

**ORIGINAL ARTICLE**

# The lived experiences of children/young people in the Aotearoa-New Zealand family court system

Kath Orr  | Annette Dickinson | Elizabeth Smythe

Department of Health and Environmental Sciences, Auckland University of Technology, Auckland, New Zealand

**Correspondence**

Kath Orr, Health and Environmental Sciences, Auckland University of Technology, Auckland, New Zealand.

Email: [blanche@psychologist.co.nz](mailto:blanche@psychologist.co.nz)

**Abstract**

This qualitative study explores the experiences of young people with professionals as they traverse the family court in Aotearoa-New Zealand. A hermeneutic phenomenological lens, based on the writings of Heidegger, Gadamer, van Manen and Buber, explored this phenomenon, which was embedded in the notion that young people need to have agency, the ability to act, to speak and to share their thoughts in matters that affect them. Six young people aged 8–16 years, four lawyers for the children, four specialist report writers (psychologists) and one parent were interviewed. Each interview was crafted into a story, which were then interpreted into “themes”, to allow the young person's experiences to be better understood and presented. This article focuses on one aspect of the young person's experiences as reported by them. The key insight was that the professional who engages in extra-ordinary listening about the young person's experience of what matters to them, can build a space of trust, the “between”, the gap between two people where mutual authenticity can exist, where discussion can occur, and where the professional can hear, respect and represent the young person's views at the decision-making phase of Court proceedings.

**KEYWORDS**

children and young people, family court, listening, professionals, relationships, the “between”

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### Key points for the family court community

- Children and young people can have agency and express their views on matters that affect them.
- Professionals who work with/represent children and young people need to use extra-ordinary listening skills to hear the message they are being told.
- A conversation where mutuality and respect occur with each participant listening to the other, where the dialogue is the focus and a 'between' space is created will allow the child/young person to feel heard.

### AUTHOR BIOGRAPHIES

**Kath Orr.** I am a Clinical Psychologist who has practicing from the Hamilton, Aotearoa-New Zealand Family Court for nearly 40 years. My roles are generally as a specialist report writer and counselor/parenting coordination coach. In mid-2021, I completed a Doctor of Health Science degree from Auckland University of Technology, where through a hermeneutic phenomenological lens, I considered the relationships that children and young people had with professionals through the family court. This paper is a subset of this research.

**Annette Dickinson** N/A.

**Elizabeth Smythe** is an Emeritus Professor of AUT. She had a long history of working with Heideggerian Hermeneutic research methodology. She works with colleagues from a wide range of human centred professions.