

A **REP** GUIDE TO WHĀNAU ORA: **THE BARN BRO'S FAMILY LIFE**



community law

free legal help
throughout aotearoa

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SLIDE 1: BACKGROUND MATERIAL

Use this information to inform your teaching.

How to deliver a REP module

Kia ora! Thank you for being a REP volunteer. Your participation in The REP will help young Aotearoians become more aware of their legal rights and responsibilities. By connecting young people with local support services, you will also help build a stronger community for all of us. So... what do you need to need to know about delivering a module?

Know your Community Law Centre

- The most important thing about The REP is the connection you can build between members of your community and your local Community Law Centre.
- If a class takes only one thing out of a workshop, it should be that if they have a legal problem they can get help from a Community Law Centre.
- Use the REP modules as a way of talking about how Community Law Centres, other community-based services and lawyers can actually help. If anyone in your class asks for help or needs legal advice (which you are not allowed to give if you are not a lawyer), direct them to their local Community Law Centre.
- Consider going the extra step: go along with a student to the Community Law Centre so they don't feel alone or intimidated.

Know the audience

- The second most important thing about The REP is that our education is meant to be interactive and fun. Getting your audience to relax and have a laugh is as important, if not more important, than talking about the law.
- Treat this teaching resource as a guide only; try hard to deliver the material in a way that will suit your audience and that your audience will enjoy.
- REP modules are learner-led. There is no need to cover all the material in the time you have been given. See where the conversation goes, focus on what the class identifies as being important or relevant, and explore those ideas. Just to repeat: there is no need to get through all the material!
- Every group you work with will be different, with different levels of knowledge, different needs, and different expectations. Let the group both guide and teach you; work together to build a picture of how the law actually works in New Zealand.
- In general, everybody likes to know why they are here, whether it's relevant, and how long it will take. Make sure you signpost what the module is going to cover, by explaining or perhaps writing up a short plan on the board.
- Try and get to the heart of the matter: talk about the real world, and the greater social implications of the law. You will get much more out of it, and so will your class.

Know some different teaching styles

- Everybody learns differently. Very few people enjoy being lectured to!
- Some people like to visualise what they're learning (by seeing it written down, making a list, studying a face).
- Some people need to hear things to take them in (maybe by taking part in a role play or a discussion, or by using rhythm or sound as memory aids).
- Other people prefer to move around: they learn best if they're up on their feet and active.
- And others learn with their hands. They like to get creative, draw things, cut things out, make projects or demonstrations.
- The games in this module attempt to cater for every different kind of learner. Work hard at improving your own teaching practice so that everybody can get involved in the class.

Know the games

- These modules are structured so that all the important information can be covered using the games only.
- The games aim to get your class thinking about the issues being discussed and engaging with them in a practical way.
- Know and understand the way the games are run, so you can lead them smoothly and effectively.
- If you can think of more diverse, more engaging and more fun games and exercises, please do. Just make sure you feed these new improved games back to us at The REP.

Know the law

- You need to be up-to-date with the area of law this module covers.
- The background material in this guide is to help you learn the law. The Community Law Manual is also a fantastic guide to all the areas of "community" law. Check out a hard copy at your Community Law Centre or look up the online version: www.communitylaw.org.nz.
- It's always helpful to have some examples up your sleeve of how the law works in practice: if in doubt, talk to your friends, family, teachers, or the lawyers and other kaimahi at your Community Law Centre.

Evaluations

- Getting feedback is essential to improving the REP modules. Please ensure you leave enough time at the end of the class to hand out and collect the evaluation forms.
- And don't forget to fill in your tutor evaluation forms!

Last, but not least...

... Smile! Enjoy yourself, have a laugh, and thanks again for volunteering your time.

WHAT YOU WILL NEED:

- Projector and laptop
- Slides (Ctrl+L for fullscreen)
- Chocolate
- 2 Dice

Printing:

- Teaching guide
- Evaluations x 1 per student
- Tutor self-evaluation x 1
- Game of Life boardgame A1 (4 x A3 sheets) x 1
- Game of Life characters (pg 22) A4 x 1 (cut out before)
- Game of life questions (pg 23-24) A4 double sided x 1 (cut out before)

SLIDE 2: INTRODUCING THE BARN BROS



GREETINGS

- “Kia ora, talofa lava, ni hao, hello” (introduce yourself, your name, a bit about yourself).
- “This session is brought to you by the Community Law Centre and The REP: the Rights Education Project”.
- Introduce the Community Law Centre: Make sure everyone knows how to get to there – perhaps by drawing a map on the whiteboard.
- Introduce the REP.
- This module begins with an “icebreaker” to make it easier for participants to feel comfortable contributing to the workshop and for you to learn your students’ names: don’t forget them!

THE BARNYARD BROS

- The REP is based on some characters called The Barnyard Bros.
- Use either a hard copy REP Poster, the Powerpoint, or the Prezi show, to zoom in on the characters in this module, and to talk about what kind of animals they are.
- This Family module mainly follows Frankie the Hen and Burt the Rooster as they work out what kind of relationship they want to have, talk about breaking up, kids and court, and when families get into trouble...

SLIDE 2: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Community Law Centres

- We provide free legal advice, on most topics. You can see a lawyer, for free, on anything to do with employment, family, criminal, tenancy, debt, and beyond.
- Community Law Centres are situated throughout New Zealand and you can locate your nearest one at www.communitylaw.org.nz/your-local-centre/find-a-community-law-centre/. Make sure the class knows where to find their local Community Law Centre. For example: Your nearest Community Law Centre is in Wellington Central at 84 Willis Street Level 2 or in Lower Hutt at 59 Queens Drive. Come in and see us some time!

The REP – Rights Education Project

- We are a team of volunteer students keen to let you know your legal rights and responsibilities.
- We can present the law on a number of areas, but if you have anything you are particularly interested in, we are always open to new ideas!

Community Law Manual

- Have a look through the Family Law sections in Chapters 23-26 of the Community Law Manual.
- Check out a hard copy at your Community Law Centre or look up the online version: www.communitylaw.org.nz.

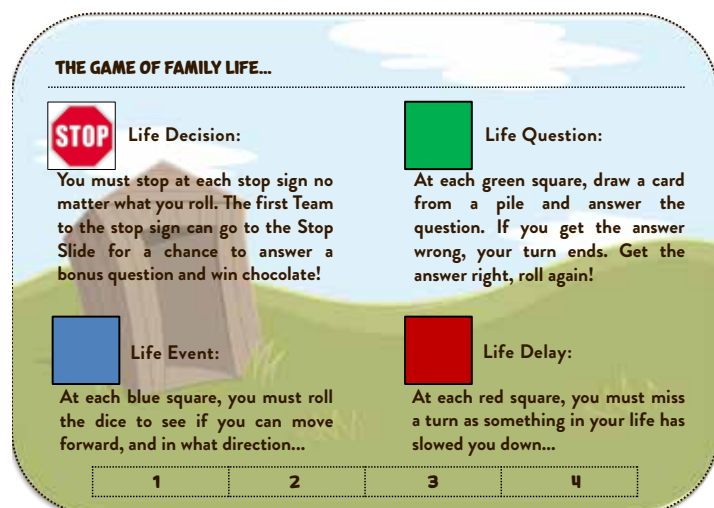
Meet the Barn Bros in this Module

- **BURT THE ROOSTER:** Burt is a misunderstood rebel. He is kind, with a good heart, but he's not great at talking about his problems. He loves being a dad, but his relationship with Frankie the Hen is not very happy. Burt is open and up for learning new things, but hasn't yet found his path.
- **FRANKIE THE HEN:** Frankie is a strong, independent woman who always speaks her mind. She loves her children, and Burt, but she's not very good at compromising, and sometimes her anger gets the better of her. She has a strong sense of right and wrong, but needs to learn how to be gentle and kind.

STUDENT SAFETY:

- It's crucial that the participants feel safe, and are safe, during this session.
- Talk to a staff member before the presentation starts to find out what support is available if anything comes up during the session.
- Pass this information on to the class...

SLIDE 3: CONTENT OF MODULE



STORYLINE

- Use the storylines provided to ground each section of the module. Take turns reading out the storyline before starting the next game. The idea is to explain what the characters are up to in the slides – to give the class something to look at and think about while everything else is going on:
- “Frankie and Burt have been together for over a year. They have started talking about moving in together, but they want to know more about what will happen if things work out for them, and more importantly, what they can do if things go wrong...”

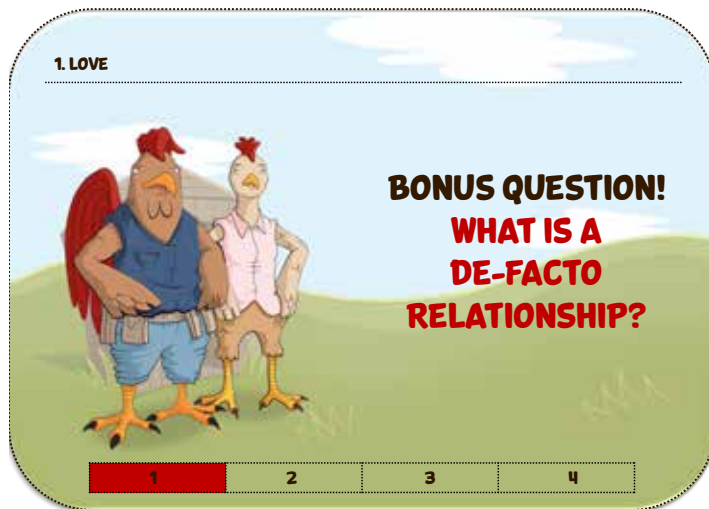
THIS MODULE WILL COVER

- Take a moment to explain the content of each of the four sections in your own words.
- Write this on the board if you think it will help “ground” the class.
- Let the class know how long each section will take - four games, each around 10-15 mins.
- The material you will cover is:
 - Falling in love
 - Breaking up
 - Kids & court
 - My family’s in trouble

ICEBREAKER: “WHĀNAU FACTS”

- The idea of this icebreaker is to encourage participation and to introduce the class members. Work hard to remember the names of everyone in the class.
- This icebreaker introduces the Family Life module by asking the class to share facts about their families.
- Ask the class members to go around the room and introduce themselves and tell a fun fact about their whānau, for example, ‘My name is Burt and I have 6 aunts and 6 uncles and 17 cousins, but I’m an only child!’

SLIDE 4: FALLING IN LOVE



STORYLINE

- “Frankie and Burt are a couple in love! They have been together for ages and have decided to move in together - they have found a nice place that is pretty cheap. Frankie has heard that if you’re living together when you’re not married, the law says that you are, so she wants to know what this means.”

THIS SECTION AIMS TO BRING OUT THE FOLLOWING IDEAS

- Marriages
- Civil Unions
- De facto relationships

GAME: “THE GAME OF FAMILY LIFE”

Presenters:

- This module is structured differently around one board game, rather than four separate games.
- Set the tone of this module: The Family Court deals with disputes such as relationship property, children, or where family violence is involved. This module will follow Frankie and Burt as they make their way through “Family Life”.
- The “Life Questions” aim to draw out the content by facilitating discussion. If you don’t get through all the life questions, facilitate discussion around left-over questions when appropriate. If you run out, make up your own!
- Put the class into 4 teams and allocate each a character. They play in alphabetical order - Burt, Dougie, Frankie, and Sione.
- Go through the rules on the slide above.
- Stop signs: If you do not answer question correctly, the next team to stop at the stop sign still has the chance to win the chocolate!

“LOVE” QUESTIONS AND ANSWERS

1.	CAN SAME SEX COUPLES GET MARRIED?	<ul style="list-style-type: none"> • YES! As of August 2013 same sex couples can get married in New Zealand.
2.	HOW OLD DO YOU HAVE TO BE TO GET MARRIED OR ENTER INTO A CIVIL UNION?	<ul style="list-style-type: none"> • 18 years old. If you are 16 or 17 years old you can get married or enter a civil union but you need the consent of your parents or guardians.
3.	NAME TWO PEOPLE YOU'RE NOT ALLOWED TO MARRY OR HAVE A CIVIL UNION WITH?	<ul style="list-style-type: none"> • Someone you're closely related to by blood, marriage, civil union or adoption. Closely related does not include cousins – so you can even marry your first cousin!
4.	WHAT IS THE DIFFERENCE BETWEEN A CIVIL UNION AND A MARRIAGE?	<ul style="list-style-type: none"> • A civil union is not recognised in the same way as a marriage out of New Zealand. If you wish to be legally recognised as civil unions partners in another country, you would have to apply in the country you wish to live in, if they have this law. Civil unions have nothing to do with the church or religion (are secular). • Entering into and getting out of a civil union or marriage are the same.
	BONUS QUESTION: WHAT IS A DE FACTO RELATIONSHIP?	<ul style="list-style-type: none"> • DEPENDS WHO'S ASKING, but usually it is when people are in a serious relationship (living together, supporting each other, sharing expenses, in a sexual relationship) but aren't married or in a civil union. • The amount of time required for a relationship to become “de facto” depends a lot on the context (who's asking). <ul style="list-style-type: none"> ○ New Zealand immigration treats you as a couple if you've been living together for at least 12 months ○ WINZ treats you as in a de facto relationship from as soon as you are living together ○ If you want to get equal division of your property under the Property (Relationships) Act the usual rule is that you have to have been living together for three years or more

SLIDE 4: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Marriages

- Marriage used to be a formal legal relationship between two people of the opposite sex.
- As of August 2013, same-sex couples will be able to get married in New Zealand!

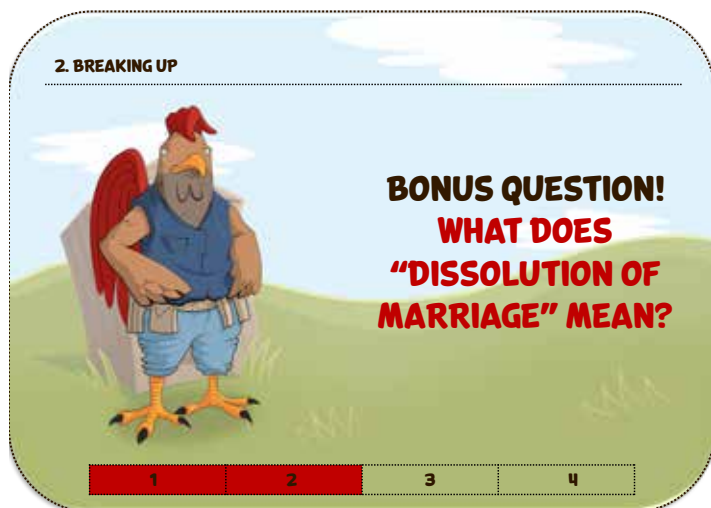
Civil Unions

- Civil Unions have been around since 2004.
- They are a formal legal relationship between two people of the same or opposite sex. They have nothing to do with the church or religion (are secular).
- Are there any limits on when you can get married or enter a civil union? Yes. Only if:
 - o You are not already married or in a civil union with someone else
 - o You're at least 16 years old (parental consent required if 16 or 17)
 - o You're not closely related by blood, marriage, civil union, or adoption
 - o Closely related does not include cousins – so you can marry your cousin!

De facto relationships

- Some people deliberately choose to have a “de facto relationship” and do not enter into a marriage or civil union.
- Other people simply drift into ‘de facto’ relationships without really thinking about it.
- The amount of time required for a relationship to become “de facto” depends a lot on the context (who's asking), for example, Work and Income treat you as a couple as soon as you're living together whereas under the Property (Relationships) Act, both people have to be over 18 and living together as a couple. The following “circumstances of the relationship” may be taken into account in deciding whether your relationship is de facto:
 - o The length of the relationship - for property division purposes you need to look at the length of the relationship. Less than 3 years is considered a ‘relationship of short duration’.
 - o Whether the parties are living in one house
 - o Whether they have a sexual relationship
 - o The degree of financial dependence or interdependence
 - o How property is owned, used, and obtained
 - o The degree of commitment to a shared life
 - o The care and support of children
 - o The performance of household duties
 - o The public image of the relationship
- Often, the law treats de facto couples the same as married or civil union couples. This means de facto couples often have rights and responsibilities they don't know about. Whether you are de facto will affect:
 - o Benefit rights (DPB and partner support)
 - o Relationship property
 - o Wills
 - o Guardianship
- De facto couples can also access the same support and services as married or civil union couples, such as help through Family Court (free counselling), or protection from domestic violence.

SLIDE 5: BREAKING UP



STORYLINE

- "Their relationship has gone south... things have gone from bad to worse since they moved in together. And now that there are kids involved it's a real mess! The arguments have become too much for the Frankie and Burt, and they have decided to split."

THIS SECTION AIMS TO BRING OUT THE FOLLOWING IDEAS

- Separation agreements
- Dissolution of marriage
- Parenting through Separation and Family Dispute Resolution
- Really bad break-ups
- Relationship property

“BREAKING UP” QUESTIONS AND ANSWERS

1.	WHAT IS A SEPARATION AGREEMENT?	<ul style="list-style-type: none"> • Helpful to discuss issues such as: <ul style="list-style-type: none"> ○ Home / Living arrangements ○ Care of Children ○ Relationship property • Can be written or oral (note: must be in writing and certified by a lawyer to be binding). • Can be used to prove when you separated.
2.	WHEN CAN YOU GO TO THE FAMILY COURT?	<ul style="list-style-type: none"> • To legally end a marriage or civil union. • To help decide who will look after the children. • To decide who will get what property. • To deal with protection and safety issues.
3.	WHAT IS RELATIONSHIP PROPERTY?	<ul style="list-style-type: none"> • Relationship property is the property that must be divided between the parties when their relationship ends, and includes: <ul style="list-style-type: none"> ○ Debts ○ House bought together ○ Car ○ Savings (including individual savings) ○ Superannuation (for example, kiwisaver)
4.	HOW LONG DO YOU HAVE TO BE LIVING APART TO GET A DIVORCE?	<ul style="list-style-type: none"> • You can only get a divorce after two years living apart. • Separation agreements are often used to prove that you have been separated for two years.
	BONUS QUESTION: WHAT DOES “DISSOLUTION OF MARRIAGE” MEAN?	<ul style="list-style-type: none"> • “Dissolution” is the legal term for Divorce.

SLIDE 5: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Splitting up

- Some couples split abruptly, other couples take a long time to separate. Sometimes couples agree to split, but sometimes one person gets dumped and ends up bitter! This section talks about what the law has got to do with it.

Separation agreements

- Obviously you don't need a formal agreement to separate, but they can be helpful to discuss important things like:
 - Home / living arrangements
 - Care of children
 - Relationship property
- Separation agreements can be written or oral. To be binding, they must be in writing and witnessed by a lawyer.
- If you're married, and planning to divorce, an agreement can be used as a marker of when you separated.

Dissolution of marriage

- If anyone is interested in learning about divorce, discuss the following (NB only cover if there is interest).
 - 'Dissolution' is the legal term for divorce. Can only divorce after two years of living apart.
 - A Family Court order legally ends a marriage or civil union
 - Filing fee \$211.50 and you don't need a lawyer
 - Easier to get if both parties apply together, but one party can apply alone if they want to

Parenting through Separation (PTS) and Family Dispute Resolution (FDR)

- You have to go through PTS programme and FDR to go through the Family Court process unless it is an emergency situation and there are safety issues involved.
 - PTS: Free four hour course teaching tools for reaching agreement about care of children during separation
 - FDR: A trained mediator will help to sort things out

Really bad break-ups

- A really good break-up will probably never involve lawyers or the court. We will focus on break-ups that are "bad" but "well-handled", and when bad break-ups get really bad.
- Couples who can't solve their break-up issues between themselves or through counselling often end up applying to the Family Court to decide who will look after the children and who will get what property. Child support is administered through the IRD. Apply to the IRD for child support. Note: More detail in the 'Kids' section.
- While sometimes the Family Court is a good option, often there can be significant drawbacks:
 - The initial application to the Family Court is now a do-it-yourself process with limited involvement from lawyers - If the matter gets complicated and you need to go to a hearing, the judge will then allow you to have a lawyer
 - The Family Court can be time-consuming and distressing, and the Judge decides! This means that one person will always lose - If you can make decisions on your own, with your partner, you might find a solution that works for both of you


Relationship Property

One important thing to discuss about break-ups is 'property', which can include debts.

- Even if you're not married, if you've been with someone for three years, the law says that a couple should divide their property equally between them. For example, Kaylee buys a house on her own. She later meets Rua, who moves in. After five years, they break-up and Rua is now entitled to exactly half the house.
- There are great reasons for this law. Principles include:
 - "All forms of contribution to the relationship are treated as equal"
 - "A fair division takes into account the economic advantages and disadvantages of each partner"
 - Relationship "property" can also include some forms of debt, for example if the debt was incurred for the relationship (such as, to buy household goods, or to provide for children)

SLIDE 6: KIDS & COURT

3. KIDS & COURT



BONUS QUESTION!
**HOW DOES THE
FAMILY COURT
DECIDE WHO GETS
DAY-TO-DAY
CARE?**

1 2 3 4

STORYLINE

- “The kids aren’t alright! Since the split, there hasn’t been any agreement between their folks about where they will go. Burt wants to take the kids with him up to Auckland, but Frankie wants Burt to stay so the kids can see both of them! Frankie is upset that they can’t agree, and is not sure what will happen now...”

THIS SECTION AIMS TO BRING OUT THE FOLLOWING IDEAS

- Motherhood and Fatherhood
- Child support
- Guardianship
- Going to court
- Applying for a Parenting Order
- How the court decides
- Relocation

“KIDS & COURT” QUESTIONS AND ANSWERS

<p>1.</p>	<p>WHO HAS TO PAY CHILD SUPPORT?</p>	<ul style="list-style-type: none"> • You must pay child support if you are the parent of a child and not living with the child. • A parent is someone who: <ul style="list-style-type: none"> ○ is registered as a parent on the child’s birth certificate ○ was married to the other parent of the child when the child was conceived or born ○ has legally adopted the child ○ is a guardian of the child ○ has a court order finding them to be a parent of the child ○ has written an acknowledgement saying that he or she is the child’s parent • One aspect of parental responsibility is that parents must provide for their children. If a parent is not looking after their child, they need to pay child support. • If parents have shared care, they can make cross applications against each other through the IRD.
<p>2.</p>	<p>WHY WOULD YOU GET A PARENTING ORDER?</p>	<ul style="list-style-type: none"> • Often the court gets involved when one parent decides to apply for a “parenting order”- they might want “day to day” care or they might want “contact”. • Parents/caregivers can have “shared day-to-day care”. • If you apply for a ‘parenting order’ at the Family Court, you will first be asked to do a Parenting through Separation programme. These are great, and you should do one whether you go to court or not. • You will also need to go through a pre-court mediation (Family Dispute Resolution).
<p>3.</p>	<p>WHAT KIND OF THINGS WOULD BE INCLUDED IN A PARENTING ORDER?</p>	<ul style="list-style-type: none"> • Who will provide day-to-day care for the children. • If one parent only has day-to-day care, when and how the other parent will have contact with the children. • Other parenting issues that are disputed.
<p>4.</p>	<p>WHAT’S THE DIFFERENCE BETWEEN “DAY TO DAY CARE” AND “CONTACT”?</p>	<ul style="list-style-type: none"> • “Day to day care” is when a child lives with and spends the majority of time with someone who is responsible for everyday things like getting them to school, keeping them warm and fed (used to be called “custody”). “Contact” is when a person spends times with the child like weekends of school holidays (used to be called “access”).
	<p>BONUS QUESTION: HOW DOES THE FAMILY COURT DECIDE WHO GETS DAY-TO-DAY CARE?</p>	<ul style="list-style-type: none"> • The court will be primarily guided by what is in the best interests and welfare of a child in making a decision. There is no presumption the mother will get the children. • To work out what to do, the Family Court judge has to make sure: <ul style="list-style-type: none"> ○ What the child wants is taken into account ○ They must meet with the child (unless there is a very good reason not to do so) ○ Any decisions are made quickly (respecting children’s sense of time) ○ The child will have continuity and stability in relationships with significant family members, especially both parents, but including extended family/whānau ○ The child will be free from violence ○ The child’s identity (i.e. culture, language and religion) is honoured

SLIDE 6: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Introduction

- This section focuses on kids – one of the most common 'matters' the Family Court gets involved in.
- We'll talk about what happens when two people disagree about whose child it actually is and go on to discuss when parents go to court to get 'day to day care' of their child.

Motherhood? Fatherhood!

- It's usually easy to establish who a child's mother is, but it's not always so simple to work out who the father is.
- Sometimes the mum doesn't know, or the person they name as the father says that he isn't. Sometimes mum's don't want the father to be involved, even if he wants to be.
- The law says that if a man was married to a child's mother when the child was born (or just recently divorced), then he's the father.
- However, if the couple is not married, there are two ways a man can be named as a child's father (establish paternity) on the birth certificate - either way, both the mum and dad have to agree:
 - o He can sign the child's birth registration form with the mother
 - o Or he can sign a written notice asking to be recorded as the child's father
- If a man and woman don't agree about who the father is, they can both ask the court to make the decision. DNA tests can be requested by both parties, but even if dad refuses to take a DNA test, the court can still make a decision.
- This is an important matter as certainty about who the parents are determines who has the right and the responsibility to care for the child until they become an adult.

Child Support

- One aspect of parental responsibility is that parents must provide for their children. If a parent is not looking after their child, they need to pay child support.
- If one parent applies for the Sole Parent Support, Work & Income will ask who the other parent is (so they can claim money from them).
- If parents have shared care, they can make cross applications against each other through the IRD (though they'll each get less than the maximum Sole Parent Support).

Guardianship

- You don't necessarily need to be a birth mother or a birth father to be able to have a say in how a child grows up. You can also be recognised as a child's 'guardian'.
- Unlike 'paternity', where fathers are 'recognised' either because both mum and dad agree, a DNA test says so, or because a man was married to the mother, a man is legally recognised as a 'guardian' if he was living with the mother (in a civil union, de facto, or casual relationship) any time from when the child was conceived to when the child was born.
- Guardians have important legal rights to have a say in all important decisions about their child, including: the child's names, upbringing, education, health, where they live, their culture, religion, and other significant welfare issues. Even if you don't have day-to-day care or any contact with your child, you still have a say in how they grow up. This means parents have to listen and make big decisions together!
- And, it's very difficult to be removed as a guardian.
- Other people can apply to the court to become guardians, including step-parents or other family members like grandparents.

Going to court

- Whether court is the best place to solve the disagreement depends on the particular circumstances. Solving problems 'out of court' is cheaper, less stressful and less time-consuming. However, sometimes it is necessary to do go to court when an agreement cannot be reached between the mother and the father.
- You will now need to go through PTS and FDR (refer to page 12) before you will be able to go to court unless there are emergency issues (for example, someone wanting to take the child out of NZ) or safety issues (for example, domestic violence concerns).

Applying for a Parenting Order

- Often the court gets involved when one parent decides to apply for a “parenting order”- they might want “day to day” care or they might want “contact”.
 - “Day-to-day care”: Child lives with and spends majority of time with this person who is responsible for everyday things (like getting them to school, keeping them warm and fed) - Used to be called “custody”
 - Person with “contact”: Spends time with the child (like, weekends, or school holidays) - Used to be called “access”
 - Parents/caregivers can have “shared day-to-day care”
- If you want to apply for a ‘parenting order’ at the Family Court, you will first be asked to do a Parenting through Separation programme. These are great, and you should do one whether you go to court or not.
- You will also need to complete a mediation through the Family Dispute Resolution Service.
- If you can’t agree at FDR, you can then fill in an application to have the court involved. Lawyers will only get involved if the matter is complicated and the Judge says you can have a lawyer, or if there are safety concerns.

How the court decides

- If you end up going to a hearing, the court will assign a lawyer for your child if there are safety/wellbeing concerns and the court considers it necessary. This person is not your lawyer, or the other parent’s lawyer, they are your child’s lawyer. They must meet with the child (unless there is a very good reason not to do so). Their job is to:
 - find out what the child wants and where the child wants to live
 - try and work out what’s best for the child (even if this isn’t what the child wants)
- To work out what to do, the Family Court Judge has to make sure that:
 - What the child wants is taken into account
 - Any decisions are made quickly (respecting children’s sense of time)
 - The child will have continuity and stability in relationships with significant family members, especially both parents, but including extended family/whānau
 - The child will be free from violence
 - The child’s identity (i.e. culture, language and religion) is honoured
- Some important things to note:
 - There’s no presumption that mothers will get the children
 - You can’t fool the court into thinking that you are a good parent
 - The best interests of the children always come first

Relocation

- At the Community Law Centre we see lots of parents who, for one reason or another, decide they want to move and to take the kids with them and the other parent says ‘no!’ For example, one parent wants to take the kids to Aussie so they can earn better money.
- In general, the law says that a child should have a relationship with both parents – and that means that a child should have easy access to both parents.
- A parent would need to convince the court that the child will be significantly better off if they move (for example, emotionally and financially).
- If a parent wants to move (and the other parent disagrees), they need to:
 - Apply to Family Court for a Guardianship Direction and a Parenting Order
- If a parent wants to prevent the other from moving, they need to:
 - Within NZ: apply to the court for an order preventing the child’s removal from the area, and a Parenting Order
 - Internationally: apply to the court for an order preventing removal from NZ, and a CAPPs listing (which means the child won’t be allowed to go through immigration at the airport) and a Parenting Order
- If you’re trying to get a child back from wherever they have gone:
 - Within NZ: apply to the court for a Guardianship Direction and a Parenting Order
 - Internationally: Hague Convention and Parenting Order
 - Obviously, lawyers are going to be crucial in this kind of situation

SLIDE 7: MY FAMILY IS IN TROUBLE



STORYLINE

- “Frankie and the kids are staying with her mum for a bit while things are sorted out. Burt has been coming around all the time, and when Frankie tells him to go, he hangs around the front of the house. Frankie is starting to get concerned about Burt’s behaviour and wants to know what she can do to keep herself and the kids safe!”

THIS SECTION AIMS TO BRING OUT THE FOLLOWING IDEAS

- Domestic/Family violence
- Making yourself safe
- Police Safety Orders
- Protection Orders
- Applying for a Protection Order
- Challenging a Protection Order
- Other court orders
- Worried about parenting
- Take home message

"POLICE" QUESTIONS AND ANSWERS

1.	WHAT IS A POLICE SAFETY ORDER?	<ul style="list-style-type: none"> • One of the newer police tools to protect victims of family violence are called "Police Safety Orders". • The police can issue a PSO where they fear for someone's safety but don't have enough evidence to arrest the possible offender. The person the police are trying to protect doesn't have to agree for the PSO to be made. • Someone served with a PSO has to leave the home, surrender any weapons, and hand over their firearms license. • The PSO can last for up to 5 days, and any children living with the protected person are automatically protected. • You can't challenge a police safety order – you must leave and obey the terms of the order.
2.	WHAT IS A PROTECTION ORDER AND WHO CAN APPLY FOR ONE?	<ul style="list-style-type: none"> • A protection order is a legal order granted by Family Court that protects the applicant and their children from someone they are or were in a "domestic relationship" with. E.g this doesn't mean only your partner, or ex-partner can mean flat mate, brother, sister, mother in law, father in law etc. • Protection Orders can be granted when a Judge believes that: There is domestic violence and the order is necessary to protect the victim • A Protection Order means that the respondent: <ul style="list-style-type: none"> • Must not contact the person protected, in any way (phone, text, visit, etc), unless the person protected invites them to make contact and they can't ask someone else to make contact either • Must not be violent in any way to the person protected • Must not encourage anyone else (like their friend) to be violent or threaten violence to the person protected • A Judge in criminal proceedings can, in certain circumstances, make a temporary protection order against a person
3.	WHAT IS THE DIFFERENCE BETWEEN A POLICE SAFETY ORDER AND A PROTECTION ORDER ?	<ul style="list-style-type: none"> • A PSO is temporary and can only last up to 5 days. A Protection Order can last indefinitely, until it is discharged. To discharge a Protection Order, an application must be made to the Family Court and a Judge will decide if it should be discharged.
4.	PEOPLE OFTEN THINK THAT DOMESTIC VIOLENCE IS ONLY PHYSICAL ABUSE - NAME TWO OTHER FORMS OF DOMESTIC VIOLENCE OTHER THAN PHYSICAL ABUSE?	<ul style="list-style-type: none"> • Sexual abuse, emotional / psychological abuse, verbal abuse, financial / economic abuse, spiritual and cultural abuse.
	BONUS QUESTION: WHERE COULD YOU GO TO GET HELP?	<ul style="list-style-type: none"> • School Counsellors • The Police • Family Violence Information Line 0800 456 450 • Youthline 0800 37 66 33 • Victim Support 0845 30 30 900 • Women's Refuge / Te Whare Rokiroki (Māori Women's Refuge)

SLIDE 7: BACKGROUND NOTES

Learn this information and integrate it into your teaching. Don't read it out word for word!

Introduction

- We're going to look briefly at two issues that many families in NZ face: family (or domestic) violence, and child abuse. We're going to talk first about what the law says about family violence, and then we'll look at (legal) ways to make yourself safe if you're at risk of getting hurt in your relationship.
- Presenters - it is essential that you begin this section by explaining to the class that if anyone wants to talk in more detail, or have things they want to talk about privately, please come and see you after class, or visit the friendly people at the Community Law Centre - leave CLC's contact details.

Family/domestic violence

- Family/domestic violence is something that happens between people who are living in a domestic relationship such as:
 - o Spouses or partners
 - o Family members (like your partner's mother or father)
 - o People who share a house (flatmates)
 - o People in a close personal relationship (not necessarily living together for example, boyfriends / girlfriends)
- Family/domestic violence includes:
 - o Physical abuse
 - o Sexual abuse
 - o Psychological or emotional abuse, including intimidation, harassment, damage to property and threats of abuse (it does not have to involve physical contact)
 - o Financial or economic abuse, including denying or limiting access to financial resources and preventing or restricting employment opportunities or access to education

Making yourself safe

- If you're in an unsafe relationship, safety planning is a necessary and important step. Planning can be used while you are still with the person, or after the relationship has ended. There's a lot of information on the Women's Refuge website (www.womensrefuge.org.nz) which can help you put together a safety plan. Phone 0800 REFUGE (0800 733 843) if you need help immediately or 111 in a crisis.
- There are also some things the law provides that can help keep you safe which include Police Safety Orders and Protection Orders.

Police Safety Orders (PSO)

One of the newer police tools to protect victims of family violence are called "Police Safety Orders".

- The police can issue a PSO where they fear for someone's safety but don't have enough evidence to arrest the possible offender. The person the police are trying to protect doesn't have to agree for the PSO to be made.
- Someone served with a PSO has to leave the home, surrender any weapons, and hand over their firearms license. The PSO can last for up to 5 days, and any children living with the protected person are automatically protected.
- You can't challenge a police safety order – you must leave and obey the terms of the order.

Protection Orders

The other kind of "family law" protection available for victims of family violence are called "Protection Orders".

- A Protection Order is a legal order granted by Family Court that protects the applicant and their children from someone they are (or were) in a domestic relationship with.
- Protection Orders can be granted when a Judge believes that:
 - o There is domestic violence and the order is necessary to protect the victim
- A Protection Order means that the respondent:
 - o Must not contact the person protected, in any way (phone, text, visit, etc), unless the person protected invites them to make contact and they can't ask someone else to make contact either
 - o Must not be violent in any way to the person protected

- o Must not encourage anyone else (like their friend) to be violent or threaten violence to the person protected
- o Will have to attend a Stopping Violence programme to help them live without violence
- o Will have to hand in any firearms.
- A Protection Order can be used at any time. If someone has a protection order against their partner, for example, they can say at any time, “you have to leave the house right now”. If the respondent doesn’t comply, they are breaching the order, which is a crime, and very serious.

Applying for a Protection Order

- There are two ways to apply for a protection order:
 - o “Without Notice” (without telling your partner): You apply in this way when there’s a real danger that if the person finds out what you’re doing, they will commit further violence
 - o “On Notice” (telling the other person and giving them a chance to respond first): You apply in this way if you feel it’s not urgent - a Judge might also decide that giving the other person a chance to respond won’t put you or your child at risk
- Either way, it’s important to have the help of a Family Lawyer. See someone at the Community Law Centre for advice about what to do next.

Challenging a Protection Order

- If you want to challenge a Protection Order, get on to it as soon as possible and with the help of a Family lawyer.
- If you don’t challenge a Protection Order, the order becomes final after three months.
- If you challenge a Protection Order, you will need to go to a hearing in the court. You will have to give evidence and be cross-examined. The Judge will decide whether or not to grant a Protection Order.

Other court orders (occupation, tenancy, furniture orders)

- As well as a Protection Order, you can apply for other court orders. These include:
 - o Occupation order – entitles you to live in the owned family home
 - o Tenancy order – entitles you to live in the rented home
 - o Furniture order – entitles you to use furniture or take it to another house
- The court can make one of these orders if it’s necessary to protect the applicant or is in a child’s best interests.

Worried about parenting?

- If you are worried about parenting, that’s natural! There are lots of agencies you can call and ask for advice, share your worries and get their support. They can help with all sorts of parenting questions, and can provide support if families are struggling. Agencies include:
 - o Barnados: 0800 4 PARENT (0800 472 7368)
 - o Plunketline: 24 hour help with anything to do with parenting and children under five: 0800 933 922
 - o Relationship Services: For help with family/relationship problems 0800 RELATE (0800 735 283) or 0800 543 354

Reporting child abuse

- If you suspect child abuse or neglect, or are worried about a child or young person, you can call the CYF Freephone number anytime: 0508 FAMILY (0508 326 459). You can talk to a social worker and ask for help about:
 - o Parents who are struggling to cope - drug/alcohol problems, mental health problems
 - o Adults hitting or yelling at each other
 - o Children are being hurt
 - o Children left home alone
 - o if you think children are not being well cared for

Take home message!

- It’s a bit of a dark note to end on... But the take home message: Where families are concerned, the more we know about what kind of legal and non-legal support and solutions there are the better chance we have of successful, happy, healthy relationships. Which is something all of us deserve.

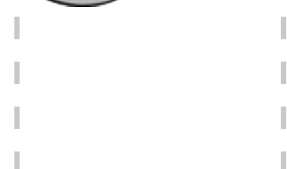
SLIDE 8: CONCLUSION



WRAPPING UP

- Hand out the evaluation forms: make sure everyone fills one in (Note: explain that chocolate can't be their favourite part).
- Find your own way to wrap up the class: thank everyone for participating.
- Remember to link people in with the Community Law Centre if needed. Also remember to leave with important phone numbers:
 - o Women's Refuge: 0800 733 843 (0800 REFUGE)
 - o Barnados: 0800 472 7368 (0800 4 PARENT)
 - o Plunketline: 0800 933 922
 - o Relationship Services: 0800 735 283 (0800 RELATE) or 0800 543 354
 - o Child Youth Family: 0508 326 459 (0508 FAMILY)
- Follow up on any questions or issues: bring the correct answers to your next class.
- Fill in one tutor evaluation form between the two presenters.
- Have a rest!

HAPPY FAMILIES GAME OF FAMILY LIFE PRINTING MATERIALS



**HAPPY FAMILIES GAME OF FAMILY LIFE
PRINTING MATERIALS (DOUBLE-SIDED)**

LIFE

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LOVE

LIFE

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LOVE

LIFE

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LOVE

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**BREAKING
UP**

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**BREAKING
UP**

LIFE

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KIDS & COURT

LIFE

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KIDS & COURT

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KIDS & COURT

LIFE

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POLICE

LIFE

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POLICE

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POLICE

HAPPY FAMILIES GAME OF FAMILY LIFE PRINTING MATERIALS (DOUBLE SIDED)

**CAN SAME SEX
COUPLES GET
MARRIED?**

**HOW OLD DO YOU HAVE
TO BE TO GET MARRIED
OR ENTER INTO A CIVIL
UNION?**

**NAME TWO PEOPLE
YOU'RE NOT ALLOWED
TO MARRY OR HAVE A
CIVIL UNION WITH?**

**WHAT IS THE
DIFFERENCE BETWEEN
A CIVIL UNION AND A
MARRIAGE?**

**HOW LONG DO YOU
HAVE TO BE LIVING
APART TO GET A
DIVORCE?**

**WHAT IS A SEPARATION
AGREEMENT?**

**WHY WOULD YOU GO TO
THE FAMILY COURT?**

**WHAT IS RELATIONSHIP
PROPERTY?**

**WHO HAS TO PAY CHILD
SUPPORT?**

**WHY WOULD YOU GET A
PARENTING ORDER?**

**WHAT KIND OF THINGS
WOULD BE INCLUDED
IN A PARENTING
ORDER?**

**WHAT'S THE
DIFFERENCE BETWEEN
"DAY TO DAY CARE"
AND "CONTACT"?**

**WHAT IS A POLICE
SAFETY ORDER?**

**WHAT IS A
PROTECTION ORDER
AND WHO CAN APPLY
FOR ONE?**

**WHAT IS THE
DIFFERENCE BETWEEN
A POLICE SAFETY
ORDER AND A
PROTECTION ORDER?**

**NAME TWO OTHER
FORMS OF DOMESTIC
VIOLENCE OTHER THAN
PHYSICAL ABUSE?**