

1. What is working well with the legal aid system, and what is not?

I am a caregiver and have serious concerns about how the legal aid system is letting caregivers down.

There is a growing and deeply worrying trend where more and more, Oranga Tamariki seem to be avoiding the formal process of bringing tamariki into state care. Instead, they're holding hui-a-whānau or Family Group Conferences, where people in the room—whether they're family, friends, or just support people—are suddenly asked to take on the care of the child.

What many don't realise at the time is that agreeing to care for a child informally means Oranga Tamariki steps away. There's no financial help, no legal advice—nothing. They are left to figure it all out on their own. Caregivers, including grandparents, extended family, and even non-whānau, are left facing complex legal processes that can cost thousands, just to formalise guardianship and keep the child safe.

Birth parents usually qualify for legal aid, but caregivers often don't—especially if they own a home or have some savings. Some caregivers have had to go into debt or put a charge on their house just to protect a child they've taken in. It's completely unfair. Caregivers step up in a crisis and are then left to carry the cost—emotionally and financially.

And it doesn't stop there. The children they care for have often experienced serious trauma. They need therapy, structure, and support—but that all comes at the caregivers' expense. Even if these caregivers are financially stable at the start, the cost of caregiving, legal fees, and specialised support quickly adds up. Before long, caregivers are stretched thin—and they, as well as the children, are left at risk.

2. What changes could be made to ensure the legal aid system is more efficient, of better quality, and better promotes access to justice in a cost-effective manner?

Ensuring the legal aid system is more efficient

If we want a legal aid system that actually supports caregivers, we need to make it simpler, fairer, and more responsive to the reality they're living in.

We need to take away the income and asset testing for caregivers. Too many are being turned down just because they own a modest home or have some savings. That doesn't reflect their ability to absorb the cost of legal proceedings, especially when they're already covering all the needs of a traumatised child.

We need faster, more accessible processes. Caregivers shouldn't have to fight for months just to get help. There should be a clear, streamlined pathway for those taking on children in crisis—so they're not left to navigate complex systems on their own while trying to provide stability for a child.

If we want to keep tamariki safe, stable, and connected to the people who care about them, we need a legal aid system that backs those people up. It's not just about funding—it's about fairness, efficiency, and compassion.

Ensuring the legal aid system better promotes access to justice

One of the biggest barriers caregivers face is the way legal aid is currently set up. Caregivers who step up to protect tamariki—often in situations involving family violence, neglect, or abuse—shouldn't be financially punished for doing the right thing. Right now, if a caregiver owns their home or has a small amount of savings, they can be denied legal aid or asked to put a charge on their property just to get help. That's not justice. Especially when the biological parents—who may have caused harm—are more often than not, eligible for full legal aid. It's deeply unfair.

Removing income and asset testing for caregivers applying for legal aid—and stopping the practice of placing charges over their homes—would make a huge difference. These caregivers aren't going to court by choice or for personal gain. They're doing it to keep a child safe and provide a stable home. They deserve support, not financial stress on top of everything else.

There also needs to be more flexibility to wipe legal aid debt in cases that come from family violence or urgent care needs. The emotional and financial load on caregivers in these situations is already massive.

In the end, it's about making sure caregivers aren't forced to choose between protecting a child and protecting their financial future. These changes would make the legal aid system fairer, more balanced, and better aligned with the goal we all share: keeping tamariki safe, secure, and surrounded by people who care.

Ensuring the legal aid system is more cost effective

Getting Help Early Makes a Big Difference

When caregivers can access legal aid quickly and without unnecessary barriers, they are able to sort out things like guardianship, custody, or protection orders before matters get worse. Acting early means they can avoid drawn-out court cases and stop situations from spiralling. It's not just better for the child—it saves everyone time, money, and stress in the long run.

It Keeps Kids Out of the System

When caregivers are supported properly—especially with legal help—it makes it much easier to take care of tamariki the right way, through the proper legal channels. That means fewer children needing to go into state care, which we know is incredibly expensive. It can cost the government tens of thousands of dollars a year to keep one child in formal care. Helping caregivers from the start is much more fiscally responsible.

Support Now Means Stability Later

When caregivers are backed with the legal and financial support they need, they're far more likely to provide a stable, long-term home for the children in their care. Without that support, placements are more likely to break down, which not only causes heartbreak, but leads to more court cases, more involvement from Oranga Tamariki, and more trauma for the tamariki. Giving caregivers the tools they need from the beginning helps everyone avoid that.

It's the Smartest Use of Legal Aid

Caregivers are stepping in during a crisis, often with little warning and no financial safety net. By putting legal aid where it's most needed—towards those doing everything they can to care for tamariki—those public funds are used where they have the greatest impact. It's not just about saving money; it's about doing what's right for some of Aotearoa's most vulnerable children.

3. What would be the consequences of limiting the availability of legal aid? Who might be most affected?

When caregivers are denied access to legal aid—especially because of income or asset testing, or the threat of having a charge placed on their home—it has huge consequences. And not just for the caregiver and the tamariki they're caring for, but for the wider legal system, the state care system, and public spending overall.

Caregivers are Doing the Right Thing—But Still Facing Barriers

Caregivers step up in a crisis when there is family violence, neglect, or harm involved. But instead of being supported, they face barriers. They often are not eligible for legal aid due to having modest savings or owning a home. Meanwhile, birth parents often qualify for legal aid. That doesn't feel like justice. Caregivers are doing the right thing by stepping in but it feels like they are penalised for doing so.

Caregivers are Paying a Heavy Price

The stress—emotionally, physically, and financially—is enormous. Over time, it takes a real toll on caregivers' ability to keep going as caregivers.

It Puts Whānau Off From Taking In Their Own

When people hear how hard it is to get support once they take in a child, they sometimes think twice. Some just can't afford to do it. That means more tamariki end up in the formal foster care system, or worse - they stay in unsafe homes. It's heartbreaking and completely avoidable if the right support is there from the beginning.

It Leaves Tamariki in Legal Limbo

Without the right legal arrangements, everything stays uncertain. That makes it hard to get proper access to things like schooling, health care, or counselling. And for tamariki who've already experienced trauma, not knowing what's happening or where they belong makes it even harder for them to feel safe and settled.

It Ends Up Costing Everyone More

When things aren't sorted properly at the start, it creates bigger problems down the line—more court hearings, more involvement from Oranga Tamariki, and more tamariki being placed in formal care. All of that costs far more than just helping caregivers upfront with legal aid.

It's a Missed Opportunity to Use Legal Aid Wisely

If legal aid was used to support those keeping children out of state care, we'd all win—especially the tamariki. It's the smarter, more cost-effective choice. What we need is a legal system that backs caregivers, not one that puts us further at risk.