

Counselling



INTRODUCTION

The Family Court arranges **free** and **confidential** counselling for couples who are having problems with their relationship, or who are separating and need help reaching agreement on issues such as arrangements for the care of their children. Counselling is also available for parents and guardians of a child if they are unable to reach agreement on an important issue concerning the child.

The Family Court **strongly recommends** counselling as a way to help sort out disputes.

You can ask for counselling **at any time**, even if the Family Court is not already involved in the matter. If the Family Court is already involved, you can ask for counselling at any stage of the Court process.

The Family Court will pay for up to **six** counselling sessions.



WHO CAN ACCESS FREE COUNSELLING THROUGH THE FAMILY COURT?

Relationship problems

Counselling is available to couples having problems with their relationship whether they are –

- married
- in a civil union, or
- in a de facto relationship, whether heterosexual or same-sex.

Arrangements for care of children

Separated parents or guardians can ask for counselling if –

- they are having a difficult time agreeing on arrangements for the care of the children (a counsellor can also help write up a parenting agreement)
- the arrangements they agreed to for the care of the children aren't working and they are having a difficult time sorting out the problems
- one of them has applied to the Court for a parenting order (these used to be called custody and access orders), or
- one of them is not complying with the arrangements in a parenting order.

Guardianship disputes

If a child's guardians cannot reach agreement on important things in the child's life – where they should go to school, or what their culture, language and religion should be, for example – a guardian can ask the Family Court for counselling to help sort out the dispute.

WHY GO TO COUNSELLING?

With counselling, experienced professionals provide support and advice that can help sort out problems that might seem impossible to solve. Counselling can help people reach **their own** agreements without ever having to go to Court. Very few people find it necessary to start Court proceedings after counselling.

Coming to your own arrangements in this way, rather than having the Court decide, will save you **money and time** and will avoid much **unhappiness and stress** for adults and for children. It also means that the parties themselves **control the outcome**.

HOW DO YOU ARRANGE COUNSELLING?

Counselling can be arranged by visiting a Family Court and filling in a form, or if you have a lawyer, you can get them to ask for counselling for you. You can also download the form from the Family Court website at www.justice.govt.nz/family.

The **Family Court Coordinator** at the Family Court can give you more information and can help if you have particular concerns.

WHO DOES THE COUNSELLING?

The counsellors are qualified professionals in private practice who are trained to help people come to their own decisions and agreements.

WHERE DOES THE COUNSELLING TAKE PLACE?

The sessions are held at the counsellors' own offices, not at the Family Court.

WHAT HAPPENS IF YOU LIVE FAR APART?

The Family Court will try to arrange counselling no matter where you live. If you contact the local Family Court Coordinator they will try to organise counselling one way or another. Options might include joint counselling done by phone, or separate counselling in different places, or perhaps meeting with a counsellor halfway between you.

HOW MUCH COUNSELLING IS AVAILABLE?

The Family Court will pay for up to **six hours** of counselling, which includes time spent with the parties together and on their own.

WHAT'S THE POINT OF COUNSELLING IF YOU DON'T WANT TO GET BACK TOGETHER?

Even if couples don't want to stay together, counselling can help them move on to make decisions about the future. It can help them reach agreement on important and difficult questions like the arrangements for the day-to-day care of their children, where they will go to school, and plans for the children's future.

WILL THE COUNSELLOR TRY TO PUSH YOU BACK INTO THE RELATIONSHIP?

No, the counsellor can't and won't make anyone do anything they don't want to do. The counsellor is there to help people come to their **own** workable arrangements for the future.

DOES ANYONE FIND OUT ABOUT WHAT WAS SAID IN THE SESSIONS?

The counselling is **private** and **confidential**. If the counselling doesn't resolve the dispute, the things that are said in counselling can't be brought up at a later Court hearing.

But the counsellor will write a **short report** on the counselling for the Family Court. The report will say whether you want to stay together (in the case of relationship problems) or whether you've settled the dispute (in other cases). It will also tell the Court about any understandings or agreements you reached through the counselling.

The counsellor will want both of you to agree on the wording of this report.

WHO SEES THE COUNSELLOR'S REPORT?

The counsellor provides copies of the report to the parties and the Court.

CAN A NEW PARTNER OR STEP-PARENT BE INCLUDED IN THE COUNSELLING?

Yes. This should be discussed with the counsellor. If you do take someone to the counselling sessions as a support person and it involves an issue under the Care of Children Act, they also have the right to be at any later Family Court hearing.

DO YOU HAVE TO GO TO COUNSELLING IF YOU JUST WANT TO GET A PARENTING ORDER?

A Judge is likely to send you to counselling if you've applied for a parenting order about the day-to-day care of, or contact with, any children (unless you have already tried counselling and you haven't been able to agree). Remember, the purpose of the counselling is to help you find the best solution for you and the children – that's why the Family Court strongly encourages you to go.

If you choose not to go, the Judge can order you to attend the sessions, or to participate in counselling over the phone.



WHAT IF YOU FEEL UNSAFE BEING AROUND THE OTHER PERSON?

Separate counselling sessions can be arranged if you feel unsafe – if the other person has been violent, or used psychological abuse (like mind-games), for example. If this is a worry for you, contact your counsellor or the Family Court Coordinator.

IS COUNSELLING AVAILABLE FOR CHILDREN?

No, the Family Court does not arrange counselling for children.

WHAT IF YOU'RE NOT HAPPY WITH YOUR COUNSELLOR?

If you're unhappy with the way your counsellor is relating to you, please tell the counsellor during or after the session. If you feel that raising this with the counsellor hasn't been helpful, you can raise the problem with the Family Court Coordinator. If there is a substantial problem, you can be referred to a different counsellor.

If things are really bad, the Family Court Coordinator can tell you about the complaint procedure you can use to lay a complaint against the counsellor. You should discuss this with the Family Court Coordinator.

NEED MORE INFORMATION OR ADVICE?

For more information about counselling arranged by the Family Court, talk to the nearest Family Court office.

For more information or advice about the law on separation, relationship property, guardianship, and care arrangements for children, look on the Family Court website (www.justice.govt.nz/family), or contact a family lawyer (www.familylaw.org.nz), a community law centre, or the nearest Family Court office.



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