

# Teenagers' Guide to the Family Court

New Zealand Family Courts



## How the Family Court works for you



send ?




After your parents split up, they might still be arguing about what's going to happen to you. Maybe they're talking about seeing lawyers and going to Court.

You won't have to go to Court. But your views are really important because the decisions that will have to be made are about you. It will help if you understand what's going on. This booklet tells you about how your views will be heard and how the Court makes decisions about you.

### WHAT DOES THE FAMILY COURT DO?

The Family Court is there to help if your parents haven't been able to sort out what's best for you – things like where you're going to live, and how you can keep up your relationships with your family and whānau.


First of all, your parents get help from counsellors and mediators to try and reach agreement on what should happen.

 If that doesn't work, a Family Court Judge will hold a hearing, listen to everyone's views and then decide what's in your best interests.



### WHAT ABOUT MY VIEWS?

The Family Court will arrange for you to have your own lawyer.

 This lawyer is called "Lawyer for the Child". They will be an experienced Family Court lawyer. Their job is to put forward your views and look after your welfare and best interests :)

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yes

## WHAT WILL MY LAWYER DO?

- > Talk to you and find out what you want and what's important for you
- > Go to mediation and Court for you
- > Make sure your views are heard by your parents
- > Put your views to the Judge
- > Look after your interests
- > Try to make sure everything is dealt with as quickly as possible
- > Explain to you what the Court has decided



To help the Judge understand your case, your lawyer will probably ask who else they should talk to :)

For example:

- > Other whānau and family members
- > Your school counsellor
- > Your teacher
- > Your social worker
- > Your doctor
- > Other people you or your parents may suggest

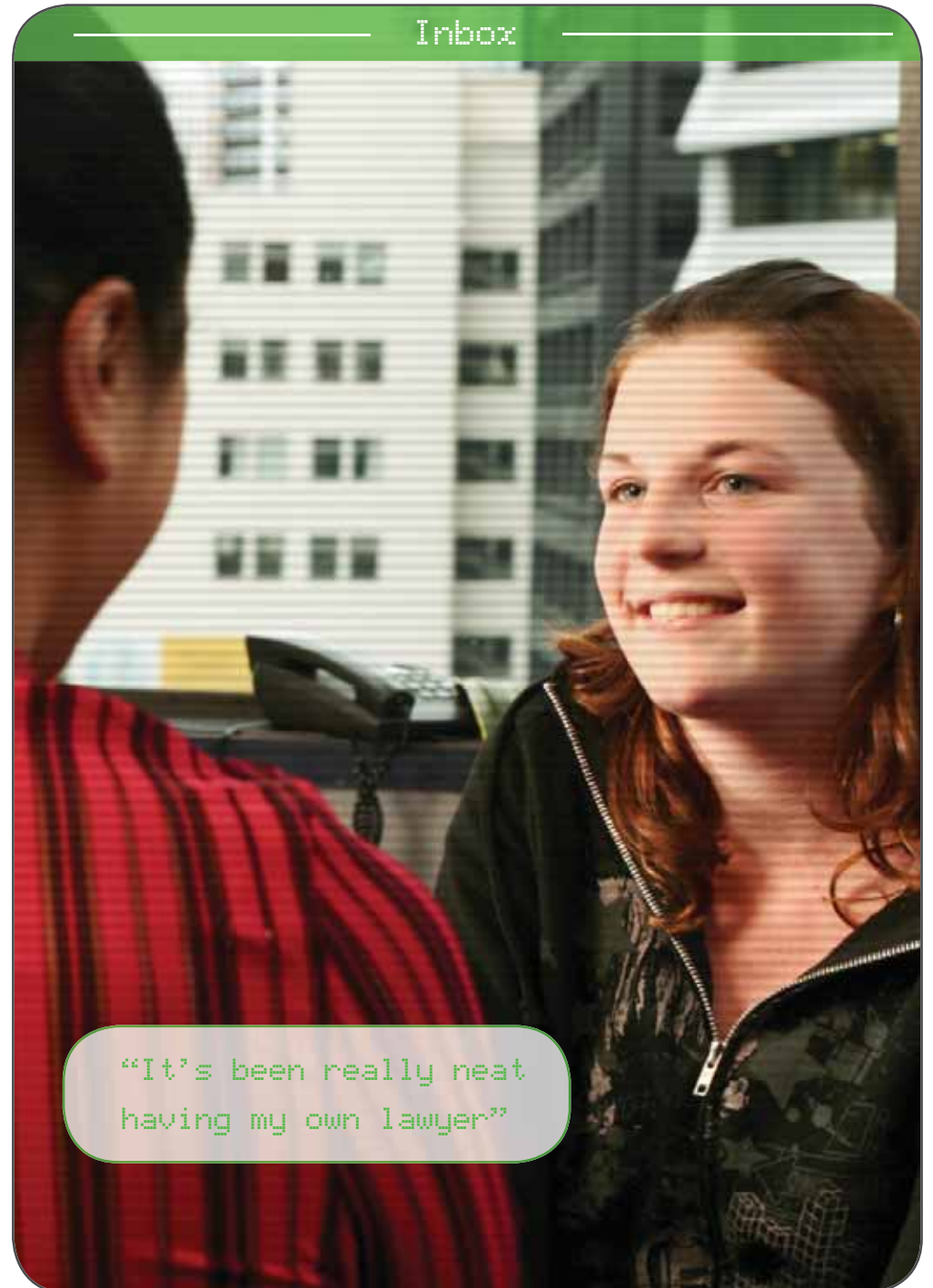
## WILL I GET TO SEE MY LAWYER?

Your lawyer will always meet with you. Possible meeting places could be:

- > Home
- > School
- > Your lawyer's office
- > A public place like a park or café

Your lawyer will probably set up the first meeting place. If you don't feel comfortable about speaking openly there, ask to choose the next one.

Inbox



"It's been really neat having my own lawyer"

## WHAT WILL HAPPEN WHEN I MEET MY LAWYER?

Your lawyer will meet with you at least once

- > To get to know you
- > To explain what's happening at Court
- > To ask you questions
- > To answer your questions

### SHOULD I PREPARE FOR THE MEETING?

You might want to think about

- > Any questions you have about what's going on
- > What kind of arrangements you think could be good for you
- > What's good about being with each of your parents



“Tell them your thoughts and don't be scared to speak up because if you don't they might not see things the way you want them to. Basically, just tell them what you feel.”  
kate

### DO I HAVE TO ANSWER THE LAWYER'S QUESTIONS?

No, you don't. It can be tough. But the more you talk to your lawyer, the easier it will be for them to work out the best arrangements for you. If you don't want to answer your lawyer's questions, tell them why – maybe they can help.

## WHAT DOES A SPECIALIST REPORT WRITER DO?

The Judge might want you to talk to one of the specialist report writers who will write a report for the Judge to help them understand what's important for you.

Psychologists know about how teenagers feel when their parents break up. Don't be afraid to tell the expert how you feel and ask them questions. If you don't feel comfortable talking to them, then tell your parents and your lawyer.

## FAMILY ARRANGEMENTS

### DO I HAVE TO CHOOSE WHO TO LIVE WITH?

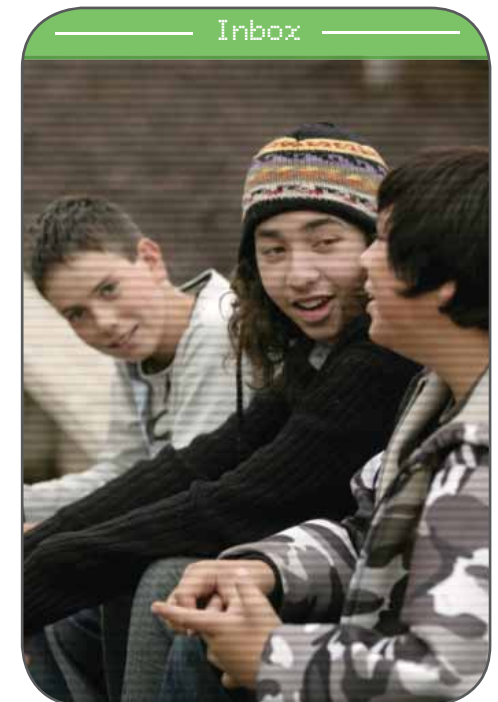
Definitely not. You have the right not to choose. Don't ever just say what you think your parents want to hear! :)

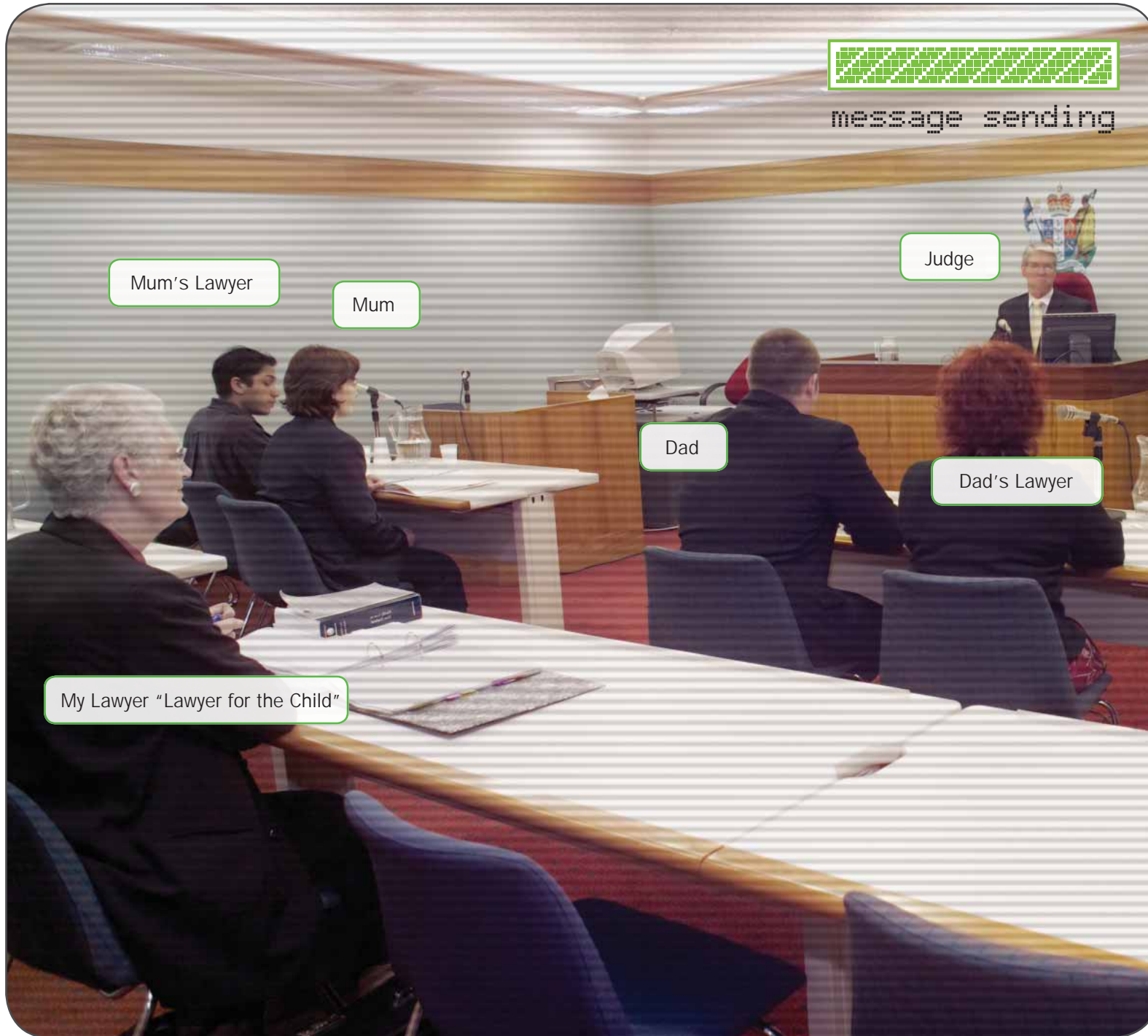
### CAN I CHOOSE WHO TO LIVE WITH?

- > At 16 you have a right to choose
- > If you're under 16, you have the right to have a say and the Judge has to take your views into account. But, the final decision is the Judge's and they might not make the choice you want.

### CAN I CHOOSE NOT TO SEE ONE OF MY PARENTS?

If you don't want to see one of your parents, then tell your lawyer and explain why so they understand your point of view. The Judge might still think it's best for you to see both of your parents, but the Judge might say someone else has to be there with you.





## WHAT DO I DO IF MY LAWYER DOESN'T AGREE WITH ME?

If you and your lawyer don't agree about what's the best plan for you then:

- > Make an appointment to see your lawyer and take a support person with you
- > Ask your lawyer to talk about your different ideas
- > Make sure that you understand their reasons by asking questions
- > Explain your views to them as clearly as you can

If you're still unhappy, it's possible for the Judge handling your case to change your lawyer. Contact the Family Court Co-ordinator at the Family Court and ask them to explain the complaints procedure.



## CAN I GO TO COURT?

It would be unusual for you to go into the Courtroom, because you shouldn't have to get involved in your parents' arguments.

Sometimes the Judge who's going to make the decisions about you will ask to meet you somewhere else. If the Judge doesn't ask for a meeting, but you'd really like to see them, ask your lawyer if this can be arranged.

If you do get to see the Judge, you can ask them to let you explain what you want.

You can also ask to go to Court to hear the Judge give their decision.

You can talk about these possibilities with your lawyer.

### HOW LONG WILL IT TAKE TO BE SORTED OUT?

It's different for each family, so ask your lawyer to let you know. If you are not happy about how long it is taking, tell your lawyer.

### WHAT IF I'M UNHAPPY WITH THE JUDGE'S DECISION?

Tell your lawyer and explain why. They'll tell you about the possibility of appealing. That means that a different Judge, in a higher Court, will have another look at your case. They may make a different decision, or else they might agree with the first decision.

### CAN THE ARRANGEMENTS EVER BE CHANGED LATER ON?

Yes, changes can be made. Talk to your parents first, or ask your lawyer.

### HOW CAN I CONTACT THE FAMILY COURT?

- They're listed under Justice Ministry – District Court in the Blue Pages of the phone book
- Ask to speak to the Family Court Co-ordinator



Thanks to all the organisations professionals, parents, children and teenagers who contributed to the writing of this booklet.

send ?

yes



MINISTRY OF  
**JUSTICE**  
*Tāhū o te Ture*

[www.justice.govt.nz/family](http://www.justice.govt.nz/family)



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