 100 | 1,320 | 100 | 1,406 | 100 | 13,090 | 100 |

2 Statistics for individual case types

This chapter reports statistics for the following case types:

- Guardianship (GU)
- Domestic violence (DV)
- Care and protection (CYPF)
- Relationship property (PROP)
- Mental Health (MH)
- Protection of personal and property rights (PPPR)
- Requests for counselling (REQ)
- Adoption (AD)
- Dissolution of marriages and civil unions (DISS).

Application and case counts are presented for each case type. Different measures are used to capture outcomes, timeframes and activity, where appropriate.

The Case Management System (CMS) is a tool used by the Ministry of Justice to record types of cases and their progression through the legal system. It was gradually 'rolled out' between April and November 2003 to replace the earlier Family Court Data Base (FCDB). In 1998, only 21 out of the 57 Courts were using FCDB. This gradually increased until eventually 43 Courts were using it, before all 57 started using CMS in November 2003.

Whilst such a gradual introduction works well operationally, it does affect the ability to carry out trend analysis. Because of that, much of the trend analysis presented here is based on data from the 21 Courts (and one Hearing Centre) that were the ones using the FCDB in July 1998. However, these Courts account for approximately 80 percent of all cases. In some instances, trend analysis uses the 35 Courts that were using FCDB at July 2000, accounting for approximately 95 percent of all cases.

For some case types, statistics are also presented on the outcomes of applications. Similarly, the statistics on the length of time to process cases are presented for some case types. Only those case types where the duration of cases vary considerably are reported.

Demographic information about the main participants in each case type is also presented. The purpose is partly to determine to what extent demographic information has been collected, and also to explore the characteristics of the people accessing the Family Courts. In some cases, the demographic profiles of the different parties (e.g. applicant, respondent, and child) are compared and contrasted.

Family Court processes are not only complex but vary considerably depending on the type of case. The purpose of the statistics presented here is to facilitate comparisons over time and between the different types of case. These statistics could also form the basis for more in-depth analyses of specific case types.

2.1 Guardianship cases

2.1.1 Background

Until 30 June 2005, disputes relating to the custody, access and guardianship of children were governed by the Guardianship Act 1968 (GA). The Guardianship Act was repealed and the Care of Children Act 2004 (CoCA) came into force on 1 July 2005.

This presents a problem for reporting trends in guardianship cases over time. The provisions of the CoCA are different from those in the GA in a procedural sense. The aim of the CoCA was to simplify and possibly hasten the Court process in such disputes. For example, under the GA it was common to receive multiple separate applications and cross-applications regarding the custody of, and the access to children. In contrast, under the CoCA there is one application for a parenting order which covers both day-to-day care (custody) and contact (access) issues for all of the parties.

Another difference is that under the GA, applicants had to apply separately for an interim order. There is no requirement for that in the CoCA where an interim order (and later, the final order) can be issued from a single application.

Because it is expected that users of this report will be interested in the trends over time, including data on the now-repealed GA, this report attempts to find an acceptable compromise in the presentation of the statistics covering the data since 1998. Thus, tables and figures containing long-term data will continue to be presented as a continuum. Where appropriate, demarcation lines have been inserted to mark the changeover between the GA and the CoCA.

2.1.2 Measuring guardianship activity in 2006 and 2007

This report adopts a different unit of measurement to that used in previous reports (Ong, 2007; Bartlett, 2006). In the previous reports, guardianship cases were treated as a special case type, and as such used a special method of counting devised by Bartlett called the Guardianship Analysis (GUA) case.

For reasons of simplicity in analysis and ease of comprehension, the current report reverts back to counting guardianship cases in the same way that all other case types are counted. Furthermore, the analysis is carried out primarily at the application level, which is consistent with the other sections of this report. As such, the current report has replaced GUA cases with GU cases as an activity measure. Moreover, as well as reporting the GU case trend, the current report drills into applications within the cases, to capture the activity that Bartlett (2006) created the GUA case to measure.

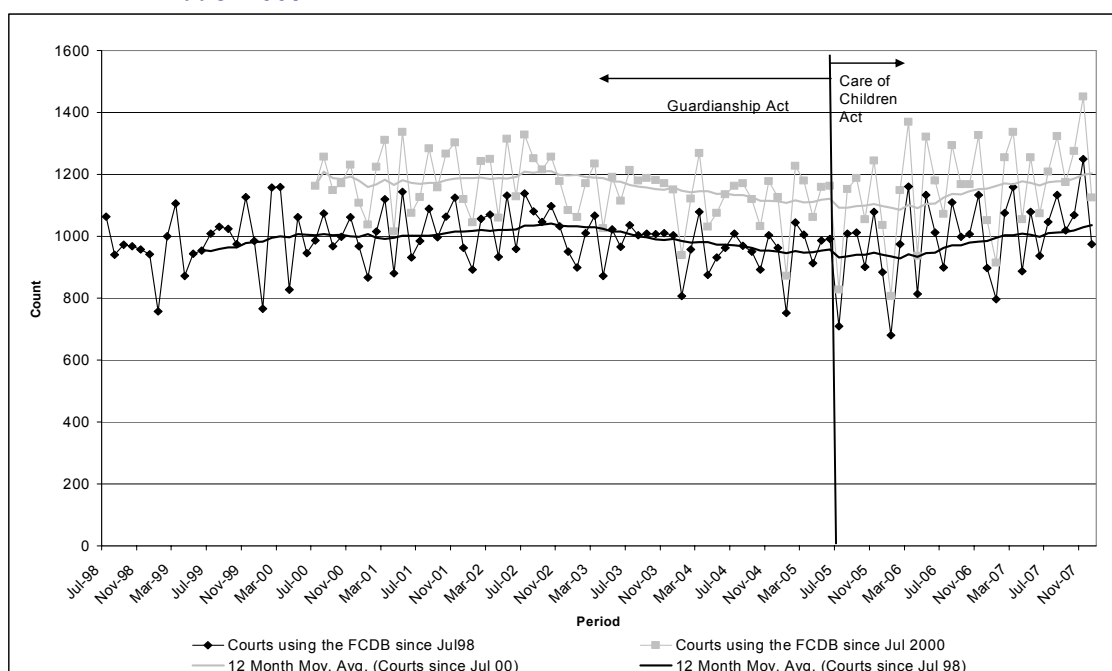
Because of this change, in some instances it will be difficult to draw comparisons between statistical data presented in the previous reports to the data presented here. The current report is also the first to include data on a full year (or more) under the CoCA, making it an appropriate time to review the measure of activity in guardianship cases. Despite the changes, some trend analysis was carried out, and most trends should look similar to those presented in the previous report. This is because overall trends appear unaffected by the

change in the unit of measurement (see Appendix C). For a more detailed discussion of the reason for moving away from the GUA measure of cases, see Appendix C.

Figure 2.1 below shows the time-series of GU cases for 21 Courts (and one Hearing Centre) that used the FCDB from July 1998 and for the 35 Courts that were using the FCDB from July 2000. There is little or no difference in the two trend lines, suggesting that both counts give a good picture of the overall trend.

From late 2002, the number of cases began trending downwards which continued until the beginning of 2006 when the number of cases began to rise again. The previous report explained that the decreasing trend was in part due to the change in administrative data systems from the FCDB to CMS in 2003, because it was found that transferred cases were likely to be counted twice on the FCDB. Furthermore, the CoCA discourages multiple applications, requiring only one parenting order application with respondents then filing a notice of defence rather than a cross-application. This likely plays a part in the observed trend. Following the introduction of the CoCA, the number of cases stabilised for a period of approximately six months before increasing again. The number of cases per month continued to increase to the end of 2007.

Figure 2.1: Trends in guardianship cases for which an application was filed, 1998–2007



2.1.3 Applications in 2006 and 2007

The guardianship applications that were filed in 2006 and 2007 are shown in Table 2.1 below, all of which were made under the Care of Children Act. There were a total of 21,738 applications in 2006 and 23,304 in 2007. The distribution of application types did not change dramatically between 2006 and 2007. It is not possible to compare these counts with previous years, because the changes to the CoCA, in the middle of 2005, brought with it different application types that were not around previously.

Table 2.1: Guardianship applications in 2006 and 2007

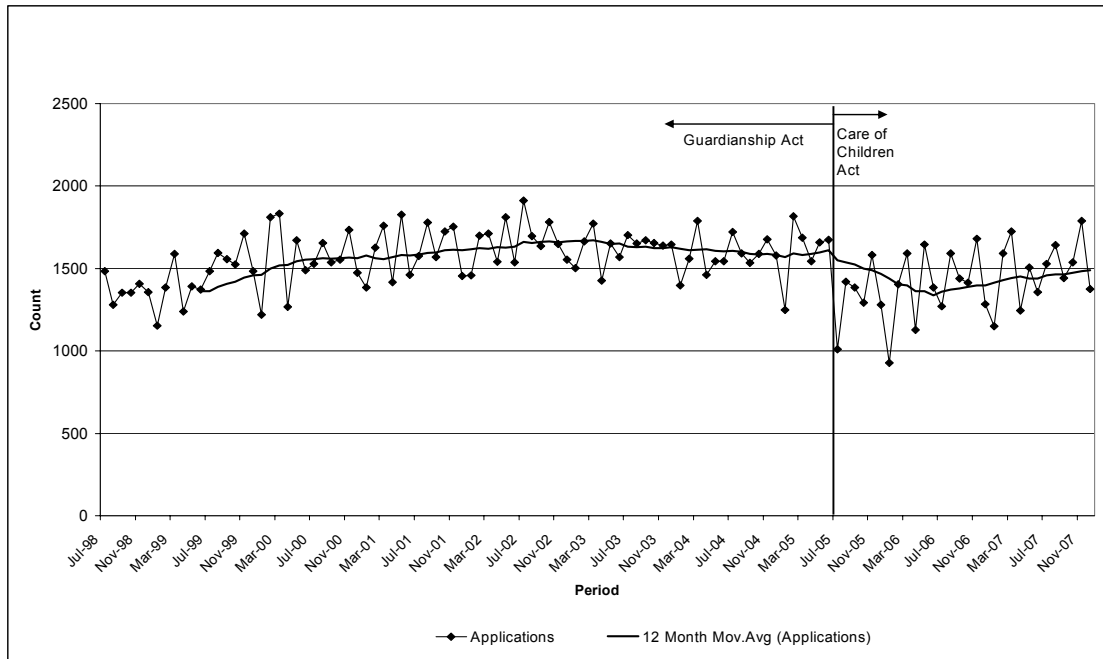
| Application type | 2006 | | 2007 | |
|---|------------------------|---------------------------------------|------------------------|---------------------------------------|
| | Number of applications | Proportion of all GU applications (%) | Number of applications | Proportion of all GU applications (%) |
| S47 Parenting order (CC18) | 11,063 | 51 | 11,207 | 48 |
| S56 Variation of parenting/other orders (CC22) | 1,754 | 8 | 1,944 | 8 |
| S27 Court appointed guardian (CC07) | 1,489 | 7 | 1,559 | 7 |
| S47 Leave to apply for parenting Order (CC20) | 1,438 | 7 | 1,623 | 7 |
| S77 Prevention removal of child from NZ (CC32) | 1,072 | 5 | 1,221 | 5 |
| S44 Dispute between guardians (CC16) | 1,026 | 5 | 1,073 | 5 |
| S65 Request for counselling under S40 or S44 (CC23) | 980 | 5 | 1,377 | 6 |
| S77(5) Discharge prevention removal of child from NZ (CC35) | 803 | 4 | 835 | 4 |
| S72 Warrant to enforce role of providing day-to-day care (CC30) | 622 | 3 | 728 | 3 |
| S56 Discharge of parenting/other orders (CC21) | 381 | 2 | 449 | 2 |
| S73 Warrant to enforce order for contact with child (CC31) | 244 | 1 | 253 | 1 |
| Total initiated by 'Other' application ¹ | 866 | 4 | 1,035 | 4 |
| Total number of applications | 21,738 | 100 | 23,304 | 100 |
| Total number of cases to which applications relate | 12,422 | | 13,136 | |

Notes:

1 'Other' applications include all those that each make up less than one percent of all GU applications (some examples include applications for warrants to prevent concealment of whereabouts of a child, applications for enforcement of a New Zealand order overseas, application for requirement not to pay security for costs etc.).

The total number of applications filed each month between July 1998 and December 2007, for those Courts that were using the FCDB from July 1998, is shown in Figure 2.2 below. As discussed in detail in an earlier report (Bartlett, 2005) the increasing trend at the start of the time series is due to issues around the capture of the data, and the gradual introduction of both the FCDB and later CMS across Courts. When data became more reliable, it seemed that there were a steady number of applications filed each month. The time period of particular interest in Figure 2.2 is from July 2005 when the Care of Children Act came into force. As expected, the number of applications filed each month dropped quite steeply at that time until around a year later when the number began to rise again. The trend shows that the number of applications filed each month has continued to rise since July 2006. The CoCA was expected to reduce the number of applications, and this is exactly what it appeared to do. The increasing trend evident from a year after the CoCA was introduced demonstrates that the number of cases may be rising.

Figure 2.2: Trends in guardianship applications, Jul 1998–Dec 2007



Notes:

1 The above figure uses data from those Courts that were using the FCDB in July 1998.

It is revealing to note that the number of cases had stabilised (see Fig 2.1) as the number of applications dropped following the introduction of CoCA. This means that the amplitude of the change in application numbers following CoCA may have been softened somewhat by the increasing number of cases. Thus the CoCA may have had a greater effect on application numbers than is obvious in Figure 2.2.

2.1.4 Length of GU applications

As with the other figures and tables reported in this section, the next figure is somewhat different to that which was used to report 2005 data. This is because Figure 2.3 below reports the length of time for GU applications, as opposed to cases which were reported by Ong (2007), making this section more consistent with other sections. This is because the length of the substantive application is generally the main determinant of the length of a case.

The length of time from filing to disposal of an application is one indication of its complexity. The length of an application may depend on a number of factors such as:

- the type of application;
- the extent to which the application and/or its outcome is disputed;
- the number of children involved;
- whether parties live in different geographical locations; and
- whether the applicants are self-represented.

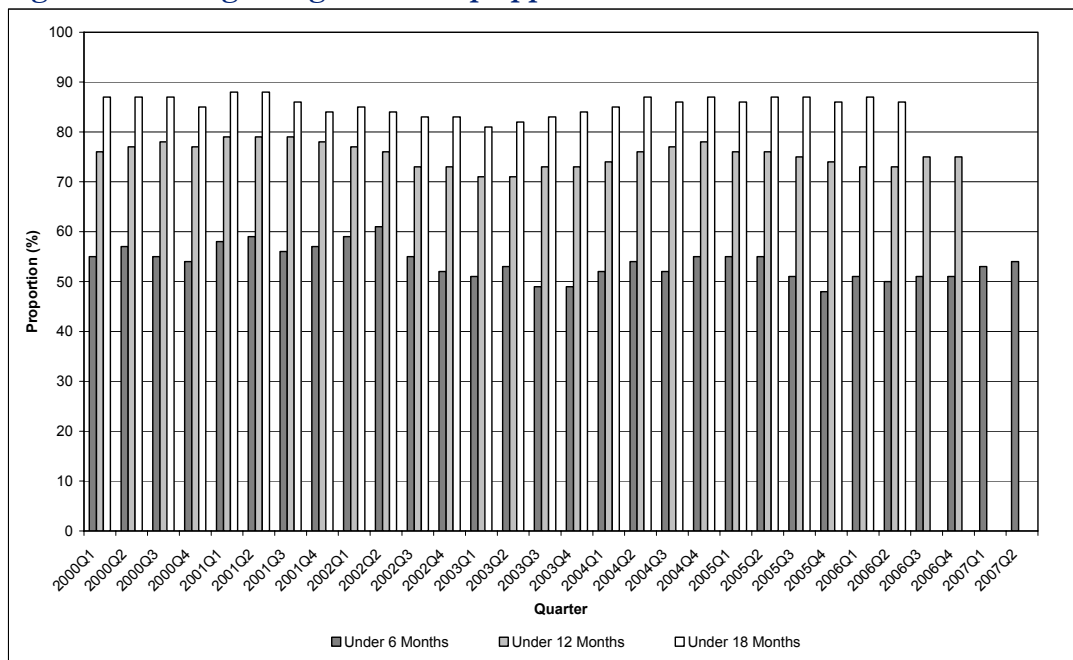
Application length is also dependent on the extent to which differences between parties can be reconciled. Parties to GU cases are initially referred to counselling. Cases remaining unresolved after counselling would usually attend a Judge-led mediation conference.

Defended proceedings are considered a last resort if these other avenues do not resolve the parties' differences. Though many GU cases are quickly resolved, some can last up to two years or more.

To give a picture of application length, the proportion of applications filed in any given quarter were divided and reported as proportions that were completed within 6, 12 and 18 months. This information is presented in Figure 2.3 below. It should be obvious that not all the bars can be presented for the whole of 2007, as the percentage of cases completed within 18 months is only available for applications starting before the first half of 2006. Similarly the proportion of cases that were completed within 6 months cannot be reported for those applications filed in the later half of 2007.

Figure 2.3 shows that, since the first quarter in 2000, there has not been a huge amount of variation in the disposal time of GU applications. There was, however, a period at the end of 2003 when application disposal times must have slowed somewhat, giving the slight dip that is apparent in the graph. It is likely that this apparent dip was due to the transition from the FCDB to CMS. There were conversion problems in a number of Courts with some closed cases appearing open on the system. Such problems may have caused some cases at and around that time to appear to be taking longer than they actually were.

Figure 2.3: Length of guardianship applications



Time taken to resolve parenting order applications

In the previous report (Ong, 2007), analysis was carried out on the time that it took to resolve custody applications. The Care of Children Act came into effect for the second half of 2005 onwards, as already noted, and so this report presents a table for parenting orders which looks very similar to the previous table but is not directly comparable. This is because of a number of reasons, which are noted below the table. The main reason is that parenting order

applications (under CoCA) include both day-to-day care and contact, while the previous report looked only at custody applications (vis-à-vis day-to-day care).

Table 2.2 below reports the proportion of parenting order applications (CC18 only) that were completed within 6 months and 12 months. As with the previous figure (Fig. 2.3), the table helps to give a picture of the time that it takes the Family Courts to resolve such applications. While it is difficult to get an idea of the trend over just a two-year period since the introduction of the CoCA, what can be read from this table is that, over this period, there has been little change in the time taken to resolve parenting order applications. There are only very minor fluctuations between quarters for the time period reported here.

Table 2.2: Time taken to resolve parenting order applications (CC18)

| Applications filed in the quarter ending | Proportion completed within 6 months (%) | Proportion completed within 12 months (%) |
|--|--|---|
| 2005Q3 | 40 | 68 |
| 2005Q4 | 37 | 68 |
| 2006Q1 | 40 | 66 |
| 2006Q2 | 38 | 65 |
| 2006Q3 | 37 | 65 |
| 2006Q4 | 36 | 67 |
| 2007Q1 | 40 | N/A |
| 2007Q2 | 41 | N/A |

Notes:

- 1 This table is not comparable to the table that presented similar (but different) information in the 2005 report (Table 2.2). The reason for this is that the table in the 2005 report counted only custody applications under the GA, whereas this table counts parenting order applications. But these include both day-to-day care (vis-à-vis custody under GA) as well as contact (access under GA).
- 2 This table gives percentages of the proportion of all parenting order applications that were filed in each quarter (including those that may still be active).

While it has not been included in this report, a useful inclusion in the next report might be to note the proportion of applications that were resolved at the varying stages of the case: at counselling, mediation, and defended hearings.

2.1.5 Outcomes of parenting order applications

When the Care of Children Act came into force in July 2005, there were some changes in both terminology and in the recording of information. The concept of 'custody' was replaced with 'day-to-day care' and 'access' with the concept of 'contact'. The Family Court now issues a parenting order that stipulates who is responsible for day-to-day care of a child, and when and how someone else important in the child's life can have contact with the child. The CoCA now also has a specific provision that allows for shared day-to-day care between more than one party.

The Case Management System was also upgraded to record three new streams of information at the filing of the application. These were (1) the relationship between the child and the various parties; (2) the relationship between the applicant and the respondent; and (3) the type of contact allowed between the child and various parties. None of these features were available when the GA was in effect. This means that families applying for parenting orders who have had guardianship matters before the Court prior to the CoCA coming into effect will not have these relationships to child or contact details recorded in CMS.

Tables 2.3 and 2.4 provide a profile of those final parenting orders made involving day-to-day care arrangements where relationship to child information is recorded.² The table divides the outcomes by the method through which the outcome was reached; by consent, following a formal proof hearing and following a defended hearing.

Where all relevant parties agree to the parenting order sought by the applicant and the Judge is satisfied that the arrangement is in the interests of the child, the Judge will grant the parenting order by consent.

A defended hearing is where the relevant parties cannot agree on a satisfactory arrangement and, after listening to all parties and evidence at a hearing, the Judge makes a decision on the parenting order.

A formal proof hearing is where only one party attends the hearing, and therefore the application is not defended. This is usually because the other party has been served with notice of the application but has taken no steps in relation to the application. The Judge listens to the party explain why they should be granted care of the children and, if satisfied with the arrangement, grants the parenting order.

Most parenting order applications (around 68%) are made by consent (i.e. with the agreement of the parties involved). A further 23 percent of applications are not contested (i.e. made by formal proof), and only 8 percent are decided after a defended hearing.

A higher proportion of applications for a parenting order are made by mothers (see Table 2.8 later); and mothers are more likely to be granted a parenting order giving them day-to-day care (most commonly with consent of the other person). This does not necessarily mean that the person making the application is more likely to be granted day-to-day care of the child. It may mean that the person who already has primary responsibility for day-to-day care seeks a parenting order to confirm existing arrangements as 91 percent of applications are either made by consent or are not contested.

Overall, fathers had full or shared responsibility for day-to-day care of the child in 22 percent of cases in 2006 and 24 percent of cases in 2007. However, it should be noted that when fathers make an application or a joint application for a parenting order, they are more likely to receive full or shared care day-to-day care (around 53 percent of the time).

For both years, around a fifth (20 percent) of all final day-to-day parenting orders provided for shared day-to-day care and in the remainder (80 percent) just one person was given day-to-day care.

² It is important to note that the parenting orders discussed here are only those applied for in guardianship cases. Under the CoCA parenting orders can also be made by Judges, without application, in domestic violence cases. The count of these orders is included in the next section.

Table 2.3: Outcomes of final day-to-day care parenting orders made by relationship to child, 2006

| Granted day-to-day care | By consent | Formal proof hearing | Defended hearing | Total | |
|---|-------------|----------------------|------------------|-------------|----------------|
| | | | | Count | Proportion (%) |
| Mother only | 1515 | 615 | 167 | 2297 | 60 |
| Father only | 303 | 79 | 55 | 437 | 11 |
| Other party | 196 | 97 | 16 | 309 | 8 |
| Shared – mother and father | 333 | 11 | 40 | 384 | 10 |
| Shared – mother and other party | 51 | 9 | 7 | 67 | 2 |
| Shared – father and other party | 34 | 2 | 4 | 40 | 1 |
| Shared – mother, father and other party | 2 | 0 | 0 | 2 | 0 |
| Shared – other parties | 182 | 78 | 18 | 278 | 7 |
| Total | 2616 | 891 | 307 | 3814 | 100 |

Notes:

- 1 It is important not to misinterpret the figures in this table. The proportions represented here are affected by the fact that more applications are filed by mothers (see Table 2.8) and that fewer fathers involve themselves in the defence of such applications.
- 2 In the table above, any person or persons other than the mother or father of the child are put in the 'Other party' category. This may include one or more grandparents, other family/ whānau and guardians to the child, or non-family members.
- 3 Shared day-to-day care arrangements may vary. Any order made which grants some day-to-day care responsibility to more than one of mother, father or other party to the child, is classified as a shared arrangement, no matter the nature or frequency of day-to-day care granted to each party.
- 4 Only GU parenting orders where all parties are identified are counted here.
- 5 The proportion is calculated of the total granted day-to-day care parenting orders.

Table 2.4: Outcomes of final day-to-day care parenting orders made by relationship to child, 2007

| Granted day-to-day care | By consent | Formal proof hearing | Defended hearing | Total | |
|---|-------------|----------------------|------------------|-------------|----------------|
| | | | | Count | Proportion (%) |
| Mother only | 1788 | 708 | 246 | 2742 | 58 |
| Father only | 366 | 114 | 78 | 558 | 12 |
| Other party | 287 | 124 | 25 | 436 | 9 |
| Shared – mother and father | 459 | 8 | 47 | 514 | 11 |
| Shared – mother and other party | 50 | 10 | 10 | 70 | 1 |
| Shared – father and other party | 30 | 13 | 2 | 45 | 1 |
| Shared – mother, father and other party | 3 | 1 | 3 | 7 | 0 |
| Shared – other parties | 257 | 88 | 20 | 365 | 8 |
| Total | 3240 | 1066 | 431 | 4737 | 100 |

Notes:

- 1 It is important not to misinterpret the figures in this table. The proportions represented here are affected by the fact that more applications are filed by mothers (see Table 2.8) and that fewer fathers involve themselves in the defence of such applications.
- 2 In the table above, any person or persons other than the mother or father of the child are put in the 'Other Party' category. This may include one or more grandparents, other family/ whānau and guardians to the child, or non-family members.
- 3 Shared day-to-day care arrangements may vary. Any order made which grants some day-to-day care responsibility to more than one of mother, father or other party to the child, is classified as a shared arrangement, no matter the nature or frequency of day-to-day care granted to each party.
- 4 Only GU parenting orders where all parties are identified are counted here.
- 5 The proportion is calculated of the total granted day-to-day care parenting orders.

A parenting order for day-to-day care of a child is not the only means of maintaining a relationship with a child. If the Court proposes making a parenting order that does not give a parent the role of providing day-to-day care for a child, section 52 of the CoCA states the Court must consider whether and how the order should provide for that parent to have contact with the child. These kinds of contact orders are presented in Table 2.5.

Contact orders specify whether the contact can be direct face-to-face contact, or indirect contact, such as letters, emails and phone calls. The orders also specify whether direct contact is to be supervised or not. Table 2.5 shows the number, and type of contact orders made for mothers, fathers and other parties in 2006 and 2007. Only cases where full case party relationship to child data is available are counted in this table.

The most common type of order is 'other' direct orders (unsupervised) with unspecified contact times. Indirect contact orders are much less common, and were given in around three percent of orders in 2006 and 2007. For both years, just under 70 percent of all contact orders granted were for the father. Overall, there were expected to be fewer orders made in 2006 than 2007. This is because a relative proportion of orders are made for applications filed in a previous year. Because CoCA only came into effect half way through 2005, there were fewer applications for which orders could be made in 2006. Direct comparison between the two years is less insightful at this stage for this reason.

Table 2.5: Number of contact orders made by type of contact granted, 2006 and 2007

| Year | Relation-ship with child | Contact type | | | | | | | Total contact orders |
|------------|--------------------------|-----------------------|---------------|------------|---------------|-------|-------|----------|----------------------|
| | | Direct (face to face) | | | | | | Indirect | |
| | | Holidays Only | | Weekend | | Other | | | |
| Supervised | Un-supervised | Supervised | Un-supervised | Supervised | Un-supervised | | | | |
| 2006 | Father | 1 | 28 | 10 | 245 | 166 | 1,788 | 59 | 2,297 |
| | Mother | 0 | 15 | 2 | 63 | 42 | 757 | 20 | 899 |
| | Other party | 0 | 5 | 0 | 11 | 2 | 100 | 4 | 122 |
| 2007 | Father | 0 | 47 | 10 | 221 | 242 | 2,286 | 62 | 2,868 |
| | Mother | 0 | 26 | 1 | 48 | 93 | 1,006 | 26 | 1,200 |
| | Other party | 0 | 3 | 0 | 11 | 6 | 166 | 6 | 192 |

Notes:

- 1 Contact orders may be made in favour of both the mother and the father in instances where another party is granted day-to-day care of the child.
- 2 Other direct (face-to-face) contact refers to any direct contact of a frequency other than on weekends or holidays only.
- 3 Indirect contact refers to contact via letter, telephone, email, etc.
- 4 'Other party' includes family/ whānau member, grandparent, other guardian, other non-family member, and partner of a parent of the child.

2.1.6 Characteristics of parties

Number and gender of applicants and respondents

This subsection presents demographic information for the main application types for guardianship cases. This means that all applications that related specifically to parenting orders are counted here (including extension, variation, requests for counselling etc).

The demographic information presented in this section looks a little different to the demographic information presented in the previous report. In the 2005 report, the demographic tables summarised the data only for those applicants and respondents who featured individually on applications. As shown in Table 2.6 below, a relatively high proportion of applicants, and particularly respondents, were involved in applications alongside other parties. For this reason, these people have been included in the current demographic tables to give a more complete picture of the people that are involved with guardianship cases. Furthermore, the tables presented here include only those parties involved with the main application type – parenting order type applications.

Table 2.6: Parenting order type applications involving multiple parties, 2006 and 2007

| Year | Proportion with more than 1 applicant (%) | Proportion with more than 1 respondent (%) |
|------|---|--|
| 2006 | 9 | 19 |
| 2007 | 9 | 20 |

Table 2.7 categorises the gender of applicants and respondents in guardianship cases starting in 2006 and 2007. The gender of both applicants and respondents for both years was not known in around 2 percent of all applications.

Ong (2007) reported that following the introduction of the CoCA, females remained the main applicants and males the main respondents, also suggesting that the gap was narrowing slightly with the introduction of the new Act. This narrowing gap became more apparent in 2006. In 2005, 64 percent of GU applicants (CoCA) were female, while 55 percent of respondents were male. In 2006, 60 percent of applicants were female and 51 percent of respondents were male. In 2007, the figures were almost identical.

Table 2.7: Gender profile of applicants and respondents in parenting order type applications, 2006 and 2007

| Gender | 2006 | | 2007 | |
|---------------|------------------------------|-------------------------------|------------------------------|-------------------------------|
| | Proportion of applicants (%) | Proportion of respondents (%) | Proportion of applicants (%) | Proportion of respondents (%) |
| Female | 60 | 46 | 61 | 45 |
| Male | 39 | 51 | 39 | 51 |
| Organisation | 0 | 3 | 0 | 4 |
| Unknown | 2 | 3 | 2 | 3 |
| Total parties | 17,207 | 19,527 | 18,372 | 20,999 |

Notes:

- 1 The proportion of applicants and respondents for each gender was calculated as a proportion of the number of applicants where gender was known. The proportion 'Unknown' is calculated from the total parties.

When the Guardianship Act was in force, it was not possible to determine the relationship of the parties to the child(ren). Accordingly, it may have been easy to make the assumption that most females were mothers and males, fathers. Since the change to the CoCA, CMS has recorded this information, and this is laid out in Table 2.8 below.

Table 2.8: Relationship profile of applicants and respondents in parenting order type applications, 2006 and 2007

| Relationship | 2006 | | 2007 | |
|--------------|------------------------------|-------------------------------|------------------------------|-------------------------------|
| | Proportion of applicants (%) | Proportion of respondents (%) | Proportion of applicants (%) | Proportion of respondents (%) |
| Mother | 43 | 43 | 43 | 42 |
| Father | 30 | 52 | 29 | 52 |
| Grandparent | 15 | 3 | 15 | 3 |
| Other party | 13 | 3 | 12 | 3 |
| Unknown | 14 | 18 | 11 | 13 |

Notes:

- 1 'Other party' includes other family/whānau, guardians to the child, and/or non-family members.
- 2 The proportion of applicants and respondents for each relationship type was calculated as a proportion of the number of applicants where relationship type was known. The proportion 'Unknown' is calculated from the total of all applicants and all respondents, respectively.

The information presented in Table 2.8 breaks down the relationship profile of applicants and respondents, painting a slightly different picture to that which might be assumed from Table 2.7. Fifteen percent of applicants (for both years) were grandparents of the children, and around 13 percent of applicants were parties other than the parents or grandparents of the children involved. It may not be surprising that, on the other hand, most respondents are the parents of the children involved. This is indicated by the relatively low proportion of respondents who were parties other than the mother or father of the children involved (six percent for both years reported).

In around 15 percent of applicants and respondents the relationship to the child was not recorded against the application in CMS. The reason for this is related to the way that new applications are linked in CMS to existing cases that had history prior to 2005. The availability of this information improved between the two years, and is expected to continue to improve since changes to CMS rules in 2005.

Age of applicants and respondents

Table 2.9 shows the age distribution of applicants and respondents for guardianship cases in 2006 and 2007. For both years, age was unknown for 19 percent of applicants and around 30 percent of respondents. As shown in the table, the difference in the distributions of applicants and respondents is relatively small. There are, however, slightly higher proportions of respondents in the younger age groups. There are also slightly higher proportions of applicants in the older age groups – particularly over the age of 50 years – many of whom are likely to be the grandparents of the children.

While there was very little difference in the distributions between 2006 and 2007, the distributions in 2006 did look somewhat different from those reported for 2005. In 2005, the proportion of applicants in the older age groups (above 40) was a little lower, with this age group containing 28 percent of applicants, whereas in 2006 and 2007 it contained 35 percent. Some of the difference may have come about through the inclusion of multiple parties presented in Table 2.9.

Table 2.9: Age distribution of applicants and respondents in parenting order type applications, 2006 and 2007

| Age group | 2006 | | 2007 | |
|--------------------|------------------------------|-------------------------------|------------------------------|-------------------------------|
| | Proportion of applicants (%) | Proportion of respondents (%) | Proportion of applicants (%) | Proportion of respondents (%) |
| 15 to 19 | 3 | 5 | 3 | 4 |
| 20 to 24 | 11 | 14 | 11 | 15 |
| 25 to 29 | 15 | 18 | 15 | 19 |
| 30 to 34 | 18 | 21 | 17 | 20 |
| 35 to 39 | 19 | 19 | 18 | 19 |
| 40 to 44 | 15 | 13 | 14 | 12 |
| 45 to 49 | 9 | 6 | 9 | 6 |
| more than 50 years | 11 | 5 | 12 | 5 |
| Unknown | 19 | 30 | 19 | 31 |

Notes:

- 1 Where date of birth was not available the age at application date has been used.
- 2 The proportion of applicants and respondents for each age group was calculated as a proportion of the number of applicants where age was known.

Ethnicity of applicants and respondents

Table 2.10 shows the ethnicity profile of applicants and respondents. The ethnicity of applicants and respondents in both years was unknown in approximately 23 and 28 percent of cases respectively. There was little or no difference between the distributions reported for 2006 and 2007.

As shown in the following table, there is little difference in the ethnicity distributions of applicants and respondents, except that the proportion that is European/Pākehā is slightly higher for applicants, and the proportion that is Māori was slightly higher for respondents.

Table 2.10: Ethnicity profile of applicants and respondents in parenting order type applications, 2006 and 2007

| Ethnicity | 2006 | | 2007 | |
|------------------|------------------------------|-------------------------------|------------------------------|-------------------------------|
| | Proportion of applicants (%) | Proportion of respondents (%) | Proportion of applicants (%) | Proportion of respondents (%) |
| European/ Pākehā | 63 | 59 | 63 | 58 |
| Māori | 27 | 31 | 27 | 31 |
| Pacific | 6 | 7 | 6 | 7 |
| Asian | 3 | 3 | 3 | 3 |
| Other | 1 | 1 | 1 | 1 |
| Unknown | 23 | 28 | 22 | 28 |

Notes:

- 1 The proportion of applicants and respondents for each ethnicity was calculated as a proportion of the number of applicants where ethnicity was known.

Comparing these ethnic distributions with those of the total New Zealand population, according to the 2006 Census of Population and Dwellings (see Appendix D), the distributions more closely resemble that of young people – those under 20 years of age – with a higher proportion of people identifying as Māori. However, the Census data and the data presented here is only very roughly comparable because of classification changes. The

2006 Census also allowed for multiple and non-prioritised ethnic responses, whereas the data reported here is for just one ethnicity for each party.

Some comparative analysis was carried out between the different ethnic groups that make up both applicants and respondents in Guardianship cases (see Appendix E). While the Pacific, Asian and 'Other' ethnic groups had too few numbers for any reliable comparison, it was found that there were some differences between the age distributions of European/Pākehā and Māori. Generally, it was found that the age distribution for Māori was lower than that for European/Pākehā. This difference was most obvious when comparing the age distributions of the parents of the children – whether applicants or respondents. For example, 40 percent of European/Pākehā applicant mothers were under the age of 30 years compared to 52 percent of Māori applicant mothers. There were similar differences for applicant fathers, and for respondents in these cases. This may suggest that younger Māori are more likely to be involved with guardianship cases, or may be a reflection that Māori have children at a younger age.

Number of children in each case

Table 2.11 below shows the proportion of parenting order applications that involve different numbers of children. Around 60 percent of all parenting order applications, for both 2006 and 2007, involved just one child. Only 13 percent of applications involved three or more children in either year.

The distributions for 2006 and 2007 of the number of children involved with applications are almost identical to the distribution in 2005. In 2006, there were 23,075 children involved with parenting order applications and in 2007 this number had increased to 24,168.

Table 2.11: Number of children involved with applications relating to parenting orders in 2006 and 2007

| Number of children involved with application | 2006 | | 2007 | |
|--|--------|----|--------|----|
| | Count | % | Count | % |
| 1 | 8,596 | 59 | 9,140 | 60 |
| 2 | 3,945 | 27 | 4,156 | 27 |
| 3 | 1,379 | 10 | 1,360 | 9 |
| 4 | 403 | 3 | 444 | 3 |
| 5 | 106 | 1 | 108 | 1 |
| 6 or more | 48 | 0 | 50 | 0 |
| Unknown | 1,319 | 8 | 1,583 | 9 |
| Total number of applications | 14,477 | | 15,258 | |
| Total number of children involved | 23,075 | | 24,168 | |

Notes:

- 1 The proportions of applications that involve the different numbers of children are calculated from the total number of applications that are known to directly involve a child. The proportion for 'Unknown' is calculated from the total number of applications.
- 2 In eight percent of all parenting order applications in 2006 and nine percent in 2007, the number of children involved in an application was unknown. This was because no child(ren) were linked to the application in CMS. A new business rule has now been put in place to ensure the children are linked to all applications. This means that the quality of this data should improve over time.

Age of children

Under the CoCA, children are defined as being under the age of 18, which is a change from the GU definition of under the age of 20 years.

The date of birth was known for 99 percent of children involved with guardianship applications filed in both 2006 and 2007. The age distribution of these children is shown below in Table 2.12.

There was no difference in the age distributions of children in 2006 and 2007. There was also very little difference between those reported here and the distribution reported in 2005.

The age of children involved with parenting order applications is quite highly concentrated in the lowest age groups. This distribution is not a reflection of the general population of children in New Zealand which is more evenly distributed across these age groups, as shown in Appendix D. The actual age distribution of New Zealand children, according to the 2006 Census, shows a much more even distribution across the age groups reported here.

Table 2.12: Age of children involved with parenting order type applications, 2006 and 2007

| Age group | Proportion of all children in each age group (%) | |
|--------------------------|--|--------|
| | 2006 | 2007 |
| 0 to 4 | 43 | 43 |
| 5 to 9 | 35 | 35 |
| 10 to 14 | 20 | 20 |
| 15 to 17 | 2 | 2 |
| Total number of children | 22,856 | 23,803 |

2.1.7 Paternity orders and declarations

There are two main types of application relating to the paternity of children which are covered under separate Acts. Applications can be made for paternity orders under the Family Proceedings Act 1980 which determine the paternity of a child by way of a Court order. These applications are generally made by the mother. Fathers are unable to make applications for paternity orders under this Act. However, men wanting to declare that they are (or are not) the father of a child can apply for a declaration as to paternity (or non-paternity) under the Status of Children Act 1969. The Court can then issue a declaration as to the paternity of the child, based on consented DNA tests or other evidence.

Table 2.13 shows the number of both kinds of paternity-related applications received by the Family Court in 2006 and 2007, and reports the outcomes of those applications. It is important to note that around a quarter of those applications filed in 2007 were still active at the time of data extraction, making the outcomes difficult to compare between 2006 and 2007. On average these applications take around 200 days to reach an outcome.

As shown in the table, there was a similar number of applications filed in 2007 as in 2006. Around half of the applications for declarations were granted in 2006, and just under three quarters of applications for paternity orders were granted in 2006. In granting an application, the Court makes a decision in favour of what the application was for. This means that where

a declaration of paternity has been granted, the person has been determined the father. Similarly, where a declaration of non-paternity has been granted, it has been determined that the person was indeed not the father.

Table 2.13: Applications relating to paternity, 2006 and 2007

| Year | Application type | Number of applications filed | Dis-continued, withdrawn, lapsed | Dismissed, struck out | Granted, granted with consent | Transferred to High Court | Applications still active |
|------|-------------------------------------|------------------------------|----------------------------------|-----------------------|-------------------------------|---------------------------|---------------------------|
| 2006 | S10 Declaration as to non-paternity | 20 | 5 | 3 | 10 | 0 | 2 |
| | S10 Declaration as to paternity | 30 | 6 | 7 | 16 | 1 | 0 |
| | S47 Paternity order | 556 | 88 | 67 | 385 | 0 | 16 |
| 2007 | S10 Declaration as to non-paternity | 19 | 6 | 2 | 7 | 0 | 4 |
| | S10 Declaration as to paternity | 39 | 9 | 3 | 12 | 0 | 15 |
| | S47 Paternity order | 537 | 90 | 46 | 279 | 0 | 122 |

Notes:

- 1 Application filing date has been used to determine year.
- 2 Application outcomes may have been reached in the year of application or any time thereafter.

2.2 Domestic violence cases

2.2.1 Background

Under the Domestic Violence Act 1995 a person who is or has been in a domestic relationship with another person can apply to the Court for a protection order in respect of that other person.

Applications can be filed on notice or without notice to the other person. If filed without notice, a temporary order will be granted where the Court is satisfied that there is a risk of harm, or undue hardship is likely to result if an order is not made immediately. Otherwise the application will usually be directed to proceed on notice. If a temporary order has been granted, it is then served on the respondent. The respondent can then notify the Court if they wish to be heard on whether a final protection order should be made. If the respondent takes no steps, the temporary order will automatically become final after three months. Where the respondent takes steps to challenge the application, a hearing should take place within 42 days of the respondent notifying the Court. The timeframes for dealing with Domestic Violence (DV) applications are specifically prescribed in the Act, and, therefore, tend to be shorter than other case types such as guardianship.

Provision is also available for other applications to be made under the Act. These include applications for occupation, tenancy and furniture orders. When a protection order is made, the respondent is usually directed to attend a respondent programme aimed at stopping

violence. Respondents have the option to formally object to the direction to attend such a programme. Support programmes are also available for applicants and children.

2.2.2 Applications in 2006 and 2007

Unlike GU cases, DV cases can be defined by a specific type of application. A case is usually initiated by an application for a protection order. Other applications relating to the protection order (e.g. tenancy order) can be made under the Act. Applications for discharges and variations relating to orders can be applied for at any stage after the order has been made.

Table 2.14: Applications made under the Domestic Violence Act in 2006 and 2007

| Application type | Number | |
|--|--------------|--------------|
| | 2006 | 2007 |
| S7 On notice protection order | 569 | 548 |
| S9 Representative of a minor | 60 | 55 |
| S11 Representative for person lacking capacity | 15 | 12 |
| S12 On behalf of certain other persons | 5 | 11 |
| S13 Without notice protection order | 3,863 | 3,963 |
| S16 Protection of persons other than applicant | 11 | 8 |
| S17 Protection from respondent's associates | 6 | 0 |
| S22 Modification, discharge, or Imposition of standard condition for weapons | 13 | 21 |
| S36 Objection to direction to attend programme | 602 | 628 |
| S41 Request to vary programme direction | 234 | 263 |
| S46 Vary protection order | 160 | 140 |
| S47 Discharge protection order | 681 | 680 |
| S48 Variation/discharge on behalf of protected person | 2 | 2 |
| S52 Occupation order | 475 | 467 |
| S55 Discharge occupation order | 32 | 27 |
| S55 Vary occupation order | 4 | 1 |
| S56 Tenancy order | 197 | 197 |
| S59 Discharge tenancy order | 6 | 8 |
| S62 Ancillary furniture order | 520 | 506 |
| S65 Discharge ancillary furniture order | 21 | 18 |
| S65 Vary ancillary furniture order | 2 | 0 |
| S66 Furniture order | 173 | 159 |
| S69 Discharge furniture order | 5 | 7 |
| S69 Vary furniture order | 1 | 0 |
| S82 Summons to appear as witness/appear before Court | 2 | 2 |
| S97 Registration of foreign protection order | 1 | 0 |
| S91(3) Dispense with security for costs | 0 | 2 |
| Total Applications | 7,660 | 7,725 |
| Cases for which there was an application | 4,982 | 4,984 |
| Total Applications for protection orders | 4,432 | 4,511 |

Table 2.14 shows that there were 7,660 applications made under the Domestic Violence Act in 2006 and 7,725 in 2007. This compares to the 7,956 applications that were filed in 2005. The distribution of applications is very similar to 2005. About 60 percent of all applications in both 2006 and 2007 dealt with protection orders, including those applied for on behalf of

others. This is just two percentage points higher than in 2005.³ As in 2005, the largest non-protection order type applications were those objecting to programme attendance and orders regarding furniture, occupation and tenancy.

2.2.3 Recent trends

Recent trends in protection orders made annually are summarised in Table 2.15. Both the number of applications and the number of orders fell from 2000 until 2006. In 2006, there were 26 percent fewer applications than there were in 2000, and 33 percent fewer orders over the same period. The higher rate of fall for orders compared to applications affected the ratio of applications to orders, as also presented in Table 2.15.

Table 2.15: Trends in annual application number and final orders, 2000– 2007

| Calendar year | Applications | Final orders made | Ratio of applications filed to final orders made |
|---------------|--------------|-------------------|--|
| 2000 | 6,015 | 3,699 | 1 : 0.61 |
| 2001 | 5,820 | 3,408 | 1 : 0.59 |
| 2002 | 5,568 | 3,284 | 1 : 0.59 |
| 2003 | 5,093 | 2,816 | 1 : 0.55 |
| 2004 | 4,659 | 2,784 | 1 : 0.60 |
| 2005 | 4,545 | 2,548 | 1 : 0.56 |
| 2006 | 4,432 | 2,477 | 1 : 0.56 |
| 2007 | 4,511 | 2,583 | 1 : 0.57 |

Notes:

- 1 Data sourced from a combination of manual statistics, FCDB data and CMS for accuracy.
- 2 Counts of Final and on notice orders are slightly higher for 2004 and 2005 than was reported previously. This is due to errors in combining FCDB and CMS data in the previous report.
- 3 Number of applications reports the number of applications filed in each year.
- 4 Number of final and on notice orders reports the number of orders made in each year. This will include orders relating to applications that were filed in a previous year.
- 5 The ratio gives the number of orders made for every one application filed.

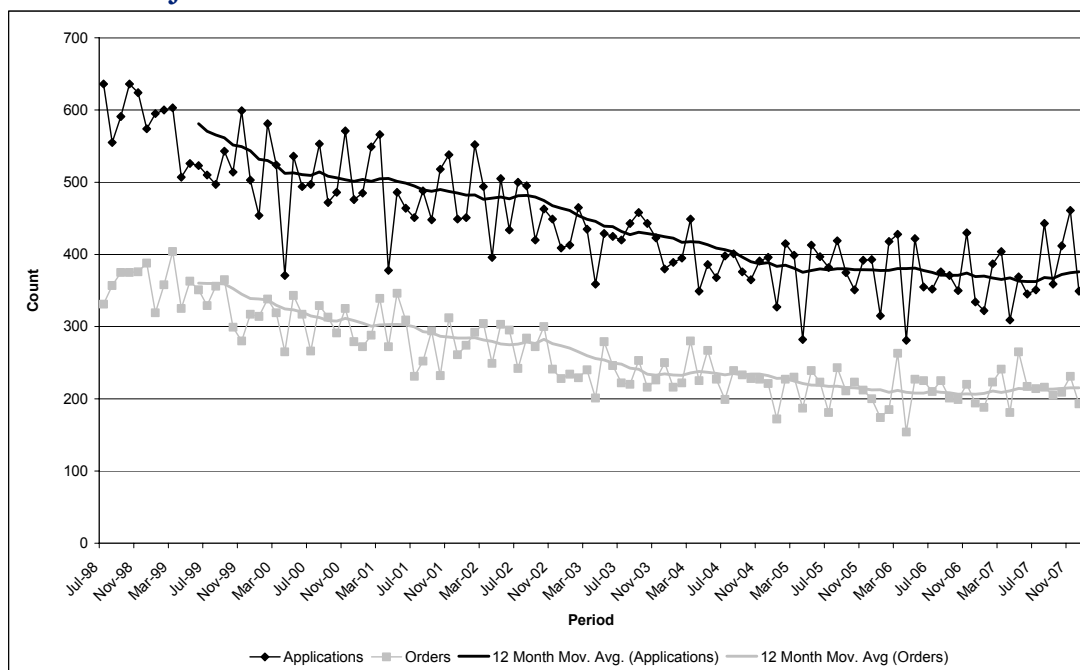
Figure 2.4 shows the monthly trend in the number of applications for protection orders and final orders made since July 1998. The trend was falling until the beginning of 2005 when there was a noticeable levelling off of both applications for protection orders and the number of final orders made. The levelling off has shown no obvious departure from this steady average monthly application rate.

The reason for the decrease followed by apparent stabilisation is unclear. This is especially the case as the number of convictions for the family violence related offence 'Male assaults female' increased from 2002 to 2005. When the 2008 convictions data becomes available, it will be possible to extend the time series for this offence type and establish whether such convictions have stabilised, causing the stabilisation in the applications for the intricately related protection order applications. It is important to note that both protection orders and convictions for the family violence-related offences are subject to a range of influences beyond the actual level reported and recorded, and as such caution should be used in attempting to use either as indicators for the level of family violence.

³ There was an error in the 2005 report, reporting this percentage as 67 percent rather than 58 percent which is the correct figure.

Protection orders have no time limit and do not expire. A protection order remains in place until a successful application is made to discharge the order. This means that once a protection order is in place the applicant will have no need to seek a new order. This explains, at least in part, the decreasing trend shown in Figure 2.4 below. The levelling off in recent years may reflect a stabilisation in the number of new applicants.

Figure 2.4: Protection Orders: Trends in applications and orders made, Jul 1998–Dec 2007



Notes:

- 1 The above figure uses data from those Courts that were using the FCDB in July 1998.

Applications filed without notice (ex parte applications)

The majority of applications for protection orders are filed without notice (ex-parte). Where an application is filed without notice a Judge decides immediately whether or not to grant a temporary protection order. In 2006 and 2007, temporary orders were granted within one day of application for 94 percent of cases. Generally, if a temporary order is not granted then the application is usually directed to proceed on notice. At that point, it is known that some applicants withdraw the application rather than have it proceed on notice.

Table 2.16 below shows the proportion of applications filed on notice and without notice, and also the proportion of applications that were filed without notice but directed by the Judge to proceed on notice. While the proportion of applications filed on notice and without notice has remained stable over the period reported here, the proportion of without notice applications that were directed by a Judge to proceed on notice has decreased in recent years. There has been a consistent decline in without notice applications that have been directed to proceed on notice since 2002, although the number of without notice applications remained static.

Table 2.16: Proportion of protection orders filed on notice and without notice, 2000–2007

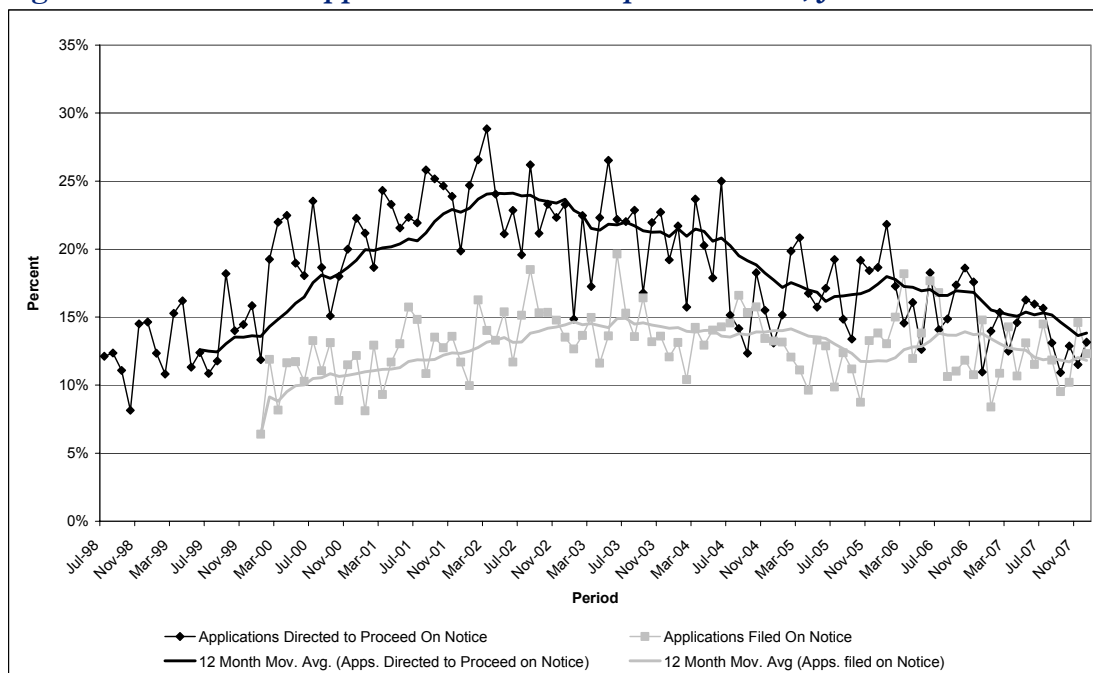
| Year | Proportion of applications filed on notice (%) | Proportion of applications filed without notice (%) | Proportion of without notice applications directed to proceed on notice (%) |
|------|--|---|---|
| 2000 | 11 | 89 | 19 |
| 2001 | 12 | 88 | 23 |
| 2002 | 14 | 86 | 24 |
| 2003 | 14 | 86 | 21 |
| 2004 | 13 | 87 | 18 |
| 2005 | 11 | 89 | 17 |
| 2006 | 13 | 87 | 16 |
| 2007 | 12 | 88 | 14 |

Notes:

1 The above table uses data from those Courts that were using the FCDB in July 1998.

Figure 2.5 below shows similar information but shows the monthly trend for without notice applications. The top line in the figure shows that the percentage of without notice applications directed to proceed on notice increased steadily from around 12 percent in July 1998 to 24 percent in July 2002. From July 2002, the percentage of applications put on notice started to decrease, continuing to do so until around May 2005. In May 2005, the downward trend was stopped by a slight increase until around January 2006 when the downward trend resumed.

Figure 2.5: Trends in applications made and put on notice, Jul 1998–Dec 2007



Notes:

1 The above figure uses data from those Courts that were using the FCDB in July 1998.

The number of applications filed on notice is shown by the lower line in Figure 2.5. It is possible that there is a weak correlation between the number of applications directed to proceed on notice and those filed on notice. It seems that with a lag of around six months,

the highs and lows in the number of applications filed on notice generally follows that of those directed to proceed on notice – particularly in the latest years. It is plausible that, as Judges direct more applications to proceed on notice, legal counsel may – inadvertently or otherwise – respond by filing more on notice applications rather than without notice applications.

2.2.4 Outcomes of all applications for protection orders

The outcomes of all applications for both 2006 and 2007 are presented in Table 2.17. The table not only separates ‘On notice’ protection order applications from ‘Without notice’ protection order applications, but also differentiates between ‘Without notice’ applications that were directed to proceed ‘On notice’ and those that proceeded ‘Without notice’. The table was not presented this way in the 2005 report.

Table 2.17: Outcomes of disposed applications for protection orders in 2006 and 2007

| Year | Type of protection order application | Final outcome | | | | | | | | Total applications disposed |
|------|---|---------------------------------|----|-----------------------|----|-----------------------------|----|---------------------------|---|-----------------------------|
| | | Lapsed, withdrawn, discontinued | | Dismissed, struck out | | Granted, granted by consent | | Transferred to High Court | | |
| | | No. | % | No. | % | No. | % | No. | % | |
| 2006 | On notice applications | 266 | 47 | 109 | 19 | 188 | 33 | 1 | 0 | 564 |
| | Without notice applications (directed to proceed on notice) | 307 | 52 | 128 | 22 | 156 | 26 | 0 | 0 | 591 |
| | Without notice applications (proceeding without notice) | 748 | 23 | 333 | 10 | 2,171 | 67 | 0 | 0 | 3,252 |
| | Total protection order applications | 1,321 | 30 | 570 | 13 | 2,515 | 57 | 1 | 0 | 4,407 |
| 2007 | On notice applications | 236 | 47 | 79 | 16 | 185 | 37 | 1 | 0 | 501 |
| | Without notice applications (Directed to proceed on notice) | 277 | 57 | 94 | 19 | 118 | 24 | 0 | 0 | 489 |
| | Without notice applications (proceeding without notice) | 687 | 21 | 288 | 9 | 2,236 | 70 | 0 | 0 | 3,211 |
| | Total protection order applications | 1,200 | 29 | 461 | 11 | 2,539 | 60 | 1 | 0 | 4,201 |

Notes:

- 1 The application filing date has been used to determine year.
- 2 ‘Total applications disposed’ excludes those applications that were still active at the time the data was extracted.
- 3 Applications ‘Still active’ are those that were not yet disposed at the time the data was extracted.
- 4 Percentages for each outcome are calculated based on the total number of disposed applications (excluding those ‘Still active’).

There were no large differences when comparing the distribution of outcomes between 2005, 2006 and 2007.

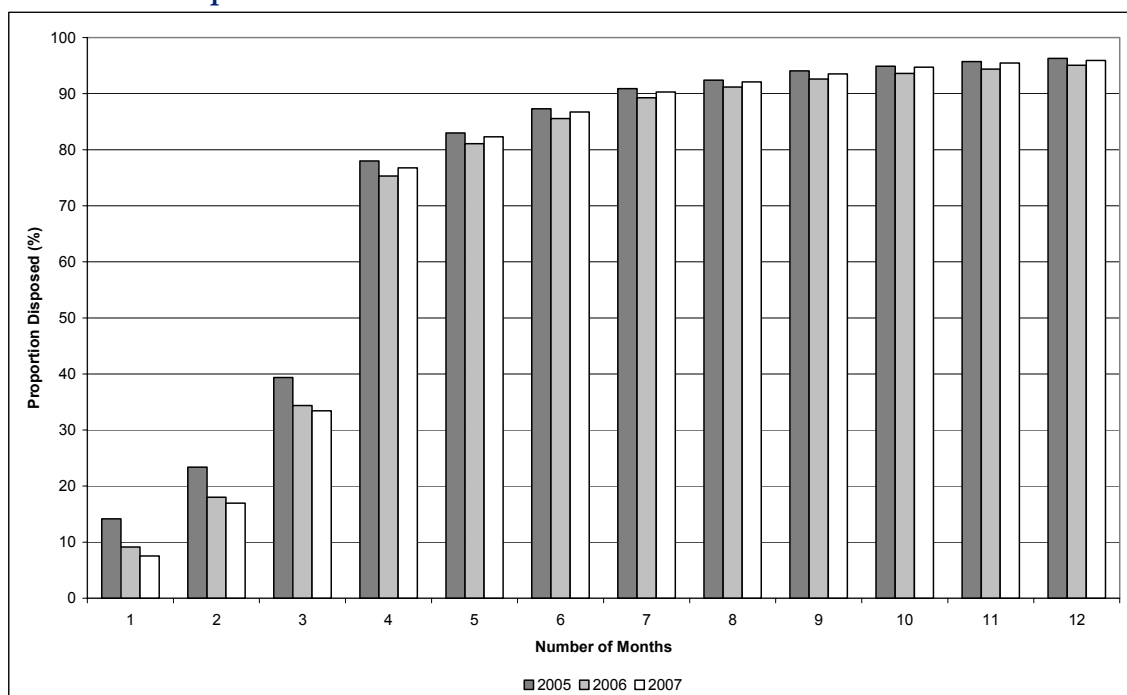
It is important to note that Table 2.17 gives the final outcomes for applications. As discussed above, applications that proceed without notice may or may not be granted a temporary protection order that will become a final protection order if not challenged by the respondent. In 2006, 3,096 of the 3,863 without notice applications filed in that year were granted

temporary protection orders. In 2007, 3,225 of the 3,963 applications were granted temporary protection orders.

2.2.5 Case length

The following two figures show the time that it took to dispose of protection order applications during the period 2005-2007. Figure 2.6 gives the time for without notice protection order applications, and Figure 2.7 gives the time for on notice applications. For all applications disposed in each year, the time between filing and disposal of the application was calculated. The cumulative proportion of applications filed within one month periods is what is displayed in the figure.

Figure 2.6: Disposal times for ‘without notice’ protection order applications disposed in 2005–2007



Notes:

- 1 The figure shows the proportion of applications that was disposed within the number of months represented on the horizontal axis.
- 2 The final outcome date has been used to determine the year.

For without notice protection order applications, around three quarters were disposed within four months, for all three years reported here. This is hardly surprisingly when considering the process through which without notice applications pass. As long as the application is not directed to proceed on notice, a temporary protection order will be made which will stand (unless challenged by the respondent) for three months, at which point a final protection order will be made and the case is disposed. This is why there is an obvious jump in the number of cases disposed after three months. If an application is challenged by a respondent, the order can be made final sooner, or indeed removed all together, at which point the application will also be disposed. It is insightful to include the 2005 data for comparison because it can be seen that in 2006 and 2007 fewer applications were disposed within the first three months than in 2005. This may be because fewer respondents are

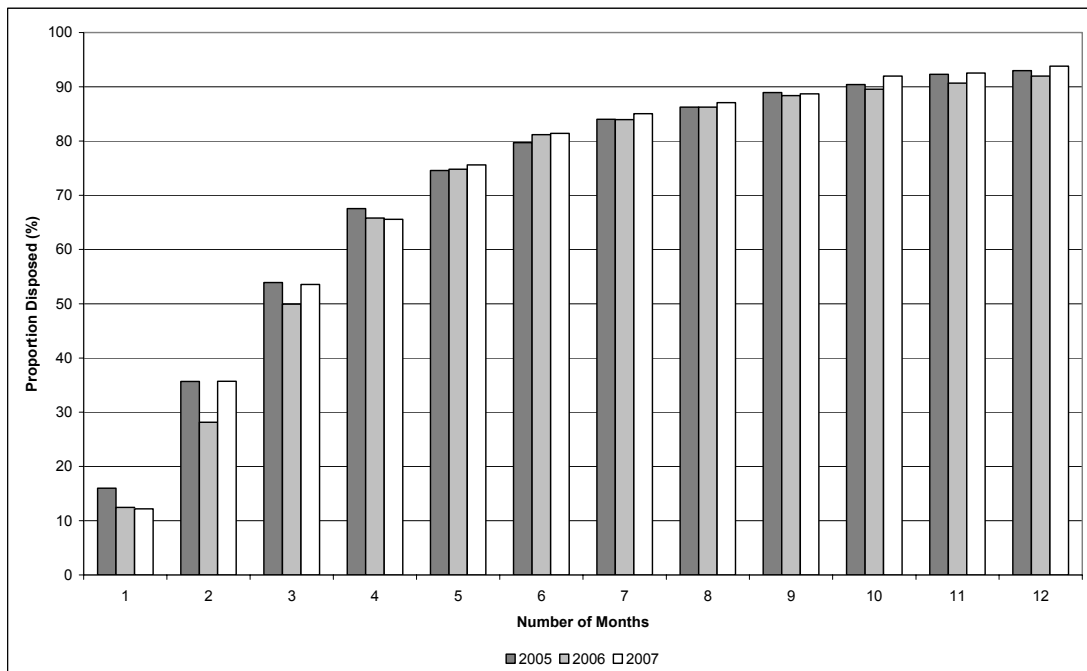
challenging protection orders and thus fewer applications are disposed prior to the three month mark.

According to CMS, around three percent of applications are still outstanding after 12 months for all three years reported here. It is possible that data entry error may play a part, however further investigation is needed to confirm this.

Figure 2.7 shows the disposal times for on notice protection order applications disposed in the years 2005, 2006 and 2007. This figure looks a little different to the one presented above in a number of ways. A higher proportion of on notice applications are disposed within the first three months, and this is because the process for on notice applications does not go through a phase where the order is temporary. Therefore, these applications reach disposal status sooner. Indeed over half of on notice protection order applications are disposed within three months of application, and over 80 percent within six months.

Another important difference between Without notice applications and on notice applications is that the proportion of applications disposed within the time periods specified is generally lower for 2006 and 2007 than it was in 2005. This suggests that Without Notice applications took slightly longer to dispose in 2007.

Figure 2.7: Disposal times for ‘on notice’ protection order applications disposed in 2005–2007



Notes:

- 1 The figure shows the proportion of applications that was disposed within the number of months represented on the horizontal axis.
- 2 The final outcome date has been used to determine the year.

As seen in Figure 2.7, the picture is slightly different for on notice applications, where for the first four months the proportion of applications disposed in 2007 was much closer to that in 2005. For those disposed in four months or longer, the proportions in any specified period

are slightly higher for 2007. It is therefore possible that the time taken to dispose of on notice applications may be decreasing slightly.

It is important to note that these times represent only the time taken from the filing of the application to the disposal of the application for a protection order. It does not include the time involved for Court staff to administer respondent programme referrals that the respondents are required to attend, or the support programme referrals that are available to applicants and children.

2.2.6 Characteristics of applicants and respondents

The demographic characteristics of both applicants and respondents involved with protection order related applications are discussed below. Gender was generally known in around 98 percent of all parties. Birth date and/or age was generally known for around 90 percent of applicants and 82 percent of respondents. Ethnicity was known in just under 85 percent of applications for both applicants and respondents. The collection of demographic data, especially ethnicity, continues to improve over time.

Gender

Table 2.18 shows the gender of parties to protection order applications in 2006 and 2007. As there was no difference in the proportions between 2006 and 2007 only one table has been drawn here. The proportions reported here show little or no difference to those reported for 2005, with a drop of less than a percent for applicants that were female.

Table 2.18: Gender of parties to protection order applications in 2006 and 2007

| Year | | Female (%) | Male (%) | More than one party (%) |
|------|-------------|------------|----------|-------------------------|
| 2006 | Applicants | 91 | 8 | 1 |
| | Respondents | 9 | 90 | 1 |
| 2007 | Applicants | 91 | 8 | 1 |
| | Respondents | 9 | 90 | 1 |

As shown in the table, around one percent of applications were made by more than one applicant, and around one percent of applications were made regarding more than one respondent.

Age

The age distribution of applicants in 2006 was similar to that reported for 2005. The highest proportion of applicants was in the 30-34 year age group, followed by the 25-29 and 35-39 year age groups. In 2007, there were roughly equal proportions of applicants in the 20-24, 25-29 and 30-34 year age groups. This means that there were a higher proportion of applicants in their early twenties in 2007. The 2006 Census showed that the largest number of partnered people were in the 40-44 year age group, followed closely by the 35-39 year age group.⁴

⁴ Analysis of the 2006 Census used the Social Marital Status and Age Group variables in the Table Builder tool.

The distribution of ages for respondents shows that they were slightly older than applicants, as was the case in 2005. For both 2006 and 2007, only 26 percent of applicants were 40 years or older, compared to 32 percent of respondents.

Table 2.19: Age distribution of parties to protection order applications in 2006 and 2007

| Age Group | 2006 | | 2007 | |
|-----------|----------------|-----------------|----------------|-----------------|
| | Applicants (%) | Respondents (%) | Applicants (%) | Respondents (%) |
| <15 | 1 | 0 | 1 | 0 |
| 15 - 19 | 7 | 4 | 7 | 4 |
| 20 - 24 | 14 | 12 | 17 | 13 |
| 25 - 29 | 17 | 15 | 17 | 16 |
| 30 - 34 | 18 | 19 | 15 | 17 |
| 35 - 39 | 17 | 19 | 17 | 19 |
| 40 - 44 | 12 | 15 | 12 | 14 |
| 45 - 49 | 7 | 9 | 6 | 10 |
| 50 - 54 | 3 | 4 | 4 | 4 |
| 55 - 59 | 2 | 2 | 2 | 2 |
| 60 + | 2 | 2 | 2 | 2 |

Notes:

1 Where date of birth was not recorded in CMS, the age given at the time of application was used.

Ethnicity

Table 2.20 shows the ethnicity distribution of both the applicants and respondents for 2006 and 2007. While multiple ethnicities can be entered on CMS, in the vast majority of cases only one has actually been recorded. This may be in part due to the layout of CMS data-entry screens. Changes to CMS, implemented in July 2005, led to some increase in the recording of a second ethnicity. This is demonstrated by the fact that in 2005 only four percent of applicants were recorded as having a second ethnicity, where as in 2007 eight percent were recorded. This may also reflect societal changes with more people identifying with more ethnic groups because of increased inter-ethnic marriage in New Zealand (cf. Callister, Didham and Potter, 2005).

The information presented in Table 2.20 is based on the percentage of applicants and percentage of respondents with ethnicities on CMS. Only the primary ethnicity is considered here.

Table 2.20: Ethnicity of parties to protection order applications in 2006 and 2007

| Ethnicity | 2006 | | 2007 | |
|-----------------|----------------|-----------------|----------------|-----------------|
| | Applicants (%) | Respondents (%) | Applicants (%) | Respondents (%) |
| European/Pākehā | 60 | 55 | 62 | 55 |
| Māori | 28 | 31 | 25 | 29 |
| Pacific | 6 | 8 | 6 | 9 |
| Asian | 5 | 5 | 6 | 6 |
| Other | 1 | 1 | 1 | 2 |

The distribution of ethnicities looks very similar to that which was reported for 2005 with only very small percentage point differences for the larger ethnic groups. The proportion of Māori

applicants has decreased from 29 to 25 percent of applicants between 2005 and 2007, and the proportion of European applicants has increased from 58 to 62 percent of applicants over the same period.

There were some differences in the ethnic distributions of applicants and respondents which were not apparent in the 2005 data. In both 2006 and 2007, there were slightly fewer European/Pākehā respondents than there were European/Pākehā applicants, and slightly more Māori respondents than there were Māori applicants.

Some comparative analysis was also carried out on the age distribution of the main applicants (women) by ethnicity and the main respondents (men) by ethnicity (see Appendix E). While the numbers of the smaller ethnic groups were too small for carrying out such comparisons, the Māori and European/Pākehā ethnic groups did look different. For both applicants and respondents, there seemed to be a higher proportion of Māori concentrated at the younger end of the age distribution. For example, in 2007, 40 percent of European/Pākehā applicants were under the age of 30 compared to 51 percent of the Māori applicants under the same age. Similarly, 28 percent of male European respondents were under the age of 30, compared to 43 percent of Māori respondents. There is a similar picture for 2006.

Children involved with protection order applications

Table 2.21 shows the number of children involved in protection order applications for 2006 and 2007. There were 6,610 children involved with 3,218 applications in 2006 (1,214 applications involved no children), and 6,400 children involved with 3,183 applications in 2007 (1,328 application involved no children). There was very little difference in the proportional patterns between 2005, 2006 and 2007.

Table 2.21: Children involved in protection order applications in 2006 and 2007

| Number of children in application | 2006 | | | 2007 | | |
|-----------------------------------|---------------------|----------------|-----------------------------------|---------------------|----------------|-----------------------------------|
| | Applications Number | Proportion (%) | Total number of children involved | Applications Number | Proportion (%) | Total number of children involved |
| 0 | 1,214 | 27 | 0 | 1328 | 29 | 0 |
| 1 | 1,231 | 28 | 1,231 | 1,313 | 29 | 1,313 |
| 2 | 1,092 | 25 | 2,184 | 1,035 | 23 | 2,070 |
| 3 | 542 | 12 | 1,626 | 500 | 11 | 1,500 |
| 4 | 242 | 5 | 968 | 212 | 5 | 848 |
| 5 | 74 | 2 | 370 | 83 | 2 | 415 |
| 6 | 31 | 1 | 186 | 29 | 1 | 174 |
| 7 | 4 | 0 | 28 | 9 | 0 | 63 |
| 8 | 1 | 0 | 8 | 1 | 0 | 8 |
| 9 | 1 | 0 | 9 | 1 | 0 | 9 |
| Total | 4,432 | | 6,610 | 4,511 | | 6,400 |

The following table was not included in the previous report, but is considered an informative inclusion in this report. Table 2.22 presents the number of children involved with applications for protection orders where the final outcome was that the application was granted. In 2006, there were 3,820 children involved with 1,805 granted protection orders (696 involved no

children). In 2007 there were 3,249 children involved with 1,159 granted protection orders (649 involved no children). It is obvious that as the number of granted protection orders goes down, so too does the number of children that are involved.

Table 2.22: Children involved in final (granted) protection orders in 2006 and 2007

| Number of children in application | 2006 | | | 2007 | | |
|-----------------------------------|---------------------------|----------------|-----------------------------------|---------------------------|----------------|-----------------------------------|
| | Granted protection orders | | Total number of children involved | Granted protection orders | | Total number of children involved |
| | Number | Proportion (%) | | Number | Proportion (%) | |
| 0 | 696 | 28 | 0 | 649 | 29 | 0 |
| 1 | 693 | 28 | 693 | 607 | 27 | 607 |
| 2 | 588 | 23 | 1,176 | 512 | 23 | 1,024 |
| 3 | 303 | 12 | 909 | 249 | 11 | 747 |
| 4 | 147 | 6 | 588 | 118 | 5 | 472 |
| 5 | 53 | 2 | 265 | 49 | 2 | 245 |
| 6 | 24 | 1 | 144 | 16 | 1 | 96 |
| 7 | 4 | 0 | 28 | 7 | 0 | 49 |
| 8 | 1 | 0 | 8 | 0 | 0 | 0 |
| 9 | 1 | 0 | 9 | 1 | 0 | 9 |
| Total | 2,501 | | 3,820 | 2,208 | | 3,249 |

Parenting orders made on protection order applications

When a Judge is considering an application for a protection order, there is provision for making a parenting order where it is considered that such an order is necessary to protect the welfare and best interests of a child. Under Section 54 of the CoCA, a Judge has the authority to make a parenting order even where an application has not been made for one. Table 2.23 below shows the number of parenting orders made in this way. These orders were not counted in the guardianship section of this report.

Table 2.23 shows the number of interim parenting orders and the number of final parenting orders granted by Judges in 2006 and 2007. Interim orders expire after a period of one year if the parties involved take no steps to dispute or continue the order. If a party applies to have a final (or more permanent) order made then the application will proceed as a guardianship case and not counted here.

Table 2.23: Number of parenting orders made in DV cases without application

| Year | Type of parenting order | | | | Total orders made |
|------|-----------------------------|--|---------------------|--|-------------------|
| | S48 Interim parenting order | S48 Interim parenting order supervised contact | S48 Parenting order | S48 Parenting order supervised contact | |
| 2006 | 48 | 26 | 20 | 4 | 98 |
| 2007 | 52 | 23 | 21 | 2 | 98 |

Notes:

1 Filing date has been used to determine year.

2.3 Care and protection cases

2.3.1 Background

The Children, Young Persons and their Families Act 1989 deals with the law relating to children and young persons who are in need of care and protection (Parts II and III) or who offend against the law (Part IV). Care and protection cases are heard by the Family Court. Young offenders are dealt with either by the Department of Child, Youth and Family⁵ or prosecuted within the jurisdiction of the Youth Court.

Care and protection cases are initiated by an application for a declaration that a child is in need of care and protection (referred to subsequently as an application for declaration). Applications for custody and guardianship of such children are also made under the Children, Young Persons and their Families Act. Once a declaration has been made, other orders such as guardianship or support orders may be made.

When a declaration is made, Child, Youth and Family (CYF) must file a plan proposing how the child will be cared for. This plan must be reviewed by the Court for as long as the child is in care. For children under seven years of age, the review is to happen at least every 6 months and at least every 12 months for children over seven. It could be more frequent, if so ordered by a Family Court Judge.

2.3.2 Applications and cases 2006 and 2007

Table 2.24 shows the number of applications recorded on CMS that were filed under the Children, Young Persons and their Families Act in 2006 and 2007. The table includes the count of children involved with applications. It is known that there is some variation in the recording of children involved with applications. For this reason the total number of children involved with each application type is reported in the table.

The number of applications rose in 2006 by 5 percent on the number of applications filed in 2005, which had in turn increased by 10 percent on 2004 counts. The number of applications filed in 2007 was slightly lower than the number in 2006.

The total number of children involved in cases rose by 6 percent in 2006 and in 2007 was just below the 2006 figure. While the average number of children had increased between 2004 and 2005, the number has remained almost unchanged since 2005 at 1.51 in 2006 and 1.49 in 2007.

From the table below, it can be seen that the two most common application types are reviews of plans, and declarations that a child or children are in need of care and protection. While applications for review increased from 5,853 applications in 2005, to 6,337 and 6,550 in 2006 and 2007 respectively, the number of declarations decreased. The number of declarations that a child is in need of care and protection went from 1,455 applications in 2005, to 1,493 in 2006 and down to 1,244 applications in 2007.

⁵ Via the mechanism of the Family Group Conference. The department was merged with the Ministry of Social Development on 1 July 2006.

Table 2.24: Applications made under the Children, Young Persons and their Families Act 1989 in 2006 and 2007

| Application type | 2006 | | 2007 | |
|--|--------------|----------|--------------|----------|
| | Applications | Children | Applications | Children |
| S121 Access order | 224 | 371 | 173 | 289 |
| S110 Additional guardianship order | 258 | 357 | 298 | 420 |
| S78 Custody order pending determination of application for declaration | 1,255 | 1913 | 1,060 | 1,604 |
| S101 Custody order | 382 | 592 | 329 | 482 |
| S102 Interim custody order | 40 | 66 | 32 | 42 |
| S67 Declaration child in need of care & protection | 1,493 | 2344 | 1,244 | 1,921 |
| S115 Dispute between guardians | 24 | 30 | 25 | 35 |
| S205(3) Discharge order preventing removal | 3 | 3 | 4 | 6 |
| S122 Enforcement of access | 5 | 7 | 3 | 3 |
| S121 Interim access order | 14 | 26 | 7 | 9 |
| S88 Interim restraining order | 70 | 151 | 56 | 98 |
| S86A Interim services order | 1 | 6 | 3 | 4 |
| S126 Leave to apply for variation/discharge of orders under Part II | 44 | 56 | 48 | 62 |
| S68(c) Leave to apply for declaration | 42 | 57 | 32 | 42 |
| S84 Orders where declaration on ground of child's offending | 2 | 2 | 0 | 0 |
| S83(1)(a) Discharge from proceedings | 2 | 2 | 1 | 3 |
| S205 Preventing removal of child from NZ | 12 | 27 | 12 | 15 |
| S39 Place of safety warrant | 251 | 407 | 205 | 368 |
| S44 Release/access to child/young person | 12 | 18 | 15 | 21 |
| S116 Review of guardian's decision | 1 | 1 | 0 | 0 |
| S207X(1) Registration of interstate protection order | 0 | 0 | 2 | 7 |
| S135 Review of plan | 6,337 | 9328 | 6,550 | 9,694 |
| S87 Restraining order | 68 | 137 | 56 | 100 |
| S110 Sole guardianship order | 7 | 8 | 11 | 15 |
| S207K Transfer of New Zealand protection order to Australia | 3 | 3 | 0 | 0 |
| S83(1)(c) Counselling | 3 | 3 | 2 | 3 |
| S83(1)(b) Recall to Court | 14 | 34 | 12 | 23 |
| S85 Summons to appear before Family Court | 1 | 1 | 0 | 0 |
| S86 Services order | 106 | 154 | 132 | 181 |
| S91 Support order | 181 | 289 | 200 | 346 |
| S92 Interim support order | 17 | 34 | 27 | 46 |
| S125 Variation/discharge of orders under Part II | 1,429 | 2088 | 1,650 | 2,353 |
| S40 Warrant to remove child/young person | 14 | 26 | 2 | 2 |
| Total number of applications/children involved with applications | 12,315 | 18541 | 12,191 | 18,194 |
| Total number of cases/children involved with cases | 6,382 | 9,668 | 6,283 | 9,627 |

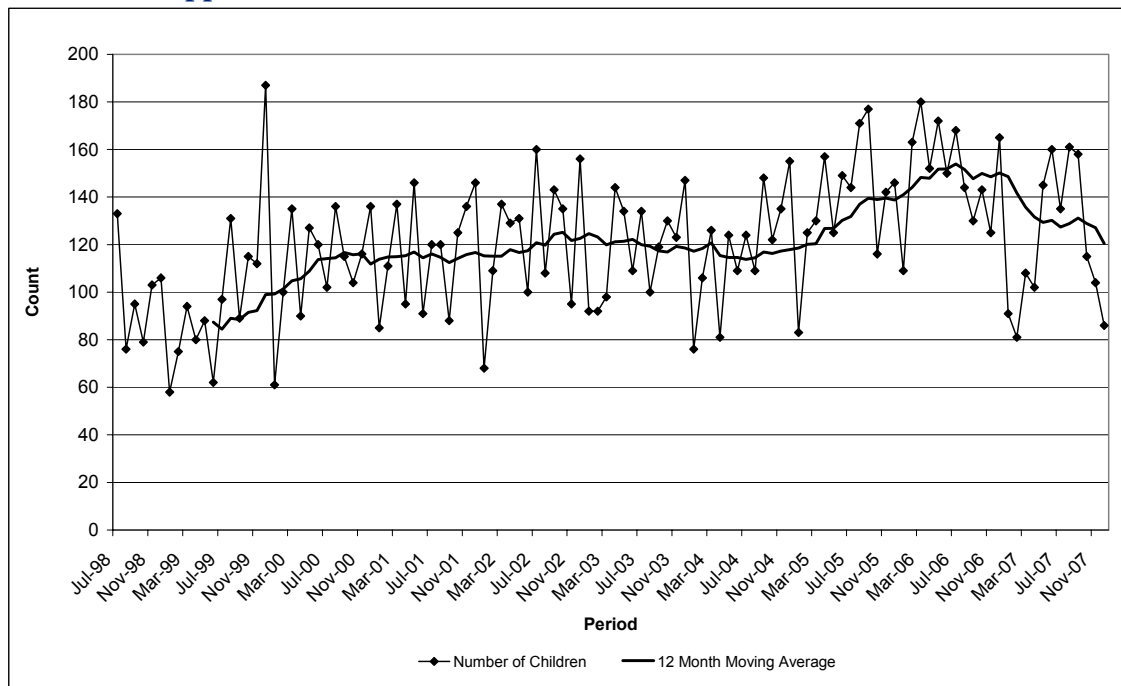
Measurement issues mean that trends in the number of children included in applications, rather than trends in applications themselves, are likely to be a better indicator of changes in the volume of cases and workload in respect of care and protection cases. In 2006, the number of children involved with reviews rose by 11 percent from 2005, and another four percent to 2007. The number of children involved with declarations in 2006 rose by three percent from 2005, but then dropped by 18 percent between 2006 and 2007.

2.3.3 Recent trends in care and protection cases

The following two figures show trends in care and protection activity in Family Courts up until the end of 2007. The figures together provide a good picture of the ongoing caseload in care and protection cases.

Figure 2.8 shows the trend in the number of children included in applications for declaration. Presented here is the actual number of children, as opposed to the number of applications. This is because this measure is considered to provide a better indication for caseload, and also because of some inconsistencies in the way that applications had been recorded.

Figure 2.8: Trends in care and protection cases: Number of children in applications for declaration, 1998–2007



Notes:

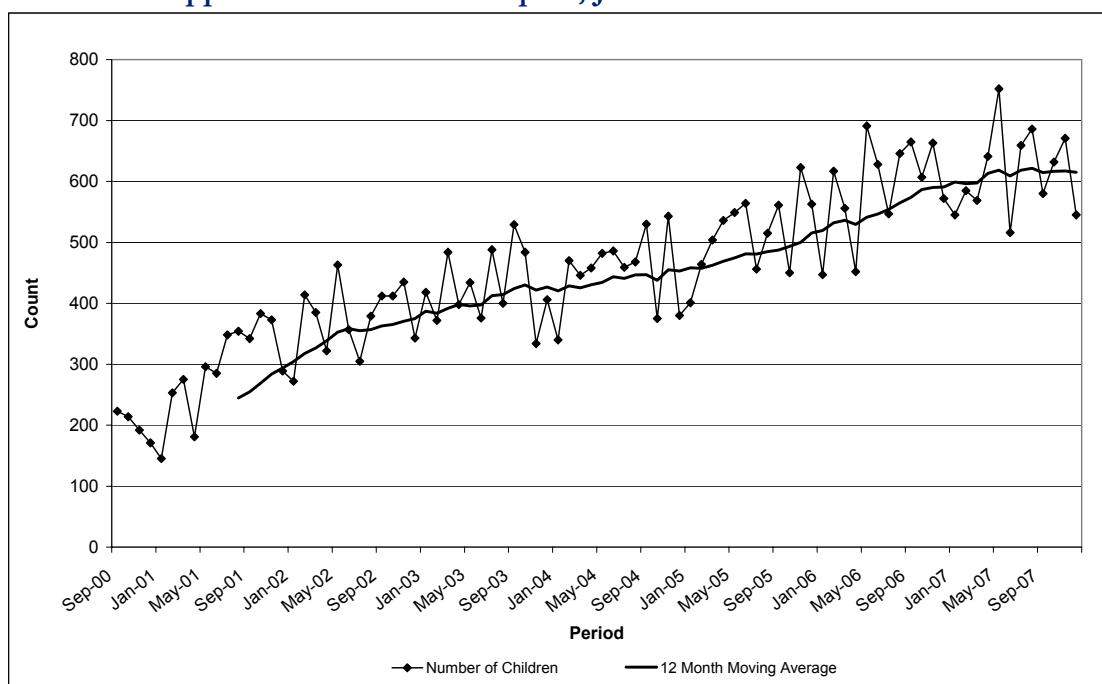
1 The above figure uses data from those Courts that were using the FCDB in July 1998.

Aside from the rise in the number of children in late 1999 followed by a relatively gentler rise in the middle of 2000, the trend remains generally stable until early 2004 when there was a slight dip before an obvious increase. This continued until the second half of 2006 when the number of children involved in applications began dropping again. The trend continued to drop until the beginning of 2007 when it appeared to rise again slightly. It is possible that the number of children involved will again return to its stable rate of around 120 children per month, although it is too soon to tell from the time series presented here.

Figure 2.9 below shows the number of children in applications for reviews of care and protection cases. The time series for review applications starts in the later half of 2000 when data started to be collected in the FCDB. This time series shows that the number of applications for review continued to increase over this time period. The data for 2007 suggests that this trend may be stabilising. Bartlett (2006) noted that the early part (the

steepest part) of the upward trend for reviews was in part due to incomplete recording of reviews in some Courts.

Figure 2.9: Trends in care and protection cases: Number of children in applications for review of plan, Jul 2000–Dec 2007



Notes:

1 The above figure uses data from those Courts that were using the FCDB in July 1998.

2.3.4 Outcomes

The outcomes of all applications for declaration disposed in 2006 and 2007 are presented in Table 2.25. While there was little difference in the number of applications disposed in 2005 and 2006, there were 11 percent fewer applications disposed in 2007 than in 2006.

In 2006, 86 percent of all applications for declarations that were disposed were either granted or granted by consent. This compares to 89 percent in 2005, and 90 percent in 2007. The proportions for 2005, 2006 and 2007 were all within four percentage points of each other.

Table 2.25: Outcomes of applications for declarations disposed in 2006 and 2007

| Outcome | 2006 | | 2007 | |
|---------------------------|--------|------------|--------|------------|
| | Number | Percentage | Number | Percentage |
| Discontinued | 80 | 5 | 34 | 2 |
| Dismissed | 12 | 1 | 16 | 1 |
| Granted | 1,101 | 70 | 1,078 | 78 |
| Granted by consent | 245 | 16 | 178 | 13 |
| Lapsed | 12 | 1 | 1 | 0 |
| Transferred to High Court | 2 | 0 | 0 | 0 |
| Struck out | 0 | 0 | 10 | 1 |
| Withdrawn | 113 | 7 | 73 | 5 |
| Total | 1,565 | 100 | 1,390 | 100 |

Notes:

1 Disposed applications may include applications filed in a previous year.

2.3.5 Grounds for applications for declaration

Table 2.26 shows the grounds on which applications for declarations were made in 2006 and 2007. Multiple grounds can be entered on CMS and the table shows counts for the number of times the ground was cited. This means the count of grounds is greater than the count of applications and the total percentages add up to over 100 percent.

Table 2.26: Grounds for applications for declarations filed in 2006 and 2007

| Grounds | 2006 | | 2007 | |
|--|-------|----------------|-------|----------------|
| | Count | Proportion (%) | Count | Proportion (%) |
| Likelihood of harm | 1059 | 76 | 834 | 75 |
| Impairment of well-being | 1029 | 74 | 846 | 76 |
| Caregivers unable to care for child | 457 | 32 | 365 | 33 |
| Harmful/uncontrollable behaviour | 276 | 19 | 239 | 21 |
| Serious differences exist between the child/caregivers | 121 | 8 | 91 | 8 |
| Serious differences between caregivers | 112 | 8 | 103 | 9 |
| Child offender | 84 | 6 | 75 | 6 |
| Abandonment | 49 | 3 | 39 | 3 |
| Psychological attachment | 21 | 1 | 31 | 2 |
| Applications with grounds recorded | 1388 | 93 | 1105 | 89 |
| Applications with no grounds recorded | 105 | 7 | 139 | 11 |

Notes:

1 Proportions were calculated from the total of all applications for declaration.

The distribution of grounds that were cited was quite similar for 2006 and 2007 compared to 2005. There was very little difference in the distribution of grounds between 2005 and 2006, nor between 2006 and 2007, as seen in the table above. The percentage of applications with no grounds recorded went down from 15 percent in 2005 to seven percent in 2006, sitting on 11 percent in 2007. This field was made mandatory in CMS in December 2007 which ensured that from 2008 onwards the grounds for which an application for declaration is made will be recorded for all declarations.

2.3.6 Demographic information

Demographic information is collected only for the children in care and protection cases – there is no information collected about parents.

The amount of demographic information available on children in care and protection cases has increased a little since 2005. This is particularly the case for ethnicity which in 2005 was only available for about 45 percent of cases, and in 2007 was recorded in 63 percent of declaration applications and 50 percent of reviews. In 2007 birth date and/or age was recorded in 98 percent of applications, and gender in around 90 percent of applications.

Gender

The gender breakdown on children involved with Care and Protection Cases in 2006 and 2007 is presented in table 2.27 below.

Table 2.27: Gender of children in care and protection applications, 2006 and 2007

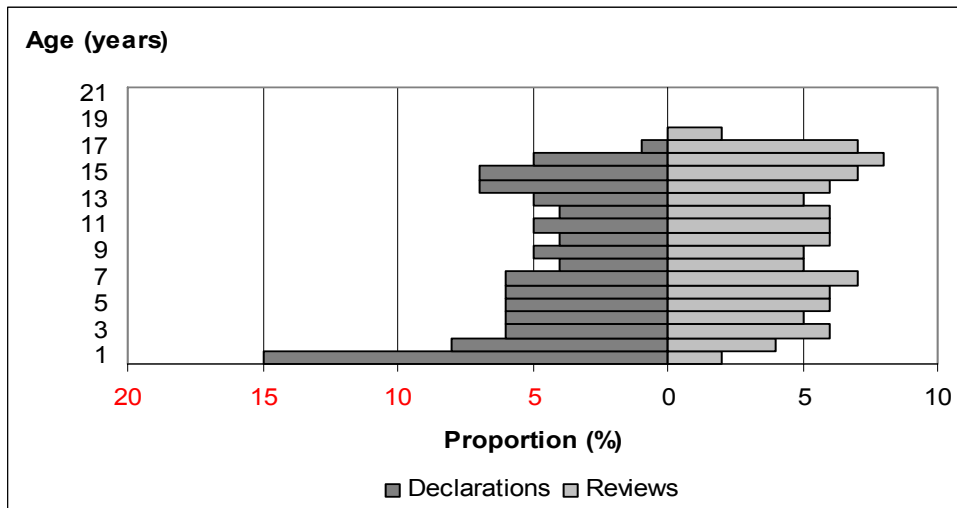
| Year | Gender | Declarations | Reviews |
|------|------------|--------------|---------|
| 2006 | Female (%) | 44 | 47 |
| | Male (%) | 56 | 53 |
| 2007 | Female (%) | 48 | 46 |
| | Male (%) | 52 | 54 |

There has been some fluctuation in the gender split in 2006 and 2007 – most notably with applications for declarations. The fluctuations do not, however, stray very far away from the proportional gender split in the general New Zealand population (51 percent female, 49 percent male).

Age of children

Figures 2.10 and 2.11 show the age distribution of children in both declarations and reviews for 2006 and 2007. The pattern is not substantially different to that of 2005.

Figure 2.10: Age of children in care and protection applications, 2006

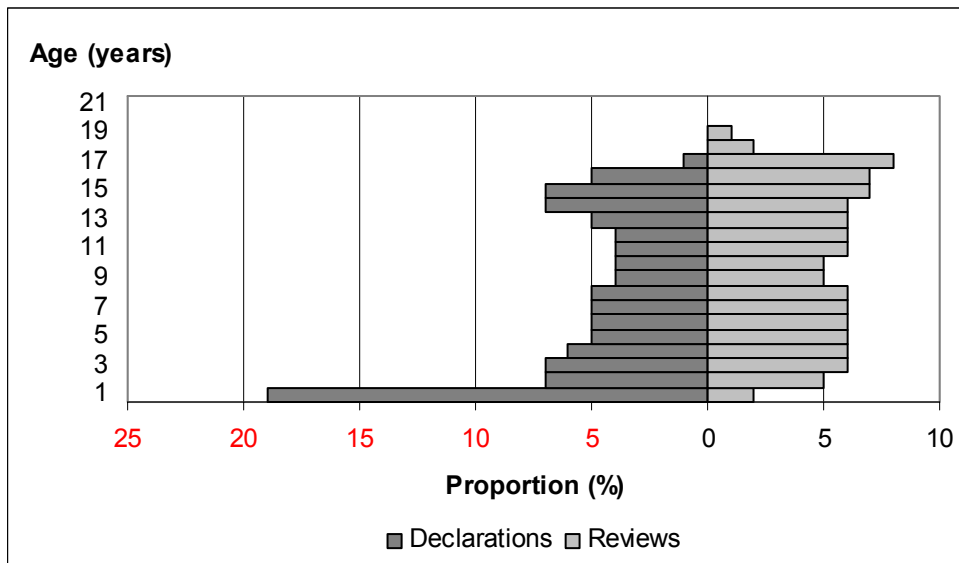


Notes:

- 1 Some children are recorded as being in age groups outside the jurisdiction of the Act. This could be due to data entry errors.

As was the case in 2005, for declarations (shown by the darker bars) there were two peaks – aged under 1 year and around 13 and 15 years. Ages for children involved with review applications were more evenly spread for children aged between 3 and 15. There were fewer in the younger years because these children would only recently have been put into care with review not yet necessary. There were slightly more review applications for children aged 15 to 17 years than in any other age group.

Figure 2.11: Age of children in care and protection applications, 2007



Notes:

- 1 Some children are recorded as being in age groups outside the jurisdiction of the Act. This could be due to data entry errors.

The most obvious difference between 2006 and 2007 was in the children involved with declarations below the age of one year. This proportion was higher in 2007 than it was in 2006.

Table 2.28: Ethnicity distribution of children in care and protection cases in 2006 and 2007

| Ethnicity | 2006 | | 2007 | |
|-----------------|------------------|-------------|------------------|-------------|
| | Declarations (%) | Reviews (%) | Declarations (%) | Reviews (%) |
| European/Pākehā | 40 | 41 | 37 | 41 |
| Māori | 47 | 47 | 52 | 47 |
| Pacific | 10 | 9 | 8 | 9 |
| Asian | 2 | 2 | 2 | 2 |
| Other | 1 | 1 | 2 | 1 |

Ethnicity of children

Ethnicity was collected in only around 60 percent of declarations and around 50 percent of reviews. For this reason the information in the table below is indicative only. The available figures show that Māori children in care and protection cases are over-represented compared to the ethnic distribution of the general population (see Appendix D). The table also shows that the proportion of Māori children involved with declarations may have also increased slightly between 2006 and 2007.

2.4 Property relationships

2.4.1 Background

Cases brought under the Property (Relationships) Act 1976 deal with the division of property of married, civil union and de facto couples when they separate or one of them dies. This legislation, previously known as the Matrimonial Property Act 1976, was amended to cover de facto couples (including same sex couples) in 2002 and civil union couples in 2005. The amendments were also made to address the differences in economic circumstances between spouses or partners that result from the division of household roles during the relationship.

2.4.2 Applications and cases in 2006 and 2007

Table 2.29 contains the number of applications and new cases made under the Property (Relationships) Act in 2006 and 2007. There were 1,821 applications relating to 1,395 cases in 2006, and 1,862 applications relating to 1,406 cases in 2007. This compares to 1,878 applications relating to 1,430 cases in 2005. Thus, it seems that the number of applications and cases that those applications relate to has remained relatively stable over recent years.

Table 2.29: Applications made under the Property Relationships Act in 2006 and 2007

| Application type | Number | |
|---|--------------|--------------|
| | 2006 | 2007 |
| S21C Approve draft agreement | 4 | 6 |
| S28B Ancillary furniture order | 28 | 34 |
| S33 Ancillary orders | 215 | 212 |
| S61 Election to choose option A or B | 10 | 11 |
| S182 Application for orders as to settled property | 8 | 6 |
| S44C Compensation for property disposed to trust | 9 | 6 |
| S44B Disclose disposition of property to trust | 4 | 2 |
| S43 Discharge restrain disposition of property order | 9 | 21 |
| S185 Disposition to be restrained | 6 | 9 |
| S11 Division relationship property | 993 | 957 |
| S44 Disposition be set aside | 18 | 11 |
| S184 Disposition to be set aside | 1 | 2 |
| S28C Furniture to equip another household | 7 | 5 |
| S38 Inquiry/settlement of scheme | 11 | 9 |
| S42 Notice of claim lapses | 31 | 32 |
| S42 Notice of interest against title | 6 | 16 |
| S27 Occupation order | 99 | 92 |
| S31 Order relating to superannuation rights | 14 | 29 |
| S43 Restrain disposition of property | 62 | 64 |
| S23 Application for order under S25 | 224 | 264 |
| S39(3) Dispense with security for costs | 1 | 1 |
| S69 Set aside chosen option | 11 | 3 |
| S21J Set aside agreement | 27 | 44 |
| S28 Tenancy | 4 | 5 |
| S24 Application to be heard out of time | 19 | 19 |
| S21H Declaration agreement has effect | 0 | 1 |
| S88(2) Leave to apply for order under S25 | 0 | 1 |
| Total applications | 1,821 | 1,862 |
| Total cases for which there was an application | 1,395 | 1,406 |

For both 2006 and 2007, the mix of application types remains similar to those lodged in 2005, with little difference in the number of each application type lodged. The largest difference in any one application type was in S23 Applications for orders under S25 which increased from 179 in 2005, to 224 in 2006 and 264 applications in 2007. These are orders specifically relating to the division of property. This application type was new in December 2004, so the increase may not be surprising. There are no other noteworthy changes to application numbers between 2005 and 2007.

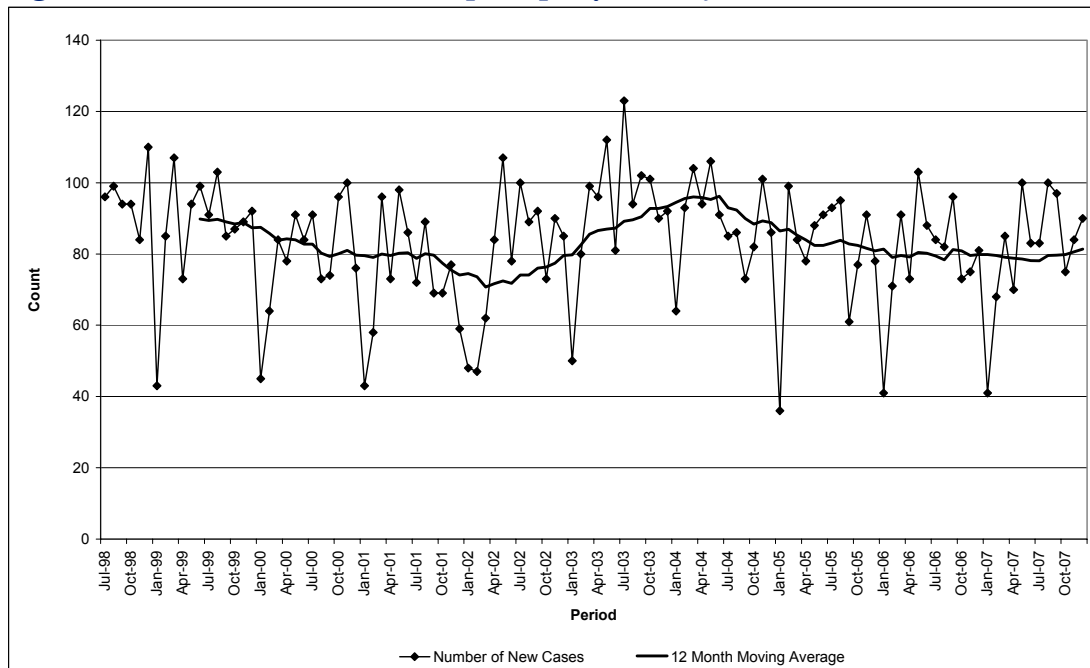
2.4.3 Recent trends in property relationship cases

Figure 2.12 shows the number of new Property Relationship cases starting each month. As with other time series trends reported here, only cases from those Courts that began collecting data in July 1998 have been included here.

Bartlett (2006) discussed the trend from 1998 to 2004, which included a fairly dramatic fall and rise, in relation to the amendments to the Matrimonial Property Act in early 2002. It is likely that this trend was due to parties delaying the filing of their applications until the amendments to the Act came into force. The amendments to the Act also provided for more people to come under its provisions.

The number of cases started dropping at the beginning of 2004 to stabilise around 80 new cases per month, which was the level recorded during the last stable period from April 2000 to April 2001. Extending the time series to include 2006 and 2007 data shows the trend levelling off and remaining quite stable at approximately 80 cases per month.

Figure 2.12: Trends in Relationship Property cases, Jul 1998–Dec 2007



Notes:

- 1 The above figure uses data from only those Courts that were using the FCDB in July 1998.

2.4.4 Characteristics of applicants

Gender

Table 2.30 shows the gender of applicants for applications made in 2006 and 2007, under Section 11 of the Act, for the division of relationship property. This is the most common application type in this case type. For both 2006 and 2007, the gender of the applicant was known in most cases (98 percent). The gender split between male and female applicants has narrowed very slightly since 2005 when there were 67 percent females and 32 percent males.

Table 2.30: Gender applicants in S11 applications in 2006 and 2007

| Gender | 2006 | | 2007 | |
|-------------------------|--------|----------------|--------|----------------|
| | Number | Proportion (%) | Number | Proportion (%) |
| Female | 646 | 66 | 597 | 62 |
| Male | 318 | 33 | 327 | 34 |
| More than one applicant | 6 | 1 | 8 | 1 |
| Organisation | 2 | 0 | 2 | 0 |
| Total known | 972 | 98 | 934 | 98 |
| Total unknown | 17 | 2 | 22 | 2 |
| Total applicants | 989 | | 956 | |

Notes:

- 1 Total applicants are fewer than total applications in Table 2.27 because some applicants could not be matched with applications.

Age

The age distribution of applicants in 2006 and 2007 is shown in Table 2.31 below. As in the previous two years, the median age of applicants in 2006 and 2007 was between 40 and 44. Despite this, the age of applicants appears to be increasing, as evidenced in the increase in the proportion of people in the 40-44 year age group between 2006 and 2007. Furthermore, in 2005 the proportion of people over the age of 40 was 65 percent, and by 2007 that proportion had increased to 73 percent.

Table 2.31: Age distribution of applicants in S11 applications in 2006 and 2007

| Age Group | Proportion (%) | |
|------------|----------------|------|
| | 2006 | 2007 |
| 20 – 24 | 1 | 1 |
| 25 – 29 | 4 | 3 |
| 30 – 34 | 11 | 10 |
| 35 – 39 | 20 | 14 |
| 40 – 44 | 18 | 26 |
| 45 – 49 | 19 | 18 |
| 50 – 54 | 9 | 12 |
| 55 – 59 | 9 | 9 |
| 60 or over | 8 | 8 |

Ethnicity

Table 2.32 shows the ethnicity of applicants in relationship property cases in 2006 and 2007. Ethnicity was recorded for applicants in 81 percent of cases in 2007, a rise of 11 percentage

points from 2005. The distribution of ethnicities hardly differs from 2005, although the Māori and Asian ethnic groups have fluctuated a little. The European/Pākehā ethnicity group remains over-represented in relationship property cases when compared to the general population (see Appendix D).

Table 2.32: Ethnicity of applicants in S11 applications in 2006 and 2007

| Ethnicity | 2006 | | 2007 | |
|-----------------|--------|----------------|--------|----------------|
| | Number | Proportion (%) | Number | Proportion (%) |
| European/Pākehā | 654 | 84 | 657 | 84 |
| Māori | 60 | 8 | 39 | 5 |
| Pacific | 15 | 2 | 14 | 2 |
| Asian | 39 | 5 | 61 | 8 |
| Other | 6 | 1 | 8 | 1 |
| Total known | 774 | 78 | 779 | 81 |
| Unknown | 215 | 22 | 177 | 19 |

Relationship types

The type of relationship for cases brought under the Matrimonial Property Act has been recorded since the 2002 amendments to the Act. Information is shown for 2002 to 2007, although it is important to note that the information is somewhat incomplete for 2002 and 2003 as CMS was not used universally. Furthermore, civil unions are not reported here because these relationship types were not recorded in CMS until late 2007. This is because it has only been possible to dissolve a civil union since April 2007 and as a result the proportion is less than one percent.

Table 2.33: S11 Relationship property applications by relationship type

| Relationship type | Proportion of applications where relationship type is known (%) | | | | | |
|---|---|------|------|------|------|------|
| | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
| De facto | 9 | 19 | 25 | 25 | 30 | 29 |
| De facto - same sex | 1 | 1 | 1 | 1 | 0 | 1 |
| Married | 91 | 80 | 74 | 74 | 70 | 70 |
| Total number of applications where relationship type was stated | 1012 | 1217 | 1171 | 1022 | 993 | 957 |
| Proportion of total applications where relationship type was not stated | 11 | 33 | 2 | 3 | 6 | 10 |

Table 2.33 shows that in 2004, where data accuracy is most assured, 74 percent of the parties to applications for division of relationship property were married. One percent were in same sex relationships and 25 percent in other de facto relationships. 2007 saw a slight increase in the proportion that make up other de facto relationships and a slight decrease in the proportion that were married. There was also a fairly large increase in the proportion of applications where the relationship was not stated, from just two percent in 2004 to ten percent in 2007. This large increase may have partially distorted the other proportions.

2.5 Protection of personal and property rights

2.5.1 Background

The aim of the Protection of Personal and Property Rights (PPPR) Act 1988 is to protect and promote the personal and property rights of people not fully able to manage their own affairs. This process enables the Family Court to place a person under a personal and/or property order and/or appoint a welfare guardian or property manager. Welfare guardian orders are made where a person is completely unable to make or communicate decisions about their own care and welfare. Property orders are made when a person cannot manage their own property partially or completely. Personal orders are made about a particular action to be taken or an aspect of the person's care or property. All orders made under the PPPR Act must be reviewed by the date specified in the order. The Court also has powers to review actions carried out under enduring powers of attorney entered into under Part 9 of the Act.

2.5.2 Applications and cases in 2006

In 2006, there were a total of 2,251 applications made under this Act, which related to 1,290 cases. In 2007, there were 2,226 applications relating to 1,318 cases. While the number of applications in both 2006 and 2007 was slightly higher than the number reported for 2005 (2,210 applications), the applications in both 2006 and 2007 relate to fewer cases than in 2005 (1,383 cases).

Table 2.34: Applications made under PPPR Act in 2006 and 2007

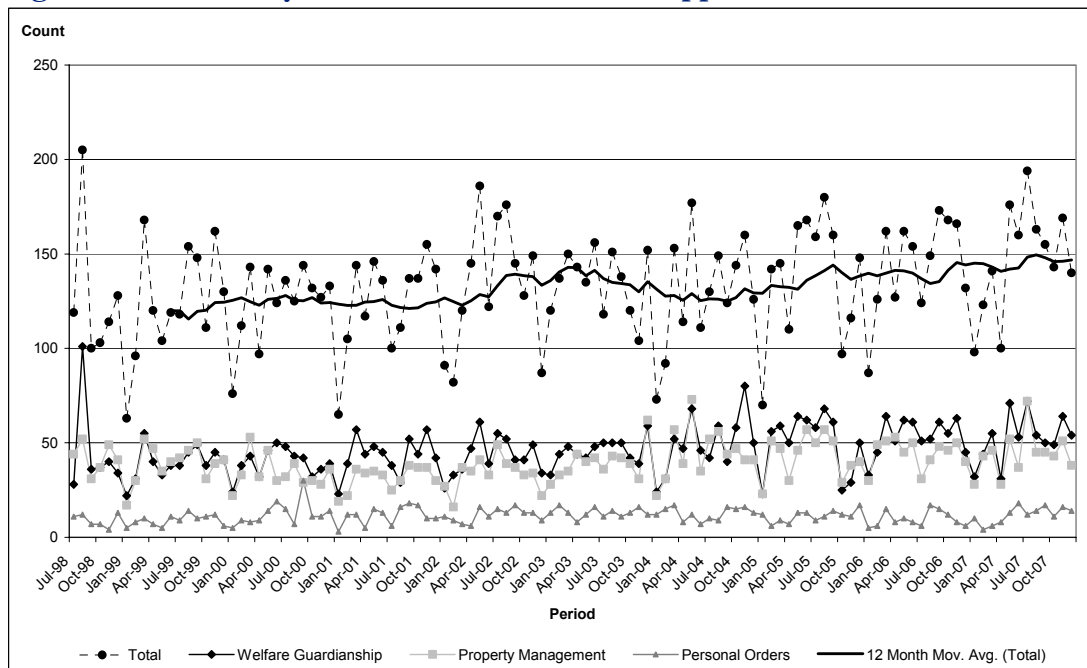
| Application type | Number | |
|---|--------|-------|
| | 2006 | 2007 |
| S11 Administer property | 110 | 192 |
| S31 Appointment of property manager | 624 | 620 |
| S30 Appointment of temporary property manager | 39 | 44 |
| S12 Appointment of welfare guardian | 768 | 773 |
| S101 Directions relating to exercise of attorney's powers | 5 | 3 |
| S102 Enduring power of attorney | 8 | 2 |
| S11 Interim administer property order | 12 | 9 |
| S12 Interim appointment of welfare guardian | 20 | 29 |
| S10 Interim personal order | 17 | 38 |
| S54 Leave to make testamentary disposition | 5 | 9 |
| S103 Leave to review attorney's decision | 3 | 4 |
| S10 Personal order | 84 | 90 |
| S105 Revoke appointment of attorney | 13 | 9 |
| S103 Review of attorney's decision | 5 | 0 |
| S86 Review personal order | 175 | 50 |
| S87 Review property order | 148 | 182 |
| S89 Review welfare guardian/manager's decision | 22 | 18 |
| S32 Trustee corporation to act as manager | 12 | 16 |
| S55 Testamentary disposition order | 11 | 33 |
| S74 Excuse attendance of subject person | 149 | 88 |
| S38 Directions relating to exercise of manager's power | 21 | 17 |
| Total applications | 2,251 | 2,226 |
| Total number of cases to which applications relate | 1,290 | 1,318 |

The largest fluctuations in application type counts were for the interim administration of property under Section 11, Reviews of Personal (S86) and property orders (S87), and applications excusing the attendance of subject persons (S74). These fluctuations exhibited no particularly noteworthy trend and indeed, where some application types dropped in 2006, they rose again in 2007 and vice versa. In August 2007, there was a change in the monetary limit threshold of the S11 application to have property administered. This had the effect of increasing the number of people for whom such applications could be made under this provision. Furthermore, some properties that did not previously require a property manager were then required to make application for such property management. This is expected to have contributed to the increase in the number of this particular application type.

2.5.3 Recent trends in PPPR applications

Figure 2.13 shows the number of substantive PPPR applications between July 1998 and December 2006. The number of applications continued to increase gradually over the period. The 2004 report noted the jump in numbers in mid 2002. It was at that time suggested that such jumps were often associated with closures of institutions. Overall, there tends to be a reasonable amount of fluctuation, in what appear a regular cycle with troughs in January and peaks in the middle of each year. Despite this fluctuation the trend generally continues upwards, throughout the period reported here, despite a slight low in 2004.

Figure 2.13: Monthly time-series trend in PPPR applications filed, 1998–2007



Notes:

1 The above figure uses data from only those Courts that were using the FCDB in July 1998.

Also plotted in Figure 2.13 are applications relating to welfare guardianship, property management and personal orders. While applications for welfare guardianship and property management tends to generally mirror the overall PPPR gradually increasing trend, the trend for personal order applications appears to remain stable over this period.

Because of the particularly large proportion of persons subject to PPPR applications in the over 60-year age group (see Table 2.36), and the aging population of New Zealand, the number of PPPR applications might be expected to continue on its upward trend into the future.

2.5.4 Demographic characteristics

Under the PPPR Act, an application is usually filed by a person responsible for the welfare of someone unable to care for themselves or manage their property. The applicant can be the person themselves, a relative, a person holding power of attorney, social worker, medical practitioner, person in charge of an institution, or any other person with the Court's permission. In some circumstances, it can also be a trustee corporation or a non-profit organisation that provides services for incapacitated people. This information is currently not recorded in CMS.

The demographic information shown in Table 2.33 below, and the tables that immediately follow, present demographic information in respect of the person subject to the application. As there is generally only one subject person in any one case, the demographic information is reported here at case level, rather than application level.

As shown in Table 2.35, there were even proportions of males and females that were the subject of PPPR Applications in both 2006 and 2007. According to the 2006 Census, this compares to the general population where there are slightly more females (51 percent). In 2005, 52 percent of people subject to PPPR applications were male.

Gender

Table 2.35 shows the gender of people who were the subject of PPPR applications in 2006 and 2007. As shown in the table, there is an even proportion of males and females. The gender of the subject person was not recorded for around four percent of applications.

Table 2.35: Gender of subject people in PPPR cases in 2006 and 2007

| Gender | 2006 | | 2007 | |
|-------------|--------|------------|--------|------------|
| | Number | Percentage | Number | Percentage |
| Female | 611 | 50 | 620 | 50 |
| Male | 599 | 50 | 618 | 50 |
| Total known | 1210 | 96 | 1238 | 96 |
| Unknown | 53 | 4 | 50 | 4 |
| Total | 1263 | | 1288 | |

Notes:

- 1 The number of applicants in cases here is slightly smaller than that reported in Table 2.32 because not all subject persons could be matched to an application. This data should become more reliable in the future with recent changes to CMS business rules.

Age

The age distribution of the people who were the subject of PPPR applications in 2006 and 2007 is shown in Table 2.36. As was the case in 2005, there was a large proportion (43 percent for both 2006 and 2007) of subject persons who were aged 60 and over, with the median of the distribution lying in the 50 to 59 year age group. This compares to the general

population of New Zealand where only 17 percent of people are over the age of 60 with the median age falling in the 30-39 year age group (see Appendix D). As already mentioned, the aim of the PPPR Act is to protect people who are no longer able to conduct their own affairs, and thus it is not surprising that such a large proportion are over the age of 60.

In 2006, the age group with the largest proportion (18 percent) of PPPR subject persons was the 40-49 year age group. The second largest age group was the 80-89 year age group (16 percent). In 2007, the 40-49 and 80-89 year age groups made up equal proportions with 16 percent each. This differs somewhat from 2005 when the second largest age group was the 20-29 year age group. According to the 2006 Census, the 40-49 year age group is the second largest (15 percent) after the under 20-year age group which makes up 29 percent of the population. The 80-89 year age group makes up only 3 percent of the population. Note that in 22 and 21 percent of cases, for 2006 and 2007 respectively, neither age nor date of birth was available.

Table 2.36: Age of persons subject to PPPR applications in 2006 and 2007

| Age group (years) | 2006 | | 2007 | |
|-------------------|-------------|------------|-------------|------------|
| | Number | Percentage | Number | Percentage |
| Under 20 | 26 | 3 | 17 | 2 |
| 20 – 29 | 85 | 9 | 117 | 12 |
| 30 – 39 | 132 | 13 | 139 | 14 |
| 40 – 49 | 182 | 18 | 164 | 16 |
| 50 – 59 | 144 | 15 | 146 | 14 |
| 60 – 69 | 107 | 11 | 103 | 10 |
| 70 – 79 | 120 | 12 | 125 | 12 |
| 80 – 89 | 159 | 16 | 166 | 16 |
| 90 or over | 36 | 4 | 39 | 4 |
| Total known | 991 | 78 | 1016 | 79 |
| Unknown | 272 | 22 | 272 | 21 |
| Total | 1263 | | 1288 | |

Notes:

- 1 When the CoCA came into force in 2005 there was a change in the age from 18 to 20 as the age for whom applications could be made under this Act. It also applies for those aged 16 or over who are married in a de facto relationship or a civil union.

Ethnicity

The ethnicity of persons subject to a PPPR application was available in only 58 percent of applications in 2006 which increased to 65 percent in 2007. The distribution of available ethnicities, in Table 2.35, shows that 84 percent of subjects were European/Pākehā in 2006, and 83 percent in 2007. There was little difference in the distributions of 2006 and 2007, although the Māori ethnic group increased in its representation by 2 percentage points to 11 percent. In 2005, the Māori ethnic group was represented by 12 percent. The ethnicity make up of persons subject to PPPR applications, as represented in this table, is quite different to the ethnicity make up for the total population (see Appendix D). There appears to be an over-representation of European/Pākehā, and an under-representation of Māori. However, such comparisons should be made cautiously because of the small number of subject persons, and because the Census data reports multiple ethnic responses.

Table 2.37: Ethnicity of persons subject to PPR applications in 2006 and 2007

| Ethnicity | 2006 | | 2007 | |
|-----------------|--------|------------|--------|------------|
| | Number | Percentage | Number | Percentage |
| European/Pākehā | 613 | 84 | 693 | 83 |
| Māori | 69 | 9 | 88 | 11 |
| Pacific | 27 | 4 | 32 | 4 |
| Asian | 12 | 2 | 20 | 2 |
| Other | 7 | 1 | 3 | 0 |
| Total known | 728 | 58 | 836 | 65 |
| Unknown | 535 | 42 | 452 | 35 |
| Total | 1263 | | 1288 | |

2.6 Mental health and intellectual disability cases

2.6.1 Background

Mental Health (MH) cases heard in the Family Court are governed by two legislative Acts – the Mental Health Compulsory Assessment and Treatment (MHCAT) Act 1992 and the Intellectual Disability Compulsory Care and Rehabilitation (IDCCR) Act 2003. The MHCAT Act deals with the protection of the rights of persons subjected to compulsory psychiatric assessment and treatment. The Act provides that, wherever possible, applications for treatment should be heard and decided by a Family Court Judge, or otherwise by a District Court Judge. The vast majority of cases classified as MH come under this statute, and are generally heard in hospitals.

Only a few cases come under the IDCCR Act. This Act deals with intellectually disabled persons who have committed a crime. The Act provides Courts with compulsory care and rehabilitation options. Whilst the people subject to this Act are ‘nominally criminal’, the matter is heard in the Family Court.

Whilst an intellectual disability is not a mental illness, it is grouped as such in CMS under the same case type for administrative purposes only. Because applications that deal with care orders under the IDCCR make up less than two percent of all MH applications, they are not discussed in any depth here. It is worth noting however, that the number of applications under the IDCCR Act seems to be increasing. There were 45 applications in 2005, 74 in 2006 and 104 applications in 2007.

2.6.2 Applications in 2006 and 2007

In 2006, the total number of Mental Health case type applications was roughly the same as in 2005 with an increase of less than one percent. In 2007, however, there was an increase of nearly seven percent from the 2006 count. As seen in the Table 2.38, most of this increase was in applications for the extension of compulsory treatment orders. In 2007, there were no applications for warrants to apprehend patients/proposed patients for assessment or treatment, yet there were more applications for warrants to enter premises. When compared to 2006, there were also a higher number of applications in 2007 to determine the status of a patient, although this number still remains quite low, at just 17.

Table 2.38: Mental health applications in 2006 and 2007

| Application type | Number of applications | |
|--|------------------------|-------|
| | 2006 | 2007 |
| S85 Extend compulsory care order | 4 | 15 |
| S72 Review of plan and/or care order | 57 | 76 |
| S86 Vary compulsory care order | 8 | 5 |
| S84 Cancel compulsory care order | 2 | 5 |
| S39 Compulsory care order | 3 | 3 |
| S87(1) Defer expiry of compulsory care order | 0 | 18 |
| S14 Compulsory treatment | 2,934 | 2,876 |
| S15 Determine status of patient | 2 | 17 |
| S34 Extension compulsory treatment order | 1,321 | 1,660 |
| S16 Review of patient's condition | 999 | 1,004 |
| S113A Warrant to apprehend patient/proposed patient for assessment/treatment | 44 | 0 |
| S113A(7) Warrant to enter premises | 5 | 11 |
| S45 Assessment of person in penal institute | 1 | 1 |
| S83 Appeal against review tribunal's decision | 1 | 3 |
| Total applications | 5,383 | 5,741 |
| Number of cases for which there was an application | 3,498 | 3,704 |

Notes:

1 The upper part of the table distinguishes those applications that were made under the Intellectual Disability Act.

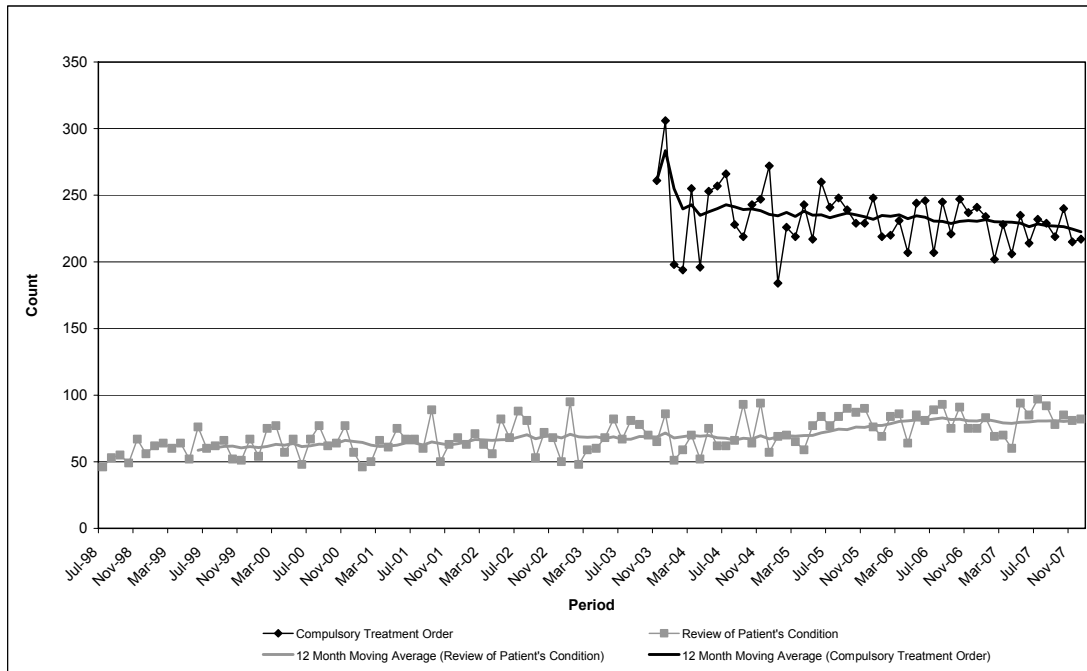
2.6.3 Trends in mental health applications

Figure 2.14 shows the trends for both applications for review of patient's condition and for compulsory treatment orders, which are the two most common MH application types aside from extensions. The data for compulsory treatment orders goes back only to November 2003. This is because it is known that the pre-CMS data is particularly unreliable.⁶

The trend illustrated in the figure below shows a gradual decrease in the number of compulsory treatment order applications over the reported period. Concurrently, there has been a gradual rise in the number of applications for review of patient's condition although there is an apparent levelling off or stabilisation of the trend from mid 2006.

⁶ The majority of compulsory treatments are heard at hospitals rather than Courts. Prior to CMS, applications were not entered into the FCDB but held on paper only. This data is now recorded in CMS.

Figure 2.14: Monthly time-series trend in mental health applications, 1998–2007



Notes:

- 1 The above figure uses data from only those Courts that were using the FCDB in July 1998.
- 2 Data prior to April 2004 is taken manually from the old FCDB because the migration of this data to CMS in April 2004 was incomplete.

2.6.4 Characteristics of patients

Excluding cases involving intellectual disability, the 5,307 applications made in 2006 related to 3,443 cases. In 2007, there were 5,619 applications pertaining to 3,629 cases. The demographic information for the patients in these cases is presented below.

Gender

For both 2006 and 2007, in just over 15 percent of cases the gender of the patient was not known because it was either not recorded, or it was recorded incorrectly in CMS. In the majority of these instances, no patient was linked to the application in CMS.⁷ For patients where the gender was known, there was a higher proportion of male patients for both 2006 and 2007, as shown in Table 2.39 below. These proportions are the same as to those reported in 2005, although gender is recorded in a higher proportion of cases than in 2005.

Table 2.39: Gender of patients in mental health applications for 2006 and 2007

| Gender | 2006 | | 2007 | |
|----------------------|--------|------------|--------|------------|
| | Number | Percentage | Number | Percentage |
| Female | 1242 | 43 | 1267 | 42 |
| Male | 1678 | 57 | 1776 | 58 |
| Total known | 2920 | 85 | 3043 | 84 |
| Unknown or incorrect | 522 | 15 | 586 | 16 |
| Total cases | 3442 | | 3629 | |

⁷ To avoid this happening in the future a recent CMS business rule has been put in place.

Age

The age of 83 percent of patients was known for both 2006 and 2007, which is considerably higher than the 70 percent reported in 2005. The age distribution of patients, which is shown in Table 2.40, is similar to the 2004 and 2005 patterns.

As noted in the 2005 report, this table is skewed in that it shows a predominance of younger people that are subject to compulsory treatment orders. This does not mean that there are fewer older people currently in compulsory treatment; it is simply that this table reports new cases and not compulsory treatment orders that may be continuing indefinitely under Section 34(4).

Table 2.40: Age of patient for 2006 and 2007

| Age group | Proportion in each age group (%) | |
|------------|----------------------------------|------|
| | 2006 | 2007 |
| Under 15 | 1 | 1 |
| 15 – 19 | 7 | 7 |
| 20 – 24 | 12 | 12 |
| 25 – 29 | 12 | 11 |
| 30 – 34 | 14 | 14 |
| 35 – 39 | 13 | 12 |
| 40 – 44 | 11 | 11 |
| 45 – 49 | 10 | 10 |
| 50 – 54 | 6 | 6 |
| 55 – 59 | 5 | 5 |
| 60 or over | 10 | 12 |

Ethnicity

Ethnicity is not reported as it was known in fewer than 20 percent of cases for both years. This is because documentation in hospitals does not currently collect such information.

2.7 Requests for counselling

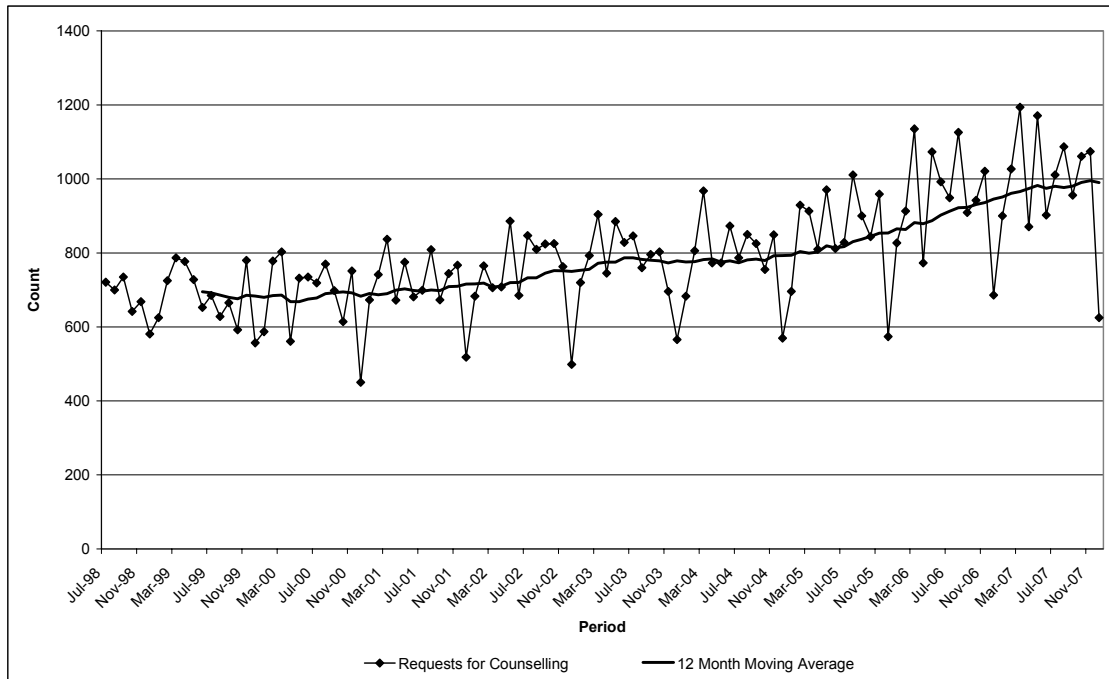
2.7.1 Background

Under section 9 of the Family Proceedings Act 1980, a request can be made to the Family Court for relationship counselling that is free of charge. Requests for counselling are not technically applications but are recorded as such on CMS. These requests can also be made under Section 65 of the Care of Children Act 2004 which came into force in July 2005. The rising number of requests may be a result of the documented misfiling of S65 requests as S9 requests – at least early on under the CoCA. For this reason this report includes both S9 and S65 requests here. This was not done in the previous report on 2005 statistics. The Court may also order counselling under other case type headings; however, these are not discussed here.

2.7.2 Recent trends in requests for counselling in 2006 and 2007

There were 12,915 requests for counselling in 2006 and 13,280 requests in 2007. This represents an increase of three percent each year since 2005. Between 2004 and 2005, there was an increase of six percent.

Figure 2.15: Monthly time-series trend in requests for counselling (S9 and S65), 1998–2007



Notes:

- 1 The above figure uses data from only those Courts that were using the FCDB in July 1998.
- 2 Data prior to April 2004 is taken from the old FCDB because the migration of this data to CMS in April 2004 was incomplete.

The increase in requests for counselling can be seen in Figure 2.15. Looking at the complete trend in requests for counselling since July 1998 and 00, as reported in the previous report, the number of requests remained relatively stable until the introduction of the CoCA in 2005. This is excepting for the slight jump in mid 2002 which was likely the result of a measurement issue, and unlikely to reflect an actual change. As noted above, the increase since July 2005 is likely to be a result of the provision to request counselling under CoCA. This is especially so as this figure reports all S9 and S65 requests, where as previously this trend figure included only S9 applications. The trend seemed to continue to increase since then. It is possible, however, that two years after CoCA came into force that the trend is levelling off. More data extending the time series will be needed to confirm this.

Figure 2.15 exhibits obvious periodicity. The lowest number of applications over a 12 month period is almost always December, with the peak usually in March or April.

2.7.3 Characteristics of applicants

Collection of demographic information

Demographic information on those making a request for counselling was not comprehensively collected, although its collection is increasing. The main reason for this is that the S9 Request for counselling does not require gender, age or ethnicity to be recorded. However, in 2007 gender was known for at least one party in 96 percent of requests, while ethnicity was known for only 46 percent, and age for 40 percent of requests. Due to the lack of data on age and ethnicity, neither of these demographics are analysed here. No analysis has been done on gender either, because of inconsistencies in the way that the gender was recorded where requests were made for multiple parties.

2.8 Adoption cases

2.8.1 Background

Adoption is the legal transfer of all parental rights and responsibilities from a child's birth parents to the adoptive parents and is governed by the Adoption Act 1955. The Family Court is the usual place where cases under this Act are heard.

The Adoption Act 1955 allows the Court to make an adoption order. Neither the adult applicant nor the (prospective) adoptee child needs to be living in New Zealand. The data presented here includes all adoption applications filed in the Family Court in New Zealand, irrespective of where the applicant lives.

Following the Hague Convention on inter-country adoption, overseas adoptions are counted in the home country of the child. According to figures sourced from the Department of Internal Affairs, foreign Courts granted 353 adoptions to New Zealand parents in the 2006/07 fiscal year.

The adoption process begins when an applicant files an 'S3 Adoption' application. If the Judge is satisfied, an interim order is usually made. Less commonly, a final adoption order can also be made at this stage. If an interim order is made, the applicant later files for an 'S13 Issue of adoption order after interim order made'. At that point, if the Judge or Registrar is satisfied that it is appropriate, a final adoption order is made.

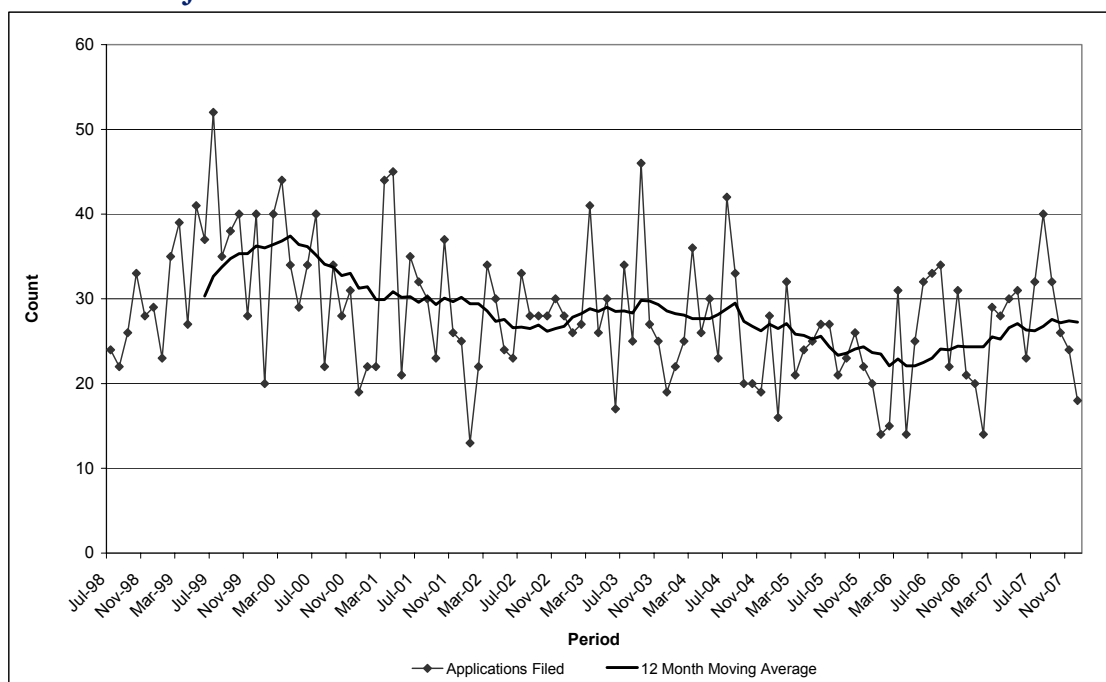
Adoption records are generally not open for inspection. Someone seeking information on an adoption file (for example, information about his or her own birth parents) can file an application under S23 of the Adoption Act 1955 to open the records on special grounds. The process for considering whether or not to allow access to the records has a number of steps which include: checking vetoes that may have been applied to the file; obtaining a social worker's report on the appropriateness of providing access; and considering whether the person has established special grounds.

2.8.2 Recent trends

Figure 2.16 below maps the trend for the number of 'S3 Adoption' applications between July 1998 and December 2005. As with other time series plots in this report, only the data from those Courts that have been collecting Family Court data since 1998 is used.

There has been a decreasing trend in adoption applications to the end of 2005 despite the slight rise and plateau that happened from early 2003 until mid 2004. From mid 2004, the decline appeared to accelerate somewhat, however, from early 2006 the number of applications began to climb again. It is possible that an application rate of just under 30 per month is generally stable with minor fluctuations that are proportionately amplified by the relatively small numbers involved.

Figure 2.16: Monthly time-series trend in adoption applications, Jul 1998–Dec 2007



Notes:

1 The above figure uses data from those Courts that were using the FCDB in July 1998.

2.8.3 Outcomes of adoption applications

Tables 2.41 and 2.42 show the outcomes for all adoption related applications that were disposed in 2006 and 2007 respectively. The tables also show the number of applications filed in those years.

The only large difference worthy of note between 2005 and 2007 was that there were just under 100 fewer adoption-related applications disposed in 2006 as compared to 2005. Most of this difference was in applications for the inspection of records. In 2007, there were just over 50 fewer applications, with most of this difference in S3 Adoption applications. These differences are despite very little change in the number of applications actually being filed.

There were six fewer applications filed in 2006 than in 2005, and 28 more applications filed in 2007 than in 2006.

Table 2.41: Outcomes of adoption applications disposed in 2006

| | Number of applications lodged | Number of applications disposed | | | Total |
|--|-------------------------------|---------------------------------|-----------------------|------------|------------|
| | | Lapsed, withdrawn, discontinued | Dismissed, struck out | Granted | |
| S3 Adoption | 356 | 36 | 24 | 291 | 351 |
| S13 Final adoption order | 70 | 1 | 1 | 68 | 70 |
| S15 Leave to take child out of New Zealand | 4 | 1 | 0 | 3 | 4 |
| S20 Vary/discharge adoption order | 0 | 0 | 0 | 0 | 0 |
| S8 Dispense with consent | 57 | 8 | 3 | 42 | 53 |
| S23 Inspect adoption records | 78 | 11 | 24 | 50 | 85 |
| S12 Revocation of interim adoption order | 1 | 0 | 0 | 0 | 0 |
| Total | 566 | 57 | 52 | 454 | 563 |

Notes:

- 1 Applications lodged in 2006 may have been disposed in 2006 or any time thereafter.
- 2 The applications reported as disposed in this table may have been filed in a prior year.

Table 2.42: Outcomes of adoption applications disposed in 2007

| | Number of applications lodged | Number of applications disposed | | | Total |
|--|-------------------------------|---------------------------------|-----------------------|------------|------------|
| | | Lapsed, withdrawn, discontinued | Dismissed, struck out | Granted | |
| S3 Adoption | 379 | 41 | 20 | 247 | 308 |
| S13 Final adoption order | 69 | 0 | 0 | 69 | 69 |
| S15 Leave to take child out of New Zealand | 3 | 0 | 0 | 3 | 3 |
| S20 Vary/discharge adoption order | 1 | 0 | 0 | 1 | 1 |
| S8 Dispense with consent | 36 | 7 | 9 | 25 | 41 |
| S23 Inspect adoption records | 106 | 14 | 23 | 51 | 88 |
| S12 Revocation of interim adoption order | 0 | 0 | 1 | 0 | 1 |
| Total | 594 | 62 | 53 | 396 | 511 |

Notes:

- 1 Applications lodged in 2007 may have been disposed in 2007 or any time thereafter.
- 2 The applications reported as disposed in this table may have been filed in a prior year.

The remainder of this section on adoption considers only applications filed under S3 Adoptions. The reason for this is that S3 Adoptions are the most common type of application within the adoption case types (see Tables 2.41 and 2.42). In 2006 and 2007, 'S3 Adoptions' made up 70 percent and 68 percent, respectively, of all adoption cases.

2.8.4 Characteristics of Parties to Adoption Applications

For children involved in adoption applications birth date and/or age was recorded in 99 percent of applications, gender in 96 percent of applications and ethnicity in only 65 percent

of applications. For the applicant, birth date and/or age was recorded in 93 percent of applications, gender in 99 percent, and ethnicity in 87 percent of applications.

Gender

Table 2.43 shows the gender of the parties to S3 Adoption applications in 2006 and 2007. The majority of applicants are joint applicants with at least one other, which is unsurprising. It is worth noting that the practice in CMS is to have one case for each adopted child, even in cases of multiple simultaneous adoptions.

Note that Section four of the Adoption Act 1955 generally precludes a single male applicant from adopting a female child unless he is the birth father.

Table 2.43: S3 Adoption application counts by party's gender, 2006 and 2007

| Year | Party | Single party | | Multiple party | |
|------|-----------|--------------|------|----------------|------|
| | | Female | Male | Female | Male |
| 2006 | Applicant | 32 | 5 | 317 | 313 |
| | Child | 168 | 152 | 5 | 7 |
| 2007 | Applicant | 55 | 6 | 316 | 3 |
| | Child | 195 | 147 | 1 | 4 |

Age

The age distribution of applicants and children is shown in Table 2.44. The distributions for the two years reported look very similar to that which was reported for 2005. The age distributions of both adoption applicants and children are not typical of the general population. The distribution of adoption children is highly skewed towards the youngest grouping. For both 2006 and 2007, more than half of the adopted children were in the under 5 year age group.

Table 2.44: Age distribution of parties to S3 adoption applications in 2006 and 2007

| Age group | 2006 | | 2007 | |
|-----------|---------------|-----------|---------------|-----------|
| | Applicant (%) | Child (%) | Applicant (%) | Child (%) |
| 0 – 4 | | 56 | | 53 |
| 5 – 9 | | 20 | | 20 |
| 10 – 14 | | 18 | | 17 |
| 15 – 19 | | 6 | | 10 |
| 20 – 24 | 1 | | 2 | 0 |
| 25 – 29 | 7 | | 8 | |
| 30 – 34 | 22 | | 15 | |
| 35 – 39 | 25 | | 28 | |
| 40 – 44 | 21 | | 21 | |
| 45 – 49 | 13 | | 11 | |
| 50 – 54 | 6 | | 8 | |
| 55 – 59 | 3 | | 5 | |
| 60 + | 1 | | 2 | |

The applicant age distribution peaks around the 35-39 year age group, with no obvious skew. Section 4 of the Adoption Act 1955 specifies that applicants (at least one in a joint application) have to be at least 25 years old and at least 20 years older than the child if not

related. In the case where the applicant is related to the child, the applicant must be at least 20 years of age if related to the child, or be the biological mother or father of the child.

Ethnicity

Table 2.45 shows the ethnic distribution of adoption applicants and children. It is important to note, however, that because the numbers are so low the proportions presented in this table are subject to quite large variation and as such should not be used to make comparisons to the general population, as is done in other sections of this report. Despite this, it is interesting to note that in 2006 and 2007, around a third of adoptions involved Pacific Island peoples as both applicants and children.

Table 2.45: Ethnic distribution of parties to S3 adoption applications in 2006 and 2007

| Ethnicity | 2006 | | 2007 | |
|-----------------|---------------|-----------|---------------|-----------|
| | Applicant (%) | Child (%) | Applicant (%) | Child (%) |
| European/Pākehā | 52 | 35 | 45 | 29 |
| Māori | 11 | 13 | 10 | 10 |
| Pacific | 27 | 34 | 31 | 38 |
| Asian | 9 | 13 | 11 | 17 |
| Other | 1 | 4 | 3 | 6 |

2.9 Dissolution of marriage or civil union

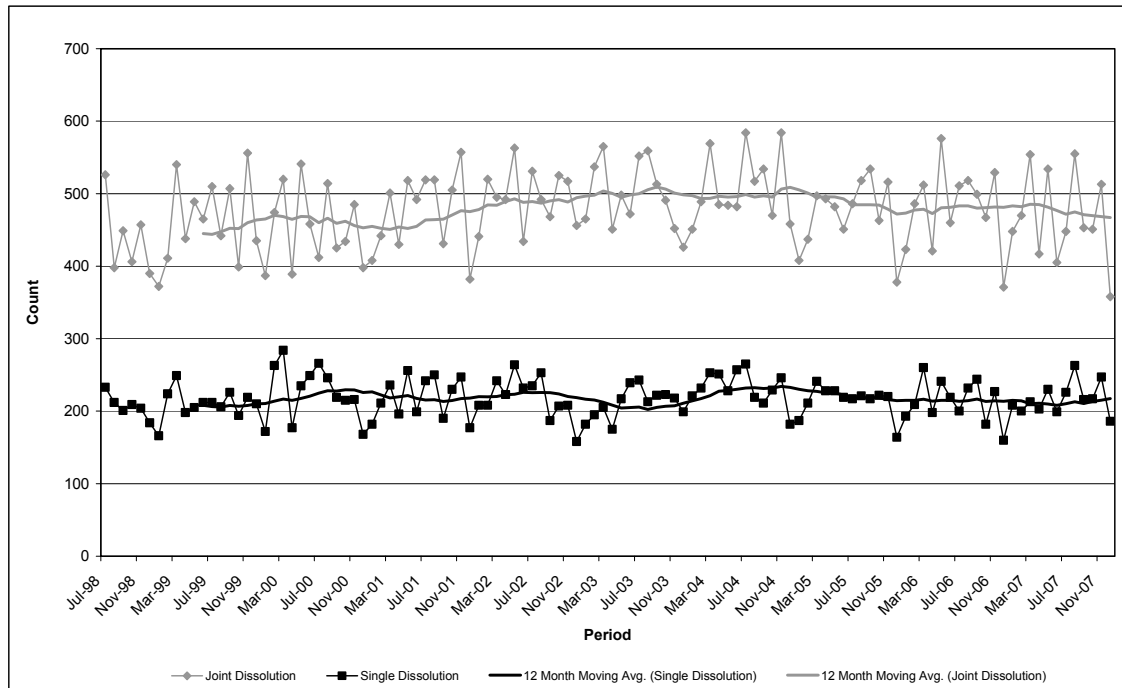
2.9.1 Background

Dissolutions of marriages and civil unions are governed by the Family Proceeding Act 1980. The Civil Union Act 2004, which came into force in April 2005, allows couples, including same-sex couples, to enter into a legally recognised union. However, dissolution of marriage or civil union requires at least two years of separation, which means no civil union dissolution could happen until April 2007.

2.9.2 Recent trends

Figure 2.17 shows the trend in joint and single dissolution applications. The figure shows two quite stable trend lines for both joint and single dissolutions over time. These trends have changed very little over the 2006 and 2007 period, although in recent years it appears that the stable trend for joint dissolution applications has dropped marginally.

Figure 2.17: Trends in single and joint dissolution of marriage/civil union



2.9.3 Outcomes

Tables 2.46 and 2.47 show the number of dissolution applications received in 2006 and 2007, as well as the number of applications that were disposed. Table 2.47 includes civil union dissolutions from April 2007. Disposed applications are grouped into three outcome categories as laid out in the tables.

In 2006, there were 10,341 applications filed, and 10,400 applications disposed. This is only slightly higher than the numbers in 2005, when 10,268 applications were filed, and 10,236 applications disposed. Most of this small increase came from Joint Dissolutions.

Table 2.46: Outcomes of dissolution applications disposed in 2006

| | Number of new applications | Number of applications disposed | | | Total |
|---|----------------------------|---------------------------------|-----------------------|-----------------------------|--------------|
| | | Discontinued, lapsed, withdrawn | Dismissed, struck out | Granted, granted by consent | |
| S27 Declaration as to validity of marriage | 2 | 0 | 0 | 2 | 2 |
| S29 Declaration marriage to be void ab initio | 10 | 1 | 7 | 4 | 12 |
| S37 Joint dissolution of marriage | 7184 | 19 | 29 | 7143 | 7191 |
| S37 Single dissolution of marriage | 3145 | 98 | 101 | 2996 | 3195 |
| Total | 10341 | 118 | 137 | 10145 | 10400 |

Notes:

- 1 Applications lodged in 2006 may have been disposed in 2006 or any time thereafter.
- 2 The applications reported as disposed in this table may have been filed in a prior year.
- 3 Statistics NZ's "Demographic Trends 2006" quotes 10,065 dissolutions for 2006. However, these are compiled from monthly manual returns and do not take into account late entries into CMS.

In 2007, the number of applications dealt with was slightly lower, with 10,210 applications filed and 10,093 applications disposed. Again, most of the difference was in joint dissolutions. In 2007, there were few applications for dissolution of civil unions.⁸ This is unsurprising given that the total number of civil unions is relatively small compared to marriage.

Table 2.47: Outcomes of dissolution applications disposed in 2007

| | Number of new applications | Number of applications disposed | | | Total |
|---|----------------------------|---------------------------------|-----------------------|-----------------------------|--------------|
| | | Discontinued, lapsed, withdrawn | Dismissed, struck out | Granted, granted by consent | |
| S29 Declaration Marriage to be Void ab initio | 13 | 2 | 3 | 10 | 15 |
| S37 Joint Dissolution of Marriage | 6967 | 15 | 25 | 6896 | 6936 |
| S37 Joint Dissolution of Civil Union | 4 | 0 | 0 | 4 | 4 |
| S37 Single Dissolution of Marriage | 3225 | 87 | 88 | 2962 | 3137 |
| S37 Single Dissolution of Civil Union | 1 | 0 | 0 | 1 | 1 |
| Total | 10210 | 104 | 116 | 9873 | 10093 |

Notes:

- 1 Applications lodged in 2006 may have been disposed in 2006 or any time thereafter.
- 2 The applications reported as disposed in this table may have been filed in a prior year.

It is worth noting that the majority of both joint and single dissolutions are largely procedural and require very little judicial intervention.

2.9.4 Characteristics of parties to single dissolution applications

As in most areas, the recording of demographic information about both applicants and respondents in single dissolutions seems to improve slightly each year. In 2006 and 2007, gender was recorded in around 98 percent of applications, age or birth date in just under 90 percent, and ethnicity in around 85 percent of applications. Overall, there was slightly more information available on applicants than respondents for both years.

Gender

Table 2.48 shows the gender distribution of both applicants and respondents for both years. There was little or no difference between 2006 and 2007. In 2006 and 2007, women were slightly more likely to be the applicant than the respondent, and men were slightly more likely to be the respondent.

⁸ The dissolution of civil unions has been possible since April 2007 (2 years after civil unions became possible in New Zealand).

Table 2.48: Gender distribution of parties to single dissolution applications in 2006 and 2007

| Year | Party | Female | Male |
|------|------------|--------|------|
| 2006 | Applicant | 51 | 47 |
| | Respondent | 48 | 52 |
| 2007 | Applicant | 51 | 47 |
| | Respondent | 48 | 52 |

Notes:

- 1 There were around 2 percent of applications that had more than one applicant recorded which is presumed to be data entry error. This is because dissolution can only occur between 2 parties, therefore only 1 party can be an applicant.

Age

Table 2.49 shows that the age distribution of both applicants and respondents for both years was very similar. There was very little difference between the distributions for the two years reported here and the distribution previously reported for 2005.

Table 2.49: Age distribution of parties to single dissolution applications in 2006 and 2007

| Age group | 2006 | | 2007 | |
|-----------|-----------|------------|-----------|------------|
| | Applicant | Respondent | Applicant | Respondent |
| 15 – 19 | 0 | 0 | 0 | 0 |
| 20 – 24 | 2 | 2 | 2 | 2 |
| 25 – 29 | 7 | 6 | 7 | 6 |
| 30 – 34 | 14 | 13 | 12 | 12 |
| 35 – 39 | 17 | 16 | 17 | 15 |
| 40 – 44 | 18 | 18 | 18 | 17 |
| 45 – 49 | 16 | 17 | 16 | 18 |
| 50 – 54 | 11 | 12 | 12 | 13 |
| 55 – 59 | 7 | 7 | 8 | 8 |
| 60 + | 8 | 9 | 8 | 9 |

Ethnicity

Table 2.50 gives the ethnicity distribution for both applicants and respondents for 2006 and 2007. There is very little difference in the distribution between the two years reported here and between the distribution reported for 2005. There is also little difference between the ethnicity distributions of applicants and respondents, as might be expected.

Table 2.50: Ethnicity distribution of parties to single dissolution applications in 2006 and 2007

| Ethnicity | 2006 | | 2007 | |
|-----------------|-----------|------------|-----------|------------|
| | Applicant | Respondent | Applicant | Respondent |
| European/Pākehā | 72 | 71 | 74 | 71 |
| Māori | 8 | 10 | 8 | 10 |
| Pacific | 5 | 6 | 4 | 6 |
| Asian | 13 | 12 | 12 | 11 |
| Other | 2 | 2 | 1 | 2 |

The table shows that nearly three quarters of both applicants and respondents are of European/Pākehā ethnicity. The next most common ethnicity for applicants and respondents

in single dissolution cases was Asian. This is despite both Māori and Pacific peoples making up higher proportions than Asians in the general population, as reported by the 2006 Population Census (see Appendix D).

2.10 Interrelationships between cases

2.10.1 Background

Parties that utilise the Family Court can be involved in more than one case at a time. For example, it has been common for an applicant for a protection order who has children to also apply for a parenting order (or custody order prior to the CoCA). Where a relationship breakdown occurs, it is possible that the parties could be involved concurrently, or over an extended period, in guardianship, domestic violence, relationship property, dissolution, or care and protection cases (if not others as well). These cases are identified separately in CMS but can be cross-referenced.

The provision to be able to cross-reference cases in CMS is generally used as a tool by Court staff to identify cases that are in some way linked. Most often cases are linked where the same party or parties are involved at the same time in different case types. In this instance, the cross-reference may identify the commonality of a family group across a number of cases.

Cases are also sometimes linked where only one party is common. This may happen, for example, where a mother has a number of children to different fathers, all of whom may be involved with separate GU cases. In this instance, the cross-reference is due to just one party who is common to different cases and different family groups.

In previous Family Court Statistical Reports (Bartlett, 2006; Ong, 2007), the cross-reference was used to count the number of family groups involved with Family Court cases. This may have been a small oversight, in that cross-references normally identify common family groups, but they also identify common individuals. Thus, the number of cross references could be used only as a proxy for family groups or, more appropriately, as simply the number of cases that are related in one or more ways.

For these reasons, caution is advised in making comparisons between this section and similar sections in the previous reports. To avoid confusion, the data is presented slightly differently in the present report.

2.10.2 Concurrent guardianship and domestic violence cases

Table 2.51 reports the extent of overlap between guardianship cases and domestic violence cases involving protection orders. While the proportion of GU cases cross-referenced to DV cases in both 2006 and 2007 was lower than in 2005 (21 percent),⁹ the proportion of DV cases cross-referenced to GU cases was slightly higher, having sat at 50 percent in 2005.

⁹ Note that this number is reported as 20% in the 2005 report because as noted above, it counted cross-references slightly differently.

Table 2.51: Cross-referenced guardianship and DV cases, 2006 and 2007

| | 2006 | | 2007 | |
|--------------------------------------|-------|----------------|-------|----------------|
| | Count | Proportion (%) | Count | Proportion (%) |
| GU cases cross-referenced to DV (PO) | 2393 | 19 | 2506 | 19 |
| Total GU Cases | 12422 | - | 13134 | - |
| DV (PO) cases cross-referenced to GU | 2282 | 53 | 2357 | 54 |
| Total DV (PO) Cases | 4283 | - | 4349 | - |

Notes:

1 DV (PO) Cases refer to domestic violence cases that involve applications for protection orders.

While around half of DV cases were cross-referenced to GU cases in 2006 and 2007, it is interesting to note that three quarters (73% in 2006 and 71% in 2007) of DV cases (involving a protection order) involved children. Thus, not all DV cases that involve children are recorded as also being involved with a GU case.

2.10.3 Guardianship and relationship property cases

Table 2.52 shows the extent of overlap between guardianship cases and relationship property cases. In 2006 and 2007, there were relatively few guardianship cases that were cross-referenced to PROP cases. Between 2005 and 2007, there were only between 2 and 3 percent of GU cases cross-referenced. Conversely, there were about a fifth of PROP cases that were cross-referenced to GU cases in 2006 and 2007. In 2005, this proportion was only one percentage point lower than that reported below for 2007.

Table 2.52: Cross-referenced guardianship and property cases, 2006 and 2007

| | 2006 | | 2007 | |
|---|-------|----------------|-------|----------------|
| | Count | Proportion (%) | Count | Proportion (%) |
| GU cases cross-referenced to PROP cases | 310 | 3 | 262 | 2 |
| Total GU Cases | 12422 | - | 13134 | - |
| PROP cases cross-referenced to GU | 277 | 20 | 254 | 18 |
| Total PROP Cases | 1395 | - | 1406 | - |

2.10.4 Parties to multiple cases

The final part of analysis is carried out on the 'life-time activity' of parties. Therefore, the following discussion alludes to the most common types of case that parties passing through the Family Court are involved in. The focus in particular is on parties that have been involved in two or more types of cases. The analysis is not limited to 2006 and 2007, but analyses all data in CMS to 31 Dec 2007.

The analysis shows that up till 31 Dec 2007, there had been over 410,000 cases filed in the CMS. The 410,000 cases collectively had over 1.22 million parties attached to them. The 1.22 million parties were not unique – that is to say that parties who appear in multiple cases

were counted multiple times. Applicants, respondents and children made up 96 percent of the parties. 'Other parties' make up the remaining 4 percent.

The analysis shows that the vast majority of parties, 78 percent, appear in only one type of case. The top three types of cases, in terms of number of parties taking part, remain guardianship (22%), dissolution (20%) and counselling (18%) cases.

Table 2.53 shows the distribution of parties who are attached to more than one type of case. The table is in descending order of the case combination that attracted the most parties. For this table, only applicants and respondents are counted. The table, therefore, tries to show the different case types for related parties, rather than individuals.

Table 2.53: Distribution of parties associated with multiple case types

| Proportion of multiple case type parties (%) | Type of case | | | | | |
|--|--------------|-------------|-------------|-------------------|------------------------|----------|
| | Guardianship | Dissolution | Counselling | Domestic Violence | Child Youth and Family | Property |
| 31.6 | ✓ | | | ✓ | | |
| 10.4 | ✓ | | ✓ | | | |
| 10.0 | | ✓ | ✓ | | | |
| 7.4 | ✓ | ✓ | | | | |
| 5.8 | ✓ | | ✓ | ✓ | | |
| 5.0 | ✓ | | | | ✓ | |
| 3.4 | | ✓ | | | | ✓ |
| 2.8 | ✓ | ✓ | | ✓ | | |
| 2.7 | | | ✓ | ✓ | | |
| 2.6 | ✓ | ✓ | ✓ | | | |
| 2.0 | | ✓ | | ✓ | | |
| 1.7 | ✓ | | | ✓ | ✓ | |
| 1.7 | ✓ | | | | | ✓ |
| 1.2 | | | ✓ | | | ✓ |
| 1.1 | ✓ | | | ✓ | | ✓ |

Notes:

1 This table counts only applicants and respondents.

The table shows that the most common coupling of cases, in terms of parties, is guardianship and domestic violence cases. This combination had 32 percent of all parties involved in more than one case type. This proportion was 37 percent when reported at the end of 2005. The next most common combination (guardianship and requests for counselling) had only 10% of parties.

Given that guardianship on its own was the most common case type in terms of parties, it is not surprising that it was also part of most parties' mix of multiple case types. As was the case at the end of 2005, the most common mix of case type not involving any guardianship was the combination of counselling and dissolution cases.

3 Costs of government-funded services

3.1 Summary

Table 3.1 summarises expenditure trends in Judge-ordered services associated with the Family Court and funded by the government.¹⁰ As reported previously, up until the 2000/01 financial year expenditure increased considerably each year in all categories. From that point until 2005/06 year, the increases had been much smaller. This changed for the 2006/07 year when an overall increase of 7.7 percent was recorded. This higher rate of increase may have been in response to the particularly low increase in the 2005/06 year of only 0.6 percent overall. The fluctuations seemed to come mainly from the DV case types for which the costs were much less in 2005/06 than they were for both the previous and subsequent years. Small changes in the number of DV cases can cause large expenditure fluctuations because costs for DV include the cost of programmes for all those affected (including applicants, respondents and children).

Table 3.1: Expenditure on Judge-ordered services (\$000) by case type

| | 1998/99 | 1999/00 | 2000/01 | 2001/02 | 2002/03 | 2003/04 | 2004/05 | 2005/06 | 2006/07 |
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| All other case types¹¹ | | | | | | | | | |
| Counselling | \$4,676 | \$4,635 | \$4,649 | \$5,592 | \$5,969 | \$6,165 | \$6,277 | \$5,881 | \$6,041 |
| Lawyer for child | \$9,133 | \$10,039 | \$11,044 | \$11,712 | \$12,619 | \$13,230 | \$13,362 | \$14,550 | \$14,939 |
| Specialist reports | \$2,848 | \$3,120 | \$3,576 | \$3,486 | \$3,628 | \$3,597 | \$3,163 | \$3,358 | \$3,703 |
| Other family | \$439 | \$595 | \$690 | \$723 | \$741 | \$737 | \$992 | \$1,073 | \$2,085 |
| CYPF | | | | | | | | | |
| Lawyer for child | \$4,186 | \$4,860 | \$5,317 | \$5,931 | \$6,305 | \$6,953 | \$7,338 | \$7,421 | \$7,488 |
| Other CYPF | \$31 | \$87 | \$863 | \$774 | \$867 | \$938 | \$933 | \$806 | \$934 |
| DV | | \$4,279 | \$4,992 | \$4,476 | \$3,946 | \$4,195 | \$4,716 | \$3,889 | \$4,973 |
| PPPR | \$805 | \$879 | \$1,108 | \$990 | \$1,008 | \$1,253 | \$1,288 | \$1,310 | \$1,058 |
| Total of above | \$22,117 | \$28,494 | \$32,239 | \$33,684 | \$35,081 | \$37,067 | \$38,067 | \$38,288 | \$41,221 |

Table 3.2: Percentage change in expenditure between financial years

| | 1998/99 | 1999/00 | 2000/01 | 2001/02 | 2002/03 | 2003/04 | 2004/05 | 2005/06 | 2006/07 |
|--|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| All other case types¹¹ | | | | | | | | | |
| Counselling | 21.6 | -0.9 | 0.3 | 20.3 | 6.7 | 3.3 | 1.8 | -6.3 | 2.7 |
| Lawyer for child | 8 | 9.9 | 10 | 6 | 7.7 | 4.9 | 1 | 8.9 | 2.7 |
| Specialist reports | -10.4 | 9.5 | 14.6 | -2.5 | 4 | -0.8 | -12.1 | 6.1 | 10.3 |
| CYPF | | | | | | | | | |
| Lawyer for child | 15.3 | 16.1 | 9.4 | 11.5 | 6.3 | 10.3 | 5.5 | 1.1 | 0.9 |
| DV | | | 16.7 | -10.3 | -11.8 | 6.3 | 12.4 | -17.5 | 27.9 |
| PPPR | 18.1 | 9.2 | 26.1 | -10.7 | 1.8 | 24.3 | 2.8 | 1.7 | -19.2 |
| Change in total | 8.4 | 9.5 | 13.1 | 4.5 | 4.1 | 5.7 | 2.7 | 0.6 | 7.7 |

Notes:

1 Source: Ministry of Justice Financial Information.

10 While most of the services reported on here are 'Judge ordered' where a Judge may make an appointment, under the PPPR and CYPF Acts, the appointment/service provision must be made (ie. mandatory appointment).

11 'All other case types' includes cost arising from the FP Act, Property Relationship Act, Guardianship, MH Act, Hague Convention.

Other noteworthy changes over the past two years include:

- The largest proportional increase in costs for 2005/06 was around nine percent in the appointment of Lawyer for child which was a higher increase for this case type than for the previous two years. This increase is most likely due to the legislative change. The Care of Children Act requires children to be more fully represented than previously, and thus the expected increase in costs is observed here.
- There was a 19 percent decrease in expenditure on protection of personal and property rights case type (PPPR) costs in 2006/07. The main expenditure here is in the appointment of lawyer for subject person. Historically, this is a case type that has been susceptible to large annual fluctuations that need not be over-interpreted.
- There were some quite large fluctuations in spending related to domestic violence cases. In the 2005/06 year there was a drop in spending in this area, followed by a large increase the following year.

The expenditure in 'specialist reports increased by 10 percent in 2006/07. As with the PPPR expenditure these costs tend to fluctuate more than others from year to year.

The remainder of this chapter compares trends in costs with trends in the Court activity underpinning them. In so doing, the analysis will attempt to assess the extent to which changing volumes have contributed to changes in costs.

Each time a professional service is provided through the Family Court, a commitment is entered on CMS to indicate the amount that can be paid to the provider of the service. Monthly trends in the numbers of these commitments are presented in the graphs below.

3.2 Counsel for child in guardianship cases

The Care of Children Act strengthened the provisions around legal representation of children and provides that a lawyer¹² must be appointed for any applications that are about day-to-day or contact of children that are likely to go to a hearing, unless this would serve no useful purpose. Counsel for child may also be appointed in certain circumstances under the Domestic Violence, Family Proceedings, and Property (Relationships) Acts.

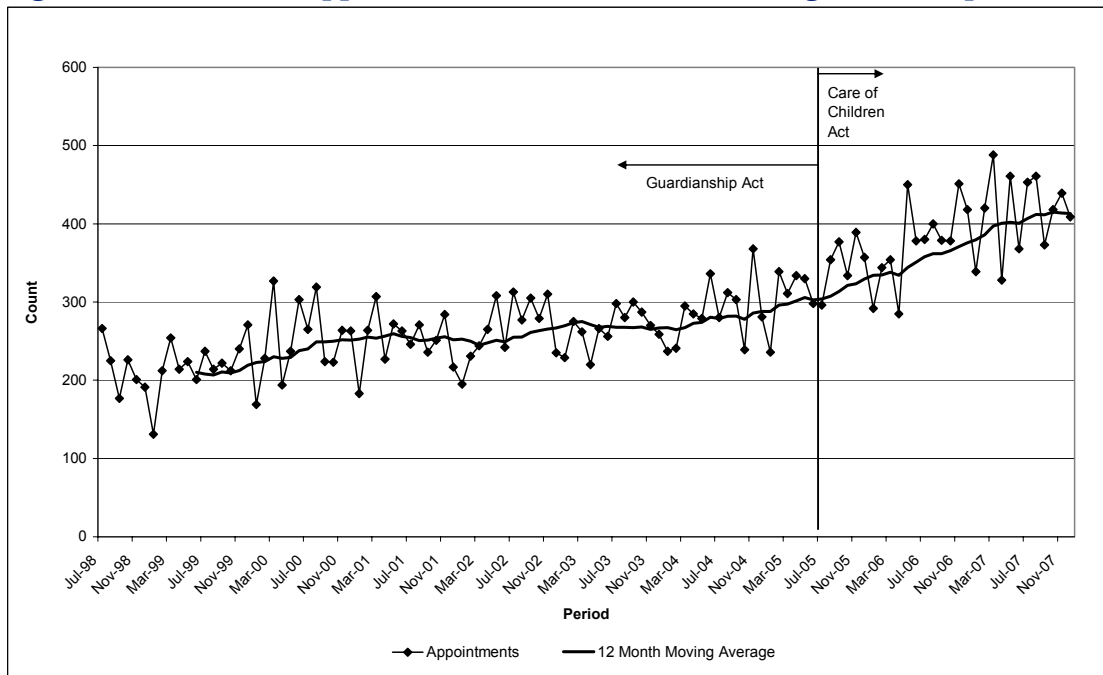
Figure 3.1 below shows the trend in the number of appointments of counsel for child in guardianship cases (which accounts for most of the appointments) between July 1998 until the end of 2007.

The trend in appointments of counsel for child from July 1998 to the change from GA to CoCA has been extensively discussed in the earlier reports. In brief, there was an increasing propensity for counsel to be appointed for children until the middle of 2001 when the number fell slightly following the issuance of guidelines as to when counsel should be appointed. After that initial decrease, the number of appointments rose again during 2002 before dropping slightly in 2003 as the number of Guardianship cases dropped. From early 2004, the trend once again was an increasing one.

¹² The Care of Children Act replaced the term 'counsel' with 'lawyer'. The term 'counsel' has been used throughout this section for consistency.

At the change from GA to CoCA this increasing trend has accelerated radically. This is not surprising, given that the counsel appointment is now strengthened under CoCA, and also considering the fact that the number of guardianship cases is increasing (see Figure 2.1). It is possible that the trend may have shown signs of levelling off towards the end of 2007, although it is too early to tell from the time period reported here.

Figure 3.1: Trends in appointments of counsel for child in guardianship cases

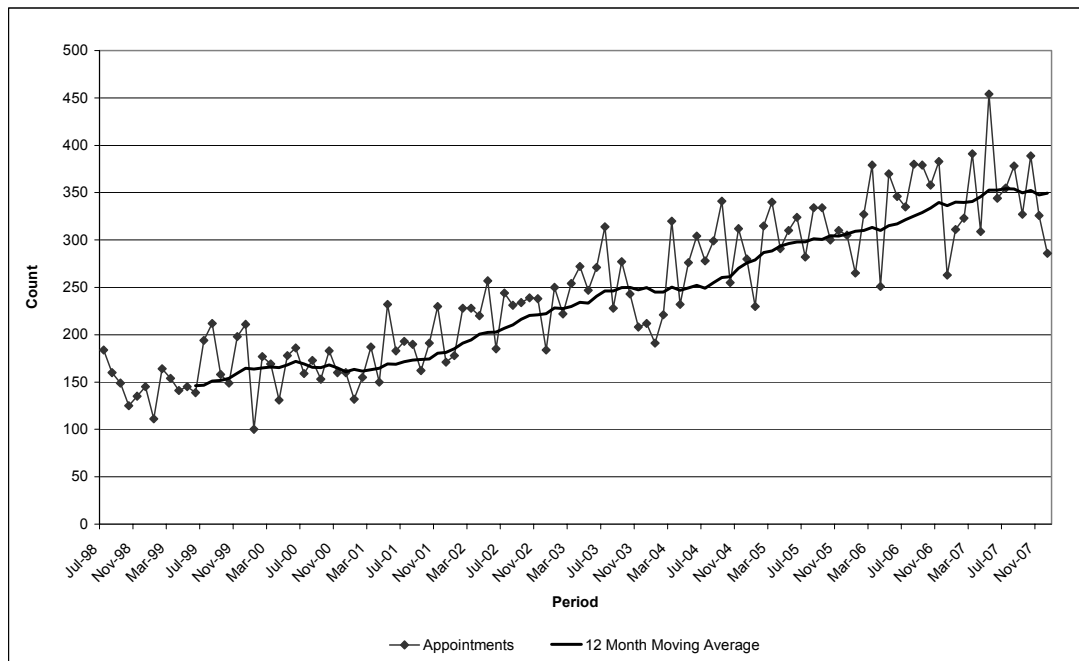


The expenditure on counsel for child saw a large increase in the 2005/06 year. The increase was nine percent, and as already noted, was the largest increase noted for that year in Table 3.2 above. In the following year, the costs had increased by just under three percent.

3.3 Counsel for child in care and protection cases

The appointment of counsel for child is mandatory in all care and protection cases for both declarations and reviews. The trends in appointments, illustrated in Figure 3.2 below, generally reflect the underlying changes in trends for declarations and reviews as illustrated in Figures 2.6 and 2.7.

Figure 3.2: Trends in appointments of counsel for child in Care and Protection cases



The general increasing trend evident in the above figure is likely driven by the similarly increasing trend in the number of children in applications for review of a plan (see Figure 2.7). There was a small plateau in late 2003 and early 2004 which was also evident in the number of review applications. As the number of review applications plateaus once more from mid 2007, so too does the number of counsel appointments. The large peak in the number of declaration applications that was apparent in the middle of 2006 (see Figure 2.6) appeared to have little effect on the trend presented above. This is because the number of review applications is so much higher than the number of declaration applications.¹³

It seems that the trend in the number of counsel appointments has once again hit a period of plateau in 2007, which is not surprising because the number of review applications has also stabilised.

The most recent expenditure increases were comparatively very small in this area. In 2005/06 the increase was just over one percent, and in 2006/07 the increase was just under one percent. While the increase in expenditure for the 05/06 year might have been expected to be a little larger, given that the stabilisation in appointments did not happen until 2007, the lower increase in expenditure the following year is as expected.

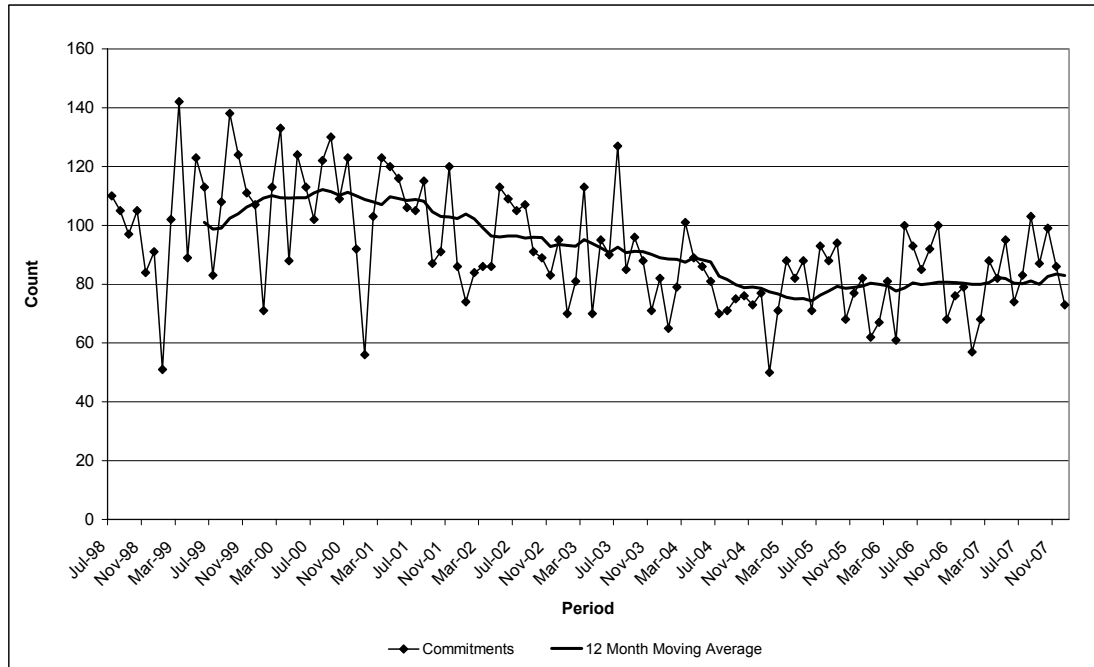
3.4 Specialist reports

Both the Guardianship Act 1968 and the Care of Children Act 2004 provided for the Judge to order a specialist report from a psychologist, psychiatrist or other medical professional to help

¹³ The number of reviews will always be higher than declarations given that a review can only be done once a declaration has been made and also because of the statutory requirement to review every 6 or 12 months depending on the age of the child.

determine a case. Figure 3.3 shows the trend in the number of commitments for specialist reports decreasing from mid 2000 and increasing slightly in early 2005 before levelling off in mid 2005. The trend seems to have remained stable since then at around 80 commitments per month.

Figure 3.3: Trend in commitments for specialist reports



Expenditure on specialist reports has historically fluctuated considerably. In both the 2003/04 and 2004/05 years, the expenditure had decreased. This was likely an effect of the downward trend for commitments for specialist reports. This changed in the 2005/06 year when the expenditure increased by just over six percent, which corresponds with the rise in commitments. The rise in expenditure in the following year was higher, at just over 10 percent, despite the stabilisation in the number of commitments per month. There is likely some lag between the number of commitments and the associated expenditure. There is minimal change expected in the expenditure on specialist reports in the 2007/08 year as a result of the stabilisation.

3.5 Counselling

Counselling is available under the Family Proceedings Act 1980 and the Care of Children Act (2004), either on request to the Court or as directed by a Judge. Requests for Counselling under the Family Proceedings Act are made under section 19, and are thus here referred to as Section 19 requests. Requests to the Court for counselling under the Care of Children Act are made under Sections 9 and 65¹⁴, and those directed by a Judge under these Acts are done so under Section 10. Each type of counselling request is referred to by its section number for ease of reference from here on.

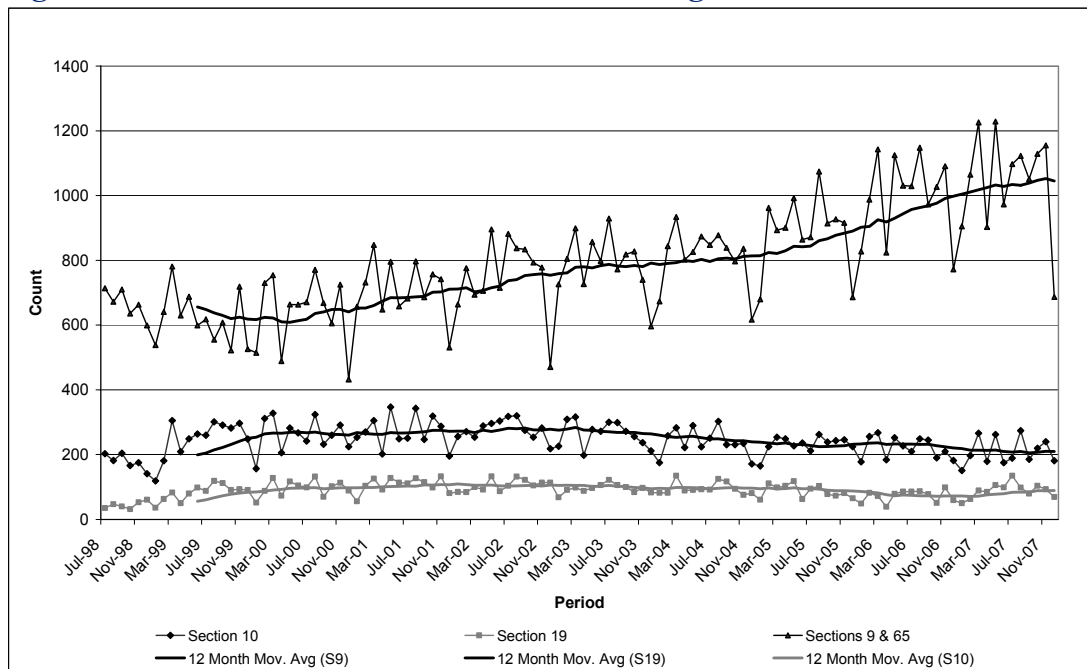
¹⁴ Section 65 requests have only been possible since July 2005 when the Care of Children Act came into force.

The change in expenditure on counselling between the 2004/05 and 2005/06 financial years was a six percent decrease, which is the biggest decrease in the period reported. The last annual decrease happened between 1998/99 and 1999/2000 when there was a one percent decrease. All other years saw an increase in expenditure on counselling.

Figure 3.4 shows trends that remain unchanged since they were previously reported. The figure shows the increasing requests for counselling under Section 9 since mid 2000. This increase is somewhat offset by a gradual decrease in Section 10 Court-referred counselling since early 2003.

After a period of relative stability in 2004, the requests under Sections 9 and 65 have continued to increase, although it is possible the number of these requests is beginning a period of stabilisation as indicated in the figure towards the end of 2007.

Figure 3.4: Trends in commitments for counselling

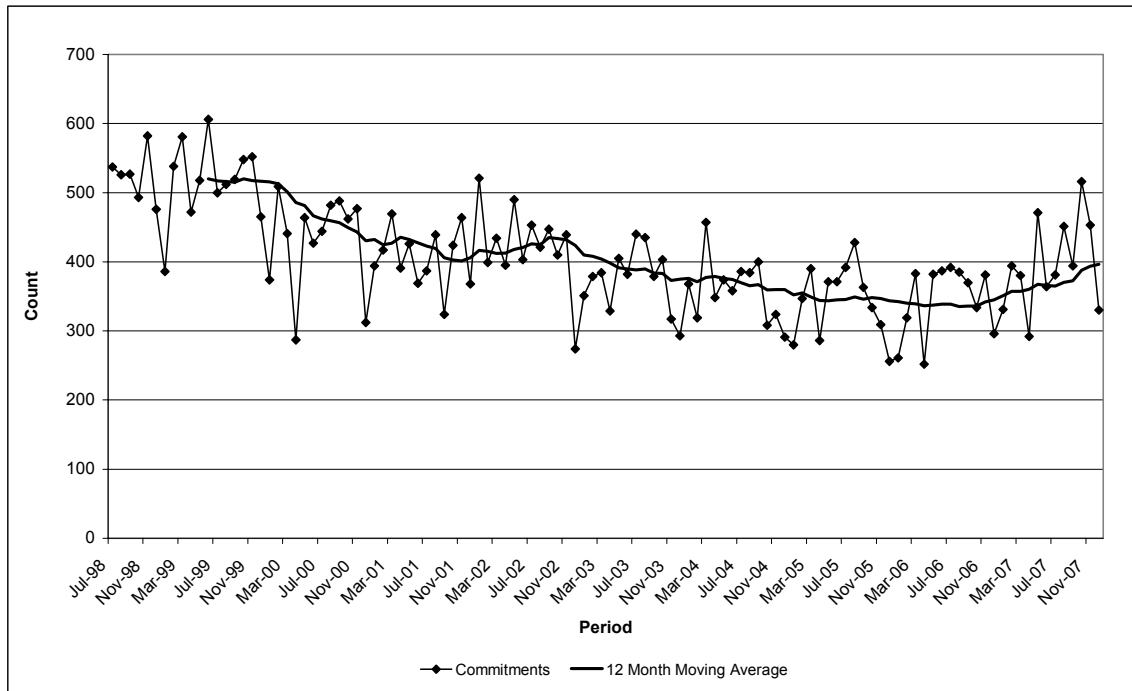


3.6 Domestic violence

Under the Domestic Violence Act 1995, respondents in DV cases must attend a programme designed to address their behaviour. Support programmes are also available on request for adult protected persons and children. The provision of programmes accounts for about 90 percent of all costs in this category. Other costs are for legal services (e.g. prosecution costs, lawyer for child) and other programme-associated costs available under the Act.

Figure 3.5 shows the trend in commitments on DV programmes. The number of commitments decreased from 2002 until 2007 when the number of commitments began increasing again. This increase coincides with a levelling off of the decreasing trend of both applications for protection orders and orders being made as presented in Figure 2.3.

Figure 3.5: Trends in commitments for DV programmes



As noted in the earlier discussion in this chapter, the highest fluctuations in expenditure were in relation to domestic violence cases. The expenditure for the 05/06 year decreased by 18 percent on the previous year, and then increased by 28 percent between 05/06 and 06/07. This increase in expenditure in 06/07 is obviously related to the increase in commitments, and the levelling off of the number of protection orders. It is possible that the high increase in expenditure could be due to an increase in the costs of providing programmes, or better attendance at programmes. The data presented here cannot confirm either of these possibilities.

References

Bartlett, E., 2006, Family Court Statistics 2004 Report, Ministry of Justice, Wellington.

Callister, P., Didham, R., and Potter, D. (2005), Ethnic Inter-marriage in New Zealand, A Statistics New Zealand Working Paper.

Ong, S., 2007, Family Court Statistics 2005 Report, Ministry of Justice, Wellington.

Appendix A: Glossary

Abbreviations Used in this Report

| | |
|-------|---|
| AADA | Alcohol and drug addiction case type |
| AD | Adoption case type |
| CMS | Case management system |
| CoCA | Care of Children Act 2004 |
| CS | Child support case type |
| CYPF | Care and protection case type |
| DISS | Dissolution of marriage and civil union case type |
| DV | Domestic violence case type |
| ES | Estates case type |
| FCDB | Family Court database (obsolete) |
| FP | Family proceedings case type |
| GA | Guardianship Act 1968 (repealed) |
| GU | Guardianship case type |
| GUA | Guardianship analysis case (used in the previous report) |
| HA | Hague Convention case type |
| IDCCR | Intellectual Disability Compulsory Care and Rehabilitation Act 2003 |
| MH | Mental health case type |
| MHCAT | Mental Health Compulsory Assessment and Treatment Act 1992 |
| MISC | Miscellaneous case type |
| PO | Protection order |
| PPPR | Protection of personal and property rights case type |
| PROP | Relationship property case type |
| REQ | Request for counselling case type |

Description of Application Outcomes

| | |
|--------------------|--|
| Discontinued | The applicant decided to pursue the application no further. |
| Dismissed | The Judge did not grant the application. |
| Disposed | Decided or determined. |
| Granted | The application was granted by a Judge (or in some cases a Registrar). |
| Granted by consent | The application was granted by a Judge (or Registrar) with the consent of all the parties. |
| Lapsed | The application was not served or progressed within the required time and is therefore terminated. |
| Self-litigant | Someone who represents themselves in Court. |
| Struck out | The application was removed by a Judge before any final decision was made. |
| Withdrawn | The application was withdrawn by the applicant with the permission of a Judge. |

Appendix B: Court cluster units

| Court Cluster Group | Family Court |
|-------------------------------|---|
| <i>Northern Region</i> | |
| Whangarei | Kaitaia Kaikohe [^] Whangarei ^{*^} Dargaville [^] |
| North Shore | North Shore ^{*^} Warkworth ^{*^} |
| Auckland | Auckland ^{*^} |
| Waitakere | Waitakere ^{*^} |
| Manukau | Papakura ^{*^} Pukekohe Manukau ^{*^} |
| <i>Waikato Region</i> | |
| Hamilton | Hamilton ^{*^} Huntly Morrinsville Te Awamutu Te Kuiti Thames [^] |
| Gisborne | Gisborne [^] Wairoa [^] |
| Rotorua | Rotorua ^{*^} Tokoroa [^] Taupo [^] |
| Tauranga | Opotiki Tauranga ^{*^} Waihi Whakatane [^] |
| <i>Central Region</i> | |
| New Plymouth | Hawera [^] New Plymouth ^{*^} |
| Napier | Dannevirke Hastings [*] Napier [*] Waipukurau |
| Palmerston North | Fielding Levin [^] Marton Palmerston North ^{*^} Taihape Taumarunui Wanganui ^{*^} |
| Wellington | Lower Hutt ^{*^} Masterton [^] Upper Hutt Wellington ^{*^} Porirua ^{*^} |
| Nelson | Blenheim ^{*^} Nelson [^] |

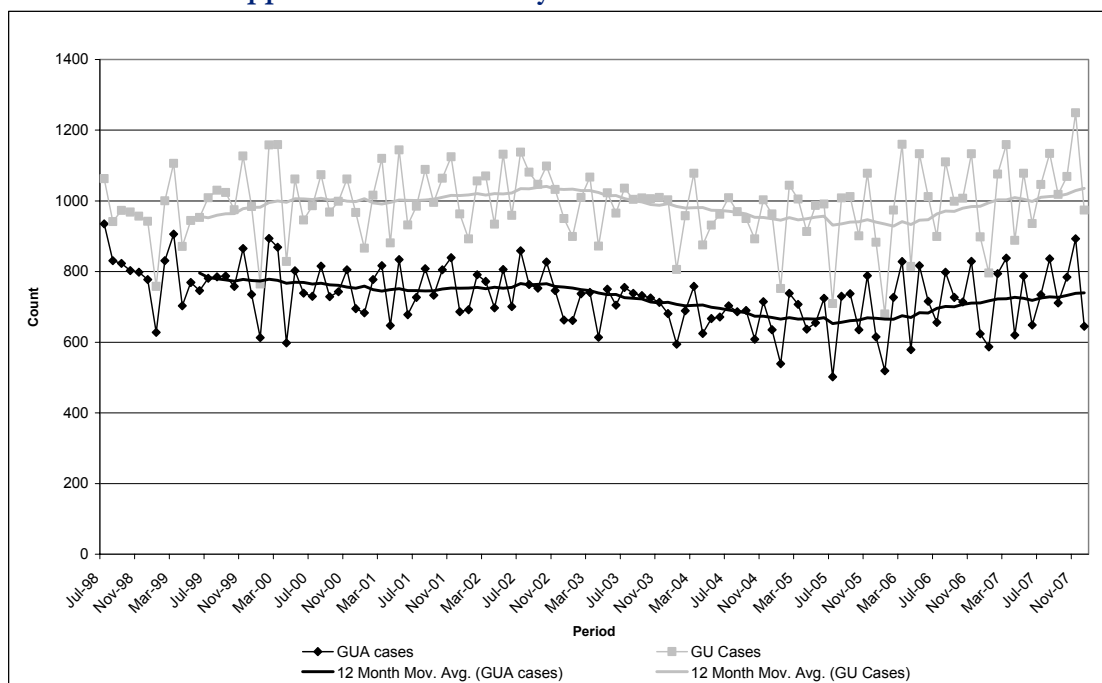
| Court Cluster Group <i>(continued)</i> | Family Court <i>(continued)</i> |
|--|---|
| <i>Southern Region</i> | |
| Christchurch | Christchurch*^ Greymouth Rangiora Westport Ashburton Timaru^ |
| Dunedin | Alexandra Dunedin*^ Oamaru Balclutha Queenstown |
| Invercargill | Gore Invercargill*^ |

Notes:

- * denotes those Courts that were using the FCDB from July 1998.
- ^ denotes those Courts that were using the FCDB from July 2000.

Appendix C: GUA versus GU case types

Figure A1: Trend comparison: Number of GUA cases and GU cases for which a new application was filed by month



Notes:

1 The above figure uses data from those Courts that were using the FCDB in July 1998.

The above figure presents the time series trends, for only those Courts using the FCDB back to 1998, of the number of new cases for both guardianship (GU) cases and guardianship analysis (GUA) cases. The monthly count of GU cases is the number of guardianship cases for which a new application was filed and which have unique case identification numbers. The count of GUA cases uses the more complicated method of counting guardianship cases, as devised by Bartlett (2006). This was the count for guardianship cases used in the previous Family Court Statistical report (Ong, 2007).

Bartlett (2006) derived a measure that counted cases that are reopened, after an arbitrary three-month period, as new cases. This meant that a GUA case was defined as a group of applications involving the same family group that was dealt with during a specific period of time. The reason for developing this measure was to avoid the possibility of over-estimating the amount of time a case was open because of possible long periods of case dormancy. Furthermore, Bartlett noted there were known data issues around the recording of applications early on which meant analysis could not be accurately carried out at application level. It was also felt that there was a chance the work volume of the Court could be underestimated because of the known data recording issues. The recording of applications is now much more accurate and reliable than in the earliest years of Court records. This makes application counts a much more reliable measure in general, and especially as an

appropriate and reliable measure of work volumes, for which it was previously cautioned against.

In the present report, the unit of analysis for guardianship cases moves away from the GUA concept in favour of simpler analysis and uncomplicated comprehension. Furthermore, it makes the method of measurement in the guardianship section of this report consistent with that in all other sections. This is achieved by discussing application length rather than case length, avoiding the possibility of over-estimating the length of a case. Such application level analysis can now be carried out because of the much improved and assured data collection which was previously of concern.

Figure A1 above shows two trend lines with virtually identical trends – except in the earliest couple of years when it is known that the reliability of the data is highly questionable anyway. Such similar trends for both measures suggests that both capture relative activity of guardianship activity and that both GU and GUA case measures tell the same story in regards to the guardianship activity over time. This supports the move away from GUA cases as the unit of measurement, in favour of the simpler and easier understood GU case.

Appendix D: 2006 population census data

Table A1: Ethnic distribution of New Zealand in 2006

| Ethnicity | Proportion >20 yrs (%) | Proportion 0-19 yrs (%) | Proportion of total population (%) |
|-----------------|------------------------------|-------------------------------|--|
| European/Pākehā | 69 | 65 | 68 |
| Māori | 11 | 23 | 15 |
| Pacific | 5 | 11 | 7 |
| Asian | 9 | 10 | 9 |
| Other | 13 | 10 | 12 |

Notes:

- 1 Proportion of ethnicities calculated from the Culture and Identity component of the Statistics New Zealand Table Builder tool. Ethnicities for people give total adult ethnicities of 107% compared to 119% for children. This suggests that children are more multi-ethnic than adults.
- 2 'New Zealander' was introduced as a new response option for the 2006 Census. 'New Zealander' responses form part of the 'Other ethnicity' category. For 2006, 'New Zealander' responses had the largest contribution towards the 'Other ethnicity' category. In previous censuses 'New Zealander' was counted with the 'European/Pākehā' category.

Table A2: Age distribution of children in New Zealand in 2006

| Age Group (Years) | Proportion (%) |
|--------------------------|-------------------|
| 0 to 4 | 26 |
| 5 to 9 | 27 |
| 10 to 14 | 29 |
| 15 to 17 | 18 |
| Total number of children | 1,081,230 |

Notes:

- 1 Data sourced from Statistics New Zealand's 2006 Population Census estimates.
- 2 Proportions calculated based on total number of children – defined here as under the age of 18 years.

Table A3: Age distribution of New Zealand in 2006

| Age Group (Years) | Count | % |
|----------------------|-----------|-------|
| Under 20 | 1,201,870 | 28.7 |
| 20-29 | 551,550 | 13.2 |
| 30-39 | 598,570 | 14.3 |
| 40-49 | 627,650 | 15.0 |
| 50-59 | 506,660 | 12.1 |
| 60-69 | 342,190 | 8.2 |
| 70-79 | 223,770 | 5.3 |
| 80-89 | 113,260 | 2.7 |
| 90 or over | 19,060 | 0.5 |
| Total | 4,184,600 | 100.0 |

Notes:

- 1 Data sourced from Statistics New Zealand's 2006 Population Census estimates.

Appendix E: GU and DV cross-tabulated demographic tables

Table A4: Applicants in parenting order applications (GU) in 2007, by age, gender and ethnicity

| Age group | Gender | | | | | | | | | | | | | | | | Total count | | | | |
|-----------|------------------------|----|-------|----|---------|----|-------|----|-------|----|------------------------|----|-------|----|---------|----|-------------|-------|----|-------|--------|
| | Female | | | | | | | | | | Male | | | | | | | | | | |
| | NZ European/ Pākehā | | Māori | | Pacific | | Asian | | Other | | NZ European/ Pākehā | | Māori | | Pacific | | | Asian | | Other | |
| | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | | Count | % | Count | % |
| Under 15 | 12 | 0 | 6 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 9 | 0 | 3 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 32 |
| 15 to 19 | 198 | 4 | 110 | 5 | 9 | 2 | 2 | 1 | 2 | 3 | 26 | 1 | 16 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 364 |
| 20 to 24 | 589 | 13 | 326 | 14 | 52 | 11 | 22 | 9 | 8 | 11 | 198 | 6 | 102 | 10 | 23 | 8 | 6 | 5 | 2 | 3 | 1,328 |
| 25 to 29 | 763 | 17 | 364 | 16 | 77 | 16 | 56 | 23 | 9 | 12 | 367 | 11 | 149 | 15 | 37 | 13 | 26 | 21 | 5 | 8 | 1,853 |
| 30 to 34 | 814 | 18 | 312 | 13 | 108 | 22 | 59 | 24 | 19 | 26 | 571 | 18 | 173 | 17 | 65 | 22 | 20 | 16 | 4 | 7 | 2,145 |
| 35 to 39 | 861 | 19 | 358 | 15 | 75 | 15 | 42 | 17 | 15 | 20 | 648 | 20 | 178 | 17 | 44 | 15 | 35 | 28 | 23 | 38 | 2,279 |
| 40 to 44 | 553 | 12 | 265 | 11 | 57 | 12 | 34 | 14 | 9 | 12 | 647 | 20 | 144 | 14 | 45 | 15 | 17 | 14 | 17 | 28 | 1,788 |
| 45 to 49 | 344 | 8 | 218 | 9 | 42 | 9 | 21 | 9 | 10 | 14 | 378 | 12 | 106 | 10 | 26 | 9 | 11 | 9 | 6 | 10 | 1,162 |
| over 50 | 451 | 10 | 358 | 15 | 68 | 14 | 11 | 4 | 2 | 3 | 393 | 12 | 147 | 14 | 53 | 18 | 9 | 7 | 3 | 5 | 1,495 |
| Total | 4,585 | 59 | 2,317 | 69 | 489 | 62 | 247 | 66 | 74 | 55 | 3,237 | 41 | 1,018 | 31 | 294 | 38 | 125 | 34 | 60 | 45 | 12,446 |

Notes:

1 Only those applicants where gender, ethnicity, and age were recorded are counted here.

Table A5: Respondents in parenting order applications (GU) in 2007, by age, gender and ethnicity

| Age group | Gender | | | | | | | | | | | | | | | | | | Total count | | |
|-----------|------------------------|----|-------|----|---------|----|-------|----|-------|----|------------------------|----|-------|----|---------|----|-------|----|-------------|-------|--------|
| | Female | | | | | | | | | | Male | | | | | | | | | | |
| | NZ European/ Pākehā | | Māori | | Pacific | | Asian | | Other | | NZ European/ Pākehā | | Māori | | Pacific | | Asian | | | Other | |
| | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | | Count | % |
| Under 15 | 16 | 0 | 7 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 5 | 0 | 5 | 0 | 2 | 0 | 1 | 1 | 0 | 0 | 38 |
| 15 to 19 | 185 | 5 | 133 | 8 | 4 | 1 | 3 | 2 | 2 | 4 | 95 | 3 | 83 | 4 | 6 | 1 | 1 | 1 | 0 | 0 | 512 |
| 20 to 24 | 508 | 14 | 351 | 20 | 53 | 19 | 15 | 10 | 2 | 4 | 386 | 10 | 345 | 18 | 81 | 17 | 9 | 5 | 1 | 1 | 1,751 |
| 25 to 29 | 687 | 20 | 352 | 21 | 40 | 14 | 25 | 17 | 9 | 18 | 636 | 17 | 415 | 22 | 96 | 20 | 31 | 16 | 15 | 16 | 2,306 |
| 30 to 34 | 665 | 19 | 342 | 20 | 73 | 26 | 44 | 30 | 14 | 27 | 671 | 18 | 387 | 21 | 87 | 18 | 37 | 19 | 15 | 16 | 2,335 |
| 35 to 39 | 699 | 20 | 231 | 13 | 46 | 16 | 18 | 12 | 11 | 22 | 821 | 22 | 319 | 17 | 89 | 18 | 53 | 28 | 18 | 20 | 2,305 |
| 40 to 44 | 430 | 12 | 138 | 8 | 31 | 11 | 24 | 16 | 10 | 20 | 622 | 17 | 177 | 9 | 61 | 13 | 24 | 13 | 31 | 34 | 1,548 |
| 45 to 49 | 177 | 5 | 73 | 4 | 12 | 4 | 12 | 8 | 2 | 4 | 306 | 8 | 81 | 4 | 36 | 7 | 20 | 10 | 6 | 7 | 725 |
| over 50 | 147 | 4 | 90 | 5 | 22 | 8 | 5 | 3 | 1 | 2 | 210 | 6 | 70 | 4 | 30 | 6 | 16 | 8 | 6 | 7 | 597 |
| Total | 3,514 | 48 | 1,717 | 48 | 283 | 37 | 146 | 43 | 51 | 36 | 3,752 | 52 | 1,882 | 52 | 488 | 63 | 192 | 57 | 92 | 64 | 12,117 |

Notes:

1 Only those respondents where gender, ethnicity, and age were recorded are counted here.

Table A6: Age and Ethnicity breakdown of female applicants for protection orders (DV) in 2007

| Age group | Ethnicity | | | | | | | | | | Total |
|-----------|-----------------|-----|-------|-----|---------|-----|-------|-----|-------|-----|-------|
| | European/Pākehā | | Māori | | Pacific | | Asian | | Other | | |
| | Count | % | Count | % | Count | % | Count | % | Count | % | |
| <15 | 5 | 0 | 5 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 11 |
| 15 - 19 | 141 | 7 | 70 | 8 | 17 | 9 | 7 | 4 | 2 | 5 | 237 |
| 20 - 24 | 307 | 16 | 182 | 22 | 31 | 16 | 28 | 15 | 6 | 16 | 554 |
| 25 - 29 | 334 | 17 | 172 | 21 | 37 | 19 | 33 | 17 | 6 | 16 | 582 |
| 30 - 34 | 300 | 16 | 136 | 16 | 36 | 18 | 34 | 18 | 9 | 24 | 515 |
| 35 - 39 | 337 | 17 | 116 | 14 | 34 | 17 | 31 | 16 | 6 | 16 | 524 |
| 40 - 44 | 242 | 13 | 84 | 10 | 24 | 12 | 25 | 13 | 5 | 13 | 380 |
| 45 - 49 | 114 | 6 | 31 | 4 | 13 | 7 | 22 | 12 | 3 | 8 | 183 |
| 50 - 54 | 72 | 4 | 18 | 2 | 3 | 2 | 7 | 4 | 1 | 3 | 101 |
| 55 - 59 | 32 | 2 | 7 | 1 | 1 | 1 | 3 | 2 | 0 | 0 | 43 |
| 60 + | 48 | 2 | 5 | 1 | 2 | 1 | 1 | 1 | 0 | 0 | 56 |
| All | 1,932 | 100 | 826 | 100 | 199 | 100 | 191 | 100 | 38 | 100 | 3,186 |

Notes:

1 Only those applicants where gender, ethnicity and age were recorded are counted here.

Table A7: Age and ethnicity breakdown of male respondents for protection orders (DV) in 2007

| Age group | Ethnicity | | | | | | | | | | Total |
|-----------|-----------------|-----|-------|-----|---------|-----|-------|-----|-------|-----|-------|
| | European/Pākehā | | Māori | | Pacific | | Asian | | Other | | |
| | Count | % | Count | % | Count | % | Count | % | Count | % | |
| <15 | 2 | 0 | 1 | 0 | 2 | 1 | 2 | 1 | 0 | 0 | 7 |
| 15 - 19 | 52 | 3 | 38 | 5 | 9 | 4 | 2 | 1 | 0 | 0 | 101 |
| 20 - 24 | 153 | 10 | 141 | 17 | 42 | 18 | 10 | 7 | 6 | 15 | 352 |
| 25 - 29 | 227 | 15 | 177 | 21 | 41 | 17 | 19 | 13 | 7 | 18 | 471 |
| 30 - 34 | 244 | 16 | 144 | 17 | 42 | 18 | 26 | 18 | 5 | 13 | 461 |
| 35 - 39 | 292 | 19 | 157 | 19 | 46 | 19 | 30 | 20 | 6 | 15 | 531 |
| 40 - 44 | 237 | 16 | 88 | 10 | 24 | 10 | 18 | 12 | 9 | 23 | 376 |
| 45 - 49 | 143 | 9 | 59 | 7 | 21 | 9 | 22 | 15 | 3 | 8 | 248 |
| 50 - 54 | 82 | 5 | 19 | 2 | 7 | 3 | 9 | 6 | 2 | 5 | 119 |
| 55 - 59 | 42 | 3 | 10 | 1 | 4 | 2 | 3 | 2 | 1 | 3 | 60 |
| 60 + | 40 | 3 | 5 | 1 | 2 | 1 | 7 | 5 | 0 | 0 | 54 |
| All | 1,514 | 100 | 839 | 100 | 240 | 100 | 148 | 100 | 39 | 100 | 2,780 |

Notes:

1 Only those respondents where gender, ethnicity and age were recorded are counted here.

Other Annual Statistical Reports Available

The Research, Evaluation and Modelling Unit within the Ministry of Justice carries out regular statistical reporting in a number of areas. The annual statistical reports listed below are currently available at the Ministry of Justice website – <http://www.justice.govt.nz/pubs/reports>

- Conviction and Sentencing of Offenders in New Zealand
- Family Court Statistics in New Zealand
- Child and Youth Offending Statistics in New Zealand (formerly titled Youth Justice Statistics in New Zealand)



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