

## Chapter XIV

# ICT–Enabled Communication in the New Zealand Family Court: A Multistakeholder Study

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### **ABSTRACT**

*The New Zealand Family Court is an ideal public sector application for social informatics. In a study investigating ICT-assisted communications that was conducted with multiple court stakeholders, paradoxical results emerged. This research is positioned within a five-fold layered theoretical framework encompassing: private/public space; sense of self; emotional energies; digital citizenship; and Sawyer's (2005) five common observations about research in the field of social informatics. This richly textured theoretical framework provides grounding for results within and across disciplines revealing deeply engrained behaviours, emotional states, customs, workplace cultures, and the problems associated with solving private problems in public spaces.*

### **INTRODUCTION**

A study of the impact on ICT-enabled communication within the New Zealand Family Court (NZFC) was initiated in 2004. In this study, current trends and issues relating to the social side of technology within the New Zealand Family Court were monitored. This research has only been possible because of the widely differing skills and knowledge that the research team bring

to the project. In-depth knowledge of family court policies and practices from the viewpoint of an experienced family-court counsellor, combined with the perspective of an academic researching the field of social informatics, have enabled this research project to proceed. Data collected from separating families, including children, was only possible through the services of the court counsellor.

This chapter explores first the theoretical and philosophical field of social informatics that is relevant both within New Zealand and a global context. Next five philosophical arenas of private/public space; sense of self; emotional energies; digital citizenship; and Sawyer's five common observations about research in the field of social informatics are discussed, and placed within a single framework (Figure 1) that provides a means of positioning the multiple effects of ICT-enabled communication within the New Zealand Family Court.

Sawyer (2005) suggests that there are five observations about computerization that he believes to be the core common findings for social informatics because they have been noted in many social informatics publications. These are that:

1. Uses of ICT lead to multiple and sometime paradoxical effects. In this chapter, the way in which ICT-enabled communications have been used by NZFC stakeholders suggest that there are multiple and paradoxical effects including: fears as well as acknowledgement of benefits; and the ability to use ICT-enabled communications to provide multiple emotional distances between stakeholders.
2. Uses of ICT shape thought and action in ways that benefit some groups more than others. People live and work together in powered relationships. Thus, the political, economic, and technical structures they construct include large-scale social structures of capital exchange, as well as the microstructures that shape human interaction. An examination of power often shows that a system's implementations can both reinforce the status quo and motivate resistance. That is, the design, development, and uses of ICT help reshape access in unequal and often ill-considered ways.
3. The differential effects of the design implementation and uses of ICT often have moral and ethical consequences.

4. The design implementation and uses of ICT have reciprocal relationships within a larger social context. From the 2001 New Zealand census, it can be seen that one-parent families with children and single adults have a lower socioeconomic standing than two-parent families with children.
5. The phenomenon of interest will vary with the level of interest.

Scope, stakeholder, research method, data gathering, analysis, and discussion of this multi-stakeholder follow the discussion on the theoretical framework. Implications for the wider context of the ever-changing effects of ICT-enabled communications on separating families, especially those affected by complex and traumatic situations, are discussed. Implications for cultural and societal issues in social informatics technologies that address deeply ingrained behaviours within families are also addressed. Finally, possibilities for future research in this are presented.

## **BACKGROUND**

In New Zealand there is a high incidence of family violence, particularly within Maori and Pacifica families. New Zealand statistics reveal that it is from these ethnic backgrounds that most trauma is experienced when there is family conflict, and it is from these ethnic backgrounds that conflict elevates into violence, usually against women and children. These are the cases that come to the media's attention, and occupy a large proportion of family court processing.

It has also been discovered that within these communities, it is most likely that families have the latest mobile technology, in favour of landline phones (Weatherall & Ramsay, 2006). In a recent case involving the death of 3-month-old twin boys, the family member interviewed by the media on a number of occasions was seen conducting the interview on a mobile phone. The New Zealand

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