

THE REP: WHĀNAU

This education kit will help you facilitate a conversation with young people about family law, and how it might affect them. It includes classroom activities, workshop slides and background legal notes. This workshop is designed to last between 1–1.5 hours.





How to deliver a REP module

Use this information to inform your facilitation.

Kia ora! Thank you for being a REP volunteer. Your participation in The REP will help young Aotearoaians 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 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 their local Community Law Centre or YouthLaw.
- Use The REP modules as a way of talking about how Community Law Centres, other community-based services and lawyers can actually help. Learn about local support services available for youth in your area.
- 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 a Community Law Centre so they feel supported.

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 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, so focus on what the class wants to talk about. 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

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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.
- 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 the activities

- In general, everybody likes to know why they are here, whether it's relevant, and how long it will take. Take your time to signpost what the module is going to cover and the activities by explaining or perhaps writing up a short plan on the board.
- These modules are structured so that all the important information can be covered through running the activities. The activities aim to get your class thinking about the issues being discussed and engage with them in a practical way.
- It is important to know and understand the way the activities 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 activities to us at The REP.

Know the law

- You need to be up-to-date with the area of law this module covers.
- That said, you are not expected to know everything! If you don't know an answer, a good technique is to reflect the question to the whole class or say you will find out and let them know. Remember, if you say you will find something out, make sure you do.
- 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 the manual online for the relevant chapters to this module here: www.communitylaw.org.nz.
- It's always helpful to have some relevant examples up your sleeve of how the law works in practice. If in doubt, check out the news, talk to your friends, family, teachers, or the lawyers and other kaimahi at your local Community Law Centre.

Know some different teaching styles

- Everybody learns differently. Very few people enjoy being lectured to!
- The activities in this module attempt to cater for different kinds of learners:
 - Some people like to visualise what they're learning (by seeing it written down, making a list or studying an image)
 - Other people need to hear things to take them in (maybe by listening to a story or using rhythm or sound as memory aids)
 - Some people learn by talking (by sharing with a neighbour or taking part in a discussion)
 - Other people prefer to learn while moving around (when up on their feet and active)
 - And others learn with their hands (getting creative, drawing or cutting things out)
- Work hard at improving your own facilitation practice so that everybody can get involved in the class.

From the outset, it is important to

- Establish a safe space. Be aware that the modules contain sensitive content. The key is how you leave the young people *feeling*, so make sure class members are comfortable at all times.
 - For example, if a young person blushes when answering a question, say "have a think about it" and move on to someone else or if a joke is made about a class member, divert the heat onto yourself
 - If you notice that a young person seems triggered, approach them quietly and one-on-one or flag it with their teacher



- Build rapport with the young people. Be respectful, honest and authentic. Young people have a lot of lived experience, so start with the assumption that they know more than you. If you give them the chance to step up, they will.
- Establish flexibility. There is no 'right' way to facilitate these modules. If the class is only interested in one topic, that's fine. Be responsive to your audiences' needs and their body language.
 - For example, if the energy is flat, mix the games up and start with an activity involving movement or with a pair exercise "talk to your neighbour about..."
- Make participation voluntary. Encourage everyone to be involved, but always ask for volunteers so no one is embarrassed by being singled out. Don't ask the young people to do anything you wouldn't do!
- Work with the teacher. Most classes are likely to have a teacher present during your session so check in before the class starts. If something disruptive happens, ask the teacher to step in.
- Have fun! If you're having fun, the class will have fun. Having funny anecdotes helps the class relate to the content and if the session is fun and interesting, young people are more likely to remember.

Evaluations

- Getting feedback is essential to improving The REP. Leave enough time at the end of the class to hand out and collect the evaluation forms. And remember to feed this back to us at The REP.
- Don't forget to fill in your facilitation evaluation form!

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)
- Facilitator notes
- Printing materials
 - Game of Whānau Life boardgame A1 x 1
 - Game of Whānau Life character x 1 (cut out before)
 - Game of Whānau Life question cards x 1 (cut out before)
- Dice x 2
- Evaluations 1 x per class member
- Chocolate
- Community Law Centre flyers

Student safety

This module contains sensitive content. It's crucial that all participants feel safe during this session. Make sure you begin by explaining to the class that taking time out is okay. Let them know that if something comes up during the session they can speak to their teacher, school counsellor, someone they trust, their local Community Law Centre or YouthLaw. ***Talk to a teacher before the class starts to find out what support is available to students if required.***

Opening



THE REP: WHĀNAU



GREETINGS

- “Kia ora, talofa lava, nǐ hǎo, 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:
 - Community Law Centres 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
 - Make sure the class knows where to find their local Community Law Centre and how to contact YouthLaw. For example: “Your nearest Community Law Centre is in Lower Hutt at 59 Queens Drive on Level 2. Come in and see us some time!” and “You can call YouthLaw on **0800 UTHLAW (0800 884 529)** to talk to someone who can help!”
 - Community Law Centres are situated throughout New Zealand and you can locate your nearest one at: www.communitylaw.org.nz/our-law-centres/
- Introduce The REP:
 - We are here to let you know your legal rights and responsibilities. We 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!

ICEBREAKER



INSTRUCTIONS

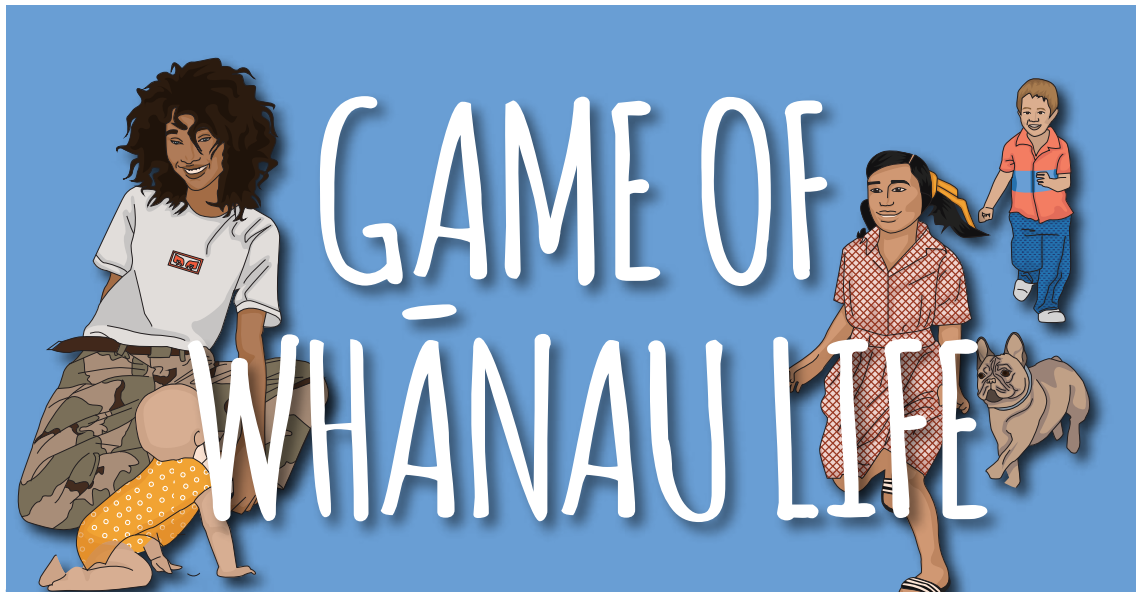
- This module begins with an ‘icebreaker’ to make it easier for participants to feel comfortable contributing to the workshop.
- The idea of this icebreaker is to encourage participation and to introduce the class members. Work hard to remember the names of everyone in the class.
- This icebreaker introduces The REP: Whānau module by asking the class members to say their name and answer a question.
- Whānau come in all different shapes and sizes. Ask the class “Who is in your whānau?”
- Start off by introducing yourself identifying the different people that are in your family.

STUDENT SAFETY

- Before you start discussing the material in the next sections, make sure you say something like:
 - “Today we’re going to look at some difficult issues that many young people in Aotearoa face. We’re going to talk about relationships and family breakups. We’ll also talk a bit about the law on parenting, unhealthy relationships and what the law says about domestic violence.”
 - It is very important that everyone feels safe during this session, so taking time out is okay. If something comes up for you, speak to your teacher, school counsellor, someone you trust, your local Community Law Centre or YouthLaw.”

ACTIVITY #1

Game of Whānau Life



ACTIVITY #1 INSTRUCTIONS

- Tell the class that the Family module is based around a board game, rather than four separate games.
- Put the class into four teams and allocate each team a character. Roll the dice to determine who plays first.
- It can be challenging to fit more than 16 people around this board game. Options to adapt the game for a bigger group include:
 - Dividing the class in half and running two parallel games
 - Dividing the class into groups and using the question cards as a quiz

ACTIVITY #1

Game of Whānau Life

GAME OF WHĀNAU LIFE RULES



LIFE DECISION:

At each dark blue square you have a life decision to make, so roll again. At each stop sign you must stop and roll the dice to see if you can move forward and in what direction.



LIFE QUESTION:

At each yellow square, draw a Life Card from the nearest pile and answer the question. If you get the answer wrong your turn ends. Get the answer right, roll again!



LIFE EVENT:

At each light blue square, take note of the life stage that you are at and follow any directions.



LIFE DELAY:

At each orange square, you must miss a turn as something in your life has slowed you down...

ACTIVITY #1 RULES

- Run through the following game rules:
 - Life Decision: At each dark blue square there is a stop sign that you must stop at no matter what you roll – roll again in the same turn to make the decision
 - Life Event: At each light blue square, take note of the life stage you are at and follow any directions
 - Life Question: At each yellow square, draw a Life Card from the nearest pile and answer the question – if you get the answer wrong, your turn ends but if you get the answer right, roll again
 - Life Delay: Something in your life has slowed you down – miss a turn if you land on an orange square
- The 'Life Questions' aim to draw out the content by facilitating discussion. If you don't get through all the life questions and you finish early, you could discuss any leftover questions with the group.

SECTION 1

Relationships

Love: Q&As

Can same sex couples get married?

- **YES!** Same sex couples can get married in New Zealand. Same sex couples and heterosexual couples can choose to either get married or enter a civil union

How old do you have to be to get married or enter into a civil union?

- 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 a Family Court Judge

Can you be married or in a civil union with two or more people at the same time?

- No! You can only get married if neither of you is currently married or in a civil union with someone else

Name two people you're not allowed to marry or have a civil union with?

- Someone you're closely related to (by blood, marriage, civil union or adoption). Closely related does not include cousins – so weirdly you can marry your first cousin!
- Someone who has threatened or intimidated another person into a marriage or civil union

What is the difference between a civil union and a marriage?

- The main difference is that civil unions have nothing to do with the church or religion (are secular)
- The process for entering into and getting out of a civil union or marriage are the same in Aotearoa. However, a civil union is not recognised in the same way as a marriage outside of Aotearoa. 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

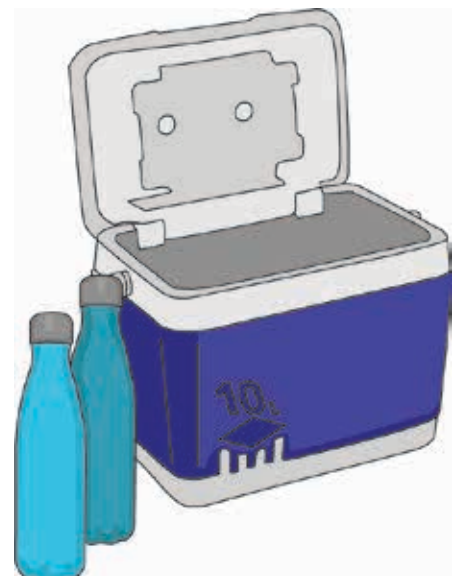
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What is a de facto relationship?

- People who are in a serious relationship but aren't married or in a civil union (for example, are living together, supporting each other, sharing expenses and in a sexual relationship)

How long do you have to be living together to be in a “de facto” relationship?

- Depends who's asking!
- The amount of time required for a relationship to become 'de facto' depends a lot on the context
 - Immigration NZ treats you as a couple if you've been living together for at least 12 months
 - Work and Income treats you as in a de facto relationship from as soon as you are living together
 - Even though you may be in a de facto relationship, 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



LEGAL NOTES

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

Marriages

- Marriage is a formal legal relationship between two people.
- In 2013, same-sex couples became able to get married in Aotearoa!
- However, ministers and priests can legally refuse to marry a same-sex couple on religious grounds.

Civil Unions

- Civil unions have been around since 2005.
- 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).
- You can only get married or enter a civil union if:
 - You are not already married or in a civil union with someone else
 - You're at least 18 years old (if you are 16 or 17, you have to apply for the consent of a Family Court Judge)
 - You're not closely related by blood, marriage, civil union, or adoption
 - Closely related does not include cousins – so you can marry your cousin!
- In 2019, the government announced that marriage and civil unions are illegal if someone has been threatened or intimidated into them.

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 1976, 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:

- The length of the relationship (for property division purposes less than three years is considered a "relationship of short duration")
- Whether the parties are living in one house
- Whether they have a sexual relationship
- The degree of financial dependence or interdependence
- How property is owned, used, and obtained
- The degree of commitment to a shared life
- The care and support of children
- The performance of household duties
- 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:
 - Benefit rights (DPB and partner support)
 - Relationship property (generally only after three years)
 - Wills
 - Guardianship
- De facto couples can also access the same support and services as married or civil union couples, such as help through Family Court or protection from domestic violence.

Healthy relationships

- A healthy relationship can be measured by a number of protective factors including:
 - Mutual respect
 - Good communication
 - Trust
 - Honesty
 - Support
 - Fairness/equality
 - Separate identities
 - Good communication
 - Playfulness/fondness
- See the last section for more about signs of unhealthy relationships.

SECTION 2

Family

New family: Q&As

Do you have to put the father's name on the birth certificate?

- No. A birth certificate can have only one parent recorded if the other parent is unavailable or if it would be too distressing for the other parent to sign the birth registration form
- Though the father can apply for his name to be added

What is the difference between a parent and a guardian?

- A parent is someone who:
 - Is the mother or father on the child's birth certificate
 - Was married to the other parent when the child was conceived or born
 - Has legally adopted 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
 - A parent is also usually a guardian of the child
- A guardian is a person who has the legal right and responsibility to make important decisions about a child, including: the child's names, upbringing, education, health, where they live, their culture, religion, and other significant welfare issues
- Both parents and guardians generally have all the rights and responsibilities of a guardian
- Birth parents are often known as 'natural guardians.'
- Guardianship responsibilities generally ends at 18 years old, but a parent is a parent for life
- A child has the right to inherit from parents but not guardians

Who could apply to become a guardian of a child?

- People who have day-to-day care of children need to be a guardian to make big decisions on behalf of the children they are caring for. Often step-parents or other family members like grandparents will apply to become additional guardians
- Anyone can apply to become a guardian of a child and the court will decide whether they are appropriate

continued...

At what age does a guardian stop having legal responsibility for a child?

- Guardians generally have legal responsibilities until a young person turns **18** (or until the young person gets married or enters a civil union)

Can a person be removed as a guardian?

- In Aotearoa, even though a person might be stopped from having care of a child, it is very difficult for a person to be removed as a guardian

If a father is not on the birth certificate, what could he do to be named the father?

- He can apply to the Family Court for a Declaration of Paternity

Does a step-parent have the same legal responsibilities for their step-children as a parent?

- Even though step-parents often provide the same care as parents, technically they don't have any legal rights or responsibilities for a child unless they have applied to the court to become an additional guardian or adopted the child

At what age can you be adopted?

- If you are being adopted by your parent and a step-parent, you can be adopted at any age. However, if a child is adopted by relatives or their non-biological family they must be under 20 years old

Who could you talk to if you need support with your relationship with your parents?

- You could talk to:
 - School counsellor
 - Family members
 - Someone you trust

Where can parents go for support with parenting?

- Plunketline is a 24/7 helpline you can call on **0800 933 922** for anything to do with parenting and children under five
- Parenting programmes such as Plunket or Incredible Years
- Parenting support groups



LEGAL NOTES

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

Parents: 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 mums don't want the father to be involved, even if he wants to be.
- A birth certificate can have only one parent recorded if the other parent is unavailable or if it would be too distressing for the other parent to sign the birth registration form.
- 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. See The REP: Sex for more on paternity.
- 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.

Guardians

- 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 marriage, civil union or de facto relationship) any time from when the child was conceived to when the child was born.
- Guardians have the legal right and responsibility to have a say in all important decisions about a 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 a child, guardians still have a say in how they grow up (for example, changes to a child's name, travel and holidays). This means parents have to listen and make big decisions together!
 - "Day-to-day care": child lives with and spends majority of time with this person, who is responsible for everyday things, for example, getting them to school every day (used to be called "custody")

- "Contact": one person spends time with the child, for example, on school holidays (used to be called "access")
- Parents/caregivers can have "shared day-to-day care"
- Guardians generally keep their responsibilities until a young person turns 18 (or until the young person gets married or enters a civil union).
- 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.

Step-parents

- Step-parents and blended families are very common in Aotearoa.
- Step-parents don't have any legal rights or responsibilities for a child unless they have applied to the court to become an additional guardian or adopted the child. See The REP: Sex for more on pregnancy rights and adoption.
- A parent and step-parent can adopt a child jointly at any age. However, if a child is adopted by relatives or their non-biological family they must be under 20 years old.

Family support

- Strengthening Families is a service available for any whānau in Aotearoa who needs support to work with various agencies: www.strengtheningfamilies.govt.nz.

Worried about parenting?

- If you are worried about parenting, that's natural! There are 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.
- Plunketline is a free 24/7 helpline for anything to do with parenting and children under five.
 - Phone: **0800 933 922**
- There are also parenting programmes you can attend through Plunket or Incredible Years.
- Learn about local support agencies so you have the best information about support services available for youth in your area.

SECTION 3

Breaking up

Breaking Up: Q&As

What is a separation agreement?

- It is a document that says that you and your partner have decided to live apart. It usually is a record of the decisions that were made when separating about:
 - Home and living arrangements
 - Care of children
 - Relationship property

What can you go to the Family Court about?

- Lots of things, including:
 - 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
 - For financial support or child support

What is relationship property?

- Relationship property is the property that must be divided between the parties when their relationship ends, and can include:
 - Debts
 - Houses
 - Cars
 - Savings
 - Kiwisaver
- Relationship property is different to separate property, which is not shared. It is important to get legal advice so that you know how property is classified

How long do you have to be living apart to get a divorce?

- You can only get a divorce after two years of living apart
- Separation agreements are often used to prove that you have been separated for two years

continued...

What does “dissolution of marriage” mean?

- “Dissolution” is the legal term for divorce

Who has to pay child support?

- You must pay child support if you are the parent of a child and not living with the child
- 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

Do a children and young people’s views have to be taken into account by the Family Court when making a Parenting Order?

- Yes. To work out what to do, the Family Court judge has to make sure
 - What the child wants is taken into account
 - The child’s lawyer should meet with the child to find out what they want (unless there is a very good reason not to do so)
- The court will be primarily guided by what is in the welfare and best interests of a child in making a decision. There is no presumption the mother will get the children

What kind of things are in a Parenting Order?

- 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 such as where children must live

What’s the difference between “day-to-day care” and “contact”?

- “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 and keeping them warm and fed (used to be called “custody”). “Contact” is when a person spends times with the child like weekends or school holidays (used to be called “access”)
- 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)

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Where can you get support if your parents are separating?

- You could talk to:
 - School counsellor
 - Family members
 - Someone you trust
- The Low Down provides a resource for young people whose family relationships are breaking down: www.thelowdown.co.nz/categories/relationships/whanau
- You can take a test to assess your emotional wellbeing: www.thelowdown.co.nz/mood-self-test/10



LEGAL NOTES

Learn this information and integrate it into your facilitation. 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! So what has the law got to do with it?

Separation agreements

- 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.
- If you're married, and planning to divorce, an agreement can be used as a marker of when you separated. This can be helpful if you want to apply for a divorce ("dissolution" of marriage).
- You can also get a Separation Order from the Family Court, which officially records the date of separation. Often this is not necessary, but it can sometimes be useful as evidence of the separation.

Divorce ("dissolution" of marriage)

- Divorce is where a marriage or civil union is legally ended:
 - Approximately one third of marriages in NZ end in divorce
 - "Dissolution" is the legal term for divorce and you can only apply after two years of living apart
 - A Family Court Dissolution 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
 - Generally there is no need to appear in court for this, unless it is defended

Really bad break-ups

- A really good break-up will probably not involve lawyers or the court. We will focus on break-ups that end up in the Family Court.
- The Low Down provides a resource for young people whose family relationships are breaking down:

- Website: www.thelowdown.co.nz/categories/relationships/whanau
- You can take a test to assess your emotional wellbeing: www.thelowdown.co.nz/mood-self-test/10
- 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.
- While sometimes the Family Court is a good option, often there can be significant drawbacks:
 - Unless there is an urgent situation, the initial application to the Family Court regarding childcare matters is now a do-it-yourself process with limited involvement from lawyers but 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 costly, time-consuming and distressing, and if you go to a hearing then the judge decides! This means you might end up with a decision that one or neither of you are happy with
 - If you can make decisions with your ex-partner, you might find a solution that works for both of you. There is also out-of-court support to help people reach agreement between themselves

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 living with someone for more than three years, the law says that a couple should generally divide their relationship property equally between them. So even if you buy a house while you are single, if you and your de facto partner live in the house for three years, your partner may well be entitled to half the house.
- It is important to get legal advice on what is counted as "relationship property" (which is shared), and what is counted as "separate property" (which is not shared).
- You can make your own agreement to deal with relationship property, but to be enforceable, it must be in writing and witnessed by a lawyer.
- There are reasons for these laws. 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, even if the other person doesn't know about it (for example, to buy household goods, or to provide for children)

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 Sole Parent Support, Work & Income will ask who the other parent is (so they can claim money from that person).
- 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).
- Parents can make their own child support arrangements, but these can be harder to enforce.

Parenting disputes

- 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 go to court when an agreement cannot be reached about care arrangements.

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

- Before you go to the Family Court you usually have to go through a PTS programme and FDR unless there are emergency issues (for example, someone wanting to take the child out of NZ) or safety issues (for example, domestic violence concerns).
 - 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, with the aim of completing a parenting agreement that you are both happy with

Applying for a Parenting Order

- If you can't agree at FDR, you can then fill in an application to have the court involved.
- 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".
- 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 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 safe and free from violence (including physical, psychological and sexual abuse)
 - The child's identity (culture, language and religion) is honoured
- Some important things to note:
 - The best interests of the children always come first
 - You should aim to make child-centred decisions when trying to work out parenting arrangements
 - There's no presumption that mothers will get the children, or that you can share the children 50:50
 - You can't fool the court into thinking that you are a good parent

Relocation

- Lots of parents who, for one reason or another, decide they want to move and to take the kids with them find that the other parent says 'no! For example, one parent wants to take the kids to Aussie so they can earn better money. Relocation could be within Aotearoa or overseas.
- In general, the law says that a child should have an ongoing 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 are not allowed to just go as 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 take action quickly:
 - 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 through Interpol (which means the child won't be allowed to go through immigration at the airport)
- If you're trying to get a child back from wherever they have gone, you need to:
 - Within NZ: apply to the court for a Guardianship Direction and a Parenting Order
 - Internationally: Hague Convention and Parenting Order – depending on where in the world the child has been taken
 - It is crucial to get a lawyer ASAP in this kind of situation

SECTION 4

Unhealthy relationships and domestic violence

Police: Q&As

What is a Police Safety Order?

- One tool police use to protect victims of domestic violence is called a "Police Safety Orders" (PSO)
- 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, not contact the protected person, surrender any weapons, and hand over their firearms license
- The PSO can last for up to five days, and any children living with the protected person are automatically protected
- A PSO can't be challenged – the person given the PSO must leave and obey the terms of the order

What is a Protection Order?

- A Protection Order is a legal order granted by the Family Court where there is domestic violence and the order is necessary to protect the victim
- A Protection Order means that the respondent:
 - Must not contact the person protected, in any way (phone, text, visit, etc), unless the person protected invites them to make contact
 - They can't ask someone else to make contact for them 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

continued...

Who can apply for a Protection Order?

- Anyone can apply for protection from the Family Court against someone they have been in a domestic relationship with
- Domestic violence is something that happens between people who are living in a domestic relationship such as:
 - Spouses or partners
 - Family members (like your partner's mother or father)
 - People who share a house (flatmates)
 - People in a close personal relationship (not necessarily living together for example, boyfriends or girlfriends)

How old do you have to be to apply for a Protection Order?

- Children and young people can apply for a Protection Order but depending on how old you are, you may need a representative.
 - If you're under 16 you can apply through an adult acting on your behalf
 - If you're 16 you can choose either to apply through a representative or to make your own application (unless you are or have been married, in a civil union or in a de facto relationship with your parents' consent – in which case you make your own application)
 - If you're 17 or older you make your own application

What is the difference between a Police Safety Order and a Protection Order?

- A PSO is temporary and can only last up to five days. A Final 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

People often think that domestic violence is only physical – name two other forms of domestic violence other than physical abuse?

- Domestic violence also includes:
 - Sexual abuse
 - Verbal abuse
 - Psychological or emotional abuse, including intimidation, harassment, damage to property and threats of abuse
 - Financial or economic abuse, including denying or limiting access to financial resources and preventing or restricting employment opportunities or access to education
 - Spiritual and cultural abuse

continued...

Where could you go to get help or support?

- You could talk to:
 - School counsellor
 - 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 Rokioki (Māori Women's Refuge)
 - Shine: a 24-hour domestic abuse helpline you can call on **0508 744 633**
 - Someone you trust

Think of two ways of behaving that you might see in an unhealthy relationship?

- Some behaviours that are red flags:
 - Put-downs and criticism
 - Makes fun of you in front of others
 - Shares your personal information or photos with others
 - Does things that scare you
 - Yells at you
 - Is angry at you and blames you
 - Hitting, slapping or other physical violence (physical abuse often builds gradually, beginning with emotional abuse – a one-time incident could be a warning sign of future abuse)
 - Sulks or gets annoyed if they don't get what they want
 - Pressures you to have sex
 - Threatens to break up with you
 - Threatens to hurt themselves if you leave
 - Substance abuse
 - Is dishonest and secretive
 - Gets jealous when you see your friends or family
 - Messages or calls you all the time wanting to know where you are

continued...

How could you support a friend who was in an unhealthy relationship?

- Talk about it with them sensitively and in private
- Don't gossip about what they have told you
- Believe them if they tell you they are in an abusive relationship
- Don't minimise what they share with you
- Make sure they are safe (talk about safety strategies)
- Don't judge them
- Keep yourself safe
- Encourage them to get support
- Get support for yourself

What age group in Aotearoa is most likely to experience violence or abuse from a partner, family member or someone they know?

- Youth. Young people aged between 15-19 years old have the highest rates of intimate partner violence in Aotearoa
- Look after yourselves and each other!



LEGAL NOTES

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

Student safety: This section contains sensitive content. It's crucial that all participants feel safe during this session. Make sure you begin this section by explaining to the class that taking time out is okay. Let them know that if something comes up during the session they can speak to their teacher, school counsellor, someone they trust, their local Community Law Centre or YouthLaw. Talk to a teacher before the class starts to find out what support is available to students if required.

Unhealthy relationships

- Unhealthy relationships can be the starting point for common forms of domestic/family violence.
- Here are some warning signs or risk factors to look out for in relationships:
 - Put-downs and criticism
 - Makes fun of you in front of others
 - Shares your personal information or photos with others
 - Does things that scare you
 - Yells at you
 - Is angry at you and blames you
 - Hitting, slapping or other physical violence (physical abuse often builds gradually, beginning with emotional abuse – a one-time incident could be a warning sign of future abuse)
 - Sulks or gets annoyed if they don't get what they want
 - Pressures you to have sex
 - Threatens to break up with you
 - Threatens to hurt themselves if you leave
 - Substance abuse
 - Is dishonest and secretive
 - Gets jealous when you see your friends or family
 - Messages or calls you all the time wanting to know where you are
- It's a good idea to address these warning signs early by talking to someone you trust.

Where can you go for help?

- If you do have concerns about your relationship, there are organisations that can help.
- It's Not Okay also has useful information and to find out about services available to you.

- Phone: **0800 456 450**
- Website: www.areyouok.org.nz for information
- It's Not Okay does a great quiz to check out if your relationship is healthy and respectful: www.areyouok.org.nz/i-need-help/positive-relationship-quiz
- Youthline is a free 24/7 helpline for youth.
 - Phone: **0800 376 633**
 - Free **TXT: 234** (between 8am-midnight)
 - Website: www.youthline.co.nz

Domestic violence: family violence and intimate partner violence

- Young people aged between 15-19 years old have the highest rates of intimate partner violence in Aotearoa. Nearly a quarter of the women who access women's refuges are between 15-19 years old.
- Young people aged between 15-19 years old also have the highest rates of violence against them by a family member or someone known to them. In 2012, a study showed that 14% of young people report being hit or physically harmed on purpose by an adult at home.
- Domestic violence is something that happens between people who are living in a domestic relationship such as:
 - Spouses or partners
 - Family members (like your partner's mother or father)
 - People who share a house (flatmates)
 - People in a close personal relationship (not necessarily living together for example, boyfriends or girlfriends)
- Domestic violence includes:
 - Physical abuse
 - Sexual abuse
 - Verbal abuse
 - Psychological or emotional abuse, including intimidation, harassment, damage to property and threats of abuse (it does not have to involve physical contact)
 - Financial or economic abuse, including denying or limiting access to financial resources and preventing or restricting employment opportunities or access to education
 - Spiritual and cultural abuse

- There are other ways to protect people who are not in a domestic relationship under the Harassment Act 1997.

Where can you go for help?

- Shine is a free 24/7 domestic abuse helpline.
 - Phone: **0508 744 633**
- Women's Refuge has a 24/7 crisis line for confidential help and there's a lot of information on their website.
 - Phone: **0800 REFUGE (0800 733 843)**
 - Website: www.womensrefuge.org.nz
- If you are in immediate danger, call 111 and ask for the police.
- Visit your local Community Law Centre or contact YouthLaw.
- Learn about local support agencies so you have the best information about support services available for youth in your area.

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 are also some things the law provides that can help keep you safe which include Police Safety Orders and Protection Orders.
- See The REP: Working for more information about domestic violence leave and flexible working arrangements.

Police Safety Orders (PSO)

- One police tool to protect victims of family violence are "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, stop contacting the protected person, surrender any weapons, and hand over their firearms license. The PSO can last for up to five days, and any children living with the protected person are automatically protected.
- You can't challenge a PSO – you must leave and obey the terms of the order. You can get in trouble for breaching the PSO if you are in contact with the other person, even if they agree to you contacting them.

- Any arrangements for care and contact of children protected by a PSO are automatically suspended for the duration of the PSO.

Protection Orders

- The other kind of legal protection available for victims of domestic violence are "Protection Orders."
- A Protection Order is a legal order granted by the Family Court that protects a person making the application (and any children) from someone they are (or were) in a domestic relationship with.
- Children and young people can apply for a Protection Order, but depending on their age they may need a representative:
 - Under 16 year olds can apply through an adult on their behalf
 - 16 year olds can choose to apply through a representative or make their own application (but if they have been married, in a civil union or de facto relationship with parental consent they will need to make their own application)
 - 17 year olds make their own application
- 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 person the order is about (the respondent):
 - Must not contact the person protected, in any way (phone, text, visit) unless the person protected invites them to make contact
 - Must not 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
 - Will generally have to attend a Stopping Violence programme to help them live without violence
 - Will have to hand in any firearms
- A Protection Order can be used at any time. For example, if someone has a Protection Order against their partner they can tell them at any time that "you have to leave the house right now". If the respondent doesn't comply, they are breaching the order which is a crime that the police take very seriously.
- This means that you can still live with someone you have a Protection Order against, but if you no longer agree to have contact with them at any point then they have to leave.

Applying for a Protection Order

- There are two ways to apply for a Protection Order:
 - “Without Notice” (without telling the other person): you apply in this way when there’s a real danger that if the person finds out what you’re doing or there is a further delay, they will commit further violence. The other person will only find out after the judge has made a decision
 - “On Notice” (telling the other person and giving them a chance to respond first): you apply in this way if the court does not consider that your situation is a risk to you (or your child) – the other person will have a chance to respond before the judge makes a decision
- Either way, it’s important to have the help of a family lawyer. Visit your local Community Law Centre or contact YouthLaw for advice about what to do next.

Challenging a Protection Order

- If a Protection Order is made without notice and isn’t challenged, the order becomes final after three months.
- If someone applies on notice for a Protection Order then the other person has a certain amount of time to challenge it before the judge makes a decision.
- If you challenge a Protection Order, you will often 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.
- If you want to challenge a Protection Order, get on to it as soon as possible and with the help of a family lawyer.

Other court orders (occupation, tenancy, furniture)

- As well as a Protection Order, you can apply for other court orders. These include:
 - Occupation Order: entitles you to live in the family home if either of you own it

- Tenancy Order: entitles you to live in the rented home, if either of you are listed as the tenant on a tenancy agreement
- 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.

Reporting child abuse

- If you suspect child abuse or neglect, or are worried about yourself or another child or young person, you can call Oranga Tamariki Ministry for Children on **0508 FAMILY (0508 326 459)** at anytime. You can talk to a social worker and ask for help about:
 - Parents who are struggling to cope, for example, have drug/alcohol problems or mental health problems
 - Adults hitting or yelling at each other
 - Children are being hurt
 - Children are left home alone
 - 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.

THANK YOU!



WRAPPING UP

- Hand out the evaluation forms: make sure everyone fills one in.
- Thank everyone for participating. Find your own way to wrap up the class.
- Remember to link people in with their local Community Law Centre or YouthLaw if needed.
- Follow up on any questions or issues: bring the correct answers to your next class.
- Make sure to pass on any feedback you have about this module to: info@wclc.org.nz
- Have a rest!



ACTIVITY #1

Player characters



ACTIVITY #1

Question cards

CAN SAME SEX COUPLES
GET MARRIED?

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

CAN YOU BE MARRIED OR IN A
CIVIL UNION WITH TWO OR MORE
PEOPLE AT THE SAME TIME?

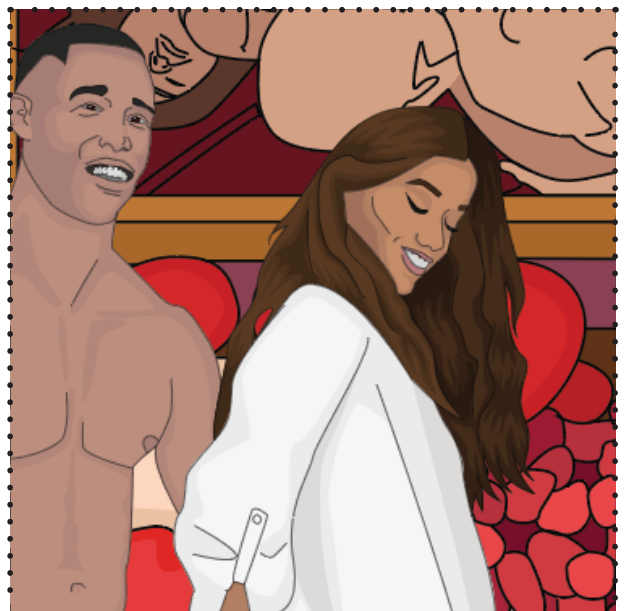
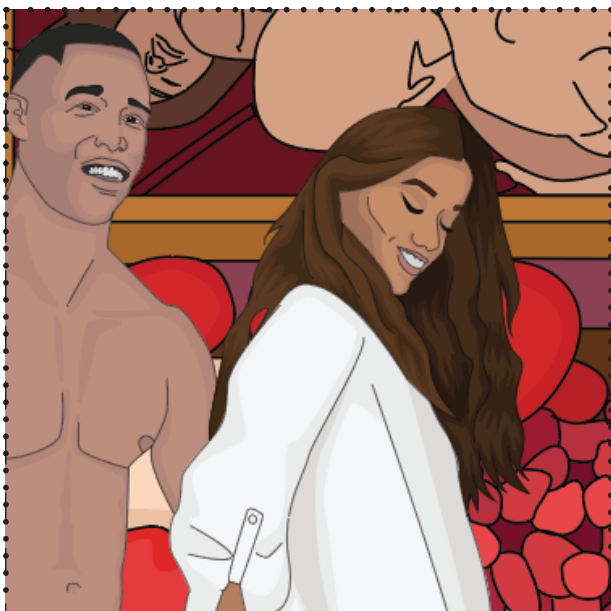
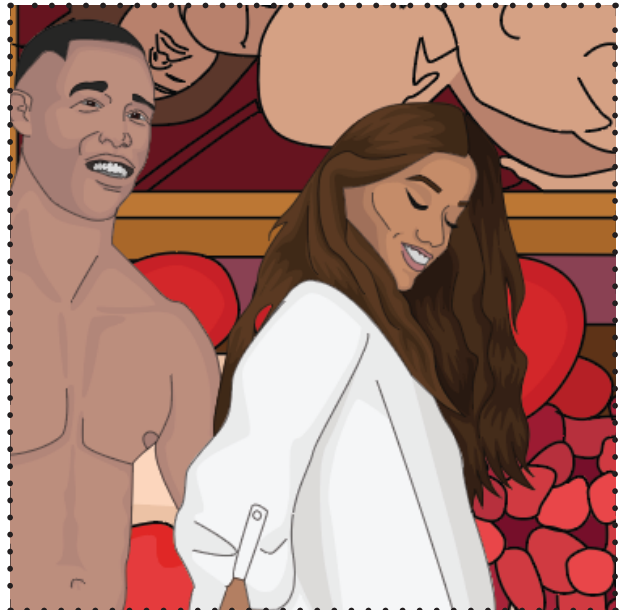
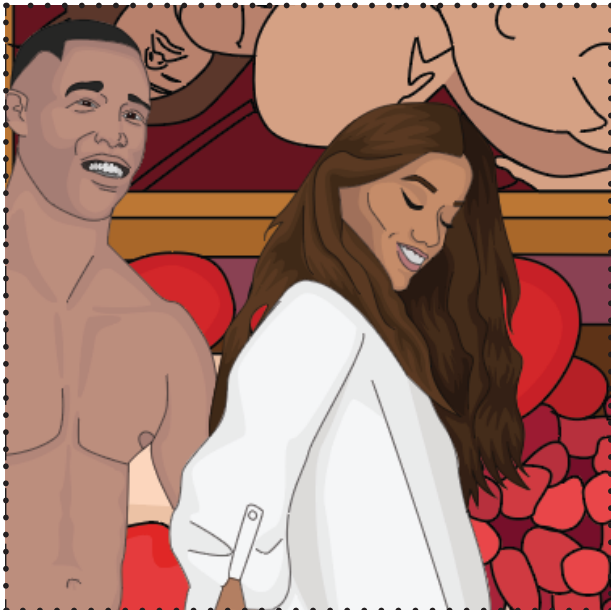
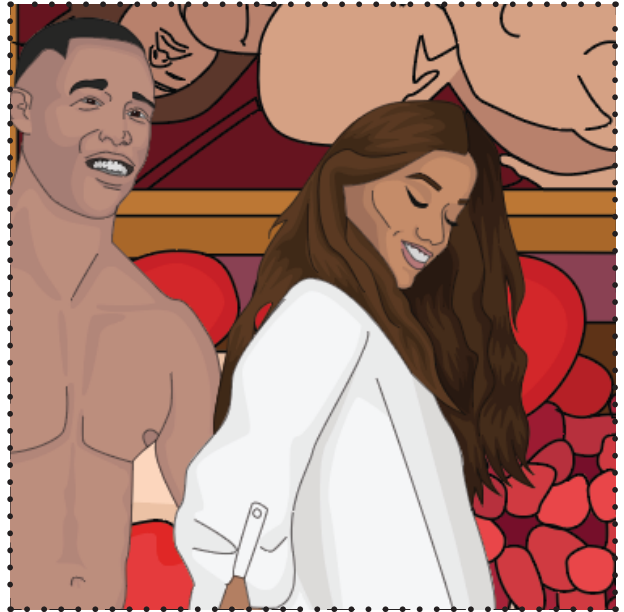
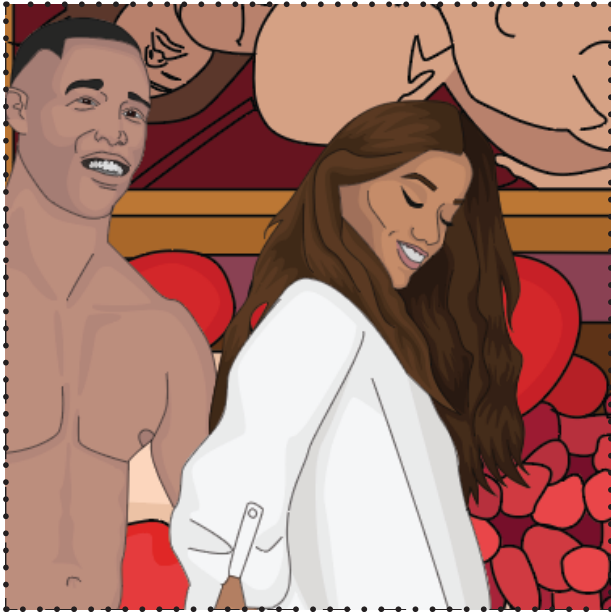
NAME TWO PEOPLE YOU'RE
NOT ALLOWED TO MARRY OR
HAVE A CIVIL UNION WITH

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

WHAT IS A DE FACTO RELATIONSHIP?

ACTIVITY #1

Question cards



Question cards

HOW LONG DO YOU HAVE TO BE
LIVING TOGETHER TO BE IN A
DE FACTO RELATIONSHIP?

CAN A PERSON BE REMOVED
AS A GUARDIAN?

DO YOU HAVE TO PUT THE FATHER'S
NAME ON THE BIRTH CERTIFICATE?

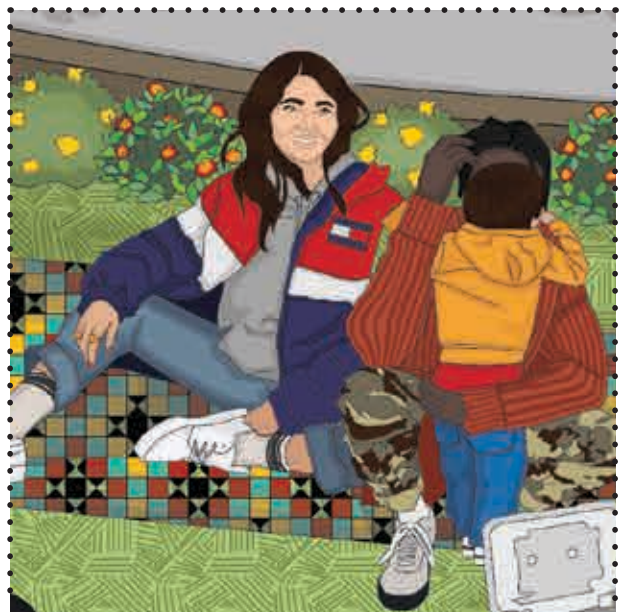
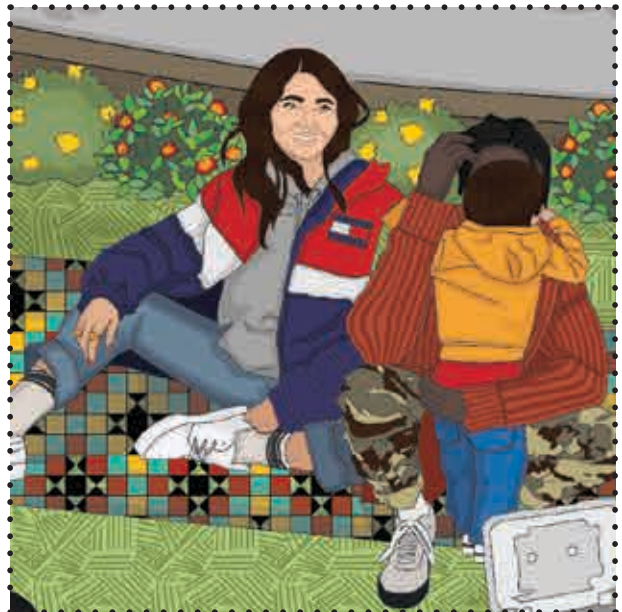
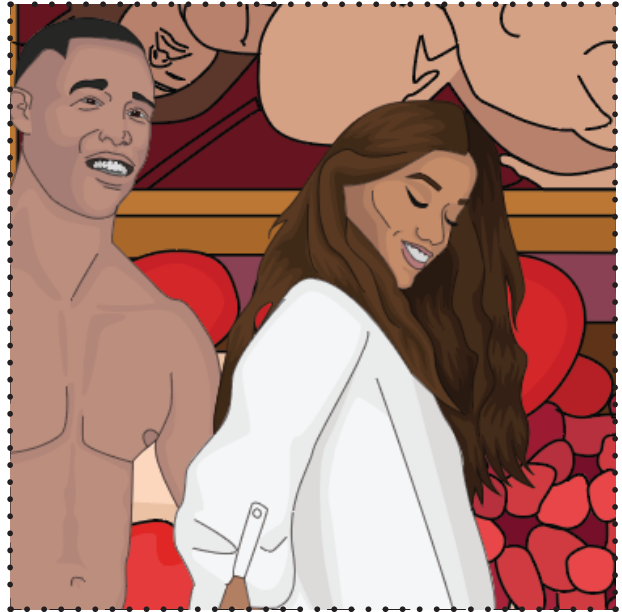
WHAT IS THE DIFFERENCE BETWEEN
A PARENT AND A GUARDIAN?

WHO COULD APPLY TO BECOME
A GUARDIAN OF A CHILD?

AT WHAT AGE DOES A
GUARDIAN STOP HAVING LEGAL
RESPONSIBILITY FOR A CHILD?

ACTIVITY #1 & #2

Question cards



Question cards

DOES A STEP-PARENT HAVE THE SAME
LEGAL RESPONSIBILITIES FOR THEIR
STEP-CHILDREN AS A PARENT?

IF A FATHER IS NOT ON THE BIRTH
CERTIFICATE, WHAT COULD HE
DO TO BE NAMED THE FATHER?

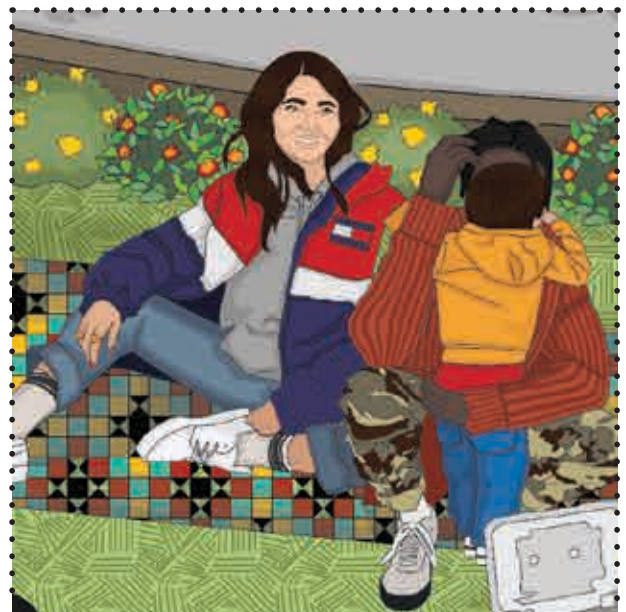
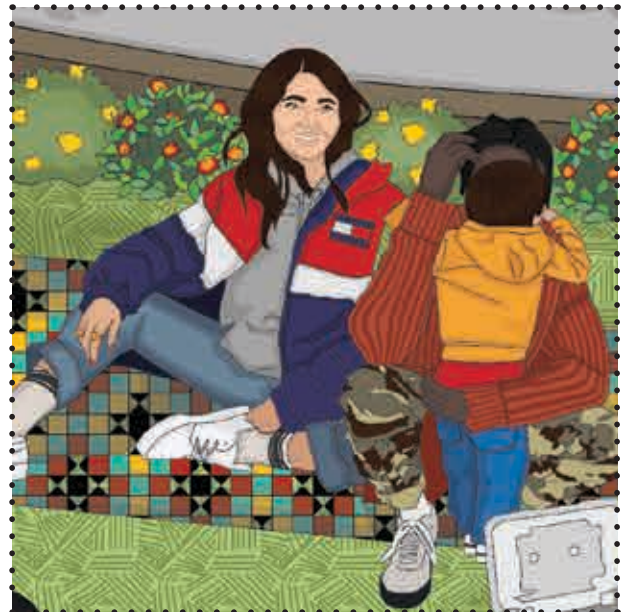
AT WHAT AGE CAN YOU BE ADOPTED?

WHO COULD YOU TALK TO IF
YOU NEED SUPPORT WITH YOUR
RELATIONSHIP WITH YOUR PARENTS?

WHERE CAN PARENTS GO FOR
SUPPORT WITH PARENTING?

WHAT IS A SEPARATION AGREEMENT?

Question cards



ACTIVITY #3

Question cards

WHAT IS RELATIONSHIP PROPERTY?

WHAT CAN YOU GO TO THE
FAMILY COURT ABOUT?

WHAT DOES "DISSOLUTION
OF MARRIAGE" MEAN?

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

DO A CHILDREN AND YOUNG
PEOPLE'S VIEWS HAVE TO BE
TAKEN INTO ACCOUNT BY THE
FAMILY COURT WHEN MAKING
A PARENTING ORDER?

WHO HAS TO PAY CHILD SUPPORT?

ACTIVITY #3

Question cards



Question cards

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

WHAT KIND OF THINGS ARE
IN A PARENTING ORDER?

WHERE CAN YOU GET SUPPORT IF
YOUR PARENTS ARE SEPARATING?

WHAT IS A POLICE SAFETY ORDER?

WHAT IS A PROTECTION ORDER?

HOW OLD DO YOU HAVE TO BE TO
APPLY FOR A PROTECTION ORDER?

Question cards



ACTIVITY #4

Question cards

WHO CAN APPLY FOR A
PROTECTION ORDER?

PEOPLE OFTEN THINK THAT DOMESTIC
VIOLENCE IS ONLY PHYSICAL – NAME TWO
OTHER FORMS OF DOMESTIC VIOLENCE?

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

THINK OF TWO WAYS OF BEHAVING
THAT YOU MIGHT SEE IN AN
UNHEALTHY RELATIONSHIP?

WHERE COULD YOU GO TO
GET HELP OR SUPPORT?

WHAT AGE GROUP IN AOTEAROA
IS MOST LIKELY TO EXPERIENCE
VIOLENCE OR ABUSE FROM A
PARTNER, FAMILY MEMBER OR
SOMEONE THEY KNOW?

ACTIVITY #4

Question cards



ACTIVITY #4

Question cards

HOW COULD YOU SUPPORT
A FRIEND WHO WAS IN AN
UNHEALTHY RELATIONSHIP?

ACTIVITY #4

Question cards

