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Nick Smith

New law opens up Family Court

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By HELEN TUNNAH

The Family Court is to be opened to limited scrutiny and parents will be allowed supporters in court when cases about their care of children are heard.

Under a new law, specially accredited news media will be allowed into court rooms to report proceedings for the first time, provided no one is identified.

Judges will still be able to close their courts and suppress details if they want to, but they must have a "good reason" to exclude someone's supporters.

Principal Family Court Judge Peter Boshier said last night he welcomed the signal from MPs that the court would become more open.

Judges accepted more openness provided it preserved the balance between privacy and the public's right to know, he said.

People involved in a dispute will be able to challenge the presence of the media or a supporter and there will be no public access in domestic violence proceedings.

The Government is expected to adopt changes recommended by the Labour and Green MPs on Parliament's justice select committee who proposed the increased scrutiny.

National, Act, New Zealand First and United Future said the recommendations did not go far enough to dispel claims that the court operated in secret.

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The changes follow Judge Boshier telling the select committee this year that judges would welcome greater oversight of proceedings in the face of criticisms that the court was not accountable.

National MP Nick Smith, who was fined this year after being found in contempt of court over a Family Court case, said the planned changes helped to address the issues of openness he had raised.

"I feel like I lost the battle and won the war."

Further changes to the way the Family Court operates have also been signalled, with Courts Minister Rick Barker drafting new legislation to be introduced this year.

Associate Justice Minister David Benson-Pope said last night the changes to the Care of Children Bill recommended by the select committee would probably be adopted.

Other changes include tougher provisions extending the types of crimes which can prevent a person being legally declared a guardian.

They already cover people who have been convicted of abusing or ill-treating a child, and will be extended to cover pornography crimes.

The bill overhauls the 1968 Guardianship Act and confirms the interests of the child are paramount.

A new provision emphasises the role of birth parents in a child's care.

The select committee, comprising MPs from several political parties, has also recommended there be strict time limits for ex parte orders, where guardianship is granted to a parent or another person without all the parties to a case being notified.

In the Family Court case on which Dr Smith campaigned, a couple lost custody of their child after a relative gained an ex parte order to be a temporary guardian which lasted several years.

Under this bill, that relative would have been able only to get an order for three months' care, and then the dispute would have to go back to the Family Court.

There will be no changes to existing law which allows young girls to get an abortion without parental consent in some circumstances.

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