

# Kaiārahi and the Family Court in New Zealand

Hannah Bell<sup>1</sup> and Kathryn Hay<sup>2</sup>

1 Registered Social Worker, Wellington, New Zealand

2 School of Social Work, Massey University, New Zealand, ORCID: 0000-0002-3899-056X

---

Corresponding author: **Dr Kathryn Hay**

Email: [k.s.hay@massey.ac.nz](mailto:k.s.hay@massey.ac.nz)

---

## Abstract

The Kaiārahi, or Family Court Navigator, is a newly established role within the Ministry of Justice in New Zealand. The role of the Kaiārahi is to provide guidance and information about the resolution and support options available to parents, caregivers, and families who are considering applying to the Family Court. This research sought to understand how the introduction of the Kaiārahi role may be improving experiences of Family Court users. A qualitative methodology guided the research process and in 2022, four Kaiārahi engaged in semi-structured interviews. The findings suggested that the Kaiārahi role is contributing to an improved experience for people engaged in the Family Court in New Zealand. The level of impact is, however, affected by the strength of collaboration with community services such as social work organisations, and several implementation factors, including a lack of strategic direction, difficulty sourcing clientele, and variable support from the Ministry of Justice and the judiciary. Addressing these issues would further strengthen the effectiveness of the Kaiārahi role.

**Keywords:** *New Zealand; Justice; Family Court; Kaiārahi; Social work*

## Introduction

In New Zealand, more than 60,000 applications are lodged in the Family Court each year, with families seeking judicial oversight or orders relating to a range of family issues including separation, family violence, and care of children (Ministry of Justice, 2021a). The Family Court is a legal forum where people can seek assistance with family issues, often in times of distress, crisis, and conflict. Recent research on the experiences of engagement with the Family Court in New Zealand and Australia have similar findings (Ministry of Justice, 2019a; Roberts et al., 2015; Wilcox, 2010). There are significant barriers for families to access justice, and even when these barriers are overcome, experiences in the Family Court can be negative and traumatising for families (Ministry of Justice, 2019a, 2019b; Stannard, 2021). These issues are further exacerbated for women and ethnic minorities (The Backbone Collective, 2017; Titterton, 2017). As discussed below, the reasons for negative experiences for families in the Family Court in New Zealand and Australia are varied, however, in general, family justice systems in these countries are patriarchal in nature, mono-cultural, complex, fragmented, and siloed, which can make it difficult for users to navigate (Ministry of Justice, 2019b, 2021b; Roberts et al., 2015; The Backbone Collective, 2017; Titterton, 2017; Wilcox, 2010).

The Family Court of New Zealand and the wider family justice system have been the subject of four reviews, each resulting in changes to legislation, policy, and operation (Stannard, 2021). The most recent review occurred in 2018-2019. As a result of this review, in April 2019 the panel's report, *Te Korowai Ture ā-Whānau*, was released, making 70 recommendations which sought to introduce a joined-up 'Family Justice Service' which could remedy the fragmentation of the in-court and out-of-court services in New Zealand (Ministry of Justice, 2019a). In 2021, the Government established the Kaiārahi (Family Court Navigator) role in response to the report, with a view to providing guidance and information about resolution and support options available to whānau and families engaging with the Family Court (Ministry of Justice, 2021a). Subsequently, 50 Kaiārahi roles were established across the country in 2021.

The aim of the Kaiārahi role, as stated by the Ministry of Justice (2021, p. 1), is to improve family justice outcomes by:

- Demystifying the Family Court system and ensure parents, whānau and families and tamariki are well supported throughout the court process;
- Providing a link between the community and the court, ensuring better access to justice;
- Empowering families to make informed decisions on appropriate justice pathways and how to access them and other out-of-court services.

Whilst there has been considerable research undertaken in the field of family justice and on family justice initiatives in both Australia and New Zealand, the impact of the newly established Kaiārahi role in New Zealand has yet to be evaluated. An initial exploration of the impact of this role on those engaging with the Family Court may contribute to improving the understanding of social workers and other professionals who share clientele with Kaiārahi or work in the wider family justice sector.

It is also possible that social workers in New Zealand will be employed as Kaiārahi. Social workers employed in community organisations may also find themselves working closely with Kaiārahi and a better understanding of the role's impact and challenges will support collaboration between social workers and Kaiārahi. The learnings from the implementation of the Kaiārahi role in New Zealand may offer new understandings about how Family Court users in New Zealand, Australia and beyond are supported.

### **Negative experiences of the Family Court**

Disappointingly, negative experiences of the Family Court in New Zealand and Australia are commonplace (Boulton et al., 2020; Ministry of Justice, 2019b; Roberts et al., 2015; Titterton, 2017). Family law is inherently emotional, making its psychological impact even more pronounced (Stannard, 2021). Negative court experiences are marked by lack of understanding of, or information about, the court system, indications that individuals' circumstances are not always considered, and that cultural bias may be present (Boulton et al., 2020; The Backbone Collective, 2017; Valentine & Breckenridge, 2016).

Being uninformed about Family Court processes and what is required of users, has been identified as contributing to a lack of confidence for system users (Boulton et al., 2020; Heard & Bickerdike, 2021; Valentine & Breckenridge, 2016). The findings of Heard and Bickerdike's (2021) study confirmed that when considering whether to access the Family Court or an alternate dispute resolution pathway, a key issue for participants was the lack of clarity as to the length of time they would be in litigation. A similar finding was noted by the Backbone Collective (2017) which reported that women felt that the pathway through Family Court was unpredictable and that it was not possible to tell how far along that pathway they were. These findings were further evidenced by a Ministry of Justice survey that indicated only 52% of users surveyed understood the next steps for their case following their attendance inside a courtroom (Ministry of Justice, 2021b).

Court participants commonly feel like bystanders in their own court proceedings (Boulton et al., 2020; The Backbone Collective, 2017; Valentine & Breckenridge, 2016). These feelings may be attributed to the use of legal jargon, processes and procedures not being explained, and limited explanation of the roles and responsibilities of the professionals in the courtroom (Boulton et al., 2020). A Ministry of Justice report showed that only 51% of court users believed court staff and officials understood their situation and that their individual circumstances were considered (Ministry of Justice, 2021b). Court staff may be desensitised to the trauma and distress of Family Court users and thereby invalidate or misunderstand court users (Roberts et al., 2015; Valentine & Breckenridge, 2016). These themes were also reflected in the Ministry of Justice's Court User Survey (2021a), wherein about half of court users surveyed believed their individual circumstances were not considered by court staff and officials. These ideas are perhaps exacerbated for women, for whom legal systems, such as the Family Court, are felt to support male power (Pitt et al., 2019). Roberts et al. (2015) for example, explored the experiences of women engaging with the Family Court in Australia and reported a lack of empathy and understanding, fear and anxiety, re-traumatisation, and invalidation.

The New Zealand justice system is Euro-centric and, as such, Indigenous court users are more likely to have negative experiences including their cultural beliefs being ignored or not comprehended in court (Boulton et al., 2020; The Backbone Collective, 2017; Titterton, 2017). The qualitative study undertaken by Boulton et al. (2020) attributed the negative experience of Indigenous court users not understanding court processes to structural racism and cultural bias. The panel's report, *Te Korowai Ture ā-Whānau* (Ministry of Justice, 2019a) highlighted that family justice services in New Zealand fail to recognise Te Ao Māori (the Māori worldview) or incorporate tikanga Māori (Māori approaches). In particular, the report draws attention to the absence of a Māori family justice workforce, missed opportunities to incorporate tikanga-based dispute resolution services in previous reforms of the family justice system in New Zealand, and acknowledges the concept of Māori whānau (extended family) is not well understood. These concepts were also reflected in The Backbone Collective's (2017) report, in which participants raised the issue of tikanga Māori (Māori approaches) not being included in court processes which contributed to a feeling of not being understood.

### **Kaiārahi role in the family justice system**

Despite these concerns there is, however, a desire for joined-up approaches to family justice issues and for improved collaboration between court, court services, and non-government community services in the family justice sector (Carson et al., 2013; Foster et al., 2005; Hannan, 2013; Harman, 2019; Heard & Bickerdike, 2021; Valentine & Breckenridge, 2016; Venables, 2019; Wilcox, 2010). The Family Court process is only one pathway for managing or resolving family issues and there is a need to link family justice services in the court setting and the community setting in a more meaningful way (Foster et al., 2005; Wilcox, 2010). Allowing families to choose options best suited to them with multiple 'entry points' to the system, through counselling and mediation and other services have been identified as beneficial (Foster et al., 2005; Thomson et al., 2017). Different initiatives, programmes, and roles, both in the New Zealand family justice system and internationally, have been established to improve the function of the court and the experiences of those who engage with the family justice system. An example of this is the Kaiārahi role in New Zealand which was established to address fragmentation of the Family Court and the wider family justice system (Ministry of Justice, 2019a; Moloney, 2013).

Increased understanding of the family justice system, improved access to information about alternate resolution pathways, improved access to community services, and the removal of cultural and structural barriers are necessary to improve experiences of court users (Boulton et al., 2020; Moloney, 2013; Roberts et al., 2015; Valentine & Breckenridge, 2016). One of the stated aims of the Kaiārahi role is to provide a link between the community and the court, ensuring better access to justice (Ministry of Justice, 2021a). Evaluation of the Kaiārahi role has not occurred within the Ministry of Justice and therefore the findings of this study offer an initial perspective from four people who have been employed as Kaiārahi since the role's inception in 2021.

## Methodology

The research aimed to explore how the Kaiārahi role may be improving experiences of court users engaging with the Family Court in New Zealand. The research employed a qualitative framework and semi-structured interviews were the chosen data collection method. As noted by Holosko (2010), qualitative research approaches are appropriate to emphasise the ‘how’ of behaviour and can be used to address ‘how’ questions by collecting and analysing data from subjective experiences, thereby making this an appropriate method for this study. The research aim is informed by interpretivist and social constructionist branches of qualitative research, by seeking to explore complex phenomena in its context and from the perspective of those who experience it (Lietz & Zayas, 2010; Nowell et al., 2017; O’Leary, 2017).

Ethical approval from a New Zealand university was granted under the low-risk category. Consent to participate was obtained in writing and verbally confirmed prior to data collection commencing. Purposive sampling ensured that the participants had sufficient knowledge and experience to respond to the research question and provide a rich data set (Gill, 2020; Lietz & Zayas, 2010). The criteria for inclusion were persons employed as Kaiārahi by the Ministry of Justice for a minimum of six months. Two participants were recruited after contact made through the professional networking application ‘LinkedIn’ and a further two were recruited following permission to approach Kaiārahi was given by the Ministry of Justice. Semi-structured interviews with four Kaiārahi were conducted using an online conferencing platform during 2022.

Thematic analysis was employed to identify and analyse patterns and generate themes from the interview data (Braun & Clarke, 2006). Following the process suggested by Ritchie and Lewis (2003), codes were highlighted and condensed into themes. To minimise researcher bias, the themes were then compared to those identified in the literature. Thematic matrices were developed using thematic charting and were used to provide structure to the following section.

## Results

The findings reported here are organised into three main themes. These were the positive impact of the Kaiārahi role community collaboration and factors affecting the implementation of the role. Data have been de-identified and pseudonyms used to maintain confidentiality.

### Positive impact of the role

The positive impact of the Kaiārahi role primarily related to the positive impact upon service users and other stakeholders, as illustrated by Emily:

Definitely improvement because I’ve had so much feedback ... What we’re hearing back from whānau and families, what we’re hearing back from service providers, staff, judges. Those are definitely the indicators ... saying like, this is working. This is helping.  
(Emily)

The Kaiārahi suggested four ways in which the positive impact to service users was evident:

- improving knowledge and understanding of court processes and policies;
- facilitating engagement and access;
- improving courtroom experience; and
- improving connection to community services and alternate dispute resolution pathways.

To support court users' knowledge and understanding of court processes and policies, Alice emphasised the importance of being available and having sufficient time to respond to queries. Rebecca and Emily however, agreed that cold-calling self-represented parties to explain court processes and breakdown the information packets received upon service of court proceedings was also necessary to assist with increasing understanding. The Kaiārahi were confident that they were building knowledge and understanding for those engaged with the Family Court due to positive feedback received from the service users:

We've had a lot of good feedback from that, "I had no idea. That's what I had to do". And it's nice to hear back from participants directly. To know that you're on the right track and that they are finding it easier after talking to you. (Rebecca)

The way that I have seen a change in understanding is when I have people say "Oh my gosh, thank you. I just needed someone to explain that to me" ... and they leave saying "I know what to do now. I know what this means". (Alice)

Facilitating engagement with the Court by taking proactive measures to contact court participants and remind them of their upcoming court events, confirming a right to participate, and offering information and support to enable attendance were identified as essential components of the Kaiārahi role. Travelling to satellite towns to bring the court to the community was also valued:

We take ourselves to these towns ... because obviously the Ministry doesn't really do that. If you're unfortunate enough to not have a court in your town, you can't speak to anyone, so we're taking the court to the community. (Rebecca)

Similarly, improving access and facilitating engagement by providing alternate attendance options for whānau and families was highlighted:

In some regions, it's gone as far as organising them to attend via AVL or via telephone conference just so that they can participate because they actually do care about their child. They just thought that they couldn't be there. (Alice)

Courtroom experience was another area in which the Kaiārahi felt they were making a positive impact. Contacting court participants prior to attending a court event to discuss the process and etiquette of the courtroom and to explain the event type was a common activity. Being in the courtroom as a neutral support was also critical:

I say about etiquette, a lot of them don't know what they can and can't do ... And that's really important to them because a lot of them feel like when they go and they're not allowed to say anything. And they just have to sit there and listen and that's it. (Emily)

As many court users do not know what services are available in the community, or in the court system, it is critical that Kaiārahi have excellent networks:

The Kaiārahi really need to understand what the community have on offer because again, people forget or people are told one thing once when they've been told 100 other things and then they forget that they have that opportunity to access counselling or to access some sort of support network. (Alice)

The educative function of the role also empowers service users to be better equipped for managing their involvement in the family justice system:

Knowing you can come up with your own parenting order ... and still go and get it signed off in the court so that it's still a legally binding document. And they don't have to go through that lengthy process, of court. So many people are being shocked and gone, "Wow, didn't know we could do that." (Emily)

The Kaiārahi believed the positive impact of the role extended to other stakeholders, and that this was evidenced by positive feedback including from members of the judiciary, community service providers, and Ministry of Justice staff. In some areas, Kaiārahi provided information sessions to stakeholders, enabling them to build knowledge and support their clients with justice issues:

We'd just do like an hour long presentation online, where we'd basically tell [service providers] what kind of goes on [in court] ... and we just kind of picked a subject ... we kind of started off with probably about 5 to 10 people, and we were getting it close to 50. (Rebecca)

Even if it's just explaining to the community organisation what happens once you file an application ... it then helps them inform their clients. I've worked with a lot of social workers who now heavily rely on this service to be able to say, "what happens in this situation? What can I do to support my client?" (Alice)

The positive impact of the Kaiārahi role reinforced for the participants the value and importance of their work, both for service users and other stakeholders.

### Community collaboration

The Kaiārahi roles are regionally based and the Kaiārahi all identified that the regional nature of their role provided them with useful community insights which supported and improved the service they could offer to service users. This regional approach enabled them to identify gaps in the in-court and out-of-court services available in local areas. Alice and Rebecca, for example, described collating a database of services available to service users, and as a result, could see that some providers contracted to the Ministry were either no longer performing the service, or underperforming in some way. This insight allowed the Kaiārahi to provide tailored support and redirect clients to other community services that were sufficiently resourced, and to notify the Ministry where gaps were identified.

We found that [parenting skills programme] was not very accessible in these smaller towns. So, [location] where we are today, ... our research is telling us they just don't come here, and they expect people to attend by phone to [location]. So, we've done a lot of research about the service providers that are contracted to the Ministry that should be doing these places that are just not. (Rebecca)

Being connected to the community meant Kaiārahi could build relationships with other service providers which then improved the confidence of court users in engaging and accessing those support services.

We have that little bit more knowledge as well because we've met them and spoken to them. It's not just an e-mail address on Google. (Rebecca)

Where I found most benefit is I've met with the local parenting through separation provider, the local mediator; I can say I've met these people personally and I can vouch for them or I can explain their service for the [location] because everywhere is so different. (Alice)

These key relationships were recognised by the Kaiārahi as a strength in their practice. Being able to upskill and educate community service providers on the specifics of Family Court and the intricacies of the Court's operation was an important aspect of the Kaiārahi role. Consequently, they found themselves welcomed into networks and groups that operated in their community which helped them to further understand the needs of their shared clients:

I've been welcomed into the local family violence network, ... it's all about wrapping around everyone that's going through a family violence case or a [Care of Children Act 2004] case ... but all these people are amazing people within our community that are already working as social workers or as counsellors or teachers, guidance counsellors that already have their finger on the pulse. So I've really heavily relied on that network. (Alice)

Building a network and collaborating with community service and court service providers has strengthened the support Kaiārahi can offer their service users. Further, upskilling of community service providers about court processes, policies and etiquette may result in improved experiences of whānau and families engaging with the wider family justice system in New Zealand.



### Factors affecting implementation of the role

Several factors relating to implementation of the role, Covid-19, and support from court staff/judiciary were affecting the impact Kaiārahi could have on court users.

#### *Implementation issues*

Implementation of the role was noted as a key issue by the Kaiārahi. Rebecca and Anthony, for instance, discussed the length of time required to learn about court processes, systems and relevant legislation for Kaiārahi who had not previously been employed in a frontline court role. Both Kaiārahi considered that this necessary learning unfortunately delayed their support of clients and diluted the impact they could have.

So what we did [in the beginning] was just, really learning about the system, but always with the understanding of knowing that actually even within the six, seven months of training and different aspects of processes around the courts, we still weren't going to know everything ... we were only just like scratching the surface of that stuff. (Anthony)

A lack of strategic direction for the role was also highlighted. All four Kaiārahi felt there was not sufficient guidance or direction and that they were unsupported when designing their role and operating procedures. The Kaiārahi were proactive in establishing new initiatives despite limited support:

So, there's just the two of us that have pretty much rolled this out pretty much on our own, to be fair ... because nobody else is making something ... I think it's time that they started reigning everyone in. (Rebecca)

It's been a really stop start position and the goal posts have been moved so many times since June that we haven't been able to really get good traction. (Alice)

Difficulty in sourcing clientele was a further challenge with all Kaiārahi noting that their clients are usually referred by community service providers in their network, or through Family Court list days (court days dedicated to the hearing of multiple Family Court cases in short 15-minute conferences, intended to progress Family Court cases along the Family Court pathway). This limited the Kaiārahi's ability to proactively work with whānau and families prior to Family Court applications being filed, to provide information about alternate dispute resolution pathways, or to support other needs. The Kaiārahi had a balanced view of these difficulties and considered that, whilst the role lacked direction and guidance, this also meant they enjoyed some flexibility to tailor service offerings to their local context.

Lack of support from the Ministry was also challenging and this presented itself in many forms such as limited feedback channels, administrative delays, and the risk-averse nature of the Ministry:

And the process was so slow too. There was this massive hold up, especially with the [management], around Ministry, moving it on for us. There was always these delays ... It just seems like, things were made difficult for us. (Anthony)

We found a lack of accessibility to some of our programs ... and we went to the Ministry team about it and they said that they'd re-evaluate when their contract comes up in 2023. (Rebecca)

Anthony was frustrated by the lack of support from the court staff and judiciary in his court location. This restricted his ability to access clients as he was blocked from attending the Family Court and experienced interpersonal conflict with Ministry staff. Anthony suggested the judiciary and court staff did not understand or support the kaupapa (purpose) of the role. While the Ministry had staff employed to smooth these relationships and support the implementation of the role, this was not occurring.

### *Covid-19*

The Covid-19 pandemic affected the ability of the Kaiārahi to provide direct support and added further difficulties in sourcing clients. The interviews were conducted during the pandemic:

We're not allowed in the community right now. Because we were told, we would be 80% in the community, our courts were told we don't need to be in the registry and so we were all put in these back offices away from everybody. (Alice)

It was August, so we were basically shunted for almost four or five months and then there [were] no participants. No going into court either. (Rebecca)

Although the pandemic affected access to clients it also required the Kaiārahi to adapt and implement new ways of working which improved the service they could offer to stakeholders.

We've definitely lost probably about six months of community engagement from that, but that's when we started our online sessions. So, I guess it's created stuff for us too. (Rebecca)

The ongoing impact or consequences of the Covid-19 pandemic are not yet known but may have enabled certain processes to expand or allow greater flexibility for service users.

### *Support from court staff/Judiciary*

The level of support from court staff and the Judiciary affected the work of the Kaiārahi. Good relationships with Family Court registry staff resulted in improved access to court users which enabled the Kaiārahi to better fulfil their responsibilities. Support from the judiciary was also considered important, however, the Kaiārahi experiences with judges were mixed. There was an awareness that support from judges varied across the country:

... it's slow moving and we've had better uptake in some areas, regions than others and that comes down to the support of the actual courthouse as well and the judiciary. We've had to really fight to get in the courtroom down here in the South Island. It has been a mixed bag of responses in the North Island, but it also depends on the judge that's sitting. (Alice)

Access to the courtroom was also identified as a challenge and two of the participants had been barred from entry to Family Court sittings by decision of the presiding Judge. This issue was exacerbated for Anthony, who did not have the prior frontline court experience of the other Kaiārahi.

In my time there, which was 11 months, I probably got to deal with maybe two cases, three cases in the Family Court ... and one of those cases only because I knew the dad from my previous work, so I was able to make engagement with them. And the other two were out of town Family Court judges, who weren't caught up in the politics of what was going on. (Anthony)

In contrast, Emily had positive support from the judges in her region and this had resulted in receiving direction about the support she should provide to her clients:

The judges, my biggest fan in the courtroom ... that's once again the difference in different areas, some aren't ... I think we're quite lucky. (Emily)

In the times where Anthony and Alice were allowed to attend Court, they noted a similar experience to Emily, where direction was provided by the judge, which supported them to improve experiences for court users.

## Discussion

Initiatives aimed at improving knowledge and understanding of the family justice system, court process, and court etiquette can improve confidence of service users and support their engagement with their proceedings (Boulton et al., 2020). The introduction of the Kaiārahi position in the New Zealand Family Court is one such initiative (Ministry of Justice, 2019a). An understanding of the key issues and needs of those engaging with the Family Court has resulted in the Kaiārahi tailoring their service to meet the identified needs. The findings suggest that by tailoring service offerings the Kaiārahi are improving the experiences of service users in the Family Court.

Collaboration and information sharing across the family justice sector to improve experiences of those engaged with the Family Court are vital (Foster et al., 2005; Hannan, 2013; Valentine & Breckenridge, 2016; Venables, 2019; Wilcox, 2010). The narratives of the Kaiārahi participants emphasised the importance of the network of community service providers in the local area to improve experiences of their service users. This was achieved by being able to receive and make referrals to and from a wide range of local social services that could provide additional support to court users. Similarly, connecting families to multiple services can assist in guiding them through the family justice system and with the provision of long-term support (Foster et al., 2005, Valentine & Breckenridge, 2016). Linking family justice services in the court and community setting is likely to improve experiences of service users (Foster et al., 2005; Thomson et al., 2017).

Further, improving access to out-of-court resolution pathways through making referrals to in-court and community service providers improves the experiences of people engaging with the Family Court as this offers an opportunity to avoid the adversarial court environment (Harman, 2019).

Professional relationships developed between Kaiārahi, and other service providers may increase the likelihood of service users accepting and following through with referrals to the Kaiārahi service and other community organisations. The Kaiārahi participants suggested that service users were more likely to complete a referral to another agency if the Kaiārahi has a professional relationship with that agency and could vouch for the service offered. Other research has also identified that service users are more likely to engage with external service providers if agencies work effectively together (Foster et al., 2005; Venables, 2019; Wilcox, 2010). In addition, collaborative professional relationships between Kaiārahi and other service providers offers opportunities for practitioners to upskill, share information and provide a joined-up approach to family issues (Carson et al., 2013; Harman, 2019; Heard & Bickerdike, 2021).

The positive impact of an initiative on service users may be dependent on several programme implementation factors (Hannan, 2013; Harman, 2019; Pidgeon, 2013). The Kaiārahi in this study identified several important considerations for implementing the new Kaiārahi initiative. The most salient of these issues were lack of strategic direction, suitably qualified staff, difficulty in sourcing clientele, and lack of support from the judiciary and ministry staff. These implementation factors have been highlighted in previous research particularly in relation to the Family Relationship Centre (FRC) in Australia (Pidgeon, 2013). Although the Kaiārahi and FRC share similar aims, the approach to development for both initiatives has been markedly different.

The findings of the present study, for example, highlighted the importance of a family justice initiative to have a clear strategic direction. The lack of clear direction for Kaiārahi in the initial implementation phase impacted the consistency of services provided by Kaiārahi and has affected the speed at which the Kaiārahi service has developed. Some Kaiārahi seemed unclear on the service they should be providing and as such, the initiative of staff was primarily driving the provision of services. In contrast, considerable thought was given to the implementation of FRC initiative, which was staged over three years. The success of the FRC was due in part to a clear and robust operational framework (Hannan, 2013; Pidgeon, 2013).

Implementing a wide-reaching and ongoing education campaign to raise public awareness and to ensure uptake is a reasonable expectation of a new initiative (Pidgeon, 2013). The Kaiārahi narratives however illustrated the difficulty in sourcing clientele when public awareness was low. In the participants' experience, access to clients was limited and service users were often not aware of the Kaiārahi unless they were currently engaged in court proceedings. Previous research also indicated that uptake of voluntary services is often low until after court proceedings are filed (Schepard & Emery, 2013). This means the positive impact the Kaiārahi can have to empower service users to make choices about the services they want to engage with is limited.

Appropriately knowledgeable and qualified staff are necessary to support family justice initiatives (Hannan, 2013; Pidgeon, 2013), however newly employed Kaiārahi may not have an in-depth understanding of both the complex family court system and the community services available to service users in their area. Further thought as to the induction and training needs of Kaiārahi is therefore required to ensure service delivery to Family Court users is effective. Standard operating procedures would also assist with developing consistency and clearer targets for the role. At present there are no specific educational requirements for applicants interested in Kaiārahi roles in New Zealand. Consideration of the educational requirements of Kaiārahi could be included in the criteria for prospective applicants, such as educational background in social work, community work, community service, mediation and dispute resolution or other relevant fields. Allowance for continuing professional development of Kaiārahi is also an important future consideration for the Ministry of Justice.

### **Limitations of the study**

The findings from this research are acknowledged as limited in scope, given the small number of participants. The intention of the project was to conduct an initial exploration of an under-researched area and the findings were not intended to be expansive or generalisable. Despite these limitations the research offers initial insights into the role of the Kaiārahi in the New Zealand Family Court and how it may be improving the experiences of court users. Further research with key stakeholders such as court users, court staff and judges, as well as with other Kaiārahi, would add depth to current understandings of this important initiative.

### **Conclusion**

Given its recent implementation, the role of the Kaiārahi is still evolving and there is limited understanding as to its effectiveness for people engaged in the Family Court in New Zealand. From the experiences of the participants in this small exploratory study, it appears there are regional variations as to the access that Kaiārahi can have within individual courts. Gatekeeping by members of the judiciary and other court staff appears to be limiting how Kaiārahi can work and the extent of their engagement with court users. This issue needs addressing by the Ministry of Justice to ensure the success of the policy initiative.

A key purpose of the Kaiārahi role is to empower court users to make informed decisions about appropriate pathways for them through the family justice system. In the participants' experience this was not often possible as engagement with court users only occurred once they were proceeding through the Family Court. Purposeful educating of the public and relevant community and government organisations on the Kaiārahi initiative is necessary. Strengthening relationships between the Family Court and social service organisations, and thereby enabling a joined-up approach to service delivery, could have significant benefits for families and whānau who are engaged with the family justice system. The aims of the Kaiārahi initiative have merit; however, further evaluation of the success of its implementation is required to assess the value of the role for Family Court users.

## References

- Boulton, A., Blyth, T. W., Wikaira, M., & Cvitanovic, L. (2020). *Te Taniwha i te ao ture-ā-whānau: Whānau experience of care and protection in the Family Court*. Te Kōpū Ed.
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101. <https://doi.org/10.1191/1478088706qp063oa>
- Carson, R., Fehlberg, B., & Milward, C. (2013). Parents' experiences of Family Dispute Resolution and family law services in Australia following shared parenting reform: Recent qualitative findings. *Child & Family Law Quarterly*, 25(4), 406–424.
- Foster, R., Chudleigh, A., Lenton, R. & Gibson, P. (2005). Fathers and the separation pathway: The Family Court of Australia in dialogue with men's groups. *Journal of Family Studies*, 11(2), 187–195. <https://doi.org/10.5172/jfs.327.11.2.187>
- Gill, S. (2020). Qualitative sampling methods. *Journal of Human Lactation*, 36(4), 579–581. <https://doi.org/10.1177/0890334420949218>
- Hannan, J. (2013). Child protection in Family Relationship Centres: Innovations in Western Australia. *Family Court Review*, 51(2), 268–277. <https://doi.org/10.1111/fcre.12025>
- Harman, J. (2019). The centrality of the “Family Dispute Resolution” process to the separating family, the community and the administration of justice. *Australian & New Zealand Journal of Family Therapy*, 40(1), 8–23. <https://doi.org/10.1002/anzf.1352>
- Heard, G., & Bickerdike, A. (2021). Dispute resolution choices for property settlement in Australia: Client views on the advantages and disadvantages of Family Dispute Resolution and legal pathways. *Family Court Review*, 59(4), 790–809. <https://doi.org/10.1111/fcre.12565>
- Holosko, M. (2010). *An overview of qualitative research methods*. In B. Thyer (Ed.), *The handbook of social work research methods* (2nd ed., pp. 340-354). Sage Publications. <https://dx.doi.org/10.4135/9781544364902>
- Lietz, C., & Zayas, L. (2010). Evaluating qualitative research for social work practitioners. *Advances in Social Work*, 11(2), 188–202. <https://doi.org/10.18060/589>
- Massey University. (2017). *Code of ethical conduct for research, teaching and evaluations involving human participants*. <https://www.massey.ac.nz/massey/fms/Human%20Ethics/Documents/MUHE%20Code.pdf?2F3CBE296DD2345CC01794BF9CFCA13A>
- Ministry of Justice. (2019a). *Te korowai ture ā-whānau*. <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/family-justice-reform/>
- Ministry of Justice. (2019b). *A qualitative study on behalf of the independent panel examining the 2014 family justice reforms* [Appendices report]. <https://www.justice.govt.nz/assets/Documents/Publications/family-justice-reforms-appendices-report.pdf>
- Ministry of Justice. (2021). *Court users survey – 2021*. <https://www.justice.govt.nz/assets/Documents/Publications/Ministry-of-Justice-Court-Users-Report-2021-FINAL-for-release.pdf>
- Ministry of Justice. (2021, March 10). *Kaiārahi – Family Court Navigator role announced* [Press release]. <https://www.justice.govt.nz/about/news-and-media/news/kaiarahi-family-Court-navigator-role-announced/>
- Moloney, L. (2013). From helping court to community-based services: The 30-year evolution of Australia's Family Relationship Centres. *Family Court Review*, 51(2), 214–223. <https://doi.org/10.1111/fcre.12021>
- Nowell, L., Norris, J., White, D. & Moules, N. (2017). Thematic analysis: Striving to meet the trustworthiness criteria. *International Journal of Qualitative Methods*, 16, 1–13. <https://doi.org/10.1177/1609406917733847>
- O'Leary, Z. (2017). *The essential guide to doing your research project* (3rd ed.). Sage Publications.
- Pidgeon, S. (2013). From policy to implementation: How Family Relationship Centres became a reality. *Family Court Review*, 51(2), 224–233. <https://doi.org/10.1111/fcre.12022>
- Pitt, L., Maidment, J. & Crichton-Hill, Y. (2019). Women's experiences of intimate partner violence in rural Taranaki, Aotearoa New Zealand. *Aotearoa New Zealand Social Work*, 31(1), 31–41. <https://doi.org/10.11157/anzswj-vol31iss1id533>
- Ritchie, J., & Lewis, J. (2003). *Qualitative research practice: Guide for social science students and researchers*. Sage Publications.
- Roberts, D., Chamberlain, P., & Delfabbro, P. (2015). Women's experiences of the processes associated with the Family Court of Australia in the context of domestic violence: A thematic analysis. *Psychiatry, Psychology and Law*, 22(4), 599–615. <https://doi.org/10.1080/13218719.2014.960132>

Schepard, A., & Emery, R. (2013). The Australian Family Relationship Centres and the future of services for separating and divorcing families. *Family Court Review*, 51(2). <https://doi.org/10.1111/fcre.12017>

Stannard, E. (2021). More than the rules: Therapeutic jurisprudence and legal actors in New Zealand's legal system. *Family Court Review*, 59(3), 464–477. <https://doi.org/10.1111/fcre.12588>

The Backbone Collective. (2017). *Out of the frying pan and into the fire: Women's experiences of the New Zealand Family Court*. <https://www.backbone.org.nz/reports/report-two-family-court-survey-report201768>

Thomson, L., McArthur, M., & Camilleri, P. (2017). Is it “fair”? Representation of children, young people and parents in an adversarial court system. *Child & Family Social Work*, 22(2), 23–32. <https://doi.org/10.1111/cfs.12226>

Titterton, A. (2017). Indigenous women accessing family law in Australia: Managing safety, risk and culture. *Indigenous Law Bulletin*, 8(30), 11–14. <https://doi-org./10.3316/informit.320535762590277>

Valentine, K., & Breckenridge, J. (2016). Responses to family and domestic violence: Supporting women? *Griffith Law Review*, 25(1), 30–44. <https://doi.org/10.1080/10383441.2016.1204684>

Venables, J. (2019). Practitioner perspectives on implementing an alternative response in statutory child protection: The role of local practice context and leadership teams in shaping practice. *Children and Youth Services Review*, 107, 104–488. <https://doi.org/10.1016/j.chilyouth.2019.104488>

Wilcox, K. (2010). Connecting systems, protecting victims: Towards vertical coordination of Australia's response to domestic and family violence. *University of New South Wales Law Journal*, 33(3), 1013–1037. <https://search.informit.org/doi/10.3316/agispt.20111224>