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Re: Phillips Inquiry Final Report Recommendations use of the term 'alienation'

Tēnā koutou

I am writing on behalf of the National Collective of Independent Women's Refuges to express concern about recommendations in the *Final Report of the Public Inquiry into the Disappearance of the Phillips Children*, and specifically about recommendations focusing on the concept of 'alienation.'

National Collective of Independent Women's Refuges (NCIWR)

NCIWR is a non-governmental organisation that has delivered services to women, children, and whānau affected by family violence in Aotearoa for 50 years. We have 41 affiliated member Refuges across Aotearoa. We receive an average of 50,000 referrals a year (mostly from Police) and receive more than 20,000 calls to our crisisline. As well as operating safe houses and a 24/7 crisis line, we provide support and advocacy for women and children in the community.

Our national office research and policy work is informed by Women's Refuge-specific data, research, and evidence, as well as by the decades of experience of our senior practitioners in supporting women and children who experience family violence, and by insights from relevant international work and research.

Phillips Inquiry Final Report use of the term 'alienation'

We appreciate that this inquiry was a significant undertaking, and that Simon Moore KC has highlighted many areas where agencies didn't do enough, didn't share the right information, didn't listen to the family, or didn't act with enough urgency.

However, **we are deeply concerned about the use of the term 'alienation' in recommendations pertaining to staff training, guidance, report preparation, and in particular with regards to the recommendation that "parental and sibling exclusion and alienation is identifiable as a form of harm under s 14 of the Oranga Tamariki Act."**

The intent in making these recommendations seems to be about raising awareness of, and responding to, intentional isolation of children from a protective parent, whānau and other supportive people – which commonly features in a pattern of coercive controlling behaviour.

Our concern is that the use and understanding of the term 'alienation' on its own is not commonly used to describe behaviour in the context of a pattern of coercive control.

This term is far more frequently weaponised *against* adult victim-survivors. That is, victim-survivors are commonly accused of alienating their children from the parent who has used coercive controlling behaviours towards them and their children, with the effect of:

- silencing them from disclosing abuse;
- ignoring, minimising or discrediting their disclosures of abuse,
- framing them as being 'psychologically abusive' towards their children, and
- supporting statutory authority decision-making which causes further harm to the children and adult victim-survivor.

This is a worldwide trend, as is the effort to combat this harmful trend, as explained in the 2023 UN Report of the Special Rapporteur on violence against women and girls, its causes and consequences stating:[1]

1. *The Special Rapporteur, along with the other members of the Platform of Independent Expert Mechanisms on the Elimination of Discrimination and Violence against Women, has voiced concern about the pattern of ignoring intimate partner violence against women in determining child custody cases across jurisdictions. Since raising specific concerns to Brazil and Spain, the Special Rapporteur has received reports of cases from countries where such violence has been ignored and where mothers making such allegations have been penalized by law enforcement and/or the judiciary responsible for determining custody cases. The tendency to dismiss the history of domestic violence and abuse in custody cases extends to cases where mothers and/or children themselves have brought forward credible allegations of physical or sexual abuse. In several countries, family courts have tended to judge such allegations as deliberate efforts by mothers to manipulate their children and to separate them from their fathers. This supposed effort by a parent alleging abuse is often termed "parental alienation".*
2. *The report examines ways in which family courts in different regions refer to "parental alienation" or similar pseudo-concepts in custody cases, ignoring histories of domestic violence, which may lead to the double victimization of victims of such violence.*

[1] Alsalem, R. (2023). *Custody, violence against women and violence against children - Report of the Special Rapporteur on violence against women and girls, its causes and consequences.* United Nations Human Rights Office of the High Commissioner: New York.

Phillips Inquiry Final Report failure to reference NZ Family Violence Capability Frameworks

The final report focuses on the need to improve Police and Oranga Tamariki social worker responses to situations like Tom Phillips' abduction of his children. The report mentions Phillips' "coercive tendencies" in one place, but otherwise fails to explicitly recognise his behaviour as coercive control or as a form of family violence.

There is no need to amend Section 14 of the Oranga Tamariki Act. 'Exclusion and alienation' are not helpful terms for understanding coercive control because of their more commonly used purpose of being weaponised against victim-survivors. Section 14 already references the definition of 'family violence' under the Family Violence Act, which includes coercive and controlling behaviours.

The inquiry's final report fails to make any connection with Te Aorerekura, the national strategy to eliminate family violence and sexual violence, nor with the Government's Family Violence Capability Frameworks developed by Government in collaboration with family violence specialists, including the Family Violence Risk and Safety Practice Framework.

We do not need new training packages created focused on the historically harmful concepts of alienation and exclusion.

What we do need is continued and enhanced efforts, backed by increased, sustainable funding to support frontline kaimahi across key government agencies that respond to family violence and child protection concerns to achieve at least entry level family violence capability - including Police, Oranga Tamariki, Education and Health, and the Family Court.

Clearly, there is some way to go for Police and Oranga Tamariki social workers, as well as lawyers, judges and psychologists working in the Family Court to have at least entry level family violence capability. Training them on 'exclusion and alienation' will only more deeply embed harmful practice. We need to move forwards, not backwards.

Our Recommendations

Given this common and harmful use of the term 'alienation', we strongly recommend that:

1. Section 14 of the Oranga Tamariki Act is NOT amended to include parental and sibling exclusion and alienation

Section 14 of the Oranga Tamariki Act does not need to be amended, as it already includes criteria for circumstances in which a child or young person is likely to suffer serious harm that includes:

- the child or young person is being, or is likely to be, abused (whether physically, emotionally, or sexually), deprived, ill-treated, or neglected
- the parents or guardians or other persons who have the care of the child or young person are unwilling to care for, or have abandoned, them
- a child's or young person's development or physical or mental or emotional well-being is being, or is likely to be, impaired or neglected, and that impairment or neglect is, or is likely to be, avoidable
- the child or young person has been **exposed to family violence** (within the meaning of section 9 of the Family Violence Act 2018)
- serious differences exist between the child or young person and the parents or guardians or other persons who have the care of them

- serious differences exist between a parent, guardian, or other person who has the care of the child or young person and any other parent, guardian, or other person who has the care of them
- and that concern may result from multiple incidents that taken on their own would not be serious enough to constitute serious harm, but the cumulative effect of which is serious enough to cause serious harm

2. **Training programmes for Police and Oranga Tamariki frontline kaimahi, and any other relevant government agencies, do NOT legitimise the terms 'alienation' or 'exclusion.'**

Please see Appendix 1 for further evidence about how this term is commonly used in ways that harm child and adult victim-survivors of family violence, commonly in child custody disputes.

3. **Government invest in working collaboratively with family violence specialists, including NCIWR, to achieve at least Entry Level Family Violence Capability across frontline staff workforces in Police, Oranga Tamariki, Education, Health, and the Family Court, including:**
    a. **Collaborate with family violence specialist agencies where this isn't already happening, to ensure family violence training content is informed by people with enhanced to expert family violence capability,**
    b. **Create training programmes where there are gaps,**
    c. **Commission family violence specialists employed by family violence specialist providers to deliver this training, to ensure it is evidence and practice-based, and trainers are well-supported in their specialism.**

This workforce development has been underway for some years, as part of the successive Action Plans under Te Aorerekura, our national strategy to eliminate family violence and sexual violence, including as one of seven key areas in the current Action Plan 2025-2030.[2] in line with the New Zealand Government's Entry to Expert Family Violence Capability Framework[3], which also links with the NZ Government's Risk and Safety Practice Framework.[4]

These frameworks incorporate an understanding of coercive control as a key feature of family violence, including the common tactic of isolating child and adult victims from friends, family, whānau and other supports

Coercive control is also known as a red flag for homicide, even when there is no pre-existing pattern of physical violence[5] [6] This may need to be a more central feature in existing training programmes.

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[2] The Centre for Family Violence and Sexual Violence Prevention (2025). *Te Aorerekura Action Plan 2025-2030*. New Zealand Government. At https://preventfvsv.govt.nz/assets/Uploads/Second-Te-Aorerekura-Action-Plan.pdf

[3] The Centre for Family Violence and Sexual Violence Prevention (2022). *Family Violence Entry to Expert Capability Framework*. New Zealand Government. At https://preventfvsv.govt.nz/assets/Workforce-Frameworks/Family-Violence-Entry-to-Expert-Capability-Framework-May-2022.pdf

[4] The Centre for Family Violence and Sexual Violence Prevention (2025). *Risk and Safety Practice Framework*. New Zealand Government. At https://preventfvsv.govt.nz/assets/Workforce-Frameworks/Risk-and-Safety-Practice-Framework-Web-Version.pdf

[5] Evidence-based risk factors and the MARAM risk assessment tools. At www.vic.gov.au

[6] Carrington, H. & Thorburn, N. (2025). Evidence-Based Red Flags for Intimate Partner Homicide. National Collective of Independent Women's Refuges.

We recognise and congratulate the Ministry of Justice in particular for its significant investment in commissioning family violence and sexual violence specialists to create a training programme for justice sector professionals, and in commissioning specialists to deliver the training programme to the court workforce through in-person sessions, which are most appropriate for training on these sensitive topics. The involvement of specialists from the community sector gives the content and delivery of this training credibility and ensures training is delivered safely and effectively.

Other government agencies are ostensibly progressing with their family violence workforce capability uplift, but there is little transparency and a dearth of publicly available information about whether family violence specialists have been involved in creating, updating, and/or delivering training.

4. **Government invest more resource in working collaboratively with family violence specialists, including NCIWR, to improve processes of key government agencies in responding to family violence and child abuse and neglect**.

A high quality, evidence-based training programme is not enough to ensure safe responses, when processes do not support, or allow for, safe responses. For example, if a standard form used by a frontline worker does not guide that worker in asking the right questions and recording the right information, their family violence training may be of little use in ensuring a safe response.

While there is a need for process changes in a number of government agencies that respond to family violence, our current priorities to address processes that we recognise as causing the greatest and longest-lasting harm to the greatest numbers of women and children who experience family violence are: reforming the Family Justice system (see www.focusonsafety.org.nz) and addressing and preventing economic abuse (see www.thisisviolence.org.nz).

In closing, we would welcome the opportunity to discuss any of our concerns and recommendations.

Nāku noa, nā



Naomi Ogg
Chief Executive
National Collective of Independent Women's Refuges

cc:

Hon Nicole McKee, Minister of Internal Affairs
Hon Mark Mitchell, Minister of Police
Hon Paul Goldsmith, Minister of Justice
Hon Karen Chhour, Minister for Children
Hon Simeon Brown, Minister of Health
Hon Karen Chhour, Minister for the Prevention of Family and Sexual Violence

Appendix 1: Research on the mis-use of the debunked theory of 'parental alienation'

1. **Custody, violence against women and violence against Children: Report of the Special Rapporteur on violence against women and girls, its causes and consequences**
   Alsalem, R. (2023). *Custody, violence against women and violence against children - Report of the Special Rapporteur on violence against women and girls, its causes and consequences.* United Nations Human Rights Office of the High Commissioner: New York.

2. **Out of the Frying Pan and into the Fire: Women's experiences of the New Zealand Family Court**
   The Backbone Collective (2017). *Out of the Frying Pan and into the Fire: Women's experiences of the New Zealand Family Court*. Backbone Collective NZ: Auckland.

3. **Reunification, alienation, or re-traumatization? Let's start listening to the child**
   Chester, S. (2022). Reunification, alienation, or re-traumatization? Let's start listening to the child. *Journal of Family Trauma, Child Custody & Child Development*, *19*(3-4), 359-382.

4. **Endangered by Junk Science: How the New Zealand Family Court's Admission of Unreliable Expert Evidence Places Children at Risk**
   Leonetti, C. (2022). Endangered by Junk Science: How the New Zealand Family Court's Admission of Unreliable Expert Evidence Places Children at Risk. *Child. Legal Rts. J.*, *43*, 17.

5. **References to Social-Science Research in the Family Court**
   Leonetti, C. (2025). References to Social-Science Research in the Family Court. *Ind. Health L. Rev.*, *22*, 281.

6. **'It's Not OK', but 'It' never happened: parental alienation accusations undermine children's safety in the New Zealand Family Court**
   Mackenzie, D., Herbert, R., & Robertson, N. (2020). 'It's Not OK', but 'It' never happened: parental alienation accusations undermine children's safety in the New Zealand Family Court. *Journal of social welfare and family law*, *42*(1), 106-117.

7. **Parental Alienation Syndrome and Parental Alienation: A Research Review**
   Meier, J.S. (2013). *Parental Alienation Syndrome and Parental Alienation: A Research Review*. VAWnet.org, National Online Resource Center on Violence Against Women: Philadelphia, PA.

8. **Parental Alienation Syndrome: How a Debunked Psychological Theory is Being Leveraged Against Survivors of Abuse in Custody Disputes**
   Walker, E. (2025, January 27). Parental Alienation Syndrome: How a Debunked Psychological Theory is Being Leveraged Against Survivors of Abuse in Custody Disputes [Blog Post]. *Journal of Gender, Social Policy & the Law.*

Appendix 2: Final Report of the Public Inquiry into the Disappearance of the Phillips Children, with recommendations highlighted that are of concern to NCIWR

1. The Inquiry recommends that Police review their existing policies and practices regarding making reports of concern to Oranga Tamariki to ensure that:

    1.1. Police fully explain their concerns and the reasons for them, and establish a shared understanding of concerns. This should include meeting if appropriate and possible to do so, and

    1.2. Police and Oranga Tamariki have ongoing and regular discussion and disclosure of relevant information, particularly where there is an ongoing Police investigation or involvement into matters that are related to the report of concern or that may be related to the child's safety, including a parent's conduct.

2. The Inquiry recommends that Oranga Tamariki review the role and operation of s 132 reports, in terms of scope, guidance, and facilitation of its interaction with the Court. This should include:

    2.1. a particular focus on developing guidance and training for staff, to ensure staff are well-equipped to recognise exclusion and alienation behaviours when they arise, and take these into account in s 132 reports provided to the Family Court.

    2.2. raising staff awareness, where needed, of the use of proceedings to exclude, isolate or alienate a parent,

    2.3. guidance to ensure consideration is given to the requirements of section 5 of the Care of Children Act 2004, including section 5(e) that it is the child's welfare and best interests to have a relationship with his or her family group, whānau, hapū or iwi, and this should be preserved or strengthened.

3. The Inquiry recommends that in its ongoing policy implementation and updates, Oranga Tamariki ensures:

    3.1. Police reports of concern – Police concerns and evaluations are understood, rather than listed; and that there is a pathway for Oranga Tamariki and Police to take a joint or collaborative approach to reports of concern where there is an active Police investigation into matters directly relevant to the report of concern,

    3.2. sibling reports of concern – parental and sibling exclusion and alienation is identifiable as a form of harm under s 14 of the Oranga Tamariki Act,

    3.3. ongoing training and support is provided to staff, where needed, to better understand and identify the causes for distress of notifiers; including that Oranga Tamariki encourages and supports staff to engage effectively, preferably in person, with distressed family members to understand the full context and dimension of their concerns,

    3.4. staff consider making referrals for mental health assessment when concerns about mental health of a parent have been raised in the context of safety to children.

    3.5. reporting to the Family Court – that when reporting to the Family Court about reports of concern, Oranga Tamariki makes the Family Court aware of all concerns raised by the relevant parties, including unresolved concerns by family members, and the fact of any ongoing and related Police investigation.

4. The Inquiry recommends that the Ministry of Education requires additional information when considering applications for, or reviewing, exemptions from enrolment

    4.1 The Inquiry recommends the Ministry continues to progress its review of law and policy to address the information gaps in the exemption application and review process. The Ministry should consider:

4.1.1 requiring additional information about the parent proposing to home educate their child to assess any safety and wellbeing concerns,

4.1.2 establishing policies and processes to obtain information from other agencies, including Oranga Tamariki and Police, regarding applicants and home educators, and any current wellbeing concerns relating to the children, and

4.1.3 ensuring home educators are subject to regular review to provide an opportunity for education and wellbeing issues to be reviewed after the exemption is granted.

5. The Inquiry recommends that the Ministry of Education requires consent from all parents and guardians

5.1 The Inquiry recommends the Ministry considers review of s 38(1) of the Education and Training Act 2020 to require the consent of all parents or guardians to an application for exemption.

6. The Inquiry repeats the findings from chapter 3.2, and further recommends Oranga Tamariki uses the insights arising from this Inquiry to strengthen its practice guidance and training. This should include:

6.1 ensuring staff understand how to recognise, where possible, parental exclusion and alienation, and adult mental health issues,

6.2 ensuring its view and assessment of harm is expressed clearly to, and understood by, Police, and that it understands Police concerns of harm. Further, that there is continuing communication with Police when there is ongoing, and unresolved, concerns with respect to the wellbeing of children, and

6.3 accurately informing the Family Court as to the concerns expressed by family, and any ongoing and unresolved concerns raised by Police of which it is aware.

7. The Inquiry recommends early operational planning by NZDF and the requesting agency

7.1 Interagency operational planning should occur between NZDF and the requesting agency as early as practicable. If possible, it should occur prior to lodging a formal request for specific or general NZDF capabilities. This requirement could usefully be incorporated into the MOU between NZDF and Police, which the Inquiry understands is under review.

8. The Inquiry recommends further review of the aspects of section 9 of the Defence Act 1990 may be appropriate

8.1 Section 9 of the Defence Act does not specifically provide for NZDF to assist Police in non-emergency situations. Nor does section 9 address the arming of NZDF personnel, or the powers and protections of NZDF personnel, in such situations. The Inquiry heard that section 9 is being reviewed and that the Ministry of Defence considers that it is currently fit for purpose. The Inquiry considers further review of the aspects of section 9 described above may be appropriate.

9. The Inquiry recommends that Police ensure that:

9.1 concerns raised by former spouses to Police as to gun safety are actioned promptly and in accordance with Police process, and

9.2 on suspension of a firearms licence, Police exercise the discretionary power to check safety and security of other weapons, where held by other licence holders, in the home