Version
as at 17 October 2025

Family Court Rules 2002

(SR 2002/261)

Rules name: amended, on 1 March 2017, by section 254(a) of the District Court Act 2016 (2016 No 49).

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 16th day of September 2002

Present:
Her Excellency the Governor-General in Council

Pursuant to section 16A of the Family Courts Act 1980, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following rules.

Contents

		Page
1	Title	21
	Part 1 **Preliminary provisions**	
	Commencement	
2	Commencement	21

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These rules are administered by the Ministry of Justice.

Purpose

3 Purpose of these rules 21

Overview

4 Overview of these rules 22

Application

5 Application of these rules 22
5A Limited application of District Court Rules 2014 23
6 Special rules for proceedings under certain family law Acts 23
7 No special rules for proceedings under certain family law Acts 24

Interpretation

8 Interpretation 25
9 Words and expressions defined in Acts 30
10 References to prescribed forms 30

Family Court Associates

10A Jurisdiction and powers of Family Court Associates 31

Registrars' duties and powers

11 Requirements imposed on Registrars by rules 32
12 Powers of Registrars under rules 32

General matters

13 Practices must be consistent 32
14 Directions in case of doubt 33
15 Matters not expressly provided for in rules 33
16 Directions to regulate court's business 33
17 Failure to comply with rules 33

Part 2
General procedure in Family Court

Overview of Part

18 Overview of this Part 35

Commencement of proceedings

19 How proceedings are commenced 35

What to file

20 Documents to be filed to make application 35
20A Special rules relating to information sheets 36
21 Special rules relating to affidavits 36
22 Special rules relating to other documents 38
23 Applications generally to be made on notice 38
24 Applications that may be made without notice 38
25 Two or more applications may be made together 39
26 Documents relating to earlier proceedings 40

27 Documents or forms for filing to comply with requirements 41

Where applications to be made

28 Applications to be filed in proper office of the court 41

How to file documents in court

29 How to file documents in court 42
30 Procedure if applications presented or accepted for filing in wrong office of the court 42
31 Procedure if applications presented for filing but incomplete or otherwise not in order 43
32 Procedure if application on notice accepted for filing 44
33 Procedure if application without notice accepted for filing 45
34 Orders made on applications without notice 45

Before any hearing

35 Documents to be served if applications on notice 45
36 Who must be served with applications on notice 46
37 Special rules relating to service 46
38 Service of applications under certain Acts 47
39 Persons served with applications to give address for service 47
40 Notice of defence or notice of intention to appear 48
41 Time within which notice of defence, or notice of intention to appear, to be filed and served 48
42 Non-compliance with rule 41 48
43 Appearance under protest to jurisdiction 49
44 Appearance for ancillary purposes 51
45 Appearance reserving rights 51
46 Forms for entering appearance 51
47 Getting more information or getting admissions 52
48 Evidence at hearing generally to be by affidavit 53
49 Procedure when evidence given by affidavit 53
50 Witness summons 53
51 Witness entitled to expenses 54
52 Conferences 54

Fixing date and time for hearing of application

52A Family Court Associate or Judge may require Registrar to fix date and time for hearing of application 55
52B Parties may require Registrar to fix date and time for hearing of application 56
52C Parties to give Registrar information affecting duration of hearing 57
52D Only certain steps may be taken after notice of hearing date given 57

Steps at hearing

53 Court and Chambers 58
54 Ascertaining wishes or views of child or young person 58

55 Procedure if some or all parties do not appear 58
56 Judgment following non-appearance may be set aside 59
57 Procedure if all parties appear 59

Steps at end of hearing

58 What Judge may do at end of hearing 59

Rehearings

59 Rehearings 60

Rights of appeal to High Court

60 Rights of appeal under family law Acts 60

Part 3
Rules about particular aspects of proceedings

Overview of Part

61 Overview of this Part 60

Forms

62 Forms 61
62A Approved forms for use in proceedings to which Part 5A applies 62
62AB Approved forms for use in proceedings under Family Violence Act 2018 63

Shape, etc, of documents to be filed

63 Documents to which rules 64 to 69 apply 63
64 Paper 64
65 Contents must be only on 1 side of paper 64
66 Margin 64
67 Numbers 64
68 Division into paragraphs 64
69 Fastening and numbering of pages 64
70 Contents must be legible 64
71 Signature to be original 65
72 Front page 65
73 Heading 66
74 Front page must comply with requirements of rule 82 66

How to file documents in court

75 Filing documents 67
76 Ways documents may be presented for filing 67

Amendment of certain documents filed

77 Amendment of application form before it is served 68
78 Amending documents in proceedings 68
79 Amendment of application form, or notice of defence or intention to appear 68

Lawyers

80 Party need not have lawyer 69
81 Lawyers who are, or act for, adverse parties 69
82 Memorandum to be on front page with first document filed 70
83 Lawyer filing documents on behalf of party 70
83A Authority of certain Australian solicitors in certain trans-Tasman proceedings: District Court Rules 2014 apply 71
84 Lawyer's warranty as to authorisation to file documents 71
85 Lawyer may sign certain documents on behalf of party 71
86 Lawyer acting in person 72
87 Change of representation 72
88 Court may declare that lawyer no longer acting for party 73

Representatives and managers

89 Interpretation 73
90 Minor must be represented by next friend or litigation guardian or authorised approved organisation 73
90A Minor may apply to take part in proceedings without next friend or litigation guardian or authorised approved organisation 74
90B Appointment of next friend for minor 75
90C Appointment of litigation guardian for minor 76
90D Appointment of litigation guardian for person to whom section 67 of the Family Violence Act 2018 applies 76
90E Incapacitated person must be represented by litigation guardian 77
90F Appointment of litigation guardian for incapacitated person 77
90G Notification of appointment or of authorisation of approved organisation 78
90H Person subject to property order must be represented by manager 78
91 Managers under Protection of Personal and Property Rights Act 1988 79
92 Family Court appointing guardians *ad litem* or managers for proceeding in District Court 80
93 Representatives and managers may sign documents and swear affidavits on behalf of party 80
94 Representative capacity 80
95 Responsibility of representative for costs 80
96 Responsibility of manager for costs 81
97 Retirement, removal, or death of representative 81
98 When further steps to be taken by party and not by representative or manager 82

Notices

99 Notices 83
100 Notices to be given by Registrar 83

Service: Documents to be served

101 Documents to be served 84

Service: How documents to be served

102 How documents to be served 85
103 Service of copies 86

Service: On days that are not working days

104 Certain documents must not be served on certain non-working days 86

Service: Personal service

105 Certain documents to be served by personal service 86
106 Who may carry out personal service 87
107 Personal service 88
107A Personal service during emergency *[Revoked]* 89
108 Personal service on spouse or partner 89
109 Personal service if person to be served on ship 90
110 Personal service on serving member of armed forces 90
111 Personal service on prisoner 90
112 Personal service on minors 90
113 Personal service: District Court Rules 2014 apply 91

Service: By transmission to electronic address for service

113A Service by transmission to electronic address for service 91

Service: Lawyer may accept service on behalf of person

114 Service on lawyer on behalf of person 91

Service: At address for service

115 Service at address for service 92
116 Address for service on party or other person 92
117 Change of address for service 93

Service: If address for service is lawyer's office

118 Methods of service if address for service is lawyer's office 93
119 When and how documents under rule 118 to be treated as served 93
120 Lawyer must acknowledge document transmitted electronically 94
121 Address for service if lawyer no longer acting for party 95

Service: by post in trans-Tasman proceedings

121A When and how documents under rule 102(2)(ca) to be treated as served 95

Service: In manner specified in agreement

122 Service under agreement 96

Service: On representatives, managers, and incapacitated persons

123 Service on representative or manager 96
124 Directions about service on incapacitated persons 96
125 Service on party not invalid just because person incapable of taking part in proceedings 97

Service: Substituted service

126 Order dispensing with or changing service required 97

Service: Proof of service

127 Proof of personal service 98
127A Proof of service by transmission to electronic address for service 99
128 Proof of substituted service 99
129 Attaching copy of document to affidavit of service or certificate of service 99

Service: On party out of New Zealand

130 Service on absentee: District Court Rules 2014 apply 100

Use of Māori language, translations, and sign language

131 Māori and other languages: District Court Rules 2014 apply 102

Changing times by which rules or orders require things to be done

132 Changing times by which things to be done 102

Striking out and adding parties

133 Striking out and adding parties 104

Change of parties by death, etc

134 Change of parties: District Court Rules 2014 apply 104

Consolidation of proceedings

135 When order may be made 104
136 Application of rule 135 105

Getting more information and admissions

137 Interrogatories: District Court Rules 2014 apply 105
138 Notice to admit facts 106
139 Further particulars 107

Discovery and inspection of documents

140 Order for discovery before proceedings commenced 108
141 Order for discovery after proceedings commenced 108
142 Contents of affidavit of documents 109
143 Order for particular discovery against non-party after proceedings commenced 110
144 Incorrect affidavit to be amended 111
145 Failure to include document 111

146 Notice to produce for inspection 111
147 Order for production for inspection 111
148 Costs of production by non-party 112
149 Right to make copies 112
150 Production of document to court 113
151 Inspection to decide validity of claim or objection 113
152 Admission of documents discovered 113
153 Notice to produce documents 114
154 Notice to admit documents 114
155 Restricted effect of admission 115

Procedure when evidence given by affidavit

156 Use of affidavits 115
157 Person refusing to make affidavit 115
158 Form and contents of affidavit 115
159 Exhibits to affidavits 116
160 Affidavit in language other than English 117
161 Alterations or additions to, or erasure from, affidavit 117
162 Irregularity in form of affidavit 117
162A Unsigned affidavit 118
163 Service copies of affidavits 118
164 Affidavit may be sworn on any day 119
165 Affidavits made on behalf of corporations 119
166 Affidavits by 2 or more deponents 119
167 Affidavit by blind, disabled, or illiterate deponent 119
168 Authority to take affidavits 120
169 Cross-examination of deponent 120

Other evidentiary matters

170 Pre-hearing rulings on evidence 120
171 Evidence by deposition: District Court Rules 2014 apply 121
172 Taking evidence outside New Zealand: District Court Rules 2014 apply 121

Evidence in trans-Tasman proceedings

173 Interpretation 122
173A Leave to serve New Zealand subpoena on witness in Australia: District Court Rules 2014 apply 122
173B Issue of subpoenas for service in Australia 122
173C Service of subpoena on witness in Australia 122
173CA Application to set aside New Zealand subpoena 123
173D Failure to comply with subpoena 123
173E Evidence and submissions by remote appearance medium from Australia: District Court Rules 2014 apply 123

Conferences

174 Judicial conference: direction to convene 123
175 Judicial conference: nature and purpose 123
175A Judicial conference: how convened 124
175B Judicial conference: who may attend 124
175C Judicial conference: adjournment 124
175D Judicial conference: orders and directions pending determination of application 125
175E Judicial conference: order determining application 126
176 Non-compliance with orders or directions 126
177 Order or direction at conference may be varied at hearing 127
178 Settlement conference 127
179 Consent order may be made at settlement conference 128
179A Settlement conference becomes judicial conference if issues in dispute cannot be settled 129
180 Change of Judge after settlement conference 129
181 Further powers of court to ensure proceedings dealt with speedily 129

Interlocutory injunctions

182 Application for interlocutory injunction 130
183 Undertaking as to damages 130
184 Interim injunction in relation to party's assets 131

Injunctions and receivers

185 Application for order 131

Transfer of proceedings and transfer for hearing

186 Transfer of proceedings 131
187 Transfer for hearing 131
188 Transfers under rule 186 or rule 187 131
189 Procedure on transfer of proceedings 132
190 Procedure on transfer for hearing 132
191 Transfer of proceedings to High Court 133

Adjournment of hearing

192 Adjournment of hearing 133

Striking out pleading

193 Striking out pleading 133

Stay or dismissal

194 Stay or dismissal 134
195 Dismissal if proceedings or defence not prosecuted 134

Discontinuance

195A Discontinuance 135
195B Court may set discontinuance aside 136

Judgments and orders

196 Judgment and reasons for judgment defined 136
197 Time and mode of giving judgment 137
198 Judgments to be sealed and dated 138
199 When drawing up of order unnecessary 138
200 Duplicate judgments 139
201 When judgment takes effect 139
202 Time for doing act to be stated 139
203 If deed directed to be prepared 139
204 Clerical mistakes and slips 140
205 Death, etc, of Judge or Family Court Associate before judgment 140
206 Service of judgments 140

Authentication

206A Authentication of electronic documents transmitted by Family Court Associates or Judges 142
206B Electronic transmission of judgment by Registrar 142

Costs

207 Costs at discretion of court 143
207A Enforcement of order for costs 143
207B Security for costs: District Court Rules 2014 apply 144

Investment of funds in court

208 Investment of funds in court 144

Inspection and testing of property

208A Inspection and testing of property 144

Interim preservation, etc, of property

208B Interim preservation, etc, of property 145

Rehearings

209 Application for rehearing 145
210 Judge may order rehearing 146
211 Evidence by affidavit on application for rehearing 146
212 Order for rehearing 146
213 Procedure for rehearing 147

Contempt

214 Contempt of court: District Court Rules 2014 apply 147

Part 4
Interlocutory matters

Overview of Part

215 Overview of this Part 148

Interpretation

216 Interpretation 148

Consent memoranda instead of interlocutory applications

217 Consent memoranda instead of applications 149

Interlocutory applications on notice or without notice

218 Applications generally to be made on notice 149
219 Who must be served with copy of application on notice 149
220 Applications that may be made without notice 150

Who interlocutory applications to be heard and determined by

221 Applications to be heard and determined by Registrars 151
222 Applications to be heard and determined by Judges 151

Form of interlocutory applications

223 Form of applications 151

Evidence on interlocutory applications

224 Evidence on applications 152

Where to file interlocutory applications

225 Where to file applications 152
226 How to file documents in court 152
227 Registrar may transfer for hearing to another court office application accepted for filing 152

Procedure for interlocutory applications without notice

228 Procedure if applications without notice accepted for filing 153

Procedure for interlocutory applications on notice

229 Procedure if applications on notice accepted for filing 153
230 Notice of opposition to application on notice 154
230A Affidavit to be filed with notice of opposition 154
230B Affidavit in reply 155
231 Where appearance at hearing of application on notice not required 155
232 Procedure if no appearance required at hearing of application on notice 155

Hearing of interlocutory applications

233 Hearing in court or in Chambers 156
234 Hearing of applications 156
235 Registrar may refer application to Family Court Associate or Judge 156

Registrar's order on interlocutory application may be varied or rescinded

236 Order made by Registrar may be varied or rescinded 157

Enforcement of orders made on interlocutory applications

237 Enforcement of orders 157

Costs of interlocutory applications

238 Costs 158

Part 5
Special rules for proceedings under certain family law Acts

239 Overview of this Part 158

Adoption Act 1955

240 Interpretation 159
241 Forms 159
242 Applicants to identify child to be adopted but not named in application for adoption order 159
243 Social worker to ask Police about character of applicants before furnishing report 159
244 Affidavit to be filed with, or before hearing of, application for adoption order 159
245 Other documents to be filed with, or before hearing of, application for adoption order 160
246 Form of consent to adoption 161
247 If applicants' identity not disclosed, social worker to give evidence that consent to adoption relates to applicants 161
248 Lawyers for applicants for adoption order not to witness consents to adoption order required by Act 161
249 Attendance of parties at hearing 161
250 Registrar to give notice of making of interim order 162
251 Form of application for issue of adoption order 162
252 Adoption order 162
253 Directions as to service of application for variation or discharge of adoption order 163

Child Support Act 1991

254 Interpretation 163
255 Forms 163
256 Applications without notice 163
257 Affidavits in support to be filed to make certain applications without notice 164
258 Affidavits in support to be filed to make certain applications on notice 164
259 Affidavit required by rule 258 to have exhibits if application is notice of appeal under certain sections of Act 164
260 Affidavit of financial means and their sources to be filed to make application under section 116 of Act *[Revoked]* 164
261 Filing of application if Commissioner is party to proceedings 164

262 Copy of documents filed to make application to be sent to Commissioner in certain cases 165
263 Notice by advertisement by order under section 224 of Act 165
264 Notice of defence 165
265 Affidavit to accompany notice of defence 166
266 Further information to be filed and served before hearing 166
267 Fixing date and time for hearing 166
268 Respondent added as party 167
269 Procedure on intervention 167
270 Order of priority of warrants to seize property 168
271 Bond by receiver 168
272 Procedure on arrest of respondent other than in respect of offence 168
273 Commissioner to receive copy of order made under Act 170

Oranga Tamariki Act 1989

274 Interpretation 170
275 Forms 170
276 Applications without notice 170
277 Filing of applications 171
278 Procedure if restraining order made without notice 171
279 Application under section 68 of Act to be accompanied by documents on family group conference 172
280 Service of application under section 44 of Act 172
281 Who must be served with or given copy of certain other applications under Act 173
282 Service on chief executive 173
283 Service on constable 174
284 Directions as to service 174
285 Notice of application under section 371 or section 377 of Act 175
286 Notice of application under section 380 of Act 175
287 Proof of giving of notice of application under section 371 or section 377 or section 380 of Act 176
288 Procedure if notice of certain applications under Act not given within time prescribed 176
289 Documents filed on family group conference 176
290 Notice of appointment of lawyer or lay advocate 177
291 Notice of intention to appear 177
292 Mediation conference 177
292A Mediation conference becomes judicial conference if agreement cannot be reached 178
293 Change of Judge after mediation conference 178
294 Judicial conference: how convened 178
295 Judicial conference: nature and purpose 179
295A Judicial conference: orders and directions pending determination of application 180

295B	Judicial conference: order determining application	180
296	Fixing date and time for hearing	181
297	Pre-hearing disclosure of evidence	182
298	Proof of service of applications	183
299	Evidence at hearing of certain proceedings generally to be given orally	183
300	Consent to order of court	183
301	Proceedings not to abate	184
302	Notice of court's decision on application under section 371 or section 377 of Act	185
303	Copy of orders to be sent to principal manager of office of department in relevant area	185
	Family Violence Act 2018	
304	Interpretation	185
305	Forms	187
306	Applications without notice	188
307	Certain applications by respondent or associate respondent to be on notice	188
308	Certificate of lawyer to be included in certain applications without notice	189
309	Documents to be filed to make certain applications	190
310	Residential address not required	190
311	Applicant for protection order may request that residential address be kept confidential	191
312	Filing of applications	191
313	Registrar to fix earliest practicable date for hearing of applications on notice	191
314	Notice of defence when application on notice	192
315	Notice of intention to appear in relation to temporary protection order or temporary property order	192
316	Time for service	193
316A	Information about respondent (to application under Act for protection order) available from criminal court	193
316B	Proceedings on interim orders in respect of child of applicant's family to be dealt with on without notice track	194
317	Temporary property orders made on application without notice	194
318	Registrar to issue order when temporary order becomes final or is confirmed	195
319	Notice of objection to direction (for assessment, non-violence programme, or prescribed standard services) made under section 188 of Act	195
320	How notice of objection to be dealt with	196
321	Notice of result of objection	196

322 Witness summons calling respondent or associated respondent before court 197
322 Request by provider for variation of programme *[Revoked]* 197
323 Certain documents to be served with temporary protection orders and temporary property orders 197
324 Extension of period for service 198
325 Copies of orders to be sent to Police 198
326 Service of certain orders to be communicated to Police 199
327 Registration of foreign protection orders 199
328 Notice of registration of foreign protection orders 199
329 Notice to be given to foreign court or authority 199
330 Registration of foreign protection orders *[Revoked]* 200
331 Notice of registration of foreign protection orders *[Revoked]* 200
332 Notice to be given to foreign court or authority *[Revoked]* 200

Family Proceedings Act 1980 and subpart 4 of Part 2 of Care of Children Act 2004

333 Interpretation 200
334 Forms 201
335 Applications without notice 201
336 Affidavits in support to be filed to make certain applications without notice 202
336A Applications for warrants and delivery of child *[Revoked]* 202
336B Notice of intention to appear in relation to interim parenting order *[Revoked]* 202
336C Notice of intention to appear in relation to other interim orders *[Revoked]* 203
337 Accompanying affidavits 203
337A Copy of protection order must be filed with application for dissolution order: protected person under protection order 203
338 Separation order or separation agreement 203
339 Marriage or civil union certificate 204
340 Filing of certain applications 205
341 Application for separation order *[Revoked]* 205
342 Restriction on service of application for separation order *[Revoked]* 206
343 Report by counsellor *[Revoked]* 206
344 Affidavit of financial means and their sources 206
345 Notice of defence 206
346 Request by respondent for appearance on application for dissolution of marriage or civil union 207
347 Request for hearing before dissolution order: irreconcilable breakdown made 207

348	Filing of request for appearance, or request for hearing by respondent, if application for dissolution order: irreconcilable breakdown by one party only	207
349	Mediation conference *[Revoked]*	208
349A	Mediation conference becomes judicial conference if agreement cannot be reached *[Revoked]*	208
350	Change of Judge after mediation conference *[Revoked]*	208
350A	Request to speak on child's cultural background *[Revoked]*	208
351	Restrictions on fixing date and time for hearing	208
352	Fixing date and time for hearing: notice of defence filed	209
353	Fixing date and time for hearing: no notice of defence filed	210
354	Fixing date and time for hearing of application for declaration or order dissolving marriage or civil union	210
355	Registrar's list of applications for dissolution orders: irreconcilable breakdown	211
355A	Registrar's list of applications for dissolution orders: protected person under protection order	212
356	Request for hearing after dissolution order: irreconcilable breakdown made and before it takes effect as final order	213
357	Proof of service of certain applications	214
358	Proof of service of applications on Registrar's list of applications for dissolution orders	215
359	Intervention in proceedings relating to status of marriage or civil union	215
360	Sealing and service of order dissolving marriage or civil union: order made by Judge in defended proceedings	216
361	Sealing and service of order dissolving marriage or civil union: order made by Judge in undefended proceedings	216
362	Sealing and service of order dissolving marriage or civil union: order made by Registrar	216
362A	Costs of contravention of parenting order *[Revoked]*	217
363	Registration of orders made in Commonwealth or designated countries	217
364	Notice of registration of orders made in Commonwealth or designated countries	218
365	Order on application for confirmation of provisional order	218
366	Payments under registered or confirmed order	219
367	Joinder of other parent in proceedings under Family Proceedings Act 1980	219
368	Provisional orders for confirmation overseas	220
369	Procedure on arrest of respondent other than in respect of offence	220
370	Copies of orders varying maintenance orders	222
371	Copies of orders for Commissioner of Inland Revenue	222

372 Enforcement of maintenance under section 259 of Child Support Act 1991 223
373 Applications without notice 223
374 Order of priority of warrants to seize property 223
375 Application of rule 369 224
376 Bond by receiver 224

Family Protection Act 1955 and Law Reform (Testamentary Promises) Act 1949

377 Interpretation 225
378 Forms 225
379 Naming of respondent 225
380 Who must be served with copy of application or interlocutory application under Acts 225
381 Information to be provided in support of application under rule 380(2) 226
382 Order for directions as to service or for representation 227
383 Applications without notice 227
384 Joining in proceedings under Acts 228
385 Joinder of claims and consolidation 228
386 Notice of intention to appear or notice of defence 229
387 Affidavits in support or in opposition 229

Property (Relationships) Act 1976

388 Interpretation 229
389 Forms 230
390 Filing of applications 230
391 Joinder of claims and consolidation 231
392 Affidavit in support 231
393 Notice of defence 232
394 Who must be given notice of applications under Act 232
395 Variation or recision of order made on application without notice 232
396 Copies of orders varying maintenance orders 232
397 Meaning of party A and party B in rules 398 to 404 233
398 Affidavit of assets and liabilities to be filed and served 233
399 Failure by applicant to file affidavit of assets and liabilities 234
400 Filing inadequate affidavit of assets and liabilities 234
401 Failure to attend for examination or to comply with directions 235
402 Power to summon witness 235
403 Execution of warrants 236
404 Conduct of examination 237

Protection of Personal and Property Rights Act 1988

405 Interpretation 237
406 Forms 238
407 Filing of applications 238

408 Medical or other report in support of application to be filed 238
409 Notice of intention to appear 238
410 Consent to appointment as welfare guardian or as manager 238
411 Who must be served with applications under Act 238
412 Service on persons other than parties 238
413 Pre-hearing conference 239
414 Change of Judge after pre-hearing conference 239
415 Fixing date and time for hearing 240
416 Proof of service of applications 241

Part 5A
Special rules for certain proceedings under Care of Children Act 2004

416A Application of Part 241
416B Interpretation 241

Overview

416C Overview of proceedings 242
416D Flowcharts of proceedings 244
416E Forms 247

Applications

416F Commencing proceedings 248
416G Applications to be made on notice unless application can be made without notice 249
416H When application without notice can be made 249
416HA Certificate of lawyer to be included in applications without notice 249
416HB Information about party (to application under Act) available from criminal court 250

After application filed

416I What happens with applications filed on notice 250
416J What happens with applications filed without notice 251
416K Notice of response by respondent who opposes application 253
416L Notice by respondent wishing to protest jurisdiction 254
416M Notice by respondent wishing to be heard or reserve rights 254
416N Party requiring more information 254
416O Witness summons and witness expenses 254

Proceedings generally

416P Proceedings dealt with on tracks 254
416Q Restriction on further evidence being filed 255
416R What happens when FDR is ordered 256

Tracks

416S Standard track 256
416U Without notice track 257

416UA Complex case on standard track or without notice track 258
416V Simple track 259

Conferences generally

416W General rules about conferences 260

Specific kinds of conferences

416X Issues conference 261
416Y Settlement conference 262
416Z Directions conference 263
416ZA Memoranda filed in advance of directions conference 264
416ZB Pre-hearing conference 265
416ZC Case management conference 265

Hearings

416ZD What happens when direction is made that application proceed to hearing 265
416ZE Hearings generally 266
416ZF Defended hearings 266
416ZG Submissions-only hearings 267
416ZH Formal proof hearings 267

Miscellaneous

416ZI Request to speak on child's cultural background 268
416ZJ Costs of contravention of parenting order 268

Part 6
Registry matters, fees, and transitional matters

Overview of Part

417 Overview of this Part 268

Court offices

418 Court offices and hours 269

Sittings on days that are not working days

419 Sittings when court office closed 269

Fees

[Revoked]

420 Fee for proceedings under Adoption Act 1955 *[Revoked]* 270
421 Fee for proceedings under Family Proceedings Act 1980 *[Revoked]* 270
422 Fees must be prepaid on filing *[Revoked]* 270
423 Fees inclusive of GST *[Revoked]* 270

Records

424 Records 270
425 Transfer of adoption records 271

426 Interpretation 271
427 Access to documents and court files during first access period 272
428 Access to documents and court files during second access period 273
429 Application for permission to access documents or court files 274
429A Review of Registrars' decisions under rule 429 275
430 Rules 426 to 429A are subject to other provisions 275
431 Open searching, inspection, and copying of documents or records filed or lodged more than 60 years ago *[Revoked]* 276
431A Information requested by District Court for purposes of section 46 of Family Violence Act 2018 276
431B Information requested by sentencing court for purposes of section 123B of Sentencing Act 2002 277
431C Information requested for purpose of enforcing cost contribution orders 277
432 Information about family violence proceedings available to criminal court 278
432A Information about CoCA proceedings available to criminal court 279
433 Transfer of documents relating to earlier application 280
434 Transfer of proceedings to High Court 280

Proceedings, etc, that originated under previous rules

435 Transitional provision 281

Schedule 1
General forms 282

Schedule 2
Forms for proceedings under Adoption Act 1955 326

Schedule 3
Forms for proceedings under Child Support Act 1991 340

Schedule 4
Forms for proceedings under Oranga Tamariki Act 1989 397

Schedule 5
Forms for proceedings under Family Violence Act 2018 419

Schedule 5
Forms for proceedings under Domestic Violence Act 1995 462

[Revoked]

Schedule 6
Forms for proceedings under Family Proceedings Act 1980 and subpart 4 of Part 2 of Care of Children Act 2004 469

Schedule 7
Forms for proceedings under Family Protection Act 1955 and Law Reform (Testamentary Promises) Act 1949 564

Schedule 8 569
Forms for proceedings under Property (Relationships) Act 1976

Schedule 9 588
Forms for proceedings under Protection of Personal and Property Rights Act 1988

Schedule 10 645
Forms for proceedings under Care of Children Act 2004

Rules

1 Title

These rules are the Family Court Rules 2002.

Rule 1: amended, on 1 March 2017, by section 255 of the District Court Act 2016 (2016 No 49).

Part 1
Preliminary provisions

Commencement

2 Commencement

These rules come into force on 21 October 2002.

Purpose

3 Purpose of these rules

(1) The purpose of these rules is to make it possible for proceedings in the Family Court to be dealt with—

(a) as fairly, inexpensively, simply, and speedily as is consistent with justice; and

(b) in such a way as to avoid unnecessary formality; and

(c) in harmony with the purpose and spirit of the family law Acts under which the proceedings arise.

(2) These rules must be read in the light of their purpose.

Compare: SR 1992/109 r 4

Rule 3(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Overview

4 Overview of these rules

(1) These rules are divided into 7 Parts and 10 schedules.

(2) Part 1 contains preliminary provisions (for example, provisions about the purpose, general scheme and effect, and application of these rules).

(3) Part 2 sets out the general procedure in the Family Court.

(4) Part 3 contains rules about particular aspects of proceedings in the Family Court (for example, service of documents).

(5) Part 4 sets out procedures for dealing with interlocutory matters (that is, matters that arise in the course of proceedings).

(6) Part 5 contains special rules for proceedings under certain family law Acts.

(6A) Part 5A sets out rules applying to proceedings under the Care of Children Act 2004 (other than proceedings under subpart 2 of Part 2 of that Act (which relates to international child abduction)).

(7) Part 6 contains rules about Registry matters, fees, and transitional matters (for example, Family Court offices, Family Court office hours, fees payable in respect of proceedings in the Family Court, records, searches, the transfer of records or information, and proceedings, etc, that originated under previous rules).

(8) Schedules 1 to 10 set out the forms prescribed by these rules.

(9) Subclauses (1) to (8) are only a guide to the general scheme and effect of these rules.

Rule 4(1): amended, on 31 March 2014, by rule 4(1) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 4(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 4(4): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 4(6A): inserted, on 31 March 2014, by rule 4(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 4(7): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 4(8): amended, on 31 March 2014, by rule 4(3) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Application

5 Application of these rules

(1) All proceedings in the Family Court must be brought and dealt with in accordance with these rules, except to the extent that the family law Act under which they are brought provides for them to be brought or dealt with under some enactment other than these rules.

(2) Parts 1 to 4 and 6 (the **general rules**) apply to all proceedings in the Family Court.

(3) However, the application of the general rules to any proceedings is modified,—

(a) in the case of proceedings under the Acts referred to in rule 6(1), by any rules in Part 5 that apply to those proceedings; and

(b) in the case of proceedings to which Part 5A applies, by the rules in Part 5A.

(4) Rules in Part 5 that are referred to in a paragraph of rule 6(1) apply only to proceedings brought under the 1 or more family law Acts referred to in that paragraph of rule 6(1).

(5) In this rule, **proceedings in the Family Court** includes all proceedings in the District Court under—

(a) section 15 of the Family Court Act 1980; or

(b) section 151 of the Oranga Tamariki Act 1989.

Compare: SR 1992/109 r 2

Rule 5(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 5(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 5(3): replaced, on 31 March 2014, by rule 5(1) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 5(4): amended, on 31 March 2014, by rule 5(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 5(5): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 5(5)(a): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 5(5)(b): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

5A Limited application of District Court Rules 2014

A rule in the District Court Rules 2014 does not apply to proceedings in the Family Court unless that rule is specifically applied by these rules.

Rule 5A: inserted, on 27 May 2010, by rule 4 of the Family Courts Amendment Rules 2010 (SR 2010/97).

Rule 5A heading: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 5A: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

6 Special rules for proceedings under certain family law Acts

(1) As well as rule 239 (which gives an overview of the Part), Part 5 contains the following rules:

(a) rules 240 to 253 (Adoption Act 1955):

(b) rules 254 to 273 (Child Support Act 1991):

(c) rules 274 to 303 (Oranga Tamariki Act 1989):

(d) rules 304 to 329 (Family Violence Act 2018):

(e) rules 333 to 376 (Family Proceedings Act 1980 and subpart 4 of Part 2 of the Care of Children Act 2004):

(f) rules 377 to 387 (Family Protection Act 1955 and Law Reform (Testamentary Promises) Act 1949):

(g) rules 388 to 404 (Property (Relationships) Act 1976):

(h) rules 405 to 416 (Protection of Personal and Property Rights Act 1988).

(2) Part 5A sets out special rules prescribing the procedure in the Family Court that apply to applications made under the Care of Children Act 2004 (other than applications under subpart 4 of Part 2 of that Act (which relates to international child abduction)).

Rule 6(1)(c): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 6(1)(d): replaced, on 1 July 2019, by rule 4 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 6(1)(e): amended, on 31 March 2014, by rule 6(1) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 6(2): inserted, on 31 March 2014, by rule 6(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 6(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

7 No special rules for proceedings under certain family law Acts

(1) Part 5 contains no rules that apply to proceedings to be brought under the following family law Acts:

(a) Births, Deaths, Marriages, and Relationships Registration Act 2021:

(ab) Civil Union Act 2004:

(b) Domestic Actions Act 1975:

(c) Marriage Act 1955.

(2) Proceedings under those Acts must, therefore, be brought and dealt with under Parts 1 to 4 and 6, except to the extent that the family law Act under which they are brought provides for them to be brought or dealt with under some enactment other than these rules.

Rule 7(1)(a): amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Rule 7(1)(a): amended, on 24 January 2009, by section 49(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Rule 7(1)(ab): inserted, on 26 April 2005, by section 46 of the Civil Union Act 2004 (2004 No 102).

Interpretation

8 Interpretation

(1) In these rules, unless the context otherwise requires,—

address for service, in relation to any party, means the address of a place in New Zealand at which any document may be left for, or sent or transmitted to, that party in accordance with these rules or, if the party is a defendant as defined in section 4(1) of the Trans-Tasman Proceedings Act 2010 who is served in Australia under section 13 of that Act with an initiating document for a proceeding, the address of a place in New Zealand or Australia that, under section 18 of that Act, is or is to be treated as the defendant's address for service for the proceeding

application means an application (other than an interlocutory application) under a family law Act

approved organisation means an organisation approved under section 71 of the Family Violence Act 2018

authorised approved organisation, in relation to a child as defined in section 8 of the Family Violence Act 2018 and to whom section 62 or 140 of that Act applies, means an approved organisation authorised by section 74 of that Act to take proceedings under that Act on behalf of the child

court—

(a) means the Family Court and includes—

(i) a Family Court Judge; and

(ii) a Family Court Associate (subject to the exclusions in rule 10A(2)); and

(b) in any case where the District Court is empowered by section 15 of the Family Court Act 1980 or section 151 of the Oranga Tamariki Act 1989 to hear and determine any proceedings, includes the District Court and a District Court Judge; and

(c) in relation to proceedings,—

(i) means the office of the court in which they were commenced; but

(ii) if they have been transferred, or the hearing of them has been transferred, to another office of the court, means that other office of the court

DCRs means the District Court Rules 2014

electronic address means any personal identifier on any electronic messaging system to which a document in electronic form may be directed for the attention of a particular user of that system and includes, without limitation,—

(a) an email address:

(b) a fax number:

(c) a remotely accessible location in a file directory on a computer hard drive or server (including an Internet-based server)

emergency means a disruption that arises from—

(a) a state of emergency declared under section 66(1) or 68(1) of the Civil Defence Emergency Management Act 2002:

(b) an epidemic notice given under section 5(1) of the Epidemic Preparedness Act 2006

Family Court Associate means a Family Court Associate appointed under section 7A of the Family Court Act 1980

family law Act means an Act that provides for proceedings to be heard and determined by a court

fee means a court fee prescribed by the Family Courts Fees Regulations 2009

HCRs or **High Court Rules** means the High Court Rules 2016

incapacitated person means a person who, by reason of physical, intellectual, or mental impairment, whether temporary or permanent, is—

(a) not capable of understanding the issues on which his or her decision would be required as a litigant conducting proceedings; or

(b) unable to give sufficient instructions to issue, defend, or compromise proceedings

interlocutory application—

(a) means an application in proceedings or intended proceedings for an order or a direction relating to a matter of procedure or for some relief ancillary to the orders or declarations sought in the proceedings or intended proceedings; and

(b) includes—

(i) an application for a rehearing; and

(ii) an application to review an order made, or a direction given, on an interlocutory application

Judge—

(a) means a Family Court Judge; and

(b) in any case where a District Court is empowered by section 15 of the Family Court Act 1980 or section 151 of the Oranga Tamariki Act 1989 to hear and determine any proceedings, includes the District Court Judge; and

(c) in relation to any proceedings, means the Judge who is presiding in the proceedings

judgment has the meaning given to it in rule 196

jurat has the meaning given to it in rule 158(3)

lawyer has the meaning given to it by section 6 of the Lawyers and Conveyancers Act 2006

litigation guardian—

(a) a person who is appointed under rule 90C, 90D, or 90F to conduct a proceeding; and

(b) has the same meaning as the expression "guardian *ad litem*"

manager means a manager of the kind specified in rule 91(1)

Minister means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of the Family Court Act 1980

on notice, in relation to an application, means on notice—

(a) to certain persons who will be parties to, or interested in, or likely to be affected by, the proceedings; and

(b) given by certain documents relating to the application (for example, a copy of some of the documents required to be filed to make the application) being served on (that is, in general terms, delivered to) those persons

reasons for judgment has the meaning given to it in rule 196

Registrar, in relation to the court,—

(a) means a Registrar of the court (who may be a Registrar of both the Family Court and the District Court); and

(b) includes a Deputy Registrar (who may be a Deputy Registrar of both the Family Court and the District Court)

Registrar's list means a list—

(a) on which a Registrar, under rule 32(1)(a) or rule 229(1)(b)(ii), enters applications that are not yet ready to set down for a hearing, so that they may be regularly monitored, and managed and progressed towards either resolution without a hearing or readiness for setting down for a hearing; and

(b) on which the court or a Registrar enters applications the hearings of which are postponed or adjourned (for example, under rule 192 or rule 234), so that they may be regularly monitored, and managed and progressed towards either resolution without a hearing or readiness for hearing

Registrar's list date, in relation to a Registrar's list, means the date on which applications entered on that list will next be reviewed by the Registrar

Registrar's list of applications for dissolution orders means a list on which a Registrar enters applications for an order dissolving a marriage or civil union made under—

(a) section 37 of the Family Proceedings Act 1980 (that is, applications for a dissolution order: irreconcilable breakdown); and

(b) section 39A of the Family Proceedings Act 1980 (that is, applications for a dissolution order: protected person under protection order)

representative means—

(a) a person treated as appointed as a next friend for a minor under rule 90B; or

(b) a person appointed as a litigation guardian for a minor under rule 90C; or

(ba) in relation to a child as defined in section 8 of the Family Violence Act 2018 and to whom section 62 or 140 of that Act applies, an authorised approved organisation; or

(c) in relation to a person lacking capacity to whom section 67 of the Family Violence Act 2018 applies, a person appointed under rule 90D as a litigation guardian, or an approved organisation authorised by section 74 of that Act, to take proceedings under that Act on behalf of that person; or

(d) a person appointed under rule 90F as a litigation guardian for an incapacitated person; or

(e) in relation to a person to whom section 69 of the Family Violence Act 2018 applies who is unable to make an application personally by reason of physical incapacity, fear of harm, or other sufficient cause, a litigation guardian appointed under section 69 of that Act, or an approved organisation authorised by section 74 of that Act, to take proceedings under that Act on behalf of that person; or

(f) a person appointed under section 13 of the Harassment Act 1997 as a representative of a person who is unable or unwilling to make an application personally by reason of physical incapacity or fear of harm or other sufficient cause; or

(g) a person appointed as a guardian *ad litem* for a person under section 10(1)(i) of the Protection of Personal and Property Rights Act 1988; or

(h) a person appointed as an attorney for another person under an enduring power of attorney for the purpose of Part 9 of the Protection of Personal and Property Rights Act 1988 (but only if that enduring power of attorney authorises the attorney to bring or defend proceedings on behalf of the person, and only in a proceeding to which that authority extends)

social worker has the same meaning as in section 2(1) of the Oranga Tamariki Act 1989

without notice, in relation to an application under a family law Act or the District Court Rules 2014, includes an application that the Act provides, or that those rules provide, may be made *ex parte*

working day, in relation to a court, means a day on which the court office is not closed under DCR 2.1 or 2.3 (and DCR 1.22 applies accordingly).

(2) Wherever the term court office is used in these rules, the term court registry or a similar term may be used instead, whether in forms or other documents used for the purposes of these rules or in proceedings to which these rules apply, or as the case requires, for any other legal purpose.

Compare: SR 1992/109 r 3

Rule 8(1) **address for service**: amended, on 23 December 2022, by rule 4 of the Family Court Amendment Rules 2022 (SL 2022/344).

Rule 8(1) **address for service**: amended, on 11 October 2013, by rule 4 of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Rule 8(1) **approved organisation**: inserted, on 1 July 2019, by rule 5(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 8(1) **authorised approved organisation**: inserted, on 1 July 2019, by rule 5(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 8(1) **court**: replaced, on 1 July 2019, by rule 47(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 8(1) **court** paragraph (a): replaced, on 2 May 2024, by rule 4(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 8(1) **DCRs**: replaced, on 1 July 2014, by rule 5(1) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 8(1) **DCRs**: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 8(1) **electronic address**: inserted, on 5 June 2020, by rule 4 of the Family Court (Emergency) Amendment Rules 2020 (LI 2020/105).

Rule 8(1) **emergency**: inserted, on 5 June 2020, by rule 4 of the Family Court (Emergency) Amendment Rules 2020 (LI 2020/105).

Rule 8(1) **Family Court Associate**: inserted, on 2 May 2024, by rule 4(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 8(1) **fee**: inserted, on 1 March 2014, by rule 4(1) of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 8(1) **HCRs** or **High Court Rules**: inserted, on 1 November 2009, by rule 4(1) of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 8(1) **HCRs** or **High Court Rules**: amended, on 18 October 2016, by section 183(c) of the Senior Courts Act 2016 (2016 No 48).

Rule 8(1) **incapacitated person**: inserted, on 7 August 2008, by rule 4(1) of the Family Courts Amendment Rules 2008 (SR 2008/207).

Rule 8(1) **Judge** paragraph (b): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 8(1) **Judge** paragraph (b): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 8(1) **lawyer**: replaced, on 1 March 2014, by rule 4(2) of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 8(1) **litigation guardian**: inserted, on 7 August 2008, by rule 4(1) of the Family Courts Amendment Rules 2008 (SR 2008/207).

Rule 8(1) **litigation guardian** paragraph (a): replaced, on 1 March 2014, by rule 4(3) of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 8(1) **Minister**: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 8(1) **Registrar**: replaced, on 1 July 2019, by rule 47(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 8(1) **Registrar's list** paragraph (a): amended, on 1 November 2009, by rule 4(2) of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 8(1) **Registrar's list date**: inserted, on 1 November 2009, by rule 4(1) of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 8(1) **Registrar's list of applications for dissolution orders**: inserted, on 17 October 2025, by rule 4 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 8(1) **Registrar's list of section 37 applications**: revoked, on 17 October 2025, by rule 4 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 8(1) **representative**: replaced, on 1 March 2014, by rule 4(4) of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 8(1) **representative** paragraph (ba): inserted, on 1 July 2019, by rule 5(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 8(1) **representative** paragraph (c): replaced, on 1 July 2019, by rule 5(3) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 8(1) **representative** paragraph (e): replaced, on 1 July 2019, by rule 5(4) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 8(1) **social worker**: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 8(1) **without notice**: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 8(1) **working day**: replaced, on 1 July 2014, by rule 5(3) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 8(2): inserted, on 1 July 2014, by rule 5(4) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

9 Words and expressions defined in Acts

Unless the context otherwise requires, a word or expression used in a rule or form in these rules and defined in an Act must be given the meaning the Act gives it if—

(a) the Act deals with the subject matter of the rule or form; and

(b) the word or expression is not defined in these rules.

Compare: SR 1981/261 r 3(2)

10 References to prescribed forms

(1) In these rules, a reference to a numbered form is a reference to that form as set out in Schedules 1 to 10.

(2) For requirements to use forms, *see* rules 62, 62A, and 62AB, and the special rules in Parts 5 and 5A.

Rule 10(1): amended, on 31 March 2014, by rule 7(1) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 10(2): replaced, on 31 March 2014, by rule 7(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 10(2): amended, on 1 July 2019, by rule 6 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Family Court Associates

Heading: inserted, on 2 May 2024, by rule 5 of the Family Court Amendment Rules 2024 (SL 2024/35).

10A Jurisdiction and powers of Family Court Associates

(1) In addition to the jurisdiction and powers conferred on Family Court Associates by the Family Court Act 1980 or any other enactment, Family Court Associates have the jurisdiction and powers specified in these rules.

(2) However, nothing in these rules confers, or is to be taken to confer, any jurisdiction or powers of the court or a Judge on Family Court Associates—

(a) in relation to proceedings under—

(i) the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003:

(ii) the Mental Health (Compulsory Assessment and Treatment) Act 1992:

(iii) the Oranga Tamariki Act 1989:

(iv) the Substance Addiction (Compulsory Assessment and Treatment) Act 2017:

(b) to take any step in a proceeding under the Care of Children Act 2004 that is classified as a complex case (*see* rule 416UA):

(c) to hear and determine an interlocutory application that—

(i) is made without notice in reliance on rule 220(2)(a):

(ii) is an application for a rehearing:

(d) to hear and determine a substantive application (whether made on notice or without notice) unless authorised by the Act under which the application is made:

(e) to commit a person to a prison or to enforce an order by committal:

(f) to review any decision of a Judge.

Rule 10A: inserted, on 2 May 2024, by rule 5 of the Family Court Amendment Rules 2024 (SL 2024/35).

Registrars' duties and powers

11 Requirements imposed on Registrars by rules

A requirement imposed on a Registrar by these rules to do a thing is a requirement to take all reasonably practicable steps to ensure that the thing is done.

12 Powers of Registrars under rules

(1) A Registrar has all the powers of a Judge to do any of the following if, and to the extent that, these rules authorise a Registrar to do any of the following:

(a) hear and determine any proceedings:

(b) make any direction or order.

(2) Nothing in this rule—

(a) authorises a Registrar to commit a person to a prison or to enforce an order by committal:

(b) limits any right of review by a Family Court Associate or Judge of a decision of a Registrar.

(3) An order made by a Registrar under these rules has the same effect, and is enforceable in the same manner, as if it were an order of a Judge.

(4) An order made by a Family Court Associate or Judge may be signed by a Registrar in his or her own name and description.

(5) *[Revoked]*

Rule 12(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 12(2)(a): amended, on 1 July 2005, by rule 4 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Rule 12(2)(b): amended, on 2 May 2024, by rule 6 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 12(4): amended, on 2 May 2024, by rule 6 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 12(5): revoked, on 23 December 2022, by rule 5 of the Family Court Amendment Rules 2022 (SL 2022/344).

General matters

13 Practices must be consistent

(1) A practice that is not consistent with these rules or a family law Act must not be followed in the court.

(2) Subclause (1) overrides rules 14 to 16.

Compare: SR 1981/261 r 5(1)

Rule 13(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

14 Directions in case of doubt

(1) A person in doubt about any matter of procedure under these rules may make an interlocutory application without notice to the court for directions, and the court may make a decision and give directions on that matter.

(2) If there is a doubt about the application of a rule to any proceedings, the court may make a decision and give directions—

(a) on an interlocutory application without notice made for the purpose by any person; or

(b) on its own initiative.

(3) A step taken in accordance with directions under this rule is in accordance with these rules.

(4) This rule is subject to rule 13(1).

Compare: SR 1992/109 r 8

Rule 14(1): replaced, on 2 May 2024, by rule 7 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 14(2): replaced, on 2 May 2024, by rule 7 of the Family Court Amendment Rules 2024 (SL 2024/35).

15 Matters not expressly provided for in rules

(1) The court must deal with any matter not provided for by any enactment (including any of these rules)—

(a) under provisions of these rules dealing with similar matters if that can be done; or

(b) in a way decided by the court, in the light of the purpose of these rules, if the court considers the matter cannot be dealt with under provisions of these rules dealing with similar matters.

(2) This rule is subject to rule 13(1).

Compare: SR 1992/109 r 9

Rule 15(1): replaced, on 2 May 2024, by rule 8 of the Family Court Amendment Rules 2024 (SL 2024/35).

16 Directions to regulate court's business

(1) A Family Court Associate or Judge presiding over the court may, at any time, give any directions that they think proper for regulating the court's business.

(2) This rule is subject to rule 13(1).

Rule 16: replaced, on 2 May 2024, by rule 9 of the Family Court Amendment Rules 2024 (SL 2024/35).

17 Failure to comply with rules

(1) If these rules have not been complied with in beginning or purporting to begin any proceedings, or at any stage in the course of or in connection with any proceedings, that failure to comply—

(a) must be treated as an irregularity; and

(b) does not nullify—

(i) the proceedings; or

(ii) any step taken in the proceedings; or

(iii) any document, judgment, or order in the proceedings.

(2) If these rules have not been fully complied with at some stage of any proceedings,—

(a) the Judge may set the proceedings aside entirely or take any or all of the following steps:

(i) set the proceedings aside in part:

(ii) set aside, wholly or in part, any step in them:

(iii) set aside, wholly or in part, any document, judgment, or order in them:

(iv) allow the proceedings to be amended; and

(b) whether or not he or she acts under paragraph (a), the Judge may make any other order (for example, as to costs, or adjourning the proceedings) he or she thinks appropriate.

(3) The Judge must not set the proceedings aside entirely just because they were not commenced by the kind of application required by these rules.

(4) The Judge must not act under subclause (2)(a) on an interlocutory application made by a party unless—

(a) the application has been made within a reasonable time of the non-compliance concerned; and

(b) the party has not taken any fresh step after becoming aware of the non-compliance.

(5) Subclause (4) does not prevent the Judge from making an order on his or her own initiative (whether or not a party has made an interlocutory application for the purpose).

Compare: SR 1992/109 r 5

Rule 17(1): replaced, on 7 August 2008, by rule 5 of the Family Courts Amendment Rules 2008 (SR 2008/207).

Part 2
General procedure in Family Court

Part 2 heading: replaced, on 1 July 2019, by rule 49 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Overview of Part

18 Overview of this Part

(1) This Part sets out the general procedure in the Family Court in all proceedings other than those to which Part 5A applies.

(2) It should be read with all other Parts of these rules.

(3) The application of this Part to proceedings is modified by any rules in Part 5 that apply to the proceedings (Part 5 contains rules that modify this Part).

(4) Among other things, this Part deals with the following matters:

(a) commencement of proceedings:

(b) what to file:

(c) where applications are to be made:

(d) how to file documents in court:

(e) procedures before, at, and at the end of, any hearing:

(f) rehearings and appeals.

(5) This rule is only a guide to the general scheme and effect of this Part.

Rule 18(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 18(1): amended, on 31 March 2014, by rule 8 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Commencement of proceedings

19 How proceedings are commenced

For the purposes of these rules, proceedings are commenced when a person makes an application to the court for a particular order or declaration under a family law Act.

Rule 19: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

What to file

20 Documents to be filed to make application

(1) An application is made by filing the following documents:

(a) the application form for the particular order or declaration sought, which must, if practicable, list the names and addresses of the persons on whom the application is required or intended to be served (*see* rule 36):

(b) an information sheet that contains particulars about the parties:

(c) any affidavit required or permitted by special rules in Part 5 to be filed with the documents to be filed to make the application (*see* rule 21):

(d) any other documents required or permitted by a family law Act or these rules to be filed with the documents to be filed to make the application (for examples, *see* rule 22):

(e) if the applicant is acting in a representative capacity, a statement setting out the capacity in which the applicant is acting, as required by rule 94:

(f) if an order or agreement is to be used in support of the application, a copy of that order or agreement (unless a Registrar directs otherwise).

(2) If the application is on notice, then, together with the documents referred to in subclause (1), there must also be filed the same number of copies of the documents specified in rule 32(3) (except paragraph (c)) as there are persons on whom documents relating to the application are required or intended to be served.

Rule 20(1)(a): replaced, on 1 July 2019, by rule 7 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 20(1)(b): replaced, on 1 July 2019, by rule 7 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 20(1)(f): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

20A Special rules relating to information sheets

For the purpose of rule 20(1)(b),—

(a) an information sheet filed with an application under either of the following Acts must be in an approved form:

(i) the Care of Children Act 2004 (*see* rule 416F(4)(b)):

(ii) the Family Violence Act 2018 (*see* rule 309(1)(a)):

(b) an information sheet filed with an application under the Oranga Tamariki Act 1989 must be on yellow paper and in form OT 4 (in Schedule 4):

(c) an information sheet filed with an application under the Protection of Personal and Property Rights Act 1988 must be on yellow paper and in form PPPR 14 (in Schedule 9):

(d) an information sheet filed with any other application must be on yellow paper and in form G 7 (in Schedule 1).

Rule 20A: inserted, on 1 July 2019, by rule 8 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 20A(b): amended, on 13 August 2020, by rule 4 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

21 Special rules relating to affidavits

For the purposes of rule 20(1)(c),—

(a) applicants for an adoption order must file with the documents to be filed to make their application, or file before any hearing of their application, an affidavit that complies with rule 244:

(b) applicants under the Child Support Act 1991 who make certain applications without notice, or who make certain applications on notice, must file with the other documents to be filed to make their application an affidavit in support (*see* rules 257 and 258):

(c) *[Revoked]*

(d) applicants (and other parties) under the Child Support Act 1991 must, at least 10 working days before the hearing of the application, file an affidavit of financial means and their sources (*see* rule 266(1)):

(e) applicants for a protection order or for a property order (as defined in rule 304) under the Family Violence Act 2018 must file with the other documents to be filed to make their application an affidavit of the kind referred to in rule 309(1)(b):

(f) applicants under the Family Proceedings Act 1980 who make certain applications without notice must file with the other documents to be filed to make their application an affidavit in support (*see* rule 336):

(g) applicants for a dissolution order: irreconcilable breakdown, under section 39 of the Family Proceedings Act 1980, may file with the other documents to be filed to make their application an accompanying affidavit (*see* rule 337):

(ga) applicants for a dissolution order: protected person under protection order, under section 39A of the Family Proceedings Act 1980, must file with the other documents to be filed to make their application an accompanying affidavit (*see* rule 337):

(h) applicants under the Family Protection Act 1955 or the Law Reform (Testamentary Promises) Act 1949 must, if their application is made without notice, file with the other documents to be filed to make their application an affidavit of the kind referred to in rule 383:

(i) applicants under the Property (Relationships) Act 1976 must file with the other documents to be filed to make their application an affidavit that includes the information specified in rule 392 and, if rules 398 and 399 apply to their application, must also file and serve (within the time specified in rule 398(1)) an affidavit of the kind referred to in rule 398(1)(a).

Rule 21(c): revoked, on 1 July 2023, by section 25 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Rule 21(e): replaced, on 1 July 2019, by rule 9 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 21(f): amended, on 31 March 2014, by rule 9 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 21(g): amended, on 17 October 2025, by rule 5(1) of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 21(ga): inserted, on 17 October 2025, by rule 5(2) of the Family Court Amendment Rules 2025 (SL 2025/205).

22 Special rules relating to other documents

Part 5 also contains special rules about other documents to be filed to make applications under the following family law Acts or to be filed before the hearing of those applications or by a time a Registrar may direct:

(a) Adoption Act 1955 (*see* rule 242 – evidence of child's identity, and rule 245 – other documents):

(b) Child Support Act 1991 (*see* rule 266(2) – further information to be filed and served before hearing):

(c) Oranga Tamariki Act 1989 (*see* rule 279 – application under section 68 of Act to be accompanied by documents on family group conference, and rule 289 – documents filed on family group conference):

(d) Family Violence Act 2018 (*see* rule 308 (certificate of lawyer to be included in certain applications without notice) and rule 309 (documents to be filed to make certain applications)):

(e) Family Proceedings Act 1980 (*see* rule 338 – separation order or separation agreement, rule 339 – marriage or civil union certificate, and rule 344 – affidavit of financial means and their sources):

(f) Protection of Personal and Property Rights Act 1988 (*see* rule 408(a) – medical or other report in support of application to be filed).

Rule 22: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 22(c): amended, on 13 August 2020, by rule 5 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Rule 22(c): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 22(d): replaced, on 1 July 2019, by rule 10 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 22(e): amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

23 Applications generally to be made on notice

An application must be made on notice unless rule 24(1) or (2) applies.

24 Applications that may be made without notice

(1) An application need not be made on notice if the family law Act under which it is made provides, or any other of these rules provide, that the application, or an application of that kind, may be made without notice.

(2) An application need not be made on notice if subclause (1) does not apply and the application, or an application of that kind, is not expressly required to be

made on notice by the family law Act under which it is made or by any other of these rules, and the court is satisfied that—

(a) the delay that would be caused by making the application on notice would or might entail,—

(i) in proceedings under the Child Support Act 1991 or the Family Proceedings Act 1980 or subpart 4 of Part 2 of the Care of Children Act 2004, serious injury or undue hardship, or risk to the personal safety of the applicant or any child of the applicant's family, or both; and

(ii) in proceedings under the Family Violence Act 2018, a risk of harm or undue hardship to the applicant or any child of the applicant's family, or both; and

(iii) in proceedings under the Property (Relationships) Act 1976, irreparable injury; or

(b) the application affects the applicant only, or is in respect of a routine matter, or is about a matter that does not affect the interests of any other person; or

(c) every person in respect of whom the order is sought has either died or cannot be found.

Rule 24(2)(a)(i): amended, on 31 March 2014, by rule 10 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 24(2)(a)(ii): amended, on 1 July 2019, by rule 11 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

25 Two or more applications may be made together

(1) Two or more applications may be made together if the applications relate to proceedings under—

(a) the same family law Act; or

(b) the Family Proceedings Act 1980 and the Property (Relationships) Act 1976; or

(c) the Family Protection Act 1955 and the Law Reform (Testamentary Promises) Act 1949 (*see* rule 385(1)).

(2) However, applications made together under the Oranga Tamariki Act 1989 must not relate to more than 1 child or young person unless the same persons or organisations are to be parties to the proceedings in respect of those children or young persons.

(3) Applications made together may be made in a single combined application form, and—

(a) 1 signature by the applicant on the form is sufficient:

(b) 1 information sheet is sufficient for all the applications:

(c) 1 front page referring to all the applications is sufficient:

(d) each order or declaration sought must be clearly identified in the form by an appropriate heading:

(e) explanatory notes from separate application forms may be combined and amended in the single combined application form if that is necessary to avoid duplication.

(4) Subclause (3) overrides rule 20(1).

Rule 25(1)(b): replaced, on 31 March 2014, by rule 11 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 25(2): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

26 Documents relating to earlier proceedings

(1) If some or all of the parties to an application under a family law Act (the **later application**) were parties to an application made earlier to a different court under that Act or under a former Act that corresponds to that Act (the **earlier application**), the later application must show—

(a) the location of the court in which the earlier application or applications were made (if known to the applicant); and

(b) the file number of the earlier application or, if the applicant does not know the file number, any information that may help a Registrar to find it out.

(2) If the earlier application and the later application were made under the Oranga Tamariki Act 1989 or a former Act that corresponds to that Act, subclause (1) applies only if those applications are made in respect of the same child or young person.

(3) If the later application is made under the Family Violence Act 2018, the reference in subclause (1) to "the earlier application" must be read as if it includes references to applications for an order under the Family Proceedings Act 1980 or under the Guardianship Act 1968 or under the Care of Children Act 2004.

(4) Nothing in this rule limits rule 433 (transfer of documents relating to earlier application).

Compare: 1996/148 r 25

Rule 26(1)(b): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 26(2): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 26(3): amended, on 1 July 2019, by rule 12 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 26(3): amended, on 1 July 2005, by rule 8 of the Family Courts Amendment Rules 2005 (SR 2005/101).

27 Documents or forms for filing to comply with requirements

Every document or form to be filed must comply with applicable requirements stated or referred to in rules 63 to 74 (shape, etc, of documents to be filed), for example,—

(a) if the document is not a document referred to in rule 72(4), it must have a front page stating an address for service; and

(b) if the document is the first document filed by, or on behalf of, a party, it must have on that front page the memorandum required by rule 82 (memorandum to be on front page with first document filed).

Rule 27(a): amended, on 1 July 2019, by rule 13 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Where applications to be made

28 Applications to be filed in proper office of the court

(1) Unless an Act or another of these rules requires otherwise, every application must be filed—

(a) in the office of the court nearest to where the applicant (or any one of the applicants) resides; or

(b) in the office of the court nearest to where the person who may oppose, or be interested in, or be likely to be affected by, the application (or, if there are 2 or more persons of that kind, any one of those persons) resides; or

(c) in the office of the court that is specified in a written consent that is signed by each person who may oppose, or be interested in, or be likely to be affected by, the application.

(2) Subclause (1) does not apply to the following appeals and applications (which must each be filed or made in the office of the court nearest the Registrar-General's office):

(a) appeals to the office of the court under section 30 of the Births, Deaths, Marriages, and Relationships Registration Act 2021:

(b) applications to the office of the court under section 85 of that Act.

(3) Part 5 contains special rules about the proper office of the court for the following applications:

(a) applications under the Child Support Act 1991 if the Commissioner is a party (*see* rule 261); and

(b) applications under the Oranga Tamariki Act 1989 (*see* rule 277); and

(c) applications under the Family Violence Act 2018 (*see* rule 312); and

(d) applications under, and certain applications filed with or in relation to applications under, Part 4 of the Family Proceedings Act 1980 (*see* rule 340); and

(e) applications under the Property (Relationships) Act 1976 (*see* rule 390); and

(f) applications under the Protection of Personal and Property Rights Act 1988 (*see* rule 407).

Rule 28 heading: amended, on 1 July 2019, by rule 50(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 28(1)(a): amended, on 1 July 2019, by rule 50(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 28(1)(b): amended, on 1 July 2019, by rule 50(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 28(1)(c): amended, on 1 July 2019, by rule 50(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 28(2): amended, on 1 July 2019, by rule 50(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 28(2)(a): amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Rule 28(2)(a): amended, on 1 July 2019, by rule 50(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 28(2)(b): amended, on 1 July 2019, by rule 50(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 28(3): amended, on 1 July 2019, by rule 50(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 28(3)(b): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 28(3)(c): replaced, on 1 July 2019, by rule 14 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

How to file documents in court

29 How to file documents in court

An application must be filed in accordance with rules 75 and 76.

30 Procedure if applications presented or accepted for filing in wrong office of the court

(1) A Registrar who considers that the documents to be filed to make an application have been presented for filing in the wrong office of the court may decline to accept them for filing.

(2) An applicant who disagrees with the Registrar about whether the office of the court is the proper office of the court in which to make the application may, by an interlocutory application for the purpose, apply for a direction from a Family Court Associate or Judge that the applicant is entitled to make the application in that office of the court.

(3) If an application is filed in the wrong office of the court, a Family Court Associate or Judge may, on their own initiative or an interlocutory application for the purpose, direct that the proceedings—

(a) be transferred to the proper office of the court; or

(b) may continue in the office of the court in which they have been commenced, in which case no later objection may be taken on the grounds that the proceedings are being conducted in the wrong office of the court.

(4) A direction under subclause (3) may be subject to any terms or conditions the Family Court Associate or Judge thinks fit.

Rule 30 heading: amended, on 1 July 2019, by rule 51(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 30(1): amended, on 1 July 2019, by rule 51(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 30(2): amended, on 2 May 2024, by rule 10(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 30(2): amended, on 1 July 2019, by rule 51(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 30(3): amended, on 2 May 2024, by rule 10(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 30(3): amended, on 1 July 2019, by rule 51(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 30(3)(a): amended, on 1 July 2019, by rule 51(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 30(3)(b): amended, on 1 July 2019, by rule 51(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 30(4): amended, on 2 May 2024, by rule 10(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

31 Procedure if applications presented for filing but incomplete or otherwise not in order

(1) A Registrar who considers that documents to be filed to make an application, and presented for filing, are incomplete, or otherwise not in order, may—

(a) decline to accept them for filing; or

(b) decline to accept them for filing, but explain to the applicant, and ask the applicant to do, what is necessary to put them in order for filing.

(1A) An information sheet required to be filed under rule 20(1)(b) that is not on yellow paper is in order and must, when presented for filing, be accepted by a Registrar.

(2) A person who is dissatisfied with a Registrar's decision under subclause (1) may make an interlocutory application without notice to the court to have the decision varied or rescinded.

Rule 31(1A): inserted, on 7 August 2008, by rule 6 of the Family Courts Amendment Rules 2008 (SR 2008/207).

Rule 31(1A): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 31(2): amended, on 2 May 2024, by rule 11 of the Family Court Amendment Rules 2024 (SL 2024/35).

32 Procedure if application on notice accepted for filing

(1) A Registrar who accepts for filing an application on notice must immediately either—

(a) enter the application on a Registrar's list and assign it a Registrar's list date; or

(b) fix a date and time for the hearing of the application.

(2) A Registrar must then promptly—

(a) inform the applicant and respondent of—

(i) the Registrar's list date assigned under subclause (1)(a); or

(ii) the date and time fixed for the hearing of the application under subclause (1)(b); and

(b) complete, for each person required or intended to be served with the application, a copy of any notice to respondent or similar notice (set out in Schedules 2 to 9) indicating that the application has been made and how, in general terms, it may be responded to or defended; and

(c) issue for service on (that is, in general terms, make ready and complete for delivering to) each person of that kind a copy of the documents specified in subclause (3).

(3) The documents referred to in subclause (2)(c) are—

(a) the application form; and

(b) the information sheet; and

(c) any notice to respondent or similar notice completed under subclause (2)(b); and

(d) any affidavits filed with the application; and

(e) any other document required to be issued for service on each person of that kind by a special rule contained in Part 5 (for example, by rule 408(b)).

(4) Subclauses (2) and (3) do not apply where a Registrar accepts for filing an application on notice for a separation order made under section 20 of the Family Proceedings Act 1980 (*see* instead rules 341 and 342).

(5) A court may, on its own initiative or on an interlocutory application for the purpose, order that a copy of an affidavit issued for service under subclause (2)(c)—

(a) not be served on any or all of the persons required or intended to be served with the application; or

(b) not be served on any or all of those persons for the time being.

(6) An applicant who has made an application on notice or a Registrar may, under rules 77 to 79, amend the application.

Rule 32(1): replaced, on 1 November 2009, by rule 5(1) of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 32(2): replaced, on 1 November 2009, by rule 5(1) of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 32(4): replaced, on 1 November 2009, by rule 5(2) of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 32(4): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 32(5): amended, on 2 May 2024, by rule 12 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 32(6): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

33 Procedure if application without notice accepted for filing

(1) A Registrar who accepts for filing an application without notice must, if the application requires an appearance by the applicant,—

(a) fix a date and time for the hearing of the application; and

(b) inform the applicant of the date and time fixed for the hearing.

(2) An applicant who has made an application without notice or a Registrar may, under rules 77 to 79, amend the application.

Rule 33(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

34 Orders made on applications without notice

If an application without notice is made, and an order is made on the application,—

(a) a Registrar must, if the applicant was not present at the hearing of the application, make a copy of the order available to the applicant without delay:

(b) a copy of the order must, under rule 101 (documents to be served), be served on every person against whom the order is made:

(c) each person against whom the order is made may, at any time, make an interlocutory application to a Judge to have the order varied or rescinded.

Rule 34(a): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Before any hearing

35 Documents to be served if applications on notice

(1) The documents issued for service under rule 32(2)(c) in relation to an application (the **documents**) must be served in accordance with rules 101 to 130 on

every person required or intended to be served with documents relating to the application.

(2) If all reasonable efforts have been made to serve the documents in a manner required or (as the case requires) a manner permitted by these rules, but the documents have not been served in that manner, in certain circumstances the applicant may, under rule 126, apply for an order for substituted service (that is, an order dispensing with or changing the service required by these rules).

36 Who must be served with applications on notice

If an application on notice is made, a copy of the documents issued for service under rule 32(2)(c) in relation to the application must be served on each person who will be a party to, or interested in, or likely to be affected by, the proceedings unless the court or a Registrar directs otherwise on an interlocutory application for the purpose.

Rule 36: amended, on 2 May 2024, by rule 13 of the Family Court Amendment Rules 2024 (SL 2024/35).

37 Special rules relating to service

However, rule 36 is modified by special rules in Part 5 as to who must or may be served with documents relating to, or who must be given notice of, certain applications under certain family law Acts, including the following Acts:

(a) Adoption Act 1955 (*see*, for example, rule 253 – directions as to service of application for variation or discharge of adoption order):

(b) Child Support Act 1991 (*see*, for example, rule 266):

(c) Oranga Tamariki Act 1989 (*see*, for example, rules 280, 281, and 284):

(d) Family Proceedings Act 1980 (*see*, for example, rule 342 – restriction on service of application for separation order):

(e) Family Protection Act 1955, Law Reform (Testamentary Promises) Act 1949 (*see*, for example, rule 382 – order for directions as to service or for representation):

(f) Property (Relationships) Act 1976 (*see*, for example, rule 394 – who must be given notice of applications under Act):

(g) Protection of Personal and Property Rights Act 1988 (*see*, for example, rule 411 – who must be served with copy of applications under Act, and rule 412 – service on persons other than parties).

Rule 37(b): replaced, on 1 July 2005, by rule 9 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Rule 37(c): replaced, on 1 July 2005, by rule 9 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Rule 37(c): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 37(d): replaced, on 1 July 2005, by rule 9 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Rule 37(d): amended, on 31 March 2014, by rule 12 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 37(e): replaced, on 1 July 2005, by rule 9 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Rule 37(f): replaced, on 1 July 2005, by rule 9 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Rule 37(g): inserted, on 1 July 2005, by rule 9 of the Family Courts Amendment Rules 2005 (SR 2005/101).

38 Service of applications under certain Acts

If an application is made under one of the following family law Acts, rule 36 is subject to provisions in that Act that affect who must be served with the application:

(a) Births, Deaths, Marriages, and Relationships Registration Act 2021 (*see*, for example, sections 30(2)(a) and 133(3)(a) of that Act):

(ab) *[Revoked]*

(b) Domestic Actions Act 1975 (*see*, for example, section 10(1) of that Act):

(c) *[Revoked]*

Rule 38(a): replaced, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Rule 38(ab): revoked, on 14 August 2018, by section 40 of the Minors (Court Consent to Relationships) Legislation Act 2018 (2018 No 22).

Rule 38(c): revoked, on 14 August 2018, by section 40 of the Minors (Court Consent to Relationships) Legislation Act 2018 (2018 No 22).

39 Persons served with applications to give address for service

(1) A person who is served under rule 35 with an application, but who does not give an address for service, is not entitled—

(a) to be served with further notice of any step in connection with the proceedings, or of copies of any further documents filed in court in connection with the proceedings; or

(b) to address the court unless the court permits the person to do so either—

(i) on its own initiative; or

(ii) on an interlocutory application for the purpose.

(2) The person may give an address for service—

(a) by stating that address in the first document filed by, or on behalf of, the person (if a front page is required by rule 72 to be with the document, in that front page and, if no such front page is required, in or on the document itself); or

(b) by filing in court a notice of that address, and serving a copy of the notice on every other party to the proceedings.

(3) An address for service may be changed in the manner specified in rule 117 (change of address for service).

40 Notice of defence or notice of intention to appear

A person served under rule 35 with an application may, if permitted to do so by the family law Act under which the proceedings are brought or by special rules in Part 5 that apply to them, file in court and serve on every other party to the proceedings—

(a) a notice of defence to the application in form G 12:

(b) a notice of intention to appear and be heard in relation to the application in form G 13.

41 Time within which notice of defence, or notice of intention to appear, to be filed and served

A notice of defence or notice of intention to appear must be filed and served by a person served under rule 35 with an application—

(a) within 21 days (or any other period specified for the purposes of this paragraph by any special rules in Part 5 that apply to the proceedings) after the person receives service of the application and notice to respondent (or similar notice) completed under rule 32(2)(b); or

(b) if the person resides outside New Zealand, unless the court orders otherwise, within—

(i) 30 days if the person is served within the Commonwealth of Australia; or

(ii) 50 days if the person is served elsewhere; or

(c) if the person is the subject of an order for substituted service (*see* rule 126), within the time that the court or Registrar must fix on an interlocutory application that the applicant must make for the purpose.

Rule 41(b): replaced, on 7 August 2008, by rule 7 of the Family Courts Amendment Rules 2008 (SR 2008/207).

Rule 41(c): inserted, on 7 August 2008, by rule 7 of the Family Courts Amendment Rules 2008 (SR 2008/207).

Rule 41(c): amended, on 2 May 2024, by rule 14 of the Family Court Amendment Rules 2024 (SL 2024/35).

42 Non-compliance with rule 41

(1) This rule applies to a person who—

(a) is served with an application; and

(b) is permitted to file and serve a notice of defence or notice of intention to appear; and

(c) fails to file and serve a notice of defence or notice of intention to appear within the time specified in or under rule 41.

(2) If the person appears on the day of the hearing of the application to oppose or support the application, the Judge must decide whether it is in the interests of justice to allow the person to be heard.

(3) In deciding, for the purpose of subclause (2), whether to allow the person to be heard in relation to the application, the Judge must take into account the following matters:

(a) any reason given by the person for failing to comply with rule 41; and

(b) the effect of the person's failure to comply with rule 41 on—

(i) the other parties to the proceeding:

(ii) the management of the proceeding.

(4) The Judge may—

(a) allow the person to be heard in relation to the application on such terms as the Judge thinks fit; or

(b) decline to allow the person to be heard.

(5) If the Judge allows the person to be heard in relation to the application, the Judge may—

(a) either—

(i) proceed with the hearing of the application in accordance with any directions that the Judge thinks fit; or

(ii) adjourn the hearing of the application and give any directions about the adjourned hearing that the Judge thinks fit; and

(b) make an order against the person for costs properly incurred in consequence of his or her failure to comply with rule 41.

(6) If the Judge declines to allow the person to be heard, the Judge may proceed with the hearing of the application in accordance with rule 55(2) as if the person had not appeared.

Rule 42: replaced, on 3 August 2009, by rule 4 of the Family Courts Amendment Rules 2009 (SR 2009/185).

43 Appearance under protest to jurisdiction

(1) A respondent who objects to the jurisdiction of the court to hear and determine the proceedings in which the respondent has been served may, within the time specified in or under rule 41 for filing a notice of defence, and instead of doing so, file and serve an appearance stating the respondent's objection and the grounds for it.

(2) The filing and serving of an appearance under subclause (1) is not, and must not be treated as, a submission to the jurisdiction of the court in the proceedings.

(3) A respondent who has filed an appearance under subclause (1) may apply to the court to dismiss the proceedings on the ground that the court has no jurisdiction to hear and determine them.

(4) On hearing an application under subclause (3), a Judge,—

(a) if satisfied that they have no jurisdiction to hear and determine the proceedings, must dismiss them; but

(b) if satisfied that they have jurisdiction to hear and determine the proceedings, must dismiss the application and set aside the appearance.

(5) At any time after an appearance has been filed under subclause (1), the applicant may make an interlocutory application to have the court set aside the appearance.

(6) On hearing an application under subclause (5), a Judge,—

(a) if satisfied that they have jurisdiction to hear and determine the proceedings, must set aside the appearance; but

(b) if satisfied that they have no jurisdiction to hear and determine the proceedings, must dismiss both the application and the proceedings.

(7) The Judge, in exercising their powers under this rule, may do so on any terms and conditions that may be just and, in particular, on setting aside the appearance may—

(a) extend the time within which the respondent may file and serve a notice of defence; and

(b) give any directions that may appear necessary regarding any further steps in the proceedings.

(8) To the extent that an application under this rule relates to service of process effected outside New Zealand under DCR 6.23 or DCR 6.24 (as applied by rule 130(2)(a) or (b)), it must be determined under DCR 6.25 (as applied by rule 130(2)(c)).

(9) But both this rule and DCR 6.25 (as applied by rule 130(2(c)) are subject to section 27(1) of the Trans-Tasman Proceedings Act 2010, which provides that a New Zealand court cannot stay a civil proceeding before it on forum grounds connected with Australia otherwise than in accordance with subpart 2 of Part 2 of that Act.

Compare: SR 1992/109 r 139

Rule 43(4): replaced, on 2 May 2024, by rule 15(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 43(6): replaced, on 2 May 2024, by rule 15(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 43(7): amended, on 2 May 2024, by rule 15(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 43(8): inserted, on 11 October 2013, by rule 5 of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Rule 43(8): amended, on 1 July 2014, by rule 6(1) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 43(8): amended, on 1 July 2014, by rule 6(2) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 43(9): inserted, on 11 October 2013, by rule 5 of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Rule 43(9): amended, on 1 July 2014, by rule 6(3) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

44 Appearance for ancillary purposes

A respondent who does not oppose the applicant's application, but who desires to be heard on any ancillary matter (including costs) may, without filing a notice of defence, file and serve an appearance specifying those matters, and, once that is done, no matter specified in the appearance may be determined except on notice to that respondent.

Compare: SR 1992/109 r 140

45 Appearance reserving rights

(1) Subclause (2) applies to a respondent who does not oppose the applicant's application, but who desires to reserve the respondent's rights in the event—

(a) that any other person may become a party to the proceedings; or

(b) that any person, already a party, may take some steps in the proceedings adverse to the respondent's interests.

(2) The respondent may file and serve an appearance reserving those rights, and, once that is done, the respondent is entitled to be served with all documents relevant to the rights so reserved that may be filed in the proceedings by any person who is or may become a party to them.

(3) A respondent who has filed an appearance under subclause (2) may at any time, by leave of the court, file and serve a notice of defence and any other document, within a time and on any terms and conditions the court specifies on granting the leave.

Compare: SR 1992/109 r 141

46 Forms for entering appearance

(1) Form G 22 (set out in Schedule 1) may be used for the purpose of entering an appearance under rule 43.

(2) Form G 23 (set out in Schedule 1) may be used for the purpose of entering an appearance under rule 44.

(3) Form G 24 (set out in Schedule 1) may be used for the purpose of entering an appearance under rule 45.

Rule 46: replaced, on 1 November 2009, by rule 6 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

47 Getting more information or getting admissions

(1) A party to an application may get more information, or get an admission, from another party to the proceedings, or a person who is not a party to the proceedings, by—

(a) filing and serving on the other party interrogatories, under the provisions of the District Court Rules 2014 specified in rule 137(2):

(b) issuing to the other party, under rule 138, a notice to admit facts:

(c) issuing to the other party, under rule 139, a notice requiring the other party to file in court and serve on each person served with the proceedings further particulars:

(d) applying to the court (*see* rules 140 to 152) for an order for discovery of documents that—

(i) are or have been in the possession or power of the other party or of the person who is not a party; and

(ii) relate to a matter in question in the proceedings:

(e) issuing to the other party, under rule 153, a notice to produce documents:

(f) issuing to the other party, under rule 154, a notice to admit documents.

(2) In subclause (1),—

further particulars means further information required to ensure that the court and the party issuing the notice are fully and fairly informed of the matters relied on by the other party

interrogatories means questions in writing that a party to proceedings asks another party to the proceedings about matters in issue between them in the proceedings

notice to admit documents means a notice requiring the other party to admit, for the purpose of the proceedings only, the authenticity of a document specified in the notice or, by another notice served on the party issuing the first notice, to dispute the authenticity of that document

notice to admit facts means a notice requiring the other party to admit, for the purpose of the proceedings only, facts specified in the notice or, unless the court orders otherwise on an interlocutory application for the purpose, to pay the cost of proving those facts

notice to produce documents means a notice that must be treated as an order of the court and that requires the other party, unless the court orders otherwise on an interlocutory application for the purpose, to produce any document or thing specified in the notice for the purpose of evidence at any hearing of the application or before a Judge or other person authorised to take evidence in the proceedings.

Rule 47(1)(a): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 47(1)(d): amended, on 2 May 2024, by rule 16(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 47(2) **notice to admit facts**: amended, on 2 May 2024, by rule 16(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 47(2) **notice to produce documents**: amended, on 2 May 2024, by rule 16(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

48 Evidence at hearing generally to be by affidavit

(1) Evidence given in support of a party's case at any hearing of an application must be given by affidavit.

(2) Subclause (1) does not apply if a Judge, on their own initiative or on an interlocutory application for the purpose, directs that some or all of that evidence may be given orally.

Rule 48(2): amended, on 2 May 2024, by rule 17 of the Family Court Amendment Rules 2024 (SL 2024/35).

49 Procedure when evidence given by affidavit

The following rules apply in respect of affidavits:

(a) rule 157 (which relates to orders requiring people who refuse to make affidavits as to facts relevant to proceedings to appear and be examined on oath before the court as to those facts):

(b) rules 158 to 168 (which set out requirements affidavits must comply with, and permit the court to excuse non-compliance with some of those requirements):

(c) rule 156 (which prevents affidavits from being used or read in proceedings unless they have been properly taken and filed):

(d) rule 169 (which relates to cross-examination of a deponent who has sworn an affidavit for an opposite party and, by witness summons, compelling the deponent to attend at any hearing in order to be cross-examined).

Rule 49(b): amended, on 2 May 2024, by rule 18 of the Family Court Amendment Rules 2024 (SL 2024/35).

50 Witness summons

(1) A party to proceedings may ask a Registrar to issue a witness summons in form G 18 for a person if the party wants the person to attend any hearing of the application and—

(a) give oral evidence in accordance with a Judge's direction under rule 48:

(b) produce any document relating to a matter in question in the proceedings in the person's possession or power.

(2) On receiving a request under subclause (1), the Registrar must issue to the party the witness summons and a copy of it.

(3) The witness summons must be served on the witness concerned by personal service at a reasonable time before any date fixed for the hearing of the application.

(4) At the time of the service of the summons, there must be paid or tendered to the witness concerned the sum estimated to be payable to him or her for allowances and travelling expenses, but not fees, under the Witnesses and Interpreters Fees, Allowances, and Expenses Regulations 2023.

(5) Nothing in subclause (4) limits rule 51.

Rule 50(4): amended, on 1 May 2023, by regulation 16(1) of the Witnesses and Interpreters Fees, Allowances, and Expenses Regulations 2023 (SL 2023/18).

51 Witness entitled to expenses

(1) A witness attending the court on a witness summons or any other person giving evidence in the proceedings is entitled to receive, from the party calling him or her, a sum for fees, allowances, and travelling expenses in accordance with the Witnesses and Interpreters Fees, Allowances, and Expenses Regulations 2023.

(2) The court may, on an interlocutory application for the purpose,—

(a) disallow the whole or part of that sum; or

(b) order that subclause (1) does not apply.

(3) Subclause (1) does not apply to a person called as a witness by the court under section 169 of the Family Violence Act 2018 (including persons to whom that section applies by virtue of section 150(5), 208, or 209 of that Act).

(4) Nothing in subclause (3) limits regulations 8 to 10 of the Family Violence Regulations 2019.

Compare: SR 1996/148 r 99

Rule 51(1): amended, on 1 May 2023, by regulation 16(1) of the Witnesses and Interpreters Fees, Allowances, and Expenses Regulations 2023 (SL 2023/18).

Rule 51(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 51(3): replaced, on 1 July 2019, by rule 15 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 51(4): replaced, on 1 July 2019, by rule 15 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

52 Conferences

(1) In proceedings under the Oranga Tamariki Act 1989, the following conferences may be convened:

(a) a mediation conference (*see* rules 292 to 293):

(b) a judicial conference (*see* rules 294 to 295B).

(1A) In proceedings under the Protection of Personal and Property Rights Act 1988, a pre-hearing conference may be convened (*see* rules 413 and 414).

(2) In any proceedings, the court may at any time before or during the hearing of an application, either on its own initiative or on an interlocutory application for the purpose by a party, direct a Registrar to arrange for—

(a) a judicial conference to be convened under rule 174; or

(b) a settlement conference to be convened under rule 178.

(2A) A direction may be made under subclause (2)—

(a) on such terms as the court thinks fit; and

(b) whether or not a conference referred to in subclause (1) has been convened.

(3) Nothing in this rule limits the court's power, on an application under section 38 of the Property (Relationships) Act 1976, to appoint a Registrar of the court, or another person the court thinks fit, to make an inquiry into the matters of fact in issue between the parties, and to report on them to the court.

Rule 52(1): replaced, on 2 May 2024, by rule 19(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 52(1A): inserted, on 2 May 2024, by rule 19(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 52(2): replaced, on 1 November 2009, by rule 8 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 52(2): amended, on 2 May 2024, by rule 19(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 52(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 52(2A): inserted, on 1 November 2009, by rule 8 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 52(2A)(a): amended, on 2 May 2024, by rule 19(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 52(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Fixing date and time for hearing of application

Heading: inserted, on 27 May 2010, by rule 5 of the Family Courts Amendment Rules 2010 (SR 2010/97).

52A Family Court Associate or Judge may require Registrar to fix date and time for hearing of application

(1) The court may, at any time on its own initiative, direct a Registrar to fix a date and time for the hearing of an application.

(2) After the court gives a direction under subclause (1), the Registrar must—

(a) make inquiries with the parties to obtain an estimate of the duration of the hearing of the application, if an estimate is required; and

(b) fix a date and time for the hearing of the application; and

(c) give notice of the date and time of the hearing of the application to—

(i) the parties; and

(ii) any person (not being a party) who has filed a notice of intention to appear.

Rule 52A: inserted, on 27 May 2010, by rule 5 of the Family Courts Amendment Rules 2010 (SR 2010/97).

Rule 52A heading: amended, on 2 May 2024, by rule 20(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 52A(1): amended, on 2 May 2024, by rule 20(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 52A(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 52A(2): amended, on 2 May 2024, by rule 20(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

52B Parties may require Registrar to fix date and time for hearing of application

(1) This rule applies if—

(a) the time has expired for the filing of—

(i) a notice of defence; or

(ii) a notice of intention to appear; and

(b) a request for the convening of any of the following conferences has been disposed of:

(i) a mediation conference:

(ii) a settlement conference:

(iii) a judicial conference.

(2) A Registrar must fix a date and time for the hearing of an application if there is filed an application for fixture in form G 17 that is signed by, or on behalf of, all parties.

(3) A Registrar may fix a date and time for the hearing of an application even though the application for fixture is not signed by all of the parties if the Registrar is satisfied that the parties who have not signed the application—

(a) have refused to do so; and

(b) have no reasonable reason for that refusal.

(4) A Registrar who fixes a date and time under subclause (2) or (3) must note on the application for fixture that he or she has done so.

(5) A Registrar must give notice of the date and time of the hearing of the application to—

(a) the parties; and

(b) any person (not being a party) who has filed a notice of intention to appear.

Rule 52B: inserted, on 27 May 2010, by rule 5 of the Family Courts Amendment Rules 2010 (SR 2010/97).

Rule 52B(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 52B(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 52B(5): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

52C Parties to give Registrar information affecting duration of hearing

After receiving a notice under rule 52A(2)(c)(i) or 52B(5)(a), the parties must, without delay, give the Registrar all available information affecting the earlier estimate of the duration of the hearing.

Rule 52C: inserted, on 27 May 2010, by rule 5 of the Family Courts Amendment Rules 2010 (SR 2010/97).

52D Only certain steps may be taken after notice of hearing date given

(1) After a Registrar has given notice of the date and time fixed for the hearing of an application, a party may only do the following:

(a) file—

(i) an application for leave under subclause (2):

(ii) an application under rule 14 for directions:

(iii) an application under rule 78 to amend a document:

(b) file and serve—

(i) a notice under rule 169 requiring a deponent to attend the hearing for cross-examination:

(ii) further particulars in compliance with a notice issued under rule 139:

(c) comply with any direction or order of the court.

(2) No other step in the proceeding may be taken by a party except with the leave of the court granted on the application of that party.

Rule 52D: inserted, on 27 May 2010, by rule 5 of the Family Courts Amendment Rules 2010 (SR 2010/97).

Rule 52D(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 52D(2): amended, on 2 May 2024, by rule 21 of the Family Court Amendment Rules 2024 (SL 2024/35).

Steps at hearing

53 Court and Chambers

(1) A Judge may adjourn a hearing of an application from court to Chambers (that is, a venue the Judge considers more private than court), and from Chambers to court, in order to do justice between parties to the proceedings and any other persons affected, or likely to be affected, by the proceedings.

(2) A Judge may adjourn a hearing under subclause (1) on his or her own initiative or on an interlocutory application (either on notice or without notice) for the purpose.

54 Ascertaining wishes or views of child or young person

If the court is required, or considers it necessary or desirable, to ascertain the wishes of a child or young person at any hearing of any application, the court may—

(a) order that any party to the proceedings, and the lawyers or other persons representing a party or the child or young person, be excluded from the hearing for so long as may be necessary to ascertain those wishes or views; or

(b) direct when and where the Judge will ascertain those wishes or views.

Rule 54 heading: amended, on 1 July 2005, by rule 10(1) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Rule 54: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 54(a): amended, on 1 July 2005, by rule 10(2) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Rule 54(b): amended, on 1 July 2005, by rule 10(2) of the Family Courts Amendment Rules 2005 (SR 2005/101).

55 Procedure if some or all parties do not appear

(1) If no party appears, the Judge may dismiss the application.

(2) If the applicant appears but no other party appears, the applicant may proceed to establish the grounds on which he or she claims to be entitled to the order or declaration sought.

(3) If the applicant does not appear but another party appears and opposes the application, the Judge may—

(a) adjourn the hearing; or

(b) dismiss the application.

(4) Subclause (3) does not apply to a person to whom rule 42 applies.

Compare: SR 1992/109 rr 485–487

Rule 55(1): amended, on 2 May 2024, by rule 22 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 55(3): amended, on 2 May 2024, by rule 22 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 55(4): inserted, on 3 August 2009, by rule 5 of the Family Courts Amendment Rules 2009 (SR 2009/185).

56 Judgment following non-appearance may be set aside

A judgment given where a party does not appear at the hearing may be set aside or varied by the Judge on any terms they consider just if it appears to the Judge that there has been, or that there may have been, a miscarriage of justice.

Compare: SR 1992/109 r 488

Rule 56: amended, on 2 May 2024, by rule 23 of the Family Court Amendment Rules 2024 (SL 2024/35).

57 Procedure if all parties appear

(1) If all parties appear at the hearing, the applicant must state his or her case and give evidence in support unless the Judge directs another party to do so.

(2) When that party finishes stating his or her case and giving evidence in support, the other parties must state their cases and give evidence in support in a sequence directed by the Judge.

(2A) Subclause (2) does not apply to a person to whom rule 42 applies.

(3) When all parties have stated their cases and given evidence in support, the parties may address the court on the application generally in reverse sequence to that in which they stated their cases unless the Judge directs another sequence.

Compare: SR 1992/109 r 489

Rule 57(1): amended, on 2 May 2024, by rule 24(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 57(2): amended, on 2 May 2024, by rule 24(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 57(2A): inserted, on 3 August 2009, by rule 6 of the Family Courts Amendment Rules 2009 (SR 2009/185).

Rule 57(3): amended, on 2 May 2024, by rule 24(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Steps at end of hearing

58 What Judge may do at end of hearing

(1) At the end of a hearing of an application, the Judge may—

(a) adjourn the proceedings:

(b) stay or dismiss the application:

(c) deliver or reserve judgment on the application:

(d) make 1 or more interim orders or interlocutory orders:

(e) make, or defer until some fixed or indefinite later time the making of, 1 or more orders on the application.

(2) Subclause (1) does not limit or affect any power or duty of the Judge under these rules or any other enactment or rule of law.

(3) Rules 196 to 206 apply in respect of judgments and orders.

Rule 58 heading: amended, on 2 May 2024, by rule 25(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 58(1): amended, on 2 May 2024, by rule 25(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 58(2): amended, on 2 May 2024, by rule 25(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rehearings

59 Rehearings

Under rules 209 to 213,—

(a) a party to proceedings may apply for a rehearing of all or any part of an application on the grounds that there has been a miscarriage of justice in the proceedings:

(b) a Judge may consider the application for a rehearing and order that the application, or part of it, be reheard:

(c) a rehearing of the application, or part of it, may be conducted.

Rule 59(b): amended, on 2 May 2024, by rule 26 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rights of appeal to High Court

60 Rights of appeal under family law Acts

Certain parties to proceedings have, under the family law Act under which the proceedings were brought, rights of appeal to the High Court against an order made, or a refusal to make an order, or any other decision that finally determines or dismisses the proceedings.

Part 3
Rules about particular aspects of proceedings

Overview of Part

61 Overview of this Part

(1) This Part contains rules about particular aspects of proceedings in the Family Court.

(2) It should be read with all other Parts of these rules.

(3) The application of this Part to any proceedings is modified by any rules in Part 5 or Part 5A that apply to the proceedings.

(4) Among other things, this Part contains rules on the following matters:

(a) forms, and the shape, etc, of documents to be filed:

(b) how to file documents in court:

(c) lawyers and representatives:

(d) service of documents:

(e) discovery and inspection of documents:

(f) procedures when evidence is given by affidavit:

(g) conferences:

(h) judgments and orders:

(i) costs:

(j) rehearings.

(5) This rule is only a guide to the general scheme and effect of this Part.

Rule 61(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 61(3): replaced, on 31 March 2014, by rule 14 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Forms

62 Forms

(1) The forms to be used in proceedings in the court are those set out in Schedule 1, unless—

(a) a rule in Part 5 requires or permits, in proceedings under a particular family law Act, the use of a particular form set out in Schedules 2 to 9; or

(b) a rule in Part 5A requires or permits, in proceedings to which that Part applies, the use of a particular form set out in Schedule 10; or

(c) the use of an approved form—

(i) is required or permitted by a rule in Part 5A (*see* rules 62A and 416E); or

(ii) is required by rule 305(1)(b) or (c) (*see* rule 62AB).

(2) *[Revoked]*

(3) *[Revoked]*

(4) Forms prescribed by these rules may be varied as the circumstances of a particular case require.

(5) Strict compliance with forms prescribed by these rules is not required; substantial compliance, or the compliance that the particular circumstances of the case allows, is sufficient.

(6) If these rules do not prescribe a form for a particular purpose, an appropriate form may be devised by the parties or by the court, using as guides the forms prescribed by these rules.

Compare: SR 1996/148 r 9

Rule 62(1): replaced, on 31 March 2014, by rule 15 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 62(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 62(1)(c): replaced, on 1 October 2014, by rule 6 of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

Rule 62(1)(c)(ii): amended, on 1 July 2019, by rule 16 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 62(2): revoked, on 31 March 2014, by rule 15 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 62(3): revoked, on 31 March 2014, by rule 15 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

62A Approved forms for use in proceedings to which Part 5A applies

(1) The Secretary for Justice may approve forms that are to be used by applicants and parties in proceedings to which Part 5A applies (which are proceedings under the Care of Children Act 2004, other than proceedings under subpart 4 of Part 2 of that Act).

(2) The following rules apply to a document that is an approved form:

(a) rule 64 (about size of paper):

(b) rule 69 (about fastening and numbering of pages):

(c) rule 70 (about legibility):

(d) rule 71 (about signatures).

(3) Every form approved by the Secretary for Justice under this rule—

(a) must be published on the Ministry of Justice website; and

(b) must be available to be downloaded, free of charge, from that Internet site; and

(c) if the form corresponds to a form in Schedule 1, must identify the form to which it corresponds; and

(d) must include a front page, or require the attachment of a front page on an approved form.

Rule 62A: inserted, on 31 March 2014, by rule 16 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 62A(1): amended, on 1 July 2014, by rule 8(1) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 62A(3): amended, on 1 July 2014, by rule 8(2) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

62AB Approved forms for use in proceedings under Family Violence Act 2018

(1) The Secretary for Justice may approve forms that are required by rule 305(1)(b) and (c) to be used by service providers, applicants, parties, and other persons in proceedings under the Family Violence Act 2018.

(2) The following rules apply to a document that is an approved form:

(a) rule 64 (about size of paper):

(b) rule 69 (about fastening and numbering of pages):

(c) rule 70 (about legibility):

(d) rule 71 (about signatures).

(3) Every form approved by the Secretary for Justice under this rule—

(a) must be published on the Ministry of Justice website; and

(b) must be available to be downloaded, free of charge, from that Internet site; and

(c) must include a front page, or require the attachment of a front page on an approved form.

(4) Subclause (3)(c) does not apply to a form that is to be used by a service provider.

Rule 62AB: inserted, on 1 October 2014, by rule 7 of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

Rule 62AB heading: amended, on 1 July 2019, by rule 17(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 62AB(1): replaced, on 1 July 2019, by rule 17(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 62AB(3)(c): inserted, on 1 July 2019, by rule 17(3) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 62AB(4): inserted, on 1 July 2019, by rule 17(4) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Shape, etc, of documents to be filed

63 Documents to which rules 64 to 69 apply

In rules 64 to 69, **document** means—

(a) a prescribed form (other than an information sheet); or

(b) an affidavit (but not an exhibit to an affidavit), other than an affidavit made—

(i) in proceedings under the Family Violence Act 2018; or

(ii) in proceedings to which Part 5A applies.

Rule 63(b): replaced, on 1 July 2019, by rule 18 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

64 Paper

Each page of a document must be International size A4.

Compare: SR 1992/109 r 22

65 Contents must be only on 1 side of paper

Each sheet of paper on which the contents of a document are recorded must have those contents recorded only on 1 side.

Compare: SR 1996/148 r 10(3)

66 Margin

(1) A margin of at least 40 mm must be at the top of each page of a document.

(2) A margin of at least 30 mm must be on the left-hand side of each page of a document.

(3) A margin of at least 50 mm must be on the right-hand side of each page of a document.

Compare: SR 1996/148 r 10(2)

67 Numbers

(1) Numbers in a document must be expressed in figures and not in words.

(2) This rule is subject to Schedules 1 to 9.

Compare: SR 1992/109 r 34

68 Division into paragraphs

(1) The contents of a document must be divided into paragraphs numbered consecutively.

(2) Each paragraph in a document must so far as practicable be confined to a single topic.

(3) This rule is subject to Schedules 1 to 9.

Compare: SR 1992/109 r 33

69 Fastening and numbering of pages

In a document of 2 or more pages, the pages must be—

(a) securely fastened together in the top left-hand corner; and

(b) consecutively numbered at the top of each page.

Compare: SR 1992/109 r 28

70 Contents must be legible

The contents of a document must be—

(a) legible; and

(b) typewritten, printed, handwritten, or produced in permanent form by photocopying.

Compare: SR 1992/109 r 24(1); SR 1996/148 r 10(4)

71 Signature to be original

If a document is required to be signed,—

(a) an original signature is required; and

(b) the name of the signatory must be legibly typed, printed, stamped, or written below the original signature.

Compare: SR 1992/109 r 25

72 Front page

(1) A document (other than a document specified in subclause (4)) to be filed by a party to proceedings must have a front page—

(a) in the form prescribed for those particular proceedings, as set out in Schedules 2 to 4 and 6 to 9; or

(b) if no form is prescribed for those particular proceedings, in form G 1 (as set out in Schedule 1); or

(c) on an approved form for—

(i) proceedings under the Family Violence Act 2018; or

(ii) proceedings to which Part 5A applies.

(2) If 1 or more of the parties to the proceedings resides in a country other than New Zealand, the words "New Zealand" must appear on the front page after the location of the court where the proceedings have been filed.

(3) If the document being filed is not a document required to be filed to make an application, initials of a person may be used on the front page instead of first or given names of the person.

(4) The following documents do not need a front page:

(a) a document tendered in evidence, a certificate, or a report:

(b) an information sheet (for example, form G 7 in Schedule 1, form OT 4 in Schedule 4, and form PPPR 14 in Schedule 9).

(c) *[Revoked]*

(d) *[Revoked]*

(5) This rule is subject to directions of the court to the contrary (for example, a direction that the address of an applicant or respondent be omitted).

Compare: SR 1981/261 r 13

Rule 72(1)(a): amended, on 1 July 2019, by rule 19(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 72(1)(c): inserted, on 1 July 2019, by rule 19(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 72(4): replaced, on 31 March 2014, by rule 18 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 74(4)(b): replaced, on 1 July 2019, by rule 19(3) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 72(4)(b): amended, on 13 August 2020, by rule 6 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Rule 72(4)(c): revoked, on 1 July 2019, by rule 19(3) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 72(4)(d): revoked, on 1 July 2019, by rule 19(3) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

73 Heading

(1) A document to be issued by the court or a Registrar must have a heading—

(a) in the form prescribed for those particular proceedings, as set out in Schedules 2 to 10; or

(b) if no form is prescribed for those particular proceedings, in form G 2 (as set out in Schedule 1).

(2) If 1 or more of the parties to the proceedings resides in a country other than New Zealand, the words "New Zealand" must appear on the heading after the location of the court where the proceedings have been filed.

(3) If the heading does not require first or given names, addresses, or occupations to be used, to distinguish between 2 or more persons,—

(a) initials may be used; and

(b) addresses and occupations may be omitted.

(4) *[Revoked]*

(5) This rule is subject to directions of the court to the contrary.

Compare: SR 1981/261 r 13

Rule 73(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 73(1): amended, on 31 March 2014, by rule 19(1) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 73(1)(a): amended, on 31 March 2014, by rule 19(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 73(4): revoked, on 31 March 2014, by rule 19(3) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

74 Front page must comply with requirements of rule 82

If a document is the first document filed by, or on behalf of, a party in any particular proceedings or intended proceedings, the front page required by rule 72 to be with the document must also comply with the requirements of rule 82.

How to file documents in court

75 Filing documents

(1) To file a document, the person seeking to file it must—

(a) present this document for filing at the proper office of the court; and

(b) pay any applicable fee that has not been waived or postponed by a Registrar.

(2) A document is filed when it is accepted for filing by a Registrar.

Rule 75: replaced, on 1 March 2014, by rule 5 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 75(1): replaced, on 1 July 2019, by rule 52 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 75(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

76 Ways documents may be presented for filing

(1) Any document may be presented for filing at a court office by—

(a) delivering it to a Registrar by hand; or

(b) sending it to the court office by prepaid post; or

(c) sending it to an electronic system used by the court.

(2) If there is an emergency in the area in which a court office is situated and the Registrar is satisfied that presenting a document for filing in the court office in the way specified in subclause (1)(a) or (b) would cause, or risk causing, disruption to the orderly and safe dispatch of court business, the Registrar may require that the document be presented for filing in the court office in the way specified in subclause (1)(c).

(2A) *[Revoked]*

(3) Subclause (4) applies if any document that is presented for filing under subclause (1)(c) or (2) contains a signature or other mark or writing that the person responsible for the inclusion of that signature or other mark or writing in the document intends to convey their authorisation, certification, endorsement, or authentication of any matter contained within the document copied.

(4) In respect of a document to which this subclause applies, despite any provision in these rules, or in any enactment, regulation, or rule of law to the contrary, that document, and any matter contained within it, is deemed to have been sufficiently authorised, certified, authenticated, signed, or otherwise endorsed for the purposes of these rules as if the original document had been filed.

Rule 76: replaced, on 1 March 2014, by rule 6 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 76(1)(a): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 76(1)(c): inserted, on 23 December 2022, by rule 6(1) of the Family Court Amendment Rules 2022 (SL 2022/344).

Rule 76(2): replaced, on 23 December 2022, by rule 6(2) of the Family Court Amendment Rules 2022 (SL 2022/344).

Rule 76(2A): revoked, on 23 December 2022, by rule 6(2) of the Family Court Amendment Rules 2022 (SL 2022/344).

Rule 76(3): replaced, on 23 December 2022, by rule 6(3) of the Family Court Amendment Rules 2022 (SL 2022/344).

Rule 76(4): replaced, on 23 December 2022, by rule 6(3) of the Family Court Amendment Rules 2022 (SL 2022/344).

Amendment of certain documents filed

77 Amendment of application form before it is served

A Registrar may amend an application form before it is served if, before it is served, the Registrar receives from the applicant a written request to amend it.

Compare: SR 1996/148 r 67(1)

78 Amending documents in proceedings

(1) The court may, on its own initiative or on an interlocutory application for the purpose, at any stage of the proceedings,—

(a) amend a defect or error in a document in the proceedings, whether or not the defect or error is that of the party applying to amend:

(b) amend the name, address, or occupation of a party to the proceedings as set out in a document in the proceedings:

(c) make any other amendments to a document in the proceedings that may be necessary for the purpose of ensuring that the real question in dispute between the parties is determined.

(2) If an amendment is made to documents in proceedings under subclause (1), the proceedings continue as if they had been commenced with the documents in the form in which they appear after the amendment has been made.

Compare: 1996/148 r 68

79 Amendment of application form, or notice of defence or intention to appear

(1) An applicant may file and serve an amended application form, and a respondent may file and serve an amended notice of defence,—

(a) without the leave of the court, at any time before the application has been set down for hearing; or

(b) with the leave of the court, at any time after the application has been set down for hearing or if no hearing is required.

(2) When an application form or a notice of defence is amended, the court may, at the hearing, adjourn the hearing for a time and on any terms the court considers just.

(3) This rule, so far as applicable and with all necessary modifications, applies to a notice of intention to appear.

Compare: SR 1996/148 r 69

Lawyers

80 Party need not have lawyer

(1) A party need not have a lawyer to act for the party in proceedings.

(1A) However, a party may engage a lawyer to act for them in proceedings.

(2) This rule is subject to enactments that permit or require the court or a Registrar to appoint a lawyer for a party, for example,—

(a) section 159 of the Oranga Tamariki Act 1989:

(b) section 166 of the Family Violence Act 2018:

(c) section 162 of the Family Proceedings Act 1980:

(d) section 7 of the Care of Children Act 2004:

(e) rule 95(4)(a).

Rule 80(1A): replaced, on 1 July 2020, by rule 4 of the Family Court Amendment Rules 2020 (LI 2020/135).

Rule 80(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 80(2)(a): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 80(2)(b): replaced, on 1 July 2019, by rule 20 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 80(2)(d): replaced, on 1 July 2005, by rule 11 of the Family Courts Amendment Rules 2005 (SR 2005/101).

81 Lawyers who are, or act for, adverse parties

(1) A lawyer must not act for a party if the lawyer, or another lawyer in partnership with the lawyer,—

(a) is a party to the proceedings and has an interest in the subject matter of the proceedings that differs from the party's interest; or

(b) is acting for another party to the proceedings who has an interest in the subject matter of the proceedings that differs from the party's interest.

(2) However, a party may seek the leave of the court to engage to act for the party a lawyer of the kind referred to in subclause (1).

Compare: SR 1992/109 r 39

82 Memorandum to be on front page with first document filed

(1) If a document is the first document filed by, or on behalf of, a party, in any particular proceedings or intended proceedings, there must, at the end of any front page required by rule 72 to be with the document, be a memorandum in form G 4 stating—

(a) that the document is filed by the party or the party's lawyer; and

(b) if the document is filed by the party's lawyer,—

(i) the name of the lawyer; and

(ii) if the lawyer is a member of a firm or practises under the name of a firm, the name of the firm; and

(c) if the document is filed by a lawyer who has another lawyer acting as his or her agent in the proceedings,—

(i) the name of the agent, or of his or her firm (if any); or

(ii) the postal address of the party's lawyer; and

(d) an address for service.

(e) *[Revoked]*

(1A) If a party's lawyer will, on behalf of the party, accept service of documents in the course of proceedings, the address for service required by subclause (1)(d) must be the post office box address, document exchange box number, or electronic address by which the lawyer will accept service.

(2) The lawyer whose name is stated in the memorandum must, for the purposes of these rules, be treated as the lawyer on the record for that party.

(3) Nothing in subclause (2) limits rule 83A or 87.

Compare: SR 1992/109 rr 41, 43

Rule 82(1)(d): amended, on 1 September 2017, by rule 4(1) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 82(1)(e): revoked, on 1 September 2017, by rule 4(2) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 82(1A): inserted, on 1 September 2017, by rule 4(3) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 82(3): amended, on 11 October 2013, by rule 6 of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

83 Lawyer filing documents on behalf of party

(1) A lawyer must not file a document on behalf of a party unless—

(a) the lawyer is in practice on his or her own account or as a principal in a firm of lawyers; or

(b) the lawyer is a Crown Counsel employed at the Crown Law Office; or

(c) the party is a corporation and the lawyer is employed by that party as its principal legal adviser, or is a lawyer of the kind described in paragraph (a) or paragraph (b); or

(d) the party is a department (as defined in section 2(1) of the Public Finance Act 1989) and the lawyer is employed by that party as its Office Solicitor or principal legal adviser or as a lawyer under the control and direction of its Office Solicitor or principal legal adviser, or is a lawyer of the kind described in paragraph (a) or paragraph (b); or

(e) the party is Public Trust and the lawyer is employed by that party as its office solicitor (as defined in section 4 of the Public Trust Act 2001), or is a lawyer of the kind described in paragraph (a) or paragraph (b).

(2) *[Revoked]*

Compare: SR 1992/109 r 38

Rule 83(2): revoked, on 1 July 2020, by rule 5 of the Family Court Amendment Rules 2020 (LI 2020/135).

83A Authority of certain Australian solicitors in certain trans-Tasman proceedings: District Court Rules 2014 apply

DCR 5.39 (relating to authority of certain Australian solicitors in certain Trans-Tasman proceedings) applies, so far as applicable and with all necessary modifications, to proceedings in the court.

Rule 83A: inserted, on 11 October 2013, by rule 7 of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Rule 83A heading: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 83A: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 83A: amended, on 1 July 2014, by rule 9(2) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

84 Lawyer's warranty as to authorisation to file documents

A lawyer who files a document or has another person file a document for the lawyer must be treated as having warranted to the court and all parties to the proceedings that the lawyer is authorised to file the document by, or on behalf of, the party on whose behalf the document was filed.

Compare: SR 1992/109 r 40

85 Lawyer may sign certain documents on behalf of party

Unless the party's personal signature is expressly required, a document required by these rules to be signed by a party may be signed on behalf of the party by the lawyer acting for the party.

Compare: SR 1992/109 r 42

86 Lawyer acting in person

(1) A lawyer who is a party to proceedings and acts in person is entitled to lawyers' costs.

(2) This rule is subject to rule 207(a).

Compare: 1992/109 r 52

87 Change of representation

(1) A party must file and serve on every other party to the proceedings a notice of change of representation if—

(a) the party has acted in person and appoints a lawyer to act for that party; or

(b) the party wishes to change that party's lawyer; or

(c) the party for whom a lawyer has acted wishes to act in person.

(1A) *[Revoked]*

(2) If the party's address for service after the change of representation will be different from that which applied before the change, the party must also serve a copy of the notice at the address that was, immediately before the change, the party's address for service.

(3) The notice—

(a) must be signed by the party personally or by the party's attorney; and

(b) in the case of a notice under subclause (1)(a) or (b), must contain the information about the new lawyer required by rule 82(1)(b) to (d) and (1A); and

(c) in the case of a party referred to in subclause (1)(c), must state that the party's intention is to act in person.

(4) For the purposes of the proceedings, the change of representation takes effect on the filing of an affidavit proving compliance with subclause (1) and exhibiting and verifying a copy of the notice served.

(5) Form G 3 may be used for a notice under this rule.

Compare: SR 1992/109 r 44(1)–(4), (7)

Rule 87(1): amended, on 1 July 2020, by rule 6(1) of the Family Court Amendment Rules 2020 (LI 2020/135).

Rule 87(1): amended, on 31 March 2014, by rule 22(1) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 87(1A): revoked, on 1 July 2020, by rule 6(2) of the Family Court Amendment Rules 2020 (LI 2020/135).

Rule 87(3)(b): amended, on 1 September 2017, by rule 5 of the Family Court Amendment Rules 2017 (LI 2017/189).

88 Court may declare that lawyer no longer acting for party

(1) If a party engages a lawyer to act for the party in proceedings, the lawyer must continue to act for the party until—

(a) the party engages a new lawyer to act for the party under rule 87; or

(b) the party decides to act in person under rule 87; or

(ba) *[Revoked]*

(c) the court, by an order made on an interlocutory application for the purpose by the lawyer, declares that the lawyer is no longer acting for the party.

(2) An application under subclause (1)(c) must—

(a) be accompanied by an affidavit setting out the grounds for the application; and

(b) be served (with a copy of that affidavit) on the party for whom the lawyer acted unless the court directs otherwise.

(3) The notice of the application served on the party for whom the lawyer acted must inform the party of the effect that rule 121 will have if the order is made.

(4) An order made under this rule—

(a) does not take effect until the lawyer has served a copy of it on every party to the proceedings and filed an affidavit proving that service; and

(b) does not affect the rights of the lawyer and the party for whom the lawyer acted as between themselves.

Compare: SR 1992/109 r 44A

Rule 88(1)(ba): revoked, on 1 July 2020, by rule 7 of the Family Court Amendment Rules 2020 (LI 2020/135).

Rule 88(1)(c): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Representatives and managers

89 Interpretation

In rules 90 to 98, unless the context otherwise requires,—

litigation guardian has the meaning given to it by rule 8

representative has the meaning given to it by rule 8

taking part in proceedings includes commencing or defending proceedings.

Rule 89: replaced, on 1 March 2014, by rule 7 of the Family Courts Amendment Rules 2014 (LI 2014/3).

90 Minor must be represented by next friend or litigation guardian or authorised approved organisation

(1) A minor under the age of 18 years must not take part in proceedings without—

(a) a next friend; or

(b) a litigation guardian; or

(c) in relation to a child as defined in section 8 of the Family Violence Act 2018 and to whom section 62 or 140 of that Act applies, an authorised approved organisation.

(2) Subclause (1) does not apply to a minor who—

(a) is required by an enactment to take part in proceedings without a next friend or litigation guardian or authorised approved organisation; or

(b) is permitted by an enactment to take part in proceedings without a next friend or litigation guardian (for example, section 98(4) of the District Court Act 2016, section 52 of the Property (Relationships) Act 1976, section 158 of the Family Proceedings Act 1980, section 225 of the Child Support Act 1991, section 31(2)(e) of the Care of Children Act 2004, and section 62(2)(b) or 140(2)(b) of the Family Violence Act 2018); or

(c) is authorised under rule 90A to take part in proceedings without a next friend or litigation guardian or authorised approved organisation.

Compare: SR 2002/261 r 89(2), (4) (pre-1 March 2014); 1908 No 89 Schedule 2 r 4.31

Rule 90: replaced, on 1 March 2014, by rule 7 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 90 heading: amended, on 1 July 2019, by rule 21(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 90(1)(b): replaced, on 1 July 2019, by rule 21(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 90(1)(c): inserted, on 1 July 2019, by rule 21(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 90(2)(a): amended, on 1 July 2019, by rule 21(3) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 90(2)(b): amended, on 1 July 2019, by rule 21(4) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 90(2)(b): amended, on 1 July 2019, by rule 53 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 90(2)(c): amended, on 1 July 2019, by rule 21(5) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

90A Minor may apply to take part in proceedings without next friend or litigation guardian or authorised approved organisation

(1) This rule applies to a minor under the age of 18 years who—

(a) is not required or permitted by an enactment to take part in proceedings without a next friend or litigation guardian or authorised approved organisation; and

(b) is not prohibited by an enactment from taking part in proceedings without a next friend or litigation guardian or authorised approved organisation.

(2) A minor who wishes to take part in proceedings in his or her own name may apply to the court for authorisation to take part in the proceedings without a next friend or litigation guardian or authorised approved organisation.

(3) On an application under subclause (2), the court or Registrar may make an order allowing the minor to take part in the proceedings without a next friend or litigation guardian or authorised approved organisation if the court or Registrar is satisfied that—

(a) the minor is capable of making the decisions required or likely to be required in the proceedings; and

(b) no reason exists that would make it in the interests of the minor to be represented by a next friend or litigation guardian or authorised approved organisation.

Compare: 1908 No 89 Schedule 2 r 4.32

Rule 90A: inserted, on 1 March 2014, by rule 7 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 90A heading: amended, on 1 July 2019, by rule 22(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 90A(1)(a): amended, on 1 July 2019, by rule 22(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 90A(1)(b): amended, on 1 July 2019, by rule 22(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 90A(2): amended, on 1 July 2019, by rule 22(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 90A(3): amended, on 1 July 2019, by rule 22(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 90A(3)(b): amended, on 1 July 2019, by rule 22(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

90B Appointment of next friend for minor

A person is treated as appointed as the next friend for a minor if the person has filed in the court—

(a) an affidavit showing that he or she—

(i) is able fairly and competently to conduct proceedings on behalf of the minor; and

(ii) does not have interests adverse to those of the minor; and

(b) an undertaking to be responsible for any costs awarded in the proceedings against the minor.

Compare: SR 2002/261 r 90(4) (pre-1 March 2014)

Rule 90B: inserted, on 1 March 2014, by rule 7 of the Family Courts Amendment Rules 2014 (LI 2014/3).

90C Appointment of litigation guardian for minor

(1) This rule applies if a minor does not have a next friend or litigation guardian within the meaning of paragraph (a)(ii) of the definition of litigation guardian in rule 8.

(2) The court or Registrar may appoint a litigation guardian if the court or Registrar is satisfied that—

(a) the person for whom the litigation guardian is to be appointed is a minor; and

(b) the litigation guardian—

(i) is able fairly and competently to conduct proceedings on behalf of the minor; and

(ii) does not have interests adverse to those of the minor; and

(iii) consents to being a litigation guardian.

(3) In deciding whether to appoint a litigation guardian, the court or Registrar may have regard to any matters the court or Registrar considers appropriate, including the views of the person for whom the litigation guardian is to be appointed.

(4) The court or Registrar may appoint a litigation guardian under this rule at any time—

(a) on the court's or Registrar's own initiative; or

(b) on an interlocutory application made with or without notice by any person, including a person seeking to be appointed as litigation guardian.

Compare: SR 2002/261 r 90(1), (3) (pre-1 March 2014); 1908 No 89 Schedule 2 r 4.35

Rule 90C: inserted, on 1 March 2014, by rule 7 of the Family Courts Amendment Rules 2014 (LI 2014/3).

90D Appointment of litigation guardian for person to whom section 67 of the Family Violence Act 2018 applies

(1) This rule applies in respect of a person (**P**) to whom section 67 of the Family Violence Act 2018 applies (that is, a person lacking capacity as defined in section 8 of that Act, and includes a person to whom that section applies by virtue of section 111, 143, 162, or 178 of that Act).

(2) The court or Registrar may appoint a litigation guardian for P if the court or Registrar is satisfied—

(a) that section 67(3) of that Act has been complied with for the appointment; and

(b) that it is in P's best interests to make the appointment; and

(c) that the proposed appointee—

(i) is 18 years old or over; and

(ii) is not incapacitated (as defined in section 69(5) of that Act); and

(iii) consents in writing to the appointment; and

(d) that the proposed appointee is able fairly and competently to conduct proceedings on behalf of P; and

(e) that the proposed appointee does not have interests adverse to those of P, and so that there is unlikely to be any conflict between the interests of the proposed appointee and P's interests; and

(f) that the proposed appointee has filed in the court an undertaking to be responsible for any costs awarded against P in the proceedings.

(3) The court or Registrar may appoint a litigation guardian under subclause (2) if an interlocutory application for the purpose has been made (with or without notice), on an approved form,—

(a) by the proposed litigation guardian; or

(b) by a party to the proceedings; or

(c) by any other person, with the leave of the court.

Rule 90D: replaced, on 1 July 2019, by rule 23 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

90E Incapacitated person must be represented by litigation guardian

(1) An incapacitated person must not take part in proceedings without a litigation guardian, unless the court otherwise orders.

(2) If a person becomes an incapacitated person during a proceeding, a party must not take any step in the proceeding without the permission of the court until the incapacitated person has a litigation guardian.

Compare: SR 2002/261 r 89(2A), (2B) (pre-1 March 2014); 1908 No 89 Schedule 2 r 4.30

Rule 90E: inserted, on 1 March 2014, by rule 7 of the Family Courts Amendment Rules 2014 (LI 2014/3).

90F Appointment of litigation guardian for incapacitated person

(1) This rule applies if an incapacitated person does not have a litigation guardian within the meaning of paragraph (a) of the definition of litigation guardian in rule 8.

(2) The court or Registrar may appoint a litigation guardian if the court or Registrar is satisfied that—

(a) the person for whom the litigation guardian is to be appointed is an incapacitated person; and

(b) the litigation guardian—

(i) is able fairly and competently to conduct proceedings on behalf of the incapacitated person; and

(ii) does not have interests adverse to those of the incapacitated person; and

(iii) consents to being a litigation guardian.

(3) In deciding whether to appoint a litigation guardian, the court or Registrar may have regard to any matters the court or Registrar considers appropriate, including the views of the person for whom the litigation guardian is to be appointed.

(4) The court or Registrar may appoint a litigation guardian under this rule at any time—

(a) on the court's or Registrar's own initiative; or

(b) on the application of any person, including a person seeking to be appointed as litigation guardian.

Compare: SR 2002/261 r 90(3A), (3B), (3C) (pre-1 March 2014); 1908 No 89 Schedule 2 r 4.35

Rule 90F: inserted, on 1 March 2014, by rule 7 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 90F(1): amended, on 1 July 2019, by rule 24 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

90G Notification of appointment or of authorisation of approved organisation

(1) A person appointed under rule 90C, 90D, or 90F as a litigation guardian for a party to a proceeding must give notice of the appointment to other parties in the proceeding as soon as practicable after the appointment.

(2) A person appointed as a guardian *ad litem* for a person under section 10(1)(i) of the Protection of Personal and Property Rights Act 1988 must file in the court a copy of the order appointing him or her in that capacity unless rule 92 applies.

(3) An approved organisation that is authorised by section 74 of the Family Violence Act 2018 to make under section 62, 67, 69, 140, or 143 of that Act, on behalf of a child or person, an application (made with or without notice) for an order gives notice of the authorisation to other parties in the proceeding by complying with section 74(2) of that Act.

Compare: SR 2002/269 r 90(5) (pre-1 March 2014); 1908 No 89 Schedule 2 r 4.37

Rule 90G: inserted, on 1 March 2014, by rule 7 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 90G heading: amended, on 1 July 2019, by rule 25(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 90G(3): inserted, on 1 July 2019, by rule 25(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

90H Person subject to property order must be represented by manager

A person must not take part in proceedings in his or her own name, but must instead take part in proceedings through a manager, if—

(a) a manager has been appointed for the person by a property order made under section 31 of the Protection of Personal and Property Rights Act 1988 and—

(i) the order empowers the manager to take part in the proceedings; and

(ii) the proceedings relate to property of the person that is property subject to the property order; or

(b) a trustee corporation is acting as a manager for the person under an application under section 32 or 33 of the Protection of Personal and Property Rights Act 1988 and—

(i) the application empowers the trustee corporation to take part in the proceedings; and

(ii) the proceedings relate to property of the person that is property being managed by the trustee corporation under the application.

Compare: SR 2002/261 r 89(3) (pre-1 March 2014)

Rule 90H: inserted, on 1 March 2014, by rule 7 of the Family Courts Amendment Rules 2014 (LI 2014/3).

91 Managers under Protection of Personal and Property Rights Act 1988

(1) A manager who is empowered to do so by a property order made under section 31 of the Protection of Personal and Property Rights Act 1988, or an application made under section 32 or section 33 of that Act, may take part in proceedings relating to property of a party that is property subject to the order or application, but, before doing so, the manager must file in the court a copy of the order or application unless rule 92 applies.

(2) If the order or application does not empower the manager to take part in proceedings relating to property of a party that is property subject to the order or application, the party may take part in the proceedings of that kind in his or her own name unless a person is appointed as the party's representative under rule 90D or 90F.

(3) If a party to proceedings relating to property has a representative appointed under rule 90D or 90F but becomes the subject of a property order under section 31 of the Protection of Personal and Property Rights Act 1988 relating to the property, or an application made under section 32 or section 33 of that Act relating to the property, and the manager is empowered by the order or application to take part in the proceedings for the party,—

(a) the party's manager must take part in the proceedings; and

(b) the representative's appointment is terminated.

(4) This rule is subject to section 223 of the Child Support Act 1991.

Compare: SR 1992/109 rr 91, 96(2)

Rule 91(2): amended, on 1 March 2014, by rule 8 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 91(3): amended, on 1 March 2014, by rule 8 of the Family Courts Amendment Rules 2014 (LI 2014/3).

92 Family Court appointing guardians *ad litem* or managers for proceeding in District Court

If, for the purpose of particular proceedings in the District Court, the Family Court makes an order under section 10(1)(i) of the Protection of Personal and Property Rights Act 1988 appointing a guardian *ad litem* to, or a manager for, a person,—

(a) a Registrar of the Family Court must send a copy of that order to a Registrar of the office of the District Court in which the proceedings are to be, or have been, commenced; and

(b) the guardian *ad litem* or manager need not comply with the duty under rule 90G(2) or 91(1) to file a copy of the order.

Rule 92: replaced, on 1 July 2019, by rule 54 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

93 Representatives and managers may sign documents and swear affidavits on behalf of party

(1) A document or affidavit intended for use in proceedings and required to be signed or sworn by a party may be signed or sworn by the party's representative or manager unless the court or a Registrar directs otherwise.

(2) An affidavit of a party who is 16 years old or older and not an incapacitated person must be made by the party and not by the party's representative.

(3) Subclause (2) overrides subclause (1).

Compare: SR 1992/109 r 100

Rule 93(2): amended, on 7 August 2008, by rule 11 of the Family Courts Amendment Rules 2008 (SR 2008/207).

94 Representative capacity

If an application is made by an applicant in a representative capacity, the application must include a statement that specifies the representative capacity in which the applicant is acting.

Compare: SR 1992/109 r 125

95 Responsibility of representative for costs

(1) Except as provided in subclauses (2) and (3), a representative is responsible for—

(a) costs awarded against the party he or she represents; and

(b) costs (including solicitor and client costs) paid or incurred by the representative while acting as a representative.

(2) The court or a Registrar may, on the appointment of a representative under rule 90C or 90D or section 69 of the Family Violence Act 2018, order that the representative not be responsible for any costs awarded against the party he or she represents.

(3) A representative may, by an interlocutory application, apply to the court for an order that the representative—

(a) not be responsible for any costs awarded against the party he or she represents; or

(b) recover costs paid or incurred by him or her while acting as a representative (including solicitor and client costs),—

(i) if the party is an incapacitated person, from the party's property; or

(ii) if the party is a minor, from the party's estate.

(4) In proceedings to decide whether an order under subclause (3) should be made, the party may be represented by—

(a) a lawyer appointed by the court; or

(b) in the case of a person for whom a manager has been appointed, a manager.

Compare: SR 1992/109 rr 84(2)(b), 85(3), 86, 94(5), 97

Rule 95(2): amended, on 1 July 2019, by rule 26 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 95(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 95(2): amended, on 1 March 2014, by rule 10 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 95(3)(b)(i): amended, on 7 August 2008, by rule 12(1) of the Family Courts Amendment Rules 2008 (SR 2008/207).

Rule 95(4)(b): amended, on 7 August 2008, by rule 12(2) of the Family Courts Amendment Rules 2008 (SR 2008/207).

96 Responsibility of manager for costs

(1) A manager who in his or her capacity as the manager of the whole, or part of, a party's property has represented the party—

(a) is not personally responsible for costs awarded against the party; and

(b) may recover, from the party's property, costs (including solicitor and client costs) paid or incurred by him or her while acting as a manager.

(2) Subclause (1)(b) does not apply when a manager has acted in bad faith or without reasonable care in taking part in the proceedings for which the costs have been awarded or incurred.

Compare: SR 1992/109 r 92

97 Retirement, removal, or death of representative

(1) A representative may retire only with the leave of the court.

(2) A representative who retires must, if an opposite party requires, give security for some or all of the costs incurred by the party represented by the representative unless the court orders otherwise.

(3) The court may order that a person be removed as a party's representative if the court considers that it is appropriate to do so.

(4) If the court makes an order under subclause (3), it may also order that the representative give to the party represented by the representative, or to an opposite party, security for some or all of the costs already incurred in the proceedings.

(5) If a party's representative in proceedings dies, retires, or is removed, and rule 98 does not apply to the party, no further steps may be taken in the proceedings until another person has been appointed as—

(a) the party's representative in the proceedings; or

(b) a manager.

(6) *[Revoked]*

Compare: SR 1992/109 rr 87, 98

Rule 97(3): replaced, on 1 July 2019, by rule 55(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 97(4): amended, on 1 July 2019, by rule 55(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 97(5)(a): amended, on 1 March 2014, by rule 11 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 97(6): revoked, on 1 July 2019, by rule 27 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

98 When further steps to be taken by party and not by representative or manager

(1) This rule applies to the following parties for whom a representative or manager has been appointed or is acting:

(a) a person who was a minor but who has turned 18 years of age:

(b) *[Revoked]*

(c) a person for whom a representative is appointed under rule 90D or section 69 of the Family Violence Act 2018 if the person ceases to be a person to whom section 67 or 69 of that Act applies:

(d) a person who has been an incapacitated person if the person is no longer incapacitated:

(e) a person who, under the Protection of Personal and Property Rights Act 1988, has a manager empowered to take part in the proceedings for the person if, under section 34 of that Act,—

(i) the person ceases to be subject to a property order; or

(ii) the manager ceases to have power to take part in the proceedings for the person.

(2) If this rule applies to a party,—

(a) any further steps in the proceedings must be taken by the party and not by the party's representative or manager; and

(b) the party becomes responsible for all the costs associated with the proceedings (including solicitor and client costs) as if the party had been responsible for the costs when the proceedings began.

(3) *[Revoked]*

Compare: SR 1992/109 rr 89, 93, 99

Rule 98(1)(a): amended, on 1 July 2014, by rule 10 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 98(1)(b): revoked, on 1 July 2019, by rule 28(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 98(1)(c): replaced, on 1 July 2019, by rule 28(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 98(1)(d): replaced, on 7 August 2008, by rule 13 of the Family Courts Amendment Rules 2008 (SR 2008/207).

Rule 98(3): revoked, on 1 July 2019, by rule 28(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Notices

99 Notices

(1) Notices required by a family law Act or by these rules to be given or served must be in writing unless—

(a) the Act or these rules provide otherwise; or

(b) the court in a particular case directs otherwise.

(2) If an application is made for an order or direction relative to the service of an application on a respondent, the court or Registrar hearing the application for the order or direction—

(a) may require any further information or matter to be stated in the notice to the respondent; and

(b) may impose any conditions that seem proper to the court or Registrar in the circumstances of the particular case.

Compare: SR 1981/261 r 12; SR 1992/58 r 10

Rule 99(2): amended, on 2 May 2024, by rule 27 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 99(2)(b): amended, on 2 May 2024, by rule 27 of the Family Court Amendment Rules 2024 (SL 2024/35).

100 Notices to be given by Registrar

Unless an Act or these rules provide otherwise, a Registrar who is required to give a person (whether or not a party) a notice may give the notice—

(a) by sending it to the person's address for service; or

(b) by sending it to the person's last known or usual residential or business address in New Zealand, if the person does not have, or has not given, an address for service; or

(c) in any other manner the court directs.

Rule 100: replaced, on 1 September 2017, by rule 6 of the Family Court Amendment Rules 2017 (LI 2017/189).

Service: Documents to be served

101 Documents to be served

(1) If no other person is required to do so by an Act or these rules, a Registrar must serve, or cause to be served, without delay, the following documents:

(a) the documents issued for service under rule 32(2)(c) or Part 5A:

(b) any summons issued under a family law Act or these rules:

(c) any order or declaration or direction given or made under a family law Act or these rules (for example, an order made on an interlocutory application) (*see* rule 206):

(d) any judgment (as defined in rule 196) given under a family law Act or these rules:

(e) any notice required to be served under a family law Act or these rules:

(f) any other document required to be served under a family law Act or these rules, or that the court directs must be served.

(2) A Registrar may serve, or cause to be served, any other document he or she considers should be served.

(3) However, a Registrar is not obliged by subclause (1)(a) to serve or cause to be served any documents issued for service under rule 32(2)(c) in relation to an application under Part 4 of the Family Proceedings Act 1980.

Compare: SR 1981/261 r 39

Rule 101(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 101(1)(a): amended, on 31 March 2014, by rule 24 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 101(1)(f): amended, on 2 May 2024, by rule 28 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 101(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 101(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Service: How documents to be served

102 How documents to be served

(1) A document required by a family law Act or these rules to be served on a person in a particular manner must be served on the person in that manner, regardless of rules 105 to 125.

(2) A document not required by a family law Act or these rules to be served on a person in a particular manner may be served on the person—

(a) by personal service on the person (*see* rules 105 to 113); or

(ab) by transmitting a copy to the person's electronic address for service (*see* rule 113A); or

(b) by service on a lawyer on behalf of the person (*see* rule 114); or

(c) by service at the person's address for service (*see* rules 115 to 121); or

(ca) if a defendant has been served in Australia under section 13 of the Trans-Tasman Proceedings Act 2010 with an initiating document for the proceeding, by sending the document to an address for service of the person to be served; or

(d) by service on the person in the manner specified in an agreement (*see* rule 122); or

(e) if a representative or manager has been appointed or is acting for the person, by service on the person's representative or manager (*see* rule 123); or

(f) if the person to be served is an incapacitated person, by service in the manner directed by the court or a Registrar (*see* rule 124); or

(g) by service in a manner and at a place the court or Registrar directs.

(3) If all reasonable efforts have been made to serve documents in a manner required or (as the case requires) a manner permitted by these rules, but the documents have not been served in that manner, in certain circumstances the court or a Registrar may, under rule 126, make an order for substituted service (that is, an order dispensing with, or changing, the service required by these rules).

Compare: SR 1992/109 rr 214(1)(a)–(c), (2), 237

Rule 102(2)(ab): inserted, on 23 December 2022, by rule 7 of the Family Court Amendment Rules 2022 (SL 2022/344).

Rule 102(2)(ca): inserted, on 11 October 2013, by rule 8 of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Rule 102(2)(ca): amended, on 1 September 2017, by rule 7 of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 102(2)(f): amended, on 7 August 2008, by rule 14 of the Family Courts Amendment Rules 2008 (SR 2008/207).

103 Service of copies

Service of a true copy of a document is taken to be service of the document unless a family law Act or any of these rules expressly requires an original document to be served.

Compare: SR 1992/109 r 215

Service: On days that are not working days

104 Certain documents must not be served on certain non-working days

A document must not be served on a Sunday, Christmas Day, New Year's Day, Good Friday, Anzac Day, or Te Rā Aro ki a Matariki/Matariki Observance Day unless—

(a) it is a witness summons; or

(b) it is an interlocutory injunction; or

(c) it is an interim order; or

(d) it is a protection order under the Family Violence Act 2018; or

(e) it is an order or warrant to prevent the removal of a child or young person from New Zealand (for example, an order made or issued—

(i) under section 205 of the Oranga Tamariki Act 1989; or

(ii) under section 77, or under sections 77 and 118, of the Care of Children Act 2004); or

(f) service of it is authorised under rule 419(4) (sittings when court office closed).

Compare: SR 1992/109 r 234

Rule 104: amended, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Rule 104(d): amended, on 1 July 2019, by rule 29 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 104(e)(i): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 104(e)(ii): replaced, on 1 July 2005, by rule 13 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Service: Personal service

105 Certain documents to be served by personal service

(1) The following must be served by personal service on the person to be served:

(a) an application under any of the following family law Acts:

(i) Family Violence Act 2018:

(ii) Family Proceedings Act 1980:

(iii) Care of Children Act 2004:

(b) a summons issued under any of these rules or a family law Act referred to in paragraph (a).

(1A) *But see* rule 113A (which allows a document specified in subclause (1) to be served electronically by certain persons if an electronic address for service has been provided for the purpose of receiving service of the document).

(2) This rule does not limit any requirement in any other of these rules or a family law Act that a document be served by personal service on the person to be served.

Rule 105(1)(a)(i): amended, on 1 July 2019, by rule 30 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 105(1)(a)(iii): replaced, on 1 July 2005, by rule 14 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Rule 105(1A): inserted, on 23 December 2022, by rule 8 of the Family Court Amendment Rules 2022 (SL 2022/344).

106 Who may carry out personal service

(1) A document that must be served personally may be served by—

(a) a Registrar, a bailiff, or any other employee appointed under the Public Service Act 2020 for the conduct of the business of the court:

(aa) an individual who is authorised by the Secretary for Justice to serve documents under a family law Act:

(ab) an officer or employee of a corporation that is authorised by the Secretary for Justice to serve documents under a family law Act:

(b) a constable:

(ba) a Police employee authorised by the Commissioner of Police to serve documents under a family law Act:

(c) a party's lawyer or an agent of a party's lawyer:

(d) a party's agent, delegate for the purpose, or employee:

(e) the Commissioner of Inland Revenue or some other person authorised by that Commissioner, if that Commissioner is a party:

(f) a social worker, if the proceedings are under the Oranga Tamariki Act 1989 and the document relates to those proceedings.

(2) Except where service is effected by a person referred to in subclause (1)(e) or (f), no party or representative of a party may effect personal service, but the party or representative may be present when the service is effected.

(3) In proceedings under the Protection of Personal and Property Rights Act 1988, personal service by a lawyer employed by a trustee corporation that is a party to the proceedings is not, for the purposes of subclause (2), to be regarded as personal service by that party.

(4) If a social worker or the chief executive (as defined in subclause (5)) is a party to the proceedings, personal service by an employee of the department (as so

defined) is not, for the purposes of subclause (2), to be regarded as personal service by the social worker or the chief executive.

(5) In this subclause and subclause (4),—

chief executive means the chief executive of the department

department means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Oranga Tamariki Act 1989.

Compare: SR 1996/148 r 51

Rule 106(1)(a): replaced, on 1 September 2017, by rule 8(1) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 106(1)(a): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Rule 106(1)(aa): inserted, on 1 September 2017, by rule 8(1) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 106(1)(ab): inserted, on 1 September 2017, by rule 8(1) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 106(1)(b): replaced, on 1 September 2017, by rule 8(2) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 106(1)(ba): inserted, on 1 September 2017, by rule 8(2) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 106(1)(f): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 106(5) **department**: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

107 Personal service

(1) Personal service of a document may be effected by leaving the document with the person to be served or, if that person does not accept it, by putting it down in that person's presence and bringing it to that person's attention.

(2) In proceedings under the Oranga Tamariki Act 1989, personal service of a document may also be effected by leaving it for the person to be served at that person's place of residence with any person—

(a) who is normally resident with the person to be served at that place; and

(b) who appears to be over the age of 18 years.

(3) Personal service of a document on a person on whose behalf proceedings have been brought by a representative by virtue of section 67 of the Family Violence Act 2018 must be effected by serving the document, in accordance with these rules,—

(a) on that person's representative appointed under rule 90D; or

(b) if there is no such representative for the time being, on any adult person with whom the party resides or in whose care he or she is.

(4) Personal service on a person in relation to whom a representative is appointed under section 69 of the Family Violence Act 2018 must be effected by serving the document, in accordance with these rules, on the representative.

(5) Personal service of a document on a person on whose behalf proceedings under the Family Violence Act 2018 have been taken by a representative that is an approved organisation authorised to take those proceedings by section 74 of that Act must be effected by serving the document, in accordance with these rules, on a member, officer, or employee of the representative who is authorised by the organisation to accept service on behalf of the representative.

(6) Nothing in subclause (3), (4), or (5) limits rule 123.

Compare: SR 1989/295 r 37(1)(b); SR 1992/109 r 219; SR 1996/148 rr 56, 57

Rule 107(2): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 107(3): amended, on 1 July 2019, by rule 31(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 107(3)(a): amended, on 1 March 2014, by rule 13 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 107(4): amended, on 1 July 2019, by rule 31(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 107(5): replaced, on 1 July 2019, by rule 31(3) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 107(6): inserted, on 1 July 2019, by rule 31(3) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

107A Personal service during emergency

[Revoked]

Rule 107A: revoked, on 23 December 2022, by rule 9 of the Family Court Amendment Rules 2022 (SL 2022/344).

108 Personal service on spouse or partner

(1) If a person and his or her spouse, civil union partner, or de facto partner are both parties to proceedings, personal service on the person is not personal service on the person's spouse, civil union partner, or de facto partner unless the court so orders on its own initiative or on an interlocutory application for the purpose.

(2) *[Revoked]*

Compare: SR 1992/109 r 231

Rule 108 heading: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 108(1): amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 108(2): revoked, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

109 Personal service if person to be served on ship

If the person to be served is living or serving on board any vessel (including a vessel belonging to any of His Majesty's Naval Forces), personal service must be effected by delivering the document to be served to the person on board who, at the time of service, is apparently in charge of the vessel.

Compare: SR 1992/109 r 220

Rule 109: editorial change made by the PCO, on 1 November 2024, under sections 86(1) and 87(d) of the Legislation Act 2019 (2019 No 58).

110 Personal service on serving member of armed forces

If the person to be served is in any barracks, camp, or station while serving as a member of any of His Majesty's Armed Forces, personal service must be effected by delivering the document to be served at the barracks, camp, or station to the Adjutant or to the officer for the time being in command of the unit or detachment to which the person belongs.

Compare: SR 1992/109 r 221

Rule 110: editorial change made by the PCO, on 1 November 2024, under sections 86(1) and 87(d) of the Legislation Act 2019 (2019 No 58).

111 Personal service on prisoner

If the person to be served is a prisoner, personal service must be effected by delivering the document to be served to the manager or other officer apparently in charge of the prison in which the person is detained.

Compare: SR 1992/109 r 222

Rule 111: replaced, on 1 July 2005, by rule 15 of the Family Courts Amendment Rules 2005 (SR 2005/101).

112 Personal service on minors

(1) Personal service on a minor who is not authorised by section 98 of the District Court Act 2016 (as applied by section 16 of the Family Court Act 1980) to commence or defend any proceedings may be effected by service in accordance with rule 107(1)—

(a) on the minor's representative appointed under these rules; or

(b) if no representative has been appointed under these rules, on any adult person with whom the minor resides and under whose care the minor is.

(2) If a minor is or has been married or in a civil union and is not an incapacitated person, service effected in accordance with rule 107(1) on the minor is sufficient service.

Compare: SR 1992/109 r 228

Rule 112(1): amended, on 1 July 2019, by rule 56 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 112(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 112(2): amended, on 7 August 2008, by rule 15 of the Family Courts Amendment Rules 2008 (SR 2008/207).

Rule 112(2): amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

113 Personal service: District Court Rules 2014 apply

The following DCRs apply, so far as applicable and with all necessary modifications, to proceedings in the court:

(a) 6.12—personal service on New Zealand corporations:

(b) 6.13—personal service in New Zealand on foreign corporations:

(c) 6.14—personal service on Australian corporations, partnerships and attorneys:

(d) 6.15—personal service in Australia on foreign corporations:

(e) 6.16—personal service on unincorporated societies:

(f) 6.17—personal service on partnership or apparent partnership:

(g) 6.18—personal service on attorney or agent of absentee.

Rule 113: replaced, on 1 July 2014, by rule 11 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 113 heading: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 113: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Service: By transmission to electronic address for service

Heading: inserted, on 23 December 2022, by rule 10 of the Family Court Amendment Rules 2022 (SL 2022/344).

113A Service by transmission to electronic address for service

(1) Despite rule 105(1), a document specified in paragraph (a) or (b) of that provision may be served electronically by transmitting a copy of the document to an electronic address for service that the person to be served has provided for the purpose of receiving the document.

(2) A document may be served electronically in accordance with subclause (1) only by a person described in rule 106(1)(a), (aa), (ab), or (c).

Rule 113A: inserted, on 23 December 2022, by rule 10 of the Family Court Amendment Rules 2022 (SL 2022/344).

Service: Lawyer may accept service on behalf of person

114 Service on lawyer on behalf of person

(1) Service of a document on a person may be effected by service of it on a lawyer who accepts service of it on behalf of the person.

(2) A lawyer accepts service of a document if the lawyer—

(a) notes on a copy of the document that he or she accepts service of it on behalf of the person; and

(b) signs and dates the note.

(3) If a lawyer accepts service of a document on behalf of a person, the document must, unless the contrary is proved, be treated as served on the date the lawyer signed the note.

Compare: SR 1992/109 r 236

Rule 114(2)(b): replaced, on 1 September 2017, by rule 9 of the Family Court Amendment Rules 2017 (LI 2017/189).

Service: At address for service

115 Service at address for service

A document may be served at an address for service by leaving the document at that address between 9 am and 5 pm.

Compare: SR 1992/109 r 232

116 Address for service on party or other person

(1) A party's address for service is,—

(a) if the party is the applicant, the address of the party stated on the front page required by rule 72; or

(b) if the party is not the applicant, the address given by the party under rule 39(2); or

(c) the address that the party has changed to under rule 117 (change of address for service); or

(d) the address by which the party's lawyer will accept service that is given under rule 82(1A); or

(e) the address referred to in rule 121 (address for service if lawyer no longer acting for party), if that rule applies to the party; or

(f) the address given by the party under rule 122 (service under agreement); or

(g) the address that the court or a Registrar directs is the party's address for service under subclause (2).

(2) If a party has no address for service, the court or a Registrar may direct that a particular address is the party's address for service.

(3) Any other person who is given or served with a document in the proceedings must give an address for service, in accordance with rule 82, on any front page required by rule 72 to be with the first document filed by, or on behalf of, the person in the proceedings.

Rule 116(1)(a): replaced, on 31 March 2014, by rule 25 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 116(1)(d): replaced, on 1 September 2017, by rule 10 of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 116(1)(g): amended, on 2 May 2024, by rule 29(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 116(2): amended, on 2 May 2024, by rule 29(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

117 Change of address for service

(1) A party may change that party's address for service by—

(a) filing a notice of the change showing the new address for service; and

(b) serving a copy of the notice on every other party.

(2) A change of address for service may be combined with a notice under rule 87(1). A notice of change of address for service need not be filed under subclause (1)(a) if an affidavit is filed under rule 87(4).

(3) Form G 3 may be used for giving a notice under this rule.

Compare: SR 1992/109 r 44(5)–(7)

Service: If address for service is lawyer's office

118 Methods of service if address for service is lawyer's office

If a party's lawyer has, under rule 82(1A), given a post office box address, a document exchange box number, or an electronic address by which the lawyer will accept service on behalf of the party, a document may be served on the party by—

(a) posting the document to the post office box; or

(b) leaving the document at a document exchange for direction to the document exchange box number; or

(c) transmitting the document to the electronic address.

Rule 118: replaced, on 1 September 2017, by rule 11 of the Family Court Amendment Rules 2017 (LI 2017/189).

119 When and how documents under rule 118 to be treated as served

(1) A document posted under rule 118(a) must, unless the contrary is proved, be treated as having been served on the earlier of—

(a) the day on which it was received; and

(b) the fifth working day after the day on which it was posted.

(2) A document left at a document exchange under rule 118(b) must, unless the contrary is proved, be treated as having been served on the earlier of—

(a) the day on which it was received; and

(b) the second working day after the day on which it was left.

(3) A document transmitted under rule 118(c)—

(a) before 5 pm on a day must be treated as having been served on that day unless the contrary is proved:

(b) on or after 5 pm on a day must be treated as having been served on the first working day after the day on which it was received unless the contrary is proved.

(3A) Despite subclause (3), when a document is, under rule 118(c) transmitted to the electronic address of a lawyer in a State or territory of Australia at a time later than 5 pm in that State or territory, it is to be treated as having been served on the first working day after the day on which it was received.

(4) A document transmitted under rule 118(c) must be treated as having been received in a complete and legible form unless—

(a) the contrary is proved; or

(b) the lawyer receiving the document gave in relation to the document the notice required by rule 120(1)(b).

Compare: SR 1992/109 r 233(1)–(3)

Rule 119(3): amended, on 1 September 2017, by rule 12(1) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 119(3A): replaced, on 1 September 2017, by rule 12(2) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 119(4): amended, on 1 September 2017, by rule 12(1) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 119(4)(b): amended, on 1 March 2014, by rule 14 of the Family Courts Amendment Rules 2014 (LI 2014/3).

120 Lawyer must acknowledge document transmitted electronically

(1) A lawyer to whom a document is transmitted under rule 118(c) must, promptly after receiving the document, give the person who served the document—

(a) a notice acknowledging receipt of the document and confirming the date of service of the document; or

(b) if the document was incomplete or illegible or both when it was received, a notice stating that the document was incomplete or illegible or both when it was received.

(2) A notice under subclause (1) may be—

(a) given in writing; or

(b) transmitted electronically.

Rule 120: replaced, on 17 November 2011, by rule 7 of the Family Courts Amendment Rules 2011 (SR 2011/349).

Rule 120 heading: amended, on 1 September 2017, by rule 13(1) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 120(1): amended, on 1 September 2017, by rule 13(2) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 120(2)(b): amended, on 1 September 2017, by rule 13(3) of the Family Court Amendment Rules 2017 (LI 2017/189).

121 Address for service if lawyer no longer acting for party

(1) This rule applies to a party if the lawyer who acted for the party has obtained a declaration under rule 88 that has taken effect and the party has neither—

(a) engaged a new lawyer; nor

(b) decided to proceed without a lawyer.

(2) The party's address for service is the last known address of the party or, if the party is a body corporate, its registered or principal office.

(3) Subclause (2) does not apply in respect of a document that must be served personally on the party.

Compare: SR 1992/109 r 44B

Service: by post in trans-Tasman proceedings

Heading: inserted, on 11 October 2013, by rule 11 of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

121A When and how documents under rule 102(2)(ca) to be treated as served

(1) Subclauses (2) to (5) apply to a document to be served in a proceeding if—

(a) the proceeding is one an initiating document for which is to be or has been served on a defendant in Australia under section 13 of the Trans-Tasman Proceedings Act 2010; and

(b) the document is one to be served—

(i) by a party in New Zealand and on a party in Australia; or

(ii) by a party in Australia and on a party in New Zealand.

(2) When a document is served in accordance with rule 102(2)(ca) or 118(a) or (b), it is to be treated as served on the earlier of—

(a) the sixth working day after the day on which it was posted or left at a document exchange; and

(b) the day on which it was received.

(3) Subclause (4) applies to a document that is—

(a) a document in response to a requirement of or under these rules; and

(b) served in accordance with rule 102(2)(ca) or 118(a) or (b).

(4) The party serving the document is entitled to an extra 5 working days within which to comply with that requirement.

(5) Despite subclause (3), subclause (4) does not apply when a rule requires a document to be served a prescribed number of days before a hearing or other specified event.

(6) This rule does not limit or affect rule 119(3A) (which relates to when a document is transmitted electronically to the electronic address of a solicitor in a State or territory of Australia under rule 118(c)).

Compare: 1908 No 89 Schedule 2 r 6.6(6)–(11); SR 2009/257 r 3.44.7

Rule 121A: inserted, on 11 October 2013, by rule 11 of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Rule 121A(6): replaced, on 1 September 2017, by rule 14 of the Family Court Amendment Rules 2017 (LI 2017/189).

Service: In manner specified in agreement

122 Service under agreement

(1) Before or after the commencement of the proceedings, a party may agree in writing with 1 or more persons required or permitted to serve a document in the proceedings on the party that the document may be served on the party (or on some other person on the party's behalf) in a manner or at a place (whether or not in New Zealand) specified in the agreement in writing.

(2) Service in accordance with the agreement is sufficient service on the party.

Compare: SR 1992/109 r 237

Service: On representatives, managers, and incapacitated persons

Heading: amended, on 7 August 2008, by rule 16 of the Family Courts Amendment Rules 2008 (SR 2008/207).

123 Service on representative or manager

(1) Service on a party's representative or manager in the manner required or (as the case requires) in a manner permitted by a family law Act or any of these rules is deemed to be service on the party.

(2) In this rule, **representative** includes—

(a) a person appointed by the court to represent any person or persons or any class of persons; and

(b) a person who, under these rules, sues or defends on behalf of himself or herself and any other person or persons.

Compare: SR 1992/109 r 235

124 Directions about service on incapacitated persons

(1) On an interlocutory application for the purpose, the court may give directions about service of 1 or more documents on an incapacitated person.

(2) No direction under subclause (1) may override—

(a) section 223(1) of the Child Support Act 1991:

(b) section 156(1) of the Family Proceedings Act 1980.

Rule 124: replaced, on 7 August 2008, by rule 17 of the Family Courts Amendment Rules 2008 (SR 2008/207).

125 Service on party not invalid just because person incapable of taking part in proceedings

(1) Service of an application on a party is not invalid just because the party is a person who, under rule 90, 90E, or 90H, may take part in proceedings only through a representative or manager.

(2) However, no further step may be taken in the proceedings until a representative or manager has been appointed for the person or another order as to the representation of the person has been made.

Compare: SR 1992/109 rr 88, 95

Rule 125(1): amended, on 1 March 2014, by rule 15 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Service: Substituted service

126 Order dispensing with or changing service required

(1) A person may, by an interlocutory application, apply for an order for substituted service if—

(a) all reasonable efforts have been made to serve a document in a manner required or (as the case requires) in a manner permitted by these rules; and

(b) the document has not been served in that manner; and

(c) either—

(i) prompt service of the document cannot be effected; or

(ii) the document has come to the knowledge of the person to be served.

(2) In response to the application, the court may, if satisfied of the matters specified in subclause (1)(a) to (c),—

(a) make an order dispensing altogether with the service required; or

(b) make an order for substituted service in form G 9 that changes, in any way, the service required (for example, an order permitting the document to be brought to the notice of the person to be served using social media, or by advertisement in form G 10, or by some other means).

(3) In response to the application, a Registrar may, if satisfied of the matters specified in subclause (1)(a) to (c), make an order of the kind described in subclause (2)(b).

(4) If an order for substituted service does not dispense altogether with the service required, compliance with the requirements of the order—

(a) must be treated as having had the same effect as personal service; and

(b) is sufficient compliance with the service required by these rules.

Compare: SR 1992/109 r 239

Rule 126(2): replaced, on 1 September 2017, by rule 15 of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 126(2): amended, on 2 May 2024, by rule 30 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 126(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Service: Proof of service

127 Proof of personal service

(1) Proof that a document has been served personally on a person may be given—

(a) by oral evidence given on oath before the court; or

(b) by an affidavit of service in form G 8.

(2) If the person on whom the document was served is personally known to the person who makes the affidavit of service, that affidavit must set out the circumstances that enable the deponent to state the deponent's personal knowledge of the person served.

(3) If the person served is not personally known to the person who makes the affidavit of service, the identity of the person served—

(a) may not be proved by a mere acknowledgment by the person served; but

(b) may be proved—

(i) by written acknowledgment proved to be in the handwriting of the person served; or

(ii) by a satisfactory photograph; or

(iii) by any other means to the satisfaction of the court.

(4) If a document is served by a Registrar, bailiff, constable, Police employee, or social worker, the service may be proved—

(a) by stating that the document has been served as well as the date and mode of service—

(i) in an endorsement on the original document, or on a copy of it, signed by the person who served the document; or

(ii) in a certificate attached to the original document, or on a copy of it, signed by the person who served the document; or

(b) in either of the ways referred to in subclause (1).

(5) If the document being served is a temporary protection order or a final protection order under the Family Violence Act 2018, and service is being proved in the manner specified in subclause (1)(b) or subclause (4)(a), the affidavit of service or (as the case requires) endorsement or certificate must also state the time that service took place.

Compare: SR 1981/261 r 44(2), (3); SR 1992/109 r 218(1)

Rule 127(4): amended, on 1 September 2017, by rule 16 of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 127(4): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Rule 127(5): amended, on 1 July 2019, by rule 32 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

127A Proof of service by transmission to electronic address for service

If service of a document is effected by transmission to an electronic address for service under rule 113A, service of the document is treated as being effected on the person to be served (the **recipient**) at the time the document was sent, and in proving service it is sufficient to prove that—

(a) the document was properly addressed to the recipient's electronic address for service; and

(b) the electronic address for service was provided by the recipient for the purpose of receiving the document; and

(c) the document was transmitted to that address.

Rule 127A: replaced, on 23 December 2022, by rule 11 of the Family Court Amendment Rules 2022 (SL 2022/344).

128 Proof of substituted service

(1) Proof that a document has been served (by substituted service) through publishing an advertisement in 1 or more newspapers may be given by an affidavit in form G 11 that—

(a) sets out the name of each newspaper in which the advertisement was published, and the respective dates of publication; and

(b) has attached to it, as exhibits, extracts taken from the 1 or more newspapers that include the advertisement.

(2) The service of a document by substituted service in any other way may be proved—

(a) on oath before the court; or

(b) by affidavit; or

(c) by any other means satisfactory to a Registrar.

Rule 128 heading: amended, on 1 September 2017, by rule 17(1) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 128(2): inserted, on 1 September 2017, by rule 17(2) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 128(2)(c): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

129 Attaching copy of document to affidavit of service or certificate of service

(1) An affidavit of service of a document need not have a copy of the document attached to it as an exhibit if—

(a) the original or a copy of the document has, at the time of service, been filed in the court; and

(b) the affidavit contains a description of the document that—

(i) enables the document to be identified; and

(ii) if the document is dated, includes the date of the document.

(1A) Despite rule 127(4)(a)(ii), a certificate of service under that rule need not have a copy of the document attached to it if—

(a) the original or a copy of the document has, at the time of service, been filed in the court; and

(b) the certificate of service contains a description of the document that—

(i) enables the document to be identified; and

(ii) if the document is dated, includes the date of the document.

(2) The court may direct a party to attach a copy of a document to an affidavit of service or certificate of service.

(3) A direction under subclause (2) overrides subclauses (1) and (1A).

Compare: SR 1992/109 r 218(2)

Rule 129 heading: amended, on 7 August 2008, by rule 18(1) of the Family Courts Amendment Rules 2008 (SR 2008/207).

Rule 129(1A): inserted, on 7 August 2008, by rule 18(2) of the Family Courts Amendment Rules 2008 (SR 2008/207).

Rule 129(2): amended, on 7 August 2008, by rule 18(3) of the Family Courts Amendment Rules 2008 (SR 2008/207).

Rule 129(3): amended, on 1 September 2017, by rule 18 of the Family Court Amendment Rules 2017 (LI 2017/189).

Service: On party out of New Zealand

130 Service on absentee: District Court Rules 2014 apply

(1) The DCRs set out in subclause (2) apply, so far as applicable and with all necessary modifications, to proceedings in the court under any of the Acts specified in subclause (4).

(2) The DCRs referred to in subclause (1) are—

(a) 6.23—when (service out of New Zealand) allowed without leave:

(b) 6.24—when (service out of New Zealand) allowed with leave:

(c) 6.25—court's discretion whether to assume jurisdiction:

(d) 6.27—notice to defendant served outside New Zealand:

(e) 6.32—subpart does not apply to service in Australia of documents for or in certain Trans-Tasman proceedings.

(3) Without limiting subclause (1), the necessary modifications to DCR 6.25 include that the references in it to DCR 5.51 are to be read as references to rule 43 of these rules (*see*, in particular, rule 43(8) and (9)).

(4) The Acts referred to in subclause (1) are the—

(a) Adoption Act 1955:

(b) Births, Deaths, Marriages, and Relationships Registration Act 2021:

(c) Child Support Act 1991:

(d) Oranga Tamariki Act 1989:

(e) Domestic Actions Act 1975:

(f) Family Violence Act 2018:

(g) Family Protection Act 1955:

(h) Law Reform (Testamentary Promises) Act 1949:

(i) Marriage Act 1955:

(j) Property (Relationships) Act 1976:

(k) Protection of Personal and Property Rights Act 1988.

(5) DCR 6.30 (relating to service in convention countries) applies, so far as applicable and with all necessary modifications, to proceedings in the court under any of the following Acts:

(a) Care of Children Act 2004:

(b) Family Proceedings Act 1980:

(c) those Acts listed in subclause (4)(a), (b), and (d) to (j).

Rule 130: replaced, on 1 July 2014, by rule 12 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 130 heading: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 130(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 130(4)(b): amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Rule 130(4)(d): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 130(4)(f): amended, on 1 July 2019, by rule 33 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 130(5): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Use of Māori language, translations, and sign language

Heading: replaced, on 1 November 2009, by rule 11 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

131 Māori and other languages: District Court Rules 2014 apply

The following DCRs apply, so far as applicable and with all necessary modifications, to proceedings in the court:

(a) 1.15—speaking in Māori:

(b) 1.16—translation of documents into te reo Māori:

(c) 1.17—failure to give notice:

(d) 1.18—translation may be ordered by court:

(e) 1.20—sign language.

Rule 131: replaced, on 1 July 2014, by rule 13 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 131 heading: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 131: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Changing times by which rules or orders require things to be done

132 Changing times by which things to be done

(1) This rule applies only to a time fixed by these rules, or fixed by an order, for—

(a) taking a step in the proceedings; or

(b) filing a document; or

(c) giving or serving a notice; or

(d) the doing of an act.

(2) An order reducing the time may be made by—

(a) the court on such terms and conditions (if any) it thinks fit if—

(i) each person or party affected consents; or

(ii) whether or not an interlocutory application for the purpose is filed, the court considers it appropriate in the circumstances to avoid undue hardship or a risk of harm to any person; or

(b) a Registrar on such terms and conditions (if any) the Registrar thinks fit if—

(i) each person or party affected consents; or

(ii) an interlocutory application for the purpose is filed and the Registrar considers it appropriate in the circumstances to avoid undue hardship or a risk of harm to any person.

(3) An order extending the time may be made before or after the time has expired by—

(a) the court on such terms and conditions (if any) it thinks fit if—

(i) each person or party affected consents; or

(ii) whether or not an interlocutory application for the purpose is filed, the court is satisfied that it is in the interests of justice to make the order; or

(b) a Registrar on such terms and conditions (if any) the Registrar thinks fit if—

(i) each person or party affected consents; or

(ii) an interlocutory application for the purpose is filed and the Registrar is satisfied that it is in the interests of justice to make the order.

(4) An order varying an order made under subclause (2) or (3) may be made by the court or a Registrar on such terms and conditions (if any) the court or Registrar thinks fit if—

(a) each person or party affected consents; or

(b) an interlocutory application for the purpose is filed (whether before or after the time has expired) and the court or Registrar considers it appropriate in the circumstances.

(5) An interlocutory application filed under this rule may be made without notice.

(6) This rule is subject to every Act and any other of these rules.

Compare: SR 1992/109 r 6; SR 1996/148 r 66

Rule 132(2): replaced, on 22 November 2010, by rule 4 of the Family Courts Amendment Rules (No 3) 2010 (SR 2010/368).

Rule 132(2)(a): replaced, on 2 May 2024, by rule 31(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 132(3): replaced, on 22 November 2010, by rule 4 of the Family Courts Amendment Rules (No 3) 2010 (SR 2010/368).

Rule 132(3)(a): replaced, on 2 May 2024, by rule 31(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 132(4): replaced, on 2 May 2024, by rule 31(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 132(5): replaced, on 22 November 2010, by rule 4 of the Family Courts Amendment Rules (No 3) 2010 (SR 2010/368).

Rule 132(6): replaced, on 22 November 2010, by rule 4 of the Family Courts Amendment Rules (No 3) 2010 (SR 2010/368).

Striking out and adding parties

133 Striking out and adding parties

(1) The court may, on its own initiative or on an interlocutory application for the purpose, at any stage of the proceedings, and on any terms that the court considers just,—

(a) order that the name of a party improperly or mistakenly joined (whether as applicant or as respondent) be struck out:

(b) order that the name of a person who ought to have been joined, or whose presence before the court may be necessary to enable the court effectually and completely to adjudicate on and settle all questions involved in the proceedings, be added, whether as applicant or as respondent.

(2) However, nothing in subclause (1)(b) authorises the addition of a person as applicant without that person's consent.

Compare: 1992/109 r 103

Change of parties by death, etc

134 Change of parties: District Court Rules 2014 apply

(1) The following DCRs apply, so far as applicable and with all necessary modifications, to proceedings in the court:

(a) 4.49—proceeding not to come to end:

(b) 4.50—procedure on death, bankruptcy, and devolution:

(c) 4.51—devolution when proceeding pending:

(d) 4.52—new parties order:

(e) 4.53—discharge or variation of new parties order:

(f) 4.54—change of name.

(2) DCR 4.49 applies subject to section 100 of the District Court Act 2016.

Rule 134: replaced, on 1 July 2014, by rule 14 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 134 heading: amended, on 1 July 2019, by rule 57(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 134(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 134(2): amended, on 1 July 2019, by rule 57(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Consolidation of proceedings

135 When order may be made

(1) Subclause (2) applies if 2 or more proceedings are pending and it appears to the court—

(a) that common questions of law or fact arise in both or all of them; or

(b) that the rights to relief claimed in both or all of them are in respect of, or arise out of,—

(i) the same event; or

(ii) the same transaction; or

(iii) the same event and the same transaction; or

(iv) the same series of events; or

(v) the same series of transactions; or

(vi) the same series of events and the same series of transactions; or

(c) that for some other reason it is desirable to make an order under this rule.

(2) The court may order—

(a) that both or all of the proceedings be consolidated, on any terms that it thinks just; or

(b) that both or all of the proceedings be heard at the same time or one after the other; or

(c) that any of the proceedings be stayed until the determination of any other of them.

Compare: SR 1992/109 r 384

136 Application of rule 135

(1) Rule 135 applies even though—

(a) the relief claimed in the proceedings is not the same; or

(b) some or all of the proceedings are brought under an Act that confers special jurisdiction on the court.

(2) Rule 135 does not limit the following provisions, or any other enactments that empower the court to hear and determine an application or proceedings before it in conjunction with another application or other proceedings:

(a) section 158 of the Oranga Tamariki Act 1989:

(b) section 160(2) and (3) of the Family Proceedings Act 1980.

Compare: SR 1992/109 r 385

Rule 136(2)(a): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Getting more information and admissions

137 Interrogatories: District Court Rules 2014 apply

The following DCRs apply, so far as applicable and with all necessary modifications, to proceedings in the court:

(a) 8.12—orders that may be made:

(b) 8.34—interrogatories by notice:

(c) 8.35—duties of party served:

(d) 8.36—limitation of interrogatories by notice:

(e) 8.37—multiple parties:

(f) 8.38—order to answer:

(g) 8.39—contents of statement:

(h) 8.40—objection to answer:

(i) 8.41—who may swear affidavit verifying statement in answer to interrogatories:

(j) 8.42—insufficient answer:

(k) 8.43—incorrect answer to be amended:

(l) 8.44—answers as evidence.

Rule 137: replaced, on 1 July 2014, by rule 15 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 137 heading: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 137: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

138 Notice to admit facts

(1) A party who has made an application, or filed a notice of intention to appear or a notice of defence, may serve on another party to the proceedings a notice in form G 14 (notice to admit facts) requiring the party on whom the notice is served to admit the facts set out in the notice.

(2) An admission made in compliance with a notice under this rule—

(a) may be amended or withdrawn at any time, if the court allows and on any terms the court thinks fit:

(b) must not be used against the party who made it in proceedings or an interlocutory application other than the proceedings or an interlocutory application for the purpose of which it was made.

(3) The cost of proving the facts required by the notice must, unless the court orders otherwise, be paid by the party on whom the notice was served if that party refuses or neglects to admit the facts set out in the notice—

(a) within 7 working days after the date of service; or

(b) within a longer time allowed for the purpose by the court.

Compare: SR 1992/109 r 313

Rule 138(2)(a): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 138(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

139 Further particulars

(1) A party who requires further particulars before the hearing may give notice to another party requiring that other party, within 10 working days after service of the notice, to file and serve further particulars.

(2) A notice given under subclause (1) may require only further particulars that are specified in the notice and that are sufficient to ensure that the court and the party giving the notice are fully and fairly informed of the matters relied on by the party given the notice.

(3) Whether or not a notice has been given under subclause (1), the court may, at any time, order a party to file and serve—

(a) a statement of any particulars that may be necessary to ensure that the court hearing the proceedings and the parties to the proceedings are fully and fairly informed of the matters relied on by the party who is the subject of the order:

(b) if the proceedings include an application for maintenance under the Family Proceedings Act 1980, an affidavit in form FP 18 (affidavit of financial means and their sources):

(c) if the proceedings are under the Child Support Act 1991, an affidavit in form CS 28 (affidavit of financial means and their sources).

(4) If the applicant in the proceedings fails to comply with a notice given under subclause (1) or an order made under subclause (3), the court may order that the proceedings—

(a) be dismissed; or

(b) be stayed until the order is complied with.

(5) If the respondent in the proceedings fails to comply with a notice given under subclause (1) or an order made under subclause (3), the court may order—

(a) that the respondent be deemed to have admitted the particulars in the application or notice of defence to which the order for further particulars applies; or

(b) that the respondent is allowed to defend the proceedings only on any terms the court thinks fit.

Compare: SR 1992/58 r 38

Rule 139(3): amended, on 2 May 2024, by rule 32(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 139(3)(a): amended, on 2 May 2024, by rule 32(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 139(5)(a): amended, on 27 May 2010, by rule 12 of the Family Courts Amendment Rules 2010 (SR 2010/97).

Discovery and inspection of documents

140 Order for discovery before proceedings commenced

(1) Subclause (2) applies if—

(a) a person (the **intending applicant**) is or may be entitled to claim in the court relief against another person (the **intended respondent**); and

(b) it is impossible or impracticable for the intending applicant to formulate the intending applicant's application without reference to a document or class of documents; and

(c) there are grounds for a belief that the document or 1 or more documents of that class may be or may have been in the possession, custody, or power of a person (whether the intended respondent or not).

(2) If, on the application of the intending applicant made before any proceedings are brought, the court is satisfied of the matters stated in subclause (1)(a) to (c), it may order the person referred to in subclause (1)(c) to file and serve on the intending applicant an affidavit stating—

(a) whether that document or (as the case requires) a document of that class is or has been in his or her possession, custody, or power; and

(b) if it has been, but is no longer, in his or her possession, custody, or power, when he or she parted with it and what has become of it.

(3) An application under subclause (2) must be made by way of an interlocutory application made on notice—

(a) to the person from whom discovery is sought; and

(b) to the intended respondent.

Compare: 1992/109 r 321

141 Order for discovery after proceedings commenced

(1) If a notice of defence or a notice of intention to appear has been filed, a party may apply to the court for an order for discovery of documents—

(a) that are, or have been, in the possession of another party to the proceedings; and

(b) that relate to a matter in question in the proceedings.

(2) An application under subclause (1) must be accompanied by an affidavit specifying—

(a) the extent of the discovery required; and

(b) the reasons for the discovery.

(2A) On receipt of an application made in accordance with subclauses (1) and (2), the court may order the party referred to in subclause (1)(a) to file an affidavit stating—

(a) whether certain documents or classes of documents are or have been in that party's possession, custody, or power; and

(b) if the party had the documents or classes of documents but has now parted with the documents or classes of documents, when the party did so and what became of the documents or classes of documents.

(3) An order for discovery—

(a) must be in form G 15 (order for discovery of documents); and

(b) must be served by the applicant on the party against whom the order is made.

(4) A party against whom an order for discovery is made must, within 10 working days after the service of the order or any further time the court may allow on an interlocutory application for the purpose,—

(a) file an affidavit of documents in form G 16 (affidavit of documents); and

(b) serve a copy of the affidavit of documents on every other party to the proceeding who has filed an address for service.

(5) If the proceedings are under the Child Support Act 1991, nothing in this rule limits the application of the secrecy provisions of that Act or the Tax Administration Act 1994.

Compare: SR 1992/58 r 39

Rule 141(2A): inserted, on 27 May 2010, by rule 6(1) of the Family Courts Amendment Rules 2010 (SR 2010/97).

Rule 141(3)(b): replaced, on 27 May 2010, by rule 6(2) of the Family Courts Amendment Rules 2010 (SR 2010/97).

Rule 141(4): amended, on 27 May 2010, by rule 6(3) of the Family Courts Amendment Rules 2010 (SR 2010/97).

142 Contents of affidavit of documents

(1) Unless the court orders otherwise, an affidavit of documents must—

(a) be in form G 16 (affidavit of documents):

(b) list, in a convenient sequence, and as briefly as possible, all documents relating to the proceedings that are, or have been, in the possession, custody, or power of the party or person making the affidavit:

(c) describe each document, or group of documents of the same nature, to enable the document or group to be identified:

(d) distinguish those documents that are in the possession, custody, or power of the party or person making the affidavit from those that have been, but are no longer, in the party's or person's possession, custody, or power:

(e) state, in respect of each document that is no longer in the party's or person's possession, custody, or power, when the party or person parted with the document and what has become of it:

(f) list any other relevant documents the party or person knows exist, and state the name of the person (whether a party or not) in whose possession the party or person believes the documents to be.

(2) If the party or person making the affidavit claims that a document in the party's or person's possession, custody, or power is privileged from production, the party or person must state clearly in the affidavit the grounds for claiming the privilege.

Compare: SR 1992/109 r 320

143 Order for particular discovery against non-party after proceedings commenced

(1) Subclause (2) applies if it appears to the court, at any stage of the proceedings (whether from evidence or from the nature or circumstances of the case or from a document filed in the proceedings) that a document or class of documents relating to a matter in question in the proceedings may be, or may have been, in the possession, custody, or power of a person who is not a party to the proceedings.

(2) The court may order the person who may have, or may have had, the document or class of documents in that person's possession, custody, or power, to file and serve on every party to the proceedings an affidavit stating—

(a) whether that document or class of documents is or has been in that person's possession, custody, or power; and

(b) if the person had the document but has now parted with it, when the person did so and what has become of it.

(3) An application for an order under subclause (2) must be made by way of an interlocutory application, and notice of the application must be given—

(a) to the person from whom discovery is sought; and

(b) to every other party who has filed an address for service.

(4) If an order is made under this rule, the court may also order that the applicant pay to the person from whom discovery is sought that person's expenses (including solicitor and client costs)—

(a) arising from, and incidental to, the application; and

(b) in complying with any other order made on the application.

Compare: SR 1992/109 rr 323, 324

144 Incorrect affidavit to be amended

(1) This rule applies to a party or person who considers defective or erroneous, because of a change in circumstances or because of an error or omission, an affidavit of documents filed by him or her and served under—

(a) an order for discovery before proceedings commenced, under rule 140; or

(b) an order for discovery after proceedings commenced, under rule 141; or

(c) an order for particular discovery against non-party after proceedings commenced, under rule 143.

(2) The party or person must immediately file and serve a further affidavit of documents correcting the error or omission.

Compare: SR 1992/109 r 326

145 Failure to include document

If a document should have been, but has not been, included in an affidavit of documents filed by a party, the document may not be produced in evidence at the hearing, except—

(a) with the leave of the court; or

(b) with the consent of all parties to the proceedings.

Compare: SR 1992/109 r 327

146 Notice to produce for inspection

(1) A party served with an affidavit of documents may, by notice to the party giving discovery, require that party to produce for inspection a document referred to in the affidavit of documents.

(2) A party on whom a notice to produce a document is served must, within 4 days after the service of the notice, serve on the party requiring production of the document a notice—

(a) stating a time (within 7 days after the service of the notice) at which, and a place at which, the document may be inspected; or

(b) claiming the document is privileged from production and clearly stating the grounds for the privilege; or

(c) stating that the document is not in the party's possession, custody, or power, and where the document is to the best of the party's knowledge, information, and belief.

Compare: SR 1992/109 r 328

147 Order for production for inspection

(1) This rule applies to a party or person—

(a) if it appears to the court from an affidavit of documents filed by the party that a relevant document is in the possession, custody, or power of the party; or

(b) if it appears to the court from evidence in the proceedings, the nature or circumstances of the case, or any document filed in the proceedings, that a relevant document is in the possession, custody, or power of the party or person.

(2) The court may, unless the document is privileged from production, order the person or party—

(a) to produce the document for inspection at a time and place specified in the order; or

(b) to serve on any person a copy of all or any part of the document with or without an affidavit verifying the copy by a person who has examined the original and the copy of the document.

(3) Unless the court orders otherwise, an affidavit required under subclause (2) must state whether there are any erasures from, or additions or alterations to, the document copied and, if so, what they are.

Compare: SR 1992/109 r 329

Rule 147(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

148 Costs of production by non-party

(1) The court may order that expenses (including solicitor and client costs) of a kind described in subclause (2) and that were incurred by a person who is not a party to proceedings already commenced be paid by the party to whom the document or copy of the document is produced.

(2) The expenses are those of, or incidental to,—

(a) compliance with a notice (to produce for inspection) under rule 146; or

(b) an order (for production for inspection) under rule 147.

Compare: SR 1992/109 r 330

149 Right to make copies

(1) A party to whom a document is produced for inspection under rule 146 or rule 147 may—

(a) make copies of the document; or

(b) make an interlocutory application to the court to have the party who has possession, custody, or power of the document produce a legible copy for the applicant.

(2) An order under subclause (1)(b) may be made on any terms the court thinks fit and may require—

(a) that the applicant pay the reasonable expenses of the other party:

(b) that the document be marked to the effect that it is a copy and provided for the purposes of inspection only.

(3) A party who obtains a copy of a document under this rule—

(a) may make use of the copy of the document only for the purpose of the proceedings; and

(b) may not make it available to any other person, except as is necessary for the purpose of the proceedings.

Compare: SR 1992/109 r 331

150 Production of document to court

(1) The court may, at any stage of the proceedings, order a party or person to produce to the court a document if it is in the possession, custody, or power of the party or person and relates to a matter in question in the proceedings.

(2) The court may deal with a document produced under subclause (1) in any manner the court thinks fit.

(3) If the proceedings are under the Child Support Act 1991, this rule is subject to the secrecy provisions of that Act and of the Tax Administration Act 1994.

Compare: SR 1992/109 r 332

151 Inspection to decide validity of claim or objection

(1) If an application is made for an order under rule 147 or rule 150 and a claim that the document is privileged from production, or another objection to production of the document, is made by the person who would be subject to the order, the court may inspect the document for the purpose of deciding the validity of the claim or objection.

(2) A person cannot make a claim of privilege on the basis—

(a) that a document relates solely to the case of the party claiming privilege; or

(b) that the existence or otherwise of a document is a substantial issue in the proceedings.

Compare: SR 1992/109 r 333

152 Admission of documents discovered

(1) If an affidavit of documents is served on a party and the party is permitted to inspect a document specified in the affidavit, the following admissions by the party inspecting the document in favour of the party serving the affidavit must have effect unless the court orders otherwise:

(a) that the document, if described in the affidavit as an original document, is an original document and was printed, written, signed, or executed as it purports to have been:

(b) that the document, if described in the affidavit as a copy, is a true copy.

(2) However, a party must not be treated as having made an admission in relation to a document under subclause (1) if the party—

(a) has denied in a document filed in the court the authenticity of the document; or

(b) within 14 days of inspecting the document, serves on the party giving inspection a notice that the party disputes the authenticity of the document.

(3) If a document listed in an affidavit of documents is shown to be in the possession or power of the party serving the affidavit and that party has not claimed privilege in respect of the document, the party on whom the affidavit was served may give secondary evidence about the document and its contents if the party who served the affidavit does not produce the document on the request of the party on whom the document was served.

(4) Subclause (3) applies whether or not a notice to produce the document has been served on the party serving the affidavit.

Compare: SR 1992/109 r 336(1)–(4)

153 Notice to produce documents

(1) A party may serve a notice on another party requiring the other party to produce a document or thing—

(a) for the purpose of evidence at any hearing in the proceedings; or

(b) before a Family Court Associate, Judge, officer, examiner, or other person authorised to take evidence in the proceedings.

(2) If the document or thing is in the possession, custody, or power of a party to whom a notice to produce is served, the party must, unless the court orders otherwise, produce the document or thing in accordance with the notice.

(3) A notice to produce—

(a) must be treated as an order of the court to produce the document or thing referred to in the notice; and

(b) does not need to be accompanied by a summons of production.

Compare: SR 1992/109 r 337

Rule 153(1)(b): amended, on 2 May 2024, by rule 33 of the Family Court Amendment Rules 2024 (SL 2024/35).

154 Notice to admit documents

(1) A party to proceedings may, by notice served on another party, require the other party to admit, for the purpose of the proceedings, the authenticity of a document specified in the notice.

(2) If the party on whom the notice is served does not, within 14 days after service, serve, on the party serving the notice to admit documents, a notice disputing the authenticity of a document specified in the notice, the document must, for

the purpose of the proceedings, be taken to have been admitted by the party on whom the notice to admit documents is served.

(3) A party may, with the leave of the court, withdraw an admission under subclause (2).

Compare: SR 1992/109 r 338

155 Restricted effect of admission

An admission made under rule 152 or rule 154 must not be used against the party making the admission in any other proceedings.

Compare: SR 1992/109 r 339

Procedure when evidence given by affidavit

156 Use of affidavits

(1) An affidavit must be filed before it may be used by any party.

(2) Once an affidavit is filed, it may be used by any party.

(3) An affidavit must remain on the file unless the court gives leave for the affidavit to be removed.

Compare: SR 1992/109 r 505

157 Person refusing to make affidavit

(1) If a person has knowledge of facts relevant to proceedings but refuses on the request of a party to the proceedings to make an affidavit about those facts, the party who requested the affidavit may apply for an order requiring the person to appear and be examined on oath about those facts before the court or a person appointed by the court.

(2) On an application under subclause (1), the court may—

(a) make any orders the court thinks just—

(i) for the attendance of the person for examination; and

(ii) for the production of any documents specified in the order; and

(b) impose any terms the court thinks just as to the examination and the costs of, and incidental to, the application and examination.

(3) A person who disobeys an order made under subclause (2) is liable to proceedings for contempt.

Compare: SR 1992/109 r 507

158 Form and contents of affidavit

(1) Every affidavit—

(a) must be expressed in the first person; and

(b) must state the full name, occupation, and place of residence, of the person making it (the **deponent**); and

(c) must either—

(i) be signed by the deponent; or

(ii) if the deponent cannot write, have the deponent's mark set to it by the deponent; and

(d) must be limited to any matters that would be admissible if the deponent were giving the evidence orally at the hearing; and

(e) must, if it is an affidavit in reply, be limited strictly to matters in reply.

(2) The court hearing the proceedings—

(a) may refuse to read an affidavit that—

(i) unnecessarily sets forth any argumentative matter or copies of, or extracts from, documents; or

(ii) is an affidavit in reply, but introduces new matter; and

(b) may order that the costs incurred in respect of, or occasioned by, an affidavit of a kind described in paragraph (a) be paid by the party filing the affidavit.

(3) The date on which, and place at which, an affidavit is sworn must be stated in the jurat (that is, in the brief statement at the end of an affidavit of when, where, and before whom, the affidavit was sworn), and the jurat must be signed by the person before whom the affidavit is sworn.

(4) If an affidavit is 2 or more pages long,—

(a) the deponent must initial or make his or her mark on each page preceding the page on which the jurat appears; and

(b) the person before whom the affidavit is sworn must initial each page preceding the page on which the jurat appears.

(5) Nothing in this rule limits rules 63 to 72 so far as they apply to affidavits.

Compare: SR 1992/109 r 508

159 Exhibits to affidavits

(1) An exhibit that accompanies an affidavit—

(a) must be marked with an identifying letter or number; and

(b) must be annexed to the affidavit if—

(i) it is practicable to annex it to the affidavit; and

(ii) its pages do not exceed International size A4; and

(c) must be identified by a note made on it and signed by the person before whom the affidavit is sworn.

(2) Exhibits that are not annexed to the affidavit must, subject to subclause (3), be filed with the affidavit but in a separate bundle that—

(a) is securely bound; and

(b) has a front page, in accordance with rule 72.

(3) If it is not practicable to comply with subclause (1)(b) or subclause (2), the exhibit must have firmly attached to it a front page, in accordance with rule 72.

Compare: 1992/109 r 509

160 Affidavit in language other than English

(1) An affidavit in a language other than English (**non-English-language affidavit**) may be filed in a proceeding.

(2) The non-English-language affidavit must be accompanied by an affidavit by an interpreter, to which is exhibited—

(a) a copy of the non-English-language affidavit; and

(b) the interpreter's translation of the non-English-language affidavit.

Rule 160: replaced, on 7 August 2008, by rule 20 of the Family Courts Amendment Rules 2008 (SR 2008/207).

161 Alterations or additions to, or erasure from, affidavit

(1) An affidavit that has an alteration or contains additional information written between the lines must not be read or used in proceedings unless—

(a) the court gives leave for it to be read or used in the proceedings; or

(b) the alteration or addition is authenticated by the initials of the person before whom the affidavit was sworn.

(2) An affidavit that contains any information erased by way of crossing or striking out, whiting out, or another means of erasure, must not be read or used in proceedings unless—

(a) the court gives leave for it to be read or used in the proceedings; or

(b) the erased information is written in the margin of the affidavit, identified as an erasure forming part of the affidavit, and signed or initialled by the person before whom the affidavit was sworn.

Compare: SR 1992/109 r 511

162 Irregularity in form of affidavit

(1) The court may receive an affidavit sworn for the purpose of being used in any proceedings despite an irregularity in its form, for example, in its description of the parties in the title.

(2) On or after receiving an affidavit under subclause (1), the court may direct that a memorandum be made on the affidavit to the effect that it has been received despite the irregularity.

(3) Nothing in this rule affects rule 160 or rule 161.

Compare: SR 1992/109 r 512

162A Unsigned affidavit

(1) This rule applies despite rule 168.

(2) An affidavit that does not comply with rule 158(1)(c) or 159(1)(c) may be filed in proceedings during an emergency if—

(a) compliance with those rules during the emergency would—

(i) cause an unacceptable delay in the determination of the proceedings having regard to the nature and urgency of the proceedings; or

(ii) endanger the health or wellbeing of any person; and

(b) the affidavit includes a statement by the person making the affidavit (the **deponent**) that the matters stated in the affidavit are to the best of their knowledge true and correct.

(3) However, an affidavit filed under subclause (2) may only be read and used in proceedings if—

(a) the court is satisfied as to either of the matters in subclause (2)(a); and

(b) the affidavit includes a statement referred to in subclause (2)(b).

(4) If the deponent is represented by a lawyer, the lawyer must, when filing the affidavit, file a memorandum—

(a) that confirms—

(i) the affidavit is the same as the affidavit the deponent would have signed had there not been an emergency; and

(ii) the lawyer has advised the deponent that they must sign and file the affidavit as soon as circumstances reasonably permit; and

(b) that includes an undertaking that, as soon as circumstances reasonably permit,—

(i) the deponent will sign the affidavit; and

(ii) the affidavit will then be filed.

(5) If the deponent is not represented by a lawyer, the affidavit must state at the end that the deponent will sign and file the affidavit as soon as circumstances reasonably permit.

(6) In this rule, **proceedings** includes interlocutory proceedings.

Rule 162A: inserted, on 5 June 2020, by rule 9 of the Family Court (Emergency) Amendment Rules 2020 (LI 2020/105).

Rule 162A(3)(a): amended, on 2 May 2024, by rule 34 of the Family Court Amendment Rules 2024 (SL 2024/35).

163 Service copies of affidavits

Every copy of an affidavit for service must—

(a) be legible; and

(b) if practicable, include a legible copy of all exhibits.

Compare: SR 1992/109 r 513

164 Affidavit may be sworn on any day

An affidavit may be sworn on any day, for example, a Sunday.

Compare: SR 1992/109 r 514

165 Affidavits made on behalf of corporations

A person may make an affidavit on behalf of a corporation or body of persons empowered by law to sue or be sued (whether in the name of the body or in the name of the holder of an office) if the person—

(a) knows the relevant facts; and

(b) is authorised to make the affidavit.

Compare: SR 1992/109 r 515

166 Affidavits by 2 or more deponents

(1) Every affidavit made by 2 or more deponents must state in the jurat the names of all the deponents.

(2) However, if the affidavit is sworn by the 2 or more deponents before the same person at the same time, it is sufficient that the affidavit state that it is sworn by both (or all) of "the above-named deponents".

Compare: SR 1992/109 r 516

167 Affidavit by blind, disabled, or illiterate deponent

(1) Subclause (2) applies to a person before whom an affidavit is being sworn if it appears to that person that the deponent—

(a) is wholly or partly blind; or

(b) is unable to read, or has severe difficulty (for example, because of a disability) in reading.

(2) The person must certify in the jurat—

(a) that the affidavit was read and explained by him or her to the deponent; and

(b) that the deponent appeared to fully understand the affidavit; and

(c) that the deponent wrote his or her signature or made his or her mark on the affidavit in the person's presence.

Compare: SR 1992/109 r 517

168 Authority to take affidavits

Unless an affidavit is sworn before a person who is authorised under section 104 of the District Court Act 2016 to take it, it must not be read or used in proceedings in a court.

Compare: SR 1992/109 r 518

Rule 168: amended, on 1 July 2019, by rule 58 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

169 Cross-examination of deponent

(1) A party who wishes to cross-examine a deponent who has sworn an affidavit for an opposite party may serve a written notice on the opposite party requiring the deponent to attend the hearing for cross-examination.

(2) The written notice may be by way of a letter to the opposite party's lawyer.

(3) The party giving the written notice must, no later than 5 working days after receiving notice of the date and time fixed for the hearing of the application,—

(a) serve it on the opposite party:

(b) serve a copy of it on any other party to the proceedings:

(c) file a copy of it in the court.

(4) If the deponent does not attend the hearing, the deponent's affidavit may not be used as evidence by any party, except by the leave of the court.

(5) The party served with the notice may compel the deponent's attendance for cross-examination by a witness summons under rule 50.

Compare: SR 1992/109 r 506

Rule 169(3): amended, on 27 May 2010, by rule 7 of the Family Courts Amendment Rules 2010 (SR 2010/97).

Other evidentiary matters

170 Pre-hearing rulings on evidence

(1) The court may, at any stage of the proceedings,—

(a) make an order determining a question of admissibility of evidence proposed to be tendered at the hearing by a party:

(b) if it is proposed that the evidence of a person be admitted at the hearing in the form of a videotape, make an order authorising the tendering of the evidence by that means, and give any directions that it thinks fit relating to the procedure by which the videotaping of that evidence is to be carried out.

(2) Any order or directions under subclause (1) may be varied or revoked by the court on its own initiative or on an interlocutory application for the purpose.

Compare: 1989/295 r 57

171 Evidence by deposition: District Court Rules 2014 apply

(1) The following DCRs apply, so far as applicable and with all necessary modifications, to proceedings in the court:

(a) 9.17—order for examination of witness or for letters of request:

(b) 9.20—procedure for examination before examiner:

(c) 9.22—objection to question:

(d) 9.24—depositions as evidence.

(2) *[Revoked]*

(3) The fact that an examination is pending under DCRs 9.17 or 9.20, as applied to proceedings in the court, does not suspend or prevent the exercise by the court or a Registrar of a power or jurisdiction that the court or Registrar would otherwise possess in respect of the application.

Compare: SR 1996/148 r 75

Rule 171 heading: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 171(1): replaced, on 1 July 2014, by rule 16(2) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 171(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 171(2): revoked, on 1 July 2014, by rule 16(2) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 171(3): amended, on 2 May 2024, by rule 35 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 171(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 171(3): amended, on 1 July 2014, by rule 16(3) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

172 Taking evidence outside New Zealand: District Court Rules 2014 apply

(1) The following DCRs apply, so far as applicable and with all necessary modifications:

(a) 9.76—authority to take affidavits in places outside New Zealand:

(b) 9.77—meaning of authenticated deposition:

(c) 9.78—admissibility of authenticated deposition.

(2) However, in proceedings under section 145 of the Family Proceedings Act 1980 (which relates to applications for maintenance by applicants residing in Convention countries), subclause (1) is subject to section 150 of that Act.

Compare: SR 1996/148 r 76

Rule 172 heading: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 172(1): replaced, on 1 July 2014, by rule 17(2) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Evidence in trans-Tasman proceedings

Heading: inserted, on 1 November 2009, by rule 16 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

173 Interpretation

In rules 173A to 173E, unless the context otherwise requires, terms that are defined in the Evidence Act 2006 have the meanings given to them by that Act.

Rule 173: replaced, on 1 November 2009, by rule 17 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

173A Leave to serve New Zealand subpoena on witness in Australia: District Court Rules 2014 apply

DCR 9.51 applies, so far as applicable and with all necessary modifications, to proceedings in the court.

Rule 173A: replaced, on 11 October 2013, by rule 13 of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Rule 173A heading: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 173A: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 173A: amended, on 1 July 2014, by rule 18(2) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

173B Issue of subpoenas for service in Australia

(1) A subpoena issued by the court for service on a witness in Australia that requires the witness to testify, whether or not it also requires the witness to produce documents or things, must be in form G 25 (set out in Schedule 1).

(2) A subpoena issued by the court for service on a witness in Australia that requires the witness to produce documents or things, but does not require the witness to testify, must be in form G 26 (set out in Schedule 1).

(3) A subpoena referred to in subclause (1) or (2) may be obtained in the same manner and subject to the same conditions as a witness summons under rule 50.

Rule 173B: inserted, on 1 November 2009, by rule 17 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

173C Service of subpoena on witness in Australia

Every statement that, in accordance with section 156 of the Evidence Act 2006, is required to accompany a subpoena that is served on a witness in Australia must be in form G 27 (set out in Schedule 1).

Rule 173C: inserted, on 1 November 2009, by rule 17 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

173CA Application to set aside New Zealand subpoena

The following DCRs apply, so far as applicable, and with all necessary modifications:

(a) 9.53—application to set aside New Zealand subpoena:

(b) 9.54—service of documents on applicant:

(c) 9.55—hearing of application.

Rule 173CA: replaced, on 1 July 2014, by rule 19 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

173D Failure to comply with subpoena

A certificate under section 161 of the Evidence Act 2006 must be in form G 28 (set out in Schedule 1).

Rule 173D: inserted, on 1 November 2009, by rule 17 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

173E Evidence and submissions by remote appearance medium from Australia: District Court Rules 2014 apply

DCR 9.57 applies, so far as applicable and with all necessary modifications, to proceedings in the court.

Rule 173E: replaced, on 11 October 2013, by rule 15 of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Rule 173E heading: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 173E: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 173E: amended, on 1 July 2014, by rule 20(2) of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Conferences

174 Judicial conference: direction to convene

To ensure that an application is determined as fairly, inexpensively, simply, and speedily as is consistent with justice, the court may direct that a judicial conference be held.

Rule 174: replaced, on 2 May 2024, by rule 36 of the Family Court Amendment Rules 2024 (SL 2024/35).

175 Judicial conference: nature and purpose

(1) A judicial conference is presided over by a Family Court Associate or Judge (the **presiding officer**).

(1A) However, only a Judge may preside over a judicial conference convened in proceedings under the Oranga Tamariki Act 1989.

(2) The purpose of a judicial conference is to enable the presiding officer to make orders and give directions that the presiding officer considers—

(a) are consistent with the purpose and spirit of the family law Act under which the proceedings arise; and

(b) are necessary to ensure that an application is determined as fairly, inexpensively, simply, and speedily as is consistent with justice.

Rule 175: replaced, on 1 November 2009, by rule 18 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 175(1): replaced, on 2 May 2024, by rule 37(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 175(1A): inserted, on 2 May 2024, by rule 37(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 175(2): amended, on 2 May 2024, by rule 37(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

175A Judicial conference: how convened

(1) A Registrar must convene a judicial conference if directed to do so under rule 52(2)(a).

(2) A Registrar may convene a judicial conference on his or her own initiative at any time before the hearing of an application if he or she considers it in the best interests of 1 or more of the parties to do so.

Rule 175A: inserted, on 1 November 2009, by rule 18 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 175A(1): amended, on 2 May 2024, by rule 38 of the Family Court Amendment Rules 2024 (SL 2024/35).

175B Judicial conference: who may attend

(1) A Registrar must give notice of the date, time, and place of the judicial conference to the parties to the application.

(2) If a lawyer is acting for a party,—

(a) notice of the date, time, and place of the judicial conference may be given to the party's lawyer; and

(b) notice to a party's lawyer is to be treated as notice to the party.

(3) A party, or his or her lawyer, may be required to attend the judicial conference.

(4) A party who is required to attend a judicial conference may arrange for his or her lawyer to attend with him or her.

Rule 175B: inserted, on 1 November 2009, by rule 18 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 175B(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

175C Judicial conference: adjournment

The presiding officer may from time to time adjourn the judicial conference to another time and place.

Rule 175C: replaced, on 2 May 2024, by rule 39 of the Family Court Amendment Rules 2024 (SL 2024/35).

175D Judicial conference: orders and directions pending determination of application

(1) At a judicial conference, the presiding officer may, pending determination of an application, make any orders and directions that the presiding officer is authorised to make by—

(a) the family law Act under which the proceedings arise; and

(b) these rules.

(2) Without limiting the generality of subclause (1), the presiding officer may do any of the following:

(a) settle the issues to be determined at the hearing:

(b) direct that a person be joined as a party to the application, or that the name of a party be joined or struck out:

(c) direct which parties are to be served:

(d) direct a person to file an affidavit or other document within a specified time:

(e) require a party to make an admission in respect of a question of fact and, if the party refuses or fails to make an admission of that kind, require that the party (subject to the direction of the Judge hearing the application) bear the costs of proving that question at the hearing:

(f) reduce, extend, or fix a time for the filing of a document or the doing of some other thing:

(g) require the provision of further or better particulars of any facts or other circumstances connected with the application:

(h) require a party to make discovery, produce documents, or both:

(i) permit a party to administer interrogatories:

(j) with the consent of the parties, make an order for settlement relating to the application that has the same effect as if it were an order made under rule 179:

(k) issue any warrant or summons:

(l) direct a Registrar to fix a date, time, and place for the hearing of the proceedings:

(m) determine which witnesses may give oral evidence in support:

(n) if the proceedings relate to or include an application under the Property (Relationships) Act 1976,—

(i) appoint a person under section 38(1) of that Act to make an inquiry into the matters of fact in issue between the parties, and to report on them to the court; or

(ii) make an order or issue a warrant or summons authorised by any of rules 397 to 402:

(o) give any consequential directions the presiding officer considers necessary.

(3) An order under subclause (2)(j) may only be made by a Family Court Associate presiding over a judicial conference if the Act under which the application is brought authorises a Family Court Associate to make an order of that kind.

Rule 175D: inserted, on 1 November 2009, by rule 18 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 175D(1): replaced, on 2 May 2024, by rule 40(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 175D(2): amended, on 2 May 2024, by rule 40(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 175D(2)(l): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 175D(2)(l): amended, on 27 May 2010, by rule 12 of the Family Courts Amendment Rules 2010 (SR 2010/97).

Rule 175D(2)(o): amended, on 2 May 2024, by rule 40(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 175D(3): inserted, on 2 May 2024, by rule 40(4) of the Family Court Amendment Rules 2024 (SL 2024/35).

175E Judicial conference: order determining application

(1) This rule applies when a party to the proceedings on whom service has not been dispensed with altogether—

(a) has been served with the application; and

(b) has been notified that he or she is required to attend a judicial conference; and

(c) has failed to file and serve a notice of defence or notice of intention to appear—

(i) within the time specified in or under rule 41; or

(ii) at any time before the judicial conference; and

(d) does not attend, or is not represented by his or her lawyer, at the judicial conference.

(2) At the judicial conference, the presiding officer, if a Judge, may proceed in accordance with rule 55(2), to hear the application. The judicial conference is then to be treated as the hearing of the application.

Rule 175E: inserted, on 1 November 2009, by rule 18 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 175E(2): amended, on 2 May 2024, by rule 41 of the Family Court Amendment Rules 2024 (SL 2024/35).

176 Non-compliance with orders or directions

(1) If the applicant fails to comply with an order made, or a direction given, by the presiding officer under rule 175D, the court may order—

(a) that the applicant may take no further step until the order or direction is complied with; or

(b) that the proceedings be dismissed.

(2) If the respondent fails to comply with an order made, or a direction given, by the presiding officer under rule 175D, the court may order that the respondent be allowed to appear at the hearing and defend the application only on terms that the presiding officer directs.

(3) A failure by a party to comply with an order made, or a direction given, by a presiding officer under rule 175D may be taken into account by the court in making an order as to costs.

Compare: SR 1996/148 r 73

Rule 176(1): amended, on 2 May 2024, by rule 42(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 176(1): amended, on 2 May 2024, by rule 42(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 176(2): replaced, on 2 May 2024, by rule 42(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 176(3): amended, on 2 May 2024, by rule 42(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 176(3): amended, on 2 May 2024, by rule 42(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

177 Order or direction at conference may be varied at hearing

If the court hearing an application considers that the interests of justice require the variation or revocation of an order made, or a direction given, under rule 175, the court may vary or revoke (in whole or in part) the order or direction.

Compare: SR 1992/109 r 436

178 Settlement conference

(1) The purpose of a settlement conference is to settle the issues in dispute between the parties.

(2) A Registrar must convene a settlement conference if directed to do so under rule 52(2)(b) and, in accordance with the direction, require any of the following persons to attend:

(a) the parties to the application:

(b) the lawyers representing the parties to the application.

(3) The Family Court Associate or Judge presiding over a settlement conference (the **presiding officer**) may from time to time adjourn the conference to another time and place.

(4) Except as provided in rule 179(3)(b), no evidence of any of the following is admissible in the court, or before any person acting judicially:

(a) any information, statement, or admission disclosed or made to any person in the course of a settlement conference; or

(b) any matter arising out of a settlement conference.

Compare: SR 1992/109 r 438(1)

Rule 178(1): replaced, on 1 November 2009, by rule 19 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 178(2): replaced, on 1 November 2009, by rule 19 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 178(2): amended, on 2 May 2024, by rule 43(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 178(3): replaced, on 2 May 2024, by rule 43(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 178(4): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

179 Consent order may be made at settlement conference

(1) A Judge presiding over a settlement conference may, with the consent of the parties, make an order settling some or all of the issues in dispute in the proceedings.

(1A) A Family Court Associate presiding over a settlement conference may make an order settling some or all of the issues in dispute in the proceedings if the Family Court Associate is authorised to make an order of that kind by the Act under which the proceedings are brought.

(2) However, a Judge or a Family Court Associate may not make a consent order if a party to the proposed settlement does not have a lawyer acting for the party unless—

(a) the settlement conference has been adjourned to give the party a chance to take legal advice; or

(b) the party makes an express statement to the effect that he or she does not wish the settlement conference to be adjourned to provide him or her with the chance to take legal advice.

(3) A consent order made at a settlement conference—

(a) has the same effect as if it were made with the consent of the parties in proceedings in a court; and

(b) is the only matter arising out of a settlement conference that is admissible as evidence in a court or before a person acting judicially.

Compare: SR 1992/109 r 438(2)

Rule 179(1): amended, on 2 May 2024, by rule 44(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 179(1A): inserted, on 2 May 2024, by rule 44(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 179(2): amended, on 2 May 2024, by rule 44(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

179A Settlement conference becomes judicial conference if issues in dispute cannot be settled

(1) If the presiding officer is satisfied that the issues in dispute between the parties or intended parties cannot be settled, the presiding officer must, as soon as practicable, indicate to the persons attending the settlement conference that they have formed that view.

(2) When an indication has been given under subclause (1), the settlement conference becomes a judicial conference and the presiding officer may make any orders and directions that the presiding officer may make under rule 175D.

Rule 179A: replaced, on 2 May 2024, by rule 45 of the Family Court Amendment Rules 2024 (SL 2024/35).

180 Change of Judge after settlement conference

(1) A Judge who presides over a settlement conference relating to an application must not preside at the hearing of the proceedings unless—

(a) all parties taking part in the conference consent; or

(b) the only matter for resolution at the hearing is a question of law.

(2) The Judge must note in his or her record of the conference whether or not he or she may, in accordance with subclause (1), preside at the hearing of the proceedings.

Compare: SR 1992/109 r 438

Rule 180 heading: amended, on 24 December 2004, by rule 3 of the Family Courts Amendment Rules (No 2) 2004 (SR 2004/468).

Rule 180 heading: amended, on 1 July 2004, by rule 4(1) of the Family Courts Amendment Rules 2004 (SR 2004/165).

Rule 180(1): amended, on 24 December 2004, by rule 3 of the Family Courts Amendment Rules (No 2) 2004 (SR 2004/468).

Rule 180(1): amended, on 1 July 2004, by rule 4(2) of the Family Courts Amendment Rules 2004 (SR 2004/165).

181 Further powers of court to ensure proceedings dealt with speedily

(1) To ensure proceedings are dealt with speedily, the court may do any of the following:

(a) deal with an application or hold a conference by way of a telephone conference link-up, at the expense of 1 or more of the parties:

(b) if facilities are available, and subject to a direction as to costs, deal with an application or hold a conference by way of video conference link-up:

(c) deal with an application by way of email, fax, or courier post at the expense of 1 or more of the parties:

(d) subject to a direction as to costs, make use in the proceedings of video tape, film projection, computers, and other equipment to the extent the court considers appropriate:

(e) subject to a direction as to costs, make arrangements for the speedy and effective recording of evidence:

(f) appoint a person authorised by law to administer an oath to a witness giving evidence in any way envisaged by this rule.

(2) This rule does not limit rule 173.

Compare: SR 1989/295 r 28

Rule 181 heading: amended, on 2 May 2024, by rule 46(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 181(1)(d): amended, on 2 May 2024, by rule 46(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Interlocutory injunctions

182 Application for interlocutory injunction

(1) A party to proceedings may seek an interlocutory injunction by making an interlocutory application before or after the start of the hearing of the proceedings.

(2) A person who is to be a party to intended proceedings may seek an interlocutory injunction by making an interlocutory application before the intended proceedings are commenced, but only in cases of urgency.

(3) On an application under subclause (2), the court may grant the injunction on terms providing for the commencement of the intended proceedings, and any other terms, the court thinks fit.

Compare: SR 1992/109 r 258(1), (2)

183 Undertaking as to damages

(1) An applicant for an interlocutory injunction must file a signed undertaking that the applicant will abide by any order that the court may make in respect of damages—

(a) that are sustained by the other party through the granting of the interim injunction; and

(b) that the court decides that the applicant ought to pay.

(2) The undertaking must be referred to in, and forms part of, any order of the court granting the interlocutory injunction.

(3) An applicant for an interlocutory injunction is deemed to be bound by an undertaking in those terms, whether or not one has been signed or filed by the applicant and whether or not it has been referred to in the order granting the interim injunction.

Compare: SR 1992/109 r 258(3)–(5)

184 Interim injunction in relation to party's assets

(1) The court may grant an interlocutory injunction restraining a party to proceedings (whether or not the party is domiciled, resident, or present in New Zealand) from removing from New Zealand, or otherwise dealing with, assets in New Zealand.

(2) An applicant for an injunction of that kind must, in applying for the injunction, identify each person who is not a party to the proceedings but who would be detrimentally affected if the injunction were granted.

Compare: SR 1992/109 r 259

Injunctions and receivers

185 Application for order

(1) This rule applies to a party who, before the hearing, desires an immediate order—

(a) in the nature of an injunction; or

(b) to appoint a receiver.

(2) The party may make an interlocutory application to the court, which may, on proof of the facts rendering the order immediately necessary, make any order the court thinks fit.

Compare: SR 1992/109 r 355

Transfer of proceedings and transfer for hearing

186 Transfer of proceedings

The court or a Registrar may order that proceedings in one office of the court be transferred to another office of the court if the court or, as the case requires, the Registrar is satisfied that the proceedings can be more conveniently or fairly dealt with in that other office of the court.

Rule 186: replaced, on 1 July 2019, by rule 59 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

187 Transfer for hearing

The court or a Registrar may order that the hearing of an application filed in one office of the court be transferred to another office of the court if the court or, as the case requires, the Registrar is satisfied that the application can be more conveniently or fairly heard in that other office of the court.

Rule 187: replaced, on 1 July 2019, by rule 59 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

188 Transfers under rule 186 or rule 187

(1) The court or a Registrar may order a transfer under rule 186 or rule 187—

(a) on his or her or its own initiative; or

(b) on an interlocutory application for the purpose on not less than 3 working days' notice.

(2) If a Registrar declines an application to transfer proceedings or a hearing, the applicant may ask the court to review that decision; and, in that case, the court may make any decision on the application the court thinks fit.

(3) If an order is made for the transfer of proceedings or a hearing,—

(a) the order must be endorsed on the application; and

(b) a Registrar must cause notice of the transfer to be given to all parties.

Compare: SR 1996/148 r 80

Rule 188(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 188(3)(b): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

189 Procedure on transfer of proceedings

(1) If an order is made under rule 186 for the transfer of proceedings,—

(a) a Registrar of the office of the court in which the order was made (**Registrar A**) must—

(i) send to a Registrar of the office of the court to which the proceedings are transferred (**Registrar B**) all the documents in A's custody relating to the proceedings; and

(ii) note the records accordingly; and

(b) Registrar B must enter the proceedings in the records of the office of the court to which the proceedings are transferred.

(2) On transfer, the proceedings continue as if they were originally filed in the office of the court to which they have been transferred.

Rule 189: replaced, on 1 July 2019, by rule 60 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

190 Procedure on transfer for hearing

(1) If an order is made under rule 187 for the transfer of a hearing,—

(a) a Registrar of the office of the court in which the application is pending (**Registrar A**) must—

(i) send to a Registrar of the office of the court in which the proceedings are to be heard (**Registrar B**) all the documents in Registrar A's custody relating to the proceedings; and

(ii) note the records accordingly; and

(b) Registrar B must make an appropriate entry in the records of the court in which the proceedings are to be heard.

(2) For the purposes of the hearing, the application must be dealt with as if it had been filed in the office of the court in which the proceedings are to be heard.

(3) When the hearing is concluded,—

(a) the Registrar of the office of the court in which the proceedings were heard must return all documents relating to the proceedings, including every order that has been made in those proceedings, to a Registrar of the office of the court from which the documents were sent; and

(b) a Registrar of the office of the court to which the documents are returned must—

(i) record every order made in the proceedings in the records of that office of the court; and

(ii) take the steps required by rule 206 to serve a copy of every order on the parties.

Rule 190: replaced, on 1 July 2019, by rule 60 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

191 Transfer of proceedings to High Court

Rule 189 applies with all necessary modifications to the transfer of proceedings to the High Court under a family law Act or section 14 of the Family Court Act 1980.

Compare: SR 1996/148 r 81(3)

Rule 191: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Adjournment of hearing

192 Adjournment of hearing

The court or a Registrar may, before or at the hearing, if it appears expedient in the interests of justice to do so, postpone or adjourn the hearing for a time, to a place, and on any other terms (for example, as to the application concerned being entered on the Registrar's list (as defined in rule 8)), the court or Registrar thinks fit.

Compare: SR 1992/109 r 484

Rule 192: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Striking out pleading

193 Striking out pleading

(1) The court may order that all or part of an application or defence or other pleading be struck out if the pleading or part of it—

(a) discloses no reasonable basis for the application or defence or other pleading; or

(b) is likely to cause prejudice, embarrassment, or delay in the proceedings; or

(c) is otherwise an abuse of the court's process.

(2) An order under subclause (1) may be made by the court—

(a) on its own initiative or on an interlocutory application for the purpose:

(b) at any stage of the proceedings:

(c) on any terms it thinks fit.

Compare: SR 1992/109 r 209

Stay or dismissal

194 Stay or dismissal

A Judge may order that proceedings be stayed or dismissed, either generally or in relation to a particular application by which an order or declaration is sought, if the Judge considers, in relation to the proceedings or to the application, that—

(a) there is no reasonable basis for the proceedings or application; or

(b) the proceedings are frivolous or vexatious; or

(c) the proceedings are an abuse of the court's process.

Compare: SR 1992/109 r 481

Rule 194: amended, on 2 May 2024, by rule 47(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 194: amended, on 2 May 2024, by rule 47(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

195 Dismissal if proceedings or defence not prosecuted

(1) An opposite party may apply to have dismissed—

(a) all or part of an applicant's proceedings, if the applicant has failed to prosecute the proceedings or part of them:

(b) all or part of a respondent's defence, if the respondent has failed to prosecute the defence or part of it.

(2) On an application under subclause (1), a Judge may make any order they consider just.

Compare: SR 1992/109 r 482

Rule 195(2): replaced, on 2 May 2024, by rule 48 of the Family Court Amendment Rules 2024 (SL 2024/35).

Discontinuance

Heading: inserted, on 1 March 2014, by rule 17 of the Family Courts Amendment Rules 2014 (LI 2014/3).

195A Discontinuance

(1) At any time before or during the hearing of his or her substantive application, an applicant may make an interlocutory application without notice to the court to discontinue his or her substantive application against,—

(a) if there is only 1 respondent, that respondent; or

(b) if there is more than 1 respondent,—

(i) 1 or more of the respondents; or

(ii) all respondents.

(2) An interlocutory application made under subclause (1) must be determined by—

(a) a Family Court Associate or Registrar, if the Family Court Associate or Registrar has power to hear and determine the applicant's substantive application; or

(b) a Judge, in any other case.

(3) Before determining an interlocutory application made under subclause (1), the Family Court Associate, Registrar, or Judge may, under rule 224, direct the applicant to file an affidavit in support.

(4) When determining an interlocutory application made under subclause (1), the Family Court Associate, Registrar, or Judge may—

(a) make a discontinuance order on the interlocutory application discontinuing the applicant's substantive application against 1 or more specified respondents; or

(b) dismiss the interlocutory application.

(5) If a discontinuance order is made under subclause (4)(a),—

(a) the applicant's substantive application ends against those respondents specified in the order; and

(b) a Registrar must serve on every party to the applicant's substantive application a discontinuance order in form G 29.

(6) The discontinuance of an applicant's substantive application does not affect the determination of costs in respect of that application.

Rule 195A: inserted, on 1 March 2014, by rule 17 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 195A(2)(a): replaced, on 2 May 2024, by rule 49(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 195A(3): amended, on 2 May 2024, by rule 49(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 195A(4): amended, on 2 May 2024, by rule 49(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 195A(5)(b): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

195B Court may set discontinuance aside

(1) A respondent against whom a substantive application is discontinued under rule 195A may make an interlocutory application to the court for an order setting the discontinuance aside.

(2) An interlocutory application under subclause (1) must be made—

(a) within 21 working days after the date on which the discontinuance order was made under rule 195A; or

(b) within such further time as the court, on application, allows.

(3) Before hearing and determining an interlocutory application made under subclause (1), the Judge (or Family Court Associate if the discontinuance order was made by the Registrar) may, under rule 224, direct the respondent making the interlocutory application to file an affidavit in support.

(4) On the hearing of an interlocutory application made under subclause (1), a Family Court Associate or Judge may make an order setting the discontinuance aside if they are satisfied that in all the circumstances it is appropriate to do so.

Rule 195B: inserted, on 1 March 2014, by rule 17 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 195B(3): amended, on 2 May 2024, by rule 50(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 195B(4): replaced, on 2 May 2024, by rule 50(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Judgments and orders

196 Judgment and reasons for judgment defined

In these rules, unless the context otherwise requires,—

judgment includes—

(a) a declaration or order of the court; and

(b) an order of the court or Registrar on an interlocutory application

reasons for judgment means—

(a) the written reasons given by the Family Court Associate or Judge for their decision; or

(b) if a Family Court Associate or Judge gives reasons orally, a proper report, approved by the Family Court Associate or Judge, of the oral statement made by them of the reasons for their decision.

Compare: SR 1992/109 r 529

Rule 196 **reasons for judgment**: replaced, on 2 May 2024, by rule 51 of the Family Court Amendment Rules 2024 (SL 2024/35).

197 Time and mode of giving judgment

(1) A Family Court Associate or Judge may give a judgment orally or in writing.

(2) Except in the case of a judgment on an application without notice, a Family Court Associate or Judge may give a judgment orally only if the affected parties or their lawyers have been given a reasonable opportunity to—

(a) be present when the judgment is given; or

(b) hear the Family Court Associate or Judge give the judgment, for example, by telephone, telephone conference call, or video link.

(3) A judgment is given orally when the Family Court Associate or Judge pronounces it, with or without reasons.

(4) A written judgment is given when the judgment—

(a) is—

(i) signed by the Family Court Associate or Judge (or by a Registrar, in accordance with rule 12(4)); or

(ii) authenticated by the Family Court Associate or Judge in accordance with rule 206A; and

(b) is endorsed with the date and time that purport to be the date on which and the time at which—

(i) the Family Court Associate or Judge (or Registrar) signed the judgment in accordance with paragraph (a)(i); or

(ii) the Family Court Associate or Judge authenticated the judgment in accordance with paragraph (a)(ii).

(4A) *[Revoked]*

(5) The date and time referred to in subclause (4)(b) are deemed to be the date on which and the time at which the judgment is given.

(6) A judgment, whether given orally or in writing, may be recalled by the Family Court Associate or Judge at any time before a formal record of it has been drawn up and sealed.

Compare: SR 1992/109 r 530

Rule 197(1): amended, on 2 May 2024, by rule 52 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 197(2): amended, on 2 May 2024, by rule 52 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 197(2)(b): amended, on 2 May 2024, by rule 52 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 197(3): amended, on 2 May 2024, by rule 52 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 197(4): replaced, on 1 March 2014, by rule 18 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 197(4)(a)(i): amended, on 2 May 2024, by rule 52 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 197(4)(a)(i): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 197(4)(a)(ii): amended, on 2 May 2024, by rule 52 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 197(4)(a)(ii): amended, on 29 October 2019, by rule 4 of the Family Court Amendment Rules 2019 (LI 2019/230).

Rule 197(4)(b)(i): amended, on 2 May 2024, by rule 52 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 197(4)(b)(ii): amended, on 2 May 2024, by rule 52 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 197(4A): revoked, on 1 September 2017, by rule 19 of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 197(6): amended, on 2 May 2024, by rule 52 of the Family Court Amendment Rules 2024 (SL 2024/35).

198 Judgments to be sealed and dated

(1) Every judgment must be drawn up in a form approved by a Registrar, who must seal it with the seal of the court.

(2) A judgment may be sealed—

(a) in accordance with a direction given by the court relating to the sealing of the judgment; or

(b) if no direction is given, at any time after the judgment has been given.

(3) A sealed judgment must state—

(a) the date on which, under rule 197(3) or (4), the judgment is given; and

(b) the date on which it is sealed.

(4) *[Revoked]*

Compare: SR 1992/109 rr 36, 290(3), (4), 531

Rule 198(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 198(2)(a): amended, on 2 May 2024, by rule 53 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 198(4): revoked, on 23 December 2022, by rule 12 of the Family Court Amendment Rules 2022 (SL 2022/344).

199 When drawing up of order unnecessary

Unless the court directs otherwise, it is not necessary under rule 198 to draw up or seal the following orders:

(a) an order dismissing an interlocutory application, whether or not costs on it are allowed to any party:

(b) an order made (other than one made on an application without notice) that extends the time for commencing proceedings, or that extends or reduces the time for taking a step or filing a document in proceedings:

(c) an order fixing a time for the substantive hearing of an application or the hearing of proceedings, or adjourning any hearing:

(d) an order giving leave to commence proceedings:

(e) an order giving directions for the service of any documents relating to an application, unless service is directed to be effected on the representative of a person (for example, by a direction under rule 124):

(f) an order amending or granting leave to amend a document filed in a proceeding, or granting leave to file any document:

(g) an order authorising the omitting or waiving of an act by a Registrar or another officer of the court except a lawyer; but in each case of that kind a minute of the order must be made on the notice of application (if any) or other appropriate document and signed by the Family Court Associate or Judge making the order or by a Registrar.

Compare: SR 1992/109 r 291

Rule 199(g): amended, on 2 May 2024, by rule 54 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 199(g): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

200 Duplicate judgments

Duplicates of a judgment, with the word "duplicate" marked on the front of their first page, may be issued to a party.

Compare: SR 1992/109 r 532

201 When judgment takes effect

(1) Subject to section 139(1) of the District Court Act 2016, a judgment takes effect when it is given.

(2) However, no step may be taken on a judgment before it has been sealed.

Compare: SR 1992/109 r 533(1), (2)

Rule 201(1): amended, on 1 July 2019, by rule 61 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

202 Time for doing act to be stated

Every judgment requiring a person to do an act, other than the payment of money or costs, must state the time within which the act is to be done.

Compare: SR 1992/109 r 534

203 If deed directed to be prepared

(1) A judgment that directs a deed to be prepared and executed may state—

(a) which party is to prepare the deed:

(b) at whose expense the deed is to be prepared:

(c) to whom the deed is to be submitted for approval.

(2) If the parties cannot agree on the form of the deed, then, on an interlocutory application on notice for the purpose, the court may settle the deed itself.

Compare: SR 1992/109 r 535

204 Clerical mistakes and slips

(1) This rule applies to a judgment—

(a) that contains a clerical mistake or an error arising from an accidental slip or omission, whether or not the mistake, error, slip, or omission was made by an officer of the court; or

(b) that is drawn up in a way that does not express what was actually decided and intended.

(2) The judgment may be corrected by the court or, if the judgment was made by a Registrar, by the Registrar.

(3) The correction may be made by the court or a Registrar, as the case requires, on his or her or its own initiative or on an interlocutory application for the purpose.

Compare: SR 1992/109 r 12

Rule 204(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

205 Death, etc, of Judge or Family Court Associate before judgment

(1) If a Family Court Associate or Judge who has signed a judgment or reasons for a judgment dies or retires or becomes otherwise incapable before the judgment is given or the reasons are delivered, another Family Court Associate or Judge or a Registrar may give that judgment or deliver those reasons.

(2) If subclause (1) does not apply and a Family Court Associate or Judge dies or retires or otherwise becomes incapable of giving a judgment, the proceedings or issue must be reheard.

Rule 205: replaced, on 2 May 2024, by rule 55 of the Family Court Amendment Rules 2024 (SL 2024/35).

206 Service of judgments

(1) A Registrar must, as soon as practicable after a judgment (for example, an interim or temporary or interlocutory order, or an order issued by the a Registrar under rule 318) is given, take all reasonable steps to serve a copy of the judgment on the parties.

(2) In proceedings under the Child Support Act 1991, Care of Children Act 2004, or Family Proceedings Act 1980,—

(a) if a lawyer is acting for a party, service of a copy of the judgment on that party's lawyer must be treated as service on that party; or

(b) if a party does not have a lawyer acting for him or her, service may be effected by—

(i) sending a copy of the judgment to the party's address for service; or

(ii) transmitting the judgment to the party's last known electronic address.

(3) If service cannot be effected under subclause (2)(b) because no address for service or electronic address has been given by the party, and the party resides in New Zealand, service may be effected by sending a copy of the judgment by a letter that is—

(a) addressed to that party at that party's last known or usual place of residence or business in New Zealand; and

(b) delivered to that address by a postal or courier service that records details of delivery to the address.

(3A) If service cannot be effected under subclause (2)(b) because no address for service or electronic address has been given by the party, and the party resides overseas, service may be effected by sending a copy of the judgment by a letter that is—

(a) addressed to the party at that party's last known or usual place of residence or business overseas; and

(b) sent to that address by airmail.

(4) In proceedings under any other family law Act, the judgment must be served by personal service of the judgment on the parties in the manner specified in rule 107(1), however, if for any reason service of the judgment on a party cannot be effected in that manner, service must instead be effected—

(a) if a lawyer is acting for that party, by service of a copy of the judgment on the lawyer; or

(b) if a party does not have a lawyer acting for him or her, service may be effected by sending a copy of the judgment to the party's—

(i) address for service; or

(ii) last known or usual place of residence or business; or

(iii) last known electronic address; or

(c) by substituted service (under an order under rule 126).

(5) In proceedings under the Family Violence Act 2018, this rule is subject to—

(a) rule 323 (certain documents to be served with temporary protection orders and temporary property orders); and

(b) rule 324 (extension of period for service).

(6) In proceedings under the Family Proceedings Act 1980, this rule is subject to rule 360 (sealing and service of order dissolving marriage or civil union: order made by Judge in defended proceedings).

Compare: SR 1981/261 r 45; SR 1988/213 r 36; SR 1989/295 r 45; SR 1992/58 r 35(1)–(3); SR 1996/148 r 53(1), (4), (5)

Rule 206(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 206(2): amended, on 1 July 2005, by rule 17 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Rule 206(2)(b): replaced, on 1 September 2017, by rule 20(1) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 206(3): replaced, on 1 September 2017, by rule 20(2) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 206(3A): inserted, on 1 September 2017, by rule 20(2) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 206(4)(b): replaced, on 1 September 2017, by rule 20(3) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 206(5): amended, on 1 July 2019, by rule 34(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 206(5)(a): amended, on 1 July 2019, by rule 34(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 206(5)(b): amended, on 1 July 2019, by rule 34(3) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 206(6): amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Authentication

Heading: inserted, on 1 September 2017, by rule 21 of the Family Court Amendment Rules 2017 (LI 2017/189).

206A Authentication of electronic documents transmitted by Family Court Associates or Judges

A document (including an order or direction) that is to be transmitted electronically by a Family Court Associate or Judge may be authenticated by the Family Court Associate or Judge by any means that adequately identifies—

(a) the Family Court Associate or Judge; and

(b) the date of the authentication.

Rule 206A: replaced, on 2 May 2024, by rule 56 of the Family Court Amendment Rules 2024 (SL 2024/35).

206B Electronic transmission of judgment by Registrar

A judgment that is to be transmitted to an electronic address may be—

(a) signed electronically by a Registrar, if the electronic signature—

(i) adequately identifies the Registrar; and

(ii) is as reliable as is appropriate given the purpose for which, and the circumstances in which, the signature is required; and

(b) sealed electronically by a Registrar, if the electronic seal—

(i) adequately identifies the Registrar; and

(ii) is as reliable as is appropriate given the purpose for which, and the circumstances in which, the seal is required.

Rule 206B: inserted, on 23 December 2022, by rule 13 of the Family Court Amendment Rules 2022 (SL 2022/344).

Costs

207 Costs at discretion of court

(1) The court has discretion to determine the costs of—

(a) any proceeding:

(b) any step in a proceeding:

(c) any matter incidental to a proceeding.

(2) In exercising that discretion, the court may apply any or all of the following DCRs, so far as applicable and with all necessary modifications:

(a) 14.2—principles applying to determination of costs:

(b) 14.3—categorisation of proceedings:

(c) 14.4—appropriate daily recovery rates:

(d) 14.5—determination of reasonable time:

(e) 14.6—increased costs and indemnity costs:

(f) 14.7—refusal of, or reduction in, costs:

(g) 14.8—costs in interlocutory applications:

(h) 14.9—costs may be determined by different Judge:

(i) 14.10—written offers without prejudice except as to costs:

(j) 14.11—effect on costs:

(k) 14.12—disbursements.

(3) This rule is subject to the provisions of the family law Act under which the proceedings are brought.

Rule 207: replaced, on 1 July 2014, by rule 21 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

207A Enforcement of order for costs

An order for the payment of costs may be enforced in the same manner as an order of the District Court for the payment of money.

Rule 207A: inserted, on 1 November 2009, by rule 20 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 207A: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

207B Security for costs: District Court Rules 2014 apply

The following DCRs apply, so far as applicable and with all necessary modifications, to proceedings in the court:

(a) 1.10—security:

(b) 5.48—power to make order for security for costs.

Rule 207B heading: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 207B: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Investment of funds in court

Heading: replaced, on 1 July 2014, by rule 23 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

208 Investment of funds in court

The following DCRs apply, so far as applicable and with all necessary modifications, to a proceeding in the court:

(a) 2.13—application for order:

(b) 2.14—powers of court in relation to application:

(c) 2.15—disposal of securities and income.

Rule 208: replaced, on 1 July 2014, by rule 23 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 208: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Inspection and testing of property

Heading: replaced, on 1 July 2014, by rule 23 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

208A Inspection and testing of property

The following DCRs apply, so far as applicable and with all necessary modifications, to a proceeding in the court:

(a) 9.25—order for inspection, etc:

(b) 9.26—notice of application.

Rule 208A: replaced, on 1 July 2014, by rule 23 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 208A: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Interim preservation, etc, of property

Heading: replaced, on 1 July 2014, by rule 23 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

208B Interim preservation, etc, of property

The following DCRs apply, so far as applicable and with all necessary modifications, to a proceeding in the court:

(a) 7.47—preservation of property:

(b) 7.48—sale of perishable property before hearing:

(c) 7.49—order to transfer part of property to person with interest in property:

(d) 7.50—interim payment of income to person with interest in income.

Rule 208B: replaced, on 1 July 2014, by rule 23 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 208B: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rehearings

209 Application for rehearing

(1) A party may apply for a rehearing of all or any part of an application on the grounds that there has been a miscarriage of justice in the proceedings.

(2) However, nothing in this rule or in rules 210 to 213 affects, or applies to the extent that it is inconsistent with, the following:

(a) section 204 of the Oranga Tamariki Act 1989:

(b) section 173 of the Family Proceedings Act 1980:

(c) section 118(3) of the Child Support Act 1991.

(3) An application under subclause (1) must be filed in the proper court (*see* rule 28(1)) within 28 days after the date on which judgment was delivered on the application or (as the case requires) part of the application.

(4) The application must state the circumstances that the applicant alleges resulted in a miscarriage of justice in the proceedings.

(5) On the filing of the application, a Judge may order that the application operate as a stay of proceedings until the application is finally determined and, if the application is granted, until the rehearing is finally determined.

(6) If an order under subclause (5) is not made, then the application does not operate as a stay of proceedings.

Compare: SR 1992/109 r 494(1), (3)

Rule 209(2)(a): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 209(5): amended, on 2 May 2024, by rule 57 of the Family Court Amendment Rules 2024 (SL 2024/35).

210 Judge may order rehearing

(1) On an application for a rehearing of an application, a Judge may order a rehearing of all or any part of the application if (and only if) they consider that there has been a miscarriage of justice in the proceedings.

(2) Examples of a miscarriage of justice include—

(a) unfair or improper practices by a successful party to the prejudice of another party:

(b) the discovery since the hearing of material evidence that could not reasonably have been known or foreseen before or during the hearing:

(c) misconduct by a witness that affects the outcome of the hearing.

Compare: SR 1992/109 r 493(1), (3)

Rule 210 heading: amended, on 2 May 2024, by rule 58(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 210(1): replaced, on 2 May 2024, by rule 58(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

211 Evidence by affidavit on application for rehearing

(1) On an application for a rehearing, a Judge must not receive—

(a) an affidavit from a witness that explains or adds to oral evidence that he or she gave at the hearing; or

(b) an affidavit of any facts that might have been given in evidence at the hearing.

(2) Subclause (1) does not prevent a Judge receiving an affidavit from a material witness to the effect that the witness made a serious mistake in giving his or her oral evidence at the hearing.

(3) On an application for a rehearing, the Judge must not consider circumstances that do not relate to a miscarriage of justice in the proceedings.

Compare: SR 1992/109 r 494(2), (4), (5)

Rule 211(1): amended, on 2 May 2024, by rule 59(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 211(2): amended, on 2 May 2024, by rule 59(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 211(3): amended, on 2 May 2024, by rule 59(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

212 Order for rehearing

(1) A Judge may order a rehearing on any terms the Judge thinks fit.

(2) A Judge may order a rehearing on any 1 or more questions in the proceedings, whatever the grounds on which the rehearing was applied for, without interfering with the judgment on any other questions.

(3) A Judge may order a rehearing against any 1 or more parties to the proceedings.

(4) If a Judge considers that the miscarriage of justice affects only part of a matter in dispute in the proceedings, they may—

(a) make an order (other than an order for a rehearing) as to the part not so affected; and

(b) order a rehearing as to the affected part only.

(5) Subclauses (2) to (4) do not limit subclause (1).

Compare: SR 1992/109 r 493(2), (4)–(6)

Rule 212(1): replaced, on 2 May 2024, by rule 60(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 212(2): amended, on 2 May 2024, by rule 60(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 212(3): amended, on 2 May 2024, by rule 60(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 212(4): replaced, on 2 May 2024, by rule 60(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

213 Procedure for rehearing

(1) If a Judge orders a rehearing of all or any part of an application,—

(a) the Judge must rehear the proceedings; and

(b) the Judge or a Registrar must fix a time and place for the rehearing.

(2) A Registrar must give every party notice of the time and place fixed for the rehearing.

(3) Rules 53 to 58 apply to a rehearing of all or any part of an application as if the rehearing were the hearing of an application.

Rule 213(1): replaced, on 2 May 2024, by rule 61 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 213(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Contempt

214 Contempt of court: District Court Rules 2014 apply

DCR 21.6 and forms 114 and 115 of the District Court Rules 2014 (which relate to contempt) apply, so far as applicable and with all necessary modifications, to a proceeding in the court.

Rule 214: replaced, on 1 July 2014, by rule 24 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 214 heading: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 214: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Part 4
Interlocutory matters

Overview of Part

215 Overview of this Part

(1) This Part sets out procedures for dealing with interlocutory matters (that is, matters that arise in the course of proceedings).

(2) It should be read with references, in other Parts of these rules, to things being sought by, or done on, an interlocutory application.

(3) The application of this Part to proceedings is modified by any rules in Part 5 that apply to the proceedings (Part 5 contains rules that modify this Part).

(4) Among other things, this Part deals with the following matters relating to interlocutory applications:

(a) using consent memoranda instead of them:

(b) which of them may be made without notice:

(c) who is to hear and determine them:

(d) what form they must be in:

(e) evidence on them:

(f) where they must be filed:

(g) how they are determined:

(h) enforcement of orders made on them.

(5) This rule is only a guide to the general scheme and effect of this Part.

Interpretation

216 Interpretation

In this Part, unless the context otherwise requires,—

application means an interlocutory application (as defined in rule 8)

making an order on an application includes giving a direction on the application

order, in relation to an application, includes a direction sought by, or given on, the application

proceedings includes intended proceedings.

Consent memoranda instead of interlocutory applications

217 Consent memoranda instead of applications

(1) A party who, under these rules, may or must make an application for an order on a matter of procedure may, instead of filing the application, file a consent memorandum.

(2) A consent memorandum must be signed by all parties and persons to be affected by the order sought (or by their respective lawyers or representatives), and must signify their consent to the making of that order and any terms and conditions on which that consent is given.

(3) On the filing of a consent memorandum, a Registrar must—

(a) make and seal an order in terms of the memorandum; or

(b) refer the memorandum to a Family Court Associate or Judge.

(4) If a Registrar refers the memorandum to a Family Court Associate or Judge, the memorandum must be treated as if it were a filed and served application on notice for the order.

Compare: SR 1992/109 r 10

Rule 217(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 217(3)(b): amended, on 2 May 2024, by rule 62 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 217(4): amended, on 2 May 2024, by rule 62 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 217(4): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Interlocutory applications on notice or without notice

218 Applications generally to be made on notice

An application must be made on notice unless rule 220(1) or (2) applies.

219 Who must be served with copy of application on notice

(1) A copy of an application under a family law Act or under any of these rules must, unless the court or a Registrar directs otherwise on another application for the purpose, be served on each person who is or will be a party to, or interested in, or likely to be affected by, the proceedings.

(2) However, Part 5 contains special rules as to who must be served with a copy of certain applications under certain family law Acts, including certain applications under the Family Protection Act 1955 and the Law Reform (Testamentary Promises) Act 1949 (*see* rule 382 – order for directions as to service or for representation).

Rule 219(1): amended, on 2 May 2024, by rule 63 of the Family Court Amendment Rules 2024 (SL 2024/35).

220 Applications that may be made without notice

(1) An application need not be made on notice if the family law Act or District Court Rule under which it is made provides, or any other of these rules provide, that the application, or an application of that kind, may be made without notice.

(2) An application need not be made on notice if subclause (1) does not apply and the application, or an application of that kind, is not expressly required to be made on notice by the family law Act or District Court Rule under which it is made or by any other of these rules, and—

(a) a Judge is satisfied that the delay that would be caused by making the application on notice would or might entail,—

(i) in proceedings under the Oranga Tamariki Act 1989, serious injury or undue hardship, or risk to the personal safety of the child or young person who is the subject of the proceedings, or any person with whom that child or young person is residing, or both; and

(ii) in proceedings under the Child Support Act 1991 or the Family Proceedings Act 1980 or the Care of Children Act 2004, serious injury or undue hardship, or risk to the personal safety of the applicant, or any child of the applicant's family, or both; and

(iii) in proceedings under the Family Violence Act 2018, a risk of harm or undue hardship to the applicant, or any child of the applicant's family, or both; and

(iv) in proceedings under the Property (Relationships) Act 1976, irreparable injury; or

(v) in any other proceedings, undue delay or serious detriment to the applicant; or

(b) a Family Court Associate or Judge is satisfied that the application affects the applicant only or is in respect of a routine matter or is about a matter that does not affect the interests of any other person; or

(c) a Family Court Associate or Judge is satisfied that every person in respect of whom the order is sought has either died or cannot be found.

Rule 220(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 220(2): amended, on 2 May 2024, by rule 64(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 220(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 220(2)(a): amended, on 2 May 2024, by rule 64(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 220(2)(a)(i): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 220(2)(a)(ii): amended, on 1 July 2005, by rule 18 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Rule 220(2)(a)(iii): amended, on 1 July 2019, by rule 35 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 220(2)(b): amended, on 2 May 2024, by rule 64(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 220(2)(c): amended, on 2 May 2024, by rule 64(4) of the Family Court Amendment Rules 2024 (SL 2024/35).

Who interlocutory applications to be heard and determined by

221 Applications to be heard and determined by Registrars

(1) Except as provided otherwise in an Act or in any other provision of these rules, the jurisdiction of a Judge to hear and determine any application may be exercised by a Registrar.

(1A) However, a Registrar does not have the jurisdiction of a Judge to hear and determine an interlocutory application that—

(a) is made without notice in reliance on rule 220(2)(a); or

(b) is an application for a rehearing.

(2) If a Registrar has power to hear and determine an application, the application must be made to a Registrar in the first instance.

(3) Subclause (2) does not apply if a Judge, on another application for the purpose, orders that the application be made to a Judge.

Rule 221(1A): inserted, on 2 May 2024, by rule 65 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 221(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

222 Applications to be heard and determined by Judges

An application must be made to a Judge if—

(a) an Act or any of these rules requires that it be heard and determined only by a Judge; or

(b) a Registrar is not authorised by an Act or by any of these rules to hear and determine it.

Form of interlocutory applications

223 Form of applications

(1) An application made on notice must be in form G 20.

(2) An application made without notice must be in form G 21 unless, on a request by, or on behalf of, the applicant, the court or Registrar permits the application to be made in another form (for example, orally at a hearing).

Compare: SR 1992/109 r 257

Rule 223(2): amended, on 2 May 2024, by rule 66 of the Family Court Amendment Rules 2024 (SL 2024/35).

Evidence on interlocutory applications

224 Evidence on applications

No affidavit need be filed with an application in the first instance, but the court or a Registrar may direct evidence to be given in any manner the court or Registrar thinks fit.

Rule 224: replaced, on 2 May 2024, by rule 67 of the Family Court Amendment Rules 2024 (SL 2024/35).

Where to file interlocutory applications

225 Where to file applications

(1) An application to be made in writing in any proceedings must be filed in the court in which the proceedings were commenced (together with the number of copies of it (if any) that are required for service).

(2) However, if the proceedings have been transferred to another court (under rule 186) or transferred for hearing to another court (under rule 187), then the application (and the number of copies of it (if any) that are required for service) must be filed in that other court.

Compare: SR 1996/148 r 27(3)

226 How to file documents in court

An application must be filed in accordance with rules 75 and 76.

227 Registrar may transfer for hearing to another court office application accepted for filing

(1) If an application is presented and accepted for filing in a court office and a Registrar is satisfied that, because of the absence or availability of Family Court Associates or Judges, the application can be more speedily heard and determined in another court office, the Registrar may, on the Registrar's own initiative or a request by any party to the application, order that the application be transferred for hearing to that other court office.

(2) Rule 190 (procedure on transfer for hearing) applies to an application transferred under subclause (1).

Rule 227 heading: amended, on 1 July 2019, by rule 62(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 227(1): replaced, on 1 July 2019, by rule 62(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 227(1): amended, on 2 May 2024, by rule 68 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 227(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Procedure for interlocutory applications without notice

228 Procedure if applications without notice accepted for filing

(1) If an application that is made without notice in reliance on rule 220(1) or (2)(b) or (c) is presented and accepted for filing in the court, a Judge or Family Court Associate or, as the case requires, a Registrar must,—

(a) if they consider that no appearance by the applicant is required, make any order on the application they think fit or dismiss the application; or

(b) if they consider that an appearance by the applicant is required, fix a date and time for the hearing of the application under rule 234 and inform the applicant of that date and time.

(1A) If an application that is made without notice in reliance on rule 220(2)(a) is presented and accepted for filing in the court, a Judge must,—

(a) if they consider that no appearance by the applicant is required, make any order on the application they think fit or dismiss the application; or

(b) if they consider that an appearance by the applicant is required, fix a date and time for the hearing of the application under rule 234 and inform the applicant of that date and time.

(2) Promptly after an application is disposed of under subclause (1)(a) or (1A)(a), a Registrar must give notice of the result to all parties to the proceedings (or to their lawyers).

Rule 228(1): replaced, on 2 May 2024, by rule 69(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 228(1A): inserted, on 2 May 2024, by rule 69(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 228(2): amended, on 2 May 2024, by rule 69(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 228(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Procedure for interlocutory applications on notice

229 Procedure if applications on notice accepted for filing

(1) If an application made on notice is presented and accepted for filing in the court, a Registrar must either—

(a) immediately fix a date and time for the hearing of the application; or

(b) enter the application on the Registrar's list (as defined in rule 8), so that the proceedings are regularly monitored, and managed and progressed either—

(i) to resolution without a hearing; or

(ii) to a point where a Registrar thinks fit to fix a date and time for the hearing of the application, and does so under this subparagraph.

(2) Promptly after a date and time is fixed for the hearing of an application, under subclause (1)(a) or (b)(ii), a Registrar must—

(a) note the date and time fixed on the copies of the application filed for service; and

(b) issue for service (that is, make ready and complete for delivery to each person who may oppose, or be interested in, or likely to be affected by, the application) the copies of the application filed for service.

(3) Unless the court or a Registrar orders otherwise, the application must be served on each person who may oppose, or be interested in, or likely to be affected by, it, no later than the fourth working day before the date fixed for the hearing of the application.

Rule 229(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 229(1)(b)(ii): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 229(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 229(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

230 Notice of opposition to application on notice

(1) A party served with an application who intends to oppose the application must file and serve a notice of opposition.

(2) A notice of opposition must—

(a) state the party's intention to oppose the application and the grounds of opposition; and

(b) refer to any particular enactments or principles of law or judicial decisions on which the party relies.

(3) A notice of opposition must be filed and served on every other party—

(a) within the period of 10 working days after service of the application; but

(b) if the hearing date for the application is within that 10-working-day period, not less than 3 working days before the hearing date.

Rule 230: replaced, on 17 November 2011, by rule 8 of the Family Courts Amendment Rules 2011 (SR 2011/349).

230A Affidavit to be filed with notice of opposition

An affidavit setting out evidence in support of the notice of oppostion must be filed and served with the notice of opposition.

Rule 230A: inserted, on 17 November 2011, by rule 8 of the Family Courts Amendment Rules 2011 (SR 2011/349).

230B Affidavit in reply

(1) Any person served with a notice of opposition and supporting affidavit may reply to any new matters raised in the notice of opposition or supporting affidavit.

(2) A reply must be by an affidavit.

(3) An affidavit in reply must be filed and served on every other party—

(a) within the period of 5 working days after service of the notice of opposition; but

(b) if the hearing date for the application is within that 5-working-day period, by 1 pm on the working day before that hearing date.

Rule 230B: inserted, on 17 November 2011, by rule 8 of the Family Courts Amendment Rules 2011 (SR 2011/349).

231 Where appearance at hearing of application on notice not required

(1) Unless the court directs otherwise, an appearance by a party to an application is not required at any hearing of the application if—

(a) the party, on being served with the application,—

(i) consents in writing to the application; and

(ii) files that consent in writing in the court; or

(b) all parties file in the court—

(i) written submissions on the application; and

(ii) a request in writing to be excused from an appearance.

(2) The consent or request in writing may be informal, but must be signed by the party giving or filing it (or that party's lawyer).

Compare: SR 1992/109 r 280(1), (2)

Rule 231(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

232 Procedure if no appearance required at hearing of application on notice

(1) An application on notice in respect of which no appearance is required may be disposed of at any time, even though the date and time fixed for the hearing of the application may not have arrived.

(2) Promptly after the application has been disposed of, a Registrar must give notice of the result to the applicant (or his or her lawyer) and to the following parties (or their lawyers):

(a) each party who filed in the court a consent in writing to the application (*see* rule 231(1)(a)):

(b) each party who filed in the court submissions on the application and a request in writing to be excused from an appearance (*see* rule 231(1)(b)).

Compare: SR 1992/109 r 280(3)

Rule 232(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Hearing of interlocutory applications

233 Hearing in court or in Chambers

An application may be heard either in court or in Chambers.

Compare: SR 1996/148 r 64(1)(a)

234 Hearing of applications

(1) In addition to all other powers given to a Registrar by these rules, a Registrar has the jurisdiction and powers of the court in Chambers to adjourn a hearing of an application, reserving to the court the costs of or arising out of the adjournment.

(2) If, at the hearing of an application, an appearance by the applicant is required but he or she fails to appear, the court or Registrar may strike out the application, adjourn it, or deal with it in any other way the court or Registrar thinks fit.

(3) An application struck out under subclause (2) may be reinstated by the court on any terms the court thinks fit.

(4) If, at the hearing of an application, an appearance by a respondent is required but the respondent fails to appear, the court or Registrar may dispose of the application in the absence of the respondent, adjourn it, or deal with it in any other way the court or Registrar thinks fit.

(5) Without limiting the generality of subclause (2) or subclause (4), the hearing of an application may be adjourned from time to time on any terms (for example, as to the application being entered on the Registrar's list (as defined in rule 8)) the court or Registrar thinks fit.

(6) On hearing an application, the court or Registrar may make any order the court or Registrar thinks fit.

(7) Rules 196 to 206 apply in respect of judgments and orders.

Compare: SR 1992/109 rr 283, 284, 293(b)

Rule 234(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

235 Registrar may refer application to Family Court Associate or Judge

(1) A Registrar to whom an application is made and who is in doubt as to the proper order to be made on the application may immediately, or at the next convenient opportunity, refer the application to—

(a) a Family Court Associate, if a Family Court Associate has jurisdiction in respect of the application; or

(b) a Judge.

(2) The Family Court Associate or Judge may hear and determine the application and make any orders they think fit.

Rule 235: replaced, on 2 May 2024, by rule 70 of the Family Court Amendment Rules 2024 (SL 2024/35).

Registrar's order on interlocutory application may be varied or rescinded

236 Order made by Registrar may be varied or rescinded

(1) This rule applies to a party if a Registrar has made an order on an application, and the party is dissatisfied with the order.

(2) The party may, by another application that must be made on notice, ask a Family Court Associate or Judge (who need not be the Family Court Associate or Judge before whom other applications in the proceedings are pending) to vary or rescind the order.

(3) On hearing the other application, the Family Court Associate or Judge may vary or rescind the order.

Rule 236: replaced, on 2 May 2024, by rule 71 of the Family Court Amendment Rules 2024 (SL 2024/35).

Enforcement of orders made on interlocutory applications

237 Enforcement of orders

(1) If a party to proceedings defaults in complying with an interlocutory order (that is, an order made on an application),—

(a) if the party in default is the applicant in the proceedings, a Judge or Family Court Associate may order that the proceedings be stayed or dismissed as to the whole or any part of the relief claimed by the applicant in the proceedings:

(b) if the party in default is a respondent in the proceedings, a Judge or Family Court Associate may order that the party's defence be struck out:

(c) subject to section 138 of the District Court Act 2016, a Judge may order that the party in default be committed.

(2) A Judge or Family Court Associate may make an order under subclause (1) on their own initiative or on another application for the purpose.

(3) This rule is subject to any express provision to the contrary in any of these rules.

Compare: SR 1992/109 r 299(1)

Rule 237(1)(a): amended, on 2 May 2024, by rule 72(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 237(1)(b): amended, on 2 May 2024, by rule 72(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 237(1)(c): amended, on 2 May 2024, by rule 72(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 237(1)(c): amended, on 1 July 2019, by rule 64 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 237(2): replaced, on 2 May 2024, by rule 72(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Costs of interlocutory applications

238 Costs

The costs of an application—

(a) are in the discretion of the court; and

(b) if allowed, are costs in the proceedings unless the court or Registrar orders otherwise.

Compare: SR 1996/148 r 64(1)(h)

Part 5
Special rules for proceedings under certain family law Acts

239 Overview of this Part

(1) This Part contains special rules for proceedings under certain family law Acts.

(2) It should be read with, and contains rules that modify, all other Parts of these rules.

(3) It contains rules relating to proceedings under the following family law Acts:

(a) Adoption Act 1955 (*see* rules 240 to 253):

(b) Child Support Act 1991 (*see* rules 254 to 273):

(c) Oranga Tamariki Act 1989 (*see* rules 274 to 303):

(d) Family Violence Act 2018 (*see* rules 304 to 329):

(e) Family Proceedings Act 1980 and subpart 4 of Part 2 of the Care of Children Act 2004 (which relates to international child abduction) (*see* rules 333 to 376):

(f) Family Protection Act 1955 and Law Reform (Testamentary Promises) Act 1949 (*see* rules 377 to 387):

(g) Property (Relationships) Act 1976 (*see* rules 388 to 404):

(h) Protection of Personal and Property Rights Act 1988 (*see* rules 405 to 416).

(4) This rule is only a guide to the general scheme and effect of this Part.

Rule 239(3)(c): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 239(3)(d): replaced, on 1 July 2019, by rule 36 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 239(3)(e): amended, on 31 March 2014, by rule 26 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Adoption Act 1955

240 Interpretation

In rules 241 to 253, unless the context otherwise requires,—

Act means the Adoption Act 1955

applicants, in relation to an application for an adoption order, includes a sole applicant for the order.

241 Forms

(1) The forms set out in Schedule 2 must be used in proceedings under the Act.

(2) Subclause (1) is subject to rule 246(2).

242 Applicants to identify child to be adopted but not named in application for adoption order

If an application for an adoption order in respect of a child does not include the child's name (for example, because the child has not yet been named), the applicants must, at or before the hearing of the application, provide evidence of the child's identity (for example, evidence that the child is the one of a particular sex born to a certain woman on a certain date).

Compare: SR 1959/109 r 6

243 Social worker to ask Police about character of applicants before furnishing report

A social worker required under section 10(1) of the Act to furnish a report on an application for an adoption order—

(a) must, before furnishing the report, ask the New Zealand Police whether anything is known to them about the character of the applicants; and

(b) must make known to the court the results of that inquiry.

Compare: SR 1959/109 r 7

244 Affidavit to be filed with, or before hearing of, application for adoption order

Applicants for an adoption order must file with the documents to be filed to make their application (*see* rule 20(1)(c)), or file in the court before the hearing, an affidavit that—

(aaa) provides evidence of the applicants' ordinary place of residence:

(aab) provides evidence of the child's ordinary place of residence:

(aac) provides evidence of the circumstances in which the application is made if the applicants' ordinary place of residence or the child's ordinary place of residence is outside New Zealand:

(a) states their ages:

(b) gives information about their state of health:

(c) gives particulars of their financial circumstances:

(d) states the sex, age, and state of health of any child of the applicants or of either applicant:

(e) gives their reasons for wanting to adopt the child:

(f) states the period (if any) during which the child has been living in the home of the applicants or of either applicant:

(g) states that no payment or reward in consideration of the adoption or of the making of arrangements for the adoption has been or will be made to or by the applicants or to or by either of them, or (to their knowledge) to or by any other person, other than—

(i) a payment or reward for which the court's consent has been given; or

(ii) a payment or reward for which the court's consent is being asked; or

(iii) a payment referred to in the proviso to section 25(1), or in section 25(2), of the Act:

(h) contains a statement or undertaking (as the case requires) in relation to any religious condition imposed by any parent or guardian under section 7(4) or (6) of the Act:

(i) if either applicant is a parent of the child, states that fact:

(j) states whether the applicants or either of them has ever before applied for, but been refused, an adoption order.

Compare: SR 1959/109 r 8(1)

Rule 244(aaa): inserted, on 18 September 2025, by section 19 of the Adoption Amendment Act 2025 (2025 No 49).

Rule 244(aab): inserted, on 18 September 2025, by section 19 of the Adoption Amendment Act 2025 (2025 No 49).

Rule 244(aac): inserted, on 18 September 2025, by section 19 of the Adoption Amendment Act 2025 (2025 No 49).

245 Other documents to be filed with, or before hearing of, application for adoption order

(1) Applicants for an adoption order must file with the documents required to be filed to make their application (*see* rule 20(1)(d)), or file in the court before the hearing,—

(a) a certified copy of the birth certificate of the child proposed to be adopted, which must be—

(i) annexed to the consent to the adoption given by either parent of the child (if any); or

(ii) verified by the affidavit of some person who has knowledge of the facts to which the certificate relates; and

(b) if there are 2 applicants, a certified copy of their marriage or civil union certificate.

(2) However, the court may, if it thinks fit (either on its own initiative or on an interlocutory application for the purpose) excuse the applicants from complying with some or all of the requirements of subclause (1)(a) or (b).

Compare: SR 1959/109 rr 8(2), 13(2)

Rule 245(1)(b): amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

246 Form of consent to adoption

(1) Every consent to the adoption of a child given by a parent or guardian of the child must be in form A 4 (consent to adoption order) or form A 5 (consent to adoption order [*if identity of applicants is not known*]).

(2) However, a consent to the adoption of a child given by the chief executive, under section 7(4) or (5) of the Act, need not be in form A 4 or form A 5.

Compare: SR 1959/109 r 9(1)

247 If applicants' identity not disclosed, social worker to give evidence that consent to adoption relates to applicants

If a person's consent to an adoption order in respect of a child is in form A 5 (consent to adoption order [*if identity of applicants is not known*]) and does not give the file number of the application for the order, evidence identifying the applicants for the order as the people to whose adoption of the child the person consented must be furnished at or before the hearing of the application.

Compare: SR 1959/109 r 9(1)

248 Lawyers for applicants for adoption order not to witness consents to adoption order required by Act

No lawyer acting for applicants for an adoption order may witness any consent to the adoption order required by the Act.

Compare: SR 1959/109 r 9(2)

249 Attendance of parties at hearing

The applicants and the child proposed to be adopted must attend personally at any hearing of an application for an adoption order or for the issue of an adoption order unless the court directs otherwise on its own initiative or on an interlocutory application for the purpose.

Compare: SR 1959/109 r 10

250 Registrar to give notice of making of interim order

If, on an application for an adoption order, an interim order is made in favour of the applicants, then, promptly after the making of the order, a Registrar must—

(a) send the applicants a notice of the making of the order in form A 6 (notice of interim order); and

(b) give the social worker a written notice setting out the particulars of the order.

Compare: SR 1959/109 r 11

Rule 250: amended, on 2 May 2024, by rule 73 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 250: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

251 Form of application for issue of adoption order

An application for the issue of an adoption order must be in form A 7 (application for issue of adoption order after interim order has been made).

Compare: SR 1959/109 r 12

252 Adoption order

(1) If an adoption order is issued or made, then, promptly after the issue or making of the order, a Registrar must send notice in form A 8 of the issue or making of the order to—

(a) the applicants or the lawyer acting for them:

(b) the social worker.

(2) An adoption order in form A 9 (adoption order [*if issued by Registrar*]) or form A 10 (adoption order [*if dealt with finally by the court*]) must be drawn up and filed in the court, but no copy of an adoption order may issue out of the court except—

(a) by order of a Family Court Judge or District Court Judge made on special grounds; or

(b) by order of the High Court made on special grounds.

Compare: SR 1959/109 r 13

Rule 252(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 252(2)(a): amended, on 2 May 2024, by rule 74 of the Family Court Amendment Rules 2024 (SL 2024/35).

253 Directions as to service of application for variation or discharge of adoption order

An application for the variation or discharge of an adoption order must be served on the people (if any) the court directs on its own initiative or on an interlocutory application for the purpose.

Compare: SR 1959/109 r 14

Child Support Act 1991

254 Interpretation

In rules 255 to 273, unless the context otherwise requires,—

Act means the Child Support Act 1991

applicant includes an appellant

application includes a notice of appeal

Commissioner means the Commissioner of Inland Revenue.

255 Forms

The forms in Schedule 3 must be used in proceedings under the Act.

256 Applications without notice

(1) The following applications may be made without notice:

(a) an application for a suspension order under section 117(5) of the Act:

(b) an application for an order under section 120(2) of the Act dispensing with security for an appeal to the High Court against an order or declaration of the court under the Act:

(c) an application for a charging order under section 184 of the Act:

(d) an application for a receiving order under section 187 of the Act:

(e) an application for a warrant of arrest of a liable person under section 199 of the Act:

(f) an application for an order restraining the disposition of any property under section 200 of the Act.

(2) An application may also be made without notice if that is authorised under section 224 of the Act (which relates to proceedings where the respondent is absent from New Zealand or cannot be found).

(3) Nothing in subclause (1) or subclause (2) prevents other applications being made without notice, if that is authorised by the Act or another of these rules.

(4) If an order is made against a person on an application without notice, under rule 24(2) or subclause (1) or subclause (2), the person may apply under rule 34(c) to vary or rescind the order.

Compare: SR 1992/58 r 16(1)

Rule 256(1)(b): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

257 Affidavits in support to be filed to make certain applications without notice

Applicants under the Act who make an application without notice under rule 24(2)(b) or rule 256(1) (except paragraph (e)) must file with the other documents to be filed to make the application (*see* rule 20(1)(c)) an affidavit made by the applicant or some other person deposing to the matters on which the application is based.

Compare: SR 1992/58 r 16(5)

258 Affidavits in support to be filed to make certain applications on notice

Applicants under the Act who make an application on notice must file with the other documents to be filed to make the application (*see* rule 20(1)(c)) an affidavit made by the applicant or some other person deposing to the matters on which the application is based.

Compare: SR 1992/58 r 13(1)

Rule 258: amended, on 1 July 2023, by section 26 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

259 Affidavit required by rule 258 to have exhibits if application is notice of appeal under certain sections of Act

If the application is a notice of appeal under section 100 or section 101 or section 102 or section 103 of the Act, the affidavit required by rule 258 must exhibit—

(a) a copy of the appellant's notice of objection to the Commissioner; and

(b) a copy of the Commissioner's notice of disallowance.

Compare: SR 1992/58 r 13(2)

260 Affidavit of financial means and their sources to be filed to make application under section 116 of Act

[Revoked]

Rule 260: revoked, on 1 July 2023, by section 27 of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

261 Filing of application if Commissioner is party to proceedings

If the Commissioner is the applicant or respondent in proceedings under the Act, the application must be filed in the court nearest to where the other party resides.

Compare: SR 1992/58 r 18(2)

262 Copy of documents filed to make application to be sent to Commissioner in certain cases

(1) As soon as practicable after accepting for filing documents of a kind specified in subclause (2), a Registrar must send a copy of those documents to the Commissioner.

(2) The documents are those required to be filed to make an application under the following sections of the Act:

(a) section 99 (declarations in respect of step-parents):

(aa) section 103B (appeal by respondent from determination under Part 6A):

(b) section 104 (application for departure from formula assessment in special circumstances):

(c) section 108 (application for order for provision of child support in form of lump sum):

(d) section 112 (discharge, suspension, revival, and variation of orders):

(e) section 113 (power to set aside agreements).

Rule 262(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 262(2)(aa): inserted, on 7 August 2008, by rule 21 of the Family Courts Amendment Rules 2008 (SR 2008/207).

263 Notice by advertisement by order under section 224 of Act

(1) If an order is made under section 224 of the Act to bring the proceedings to the knowledge of the person to be served by advertisement, the advertisement must be in form G 10 (which applies with all necessary modifications).

(2) In a case of that kind, the names of the newspapers in which the advertisement is published and the respective dates of publication must be shown in an affidavit in form G 11 (which applies with all necessary modifications).

(3) The affidavit must be filed in proof of the due publication of the advertisement, and extracts showing those advertisements and taken from those newspapers must be attached to the affidavit as exhibits.

Compare: SR 1992/58 r 33(3)

Rule 263(1): amended, on 2 May 2024, by rule 75 of the Family Court Amendment Rules 2024 (SL 2024/35).

264 Notice of defence

A person served with documents relating to an application under the Act may, within the time specified in or under rule 41, file in court and serve on the applicant, under rule 40, a notice of defence to the application.

Compare: SR 1992/58 r 22

265 Affidavit to accompany notice of defence

(1) A notice of defence must be accompanied by an affidavit made by the person filing and serving the notice of defence or by some other person.

(2) An affidavit of the kind referred to in subclause (1) must—

(a) dispose of the matters raised in the affidavit filed to make the application; and

(b) refer to matters on which the defence is based; and

(c) be served with the notice of defence.

Compare: SR 1992/58 r 23

266 Further information to be filed and served before hearing

(1) All parties to proceedings under the Act (other than the Commissioner) must, at least 10 working days before the hearing of the application,—

(a) file in the court an affidavit in form CS 28 (affidavit of financial means and their sources); and

(b) serve a copy of the affidavit on all other parties.

(2) A liable person who is a party to the proceedings must, at least 10 working days before the hearing of the application, file in the court, and serve on all other parties to the proceedings, the latest notice of assessment given by the Commissioner to the liable person.

267 Fixing date and time for hearing

(1) Unless the court in a particular case orders otherwise, no date and time may be fixed for the hearing of an application under the Act before the time for filing a notice of defence, specified in or under rule 41, has expired.

(2) A Registrar must fix a date and time for the hearing of an application under the Act if subclause (1) does not prevent that and there is filed in the court an application for a fixture for the hearing in form G 17 signed by, or on behalf of, all parties to the proceedings.

(3) However, a Registrar may fix a date and time for the hearing,—

(a) even though the application for a fixture is signed by one party alone, if the Registrar is satisfied that—

(i) the persons who have not signed the application have refused to do so; and

(ii) none of those persons has, in the circumstances, a reasonable reason for refusing to sign the application; or

(b) even though no application for a fixture for the hearing has been filed, if the Registrar is satisfied that the time for filing the notice of defence has expired.

(4) A Registrar who fixes a date and time under subclause (3)(a) must note on the application that the Registrar has done so.

(5) The Registrar must give notice of the date and time of the hearing to—

(a) the applicant; and

(b) the respondent, if the respondent has filed an address for service or has been served with the proceedings; and

(c) any person who has intervened in the proceedings under section 125 of the Act.

(6) All parties must give the Registrar, without delay, all available information affecting any estimated length of the hearing.

Compare: SR 1992/58 r 25

Rule 267(1): amended, on 2 May 2024, by rule 76 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 267(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 267(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

268 Respondent added as party

(1) If a party is added as a respondent to proceedings under the Act, under rule 133(1)(b), the court may adjourn the hearing for a period and on any terms that the court considers appropriate to enable the party added to be served with—

(a) a notice in form CS 25 (notice of application to respondent); and

(b) a copy of the documents issued for service in relation to the application concerned.

(2) However, service of the documents referred to in subclause (1) may be dispensed with if—

(a) the adding of the party takes place at a hearing and the party being added as a respondent is present at the hearing; and

(b) the Judge is satisfied that the party added will not be prejudiced.

Compare: SR 1992/58 r 45

Rule 268(2)(b): amended, on 2 May 2024, by rule 77 of the Family Court Amendment Rules 2024 (SL 2024/35).

269 Procedure on intervention

A person who wishes, under section 125 of the Act, to intervene in, and contest and argue any question arising in, proceedings under the Act to which he or she is not otherwise a party must—

(a) file a notice of intervention in form CS 27 (notice of intervention); and

(b) serve a copy of the notice on every party to the proceedings.

Compare: SR 1992/58 r 44

270 Order of priority of warrants to seize property

(1) A Registrar must note on a request for the issue of a warrant to seize property the precise time of the request.

(2) If a warrant to seize property is issued, a Registrar must endorse the warrant with the precise time of the request.

(3) If more than 1 warrant to seize property is issued against the same person, the warrants must be executed in order of the times of the making of the requests noted under subclause (1).

(4) A warrant issued under section 183 of the Act must rank in order of priority with a warrant to seize property issued under the District Court Act 2016.

Compare: SR 1981/261 r 83; SR 1992/58 r 55

Rule 270 heading: replaced, on 14 April 2014, by rule 4(1) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Rule 270(1): amended, on 14 April 2014, by rule 4(2) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Rule 270(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 270(2): amended, on 14 April 2014, by rule 4(2) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Rule 270(3): amended, on 14 April 2014, by rule 4(2) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Rule 270(4): replaced, on 14 April 2014, by rule 4(3) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Rule 270(4): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

271 Bond by receiver

A person appointed under section 187 of the Act as a receiver of property to which a respondent is entitled must, before acting as receiver, give security for the due administration of the receivership to a Registrar's satisfaction unless the person is—

(a) Public Trust (as defined in section 4 of the Public Trust Act 2001); or

(b) the Māori Trustee; or

(c) a trustee company as defined in section 2 of the Trustee Companies Act 1967.

Compare: SR 1981/261 r 85; SR 1992/58 r 58

Rule 271: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 271(b): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

272 Procedure on arrest of respondent other than in respect of offence

(1) This rule—

(a) applies if a respondent is arrested and brought before the court on a warrant issued other than in respect of an offence; and

(b) is subject to sections 193(3) and 194(6) of the Act.

(2) The Judge before which the respondent is brought may adjourn the hearing to another time and place and—

(a) allow the respondent to go at large; or

(b) subject to any conditions the Judge thinks proper in the circumstances, grant the respondent bail—

(i) on the respondent's own recognisance; or

(ii) with a number of sureties that the Judge thinks fit, and for an amount that the Judge thinks proper in the circumstances; or

(c) if the Judge considers that the attendance of the respondent at the hearing is necessary in the interests of justice but also considers that the respondent is unlikely to appear at the hearing, or may attempt to leave New Zealand with intent to defeat the course of justice, remand the respondent in custody for—

(i) a period of not longer than 8 days; or

(ii) a period longer than 8 days, but only if the respondent consents to that period.

(3) The Judge may extend the period of an adjournment, bail, or remand under subclause (2) until the proceedings in respect of which the warrant was issued are finished.

(4) A Judge may issue a warrant to arrest a respondent and bring the respondent before the court if—

(a) the respondent was allowed to go at large but failed to attend at the time and place to which the hearing had been adjourned; or

(b) the respondent was released on bail but—

(i) failed to attend personally at the time and place specified in the bond; or

(ii) failed to comply with any condition fixed in the bond.

(5) Section 39 of the Bail Act 2000 applies as far as applicable and with all necessary modifications to a respondent released on bail who fails to comply with the bond issued.

Compare: SR 1981/261 r 74; SR 1992/58 r 57

Rule 272(2): amended, on 2 May 2024, by rule 78 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 272(2)(b): amended, on 2 May 2024, by rule 78 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 272(2)(b)(ii): amended, on 2 May 2024, by rule 78 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 272(2)(c): amended, on 2 May 2024, by rule 78 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 272(3): amended, on 2 May 2024, by rule 78 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 272(5): amended, on 1 July 2013, by rule 4 of the Family Courts Amendment Rules 2013 (SR 2013/181).

273 Commissioner to receive copy of order made under Act

Where the court makes an order under the Act, a Registrar or other responsible officer of the court must, within 14 days after the day on which the order is made, send a certified or sealed copy of the order to the Commissioner in accordance with section 126 of the Act.

Compare: SR 1992/58 r 35(4)

Rule 273: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Oranga Tamariki Act 1989

Heading: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

274 Interpretation

In this rule and rules 275 to 303, unless the context otherwise requires,—

Act means the Oranga Tamariki Act 1989

chief executive means the chief executive of the department

court does not include a Family Court Associate

department means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Act.

Rule 274 **Act**: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 274 **court**: inserted, on 2 May 2024, by rule 79 of the Family Court Amendment Rules 2024 (SL 2024/35).

275 Forms

The forms set out in Schedule 4 must be used in proceedings under the Act.

276 Applications without notice

(1) The following applications may be made without notice:

(a) an application for the issue of a summons under section 85 of the Act:

(b) an application for a restraining order under section 87 of the Act (including an application made under section 88 of the Act for an interim order under section 87 of the Act, made pending the determination of an application for a care or protection order under section 68 of the Act), but only if the court is satisfied that the delay that would be caused by proceeding on notice would or might entail—

(i) serious injury or undue hardship; or

(ii) risk to the personal safety of the child or young person who is the subject of the proceedings or any person with whom that child or young person is residing:

(c) an application for an order, or the issue of a warrant, or both, under section 205 of the Act.

(2) Nothing in subclause (1) prevents other applications being made without notice, if that is authorised by the Act or another of these rules.

(3) If an order is made against a person on an application without notice, under rule 24(2) or subclause (1), the person may apply under rule 34(c) to vary or rescind the order.

Compare: SR 1989/295 rr 54(2)–(6), 55A(1), (2)

Rule 276(1)(b): amended, on 13 August 2020, by rule 7 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

277 Filing of applications

Every application under the Act must be filed in the court nearest by the most practicable route to the place where the child or young person in respect of whom the application is made resides.

Compare: SR 1989/295 r 17(1)

278 Procedure if restraining order made without notice

(1) If a restraining order is made on an application without notice, the court must fix a date (which must be as soon as reasonably practicable after the making of the order) for a hearing on whether or not the order should be confirmed.

(2) The copy of the order served on the person whose conduct is restrained by it must notify that person that, unless he or she attends on the date fixed to show cause why the order should not be confirmed, the court may confirm the order.

(3) The order ceases to have effect on the close of the date fixed unless—

(a) it is sooner discharged; or

(b) the court, on that date, confirms the order (whether with or without variation).

(4) At the hearing on whether or not the restraining order should be confirmed, the court may—

(a) discharge the order; or

(b) confirm the order; or

(c) confirm the order but vary the conduct restrained by it; or

(d) adjourn the hearing to another time and place; or

(e) enlarge the date and time for the hearing if, despite reasonable efforts to do so, the order has not been served on the person whose conduct is restrained by it.

(5) If the court adjourns a hearing to another day under subclause (4)(d), the court must, at the adjourned hearing, exercise 1 only of the powers stated in subclause (4)(a) to (c).

(6) In this rule, **date fixed** means whichever is the latest of the following dates:

(a) the date fixed by the court under subclause (1):

(b) a date to which the hearing is adjourned under subclause (4)(d):

(c) a date to which the date for the hearing is enlarged under subclause (4)(e).

Compare: SR 1989/295 rr 55A(3), 55B

279 Application under section 68 of Act to be accompanied by documents on family group conference

(1) For every application for a care or protection order under section 68 of the Act, the documents required to be filed to make the application (*see* rule 20(1)(d)) include—

(a) a duly completed certificate in form OT 3 (certificate as to holding of family group conference), certifying that a family group conference has been held; and

(b) if a family group conference has been held in relation to the matter that forms the ground on which the application is made, a copy of the written record made under section 29(3) of the Act in relation to that conference.

(2) However, subclause (1) does not apply if, under section 70 of the Act, the application may be made without a family group conference having been held.

Compare: SR 1989/295 r 15(1), (2)

Rule 279 heading: amended, on 13 August 2020, by rule 8(1) of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Rule 279(1): amended, on 13 August 2020, by rule 8(2) of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Rule 279(1)(a): amended, on 13 August 2020, by rule 8(3) of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Rule 279(2): amended, on 13 August 2020, by rule 8(4) of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

280 Service of application under section 44 of Act

(1) An application made to the court under section 44 of the Act in respect of a child or young person must be served on—

(a) the principal manager of the department for—

(i) the area in which the child or young person resided immediately before being placed in the custody of the chief executive; or

(ii) the area in which the child or young person is residing at the time of the application; and

(b) if the child or young person has been placed in a residence established under section 364 of the Act, the manager of that residence.

(2) Subclause (1)(b) does not apply if the applicant is not informed, in writing, before the application is made, that the child or young person has been placed in the residence.

(3) Every application to which this rule applies must be served a reasonable time before the hearing of the application.

(4) Service of an application to which this rule applies must be effected—

(a) by personal service; or

(b) by leaving it with a person who indicates that he or she is authorised to accept service of the application on behalf of the person to be served.

Compare: SR 1989/295 r 35

281 Who must be served with or given copy of certain other applications under Act

(1) Sections 152 and 153 and 155 of the Act affect who must be served with or given a copy of an application for a care or protection order under section 68 of the Act.

(2) Sections 154 and 155 of the Act affect who must be served with a copy of an application for variation or discharge of an order under section 125 of the Act.

(3) Section 207L of the Act affects who must be served with an application by the chief executive for the transfer of a protection order under section 207K of the Act.

(4) Section 207R of the Act affects who must be served with an application by the chief executive for the transfer of protection proceedings under section 207Q of the Act.

(5) Section 207ZE of the Act affects who must be served with an application under section 207ZD of the Act (that is, an application to have revoked the registration of an order under section 207X of the Act).

Rule 281(1): amended, on 13 August 2020, by rule 9 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

282 Service on chief executive

If the chief executive is a party to proceedings under the Act, a document required to be served on the chief executive in the proceedings must be served—

(a) by delivering the document to the principal manager of the department for the area in which the child or young person who is the subject of the proceedings resides; or

(b) by leaving the document with an employee of the department who indicates that he or she is authorised to accept service on behalf of the chief executive.

Compare: SR 1989/295 r 39

283 Service on constable

(1) *[Revoked]*

(2) If a person to be served with a document in proceedings under the Act is a party to the proceedings in his or her capacity as a constable, it is sufficient service to deliver the document to be served to any constable.

Compare: SR 1989/295 r 40

Rule 283 heading: amended, on 1 September 2017, by rule 22(1) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 283 heading: amended, on 1 October 2008, pursuant to section 116(a)(i) of the Policing Act 2008 (2008 No 72).

Rule 283(1): revoked, on 1 September 2017, by rule 22(2) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 283(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

284 Directions as to service

(1) The applicant may, and must on the direction of a Registrar, make an interlocutory application without notice to the court for a direction that a person who is not a party be served, if an application is required by the Act or these rules to be served—

(a) on a person specified by the court; or

(b) on a person the court directs.

(2) However, only in the circumstances stated in subclause (3) may a Registrar direct that an application be made under subclause (1) in respect of an application—

(a) for a care or protection order under section 68 of the Act; or

(b) under section 125 of the Act.

(3) The circumstances are that it appears from the application for a care or protection order under section 68 or the application under section 125 of the Act, and any documents filed with it, or from any other documents held by the court, that a person who is not a party to the proceedings has an interest in the proceedings and should be served.

(4) An application under subclause (1) must state the reasons why the person specified in the application should be served.

(5) If the court is satisfied that the person specified in the application should be served, it must direct accordingly.

(6) This rule, so far as applicable and with all necessary modifications, applies in respect of every application notice of which is required by the Act or these rules to be given—

(a) to any person specified by the court; or

(b) to such person or persons as the court directs.

Compare: SR 1989/295 r 41

Rule 284(2)(a): amended, on 13 August 2020, by rule 10(1) of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Rule 284(3): amended, on 13 August 2020, by rule 10(2) of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

285 Notice of application under section 371 or section 377 of Act

(1) In this rule, **application** means an application under section 371 or section 377 of the Act.

(2) Notice of the application must be accompanied by a copy of it, and the copy must have written on it the time and place of the hearing.

(3) Written notice of the application required to be given to a person must be given—

(a) by personally delivering it to that person, or by bringing it to his or her attention if he or she refuses to accept it, at least 24 hours before the time of hearing; or

(b) by posting it in a letter addressed to that person at that person's last known or usual place of residence, at least 48 hours before the time of hearing.

(4) If written notice of the application is given to a person in accordance with subclause (3)(b), the applicant must also, where practicable, cause that person to be notified, by telephone, of the time and place of the hearing.

Compare: SR 1989/295 rr 69(3)(b), 70

286 Notice of application under section 380 of Act

(1) In this rule, **application** means an application under section 380 of the Act.

(2) Notice of the application must be accompanied by a copy of the documents required to be filed to make the application, which must have written on them the time and place of the hearing.

(3) Written notice of the application required to be given to a person must be given at least 24 hours before the time of hearing and,—

(a) if the person is the manager of the residence in which the child or young person to whom the application relates is detained in secure care, by personally delivering it to that manager or to another person who indicates that he or she is authorised to accept the notice on behalf of that manager:

(b) if the person is any other person, by personally delivering it to him or her, or by bringing it to his or her attention if he or she refuses to accept it.

Compare: SR 1989/295 rr 69(3)(b), 71

287 Proof of giving of notice of application under section 371 or section 377 or section 380 of Act

(1) If notice is given of an application under section 371 or section 377 of the Act, that notice may be proved by showing the fact and the date and mode of the giving of the notice in a certificate attached to the application or a copy of it.

(2) The certificate must be signed by the manager of the residence in which the child or young person to whom the application relates is detained in secure care or by a social worker acting on the manager's behalf.

(3) It is not necessary to prove that notice of an application under section 380 of the Act has been given to the manager of the residence in which the child or young person to whom the application relates is detained in secure care if that manager or any social worker employed in that residence appears, either personally or by a lawyer, at the hearing of the application.

(4) If it is necessary to prove the giving of notice of an application under section 380 of the Act, it must be proved by affidavit.

Compare: SR 1989/295 r 72

288 Procedure if notice of certain applications under Act not given within time prescribed

If a person is given notice of an application under section 371 or section 377 or section 380 of the Act, but not within the time prescribed by rule 285 or rule 286, the court may—

(a) hear the application, if the court is satisfied that the person is not prejudiced by that failure; or

(b) adjourn the hearing until a time and on any terms the court thinks fit.

Compare: SR 1989/295 r 73

289 Documents filed on family group conference

If a family group conference was held in respect of a child or young person who is the subject of proceedings in the court under the Act, the following documents must be filed in the court (*see* rule 20(1)(d)):

(a) a duly completed certificate in form OT 3, certifying that the family group conference has been held; and

(b) a copy of the written record made under section 29(3) of the Act in relation to the conference.

Compare: SR 1989/295 r 15(3)

Rule 289: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 289(a): amended, on 13 August 2020, by rule 11 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

290 Notice of appointment of lawyer or lay advocate

If, in proceedings under the Act, the court makes an appointment under section 159 or section 160 or section 163 of the Act, a Registrar must give notice of the appointment to—

(a) the appointee; and

(b) every party to the proceedings; and

(c) if the appointment is under section 160 of the Act,—

(i) the lawyer representing the child or young person who is the subject of the proceedings; and

(ii) any lay advocate appointed to appear in support of that child or young person in the proceedings.

Compare: SR 1989/295 r 22

Rule 290: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

291 Notice of intention to appear

(1) A party to proceedings under the Act may file in court and serve, under rule 40, a notice of intention to appear and be heard in relation to the application, but, if the party does so, the party must also serve the notice on the lawyer representing the child or young person to whom the application relates.

(2) For the purposes of rule 41(a), the period within which the party must serve a notice of intention to appear is 7 days after receiving service of the application.

Compare: SR 1989/295 r 20(1)

292 Mediation conference

(1) A request to a Registrar, under section 170(1) of the Act, for a mediation conference may be made—

(a) by a Judge, at any stage of the proceedings; and

(b) by a person referred to in section 170(1)(a) to (d) of the Act, at any time before the hearing of the proceedings has commenced.

(2) The request may be made orally or in writing but, if made orally, must be confirmed in writing as soon as possible.

Compare: SR 1989/295 r 23

Rule 292(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

292A Mediation conference becomes judicial conference if agreement cannot be reached

(1) If the Judge presiding over a mediation conference is satisfied that no agreement can be reached on a solution for the problem in respect of which the exercise of the court's jurisdiction is sought, the Judge must, as soon as practicable, indicate to the persons attending the conference that he or she has formed that view.

(2) When an indication has been given under subclause (1), the mediation conference becomes a judicial conference and the Judge may make any orders and directions that a Judge may make under rule 295A.

(3) When a mediation conference becomes a judicial conference, any of the following persons present must leave the conference room if requested to do so by the Judge:

(a) the child or young person who is the subject of the proceedings in respect of which the mediation conference was held:

(b) any other person who is not referred to in rule 294(3).

Rule 292A: inserted, on 27 May 2010, by rule 9 of the Family Courts Amendment Rules 2010 (SR 2010/97).

293 Change of Judge after mediation conference

A Judge who presides over a mediation conference relating to an application under the Act and decides that he or she should not hear any later proceedings relating to the application must make a note to that effect in his or her record of the mediation conference.

Compare: SR 1989/295 r 24

294 Judicial conference: how convened

(1) A Registrar must arrange for a judicial conference to be convened if—

(a) an application is made to the court—

(i) for a care or protection order under section 68 of the Act; or

(ii) under section 125 of the Act; and

(b) the Registrar is satisfied that—

(i) all persons on whom a copy of the application is required to be served have been so served; and

(ii) if service of the application on any person has been dispensed with, the terms and conditions (if any) imposed by the court in respect of that dispensation have been observed or complied with; and

(iii) the time within which the parties may file a notice of intention to appear has expired, or all the parties have filed such a notice.

(2) The court may direct that a judicial conference be convened at any stage of proceedings under the Act, either on its own initiative or on a request by—

(a) a party to the proceedings; or

(b) the lawyer representing the child or young person who is the subject of the proceedings; or

(c) the lay advocate appointed to appear in support of that child or young person.

(3) A Registrar must give notice of the time and place for the holding of the judicial conference to—

(a) the parties to the proceedings; and

(b) the lawyer representing the child or young person who is the subject of the proceedings; and

(c) any lay advocate appointed to appear in support of that child or young person in the proceedings.

Compare: SR 1989/295 r 26(1), (2), (4)

Rule 294(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 294(1)(a)(i): amended, on 13 August 2020, by rule 12 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Rule 294(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

295 Judicial conference: nature and purpose

(1) Every judicial conference is presided over by a Judge, and every person who is entitled to be present at the hearing of an application under the Act is entitled to be present at, and to participate in, the judicial conference.

(2) The purpose of a judicial conference is as follows:

(a) if the conference is convened under rule 294(1) in respect of an application for a care or protection order under section 68 of the Act, to consider—

(i) whether a direction should be made under section 74 of the Act; and

(ii) whether an order should be made under section 78 or section 88 or section 92 of the Act pending the determination of the application; and

(iii) whether an order of that kind, or any condition of an order of that kind, should be varied, suspended, cancelled, or discharged:

(b) to consider whether a mediation conference should be convened under section 170(1) of the Act:

(c) if the application has not been set down for hearing, to fix a date and time for the hearing of the application:

(d) to consider whether the court should make another order that it is empowered, by the Act or these rules, to make pending the determination of the application.

(3) *[Revoked]*

Rule 295(2)(a): amended, on 13 August 2020, by rule 13 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Rule 295(3): revoked, on 1 November 2009, by rule 25 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

295A Judicial conference: orders and directions pending determination of application

(1) At a judicial conference, the presiding Judge may, pending determination of an application, make any orders and directions that the Judge is empowered to make by—

(a) the Act; or

(b) these rules.

(2) Without limiting the generality of subclause (1), the Judge may do any of the following:

(a) make a direction under section 74 of the Act:

(b) make an order that the court is empowered to make under section 78, 88, or 92 of the Act:

(c) make an order that the court is empowered to make under section 127 of the Act in respect of an order, or any condition of an order, made under any of those sections referred to in paragraph (b):

(d) ask a Registrar to convene a mediation conference under section 170 of the Act:

(e) fix a date and time for the hearing of the application.

Rule 295A: inserted, on 1 November 2009, by rule 26 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Rule 295A(2)(d): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

295B Judicial conference: order determining application

(1) This rule applies where a party to the proceedings on whom service is not altogether dispensed with—

(a) has been served personally with the application (proved in accordance with rule 127); and

(b) has been notified that he or she is required to attend a judicial conference; and

(c) has failed to file and serve a notice of intention to appear—

(i) within the time specified in rule 291(2) or under rule 41(b); or

(ii) at any time before the judicial conference; and

(d) does not attend, or is not represented by his or her lawyer, at the judicial conference.

(2) At the judicial conference, the presiding Judge may proceed, in accordance with rule 55(2), to hear the application. The judicial conference is then to be treated as the hearing of the application.

Rule 295B: inserted, on 1 November 2009, by rule 26 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

296 Fixing date and time for hearing

(1) Unless a Judge in a particular case orders otherwise, no date and time may be fixed for the hearing of an application under the Act—

(a) before a request for the convening of a mediation conference in respect of the application has been disposed of; or

(b) before the time for filing a notice of intention to appear (as specified in or under rule 41(b) or rule 291(2)) has expired.

(2) However, subclause (1)(a) is subject to section 200 of the Act (which requires the court to ensure that an application for a care or protection order under section 68 of the Act is dealt with promptly), and rule 295.

(3) A Registrar must fix a date and time for the hearing of an application under the Act if subclause (1) does not prevent that and there is filed in the court an application for a fixture for the hearing in form G 17 signed by, or on behalf of,—

(a) the applicant; and

(b) the lawyer representing the child or young person in respect of whom the application is made; and

(c) every person (if any) who has filed a notice of intention to appear.

(4) However, a Registrar may fix a date and time for the hearing even though the application for a fixture is not signed by all of the persons specified in subclause (3) if the Registrar is satisfied—

(a) that the persons who have not signed the application have refused to do so; and

(b) that none of those persons has, in the circumstances, a reasonable reason for refusing to sign the application.

(5) A Registrar who fixes a date and time under subclause (4) must note on the application that the Registrar has done so.

(6) A Registrar must give notice of the date and time of the hearing to the parties and to the lawyer representing the child or young person in respect of whom the application is made.

(7) All parties must give the Registrar, without delay, all available information affecting any estimated length of the hearing.

Compare: SR 1989/295 r 27

Rule 296(2): amended, on 13 August 2020, by rule 14 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Rule 296(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 296(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 296(4): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 296(6): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

297 Pre-hearing disclosure of evidence

(1) Before a hearing of an application under the Act, the court may order a party to the proceedings to file in the court a statement outlining, in reasonable detail, all or part of the evidence proposed to be tendered at the hearing by the party.

(2) An order under subclause (1) may be made on any other conditions the court thinks fit, but must always require the party against whom it is made to serve the statement on—

(a) the other parties; and

(b) the lawyer representing the child or young person who is the subject of the proceedings; and

(c) any lay advocate appointed to appear in support of that child or young person in the proceedings.

(3) If the proceedings are for a care or protection order under section 68 of the Act, an order under subclause (1) may not be made against a party in those proceedings other than the applicant unless, in the circumstances of the case, the interests of justice require.

(4) If a party fails to comply with an order under subclause (1),—

(a) if the party is the applicant, the court may order that the proceedings be dismissed or stayed until the order is complied with:

(b) if the party is not the applicant, the court may order that the party be allowed to appear at the hearing only on terms specified by the court.

(5) Nothing in this rule applies to proceedings for a care or protection order under section 68 of the Act on the ground specified in section 14(1)(e) of the Act.

Compare: SR 1989/295 r 56

Rule 297(3): amended, on 13 August 2020, by rule 15(1) of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Rule 297(5): amended, on 13 August 2020, by rule 15(2) of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

298 Proof of service of applications

(1) An application under the Act (not being an interlocutory application) may not be heard unless, in respect of each party on whom service is not altogether dispensed with, either—

(a) the court is satisfied that the party has taken some steps in the proceedings; or

(b) an affidavit in form G 8 has been filed showing that the party has been personally served with the documents issued for service in relation to the application (*see* rule 127), or an affidavit has been filed showing that the party has been otherwise duly served in accordance with the directions of the court or a Judge.

(2) If an order in form G 9 is made under rule 126 for substituted service by advertisement (for example, in form G 10), the affidavit of advertising (*see* rule 128) must be in form G 11.

Compare: SR 1989/295 r 43(1), (4)

299 Evidence at hearing of certain proceedings generally to be given orally

(1) At the hearing of proceedings (other than interlocutory proceedings) on an application for a care or protection order under section 68 of the Act, or an application under section 125 of the Act, evidence must be given orally.

(2) However, the court may, at any stage of the proceedings, order that certain evidence be given by affidavit or in another form that it directs.

(3) Nothing in this rule affects—

(a) an order made under rule 170 (pre-hearing rulings on evidence):

(b) rule 171 (evidence by deposition: District Court Rules 2014 apply):

(c) rule 172 (taking evidence outside New Zealand: District Court Rules 2014 apply).

Compare: SR 1989/295 r 58

Rule 299(1): amended, on 13 August 2020, by rule 16 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Rule 299(3)(b): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 299(3)(c): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

300 Consent to order of court

(1) Subclause (2) applies when—

(a) the making of an order, or the imposing of a condition, under Part 2 or Part 3 of the Act requires the consent of any person or organisation; or

(b) in proceedings under Part 2 of the Act, the court is empowered to make an order by the consent of all the parties to the proceedings.

(2) When this subclause applies, a statement of consent, in form OT 6, duly completed and filed in the court is sufficient evidence that the person by whom, or the organisation by which, that statement is signed or executed consents to the making of the order or, as the case requires, the imposing of the condition.

(3) Subclause (4) applies when—

(a) the court proposes to make an order under Part 2 or Part 3 of the Act; and

(b) either or both of the following apply:

(i) the making of that order requires the consent of any person or organisation:

(ii) that order may not be made unless a particular person or organisation has been informed of the proposal or intention to make the order and has been given an opportunity to make representations to the court or to appear and be heard by the court; and

(c) that person or organisation has not consented to the making of the order.

(4) When this subclause applies, a Registrar must give notice in form OT 7 to the person or organisation specifying the order that the court proposes to make and the time and place at which the person or organisation may make representations to the court.

Compare: SR 1989/295 r 29

Rule 300(2): amended, on 13 August 2020, by rule 17(1) of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Rule 300(4): amended, on 13 August 2020, by rule 17(2) of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Rule 300(4): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

301 Proceedings not to abate

(1) This rule applies to proceedings under the Act if a social worker or a constable, acting in that capacity, is a party (the **party**) to the proceedings and—

(a) dies; or

(b) ceases to hold office as a social worker or, as the case requires, a constable; or

(c) is for any other reason unavailable to participate in the proceedings as a party.

(2) The proceedings do not abate just because of the circumstances referred to in subclause (1)(a), (b), or (c).

(3) Another social worker or, as the case requires, another constable may, without further authority than this rule, participate in the proceedings in the place of the

party, and the proceedings continue in all respects as if the other social worker or other constable were a party to the proceedings in the place of the party.

Compare: SR 1989/295 r 68

Rule 301(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Rule 301(1)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Rule 301(3): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

302 Notice of court's decision on application under section 371 or section 377 of Act

A notice that is required under section 378 of the Act to be given to a person must be given by posting the notice,—

(a) if it is to be given to the chief executive, in a letter addressed to the principal manager of the office of the department in the area in which the court is situated:

(b) if it is to be given to the manager of a residence, in a letter addressed to that manager at that residence:

(c) if it is to be given to another person, in a letter addressed to that person at that person's last known or usual place of residence.

Compare: SR 1989/295 r 74

303 Copy of orders to be sent to principal manager of office of department in relevant area

A Registrar must, as soon as practicable after the making of an order (including an interim or interlocutory order) under the Act, deliver or post a copy of the order to the principal manager of the office of the department in the area in which the court that made the order is situated.

Compare: SR 1989/295 r 46

Rule 303: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Family Violence Act 2018

Heading: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

304 Interpretation

(1) In this rule and rules 305 to 329, unless the context otherwise requires,—

Act means the Family Violence Act 2018

approved form means a form approved by the Secretary for Justice under rule 62AB for use by service providers, applicants, parties, and other persons in proceedings under the Act

objector means a respondent (as defined in section 184 of the Act) who notifies the court under section 189(2)(b) of the Act that the respondent objects to—

(a) a direction made under section 188(1) of the Act to—

(i) undertake an assessment for a non-violence programme; and

(ii) attend a non-violence programme, provided by a service provider, that an assessor determines is an appropriate non-violence programme for the respondent to attend:

(b) a direction made under section 188(3) of the Act to—

(i) undertake an assessment for prescribed services; and

(ii) engage with any prescribed standard service, provided by a service provider, that an assessor determines may be appropriate for and may benefit the respondent

prescribed form means a form used or issued by the court or a Registrar and prescribed in Schedule 5

property order means one of the following orders, whether temporary or final:

(a) an occupation order:

(b) a tenancy order:

(c) an ancillary furniture order:

(d) a furniture order.

(2) For the purposes of rule 312, approved forms, and prescribed forms, **applicant** includes—

(a) a person for whose safety a temporary protection order has been issued under section 46 of the Act; and

(b) a person for whose safety a temporary protection order is made under section 57A of the Care of Children Act 2004; and

(c) a victim of an offence for whose protection a protection order has been made under section 123B of the Sentencing Act 2002.

(3) For the purposes of rule 319, **applicant** includes—

(a) a person for whose safety a temporary protection order has been issued under section 46 of the Act; and

(b) a person for whose safety a temporary protection order is made under section 57A of the Care of Children Act 2004.

(4) For the purposes of this rule and rules 307, 312, and 322, approved forms, and prescribed forms, **respondent** includes—

(a) a person against whom a temporary protection order is issued under section 46 of the Act; and

(b) a person against whom a temporary protection order is made under section 57A of the Care of Children Act 2004; and

(c) an offender against whom a protection order is made under section 123B of the Sentencing Act 2002.

(5) For the purposes of rules 315 and 324, **respondent** includes—

(a) a person against whom a temporary protection order is issued under section 46 of the Act; and

(b) a person against whom a temporary protection order is made under section 57A of the Care of Children Act 2004.

Section 304: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

305 Forms

(1) In proceedings to which the Act applies,—

(a) the court and Registrars must use the forms prescribed in Schedule 5:

(b) service providers must use approved forms when—

(i) giving notice to a Registrar under any of sections 199, 200, 201, 203, and 207 of the Act:

(ii) providing a report to a Registrar under section 204 of the Act:

(c) applicants, parties, and other persons must use approved forms, if those forms are available on the Ministry of Justice website.

(2) If a rule in any other part of these rules requires a person (not being the court or a Registrar) to use a particular prescribed form in Schedule 1 (for example, form G 1 or G 8), then, if there is an approved form that corresponds to that form, the person must use the corresponding approved form.

(3) Approved forms for proceedings to which the Act applies may be varied as the circumstances of a particular case require.

(4) Strict compliance with approved forms for proceedings to which the Act applies is not required; substantial compliance, or the compliance that the particular circumstances of the case allows, is sufficient.

(5) Subclauses (3) and (4) do not apply, however, to an approved form for a notice under rule 309(1)(c) or 311.

(6) If there is no suitable approved form for a particular purpose, the parties may devise an appropriate form, using other approved forms as guides (and noting the requirements of rule 62AB(2)).

(7) A Registrar may refuse to accept for filing any document that does not comply with this rule and any rule in Part 2 that relates to the requirements for documents to be filed.

Section 305: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

306 Applications without notice

(1) The following applications may be made without notice:

(a) an application under section 75 of the Act for a protection order:

(b) an application under section 125 of the Act for an occupation order or a tenancy order:

(c) an application under section 139 of the Act for an ancillary furniture order or a furniture order.

(2) Nothing in subclause (1) prevents—

(a) a person who makes an application on notice from applying for a reduction of time in accordance with rule 132 (changing times by which things to be done); or

(b) other applications being made without notice, if that is authorised by the Act or another of these rules.

(3) If an order is made against a person on an application without notice, under rule 24(2) or subclause (1), the person may apply under rule 34(c) to vary or rescind the order.

Compare: SR 1996/148 r 14

Section 306: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

307 Certain applications by respondent or associate respondent to be on notice

(1) The following applications relating to a protection order must be made on notice, if made by the respondent or an associated respondent:

(a) an application under section 108(1) or (2) of the Act (which relates to the variation of a protection order):

(b) an application under section 109(1) or (4) of the Act (which relates to the discharge of a protection order):

(c) an application under section 159 or 160 of the Act (which relates to the addition, removal, or change of the standard condition about weapons).

(2) The following applications made in relation to a property order must be made on notice, if made by the respondent:

(a) in the case of an occupation order, an application under section 120 of the Act (which relates to variation and discharge):

(b) in the case of a tenancy order, an application under section 124 of the Act (which relates to discharge):

(c) in the case of an ancillary furniture order, an application under section 132 of the Act (which relates to variation and discharge):

(d) in the case of a furniture order, an application under section 138 of the Act (which relates to variation and discharge).

(3) Nothing in subclause (1) or (2)—

(a) prevents the respondent or an associated respondent from applying for a reduction in time under rule 132 (changing times by which things to be done); or

(b) limits rule 126 (order dispensing with or changing service required).

Compare: SR 1996/148 r 14

Section 307: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

308 Certificate of lawyer to be included in certain applications without notice

(1) This rule applies to an application made without notice for a protection order, property order, or both, if it is not intended that the application be made—

(a) by the party applying in person; or

(b) by a representative applying in person.

(2) If this rule applies to an application, the documents required to be filed to make the application (*see* rule 20(1)(d)) include a certificate signed by the party's lawyer certifying—

(a) that the lawyer has advised the applicant that every affidavit filed with an application must fully and frankly disclose all relevant circumstances, whether or not they are advantageous to the applicant or another person for whose benefit the order is sought; and

(b) that the lawyer has made reasonable inquiries of the applicant in order to establish whether the relevant circumstances have been disclosed; and

(c) that, to the best of the lawyer's knowledge, every affidavit filed with the application discloses all relevant circumstances; and

(d) that the lawyer is satisfied—

(i) that the application and every affidavit filed with it complies with the requirements of the Act and these rules; and

(ii) that the order sought is one that ought to be made.

(3) A certificate given by a lawyer under subclause (2)—

(a) must be signed by the lawyer personally in the lawyer's own name; and

(b) may be given by the lawyer who has taken the affidavit in support or any other affidavit relevant to the application.

(4) Before giving a certificate under subclause (2), a lawyer must be satisfied—

(a) that the application and every affidavit filed with it complies with the requirements of the Act and these rules; and

(b) that the order sought is one that ought to be made.

(5) The lawyer is responsible to the court in respect of the matters referred to in subclause (4).

Compare: SR 1996/148 r 26

Rule 308: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

309 Documents to be filed to make certain applications

(1) The documents required to be filed to make an application for a protection order or property order under the Act (*see* rule 20(1)(b), (c), and (d)) include—

(a) an information sheet on an approved form (but if multiple application forms are being filed by the applicant, only 1 information sheet is required); and

(b) an affidavit in support, on an approved form, deposing to the matters on which the application is based; and

(c) if the application is for a protection order, a notice, on an approved form, setting out information for the Police about firearms licences and weapons.

(2) If a protection order or property order is to be used in support of an application, then, unless a Registrar directs otherwise, the documents to be filed to make the application (*see* rule 20(1)(f)) include either a copy of the order, or a copy of a copy of the order.

Compare: SR 1996/148 rr 21, 23, 24

Rule 309: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

310 Residential address not required

(1) This rule applies to a person if the person is—

(a) a party to proceedings relating wholly or partly to an application made, by or on behalf of the party, for a protection order, or for a property order (that is, an order made under Part 5 of the Act), or for both; or

(b) a party to an appeal from the determination of the court in proceedings to which paragraph (a) applies; or

(c) a party to proceedings relating to, or arising out of, an order of the kind referred to in paragraph (a) if the decision was made in that party's favour.

(2) The person need not give a residential address on a document presented for filing in the court in proceedings under the Act.

(3) The person must provide an address for service, in accordance with rule 82.

(4) This rule is subject to rule 311.

Compare: SR 1996/148 r 45

Rule 310: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

311 Applicant for protection order may request that residential address be kept confidential

(1) An applicant for a protection order who wants the applicant's residential address not to be disclosed to a respondent or an associated respondent must include, in the documents required to be filed to make the application, a notice on an approved form—

(a) stating the applicant's residential address; and

(b) requesting that the address be kept confidential.

(2) If an applicant files a notice of that kind but later changes the applicant's address, the applicant may notify the court of the change by filing a further notice of that kind.

Compare: SR 1996/148 r 22

Rule 311: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

312 Filing of applications

(1) An application under the Act must be filed—

(a) in the court nearest to the place where the applicant or one of the applicants resides; or

(b) in the court nearest to the place specified by the applicant or one of the applicants as that person's address for service; or

(c) in the court nearest to the place where the respondent or any associated respondent resides; or

(d) with the written consent of every respondent and every associated respondent, in any other court.

(2) Subclause (1) is subject to rule 225 (which relates to where interlocutory applications under the Act must be filed).

(3) Written consent given under subclause (1)(d) must be filed with the application.

Compare: SR 1996/148 r 27

Rule 312: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

313 Registrar to fix earliest practicable date for hearing of applications on notice

(1) If an application under the Act is made on notice, the date and time that a Registrar must assign or fix, under rule 32(1), for the hearing of the application is the date and time that is as soon as practicable after the application is made.

(2) Nothing in this rule limits any provision of the Act that requires that, unless there are special circumstances, the hearing date assigned or fixed must be no later than a specified period after the application is made.

Compare: SR 1996/148 r 29(1)(b), (2)

Rule 313: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

314 Notice of defence when application on notice

(1) A person served with documents relating to an application under the Act and who intends to defend the application may file in the court and serve on the applicant, under rule 40,—

(a) a notice of defence on an approved form; and

(b) if the application is for a protection order, property order, or both, an affidavit—

(i) setting out sufficient particulars to indicate the grounds on which the defence is based; and

(ii) containing sufficient information to inform the court of the facts relied on in support of the defence.

(2) For the purposes of rule 41(a), the person must file and serve the notice of defence and, if applicable, an affidavit at least 5 clear days before the date of the hearing.

(3) Rule 42 applies if the person fails to file and serve a notice of defence and, if applicable, an affidavit, within the time fixed by subclause (2); however,—

(a) if the application is one referred to in subclause (1)(b), the reference in rule 42(1)(b) to a notice of defence must be read as including a reference to an affidavit described in subclause (1)(b) of this rule; and

(b) if the hearing is to be adjourned, under rule 42(5)(a)(ii), it must be adjourned to a time and date as soon as practicable and no later than 42 days after the date of the granting of the adjournment unless there are special circumstances; and

(c) a Judge may, at the hearing, make a decision on the application.

Compare: SR 1996/148 r 31

Rule 314: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 314(3)(c): amended, on 2 May 2024, by rule 80 of the Family Court Amendment Rules 2024 (SL 2024/35).

315 Notice of intention to appear in relation to temporary protection order or temporary property order

(1) This rule applies to the following persons if a temporary protection order or temporary property order is made and relates to them:

(a) the respondent in proceedings under the Act:

(b) an associated respondent in proceedings under the Act:

(c) a person of the kind referred to in section 151(3) of the Act.

(2) A person to whom this rule applies may file in court and serve on the other party to the proceedings, under rule 40, a notice of intention to appear on an approved form.

(3) For the purposes of rule 41(a), the notice of intention to appear must be filed and served before the day on which the temporary protection order or temporary property order relating to that person becomes final under sections 148 and 149 of the Act.

(4) An affidavit must be filed with the notice of intention to appear, and must set out—

(a) sufficient particulars to indicate the reasons for giving notice; and

(b) sufficient information to inform the court of the facts being relied on.

(5) If a notice of intention to appear is filed, a Registrar must—

(a) assign a hearing date under section 147(3) of the Act; and

(b) notify the parties to the proceedings accordingly.

(6) Nothing in this rule limits section 125(4)(c) of the Act.

Compare: SR 1996/148 r 32

Rule 315: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

316 Time for service

Service of a document relating to proceedings under the Act must be effected—

(a) no later than the 11th day before the day of the hearing of the application, if service is within New Zealand; or

(b) no later than the 22nd day before the day of the hearing of the application, if service is out of New Zealand.

Compare: SR 1996/148 r 52(2)

Rule 316: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

316A Information about respondent (to application under Act for protection order) available from criminal court

If a respondent to an application under the Act for a protection order is or has been involved in a criminal proceeding, the Criminal Procedure (Transfer of Information) Regulations 2013 may apply.

Rule 316A: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

316B Proceedings on interim orders in respect of child of applicant's family to be dealt with on without notice track

(1) This rule applies to an interim order or orders—

(a) about the role of providing day-to-day care for, or about contact with, a child of the applicant's family; and

(b) made under section 105 of the Act.

(2) Proceedings on the interim order or orders must be dealt with on the without notice track under Part 5A of these rules (*see* rules 416C(3)(b) and 416U) as if the proceedings were commenced by an application made without notice.

Rule 316B: inserted, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

317 Temporary property orders made on application without notice

(1) Subclause (2) applies if—

(a) an occupation order, tenancy order, or furniture order is made on an application without notice; and

(b) a temporary protection order is made at the same time; and

(c) a notice of intention to appear is filed under rule 315 in respect of both orders.

(2) If this subclause applies in accordance with subclause (1), the hearing date that a Registrar assigns under section 147 of the Act in respect of the temporary property order referred to in subclause (1)(a) must be the same as the hearing date assigned under that section in respect of the temporary protection order referred to in subclause (1)(b).

(3) Subclause (4) applies if—

(a) an occupation order or a tenancy order is made on an application without notice while the applicant and respondent are living in the same house; and

(b) a temporary protection order is not made at the same time; and

(c) a notice of intention to appear is filed under rule 315 in respect of the occupation order or tenancy order.

(4) If this subclause applies in accordance with subclause (3), the hearing date that a Registrar assigns under section 147 of the Act in respect of a temporary property order referred to in paragraph (3)(a) must not be later than the seventh day after the date of the making of the order.

Compare: SR 1996/148 r 33

Rule 317: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 317(1)(b): replaced, on 2 May 2024, by rule 81(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 317(3)(b): replaced, on 2 May 2024, by rule 81(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

318 Registrar to issue order when temporary order becomes final or is confirmed

(1) If a temporary order becomes final (in whole or in part) under section 148(1) of the Act, a Registrar must immediately issue a final order in the appropriate prescribed form confirming that the temporary order has become final (in whole or in part) and setting out the terms and conditions of the final order.

(2) If a temporary order (with or without variation) is confirmed under section 155 of the Act, a Registrar must immediately issue a final order in the appropriate prescribed form, setting out the terms and conditions of the order as confirmed (including the terms and conditions of the order to the extent that it has already become final).

(3) The court must direct a Registrar to immediately issue a final order in the appropriate prescribed form confirming that a temporary property order has become final (in whole or in part) and setting out the terms and conditions of the final order, if—

(a) notice has been given to any person having an interest in the property affected; and

(b) that person so notified has taken no steps in the proceedings; and

(c) the order has become final (in whole or in part) under section 148(1) of the Act.

(4) Subclause (1) is subject to subclause (3).

(5) A Registrar—

(a) must comply with the court's direction under subclause (3); and

(b) may exercise the court's power under subclause (3).

Compare: SR 1996/148 r 34

Rule 318: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 318(2): amended, on 2 May 2024, by rule 82 of the Family Court Amendment Rules 2024 (SL 2024/35).

319 Notice of objection to direction (for assessment, non-violence programme, or prescribed standard services) made under section 188 of Act

(1) A notice of objection under section 189(2)(b) of the Act must be on an approved form.

(2) If a notice of objection is filed, a Registrar must—

(a) arrange for a copy of the notice to be served on the applicant; and

(b) advise the applicant that the applicant may make written submissions in relation to the objection, and that any submissions of that kind must be

received within 10 working days after the day on which the notice is served on the applicant; and

(c) if the objector wishes to be heard, advise the applicant that the applicant is entitled to appear and be heard in person, or to have the applicant's lawyer appear on the applicant's behalf.

(3) A Registrar may, on a written request by the objector for the purpose, amend a notice of objection made under section 189(2)(b) of the Act before it is served under subclause (2)(a).

Compare: SR 1996/148 rr 67(2), 83

Rule 319: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

320 How notice of objection to be dealt with

(1) A Registrar may exercise the court's power under section 190 of the Act, but must not discharge a direction.

(2) If an objector seeks the discharge of a direction, or if a Registrar considers that the discharge of a direction may be appropriate, the Registrar must refer the objection to a Family Court Associate or Judge at the next convenient opportunity.

(3) If the objector does not wish to be heard, then, subject to subclause (1),—

(a) the objector may make written submissions in respect of the objection; and

(b) the objection may be dealt with on the papers.

(4) If the objector does wish to be heard,—

(a) the Registrar must assign a hearing date in accordance with section 189(3)(a) of the Act; and

(b) the objector may appear at the hearing and be heard in person or by the objector's lawyer.

Compare: SR 1996/148 r 84

Rule 320: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 320(2): amended, on 2 May 2024, by rule 83 of the Family Court Amendment Rules 2024 (SL 2024/35).

321 Notice of result of objection

As soon as practicable after a decision is made on an objection under section 190(1) of the Act confirming, varying, or discharging a direction, a Registrar must—

(a) arrange for the decision to be drawn up in form FV 15 (notice of result of objection to direction for assessment, non-violence programme, or prescribed standard services); and

(b) arrange for a copy of the decision to be served on each of the parties.

Rule 321: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

322 Witness summons calling respondent or associated respondent before court

(1) If a Registrar under section 208 of the Act, or a Family Court Associate or Judge under section 209 of the Act, calls a respondent or an associated respondent to appear before the court, the summons must be in form FV 3.

(2) Rule 321 applies, so far as applicable and with all modifications, to a decision of a Judge made under section 210(1) of the Act to confirm, vary or replace, or discharge a direction, or change the terms of attendance at or engagement with the programme or prescribed service under section 201 of the Act.

Rule 322: inserted, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 322(1): amended, on 2 May 2024, by rule 84(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 322(2): amended, on 2 May 2024, by rule 84(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

322 Request by provider for variation of programme

[Revoked]

Rule 322: revoked, on 1 October 2014, by rule 15 of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

323 Certain documents to be served with temporary protection orders and temporary property orders

(1) When a temporary protection order or a temporary property order is to be served, under rule 206(1), the order must be accompanied by—

(a) a copy of the relevant information sheet; and

(b) except as provided by subclause (2),—

(i) a copy of the application for the order; and

(ii) a copy of any accompanying affidavit.

(2) However, the court may direct that 1 or more of the documents referred to in subclause (1)(b) not be served with the temporary order, and may also direct either or both of the following:

(a) that service of the document or documents on that party be delayed for a period (not exceeding 5 days) after service of the temporary order the court directs:

(b) that the document or documents be served on that party in a manner the court directs (for example, by making the document or documents available for collection by that party from a specified place).

Compare: SR 1996/148 r 53(2), (3)

Rule 323: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 323(2): amended, on 2 May 2024, by rule 85(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 323(2)(a): amended, on 2 May 2024, by rule 85(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 323(2)(b): amended, on 2 May 2024, by rule 85(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

324 Extension of period for service

(1) This rule applies to a temporary order made by the court if the respondent or associated respondent has not been served with a copy of the order within the 3-month period specified in section 148(1) of the Act.

(2) A Judge may, in accordance with section 149(2) and (3) of the Act, extend the period within which the order may be served, either on their own initiative or on an interlocutory application by a party for the purpose.

(3) A Registrar may exercise the Judge's power, under section 149(2) and (3) of the Act, to extend the period of service.

Compare: SR 1996/148 r 54

Rule 324: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 324(2): replaced, on 2 May 2024, by rule 86(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 324(3): amended, on 2 May 2024, by rule 86(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

325 Copies of orders to be sent to Police

(1) This rule applies to a temporary order or a final order made under the Act.

(2) On the making of the order, a Registrar must immediately send to the District Commander at the appropriate Police district headquarters—

(a) a copy of the order; and

(b) in the case of a protection order made available to the District Commander under section 174(1) of the Act, a copy of the notice, on an approved form, setting out information for the Police about firearms licences and weapons filed with the application.

(3) A copy of the order may be made available by ordinary post or in one of the ways specified in section 174(3)(a), (b), or (d) of the Act.

(4) In this rule, **order** includes—

(a) an order varying or discharging an order made under the Act; and

(b) an order made in substitution for another order; and

(c) a final order issued by a Registrar under rule 318.

Compare: SR 1996/148 rr 61, 63

Rule 325: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

326 Service of certain orders to be communicated to Police

(1) A person required by section 175 of the Act to give notice to an officer in charge of a Police station of the service of a copy of a protection order or of a copy of any order varying a protection order may initially give the notice orally but must, as soon as practicable, confirm that oral notice in writing.

(2) If a person required to give notice is an officer of the court, the notice may be given in any of the ways set out in section 174(3) of the Act.

Compare: SR 1996/148 r 62

Rule 326: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

327 Registration of foreign protection orders

If a certified copy of a foreign protection order is registered under section 219 of the Act, a Registrar must—

(a) enter the particulars of the order in the records in the same way as if the order had been made by the Family Court; and

(b) add to the entry and on all copies of the order the words "Registered in the Family Court at [*place of registration*] on [*date of registration*] under section 219 of the Family Violence Act 2018".

Compare: SR 1996/148 r 91

Rule 327: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

328 Notice of registration of foreign protection orders

(1) If an order is registered in the court under section 219 of the Act, a Registrar of the court must cause to be served on the respondent notice of the registration in form FV 16 (notice of registration of foreign protection order).

(2) Failure to serve a notice of that kind does not affect the validity of the registration or any proceedings relating to the order.

Compare: SR 1996/148 r 92

Rule 328: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

329 Notice to be given to foreign court or authority

(1) If a foreign protection order is registered under section 219 of the Act, a Registrar must cause a copy of the notice of registration to be sent as soon as practicable to the court or appropriate authority in the country in which the order was made.

(2) If a Judge makes an order varying a foreign protection order under section 221 of the Act, a Registrar must cause a copy of the order varying the foreign

protection order to be sent as soon as practicable to the court or appropriate authority in the country in which the foreign protection order was made.

(3) If, under section 223 of the Act, the registration of a foreign protection order is cancelled, a Registrar must cause notice of the cancellation to be sent as soon as practicable to the court or appropriate authority in the country in which the order was made.

(4) If this rule requires a notice or a copy of a notice or of an order to be sent, the notice or copy may, in the first instance, be sent by means of electronic transmission (whether by way of fax, email, or other similar means of communication).

Compare: SR 1996/148 r 93

Rule 329: replaced, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 329(2): amended, on 2 May 2024, by rule 87 of the Family Court Amendment Rules 2024 (SL 2024/35).

330 Registration of foreign protection orders

[Revoked]

Rule 330: revoked, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

331 Notice of registration of foreign protection orders

[Revoked]

Rule 331: revoked, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

332 Notice to be given to foreign court or authority

[Revoked]

Rule 332: revoked, on 1 July 2019, by rule 37 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Family Proceedings Act 1980 and subpart 4 of Part 2 of Care of Children Act 2004

Heading: amended, on 31 March 2014, by rule 27 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

333 Interpretation

In rules 334 to 376, unless the context otherwise requires,—

Acts means the Family Proceedings Act 1980 and subpart 4 of Part 2 of the Care of Children Act 2004.

Rule 333: replaced, on 31 March 2014, by rule 28 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 333 **Care of Children Act**: revoked, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 333 **Family Proceedings Act**: revoked, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

334 Forms

(1) The forms set out in Schedule 6 must be used in proceedings under the Acts.

(2) Form FP 15A in Schedule 6 must be used for an application to the court for a declaration of paternity under section 10(2) of the Status of Children Act 1969.

Rule 334(2): inserted, on 1 July 2005, by rule 22 of the Family Courts Amendment Rules 2005 (SR 2005/101).

335 Applications without notice

(1) Applications under the following sections may be made and granted without notice:

(a) section 76 of the Care of Children Act 2004 (authority to use faxed copy of warrant):

(b) *[Revoked]*

(c) section 76 of the Care of Children Act 2004 as applied by section 119 of that Act (enforcing order under section 105(2) of that Act for return of child):

(d) *[Revoked]*

(e) *[Revoked]*

(f) section 147 of the Family Proceedings Act 1980 (provisional maintenance order):

(g) section 174(2) of the Family Proceedings Act 1980 (order dispensing with security for appeal):

(h) section 183 of the Family Proceedings Act 1980 (order restraining disposition):

(i) an application that relates to the enforcement of maintenance under section 259 of the Child Support Act 1991 and that is made under a section of the Family Proceedings Act 1980 referred to in rule 373(1).

(2) An application under the Family Proceedings Act 1980 may also be made without notice when section 157 of that Act applies.

(3) Nothing in subclauses (1) and (2) prevents other applications being made without notice, if that is authorised by either of the Acts or these rules.

(4) If an order is made against a person on an application without notice, under rule 24(2) or subclause (1) or subclause (2), the person may, at any time, apply under rule 34(c) to vary or rescind the order.

Compare: SR 1981/261 rr 16(1)(2)(b), (6), 82(1)

Rule 335(1)(a): replaced, on 1 July 2005, by rule 23 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Rule 335(1)(a): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 335(1)(b): revoked, on 31 March 2014, by rule 29 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 335(1)(c): replaced, on 1 July 2005, by rule 23 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Rule 335(1)(c): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 335(1)(d): revoked, on 31 March 2014, by rule 29 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 335(1)(e): revoked, on 31 March 2014, by rule 29 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 335(1)(f): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 335(1)(g): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 335(1)(h): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 335(1)(i): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 335(2): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

336 Affidavits in support to be filed to make certain applications without notice

Applicants under either of the Acts who make an application without notice under rule 24(2)(b) or rule 335(1) (except paragraph (i)) must file with the other documents required to be filed to make the application (*see* rule 20(1)(c)) an affidavit made by the applicant or some other person deposing to the matters on which the application is based.

Compare: SR 1981/261 r 16(5)

336A Applications for warrants and delivery of child

[Revoked]

Rule 336A: revoked, on 31 March 2014, by rule 30 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

336B Notice of intention to appear in relation to interim parenting order

[Revoked]

Rule 336B: revoked, on 31 March 2014, by rule 30 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

336C Notice of intention to appear in relation to other interim orders

[Revoked]

Rule 336C: revoked, on 31 March 2014, by rule 30 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

337 Accompanying affidavits

Applications for dissolution order: irreconcilable breakdown

(1) An applicant for a dissolution order: irreconcilable breakdown under section 37 of the Family Proceedings Act 1980 may file, with the other documents to be filed to make the application (*see* rule 20(1)(c)), an affidavit that, under section 38(2)(d) of that Act, accompanies the application.

(2) That affidavit must be—

(a) in form FP 12, if the application is in form FP 11 (application by one party for dissolution order: irreconcilable breakdown):

(b) in form FP 14, if the application is in form FP 13 (joint application for dissolution order: irreconcilable breakdown).

Applicants for dissolution order: protected person under protection order

(3) An applicant for a dissolution order: protected person under protection order under section 39A of the Family Proceedings Act 1980 must file with the other documents to be filed to make the application (*see* rule 20(1)(c)) an affidavit that accompanies the application.

(4) That affidavit must be—

(a) in form FP 14B, if the application is in form FP 14A (application by one party for dissolution order: protected person under protection order):

(b) in form FP 14D, if the application is in form FP 14C (joint application for dissolution order: protected person under protection order).

Rule 337: replaced, on 17 October 2025, by rule 6 of the Family Court Amendment Rules 2025 (SL 2025/205).

337A Copy of protection order must be filed with application for dissolution order: protected person under protection order

(1) An applicant for a dissolution order: protected person under protection order must file a copy of the protection order with the other documents to be filed to make the application.

(2) The copy of the protection order must be annexed to the affidavit in form FP 14B or form FP 14D (as the case may be) that accompanies the application.

Rule 337A: inserted, on 17 October 2025, by rule 7 of the Family Court Amendment Rules 2025 (SL 2025/205).

338 Separation order or separation agreement

If a copy of a separation order or separation agreement is to be used in support of an application under section 37 of the Family Proceedings Act 1980 for a

dissolution order: irreconcilable breakdown, a copy of that order or agreement must,—

(a) if the application is accompanied by an affidavit in form FP 12 or form FP 14, as the case may require, be annexed to that affidavit; or

(b) in any other case, be lodged in the office of the court—

(i) at the time of the filing of the documents to be filed to make the application (*see* rule 20(1)(f)); or

(ii) at another time a Registrar may direct.

Compare: SR 1981/261 r 15(4)

Rule 338: amended, on 17 October 2025, by rule 8 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 338(b)(ii): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

339 Marriage or civil union certificate

(1) The original or a certified copy of the certificate of a marriage or civil union to which an application under section 37 or 39A of the Family Proceedings Act 1980 relates must,—

(a) if the application is accompanied by an affidavit, be annexed to that affidavit:

(b) in any other case, be lodged in the office of the court—

(i) at the time of the filing of the documents required to be filed to make the application (*see* rule 20(1)(d)); or

(ii) at another time a Registrar may direct.

(2) The original or a certified copy of the certificate of a marriage or civil union to which an application under section 27 or section 29 or section 32 of the Family Proceedings Act 1980 relates must be lodged in the office of the court—

(a) at the time of the filing of the documents required to be filed to make the application (*see* rule 20(1)(d)); or

(b) at another time a Registrar may direct.

(3) A Registrar may dispense with the lodging of a certificate under subclause (1)(b) or subclause (2), if he or she is satisfied that the certificate is not available.

Compare: SR 1981/261 r 19

Rule 339 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 339(1): replaced, on 17 October 2025, by rule 9 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 339(2): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 339(2): amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 339(2)(b): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 339(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

340 Filing of certain applications

(1) The following applications may be filed in any office of the court:

(a) an application under Part 4 of the Family Proceedings Act 1980 (which Part concerns proceedings relating to the status of marriage or civil union); and

(b) any other application under either of the Acts and that is filed with, or is filed in relation to, an application under Part 4 of the Family Proceedings Act 1980.

(2) The Registrar of the office of the court in which an application under Part 4 of the Family Proceedings Act 1980 is filed must transfer the application to the office of the court in paragraph (b)(i) or (ii) and notify the applicant of the transfer if—

(a) the respondent requests the transfer within 21 days after the date on which the application is served on the respondent; and

(b) the office of the court where the application is filed is neither—

(i) the office of the court nearest to where the applicant lives; nor

(ii) the office of the court nearest to where the respondent lives; and

(c) the respondent has not consented in writing to the filing of the application in the office of the court in which it is filed.

Compare: SR 1981/261 r 20(2)–(4)

Rule 340(1): amended, on 1 July 2019, by rule 65(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 340(1)(a): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 340(1)(a): amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 340(1)(b): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 340(2): replaced, on 1 July 2019, by rule 65(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

341 Application for separation order

[Revoked]

Rule 341: revoked, on 31 March 2014, by rule 31 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

342 Restriction on service of application for separation order

[Revoked]

Rule 342: revoked, on 31 March 2014, by rule 31 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

343 Report by counsellor

[Revoked]

Rule 343: revoked, on 31 March 2014, by rule 31 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

344 Affidavit of financial means and their sources

(1) If an application for a maintenance order is made under any provision (except Part 8) of the Family Proceedings Act 1980, both the applicant and the respondent must, before the hearing of the application,—

(a) file an affidavit in form FP 18 (affidavit of financial means and their sources), setting out his or her financial means and their sources; and

(b) serve a copy of the affidavit on the other party.

(2) If a party fails to comply with subclause (1), the court may treat the failure as a failure to comply with an order under rule 139(3) (further particulars).

(3) The court may, on an interlocutory application for the purpose by the applicant or the respondent, make an order dispensing with compliance with the requirements of subclause (1).

Compare: SR 1981/261 r 26

Rule 344(1): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

345 Notice of defence

(1) A person served with an application under the Acts may, within the time specified in or under rule 41, file in the court and serve on the applicant, under rule 40, a notice of defence to the application.

(2) If a respondent intends to claim relief under section 168 of the Family Proceedings Act 1980, the notice of defence must conclude with a request for that relief.

(3) A notice of defence may, under rule 79 (amendment of application form, or notice of defence or intention to appear), be amended by the addition of a request for relief under section 168 of the Family Proceedings Act 1980.

Compare: SR 1981/261 r 27

Rule 345(2): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 345(3): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

346 Request by respondent for appearance on application for dissolution of marriage or civil union

If a respondent to an application for a dissolution of marriage or civil union requests an appearance, under section 38(2)(c) of the Family Proceedings Act 1980, the request must be in form FP 19 (request for an appearance) and must be filed and served on the applicant, or on the applicant's lawyer,—

(a) within 21 days after the service on the respondent of the documents relating to the application (including the notice to respondent in form FP 16); or

(b) if the respondent resides outside New Zealand, or is the subject of an order for substituted service, within the time that the court or Registrar must fix on an interlocutory application made by the applicant for the purpose.

Compare: SR 1981/261 r 27C

Rule 346 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 346: amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 346: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

347 Request for hearing before dissolution order: irreconcilable breakdown made

(1) This rule applies if—

(a) a party has filed an application under section 37 of the Family Proceedings Act 1980 for a dissolution order: irreconcilable breakdown; and

(b) before the order has been made, the party seeks a hearing under section 38(3) of that Act.

(2) The party must file in court a request for a hearing in form FP 20.

Compare: SR 1981/261 r 27D

Rule 347: replaced, on 17 October 2025, by rule 10 of the Family Court Amendment Rules 2025 (SL 2025/205).

348 Filing of request for appearance, or request for hearing by respondent, if application for dissolution order: irreconcilable breakdown by one party only

(1) Subclause (2) applies to a respondent who is served with—

(a) an application under section 37 of the Family Proceedings Act 1980 for a dissolution order: irreconcilable breakdown made by one party to the marriage or civil union in form FP 11, in which the applicant has indicated the applicant's consent to the order being made in his or her absence; and

(b) an affidavit to accompany the application, in form FP 12; and

(c) a notice to the respondent in form FP 16 or, if the respondent resides outside New Zealand, in form FP 17.

(2) The respondent—

(a) may not appear and defend the application unless the respondent has filed and served a notice of defence, request for an appearance, or a request for a hearing:

(b) may file and serve a request for an appearance or a request for a hearing, whether or not the respondent also files and serves a notice of defence.

Compare: SR 1981/261 r 27E

Rule 348 heading: amended, on 17 October 2025, by rule 11(1) of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 348(1)(a): amended, on 17 October 2025, by rule 11(2) of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 348(1)(a): amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

349 Mediation conference

[Revoked]

Rule 349: revoked, on 31 March 2014, by rule 32 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

349A Mediation conference becomes judicial conference if agreement cannot be reached

[Revoked]

Rule 349A: revoked, on 31 March 2014, by rule 32 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

350 Change of Judge after mediation conference

[Revoked]

Rule 350: revoked, on 31 March 2014, by rule 32 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

350A Request to speak on child's cultural background

[Revoked]

Rule 350A: revoked, on 31 March 2014, by rule 32 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

351 Restrictions on fixing date and time for hearing

If an application is made under either of the Acts (other than under section 32, 37, or 39A of the Family Proceedings Act 1980), then,—

(a) unless the court in a particular case orders otherwise, no date and time may be fixed by a Registrar for the hearing of the application before the time for filing a notice of defence, as specified in rule 41, has expired; and

(b) all parties must give a Registrar, without delay, all available information affecting any estimated length of the hearing.

Rule 351: replaced, on 31 March 2014, by rule 33 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 351: amended, on 17 October 2025, by rule 12 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 351(a): amended, on 2 May 2024, by rule 88 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 351(a): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 351(b): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

352 Fixing date and time for hearing: notice of defence filed

(1) This rule applies where a respondent has filed a notice of defence to an application under either of the Acts (except an application under section 32, 37, or 39A of the Family Proceedings Act 1980).

(1A) Unless the court in a particular case orders otherwise, a Registrar must fix a date and time for the hearing of an application if there is filed in the court an application for a fixture in form G 17 signed by or on behalf of all parties.

(2) However, a Registrar may fix a date and time for the hearing of the application even though the application for the fixture is signed by one party alone if the Registrar is satisfied that the other party or parties have refused to sign the application and that the refusal is, in the circumstances, unreasonable.

(3) A Registrar who fixes a date and time under subclause (2) must note on the application that the Registrar has done so.

(4) A Registrar must give the parties notice of the date and time fixed for the hearing of the application.

(5) *[Revoked]*

(6) *[Revoked]*

Compare: SR 1981/261 r 32A

Rule 352(1): replaced, on 27 May 2010, by rule 11 of the Family Courts Amendment Rules 2010 (SR 2010/97).

Rule 352(1): amended, on 17 October 2025, by rule 13 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 352(1A): inserted, on 27 May 2010, by rule 11 of the Family Courts Amendment Rules 2010 (SR 2010/97).

Rule 352(1A): amended, on 2 May 2024, by rule 89 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 352(1A): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 352(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 352(4): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 352(5): revoked, on 31 March 2014, by rule 34 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 352(6): revoked, on 31 March 2014, by rule 34 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

353 Fixing date and time for hearing: no notice of defence filed

If no respondent has filed a notice of defence to an application made under either of the Acts (other than an application made under section 32, 37, or 39A of the Family Proceedings Act 1980),—

(a) the date and time for the hearing of the application must be fixed by a Registrar; and

(b) the Registrar must give notice of the date and time fixed for the hearing of the application—

(i) to the applicant; and

(ii) to the respondent if he or she has filed an address for service, or has been served with the documents issued for service in relation to the application.

Rule 353: replaced, on 31 March 2014, by rule 35 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 353: amended, on 17 October 2025, by rule 14 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 353(a): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

354 Fixing date and time for hearing of application for declaration or order dissolving marriage or civil union

(1) If an application under section 32 of the Family Proceedings Act 1980 (that is, an application for an order declaring that the other party to the marriage or civil union is presumed to be dead and that the marriage or civil union is dissolved) is made in the court, a Registrar of the court must, on the filing in the court of the application, fix the date and time for the hearing of the application.

(2) If an application under section 37 of the Family Proceedings Act 1980 (that is, an application for a dissolution order: irreconcilable breakdown) is made in the court, a Registrar of the court must, on the filing in the court of the application, fix the date and time for the hearing of the application if, at the time that the application is filed,—

(a) in the case of a joint application, both applicants do not consent to the order being made in their absence; or

(b) in the case of an application other than a joint application, the applicant does not consent to the order being made in his or her absence; or

(c) section 38(2)(d) of the Family Proceedings Act 1980 (which requires that the application be accompanied by an affidavit stating certain matters) is not complied with.

(3) The Registrar may, by telephone or any other means a Registrar thinks fit,—

(a) change, to a later date, the date fixed under subclause (1) or subclause (2) for the hearing of the application; and

(b) authorise the applicant to make corresponding alterations in the documents to be served on the respondent.

Compare: SR 1981/261 r 32C

Rule 354 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 354(1): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 354(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 354(1): amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 354(2): amended, on 17 October 2025, by rule 15 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 354(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 354(2)(c): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 354(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

355 Registrar's list of applications for dissolution orders: irreconcilable breakdown

(1) If an application under section 37 of the Family Proceedings Act 1980 is made in the court, a Registrar of the court must, instead of fixing a date and time for the hearing of the application, enter the application on the Registrar's list of applications for dissolution orders if, at the time that the application is filed,—

(a) in the case of an application other than a joint application,—

(i) the applicant consents to the order being made in the applicant's absence; and

(ii) the application is accompanied by the affidavit required by section 38(2)(d) of that Act, namely an affidavit in form FP 12; and

(b) in the case of a joint application,—

(i) both applicants consent to the order being made in their absence; and

(ii) the application is accompanied by the affidavit required by section 38(2)(d) of that Act, namely an affidavit in form FP 14.

(2) A Registrar may make a dissolution order: irreconcilable breakdown to which an application on the Registrar's list of applications for dissolution orders relates if—

(a) the respondent does not file a notice of defence to the application within the time specified in or under rule 41; and

(b) the respondent does not file a request for an appearance in relation to the application within the time specified in or under rule 346; and

(c) by the time at which the Registrar processes the list of applications on which the application appears, the Registrar has not received a request for a hearing in form FP 20.

(3) A Registrar must not make an dissolution order: irreconcilable breakdown to which an application on the Registrar's list of applications for dissolution orders relates if—

(a) the respondent files a notice of defence to the application within the time specified in or under rule 41; or

(b) the respondent files a request for an appearance in relation to the application for the order within the time specified in or under rule 346; or

(c) by the time at which the Registrar processes the list on which the application appears, the Registrar has received a request for a hearing in form FP 20.

(4) If subclause (3) applies, the Registrar must—

(a) fix a date and time for the hearing of the application; and

(b) give the parties notice of the date and time fixed for the hearing of the application.

(5) A Registrar may, by telephone or any other means the Registrar thinks fit, change, to a later date, the date fixed for the hearing under subclause (4).

Compare: SR 1981/261 r 32D

Rule 355: replaced, on 17 October 2025, by rule 16 of the Family Court Amendment Rules 2025 (SL 2025/205).

355A Registrar's list of applications for dissolution orders: protected person under protection order

(1) If an application under section 39A of the Family Proceedings Act 1980 is made in the court, a Registrar of the court must, instead of fixing a date and time for the hearing of the application, enter the application on the Registrar's list of applications for dissolution orders if, at the time that the application is filed,—

(a) in the case of a joint application, the application is accompanied by the affidavit, namely an affidavit in form FP 14D:

(b) in the case of an application other than a joint application, the application is accompanied by the affidavit, namely an affidavit in form FP 14B.

(2) A Registrar may make a dissolution order: protected person under protection order to which an application on the Registrar's list of applications for dissolution orders relates if the respondent does not file a notice of defence within the time specified in or under rule 41.

(3) A Registrar must not make a dissolution order: protected person under protection order which an application on the Registrar's list of applications for dissolution orders relates if the respondent files a notice of defence to the application within the time specified in or under rule 41.

(4) If subclause (3) applies, the Registrar must—

(a) fix a date and time for the hearing of the application; and

(b) give the parties notice of the date and time fixed for the hearing of the application.

(5) A Registrar may, by telephone or any other means the Registrar thinks fit, change, to a later date, the date fixed for the hearing under subclause (4).

Rule 355A: inserted, on 17 October 2025, by rule 16 of the Family Court Amendment Rules 2025 (SL 2025/205).

356 Request for hearing after dissolution order: irreconcilable breakdown made and before it takes effect as final order

(1) This rule applies if—

(a) a party has filed an application under section 37 of the Family Proceedings Act 1980 for a dissolution order: irreconcilable breakdown; and

(b) before the order has been made, the party seeks a hearing under section 38(3) of that Act.

(2) The party must file in court a request for a hearing in form FP 20.

(3) If this rule applies, a Registrar must—

(a) fix a date and time for the hearing; and

(b) issue for service on the other party a copy of the request for a hearing.

(4) A Registrar may, by telephone or any other means the Registrar thinks fit,—

(a) change, to a later date, the date fixed under subclause (3) for the hearing of the application; and

(b) authorise the party who seeks a hearing to make corresponding alterations in the documents to be served on the other party.

Compare: SR 1981/261 r 32E

Rule 356: replaced, on 17 October 2025, by rule 17 of the Family Court Amendment Rules 2025 (SL 2025/205).

357 Proof of service of certain applications

(1) This rule applies to an application if it is—

(a) an application under section 27 of the Family Proceedings Act 1980 (for a declaration whether a marriage or civil union is valid or a marriage or civil union has been validly dissolved); or

(b) an application under section 29 of the Family Proceedings Act 1980 (for an order declaring a marriage or civil union to be void *ab initio*); or

(c) an application under section 37 of the Family Proceedings Act 1980 (for a dissolution order: irreconcilable breakdown) and is not on the Registrar's list of applications for dissolution orders; or

(d) an application under section 39A of the Family Proceedings Act 1980 (for a dissolution order: protected person under protection order) and is not on the Registrar's list of applications for dissolution orders.

(2) A Judge may hear the application only if it is satisfied that—

(a) the application is a joint application for an order dissolving the marriage or civil union; or

(b) service on the respondent has been altogether dispensed with; or

(c) the respondent has taken some step in the proceedings; or

(d) an affidavit in form G 8 (*see* rule 127) has been filed showing that the respondent has been personally served with the documents issued for service in relation to the application; or

(e) an affidavit has been filed showing that the respondent has been otherwise duly served in accordance with the directions of the court.

(3) If an order in form G 9 is made under rule 126 for substituted service of the application by advertisement (for example, in form G 10), the affidavit of advertising (*see* rule 128) must be in form G 11.

Compare: SR 1981/261 r 44

Rule 357(1)(a): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 357(1)(a): amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 357(1)(b): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 357(1)(b): amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 357(1)(c): replaced, on 17 October 2025, by rule 18 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 357(1)(d): inserted, on 17 October 2025, by rule 18 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 357(2): amended, on 2 May 2024, by rule 90 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 357(2)(a): amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 357(2)(e): amended, on 1 July 2004, by rule 5 of the Family Courts Amendment Rules 2004 (SR 2004/165).

358 Proof of service of applications on Registrar's list of applications for dissolution orders

A Registrar must not make an order dissolving a marriage or civil union to which an application on the Registrar's list of applications for dissolution orders relates unless the Registrar is satisfied that—

(a) the application is a joint application; or

(b) service on the respondent has been altogether dispensed with; or

(c) the respondent has taken some step in the proceedings; or

(d) an affidavit in form G 8 (*see* rule 127) has been filed showing that the respondent has been personally served with the documents issued for service in relation to the application; or

(e) an affidavit has been filed showing that the respondent has been otherwise duly served in accordance with the directions of the court.

Compare: SR 1981/261 r 44A

Rule 358 heading: amended, on 17 October 2025, by rule 19(1) of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 358: amended, on 17 October 2025, by rule 19(2) of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 358: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 358(e): amended, on 2 May 2024, by rule 91 of the Family Court Amendment Rules 2024 (SL 2024/35).

359 Intervention in proceedings relating to status of marriage or civil union

(1) If the Attorney-General is requested, under section 161 of the Family Proceedings Act 1980, to appear in proceedings under Part 4 of that Act, these rules apply as if the Attorney-General were a party to the proceedings unless the court directs otherwise.

(2) A copy of an affidavit filed by the Attorney-General under section 161 of the Family Proceedings Act 1980 must be served by a Registrar on every other party to the proceedings as soon as practicable after it is filed.

Compare: SR 1981/261 r 57

Rule 359 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 359(1): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 359(1): amended, on 2 May 2024, by rule 92 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 359(2): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 359(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

360 Sealing and service of order dissolving marriage or civil union: order made by Judge in defended proceedings

(1) A Registrar must—

(a) seal an order dissolving a marriage or civil union made in defended proceedings at the expiration of 1 month after the date on which the order was made; and

(b) take all reasonable steps to serve a copy of the order on the parties.

(2) However, subclause (1) does not apply if section 42(2) or (3) of the Family Proceedings Act 1980 requires that the order not take effect as a final order (for example, because an appeal against the order is pending).

Compare: SR 1981/261 r 58(1)

Rule 360 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 360(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 360(1)(a): amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 360(2): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

361 Sealing and service of order dissolving marriage or civil union: order made by Judge in undefended proceedings

A Registrar must—

(a) seal an order dissolving a marriage or civil union made by a Judge in undefended proceedings as soon as the order is made; and

(b) serve a copy of the order on the parties, whether or not the respondent has filed an address for service.

Compare: SR 1981/261 r 58(2)

Rule 361 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 361: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 361(a): amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

362 Sealing and service of order dissolving marriage or civil union: order made by Registrar

(1) This rule applies to the following orders made by a Registrar:

(a) a dissolution order: irreconcilable breakdown:

(b) a dissolution order: protected person under protection order.

(2) The Registrar must notify each party of—

(a) the date on which the order was made; and

(b) in the case of a dissolution order: irreconcilable breakdown, the provisions of section 38(3) of the Family Proceedings Act 1980 (which relates to a party seeking a hearing before the order takes effect as a final order).

(3) The notice required under subclause (2) must be given—

(a) by letter sent by ordinary post and addressed to the party at the party's address for service (if given); or

(b) if no address for service has been given and the party resides in New Zealand, by letter sent by ordinary post and addressed to the party at the party's last known or usual place of residence or business in New Zealand; or

(c) if no address for service has been given and the party resides overseas, by letter sent by airmail addressed to the party at the party's last known or usual place of residence or business overseas.

(4) The Registrar must—

(a) seal the order at the expiration of 1 month from the date on which the order was made; and

(b) serve a copy of the order on the parties, whether or not the respondent has filed an address for service.

(5) However, subclause (4) does not apply if section 42(4) of the Family Proceedings Act 1980 requires that the order not take effect as a final order.

Compare: SR 1981/261 r 58(3)

Rule 362 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 362(1): replaced, on 17 October 2025, by rule 20 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 362(2): replaced, on 17 October 2025, by rule 20 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 362(5): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

362A Costs of contravention of parenting order

[Revoked]

Rule 362A: revoked, on 31 March 2014, by rule 36 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

363 Registration of orders made in Commonwealth or designated countries

(1) A certified copy of an order is registered under section 136 of the Family Proceedings Act 1980 by a Registrar entering the particulars in the records of the court.

(2) The Registrar must—

(a) enter the particulars in the same manner as if the order had been made by the Family Court; and

(b) write and sign, under that entry and on the copy of the order, the following minute "Registered in the District Court at [*place*] in New Zealand on [*date of registration*] under section 136 of the Family Proceedings Act 1980".

Compare: SR 1981/261 r 60

Rule 363(1): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 363(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 363(2)(a): amended, on 1 July 2019, by rule 66 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

364 Notice of registration of orders made in Commonwealth or designated countries

(1) A Registrar of the court in which an order is registered under section 136 of the Family Proceedings Act 1980 must cause notice of the registration in form FP 21 to be served on the respondent.

(2) However, a failure to serve a notice of the registration does not affect—

(a) the validity of the registration; or

(b) any proceedings in relation to the order.

Compare: SR 1981/261 r 61

Rule 364(1): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 364(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

365 Order on application for confirmation of provisional order

(1) If a Judge has heard an application for confirmation of a provisional order, under section 138 or 139 of the Family Proceedings Act 1980, a Registrar must send to the office of the court that made the provisional order—

(a) a copy of the confirming order, if the provisional order has been confirmed (with or without modifications); or

(b) in any other case, a copy of the decision.

(2) If the provisional order has been confirmed (with or without modification), the copy of the confirming order must be accompanied by a copy of any order under section 138(9) of the Family Proceedings Act 1980 for the payment of a sum for past maintenance.

(3) A decision that the provisional order not be confirmed must give the reasons for the decision.

(4) If the decision is that the case be remitted for the taking of further evidence, a notice setting out the matters on which further evidence is required must be sent to the court that made the provisional order.

Compare: SR 1981/261 r 66

Rule 365(1): replaced, on 1 July 2019, by rule 67 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 365(1): amended, on 2 May 2024, by rule 93 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 365(2): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

366 Payments under registered or confirmed order

(1) Subclause (2) applies to all payments due under an order registered or confirmed under the Family Proceedings Act 1980 (except an order confirmed under section 139 of that Act).

(2) The payments must, unless the person to whom any money is payable in accordance with the order elects otherwise under section 70 of the Child Support Act 1991, be paid to the Commissioner of Inland Revenue in accordance with that Act.

Compare: SR 1981/261 r 67

Rule 366(1): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

367 Joinder of other parent in proceedings under Family Proceedings Act 1980

(1) If, on the application of one parent or on a Judge's own initiative, another parent is joined as a respondent under section 145H of the Family Proceedings Act 1980 (which relates to maintenance orders in respect of children in Convention countries), the court may adjourn the hearing for a time, and on any terms, the court considers appropriate to enable the party who has been joined to be served with—

(a) a notice to respondent in form FP 16, which applies with all necessary modifications; and

(b) a copy of the application under section 145E of the Family Proceedings Act 1980 (that is, for a maintenance order in respect of a child in a Convention country).

(2) However, a Judge may dispense with service of the notice and of a copy of the application if—

(a) the joinder is made at the hearing; and

(b) the party joined is present at the hearing; and

(c) the Judge is satisfied that the party joined will not be prejudiced.

Compare: SR 1981/261 r 54

Rule 367 heading: amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 367(1): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 367(1): amended, on 2 May 2024, by rule 94(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 367(1)(b): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 367(2): amended, on 2 May 2024, by rule 94(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 367(2)(c): amended, on 2 May 2024, by rule 94(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

368 Provisional orders for confirmation overseas

(1) A provisional maintenance order under section 147 of the Family Proceedings Act 1980 must be in form FP 22.

(2) Subclause (3) applies to a statement under section 147(6)(c) of the Family Proceedings Act 1980 of the grounds on which the making of the provisional maintenance order might have been opposed if the respondent had been duly served with notice of the application for the order and had appeared at the hearing.

(3) The statement may be in the form of a certificate signed by the Judge hearing the application for the order.

Compare: SR 1981/261 r 62

Rule 368(1): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 368(2): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

369 Procedure on arrest of respondent other than in respect of offence

(1) This rule applies if a respondent is arrested and brought before the court on a warrant issued other than in respect of an offence.

(2) The court before which the respondent is brought may adjourn the hearing to another time and place and—

(a) allow the respondent to go at large; or

(b) subject to any conditions the court thinks proper in the circumstances, grant the respondent bail—

(i) on the respondent's own recognisance; or

(ii) with a number of sureties that the court thinks fit, and for an amount that the court considers proper in the circumstances; or

(c) if the court considers that the attendance of the respondent at the hearing is necessary in the interests of justice and that the respondent is unlikely to appear at the hearing, or may attempt to leave New Zealand with

intent to defeat the course of justice, remand the respondent in custody for—

(i) a period of not longer than 8 days; or

(ii) a period longer than 8 days, but only if the respondent consents to that period.

(3) Any such adjournment, bail, or remand may be extended or renewed from time to time by the court until the proceedings in respect of which the warrant was issued are finally disposed of by the court.

(4) If a respondent is remanded in custody without bail being granted, or if the respondent is granted bail but the bond is not entered into immediately, a Registrar must issue a warrant in form FP 29. If bail has been granted, a Registrar must certify on a warrant of that kind the terms of the bail.

(5) A bond to be taken under subclause (2) must be in form FP 30 and may be entered into before the court or a Registrar. It is not necessary for all parties to be present at the same time or at the same place, and more than 1 form of bond may be signed. A Registrar of the court must give the parties entering into a bond of that kind notice of its terms.

(6) If all the parties to a bond have entered into it, then, if a warrant has been issued under subclause (4), a warrant of deliverance in form FP 31 may be issued by the court or a Registrar who knows that all the parties to the bond have entered into it and the warrant may be sent to the manager of the prison in which the respondent is detained.

(7) The court may issue a warrant to arrest the respondent and bring the respondent before the court if—

(a) the respondent was allowed to go at large but failed to attend at the time and place to which the hearing had been adjourned; or

(b) the respondent was released on bail but—

(i) failed to attend personally at the time and place specified in the bond; or

(ii) failed to comply with any condition fixed in the bond.

(8) Section 39 of the Bail Act 2000 applies so far as applicable and with all necessary modifications to a respondent released on bail who fails to comply with the bond issued.

Compare: SR 1981/261 r 74; SR 1992/58 r 57

Rule 369(4): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 369(5): amended, on 2 May 2024, by rule 95(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 369(5): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 369(6): amended, on 2 May 2024, by rule 95(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 369(6): amended, on 1 July 2005, by rule 30 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Rule 369(7): amended, on 2 May 2024, by rule 95(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 369(7): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 369(8): amended, on 1 July 2013, by rule 5 of the Family Courts Amendment Rules 2013 (SR 2013/181).

370 Copies of orders varying maintenance orders

(1) If, in proceedings under the Property (Relationships) Act 1976, a Judge varies, extends, suspends, or discharges a maintenance order made by another court, a Registrar of the court must send a Registrar of the other court a copy of the order of variation, extension, suspension, or discharge.

(2) A Registrar of the other court must note the court records accordingly.

Compare: SR 1981/261 r 76

Rule 370(1): amended, on 2 May 2024, by rule 96 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 370(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 370(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

371 Copies of orders for Commissioner of Inland Revenue

A Registrar must, no later than the 28th day after the day on which they are made, send to the Commissioner of Inland Revenue a certified or sealed copy of the following orders:

(a) any maintenance order or interim maintenance order made under Part 6 of the Family Proceedings Act 1980 that provides for payment to be made at an annual rate of $520 or more:

(b) any maintenance order made against any person by any court in a Commonwealth or designated country that is registered in accordance with rule 363 or confirmed in New Zealand under the Family Proceedings Act 1980 (other than an order confirmed under section 139 of that Act):

(c) any order made under section 78 or section 81 of the Family Proceedings Act 1980:

(d) any order made under Part 6 or Part 8 of the Family Proceedings Act 1980 in respect of an application under section 145 of that Act.

Compare: SR 1981/261 r 76A

Rule 371(a): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 371(b): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 371(c): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 371(d): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

372 Enforcement of maintenance under section 259 of Child Support Act 1991

These rules, as supplemented or modified by rules 373 to 376, apply in respect of the enforcement, under section 259 of the Child Support Act 1991, of the liability of a person to pay maintenance under the Family Proceedings Act 1980 which is due but unpaid at the close of 30 June 1992.

Compare: SR 1981/261 r 81

Rule 372: amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

373 Applications without notice

(1) Applications under the following sections of the Family Proceedings Act 1980 may, under rule 335(1)(i), be made and granted without notice:

(a) section 109 (variation, suspension, or discharge of attachment order):

(b) section 114 (variation or discharge of deduction notice):

(c) section 118 (charging order):

(d) section 121 (receiving order, where a copy of the charging order has been served on the respondent):

(e) section 134 (arrest of absconding respondent).

(2) An application without notice under section 134 of the Family Proceedings Act 1980 must be in form FP 41.

(3) Rule 335(4) (which relates to applications to vary or rescind an order made on an application without notice) applies to an order made on an application referred to in subclause (1).

Compare: SR 1981/261 r 82

Rule 373(1): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 373(2): amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

374 Order of priority of warrants to seize property

(1) A Registrar must note on a request for the issue of a warrant to seize property the precise time of the request.

(2) If a warrant to seize property is issued, a Registrar must endorse the warrant with the precise time of the request.

(3) If more than 1 warrant to seize property is issued against the same person, the warrants must be executed in the order of the times of the making of the requests noted under subclause (1).

(4) A warrant issued under section 103 of the Family Proceedings Act 1980 must rank in order of priority with a warrant to seize property issued under the District Court Act 2016.

Compare: SR 1981/261 r 83; SR 1992/58 r 55

Rule 374 heading: replaced, on 14 April 2014, by rule 7(1) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Rule 374(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 374(1): amended, on 14 April 2014, by rule 7(2) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Rule 374(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 374(2): amended, on 14 April 2014, by rule 7(2) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Rule 374(3): amended, on 14 April 2014, by rule 7(2) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Rule 374(4): replaced, on 14 April 2014, by rule 7(3) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Rule 374(4): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

375 Application of rule 369

In its application to the enforcement, under section 259 of the Child Support Act 1991, of the liability of a person to pay maintenance under the Family Proceedings Act 1980 that is due but unpaid at the close of 30 June 1992, rule 369 applies subject to sections 127(3) and 128(6) of that Act.

Compare: SR 1981/261 r 84

Rule 375: amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

376 Bond by receiver

A person appointed under section 121 of the Family Proceedings Act 1980 as a receiver of property to which a respondent is entitled must, before acting as receiver, give security for the due administration of the receivership to a Registrar's satisfaction unless the person is—

(a) Public Trust (as defined in section 4 of the Public Trust Act 2001); or

(b) the Māori Trustee; or

(c) a trustee company as defined in section 2 of the Trustee Companies Act 1967.

Compare: SR 1981/261 r 85; SR 1992/58 r 58

Rule 376: amended, on 17 October 2025, by rule 23 of the Family Court Amendment Rules 2025 (SL 2025/205).

Rule 376: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 376(b): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Family Protection Act 1955 and Law Reform (Testamentary Promises) Act 1949

377 Interpretation

In this rule and rules 378 to 387, unless the context otherwise requires,—

Acts means the Family Protection Act and Testamentary Promises Act

Family Protection Act means the Family Protection Act 1955

Testamentary Promises Act means the Law Reform (Testamentary Promises) Act 1949.

378 Forms

The forms set out in Schedule 7 must be used in proceedings under the Acts.

379 Naming of respondent

(1) The only respondent to be named in an application made under either of the Acts is the personal representative of the deceased person against whose estate the claim is brought.

(2) A person need not be named as a respondent in proceedings under either of the Acts if the person only became a respondent because the court directed that the person be served.

Compare: SR 1992/109 r 443

380 Who must be served with copy of application or interlocutory application under Acts

(1) Section 4(3) of the Family Protection Act affects who must be served with a copy of an application under that Act.

(2) An applicant to proceedings under either or both of the Acts must file an interlocutory application without notice for directions as to service if—

(a) that is required by law; or

(b) the applicant is in doubt as to the person on whom the application must be served; or

(c) an order is sought that a person represent a person, or class of persons, who should be served; or

(d) the court directs the applicant to do so; or

(e) a Registrar directs the applicant to do so.

(2A) An interlocutory application filed under subclause (2) must also seek such orders for representation as may be required.

(3) An application under subclause (2) must—

(a) be supported by the information specified in rule 381:

(b) specify the directions that the applicant considers appropriate:

(c) be accompanied by a memorandum signed by the applicant's lawyer setting out the reasons why the directions are considered appropriate.

Compare: SR 1992/109 r 444(1), (4)

Rule 380(2): amended, on 3 August 2009, by rule 8(1) of the Family Courts Amendment Rules 2009 (SR 2009/185).

Rule 380(2)(d): amended, on 3 August 2009, by rule 8(2) of the Family Courts Amendment Rules 2009 (SR 2009/185).

Rule 380(2)(e): inserted, on 3 August 2009, by rule 8(2) of the Family Courts Amendment Rules 2009 (SR 2009/185).

Rule 380(2)(e): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 380(2A): inserted, on 3 August 2009, by rule 8(3) of the Family Courts Amendment Rules 2009 (SR 2009/185).

381 Information to be provided in support of application under rule 380(2)

(1) If an application is made under rule 380(2), the applicant must provide information to the court in support of the application, by affidavit or some other means, that will enable the court to decide—

(a) which persons or classes of persons are interested in the applicant's claim:

(b) which persons or classes of persons may be adversely affected by the applicant's claim:

(c) by what means the interests of each person or class of persons referred to in paragraph (a) or paragraph (b) may be adequately represented.

(2) The information to be provided under subclause (1) is—

(a) the date of the death of the deceased and the date of grant of probate or letters of administration:

(b) whether the deceased died testate or intestate and, if testate, a copy of his or her last will with any codicils:

(c) the value of the estate, so far as it is known to the applicant:

(d) the names, addresses, occupations, and ages of the beneficiaries under the will or persons entitled on the intestacy, as the case requires:

(e) if the proceedings are under the Family Protection Act, the names, addresses, occupations, and ages of the persons of each class entitled to claim under that Act:

(f) any other relevant information.

Compare: SR 1992/109 r 444(2), (3)

382 Order for directions as to service or for representation

(1) On an application being made under rule 380(2) for directions as to service, the court or Registrar may make any order for service that the court or Registrar thinks fit.

(1A) On an application being made under rule 380(2) for orders for representation, the court may make any order for representation that it thinks fit and, in particular, may make orders regarding the representation of—

(a) a minor; or

(b) an incapacitated person; or

(c) a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988.

(2) An appointment under subclause (1A) may be made without the appointment of a representative under rule 90B, 90C, 90D, or 90F if the court considers that an appointment of that kind is not necessary.

(3) The effect of every order for directions as to service or for representation made under this rule must be noted on the list (*see* rule 20(1)(a)) of names and addresses of the persons on whom the application is required or intended to be served.

Compare: SR 1992/109 r 444(5)

Rule 382(1): replaced, on 3 August 2009, by rule 9(1) of the Family Courts Amendment Rules 2009 (SR 2009/185).

Rule 382(1A): inserted, on 3 August 2009, by rule 9(1) of the Family Courts Amendment Rules 2009 (SR 2009/185).

Rule 382(2): amended, on 1 March 2014, by rule 19 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 382(2): amended, on 3 August 2009, by rule 9(2) of the Family Courts Amendment Rules 2009 (SR 2009/185).

383 Applications without notice

(1) An affidavit verifying the facts alleged in the application must be sworn by, or on behalf of, the applicant and filed with the other documents (*see* rule 20(1)(c)) required to be filed to make an application under either of the Acts if—

(a) service of the application is not required by the Act concerned or any of these rules; or

(b) service has been dispensed with by the court.

(2) In the affidavit, the deponent must depose—

(a) that, so far as the facts alleged in the application relate to matters within his or her personal knowledge, they are true; and

(b) that, so far as the facts alleged in the application relate to matters outside his or her personal knowledge, he or she believes them to be true.

(3) Despite subclause (2), the court may require a fact outside the deponent's personal knowledge to be proved by an affidavit of a person having personal knowledge of that fact.

Compare: SR 1992/109 r 445

384 Joining in proceedings under Acts

(1) A respondent in proceedings under either of the Acts who wishes to claim against the same estate must make an application for an order under the Act concerned.

(2) If a respondent makes an application in accordance with subclause (1), these rules apply—

(a) as if the respondent were an applicant; and

(b) as if the applicant were a respondent.

(3) It is not necessary for a person making an application in accordance with subclause (1) to apply for directions for service or to comply with rule 20(1)(a) by listing on the application form the names and addresses of the persons to be served, but the person must serve the documents issued for service in relation to the application and accompanying affidavits—

(a) on the personal representative; and

(b) on the applicant; and

(c) on all other persons on whom the applicant has been directed to effect service.

(4) If, in proceedings under either of the Acts, a person who has not been directed to be served wishes to claim against the same estate, he or she must make an application for an order under the Act concerned and, after that, subclauses (2) and (3) apply as if that person were a respondent in the proceedings.

Compare: SR 1992/109 r 446

385 Joinder of claims and consolidation

(1) Claims under the Family Protection Act and the Testamentary Promises Act may be joined in 1 application, whether or not the claims are made in the alternative, and rule 25(3) applies accordingly.

(2) A surviving spouse or partner (the **survivor**) may, under rule 391(1), include a claim under the Property (Relationships) Act 1976 against the estate of the deceased spouse or partner in any proceedings against that estate under either or both of the Acts.

(3) Rules 135 and 136 (consolidation of proceedings) may be applied if separate proceedings are pending against the estate of a deceased person under any of the Acts and the Property (Relationships) Act 1976.

Compare: SR 1992/109 r 447

Rule 385(2): amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

386 Notice of intention to appear or notice of defence

A respondent in proceedings under either or both of the Acts may, within the time specified in or under rule 41, file in the court and serve on the other parties, under rule 40,—

(a) a notice of intention to appear; or

(b) a notice of defence.

387 Affidavits in support or in opposition

(1) A respondent who has filed a notice of intention to appear may serve affidavits in support of the matters referred to in the notice of intention to appear—

(a) at the time of the serving of the notice, without seeking the leave of the court; or

(b) at any time after the serving of the notice, with the leave of the court.

(2) Subject to subclause (1), a respondent may not file an affidavit in opposition to the application of an applicant or a claimant under rule 384 unless the respondent has filed and served a notice of intention to appear or a notice of defence.

(3) Any affidavit filed by the respondent after the filing of a notice of defence or notice of intention to appear must be confined to matters put in issue by pleadings or by the notice of intention to appear.

Compare: SR 1992/109 rr 450, 451

Property (Relationships) Act 1976

388 Interpretation

In this rule and rules 389 to 404, unless the context otherwise requires,—

Act means the Property (Relationships) Act 1976

affidavit of assets and liabilities means an affidavit required to be filed and served under rule 398

applicant—

(a) means a person who makes an application for an order or declaration under the Act; and

(b) in proceedings under the Act of the kind referred to in section 10D(1) of the Act (that is, proceedings commenced while both spouses or partners were alive, if one or both of them die), includes the personal representative of a deceased spouse or partner who made the application

option A means the option set out in section 61(2) of the Act (that is, to elect to make an application under the Act for a division of the relationship property)

option B means the option set out in section 61(3) of the Act (that is,—

(a) to elect not to make an application under the Act for a division of the relationship property; and

(b) if the surviving spouse or partner is a beneficiary under the will of the deceased spouse or partner, to receive that property; and

(c) if the surviving spouse or partner is entitled to a beneficial interest on the intestacy or partial intestacy of the deceased spouse or partner, to receive that interest)

respondent—

(a) means, in relation to proceedings for an order or declaration under the Act, a person intended to be served with notice of the application for the order or declaration; and

(b) in proceedings under the Act commenced, after the death of one spouse or partner, by the surviving spouse or partner, includes the personal representative of the deceased spouse or partner; and

(c) in proceedings under the Act of the kind referred to in section 10D(1) of the Act (that is, proceedings commenced while both spouses or partners were alive, if one or both of them die), includes the personal representative of a deceased spouse or partner on whom notice of the application concerned was served.

Rule 388 **affidavit of assets and liabilities**: amended, on 31 March 2014, by rule 37 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 388 **applicant** paragraph (b): amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 388 **option B** paragraph (b): amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 388 **option B** paragraph (c): amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 388 **respondent** paragraph (b): amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 388 **respondent** paragraph (c): amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

389 Forms

The forms set out in Schedule 8 must be used in proceedings under the Act.

390 Filing of applications

Unless an enactment requires otherwise, an application under the Act may be filed—

(a) in the court nearest to the place where the respondent or one of the respondents resides or carries on business; or

(b) in the court nearest to the place where the subject matter of the proceedings arose wholly or in part; or

(c) if no respondent is named in the application, in the court nearest to the place where the applicant or one of the applicants resides or carries on business.

Compare: SR 2001/380 r 7

391 Joinder of claims and consolidation

(1) A surviving spouse or partner (the **survivor**) may include a claim under the Act against the estate of the deceased spouse or partner in any proceedings against that estate under—

(a) the Family Protection Act 1955; or

(b) the Law Reform (Testamentary Promises) Act 1949; or

(c) both of those Acts.

(2) For the purposes of subclause (1),—

(a) the survivor need not also claim under either or both of the Acts referred to in subclause (1)(a) and (b); but

(b) if the survivor does claim under either or both of those Acts, his or her claim under the Act need not be made in the alternative.

(3) Rules 135 and 136 (consolidation of proceedings) may be applied if separate proceedings are pending against the estate of a deceased person under any 1 or more of the Acts referred to in subclause (1).

Compare: SR 1992/109 r 447

Rule 391(1): amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

392 Affidavit in support

(1) An applicant for an order or declaration under the Act must file with the other documents required to be filed to make the application (*see* rule 20(1)(c)) an affidavit that includes information about any of the following matters that are relevant in the particular case:

(a) the date of the marriage or civil union, or the date by which the de facto relationship had begun, and the duration of the marriage, civil union, or de facto relationship:

(b) the parties and their property:

(c) children of the marriage, civil union, or de facto relationship:

(d) proposed arrangements for the division of property:

(e) if the application is one that relates to the estate of a deceased spouse or partner,—

(i) whether the deceased died testate or intestate; and

(ii) whether the survivor of the deceased spouse or partner has chosen option A or option B:

(f) matters in issue between the parties.

(2) The affidavit may have annexed to it a copy of any document relied on by the applicant in support of the application (for example, if the survivor has chosen option A, a copy of the notice required to be lodged by section 65(2)(c) of the Act).

(3) Unless the court or a Registrar directs otherwise, a respondent must, within 20 working days of service on the respondent of the application under the Act, file and serve on the applicant an affidavit sufficient to inform the court of the facts relied on by the respondent.

(4) The affidavit to be filed and served by the respondent—

(a) must include information about any of the matters listed in subclause (1)(a) to (f) that are relevant in the particular case; and

(b) may have annexed to it a copy of any document relied on by the respondent.

Compare: SR 2001/380 r 8

Rule 392(1)(a): replaced, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 392(1)(c): amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 392(1)(e): amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 392(1)(e)(ii): amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Rule 392(3): amended, on 2 May 2024, by rule 97 of the Family Court Amendment Rules 2024 (SL 2024/35).

393 Notice of defence

A person served with an application under the Act may, within the time specified in or under rule 41, file in the court and serve on the applicant, under rule 40, a notice of defence.

394 Who must be given notice of applications under Act

Sections 37 and 92 of the Act affect who must be given notice of an application under the Act.

395 Variation or recision of order made on application without notice

If an order is made against a party or person on an application without notice, under rule 24(2), the party or person may, at any time, apply, under rule 34(c), to vary or rescind the order.

Compare: SR 2001/380 r 12(2)

396 Copies of orders varying maintenance orders

Rule 370 applies if, in proceedings under the Act, the court varies, extends, suspends, or discharges a maintenance order made by another court.

397 Meaning of party A and party B in rules 398 to 404

(1) In rules 398 to 404,—

party A means a party to proceedings who is required, by these rules or by a direction of the court, to file an affidavit of assets and liabilities

party B means the other party to the proceedings.

(2) By way of explanation,—

(a) if an applicant is required to file an affidavit of assets and liabilities, in relation to that affidavit the applicant is party A and the respondent is party B; and

(b) if the respondent is required to file an affidavit of assets and liabilities, in relation to that affidavit the respondent is party A and the applicant is party B; and

(c) therefore, each party in proceedings may be both party A and party B, but in relation to different affidavits of assets and liabilities.

Rule 397: replaced, on 31 March 2014, by rule 38 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 397(1) **party A**: amended, on 2 May 2024, by rule 98 of the Family Court Amendment Rules 2024 (SL 2024/35).

398 Affidavit of assets and liabilities to be filed and served

(1) An applicant who applies for an order under section 25(1)(a) of the Act must file with the application—

(a) an affidavit of assets and liabilities in form P(R) 1; or

(b) an application for a direction as to the time within which he or she must file an affidavit of assets and liabilities, along with an explanation of why the affidavit is not being filed with the application.

(2) The respondent in proceedings for an order under section 25(1)(a) of the Act must, within 20 working days after receiving service of the applicant's affidavit of assets and liabilities, file—

(a) an affidavit of assets and liabilities in form P(R) 1; or

(b) an application for a direction as to the time within which he or she must file an affidavit of assets and liabilities, in which case the application must include an explanation of why the affidavit is not filed within the prescribed time.

(3) The court may, on its own initiative or on an interlocutory application for the purpose, require a party to any proceedings (not being proceedings under section 25(1)(a) of the Act) to file, within the time specified by the court, an affidavit of assets and liabilities in form P(R) 1.

(4) Party A must serve on party B a copy of any affidavit of assets and liabilities filed in accordance with this rule or a direction of the court.

Rule 398: replaced, on 31 March 2014, by rule 38 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 398(3): replaced, on 2 May 2024, by rule 99(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 398(4): amended, on 2 May 2024, by rule 99(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

399 Failure by applicant to file affidavit of assets and liabilities

If party A is the applicant in the proceedings, and he or she fails to file an affidavit of assets and liabilities as required by these rules or a direction of the court, the court may order that the application be—

(a) dismissed; or

(b) stayed until the affidavit is filed and served as required.

Rule 399: replaced, on 31 March 2014, by rule 38 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 399: amended, on 2 May 2024, by rule 100 of the Family Court Amendment Rules 2024 (SL 2024/35).

400 Filing inadequate affidavit of assets and liabilities

(1) In this rule, an **inadequate affidavit of assets and liabilities** is an affidavit of assets and liabilities provided by party A that party B believes on reasonable grounds—

(a) is incomplete; or

(b) fails to accurately set out the nature and value of the property of party A.

(2) If party A fails to file an affidavit of assets and liabilities as required by these rules or a direction of the court, or if party B considers that party A has filed an inadequate affidavit of assets and liabilities, party B may apply to the court, either without notice or on notice, for—

(a) an order requiring party A to attend at a time and place stated in the order for examination by the court as to any or all of the matters required to be disclosed in an affidavit of assets and liabilities; or

(b) an order, under section 38(1) of the Act, for an inquiry into the nature and value of the property of party A that is or may be in issue in the proceedings.

(3) On an application for an order under subclause (2)(a), the court or a Registrar may make an order for the attendance and examination by the court of party A and for the production of any books or documents relating to party A's property.

(4) An order under subclause (3) must—

(a) be in form P(R) 3; and

(b) be served personally on party A.

(5) In exercising the power under section 40 of the Act to make an order as to costs, a Judge or Family Court Associate must take into account a failure by any party to file an affidavit of assets and liabilities or, as the case requires, the filing of an inadequate affidavit of assets and liabilities.

Rule 400: replaced, on 31 March 2014, by rule 38 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 400(2): amended, on 2 May 2024, by rule 101(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 400(3): amended, on 2 May 2024, by rule 101(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 400(5): replaced, on 2 May 2024, by rule 101(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

401 Failure to attend for examination or to comply with directions

(1) If party A fails to attend for examination at the time and place appointed, the court may issue a warrant in form P(R) 4 to arrest party A and bring him or her before the court as soon as possible.

(2) Subclause (3) applies if party A—

(a) fails to comply with an order made under rule 400(3); or

(b) on attending, or being brought before, the court for examination, wilfully and without lawful excuse disobeys a direction given to him or her by the court in relation to that examination (including a direction to answer questions).

(3) Party A may continue in the proceedings (whether as applicant or respondent) only if the court orders that party A be allowed to continue, and the court may make that order on such terms as it thinks fit.

(4) Nothing in subclause (3) limits section 212 of the District Court Act 2016 (which relates to committal for contempt).

Rule 401: replaced, on 31 March 2014, by rule 38 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 401(1): amended, on 2 May 2024, by rule 102(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 401(2)(b): amended, on 2 May 2024, by rule 102(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 401(3): replaced, on 2 May 2024, by rule 102(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 401(4): amended, on 1 July 2019, by rule 68 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

402 Power to summon witness

(1) The court or Registrar may issue a summons in form P(R) 5, requiring a person (other than party A) to appear before the court as a witness at the time and place appointed in the summons, if the court or Registrar believes, in relation to an examination to be held under rule 400, that the person—

(a) has possession of a book, paper, or document relating to the affairs or property of party A; or

(b) is capable of giving information concerning party A's property, or liabilities, or both.

(2) A person summoned in that way may be required to produce a book, paper, or document relating to party A's affairs or property.

(3) A person who is required by a summons issued under subclause (1) to travel more than 20 kilometres to attend the examination is not bound to attend unless expenses in accordance with the Witnesses and Interpreters Fees, Allowances, and Expenses Regulations 2023 are tendered to that person.

(4) On the failure of a person to appear before the court in answer to a summons under subclause (1), the court may issue a warrant in form P(R) 6 to arrest the person and bring the person before the court as soon as possible.

Compare: SR 2001/380 r 18

Rule 402(1): amended, on 2 May 2024, by rule 103(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 402(1): amended, on 2 May 2024, by rule 103(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 402(1): amended, on 31 March 2014, by rule 39(1) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 402(1): amended, on 3 August 2009, by rule 11 of the Family Courts Amendment Rules 2009 (SR 2009/185).

Rule 402(1)(a): amended, on 31 March 2014, by rule 39(1) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 402(1)(b): amended, on 31 March 2014, by rule 39(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 402(2): amended, on 31 March 2014, by rule 39(3) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 402(3): amended, on 1 May 2023, by regulation 16(1) of the Witnesses and Interpreters Fees, Allowances, and Expenses Regulations 2023 (SL 2023/18).

Rule 402(4): amended, on 2 May 2024, by rule 103(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

403 Execution of warrants

(1) A person to whom a warrant under rule 400(5) or rule 402(4) is issued may execute it immediately, but need not do so if the person believes that the person to be arrested could not, within 72 hours after the arrest, be brought before the court.

(2) A warrant under rule 400(5) or rule 402(4) ceases to have effect if a sufficient affidavit of assets and liabilities is filed by party A.

(3) Every person apprehended under a warrant under rule 400(5) or rule 402(4) is bailable as of right.

Compare: SR 2001/380 r 19

Rule 403(2): amended, on 31 March 2014, by rule 40(1) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 403(3): amended, on 31 March 2014, by rule 40(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

404 Conduct of examination

(1) An examination under rule 400 must be made orally on oath before the court.

(2) A party A who is brought before the court under rule 400—

(a) must appear personally; but

(b) may be represented by a lawyer who may examine party A and be heard on the matter of party A's property.

(3) A witness may be cross-examined by party A or his or her lawyer.

(4) An examination under rule 400 may from time to time be adjourned by the court to a time and place then appointed.

(5) On an examination under rule 400, the following sections apply, so far as applicable and with all necessary modifications, as if the examination were the hearing of a charge:

(a) section 168 of the Criminal Procedure Act 2011; and

(b) sections 27 to 30 of the Bail Act 2000.

Compare: SR 2001/380 r 20

Rule 404(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 404(2): amended, on 31 March 2014, by rule 41(1) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 404(2)(b): amended, on 31 March 2014, by rule 41(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 404(2)(b): amended, on 31 March 2014, by rule 41(3) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 404(3): amended, on 31 March 2014, by rule 41(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 404(4): amended, on 2 May 2024, by rule 104 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 404(5)(a): amended, on 1 July 2013, by rule 7(1) of the Family Courts Amendment Rules 2013 (SR 2013/181).

Rule 404(5)(b): amended, on 1 July 2013, by rule 7(2) of the Family Courts Amendment Rules 2013 (SR 2013/181).

Protection of Personal and Property Rights Act 1988

405 Interpretation

In rules 406 to 416, unless the context otherwise requires, **Act** means the Protection of Personal and Property Rights Act 1988.

406 Forms

The forms set out in Schedule 9 must be used in proceedings under the Act.

407 Filing of applications

An application under the Act must be filed in the court nearest to the place where the person in respect of whom the application is made resides.

Compare: SR 1988/213 r 14(1)

408 Medical or other report in support of application to be filed

Any medical, psychiatric, or other report in support of an application under the Act must be—

(a) filed with the other documents (*see* rule 20(1)(d)) required to be filed to make the application; and

(b) issued for service under rule 32(2)(c).

Compare: SR 1988/213 r 12(3)

409 Notice of intention to appear

A person served with an application under the Act may, within the time specified in or under rule 41, file in court and serve on the applicant, under rule 40, a notice of intention to appear.

Compare: SR 1988/213 r 17

410 Consent to appointment as welfare guardian or as manager

(1) The filing in the court of a duly completed statement of consent in form PPPR 16 is sufficient evidence that the person who signed the statement consents to that person's appointment as a welfare guardian under section 12 of the Act.

(2) The filing in the court of a duly completed statement of consent in form PPPR 17 is sufficient evidence that the person who signed the statement consents to that person's appointment as a manager under section 31 of the Act.

Compare: SR 1988/213 r 24

411 Who must be served with applications under Act

(1) Section 30(3) of the Act affects who must be served with a copy of an application for a temporary order under the Act.

(2) Section 63(1) and section 108(a) of the Act affect who must be served with a copy of an application for the exercise of the court's jurisdiction under the Act.

Rule 411(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

412 Service on persons other than parties

(1) A party to proceedings under the Act may apply to a Registrar or Family Court Associate for a direction that a person who is not a party be served.

(2) The application must state the reasons why the person specified in the application should be served.

(3) If the Registrar or Family Court Associate is satisfied that the person specified in the application should be served, the Registrar or Family Court Associate must direct accordingly.

(4) If a Registrar declines to give a direction under this rule, the party seeking the direction may request that the matter be referred to a Family Court Associate, who may give or decline the direction as the Family Court Associate thinks fit.

(5) If a Family Court Associate declines to give a direction under this rule, the party seeking the direction may request that the matter be referred to a Judge, who may give or decline the direction as the Judge thinks fit.

Compare: SR 1988/213 r 32

Rule 412(1): amended, on 2 May 2024, by rule 105(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 412(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 412(3): amended, on 2 May 2024, by rule 105(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 412(4): replaced, on 2 May 2024, by rule 105(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 412(5): inserted, on 2 May 2024, by rule 105(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

413 Pre-hearing conference

(1) A request under section 66(1) of the Act for the convening of a pre-hearing conference may be made to a Registrar at any time before the hearing of the proceedings has commenced.

(2) The request may be made orally or in writing but, if made orally, must be confirmed in writing as soon as possible.

(3) Under section 66(2) of the Act, a Judge or Family Court Associate may (at any stage of the proceedings) direct a Registrar to convene a pre-hearing conference.

Compare: SR 1988/213 r 19

Rule 413(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 413(3): amended, on 2 May 2024, by rule 106 of the Family Court Amendment Rules 2024 (SL 2024/35).

414 Change of Judge after pre-hearing conference

A Judge who decides, under section 73 of the Act, that he or she should not hear any later proceedings between the parties must make a note to that effect in his or her record of the conference.

Compare: SR 1988/213 r 20

415 Fixing date and time for hearing

(1) Unless the court in a particular case orders otherwise, no date and time may be fixed for the hearing of an application under the Act—

(a) before a request for the convening of a pre-hearing conference in respect of the application has been disposed of; or

(b) before the time for the filing of a notice of intention to appear has expired.

(2) A Registrar must fix a date and time for the hearing of an application under the Act if subclause (1) does not prevent that and there is filed in the court an application for a fixture in form G 17 signed by, or on behalf of,—

(a) the applicant; and

(b) the lawyer representing the person in respect of whom the application is made; and

(c) every person (if any) who has filed a notice of intention to appear.

(3) However, a Registrar may fix a date and time for the hearing even though the application for a fixture is not signed by all of the persons specified in subclause (2)(a) to (c) if the Registrar is satisfied that—

(a) the persons who have not signed the application have refused to do so; and

(b) none of those persons has, in the circumstances, a reasonable reason for refusing to sign the application.

(4) A Registrar who fixes a date and time under subclause (3) must note on the application that the Registrar has done so.

(5) A Registrar must give notice of the date and time of the hearing to the parties and to the lawyer representing the person in respect of whom the application is made.

(6) All parties must give the Registrar, without delay, all available information affecting any estimated length of the hearing.

Compare: SR 1988/213 r 22

Rule 415(1): amended, on 2 May 2024, by rule 107 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 415(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 415(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 415(5): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

416 Proof of service of applications

(1) An application under the Act (not being an interlocutory application) may not be heard unless, in respect of each respondent on whom service is not altogether dispensed with, either—

(a) the court is satisfied that the respondent has taken some steps in the proceedings; or

(b) an affidavit in form G 8 has been filed showing that the respondent has been personally served with the documents issued for service in relation to the application (*see* rule 127), or an affidavit has been filed showing that the respondent has been otherwise duly served in accordance with the directions of the court.

(2) If an order in form G 9 is made under rule 126 for substituted service by advertisement (for example, in form G 10), the affidavit of advertising (*see* rule 128) must be in form G 11.

Compare: SR 1988/213 r 34(1), (4)

Rule 416(1)(b): amended, on 2 May 2024, by rule 108 of the Family Court Amendment Rules 2024 (SL 2024/35).

Part 5A
Special rules for certain proceedings under Care of Children Act 2004

Part 5A: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416A Application of Part

(1) This Part applies to proceedings under the Care of Children Act 2004, other than proceedings under subpart 4 of Part 2 of that Act (which are proceedings relating to international child abduction and are dealt with under the general rules and any applicable rules in Part 5).

(2) The rules in Parts 1, 3, 4, and 6 of these rules apply to proceedings under the Care of Children Act 2004 in the same way as they apply to other proceedings, but a rule in Part 2 applies only if, and to the extent that, this Part provides.

Rule 416A: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416B Interpretation

In this Part, unless the context otherwise requires,—

Act means the Care of Children Act 2004 (excluding subpart 4 of Part 2)

approved form means a form approved by the Secretary for Justice under rule 62A for use by applicants and parties in proceedings under the Act

complex case has the meaning given in rule 416UA

conference means any one of the following conferences held during proceedings under the Act:

(a) an issues conference (*see* rule 416X):

(b) a settlement conference (*see* rule 416Y):

(c) a directions conference (*see* rules 416Z and 416ZA):

(d) a pre-hearing conference (*see* rule 416ZB):

(e) a case management conference (*see* rule 416ZC)

FDR means family dispute resolution as defined in the Family Dispute Resolution Act 2013 (and referred to in sections 46E and 46F of the Act)

hearing means any of the following hearings held during proceedings under the Act:

(a) a defended hearing (*see* rule 416ZF):

(b) a submissions-only hearing (*see* rule 416ZG):

(c) a formal proof hearing (*see* rule 416ZH):

(d) any other form of hearing as directed by the court

notice of response means a notice in an approved form that serves the function of a notice of defence, a notice of intention to appear, or an appearance (as required) and that is filed and served by a respondent or other person under rule 416K

prescribed form means a form used or issued by the court or a Registrar and prescribed in Schedule 1 or 10

track means any one of the following procedural tracks described in this Part:

(a) the standard track (*see* rule 416S):

(b) the without notice track (*see* rule 416U):

(c) the simple track (*see* rule 416V).

Rule 416B: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416B **complex case**: amended, on 1 September 2017, by rule 23 of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 416B **hearing** paragraph (d): amended, on 2 May 2024, by rule 109 of the Family Court Amendment Rules 2024 (SL 2024/35).

Overview

Heading: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416C Overview of proceedings

(1) A person may commence proceedings under the Act by filing an application in court, either on notice (*see* rule 416G) or without notice (*see* rule 416H).

(2) A respondent who is served with the application and with any orders made (in the case of a without notice application) may respond in various ways, but usually by way of a notice of response (*see* rules 416K and 416L).

(3) Proceedings are dealt with on the following tracks, in accordance with rules 416P to 416V:

(a) standard track—for all proceedings other than those on the simple track or the without notice track (*see* rule 416S):

(b) without notice track—for all proceedings commenced by an application made without notice (*see* rule 416U) or on an interim order or orders made under section 105 of the Family Violence Act 2018 and required to be dealt with as if the proceedings were commenced by an application made without notice (*see* rule 316B):

(c) simple track—for uncontested proceedings (ie, for proceedings commenced by an application for a consent order and proceedings in which no notice of response is filed) (*see* rule 416V).

(4) There are 5 kinds of conferences. Except as provided in rule 416U(2) (which is subject to rule 416U(6)), none of the conferences are mandatory.

(5) The kinds of conference available are—

(a) on the standard track,—

(i) an issues conference:

(ii) a settlement conference:

(iii) a directions conference:

(iv) a pre-hearing conference:

(v) a case management conference:

(b) on the without notice track,—

(i) a directions conference:

(ii) a case management conference:

(c) on the simple track, an issues conference.

(6) Any kind of hearing is available on the standard track and the without notice track. Defended hearings and submissions-only hearings are not available on the simple track.

(7) This rule is by way of explanation only. If any other rule in this Part is inconsistent with this rule, the other rule prevails.

Rule 416C: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416C(3)(b): amended, on 1 July 2020, by rule 8 of the Family Court Amendment Rules 2020 (LI 2020/135).

Rule 416C(3)(b): amended, on 1 July 2019, by rule 38 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

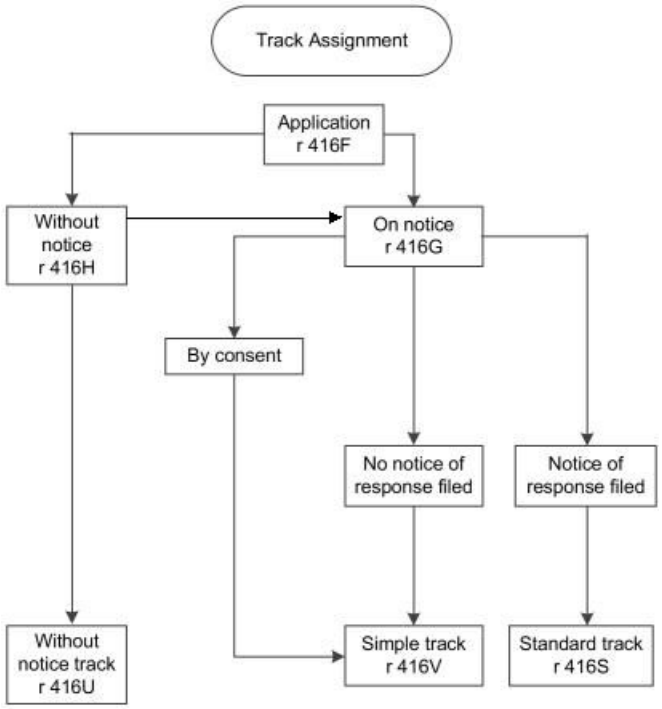
Rule 416C(4): replaced, on 5 June 2020, by rule 11 of the Family Court (Emergency) Amendment Rules 2020 (LI 2020/105).

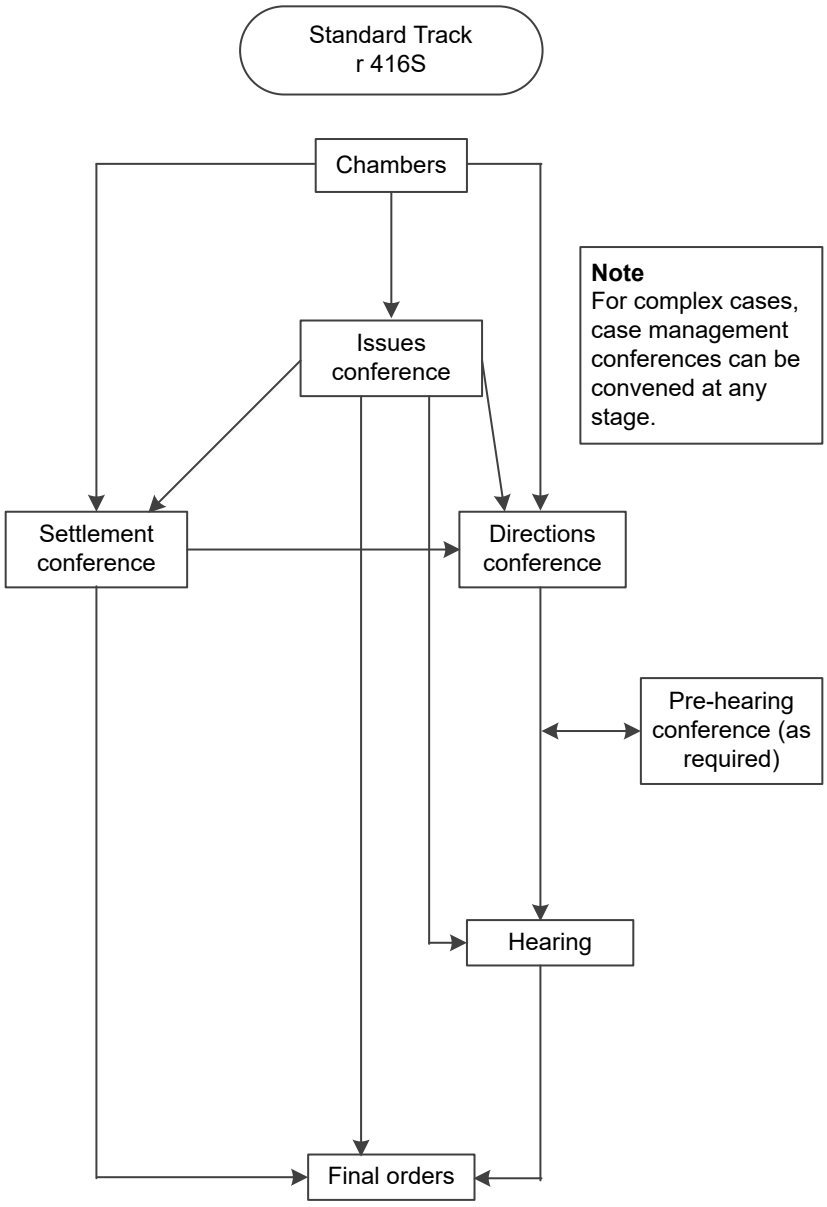
Rule 416C(4): amended, on 2 May 2024, by rule 110 of the Family Court Amendment Rules 2024 (SL 2024/35).

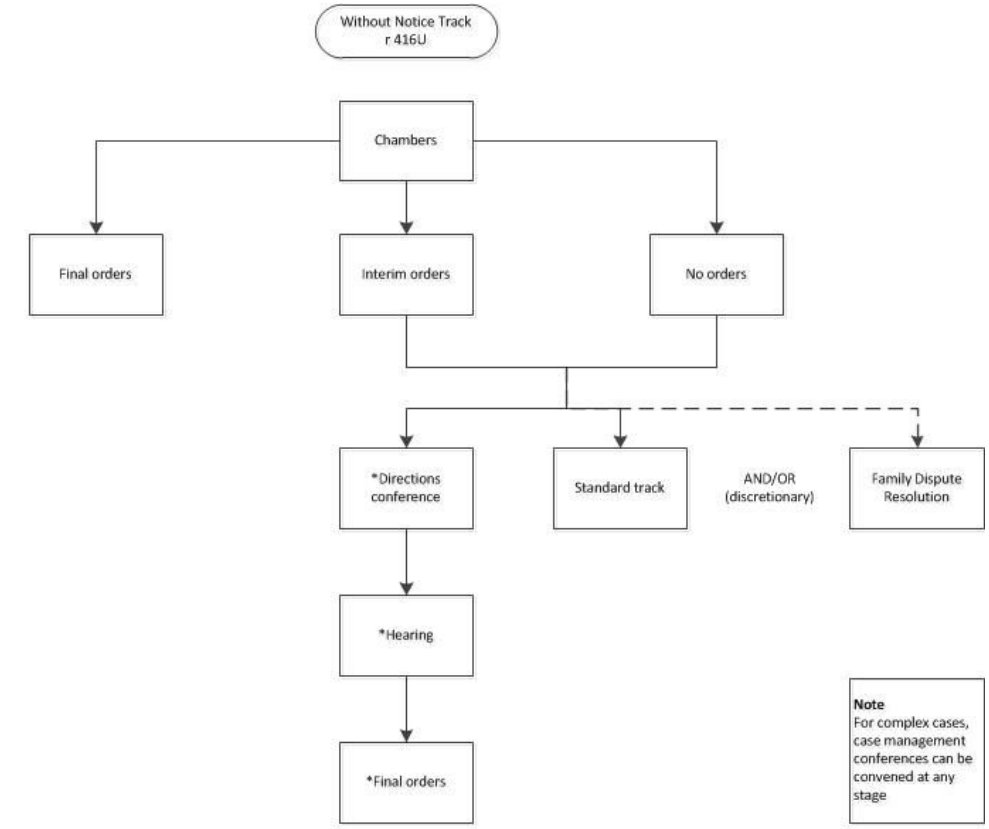
Rule 416C(5): replaced, on 1 September 2017, by rule 24 of the Family Court Amendment Rules 2017 (LI 2017/189).

416D Flowcharts of proceedings

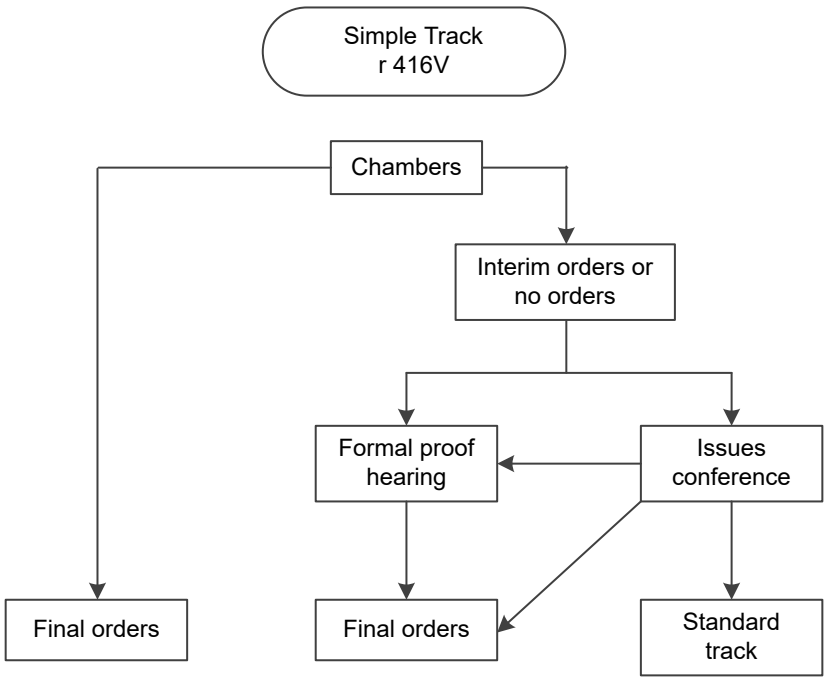
(1) The way the tracks work is set out, in a simplified form and without reference to possible interlocutory matters, in the following flowcharts:




Standard Track
r 416S
Chambers
Issues conference
Settlement conference
Directions conference
Pre-hearing conference (as required)
Hearing
Final orders
Note
For complex cases, case management conferences can be convened at any stage.



*Dealt with on an urgent basis



(2) The flowcharts in this rule are by way of explanation only. If any other rule in this Part is inconsistent with these flowcharts, the other rule prevails.

Rule 416D: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416D(1) flowchart: replaced, on 1 September 2017, by rule 25(1) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 416D(1) flowchart: replaced, on 1 September 2017, by rule 25(2) of the Family Court Amendment Rules 2017 (LI 2017/189).

416E Forms

(1) In proceedings to which this Part applies, the court and Registrars must use the forms set out in Schedule 10 (or, for a temporary protection order made under section 57A of the Act, form FV 4 in Schedule 5), but applicants, parties, and other persons must use approved forms (which are available on the Ministry of Justice website), if available.

(2) If a rule in any other part of these rules requires a person (not being the court or a Registrar) to use a particular prescribed form in Schedule 1 (for instance, form G 1 or form G 8), then, if there is an approved form that corresponds to that form, the person must use the corresponding approved form.

(2A) Approved forms for proceedings to which this Part applies may be varied as the circumstances of a particular case require.

(2B) Strict compliance with approved forms for proceedings to which this Part applies is not required; substantial compliance, or the compliance that the particular circumstances of the case allows, is sufficient.

(3) If there is no suitable approved form for a particular purpose, the parties may devise an appropriate form, using other approved forms as guides (and noting the requirements of rule 62A(2)).

(4) A Registrar may refuse to accept for filing any document that does not comply with this rule and any other rule in Part 2 that relates to the requirements of documents to be filed.

Rule 416E: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416E(1): amended, on 1 July 2019, by rule 39(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 416E(2A): inserted, on 1 July 2019, by rule 39(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 416E(2B): inserted, on 1 July 2019, by rule 39(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Applications

Heading: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416F Commencing proceedings

(1) To commence proceedings under the Act, a person must file an application on an approved form in court.

(2) There are 2 kinds of applications, namely,—

(a) applications on notice, which include applications for consent orders; and

(b) applications without notice.

(3) *[Revoked]*

(4) Every application must be accompanied by—

(a) an affidavit in support, on an approved form, that sets out all the evidence that the applicant will rely on (*see* rule 416Q); and

(b) an information sheet on an approved form (but if multiple applications are being filed by the applicant, only 1 information sheet is required); and

(c) any other document required by the Act, these rules, or the application form to accompany the application.

(5) The following rules apply in relation to applications:

(a) rule 26 (about documents relating to earlier proceedings):

(b) rule 28 (about the proper court in which to file proceedings):

(c) rule 29 (which says that rules 75 and 76, which are about how to file documents generally, apply to applications):

(d) rule 30 (about applications filed or accepted for filing in the wrong court):

(e) rule 31 (about applications presented for filing but incomplete or otherwise not in order):

(f) rule 49 (which applies various rules in Part 3 to affidavits).

(6) An application under section 72(2) or 73(2) of the Act seeking a warrant directing that a child be delivered to the applicant, or to some other person or authority named in the warrant on behalf of the applicant, must be accompanied by a written statement indicating what arrangements are being made for the delivery of the child to the applicant after execution of the warrant.

(7) An applicant who applies under section 77 of the Act for the issue of a warrant and orders to prevent the removal of a child from New Zealand and who wishes to have the child's details listed in the New Zealand Customs Service computer system must file with the application a request for a border alert in the form approved by the Secretary for Justice.

Rule 416F: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416F(3): revoked, on 1 July 2020, by rule 9 of the Family Court Amendment Rules 2020 (LI 2020/135).

416G Applications to be made on notice unless application can be made without notice

(1) An application must be made on notice unless it is permitted by rule 416H to be made without notice.

(2) When an application is made on notice, there must also be filed the same number of copies of the documents filed as there are persons on whom the documents are required or intended to be served.

Rule 416G: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416H When application without notice can be made

An application without notice may be made only if—

(a) the Act specifically permits it; or

(b) the delay caused by making the application on notice would or might entail serious injury or undue hardship or risk to the personal safety of the applicant or any child of the applicant's family, or both; or

(c) the application affects the applicant only, is in respect of a routine matter, or is about a matter that does not affect the interests of any other person; or

(d) every person in respect of whom the order is sought has either died or cannot be found; or

(e) the application is made under 1 of the following:

(i) section 76 of the Act (authority to use faxed copy of warrant):

(ii) section 77 of the Act (preventing removal of child from New Zealand):

(iii) section 143(5) of the Act (order dispensing with security for appeal costs).

Rule 416H: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416H(b): amended, on 31 March 2014, by rule 4 of the Family Courts Amendment Rules (No 3) 2014 (LI 2014/87).

416HA Certificate of lawyer to be included in applications without notice

(1) An application without notice must include a certificate signed by the party's lawyer certifying—

(a) that the lawyer has advised the applicant that every affidavit filed with the application must fully and frankly disclose all relevant circum-

stances, whether or not they are advantageous to the applicant or any other person; and

(b) that the lawyer has made reasonable enquiries of the applicant in order to establish whether the relevant circumstances have been disclosed; and

(c) that, to the best of the lawyer's knowledge, every affidavit filed with the application discloses all relevant circumstances; and

(d) that the lawyer—

(i) is satisfied that the application and every affidavit filed with it complies with the requirements of the Act and these rules; and

(ii) is satisfied on reasonable grounds that the order or orders sought fall within the grounds on which an order can be made.

(2) A certificate given by a lawyer under subclause (1)—

(a) must be signed by the lawyer personally in his or her own name; and

(b) may be given by the lawyer who has taken the affidavit in support or any other affidavit relevant to the application.

(3) The lawyer is responsible to the court in respect of the matter referred to in subclause (1)(d)(ii).

Rule 416HA: inserted, on 31 March 2014, by rule 5 of the Family Courts Amendment Rules (No 3) 2014 (LI 2014/87).

416HB Information about party (to application under Act) available from criminal court

If a party to any of the following applications under the Act is or has been involved in a criminal proceeding, the Criminal Procedure (Transfer of Information) Regulations 2013 may apply:

(a) an application for a guardianship order under section 19 or 27:

(b) an application for a direction under section 46R in relation to a guardianship dispute:

(c) an application for a parenting order under section 48 (whether an interim parenting order or a final parenting order):

(d) an application under section 56 for a variation of a parenting order.

Rule 416HB: inserted, on 1 July 2019, by rule 40 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

After application filed

Heading: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416I What happens with applications filed on notice

(1) After an application made on notice is accepted for filing, a Registrar must complete a notice to respondent (referred to in paragraph (d)) and must issue

for service (that is, in general terms, make ready and complete for delivery) the following documents:

(a) the application form:

(b) the affidavit or affidavits in support filed with the application:

(c) the information sheet:

(d) a notice to respondent (which indicates that the application has been made and how, in general terms, it may be responded to or defended) in form COC 1 or, if the respondent resides outside New Zealand, in form COC 2:

(e) any other document required, by the Act or these rules, to be issued for service.

(2) A Registrar must either arrange for the service of the documents referred to in subclause (1), or make them available for service, on each person who will be a party to, or is interested in, or is likely to be affected by, the proceedings, unless a Registrar or the court directs otherwise on an interlocutory application for the purpose.

(3) The documents must be served as provided in rule 35(1), and rule 35(2) applies.

(4) The court may, on its own initiative or on an interlocutory application for the purpose, order that a copy of an affidavit issued for service under subclause (1)(b)—

(a) not be served on any or all of the persons required or intended to be served with the application; or

(b) not be served on any or all of those persons for the time being.

Rule 416I: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416I(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 416I(1): amended, on 1 September 2017, by rule 26(1) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 416I(1)(d): amended, on 1 September 2017, by rule 26(2) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 416I(2): amended, on 2 May 2024, by rule 111(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416I(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 416I(4): amended, on 2 May 2024, by rule 111(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

416J What happens with applications filed without notice

(1) As soon as practicable after an application without notice is accepted for filing, it must be referred to a Judge for consideration on the papers in Chambers.

(2) Following that consideration, the Judge may make whatever directions he or she thinks fit and must, in relation to each order sought, do 1 of the following:

(a) make an interim order, in which case he or she must—

(i) direct that the application proceed to a hearing in accordance with rule 416U; or

(ii) direct that the proceedings proceed as if the application was made on notice and be dealt with on the standard track (whether or not the Judge also makes a direction under section 46F of the Act that the parties to the proceedings attend FDR); or

(iii) direct, under section 46F of the Act, that the parties to the proceedings attend FDR:

(b) make a final order, but only if the application was made under rule 416H(c), (d) or (e):

(c) decline to make an order, in which case the Judge must,—

(i) if the issues in dispute are urgent, direct that the application proceed to a hearing in accordance with rule 416U; or

(ii) direct that the application be dealt with as if it had been made on notice and that the proceedings be dealt with on the standard track (whether or not the Judge also makes a direction under section 46F of the Act that the parties to the proceedings attend FDR); or

(iii) direct, under section 46F of the Act, that the parties to the proceedings attend FDR.

(3) Then a Registrar must, without delay,—

(a) make a copy of any order made available to the applicant; and

(b) arrange for service (under rule 101) of any order made on every person against whom it is made; and

(c) arrange for service of the application and other documents on the respondent, by doing the things required by rule 416I(1), (2), and (3) as if the application had been made on notice; and rule 416I(4) applies; and

(d) if the application has been directed to proceed to a hearing, do the things required by rule 416U.

Rule 416J: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416J(2)(a): replaced, on 1 September 2017, by rule 27(1) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 416J(2)(c)(ii): replaced, on 1 September 2017, by rule 27(2) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 416J(2)(c)(iii): inserted, on 1 September 2017, by rule 27(2) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 416J(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

416K Notice of response by respondent who opposes application

(1) A person who is served with an application (whether the application is made on notice or without notice), and who opposes all or any part of it, may file in court a notice of response and must (unless a Registrar arranges to do this) serve a copy of the notice of response on every other party to the proceedings.

(2) Every notice of response must—

(a) be on an approved form; and

(b) be accompanied by a supporting affidavit, on an approved form, that sets out all the evidence on which the respondent will rely (*see* rule 416Q).

(3) The notice of response must be filed and served—

(a) within 21 days after the person is served with the application or within any shorter time directed by the court or a Registrar; or

(b) if the person resides outside New Zealand, unless the court orders otherwise, within—

(i) 30 days if the person is served within the Commonwealth of Australia; or

(ii) 50 days if the person is served outside New Zealand or the Commonwealth of Australia; or

(c) if the person is the subject of an order for substituted service (*see* rule 126), within the time that the court or a Registrar must fix on an interlocutory application that the applicant must make for the purpose.

(4) The following rules apply, with all necessary modifications (such as treating the references to a notice of defence as references to a notice of response), in relation to a person who is served with an application:

(a) rule 39 (which is about a person who is served with an application giving an address for service):

(b) rule 42 (which describes how, when a person who has been served with an application has failed to file a notice of response within the required time, the person can nonetheless be heard at a hearing).

Rule 416K: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416K(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 416K(3)(a): amended, on 2 May 2024, by rule 112(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416K(3)(c): amended, on 2 May 2024, by rule 112(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

416L Notice by respondent wishing to protest jurisdiction

Rule 43 applies, with all necessary modifications, to a respondent wishing to object to the jurisidiction of the court to hear and determine the proceedings.

Rule 416L: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416M Notice by respondent wishing to be heard or reserve rights

Rules 44 and 45 (but not rule 46) apply, with all necessary modifications, to a respondent who does not oppose an application but who wishes to be heard or to reserve his or her rights by filing and serving an appearance.

Rule 416M: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416N Party requiring more information

Rule 47 applies, with all necessary modifications, to any party to an application who wishes to get more information or an admission from another person.

Rule 416N: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416O Witness summons and witness expenses

Rule 50 (about when a party wishes to summon a witness) and rule 51 (about payment of witnesses who attend court) apply to proceedings under the Act.

Rule 416O: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Proceedings generally

Heading: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416P Proceedings dealt with on tracks

(1) All proceedings must be dealt with on the appropriate track, in order to assist the proceedings to progress through to resolution in an orderly and efficient manner.

(2) Whichever track proceedings are on, and whatever stage they are at, except as otherwise specifically provided in the Act or this Part, a Judge may (without limitation) do any of the following:

(a) make orders by consent:

(b) appoint, in accordance with section 7 of the Act, a lawyer to represent the child or children:

(c) appoint, under section 130 of the Act, a lawyer to assist the court:

(d) seek a report referred to in section 132(2) of the Act by requesting, or directing a Registrar to request, a copy of an application for guardianship or for a parenting order (other than an interim parenting order) to be

supplied to the chief executive of the department responsible for the administration of the Oranga Tamariki Act 1989:

(e) request, or direct a Registrar to request, under section 133 of the Act, the preparation of a cultural report, medical report, psychiatric report, or psychological report:

(f) give approval under section 133(10) of the Act for the preparation and presentation of a second opinion:

(g) direct the parties to attend FDR (but only in accordance with section 46F of the Act):

(h) refer the parties to counselling services (but only in accordance with section 46G of the Act):

(i) direct the parties to attend a parenting information programme (but only in accordance with section 46O of the Act):

(j) change the track on which the proceedings are being dealt with.

(3) If an application is made on notice and is proceeding on the simple track or standard track (other than in a proceeding classified as a complex case), a Family Court Associate may, at any stage of the proceeding, except as otherwise specifically provided in the Act or this Part and without limitation, do any of the following:

(a) convene a settlement conference and make 1 or more consent orders:

(b) do all or any of the things specified in subclause (2)(b) to (j).

Rule 416P: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416P(2)(d): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 416P(2)(d): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 416P(2)(e): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 416P(3): inserted, on 2 May 2024, by rule 113 of the Family Court Amendment Rules 2024 (SL 2024/35).

416Q Restriction on further evidence being filed

A party may not, after filing an initial affidavit in support (whether with an application or with a notice of response), file a further affidavit of evidence except—

(a) as directed by the court; or

(b) with the leave of the court; or

(c) where the party is seeking, under rule 47 (as applied by rule 416N), further evidence or an admission.

Rule 416Q: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416Q(a): amended, on 2 May 2024, by rule 114 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416Q(b): amended, on 2 May 2024, by rule 114 of the Family Court Amendment Rules 2024 (SL 2024/35).

416R What happens when FDR is ordered

(1) If the parties to proceedings under the Act are ordered under section 46F of the Act to attend FDR, no further steps may be taken in the proceedings, except with the leave of the court, until the court receives the form required by section 13(1) of the Family Dispute Resolution Act 2013.

(2) After the court receives that form, a Family Court Associate or Judge must review the application on the papers in Chambers in light of the outcome of FDR.

(3) Following the review of the papers,—

(a) the Family Court Associate or Judge may make any directions they think fit, including (if necessary) identifying which type of conference or hearing is to follow (for example, a Family Court Associate may direct that a settlement conference be convened so that they may make consent orders):

(b) the Judge may make any orders they think fit.

Rule 416R: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416R(1): amended, on 2 May 2024, by rule 115(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416R(2): replaced, on 2 May 2024, by rule 115(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416R(3): inserted, on 2 May 2024, by rule 115(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Tracks

Heading: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416S Standard track

(1) Proceedings must be dealt with on the standard track if—

(a) a notice of response to an application filed on notice is filed and served within the required time; or

(b) the court directs that the proceedings be dealt with on the standard track.

(2) When proceedings are dealt with on the standard track, as soon as practicable after a notice of response is filed and served, the application and notice must be referred to a Family Court Associate or Judge for consideration on the papers in Chambers.

(3) Following that consideration,—

(a) the Family Court Associate or Judge may make any directions they think fit and must, unless the parties are directed to FDR, make 1 of the following directions:

(i) a direction that an issues conference be convened (*see* rule 416X):

(ii) a direction that a settlement conference be convened (*see* rule 416Y), but only if it appears that issues in dispute are likely, without an issues conference, to be able to be settled by way of a settlement conference:

(iii) a direction that the application proceed to a hearing (*see* rules 416ZD to 416ZH):

(b) the Judge may also make any interim orders they think fit.

(4) *[Revoked]*

(5) *[Revoked]*

Rule 416S: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416S(1)(b): amended, on 2 May 2024, by rule 116(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416S(2): amended, on 2 May 2024, by rule 116(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416S(3): replaced, on 2 May 2024, by rule 116(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416S(4): revoked, on 2 May 2024, by rule 116(4) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416S(5): revoked, on 2 May 2024, by rule 116(4) of the Family Court Amendment Rules 2024 (SL 2024/35).

416U Without notice track

(1) When proceedings are dealt with on the without notice track, the first steps (which occur before the respondent has been served with notice of the application) are as described in rule 416J.

(2) If a Judge directs that the application proceed to a hearing, a directions conference must be convened before the hearing (*see* rules 416W, 416Z, and 416ZA).

(3) On an application made without notice, if it appears to a Judge that the issues in dispute are urgent,—

(a) the application must proceed on a faster time frame than applies to proceedings on the standard track; and

(b) wherever possible, a directions conference must be convened within 3 weeks after the date on which the Judge directs the application to proceed to a hearing.

(4) In no case may a directions conference be held on the without notice track before the expiry of the period within which a notice of response may be filed.

(5) The only conferences that can be held for proceedings on the without notice track are a directions conference and a case management conference.

(6) Subclause (2) does not apply if there is an emergency and the Judge does not consider it appropriate in the circumstances to hold a directions conference.

Rule 416U: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416U(5): replaced, on 1 September 2017, by rule 30 of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 416U(6): inserted, on 5 June 2020, by rule 12 of the Family Court (Emergency) Amendment Rules 2020 (LI 2020/105).

416UA Complex case on standard track or without notice track

(1) The court may classify as a **complex case** any proceedings that are being dealt with on the standard track or without notice track, but only if the court is satisfied that the proceedings require a greater degree of judicial oversight than is ordinarily provided in proceedings under the Act.

(2) The kind of features that indicate that particular proceedings require a greater degree of judicial oversight than is ordinarily provided include the following:

(a) allegations of serious abuse or violence:

(b) that the personalities or behaviour of the parties, or any of the parties, indicate that there may be a serious risk to the physical or psychological safety or well-being of any child involved in the case:

(c) novel or difficult legal, technical, or evidential issues.

(3) If a case is classified as a complex case by a Judge, the Judge must personally (wherever practicable) take over all subsequent steps in the proceedings unless or until the Judge decides that it is no longer a complex case.

(4) If a case is classified as a complex case by a Family Court Associate, a Judge must personally take over all subsequent steps in the proceedings unless or until the Judge decides that it is no longer a complex case.

(5) A case management conference may be convened at any time in connection with any proceedings classified as a complex case.

Rule 416UA: inserted, as rule 416T, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416UA rule number: replaced, on 1 September 2017, by rule 29(3) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 416UA heading: amended, on 1 September 2017, by rule 29(1) of the Family Court Amendment Rules 2017 (LI 2017/189).

Rule 416UA(1): replaced, on 2 May 2024, by rule 117(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416UA(3): replaced, on 2 May 2024, by rule 117(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416UA(4): inserted, on 2 May 2024, by rule 117(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416UA(5): inserted, on 2 May 2024, by rule 117(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

416V Simple track

(1) Proceedings to be dealt with on the simple track are—

(a) proceedings commenced by an application for a consent order; or

(b) proceedings commenced by an application on notice in which no respondent has filed a notice of response within the time required for the filing of that notice.

(2) When proceedings are dealt with on the simple track, a Family Court Associate or Judge must consider the application on the papers in Chambers.

(3) That consideration must take place,—

(a) if the application was made by consent, within 2 weeks after it was filed (where reasonably practicable); and

(b) in any other case, as soon as practicable.

(4) Following that consideration,—

(a) the Family Court Associate must, if possible, dispose of the proceedings by convening a settlement conference (which may be held by electronic means (*see* rule 416W)) and making orders by consent:

(b) the Judge must, if possible, dispose of the proceedings by making all necessary final orders.

(5) If it is not possible to dispose of the proceedings at that time,—

(a) the Family Court Associate or Judge may make any directions they consider appropriate, but must make at least 1 of the following directions:

(i) a direction that the parties attend an issues conference (*see* rule 416X):

(ii) a direction that the application proceed to a formal proof hearing (*see* rule 416ZH):

(iii) a direction that any party provide further written information or evidence, in which case, on receipt of the information or evidence, a Family Court Associate or Judge (not necessarily the same Family Court Associate or Judge who originally considered the application) must again consider the matter on the papers and subclause (4) and this subclause then apply; and

(b) a Judge who considers an application on the papers may make any interim orders they think appropriate.

(6) *[Revoked]*

(7) *[Revoked]*

Rule 416V: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416V(1)(a): amended, on 2 May 2024, by rule 118(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416V(2): amended, on 2 May 2024, by rule 118(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416V(4): replaced, on 2 May 2024, by rule 118(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416V(5): replaced, on 2 May 2024, by rule 118(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416V(6): revoked, on 2 May 2024, by rule 118(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416V(7): revoked, on 2 May 2024, by rule 118(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Conferences generally

Heading: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416W General rules about conferences

(1) In proceedings under the Act, rules 174 to 176 (about conferences) do not apply except as specifically identified in this Part, and every conference must be 1 of the following kinds:

(a) an issues conference (*see* rule 416X):

(b) a settlement conference (*see* rule 416Y):

(c) a directions conference (*see* rules 416Z and 416ZA):

(d) a pre-hearing conference (*see* rule 416ZB):

(e) a case management conference (*see* rule 416ZC).

(2) When the court directs that a conference be held, the court may give the direction on such terms as it thinks fit, and rule 175B(1) and (2) (about a Registrar giving notice of a conference) applies as if the conference were a judicial conference.

(3) Parties must attend a conference if directed to do so by the court and parties' lawyers may also attend.

(4) Every conference under this Part, other than a case management conference, must be presided over by a Family Court Associate or Judge.

(4A) A case management conference may only be presided over by a Judge.

(5) A Judge presiding over a conference may do any of the relevant things listed in rule 175D(2) at any conference under this Part, other than at a settlement conference (except as provided in rule 416Y(5)).

(5A) A Family Court Associate presiding over an issues conference, a directions conference, or a pre-hearing conference may make any of the orders and directions that they make under rule 175D(2).

(6) A conference may be held by way of teleconference, video conference, or any other electronic means, as directed by the court or a Registrar.

(7) As soon as practicable after every conference, a Registrar must provide the parties with a record of all orders made and directions given by the presiding officer at the conference.

(8) Rule 176 (about non-compliance with orders made and directions given at a conference) applies to every conference held under this Part as if it were a judicial conference.

Rule 416W: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416W(2): replaced, on 2 May 2024, by rule 119(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416W(3): replaced, on 1 July 2020, by rule 10 of the Family Court Amendment Rules 2020 (LI 2020/135).

Rule 416W(3): amended, on 2 May 2024, by rule 119(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416W(4): replaced, on 2 May 2024, by rule 119(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416W(4A): inserted, on 2 May 2024, by rule 119(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416W(5): amended, on 2 May 2024, by rule 119(4) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416W(5A): inserted, on 2 May 2024, by rule 119(5) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416W(6): amended, on 2 May 2024, by rule 119(6) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416W(7): amended, on 2 May 2024, by rule 119(7) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416W(7): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Specific kinds of conferences

Heading: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416X Issues conference

(1) The purpose of an issues conference is to enable the presiding Family Court Associate or Judge, having seen and spoken with the parties to an application, to give directions in accordance with subclauses (2) and (3) (as applicable) and make any other directions they think fit.

(2) At the end of an issues conference held for proceedings on the simple track, the presiding Family Court Associate or Judge must—

(a) direct that the application proceed to a formal proof hearing; or

(b) direct that the matter be dealt with on the standard track.

(3) At the end of an issues conference held for proceedings on the standard track, unless a Family Court Associate or Judge has directed the parties to attend FDR, the presiding Family Court Associate or Judge must—

(a) identify the issues in dispute; and

(b) direct—

(i) that a settlement conference be convened (which may be convened immediately following the issues conference); or

(ii) that the application proceed to a hearing.

(4) A Judge presiding over an issues conference may also make any orders they think appropriate.

Rule 416X: replaced, on 2 May 2024, by rule 120 of the Family Court Amendment Rules 2024 (SL 2024/35).

416Y Settlement conference

(1) Under section 46Q of the Act, the purpose of a settlement conference is to enable a Family Court Associate or Judge presiding over the conference (the **presiding officer**) to—

(a) ascertain whether any or all of the issues in dispute between the parties can be settled; and

(b) settle those issues.

(2) Rules 178 to 180 do not apply to a settlement conference under this Part, except that—

(a) rule 178(3) and (4) applies; and

(b) rule 179(3) applies.

(3) The presiding officer may, on request by a party, permit any person to attend a settlement conference as a support person for that party, and the presiding officer must agree to such a request unless the presiding officer considers there is a good reason why the named support person should not be permitted to be present.

(4) At the conclusion of a settlement conference the presiding officer may make any directions that they think fit and must do 1 or more of the following:

(a) make a consent order (under section 46Q(3) of the Act) settling some or all of the issues in dispute:

(b) direct that the application proceed to a hearing, but only if—

(i) the presiding officer is satisfied that all the issues in dispute between the parties cannot be settled at the settlement conference; and

(ii) the presiding officer has indicated to the persons attending the conference that the presiding officer has formed that view:

(c) if section 46F of the Act applies, direct the parties to attend FDR.

(5) If the presiding officer directs, under subclause (4)(b), that the application proceed to a hearing,—

(a) the presiding officer may do any of the relevant things referred to in rule 175D(2); and

(b) the presiding officer may do anything referred to in rule 416Z(2); and

(c) if the presiding officer directs also that a directions conference be held, the directions conference must be convened, if reasonably practicable, within 4 weeks after the settlement conference.

(6) A Judge who presides over a settlement conference may also preside over the hearing of the substantive application, whether or not the parties consent.

Rule 416Y: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416Y(1): amended, on 2 May 2024, by rule 121(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416Y(3): replaced, on 2 May 2024, by rule 121(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416Y(4): amended, on 2 May 2024, by rule 121(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416Y(4)(b): replaced, on 2 May 2024, by rule 121(4) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416Y(5): replaced, on 2 May 2024, by rule 121(5) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416Y(6): amended, on 2 May 2024, by rule 121(6) of the Family Court Amendment Rules 2024 (SL 2024/35).

416Z Directions conference

(1) The purpose of a directions conference is to enable a Family Court Associate or Judge presiding over the conference (the **presiding officer**) to make the orders and give the directions that are necessary to ensure that the hearing takes place as early as possible and will enable the determination of the issues in dispute between the parties.

(2) At the conclusion of a directions conference, unless subclause (3) applies, the presiding officer—

(a) must—

(i) settle the issues to be determined at the hearing; and

(ii) identify any witnesses who are required for cross-examination; and

(iii) approve a timetable for filing and serving any further evidence; and

(b) may require the applicant to prepare and file an agreed bundle of documents (which must be paginated) and direct that the costs of preparing that bundle be shared equally between the parties.

(3) If no respondent (being a person who has been served with the application and required to attend the conference) has filed a notice of response within the required time, and the presiding officer is a Judge,—

(a) the Judge may treat the conference as a hearing and may determine the application at that time; and

(b) if a respondent attends the conference, rule 42 (which sets out when a respondent may be heard) applies as if the conference were a hearing.

(4) If it appears that some or all of the issues in dispute can be determined by way of a submissions-only hearing, the presiding officer must direct that a submissions-only hearing be held (*see* rule 416ZG).

(5) If the proceedings are on the without notice track, the period between the directions conference and any subsequent hearing must, where reasonably practicable, be not more than 3 weeks.

Rule 416Z: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416Z(1): amended, on 2 May 2024, by rule 122(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416Z(2): amended, on 2 May 2024, by rule 122(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416Z(3): amended, on 2 May 2024, by rule 122(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416Z(4): amended, on 2 May 2024, by rule 122(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

416ZA Memoranda filed in advance of directions conference

(1) Not later than 5 working days before the date of a directions conference (or within any other period specified by a Registrar),—

(a) the parties must file a joint memorandum, in the approved form, that addresses the matters in subclause (2); or

(b) if a joint memorandum cannot be agreed, each party must file, and serve on the other parties, a separate memorandum, in the approved form, that addresses the matters in subclause (2).

(2) The matters referred to in subclause (1) are as follows:

(a) the issues (if any) that have been settled between the parties:

(b) the issues in dispute to be determined at the hearing:

(c) a chronology of relevant events:

(d) a list of affidavits filed by the party or parties and that the party or parties intend to rely on:

(e) whether the party or parties wish the court to request, under section 133 of the Act, the preparation of a cultural, medical, psychiatric, or psychological report:

(f) whether the party or parties wish to obtain the approval of the court under section 133(10) of the Act for a second opinion on a report requested by the court under that section:

(g) the evidence proposed to be tendered at the hearing, including the identification and availability of any witness:

(h) a proposed timetable for filing and serving evidence:

(i) which (if any) orders made or directions given in the proceedings—

(i) have been complied with; or

(ii) have not been complied with, and the reasons for non-compliance.

Rule 416ZA: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416ZB Pre-hearing conference

(1) At the end of a directions conference, the presiding officer may, if they consider it necessary, direct that a pre-hearing conference be convened.

(2) The purpose of a pre-hearing conference is to enable the Family Court Associate or Judge presiding over the conference (the **presiding officer**) to review a proceeding that is set down for hearing and to make any orders or give any directions that the presiding officer considers necessary to ensure that the proceeding will be ready to be determined at the hearing.

Rule 416ZB: replaced, on 2 May 2024, by rule 123 of the Family Court Amendment Rules 2024 (SL 2024/35).

416ZC Case management conference

(1) Case management conferences may only be convened for complex cases, and only for the purpose of allowing closer judicial management of the case.

(2) A case management conference may be convened at any time, either by a Judge on his or her own initiative or on application by a party.

(3) Only a Judge may preside over a case management conference.

Rule 416ZC: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416ZC(3): inserted, on 2 May 2024, by rule 124 of the Family Court Amendment Rules 2024 (SL 2024/35).

Hearings

Heading: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416ZD What happens when direction is made that application proceed to hearing

When the court directs that an application proceed to a hearing, the court must at the same time specify what kind of hearing must be held.

Rule 416ZD: replaced, on 2 May 2024, by rule 125 of the Family Court Amendment Rules 2024 (SL 2024/35).

416ZE Hearings generally

(1) As soon as practicable after the court directs that an application proceed to a hearing, a Registrar must (unless the court directs otherwise) fix a date and time for the hearing.

(2) When a Registrar fixes the date and time for a hearing, he or she must give notice of the date, time, and place of the hearing to the parties as soon as practicable.

(3) The following rules in Part 2 apply, with any necessary modifications, to all hearings held in proceedings under the Act:

- (a) rule 48 (about evidence at hearings being given by affidavit):
- (b) rule 49 (which applies certain rules in Part 3 that relate to affidavits):
- (c) rules 50 and 51 (about witnesses):
- (d) rule 53 (about moving from court to Chambers):
- (e) rule 54 (about ascertaining wishes and views of child or young person):
- (f) rule 55 (about the procedure if parties do not appear):
- (g) rule 56 (about when a judgment can be set aside):
- (h) rule 57 (about the procedure if all parties appear):
- (i) rule 58 (about what happens at the end of a hearing):
- (j) rule 59 (about rehearings):
- (k) rule 60 (about appeals to the High Court).

Rule 416ZE: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416ZE(1): replaced, on 2 May 2024, by rule 126 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416ZE(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

416ZF Defended hearings

(1) Subclause (2) applies to all defended hearings unless—

- (a) the hearing is for a complex case and the Judge considers that the times should be varied; or
- (b) the Judge considers that the times should be varied for any other good reason consistent with the purpose of these rules.

(2) The total time allowed for a hearing must not exceed the total time calculated in accordance with this subclause and subclause (3):

	Action	Time limit (minutes)
(a)	Examination of parties and witnesses	10 per person examined

	Action	Time limit (minutes)
(b)	Cross-examination of witnesses by—	
	(i) each party	40 per person cross-examined
	(ii) lawyer for the child	30 per person cross-examined
(c)	Re-examination of parties and witnesses	5 per person re-examined
(d)	Submissions on the law by—	
	(i) each party	10
	(ii) lawyer for the child	10

(3) The Judge must determine an amount of time to be allocated for all remaining aspects of the hearing (including, for example, dealing with non-party witnesses).

Rule 416ZF: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416ZG Submissions-only hearings

(1) The court may direct that a hearing be a submissions-only hearing if it is satisfied that some or all of the issues in dispute can be determined by a hearing conducted in accordance with subclause (2).

(2) At a submissions-only hearing,—

(a) the matters must be decided on the basis only of submissions (written or oral) by the parties, any lawyer for the child, and any lawyer appointed to assist the court; and

(b) no witnesses may be called; and

(c) no cross-examination of the parties may be conducted (and therefore nothing in rule 169 applies).

(2A) A submissions-only hearing must be heard by a Judge.

(3) If, at the end of a submissions-only hearing, all the matters in dispute have not been determined, the Judge may do any of the relevant things referred to in rule 175D(2) and may also do anything referred to in rule 416Z(2).

Rule 416ZG: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 416ZG(1): replaced, on 2 May 2024, by rule 127(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 416ZG(2A): inserted, on 2 May 2024, by rule 127(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

416ZH Formal proof hearings

At a formal proof hearing, no witnesses may be called, but the party or parties must prove to the satisfaction of the Judge that making the order sought would be consistent with section 4 of the Act.

Rule 416ZH: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Miscellaneous

Heading: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416ZI Request to speak on child's cultural background

A party to proceedings under the Act who asks the court (under section 136(1) of the Act) to hear a person speak on a child's cultural background, or on any aspect of it that may be relevant to a matter in issue in the proceedings, must make that request in writing.

Compare: Rule 350A

Rule 416ZI: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

416ZJ Costs of contravention of parenting order

A party to a parenting order (**party A**) who applies under section 71 of the Act for an order requiring another party to the parenting order (**party B**) to pay the costs incurred by party A because of party B's contravention of the parenting order must include, in the affidavit required to be filed with the application under rule 416F, details of those costs.

Rule 416ZJ: inserted, on 31 March 2014, by rule 42 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Part 6
Registry matters, fees, and transitional matters

Overview of Part

417 Overview of this Part

(1) This Part contains rules about Registry matters, fees, and transitional matters.

(2) It should be read with all other Parts of these rules.

(3) The application of this Part to proceedings is modified by any rules in Part 5 that apply to the proceedings (Part 5 contains rules that modify this Part).

(4) This Part contains rules on the following matters:

- (a) court offices:
- (b) sittings on days that are not working days:
- (c) *[Revoked]*
- (d) records:
- (e) proceedings, etc, that originated under previous rules.

(5) This rule is only a guide to the general scheme and effect of this Part.

Rule 417(4)(c): revoked, on 1 March 2014, by rule 20 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Court offices

418 Court offices and hours

(1) The Family Court has offices.

(2) The offices are the same as the offices of the District Court.

(3) The Registrar of an office of the Family Court must keep the office open during the same hours as the office of the District Court.

(4) All business relating to proceedings in the court must be conducted through its offices.

Rule 418: replaced, on 1 July 2019, by rule 69 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Sittings on days that are not working days

419 Sittings when court office closed

(1) The court may sit on a day that is not a working day if the court decides that any matters need to be dealt with.

(2) Despite subclause (1), the court may sit on a Sunday, New Year's Day, Good Friday, or Christmas Day only if the court is satisfied that the matters to be dealt with are extremely urgent.

(3) For the purpose of a hearing on a day that is not a working day, or of giving effect to an order made at a hearing on a day that is not a working day, the court may authorise the issue or receipt of any document that complies with these rules.

(4) The court may authorise the service of any document issued or received under subclause (3).

(5) Subclauses (1) and (3) override DCRs 2.1 and 2.3 (*see* the definition of working day in rule 8 of these rules).

Compare: SR 1992/109 r 18

Rule 419(1): amended, on 2 May 2024, by rule 128(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 419(1): amended, on 1 July 2019, by rule 70(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 419(2): replaced, on 1 July 2019, by rule 70(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 419(2): amended, on 2 May 2024, by rule 128(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 419(3): amended, on 2 May 2024, by rule 128(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 419(4): amended, on 2 May 2024, by rule 128(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 419(5): amended, on 1 July 2014, by rule 31 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Fees

[Revoked]

Heading: revoked, on 18 May 2009, pursuant to regulation 11(1) of the Family Courts Fees Regulations 2009 (SR 2009/88).

420 Fee for proceedings under Adoption Act 1955

[Revoked]

Rule 420: revoked, on 1 July 2004, by rule 6 of the Family Courts Amendment Rules 2004 (SR 2004/165).

421 Fee for proceedings under Family Proceedings Act 1980

[Revoked]

Rule 421: revoked, on 18 May 2009, by regulation 11(1) of the Family Courts Fees Regulations 2009 (SR 2009/88).

422 Fees must be prepaid on filing

[Revoked]

Rule 422: revoked, on 18 May 2009, by regulation 11(1) of the Family Courts Fees Regulations 2009 (SR 2009/88).

423 Fees inclusive of GST

[Revoked]

Rule 423: revoked, on 18 May 2009, by regulation 11(1) of the Family Courts Fees Regulations 2009 (SR 2009/88).

Records

424 Records

(1) A Registrar must keep a record of—

(a) every application filed in the court; and

(b) every direction or order made as a result of an application.

(2) Those records must be kept in the form directed by the chief executive of the Ministry of Justice.

(3) A minute of the direction or order made as a result of an application must—

(a) be noted on the application form; and

(b) be signed and dated by the Judge, Family Court Associate, or Registrar making the direction or order.

(4) Nothing in this rule limits other requirements to note court records.

Compare: SR 1996/148 r 94

Rule 424(2): amended, on 1 October 2003, pursuant to section 14(2) of the State Sector Amendment Act 2003 (2003 No 41).

Rule 424(3)(b): amended, on 2 May 2024, by rule 129 of the Family Court Amendment Rules 2024 (SL 2024/35).

425 Transfer of adoption records

(1) The Minister of Justice may give written notice to a Registrar requiring the Registrar to transfer adoption records to the Registrar-General appointed under the Births, Deaths, Marriages, and Relationships Registration Act 2021.

(2) A Registrar who receives a notice under subclause (1) must deliver the records to the Registrar-General without delay.

(3) The Registrar-General is responsible for adoption records received by him or her under this rule.

Compare: SR 1959/109 r 5

Rule 425(1): amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Rule 425(1): amended, on 24 January 2009, by section 49(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

426 Interpretation

In rules 427 to 430,—

access means to do any or all of the following under the supervision of an officer of the court:

(a) search any court file:

(b) inspect any document on a court file:

(c) copy any document, or part or parts of a document or court file

court file means a collection of documents in the custody or control of the court that relate to a proceeding

document—

(a) means any written material in the custody or control of the court that relates to a proceeding (including any interlocutory application associated with the proceeding), whether or not kept on a court file; and

(b) includes documentary exhibits, video recordings, records in electronic form, films, photographs, and images in electronic form; but

(c) excludes—

(i) notes made by or for a Judge, Family Court Associate, or Registrar for his or her personal use; and

(ii) any document that discloses the address of an applicant who—

(A) is an applicant for a protection order; and

(B) has advised the court that he or she wishes his or her address to be kept confidential under rule 311; and

(iii) any material that relates to the administration of the court

first access period means the period that—

(a) is the first period during which a document or court file in relation to a proceeding may be accessed; and

(b) commences on the date on which the proceedings are commenced; and

(c) ends,—

(i) if there is a sealed judgment or order, 6 years from the date of that sealed judgment or order; or

(ii) if there is no sealed judgment or order, 6 years from the date of the Judge's or Family Court Associate's reasons or minute making the order

second access period means the period that—

(a) is the second period during which a document or court file in relation to a proceeding may be accessed; and

(b) commences from the end of the first access period; and

(c) ends when the document or file is transferred to Archives New Zealand.

Rule 426: replaced, on 1 March 2014, by rule 21 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 426 **document** paragraph (c)(i): amended, on 2 May 2024, by rule 130(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 426 **first access period** paragraph (c)(ii): amended, on 2 May 2024, by rule 130(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

427 Access to documents and court files during first access period

(1) Only the persons specified in subclause (2) are entitled to have access to a document or court file during the first access period.

(2) The persons referred to in subclause (1) are—

(a) a party to the proceedings:

(b) a lawyer acting for a party to the proceedings:

(ba) a lawyer appointed to represent a child or young person in the proceedings:

(bb) a lawyer appointed to assist the court in the proceedings:

(c) any of the following persons in relation to proceedings under the Oranga Tamariki Act 1989:

(i) *[Revoked]*

(ii) *[Revoked]*

(iii) a lay advocate appointed to appear in support of a child or young person who is the subject of the proceedings:

(iv) a care and protection co-ordinator:

(v) a youth justice co-ordinator:

(vi) *[Revoked]*

(d) a person who has been permitted access to a document or court file on an application made under rule 429.

(3) Despite subclause (1), a person referred to in subclause (2)(a) to (c) may not have access to a document or court file if—

(a) to allow the person access to the document or court file would contravene any order or direction of the court; or

(b) a Registrar considers that there is some special reason why the person should not have access to the document or court file.

Rule 427: replaced, on 1 March 2014, by rule 21 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 427(2)(ba): inserted, on 1 August 2014, by rule 17(1) of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

Rule 427(2)(bb): inserted, on 1 August 2014, by rule 17(1) of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

Rule 427(2)(c): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 427(2)(c)(i): revoked, on 1 August 2014, by rule 17(2) of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

Rule 427(2)(c)(ii): revoked, on 1 August 2014, by rule 17(2) of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

Rule 427(2)(c)(vi): revoked, on 1 May 2023, by section 80 of the Oversight of Oranga Tamariki System Act 2022 (2022 No 43).

Rule 427(3): amended, on 1 July 2014, by rule 32 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 427(3)(b): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

428 Access to documents and court files during second access period

During the second access period—

(a) a party to a proceeding—

(i) is entitled to have access to an order made in the proceeding by the court or a Registrar; and

(ii) may apply to the court under rule 429 for permission to access any other document or the court file; and

(b) any other person may apply to the court under rule 429 for permission to access a document or the court file.

Rule 428: replaced, on 1 July 2014, by rule 33 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 428(a)(i): amended, on 2 May 2024, by rule 131 of the Family Court Amendment Rules 2024 (SL 2024/35).

429 Application for permission to access documents or court files

(1) Any person may apply to the court for permission to access a document or court file—

(a) during the first access period; or

(b) during the second access period.

(2) An application under this rule is made by letter to a Registrar and must—

(a) identify the document or court file that the applicant seeks access to; and

(b) state what access is sought to that document or court file by the applicant; and

(c) explain the purpose for which the applicant seeks that access to the document or court file.

(3) On receipt of an application made under subclause (2), a Registrar may,—

(a) if the Registrar considers that the applicant has a genuine and proper interest,—

(i) make an order permitting the applicant access to the document or court file; or

(ii) direct that the application be treated as an interlocutory application on notice; or

(b) if the Registrar is in doubt as to whether to make an order or direction under paragraph (a), refer the application to a Family Court Associate or Judge; or

(c) if the Registrar considers that the applicant does not have a genuine and proper interest, decline the application.

(4) When an application is referred to a Family Court Associate or Judge under subclause (3)(b), the Family Court Associate or Judge may,—

(a) if the Family Court Associate or Judge considers that the applicant has a genuine and proper interest,—

(i) make an order permitting the applicant access to the document or court file; or

(ii) direct that the application be treated as an interlocutory application on notice; or

(b) if the Family Court Associate or Judge considers that the applicant does not have a genuine and proper interest, decline the application.

(5) When making an order or direction under subclause (3)(a), a Registrar may decide to make that order or direction subject to such terms and conditions as the Registrar thinks fit.

(6) When making an order or direction under subclause (4)(a), a Family Court Associate or Judge may decide to make that order or direction subject to such terms and conditions as the Family Court Associate or Judge thinks fit.

Rule 429: replaced, on 1 March 2014, by rule 21 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 429(1): replaced, on 1 July 2014, by rule 34 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Rule 429(2): amended, on 1 August 2014, by rule 18(1) of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

Rule 429(3): replaced, on 1 August 2014, by rule 18(2) of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

Rule 429(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 429(3)(b): amended, on 2 May 2024, by rule 132 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 429(4): replaced, on 1 August 2014, by rule 18(2) of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

Rule 429(4): amended, on 2 May 2024, by rule 132 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 429(4)(a): amended, on 2 May 2024, by rule 132 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 429(4)(b): amended, on 2 May 2024, by rule 132 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 429(5): inserted, on 1 August 2014, by rule 18(2) of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

Rule 429(6): inserted, on 1 August 2014, by rule 18(2) of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

Rule 429(6): amended, on 2 May 2024, by rule 132 of the Family Court Amendment Rules 2024 (SL 2024/35).

429A Review of Registrars' decisions under rule 429

(1) A Registrar must refer to a Family Court Associate or Judge a decision that the Registrar has made under rule 429(3) or (5) if a person—

(a) disputes that decision; and

(b) asks the Registrar to refer the decision to a Family Court Associate or Judge.

(2) The Family Court Associate or Judge may confirm, vary, or rescind the Registrar's decision.

Rule 429A: inserted, on 1 August 2014, by rule 19 of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

Rule 429A(1): amended, on 2 May 2024, by rule 133 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 429A(1)(b): amended, on 2 May 2024, by rule 133 of the Family Court Amendment Rules 2024 (SL 2024/35).

Rule 429A(2): amended, on 2 May 2024, by rule 133 of the Family Court Amendment Rules 2024 (SL 2024/35).

430 Rules 426 to 429A are subject to other provisions

Rules 426 to 429A are subject to—

(a) section 23 of the Adoption Act 1955; and

(b) every other provision of any Act, or any other of these rules, relating to access to a document or court file.

Rule 430: replaced, on 1 March 2014, by rule 21 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Rule 430 heading: amended, on 1 August 2014, by rule 20(1) of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

Rule 430: amended, on 1 August 2014, by rule 20(2) of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

431 Open searching, inspection, and copying of documents or records filed or lodged more than 60 years ago

[Revoked]

Rule 431: revoked, on 1 March 2014, by rule 21 of the Family Courts Amendment Rules 2014 (LI 2014/3).

431A Information requested by District Court for purposes of section 46 of Family Violence Act 2018

(1) In this rule,—

Person A means a person against whom a Police safety order has been issued under section 28 of the Family Violence Act 2018

Person B means the person named in the Police safety order for whose safety the order was issued.

(2) This rule applies when a complaint has been made to the District Court under section 45 of the Family Violence Act 2018 for a direction or an order under section 46 of that Act in respect of person A.

(3) A Registrar of the District Court may, on receipt of a complaint, request a Registrar of the Family Court to confirm whether there is, in the Family Court, an application filed by person B for a protection order against person A currently pending determination.

(4) A Registrar of the Family Court to whom a request under subclause (3) is made must respond to that request without delay.

Rule 431A: inserted, on 1 July 2010, by rule 6 of the Family Courts Amendment Rules (No 2) 2010 (SR 2010/122).

Rule 431A heading: amended, on 1 July 2019, by rule 41(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 431A(1): amended, on 1 July 2019, by rule 41(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 431A(2): amended, on 1 July 2019, by rule 41(3) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 431A(2): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 431A(3): replaced, on 1 July 2019, by rule 71 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 431A(4): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

431B Information requested by sentencing court for purposes of section 123B of Sentencing Act 2002

(1) This rule applies where—

(a) a court convicts an offender of, or under section 106 of the Sentencing Act 2002 discharges an offender without conviction for, a family violence offence; and

(b) the victim of the offence does not object to the court making, for his or her protection, a protection order against the offender under section 123B(2) of the Sentencing Act 2002.

(2) A Registrar of the court may request a Registrar of the Family Court to confirm whether there is currently in force a protection order against the offender made under the Family Violence Act 2018 for the protection of the victim of the offence.

(3) A Registrar of the Family Court to whom a request under subclause (2) is made must respond to that request without delay.

(4) In this rule, **family violence offence** and **victim of the offence** have the meanings given to them by section 123A of the Sentencing Act 2002.

Rule 431B: inserted, on 1 July 2010, by rule 6 of the Family Courts Amendment Rules (No 2) 2010 (SR 2010/122).

Rule 431B(1)(a): amended, on 29 June 2025, by section 22 of the Sentencing (Reform) Amendment Act 2025 (2025 No 13).

Rule 431B(1)(a): amended, on 1 July 2019, by rule 42(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 431B(2): amended, on 1 July 2019, by rule 42(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 431B(2): amended, on 1 July 2019, by rule 72 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 431B(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 431B(4): amended, on 1 July 2019, by rule 42(3) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

431C Information requested for purpose of enforcing cost contribution orders

(1) This rule applies to cost contribution orders, being orders that require the reimbursement to the Crown of a prescribed proportion of certain fees and expenses and that are made under any of the following provisions:

(a) section 135A of the Care of Children Act 2004:

(b) section 162C of the Family Proceedings Act 1980:

(c) section 226C of the Child Support Act 1991.

(2) The chief executive of the Ministry of Justice may request a Registrar of the Family Court, or all Registrars of the Family Court, to provide to the chief executive, in a specified manner, the information required to enable the chief executive to enforce a cost contribution order made against any person.

(3) A Registrar of the Family Court to whom a request under subclause (2) is made must respond to the request by providing the information in the specified manner.

Rule 431C: inserted, on 31 March 2014, by rule 43 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Rule 431C(2): replaced, on 1 July 2019, by rule 73 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 431C(3): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

432 Information about family violence proceedings available to criminal court

(1) In this rule,—

civil proceeding means a proceeding in the Family Court under the Family Violence Act 2018

court file means a collection of documents that relate to a civil proceeding and are in the custody or control of a court

criminal proceeding means a proceeding for an offence against any enactment (including the Family Violence Act 2018) that consists of or includes conduct that is family violence

database, in relation to a civil proceeding, means any electronic system in or on which information about the civil proceeding is recorded

family violence has the meaning given to it in section 9 of the Family Violence Act 2018

protection order has the meaning given to it in section 8 of the Family Violence Act 2018.

(2) This rule applies if a defendant in a criminal proceeding—

(a) is a respondent in a civil proceeding in which an application for a protection order is pending; or

(b) has been a respondent in a civil proceeding and—

(i) has currently in force against him or her a protection order; or

(ii) has previously had in force against him or her a protection order.

(3) A Registrar of a court that is dealing with a criminal proceeding may obtain information about the civil proceeding referred to in subclause (2) from—

(a) the court file relating to that proceeding:

(b) any database relating to that proceeding.

(4) A Registrar of a court that is dealing with a criminal proceeding and who has obtained information under subclause (3) must make that information available to the court.

Rule 432: replaced, on 1 September 2015, by rule 5 of the Family Courts Amendment Rules 2015 (LI 2015/155).

Rule 432 heading: amended, on 1 July 2019, by rule 43(1) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 432(1) **civil proceeding**: amended, on 1 July 2019, by rule 43(2) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 432(1) **criminal proceeding**: amended, on 1 July 2019, by rule 43(3)(a) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 432(1) **criminal proceeding**: amended, on 1 July 2019, by rule 43(3)(b) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 432(1) **domestic violence**: revoked, on 1 July 2019, by rule 43(4) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 432(1) **family violence**: inserted, on 1 July 2019, by rule 43(4) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 432(1) **protection order**: amended, on 1 July 2019, by rule 43(5) of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

432A Information about CoCA proceedings available to criminal court

(1) In this rule,—

CoCA means the Care of Children Act 2004

CoCA information means information about a CoCA proceeding

CoCA proceeding means a proceeding under CoCA

court file means a collection of documents that relate to a CoCA proceeding and are in the custody or control of a court

criminal proceeding means a proceeding for an offence against any enactment (including the Family Violence Act 2018) that consists of or includes conduct that is family violence

database, in relation to a CoCA proceeding, means any electronic system in or on which information about the CoCA proceeding is recorded

event date, for an application, means, if allocated, the date and nature of a hearing or conference that is to be held next in respect of the application

family violence has the meaning given to it in section 9 of the Family Violence Act 2018.

(2) A Registrar of a court dealing with a criminal proceeding may request CoCA information from a Family Court Registrar to be used by the court when considering—

(a) whether to grant bail; and

(b) any conditions of any bail granted (for example, conditions imposed under section 30AAA of the Bail Act 2000).

(3) A Family Court Registrar may, in response to the request, obtain from the court file, or any database, relating to the CoCA proceedings, and disclose to the other Registrar if the defendant in the criminal proceeding is a party to the CoCA proceedings, the following CoCA information:

(a) whether there are any active CoCA proceedings:

(b) whether any orders made under CoCA are in force, and any conditions of those orders (including, for example, details of supervised contact):

(c) the next event date(s) for any applications made under CoCA.

(4) A Registrar of a court dealing with a criminal proceeding and who has obtained CoCA information under subclause (3) must make that information available to the court.

Rule 432A: inserted, on 1 July 2019, by rule 44 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

433 Transfer of documents relating to earlier application

(1) This rule applies if some or all of the parties to an application under a family law Act (the **later application**) were parties to an application made earlier to a different court under that Act or a former Act that corresponds to that Act (the **earlier application**).

(2) A party to the later application may make a written request to a Registrar that documents relating to the earlier application be transferred to the court where the later application is filed.

(3) A Registrar must arrange to have documents from the earlier application transferred to the court where the later application is filed if the Registrar—

(a) receives a request under subclause (2); or

(b) is directed to do so by a Family Court Associate or Judge.

(4) A Registrar may, on his or her own initiative, arrange to have documents from the earlier application transferred to the court where the later application is filed.

Compare: SR 1996/148 r 25(3), (4)

Rule 433(3)(b): amended, on 2 May 2024, by rule 134 of the Family Court Amendment Rules 2024 (SL 2024/35).

434 Transfer of proceedings to High Court

Rule 191 applies in relation to the transfer to the High Court of proceedings in the court.

Rule 434: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Proceedings, etc, that originated under previous rules

435 Transitional provision

(1) In this rule, **previous rules**, in relation to proceedings in the court, means the rules that, immediately before the commencement of these rules, applied to the proceedings.

(2) Except as provided in subclauses (4) and (5), the things specified in subclause (3) enure for the purposes of these rules as if they had originated under the corresponding provisions of these rules, and accordingly must, where necessary, be treated as if they had originated under these rules.

(3) The things referred to in subclause (2) are all appointments, records, accounts, books, seals, certificates, summonses, applications, notices, documents, warrants, judgments, orders, decisions, directions, appeals and generally all acts of authority that originated under any previous rules and are subsisting or in force at the commencement of these rules.

(4) All proceedings in the court commenced before and pending or in progress on the commencement of these rules may be continued, completed, and enforced under these rules, and accordingly these rules, so far as practicable, apply to those proceedings. However, in so far as it is not practicable for any provision of these rules to be applied to any such proceedings, the previous rules, to such extent as may be necessary, continue to apply to those proceedings.

(5) If in any proceedings to which subclause (4) applies a question arises as to the application of any of these rules or of the previous rules, the court or a Registrar may, either on the application of a party to the proceedings or on its or his or her own initiative, determine the question and make any order on the question as it or he or she thinks fit.

Compare: SR 1992/109 r 677

Rule 435(1): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 435(4): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Rule 435(5): amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 1
General forms

r 62(1)

		Page
G 1	Front page for documents filed in court	284
G 2	General heading of documents issued by court or Registrar	285
G 3	Notice of change of representation or address for service	286
G 4	Memorandum on first document filed by party	287
G 5	Application form for order (*or* declaration) on notice	288
G 6	Application form for order (*or* declaration) without notice	290
G 7	Information sheet to accompany certain applications (including certain applications made without notice)	291
G 8	Affidavit of service	294
G 9	Order for substituted service	295
G 10	Notice by advertisement	296
G 11	Affidavit of advertising	298
G 12	Notice of defence	299
G 13	Notice of intention to appear	300
G 14	Notice to admit facts	302
G 15	Order for discovery of documents	303
G 16	Affidavit of documents	304
G 17	Application for fixture	306
G 18	Witness summons	308
G 19	Order (*or* declaration)	309
G 20	Interlocutory application on notice	310
G 21	Interlocutory application without notice	312
G 22	Appearance under protest to jurisdiction	313
G 23	Appearance for ancillary purpose	314
G 24	Appearance reserving rights	315
G 25	Subpoena to give evidence for service in Australia	316
G 26	Subpoena for production only for service in Australia	317
G 27	Statement of rights and obligations of person served in Australia with subpoena under Evidence Act 2006	319
G 28	Certificate of non-compliance with subpoena for service in Australia	323

G 29 Discontinuance order 324

Form G 1
Front page for documents filed in court

r 72(1)(b)

In the Family Court No: .....
at [*place*]

[*full name, address, and occupation of applicant*]
Applicant
[*full name, address, and occupation of respondent(s)*]
Respondent(s)

[*Set out full description of document (including whether it is made without notice or on notice), its date, the Act under which the document is filed, and, in the case of an affidavit or affirmation, the name of the deponent and in whose support it is filed*.]

This document is filed by [*name and address for service, and, if filed by lawyers, the name and telephone number of the acting lawyer*].

Form G 2
General heading of documents issued by court or Registrar

r 73(1)(b)

In the Family Court No: .....
at [*place*]

[*full name, address, and occupation of applicant*]
Applicant
[*full name, address, and occupation of respondent(s)*]
Respondent(s)

Form G 3
Notice of change of representation or address for service

rr 87(5), 117(3)

(Front page—Form G 1)

Take notice that—

*the lawyer for the applicant (*or* respondent *or* third party) is now [*name and address of lawyer and the lawyer's firm, if any*].

*the applicant (*or* respondent *or* third party) now acts in person in place of [*name and address of previous lawyer and the lawyer's firm, if any*].

*the address for service of the applicant (*or* respondent *or* third party) is now [*address complying with the definition of the term address for service in rule 8 of the Family Court Rules 2002*].

*Delete if inapplicable.

Dated [*date*].

.....
Applicant (*or* Respondent
or Third party)
[*If this document notifies a change of lawyer, it must be signed by the party personally or by the party's attorney*.]

To the Registrar

Family Court at [*place*]

and

To [*name of other party to proceeding*]

Schedule 1 form G 3: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form G 4
Memorandum on first document filed by party

r 82(1)

Select the statement that applies.

This document is filed by the applicant/respondent* in person. The address for service of the applicant/respondent* is [*address*].

*Select one.

or

This document is filed by [*name*], lawyer for the applicant/respondent* of the firm of [*name*].

The address for service of the applicant/respondent* is [*address*].

*Select one.

or

This document is filed by [*name*], lawyer for the applicant/respondent* of the firm of [*name*], whose postal address is [*address*].

The lawyer's agent in the proceeding is [*name, address*].

The address for service of the applicant/respondent* is [*address*].

*Select one.

Schedule 1 form G 4: replaced, on 1 September 2017, by rule 31 of the Family Court Amendment Rules 2017 (LI 2017/189).

Form G 5
Application form for order (*or* declaration) on notice

r 20(1)(a)

(Front page—Form G 1)

[*If the application form is not otherwise provided in these rules.*]

I, [*full name of applicant*], apply for [*state precisely the nature of the order(s) or declaration(s) sought*].

This application is made on the grounds that [*specify the grounds on which the application is made, following the wording of the Act as closely as may be, and referring to any authority relied on.*]

.....
Signature of applicant

.....
Date

To the Registrar

Family Court

at [*place*]

and

To [*set out the names and addresses of the persons intended to be served with the application*]

This application is filed by [*full name*], whose address for service is [*address*].

[*The Registrar must complete the following appointment for hearing if an appearance is necessary or required.*]

Date of hearing

I appoint [*date*] at [*time*] at the Family Court at [*place*] for the hearing of this application.

.....
Registrar

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Form G 6
Application form for order (*or* declaration) without notice

r 20(1)(a)

(Front page—Form G 1)

I, [*full name of applicant*], apply for [*state precisely the nature of the order(s) or declaration(s) sought*].

This application is made without notice because [*state reason(s) why the application is made without notice*].

This application is made on the grounds that [*specify the grounds on which the application is made, following the wording of the Act as closely as may be, and referring to any authority relied on.*]

.....
Signature of applicant

.....
Date

To the Registrar

Family Court at [*place*]

This application is filed by [*full name*], whose address for service is [*address*].

[*The Registrar must complete the following appointment for hearing if an appearance is necessary or required.*]

Date of hearing

I appoint [*date*] at [*time*] at the Family Court at [*place*] for the hearing of this application.

.....
Registrar

.....
Date

Schedule 1 form G 6: amended, on 27 May 2010, by rule 12 of the Family Courts Amendment Rules 2010 (SR 2010/97).

Form G 7
Information sheet to accompany certain applications (including certain applications made without notice)

r 20(1)(b)

In the Family Court at [*place*]

No: FAM—

This information sheet accompanies applications for the following order(s): [*list orders*]

Applicant's full name:

*Home address:

*Work address:

*Email address:

*Contact phone No: [*home, work, mobile*]

Date of birth:

Age:

Gender:

Occupation:

Ethnic origin: [*select from the following list*]

- New Zealand European
- Māori
- Samoan
- Cook Island Māori
- Tongan
- Niuean
- Chinese
- Indian
- Other: [*specify*]

*Country of residence:

Interpreter required: Yes/No

Language: [*specify*]

*The applicant may delete these items from copies to be served.

Full name of other party (*or* other applicant (in the case of a joint application)):

Relationship to applicant:

Home address:

Work address:

Contact phone No: [*home, work, mobile*]

Date of birth:

Age:

Gender:

Occupation:

Ethnic origin: [*select from the following list*]

- New Zealand European
- Māori
- Samoan
- Cook Island Māori
- Tongan
- Niuean
- Chinese
- Indian
- Other: [*specify*]

Country of residence:

Interpreter required: Yes/No

Language: [*specify*]

Date of marriage or civil union:

Place of marriage or civil union:

Date by which de facto relationship had begun:

Children affected by the application:

Full name of each child	Age	Date of birth	M/F	Ethnic origin*	Name of person with whom each child is living at time of application and relationship (if any) of that person to child	Relationship of applicant to child	Relationship of respondent to child

*Select ethnic origin from the following list:

1 New Zealand European
2 Māori
3 Samoan
4 Cook Island Māori
5 Tongan
6 Niuean
7 Chinese
8 Indian
9 Other: [*specify*]

Previous applications: [*give the file number of any previous applications between the parties, and the court where they were filed*]

Existing orders between the parties: [*give details of any existing order between the parties, including the date the order was made, the court that made the order, and the court file number*]

Existing orders relating to any child: [*give details of any existing order relating to any child affected by the application, including the date the order was made, the court that made the order, and the court file number*]

Date stamp:

The accompanying applications are filed by:

Address for service:

Schedule 1 form G 7: replaced, on 7 August 2008, by rule 23 of the Family Courts Amendment Rules 2008 (SR 2008/207).

Schedule 1 form G 7: amended, on 17 November 2011, by rule 11 of the Family Courts Amendment Rules 2011 (SR 2011/349).

Schedule 1 form G 7: amended, on 22 November 2010, by rule 5 of the Family Courts Amendment Rules (No 3) 2010 (SR 2010/368).

Form G 8
Affidavit of service

rr 127(1)(b), 298(1)(b), 358(d), 416(1)(b)

(Front page—Form G 1)

I, [*full name*], of [*address*], [*occupation*], **swear** (*or* **affirm**):

1 On [*date*], I duly served on [*full name*], party to these proceedings, a copy of: [*specify each document served, giving its date and a sufficient description to enable it to be identified*] by delivering them to that party personally at [*address*].

2 The party is personally known to me by reasons of the following facts: [*state the facts establishing personal knowledge*].

or

2 The party is not personally known to me, but I believe that the person served by me is that party by reason of the following facts: [*state the facts on which the deponent relies*].

.....
Signature of deponent

Sworn (*or* **Affirmed**) at [*place*], [*date*], before me:

.....
Registrar
(*or* Justice of the Peace
or Solicitor of the High Court)

Form G 9
Order for substituted service

r 126(2)

(General heading—Form G 2)

On application made to it, the court orders that—

(a) service on the respondent of the application for [*specify each application or declaration applied for*] by a method permitted or required under these rules be dispensed with; and

(b) service on the respondent instead be effected by [*specify the way in which service is to be effected, for example, by social media or advertisement*]; and

(c) the time within which the respondent may file a notice of defence to the application or a request for an appearance is fixed at [*number*] days from [*specify, for example, the date of publication of the advertisement*].

Registrar

Date

Schedule 1 form G 9: replaced, on 1 September 2017, by rule 31 of the Family Court Amendment Rules 2017 (LI 2017/189).

Form G 10
Notice by advertisement

rr 126(2)(b), 263(1)

(General heading—Form G 2)

To [*full name*], [*occupation*], formerly of [*address*]

[*Full name of applicant*] has filed an application against you for the following order(s) (*or* declaration(s)):

[*specify order(s) or declaration(s) applied for*].

or

[*If the application is made under the Protection of Personal and Property Rights Act 1988 or the Oranga Tamariki Act 1989.*]

[*Full name*] has filed an application in respect of [*name of the person the application is about*] for the following order(s) (*or* declaration(s)): [*specify order(s) or declaration(s) applied for*].

A copy of the application, with a notice containing information for you, may be obtained from my office.

or

[*If the application is made under the Family Violence Act 2018.*]

[*Full name*] has filed an application in respect of [*name of the person the application is about*] for the following order(s) (*or* declaration(s)): [*specify order(s) or declaration(s) applied for*].

A copy of the application, with a notice containing information for you, may be obtained from my office.

The application has been set down for hearing on [*date*].

If you do not file a notice of defence to the application (*or* a notice of intention to appear in respect of the application) on or before [*date*], the application may be dealt with in your absence.

or

[*If the application is for a dissolution order: irreconcilable breakdown.*]

If you do not file at least 1 of the following documents, the case may proceed without you being heard:

- a notice of defence, on or before [*date*]:
- a request for an appearance, on or before [*date*]:
- a request for a hearing, on or before [*date*].

or

[*If the application is for a dissolution order: protected person under protection order.*]

If you do not file a notice of defence, on or before [*date*], the case may proceed without you being heard.

.....
Registrar

.....
Date

Any person knowing the whereabouts of [*full name*] is asked to bring this notice to his (*or* her) attention.

Schedule 1 form G 10: amended, on 17 October 2025, by rule 21(1) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 1 form G 10: amended, on 17 October 2025, by rule 21(2) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 1 form G 10: amended, on 1 July 2019, by rule 45 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 1 form G 10: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form G 11
Affidavit of advertising

rr 128(1), 263(2), 298(2)

(Front page—Form G 1)

I, [*full name*], of [*address*], [*occupation*], **swear** (*or* **affirm**):

1 Notice to [*name of party whose whereabouts are unknown*] of the application for [*specify the order(s) or declaration(s) sought*] *in respect of [*full name of the person in respect of whom the application is made*] (a copy of which notice is annexed to this affidavit and marked with the letter A) was advertised as follows:

[*state the name of each newspaper, and the place and date of publication*].

*Insert if application is made under the Protection of Personal and Property Rights Act 1988 or the Oranga Tamariki Act 1989.

2 Extracts that are taken from the above newspapers and that contain the advertisements are annexed to this affidavit and marked with the letters B, C, etc.

.....
Signature of deponent

Sworn (*or* **Affirmed**) at [*place*], [*date*], before me:

.....
Registrar
(*or* Justice of the Peace
or Solicitor of the High Court

Schedule 1 form G 11 heading: amended, on 1 September 2017, by rule 32 of the Family Court Amendment Rules 2017 (LI 2017/189).

Schedule 1 form G 11: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form G 12
Notice of defence

r 40(a)

(Front page—Form G 1)

I, [*full name*], of [*address*], [*occupation*], give notice that I intend to defend the application for [*specify the order(s) or declaration(s) opposed*].

I say in answer to the applicant,—

1 [*State whether the facts given in the application are accepted or rejected. If any facts are rejected, state reasons.*]

2 [*Set out sufficient information to inform the court of the facts relied on by the defence.*]

3 [*Set out any facts relating to the application or to the circumstances that have existed or exist between the parties that the court should be told about.*]

*I claim, in reply to the application, the following relief: [*specify order(s) or other relief sought*].

*I request the Registrar of the court to arrange a mediation conference (*or* settlement conference) to discuss this matter.

*Delete if inapplicable.

.....
Signature of respondent

.....
Date

To the Registrar

Family Court at [*place*]

and

To the applicant

This notice is filed by [*full name*], whose address for service is at [*address*].

Form G 13
Notice of intention to appear

r 40(b)

(Front page—Form G 1)

I, [*full name*], of [*address*], [*occupation*], give notice that I intend to appear at the hearing of the application of [*name of applicant*].

I intend to support the application for the following order(s) (*or* declaration(s)): [*specify each order or declaration sought by the applicant in respect of which you wish to support the application*].

I intend to oppose the application for the following order(s) (*or* declaration(s)): [*specify each order or declaration sought by the applicant in respect of which you wish to oppose the application*].

I say:

1 A copy of the application was served on me.

2 [*State whether you agree or disagree with the information stated in the application. If you disagree with any of the information, give your reasons for doing so.*]

3 [*State why you support or oppose the application.*]

4 [*State any other information relating to the application, or the circumstances of the matter, that you think the court should know about.*]

[*If the application is made under the Oranga Tamariki Act 1989.*]

My relationship or status in relation to the child (*or* young person) the application is about is as follows: [*specify*].

This notice is given in my capacity as: [*specify capacity*].

.....
Signature

.....
Date

To the Registrar

Family Court at [*place*]

and

To the applicant

[*If the application is made under the Oranga Tamariki Act 1989.*]

and

To the barrister or solicitor representing the child (*or* young person) the application is about.

This notice is filed by [*full name*], whose address for service is at [*address*].

Schedule 1 form G 13: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form G 14
Notice to admit facts

r 138(1)

(Front page—Form G 1)

To [*party served*]

This notice requires you, within 7 working days after the date on which this notice is served on you, to admit, for the purpose of this proceeding only, the following facts:

[*set out, and number, the facts required to be admitted*].

.....
(Lawyer for)
[*party giving notice*]
.....
Date

Form G 15
Order for discovery of documents

r 141(3)(a)

(General heading—Form G 2)

To [*name of applicant or respondent*]

1 You are ordered to file an affidavit stating—

(a) whether certain documents or certain classes of documents are or have been in your possession, custody, or power; and

(b) if you had the documents or classes of documents but have now parted with the documents or classes of documents, when you did so and what became of the documents or classes of documents.

2 The documents or classes of documents in relation to which discovery is required are as follows: [*specify*].

3 You must file the affidavit within 10 days of being served with this order.

4 You must serve a copy of the affidavit on [*full name and address for service of all other parties who have filed an address for service*].

Date:

Signature:

(Registrar/Deputy Registrar*)

*Select one

Schedule 1 form G 15: replaced, on 27 May 2010, by rule 13 of the Family Courts Amendment Rules 2010 (SR 2010/97).

Form G 16
Affidavit of documents

rr 141(4)(a), 142(1)(a)

(Front page—Form G 1)

I, [*full name*], of [*address*], [*occupation*], **swear** (*or* **affirm**):

1 I have in my possession or power the documents specified in the first and second Parts of Schedule 1 of this affidavit.

2 I object to producing the documents specified in the second Part of Schedule 1 of this affidavit on the following grounds: [*state on what grounds the objection is made and verify the facts as far as possible*].

3 I have had, but have not now, in my possession or power the documents specified in Schedule 2 of this affidavit.

4 To the best of my knowledge and belief, the documents specified in Schedule 2 of this affidavit are in the possession of the persons specified in that schedule in relation to those documents.

5 To the best of my knowledge, information, and belief, I have not now and have never had in my possession or power, or in the possession or power of my lawyer or of my agent or of any other person on my behalf, any document relating to the matters specified in the order for discovery, or any of them, except the documents specified in Schedules 1 and 2 of this affidavit.

Schedule 1

Part 1

[*List documents to be produced.*]

Part 2

[*List documents the production of which is the subject of objection.*]

Schedule 2

[*List documents formerly in possession or power of deponent but now in possession of another person.*]

Documents	*Name of person in possession*
.....	.....
.....	.....
.....	.....

.....
Signature of deponent

Sworn (*or* **Affirmed**) at [*place*], [*date*], before me:

.....
Registrar
(*or* Justice of the Peace
or Solicitor of the High Court)

Form G 17
Application for fixture

rr 267(2), 296(3), 352(1), 415(2)

(Front page—Form G 1)

We (*or* I) apply for a fixture for the hearing of the application.

*We are parties to the application.

*I am a party to the application.

We (*or* I) say:

*1 A notice of defence has been filed.

*1 The time for filing a notice of defence has expired.

*1 A notice of intention to appear has been filed by each party.

*1 The time for filing a notice of intention to appear has expired.

*2 No request has been made for the convening of a mediation (*or* pre-hearing) conference.

*2 The request for the convening of a mediation (*or* pre-hearing) conference has been disposed of.

†3 All interlocutory matters have been completed.

4 We (*or* I) believe that the application is in all respects ready for hearing.

5 The estimated duration of the hearing is [*state duration*].

*6 We (*or* I) certify that we (*or* I) have carried out our (*or* my) responsibilities under section 8(1) of the Family Proceedings Act 1980.

*Delete if inapplicable.
†Delete if this application is not signed by, or on behalf of, all parties to the proceeding.

.....
(Lawyer for) applicant
.....
Date

.....
*Barrister or solicitor
for the child (*or* young person)
in respect of whom the
application is made

*Delete if inapplicable.

.....
Date

.....
†(Lawyer for) other party
.....
Date

†Repeat if more than 1 other party.

To the Registrar
Family Court at [*place*]

Date and time of fixture: .....

.....
Registrar
.....
Date

Form G 18
Witness summons

r 50(1)

(General heading—Form G 2)

To [*name, address, occupation*]

You are ordered to attend at the Family Court at [*place*] on [*date and time*], and then from day to day until you are discharged from attendance, to give evidence on behalf of [*state party*] in the above-named proceeding.

*And you are ordered to bring with you and produce at the same time and place the following documents: [*set out details of the documents to be produced*].

*Delete if inapplicable.

This summons is issued by [*full name*], (lawyer for) the [*state party*].

.....
Registrar

.....
Date

Form G 19
Order (*or* declaration)

r 62(1)

(General heading—Form G 2)

On application made to it, the court makes the following order (*or* declaration):

[*state the order or declaration made*].

This order (*or* declaration) is made under [*specify the section and Act under which the order or declaration is made*].

*This order (*or* declaration) is made with the consent of each party to the proceedings.

*Delete if inapplicable.

.....
Registrar
.....
Date

Form G 20
Interlocutory application on notice

r 223(1)

(Front page—Form G 1)

I, [*full name of applicant*], apply for [*specify the order(s) or declaration(s) sought, numbering them if more than 1 is sought*] on the grounds that [*state concisely the grounds in respect of each order sought*].

This application is made in reliance on [*state any statutory provision, regulation, rule, or principle of law relied on*].

.....
Signature of [*full name*], [*lawyer for*]
[*party applying*]
.....
Date

To the Registrar

Family Court

at [*place*]

and

To [*list, if practicable, the names and addresses of the persons required or intended to be served with the application*]

***Date of hearing**

I appoint [*date*] at [*time*] at the Family Court at [*place*] for the hearing of this application.

.....
Registrar
.....
Date

*Delete if inapplicable.

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm Mondays to Fridays inclusive.

Form G 21
Interlocutory application without notice

r 223(2)

(Front page—Form G 1)

I, [*full name of applicant*], apply for [*specify the order(s) or declaration(s) sought, numbering them if more than 1 is sought*] on the grounds that [*state concisely the grounds in respect of each order sought*].

This application is made in reliance on [*state any statutory provision, regulation, rule, or principle of law relied on*].

Certified under the rules of court to be correct.

.....
Signature of [*full name*], [*lawyer for*]
[*party applying*]
.....
Date

To the Registrar

Family Court

at [*place*]

***Date of hearing**

I appoint [*date*] at [*time*] at the Family Court at [*place*] for the hearing of this application.

.....
Registrar
.....
Date

*Delete if inapplicable.

Form G 22
Appearance under protest to jurisdiction

r 46(1)

(Front page—Form G 1)

1 The respondent, [*name*], appears under protest to object to the jurisdiction of the court to hear and determine this proceeding.

2 The respondent's objection is based on the following grounds: [*specify grounds*]:

Date:

Signature:

(respondent/lawyer for respondent*)

*Select one.

[*Complete and attach memorandum in form G 4*]

Schedule 1 form G 22: inserted, on 1 November 2009, by rule 34 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Form G 23
Appearance for ancillary purpose

r 46(2)

(Front page—Form G 1)

The respondent, [*name*], does not oppose the application but appears in order to be heard on the following matters: [*specify matters*].

Date:

Signature:

(respondent/lawyer for respondent*)

*Select one.

[*Complete and attach memorandum in form G 4*]

Schedule 1 form G 23: inserted, on 1 November 2009, by rule 34 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Form G 24
Appearance reserving rights

r 46(3)

(Front page—Form G 1)

The respondent, [*name*], does not oppose the application but appears in order to reserve the respondent's rights in the event that another person becomes a party to this proceeding, or that a party takes a step in the proceeding that is against the respondent's interests.

Date:

Signature:

(respondent/lawyer for respondent*)

*Select one.

[*Complete and attach memorandum in form G 4*]

Schedule 1 form G 24: inserted, on 1 November 2009, by rule 34 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Form G 25
Subpoena to give evidence for service in Australia

r 173B(1)

(Front page—Form G 2)

To [*name, place of residence, occupation*]

1 You are ordered to attend the Family Court at [*place, date, time*] and, on each subsequent day until you are discharged from attendance, to give evidence on behalf of the [*party*] in this proceeding.

2 *Omit this paragraph if it does not apply.*

You are ordered to bring with you and produce at the same time and place [*details of documents to be produced*].

3 This order of subpoena is issued by [*full name*], the party/lawyer for the party*.

*Select one.

Note: Section 156(2) of the Evidence Act 2006 of New Zealand allows this order of subpoena to be served in Australia only if it is accompanied by a copy of the order granting leave to serve it, and a statement in the prescribed form (namely, form G 27 of Schedule 1 of the Family Court Rules 2002) of the rights and obligations of the person served.

Date:

Signature:

Full name of Registrar/Deputy Registrar*:

Postal address of registry:

Telephone:

Fax:

*Select one.

Sealed: [*date*]

Schedule 1 form G 25: inserted, on 1 November 2009, by rule 34 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Schedule 1 form G 25: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 1 form G 25: amended, on 11 October 2013, by rule 16(1) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Schedule 1 form G 25: amended, on 11 October 2013, by rule 16(2) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Form G 26
Subpoena for production only for service in Australia

r 173B(2)

(Front page—Form G 2)

To [*name, place of residence, occupation*]

1 You are ordered to produce this subpoena and the documents or things set out in the list below at the Family Court at [*place, date, time*].

2 You will comply with this subpoena if you produce the documents or things at a registry of an Australian court that is authorised by the law of the Commonwealth of Australia to receive those documents or things, no later than 7 working days before that date.

3 This order of subpoena is issued by [*full name*], the party/lawyer for the party*.

*Select one.

Note: Section 156(2) of the Evidence Act 2006 of New Zealand allows this order of subpoena to be served in Australia only if it is accompanied by a copy of the order granting leave to serve it, and a statement in the prescribed form (namely, form G 27 of Schedule 1 of the Family Court Rules 2002) of the rights and obligations of the person served.

List of documents or things

[*List documents or things.*]

Date:

Signature:

Full name of Registrar/Deputy Registrar*:

Postal address of registry:

Telephone:

Fax:

*Select one.

Sealed: [*date*]

Schedule 1 form G 26: inserted, on 1 November 2009, by rule 34 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Schedule 1 form G 26: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 1 form G 26: amended, on 11 October 2013, by rule 17(1)(a) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Schedule 1 form G 26: amended, on 11 October 2013, by rule 17(1)(b) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Schedule 1 form G 26: amended, on 11 October 2013, by rule 17(2) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Schedule 1 form G 26: amended, on 11 October 2013, by rule 17(3) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Form G 27
Statement of rights and obligations of person served in Australia with subpoena under Evidence Act 2006

r 173C

(Front page—Form G 2)

Important: This statement is important. Please read the statement and the attached document carefully. If you are in any doubt about this statement or the attached documents, you should get legal advice immediately.

Attached to this statement is a subpoena issued by the Family Court at [*place*] in New Zealand. A subpoena is a summons to a witness to give evidence or produce documents. The subpoena attached to this statement requires you to [*specify whether witness is required to attend the Family Court or some other place to give evidence, give evidence and produce documents and things, or only produce documents*].

The subpoena may be served in Australia under section 156 of the Evidence Act 2006 of New Zealand.

This statement sets out your rights and obligations relating to the subpoena.

Your rights

1 At the time you are served with this subpoena, or at some other reasonable time before the hearing, you are entitled to be paid allowances and travelling expenses, or given vouchers in respect of those allowances and expenses, that cover your reasonable expenses in complying with this subpoena.

2 You are not required to comply with this subpoena unless those allowances and travelling expenses or vouchers are tendered to you.

3 You are also entitled to be paid for your reasonable expenses in complying with the subpoena in addition to any payment or vouchers tendered to you. You may apply to the Family Court at [*place*] in New Zealand for an order specifying that amount.

4 You may apply to the Family Court at [*place*] in New Zealand to have the subpoena set aside. If you want to have the subpoena set aside, you should get legal advice as soon as possible.

5 An application to set the subpoena aside can be made and determined without having to go to New Zealand. You are entitled to have Australian solicitors act for you.

6 The Family Court at [*place*] in New Zealand may determine the application without a hearing if neither you nor the party who requested the issue of the subpoena requires a hearing. The court may hold a hearing by audio link or audiovisual link if the court thinks fit. If a party applies to the court for a direction to hear the application by audio link or audiovisual link, the court is required to hear it by audio link or audiovisual link.

Note: *See* "setting subpoena aside" for details of the grounds on which a subpoena may be set aside and the procedure that must be followed.

Your obligations

7 If the subpoena is not set aside, you must comply with it if—

(a) when you were served with the subpoena, or at some reasonable time before the time specified for you to comply, you have been paid or tendered allowances and travelling expenses, or offered vouchers in respect of those allowances and expenses, that are sufficient to cover reasonable expenses incurred in complying with this subpoena; and

(b) a copy of the order of the Judge of the Family Court at [*place*] in New Zealand granting leave to serve the subpoena was served on you with the subpoena; and

(c) you were served with the subpoena not later than the date specified by the Judge of the Family Court who granted leave to serve the subpoena; and

(d) any other conditions relating to the service of the subpoena have been complied with; and

(e) you are 18 years of age or older.

8 If the subpoena only requires you to produce documents or things, you may comply with the subpoena by producing the documents or things at any registry of an Australian court that is authorised by the law of the Commonwealth of Australia to receive them, not later than 10 days before the date specified in the subpoena for producing them in the Family Court at [*place*] in New Zealand. If you produce the documents or things at a registry of an Australian court, you will be required to produce the subpoena and to pay the cost of sending the documents or things to the Family Court. You are entitled to have the costs of producing the documents or things, and of sending them to the Family Court, paid or tendered to you before you are required to comply with the subpoena.

Failure to comply with subpoena

9 Failure to comply with the subpoena constitutes contempt of the Federal Court of Australia and is punishable unless you establish that the failure to comply should be excused.

Setting subpoena aside

10 You may apply to the Family Court at [*place*] in New Zealand to have this subpoena set aside under section 160 of the Evidence Act 2006 of New Zealand. Section 160 provides that the Family Court must set the subpoena aside if—

(a) the subpoena requires the witness to attend at a sitting of a court and the Family Court is satisfied that—

(i) the witness does not have, and cannot by the exercise of reasonable diligence within the time required for compliance obtain, the necessary travel documents; or

(ii) the witness is liable to be detained in New Zealand for the purpose of serving a sentence; or

(iii) the witness is liable to prosecution for an offence, or is being prosecuted for an offence, in New Zealand; or

(iv) the witness is liable to the imposition of a civil penalty in civil proceedings in New Zealand, not being proceedings for a pecuniary penalty under the Commerce Act 1986; or

(b) the witness is subject to a restriction on his or her movements, imposed by law or by order of a court, that would prevent the witness complying with the subpoena.

11 Section 160 further provides that the Family Court may set a subpoena aside if it is satisfied that—

(a) the evidence of the witness could be obtained satisfactorily without significantly greater expense by other means; or

(b) compliance with the subpoena would cause hardship or serious inconvenience to the witness; or

(c) in the case of a subpoena that requires a witness to produce documents or things, whether or not it also requires the witness to give oral evidence,—

(i) the documents or things should not be taken out of Australia; and

(ii) satisfactory evidence of the contents of the documents or evidence of the things can be given by other means.

12 An application to set the subpoena aside must be filed in the registry of the Family Court at [*place*] in New Zealand, together with any affidavit setting out the facts on which you rely.

13 The application and the affidavit may be sent by fax or email. The fax number and email address of the registry of the court are [*fax number and email address*].

14 The application must contain an address for service in New Zealand or Australia and may also state a fax number in New Zealand or Australia or email address to which documents relating to the application may be sent.

15 The Registrar of the Family Court at [*place*] in New Zealand will arrange for service of the application and any affidavit.

16 The Family Court at [*place*] in New Zealand can decide the application without a hearing if neither you (for example, in the application) nor the party who requested the issue of the subpoena (for example, in a document filed in response to the application) states that a hearing is required. If there is to be a

hearing, the hearing may, if the court thinks fit, be by audio link or audiovisual link. You may, however, either in your application to set the subpoena aside or within a reasonable time after filing the application, request that the court direct that the hearing be by audio link or audiovisual link. If you make such a request, the court will direct that the hearing be by audio link or audiovisual link.

Schedule 1 form G 27: inserted, on 1 November 2009, by rule 34 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Schedule 1 form G 27: amended, on 11 October 2013, by rule 18(a) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Schedule 1 form G 27: amended, on 11 October 2013, by rule 18(b) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Schedule 1 form G 27: amended, on 11 October 2013, by rule 18(c) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Schedule 1 form G 27: amended, on 11 October 2013, by rule 18(d) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Schedule 1 form G 27: amended, on 11 October 2013, by rule 18(e) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Schedule 1 form G 27: amended, on 11 October 2013, by rule 18(f) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Schedule 1 form G 27: amended, on 11 October 2013, by rule 18(g) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Schedule 1 form G 27: amended, on 11 October 2013, by rule 18(h) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Schedule 1 form G 27: amended, on 11 October 2013, by rule 18(i) of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Form G 28
Certificate of non-compliance with subpoena for service in Australia

r 173D

(Front page—Form G 2)

To the Federal Court of Australia at [*place*]

The Family Court at [*place*] in New Zealand certifies that on [*date*] Family Court Judge [*name*] gave leave to serve a subpoena, being a subpoena to which Part 4 of the Evidence Act 2006 of New Zealand applies, on [*name of person subpoenaed*], and that [*name of person subpoenaed*] has failed to comply with the subpoena in that [*particulars of failure to comply*].

Date:

Signature:

(Registrar/Deputy Registrar*)

*Select one.

Schedule 1 form G 28: inserted, on 1 November 2009, by rule 34 of the Family Courts Amendment Rules (No 2) 2009 (SR 2009/292).

Schedule 1 form G 28: amended, on 11 October 2013, by rule 19 of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Form G 29
Discontinuance order

r 195A(5)(b)

(General heading—Form G 2)

This document notifies you that—

1 *For this paragraph select the statement that applies*.

Statement A

The applicant, [*name*], made an interlocutory application to the court for an order discontinuing his/her* application for [*specify the application discontinued*] against you.

*Select one.

Statement B

The applicant, [*name*], made an interlocutory application to the court for an order discontinuing his/her* application for [*specify the application discontinued*] against you both/all*.

*Select one.

Statement C

The applicant, [*name*], made an interlocutory application to the court for an order discontinuing his/her* application for [*specify the application discontinued*] against [*names of those respondents against whom discontinuance was sought*].

*Select one.

2 The interlocutory application was determined by this court without a hearing.

3 On [*date*], the court ordered the discontinuance of the application for [*specify the application discontinued*] against [*name of every respondent against whom the application is discontinued*].

Date:

Signature:

(Registrar/Deputy Registrar*)

*Select one.

Important information for respondent

Effect of discontinuance

The effect of the discontinuance is that—

- the applicant's application ends against every respondent named in the order and may not be continued against those respondents by any person; and

- the court may make no further order on the applicant's application in relation to those respondents except in relation to any outstanding issue in respect of costs.

Setting aside discontinuance

If the applicant's application has ended against you and you do not wish the application to end against you, you may apply to set aside the discontinuance.

An application to set aside the discontinuance must be made within—

- 21 working days after the date on which the discontinuance order was made; or
- such further time as the court allows.

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Schedule 1 form G 29: inserted, on 1 March 2014, by rule 22 of the Family Courts Amendment Rules 2014 (LI 2014/3).

Schedule 2
Forms for proceedings under Adoption Act 1955

r 241(1)

		Page
A 1	Front page for documents filed in court under Adoption Act 1955	327
A 2	Heading of documents issued by court or Registrar under Adoption Act 1955	328
A 3	Application for adoption order	329
A 4	Consent to adoption order	331
A 5	Consent to adoption order	333
A 6	Notice of interim order	335
A 7	Application for issue of adoption order after interim order has been made	336
A 8	Notice of adoption order	337
A 9	Adoption order	338
A 10	Adoption order	339

Form A 1
Front page for documents filed in court under Adoption Act 1955

rr 72(1)(a), 241(1)

In the Family Court
at [*place*]

Adoption No: .....

In the matter of the Adoption Act 1955
and
In the matter of an application by
[*full name(s)*] to adopt a child.

[*Set out full description of document (including whether it is made with or without notice), its date, and, in the case of an affidavit or affirmation, the name of the deponent and in whose support it is filed.*]

This document is filed by [*name and address for service, and, if filed by lawyers, the name and telephone number of the acting lawyer*].

Form A 2

Heading of documents issued by court or Registrar under Adoption Act 1955

rr 73(1)(a), 241(1)

In the Family Court
at [*place*]

Adoption No: .....

In the matter of the Adoption Act 1955
and
In the matter of an application by
[*full name(s)*] to adopt a child.

Form A 3
Application for adoption order

r 241(1)

(Front page—Form A 1)

1 We/I*, [*full name(s), address, occupation*], will apply to the Family Court at [*place, date, time*] to adopt [*full name*]†, a [*sex*] child, born at [*place, date*].

*Select one.

†Name may be omitted if applicants wish.

2 We/I* desire that on the making of the adoption order the names of the child will be [*full name*].

*Select one.

2A We are/I am* ordinarily resident in New Zealand and the child is ordinarily resident in New Zealand.

*Select one

or

2A This application is made pursuant to a surrogacy arrangement [*details*].

or

2A We are/I am* ordinarily resident in [*country*], and the child is ordinarily resident in [*country*] and we/I* make this application in the following exceptional circumstances: [*specify*].

*Select one

3 The following information is submitted for the purposes of re-registration of the birth:*

Name applicant is known by:	Name applicant is known by:
Name on applicant's birth certificate (if different):	Name on applicant's birth certificate (if different):
Age of applicant at date of child's birth:	Age of applicant at date of child's birth:
Birthplace of applicant:	Birthplace of applicant:

*Complete both columns if more than 1 applicant.

4 We/I* do/do not* desire that the words "adoptive parent(s)" appear on the face of any certified copy of the entry of birth of the child after the birth has been re-registered.

*Select one.

Signed at [*place*] on [*date*]

Signature of applicant:

Signature of applicant:

Schedule 2 form A 3: replaced, on 19 August 2013, by rule 4(1) of the Family Courts Amendment Rules (No 2) 2013 (SR 2013/300).

Schedule 2 form A 3: amended, on 18 September 2025, by section 20 of the Adoption Amendment Act 2025 (2025 No 49).

Form A 4
Consent to adoption order

r 246(1)

[*General form*]

(Front page—Form A 1

We (*or* I), [*full name(s)*], of [*address*], [*occupation*], the parents (*or* the mother *or* the father *or* the guardian) of [*full name*], a [*sex*] child, born at [*place*] on [*date*], consent to an order being made for the adoption of that child by [*full name*], of [*address*], [*occupation*], *and [*full name*], [*address*], [*occupation*], his (*or* her) spouse.

*[*If required under rule 245(1)(a),*] a copy of the entry in the birth record relating to the said child is annexed.]

*Delete if inapplicable.

We (*or* I) have read the explanation of the effect of an order set out below.

Signed by [*full name*] on [*date*], in the presence of †— }.....

A B
[*occupation and address*].

Signed by [*full name*] on [*date*], in the presence of †— }.....

C D
[*occupation and address*].

†Witness must be one of the persons specified in section 7(8) of the Adoption Act 1955, but not the lawyer acting for the applicants.

Effect of adoption order

On the making of an adoption order,—

(a) the child is deemed for all purposes and as regards all relationships to become a child of the adoptive parents:

(b) rights of guardianship and existing relationships in respect of the child cease except for the very special purpose of determining forbidden relationships in connection with marriage or civil union and with the crime of incest:

(c) rights in respect of property and succession to property are determined according to the relationships created by the adoption, but property rights acquired before the adoption are not affected:

(d) any paternity order or maintenance order or agreement that provides for maintenance of the child, if made before the adoption order, ceases to have any effect except as to arrears owing and except if the child is adopted by the mother or by the mother and her spouse. However, if the child is adopted by

the mother or by the mother and her spouse, the adoption does not prevent the making of any paternity order or maintenance order that could previously have been made or prevent the mother from making an application for a paternity order or a maintenance order:

(e) the domicile of the child is changed to that of the adoptive parents, but the child's race and nationality are not affected:

(f) the child must be treated as a New Zealand citizen by birth if at least one of the adoptive parents is a New Zealand citizen.

Certificate by witness

I certify that, before [*full name(s)*] signed the consent set out above, I fully explained to him (*or* her *or* them) the effect of the making of an adoption order as set out in the Adoption Act 1955, and that he (*or* she *or* they) appeared to fully understand that effect.

.....
Signature

.....
Date

Schedule 2 form A 4: amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Schedule 2 form A 4: amended, on 19 August 2013, by rule 4(2) of the Family Courts Amendment Rules (No 2) 2013 (SR 2013/300).

Schedule 2 form A 4: amended, on 1 July 2005, by rule 32(1) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 2 form A 4: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form A 5
Consent to adoption order

r 246(1)

[*If identity of applicants is not known*]

(Front page—Form A 1)

We (*or* I), [*full name(s)*], of [*address*], [*occupation*], the parents (*or* the mother *or* the father *or* the guardian) of [*full name*], a [*sex*] child, born at [*place*] on [*date*], consent to an order being made for the adoption of that child by the applicant or applicants named in Application No [*specify number*] (*or* the person(s) who are (*or* is) entitled to receive that child for adoption in accordance with an approval that was given on [*date*] by [*full name*], a social worker), *subject to the following conditions in relation to the religious denominations and practice of the applicants or any applicant or as to the religious denominations in which the applicant or applicants intend to bring up the child: [*set out conditions*].

*[*If required under rule 245(1)(a)*,] a copy of the entry in the register of births relating to the said child is annexed.

*Delete if inapplicable.

We (*or* I) have read the explanation set out below of the effect of an order.

Signed by [*full name*] on [*date*], in the presence of †— }.....

A B
[*occupation and address*].

Signed by [*full name*] on [*date*], in the presence of †— }.....

C D
[*occupation and address*].

†Witness must be one of the persons specified in section 7(8) of the Adoption Act 1955, but not the lawyer acting for the applicants.

Effect of adoption order

On the making of an adoption order,—

(a) the child is deemed for all purposes and as regards all relationships to become a child of the adoptive parents:

(b) rights of guardianship and existing relationships in respect of the child cease except for the very special purpose of determining forbidden relationships in connection with marriage or civil union and with the crime of incest:

(c) rights in respect of property and succession to property are determined according to the relationships created by the adoption, but property rights acquired before the adoption are not affected:

(d) any paternity order or maintenance order or agreement that provides for maintenance of the child, if made before the adoption order, ceases to have any effect except as to arrears owing and except if the child is adopted by the mother or by the mother and her spouse. However, if the child is adopted by the mother or by the mother and her spouse, the adoption does not prevent the making of any paternity order or maintenance order that could previously have been made or prevent the mother from making an application for a paternity order or a maintenance order:

(e) the domicile of the child is changed to that of the adoptive parents, but the child's race and nationality are not affected:

(f) the child must be treated as a New Zealand citizen by birth if at least one of the adoptive parents is a New Zealand citizen.

Certificate by witness

I certify that, before [*full name(s)*] signed the consent set out above, I fully explained to him (*or* her *or* them) the effect of the making of an adoption order as set out in the Adoption Act 1955, and that he (*or* she *or* they) appeared to fully understand that effect.

.....
Signature

.....
Date

Schedule 2 form A 5: amended, on 19 August 2013, by rule 4(3) of the Family Courts Amendment Rules (No 2) 2013 (SR 2013/300).

Schedule 2 form A 5: amended, on 1 July 2005, by rule 32(2) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 2 form A 5: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form A 6
Notice of interim order

r 250(a)

(Heading—Form A 2)

To [*full name*], of [*address*], *and [*full name*], his (*or* her) spouse.

*Delete if inapplicable.

On [*date*], the court made an order in relation to your application to adopt a child. The order was an interim order only, as required by the Adoption Act 1955, and while it remains in force the following conditions apply:

(a) you have the role of providing day-to-day care for the child *on the following terms:

(b) any social worker may, at all reasonable times, visit and enter the residence in which the child is living:

(c) the child must not be taken out of New Zealand without leave of the court:

(d) you must give to a social worker at least 7 days' notice before changing your residence. However, if an emergency makes any immediate change necessary, it will be sufficient if you give notice within 48 hours after leaving your previous residence.

The interim order is not an adoption order. An adoption order cannot be obtained until a further application has been made to the court after an interval of [*specify period*]. The application to the court for the issue of the adoption order may be made after [*date*] *if the child has then been continuously in your care for not less than [*specify period*] since the date on which the interim order was made or since the earlier date (if any) when the placing or receiving or keeping of the child in your home for the purpose of adoption was approved by a social worker.

The application to the court for the adoption order must be made before [*specify date*]. The interim order will lapse on that date. If you do not apply in time, you may lose the role of providing day-to-day care for the child.

*Delete if inapplicable.

.....
Registrar

.....
Date

Schedule 2 form A 6: amended, on 1 July 2005, by rule 32(3)(a) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 2 form A 6: amended, on 1 July 2005, by rule 32(3)(b) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Form A 7

Application for issue of adoption order after interim order has been made

r 251

(Front page—Form A 1)

The applicant(s) apply for the issue of an adoption order and state as follows:

1 The interim order is in force and has continued in force for not less than [*set out the prescribed period fixed by, or in accordance with, section 13 of the Adoption Act 1955*].

2 [*If the child is under the age of 15 years, state facts to show that section 13(1)(b) of the Adoption Act 1955 has been complied with.*].

Dated at [*place*], [*date*].

.....
Signature(s)

.....
Date

To the Registrar

Family Court at [*place*]

Form A 8
Notice of adoption order

r 252(1)

(Heading—Form A 2)

To [*name*]

An adoption order was issued (*or* made) in respect of [*name of child following adoption*] on [*date*].

.....
Registrar
.....
Date

Form A 9
Adoption order

r 252(2)

[*If issued by Registrar*]

(Heading—Form A 2)

On the application of [*name, address, and occupation*], *and [*name, address, and occupation*], his (*or* her) spouse, an interim order was made by [*full name*], Family Court Judge, for the adoption of [*full name*], a [*sex*] child, born at [*place*] on [*date*], and the order specified that after the adoption order the child's name would be [*full name*]. Now it is ordered that the [*sex*] child be adopted by [*full name(s)*] and that he (*or* she) from this date has the name of [*full name*].

*Delete if inapplicable.

Dated at [*place*], [*date*].

[*Seal*]

.....
Registrar

Schedule 2 form A 9: amended, on 1 July 2005, by rule 32(4) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Form A 10
Adoption order

r 252(2)

[*If dealt with finally by the court*]

(Heading—Form A 2)

On the application of [*name, address, and occupation*], *and [*name, address, and occupation*], it is ordered by [*full name*], Family Court Judge, that [*full name*], a [*sex*] child, born at [*place*] on [*date*], be adopted, and he [*or she*] is adopted by [*full name*] and from this date has the name of [*full name*].

*Delete if inapplicable.

[*Seal*]

.....
Registrar

Schedule 3
Forms for proceedings under Child Support Act 1991

r 255

		Page
CS 1	Front page for certain documents filed in court under Child Support Act 1991	342
CS 2	Heading of certain documents issued by court or Registrar under Child Support Act 1991	343
CS 3	Application for declaration that another person is step-parent of child	344
CS 4	Application for declaration that applicant is step-parent of child	345
CS 5	Notice of appeal against Commissioner's decision to accept application for formula assessment of child support	346
CS 6	Order upholding or disallowing appeal made under section 100 of Act	348
CS 7	Notice of appeal against Commissioner's decision to refuse to accept application for formula assessment of child support	349
CS 8	Order upholding or disallowing appeal made under section 101 of Act	351
CS 9	Notice of appeal against other administrative decisions of Commissioner	352
CS 10	Order upholding or disallowing appeal made under section 102 of Act	353
CS 11	Notice of appeal against assessment	354
CS 12	Order upholding or disallowing appeal against assessment	355
CS 12A	Notice of appeal against Commissioner's determination or decision under subpart 3 of Part 5A of Act	356
CS 12B	Order upholding or disallowing appeal made under section 103A of Act	357
CS 12C	Notice of appeal by respondent against Commissioner's determination under Part 6A of Act	358
CS 12D	Order upholding or disallowing appeal made under section 103B of Act	359
CS 12E	Notice of appeal against Commissioner's determination under Part 6B of Act	360
CS 12F	Order upholding or disallowing appeal made under section 103C of Act	361

CS 13	Application for departure from formula assessment in special circumstances	362
CS 14	Order for departure from formula assessment	364
CS 15	Application for order for provision of child support in form of lump sum	365
CS 16	Order for provision of child support in form of lump sum	367
CS 17	Application for order to discharge (*or* suspend *or* revive *or* vary) order made under section 106 or section 109 of Act	368
CS 18	Order to discharge (*or* suspend *or* revive or vary) order made under section 106 or section 109 of Act	370
CS 19	Application for order to set aside voluntary agreement	371
CS 20	Order to set aside voluntary agreement	372
CS 21	Application for urgent maintenance order *[Revoked]*	372
CS 22	Urgent maintenance order *[Revoked]*	372
CS 23	Application for suspension order	373
CS 24	Suspension order	374
CS 25	Notice of application to respondent	375
CS 26	Notice of application to respondent residing outside New Zealand	377
CS 27	Notice of intervention	379
CS 28	Affidavit of financial means and their sources	380
CS 29	Request for issue of warrant to seize property	383
CS 30	Warrant to seize property	384
CS 31	Charging order	386
CS 32	Receiving order	387
CS 33	Summons to attend examination as to means and default	389
CS 34	Warrant to arrest respondent for examination as to means and default	390
CS 35	Summons to witness to attend examination	391
CS 36	Warrant to arrest witness for attendance at examination of respondent	393
CS 37	Warrant to arrest respondent for attendance at contempt proceedings	394
CS 38	Application without notice for issue of warrant for arrest of respondent	395
CS 39	Warrant for arrest of absconding respondent	396

Form CS 1

Front page for certain documents filed in court under Child Support Act 1991

rr 72(1)(a), 225

In the Family Court CS No: .....
at [*place*]

Applicant

[*full name, address, and occupation of objector*]

Respondent(s)

[*full name, address, and occupation of respondent(s)*]

[*Set out full description of document (including whether it is made with or without notice), its date, and, in the case of an affidavit or affirmation, the name of the deponent and in whose support it is filed.*]

This document is filed by [*name and address for service, and, if filed by lawyers, the name and telephone number of the acting lawyer*].

Schedule 3 form CS 1: amended, on 7 August 2008, by rule 24 of the Family Courts Amendment Rules 2008 (SR 2008/207).

Form CS 2

Heading of certain documents issued by court or Registrar under Child Support Act 1991

rr 73(1)(a), 225

In the Family Court CS No: .....
at [*place*]

Applicant

[*full name, address, and occupation of objector*]

Respondent(s)

[*full name, address, and occupation of respondent(s)*]

Schedule 3 form CS 2: amended, on 7 August 2008, by rule 25 of the Family Courts Amendment Rules 2008 (SR 2008/207).

Form CS 3
Application for declaration that another person is step-parent of child

r 262(2)(a)

Section 99(1), Child Support Act 1991

(Front page—Form G 1)

I, [*full name*], declare that I am an eligible custodian of [*full name of child*].

I apply for a declaration that [*full name of respondent*] is a step-parent of the child for the purposes of the Act.

This application is made on the following ground(s):

[*state the ground(s) on which the application is made, referring to any relevant circumstances set out in section 99(4) of the Act to which the court must have regard*].

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the application*].

.....
Signature of applicant

.....
Date

To the Registrar

Family Court at [*place*]

and

To the respondent

This application is filed by [*full name*], whose address for service is [*address*].

Form CS 4
Application for declaration that applicant is step-parent of child

r 262(2)(a)

Section 99(2), Child Support Act 1991

(Front page—Form G 1)

I, [*full name*], wish to be declared to be a step-parent of [*full name of child*] for the purposes of the Act.

I apply for a declaration to that effect.

This application is made on the following ground(s):

[*state the ground(s) on which the application is made, referring to any relevant circumstances set out in section 99(4) of the Act to which the court must have regard*].

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the application*].

.....
Signature of applicant
.....
Date

To the Registrar

Family Court at [*place*]

and

To the respondent

This application is filed by [*full name*], whose address for service is [*address*].

Form CS 5

Notice of appeal against Commissioner's decision to accept application for formula assessment of child support

r 259

Section 100, Child Support Act 1991

(Front page—Form CS 1)

I, [*full name*], object to the Commissioner's decision under section 17(1) of the Act to accept an application for formula assessment of child support.

Attached is a copy of the Commissioner's notification that the application has been accepted.

The name of each child in respect of whom the application sought payment of child support, and the name(s) of the eligible custodian(s) of that child (*or* those children), are as follows:

Full name of child	*Full name of custodian*
.....	.....
.....	.....
.....	.....
.....	.....

I objected to the Commissioner on [*date*] against the Commissioner's decision to accept the application for formula assessment of child support.

The Commissioner disallowed the objection on [*date*].

Take notice that I intend to appeal to the Family Court against the Commissioner's decision to accept the application for formula assessment of child support in respect of [*full name(s) of child(ren)*] and [*full name(s) of custodian(s)*] on the ground(s) that—

*the application was not made in respect of a qualifying child.

*the application was not made by an eligible applicant.

*the application required the payment of child support by a person who was not liable to pay child support under the Act in respect of the child.

*Delete if inapplicable.

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the application*].

.....
Signature of appellant
.....
Date

To the Registrar
Family Court at [*place*]
and
To the respondent
This notice of appeal is filed by [*full name*], whose address for service is [*address*].

Form CS 6

Order upholding or disallowing appeal made under section 100 of Act

r 255

Section 100, Child Support Act 1991

(Heading—Form CS 2)

On appeal to it, the court upholds (*or* dismisses) the appellant's appeal against the Commissioner's decision to accept an application for formula assessment of child support in respect of the following child(ren) and the following custodian(s):

Full name of child	*Full name of custodian*
.....	.....
.....	.....
.....	.....
.....	.....

.....
Registrar
.....
Date

Form CS 7
Notice of appeal against Commissioner's decision to refuse to accept application for formula assessment of child support

r 259

Section 101, Child Support Act 1991

(Front page—Form CS 1)

I, [*full name*], object to the Commissioner's decision under section 17(2) of the Act to refuse to accept an application for formula assessment of child support.

Attached is a copy of the Commissioner's notification that the application has been refused.

The name of each child in respect of whom the application sought payment of child support, and the name(s) of the eligible custodian(s) of that child (*or* those children), are as follows:

Full name of child	*Full name of custodian*
.....	.....
.....	.....
.....	.....
.....	.....

I objected to the Commissioner on [*date*] against the Commissioner's decision to refuse to accept the application for formula assessment of child support.

The Commissioner disallowed the objection on [*date*].

Take notice that I intend to appeal to the Family Court against the Commissioner's decision to refuse to accept the application for formula assessment of child support in respect of [*full name(s) of child(ren)*] and [*full name(s) of custodian(s)*] on the ground(s) that—

*the application was made in respect of a qualifying child.

*the application was made by an eligible applicant.

*the application required the payment of child support by a person who was liable to pay child support under the Act in respect of the child.

*Delete if inapplicable.

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the application*].

.....
Signature of appellant
.....
Date

To the Registrar
Family Court at [*place*]
and
To the respondent
This notice of appeal is filed by [*full name*], whose address for service is [*address*].

Form CS 8
Order upholding or disallowing appeal made under section 101 of Act

r 255

Section 101, Child Support Act 1991

(Heading—Form CS 2)

On appeal to it, the court upholds (*or* dismisses) the appellant's appeal against the Commissioner's decision to refuse to accept an application for formula assessment of child support in respect of the following child(ren) and the following custodian(s):

Full name of child	*Full name of custodian*
.....	.....
.....	.....
.....	.....
.....	.....

.....
Registrar
.....
Date

Form CS 9
Notice of appeal against other administrative decisions of Commissioner

r 259

Section 102, Child Support Act 1991

(Front page—Form CS 1)

Take notice that I, [*full name*], intend to appeal to the Family Court against the Commissioner's decision dated [*date*] to [*give particulars of the decision appealed against*].

I objected to the Commissioner on [*date*] against that decision.

The Commissioner disallowed the objection on [*date*].

The grounds of the appeal are as follows: [*state the grounds on which the application is made*].

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the application*]

.....
Signature of appellant

.....
Date

To the Registrar

Family Court at [*place*]

and

To the respondent

This notice of appeal is filed by [*full name*], whose address for service is [*address*].

Form CS 10
Order upholding or disallowing appeal made under section 102 of Act

r 255

Section 102, Child Support Act 1991

(Heading—Form CS 2)

On appeal to it, the court upholds (*or* dismisses) the appellant's appeal against the Commissioner's decision dated [*date*] to [*state decision appealed against*].

*The court makes the following order: [*specify any order made*].

*Delete if inapplicable.

.....
Registrar
.....
Date

Form CS 11
Notice of appeal against assessment

r 259

Section 103, Child Support Act 1991

(Front page—Form CS 1)

Take notice that I, [*full name*], intend to appeal to the Family Court against the Commissioner's assessment of child support. Attached is a copy of the assessment.

I objected to the Commissioner on [*date*] against that assessment.

The Commissioner disallowed the objection on [*date*].

The grounds of the appeal are as follows: [*state the grounds on which the application is made*].

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the application*].

.....
Signature of appellant
.....
Date

To the Registrar

Family Court at [*place*]

and

To the respondent

This notice of appeal is filed by [*full name*], whose address for service is [*address*].

Form CS 12
Order upholding or disallowing appeal against assessment

r 255

Section 103, Child Support Act 1991

(Heading—Form CS 2)

On appeal to it, the court upholds (*or* dismisses) the appellant's appeal against the Commissioner's assessment of child support in respect of [*state assessment appealed against*].

*The assessment must be corrected as follows:

.....

.....

.....

.....

*Delete if inapplicable.

.....
Registrar

.....
Date

Form CS 12A
Notice of appeal against Commissioner's determination or decision under subpart 3 of Part 5A of Act

r 255

Section 103A, Child Support Act 1991

(Front page—Form CS 1)

Take notice that I, [*full name*], intend to appeal to the Family Court against—

*a determination of the Commissioner under subpart 3 of Part 5A of the Act.

*a decision of the Commissioner to refuse to make a determination made under subpart 3 of Part 5A of the Act.

Attached is a copy of the Commissioner's *determination/*decision made on [*date*].

The grounds of the appeal are as follows:

[*state the grounds on which the appeal is made*].

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the appeal*].

*Delete if inapplicable.

.....
Signature of appellant

.....
Date

To the Registrar

Family Court at [*place*]

and

To [*set out the names and addresses of the persons intended to be served with the notice of appeal*]

This notice of appeal is filed by [*full name*], whose address for service is [*address*].

Schedule 3 form CS 12A: inserted, on 23 October 2006, by rule 4(2) of the Family Courts Amendment Rules 2006 (SR 2006/325).

Form CS 12B
Order upholding or disallowing appeal made under section 103A of Act

r 255

Section 103A, Child Support Act 1991

(Heading—Form CS 2)

On appeal to it, the court upholds (*or* dismisses) the appellant's appeal against the Commissioner's *determination/*decision dated [*date*].

*The court makes the following order: [*specify any order made*].

*Delete if inapplicable.

.....
Registrar

.....
Date

Schedule 3 form CS 12B: inserted, on 23 October 2006, by rule 4(2) of the Family Courts Amendment Rules 2006 (SR 2006/325).

Form CS 12C
Notice of appeal by respondent against Commissioner's determination under Part 6A of Act

r 255

Section 103B, Child Support Act 1991

(Front page—Form CS 1)

Take notice that I, [*full name*], intend to appeal to the Family Court against a determination of the Commissioner under Part 6A of the Act.

I am—

*a qualifying custodian and did not apply for the determination under Part 6A of the Act.

*a liable parent and did not apply for the determination under Part 6A of the Act.

Attached is a copy of the Commissioner's determination made on [*date*].

The grounds of the appeal are as follows:

[*state the grounds on which the application is made*].

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the appeal*].

*Delete if inapplicable.

.....
Signature of appellant

.....
Date

To the Registrar

Family Court at [*place*]

and

To [*set out the names and addresses of the persons intended to be served with the notice of appeal*]

This notice of appeal is filed by [*full name*], whose address for service is [*address*].

Schedule 3 form CS 12C: inserted, on 23 October 2006, by rule 4(2) of the Family Courts Amendment Rules 2006 (SR 2006/325).

Form CS 12D
Order upholding or disallowing appeal made under section 103B of Act

r 255

Section 103B, Child Support Act 1991

(Heading—Form CS 2)

On appeal to it, the court upholds (*or* dismisses) the appellant's appeal against the Commissioner's determination dated [*date*].

*The court makes the following order: [*specify any order made*].

*Delete if inapplicable.

.....
Registrar

.....
Date

Schedule 3 form CS 12D: inserted, on 23 October 2006, by rule 4(2) of the Family Courts Amendment Rules 2006 (SR 2006/325).

Form CS 12E

Notice of appeal against Commissioner's determination under Part 6B of Act

r 255

Section 103C, Child Support Act 1991

(Front page—Form CS 1)

Take notice that I, [*full name*], intend to appeal to the Family Court against a determination of the Commissioner under Part 6B of the Act.

Attached is a copy of the Commissioner's determination made on [*date*].

The grounds of the appeal are as follows: [*state the grounds on which the application is made*].

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the appeal*].

.....
Signature of appellant
.....
Date

To the Registrar

Family Court at [*place*]

and

To [*set out the names and addresses of the persons intended to be served with the application*]

This notice of appeal is filed by [*full name*], whose address for service is [*address*].

Schedule 3 form CS 12E: inserted, on 23 October 2006, by rule 4(2) of the Family Courts Amendment Rules 2006 (SR 2006/325).

Form CS 12F
Order upholding or disallowing appeal made under section 103C of Act

r 255

Section 103C, Child Support Act 1991

(Heading—Form CS 2)

On appeal to it, the court upholds (*or* dismisses) the appellant's appeal against the Commissioner's determination dated [*date*].

*The court makes the following order: [*specify any order made*].

*Delete if inapplicable.

.....
Registrar

.....
Date

Schedule 3 form CS 12F: inserted, on 23 October 2006, by rule 4(2) of the Family Courts Amendment Rules 2006 (SR 2006/325).

Form CS 13
Application for departure from formula assessment in special circumstances

r 255

Section 104, Child Support Act 1991

(Front page—Form G 1)

I, [*full name*], declare that I am—

*a qualifying custodian of [*full name(s) of child(ren)*].

*a liable parent in relation to [*full name(s) of child(ren)*].

*Delete if inapplicable.

A formula assessment of child support is in force in relation to the child(ren), the applicant, and the respondent. Attached is a copy of the assessment.

Take notice that I intend to apply to the Family Court for an order that all or some of the provisions of the Act relating to formula assessment of child support be departed from in relation to [*full name(s) of child(ren)*]. I apply for an order [*state precisely the nature of the order sought, referring to the relevant provision of section 106 of the Act*].

This application is made on the ground(s) that—

[*state the ground(s) on which the application is made, referring to—*

(a) *any relevant grounds for departure set out in section 105(2) of the Act that exist; and*

(b) *the reasons why it would be—*

  (i) *just and equitable as regards the child(ren), the applicant, and the respondent; and*

  (ii) *otherwise proper*,*—*

to make a particular order of the type specified in section 106 of the Act].

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the application*].

.....
Signature of applicant

.....
Date

To the Registrar

Family Court at [*place*]

and

To the respondent

This notice of appeal is filed by [*full name*], whose address for service is [*address*].

Form CS 14
Order for departure from formula assessment

r 255

Section 106, Child Support Act 1991

(General heading—Form G 2)

On application made to it under section 104 of the Act, the court orders that the provisions of the Act relating to formula assessment of child support be departed from in relation to [*full name of child(ren)*].

The order(s) made is (*or* are) as follows:

.....

.....

.....

The order—

*applies for the period of time beginning on [*date*] and ending with [*date*].

*terminates when [*specify the event that will cause the order to terminate*].

*Delete if inapplicable.

.....
Registrar

.....
Date

Form CS 15
Application for order for provision of child support in form of lump sum

r 255

Section 108, Child Support Act 1991

(Front page—Form G 1)

I, [*full name*], declare that I am—

*a qualifying custodian of [*full name(s) of child(ren)*].

*a liable parent in relation to [*full name(s) of child(ren)*].

*Delete if inapplicable.

A formula assessment of child support is in force in relation to the child(ren), the applicant, and the respondent. Attached is a copy of the assessment.

Take notice that I intend to apply to the Family Court for an order that the respondent (*or* applicant) provide child support for the child(ren) otherwise than in the form of periodic amounts paid to the applicant (*or* respondent). I apply for an order [*state precisely the nature of the order sought*].

This application is made on the ground(s) that—

[*state the ground(s) on which the application is made, referring to the reasons why it would be—*

(a) *just and equitable as regards the child(ren), the applicant, and the respondent; and*

(b) *otherwise proper,—*

to make a particular order of the type specified in section 109(2) of the Act].

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the application*].

*There is (*or* There is not) a pending application made to the court under section 104 of the Act in relation to the child(ren), the applicant, and the respondent to be heard and determined.

or

*Attached is a copy of an order in force under section 106 of the Act in relation to the child(ren), the appellant, and the respondent.

*Delete if inapplicable.

.....
Signature of applicant
.....
Date

To the Registrar
Family Court at [*place*]
and
To the respondent
This application is filed by [*full name*], whose address for service is [*address*].

Form CS 16
Order for provision of child support in form of lump sum

r 255

Section 109(2), Child Support Act 1991

(General heading—Form G 2)

On application made to it under section 108 of the Act, the court orders that the respondent (*or* applicant) provide child support for [*full name(s) of child(ren)*] otherwise than in the form of periodic amounts paid to the applicant (*or* respondent).

The order(s) made is (*or* are) as follows:

.....

.....

.....

*The child support ordered to be paid under this order must be credited against the respondent's (*or* applicant's) liability to pay child support under the formula assessment for any period for which this order relates, and, for that purpose,—

*(a) the child support ordered to be paid under this order has an annual value of $[*specify*], and the annual rate of child support payable under any relevant formula assessment must be reduced by that amount (but not in a child support year below the minimum annual rate for that year under section 72(1)(a) of the Act).

*(b) the child support ordered to be paid under this order must count for [*specify*] % of the annual rate of child support payable under any relevant formula assessment.

or

*The child support ordered to be paid under this order must not be credited against the respondent's (*or* applicant's) liability to pay child support under the formula assessment.

*Delete if inapplicable.

The period to which this order relates begins on [*date*] and ends with [*date*].

.....
Registrar

.....
Date

Schedule 3 form CS 16 paragraph (a): amended, on 27 May 2010, by rule 12 of the Family Courts Amendment Rules 2010 (SR 2010/97).

Form CS 17
Application for order to discharge (*or* suspend *or* revive *or* vary) order made under section 106 or section 109 of Act

r 255

Section 112, Child Support Act 1991

(Front page—Form G 1)

I, [*full name*], declare that I am—

*a qualifying custodian of [*full name(s) of child(ren)*].

*a liable parent in relation to [*full name(s) of child(ren)*].

*the Commissioner of Inland Revenue (*or* an employee of the Crown appearing for the Commissioner of Inland Revenue).

*Delete if inapplicable.

An order dated [*date*] made under section 106 (*or* section 109) of the Act is in force in relation to [*full name(s) of child(ren)*]. Attached is a copy of the order.

Take notice that I intend to apply to the Family Court for an order to discharge (*or* suspend *or* revive *or* vary) the order.

This application is made on the ground(s) that—

[*state the ground(s) on which the application is made, referring to—*

(a) *the reasons why it would be—*

(i) *just and equitable as regards the child(ren), the qualifying custodian, and the liable parent concerned; and*

(ii) *otherwise proper,—*

to make the order; and

(b) *in the case of an application for variation, the matters as to which the court must be satisfied under section 112(4) of the Act*].

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the application*].

.....
Signature of applicant

.....
Date

To the Registrar

Family Court at [*place*]

and

To the respondent

This application is filed by [*full name*], whose address for service is [*address*].

Form CS 18

Order to discharge (*or* suspend *or* revive or vary) order made under section 106 or section 109 of Act

r 255

Section 112, Child Support Act 1991

(General heading—Form G 2)

On application made to it under section 112 of the Act, the court orders that the order of the court dated [*date*], made under section 106 (*or* section 109) of the Act in relation to [*full name(s) of child(ren)*],—

*(a) be discharged.

*(b) be suspended wholly (*or* in part) until a further order (*or* until [*specify date*] or until [*specify the happening of a future event*]).

*(c) be revived wholly (*or* in part).

*(d) be varied in the following way:

.....

.....

.....

*Delete if inapplicable.

.....
Registrar

.....
Date

Form CS 19
Application for order to set aside voluntary agreement

r 255

Section 113, Child Support Act 1991

(Front page—Form G 1)

I, [*full name*], declare that I am a party to an agreement dated [*date*].

Attached is a copy of the agreement.

Take notice that I intend to apply to the Family Court for an order to set aside the agreement on the ground that—

*(a) my concurrence was obtained by fraud (*or* undue influence).

*(b) I was influenced in my decision to enter into the agreement by a mistake that was material to me.

*Delete if inapplicable.

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the application*].

*I also apply for an order [*state precisely the nature of any order sought that the court is empowered to make under section 113(3) of the Act*].

*Delete if inapplicable.

.....
Signature of applicant

.....
Date

To the Registrar

Family Court at [*place*]

and

To the respondent

This application is filed by [*full name*], whose address for service is [*address*].

Form CS 20
Order to set aside voluntary agreement

r 255

Section 113, Child Support Act 1991

(General heading—Form G 2)

On application made to it under section 113 of the Act, the court orders that the agreement dated [*date*], made between the applicant and the respondent, be set aside.

*The court makes the following order: [*specify any order made under section 113(3) of the Act*].

*Delete if inapplicable.

.....
Registrar

.....
Date

Form CS 21
Application for urgent maintenance order
[Revoked]

r 255

Schedule 3 form CS 21: revoked, on 1 July 2023, by section 28(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Form CS 22
Urgent maintenance order
[Revoked]

r 255

Schedule 3 form CS 22: revoked, on 1 July 2023, by section 28(1) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Form CS 23
Application for suspension order

r 255

Section 117, Child Support Act 1991

(Front page—Form G 1)

A proceeding for [*specify order sought*] was instituted in the Family Court on [*date*] (*or* an objection was made by [*full name of objector*] under Part 6 of the Act on [*date*]).

Take notice that I intend to apply to the Family Court for an order suspending (*or* altering) the liability of [*full name*] to make payments under the Act pending the hearing and final determination of the proceeding.

This application is made on the ground(s) that—

[*state the ground(s) on which the application is made*].

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the application*].

.....
Signature of applicant
.....
Date

To the Registrar

Family Court at [*place*]

and

To the respondent

This application is filed by [*full name*], whose address for service is [*address*].

Note

If the application may, in accordance with section 117(5) of the Act, be made and dealt with without notice, amend the form accordingly.

Form CS 24
Suspension order

r 255

Section 117, Child Support Act 1991

(General heading—Form G 2)

On application to it, the court orders that the liability of [*full name*] to make payments under the Act be suspended (*or* be varied as follows: [*state variation*]) pending the hearing and final determination of the proceeding for [*specify order sought*] instituted in the Family Court on [*date*] (*or* of the objection by [*full name of objector*] made under Part 6 of the Act on [*date*]).

This order is subject to the following terms and conditions:

[*specify any terms and conditions*].

*This order operates for the period beginning on [*date*] and ending with [*date*].

*This order operates until the decision of the court determining the proceeding becomes final.

*Delete if inapplicable.

.....
Registrar

.....
Date

Form CS 25
Notice of application to respondent

rr 32(2)(b), 268(1)(a)

(General heading—Form G 2)

To

.....

.....

.....

Notification of application for order

[*Full name*], the applicant, has filed an application in this court. A copy of the application is attached.

The order (*or* orders) sought by the applicant are specified in the application.

Notice of defence

If you wish to defend the application, you must, within 21 days after the date on which you receive this notice,—

(a) file a notice of defence and an accompanying affidavit in this office of the court; and

(b) serve a copy of the notice of defence and a copy of the accompanying affidavit on the other party (*or* parties) to the proceedings. Those copies may be delivered to the address for service given by the applicant (*or* by other parties).

You should note that if you do not file and serve a notice of defence and accompanying affidavit within that time you may not be able to defend the application. On the day of the hearing of the application, should you appear, the court may—

(a) allow you to take part in the hearing of the application only on such terms as the court thinks fit; or

(b) decline to allow you to take part.

You should also note that the court may make an order against you for costs properly incurred as a consequence of your failure to file and serve a notice of defence and accompanying affidavit within time.

If you do not file and serve a notice of defence and accompanying affidavit, the case may proceed without further notice to you.

Address for service

If you do not wish to defend the application but you do wish to know what is happening, you must—

(a) file in this office of the court a notice giving the address of a place in New Zealand at which documents may be left for you; and

(b) serve a copy of the notice on the other party (*or* parties) to the proceedings. That copy may be delivered to the address for service given by the applicant (*or* by other parties).

Assistance

A lawyer will prepare a notice of defence for you. If you want a lawyer but think you cannot afford one, contact an office of the Family Court immediately. You may also see a specimen form of the notice of defence at any office of the Family Court.

Liability as a witness

Even if you take no action, the court may summon you as a witness to help it deal with the application.

Copies of orders

You will get a copy of any orders made against you. However, any order will probably be in force from the time it is made. The fact that you have not got a copy of the order will not be an excuse for not obeying it.

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

.....
Registrar
.....
Date

Schedule 3 form CS 25: amended, on 2 May 2024, by rule 135(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 3 form CS 25: amended, on 3 August 2009, by rule 12(1) of the Family Courts Amendment Rules 2009 (SR 2009/185).

Form CS 26
Notice of application to respondent residing outside New Zealand

r 32(2)(b)

(General heading—Form G 2)

To

.....

.....

.....

Notification of application for order

[*Full name*], the applicant, has filed an application in this court. A copy of the application is attached.

The order (*or* orders) sought by the applicant are specified in the application.

Jurisdiction of court

The court may make an order for [*set out order*] if [*set out bases for jurisdiction in respect of each order sought, following closely the relevant provisions of the Act*].

Notice of defence

If you wish to defend the application or be heard on it, you must, either directly or through a lawyer in the place where you are, send authority to a lawyer in New Zealand, by air mail, instructing that lawyer to act for you. If you wish to defend the application, you must, within [*specify number*] days of receiving this notice,—

(a) file a notice of defence and an accompanying affidavit in this office of the court; and

(b) serve a copy of the notice of defence and a copy of the accompanying affidavit on the other party (*or* parties) to the proceedings. Those copies may be delivered to the address for service given by the applicant (*or* other parties).

You should note that if you do not file and serve a notice of defence and accompanying affidavit within that time you may not be able to defend the application. On the day of the hearing of the application, should you appear, the court may—

(a) allow you to take part in the hearing of the application only on such terms as the court thinks fit; or

(b) decline to allow you to take part.

You should also note that the court may make an order against you for costs properly incurred as a consequence of your failure to file and serve a notice of defence and accompanying affidavit within time.

If you do not file and serve a notice of defence and accompanying affidavit, the case may proceed without further notice to you.

Address for service

If you do not wish to defend the application but you do wish to know what is happening, you must—

(a) file in this office of the court a notice giving the address of a place in New Zealand at which documents may be left for you; and

(b) serve a copy of the notice on the other party (*or* parties) to the proceedings. That copy may be delivered to the address for service given by the applicant (*or* other parties).

Copies of orders

You will get a copy of any orders made against you. However, any order will probably be in force from the time it is made. The fact that you have not got a copy of the order will not be an excuse for not obeying it.

Advice

If you need help, consult a lawyer in the place where you are immediately.

If you intend to employ a lawyer in New Zealand, you should ask about your eligibility for legal aid in this country.

.....
Registrar

.....
Date

Schedule 3 form CS 26: amended, on 2 May 2024, by rule 135(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 3 form CS 26: amended, on 3 August 2009, by rule 12(2) of the Family Courts Amendment Rules 2009 (SR 2009/185).

Form CS 27
Notice of intervention

r 269(a)

Section 125, Child Support Act 1991

(Front page—Form G 1)

I, [*full name*], of [*address*], [*occupation*], intervene in the above proceedings.

I am—

*the Commissioner of Inland Revenue.

*the custodian of [*full name(s) of child(ren)*] who is (*or* are) the child(ren) in respect of whom child support is sought.

*a person by whom (*or* from whom) financial support is sought.

*Delete if inapplicable.

.....
Signature of person intervening
.....
Date

To the Registrar

Family Court at [*place*]

and

To the applicant

and

To the respondent

This notice is filed by [*full name*], whose address for service is [*address*].

Note

The person intervening now becomes a party to the proceedings.

Form CS 28
Affidavit of financial means and their sources

rr 139(3)(c), 266(1)(a)

Section 234(2)(d), Child Support Act 1991

(Front page—Form G 1)

I, [*full name*], of [*address*], [*occupation*], **swear** (*or* **affirm**) that my financial means and their sources are set out below.

1 My income for the 52 weeks immediately preceding the date of this affidavit was as follows: [*use* "Nil" *if applicable*].

Item	*Particulars*	*$*
(a)	salary, wages, or other personal earnings from [*state employer*]:	
(b)	gross income from business:	
(c)	amount received from boarders (including children over 16 years of age):	
(d)	rents from property (including rooms let):	
(e)	compensation or damages received:	
(f)	superannuation, pension, or benefit (including any from overseas):	
(g)	dividends and interest:	
(h)	all other sources of income [*specify*]:	
	Total income in the 52 weeks:	$

2 My assets (both in New Zealand and elsewhere) are as follows:

Item	*Particulars*	*$*
(a)	land and buildings [*state address and capital value*]:	
(b)	money in bank accounts [*specify banks*]:	
(c)	money not in bank or invested:	
(d)	money lent or in hands of any person [*name and address*]:	
(e)	Government stock, shares, debentures, or bonds [*state details*]:	
(f)	plant and machinery [*state details*]:	
(g)	livestock [*state details*]:	
(h)	interest in business, stock in trade, or venture of any kind [*state details*]:	
(i)	motor vehicles [*state details*]:	

Item	*Particulars*	*$*
(j)	any other property or assets not specified above, including interest in any estate [*state details*]:	
	Total assets:	$

3 The property specified in items [*specify*] of clause 2 of this affidavit is mortgaged, or otherwise secured to [*full name*] of [*address*], for the sum of: $ .....

4 My expenses for the 52 weeks specified in clause 1 of this affidavit were as follows:

Item	*Particulars*	*$*
(a)	income tax:	
(b)	insurance and superannuation:	
(c)	medical and hospital benefits:	
(d)	rent:	
(e)	rates:	
(f)	mortgage payments:	
(g)	repairs on home:	
(h)	food and household supplies:	
(i)	electricity, gas, and fuel:	
(j)	telephone:	
(k)	laundry and cleaning:	
(l)	clothing:	
(m)	child maintenance, care, and education:	
(n)	maintenance for former spouse or former de facto partner:	
(o)	entertainment:	
(p)	fares:	
(q)	car maintenance, running, and registration:	
(r)	hire purchase payments:	
(s)	other expenses [*specify*]:	
	Total expenses in the 52 weeks:	$

5 Separate income for the 52 weeks of members of household whose expenses are included:

(a) [*list full names, ages, and relationship of all members of household*]:

(b) [*list details of separate income of any member of household*]:

.....
Signature of deponent

Sworn (*or* **Affirmed**) at [*place*], [*date*], before me:

.....
Registrar
(*or* Justice of the Peace
or Solicitor of the High Court)

Schedule 3 form CS 28 heading: amended, on 1 July 2023, by section 28(2) of the Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27).

Schedule 3 form CS 28: amended, on 1 July 2004, by rule 7(1) of the Family Courts Amendment Rules 2004 (SR 2004/165).

Form CS 29
Request for issue of warrant to seize property

r 255

Section 183, Child Support Act 1991

(Front page—Form G 1)

To the Registrar

District Court at [*place*]

I, [*full name*], of [*address*], [*occupation*], request the issue of a warrant to seize property under section 183 of the Act against the respondent.

[*Set out details of the financial support that is payable by the person under the Act.*]

I certify—

(a) that payments of financial support are in arrears and unpaid for not less than 14 days; and

(b) that there is now due and owing by way of financial support the sum of [*state amount*] up to [*date*].

.....
Signature

.....
Date

	Date	*Time*	*Initials*
Request filed:	.....	.....	.....
Warrant issued:	.....	.....	.....

Schedule 3 form CS 29 heading: replaced, on 14 April 2014, by rule 8(1) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Schedule 3 form CS 29: amended, on 14 April 2014, by rule 8(2) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Form CS 30
Warrant to seize property

r 255

Section 183, Child Support Act 1991

(General heading—Form G 2)

To every bailiff and constable

Financial support due by the respondent, [*full name*], under the Act is, at the time of the issue of this warrant, in arrears and unpaid for not less than 14 days.

I direct you to immediately levy or cause to be levied the sum of [*specify amount*], and the costs of the execution of this warrant, by seizure and sale of any of the respondent's goods and chattels, except the respondent's necessary tools of trade, to a value not exceeding $500 and the respondent's necessary household furniture and effects, including the wearing apparel of the respondent and any members of the respondent's family, to a value not exceeding $2,000.

In pursuance of that direction, you are also authorised to seize and take away, and deliver to the Registrar of this court, any money, bank notes, bills of exchange, promissory notes, bonds, specialities, or other securities for money belonging to the respondent.

You are directed to pay what you levy to the Registrar of this court (*or* to the Registrar of the court at [*place*]) and to make return of what you do by virtue of this warrant immediately on its execution.

If no sufficient goods or money can be found or if the respondent cannot be found, you are required to report back to this court and to state what your inquiries have shown.

.....
Judge
.....
Date

Notes

Sale by auction

Goods seized in execution under this warrant must be sold by public auction unless the court otherwise orders.

Restriction on sale

Goods seized in execution under this warrant must not be sold until the expiration of a period of at least 7 days following the day on which the goods were seized unless—

(a) the goods are of a perishable nature; or

(b) the person whose goods have been seized so requests in writing.

Power of entry

For the purpose of executing this warrant, you may, at any time, enter on any premises, by force if necessary, if you have reasonable cause to believe that the property in respect of which this warrant is issued is on those premises. If any person in actual occupation of the premises requires you to produce evidence of your authority, you must produce this warrant before entering on the premises.

Endorsements

A request was made to the court for the issue of this warrant at [*specify minutes*] minutes past the hour of [*specify hour*] on [*date*] by [*full name*].

.....
Registrar

This warrant was received by me on [*date*] at [*time*].

.....
Bailiff (*or* Constable)

[*Form 74 in the District Court Rules 2014 must be endorsed on this form if necessary.*]

Schedule 3 form CS 30 heading: replaced, on 14 April 2014, by rule 9(1) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Schedule 3 form CS 30: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 3 form CS 30: amended, on 14 April 2014, by rule 9(2) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Form CS 31
Charging order

r 255

Section 184, Child Support Act 1991

(General heading—Form G 2)

The court is satisfied that the respondent, [*full name*], has a liability to pay financial support under the Act.

The court is satisfied that the respondent is entitled to the following property: [*describe property to be charged and, if the order is to bind the Crown, the particulars required by section 186 of the Act*].

The court orders that the money payable or to become payable by the respondent by way of financial support must be a charge on the property described above and, subject in the case of any real property to registration of a duplicate or copy of this order under the seal of the court against the appropriate title to the land (*or as the case may require*), the property is charged in favour of [*full name*] to whom for the time being and from time to time the money is or becomes payable.

.....
Registrar

.....
Date

Schedule 3 form CS 31: amended, on 1 July 2004, by rule 7(2) of the Family Courts Amendment Rules 2004 (SR 2004/165).

Form CS 32
Receiving order

r 255

Section 187, Child Support Act 1991

(General heading—Form G 2)

On [*date*], an order was made that money payable or to become payable by the respondent by way of financial support must be a charge on the following property to which the respondent is entitled: [*describe the property charged*].

That charge is in favour of [*full name*], being the person to whom, for the time being and from time to time, the money is or becomes payable.

The court is satisfied that payments of financial support under the Act that are due by the respondent are in arrears and unpaid and that there is due and payable the sum of $[*specify*]—

*and is satisfied that a copy of the charging order has been registered against the appropriate title to the land described above [*or as the case may be*].

†and is satisfied that a copy of the charging order has been served on the respondent.

‡and that the proposed receiver has entered into and filed a bond to the satisfaction of the Registrar for the due administration of his or her receivership.

The court orders that [*full name and description of receiver*] be the receiver of [*describe terms of order*].

Subject to the provisions of the Act, all money received by the receiver in the exercise of his or her powers must, after payment of all expenses incurred by him or her and of the remuneration (if any) that may be allowed by the court (*or* where Public Trust is the receiver, as provided by under the Public Trust Act 2001), be held by the receiver in trust—

(a) to pay and satisfy all money from time to time accruing due, by way of financial support:

(b) to hold the residue of the money so received until the charging order or this receiving order is discharged, or the court sooner directs, and then to pay it to the person who would be entitled to the money if no such charging or receiving order was in force.

.....
Registrar
.....
Date

*Delete if charging order does not include a charge over any real property.

†Delete if order is not made on an application.

‡Delete if the receiver is Public Trust, the Maori Trustee, or a trustee company within the meaning of the Trustee Companies Act 1967.

Note

The receiving order will expire on the payment of all arrears due under the Act, together with the payment in advance of all money that will become payable under the Act during the following 6-month period.

Form CS 33
Summons to attend examination as to means and default

r 255

Section 190, Child Support Act 1991

(General heading—Form G 2)

To

.....

.....

.....

You are liable to pay financial support under the Act.

The amount of $[*specify*] was in arrears and unpaid on [*date*].

You are summoned to appear at [*time*] on [*date*] at the Family Court at [*place*] to be examined orally as to your means and as to the reasons for your failure to pay the financial support in arrears. If you pay the above amount before the above date, you need not appear for examination.

You must bring to the hearing any books, papers, and documents relating to your debts and to your failure to pay.

.....
Registrar

.....
Date

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Notes

Representation by a lawyer

You may be represented at the examination by a lawyer if you wish.

Failure to appear

If you fail to appear in answer to this summons, a warrant may be issued for your arrest.

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Form CS 34
Warrant to arrest respondent for examination as to means and default

r 255

Section 190(4), Child Support Act 1991

(General heading—Form G 2)

To every constable

A summons was issued requiring the respondent, [*full name*], to appear on [*date*] at the Family Court at [*place*] to be examined as to the respondent's means and as to the reasons for the respondent's failure to pay financial support due under the Act.

*The examination was adjourned to [*place*].

*Delete if inapplicable.

The summons could not be served (*or* The respondent did not appear).

I direct you to arrest the respondent and bring the respondent before the court as soon as possible.

If you believe that the respondent cannot be brought before the court within 72 hours after the arrest of the respondent, you need not execute the warrant immediately.

.....
Judge

.....
Date

Form CS 35
Summons to witness to attend examination

r 255

Section 192(1), Child Support Act 1991

(General heading—Form G 2)

To

.....

.....

.....

[*Full name*] has been summoned to appear to be examined orally as to his (*or* her) means and as to his (*or* her) reasons for failure to pay financial support due under the Act.

I believe—

*that you have possession of books, papers, or documents relating to the affairs or property of the respondent.

*that you are capable of giving information concerning the respondent's income from any sources or concerning the respondent's expenditure.

You are summoned to appear as a witness at the examination at [*time*] on [*date*] at the Family Court at [*place*].

*You are required to bring with you and produce [*set out details of the book, paper, or document*].

*Delete if inapplicable.

.....
Registrar

.....
Date

Notes

Travelling expenses

If you are required to travel more than 20 kilometres to attend the examination, you are entitled to a sum for expenses.

Failure to appear

If you fail to appear in answer to this summons, a warrant may be issued for your arrest.

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Form CS 36
Warrant to arrest witness for attendance at examination of respondent

r 255

Section 192(4), Child Support Act 1991

(General heading—Form G 2)

To every constable

[*Full name*], of [*address*], [*occupation*], was summoned to appear on [*date*] at [*place*] as a witness at an examination as to the means of the respondent, [*full name*], and as to the reasons for the respondent's failure to pay financial support due under the Act.

The witness failed to appear.

I am satisfied—

(a) that the summons was duly served on the witness; and

(b) that the witness was not required to travel more than 20 kilometres to attend the examination (*or* that expenses in accordance with the prescribed scale were tendered to the witness).

I direct you to arrest the witness, [*full name*], and bring him (*or* her) before the court as soon as possible.

If you believe that the witness cannot be brought before the court within 72 hours after the arrest of the witness, you need not execute the warrant immediately.

.....
Judge
.....
Date

Form CS 37
Warrant to arrest respondent for attendance at contempt proceedings

r 255

Section 196(5), Child Support Act 1991

(General heading—Form G 2)

To every constable

It is alleged that—

(a) the respondent has or has had sufficient means to pay money payable under the Act but has refused or failed to do so; and

(b) other methods of enforcing payment have been considered or tried and that they are inappropriate or have been unsuccessful.

As a result, an application has been made under section 196(2) of the Act.

*The application (with its supporting affidavit) was served on the respondent, but the respondent did not attend the hearing of the application on [*date*] at [*place*].

or

*The application (with its supporting affidavit) could not be served on the respondent.

*Delete if inapplicable.

I direct you to arrest the respondent and bring the respondent before the court as soon as possible.

If you believe that the respondent cannot be brought before the court within 72 hours after the respondent's arrest, you need not execute the warrant immediately.

.....
Judge

.....
Date

Note

The warrant will cease to have effect if the amount due under the Act is paid.

Form CS 38
Application without notice for issue of warrant for arrest of respondent

r 255

Section 199, Child Support Act 1991

In the Family Court at [*place*] CS No: .....

Applicant

The Commissioner of Inland Revenue

Respondent

[*full name, address, and occupation*]

I—

*am the Commissioner of Inland Revenue.

*[*full name*], am an employee of the Crown and am appearing for the Commissioner of Inland Revenue.

*Delete if inapplicable.

I make oath and say that—

1 the respondent has a liability to pay financial support under the Act.

2 I have reasonable cause to believe that the respondent is about to leave New Zealand with intent to avoid payment of that liability.

I apply for the issue of a warrant for the arrest of the respondent.

.....
Signature of applicant

Sworn (*or* **Affirmed**) at [*place*], [*date*], before me:

.....
Registrar
(*or* Justice of the Peace
or Solicitor)

To the Registrar

District Court at [*place*]

This application is filed by [*full name*], whose address for service is [*address*].

Form CS 39
Warrant for arrest of absconding respondent

r 255

Section 199, Child Support Act 1991

In the Family Court
at [*place*]

CS No: .....

Applicant
The Commissioner of Inland Revenue
Respondent
[*full name, address, and occupation*]

To every constable

I am satisfied that—

1 the respondent has a liability to pay financial support under the Act.

2 the respondent is about to leave New Zealand with intent to avoid payment of that liability.

(*There being no District Court Judge available and the case appearing to be one of urgency,) I direct you to arrest the respondent and bring the respondent before the District Court as soon as possible.

*Delete if inapplicable.

.....
Judge
(*or* Registrar (not being a constable))

.....
Date

Schedule 3 form CS 39: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 4
Forms for proceedings under Oranga Tamariki Act 1989

r 275

Schedule 4 heading: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

		Page
OT 1	Front page for documents filed in court under Oranga Tamariki Act 1989	398
OT 2	Heading of documents issued by court or Registrar under Oranga Tamariki Act 1989	399
OT 3	Certificate as to holding of family group conference	400
OT 4	Information sheet to accompany applications under Oranga Tamariki Act 1989	401
OT 5	Notice of application	404
OT 6	Statement of consent	407
OT 7	Notice of proposal to make order	408
OT 8	Summons to attend mediation conference (*or* hearing)	410
OT 9	Summons for attendance of child or young person at hearing	411
OT 10	Warrant to arrest party for attendance at hearing	412
OT 11	Warrant to bring child or young person before court	413
OT 12	Warrant to deliver child or young person to person entitled to access	414
OT 13	Summons, by way of recall, to appear before Family Court	415
OT 14	Application relating to secure care	416
OT 15	Notice of application relating to detention in secure care	418

Form OT 1
Front page for documents filed in court under Oranga Tamariki Act 1989

rr 72(1)(a), 275

In the Family Court FAM No: .....
at [*place*]

Child or young person the application is about

[*Full name of child or young person the application is about*], born on [*date of birth*].

[*Set out full description of document (including whether it is made with or without notice), its date, and, in the case of an affidavit or affirmation, the name of the deponent and in whose support it is filed.*]

This document is filed by [*name and address for service, and, if filed by lawyers, the name and telephone number of the acting lawyer*].

Schedule 4 form OT 1 heading (formerly titled form CYPF 1): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 1 heading (formerly titled form CYPF 1): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 4 form OT 1 (formerly titled form CYPF 1): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Form OT 2
Heading of documents issued by court or Registrar under Oranga Tamariki Act 1989

rr 73(1)(a), 275

In the Family Court FAM No: .....
at [*place*]

Child or young person the application is about

[*Full name of child or young person the application is about*], born on [*date of birth*].

Schedule 4 form OT 2 heading (formerly titled form CYPF 2): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 2 heading (formerly titled form CYPF 2): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 4 form OT 2 (formerly titled form CYPF 2): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Form OT 3
Certificate as to holding of family group conference

r 279(1)(a)

Oranga Tamariki Act 1989

(Heading—Form OT 2)

*I certify that—

*(a) a family group conference has been held in relation to [*full name of child or young person*]; and

*(b) the members of the conference were unable to agree on what decisions, recommendations, or plans should be made or formulated in relation to that child (*or* young person); or

*(c) agreement on the decisions, recommendations, and plans made or formulated by that conference has been secured under section 30 of the Oranga Tamariki Act 1989; or

*(d) the members of the conference agreed on what decisions, recommendations, and plans should be made or formulated in relation to the child (*or* young person), but [*full name*], acting in his (*or* her) capacity as [*state capacity*], did not agree to those decisions, recommendations, and plans.

*I certify that reasonable enquiries have been made to ascertain the whereabouts of a member of the family, whanau, or family group of [*full name of child or young person*], and that it has not been possible to ascertain the whereabouts of any such person.

*Delete if inapplicable.

.....
Care and Protection Co-ordinator
(*or* Youth Justice Co-ordinator)
.....
Date

Schedule 4 form OT 3 heading (formerly titled form CYPF 3): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 3 (formerly titled form CYPF 3): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 3 (formerly titled form CYPF 3): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form OT 4

Information sheet to accompany applications under Oranga Tamariki Act 1989

r 20(1)(b)

In the Family Court FAM No: .....
at [*place*]

Particulars of child or young person that the application is about

This information sheet accompanies application(s) about [*full name of child or young person that the application is about*].

*Home address: .....

*Work address: .....

*Contact telephone number(s):

..... [*home*] ..... [*work*]

Age: ..... Date of birth: .... /.... /....

Gender: .....

Ethnic group: [*please mark the space or spaces which apply*]

□ New Zealand European

□ Maori

□ Samoan

□ Cook Island Maori

□ Tongan

□ Niuean

□ Chinese

□ Indian

□ Other [*Dutch, Japanese, Tokelauan, etc*]

Please state: .....

Interpreter required: Yes/No

If yes, specify language: .....

The child (*or* young person) that the application is about is living with the following person(s):

Full name: .....

*Home address: .....

*Work address: .....

*Contact telephone number(s):

..... [*home*] ..... [*work*]

Relationship or status in relation to the child (*or* young person):

.....

The child (*or* young person) has lived with that person for [*state period*].

The living parent(s) of the child (*or* young person) are as follows:

Full name: .....

*Home address: .....

*Work address: .....

*Contact telephone number(s):

..... [*home*] ..... [*work*]

The guardians of the child (*or* young person) are as follows:

Full name: .....

*Home address: .....

*Work address: .....

*Contact telephone number(s):

..... [*home*] ..... [*work*]

*These details may be omitted from the copy to be served with the application.

The child (*or* young person) is in the legal custody of [*if the child or young person is in the legal custody of the Director-General or an Iwi Authority or a Cultural Authority or the Director of a Child and Family Support Service or the controlling authority of a home registered under the Disabled Persons Community Welfare Act 1975, state the name and address of the person or organisation that has legal custody*].

The child (*or* young person) is in that custody by reason of [*state the legal authority for that custody, eg, place of safety warrant under section 39 of the Act, and give details of that legal authority, including the date of commencement and, if that authority was granted by a court, the location of that court and the file number of the proceedings (if known)*].

The following court orders are in force in respect of the child (*or* young person): [*state the nature of the order, the date on which it was made, the court that made the order, the location of that court, and the file number of the proceedings (if known)*].

*The barrister or solicitor representing the child (*or* young person) in these proceedings is [*full name*], of [*address*].

*Delete if inapplicable.

Previous applications: [*give the file number of, or sufficient information to identify, any previous applications relating to the child or young person that the application is about, and the courts where those applications were filed*].

Nature of applications

The applications are:

1 .....

2 .....

A family group conference has (*or* has not) been held in respect of the matter that forms the ground of the application(s).

A medical examination of the child or young person has (*or* has not) been carried out under section 50 or section 53 of the Act.

Particulars of applicant

The applicant is [*full name*], of [*address*], [*occupation*].

Home address: .....

Work address: .....

Contact telephone number(s):

..... [*home*] ..... [*work*]

Relationship or status in relation to the child (*or* young person):

.....

Capacity in which the application is made: .....

.....

Address for service

The accompanying applications are filed by [*full name*], whose address for service[1] is [*address*].

[1]This address must be a place in New Zealand where any document may be left for the applicant. It may not be the address of a Post Office box, document exchange, or rural delivery.

For court use: Date stamp:

Schedule 4 form OT 4 heading (formerly titled form CYPF 4): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 4 heading (formerly titled form CYPF 4): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 4 form OT 4 (formerly titled form CYPF 4): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Form OT 5
Notice of application

r 32(2)(b)

Oranga Tamariki Act 1989

(Heading—Form OT 2)

To

.....

.....

.....

[*Repeat if more than 1 respondent.*]

Notification of application for order

[*Full name*], the applicant, has filed an application at this court.

A copy of the application is attached. The order(s) or declaration(s) sought by the applicant is (*or* are) specified in the application.

Notice of intention to appear

If you wish to appear at the hearing of the application, either to support or to oppose the application, you must, within 7 days after the service of this notice on you, file a notice of intention to appear in this office of the court.

If you file a notice of intention to appear, you must serve a copy of the notice on the applicant or the applicant's solicitor. The copy may be delivered to the address for service given by the applicant. You must also serve a copy of the notice on the barrister or solicitor representing the child (*or* young person) that the application is about, who is [*full name*], of [*address*].

You should note that if you do not file and serve a notice of intention to appear within 7 days after receiving service of this notice you may not be able to defend the application. On the day of the hearing of the application, should you appear, the Judge may—

(a) allow you to take part in the hearing of the application only on such terms as the Judge thinks fit; or

(b) decline to allow you to take part.

You should also note that the Judge may make an order against you for costs properly incurred as a consequence of your failure to file and serve a notice of intention to appear within time.

If you do not file and serve a notice of intention to appear, the case may proceed without further notice to you.

If you do not wish to appear either to support or to oppose the application, but you do wish to be kept informed of what is happening in respect of the application, you must—

(a) file in this office of the court a notice giving the address of a place in New Zealand at which documents may be left for you; and

(b) serve a copy of the notice on the other party (*or* parties) to the proceedings. That copy may be delivered to the address for service given by the other party (*or* parties).

If you do not appear at the hearing of the application, and the court considers that your presence is necessary to enable the court to hear and determine the application, a summons may be issued requiring you to attend. If you do not obey the summons, you may be arrested and brought before the court.

A mediation conference may be held to discuss the application. You will be given notice of the time and place at which the conference will be held. You will be requested to attend that conference.

Assistance

You may instruct a lawyer to prepare on your behalf a notice of intention to appear. If you want a lawyer but think you cannot afford one, contact an office of the Family Court immediately. You may also see a specimen form of the notice of intention to appear at any office of the Family Court.

Copies of orders

You will get copies of any orders made pursuant to this application.

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

.....
Registrar
.....
Date

Schedule 4 form OT 5 heading (formerly titled form CYPF 5): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 5 (formerly titled form CYPF 5): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 5 (formerly titled form CYPF 5): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 4 form OT 5 (formerly titled form CYPF 5): amended, on 3 August 2009, by rule 13 of the Family Courts Amendment Rules 2009 (SR 2009/185).

Form OT 6
Statement of consent

r 300(2)

Oranga Tamariki Act 1989

(Front page—OT 1)

I, [*full name*], of [*address*], [*occupation*], consent to the making of the following order (*or* the imposing of the following condition) under the Oranga Tamariki Act 1989: [*state order or condition consented to*].

This consent is given subject to the following conditions: [*state any conditions on which this consent is given*].

My relationship or status in relation to the child (*or* young person) that the application is about is .....

Dated [*date*].

.....
Signed by the above-named,

[*full name of person giving the consent*],

in the presence of—

Signature of witness: .....

Address: .....

Occupation: .....

Schedule 4 form OT 6 heading (formerly titled form CYPF 6): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 6 (formerly titled form CYPF 6): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 6 (formerly titled form CYPF 6): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form OT 7
Notice of proposal to make order

r 300(4)

Oranga Tamariki Act 1989

(Heading—Form OT 2)

To

.....

.....

.....

The court proposes to make the following order under the Oranga Tamariki Act 1989: [*state order proposed to be made*].

*The order may not be made without your consent.

*The order may not be made unless you have been given the opportunity to make representations to the court.

*The order may not be made unless you have been given the opportunity to appear and be heard.

*Delete if inapplicable.

The court will consider making the order at the time and place stated below. You may make representations to the court about the order then. If you wish to consent to the making of the order, you may file in the court a statement of consent in form OT 6.

Time and place of hearing

Date of hearing: ..... Time: ..... am/pm

Place of hearing: .....

.....
Registrar

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Schedule 4 form OT 7 heading (formerly titled form CYPF 7): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 7 (formerly titled form CYPF 7): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 7 (formerly titled form CYPF 7): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form OT 8
Summons to attend mediation conference (*or* hearing)

r 275

Section 156 (or section 175), Oranga Tamariki Act 1989

(Heading—Form OT 2)

To [*full name*], of [*address*]

either

[*In the case of a summons to attend a mediation conference*]

You have failed to comply with a letter sent to you by post requesting you to attend a mediation conference at [*time*] on [*date*] at [*place*].

You are summoned to attend a mediation conference at [*time*] on [*date*] at [*place*].

*You are required to bring with you and produce [*specify what must be produced*].

*Delete if inapplicable.

If, without sufficient cause, you refuse or neglect to attend or to produce anything that you are required to produce, you may be prosecuted and fined.

or

[*In the case of a summons to attend a hearing*]

You are summoned to appear before the Family Court at [*time*] on [*date*] at [*place*].

Your presence is required to enable the court to hear and determine an application by [*full name of applicant*] in respect of [*full name of child or young person to whom the proceedings relate*].

If, without sufficient cause, you refuse or neglect to attend, you may be prosecuted and fined.

.....
Judge (*or* Registrar)

.....
Date

Schedule 4 form OT 8 heading (formerly titled form CYPF 8): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 8 (formerly titled form CYPF 8): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 8 (formerly titled form CYPF 8): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form OT 9
Summons for attendance of child or young person at hearing

r 275

Section 157, Oranga Tamariki Act 1989

(Heading—Form OT 2)

To [*full name*], of [*address*]

You are required to ensure that [*full name of child or young person*] is present at the Family Court at [*time*] on [*date*] at [*place*].

The presence of that child (*or* young person) is necessary to enable the court to hear and determine an application made in respect of him (*or* her) under the Oranga Tamariki Act 1989.

If you fail to take all reasonable steps to ensure that the child (*or* young person) appears before the court, you may be prosecuted and fined.

.....
Registrar

.....
Date

Schedule 4 form OT 9 heading (formerly titled form CYPF 9): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 9 (formerly titled form CYPF 9): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 9 (formerly titled form CYPF 9): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form OT 10
Warrant to arrest party for attendance at hearing

r 275

Section 156(2), Oranga Tamariki Act 1989

(Heading—Form OT 2)

To every constable

[*Full name*], of [*address*], was summoned to appear before the Family Court at [*place*] on [*date*]. The presence of that person is necessary to enable the court to hear and determine an application under the Oranga Tamariki Act 1989.

That person failed to appear.

The court is satisfied that the summons was duly served on that person.

I direct you to arrest [*full name*] and bring him (*or* her) before the Family Court at [*time*] on [*date*] at [*place*].

.....
Registrar

.....
Date

Schedule 4 form OT 10 heading (formerly titled form CYPF 10): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 10 (formerly titled form CYPF 10): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 10 (formerly titled form CYPF 10): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 4 form OT 10 (formerly titled form CYPF 10): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Form OT 11
Warrant to bring child or young person before court

r 275

Section 157(2), Oranga Tamariki Act 1989

(Heading—Form OT 2)

To every constable and every social worker

and

To [*full name*], [*occupation*]

On [*date*], a summons was served on [*full name*], of [*address*], requiring that person to ensure that [*full name of child or young person*] appeared at the hearing of an application under the Oranga Tamariki Act 1989. The presence of that child (*or* young person) is necessary to enable the court to hear and determine that application.

That child (*or* young person) failed to appear.

I am satisfied that the summons was duly served.

I authorise you to take possession of [*full name of child or young person*] and bring him (*or* her) before the Family Court at [*time*] on [*date*] at [*place*].

For the purpose of executing this warrant, you are authorised by section 123 of the Oranga Tamariki Act 1989 to enter and search any dwellinghouse, building, aircraft, ship, carriage, vehicle, premises, or place, with or without assistance and by force if necessary.

.....
Judge

.....
Date

Schedule 4 form OT 11 heading (formerly titled form CYPF 11): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 11 (formerly titled form CYPF 11): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 11 (formerly titled form CYPF 11): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 4 form OT 11 (formerly titled form CYPF 11): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Form OT 12
Warrant to deliver child or young person to person entitled to access

r 275

Section 122, Oranga Tamariki Act 1989

(Heading—Form OT 2)

To every constable and every social worker

and

To [*full name*], [*occupation*]

I am satisfied on the application of [*full name*], of [*address*], [*occupation*], that he (*or* she) is entitled to access to [*full name of child or young person*], aged [*specify*] years, under an order made under section 121 of the Oranga Tamariki Act 1989.

The child (*or* young person) is in the care of [*full name*], of [*address*].

I authorise you to take possession of [*full name of child or young person*] and deliver him (*or* her) to [*full name*].

For the purpose of executing this warrant, you are authorised by section 123 of the Oranga Tamariki Act 1989 to enter and search any dwellinghouse, building, aircraft, ship, carriage, vehicle, premises, or place, with or without assistance and by force if necessary.

.....
Judge

.....
Date

Schedule 4 form OT 12 heading (formerly titled form CYPF 12): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 12 (formerly titled form CYPF 12): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 12 (formerly titled form CYPF 12): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 4 form OT 12 (formerly titled form CYPF 12): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Form OT 13
Summons, by way of recall, to appear before Family Court

r 275

Section 85, Oranga Tamariki Act 1989

(Heading—Form OT 2)

To [*full name*], of [*address*], [*occupation*]

By order of the Family Court at [*place*] made on [*date*], you were ordered to come before that court if called on within 2 years after that order was made.

That court has now directed, on the application of a social worker (*or* a constable *or* [*full name*], the applicant in the proceedings in which the order was made), that this summons recalling you before that court be issued. That application was made on the grounds that [*specify grounds*].

You are summoned to appear at [*time*] on [*date*] at the Family Court at [*place*].

The court will then inquire into the circumstances of the case and your conduct since the order was made for the purpose of deciding whether it should exercise any of its powers.

Dated at [*place*], [*date*].

.....
Judge
(*or* Justice of the Peace
or Registrar (not being
a constable))

Notice to person summoned

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Schedule 4 form OT 13 heading (formerly titled form CYPF 13): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 13 (formerly titled form CYPF 13): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 13 (formerly titled form CYPF 13): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 4 form OT 13 (formerly titled form CYPF 13): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Form OT 14
Application relating to secure care

r 275

Section 371 (or section 372(1) or section 377 or section 379 or section 380), Oranga Tamariki Act 1989

(Front page—Form OT 1)

I, [*full name*], apply—

*(a) under section 371 of the Oranga Tamariki Act 1989 for an approval authorising the continued detention of [*full name*] in secure care.

*(b) without notice under section 372(1) of the Oranga Tamariki Act 1989 for an order authorising the continued detention of [*full name*] in secure care.

*(c) under section 377 of the Oranga Tamariki Act 1989 for the renewal of an approval granted under section 376(1) of that Act authorising the continued detention of [*full name*] in secure care.

*(d) under section 379 of the Oranga Tamariki Act 1989 for a review of the decision of the Family Court (*or* Youth Court *or* District Court)—

  *(i) to grant an approval under section 376 of that Act authorising the continued detention of [*full name*] in secure care.

  *(ii) to grant a renewal of an approval under section 376 of that Act authorising the continued detention of [*full name*] in secure care.

  *(iii) to impose conditions under section 376 (*or* section 377) of that Act relating to the continued detention of [*full name*] in secure care.

*(e) on notice (*or* without notice) under section 380 of the Oranga Tamariki Act 1989 for a review of the decision of the Director-General to place [*full name*] in secure care.

*Delete if inapplicable.

I am making this application because [*state the reasons for the application*].

I say:

[*set out sufficient information to inform the court of the facts relied on to support the application*].

.....
Signature of applicant

.....
Date

To the Registrar,

Family Court at [*place*]

and

To the other parties

This application is filed by [*full name*], whose address for service is [*address*].

Date of hearing

I appoint [*date*] at [*time*] at the Family (*or* Youth *or* District) Court (*or* the [*name of responsible department residence*]) at [*place*] for the hearing of this application.

.....
Registrar
.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

If this is an application under section 371 of the Act, a duly completed information sheet (in form CYPF 4) must accompany this application.

Schedule 4 form OT 14 heading (formerly titled form CYPF 14): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 14 (formerly titled form CYPF 14): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 14 (formerly titled form CYPF 14): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 4 form OT 14 (formerly titled form CYPF 14): amended, on 21 October 2002, pursuant to section 11(5) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Form OT 15
Notice of application relating to detention in secure care

r 275

Section 371(2) (or section 377(3) or section 381), Oranga Tamariki Act 1989

(Heading—Form OT 2)

To

.....

.....

.....

Notification of application for order

[*Full name*], the applicant, has filed an application in this court.

A copy of the application is attached. The order(s) or approval(s) sought by the applicant is (*or* are) specified in the application.

Notice of intention to appear

If you wish to appear at the hearing of the application, either to support or to oppose the application, you must appear when the application is to be heard. The date, time, and place of the hearing is stated in the application.

At any hearing of the matter, you are entitled to appear and be heard as a party to the application, and you may have a barrister or solicitor acting for you. You may be entitled to legal aid in the proceedings. You must contact a lawyer as soon as possible if you wish to have legal representation.

.....
Registrar

.....
Date

Schedule 4 form OT 15 heading (formerly titled form CYPF 15): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 15 (formerly titled form CYPF 15): amended, on 13 August 2020, by rule 18 of the Family Court Amendment Rules (No 2) 2020 (LI 2020/150).

Schedule 4 form OT 15 (formerly titled form CYPF 15): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 5
Forms for proceedings under Family Violence Act 2018

r 305

Schedule 5: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

		Page
FV 1	Heading of documents issued by court or Registrar under Family Violence Act 2018	420
FV 2	Notice to respondent or associated respondent	421
FV 3	Summons to appear as witness (*or* appear before court)	423
FV 4	Temporary protection order	425
FV 5	Interim parenting order	431
FV 6	Protection order	435
FV 7	Temporary occupation order	441
FV 8	Occupation order	443
FV 9	Temporary tenancy order	445
FV 10	Tenancy order	447
FV 11	Temporary ancillary furniture order	449
FV 12	Ancillary furniture order	452
FV 13	Temporary furniture order	454
FV 14	Furniture order	457
FV 15	Notice of result of objection to direction for assessment, non-violence programme, or prescribed standard services	459
FV 16	Notice of registration of foreign protection order	461

Form FV 1
Heading of documents issued by court or Registrar under Family Violence Act 2018

rr 73(1)(a), 305

In the Family Court
at [*place*]

FV No: [*number of proceeding*]

[*full name, address, and occupation*]
(Applicant)

[*full name, address, and occupation*]
(Respondent)

*[*full name, address, and occupation*]
(Associated Respondent)

*Delete if it does not apply.

Note

Rule 311 of the Family Court Rules 2002 permits the applicant's address to be omitted from the heading.

Schedule 5 form FV 1: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FV 2
Notice to respondent or associated respondent

r 32(2)(b)

Family Violence Act 2018

(Complete and insert the heading as set out in form FV 1)

To [*name of respondent/associated respondent**]

*Select one.

Notification of application for order

An application (*see* the attached copy) has been made by [*full name*] (the applicant).

The order *or* orders* sought is *or* are* specified in the application.

*Select one.

The applicant's address for service is: [*address*].

Notice of defence

1 If you wish to respond to the application, you must, at least 5 clear days before the date of the hearing,—

(a) file a notice of defence and, if needed, an affidavit (which depends on the type of application made) in this office of the court; and

(b) serve a copy of the notice of defence and the affidavit (if required) on the other party to the proceedings. That copy may be sent to the address for service given by the applicant.

2 The notice of defence must be on an approved form. Approved forms are available on the Ministry of Justice website (*see* below).

3 If you do not file and serve a notice of defence and an affidavit (if required) at least 5 clear days before the date of the hearing, you may not be able to defend the application. On the day of the hearing of the application, should you appear, the court may—

(a) allow you to be heard, but only in a way that the court thinks fit; or

(b) decline to allow you to be heard.

4 The court may also make an order against you for costs properly incurred as a consequence of your failure to file and serve a notice of defence and an affidavit (if required) within the time allowed.

Address for service

If you do not wish to defend the application but you do wish to know what is happening, you should—

(a) file in this office of the court a notice giving the address of a place in New Zealand at which documents may be left for you; and

(b) serve a copy of the notice on the other party to the proceedings. That copy may be sent to the address for service given by the applicant.

Assistance

A lawyer may prepare a notice of defence and an affidavit for you. If you want a lawyer but think you cannot afford one, you can find information about what assistance may be available on the Ministry of Justice website (*see* below), or by contacting a lawyer, the Ministry of Justice call centre (*see* below), or an office of the Family Court.

Copies of order

You will receive a copy of any orders made against you by the court. However, any order will normally be in force from the time it is made. The fact that you have not got a copy of the order will not be an excuse for not obeying it.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

Date:

Signature:

(Registrar)

Schedule 5 form FV 2: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 5 form FV 2: amended, on 2 May 2024, by rule 136(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Form FV 3
Summons to appear as witness (*or* appear before court)

rr 305, 322(1)

Section 169, Family Violence Act 2018

(Complete and insert the heading as set out in form FV 1)

To [*full name*], of [*address*], [*occupation*]

***Summons to appear as witness**

*An application has been made by [*full name*], the applicant, against [*full name*], the respondent, for the following order(s): [*specify nature of order(s) sought*].

or

*On application by [*full name*], the applicant, against [*full name*], the respondent, the court has made the following temporary order: [*specify order made*].

*A hearing is to be held to decide—

*(a) whether the order(s) sought should be made:

*(b) whether a final order should be substituted for the temporary order:

*(c) whether specified parts of the order made or sought should be part of a final order.

I believe that you are capable of giving evidence that may assist the court.

***Summons to appear before court**

*On [*date*], the court directed you to undertake an assessment for a non-violence programme and attend a non-violence programme/‡undertake an assessment for prescribed services and engage with any prescribed standard service, provided by a service provider, that an assessor determines may be appropriate for and may benefit you.

‡Select one.

The service provider to whom you have been referred has notified the Registrar that you have failed to comply with that direction [*set out nature of non-compliance*].

You are summoned to appear (*as a witness) at the hearing at [*time*] on [*date*] at the Family Court at [*place*].

*Delete if it does not apply.

Date:

Signature:

Judge (*or* Family Court Associate *or* Registrar)

Notes

Failure to appear

If (*, having been tendered or paid allowances and travelling expenses at the appropriate rate,) you fail to attend, the court may issue a warrant to arrest you and bring you before the court.

If, without sufficient cause, you refuse or fail to attend, you may be prosecuted and fined.

*Delete if it does not apply.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

Schedule 5 form FV 3: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 5 form FV 3: amended, on 2 May 2024, by rule 136(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Form FV 4
Temporary protection order

r 305

Section 79, Family Violence Act 2018

(Complete and insert the heading as set out in form FV 1)

On application without notice, the court makes a temporary protection order against [*full name*], the respondent.

***Order to apply against other person(s) (*or* associated respondent(s))**

*The court also directs that the order apply against the following person(s):

[*full name of each person in respect of whom the court makes a direction under section 89(1) of the Family Violence Act 2018*].

Person(s) protected by order

This order protects the following person(s) (the **protected person(s)**):

[*full name of applicant*]:

*[*full name of each child of the applicant's family*], and any other child of the applicant's family.

*The court also directs that the order applies for the benefit of the following person(s):

[*full name of each person in respect of whom the court makes a direction under section 87(1) of the Family Violence Act 2018*].

*Delete if it does not apply.

1 Conditions of order

A Standard conditions: no family violence, no contact, no having others breach order

The respondent, and any associated respondent, must not—

(a) engage in behaviour that amounts to any form of family violence against the protected person (whether physical abuse, sexual abuse, or psychological abuse); or

(b) make any unauthorised contact with the protected person; or

(c) encourage a person to engage in behaviour against, or to make contact with, a protected person if the behaviour or contact, if engaged in or made by the respondent, would be prohibited by this protection order.

B Exceptions to standard no-contact condition, with consent

The protected person can suspend or reinstate the no-contact condition by giving or cancelling consent to contact.

The protected person's consent is valid only if given in writing or in a digital communication, but the protected person may withdraw consent at any time and in any way.

The protected person cannot consent to any contact inconsistent with—

(a) any order for supervised contact in relation to a child; or

(b) no-contact conditions imposed by a direction under section 168A of the Criminal Procedure Act 2011.

C Other exceptions to standard no-contact condition

Contact by the respondent, or associated respondent, with the protected person is authorised, and not in breach of the no-contact condition, if the contact is—

(a) reasonably necessary in any emergency; or

(b) permitted under any order or written agreement relating to the role of providing day-to-day care for, or contact with, or custody of—

(i) any child (within the meaning of section 8 of the Care of Children Act 2004); or

(ii) any child or young person (within the meaning of section 2 of the Oranga Tamariki Act 1989); or

(c) permitted under any special condition of this protection order; or

(d) necessary for the purposes of attending a family group conference (within the meaning of section 2 of the Oranga Tamariki Act 1989); or

(e) necessary to attend any proceeding (of any kind) in or before any court or person acting judicially, or to attend any other matter that is associated with such a proceeding and that is a matter that the parties to the proceeding jointly attend (for example, a restorative justice conference, or a settlement conference convened under section 46Q of the Care of Children Act 2004).

D Standard conditions about weapons

The respondent and any associated respondent—

(a) must not possess, or have under their control, any weapon; and

(b) must not hold a firearms licence; and

(c) must, as soon as practicable after being served with a copy of this order, but in any case no later than 24 hours after such service; and on demand made, at any time, by any constable, surrender to a constable—

(i) any weapon in their possession or under their control, whether or not any such weapon is lawfully in their possession or under their control; and

(ii) any firearms licence held by them.

On the making of this temporary protection order, any firearms licence held by the respondent, and any associated respondent, is deemed to be suspended.

Note: The Family Violence Act 2018 defines a weapon as any firearm, airgun, pistol, prohibited magazine, prohibited part, restricted weapon, ammunition, or explosive, as those terms are defined in the Arms Act 1983.

E Special conditions

The court also imposes the following special conditions on the respondent, associated respondent, or both [*set out any special conditions imposed*]:

*Special conditions to protect the protected person from further violence by the respondent, associated respondent, or both:

*Special conditions to address the inflicting of family violence against protected people who are particularly vulnerable (for example, due to age, disability, or health condition):

*Special conditions for the manner in which arrangements for access to a child are to be implemented:

*Special conditions for the manner and circumstances in which the respondent or the associated respondent, or both, may make contact with the protected person:

* Person who may consent to contact on behalf of the protected person and to withdraw such consent [*name of person who may consent*]:

*Other [*insert any other special condition*]:

Unless otherwise stated, these conditions last for the duration of this order.

*Omit if it does not apply.

2 Assessment for, and attendance at, non-violence programme/Assessment for prescribed services and engagement with prescribed standard service*

The court directs [*full name of respondent/associated respondent*] (the **specified person**) to undertake an assessment for a non-violence programme, and attend a non-violence programme, provided by a service provider, that an assessor determines is an appropriate non-violence programme for the specified person to attend.*

The court directs [*full name of respondent/associated respondent*] (the **specified person**) to undertake an assessment for prescribed services, and engage with any prescribed standard service, provided by a service provider, that an assessor determines may be appropriate for and may benefit the specified person.*

The Registrar of the court will arrange for the specified person to be referred to an assessor, and the specified person must meet with the assessor so that the assessor may—

(a) undertake an assessment of the specified person; and

(b) determine, if the direction in the notification is that the specified person undertake an assessment for a non-violence programme, whether there is an appropriate non-violence programme, provided by a service provider, for the specified person to attend; and

(c) determine, if the direction in the notification is that the specified person undertake an assessment for prescribed services, whether (and, if so, which of) the types of services specified in regulations made under section 249(a) of the Family Violence Act 2018 (if any), provided by a service provider, may be appropriate for and may benefit the specified person.

If there is an appropriate non-violence programme for the specified person to attend, the service provider of that programme will settle in writing with the specified person the terms of attendance, which must include—

(a) the number of programme sessions that the specified person must attend; and

(b) details and arrangements about the programme venue, sessions, and times.

Before providing a prescribed standard service to a specified person directed to engage with the service, the service provider must settle in writing with the specified person the terms of the specified person's engagement with the service.*

*Omit if it does not apply.

Date:

Signature:

(Registrar)

***Direction that hearing be held**

The court directs that there be a hearing in relation to the whole of this order (*or* the following parts of this order: [*specify parts*]).

***Date of hearing**

I appoint [*date*] at [*time*] at the Family Court at [*place*] for this hearing.

*Delete if it does not apply.

***Review of contact arrangements**

Although no application has been made to it, the court, on its own initiative, has decided to direct that there be a review of the arrangements for contact between the respondent and [*full name of each child of the applicant's family in respect of whom contact arrangements are to be reviewed*].

Date of review

I appoint [*date*] at [*time*] at the Family Court at [*place*] for this review.

*Omit if court does not direct that there be a review.

Date:

Signature:

(Registrar)

Effect of temporary protection order

This order is a temporary order.

*If you do nothing after being served, this order will automatically become a final order 3 months after the date on which it was made. The final order will come into effect immediately. If you wish to dispute this temporary protection order, you must notify the court as soon as possible.

*The court has directed that a hearing be held in relation to the whole of this order (*or* specified parts of this order).

This hearing will take place whether or not you wish to appear. If you wish to dispute any part of the order, you must notify the court as soon as possible.

If you do nothing, the court may make a final order in your absence (*or* the parts of the order in relation to which a hearing is not required will become final 3 months after the date on which this order was made, and the court may confirm the other parts of the order at the hearing).

*Delete if it does not apply.

Modification or discharge of order

You or the protected person may apply to the Family Court at any time—

(a) for the modification or discharge of the standard condition about weapons. (The Family Court may make a change to this standard condition only if it is satisfied that the condition, or a term of the condition, is not needed to protect the persons for whose benefit this order applies from further family violence.):

(b) for a variation or discharge of any special conditions of this order, or for the imposition of a new special condition:

(c) for this order to be discharged.

You or the protected person may apply to the Family Court for a variation or discharge of a direction to undertake an assessment and attend a non-violence programme or engage with a prescribed standard service, or for such a direction to be made.

Consequences of breach of order

You commit an offence if you breach this order by—

(a) doing an act in contravention of this order; or

(b) failing to comply with any condition of this order; or

(c) contravening, or failing to comply with any term and condition of, a related occupation order (for example, by failing to leave the dwellinghouse to which the order relates); or

(d) contravening a related tenancy order (for example, by failing to leave the dwellinghouse to which the order relates); or

(e) contravening, or failing to comply with any term and condition of, a related ancillary furniture order (for example, by preventing possession and use of all or any items to which the order relates); or

(f) contravening, or failing to comply with any term and condition of, a related furniture order (for example, by preventing possession and use of all or any items to which the order relates).

You have a defence to proceedings for this offence if you can prove that you had a reasonable excuse for breaching the order.

The maximum penalty for this offence is 3 years' imprisonment.

If a constable has good cause to suspect that you have breached this order, you may be arrested without warrant. Police bail is not available during the 24 hours immediately following an arrest. During that period, any bail application must be made to a Judge.

***Consequences of failing to comply with direction**

You commit an offence if, without reasonable excuse, you fail on any occasion to comply with a direction made under section 188 or 198 of the Family Violence Act 2018—

(a) to undertake an assessment for, and attend, a programme; or

(b) to undertake an assessment for, or engage with, a prescribed service.

The maximum penalty for this offence is 6 months' imprisonment or a fine not exceeding $5,000.

*Omit if it does not apply.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

See also the information sheet accompanying this order.

Schedule 5 form FV 4: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FV 5
Interim parenting order

r 305

Section 105, Family Violence Act 2018

(Complete and insert the general heading set out in form G 2)

On application made to it for a protection order, the court orders that—

(a) the following person has/people have* the role of providing day-to-day care for the child(ren) listed below, during the times stated:

*Select one.

Full name of child and date of birth	**Full name of person**	**Times when person has role of providing day-to-day care**
[*state*]	[*state*]	[*specify*]

(b) the following person has/people have* contact with the child(ren) listed below, during the times and in the ways stated:

*Select one.

Full name of child and date of birth	**Full name of person**	**Times, location, and nature of contact**
[*state*]	[*state*]	[*specify, eg, face-to-face contact, letters, telephone, email, supervised by a person other than an approved provider*]

Effect of interim parenting order

List of all existing relevant orders (if any) made under the Care of Children Act 2004, with statement in this order making clear, as required by section 105(5) of the Family Violence Act 2018, how this order operates with, overrides, or replaces all, or any parts, of those existing relevant orders: [*insert list and statement*].

The role of providing day-to-day care for a child may continue until the child turns 16 years old (*see* sections 48 to 50 of the Care of Children Act 2004).

While exercising the role of providing day-to-day care for a child, you have exclusive responsibility for the child's day-to-day living arrangements, subject to any court order and the following conditions (if any): [*specify any conditions to which the interim parenting order is subject that have been imposed by the court*].

If you are a guardian, unless your role or another guardian's role is modified by a court order, you must act jointly (for example, consulting whenever practicable with the aim of reaching agreement) when making guardianship decisions for a child.

Duration of interim parenting order

Select the statement that applies

This order continues in effect until [*state specific date or specific event*] or until it is replaced by another interim order or final order, as the case may be.

or

The court has directed that this order is to become a final parenting order on [*date*] unless, before that date,—

- you notify the court that you wish to be heard; or
- if a lawyer has been appointed to represent the child/children*, that lawyer has notified the court that that lawyer wishes to be heard.

*Select one.

If parent has neither role of providing day-to-day care nor contact

If, under this order, a parent of a child has neither the role of providing day-to-day care for, nor contact with, the child, there must be a hearing within 3 months on whether a further interim order or a final order should replace this order.

Select the statement that applies

I appoint [*date within 3 months*] at [*time*] at the Family Court at [*place*] for this hearing.

or

I will advise you of the date, time, and place of the hearing as soon as practicable.

Application to vary or discharge

If the order was made on an application without notice to you, you may make an application to the court to vary or discharge this order.

*Monitoring and review

This order is subject to the following monitoring and review requirements: [*specify details of any monitoring or review requirements relating to this order, including any dates or processes by which the order is to be reviewed or monitored, and any requirements for parties to report back to the court on progress*].

*Omit if it does not apply.

Variation or discharge of order

Any person affected by this order, or a person acting for a child who is the subject of this order, may apply to the court to vary or discharge this order.

Consequences of non-compliance

You must comply with the conditions of this parenting order. If you do not, another party may apply to the court to enforce the order. The Family Court may choose from a variety of tools to remedy the non-compliance. For example, you may be required to pay a bond to ensure you do not contravene the parenting order again, or to meet the reasonable costs incurred by the other party because of your contravention. The court may admonish you, or vary the order, for example, by reducing the amount of time you have with the child. The court takes non-compliance very seriously.

It is also an offence, without reasonable excuse and with the intention of preventing compliance with a parenting order, to contravene a parenting order. The penalty for this offence is imprisonment for a term not exceeding 3 months or a fine not exceeding $2,500.

*Because of the history of your case, the following actions are likely to be taken in the event of one or other of the parties to the order not complying: [*specify any particular actions (eg, summonses, variation of order, bond, warrant) that are more likely to be considered because of the parties' previous behaviour in relation to the order*].

*Omit if it does not apply.

*Bond

This order requires [*full name of person required to enter into the bond*] to enter into a bond for the purpose of [*state purpose of the bond*].

[*Full name of person required to enter into the bond*] is required to deposit the sum of $[*specify*] with the Family Court at [*place*] by [*date for payment of bond*].

The bond may be forfeited to the Crown if [*full name of person required to enter into the bond*] does not meet the purpose of the bond or in the following circumstances: [*specify circumstances that may result in forfeiture of the bond*].

*Omit if it does not apply.

Date:

Signature:

(Registrar)

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

General information to accompany parenting orders (as required by section 55(1)(b) of the Care of Children Act 2004)

See also the general information, set out above, about—

- the effect of a parenting order; and
- the processes for the monitoring and review of the order; and
- the means by which the order can be varied or discharged; and
- the consequences that may follow if the order is not complied with.

Schedule 5 form FV 5: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FV 6
Protection order

r 305

Sections 79 and 148, Family Violence Act 2018

(Complete and insert the heading as set out in form FV 1)

*On application, the court makes a protection order against [*full name*], the respondent.

*On application without notice, the court made a temporary protection order against [*full name*], the respondent, on [*date*], which order is now final in whole (*or* in part *or* with modifications *or* without modification).

*The temporary protection order made against [*full name*], the respondent, on [*date*] by the District Court after the court had been satisfied that the respondent had refused or failed to comply with a Police safety order, is now final in whole (*or* in part *or* with modifications *or* without modifications).

***Order to apply against other person(s) (*or* associated respondent(s))**

*The court also directs that the order applies against the following person(s):

[*full name of each person in respect of whom the court makes a direction under section 89(1) of the Family Violence Act 2018*].

Person(s) protected by order

This order protects the following person(s) (the **protected person(s)**):

[*full name of applicant*]:

*[*full name of each child of the applicant's family*], and any other child of the applicant's family.

*The court also directs that the order applies for the benefit of the following person(s):

[*full name of each person in respect of whom the court makes a direction under section 87(1) of the Family Violence Act 2018*].

*Delete if it does not apply.

1 Conditions of order

A Standard conditions: no family violence, no contact, no having others breach order

The respondent, and any associated respondent, must not—

(a) engage in behaviour that amounts to any form of family violence against the protected person (whether physical abuse, sexual abuse, or psychological abuse); or

(b) make any unauthorised contact with the protected person; or

(c) encourage a person to engage in behaviour against, or to make contact with, a protected person if the behaviour or contact, if engaged in or made by the respondent, would be prohibited by this protection order.

B Exceptions to standard no-contact condition, with consent

The protected person can suspend or reinstate the no-contact condition by giving or cancelling consent to contact.

The protected person's consent is only valid if given in writing or in a digital communication but the protected person may withdraw consent at any time and in any way.

The protected person cannot consent to any contact inconsistent with—

(a) any order for supervised contact in relation to a child; or

(b) no-contact conditions imposed by a direction under section 168A of the Criminal Procedure Act 2011.

C Other exceptions to standard no-contact condition

Contact by the respondent, or associated respondent, with the protected person is authorised, and not in breach of the no-contact condition, if the contact is—

(a) reasonably necessary in any emergency; or

(b) permitted under any order or written agreement relating to the role of providing day-to-day care for, or contact with, or custody of—

(i) any child (within the meaning of section 8 of the Care of Children Act 2004); or

(ii) any child or young person (within the meaning of section 2 of the Oranga Tamariki Act 1989); or

(c) permitted under any special condition of this protection order; or

(d) necessary for the purposes of attending a family group conference (within the meaning of section 2 of the Oranga Tamariki Act 1989); or

(e) necessary to attend any proceeding (of any kind) in or before any court or person acting judicially, or to attend any other matter that is associated with such a proceeding and that is a matter that the parties to the proceeding jointly attend (for example, a restorative justice conference, or a settlement conference convened under section 46Q of the Care of Children Act 2004).

D Standard conditions about weapons

The respondent and any associated respondent—

(a) must not possess, or have under their control, any weapon; and

(b) must not hold a firearms licence; and

(c) must, as soon as practicable after being served with a copy of this order, but in any case no later than 24 hours after such service; and on demand made, at any time, by any constable, surrender to a constable—

(i) any weapon in their possession or under their control, whether or not any such weapon is lawfully in their possession or under their control; and

(ii) any firearms licence held by them.

On the making of this protection order, any firearms licence held by the respondent, and any associated respondent, is deemed to be revoked.

Note: The Family Violence Act 2018 defines a weapon as any firearm, airgun, pistol, prohibited magazine, prohibited part, restricted weapon, ammunition, or explosive, as those terms are defined in the Arms Act 1983.

[*Note: If the court has modified the terms of the standard condition relating to weapons, or directed that the standard condition relating to weapons is not a condition of the order (whether absolutely or only in so far as the order relates to the respondent or associated respondent), set out the terms of the court's decision.*]

E Special conditions

The court also imposes the following special conditions on the respondent, associated respondent, or both [*set out any special conditions imposed*]:

*Special conditions to protect the protected person from further violence by the respondent, associated respondent, or both:

*Special conditions to address the inflicting of family violence against protected people who are particularly vulnerable (for example, due to age, disability, or health condition):

*Special conditions for the manner in which arrangements for access to a child are to be implemented:

*Special conditions for the manner and circumstances in which the respondent or the associated respondent, or both, may make contact with the protected person:

* Person who may consent to contact on behalf of the protected person and to withdraw such consent [*name of person who may consent*]:

*Other [*insert any other special condition*]:

Unless otherwise stated, these conditions last for the duration of this order.

*Omit if it does not apply.

2 Assessment for, and attendance at, non-violence programme/Assessment for prescribed services and engagement with prescribed standard service*

The court directs [*full name of respondent/associated respondent*] (the **specified person**) to undertake an assessment for a non-violence programme, and

attend a non-violence programme, provided by a service provider, that an assessor determines is an appropriate non-violence programme for the specified person to attend.*

The court directs [*full name of respondent/associated respondent*] (the **specified person**) to undertake an assessment for prescribed services, and engage with any prescribed standard service, provided by a service provider, that an assessor determines may be appropriate for and may benefit the specified person.*

The Registrar of the court will arrange for the specified person to be referred to an assessor, and the specified person must meet with the assessor so that the assessor may—

(a) undertake an assessment of the specified person; and

(b) determine, if the direction in the notification is that the specified person undertake an assessment for a non-violence programme, whether there is an appropriate non-violence programme, provided by a service provider, for the specified person to attend; and

(c) determine, if the direction in the notification is that the specified person undertake an assessment for prescribed services, whether (and, if so, which of) the types of services specified in regulations made under section 249(a) of the Act (if any), provided by a service provider, may be appropriate for and may benefit the specified person.

If there is an appropriate non-violence programme for the specified person to attend, the service provider of that programme will settle in writing with the specified person the terms of attendance, which must include—

(a) the number of programme sessions that the specified person must attend; and

(b) details and arrangements about the programme venue, sessions, and times.

Before providing a prescribed standard service to a specified person directed to engage with the service, the service provider must settle in writing with the specified person the terms of the specified person's engagement with the service.*

*Omit if it does not apply.

Date:

Signature:

(Registrar)

***Direction that hearing be held**

The court directs that there be a hearing in relation to the whole of this order (*or* the following parts of this order: [*specify parts*]).

*Date of hearing

I appoint [*date*] at [*time*] at the Family Court at [*place*] for this hearing.

*Omit if it does not apply.

Date:

Signature:

(Registrar)

Effect of protection order

This order is a final protection order that lasts indefinitely. Certain conditions of this order may have a limited duration.

Modification or discharge of order

You or the protected person may apply to the Family Court at any time—

(a) for the modification or discharge of the standard condition about weapons. (The Family Court may make a change to this standard condition only if it is satisfied that the condition, or a term of the condition, is not needed to protect the persons for whose benefit this order applies from further family violence.):

(b) for a variation or discharge of any special conditions of this order, or for the imposition of a new special condition:

(c) for this order to be discharged.

You or the protected person may apply to the Family Court for a variation or discharge of a direction to undertake an assessment and attend a non-violence programme or engage with a prescribed standard service, or for such a direction to be made.

Consequences of breach of order

You commit an offence if you breach this order by—

(a) doing an act in contravention of this order; or

(b) failing to comply with any condition of this order; or

(c) contravening, or failing to comply with any term and condition of, a related occupation order (for example, by failing to leave the dwellinghouse to which the order relates); or

(d) contravening a related tenancy order (for example, by failing to leave the dwellinghouse to which the order relates); or

(e) contravening, or failing to comply with any term and condition of, a related ancillary furniture order (for example, by preventing possession and use of all or any items to which the order relates); or

(f) contravening, or failing to comply with any term and condition of, a related furniture order (for example, by preventing possession and use of all or any items to which the order relates).

You have a defence to proceedings for this offence if you can prove that you had a reasonable excuse for breaching the order.

The maximum penalty for this offence is 3 years' imprisonment.

If a constable has good cause to suspect that you have breached this order, you may be arrested without warrant. Police bail is not available during the 24 hours immediately following an arrest. During that period, any bail application must be made to a Judge.

***Consequences of failing to comply with direction**

You commit an offence if, without reasonable excuse, you fail on any occasion to comply with a direction made under section 188 or 198 of the Family Violence Act 2018—

(a) to undertake an assessment for, and attend, a programme; or

(b) to undertake an assessment for, or engage with, a prescribed service.

The maximum penalty for this offence is 6 months' imprisonment or a fine not exceeding $5,000.

*Omit if it does not apply.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

See also the information sheet accompanying this order.

Schedule 5 form FV 6: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FV 7
Temporary occupation order

r 305

Section 116, Family Violence Act 2018

(Complete and insert the heading as set out in form FV 1)

On or after making a protection order on [*date*], in favour of [*full name*], the applicant, against [*full name*], the respondent, the court, on an application without notice for an occupation order, makes a temporary occupation order against the respondent.

The court orders that [*full name*], the applicant, be entitled, to the exclusion of the respondent, to personally occupy the dwellinghouse at [*full address*], together with any land, buildings, or improvements related to the dwellinghouse that are used, or ordinarily would be used, for the purposes of a household.

*The court directs that the applicant be entitled to occupy the dwellinghouse for the period from [*date*] to [*date*].

*The court also imposes the following terms and conditions relating to the occupation of the dwellinghouse: [*set out any terms and conditions imposed*].

*Omit if it does not apply.

Date:

Signature:

(Registrar)

***Direction that hearing be held**

The court directs that there be a hearing in relation to the whole of this order (*or* the following parts of this order: [*specify parts*]).

***Date of hearing**

I appoint [*date*] at [*time*] at the Family Court at [*place*] for this hearing.

*Omit if it does not apply.

Date:

Signature:

(Registrar)

Effect of temporary occupation order

This order is a temporary order.

*If you do nothing after being served, this order will automatically become a final order 3 months after the date on which it was made. The final order will come into effect immediately. If you wish to dispute this temporary occupation order, you must notify the court as soon as possible.

*The court has directed that a hearing be held in relation to the whole of this order (*or* specified parts of this order).

This hearing will take place whether or not you wish to appear. If you wish to dispute any part of the order, you must notify the court as soon as possible.

If you do nothing, the court may make a final order in your absence (*or* the parts of the order in relation to which a hearing is not required will become final 3 months after the date on which this order was made, and the court may confirm the other parts of the order at the hearing).

*If another person who has an interest in the property and who has been given notice wishes to be heard, a hearing will be required even if you do not wish to be heard. In that case, you will be notified of the hearing date.

*If this order is made while you and the applicant are living in the same dwellinghouse, this order will expire—

(a) on its discharge by the court (although the order may still become final, or be confirmed by the court, as set out above); or

(b) on the discharge of a temporary protection order made in conjunction with this order.

*Omit if it does not apply.

Variation or discharge of order

You (or any other party) may apply to the court at any time—

(a) to extend or reduce the period for which this order is in force; or

(b) to vary or discharge any terms and conditions imposed by the court; or

(c) to discharge this order.

Consequences of breach of order

You commit an offence if you contravene or fail to comply with any term and condition of this order (for example by failing to leave the dwellinghouse to which the order relates). You have a defence to proceedings for this offence if you can prove that you had a reasonable excuse for breaching the order. The maximum penalty for this offence is 3 years' imprisonment. If a constable has good cause to suspect that you have breached this order, you may be arrested without warrant. Police bail is not available during the 24 hours immediately following an arrest. During that period, any bail application must be made to a Judge.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

See also the information sheet accompanying this order.

Schedule 5 form FV 7: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FV 8
Occupation order

r 305

Section 116, Family Violence Act 2018

(Complete and insert the heading as set out in form FV 1)

*On or after making a protection order on [*date*], in favour of [*full name*], the applicant, against [*full name*], the respondent, the court, on an application for an occupation order, makes an occupation order against the respondent.

*On application without notice, the court made a temporary occupation order against [*full name*], the respondent, on [*date*], which order is now final in whole (*or* in part *or* with modifications *or* without modifications).

The court orders that [*full name*], the applicant, is entitled, to the exclusion of the respondent, to personally occupy the dwellinghouse at [*full address*], together with any land, buildings, or improvements related to the dwellinghouse that are used, or ordinarily would be used, for the purposes of a household.

*The court directs that the applicant is entitled to occupy the dwellinghouse for the period from [*date*] to [*date*].

*The court also imposes the following terms and conditions relating to the occupation of the dwellinghouse: [*set out any terms and conditions imposed*].

*Omit if it does not apply.

Date:

Signature:

(Registrar)

Effect of occupation order

This order is a final occupation order that lasts for the period specified in the order or, if no period is specified, indefinitely.

Variation or discharge of order

You (or any other party) may apply to the court at any time—

(a) to extend or reduce the period for which this order is in force; or

(b) to vary or discharge any terms and conditions imposed by the court; or

(c) to discharge this order.

Consequences of breach of order

You commit an offence if you contravene or fail to comply with any term and condition of this order (for example by failing to leave the dwellinghouse to which the order relates). You have a defence to proceedings for this offence if you can prove that you had a reasonable excuse for breaching the order. The maximum penalty for this offence is 3 years' imprisonment. If a constable has good cause to suspect that

you have breached this order, you may be arrested without warrant. Police bail is not available during the 24 hours immediately following an arrest. During that period, any bail application must be made to a Judge.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

See also the information sheet accompanying this order.

Schedule 5 form FV 8: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FV 9
Temporary tenancy order

r 305

Section 122, Family Violence Act 2018

(Complete and insert the heading as set out in form FV 1)

On or after making a protection order on [*date*], in favour of [*full name*], the applicant, against [*full name*], the respondent, the court, on application without notice for a tenancy order, makes a temporary tenancy order against the respondent.

The court orders—

(a) that the tenancy of the dwellinghouse at [*full address*] be vested in [*full name*], the applicant, on and subject to the terms and conditions of the tenancy in force on [*date on which order is made*]; and

(b) that the respondent cease to be a tenant.

Date:

Signature:

(Registrar)

***Direction that hearing be held**

The court directs that there be a hearing in relation to this order.

***Date of hearing**

I appoint [*date*] at [*time*] at the Family Court at [*place*] for this hearing.

*Omit if it does not apply.

Date:

Signature:

(Registrar)

Effect of temporary tenancy order

This order is a temporary order.

*If you do nothing after being served, this order will automatically become a final order 3 months after the date on which it was made. The final order will come into effect immediately. If you wish to dispute this temporary tenancy order, you must notify the court as soon as possible.

*The court has directed that a hearing be held in relation to this order.

This hearing will take place whether or not you wish to appear. If you wish to dispute any part of the order, you must notify the court as soon as possible.

If you do nothing, the court may make a final order in your absence.

*If another person who has an interest in the property and who has been given notice wishes to be heard, a hearing will be required even if you do not wish to be heard. In that case, you will be notified of the hearing date.

*If this order is made while you and the applicant are living in the same dwellinghouse, this order will expire—

(a) on its discharge by the court (although the order may still become final, or be substituted by a final order, as set out above); or

(b) on the discharge of a temporary protection order made in conjunction with this order.

*Omit if it does not apply.

Discharge of order

You (or any other party) may apply to the court at any time to discharge this order and revest the tenancy. The court cannot vary the terms and conditions of the tenancy itself.

Consequences of breach of order

You commit an offence if you contravene or fail to comply with any term and condition of this order (for example by failing to leave the dwellinghouse to which the order relates). You have a defence to proceedings for this offence if you can prove that you had a reasonable excuse for breaching the order. The maximum penalty for this offence is 3 years' imprisonment. If a constable has good cause to suspect that you have breached this order, you may be arrested without warrant. Police bail is not available during the 24 hours immediately following an arrest. During that period, any bail application must be made to a Judge.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

See also the information sheet accompanying this order.

Schedule 5 form FV 9: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FV 10
Tenancy order

r 305

Section 122, Family Violence Act 2018

(Complete and insert the heading as set out in form FV 1)

*On or after making a protection order on [*date*], in favour of [*full name*], the applicant, against [*full name*], the respondent, the court, on an application for a tenancy order, makes a tenancy order against the respondent.

*On application without notice, the court made a temporary tenancy order against [*full name*], the respondent, on [*date*], which order is now final.

*Omit if it does not apply.

The court orders—

(a) that the tenancy of the dwellinghouse at [*full address*] be vested in [*full name*], the applicant, on and subject to the terms and conditions of the tenancy in force on [*date on which order is made*]; and

(b) that the respondent cease to be a tenant.

Date:

Signature:

(Registrar)

Effect of tenancy order

This order is a final tenancy order that lasts indefinitely. The applicant becomes the tenant of the dwellinghouse to which this order relates, subject to the terms and conditions of the tenancy in force at the time this order is made. You cease to be a tenant.

Discharge of order

You (or any other party) may apply to the court at any time to discharge this order and revest the tenancy. The court cannot vary the terms and conditions of the tenancy itself.

Consequences of breach of order

You commit an offence if you contravene or fail to comply with any term and condition of this order (for example by failing to leave the dwellinghouse to which the order relates). You have a defence to proceedings for this offence if you can prove that you had a reasonable excuse for breaching the order. The maximum penalty for this offence is 3 years' imprisonment. If a constable has good cause to suspect that you have breached this order, you may be arrested without warrant. Police bail is not available during the 24 hours immediately following an arrest. During that period, any bail application must be made to a Judge.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

See also the information sheet accompanying this order.

Schedule 5 form FV 10: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FV 11
Temporary ancillary furniture order

r 305

Section 128, Family Violence Act 2018

(Complete and insert the heading as set out in form FV 1)

Having made—

*(a) an occupation order:

*(b) a tenancy order—

on [*date*] in favour of [*full name*], the applicant, against [*full name*], the respondent, the court, on application without notice, makes a temporary ancillary furniture order.

The court orders that the applicant be entitled, to the exclusion of the respondent, to the possession of—

*(a) all the furniture, household appliances, and household effects in the dwellinghouse to which the occupation order (*or* tenancy order) relates, which is situated at [*full address*].

*(b) the following furniture, household appliances, and household effects in the dwellinghouse to which the occupation order (*or* tenancy order) relates, which is situated at [*full address*]: [*specify the items. It is not necessary to specify every item as long as the items to which the order relates are readily ascertainable from the terms of this order*].

*The court also imposes the following terms and conditions relating to the furniture, household appliances, and household effects to which this order relates: [*set out any terms and conditions imposed*].

*Omit if it does not apply.

Date:

Signature:

(Registrar)

***Direction that hearing be held**

The court directs that there be a hearing in relation to the whole of this order (*or* the following parts of this order: [*specify parts*]).

***Date of hearing**

I appoint [*date*] at [*time*] at the Family Court at [*place*] for this hearing.

*Omit if it does not apply.

Date:

Signature:

(Registrar)

Effect of temporary ancillary furniture order

This order is a temporary order.

*If you do nothing after being served, this order will automatically become a final order 3 months after the date on which it was made. The final order will come into effect immediately. If you wish to dispute this temporary ancillary furniture order, you must notify the court as soon as possible.

*The court has directed that a hearing be held in relation to the whole of this order (*or* specified parts of this order).

This hearing will take place whether or not you wish to appear. If you wish to dispute any part of the order, you must notify the court as soon as possible.

If you do nothing, the court may make a final order in your absence (*or* the parts of the order in relation to which a hearing is not required will become final 3 months after the date on which this order was made, and the court may confirm the other parts of the order at the hearing).

*If another person who has an interest in the property and who has been given notice wishes to be heard, a hearing will be required even if you do not wish to be heard. In that case, you will be notified of the hearing date.

*Omit if it does not apply.

This order expires if the occupation order (*or* tenancy order) to which this order relates expires or is discharged.

*If this order is made while you and the applicant are living in the same dwelling-house, this order will expire—

(a) on its discharge by the court (although the order may still become final, or be confirmed by the court, as set out above); or

(b) on the discharge of the occupation order (*or* tenancy order) to which this order relates.

*Omit if it does not apply.

Variation or discharge of order

You (or any other party) may apply to the court at any time—

(a) to extend or reduce any period specified by the court as the period for which this order is in force; or

(b) to vary the furniture, household appliances, and household effects to which this order relates; or

(c) to vary or discharge any terms and conditions imposed by the court; or

(d) to discharge this order.

Consequences of breach of order

You commit an offence if you contravene or fail to comply with any term and condition of this order (for example by preventing possession and use of all or any

items to which the order relates). You have a defence to proceedings for this offence if you can prove that you had a reasonable excuse for breaching the order. The maximum penalty for this offence is 3 years' imprisonment. If a constable has good cause to suspect that you have breached this order, you may be arrested without warrant. Police bail is not available during the 24 hours immediately following an arrest. During that period, any bail application must be made to a Judge.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

See also the information sheet accompanying this order.

Schedule 5 form FV 11: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FV 12
Ancillary furniture order

r 305

Section 128, Family Violence Act 2018

(Complete and insert the heading as set out in form FV 1)

*Having made—

*(a) an occupation order:

*(b) a tenancy order—

on [*date*] in favour of [*full name*], the applicant, against [*full name*], the respondent, the court, on application, makes an ancillary furniture order.

*On application without notice, the court made a temporary ancillary furniture order in favour of [*full name*], the applicant, against [*full name*], the respondent, on [*date*], which order is now final in whole (*or* in part *or* with modifications *or* without modification).

The court orders that the applicant be entitled, to the exclusion of the respondent, to the possession of—

*(a) all the furniture, household appliances, and household effects in the dwellinghouse to which the occupation order (*or* tenancy order) relates, which is situated at [*full address*] (*or* the dwellinghouse situated at [*full address*]).

*(b) the following furniture, household appliances, and household effects in the dwellinghouse to which the occupation order (*or* tenancy order) relates, which is situated at [*full address*] (*or* the dwellinghouse situated at [*full address*]): [*specify the items. It is not necessary to specify every item as long as the items to which the order relates are readily ascertainable from the terms of this order*].

*The court directs that this order continue in force for [*specify duration if order made for specific period*].

*The court also imposes the following terms and conditions relating to the furniture, household appliances, and household effects to which this order relates: [*set out any terms and conditions imposed*].

*Omit if it does not apply.

Date:

Signature:

(Registrar)

Effect of ancillary furniture order

This is a final order that gives the applicant possession of the furniture, household appliances, and household effects to which it relates. While this order remains in force, you are not entitled to possession of these items.

Duration of order

This order continues in force for—

*(a) 6 months from the date on which it is made.

*(b) [*as directed by the court*].

This order expires if the occupation order (*or* tenancy order) to which this order relates expires or is discharged.

*Omit if it does not apply.

Variation or discharge of order

You (or any other party) may apply to the court at any time—

(a) to extend or reduce any period specified by the court as the period for which this order is in force; or

(b) to vary the furniture, household appliances, and household effects to which this order relates; or

(c) to vary or discharge any terms and conditions imposed by the court; or

(d) to discharge this order.

Consequences of breach of order

You commit an offence if you contravene or fail to comply with any term and condition of this order (for example by preventing possession and use of all or any items to which the order relates). You have a defence to proceedings for this offence if you can prove that you had a reasonable excuse for breaching the order. The maximum penalty for this offence is 3 years' imprisonment. If a constable has good cause to suspect that you have breached this order, you may be arrested without warrant. Police bail is not available during the 24 hours immediately following an arrest. During that period, any bail application must be made to a Judge.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

See also the information sheet accompanying this order.

Schedule 5 form FV 12: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FV 13
Temporary furniture order

r 305

Section 134, Family Violence Act 2018

(Complete and insert the heading as set out in form FV 1)

On or after making a protection order on [*date*] in favour of [*full name*], the applicant, against [*full name*], the respondent, the court, on application without notice, makes a temporary furniture order.

The court orders that the applicant be entitled, to the exclusion of the respondent, to the possession of—

*(a) all the furniture, household appliances, and household effects in the dwellinghouse situated at [*full address*].

*(b) the following furniture, household appliances, and household effects in the dwellinghouse situated at [*full address*]: [*specify the items. It is not necessary to specify every item as long as the items to which the order relates are readily ascertainable from the terms of this order*].

*The court also imposes the following terms and conditions relating to the furniture, household appliances, and household effects to which this order relates: [*set out any terms and conditions imposed*].

Date:

Signature:

(Registrar)

***Direction that hearing be held**

The court directs that there be a hearing in relation to the whole of this order (*or* the following parts of this order: [*specify parts*]).

***Date of hearing**

I appoint [*date*] at [*time*] at the Family Court at [*place*] for this hearing.

*Omit if it does not apply.

Date:

Signature:

(Registrar)

Effect of temporary furniture order

This order is a temporary order.

*If you do nothing after being served, this order will automatically become a final order 3 months after the date on which it was made. The final order will come into effect immediately. If you wish to dispute this temporary furniture order, you must notify the court as soon as possible.

*The court has directed that a hearing be held in relation to the whole of this order (*or* specified parts of this order).

This hearing will take place whether or not you wish to appear. If you wish to dispute any part of the order, you must notify the court as soon as possible.

If you do nothing, the court may make a final order in your absence (*or* the parts of the order in relation to which a hearing is not required will become final 3 months after the date on which this order was made, and the court may confirm the other parts of the order at the hearing).

*If another person who has an interest in the property and who has been given notice wishes to be heard, a hearing will be required even if you do not wish to be heard. In that case, you will be notified of the hearing date.

*Omit if it does not apply.

This order expires if the protection order to which this order relates expires or is discharged.

*If this order is made while you and the applicant are living in the same dwelling-house, this order will expire—

(a) on its discharge by the court (although the order may still become final, or be confirmed by the court, as set out above); or

(b) on the discharge of the protection order to which this order relates.

*Omit if it does not apply.

Variation or discharge of order

You (or any other party) may apply to the court at any time—

(a) to extend or reduce any period specified by the court as the period for which this order is in force; or

(b) to vary the furniture, household appliances, and household effects to which this order relates; or

(c) to vary or discharge any terms and conditions imposed by the court; or

(d) to discharge this order.

Consequences of breach of order

You commit an offence if you contravene or fail to comply with any term and condition of this order (for example by preventing possession and use of all or any items to which the order relates). You have a defence to proceedings for this offence if you can prove that you had a reasonable excuse for breaching the order. The maximum penalty for this offence is 3 years' imprisonment. If a constable has good cause to suspect that you have breached this order, you may be arrested without warrant. Police bail is not available during the 24 hours immediately following an arrest. During that period, any bail application must be made to a Judge.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

See also the information sheet accompanying this order.

Schedule 5 form FV 13: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FV 14
Furniture order

r 305

Section 134, Family Violence Act 2018

(Complete and insert the heading as set out in form FV 1)

*Having made a protection order on [*date*] in favour of [*full name*], the applicant, against [*full name*], the respondent, the court, on application, makes a furniture order.

*On application without notice, the court made a temporary furniture order in favour of [*full name*], the applicant, against [*full name*], the respondent, on [*date*], which order is now final in whole (*or* in part *or* with modifications *or* without modification).

The court orders that the applicant be entitled, to the exclusion of the respondent, to the possession of—

*(a) all the furniture, household appliances, and household effects in the dwellinghouse situated at [*full address*].

*(b) the following furniture, household appliances, and household effects in the dwellinghouse situated at [*full address*]: [*specify the items. It is not necessary to specify every item as long as the items to which the order relates are readily ascertainable from the terms of this order*].

*The court directs that this order continue in force for [*specify duration if order made for specific period*].

*The court also imposes the following terms and conditions relating to the furniture, household appliances, and household effects to which this order relates: [*set out any terms and conditions imposed*].

*Omit if it does not apply.

Date:

Signature:

(Registrar)

Effect of furniture order

This is a final order that gives the applicant possession of the furniture, household appliances, and household effects to which it relates. While this order remains in force, you are not entitled to possession of these items.

Duration of order

This order continues in force for—

*(a) 6 months from the date on which it is made.

*(b) [*as directed by the court*].

This order expires if the protection order to which this order relates expires or is discharged.

*Omit if it does not apply.

Variation or discharge of order

You (or any other party) may apply to the court at any time—

(a) to extend or reduce any period specified by the court as the period for which this order is in force; or

(b) to vary the furniture, household appliances, and household effects to which this order relates; or

(c) to vary or discharge any terms and conditions imposed by the court; or

(d) to discharge this order.

Consequences of breach of order

You commit an offence if you contravene or fail to comply with any term and condition of this order (for example by preventing possession and use of all or any items to which the order relates). You have a defence to proceedings for this offence if you can prove that you had a reasonable excuse for breaching the order. The maximum penalty for this offence is 3 years' imprisonment. If a constable has good cause to suspect that you have breached this order, you may be arrested without warrant. Police bail is not available during the 24 hours immediately following an arrest. During that period, any bail application must be made to a Judge.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

See also the information sheet accompanying this order.

Schedule 5 form FV 14: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FV 15
Notice of result of objection to direction for assessment, non-violence programme, or prescribed standard services

r 321(a)

Section 190(1), Family Violence Act 2018

(Complete and insert the heading as set out in form FV 1)

The objector [*full name*] is the respondent (*or* the associated respondent) under a temporary protection order made on [*date*] in favour of [*full name*], the applicant.

The objector has made an objection under section 189 of the Family Violence Act 2018 to—

(a) a direction made under section 188(1) of the Act that the objector undertake an assessment for a non-violence programme, and attend a non-violence programme, provided by a service provider, that an assessor determines is an appropriate non-violence programme for the objector to attend:

*(b) a direction made under section 188(3) of the Act that the objector undertake an assessment for prescribed services, and engage with any prescribed standard service, provided by a service provider, that an assessor determines may be appropriate for and may benefit the objector.

After considering the objection, the court—

*(a) confirms the direction(s). The terms of the direction(s) are as follows: [*set out terms of the direction(s) confirmed*].

*(b) confirms the direction(s) but varies the terms of the direction(s) as follows: [*set out terms of the variation*]. The terms of the direction(s), as varied, are as follows: [*set out terms of the direction(s), as varied*].

*(c) discharges the direction(s).

*Omit if it does not apply.

Date:

Signature:

(Registrar)

<u>Important information for respondent (*or* associated respondent) if direction confirmed or varied</u>

Consequences of failure to comply with direction

If, without reasonable excuse, you fail to comply with a direction made under section 188 of the Family Violence Act 2018, you commit an offence. The maximum penalty for this offence is 6 months' imprisonment or a fine not exceeding $5,000, or both (*see* section 211 of the Act).

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

See also the information sheet accompanying this order.

Schedule 5 form FV 15: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FV 16
Notice of registration of foreign protection order

r 328(1)

Section 219, Family Violence Act 2018

(Complete and insert the heading as set out in form FV 1)

To [*name of respondent*]

[*address*]

An order was made for [*full name of applicant*] at [*place where foreign order made*] on [*date*].

I have registered the order today, in this court.

The order protects the following people: [*full names of protected persons*].

Now that this order has been registered in New Zealand, it will be treated like a protection order made by a court here. A copy of a New Zealand protection order is attached to this notice. While you are in New Zealand, you must comply with the conditions set out in that order.

Date:

Signature:

(Registrar)

[*Attach copy of New Zealand protection order, and relevant information sheet.*]

Notes

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

Schedule 5 form FV 16: inserted, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 5
Forms for proceedings under Domestic Violence Act 1995

[Revoked]

r 305

Schedule 5: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

		Page
DV 1	Front page for documents filed in court under Domestic Violence Act 1995 *[Revoked]*	463
DV 2	Heading of documents issued by court or Registrar under Domestic Violence Act 1995 *[Revoked]*	463
DV 3	Application for protection order/property orders *[Revoked]*	463
DV 4	Affidavit in support of application for protection order/property orders *[Revoked]*	463
DV 4A	Information sheet to accompany applications under the Domestic Violence Act 1995 (including application made without notice) *[Revoked]*	464
DV 5	Notice of residential address and request for confidentiality *[Revoked]*	464
DV 6	Information for Police if application made for protection order *[Revoked]*	464
DV 7	Application for appointment as representative *[Revoked]*	464
DV 8	Application for modification, discharge, or imposition of standard condition relating to weapons *[Revoked]*	464
DV 9	Notice to respondent or associated respondent *[Revoked]*	464
DV 10	Notice of defence *[Revoked]*	465
DV 11	Notice of intention to appear *[Revoked]*	465
DV 12	Affidavit of service *[Revoked]*	465
DV 13	Summons to appear as witness (*or* appear before court) *[Revoked]*	465
DV 14	Temporary protection order *[Revoked]*	465
DV 14A	Interim parenting order *[Revoked]*	465
DV 15	Protection order *[Revoked]*	466
DV 16	Temporary occupation order *[Revoked]*	466
DV 17	Occupation order *[Revoked]*	466
DV 18	Temporary tenancy order *[Revoked]*	466
DV 19	Tenancy order *[Revoked]*	466

DV 20 Temporary ancillary furniture order *[Revoked]* 466
DV 21 Ancillary furniture order *[Revoked]* 467
DV 22 Temporary furniture order *[Revoked]* 467
DV 23 Furniture order *[Revoked]* 467
DV 24 Objection to direction to undertake assessment and attend non-violence programme *[Revoked]* 467
DV 25 Notice of result of objection to direction to undertake assessment and attend non-violence programme *[Revoked]* 467
DV 26 Request by programme provider for variation of direction to attend programme *[Revoked]* 468
DV 27 Notice of registration of foreign protection order *[Revoked]* 468

Form DV 1
Front page for documents filed in court under Domestic Violence Act 1995
[Revoked]

rr 72(1)(a), 305

Schedule 5 form DV 1: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 2
Heading of documents issued by court or Registrar under Domestic Violence Act 1995
[Revoked]

rr 73(1)(a), 305

Schedule 5 form DV 2: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 3
Application for protection order/property orders
[Revoked]

r 305

Schedule 5 form DV 3: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 4
Affidavit in support of application for protection order/property orders
[Revoked]

r 309(1)(a)

Schedule 5 form DV 4: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 4A

Information sheet to accompany applications under the Domestic Violence Act 1995 (including application made without notice)

[Revoked]

rr 20(1)(b), 305

Schedule 5 form DV 4A: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 5

Notice of residential address and request for confidentiality

[Revoked]

r 311

Schedule 5 form DV 5: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 6

Information for Police if application made for protection order

[Revoked]

r 309(1)(b)

Schedule 5 form DV 6: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 7

Application for appointment as representative

[Revoked]

r 90D

Schedule 5 form DV 7: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 8

Application for modification, discharge, or imposition of standard condition relating to weapons

[Revoked]

r 305

Schedule 5 form DV 8: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 9

Notice to respondent or associated respondent

[Revoked]

r 32(2)(b)

Schedule 5 form DV 9: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 10
Notice of defence
[Revoked]

r 314(1)(a)

Schedule 5 form DV 10: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 11
Notice of intention to appear
[Revoked]

r 315(2)

Schedule 5 form DV 11: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 12
Affidavit of service
[Revoked]

r 305

Schedule 5 form DV 12: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 13
Summons to appear as witness (*or* appear before court)
[Revoked]

rr 305, 323(1)

Schedule 5 form DV 13: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 14
Temporary protection order
[Revoked]

r 305

Schedule 5 form DV 14: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 14A
Interim parenting order
[Revoked]

r 305

Schedule 5 form DV 14A: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 15
Protection order
[Revoked]

r 305

Schedule 5 form DV 15: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 16
Temporary occupation order
[Revoked]

r 305

Schedule 5 form DV 16: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 17
Occupation order
[Revoked]

r 305

Schedule 5 form DV 17: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 18
Temporary tenancy order
[Revoked]

r 305

Schedule 5 form DV 18: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 19
Tenancy order
[Revoked]

r 305

Schedule 5 form DV 19: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 20
Temporary ancillary furniture order
[Revoked]

r 305

Schedule 5 form DV 20: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 21
Ancillary furniture order
[Revoked]

r 305

Schedule 5 form DV 21: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 22
Temporary furniture order
[Revoked]

r 305

Schedule 5 form DV 22: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 23
Furniture order
[Revoked]

r 305

Schedule 5 form DV 23: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 24
Objection to direction to undertake assessment and attend non-violence programme
[Revoked]

r 319(1)

Schedule 5 form DV 24: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 25
Notice of result of objection to direction to undertake assessment and attend non-violence programme
[Revoked]

r 321(1)

Schedule 5 form DV 25: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form DV 26
Request by programme provider for variation of direction to attend programme
[Revoked]

r 322

Schedule 5 form DV 26: revoked, on 1 October 2014, by rule 28 of the Family Courts Amendment Rules (No 5) 2014 (LI 2014/214).

Form DV 27
Notice of registration of foreign protection order
[Revoked]

r 331(1)

Schedule 5 form DV 27: revoked, on 1 July 2019, by rule 46 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 6
Forms for proceedings under Family Proceedings Act 1980 and subpart 4 of Part 2 of Care of Children Act 2004

r 334

Schedule 6 heading: replaced, on 1 July 2005, by rule 34 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 heading: amended, on 31 March 2014, by rule 44(1) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

		Page
FP 1	Request for counselling *[Revoked]*	472
FP 2	Notice to respondent of reference to counselling *[Revoked]*	472
FP 3	Request (and application without notice) to dispense with reference to counselling *[Revoked]*	472
FP 4	Report of counsellor *[Revoked]*	472
FP 5	Notice to respondent of resumption of proceedings *[Revoked]*	472
FP 6	Summons to party to attend counselling or mediation conference *[Revoked]*	472
FP 7	Application for separation order	473
FP 8	Application for declaration as to validity of marriage or civil union	475
FP 9	Application for order declaring marriage or civil union to be void *ab initio*	476
FP 10	Application for declaration of presumption of death and order dissolving marriage or civil union	478
FP 11	Application by one party for order dissolving marriage or civil union on ground of irreconcilable breakdown	480
FP 12	Affidavit to accompany application by one party for order dissolving marriage or civil union on ground of irreconcilable breakdown	484
FP 13	Joint application for order dissolving marriage or civil union on ground of irreconcilable breakdown	487
FP 14	Affidavit to accompany joint application for order dissolving marriage or civil union on ground of irreconcilable breakdown	490
FP 14A	Application by one party for dissolution order: protected person under protection order	493
FP 14B	Affidavit to accompany application by one party for dissolution order: protected person under protection order	496
FP 14C	Joint application for dissolution order: protected person under protection order	498

FP 14D	Affidavit to accompany joint application for dissolution order: protected person under protection order	500
FP 15	Application for paternity order	503
FP 15A	Application for declaration of paternity	504
FP 16	Notice to respondent of application under Family Proceedings Act 1980 or subpart 4 of Part 2 of Care of Children Act 2004	505
FP 17	Notice to respondent residing outside New Zealand of application under Family Proceedings Act 1980 or subpart 4 of Part 2 of Care of Children Act 2004	508
FP 18	Affidavit of financial means and their sources	512
FP 19	Request for appearance	515
FP 20	Request for hearing in relation to dissolution order: irreconcilable breakdown	516
FP 21	Notice of registration of order from commonwealth or designated country	518
FP 22	Provisional order for confirmation overseas	519
FP 23	Summons for hearing of proceedings for confirmation of overseas maintenance order	521
FP 24	Warrant to arrest respondent for hearing of proceedings for confirmation of maintenance order	523
FP 25	Summons for hearing of overseas maintenance application	524
FP 26	Warrant to arrest respondent for hearing of application for maintenance made by applicant residing overseas	526
FP 27	Order confirming provisional order for maintenance	527
FP 28	Maintenance order (child in convention country)	529
FP 29	Warrant of commitment on adjournment where respondent remanded in custody or does not immediately enter into bond	530
FP 30	Bail bond	531
FP 31	Warrant of deliverance on execution of bail bond	532
FP 32	Warrant to enforce role of providing day-to-day care for, or order for contact with, child *[Revoked]*	532
FP 33	Warrant to take child to prevent removal from New Zealand	533
FP 34	Separation order	535
FP 35	Maintenance order (spouse or civil union partner, former spouse or civil union partner, or former de facto partner)	536
FP 35A	Application for parenting order *[Revoked]*	537
FP 36	Parenting order(s) *[Revoked]*	537

FP 36A Bond to ensure compliance with parenting order *[Revoked]* 537
FP 36B Notice of intention to appear in relation to interim parenting order or other interim order *[Revoked]* 537
FP 37 Paternity order (and maintenance order) 538
FP 38 Order dissolving marriage or civil union 540
FP 39 Order declaring that other party to marriage or civil union is presumed to be dead and that marriage or civil union is dissolved 541
FP 40 Order declaring marriage or civil union to be void 542
FP 41 Application without notice for issue of warrant for arrest of respondent 543
FP 42 Request for issue of warrant to seize property 544
FP 43 Warrant to seize property 545
FP 44 Summons to attend examination as to means and default 547
FP 45 Warrant to arrest respondent for examination as to means and default 549
FP 46 Summons to witness to attend examination 550
FP 47 Warrant to arrest witness for attendance at examination of respondent 552
FP 48 Warrant to arrest respondent for attendance at contempt proceedings 553
FP 49 Warrant for arrest of absconding respondent 554
FP 49A Warrant to prevent concealment of whereabouts of child 555
FP 49B Warrant to enforce order for return of child 557
FP 50 Attachment order 559
FP 51 Charging order 561
FP 52 Receiving order 562

Form FP 1
Request for counselling
[Revoked]

r 334

Schedule 6 form FP 1: revoked, on 31 March 2014, by rule 44(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Form FP 2
Notice to respondent of reference to counselling
[Revoked]

r 341(1)(b)

Schedule 6 form FP 2: revoked, on 31 March 2014, by rule 44(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Form FP 3
Request (and application without notice) to dispense with reference to counselling
[Revoked]

r 341(2)

Schedule 6 form FP 3: revoked, on 31 March 2014, by rule 44(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Form FP 4
Report of counsellor
[Revoked]

r 334

Schedule 6 form FP 4: revoked, on 31 March 2014, by rule 44(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Form FP 5
Notice to respondent of resumption of proceedings
[Revoked]

r 342(2)(a)(ii)

Schedule 6 form FP 5: revoked, on 31 March 2014, by rule 44(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Form FP 6
Summons to party to attend counselling or mediation conference
[Revoked]

r 334

Schedule 6 form FP 6: revoked, on 31 March 2014, by rule 44(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Form FP 7
Application for separation order

r 334

Section 20, Family Proceedings Act 1980

(Front page—Form G 1)

I, [*full name*], apply for a separation order.

This application is made on the ground that there is a state of disharmony between my husband (*or* wife) and me of a nature that it makes it unreasonable to require us to live together.

I say—

1 The state of disharmony arose between my husband (*or* wife) and me about [*year*].

2 The general nature of the disharmony is [*describe in broad terms. Do not give details*].

3 My husband (*or* wife) and I are living together at the time of making this application.

or

3 My husband (*or* wife) and I are not living together at the time of making this application.

(a) We stopped living together on or about [*date*].

(b) We agreed to separate by a written (*or* oral) agreement.

or

(b) We did not agree to separate.

.....
Signature of applicant
.....
Date

Notes

Information sheet

A duly completed information sheet (form G 7) must accompany this application.

**Counselling*

As a result of this application, you and your husband (*or* wife) will be referred for counselling. Counselling may be dispensed with only for some good reason. *See* section 10 of the Family Proceedings Act 1980 and form FP 3.

*Delete if counselling has been dispensed with.

Form FP 8
Application for declaration as to validity of marriage or civil union

r 334

Section 27, Family Proceedings Act 1980

(Front page—Form G 1)

I, [*full name*], apply to the court for a declaration whether, according to the law of New Zealand, the marriage or civil union between [*full name*] and [*full name*] is valid (*or* has been validly dissolved).

I say:

[*set out sufficient information to inform the court of the facts relied on in support of the application*].

.....
Signature of applicant
.....
Date

Notes

Information sheet

A duly completed information sheet (form G 7) must accompany this application.

Marriage or civil union certificate

A marriage or civil union certificate must, at the time of filing this application, be lodged in the office of the court unless the Registrar otherwise directs.

Schedule 6 form FP 8 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 8: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 9
Application for order declaring marriage or civil union to be void *ab initio*

r 334

Section 29, Family Proceedings Act 1980

(Front page—Form G 1)

I, [*full name*], apply for an order declaring the purported marriage or civil union between the respondent and me to be void *ab initio*.

This application is made on the following ground: [*state the ground on which the application is made, following closely the wording of section 31 of the Family Proceedings Act 1980, and referring to the part of section 31(1) relied on*].

I say—

*1 I am domiciled in New Zealand.

or

*1 The respondent is domiciled in New Zealand.

or

*1 The respondent and I are both domiciled in New Zealand.

*2 The purported marriage or civil union was solemnised in New Zealand.

3 I went through a form of ceremony of marriage or civil union with the respondent on [*date*] at [*place*].

4 [*Set out sufficient information to inform the court of the facts relied on in support of the application.*]

*Delete if inapplicable.

.....
Signature of applicant

.....
Date

Notes

Information sheet

A duly completed information sheet (form G 7) must accompany this application.

Marriage or civil union certificate

A marriage or civil union certificate must, at the time of filing this application, be lodged in the office of the court unless the Registrar otherwise directs.

Schedule 6 form FP 9 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 9: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 10
Application for declaration of presumption of death and order dissolving marriage or civil union

r 334

Section 32, Family Proceedings Act 1980

(Front page—Form G 1)

I, [*full name*], apply for an order declaring that my spouse (*or* partner) is presumed to be dead and that the marriage or civil union between us is dissolved.

This application is made on the ground that reasonable grounds exist for believing that my spouse (*or* partner) is dead.

I say—

1 I am domiciled in New Zealand.

2 [*Set out sufficient information to inform the court of the facts relied on in support of the application.*]

3 There are no children of the marriage or civil union.

or

3 If the order dissolving the marriage or civil union is made, I propose to make the following arrangements for the day-to-day care, maintenance, and welfare of the children of the marriage or civil union: [*give details*].

or

3 It is impracticable for me to make any arrangements for the day-to-day care, maintenance, and welfare of the children of the marriage or civil union because [*give reasons*].

.....
Signature of applicant

.....
Date

Date of hearing

I appoint [*date*] at [*time*] at the Family Court at [*place*] for the hearing of this application.

Notes

Information sheet

A duly completed information sheet (form G 7) must accompany this application.

Marriage or civil union certificate

A marriage or civil union certificate must, at the time of filing this application, be lodged in the office of the court unless the Registrar otherwise directs.

Schedule 6 form FP 10 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 10: amended, on 1 July 2005, by rule 37(3) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 form FP 10: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 10: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 11
Application by one party for order dissolving marriage or civil union on ground of irreconcilable breakdown

r 334

Section 37, Family Proceedings Act 1980

(Front page—Form G 1)

I, [*full name*], apply for an order dissolving the marriage or civil union between my spouse (*or* partner) and me.

This application is made on the ground that the marriage or civil union has broken down irreconcilably.

I say:

1 I consent to the order dissolving the marriage or civil union being made in my absence.

[*If you choose this option, you do not have to complete paragraphs 2 to 7 of this application, but you must file an affidavit in form FP 12 with this application.*]

or

1 I do not consent to the order dissolving the marriage or civil union being made in my absence.

2 I am domiciled in New Zealand.

or

2 My spouse (*or* partner) is domiciled in New Zealand.

or

2 My spouse (*or* partner) and I are both domiciled in New Zealand.

3 My spouse (*or* partner) and I are living apart.

4 We will, at the filing of this application, have been living apart for the period of 2 years immediately preceding the filing of this application.

5 We ceased living together on [*date*].

6 A separation order was made on [*date*].

or

6 A written separation agreement was made on [*date*].

or

6 We made an oral agreement to separate on [*date*].

or

6 No separation order was made and we did not agree to separate.

7 There are no children of the marriage or civil union.

or

7 If an order dissolving the marriage or civil union is made, I propose to make the following arrangements for the day-to-day care, maintenance, and welfare of the children of the marriage or civil union:

Day-to-day care: [*give details*]:

Maintenance: [*give details*]:

Other aspects of welfare, such as schooling or any special needs: [*give details*].

or

7 It is impracticable for me to make any arrangements for the day-to-day care, maintenance, and welfare of the children of the marriage or civil union because [*give reasons*].

.....
Signature of applicant

.....
Date

***Date of hearing**

I appoint [*date*] at [*time*] at the Family Court at [*place*] for the hearing of this application.

***Registrar's list of applications for dissolution orders**

I have entered this application on the Registrar's list of applications for dissolution orders. I will make an order dissolving the marriage or civil union on [*date*] if the requirements of the Family Proceedings Act 1980 and these rules are satisfied on that date.

*Delete if inapplicable.

.....
Registrar

.....
Date

Notes

Information sheet

A duly completed information sheet (form G 7) must accompany this application.

Consent to order being made in absence

If you consent to the order being made in your absence (*see* paragraph 1), you must file an affidavit in form FP 12 with your application. Your application is then entered on the Registrar's list of applications for dissolution orders. This allows the Registrar to make an order dissolving the marriage or civil union, if the requirements of the Family Proceedings Act 1980 and these rules are satisfied, without your having to appear before the Family Court.

Documents to be lodged

If you do not consent to the order being made in your absence (*see* paragraph 1), you must, at the time of filing this application, lodge in the office of the court, unless the Registrar otherwise directs,—

(a) the original or a certified copy of your marriage or civil union certificate; and

(b) a copy of any separation order or separation agreement to be used as evidence of living apart.

When order takes effect as final order

If an order dissolving a marriage or civil union is made by the Family Court in undefended proceedings, it takes effect as a final order on being made.

If an order dissolving a marriage or civil union is made by the Family Court in defended proceedings, it takes effect as a final order at the expiration of 1 month from the date on which it is made.

However, one party may appeal to the High Court against the making of the order. If that happens, the order does not take effect while the appeal is pending. If, before the expiration of 1 month from the date on which the order is made, the appeal is withdrawn, abandoned, or dismissed, or the order is confirmed by the High Court, the order takes effect as a final order at the expiration of 1 month from the date on which it is made. If, after the expiration of 1 month from the date on which the order is made, the appeal is withdrawn, abandoned, or dismissed, or the order is confirmed by the High Court, the order takes effect as a final order on the withdrawal, abandonment, or dismissal of the appeal, or on the confirmation of the order of the High Court. If the order is set aside or quashed by the High Court, the order does not take effect as a final order.

If an order dissolving a marriage or civil union is made by the Family Court in defended proceedings and one party dies within 1 month of the order being made, the order does not take effect as a final order.

If an order dissolving a marriage or civil union is made by the Registrar, it takes effect as a final order at the expiration of 1 month from the date on which it is made.

However, if there is a change of circumstances between the time of the filing of the application and the date on which the order takes effect, either party may seek a hearing at any time before the order takes effect as a final order. If that happens, the order does not take effect as a final order.

Schedule 6 form FP 11 heading: amended, on 17 October 2025, by rule 22(1)(a) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 11 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 11: amended, on 17 October 2025, by rule 22(1)(b) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 11: amended, on 17 October 2025, by rule 22(1)(c) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 11: amended, on 1 July 2005, by rule 37(4)(a) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 form FP 11: amended, on 1 July 2005, by rule 37(4)(b) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 form FP 11: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 11: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 12

Affidavit to accompany application by one party for order dissolving marriage or civil union on ground of irreconcilable breakdown

rr 337(2)(a), 355(1)(b)(ii)

Section 38(2)(d), Family Proceedings Act 1980

(Front page—Form G 1)

I, [*full name*], of [*address*], [*occupation*], **swear** (*or* **affirm**) that:

1 I am the applicant for an order dissolving a marriage or civil union on the ground that the marriage or civil union has broken down irreconcilably.

2 I am domiciled in New Zealand.

or

2 My spouse (*or* partner) is domiciled in New Zealand.

or

2 My spouse (*or* partner) and I are both domiciled in New Zealand.

3 My spouse (*or* partner) and I were married or entered into a civil union on [*date*] at [*place*], [*name of city or town, etc*].

4 A copy of our marriage or civil union certificate is annexed to this affidavit and marked with the letter A.

5 We are living apart.

6 We will, at the filing of the application, have been living apart for the period of 2 years immediately preceding the filing of this application.

7 We ceased living together on [*date*].

8 (a) A separation order was made on [*date*].

(b) A copy of the separation order is annexed to this affidavit and marked with the letter B.

or

8 (a) A written separation agreement was made on [*date*].

(b) A copy of the written separation agreement is annexed to this affidavit and marked with the letter B.

or

8 We made an oral agreement to separate on [*date*].

or

8 No separation order was made and we did not agree to separate.

9 Our marriage or civil union has broken down irreconcilably.

*10 Satisfactory arrangements, or arrangements that are the best that can be devised in the circumstances, have been made for the day-to-day care, maintenance,

and other aspects of the welfare of every child of the marriage or civil union. The arrangements relate to every child who is under 16 years. They also relate to every child who is 16 years or over and, because of special circumstances, requires arrangements to be made.

*11 The arrangements referred to in paragraph 10 of this affidavit are as follows:

Day-to-day care: [*give details*]:

Maintenance: [*give details*]:

Other aspects of welfare, such as schooling or any special needs [*give details*].

*Include if there are children of the marriage or civil union.

.....
Signature of deponent

***Sworn** (*or* **Affirmed**) at [*place*], [*date*], before me:

.....
Registrar
(*or* Justice of the Peace
or Solicitor of the High Court)

Notes

Living apart

Section 40 of the Family Proceedings Act 1980 allows you to say that you have lived apart for 2 years even if you have come together as a married couple, or as civil union partners, for some periods within that 2 years. This section applies if you have come together as a married couple, or as civil union partners, for up to 3 months in total and if your purpose in coming together was to try to resume your marriage or civil union.

Documents

When you have completed this affidavit, these are the documents you must file:

- an application by one party for an order dissolving a marriage or civil union (form FP 11)
- an information sheet (form G 7)
- this affidavit (form FP 12)
- your marriage or civil union certificate (the original or a certified copy), annexed to this affidavit and marked with the letter A
- your separation order, if any, annexed to this affidavit and marked with the letter B.

or

- your written separation agreement, if any, annexed to this affidavit and marked with letter B.

Schedule 6 form FP 12 heading: amended, on 17 October 2025, by rule 22(2)(a) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 12 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 12: amended, on 17 October 2025, by rule 22(2)(b) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 12: amended, on 17 October 2025, by rule 22(2)(c) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 12: amended, on 19 August 2013, by rule 5(1) of the Family Courts Amendment Rules (No 2) 2013 (SR 2013/300).

Schedule 6 form FP 12: amended, on 1 July 2005, by rule 37(5)(a) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 form FP 12: amended, on 1 July 2005, by rule 37(5)(b) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 form FP 12: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 12: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 13
Joint application for order dissolving marriage or civil union on ground of irreconcilable breakdown

r 337(2)(b)

Section 37, Family Proceedings Act 1980

(Front page—Form G 1)

We, [*full name*] and [*full name*], jointly apply for an order dissolving our marriage or civil union.

This application is made on the ground that the marriage or civil union has broken down irreconcilably.

We say:

1 We consent to the order dissolving the marriage or civil union being made in our absence.

[Note: *If you choose this option, you do not have to complete paragraphs 2 to 7 of this application, but you must file an affidavit in form FP 14 with this application*.]

or

1 We do not consent to the order dissolving the marriage or civil union being made in our absence.

2 [*Full name of one of the applicants*] is domiciled in New Zealand.

or

2 We are both domiciled in New Zealand.

3 We are living apart.

4 We will, at the filing of this application, have been living apart for the period of 2 years immediately preceding the filing of this application.

5 We ceased living together on [*date*].

6 A separation order was made on [*date*].

or

6 A written separation agreement was made on [*date*].

or

6 We made an oral agreement to separate on [*date*].

or

6 No separation order was made and we did not agree to separate.

7 There are no children of the marriage or civil union.

or

7 If an order dissolving the marriage or civil union is made, we propose to make the following arrangements for the day-to-day care, maintenance, and welfare of the children of the marriage or civil union:

Day-to-day care: [*give details*]:

Maintenance: [*give details*]:

Other aspects of welfare, such as schooling or any special needs: [*give details*].

or

7 It is impracticable for us to make any arrangements for the day-to-day care, maintenance, and welfare of the children of the marriage or civil union because [*give reasons*].

.....
Signature of applicant(s)
.....
Date

***Date of hearing**

I appoint [*date*] at [*time*] at the Family Court at [*place*] for the hearing of this application.

***Registrar's list of applications for dissolution orders**

I have entered this application on the Registrar's list of applications for dissolution orders. I will make an order dissolving the marriage or civil union on [*date*] if the requirements of the Family Proceedings Act 1980 and these rules are satisfied on that date.

*Delete if inapplicable.

.....
Registrar
.....
Date

Notes

Information sheet

A duly completed information sheet (form G 7) must accompany this application.

Consent to order being made in absence

If you consent to the order being made in your absence (*see* paragraph 1), you must file an affidavit in form FP 14 with your application. Your application is then entered

on the Registrar's list of applications for dissolution orders. This allows the Registrar to make an order dissolving the marriage or civil union, if the requirements of the Family Proceedings Act 1980 and these rules are satisfied, without your having to appear before the Family Court.

Documents to be lodged

If you do not consent to the order being made in your absence (*see* paragraph 1), you must, at the time of filing this application, lodge in the office of the court, unless the Registrar otherwise directs,—

(a) the original or a certified copy of your marriage or civil union certificate; and

(b) a copy of any separation order or separation agreement to be used as evidence of living apart.

When order takes effect as final order

If an order dissolving a marriage or civil union is made by the Family Court on this application, it takes effect as a final order on being made.

If an order dissolving a marriage or civil union is made by the Registrar on this application, it takes effect as a final order at the expiration of 1 month from the date on which it is made.

However, if there is a change of circumstances between the time of the filing of the application and the date on which the order takes effect, either party may seek a hearing at any time before the order takes effect as a final order. If that happens, the order does not take effect while the hearing is pending. If the order is then confirmed by the Family Court, the order takes effect as a final order on the confirmation of the order by the Family Court. If the order is quashed or set aside by the Family Court, the order does not take effect as a final order.

Schedule 6 form FP 13 heading: amended, on 17 October 2025, by rule 22(3)(a) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 13 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 13: amended, on 17 October 2025, by rule 22(3)(b) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 13: amended, on 17 October 2025, by rule 22(3)(c) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 13: amended, on 1 July 2005, by rule 37(6)(a) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 form FP 13: amended, on 1 July 2005, by rule 37(6)(b) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 form FP 13: amended, on 1 July 2005, by rule 37(6)(c) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 form FP 13: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 14

Affidavit to accompany joint application for order dissolving marriage or civil union on ground of irreconcilable breakdown

rr 337(2)(b), 355(1)(a)(ii)

Section 38(2)(d), Family Proceedings Act 1980

(Front page—Form G 1)

I, [*full name*], of [*address*], [*occupation*], and I, [*full name*], of [*address*], [*occupation*], **swear** (*or* **affirm**) that:

1 We are the applicants for an order dissolving a marriage or civil union on the ground that the marriage or civil union has broken down irreconcilably.

2 [*Full name of one of the marriage or civil union partners*] is domiciled in New Zealand.

or

2 We are both domiciled in New Zealand.

3 We were married or entered into a civil union on [*date*] at [*place*], [*name of city or town etc*].

4 A copy of our marriage or civil union certificate is annexed to this affidavit and marked with the letter A.

5 We are living apart.

6 We will, at the filing of the application, have been living apart for the period of 2 years immediately preceding the filing of this application.

7 We ceased living together on [*date*].

8 (a) A separation order was made on [*date*].

(b) A copy of the separation order is annexed to this affidavit and marked with the letter B.

or

8 (a) A written separation agreement was made on [*date*].

(b) A copy of the written separation agreement is annexed to this affidavit and marked with the letter B.

or

8 We made an oral agreement to separate on [*date*].

or

8 No separation order was made and we did not agree to separate.

9 Our marriage or civil union has broken down irreconcilably.

*10 Satisfactory arrangements, or arrangements that are the best that may be devised in the circumstances, have been made for the day-to-day care, maintenance, and other aspects of the welfare of every child of the marriage or civil

union. The arrangements relate to every child who is under 16 years. They also relate to every child who is 16 years or over and who, because of special circumstances, requires arrangements to be made.

*11 The arrangements referred to in paragraph 10 of this affidavit are as follows:

Day-to-day care: [*give details*]:

Maintenance: [*give details*]:

Other aspects of welfare, such as schooling or any special needs: [*give details*].

*Include if there are children of the marriage or civil union.

.....
Signatures of deponents

Severally **sworn** (*or* **affirmed**) at [*place*] by both the above-named deponents this [*date*] before me:

.....
Registrar
(*or* Justice of the Peace
or Solicitor of the High Court)

Notes

Living apart

Section 40 of the Family Proceedings Act 1980 allows you to say that you have lived apart for 2 years even if you have come together as a married couple, or as civil union partners, for some periods within that 2 years. This section applies if you have come together as a married couple, or as civil union partners, for up to 3 months in total and if your purpose in coming together was to try to resume your marriage or civil union.

Documents

When you have completed this affidavit, these are the documents you must file:

- a joint application for an order dissolving a marriage or civil union (form FP 13)
- an information sheet (form G 7)
- this affidavit (form FP 14)
- your marriage or civil union certificate (the original or a certified copy), annexed to this affidavit and marked with the letter A.
- your separation order, if any, annexed to this affidavit and marked with the letter B.

or

- your written separation agreement, if any, annexed to this affidavit and marked with the letter B.

Schedule 6 form FP 14 heading: amended, on 17 October 2025, by rule 22(4)(a) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 14 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 14: amended, on 17 October 2025, by rule 22(4)(b) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 14: amended, on 17 October 2025, by rule 22(4)(c) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 14: amended, on 19 August 2013, by rule 5(2) of the Family Courts Amendment Rules (No 2) 2013 (SR 2013/300).

Schedule 6 form FP 14: amended, on 1 July 2005, by rule 37(7)(a) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 form FP 14: amended, on 1 July 2005, by rule 37(7)(b) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 form FP 14: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 14: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 14A
Application by one party for dissolution order: protected person under protection order

r 337(4)(a)

Section 39A, Family Proceedings Act 1980

(Front page—Form G 1)

I, [*full name*], apply for an order dissolving the marriage or civil union between my spouse (*or* partner) and me.

This application is made on the ground that I am a protected person under a protection order made against my spouse or civil union partner that is in force at the date of filing this application.

I say—

1 I am domiciled in New Zealand.

or

1 My spouse (*or* partner) is domiciled in New Zealand.

or

1 My spouse (*or* partner) and I are both domiciled in New Zealand.

2 I am a protected person under a protection order made against my spouse (*or* partner) and the protection order is in force at the date of filing this application.

3 There are no children of the marriage or civil union.

or

3 If an order dissolving the marriage or civil union is made, I propose to make the following arrangements for the day-to-day care, maintenance, and welfare of the children of the marriage or civil union:

Day-to-day care: [*give details*]:

Maintenance: [*give details*]:

Other aspects of welfare, such as schooling or any special needs: [*give details*].

or

3 It is impracticable for me to make any arrangements for the day-to-day care, maintenance, and welfare of the children of the marriage or civil union because [*give reasons*].

Date:

Signature:

(Applicant)

***Date of hearing**

I appoint [*date*] at [*time*] at the Family Court at [*place*] for the hearing of this application.

***Registrar's list of applications for dissolution orders**

I have entered this application on the Registrar's list of applications for dissolution orders. I will make an order dissolving the marriage or civil union on [*date*] if the requirements of the Family Proceedings Act 1980 and these rules are satisfied on that date.

*Delete if inapplicable.

Date:

Signature:

(Registrar)

Notes

Information sheet

A duly completed information sheet (form G 7) must accompany this application.

Documents to be filed

You must file an affidavit in form FP 14B. Your application is then entered on the Registrar's list of applications for dissolution orders. This allows the Registrar to make an order dissolving the marriage or civil union, if the requirements of the Family Proceedings Act 1980 and these rules are satisfied, without your having to appear before the Family Court.

When order takes effect as final order

If an order dissolving a marriage or civil union is made by the Family Court in undefended proceedings, it takes effect as a final order on being made.

If an order dissolving a marriage or civil union is made by the Family Court in defended proceedings, it takes effect as a final order at the expiration of 1 month from the date on which it is made.

However, one party may appeal to the High Court against the making of the order. If that happens, the order does not take effect while the appeal is pending. If, before the expiration of 1 month from the date on which the order is made, the appeal is withdrawn, abandoned, or dismissed, or the order is confirmed by the High Court, the order takes effect as a final order at the expiration of 1 month from the date on which it is made. If, after the expiration of 1 month from the date on which the order is made, the appeal is withdrawn, abandoned, or dismissed or the order is confirmed by the High Court, the order takes effect as a final order on the withdrawal,

abandonment, or dismissal of the appeal or on the confirmation of the order of the High Court. If the order is set aside or quashed by the High Court, the order does not take effect as a final order.

If an order dissolving a marriage or civil union is made by the Family Court in defended proceedings and one party dies within 1 month of the order being made, the order does not take effect as a final order.

If an order dissolving a marriage or civil union is made by the Registrar, it takes effect as a final order at the expiration of 1 month from the date on which it is made.

Schedule 6 form FP 14A: inserted, on 17 October 2025, by rule 22(5) of the Family Court Amendment Rules 2025 (SL 2025/205).

Form FP 14B

Affidavit to accompany application by one party for dissolution order: protected person under protection order

rr 337(4)(a), 337A(2), 355A(1)(b)

Section 39A, Family Proceedings Act 1980

(Front page—Form G 1)

I, [*full name*], of [*address*], [*occupation*], **swear** (*or* **affirm**) that—

1 I am the applicant for an order dissolving a marriage or civil union.

2 I am domiciled in New Zealand.

or

2 My spouse (*or* partner) is domiciled in New Zealand.

or

2 My spouse (*or* partner) and I are both domiciled in New Zealand.

3 My spouse (*or* partner) and I were married or entered into a civil union on [*date*] at [*place*], [*name of city or town, etc*].

4 A copy of our marriage or civil union certificate is annexed to this affidavit and marked with the letter A.

5 I am a protected person under a protection order made against my spouse (*or* partner) and the protection order is in force at the date of filing this application.

6 Any appeal rights in respect of the protection order have been exhausted or have expired.

7 A copy of the final protection order is annexed to this affidavit and marked with the letter B.

or

7 A copy of the foreign protection order is annexed to this affidavit and marked with the letter B and evidence of registration of that foreign protection order is annexed and marked with the letter C.

*8 Satisfactory arrangements, or arrangements that are the best that can be devised in the circumstances, have been made for the day-to-day care, maintenance, and other aspects of the welfare of every child of the marriage or civil union. The arrangements relate to every child who is under 16 years. They also relate to every child who is 16 years or over and who, because of special circumstances, requires arrangements to be made.

*9 The arrangements referred to in paragraph 8 of this affidavit are as follows:

Day-to-day care: [*give details*]:

Maintenance: [*give details*]:

Other aspects of welfare, such as schooling or any special needs [*give details*].

*Include if there are children of the marriage or civil union.

Signature:

(Deponent)

***Sworn** (*or* **Affirmed**) at [*place*], [*date*], before me:

Signature:

(Registrar/Justice of the Peace/Solicitor of the High Court*)

*Select one.

Notes

Documents

When you have completed this affidavit, you must file the following documents:

- an application by one party for an order dissolving a marriage or civil union: protected person under protection order (form FP 14A):
- an information sheet (form G 7):
- your marriage or civil union certificate (the original or a certified copy), annexed to this affidavit and marked with the letter A:
- a copy of the protection order annexed to this affidavit and marked with the letter B and, if it is a foreign protection order, evidence of registration annexed to this affidavit and marked with the letter C.

Schedule 6 form FP 14B: inserted, on 17 October 2025, by rule 22(5) of the Family Court Amendment Rules 2025 (SL 2025/205).

Form FP 14C

Joint application for dissolution order: protected person under protection order

r 337(4)(b)

Section 39A, Family Proceedings Act 1980

(Front page—Form G 1)

We, [*full name*] and [*full name*], jointly apply for an order dissolving our marriage or civil union.

This application is made on the ground that both applicants are protected persons under protection orders made against the other party and the protection orders are in force at the date of filing this application.

1 [*Full name of one of the applicants*] is domiciled in New Zealand.

or

1 We are both domiciled in New Zealand.

2 My spouse (*or* partner) and I are protected persons under protection orders made against the other party and the protection orders are in force at the date of filing this application.

3 There are no children of the marriage or civil union.

or

3 If an order dissolving the marriage or civil union is made, we propose to make the following arrangements for the day-to-day care, maintenance, and welfare of the children of the marriage or civil union:

Day-to-day care: [*give details*]:

Maintenance: [*give details*]:

Other aspects of welfare, such as schooling or any special needs: [*give details*].

or

3 It is impracticable for us to make any arrangements for the day-to-day care, maintenance, and welfare of the children of the marriage or civil union because [*give reasons*].

Date:

Signature:

(Applicant(s))

***Date of hearing**

I appoint [*date*] at [*time*] at the Family Court at [*place*] for the hearing of this application.

*Registrar's list of applications for dissolution orders

I have entered this application on the Registrar's list of applications for dissolution orders. I will make an order dissolving the marriage or civil union on [*date*] if the requirements of the Family Proceedings Act 1980 and these rules are satisfied on that date.

*Delete if inapplicable.

Date:

Signature:

(Registrar)

Notes

Information sheet

A duly completed information sheet (form G 7) must accompany this application.

Documents to be filed

You must file an affidavit in form FP 14D. Your application is then entered on the Registrar's list of applications for dissolution orders. This allows the Registrar to make an order dissolving the marriage or civil union, if the requirements of the Family Proceedings Act 1980 and these rules are satisfied, without your having to appear before the Family Court.

When order takes effect as final order

If an order dissolving a marriage or civil union is made by the Family Court on this application, it takes effect as a final order on being made.

If an order dissolving a marriage or civil union is made by the Registrar on this application, it takes effect as a final order at the expiration of 1 month from the date on which it is made.

Schedule 6 form FP 14C: inserted, on 17 October 2025, by rule 22(5) of the Family Court Amendment Rules 2025 (SL 2025/205).

Form FP 14D

Affidavit to accompany joint application for dissolution order: protected person under protection order

rr 337(4)(b), 337A(2), 339(1)(b), 355A(1)(a)

Section 39A, Family Proceedings Act 1980

(Front page—Form G 1)

I, [*full name*], of [*address*], [*occupation*], and I, [*full name*], of [*address*], [*occupation*], **swear** (*or* **affirm**) that—

1 We are the applicants for an order dissolving a marriage or civil union.

2 [*Full name of one of the marriage or civil union partners*] is domiciled in New Zealand.

or

2 We are both domiciled in New Zealand.

3 We were married or entered into a civil union on [*date*] at [*place*], [*name of city or town, etc*].

4 A copy of our marriage or civil union certificate is annexed to this affidavit and marked with the letter A.

5 [*Full name of one of the marriage or civil union partners*] is a protected person under a final protection order made on [*date*].

or

5 [*Full name of one of the marriage or civil union partners*] is a protected person under a foreign protection order registered on [*date*].

6 Any appeal rights in respect of the protection order have been exhausted or have expired.

7 A copy of the final protection order is annexed to this affidavit and marked with the letter B.

or

7 A copy of the foreign protection order and evidence of its registration is annexed to this affidavit and marked with the letter B.

8 [*Full name of the other of the marriage or civil union partners*] is a protected person under a final protection order made on [*date*].

or

8 [*Full name of the other of the marriage or civil union partners*] is a protected person under a foreign protection order registered on [*date*].

9 Any appeal rights in respect of the protection order have been exhausted or have expired.

10 A copy of the final protection order is annexed to this affidavit and marked with the letter C.

or

10 A copy of the foreign protection order and evidence of its registration is annexed to this affidavit and marked with the letter C.

*11 Satisfactory arrangements, or arrangements that are the best that may be devised in the circumstances, have been made for the day-to-day care, maintenance, and other aspects of the welfare of every child of the marriage or civil union. The arrangements relate to every child who is under 16 years. They also relate to every child who is 16 years or over and who, because of special circumstances, requires arrangements to be made.

*12 The arrangements referred to in paragraph 11 of this affidavit are as follows:

Day-to-day care: [*give details*]:

Maintenance: [*give details*]:

Other aspects of welfare, such as schooling or any special needs: [*give details*].

Signature:

(Deponent)

Signature:

(Deponent)

Severally **sworn** (*or* **affirmed**) at [*place*] by both the above-named deponents this [*date*] before me:

Signature:

(Registrar/Justice of the Peace/Solicitor of the High Court*)

*Select one

Notes

Documents

When you have completed this affidavit, you must file the following documents:

- a joint application for an order dissolving a marriage or civil union (form FP 14C):
- an information sheet (form G 7):

- this affidavit (form FP 14D):
- your marriage or civil union certificate (the original or a certified copy), annexed to this affidavit and marked with the letter A:
- a copy of the first party to the application's protection order (and, if that protection order is a foreign protection order, evidence of registration of that protection order) annexed to this affidavit and marked with the letter B and the second party to the application's protection order (and, if that protection order is a foreign protection order, evidence of registration of that protection order) annexed to this affidavit and marked with the letter C.

Schedule 6 form FP 14D: inserted, on 17 October 2025, by rule 22(5) of the Family Court Amendment Rules 2025 (SL 2025/205).

Form FP 15
Application for paternity order

r 334

Section 47, Family Proceedings Act 1980

(Front page—Form G 1)

I, [*full name*], apply for a paternity order against [*full name*] on the ground that he is the father of a child called [*full name of child*] born on [*date of birth of child*] (*or* is the father of a child expected to be born on [*expected date of birth of child*]).

I say:

1 [*If the application is made by a person other than the mother of the child, that person must state in what capacity and for what reason he or she is making the application. See section 47(1)(b) to (d) of the Family Proceedings Act 1980.*]

2 [*If section 49(2) of the Family Proceedings Act 1980 is relied on to bring the application within the period of limitation, the facts must be stated here.*]

3 [*Set out sufficient information to inform the court of the facts relied on in support of the application.*]

.....
Signature of applicant

.....
Date

Note

Information sheet

A duly completed information sheet (form G 7) must accompany this application.

Form FP 15A
Application for declaration of paternity

r 334

Family Proceedings Act 1980; Section 10(5)(a), Status of Children Act 1969

(Front page—Form G 1)

I, [*full name*], apply in relation to [*full name of child or alleged child*], [*date of birth*], for—

*a declaration of paternity

*a declaration of non-paternity.

*Delete whichever is inapplicable.

I am—

[*tick whichever applies*]

□ the mother of the child and I allege that [*full name*] of [*address, if known*] is the father of the child:

□ a person who alleges that the relationship of father and child exists between me and [*full name*] of [*address, if known*]:

□ a person who wishes to have it determined whether the relationship of father and child exists between the child or alleged child and [*full name*] of [*address, if known*] and I have a proper interest in the result [*specify the nature of the interest*].

.....
Signature of applicant

.....
Date

Note

Information sheet

A completed information sheet (form G 7) must accompany this application.

Schedule 6 form FP 15A: inserted, on 1 July 2005, by rule 36 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Form FP 16
Notice to respondent of application under Family Proceedings Act 1980 or subpart 4 of Part 2 of Care of Children Act 2004

rr 32(2)(b), 341(2)(b), 367(1)(a)

(General heading—Form G 2)

To

.....

.....

.....

An application (*see* the attached copy) has been filed in this court by [*full name*]. The order or orders sought by the applicant are specified in the application.

***Interim maintenance order**

*On [*date*] at [*time*] at [*place*], there will be a hearing to decide whether interim maintenance should be paid.

*If you do not appear at this hearing, the court may make an interim maintenance order in your absence.

*Include these paragraphs only if a maintenance order is applied for.

Notice of defence

If you wish to defend the application, you must, within 21 days after the date on which you receive this notice,—

(a) file a notice of defence in this office of the court; and

(b) serve a copy of the notice of defence on the other party (*or* parties) to the proceedings. That copy may be delivered to the address for service given by the applicant (*or* other parties).

You should note that if you do not file and serve a notice of defence within that time you may not be able to defend the application. On the day of the hearing of the application, should you appear, the court may—

(a) allow you to take part in the hearing of the application only on such terms as the court thinks fit; or

(b) decline to allow you to take part.

You should also note that the court may make an order against you for costs properly incurred as a consequence of your failure to file and serve a notice of defence within time.

If you do not file and serve a notice of defence, the case may proceed without further notice to you.

A lawyer will prepare a notice of defence for you. If you want a lawyer but think you cannot afford one, contact an office of the Family Court immediately. You may also see a specimen form of the notice of defence at any office of the Family Court.

*Request for an appearance or request for hearing

This note applies if—

(a) the application is for an order dissolving the marriage or civil union on the ground that the marriage or civil union has broken down irreconcilably; and

(b) the applicant has indicated in the application that the applicant consents to the order being made in his or her absence.

If you do not consent to the order being made in your absence, you may file, in this office of the court, a request for an appearance.

You may file a request for an appearance instead of, or in addition to, a notice of defence.

If you file a request for an appearance, you must serve a copy on the applicant. That copy may be delivered to the address for service given by the applicant.

If there is a change of circumstances after the application is filed and before the order takes effect as a final order, so that you want to appear before the Family Court, you may seek a hearing by filing, in this office of the court, a request for a hearing in form FP 20.

If you do not file and serve a notice of defence or a request for an appearance or a request for a hearing, an order dissolving the marriage or civil union may be made by the Registrar in your absence.

A lawyer will prepare a request for an appearance or a request for a hearing for you. If you want a lawyer but think you cannot afford one, you should contact an office of the Family Court immediately. You may also see a specimen form of the request for an appearance and request for a hearing at any office of the Family Court.

Address for service

If you do not wish to defend the application (*or appear before the Family Court at the hearing of the application) but you do wish to know what is happening, you must—

(a) file in this office of the court a notice giving the address of a place in New Zealand at which documents may be left for you; and

(b) serve a copy of the notice on the other party to the proceedings. That copy may be delivered to the address for service given by the applicant.

*Include only if an order dissolving a marriage or civil union is applied for.

Liability as witness

Even if you take no action, the court may summon you as a witness to help it deal with the application.

Copies of orders

You will get a copy of any orders made against you. However, any order will probably be in force from the time it is made. The fact that you have not got a copy of the order will not be an excuse for not obeying it.

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

.....
Registrar
.....
Date

Schedule 6 form FP 16 heading: amended, on 31 March 2014, by rule 44(3) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Schedule 6 form FP 16: amended, on 17 October 2025, by rule 22(6) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 16: amended, on 2 May 2024, by rule 137(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 6 form FP 16: amended, on 3 August 2009, by rule 15(1) of the Family Courts Amendment Rules 2009 (SR 2009/185).

Schedule 6 form FP 16: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 17

Notice to respondent residing outside New Zealand of application under Family Proceedings Act 1980 or subpart 4 of Part 2 of Care of Children Act 2004

rr 32(2)(b), 341(2)(b)

(General heading—Form G 2)

To

.....

.....

.....

An application (*see* the attached copy) has been filed in this court by [*full name*]. The order or orders sought by the applicant are described in the application.

Jurisdiction of court

The court may make an order if [*set out bases for jurisdiction in respect of each order sought, following closely the relevant provisions of the Family Proceedings Act 1980 or subpart 4 of Part 2 of the Care of Children Act 2004 or of both*].

Notice of defence

If you wish to defend the application or be heard on it, you must, either directly or through a lawyer in the place where you are, send authority to a lawyer in New Zealand instructing him or her to act for you.

If you wish to defend the application, you must, within [*number*] days after the date on which you received this notice,—

(a) file a notice of defence in this office of the court; and

(b) serve a copy of the notice of defence on the other party (*or* parties) to the proceedings. That copy may be delivered to the address for service given by the applicant (*or* other parties).

You should note that if you do not file and serve a notice of defence within that time you may not be able to defend the application. On the day of the hearing of the application, should you appear, the court may—

(a) allow you to take part in the hearing of the application only on such terms as the court thinks fit; or

(b) decline to allow you to take part.

You should also note that the court may make an order against you for costs properly incurred as a consequence of your failure to file and serve a notice of defence within time.

If you do not file and serve a notice of defence, the case may proceed without further notice to you.

*Request for appearance or request for hearing

This note applies if—

(a) the application is for an order dissolving the marriage or civil union on the ground that the marriage or civil union has broken down irreconcilably; and

(b) the applicant has indicated in the application that the applicant consents to the order being made in his or her absence.

If you do not consent to the order being made in your absence, you may, within [*number*] days of receiving this notice, file in this office of the court a request for an appearance.

You may file a request for an appearance instead of, or in addition to, a notice of defence.

If you file a request for an appearance, you must serve a copy on the applicant. That copy may be delivered to the address for service given by the applicant.

If there is a change of circumstances after the application is filed and before the order takes effect as a final order, so that you want to appear before the Family Court, you may seek a hearing by filing, in this office of the court, a request for a hearing in form FP 20.

If you do not file and serve a notice of defence or a request for an appearance or a request for a hearing, an order dissolving the marriage or civil union may be made by the Registrar in your absence.

Address for service

If you do not wish to defend the application (*or appear before the Family Court at the hearing of the application) but you do wish to know what is happening, you must—

(a) file in this office of the court a notice giving the address of a place in New Zealand at which documents may be left for you; and

(b) serve a copy of the notice on the other party to the proceedings. That copy may be delivered to the address for service given by the applicant.

*Include only if an order dissolving a marriage or civil union is applied for.

Copies of orders

You will get a copy of any orders made against you. However, any order will probably be in force from the time it is made. The fact that you have not got a copy of the order will not be an excuse for not obeying it.

*Warning

If you are not domiciled in New Zealand, you are warned that a dissolution of marriage or civil union granted on the application of your marriage or civil union partner may not be recognised as valid outside New Zealand. The dissolution will be valid for all purposes within New Zealand.

If you wish to marry or enter into a civil union in a country outside New Zealand, you should take legal advice on whether you are legally free to do so.

*Include if an order dissolving a marriage or civil union is applied for.

Advice

If you need help, consult a lawyer in the place where you are immediately. If you intend to employ a lawyer in New Zealand, you should ask about your eligibility for legal aid in this country.

Respondents served in Australia under Trans-Tasman Proceedings Act 2010

If you are served in Australia and under section 13 of the Trans-Tasman Proceedings Act 2010 of New Zealand, this notice is affected by that Act and the information that section 15 of that Act requires to be served on you. By virtue of that Act you may, for example,—

- respond to the application by taking steps yourself or by using an Australian lawyer (rather than by instructing a New Zealand lawyer to act for you); and
- respond within a period that is at least 30 working days after the day on which you were served; and
- give an address for service that is an address of a place in Australia or New Zealand.

Note: An initiating document for a civil proceeding that relates wholly or partly to a matter that, under sections 4(1) and 12(2)(a) of the Trans-Tasman Proceedings Act 2010, is an excluded matter (for example, the dissolution of a marriage) cannot be served in Australia and under section 13 of that Act.

.....
Registrar
.....
Date

Schedule 6 form FP 17 heading: amended, on 31 March 2014, by rule 44(4) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Schedule 6 form FP 17: amended, on 17 October 2025, by rule 22(7) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 17: amended, on 2 May 2024, by rule 137(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 6 form FP 17: amended, on 31 March 2014, by rule 44(5) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Schedule 6 form FP 17: amended, on 11 October 2013, by rule 20 of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Schedule 6 form FP 17: amended, on 3 August 2009, by rule 15(2) of the Family Courts Amendment Rules 2009 (SR 2009/185).

Schedule 6 form FP 17: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 17: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 18
Affidavit of financial means and their sources

r 344(1)(a)

Section 188(2)(d), Family Proceedings Act 1980

(Front page—Form G 1)

I, [*full name*], of [*address*], [*occupation*], **swear** (*or* **affirm**) that my financial means and their sources are as set out below.

1 My income for the 52 weeks immediately preceding the date of this affidavit was as follows: [*use* Nil *if applicable*]

Item	*Particulars*	*$*
(a)	salary, wages, or other personal earnings from [*state employer*]:	
(b)	gross income from business:	
(c)	amount received from boarders (including children over 16 years of age):	
(d)	rents from property (including rooms let):	
(e)	compensation or damages received:	
(f)	superannuation, pension, or benefit (including any from overseas):	
(g)	dividends and interest:	
(h)	all other sources of income [*specify*]:	
	Total income in the 52 weeks:	$

2 My assets (both in New Zealand and elsewhere) are as follows:

Item	*Particulars*	*$*
(a)	land and buildings [*state address and capital value*]:	
(b)	money in bank accounts [*specify banks*]:	
(c)	money not in bank or invested:	
(d)	money lent or in hands of any person [*name and address*]:	
(e)	government stock, shares, debentures, or bonds [*state details*]:	
(f)	plant and machinery [*state details*]:	
(g)	livestock [*state details*]:	
(h)	interest in business, stock in trade, or venture of any kind [*state details*]:	
(i)	motor vehicles [*state details*]:	

Item	*Particulars*	*$*
(j)	any other property or assets not specified above, including interest in any estate [*state details*]:	
	Total assets: $	

3 The property specified in items [*specify*] of clause 2 of this affidavit is mortgaged, or otherwise secured to [*full name*], of [*address*], for the sum of $.....

4 My expenses for the 52 weeks specified in clause 1 of this affidavit were as follows:

Item	*Particulars*	*$*
(a)	income tax:	
(b)	insurance and superannuation:	
(c)	medical and hospital benefits:	
(d)	rent:	
(e)	rates:	
(f)	mortgage payments:	
(g)	repairs on home:	
(h)	food and household supplies:	
(i)	electricity, gas, and fuel:	
(j)	telephone:	
(k)	laundry and cleaning:	
(l)	clothing:	
(m)	child maintenance, care, and education:	
(n)	maintenance for former spouse or partner:	
(o)	entertainment:	
(p)	fares:	
(q)	car maintenance, running, and registration:	
(r)	hire purchase payments:	
(s)	other expenses [*specify*]:	
	Total expenses in the 52 weeks: $	

5 Separate income for the 52 weeks of members of household whose expenses are included:

(a) [*list full names, ages, and relationship of all members of household*]:

(b) [*list details of separate income of any member of household*].

.....
Signature of deponent

Sworn (*or* **Affirmed**) at [*place*], [*date*], before me:

.....
Registrar
(*or* Justice of the Peace
or Solicitor of the High Court)

Schedule 6 form FP 18: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 18: amended, on 1 July 2004, by rule 8(2) of the Family Courts Amendment Rules 2004 (SR 2004/165).

Form FP 19
Request for appearance

r 346

Section 38(2)(c), Family Proceedings Act 1980

(Front page—Form G 1)

To the Registrar

Family Court at [*place*]

I, [*full name*], am the respondent to the application for an order dissolving a marriage or civil union made by [*name of applicant*] on [*date*].

I request an appearance when the application is heard by the Family Court.

.....
Signature of respondent
.....
Date

Schedule 6 form FP 19: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 6 form FP 19: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 20

Request for hearing in relation to dissolution order: irreconcilable breakdown

rr 347, 356(1)

Section 38(3), Family Proceedings Act 1980

(Front page—Form G 1)

To the Registrar

Family Court at [*place*]

1 I, [*full name*], am a party to a marriage or civil union in relation to which an application for a dissolution order: irreconcilable breakdown was filed on [*date*]. The order has not been made.

or

1 I, [*full name*], am a party to a marriage or civil union that was dissolved by a dissolution order: irreconcilable breakdown made by the Registrar on [*date*]. The order will take effect on [*date*].

2 I request a hearing.

3 This request is made on the ground that there has been the following change of circumstances since the time of the filing of the application for the order: [*set out sufficient information to inform the court of the facts relied on in support of the request*].

4 I estimate that the duration of the hearing will be [*specify period*] because [*set out all available information affecting the estimated length of the hearing*].

.....
Signature of party

.....
Date

Date of hearing

I appoint [*date*] at [*time*] at the Family Court at [*place*] for the hearing.

.....
Registrar

.....
Date

Schedule 6 form FP 20 heading: amended, on 17 October 2025, by rule 22(8)(a) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 20: amended, on 17 October 2025, by rule 22(8)(b) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 20: amended, on 17 October 2025, by rule 22(8)(c) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 20: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 21
Notice of registration of order from commonwealth or designated country

r 364(1)

Section 136, Family Proceedings Act 1980

(General heading—Form G 2)

To

.....

.....

.....

I have today registered in this court an order for maintenance made between the above-named parties at [*place*] on [*date*]. The order provides for the payment of maintenance by you in the following terms: [*set out the terms of the order*].

Now that this order has been registered in New Zealand, it will be treated like a maintenance order made by a court here.

According to a certificate given by [*full name*] and filed in the court, you owe, under the order, the sum of [*specify*] up to [*specify*].

Unless you are notified to the contrary by the Commissioner of Inland Revenue, all payments under the order must be paid to the Commissioner of Inland Revenue in accordance with the Child Support Act 1991. It is the Commissioner's duty to enforce the order.

.....
Registrar

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office or an office of the Ministry of Social Development immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Schedule 6 form FP21: amended, on 1 October 2003, pursuant to section 14(1) of the State Sector Amendment Act 2003 (2003 No 41).

Form FP 22
Provisional order for confirmation overseas

r 368(1)

Section 147, Family Proceedings Act 1980

(General heading—Form G 2)

On application made to it for the making against the respondent of—

*a maintenance order in respect of a spouse or civil union partner or a former spouse or civil union partner,—

*a provisional maintenance order in respect of a child,—

this court makes a provisional maintenance order (*or* provisional maintenance orders) against the respondent.

*Delete if inapplicable.

By this provisional maintenance order (*or* these provisional maintenance orders), this court orders that the respondent—

(a) pay towards the future maintenance of the applicant the sum of $[*specify*] per [*specify*] until [*specify period*] (*or* during the joint lives of [*full name*] and [*full name*] [*or as the case may be*]):

(b) pay towards the future maintenance of [*full name*], a child born on [*date of birth*], the sum of $[*specify*] per [*specify*] until the child reaches the age of 16 years [*or as the court otherwise directs*].

This order is (*or* These orders are) provisional only and have no effect unless and until confirmed by a competent court in a place outside New Zealand.

.....
Registrar

.....
Date

Note

Accompanying documents

When transmitted by the Secretary for Justice to the country in which the respondent resides, this order must be accompanied by the documents specified in section 147(6) of the Family Proceedings Act 1980. The statement of the grounds on which the making of the order might have been opposed may be in the form of a certificate signed by the Judge hearing the application.

Schedule 6 form FP 22: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 22: amended, on 1 July 2004, by rule 8(3) of the Family Courts Amendment Rules 2004 (SR 2004/165).

Form FP 23
Summons for hearing of proceedings for confirmation of overseas maintenance order

r 334

Section 138(3)(a) (or section 139(3)), Family Proceedings Act 1980

(General heading—Form G 2)

To

.....

.....

.....

On the application of [*full name*], a provisional order was made against you in the [*specify court*] Court at [*place*] on [*date*] under [*state the Act or other authority of the country where the order was made*].

The provisional order provides [*set out the relevant terms of the provisional order*].

Proceedings for the confirmation of the provisional order are now to be heard in New Zealand in court.

In connection with those proceedings, this court has received, in relation to the provisional order, the following documents:

(a) a certified copy of that order:

(b) the depositions of the witnesses:

(c) a statement of the grounds on which the order might have been opposed [*delete if the provisional order, being an order to which section 139 or section 139A of the Family Proceedings Act 1980 applies, affects a New Zealand maintenance order or a New Zealand maintenance agreement*].

Copies of these documents may be obtained from this office of this court.

You are summoned to appear at [*time*] on [*date*] in the District Court at [*place*] to show reasons why the provisional order (*or* orders) should not be confirmed.

At the hearing, it will be open to you to raise any defence that you might have raised in the original proceedings had you been present but no other defence (except [*if the provisional order is made in or consequent on an affiliation order*] the defence—

(a) that you are not the father of the child; and

(b) that the proceedings in which the affiliation order was made were not brought to your notice (either by the service of a summons on you or by any other method permitted by the law of the country in which the affiliation order was made)).

If you do not appear at the hearing, or if on appearing you do not satisfy the court that the order ought not to be confirmed, the court may confirm the order either with or without modifications.

*If the court confirms the order, it may also, if it is satisfied that you are of sufficient ability, order you to pay a sum for maintenance between the date of the making of the order and its confirmation.

*Include only if section 138(1)(a) of the Family Proceedings Act 1980 applies.

*If the court confirms the order, it will become a maintenance order for the purposes of the Family Proceedings Act 1980 and may be enforced in New Zealand under the Child Support Act 1991.

*Include only if section 138(1)(a) of the Family Proceedings Act 1980 applies.

.....
Registrar
.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Form FP 24
Warrant to arrest respondent for hearing of proceedings for confirmation of maintenance order

r 334

Section 138(3)(b), Family Proceedings Act 1980

(General heading—Form G 2)

To every constable

On the application of [*full name*], a provisional order was made against the respondent in the [*specify court*] Court at [*place*] on [*date*] under [*state the Act or other authority of the country where the order was made*].

The provisional order provides [*set out the terms of the provisional order*].

A certified copy of that order, together with the other necessary documents, has now been sent to this court for the hearing of proceedings for the confirmation of the order.

I am satisfied that the address of the respondent is unknown (*or* a summons has been issued for the attendance of the respondent at this court, but has not been served because the respondent cannot be found).

I direct you to arrest the respondent and bring the respondent before the court as soon as possible.

.....
Judge
(*or* Registrar)
.....
Date

Schedule 6 form FP 24: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FP 25
Summons for hearing of overseas maintenance application

r 334

Section 145J(1)(b), Family Proceedings Act 1980

(General heading—Form G 2)

To

.....

.....

.....

An application by [*full name*] of [*address*] for an order against you has been received by this court.

The applicant seeks [*set out the terms of the order(s) sought*].

Copies of the application and of the accompanying documents sent by the applicant are attached to this summons.

You are summoned to appear at [*time*] on [*date*] in the District Court at [*place*] for the hearing of the application.

Notice of defence

If you wish to defend the application, you must, within 21 days after the date on which you receive this notice, file a notice of defence in this office of the court. If you do not file and serve a notice of defence, the case may proceed without further notice to you.

Address for service

If you do not wish to defend the application but you do wish to know what is happening, you must file in this office of the court a notice giving the address of a place in New Zealand at which documents may be left for you.

Assistance

A lawyer will prepare a notice of defence for you. If you want a lawyer but think you cannot afford one, contact an office of the Family Court immediately. You may also see a specimen form of the notice of defence at any office of the Family Court.

Liability as a witness

Even if you take no action, the court may summon you as a witness to help it deal with the application.

Copies of orders

You will get a copy of any orders made against you. However, any order will probably be in force from the time it is made. The fact that you have not got a copy of the order will not be an excuse for not obeying it.

Enforcement

If the court makes an order, the order will be enforced under the Child Support Act 1991.

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

.....
Registrar
.....
Date

Form FP 26
Warrant to arrest respondent for hearing of application for maintenance made by applicant residing overseas

r 334

Section 145J(2), Family Proceedings Act 1980

(General heading—Form G 2)

To every constable

An application by [*full name*] of [*address*] for an order has been received by this court.

The applicant seeks [*set out the terms of the order(s) sought*].

The application, together with the other necessary documents, has now been sent to the court to be dealt with.

I am satisfied that the address of the respondent is unknown (*or* a summons has been issued for the attendance of the respondent at this court, but has not been served because the respondent cannot be found).

I direct you to arrest the respondent and bring the respondent before the court as soon as possible.

.....
Judge

.....
Date

Schedule 6 form FP 26: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FP 27
Order confirming provisional order for maintenance

r 334

Section 138 (or section 139 or section 139A), Family Proceedings Act 1980

(General heading—Form G 2)

On [*date*], a provisional order was made by the [*specify court*] Court at [*place and country*] under [*set out the Act or other authority*].

The provisional order provides [*set out the relevant terms of the provisional order*].

A summons was duly served on the respondent to appear on [*date*] at the District Court at [*place*] (*or* The respondent was arrested and brought before the District Court at [*place*]) to show reasons why the provisional order should not be confirmed.

On appearing, the respondent failed to satisfy the court that the order should not be confirmed (*or* did not appear).

This court orders that the order be confirmed without modification (*or* with the following modifications: [*specify*]).

*Unless you are notified to the contrary by the Commissioner of Inland Revenue, all payments under the order must be paid to the Commissioner of Inland Revenue in accordance with the Child Support Act 1991. It is the Commissioner's duty to enforce the order.

*The first payment must be made on [*date*].

*Delete—

(a) if the order does not require payments, as in the case of the cancellation or suspension of a maintenance order; or

(b) if the person ordered to pay maintenance under the order is outside New Zealand.

.....
Registrar

.....
Date

Note

Copies of order

Copies of this order must be forwarded to—

(a) the Head Office, Ministry of Justice; and

(b) the court making the provisional order; and

(c) if the order was made under section 138 of the Family Proceedings Act 1980, the Commissioner of Inland Revenue.

Schedule 6 form FP 27: amended, on 1 July 2004, by rule 8(4) of the Family Courts Amendment Rules 2004 (SR 2004/165).

Form FP 28
Maintenance order (child in convention country)

r 334

Section 145G, Family Proceedings Act 1980

(General heading—Form G 2)

On application made to it, the court orders that the respondent pay, in respect of the maintenance of [*full name*], a child born on [*date*],—

(a) the sum of $[*specify*] per [*specify period*] towards the future maintenance of the child until the child reaches the age of [*specify*] years [*or as the court otherwise directs*]. The first payment is to be made on [*date*]:

(b) the sum of $[*specify*] towards the future maintenance of the child. The sum is payable [*specify arrangements for payment and any conditions*]:

(c) the sum of $[*specify*] towards the past maintenance of the child. The sum is payable [*specify arrangements for payment and any conditions*].

.....
Registrar
.....
Date

Note

Payments

Unless you are notified to the contrary by the Commissioner of Inland Revenue, all payments under the order must be paid to the Commissioner of Inland Revenue in accordance with the Child Support Act 1991. It is the Commissioner's duty to enforce the order.

Form FP 29

Warrant of commitment on adjournment where respondent remanded in custody or does not immediately enter into bond

r 369(4)

Family Proceedings Act 1980

(General heading—Form G 2)

To every constable

and

To the Manager of [*name of prison*]

The respondent was arrested on a warrant issued under section 138(3)(b) (*or* section 145J(2)) of the Family Proceedings Act 1980 [*or as the case may be*]).

The further hearing of the application between the above-named parties has been adjourned, and the respondent has been remanded in custody for the period of the adjournment (*or* granted bail in terms certified on the back of this warrant) but has not yet entered into a bail bond.

You, the constables, are directed to deliver the respondent to the prison at [*place*] and you, the Manager, to receive the respondent into your custody and to detain the respondent until [*date*], when you are required to bring the respondent to the Family Court at [*place*] at [*time*] for the further hearing of the application.

.....
Registrar
.....
Date

Certificate of consent to bail

I certify that the respondent named in this warrant may be released on bail bond being entered into on the following terms: [*specify terms*].

.....
Registrar
.....
Date

Schedule 6 form FP 29: amended, on 1 July 2005, by rule 37(10)(a) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 form FP 29: amended, on 1 July 2005, by rule 37(10)(b) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 form FP 29: amended, on 1 July 2005, by rule 37(10)(c) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Form FP 30
Bail bond

r 369(5)

Family Proceedings Act 1980

(General heading—Form G 2)

The respondent was arrested on a warrant issued under section 138(3)(b) (*or* section 145J(2)) of the Family Proceedings Act 1980 [*or as the case may be*]).

The further hearing of the application between the above-named parties has been adjourned, and the court has directed that the respondent be released on bail during the period of the adjournment.

I, [*full name*], bind myself to attend personally at the Family Court at [*place*] at [*time*] on [*date*], which is the date to which the hearing of the application between the parties has been adjourned.

I acknowledge myself bound to forfeit to the Crown the sum of $[*specify*] and I (*or* we) [*full name, address, and occupation of each surety*] acknowledge myself (*or* ourselves) bound to forfeit to the Crown the sum of $[*specify*] (each) if the respondent fails to attend at the time and place to which the hearing has been adjourned.

.....
Respondent

.....
Surety (*or* Sureties)

Taken before me at [*place*] on [*date*]:

.....
Judge
(*or* Family Court Associate *or* Registrar)

Schedule 6 form FP 30: amended, on 2 May 2024, by rule 137(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Form FP 31
Warrant of deliverance on execution of bail bond

r 369(6)

Family Proceedings Act 1980

(General heading—Form G 2)

To the Manager of [*name of prison*]

The respondent, who was remanded into your custody after the respondent's arrest and on the adjournment of an application between the above-named parties, was granted bail on the following terms: [*specify terms*].

The respondent has now entered into a bail bond with (*or* without) surety (*or* sureties) in the required amount(s), and you are now directed, if the respondent is detained on the warrant and no other, to release the respondent immediately.

.....
Judge
(*or* Family Court Associate *or* Registrar)
.....
Date

Schedule 6 form FP 31: amended, on 2 May 2024, by rule 137(4) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 6 form FP 31: amended, on 1 July 2005, by rule 37(11) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Form FP 32
Warrant to enforce role of providing day-to-day care for, or order for contact with, child

[Revoked]

r 334

Schedule 6 form FP 32: revoked, on 31 March 2014, by rule 44(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Form FP 33
Warrant to take child to prevent removal from New Zealand

r 334

Section 118, Care of Children Act 2004

(General heading—Form G 2)

To every constable (*or* social worker)

I have reason to believe that [*full name*], a child aged [*specify*] years, may be taken out of New Zealand with intent to, or in circumstances where the taking of the child would be likely to,—

*defeat the claim of [*full name*], of [*address*], [*occupation*], who has applied for (*or* is about to apply for) the role of providing day-to-day care for, or an order for contact with, the child; or

*prevent an order made in the [*court*] at [*place*] on [*date*] (*or* registered under section 81 of the Care of Children Act 2004) about the role of providing day-to-day care for, or about contact with, the child, from being complied with.

The child is said to be in the care of [*full name*] of [*address*].

(*There being no High Court Judge or District Court Judge or Family Court Judge available,) I direct you to take the child (using reasonable force if necessary) and place the child in the care of some suitable person pending the order or further order of the court having jurisdiction in the case.

When you have executed this warrant in accordance with the direction, you must advise this court immediately of the name and address of the person with whom you have placed the child.

*Delete if inapplicable.

.....
Judge
(*or* Family Court Associate *or* Registrar (not being a constable))
.....
Date

Notes

Arrest of person resisting execution of warrant

Under section 79 of the Care of Children Act 2004, you commit an offence for which you may be sentenced to imprisonment if you knowingly resist or obstruct a person executing this warrant, or knowingly fail or refuse to afford a person of that kind immediate entrance to (all or a part of) any premises. Under section 315(2) of the

Crimes Act 1961, a constable (and persons the constable calls to his or her assistance) may arrest and take into custody without a warrant a person whom the constable finds committing, or has good cause to suspect of having committed, an offence punishable by imprisonment.

Use of a faxed copy of warrant

If use of a faxed copy of this warrant is authorised by an authority to prevent delay in execution of the warrant, the authority must, under section 76 of the Care of Children Act 2004, write and sign a note on the front of the warrant stating—

(a) the fact that a faxed copy of the warrant may be used for the purposes of executing the warrant; and

(b) the date and time at which the authorisation expires, which must be the close of the third day after the day on which the authorisation is granted.

Schedule 6 form FP 33: replaced, on 1 July 2005, by rule 35(d) of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 form FP 33 heading: amended, on 31 March 2014, by rule 44(6) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Schedule 6 form FP 33: amended, on 2 May 2024, by rule 137(5) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 6 form FP 33: amended, on 17 November 2011, by rule 11 of the Family Courts Amendment Rules 2011 (SR 2011/349).

Form FP 34
Separation order

r 334

Part 3, Family Proceedings Act 1980

(General heading—Form G 2)

On application made to it, the court makes a separation order.

The effect of this order is that, so long as the order remains in force, neither the applicant nor the respondent is under an obligation to cohabit with each other, but, except as provided by the Family Proceedings Act 1980 or any other enactment, the order does not otherwise affect the marriage or civil union or the status, rights, and obligations of the parties to the marriage or civil union.

.....
Registrar
.....
Date

Schedule 6 form FP 34: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 35

Maintenance order (spouse or civil union partner, former spouse or civil union partner, or former de facto partner)

r 334

Section 69 (or section 70), Family Proceedings Act 1980

(General heading—Form G 2)

On application made to it, the court orders that the respondent must pay, in respect of the maintenance of the applicant,—

(a) the sum of $[*specify*] per [*specify*] towards the future maintenance of the applicant until [*specify period*] (*or* during the joint lives of the parties *or* during the life of the applicant). The first payment must be made on [*date*]:

(b) the sum of $[*specify*] towards the future maintenance of the applicant. The sum is payable [*specify arrangements for payment, and any conditions*]:

(c) the sum of $[*specify*] towards the past maintenance of the applicant. The sum is payable [*specify arrangements for payment, and any conditions*].

The court orders that the respondent pay to the applicant the costs of these proceedings amounting to $[*specify*].

.....
Registrar

.....
Date

Notes

Payments

Unless you are notified to the contrary by the Commissioner of Inland Revenue, all payments under the order must be paid to the Commissioner of Inland Revenue in accordance with the Child Support Act 1991. It is the Commissioner's duty to enforce the order.

**Effect of new marriage or civil union or de facto relationship*

An order for future maintenance ceases to have effect if the party in whose favour it is made marries, or enters into a civil union or a de facto relationship with, someone other than the party against whom the order is made. *See* section 70A(2) to (4) of the Family Proceedings Act 1980.

*Delete if the order makes no provision for future maintenance.

Schedule 6 form FP 35 heading: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 35: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 35: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 35A
Application for parenting order
[Revoked]

r 334

Schedule 6 form FP 35A: revoked, on 31 March 2014, by rule 44(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Form FP 36
Parenting order(s)
[Revoked]

r 334

Schedule 6 form FP 36: revoked, on 31 March 2014, by rule 44(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Form FP 36A
Bond to ensure compliance with parenting order
[Revoked]

r 334

Schedule 6 form FP 36A: revoked, on 31 March 2014, by rule 44(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Form FP 36B
Notice of intention to appear in relation to interim parenting order or other interim order
[Revoked]

r 334

Schedule 6 form FP 36B: revoked, on 31 March 2014, by rule 44(2) of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Form FP 37
Paternity order (and maintenance order)

r 334

Sections 51 and 78 to 81, Family Proceedings Act 1980

(General heading—Form G 2)

On application made to it, the court, by this order, declares the respondent to be the father of a child called [*full name*] born on [*date of birth of child*] (*or* a child expected to be born on [*expected date of birth of child*]).

The court orders that—

*(a) the respondent must pay to the applicant in respect of expenses reasonably incurred by reason of her pregnancy and the birth of the child, and towards her support during and after pregnancy, the sum of $[*specify*] (in the following manner: [*specify*]).

*(b) the respondent must pay to the applicant the sum of $[*specify*] in respect of the funeral expenses of the child (in the following manner: [*specify*]).

*(c) the respondent must pay towards the future maintenance of the applicant the sum of $[*specify*] per [*specify*] until [*date*], and the first payment must be made on [*date*] (*or* the sum of $[*specify*]).

*(d) the respondent must pay towards the past maintenance of the applicant the sum of $[*specify*].

*(e) the respondent must pay to the applicant the costs of these proceedings amounting to $[*specify*].

*Delete if inapplicable.

.....
Registrar

.....
Date

Notes

Payments

Unless you are notified to the contrary by the Commissioner of Inland Revenue, all payments under the order must be paid to the Commissioner of Inland Revenue in accordance with the Child Support Act 1991. It is the Commissioner's duty to enforce the order.

**Effect of applicant marrying or entering a civil union or a de facto relationship*

To the extent that this order relates to the maintenance of the applicant and has not expired earlier, it ceases to have effect if, after it is made, the applicant marries or enters into a civil union or de facto relationship. *See* section 81(3) of the Family Proceedings Act 1980.

*Delete if this order makes no provision for the maintenance of the applicant.

Schedule 6 form FP 37: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 38
Order dissolving marriage or civil union

r 334

Section 39 or 39A, Family Proceedings Act 1980

(General heading—Form G 2)

The Family Court (*or* The Registrar of the Family Court), by this order, dissolves the marriage or civil union that took place on [*date*] at [*church, registry office, or other place at which the marriage or civil union took place*] in [*name of city or town, etc*] between the applicant and the respondent (*or* the joint applicants).

.....
Registrar

.....
Date order made

.....
Date order sealed

Schedule 6 form FP 38 heading: amended, on 17 October 2025, by rule 22(9) of the Family Court Amendment Rules 2025 (SL 2025/205).

Schedule 6 form FP 38 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 38: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 39

Order declaring that other party to marriage or civil union is presumed to be dead and that marriage or civil union is dissolved

r 334

Section 34, Family Proceedings Act 1980

(General heading—Form G 2)

On application made to it, the court, by this order, declares that the respondent is presumed to be dead and that the marriage or civil union that took place on [*date*] at [*church, registry office, or other place at which the marriage or civil union took place*] in [*name of city or town, etc*] between the applicant and the respondent is dissolved.

.....
Registrar

.....
Date

Schedule 6 form FP 39 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 39: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 40
Order declaring marriage or civil union to be void

r 334

Sections 30 and 31, Family Proceedings Act 1980

(General heading—Form G 2)

On application made to it, the court, by this order, declares that the purported marriage or civil union that took place between the applicant and the respondent on [*date*] at [*church, registry office, or other place at which the marriage or civil union took place*] in [*name of city or town, etc*] to be void *ab initio* on the ground that [*specify*].

.....
Registrar

.....
Date

Schedule 6 form FP 40 heading: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 6 form FP 40: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form FP 41

Application without notice for issue of warrant for arrest of respondent

r 373(2)

Section 259, Child Support Act 1991; Section 134, Family Proceedings Act 1980

(Front page—Form G 1)

I, [*full name*], of [*address*], [*occupation*], **swear** (*or* **affirm**) that—

1 a maintenance order was made on [*date*] against the respondent (and subsequently varied) in the following terms:

[*set out the terms of the maintenance order together with any variations and date(s)*].

or

1 a maintenance agreement between me and the respondent in the following terms (and subsequently varied) was registered on [*date*]: [*set out the terms of agreement together with any registered variations and the date(s) of registration*].

2 I have reasonable cause to believe that the respondent is about to leave New Zealand with intent to avoid payment of maintenance in that [*set out facts supporting the application, including the present whereabouts of the respondent, if known*].

I apply for the issue of a warrant for the arrest of the respondent.

.....
Signature of applicant

Sworn (*or* **Affirmed**) before me at [*place*], [*date*].

.....
Judge
(*or* Solicitor
or Registrar (not being a constable))

To the Registrar

District Court at [*place*]

This application is filed by [*name*], whose address for service is [*address*].

Form FP 42
Request for issue of warrant to seize property

r 374

Section 259, Child Support Act 1991; Section 103, Family Proceedings Act 1980

(Front page—Form G 1)

To the Registrar

District Court at [*place*]

I, [*full name*], of [*address*], the Maintenance Officer at [*place*] [*or as the case may be*], request the issue of a warrant to seize property under section 103 of the Family Proceedings Act 1980 against the respondent.

[*Set out details of the maintenance order (or maintenance agreement) and any variations*.]

I certify—

(a) that payments under the order (*or* agreement) are in arrears and unpaid for not less than 14 days; and

(b) that there is now due and owing under the order (*or* agreement) the sum of $[*specify*] up to [*date*].

.....
Signature

.....
Date

Schedule 6 form FP 42 heading: replaced, on 14 April 2014, by rule 10(1) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Schedule 6 form FP 42: amended, on 14 April 2014, by rule 10(2) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Form FP 43
Warrant to seize property

r 374

Section 259, Child Support Act 1991; Section 103, Family Proceedings Act 1980

(General heading—Form G 2)

To every bailiff and constable

Under a maintenance order (*or* maintenance agreement) dated [*date*], payments due by the respondent are, at the time of the issue of this warrant, in arrears and unpaid for not less than 14 days.

I direct you to immediately levy or cause to be levied the sum of $[*specify*], and the costs of the execution of this warrant, by seizure and sale of any of the respondent's goods and chattels, except the respondent's necessary tools of trade, to a value not exceeding $500 and the respondent's necessary household furniture and effects, including the wearing apparel of the respondent and any members of the respondent's family, to a value not exceeding $2,000.

Under that direction, you are also authorised to seize and take away, and deliver to the Registrar of this court, any money, bank notes, bills of exchange, promissory notes, bonds, specialities, or other securities for money belonging to the respondent.

You are directed to pay what you levy to the Registrar of this court and to make return of what you do by virtue of this warrant immediately on its execution.

If insufficient goods or money can be found or if the respondent cannot be found, you are required to report back to this court and to state what your inquiries have shown.

.....
Judge
.....
Date

Notes

Sale by auction

Goods seized in execution under this warrant may be sold by public auction unless the court otherwise orders.

Restriction on sale

No goods seized in execution under this warrant may be sold until the expiration of a period of at least 7 days next following the day on which the goods were seized unless—

(a) the goods are of a perishable nature; or

(b) the person whose goods have been seized so requests in writing.

Power of entry

For the purpose of executing this warrant, you may, at any time, enter on any premises, by force if necessary, if you have reasonable cause to believe that the property in respect of which it is issued is on those premises. If any person in actual occupation of the premises requires you to produce evidence of your authority, you must produce this warrant before entering on the premises.

Endorsements

A request was made to the court for the issue of this warrant at [*specify minutes*] minutes past the hour of [*specify hour*] on [*date*] by [*full name*].

.....
Registrar

This warrant was received by me on [*date*] at [*time*].

.....
Bailiff (*or* Constable)

[*Form 74 in the District Court Rules 2014 must be endorsed on this form if necessary*.]

Schedule 6 form FP 43 heading: replaced, on 14 April 2014, by rule 11(1) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Schedule 6 form FP 43: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 6 form FP 43: amended, on 14 April 2014, by rule 11(2) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Schedule 6 form FP 43: amended, on 14 April 2014, by rule 11(3) of the Family Courts Amendment Rules (No 3) 2013 (SR 2013/414).

Form FP 44
Summons to attend examination as to means and default

r 334

Section 259, Child Support Act 1991; Section 124(1), Family Proceedings Act 1980

(General heading—Form G 2)

To

.....

.....

.....

*A maintenance order was made against you on [*date*].

*The terms of the order are [*set out the terms of the maintenance order*].

*A maintenance agreement between [*full name*] and you was registered on [*date*]. The terms of the agreement are [*set out terms of the agreement*].

*Delete if inapplicable.

The amount of $[*specify*] was in arrears and unpaid under the order (*or* agreement) on [*date*].

You are summoned to appear at [*time*] on [*date*] at the District Court at [*place*] to be examined orally as to your means and as to the reasons for your failure to pay the maintenance in arrears. If you pay the above amount before the above date you need not appear for examination.

You must bring to the hearing any books, papers, and documents relating to your debts and to your failure to pay.

.....
Registrar

.....
Date

Notes

Representation by a lawyer

You may be represented at the examination by a lawyer if you wish.

Failure to appear

If you fail to appear in answer to this summons, a warrant may be issued for your arrest.

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Form FP 45
Warrant to arrest respondent for examination as to means and default

r 334

Section 259, Child Support Act 1991; Section 124(4), Family Proceedings Act 1980

(General heading—Form G 2)

To every constable

A summons was issued requiring the respondent to appear on [*date*] at the District Court at [*place*] to be examined as to the respondent's means and as to the reasons for the respondent's failure to pay maintenance under a maintenance order (*or* agreement).

*The examination was adjourned to [*place*].

*Delete if inapplicable.

The summons could not be served (*or* The respondent did not appear).

I direct you to arrest the respondent and bring the respondent before the court as soon as possible.

If you believe the respondent cannot be brought before the court within 72 hours after the arrest of the respondent, you need not execute the warrant immediately.

.....
Registrar
.....
Date

Form FP 46
Summons to witness to attend examination

r 334

Section 259, Child Support Act 1991; Section 126(1), Family Proceedings Act 1980

(General heading—Form G 2)

To

.....

.....

.....

[*Full name*] has been summoned to appear to be examined orally as to his (*or* her) means and as to his (*or* her) reasons for failure to pay maintenance under a maintenance order (*or* agreement).

I believe—

*that you have possession of books, papers, or documents relating to the affairs or property of the respondent.

*that you are capable of giving information concerning the respondent's income from any sources or concerning the respondent's expenditure.

You are summoned to appear as a witness at the examination at [*time*] on [*date*] at the District Court at [*place*].

*You are required to bring with you and produce [*set out details of the books, papers, or documents*].

*Delete if inapplicable.

.....
Registrar

.....
Date

Notes

Travelling expenses

If you are required to travel more than 20 kilometres to attend the examination, you are entitled to a sum for expenses.

Failure to appear

If you fail to appear in answer to this summons, a warrant may be issued for your arrest.

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Form FP 47

Warrant to arrest witness for attendance at examination of respondent

r 334

Section 259, Child Support Act 1991; Section 126(4), Family Proceedings Act 1980

(General heading—Form G 2)

To every constable

[*Full name*], of [*address*], [*occupation*], was summoned to appear on [*date*] at [*place*] as a witness at an examination as to the means of the respondent and as to the reasons for the respondent's failure to pay maintenance under a maintenance order (*or* agreement).

The witness failed to appear.

I am satisfied—

(a) that the summons was duly served on the witness; and

(b) that the witness was not required to travel more than 20 kilometres to attend the examination (*or* that expenses in accordance with the prescribed scale were tendered to the witness).

I direct you to arrest the witness, [*full name*], and bring him (*or* her) before the court as soon as possible.

If you believe that the witness cannot be brought before the court within 72 hours after the arrest of the witness, you need not execute the warrant immediately.

.....
Registrar

.....
Date

Form FP 48
Warrant to arrest respondent for attendance at contempt proceedings

r 334

Section 259, Child Support Act 1991; Section 130(5), Family Proceedings Act 1980

(General heading—Form G 2)

To every constable

It is alleged that the respondent has wilfully disobeyed a maintenance order (*or* agreement). As a result, an application has been made under section 130(2) of the Family Proceedings Act 1980.

The application (with its supporting affidavit) was served on the respondent but the respondent did not attend the hearing of the application on [*date*] at [*place*].

or

The application (with its supporting affidavit) could not be served on the respondent.

I direct you to arrest the respondent and bring the respondent before the court as soon as possible.

If you believe that the respondent cannot be brought before the court within 72 hours after the respondent's arrest, you need not execute the warrant immediately.

.....
Registrar
.....
Date

Form FP 49
Warrant for arrest of absconding respondent

r 334

Section 259, Child Support Act 1991; Section 134, Family Proceedings Act 1980

(General heading—Form G 2)

To every constable

*A maintenance order was made on [*date*] against the respondent (and subsequently varied) in the following terms: [*set out the terms of the maintenance order together with any variations and the date(s) thereof*].

or

*A maintenance agreement between the applicant and the respondent in the following terms (and subsequently varied) was registered on [*date*]: [*set out terms of agreement together with any registered variations and the date(s) of registration*].

or

*The applicant has applied (*or* is entitled to apply) for a maintenance order against the respondent in respect of [*set out*].

I am satisfied that there is reasonable cause to believe the respondent is about to leave New Zealand with intent to avoid payment of maintenance.

(*There being no District Court Judge available and the case appearing to be one of urgency,) I direct you to arrest the respondent and bring the respondent before the District Court as soon as possible.

*Delete if inapplicable.

.....
Judge
(*or* Registrar (not being a constable))
.....
Date

Schedule 6 form FP 49: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FP 49A
Warrant to prevent concealment of whereabouts of child

r 334

Section 117, Care of Children Act 2004

(General heading—Form G 2)

To every constable (*or* social worker).

I am satisfied on the application made on oath of [*full name*], of [*address*], [*occupation*], that with regard to [*full name*], a child aged [*specify*] years,—

(a) an application under section 103 of the Care of Children Act 2004 (which relates to a child abducted to New Zealand) has been made to, and received by, the Authority; and

(b) there are reasonable grounds for believing that a person will attempt to conceal the whereabouts of the child with intent to, or in circumstances where the concealment would be likely to, defeat the claim of the applicant.

The child is said to be in the care of [*full name*] of [*address*].

(*There being no District Court Judge or Family Court Judge available,) I direct you to take possession of the child and place the child in the care of some suitable person pending the order or further order of the court having jurisdiction in the case.

For the purpose of executing this warrant, you are authorised by section 75(1) of the Care of Children Act 2004 to enter and search any building, aircraft, ship, vehicle, premises, or place, with or without assistance, and by force if necessary.

You are required to have this warrant with you when executing it and to produce it on initial entry and, if requested, at any later time.

You must also comply with any other applicable requirements of section 75(2) of the Care of Children Act 2004.

When you have executed this warrant in accordance with the direction, you must advise this court immediately of the name and address of the person with whom you have placed the child.

*Delete if inapplicable.

.....
Judge
(*or* Family Court Associate *or* Registrar of the District Court
(not being a constable))
.....
Date

Notes

Arrest of person resisting execution of warrant

Under section 79 of the Care of Children Act 2004, you commit an offence for which you may be sentenced to imprisonment if you knowingly resist or obstruct a person executing this warrant, or knowingly fail or refuse to afford a person of that kind immediate entrance to (all or a part of) any premises. Under section 315(2) of the Crimes Act 1961, a constable (and persons the constable calls to his or her assistance) may arrest and take into custody without a warrant a person whom the constable finds committing or has good cause to suspect of having committed an offence punishable by imprisonment.

Use of a faxed copy of warrant

If use of a faxed copy of this warrant is authorised by an authority to prevent delay in execution of the warrant, the authority must, under section 76 of the Care of Children Act 2004, write and sign a note on the front of the warrant stating—

(a) the fact that a faxed copy of the warrant may be used for the purpose of executing the warrant; and

(b) the date and time at which the authorisation expires, which must be the close of the third day after the day on which the authorisation is granted.

Schedule 6 form FP 49A: inserted, on 1 July 2005, by rule 36 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 6 form FP 49A: amended, on 2 May 2024, by rule 137(6) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 6 form FP 49A: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form FP 49B
Warrant to enforce order for return of child

r 334

Section 119, Care of Children Act 2004

(General heading—Form G 2)

To every constable (*or* social worker).

(*On the application of [*full name*], of [*address*], [*occupation*],) I authorise you to take possession of [*full name*], a child aged [*specify*] years, and to deliver him (*or* her) to [*full name*], of [*address*], for the purpose of returning the child in accordance with an order made in the [*court*] at [*place*] on [*date*] under section 105(2) of the Care of Children Act 2004 (which relates to the return of a child abducted to New Zealand).

The child is said to be in the care of [*full name*] of [*address*].

For the purpose of executing this warrant, you are authorised by section 75(1) of the Care of Children Act 2004 to enter and search any building, aircraft, ship, vehicle, premises, or place, with or without assistance, and by force if necessary.

You are required to have this warrant with you when executing it and to produce it on initial entry and, if requested, at any later time.

You must also comply with any other applicable requirements of section 75(2) of the Care of Children Act 2004.

*Delete if inapplicable.

.....
Judge
.....
Date

Notes

Arrest of person resisting execution of warrant

Under section 79 of the Care of Children Act 2004, you commit an offence for which you may be sentenced to imprisonment if you knowingly resist or obstruct a person executing this warrant, or knowingly fail or refuse to afford a person of that kind immediate entrance to (all or a part of) any premises. Under section 315(2) of the Crimes Act 1961, a constable (and persons the constable calls to his or her assistance) may arrest and take into custody without a warrant a person whom the constable finds committing, or has good cause to suspect of having committed, an offence punishable by imprisonment.

Use of a faxed copy of warrant

If use of a faxed copy of this warrant is authorised by an authority to prevent delay in execution of the warrant, the authority must, under section 76 of the Care of Children Act 2004, write and sign a note on the front of the warrant stating—

(a) the fact that a faxed copy of the warrant may be used for the purpose of executing the warrant; and

(b) the date and time at which the authorisation expires, which must be the close of the third day after the day on which the authorisation is granted.

Schedule 6 form FP 49B: inserted, on 1 July 2005, by rule 36 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Form FP 50
Attachment order

r 334

Section 259, Child Support Act 1991; Section 105, Family Proceedings Act 1980

(General heading—Form G 2)

By a maintenance order made (*or* maintenance agreement registered) on [*date*] (and subsequently varied), the respondent was ordered (*or* agreed) to pay towards the future support of [*set out terms of order or agreement and any variations*].

The court is satisfied that [*full name*] is the employer of the respondent.

The court orders that money due and payable, or at any time becoming due and payable, under the maintenance order (*or* agreement) must, by way of weekly payments of $[*specify*] per week, be a charge on any salary or wages that from time to time while this attachment order remains in force, become due and payable by the employer to the respondent.

The protected earnings rate, below which the net earnings paid to the respondent shall not be reduced by reason of compliance with the order, is $[*specify*] per week.

The charge created attaches to all wages or salary that become due and payable by the employer to the respondent at any time while this attachment order remains in force, whether or not the contract of employment in respect of which the salary became due existed at the date of this order, and provides over and priority to any assignment made or charge created by the respondent, whether before or after the making of this order.

While this order remains in force, the employer must from time to time, whenever any money becomes due and payable by the employer to the respondent by way of wages or salary, deduct from it the sum of $[*specify*] per week. In any week, the employer must not deduct an amount that reduces the net earnings paid to the respondent below the protected earnings rate.

The first deduction must be made on the pay day following the date on which a copy of this order is served on the employer. A deduction must be made on every subsequent pay day. The money deducted must be paid to a maintenance officer at any office of the Ministry of Social Development [*or as the court may direct*] within 14 days.

.....
Registrar

.....
Date

Notice to employer

1 An employer, in making any deduction or payment under this order, is not required to inquire whether any money is due and payable under the maintenance order (*or* agreement).

2 Every employer commits an offence and is liable to a fine not exceeding $200 who, without reasonable excuse, fails to deduct from any money due and payable to the employee the sum that is sufficient to satisfy the charge on the money so far as the same has accrued before the day on which the salary or wages become due and payable.

3 Every employer commits an offence and is liable to a fine not exceeding $200 who, without reasonable excuse, fails within 14 days after deducting any sum from the wages or salary of an employee to pay the sum deducted to the person specified in the order.

4 Every employer commits an offence and is liable to a fine not exceeding $500 who dismisses any employee or alters any employee's position in the employer's business or undertaking to the employee's prejudice by reason of an attachment order having been served on the employer.

5 If a respondent in respect of whom an attachment order is in force leaves or is dismissed from the respondent's employment, the employer is required, within 7 days from that date, to notify a maintenance officer at any office of the Ministry of Social Development.

6 If you need help, consult a lawyer or contact a Family Court office or an office of the Ministry of Social Development immediately.

Schedule 6 form FP 50: amended, on 1 October 2003, pursuant to section 14(1) of the State Sector Amendment Act 2003 (2003 No 41).

Form FP 51
Charging order

r 334

Section 259, Child Support Act 1991; Section 118, Family Proceedings Act 1980

(General heading—Form G 2)

By a maintenance order made (*or* maintenance agreement registered) on [*date*] (and subsequently varied), the respondent was ordered (*or* agreed) to pay maintenance as follows: [*set out terms of order (or agreement) and any variations*].

The court is satisfied that the respondent is entitled to the following property: [*describe property to be charged and, if the order binds the Crown, particulars required by section 120 of the Family Proceedings Act 1980*].

The court orders that the money payable or to become payable under the maintenance order (*or* agreement) must be a charge on the property described above and, subject in the case of any real property described above and, subject in the case of any real property to registration of a duplicate or copy of this order under the seal of the court against the appropriate title to the land [*or as the case may require*] the property is charged in favour of [*full name*], to whom for the time being and from time to time the money is or becomes payable.

.....
Registrar
.....
Date

Form FP 52
Receiving order

r 334

Section 259, Child Support Act 1991; Section 121, Family Proceedings Act 1980

(General heading—Form G 2)

By a maintenance order made (*or* maintenance agreement registered) on [*date*] (and subsequently varied), the respondent was ordered (*or* agreed) to pay maintenance as follows: [*set out terms of order (or agreement) and any variations*].

On [*date*], an order was made that money payable or to become payable under the maintenance order (*or* agreement) must be a charge on the following property to which the respondent is entitled: [*describe the property charged*.]

That charge is in favour of [*full name*], being the person to whom for the time being and from time to time the money is or becomes payable.

The court is satisfied that payments due under the maintenance order (*or* agreement) are in arrears and unpaid and that there is due and payable the sum of $[*specify*]—

*and is satisfied that a copy of the charging order has been registered against the appropriate title to the land described above [*or as the case may be*].

†and is satisfied that a copy of the charging order has been served on the respondent.

‡and that the proposed receiver has entered into and filed a bond to the satisfaction of the Registrar for the due administration of his or her receivership.

The court orders that [*full name and description of receiver*] are the receivers of [*describe terms of order*].

Subject to the provisions of the Family Proceedings Act 1980, all money received by the receiver in the exercise of his or her powers must, after payment of all expenses incurred by him or her and of the remuneration (if any) that may be allowed by the court (*or* if Public Trust is receiver, as provided by or under the Public Trust Act 2001) be held by the receiver in trust—

(a) to pay and satisfy all money from time to time accruing due under the maintenance order (*or* agreement):

(b) to hold the residue of the money so received until the charging order or this receiving order is discharged, or the court sooner directs, and when that happens, to pay it to the person who would be entitled to the money if no such charging or receiving order was in force.

.....
Registrar

.....
Date

*Delete if charging order does not include a charge over any real property.

†Delete if order is not made on *ex parte* application.

‡Delete if the receiver is Public Trust, the Māori Trustee, or a trustee company within the meaning of the Trustee Companies Act 1967.

Schedule 6 form FP 52: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Schedule 7
Forms for proceedings under Family Protection Act 1955 and Law Reform (Testamentary Promises) Act 1949

r 378

		Page
FP and TP 1	Notice of application to respondent	565
FP and TP 2	Notice of application to respondent residing outside New Zealand	567

Form FP and TP 1
Notice of application to respondent

r 32(2)(b)

(General heading—Form G 2)

***To** [*name of respondent*]

*Repeat if more than 1 respondent.

Notification of application for order

[*Full name*], the applicant, has filed an application in this court.

A copy of the application is attached. The order or orders sought by the applicant are specified in the application.

Notice of defence or notice of intention to appear

If you wish to defend the application, you must, within 21 days after the date on which you receive this notice,—

(a) file a notice of defence in this office of the court; and

(b) serve a copy of the notice of defence on the other party (*or* parties) to the proceedings. The copy may be delivered to the address for service given by the applicant (*or* other parties).

If, instead of filing a notice of defence, you wish to appear at the hearing of the application to either support or oppose the application, you must, within 21 days after the date on which you receive this notice,—

(a) file a notice of intention to appear in this office of the court; and

(b) serve a copy of the notice of intention to appear on the applicant (*or* other parties) to the proceedings. That copy may be delivered to the address for service given by the applicant (*or* other parties).

At the same time as serving a copy of the notice of intention to appear, you may also serve affidavits in support of any matters referred to in the notice.

Whether or not you file and serve a notice of defence or a notice of intention to appear, you may attend the court when the application is heard to defend the application. However, if you have not filed and served a notice of defence or a notice of intention to appear, you may be liable to pay the costs incurred because of that failure.

Address for service

If you do not wish to defend the application but you do wish to know what is happening, you must—

(a) file in this office of the court a notice giving the address of a place in New Zealand at which documents may be left for you; and

(b) serve a copy of the notice on the applicant (*or* other parties) to the proceedings. That copy may be delivered to the address for service given by the applicant (*or* other parties).

Assistance

A lawyer will prepare a notice of defence or notice of intention to appear for you. If you want a lawyer but think you cannot afford one, contact an office of the Family Court immediately. You may also see a specimen form of a notice of defence and notice of intention to appear at any office of the Family Court.

Liability as witness

Even if you take no action, the court may summon you as a witness to help it deal with the application.

Copies of orders

You will get a copy of any orders made against you. However, any order will probably be in force from the time it is made. The fact that you have not got a copy of the order will not be an excuse for not obeying it.

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm Mondays to Fridays inclusive.

.....
Registrar
.....
Date

Form FP and TP 2
Notice of application to respondent residing outside New Zealand

r 32(2)(b)

(General heading—Form G 2)

To [*name of respondent*]

Notification of application for order

[*Full name*], the applicant, has filed an application in this court.

A copy of the application is attached. The order(s) sought by the applicant is (*or* are) specified in the application.

Jurisdiction of court

The court may make an order for [*specify*] if [*set out the bases for jurisdiction in respect of the order(s) sought, following closely the relevant provisions in the Law Reform (Testamentary Promises) Act 1949 or the Family Protection Act 1955 or both*].

Notice of defence or notice of intention to appear

If you wish to defend the application or be heard on it, you must, either directly or through a lawyer in the place where you are, send authority to a lawyer in New Zealand instructing him or her to act for you.

If you wish to defend the application, you must, within [*number*] days after the date on which you receive this notice,—

(a) file a notice of defence in this office of the court; and

(b) serve a copy of the notice of defence on the other party (*or* parties) to the proceedings. The copy may be delivered to the address for service given by the applicant (*or* other parties).

If, instead of filing a notice of defence, you wish to appear at the hearing of the application to either support or oppose the application, you must, within [*number*] days after the date on which you receive this notice,—

(a) file a notice of intention to appear in this office of the court; and

(b) serve a copy of the notice of intention to appear on the applicant (*or* other parties) to the proceedings. The copy may be delivered to the address for service by the applicant (*or* other parties).

At the same time as serving a copy of the notice of intention to appear, you may also serve affidavits in support of any matters referred to in the notice.

Whether or not you file and serve a notice of defence or a notice of intention to appear, you may attend the court when the application is heard to defend the application. However, if you have not filed and served a notice of defence or a notice

of intention to appear, you may be liable to pay the costs incurred because of that failure.

Address for service

If you do not wish to defend the application or to appear before the Family Court at the hearing of the application but you do wish to know what is happening, you must—

(a) file in this office of the court a notice giving the address of a place in New Zealand at which documents may be left for you; and

(b) serve a copy of the notice on the applicant (*or* other parties) to the proceedings. That copy may be delivered to the address for service given by the applicant (*or* other parties).

Copies of orders

You will get a copy of any orders made against you. However, any order will probably be in force from the time it is made. The fact that you have not got a copy of the order will not be an excuse for not obeying it.

Advice

If you need help, consult a lawyer in the place where you are immediately.

If you intend to employ a lawyer in New Zealand, ask about your eligibility for legal aid in this country.

Respondents served in Australia under Trans-Tasman Proceedings Act 2010

If you are served in Australia and under section 13 of the Trans-Tasman Proceedings Act 2010 of New Zealand, this notice is affected by that Act and the information that section 15 of that Act requires to be served on you. By virtue of that Act you may, for example,—

- respond to the application by taking steps yourself or by using an Australian lawyer (rather than by instructing a New Zealand lawyer to act for you); and
- respond within a period that is at least 30 working days after the day on which you were served; and
- give an address for service that is an address of a place in Australia or New Zealand.

.....
Registrar

.....
Date

Schedule 7 form FP and TP 2: amended, on 11 October 2013, by rule 21 of the Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347).

Schedule 8
Forms for proceedings under Property (Relationships) Act 1976

r 389

		Page
P(R) 1	Affidavit of assets and liabilities	570
P(R) 2	Notice to respondent of application	579
P(R) 3	Order to attend for examination	582
P(R) 4	Warrant to arrest respondent for examination	584
P(R) 5	Summons to witness to attend examination	585
P(R) 6	Warrant to arrest witness for attendance at examination	587

Form P(R) 1
Affidavit of assets and liabilities

r 398

Property (Relationships) Act 1976

(Front page—Form G 1)

I, [*full name, address, occupation*], swear/affirm* that—

1 My assets and liabilities are as described in paragraphs 4 to 9.

2 I am aware that making a false statement in this affidavit could result in any order of the court being set aside and criminal proceedings being brought against me.

*Select one.

Assets

3 I have no interest in any assets other than the assets described in paragraph 4.

4 My assets are as follows:

(a) **Family home or homestead**

Location:

LINZ title reference:

All names on title:

My legal and beneficial interest in the property:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

(b) **Land and buildings**

Location:

LINZ title reference:

All names on title:

My legal and beneficial interest in the property:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

[*If you claim this as your separate property, explain why*]

(c) **Household chattels**

Location:

Share owned by me:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

Chattels claimed as separate property: [*list chattels and explain why you claim them as separate property*]

(d) **Superannuation**

Name of owner of scheme or schemes:

Policy name and/or number:

Proportion of value claimed as separate property:

How proportion was calculated:

Value at start of marriage, civil union, or de facto relationship:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

(e) **KiwiSaver**

Name of owner of scheme or schemes:

Policy name and/or number:

Proportion of value claimed as separate property:

How proportion was calculated:

Value at start of marriage, civil union, or de facto relationship:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

(f) **Money in bank accounts**

Bank:

Name of account:

Account No:

Nobody else has an interest in this account/Another person has or other persons have an interest in this account*

*Select one.

Share of this account owned by me:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

[*If this account is claimed as your separate property, explain why*]

(g) **Cash in excess of $300**

Location:

Currency held in:

Amount:

Nobody else has an interest in this cash/Another person has or other persons have an interest in this cash*

*Select one.

Share of this cash owned by me:

[*If this cash is claimed as your separate property, explain why*]

(h) **Details of any money owed to me**

Name and address of borrower:

Amount borrowed:

Balance outstanding at end of marriage, civil union, or de facto relationship:

Balance outstanding at date of affidavit:

Nobody else has an interest in this amount/Another person has or other persons have an interest in this amount*

*Select one.

Share of this amount owed to me:

[*If this amount is claimed as your separate property, explain why*]

(i) **Government stock, debentures, or bonds**

Name of investment:

Type of investment:

Size of holding:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

Name of any other account holder (if applicable):

Value of my interest at date of affidavit:

Value of my interest at end of marriage, civil union, or de facto relationship:

[*If this investment is claimed as your separate property, explain why*]

(j) **Company shares, debentures, or bonds**

Name of investment:

Type of investment:

Size of holding:

Current value:

Name of any other account holder (if applicable):

Value of my interest at end of marriage, civil union, or de facto relationship:

Value of my interest at date of affidavit:

[*If this investment is claimed as your separate property, explain why*]

(k) **Plant and machinery**

Description:

Share owned by me:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

[*If this is claimed as your separate property, explain why*]

(l) **Livestock**

Description:

Share owned by me:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

[*If livestock is claimed as your separate property, explain why*]

(m) **Interest in business, partnership, stock-in-trade, or venture**

Name of business/partnership/venture:

Nature of the business and principal sources of income for the venture and for me: [*briefly describe*]

I am a [*specify whether you are a sole trader, partner, or shareholder*].

Extent of my interest in the business: [*specify interest if a partner or shareholder*].

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

Date at which next annual financial statements for the business, partnership, or venture will be available:

[*If this interest is claimed as your separate property, explain why*]

(n) **Motor vehicles**

Description:

Registered owner:

Share owned by me:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

[*If motor vehicle is claimed as your separate property, explain why*]

(o) **Life insurance policy**

Owner of policy:

Life assured:

Insurance company:

Policy number:

Share owned by me:

Value at start of marriage, civil union, or de facto relationship:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

Proportion of value claimed as relationship property and proportion of value claimed as separate property:

How proportion was calculated:

(p) **Insurance claims outstanding for events that occurred during relationship**

Owner of policy:

Item/property insured:

Insurance company:

Policy number:

Amount of claim:

Date and amount of payment of claim:

Share owned by me:

Proportion of value claimed as relationship property and proportion of value claimed as separate property:

How proportion was calculated:

(q) **Claims for compensation or damages outstanding for events that occurred during relationship**

Description:

Amount of claim:

Date and amount of payment of claim:

Share owned by me:

Proportion of value claimed as relationship property and proportion of value claimed as separate property:

How proportion was calculated:

(r) **Interest in estate**

Description (including whether the interest is a legal or beneficial interest):

My share:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

[*If claimed as your separate property, explain why*]

(s) **Interest in trust**

Description (including whether the interest is a legal or beneficial interest):

My share:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

[*If claimed as your separate property, explain why*]

(t) **Accumulated benefits due to me as an employee or customer**

Description:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

[*If claimed as your separate property, explain why*]

(u) **Tax refund due to me at end of relationship**

Amount due:

Date and amount paid or credited:

(v) **Any other property or asset not specified above that is, or could be, the subject of an order in the proceedings**

Description:

Share owned by me:

Value at end of marriage, civil union, or de facto relationship:

Value at date of affidavit:

[*If claimed as your separate property, explain why*]

5 Valuations of items described in paragraph 4(a), (b), (c), (d), (k), (l), and (n) are attached and marked A, B, C, D, E, F, and G respectively.

6 The proof of deposits or holdings of items in paragraph 4(e), (f), (h), (i), and (j) are attached and marked H, I, J, K, and L respectively.

7 The most recent annual financial statements for the items described in paragraph 4(m) are attached and marked M.

8 Copies of the trust deeds for items in paragraph 4(s) are attached and marked N.

Liabilities

9 My liabilities are as follows:

(a) **Mortgages secured over family home**

Mortgagee:

Mortgagor:

Amount owing at end of marriage, civil union, or de facto relationship:

Amount owing at date of affidavit:

(b) **Mortgages secured over any other land or buildings**

Property:

Mortgagee:

Mortgagor:

Amount owing at end of marriage, civil union, or de facto relationship:

Amount owing at date of affidavit:

(c) **Bank overdrafts or term loans**

Account in the name of:

Bank:

Account No:

Amount owing at end of marriage, civil union, or de facto relationship:

Amount owing at date of affidavit:

(d) **Loans secured over chattels, plant, machinery, or livestock**

Property:

Name of borrower:

Lender:

Account No:

Amount owing at end of marriage, civil union, or de facto relationship:

Amount owing at date of affidavit:

(e) **Hire purchase loans**

Goods:

Name of borrower:

Lender:

Account No:

Amount owing at end of marriage, civil union, or de facto relationship:

Amount owing at date of affidavit:

(f) **Credit card debt**

Name of account:

Bank:

Account No:

Amount owing at end of marriage, civil union, or de facto relationship:

Amount owing at date of affidavit:

(g) **Other loans**

Lender:

Borrower:

Reference number (if any):

Amount owing at end of marriage, civil union, or de facto relationship:

Amount owing at date of affidavit:

(h) **Money owed to Inland Revenue Department**

Type of tax owed:

Person liable:

Amount owing at end of marriage, civil union, or de facto relationship:

Amount owing at date of affidavit:

(i) **Unsecured debts**

Lender:

Evidence of debt (if any):

Amount owing at end of marriage, civil union, or de facto relationship:

Amount owing at date of affidavit:

(j) **Any other liabilities not falling within any of the preceding paragraphs**

Nature of liability:

Evidence of liability (if any):

To whom owing:

Amount owing at end of marriage, civil union, or de facto relationship:

Amount owing at date of affidavit:

10 Statements verifying balances are attached and marked [*insert numbers for each attachment*].

Income

11 Since the end of my marriage, civil union, or de facto relationship, I have not earned or received any income other than as set out below from an asset described in paragraph 4 or from other sources:

Source:

Amount:

Capital payments

12 Since the end of my marriage, civil union, or de facto relationship, I have made the following capital payments to an asset described in paragraph 4:

Asset:

Amount paid:

Assets disposed of

13 Since the end of my marriage, civil union, or de facto relationship, I have not sold or otherwise disposed of (or agreed to sell or dispose of) any asset in which I had an interest at the date on which my marriage, civil union, or de facto relationship ended, other than the following:

Asset:

Date:

Amount received or to be received:

Disposition of amount:

Assets acquired

14 Since the end of my marriage, civil union, or de facto relationship, I have not acquired or agreed to acquire any assets using relationship property, other than the following:

Asset:

Mode of acquisition:

Amount paid or to be paid:

Value at date of affidavit:

Signature of deponent:

Sworn/Affirmed* at [*place, date*]

*Select one.

Before me: [*name, signature*]

(a solicitor of the High Court/Registrar/Justice of the Peace*)

*Select one.

Schedule 8 form P(R) 1: replaced, on 31 March 2014, by rule 45 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Form P(R) 2
Notice to respondent of application

rr 32(2)(b), 389

Property (Relationships) Act 1976

(General heading—Form G 2)

To

.....

.....

.....

[*Full name*], the applicant, has filed an application in this court. A copy of the application is attached. The order(s) or declaration(s) sought by the applicant is (*or* are) specified in the application.

Notice of defence

If you wish to defend the application, you must, within **21 days** after the date on which you receive this notice—

(a) file a notice of defence in this office of the Family Court; and

(b) serve a copy of the notice of defence on the applicant.

Affidavit in support

A copy of an affidavit filed by the applicant in support of his (*or* her) application is also attached.

You must, within **20 working days** of the date on which you receive the attached application, file an affidavit in support of the facts you rely on. *See* rule 392(3) of the Family Court Rules 2002.

Your affidavit in support must have a front page (in form G 1) and include information about any of the following matters that are relevant to your case—

(a) when the marriage or civil union or relationship began, and the duration of the marriage or civil union or relationship:

(b) the parties and their property:

(c) children of the marriage or civil union or relationship:

(d) proposed arrangements for the division of property:

(e) if the application is one that relates to the estate of a deceased spouse or partner,—

  (i) whether the deceased died testate or intestate; and

  (ii) whether the survivor of the deceased spouse or partner has chosen option A or option B:

(f) matters in issue between the applicant and you.

Your affidavit in support may have annexed to it a copy of any document you rely on. *See* rule 392(4)(b).

You must, within **20 working days** of the date on which you receive the attached application, serve a copy of your affidavit in support on the applicant.

Affidavit disclosing assets and liabilities

*An affidavit of assets and liabilities filed by the applicant is also attached. You must, within **20 working days** (*or* [*specify number of days specified by Judge, Family Court Associate, or Registrar*]) of receiving the applicant's affidavit of assets and liabilities, file an affidavit of your assets and liabilities (in form P(R) 1).

*In the **20 working days** (*or* [*specify number of days specified by Judge, Family Court Associate, or Registrar*]) following [*specify date on which application was filed*] the applicant must file an affidavit of assets and liabilities. You must, within **20 working days** (*or* [*specify number of days specified by Judge, Family Court Associate, or Registrar*]) of receiving the applicant's affidavit of assets and liabilities, file an affidavit of your assets and liabilities (in form P(R) 1).

*Delete if inapplicable.

You must, within **20 working days** of receiving the applicant's affidavit of assets and liabilities, serve a copy of your affidavit of assets and liabilities on the applicant.

How case will proceed

The date set out on the foot of the application is the date when a Registrar will monitor compliance with the Family Court Rules 2002 and make directions about how the case will proceed. It is not necessary for you or your lawyer to attend on that date, but if you oppose the application and have filed a notice of defence, you may advise the court of any directions that you seek on that date.

Address for service

If you have not already filed in this office of the Family Court an address in New Zealand at which documents may be left for you, you must include an address for service in your affidavit of assets and liabilities.

If you do not file an address for service, the case may proceed without further notice to you.

Copies of orders

You will receive a copy of any order made against you. However, any order will probably be in force from the time it is made. The fact that you have not got a copy of the order will not be an excuse for not obeying it.

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

.....
Registrar

.....
Date

Schedule 8 form P(R) 2: amended, on 2 May 2024, by rule 138(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 8 form P(R) 2: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 8 form P(R) 2: amended, on 26 April 2005, by section 8(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Schedule 8 form P(R) 2: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form P(R) 3
Order to attend for examination

r 400(4)

Property (Relationships) Act 1976

(General heading—Form G 2)

To the respondent

*You have failed to file an affidavit of assets and liabilities as required by rule 398 of the Family Court Rules 2002.

*You have failed to file a sufficient affidavit of assets and liabilities as required by rule 398 of the Family Court Rules 2002.

You are ordered to attend for examination by the Family Court as to any or all of the matters required to be disclosed in an affidavit of assets and liabilities under the Family Court Rules 2002.

You are ordered to appear at [*time*] on [*date*] at the Family Court at [*place*].

If you file a sufficient affidavit of assets and liabilities before the above date, you need not appear for examination.

*You are ordered to bring to the examination any books or documents relating to your property.

*Delete if inapplicable.

.....
Registrar

.....
Date

Note

Representation by a lawyer

You may, if you wish, be represented at the examination by a lawyer.

Failure to appear

If you fail to appear in answer to this order, a warrant may be issued for your arrest.

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Schedule 8 form P(R) 3: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form P(R) 4
Warrant to arrest respondent for examination

r 401(1)

Property (Relationships) Act 1976

(General heading—Form G 2)

To every constable

An order was made on [*date*] requiring the respondent, [*full name*], to appear on [*date*] at the Family Court at [*place*] to be examined as to any or all of the matters required to be disclosed in an affidavit of assets and liabilities under the Family Court Rules 2002.

*The examination was adjourned to [*date*].

*Delete if inapplicable.

The order could not be served (*or* The respondent did not appear).

I direct you to arrest the respondent and bring the respondent before the Family Court as soon as possible.

If you believe the respondent cannot be brought before the Family Court within 72 hours after the arrest of the respondent, you need not execute the warrant immediately.

This warrant ceases to have effect if a sufficient affidavit of assets and liabilities is filed by the respondent.

.....
Judge (*or* Family Court Associate)
.....
Date

Schedule 8 form P(R) 4 heading: amended, on 2 May 2024, by rule 138(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 8 form P(R) 4: amended, on 2 May 2024, by rule 138(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 8 form P(R) 4: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Form P(R) 5
Summons to witness to attend examination

r 402(1)

Property (Relationships) Act 1976

(General heading—Form G 2)

To

.....

.....

.....

[*Full name*] has been ordered to attend for examination as to any or all of the matters required to be disclosed in an affidavit of assets and liabilities under the Family Court Rules 2002.

I believe—

*that you have possession of books, papers, or documents relating to the affairs or property of the respondent.

*that you are capable of giving information concerning the respondent's property or the respondent's liabilities.

You are summoned to appear as a witness at the examination at [*time*] on [*date*] at the Family Court at [*place*].

*You are required to bring with you and produce [*set out details of the book, paper, or document*].

*Delete if inapplicable.

.....
Judge (*or* Family Court Associate *or* Registrar)

.....
Date

Notes

Travelling expenses

If you are required to travel more than 20 kilometres to attend the examination, you are entitled to a sum for expenses.

Failure to appear

If you fail to appear in answer to this order, a warrant may be issued for your arrest.

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Schedule 8 form P(R) 5: amended, on 2 May 2024, by rule 138(4) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 8 form P(R) 5: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 8 form P(R) 5: amended, on 3 August 2009, by rule 16 of the Family Courts Amendment Rules 2009 (SR 2009/185).

Form P(R) 6
Warrant to arrest witness for attendance at examination

r 402(4)

Property (Relationships) Act 1976

(General heading—Form G 2)

To every constable

[*Full name*], of [*address*], [*occupation*], was summoned to appear on [*date*] at [*place*] as a witness at an examination of the respondent as to any or all of the matters required to be disclosed in an affidavit of assets and liabilities under the Family Court Rules 2002.

The witness failed to appear.

I am satisfied—

(a) that the summons was duly served on the witness; and

(b) that the witness was not required to travel more than 20 kilometres to attend the examination (*or* that expenses in accordance with the prescribed scale were tendered to the witness).

I direct you to arrest the witness, [*full name*], and bring him (*or* her) before the Family Court as soon as possible.

If you believe that the witness cannot be brought before the Family Court within 72 hours after the arrest of the witness, you need not execute the warrant immediately.

This warrant ceases to have effect if a sufficient affidavit of assets and liabilities is filed by the respondent.

.....
Judge (*or* Family Court Associate)
.....
Date

Schedule 8 form P(R) 6: amended, on 2 May 2024, by rule 138(5) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 8 form P(R) 6: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 9
Forms for proceedings under Protection of Personal and Property Rights Act 1988

r 406

		Page
PPPR 1	Front page for documents filed in court under Protection of Personal and Property Rights Act 1988	590
PPPR 2	Heading of documents issued by court or Registrar under Protection of Personal and Property Rights Act 1988	591
PPPR 3	Application for personal order in respect of applicant	592
PPPR 4	Application for personal order	594
PPPR 5	Application for order to administer property of applicant	597
PPPR 6	Application for order to administer property	599
PPPR 7	Application for appointment of welfare guardian for applicant	602
PPPR 8	Application for appointment of welfare guardian	604
PPPR 9	Application for appointment of welfare guardian to ensure compliance with personal order	607
PPPR 10	Application for property order in respect of applicant's property	609
PPPR 11	Application for property order	611
PPPR 12	Application for appointment of welfare guardian and manager in respect of applicant	614
PPPR 13	Application for appointment of welfare guardian and manager	617
PPPR 14	Information sheet to accompany applications under Protection of Personal and Property Rights Act 1988	621
PPPR 15	Notice to respondent of application under Protection of Personal and Property Rights Act 1988	623
PPPR 16	Statement of consent to appointment as welfare guardian	625
PPPR 17	Statement of consent to appointment as manager	626
PPPR 18	Summons to party to attend pre-hearing conference	627
PPPR 19	Personal order	628
PPPR 20	Order to administer property	630
PPPR 21	Order for appointment of welfare guardian	631
PPPR 22	Order for appointment of manager	633
PPPR 23	Application by attorney for directions	635
PPPR 24	Application for exercise of court's jurisdiction in respect of enduring power of attorney	638

PPPR 25 Application for review of attorney's decision 642

Form PPPR 1
Front page for documents filed in court under Protection of Personal and Property Rights Act 1988

rr 72(1)(a), 406

In the Family Court PPPR No:.....
at [*place*]

[*full name, address, and occupation of applicant*]

Applicant

[*full name, address, and occupation of person in respect of whom this application is made*]

Person the application is about

[*set out full description of document (including whether it is made with or without notice), its date, and, in the case of an affidavit or affirmation, the name of the deponent and in whose support it is filed*]

This document is filed by [*name and address for service, and, if filed by lawyers, the name and telephone number of the acting lawyer*].

Form PPPR 2
Heading of documents issued by court or Registrar under Protection of Personal and Property Rights Act 1988

rr 73(1)(a), 406

In the Family Court PPPR No:.....
at [*place*]

[*full name, address, and occupation of applicant*]

Applicant

*[*full name, address, and occupation of person in respect of whom this application is made*]

Person the application is about

*Delete if the person in respect of whom the application is made is the applicant.

Form PPPR 3
Application for personal order in respect of applicant

r 406

Section 10, Protection of Personal and Property Rights Act 1988

[Note: *This form may be used only if the applicant seeks, in respect of himself or herself, a personal order of one of the kinds listed below.*]

(Front page—Form PPPR 1)

I, [*full name*], apply for the following order(s) in respect of myself:

*(a) an order that I receive appropriate remuneration for work performed or to be performed by me:

*(b) an order that my parent, [*full name*], make suitable arrangements for my personal care after his (*or* her) death:

*(c) an order that the arrangements made by my parent, [*full name*], for my personal care after his (*or* her) death be observed (*or* be varied) as follows: [*set out the way in which you wish the arrangements to be observed or varied*]:

*(d) an order that I must enter, attend at, or leave the following institution: [*name of institution*]:

*(e) an order that I be provided with living arrangements of the following kind: [*specify the kind of living arrangements with which you wish to be provided*]:

*(f) an order that I be provided with medical advice of the following kinds: [*specify the kind(s) of medical advice you wish to receive*]:

*(g) an order that I be provided with educational, rehabilitative, therapeutic, or other services of the following kind(s): [*specify the kind(s) of service you wish to receive*]:

*(h) an order that I must not leave New Zealand without the court's permission (*or* only on the following conditions): [*specify the conditions on which you should, in your opinion, be able to leave New Zealand*]:

*(i) an order appointing [*full name*] as next friend (*or* guardian *ad litem*) for me for the purposes of the following District Court proceedings: [*specify the nature of the proceedings, and the District Court in which they are to be held*].

*Delete if inapplicable.

This application is made on the following ground:

either

*I wholly (*or* partly) lack the capacity to understand the nature, and to foresee the consequences, of decisions relating to my personal care and welfare.

or

*I have the capacity to understand the nature, and to foresee the consequences, of decisions in respect of matters relating to my personal care and welfare, but I wholly lack the capacity to communicate decisions in respect of those matters.

I say:

*1 I am of or over the age of 18 years.

or

*1 I am under the age of 18 years and I am (*or* have been) married or in a civil union.

2 [*Set out sufficient information to inform the court of the facts relied on to support the application. If you have any medical, psychiatric, or other reports that you wish the court to consider, attach them to this application.*]

*Delete if inapplicable.

.....
Signature of applicant

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

Schedule 9 form PPPR 3: amended, on 1 August 2007, by rule 4(1) of the Family Courts Amendment Rules 2007 (SR 2007/197).

Schedule 9 form PPPR 3: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form PPPR 4
Application for personal order

r 406

Section 10, Protection of Personal and Property Rights Act 1988

[Note: *This form may be used only if the applicant seeks in respect of some other person a personal order of one of the kinds listed below.*]

(Front page—Form PPPR 1)

I, [*full name*], apply for the following order(s) in respect of [*name of person in respect of whom the application is made*]:

*(a) an order that the person receive appropriate remuneration for work performed or to be performed by that person:

*(b) an order that the person's parent, [*full name*], make suitable arrangements for the person's care after that parent's death:

*(c) an order that the arrangements made by that person's parent, [*full name*], for the person's personal care after that parent's death be observed (*or* be varied) as follows: [*set out the way in which you wish the arrangements to be observed or varied*]:

*(d) an order that the person must enter, attend at, or leave the following institution: [*name of institution*]:

*(e) an order that the person be provided with living arrangements of the following kind: [*specify the kind of living arrangements with which you wish the person to be provided*]:

*(f) an order that the person be provided with medical advice of the following kind(s): [*specify the kind(s) of medical advice you wish the person to receive*]:

*(g) an order that the person be provided with educational, rehabilitative, therapeutic, or other services of the following kind(s): [*specify the kind(s) of service you wish the person to receive*]:

*(h) an order that the person must not leave New Zealand without the court's permission (*or* only on the following conditions: [*specify the conditions on which the person should, in your opinion, be able to leave New Zealand*]):

*(i) an order appointing [*full name*] as next friend (*or* guardian *ad litem*) for the person for the purposes of the following District Court proceedings: [*specify the nature of the proceedings, and the District Court in which they are to be held*].

*Delete if inapplicable.

I make this application in my capacity as—

*(a) a [*specified relative*] of [*name of the person in respect of whom the application is made*]:

*(b) the attorney of [*name of the person in respect of whom the application is made*]:

*(c) a social worker within the meaning of the Protection of Personal and Property Rights Act 1988:

*(d) a medical practitioner:

*(e) a representative of [*name of group*], being a group that is engaged, otherwise than for commercial gain, in the provision of services and facilities for the welfare of persons in relation to whom the court has jurisdiction in accordance with section 6 of the Act:

*(f) the superintendent (*or* licensee *or* supervisor *or* other person in charge) of [*name of institution*], being the hospital (*or* home *or* other institution) in which [*name of the person in respect of whom the application is made*] is a patient (*or* resident):

*(g) the manager of the property of [*name of the person in respect of whom the application is made*]:

*(h) a person granted leave of the court to make this application.

I say:

*1 [*Name of the person in respect of whom the application is made*] is of or over the age of 18 years.

or

*1 [*Name of the person in respect of whom the application is made*] is under the age of 18 years and is (*or* has been) married or in a civil union.

2 [*Here set out sufficient information to inform the court of the facts relied on to support the application. If you have any medical, psychiatric, or other reports that you wish the court to consider, attach them to this application.*]

*Delete if inapplicable.

.....
Signature of applicant

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

Meaning of the term relative

The term **relative**, in relation to any person, means—

(a) the spouse, civil union partner, or de facto partner of that person; and

(b) a parent or grandparent of that person, or of the spouse or other person referred to in paragraph (a); and

(c) a child or grandchild of that person, or of the spouse or other person referred to in paragraph (a); and

(d) a brother or sister of that person, or of the spouse or other person referred to in paragraph (a), whether of full-blood or of half-blood; and

(e) an aunt or uncle of that person, or of the spouse or other person referred to in paragraph (a); and

(f) a nephew or niece of that person, or of the spouse or other person referred to in paragraph (a).

Schedule 9 form PPPR 4: amended, on 1 August 2007, by rule 4(1) of the Family Courts Amendment Rules 2007 (SR 2007/197).

Schedule 9 form PPPR 4: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form PPPR 5
Application for order to administer property of applicant

r 406

Section 11, Protection of Personal and Property Rights Act 1988

[Note: *This form may be used only if the applicant seeks the order in respect of himself or herself.*]

(Front page—Form PPPR 1)

I, [*full name*], apply for an order appointing a person to administer, on my behalf, the following property (*or* income *or* benefit) belonging to me (*or* to which I may become entitled):

[*specify the property, income, or benefit that you wish to have administered*].

This application is made on the following ground:

either

*I wholly (*or* partly) lack the capacity to understand the nature, and to foresee the consequences, of decisions relating to my personal care and welfare.

or

*I have the capacity to understand the nature, and to foresee the consequences, of decisions in respect of matters relating to my personal care and welfare, but I wholly lack the capacity to communicate decisions in respect of those matters.

I say:

*1 I am of or over the age of 18 years.

or

*1 I am under the age of 18 years and I am (*or* have been) married or in a civil union.

2 I am not subject to a property order.

3 No item of property in respect of which an order is sought exceeds $25,000 in value.

4 No income or benefit in respect of which an order is sought exceeds, in any 1 year, the amount prescribed for the purposes of section 11(2)(b) of the Protection of Personal and Property Rights Act 1988.

†5 The proposed appointee is [*full name*], of [*address*], [*occupation*].

†6 The proposed appointee is of or over the age of 20 years (*or* a trustee corporation).

†7 The proposed appointee is not the superintendent, licensee, supervisor, or other person in charge of a hospital, home, or other institution in which I am a patient or resident.

8 [*Set out sufficient information to inform the court of the facts relied on to support the application. If you have any medical, psychiatric, or other reports that you wish the court to consider, attach them to this application.*]

*Delete if inapplicable.

†Delete if the proposed appointee is not named in the application.

.....
Signature of applicant

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

Schedule 9 form PPPR 5: amended, on 3 October 2024, by rule 4(1) of the Family Court Amendment Rules (No 2) 2024 (SL 2024/187).

Schedule 9 form PPPR 5: amended, on 3 October 2024, by rule 4(2) of the Family Court Amendment Rules (No 2) 2024 (SL 2024/187).

Schedule 9 form PPPR 5: amended, on 7 August 2008, by rule 26 of the Family Courts Amendment Rules 2008 (SR 2008/207).

Schedule 9 form PPPR 5: amended, on 1 August 2007, by rule 4(2)(a) of the Family Courts Amendment Rules 2007 (SR 2007/197).

Schedule 9 form PPPR 5: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form PPPR 6
Application for order to administer property

r 406

Section 11, Protection of Personal and Property Rights Act 1988

[Note: *This form may be used only if the applicant seeks the order in respect of some other person.*]

(Front page—Form PPPR 1)

I, [*full name*], apply for an order appointing a person to administer, on behalf of [*name of the person in respect of whom the application is made*], the following property (*or* income *or* benefit) belonging to [*name of the person in respect of whom the application is made*] (*or* to which that person may become entitled):

[*specify the property, income, or benefit that you wish to have administered*].

This application is made on the following grounds:

*[*Name of the person in respect of whom the application is made*] wholly (*or* partly) lacks the capacity to understand the nature, and to foresee the consequences, of decisions relating to his (*or* her) personal care and welfare.

or

*[*Name of the person in respect of whom the application is made*] has the capacity to understand the nature, and to foresee the consequences, of decisions in respect of matters relating to his (*or* her) personal care and welfare, but wholly lacks the capacity to communicate decisions in respect of those matters.

I make this application in my capacity as—

*(a) a [*specified relative*] of [*name of the person in respect of whom the application is made*].

*(b) the attorney of [*name of the person in respect of whom the application is made*].

*(c) a social worker within the meaning of the Protection of Personal and Property Rights Act 1988.

*(d) a medical practitioner.

*(e) a representative of [*name of group*], being a group that is engaged, otherwise than for commercial gain, in the provision of services and facilities for the welfare of persons in relation to whom the court has jurisdiction in accordance with section 6 of the Act.

*(f) the superintendent (*or* licensee *or* supervisor *or* other person in charge) of [*name of institution*], being the hospital (*or* home *or* other institution) in which [*name of the person in respect of whom the application is made*] is a patient (*or* resident).

*(g) a person granted leave of the court to make this application.

I say:

*1 [*Name of the person in respect of whom the application is made*] is of or over the age of 18 years.

or

*1 [*Name of the person in respect of whom the application is made*] is under the age of 18 years and is (*or* has been) married or in a civil union.

2 [*Name of the person in respect of whom the application is made*] is not subject to a property order.

3 No item of property in respect of which an order is sought exceeds $25,000 in value.

4 No income or benefit in respect of which an order is sought exceeds, in any 1 year, the amount prescribed for the purposes of section 11(2)(b) of the Protection of Personal and Property Rights Act 1988.

†5 The proposed appointee is [*full name*], of [*address*], [*occupation*].

†6 The proposed appointee is of or over the age of 20 years (*or* a trustee corporation).

†7 The proposed appointee is not the superintendent, licensee, supervisor, or other person in charge of a hospital, home, or other institution in which [*name of the person in respect of whom the application is made*] is a patient (*or* resident).

8 [*Set out sufficient information to inform the court of the facts relied on to support the application. If you have any medical, psychiatric, or other reports that you wish the court to consider, attach them to this application.*]

*Delete if inapplicable.

†Delete if the proposed appointee is not named in the application.

.....
Signature of applicant

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

Meaning of the term relative

The term **relative**, in relation to any person, means—

(a) the spouse, civil union partner, or de facto partner of that person; and

(b) a parent or grandparent of that person, or of the spouse or other person referred to in paragraph (a); and

(c) a child or grandchild of that person, or of the spouse or other person referred to in paragraph (a); and

(d) a brother or sister of that person, or of the spouse or other person referred to in paragraph (a), whether of full-blood or of half-blood; and

(e) an aunt or uncle of that person, or of the spouse or other person referred to in paragraph (a); and

(f) a nephew or niece of that person, or of the spouse or other person referred to in paragraph (a).

Schedule 9 form PPPR 6: amended, on 3 October 2024, by rule 4(3) of the Family Court Amendment Rules (No 2) 2024 (SL 2024/187).

Schedule 9 form PPPR 6: amended, on 3 October 2024, by rule 4(4) of the Family Court Amendment Rules (No 2) 2024 (SL 2024/187).

Schedule 9 form PPPR 6: amended, on 1 August 2007, by rule 4(3)(a) of the Family Courts Amendment Rules 2007 (SR 2007/197).

Schedule 9 form PPPR 6: amended, on 1 July 2005, by rule 38 of the Family Courts Amendment Rules 2005 (SR 2005/101).

Schedule 9 form PPPR 6: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form PPPR 7
Application for appointment of welfare guardian for applicant

r 406

Section 12, Protection of Personal and Property Rights Act 1988

[Note: *This form may be used only if the applicant seeks the order in respect of himself or herself.*]

(Front page—Form PPPR 1)

I, [*full name*], apply for an order appointing a welfare guardian for me in relation to the following aspect(s) of my personal care and welfare:

[*specify each aspect of your personal care and welfare for which you seek the assistance of a welfare guardian*].

This application is made on the grounds that—

(a) I wholly lack the capacity to make or to communicate decisions relating to the aspects of my personal care and welfare specified above; and

(b) the appointment of a welfare guardian is the only satisfactory way to ensure that appropriate decisions are made relating to the aspects of my personal care and welfare specified above.

I say:

*1 I am of or over the age of 18 years.

or

*1 I am under the age of 18 years and I am (*or* have been) married or in a civil union.

or

*1 I am under the age of 18 years, I have never been married or in a civil union, and I have no parent or guardian living (*or* in regular contact) with me.

†2 The proposed appointee is [*full name*] of [*address*], [*occupation*].

†3 The proposed appointee is of or over the age of 20 years.

4 [*Set out sufficient information to inform the court of the facts relied on to support the application. If you have any medical, psychiatric, or other reports that you wish the court to consider, attach them to this application.*]

*Delete if inapplicable.

†Delete if no proposed appointee is named in the application.

.....
Signature of applicant

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

Number of welfare guardians

The court must not appoint more than 1 welfare guardian for any person unless the court is satisfied that it would be in the best interests of the person to do so.

If the court appoints more than 1 welfare guardian for the same person, those welfare guardians must regularly consult each other.

Wishes of the person in respect of whom the application is made

So far as is practicable in the circumstances, the court must ascertain the wishes of the person in respect of whom the application is made when determining whom to appoint as welfare guardian.

Periodic review of order

If the court makes an order, it will be required to specify in it a date by which the welfare guardian must apply to the court for a review of the order. That date cannot be later than 3 years after the date of the order.

Schedule 9 form PPPR 7: amended, on 29 October 2019, by rule 5(1) of the Family Court Amendment Rules 2019 (LI 2019/230).

Schedule 9 form PPPR 7: amended, on 29 October 2019, by rule 5(2) of the Family Court Amendment Rules 2019 (LI 2019/230).

Schedule 9 form PPPR 7: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 9 form PPPR 7: amended, on 7 August 2008, by rule 27 of the Family Courts Amendment Rules 2008 (SR 2008/207).

Schedule 9 form PPPR 7: amended, on 1 August 2007, by rule 4(1) of the Family Courts Amendment Rules 2007 (SR 2007/197).

Schedule 9 form PPPR 7: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form PPPR 8
Application for appointment of welfare guardian

r 406

Section 12, Protection of Personal and Property Rights Act 1988

[Note: *This form may be used only if the applicant seeks the order in respect of some other person.*]

(Front page—Form PPPR 1)

I, [*full name*], apply for an order appointing a welfare guardian for [*name of the person in respect of whom the application is made*] in relation to the following aspect(s) of his (*or* her) personal care and welfare:

[*specify each aspect of that person's personal care and welfare for which you seek the appointment of a welfare guardian*].

This application is made on the grounds that—

(a) [*name of the person in respect of whom the application is made*] wholly lacks the capacity to make or to communicate decisions relating to the aspects of his (*or* her) personal care and welfare specified above; and

(b) the appointment of a welfare guardian is the only satisfactory way to ensure that appropriate decisions are made relating to the aspects of his (*or* her) personal care and welfare specified above.

I make this application in my capacity as—

*(a) a [*specified relative*] of [*name of the person in respect of whom the application is made*].

*(b) the attorney of [*name of the person in respect of whom the application is made*].

*(c) a social worker employed by the department for the time being responsible for the administration of the Oranga Tamariki Act 1989.

*(d) a medical practitioner.

*(e) a representative of [*name of group*], being a group that is engaged, otherwise than for commercial gain, in the provision of services and facilities for the welfare of persons in relation to whom the court has jurisdiction in accordance with section 6 of the Act.

*(f) the superintendent (*or* licensee *or* supervisor *or* other person in charge) of [*name of institution*], being the hospital (*or* home *or* other institution) in which [*name of the person in respect of whom the application is made*] is a patient (*or* resident).

*(g) the manager of the property of [*name of the person in respect of whom the application is made*].

*(h) a person granted leave of the court to make this application.

I say:

*1 [*Name of the person in respect of whom the application is made*] is of or over the age of 18 years.

or

*1 [*Name of the person in respect of whom the application is made*] is under the age of 18 years and is (*or* has been) married or in a civil union.

or

*1 [*Name of the person in respect of whom the application is made*] is under the age of 18 years, has never been married or in a civil union, and has no parent or guardian living (*or* in regular contact) with him (*or* her).

†2 The proposed appointee is [*full name*], of [*address*], [*occupation*].

†3 The proposed appointee is of or over the age of 20 years.

4 [*Set out sufficient information to inform the court of the facts relied on to support the application. If you have any medical, psychiatric, or other reports that you wish the court to consider, attach them to the application.*]

*Delete if inapplicable.

†Delete if no proposed appointee is named in the application.

.....
Signature of applicant

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

Meaning of the term relative

The term **relative**, in relation to any person, means—

(a) the spouse, civil union partner, or de facto partner of that person; and

(b) a parent or grandparent of that person, or of the spouse or other person referred to in paragraph (a); and

(c) a child or grandchild of that person, or of the spouse or other person referred to in paragraph (a); and

(d) a brother or sister of that person, or of the spouse or other person referred to in paragraph (a), whether of full-blood or of half-blood; and

(e) an aunt or uncle of that person, or of the spouse or other person referred to in paragraph (a); and

(f) a nephew or niece of that person, or of the spouse or other person referred to in paragraph (a).

Number of welfare guardians

The court must not appoint more than 1 welfare guardian for any person unless the court is satisfied that it would be in the best interests of the person to do so.

If the court appoints more than 1 welfare guardian for the same person, those welfare guardians must regularly consult each other.

Wishes of the person in respect of whom the application is made

So far as is practicable in the circumstances, the court must ascertain the wishes of the person in respect of whom the application is made when determining whom to appoint as welfare guardian.

Periodic review of order

If the court makes an order, it will be required to specify in it a date by which the welfare guardian must apply to the court for a review of the order. That date cannot be later than 3 years after the date of the order.

Schedule 9 form PPPR 8: amended, on 29 October 2019, by rule 5(1) of the Family Court Amendment Rules 2019 (LI 2019/230).

Schedule 9 form PPPR 8: amended, on 29 October 2019, by rule 5(2) of the Family Court Amendment Rules 2019 (LI 2019/230).

Schedule 9 form PPPR 8: amended, on 1 July 2019, by rule 74 of the Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94).

Schedule 9 form PPPR 8: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 9 form PPPR 8: amended, on 7 August 2008, by rule 28 of the Family Courts Amendment Rules 2008 (SR 2008/207).

Schedule 9 form PPPR 8: amended, on 1 August 2007, by rule 4(1) of the Family Courts Amendment Rules 2007 (SR 2007/197).

Schedule 9 form PPPR 8: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form PPPR 9
Application for appointment of welfare guardian to ensure compliance with personal order

r 406

Section 23, Protection of Personal and Property Rights Act 1988

(Front page—Form PPPR 1)

[Note: *This form is to be used only if the applicant seeks an appointment of a welfare guardian under section 23 of the Act to ensure compliance with a personal order.*]

I, [*full name*], apply under section 23 of the Protection of Personal and Property Rights Act 1988 for an order appointing a welfare guardian.

The function of that guardian must be to take all reasonable steps to ensure compliance by [*full name*] with a personal order made by the court. A copy of that order is attached to this application.

I say:

*1 I was a party to the proceedings in which the personal order was made.

or

*1 I am the person in respect of whom the personal order was made.

2 [*Full name*] has failed to comply with the following requirements of the personal order: [*specify the requirements that have not been complied with*].

3 [*Give the facts that show, in your opinion, that the requirements specified have not been complied with.*]

†4 The proposed appointee is [*full name*], of [*address*], [*occupation*].

†5 The proposed appointee is of or over the age of 20 years.

*Delete if inapplicable.

†Delete if no proposed appointee is named in the application.

.....
Signature of applicant

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

Expiration of order

If the court appoints a welfare guardian under section 23 of the Protection of Personal and Property Rights Act 1988, it will specify in the order the date on which the welfare guardian must cease to act, and on that date the order must expire.

Form PPPR 10
Application for property order in respect of applicant's property

r 406

Section 31, Protection of Personal and Property Rights Act 1988

[Note: *This form may be used only if the applicant seeks the order in respect of himself or herself.*]

(Front page—Form PPPR 1)

I, [*full name*], apply for an order appointing 1 or more suitable persons (whether or not the person or persons proposed in this application) to act as the manager of my property (*or* as the manager of the following property of mine:

[*specify the property you wish to be managed*]).

This application is made on the ground that I wholly (*or* partly) lack the competence to manage my own affairs in relation to my property.

I say:

*1 I am domiciled (*or* ordinarily resident) in New Zealand.

or

*1 I am neither domiciled nor ordinarily resident in New Zealand, but all of the property in respect of which I seek the order is situated in New Zealand.

†2 The proposed appointee is [*full name*], of [*address*], [*occupation*]. The proposed appointee is of or over the age of 20 years (*or* a trustee corporation).

or

†2 The proposed appointees are [*full name and the address and occupation of each of the proposed appointees. State, in respect of each of the proposed appointees, either that the proposed appointee is of or over the age of 20 years or that the proposed appointee is a trustee corporation*].

†3 The proposed appointee is not (*or* None of the proposed appointees is) the superintendent, licensee, supervisor, or other person in charge of a hospital, home, or other institution in which I am a patient or resident.

4 [*Set out sufficient information to inform the court of the facts relied on to support the application. If you have any medical, psychiatric, or other reports that you wish the court to consider, attach them to this application.*]

*Delete if inapplicable.

†Delete if no proposed appointee is named in the application.

.....
Signature of applicant

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

Two or more managers

If the court appoints 2 or more managers, their responsibility must be jointly held unless the court orders otherwise.

Periodic review of order

If the court makes an order, it will be required to specify a date by which the manager or managers must apply to the court for a review of the order. That date cannot be later than 3 years after the date of the order.

Schedule 9 form PPPR 10: amended, on 29 October 2019, by rule 6 of the Family Court Amendment Rules 2019 (LI 2019/230).

Form PPPR 11
Application for property order

r 406

Section 31, Protection of Personal and Property Rights Act 1988

[Note: *This form may be used only if the applicant seeks the order in respect of some other person.*]

(Front page—Form PPPR 1)

I, [*full name*], apply for an order appointing 1 or more suitable persons (whether or not the person or persons proposed in this application) to act as the manager of the property of [*full name of the person in respect of whom the application is made*] (*or* as the manager of the following property of [*full name of person in respect of whom the application is made*]:

[*specify the property in respect of which you seek the appointment of a manager*]).

This application is made on the ground that [*name of the person in respect of whom the application is made*] wholly (*or* partly) lacks the competence to manage his (*or* her) own affairs in relation to the property.

I make this application in my capacity as—

*(a) a [*specified relative*] of [*name of the person in respect of whom the application is made*].

*(b) the attorney of [*name of the person in respect of whom the application is made*].

*(c) a social worker employed by the department for the time being responsible for the administration of the Oranga Tamariki Act 1989.

*(d) a medical practitioner.

*(e) a trustee corporation.

*(f) a representative of [*name of group*], being a group that is engaged, otherwise than for commercial gain, in the provision of services and facilities for the welfare of persons in relation to whom the court has jurisdiction in accordance with section 25 of the Act.

*(g) the superintendent (*or* licensee *or* supervisor *or* other person in charge) of [*name of institution*], being the hospital (*or* home *or* other institution) in which [*name of the person in respect of whom the application is made*] is a patient (*or* resident).

*(h) the welfare guardian for [*name of person in respect of whom the application is made*].

*(i) a person granted leave of the court to make this application.

*Delete if inapplicable.

I say:

*1 [*Name of the person in respect of whom the application is made*] is domiciled (*or* ordinarily resident) in New Zealand.

or

*1 [*Name of the person in respect of whom the application is made*] is neither domiciled nor ordinarily resident in New Zealand, but all of the property in respect of which the order is sought is situated in New Zealand.

*2 The proposed appointee is [*full name*], of [*address*], [*occupation*]. The proposed appointee is of or over the age of 20 years (*or* a trustee corporation).

or

*2 The proposed appointees are [*full name and the address and occupation of each of the proposed appointees. State, in respect of each of the proposed appointees, either that the proposed appointee is of or over the age of 20 years or that the proposed appointee is a trustee corporation*].

†3 The proposed appointee is not the superintendent, licensee, supervisor, or other person in charge of a hospital, home, or other institution in which [*name of the person in respect of whom the application is made*] is a patient (*or* resident).

4 [*Set out sufficient information to inform the court of the facts relied on to support the application. If you have any medical, psychiatric, or other reports that you wish the court to consider, attach them to this application*].

*Delete if inapplicable.

†Delete if no proposed appointee is named in the application.

.....
Signature of applicant

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

Meaning of the term relative

The term **relative**, in relation to any person, means—

(a) the spouse, civil union partner, or de facto partner of that person; and

(b) a parent or grandparent of that person, or of the spouse or other person referred to in paragraph (a); and

(c) a child or grandchild of that person, or of the spouse or other person referred to in paragraph (a); and

(d) a brother or sister of that person, or of the spouse or other person referred to in paragraph (a), whether of full-blood or of half-blood; and

(e) an aunt or uncle of that person, or of the spouse or other person referred to in paragraph (a); and

(f) a nephew or niece of that person, or of the spouse or other person referred to in paragraph (a).

Two or more managers

If the court appoints 2 or more managers, their responsibility must be jointly held unless the court orders otherwise.

Periodic review of order

If the court makes an order, it will be required to specify a date by which the manager or managers must apply to the court for a review of the order. That date cannot be later than 3 years after the date of the order.

Schedule 9 form PPPR 11: amended, on 29 October 2019, by rule 6 of the Family Court Amendment Rules 2019 (LI 2019/230).

Schedule 9 form PPPR 11: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 9 form PPPR 11: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form PPPR 12
Application for appointment of welfare guardian and manager in respect of applicant

r 406

Sections 12 and 31, Protection of Personal and Property Rights Act 1988

[Note: *This form may be used only if the applicant seeks the order in respect of himself or herself.*]

(Front page—Form PPPR 1)

I, [*full name*], apply—

(a) for an order appointing a welfare guardian for me in relation to the following aspect(s) of my personal care and welfare:

[*specify each aspect of your personal care and welfare for which you seek the assistance of a welfare guardian*]; and

(b) an order appointing 1 or more suitable persons (whether or not the person or persons proposed in this application) to act as manager of my property (*or* as the manager of the following property of mine:

[*specify the property that you wish to have managed*]).

This application is made on the grounds that—

(a) I wholly lack the capacity to make or to communicate decisions relating to the aspects of my personal care and welfare specified above; and

(b) the appointment of a welfare guardian is the only satisfactory way to ensure that appropriate decisions are made relating to the aspects of my personal care and welfare specified above; and

(c) I wholly (*or* partly) lack the competence to manage my own affairs in relation to my property.

I say:

*1 I am of or over the age of 18 years.

or

*1 I am under the age of 18 years and I am (*or* have been) married or in a civil union.

or

*1 I am under the age of 18 years, I have never been married or in a civil union, and I have no parent or guardian living (*or* in regular contact) with me.

*2 I am domiciled (*or* ordinarily resident) in New Zealand.

or

*2 I am neither domiciled nor ordinarily resident in New Zealand, but all of the property in respect of which I seek the order is situated in New Zealand.

†3 The proposed appointee as a welfare guardian is [*full name*], of [*address*], [*occupation*], who is of or over the age of 20 years.

†4 The proposed appointee as a manager is [*full name*], of [*address*], [*occupation*], who is of or over the age of 20 years (*or* a trustee corporation).

or

†4 The proposed appointees as managers are [*full name of each of the proposed appointees. State, in respect of each of the proposed appointees, either that the proposed appointee is of or over the age of 20 years or that the proposed appointee is a trustee corporation*.]

†5 The proposed appointee as manager is not (*or* None of the proposed appointees as managers is) the superintendent, licensee, supervisor, or other person in charge of a hospital, home, or other institution in which I am a patient or resident.

†6 [*Set out sufficient information to inform the court of the facts relied on to support the application. If you have any medical, psychiatric, or other reports that you wish the court to consider, attach them to this application*.]

*Delete if inapplicable.

†Delete if the proposed appointee is not named in the application.

.....
Signature of applicant

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

Meaning of the term relative

The term **relative**, in relation to any person, means—

(a) the spouse, civil union partner, or de facto partner of that person; and

(b) a parent or grandparent of that person, or of the spouse or other person referred to in paragraph (a); and

(c) a child or grandchild of that person, or of the spouse or other person referred to in paragraph (a); and

(d) a brother or sister of that person, or of the spouse or other person referred to in paragraph (a), whether of full-blood or of half-blood; and

(e) an aunt or uncle of that person, or of the spouse or other person referred to in paragraph (a); and

(f) a nephew or niece of that person, or of the spouse or other person referred to in paragraph (a).

Number of welfare guardians

The court must not appoint more than 1 welfare guardian for any person unless the court is satisfied that it would be in the best interests of the person to do so.

If the court appoints more than 1 welfare guardian for the same person, those welfare guardians must regularly consult each other.

Two or more managers

If the court appoints 2 or more managers, their responsibility is jointly held unless the court orders otherwise.

Periodic review of order

If the court makes an order, it will be required to specify a date by which the welfare guardian or the manager (*or* managers *or* the welfare guardian and the manager(s)) must apply to the court for a review of the order. That date cannot be later than 3 years after the date of the order.

Schedule 9 form PPPR 12: amended, on 29 October 2019, by rule 7(1) of the Family Court Amendment Rules 2019 (LI 2019/230).

Schedule 9 form PPPR 12: amended, on 29 October 2019, by rule 7(2) of the Family Court Amendment Rules 2019 (LI 2019/230).

Schedule 9 form PPPR 12: amended, on 7 August 2008, by rule 29(1) of the Family Courts Amendment Rules 2008 (SR 2008/207).

Schedule 9 form PPPR 12: amended, on 7 August 2008, by rule 29(2) of the Family Courts Amendment Rules 2008 (SR 2008/207).

Schedule 9 form PPPR 12: amended, on 1 August 2007, by rule 4(1) of the Family Courts Amendment Rules 2007 (SR 2007/197).

Schedule 9 form PPPR 12: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form PPPR 13
Application for appointment of welfare guardian and manager

r 406

Sections 12 and 31, Protection of Personal and Property Rights Act 1988

[Note: *This form may be used only if the applicant seeks the order in respect of some other person*.]

(Front page—Form PPPR 1)

I, [*full name*], apply—

(a) for an order appointing a welfare guardian for [*name of the person in respect of whom the application is made*] in relation to the following aspect(s) of his (*or* her) personal care and welfare:

[*specify each aspect of that person's personal care and welfare for which you seek the appointment of a welfare guardian*]; and

(b) for an order appointing 1 or more suitable persons (whether or not the person or persons proposed in this application) to act as manager of the property of [*name of the person in respect of whom the application is made*] (*or* to act as the manager of the following property belonging to him (*or* her):

[*specify the property in respect of which you seek the appointment of a manager*]).

This application is made on the following grounds:

(a) [*name of the person in respect of whom the application is made*] wholly lacks the capacity to make or to communicate decisions relating to the aspects of his (*or* her) personal care and welfare specified above; and

(b) that the appointment of a welfare guardian is the only satisfactory way to ensure that appropriate decisions are made relating to the aspects of the personal care and welfare of [*name of the person in respect of whom the application is made*]; and

(c) [*name of the person in respect of whom the application is made*] wholly (*or* partly) lacks the competence to manage his (*or* her) affairs in relation to his (*or* her) property.

I make this application in my capacity as—

*(a) a [*specified relative*] of [*name of the person in respect of whom the application is made*].

*(b) the attorney of [*name of the person in respect of whom the application is made*].

*(c) a social worker employed by the department for the time being responsible for the administration of the Oranga Tamariki Act 1989.

*(d) a medical practitioner.

*(e) a representative of [*name of group*], being a group that is engaged, otherwise than for commercial gain, in the provision of services and facilities for the welfare of persons in relation to whom the court has jurisdiction in accordance with both sections 6 and 25 of the Protection of Personal and Property Rights Act 1988.

*(f) the superintendent (*or* licensee *or* supervisor *or* other person in charge) of [*name of institution*], being the hospital (*or* home *or* other institution) in which [*name of the person in respect of whom the application is made*] is a patient (*or* resident).

*(g) a person granted leave of the court to make this application.

*Delete if inapplicable.

I say:

*1 [*Name of the person in respect of whom the application is made*] is of or over the age of 18 years.

or

*1 [*Name of the person in respect of whom the application is made*] is under the age of 18 years and is (*or* has been) married or in a civil union.

or

*1 [*Name of the person in respect of whom the application is made*] is under the age of 18 years, has never been married or in a civil union, and has no parent or guardian living (*or* in regular contact) with him (*or* her).

*2 [*Name of the person in respect of whom the application is made*] is domiciled (*or* ordinarily resident) in New Zealand.

or

*2 [*Name of the person in respect of whom the application is made*] is neither domiciled nor ordinarily resident in New Zealand, but all of the property in respect of which the order is sought is situated in New Zealand.

†3 The proposed appointee as a welfare guardian is [*full name*] of [*address*], [*occupation*], who is of or over the age of 20 years.

†4 The proposed appointee as a manager is [*full name*] of [*address*], [*occupation*], who is of or over the age of 20 years (*or* a trustee corporation).

or

†4 The proposed appointees as managers are [*full name of each of the proposed appointees. State, in respect of each of the proposed appointees, either that the proposed appointee is of or over the age of 20 years or that the proposed appointee is a trustee corporation*].

†5 The proposed appointee as manager is not (*or* None of the proposed appointees as managers is) the superintendent, licensee, supervisor, or other person in

charge of a hospital, home, or other institution in which [*name of person in respect of whom the application is made*] is a patient or resident.

6 [*Set out sufficient information to inform the court of the facts relied on to support the application. If you have any medical, psychiatric, or other reports that you wish the court to consider, attach them to this application*.]

*Delete if inapplicable.

†Delete if the proposed appointee is not named in the application.

.....
Signature of applicant

.....
Date

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

Meaning of the term relative

The term **relative**, in relation to any person, means—

(a) the spouse, civil union partner, or de facto partner of that person; and

(b) a parent or grandparent of that person, or of the spouse or other person referred to in paragraph (a); and

(c) a child or grandchild of that person, or of the spouse or other person referred to in paragraph (a); and

(d) a brother or sister of that person, or of the spouse or other person referred to in paragraph (a), whether of full-blood or of half-blood; and

(e) an aunt or uncle of that person, or of the spouse or other person referred to in paragraph (a); and

(f) a nephew or niece of that person, or of the spouse or other person referred to in paragraph (a).

Number of welfare guardians

The court must not appoint more than 1 welfare guardian for any person unless the court is satisfied that it would be in the best interests of the person to do so.

If the court appoints more than 1 welfare guardian for the same person, those welfare guardians must regularly consult each other.

Two or more managers

If the court appoints 2 or more managers, their responsibility must be jointly held unless the court orders otherwise.

Periodic review of order

If the court makes an order, it will be required to specify a date by which the welfare guardian or the manager(s) (*or* the welfare guardian and the manager(s)) must apply to the court for a review of the order. That date cannot be later than 3 years after the date of the order.

Schedule 9 form PPPR 13: amended, on 29 October 2019, by rule 7(1) of the Family Court Amendment Rules 2019 (LI 2019/230).

Schedule 9 form PPPR 13: amended, on 29 October 2019, by rule 7(2) of the Family Court Amendment Rules 2019 (LI 2019/230).

Schedule 9 form PPPR 13: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 9 form PPPR 13: amended, on 7 August 2008, by rule 30(1) of the Family Courts Amendment Rules 2008 (SR 2008/207).

Schedule 9 form PPPR 13: amended, on 7 August 2008, by rule 30(2) of the Family Courts Amendment Rules 2008 (SR 2008/207).

Schedule 9 form PPPR 13: amended, on 1 August 2007, by rule 4(1) of the Family Courts Amendment Rules 2007 (SR 2007/197).

Schedule 9 form PPPR 13: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form PPPR 14
Information sheet to accompany applications under Protection of Personal and Property Rights Act 1988

rr 20(1)(b), 406

In the Family Court PPPR No:.....
at [*place*]

This information sheet accompanies application(s) in respect of [*full name of person in respect of whom application is made*], [*occupation*].

Home address: .....

Work address: .....

Contact telephone number(s):

..... [*home*] ..... [*work*]

Age: .....

Date of birth: .....

Gender: .....

Country of residence: .....

Ethnic group: [*please mark the space or spaces which apply*]

□ New Zealand European

□ Maori

□ Samoan

□ Cook Island Maori

□ Tongan

□ Niuean

□ Chinese

□ Indian

□ Other [*Dutch, Japanese, Tokelauan, etc*]

Please state: .....

Interpreter required: Yes/No

If yes, specify language: .....

Name and address of the lawyer of the person in respect of whom the application is made: .....

.....

Nature of applications

The applications are:

1 .....

2 .....

Particulars of applicant

The applicant is [*full name*], [*occupation*].

Home address: .....

Work address: .....

Contact telephone number(s):

..... [*home*] ..... [*work*]

Country of residence: .....

Capacity in which the application is made (as set out in the application): .....

Particulars of other persons or organisations affected

The following person(s) or organisation(s) may be affected by this application:

Full name: .....

Address: .....

Occupation: .....

Relationship or status in relation to the person in respect of whom the application is made (eg, spouse *or* civil union partner *or* de facto partner *or* parent *or* guardian *or* person with whom that person is living *or* proposed welfare guardian *or* proposed manager *or* welfare guardian *or* manager): [*specify*].

Address for service

The accompanying applications are filed by [*full name*], whose address for service[1] is [*address*].

[1]This address must be a place in New Zealand where any document may be left for the applicant. It may not be the address of a Post Office box, document exchange, or rural delivery.

Previous applications: [*give the file number of any previous applications relating to the person in respect of whom the application is made, and the courts where those applications were filed*].

For court use: Date stamp:

Schedule 9 form PPPR 14: amended, on 26 April 2005, by section 8(2) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Form PPPR 15
Notice to respondent of application under Protection of Personal and Property Rights Act 1988

r 32(2)(b)

(Heading—Form PPPR 2)

To

.....

.....

.....

An application has been filed in this court by [*full name*].

A copy of the application is attached. The order (*or* orders) sought by the applicant is (*or* are) specified in the application.

*The lawyer appointed by the court to represent the person in respect of whom the application is made is [*full name*], of [*address*].

or

*The lawyer retained by the person in respect of whom the application is made is [*full name*], of [*address*].

*Delete if inapplicable.

If you wish to appear either to support or to oppose the application, you must, within 21 days after the service of this notice on you, file a notice of intention to appear in this office of the court.

If you file a notice of intention to appear, you must serve a copy of the notice—

(a) on the applicant; and

(b) on any lawyer appointed by the court to represent the person in respect of whom the application is made or retained by that person.

The copy may, in the case of the applicant, be delivered to the address for service given by the applicant and, in the case of any lawyer, be delivered to the address specified in this notice or the address of that lawyer.

[*In the case of the person in respect of whom the application is made*.] Whether or not you file and serve a notice of intention to appear, you must attend the court when the application is heard unless the court directs that you be excused from attending.

or

[*In the case of any other person*.] Whether or not you file and serve a notice of intention to appear, you may attend the court when the application is heard to support or oppose the application.

If you do not wish to appear either to support or to oppose the application but you do wish to be kept informed of what is happening in respect of the application, you must—

(a) file in this office of the court a notice giving the address of a place in New Zealand at which documents may be left for you; and

(b) serve a copy of the notice on each of the other parties to the proceedings. That copy may be delivered to the address for service given by the other party.

Assistance

You may instruct a lawyer to prepare on your behalf a notice of intention to appear. If you want a lawyer but think you cannot afford one, contact an office of the Family Court immediately. You may also see a specimen form of the notice of intention to appear at any office of the Family Court.

Pre-hearing conference

You will be given notice of the time and place at which the pre-hearing conference will be held. You will be requested to attend that conference.

Copies of orders

You will get copies of any orders made under this application.

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

.....
Registrar
.....
Date

Form PPPR 16
Statement of consent to appointment as welfare guardian

r 410(1)

Section 12(5)(d), Protection of Personal and Property Rights Act 1988

(Front page—Form PPPR 1)

I, [*full name of the proposed welfare guardian*], of [*address*], [*occupation*], consent to be appointed under section 12 of the Protection of Personal and Property Rights Act 1988 as a welfare guardian for [*full name of the person in respect of whom the application is made*], in relation to the aspect (*or* aspects) of the personal care and welfare of that person that the court specifies in the order.

Dated [*date*].

.....
Signed by the above-named, [*full name of the proposed welfare guardian*], in the presence of—

Signature of witness:

Address:

Occupation:

Form PPPR 17
Statement of consent to appointment as manager

r 410(2)

Section 31(5)(c), Protection of Personal and Property Rights Act 1988

(Front page—Form PPPR 1)

I, [*full name of the proposed manager*], of [*address*], [*occupation*], consent to be appointed to be manager of certain property belonging to [*full name of the person in respect of whom the application is made*].

Dated [*date*].

.....
Signed by the above-named, [*full name of the proposed manager*], in the presence of—

Signature of witness:

Address:

Occupation:

Form PPPR 18
Summons to party to attend pre-hearing conference

r 406

Section 71, Protection of Personal and Property Rights Act 1988

(Heading—Form PPPR 2)

To

.....

You have failed to comply with a letter sent to you by post requesting you to attend a pre-hearing conference at [*time*] on [*date*] at [*place*].

You are summoned to attend a pre-hearing conference at [*time*] on [*date*] at [*place*].

*You are required to bring with you and produce [*specify what is to be produced*].

*Delete if inapplicable.

If, without sufficient cause, you refuse or neglect to attend or to produce anything that you are required to produce, you may be prosecuted and fined.

.....
Judge

.....
Date

Form PPPR 19
Personal order

r 406

Section 10, Protection of Personal and Property Rights Act 1988

(Heading—Form PPPR 2)

On application made to it, the court makes an order that—

*(a) [*name of the person in respect of whom the order is made*] receive appropriate remuneration for work performed or to be performed by him (*or* her):

*(b) [*full name*], a parent of [*full name of the person in respect of whom the order is made*], make suitable arrangements for the care of [*full name of the person in respect of whom the order is made*] after that parent's death:

*(c) the arrangements made by [*full name*], a parent of [*full name of the person in respect of whom the order is made*], for the personal care of [*full name of the person in respect of whom the order is made*] after that parent's death be observed (*or* be varied) as follows: [*set out the way in which the arrangements are to be observed or varied*]:

*(d) [*full name of the person in respect of whom the order is made*] must enter (*or* attend at *or* leave) [*name of institution*]:

*(e) [*full name of the person in respect of whom the order is made*] be provided with living arrangements of the following kind: [*specify the kind of living arrangements with which the person is to be provided*]:

*(f) [*full name of the person in respect of whom the order is made*] be provided with medical advice of the following kind(s): [*specify the kind(s) of medical advice the person is to receive*]:

*(g) [*full name of the person in respect of whom the order is made*] be provided with educational, rehabilitative, therapeutic, or other services of the following kind(s): [*specify the kind(s) of service the person is to receive*]:

*(h) [*full name of the person in respect of whom the order is made*] must not leave New Zealand without the court's permission (*or* only on the following conditions: [*specify the conditions (if any) on which the person may leave New Zealand*]):

*(i) appointing [*full name*] as next friend (*or* guardian *ad litem*) for [*full name of the person in respect of whom the order is made*] for the purposes of the following District Court proceedings: [*specify the nature of the proceedings, and the District Court in which they are to be held*].

This order is made under section 10(1) [*specify paragraph of section 10(1) of the Act under which the order is made*] of the Protection of Personal and Property Rights Act 1988.

*This order is made with the consent of each party to the proceedings, and the court is satisfied that [*full name of the person in respect of whom the order is made*] understands the nature and foresees the consequences of the order and consents to it.

*This order must expire with the close of [*date*].

or

*[*Full name*], of [*address*], [*occupation*], must apply to the court for a review of this order before [*date*]. This order expires on that date unless, on a review of the order, the court decides that it must continue beyond that date.

or

*This order is an interim order. It continues in force until the close of [*date, being not more than 6 months after the date on which the order is made*.]

*Delete if inapplicable.

.....
Registrar
.....
Date

Form PPPR 20
Order to administer property

r 406

Section 11, Protection of Personal and Property Rights Act 1988

(Heading—Form PPPR 2)

On application made to it, the court makes an order appointing [*name of the appointee*], of [*address*], [*occupation*], to administer, on behalf of [*name of the person in respect of whom the order is made*], of [*address*], [*occupation*], the following property (*or* income *or* benefit), being property belonging to that person (*or* to which that person may become entitled): [*specify the property, income, or benefit to be administered*].

[*Name of the appointee*] is required to administer the property (*or* income *or* benefit) in a way that enables or encourages [*name of the person in respect of whom the order is made*] to exercise and develop the capacity that person has to the greatest extent possible.

This order is made under sections 10(1)(j) and 11 of the Protection of Personal and Property Rights Act 1988.

*This order is made with the consent of each party to the proceedings, the court being satisfied that [*full name of the person in respect of whom the order is made*] understands the nature and foresees the consequences of the order and consents to it.

*[*Name of appointee*] must apply to the court for a review of this order not later than [*a date not later than 3 years after the date of the order*]. This order must expire on that date unless, on a review of the order, the court decides that it must continue beyond that date.

or

*This order is an interim order. It is made pending the final determination of the application. It expires with the close of [*date, being not more than 6 months after the date on which the order is made*].

*Delete if inapplicable.

.....
Registrar

.....
Date

Form PPPR 21
Order for appointment of welfare guardian

r 406

Protection of Personal and Property Rights Act 1988

(Heading—Form PPPR 2)

On application made to it, the court makes an order appointing [*name of the appointee*], of [*address*], [*occupation*], to be a welfare guardian for [*name of the person in respect of whom the order is made*], of [*address*], [*occupation*].

*This order is made with the consent of each party to the proceedings, the court being satisfied that the person in respect of whom the application was made understands and foresees the consequences of the order and consents to it.

either

[*If the order is made under section 12 of the Act.*]

This order is made under section 12 of the Protection of Personal and Property Rights Act 1988.

The welfare guardian is appointed in relation to the following aspect(s) of the personal care and welfare of [*name of the person in respect of whom the order is made*]:

[*specify each aspect of the person's personal care and welfare in relation to which the welfare guardian is appointed*].

*The welfare guardian must apply to this court for a review of this order not later than [*a date not later than 3 years after the date of the order*]. This order expires on that date unless, on a review of the order, the court decides that it must continue beyond that date.

or

[*If the order is made under section 14 of the Act.*]

*This order is an interim order. It continues in force until the close of [*date, being not more than 6 months after the date on which the order is made*].

or

[*If the order is made under section 23 of the Act.*]

This order is made under section 23 of the Protection of Personal and Property Rights Act 1988.

The function of the welfare guardian is to take all reasonable steps to ensure that [*full name of the person who has so far failed to comply with the order*] complies with the order of this court dated [*date*].

The welfare guardian must cease to act on the day [*date*], and on that date this order expires.

*Delete if inapplicable.

.....
Registrar
.....
Date

Form PPPR 22
Order for appointment of manager

r 406

Section 31, Protection of Personal and Property Rights Act 1988

(Heading—Form PPPR 2)

On application made to it, the court makes an order appointing [*full name of appointee*], of [*address*], [*occupation*], to act as manager of property belonging to [*full name of the person in respect of whom the order is made*], of [*address*], [*occupation*].

This order applies to all the property of [*full name of the person in respect of whom the order is made*].

or

This order applies only to the following property belonging to [*full name of the person in respect of whom the order is made*]:

[*specify the property in respect of which the appointee is appointed manager*].

The manager has all the powers specified in Schedule 1 of the Act.

or

The manager has, in respect of the property to which this order relates, the following rights and powers, all of which are specified in clause 1 of Schedule 1 of the Protection of Personal and Property Rights Act 1988:

[*specify rights and powers of manager*].

*The manager also has, in respect of the property to which this order relates, the following additional rights and powers:

[*specify additional rights and powers of manager*].

*The manager's rights and powers are subject to the following restrictions:

[*specify restrictions on rights and powers of manager*].

*The manager must apply to this court for a review of this order not later than [*a date not later than 3 years after the date of the order*]. This order expires on that date unless, on a review of the order, the court decides that it must continue beyond that date.

or

*This order is a temporary order. It expires with the close of [*date, being not more than 3 months after the date on which the order is made*].

*Delete if inapplicable.

.....
Registrar
.....
Date

Form PPPR 23
Application by attorney for directions

r 406

Section 101, Protection of Personal and Property Rights Act 1988

(Front page—Form PPPR 1)

I, [*full name, address, occupation of attorney*], apply for directions relating to the exercise of my powers under an enduring power of attorney.

I say—

1 *For this paragraph select the statement that applies.*

Statement A

On [*date*] [*name of donor*] granted to me an enduring power of attorney to act in relation to his/her* personal care and welfare.

*Select one.

Statement B

On [*date*] [*name of donor*] granted to me an enduring power of attorney to act in relation to his/her* property.

*Select one.

Statement C

On [*date*] [*name of donor*] granted to me an enduring power of attorney to act in relation to his/her* personal care and welfare and his/her* property.

*Select one.

2 *For this paragraph select the statements that apply.*

Statement A

The enduring power of attorney authorises me to act in relation to the personal care and welfare of [*name of donor*] generally.

Statement B

The enduring power of attorney authorises me to act in relation to the personal care and welfare of [*name of donor*] regarding the following specific matters: [*state matters*].

Statement C

The enduring power of attorney authorises me to act generally in relation to all of the property of [*name of donor*].

Statement D

The enduring power of attorney authorises me to act generally in relation to the following property of [*name of donor*]: [*describe property*].

Statement E

The enduring power of attorney authorises me to do the following specific things in relation to the property of [*name of donor*]: [*specify things*].

3 *For this paragraph select the statement that applies.*

Statement A

The enduring power of attorney is not subject to any conditions or restrictions.

Statement B

The enduring power of attorney is subject to the following conditions and restrictions: [*specify*].

4 *Include this paragraph if the attorney is—*

- *acting in respect of a significant matter relating to the donor's personal care and welfare; or*
- *authorised to act in relation to the donor's property only if the donor becomes mentally incapable.*

For this paragraph select the statement that applies.

Statement A

A relevant health practitioner has certified that [*name of donor*] is mentally incapable and a copy of that certificate is attached.

Statement B

The court has determined that [*name of donor*] is mentally incapable and a copy of the court order is attached.

5 *Include this paragraph if the enduring power of attorney is in relation to the donor's personal care and welfare and the attorney is acting in respect of a matter other than a significant matter.*

I have reasonable grounds to believe that [*name of donor*] is mentally incapable. Those grounds are: [*specify*].

6 I seek directions relating to the exercise of my powers in respect of [*state the directions sought and sufficient information to inform the court of the need for those directions*].

Date:

Signature of applicant:

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

Meaning of the term relevant health practitioner

The term **relevant health practitioner** means a person who is, or is deemed to be, registered with a registration authority appointed by or under the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession, or a medical practitioner registered by a competent overseas authority,—

(a) whose scope of practice includes the assessment of a person's mental capacity; or

(b) whose scope of practice—

  (i) includes the assessment of a person's mental capacity; and

  (ii) is specified in the enduring power of attorney.

Copy of enduring power of attorney

When filing this application you must lodge in the office of the court, unless the Registrar otherwise directs, a copy of the enduring power of attorney.

Schedule 9 form PPPR 23: inserted, on 26 September 2008, by rule 4 of the Family Courts Amendment Rules (No 2) 2008 (SR 2008/316).

Form PPPR 24
Application for exercise of court's jurisdiction in respect of enduring power of attorney

r 406

Sections 102 and 102A, Protection of Personal and Property Rights Act 1988

(Front page—Form PPPR 1)

I, [*full name, address, occupation*], apply for the exercise of the court's jurisdiction in respect of [*state matter in respect of which the court's jurisdiction is sought*].

I say—

1 *For this paragraph select the statement that applies.*

Statement A

On [*date*] I/[*name of donor*]* granted to [*name of attorney*] an enduring power of attorney to act in relation to my/his/her* personal care and welfare.

*Select one.

Statement B

On [*date*] I/[*name of donor*]* granted to [*name of attorney*] an enduring power of attorney to act in relation to my/his/her* property.

*Select one.

Statement C

On [*date*] I/[*name of donor*]* granted to [*name of attorney*] an enduring power of attorney to act in relation to my/his/her* personal care and welfare and my/his/her* property.

*Select one.

2 *For this paragraph select the statements that apply.*

Statement A

The enduring power of attorney authorises [*name of attorney*] to act in relation to my/the donor's* personal care and welfare generally.

*Select one.

Statement B

The enduring power of attorney authorises [*name of attorney*] to act in relation to my/the donor's* personal care and welfare regarding the following specific matters: [*state matters*].

*Select one.

Statement C

The enduring power of attorney authorises [*name of attorney*] to act generally in relation to all of my/the donor's* property.

*Select one.

Statement D

The enduring power of attorney authorises [*name of attorney*] to act generally in relation to the following of my/the donor's* property: [*describe property*].

*Select one.

Statement E

The enduring power of attorney authorises [*name of attorney*] to do the following specific things in relation to my/the donor's* property: [*specify things*].

*Select one.

3 *For this paragraph select the statement that applies.*

Statement A

The enduring power of attorney is not subject to any conditions or restrictions.

Statement B

The enduring power of attorney is subject to the following conditions and restrictions: [*specify*].

4 *For this paragraph select the statement that applies.*

Statement A

I apply to the court to determine whether the instrument executed by me/[*name of donor*]* is an enduring power of attorney.

*Select one.

Statement B

I apply to the court to determine whether or not [*name of donor*] is mentally incapable.

Statement C

I apply to the court for the following order/direction* in respect of the enduring power of attorney: [*state order sought from court and reasons*].

*Select one.

5 *Include this paragraph if an application is being made to the court for an order or direction in respect of an enduring power of attorney, and select the statement that applies.*

Statement A

[*Name of attorney*] believes on the following reasonable grounds that [*name of donor*] is mentally incapable: [*state grounds*].

Statement B

A relevant health practitioner has certified that [*name of donor*] is mentally incapable and a copy of that certificate is attached.

Statement C

The court has determined that [*name of donor*] is mentally incapable and a copy of the court order is attached.

6 I am:

*the donor of the enduring power of attorney

*a relative of the donor

*an attorney of the donor (not being the attorney acting under the enduring power of attorney)

*a social worker

*a medical practitioner

*a trustee corporation

*the principal manager of [*name of place*] providing hospital care/rest home care/residential disability care* to the donor

*a welfare guardian appointed for the donor

*a person authorised by a body or organisation contracted by the Government to provide elder abuse and neglect prevention services

*a person granted leave by the court to make this application.

*Select one.

Date:

Signature of applicant:

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

Meaning of the term relative

The term **relative**, in relation to any person, means—

(a) the spouse, civil union partner, or de facto partner of that person; and

(b) a parent or grandparent of that person, or of the spouse or other person referred to in paragraph (a); and

(c) a child or grandchild of that person, or of the spouse or other person referred to in paragraph (a); and

(d) a brother or sister of that person, or of the spouse or other person referred to in paragraph (a), whether of full-blood or of half-blood; and

(e) an aunt or uncle of that person, or of the spouse or other person referred to in paragraph (a); and

(f) a nephew or niece of that person, or of the spouse or other person referred to in paragraph (a).

Meaning of the term relevant health practitioner

The term **relevant health practitioner** means a person who is, or is deemed to be, registered with a registration authority appointed by or under the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession, or a medical practitioner registered by a competent overseas authority,—

(a) whose scope of practice includes the assessment of a person's mental capacity; or

(b) whose scope of practice—

(i) includes the assessment of a person's mental capacity; and

(ii) is specified in the enduring power of attorney.

Copy of enduring power of attorney

When filing this application you must, if possible, lodge in the office of the court a copy of the enduring power of attorney.

Schedule 9 form PPPR 24: inserted, on 26 September 2008, by rule 4 of the Family Courts Amendment Rules (No 2) 2008 (SR 2008/316).

Form PPPR 25
Application for review of attorney's decision

r 406

Section 103, Protection of Personal and Property Rights Act 1988

(Front page—Form PPPR 1)

I, [*full name, address, occupation*], apply for a review of the following decision made by [*full name of attorney*] acting under an enduring power of attorney granted by me/[*name of donor*]*: [*state decision sought to be reviewed*].

*Select one.

I say—

1 *For this paragraph select the statement that applies.*

Statement A

On [*date*] I/[*name of donor*]* granted to [*name of attorney*] an enduring power of attorney to act in relation to my/his/her* personal care and welfare.

*Select one.

Statement B

On [*date*] I/[*name of donor*]* granted to [*name of attorney*] an enduring power of attorney to act in relation to my/his/her* property.

*Select one.

Statement C

On [*date*] I/[*name of donor*]* granted to [*name of attorney*] an enduring power of attorney to act in relation to my/his/her* personal care and welfare and my/his/her* property.

*Select one.

2 *For this paragraph select the statements that apply.*

Statement A

The enduring power of attorney authorises [*name of attorney*] to act in relation to my/the donor's* personal care and welfare generally.

*Select one.

Statement B

The enduring power of attorney authorises [*name of attorney*] to act in relation to my/the donor's* personal care and welfare regarding the following specific matters: [*state matters*].

*Select one.

Statement C

The enduring power of attorney authorises [*name of attorney*] to act generally in relation to all of my/the donor's* property.

*Select one.

Statement D

The enduring power of attorney authorises [*name of attorney*] to act generally in relation to the following of my/the donor's* property: [*describe property*].

*Select one.

Statement E

The enduring power of attorney authorises [*name of attorney*] to do the following specific things in relation to my/the donor's* property: [*specify things*].

*Select one.

3 *For this paragraph select the statement that applies.*

Statement A

The enduring power of attorney is not subject to any conditions or restrictions.

Statement B

The enduring power of attorney is subject to the following conditions and restrictions: [*specify*].

4 At a time when I/the donor* was mentally incapable [*full name of attorney*] made the following decision/decisions*: [*state decision(s)*].

*Select one.

5 This decision needs/These decisions* need review because: [*state reasons*].

*Select one.

6 I am—

*the donor of the enduring power of attorney

*a relative of the donor

*an attorney of the donor (not being the attorney acting under the enduring power of attorney)

*a social worker

*a medical practitioner

*a trustee corporation

*the principal manager of [*name of place*] providing hospital care/rest-home care/residential disability care* to the donor

*a welfare guardian appointed for the donor

*a person authorised by a body or organisation contracted by the Government to provide elder abuse and neglect prevention services

*a person granted leave by the court to make this application.

*Select one.

Date:

Signature of applicant:

Notes

Advice

If you need help, consult a lawyer or contact a Family Court office immediately.

Office hours

The office of the Family Court is open from 8.30 am to 5 pm on Mondays to Fridays inclusive.

Information sheet

A duly completed information sheet (in form PPPR 14) must accompany this application.

Meaning of the term relative

The term **relative**, in relation to any person, means—

(a) the spouse, civil union partner, or de facto partner of that person; and

(b) a parent or grandparent of that person, or of the spouse or other person referred to in paragraph (a); and

(c) a child or grandchild of that person, or of the spouse or other person referred to in paragraph (a); and

(d) a brother or sister of that person, or of the spouse or other person referred to in paragraph (a), whether of full-blood or of half-blood; and

(e) an aunt or uncle of that person, or of the spouse or other person referred to in paragraph (a); and

(f) a nephew or niece of that person, or of the spouse or other person referred to in paragraph (a).

Copy of enduring power of attorney

When filing this application you must, if possible, lodge in the office of the court a copy of the enduring power of attorney.

Schedule 9 form PPPR 25: inserted, on 26 September 2008, by rule 4 of the Family Courts Amendment Rules (No 2) 2008 (SR 2008/316).

Schedule 10
Forms for proceedings under Care of Children Act 2004

r 416E

Schedule 10: inserted, on 31 March 2014, by rule 46 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Contents

		Page
COC 1	Notice to respondent of application under Care of Children Act 2004	646
COC 2	Notice to respondent residing outside New Zealand of application under Care of Children Act 2004	648
COC 3	Warrant to enforce role of providing day-to-day care for, or order for contact with, child	650
COC 4	Warrant to take child to prevent removal from New Zealand	652
COC 5	Parenting order(s)	654
COC 6	Interim parenting order(s)	657
COC 7	Bond to ensure compliance with parenting order	661

Form COC 1
Notice to respondent of application under Care of Children Act 2004

rr 416E, 416I

(General heading—Form G 2)

To [*name of respondent*]

An application (*see* the attached copy) has been filed in this court by [*full name*]. The order or orders sought by the applicant are specified in the application.

Notice of response

1 If you wish to respond to the application, you must, within 21 days after the date on which you receive this notice,—

(a) file a notice of response in this office of the court; and

(b) serve a copy of the notice of response on the other party (or parties) to the proceedings. That copy may be sent to the address for service given by the applicant (or other parties).

2 The notice of response must be on an approved form. Approved forms are available on the Ministry of Justice website (*see* below).

3 If you do not file and serve a notice of response within that time,—

(a) the case may proceed without further notice to you and the court may make orders deciding the application; or

(b) you may not be able to oppose the application. On the day of a conference or hearing of the application, should you appear, the court may—

(i) allow you to participate only on such terms as the court thinks fit; or

(ii) decline to allow you to take part.

4 The court may also make an order against you for costs properly incurred as a consequence of your failure to file and serve a notice of response within the time allowed.

5 A lawyer may prepare a notice of response for you and file the notice in court. If you want a lawyer to help you but think you cannot afford one, you can find information about what assistance may be available on the Ministry of Justice website (*see* below), or by contacting a lawyer, the Ministry of Justice call centre (*see* below), or an office of the Family Court.

Address for service

If you do not wish to oppose the application but you do wish to know what is happening, you must—

(a) advise this office of the court in writing of an address in New Zealand (not a Post Office box) to which documents may be sent; and

(b) provide a copy of the notice to the other party or parties to the proceedings. That copy may be sent to the address for service given by the applicant.

Liability as witness

Even if you take no action, the court may summon you as a witness to help it deal with the application.

Copies of orders

You will get a copy of any orders made by the court. Orders are normally in force from the time they are made. However, even if you do not receive a copy of an order you will still be required to obey it.

Advice

If you need help, consult a lawyer, check the Ministry of Justice website, call the Ministry of Justice call centre, or contact an office of the Family Court immediately.

Ministry of Justice website: http://www.justice.govt.nz

Ministry of Justice call centre: 0800 268 787

Date:

Signature:

(Registrar)

Schedule 10 form COC 1: inserted, on 31 March 2014, by rule 46 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Schedule 10 form COC 1: amended, on 2 May 2024, by rule 139(1) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 10 form COC 1: amended, on 2 May 2024, by rule 139(2) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 10 form COC 1: amended, on 1 July 2020, by rule 12(1) of the Family Court Amendment Rules 2020 (LI 2020/135).

Form COC 2
Notice to respondent residing outside New Zealand of application under Care of Children Act 2004

rr 416E, 416I

(General heading—Form G 2)

To [*name of respondent*]

An application (*see* the attached copy) has been filed in this court by [*full name*]. The order or orders sought by the applicant are described in the application.

Jurisdiction of court

The court may make an order if [*set out bases for jurisdiction in respect of each order sought, following closely the relevant provisions of the Care of Children Act 2004*].

Notice of response

1 If you wish to respond to the application or be heard on it, you must, either directly or through a lawyer in the place where you are, send authority to a lawyer in New Zealand instructing him or her to act for you.

2 If you wish to oppose the application, you must, within [*number*] days after the date on which you received this notice,—

(a) file a notice of response in this office of the court; and

(b) serve a copy of the notice of response on the other party (or parties) to the proceedings. That copy may be delivered to the address for service given by the applicant (or other parties).

3 The notice of response must be on an approved form. Approved forms are available from the Ministry of Justice's website (*see* below).

4 If you do not file and serve a notice of response within the required time,—

(a) the case may proceed without further notice to you and the court may make orders deciding the application; or

(b) you may not be able to oppose the application. On the day of a conference or hearing of the application, should you appear, the court may—

(i) allow you to participate only on such terms as the court thinks fit; or

(ii) decline to allow you to take part and make orders deciding the application without hearing from you.

5 The court may also make an order against you for costs properly incurred as a consequence of your failure to file and serve a notice of response within the time allowed.

6 A lawyer may prepare a notice of response for you and file the notice in court. If you want a lawyer to help you but think you cannot afford one, you can find

information about what assistance may be available on the Ministry of Justice website (*see* below), or by contacting a lawyer or an office of the Family Court.

Address for service

If you do not wish to oppose the application but you do want to know what is happening, you must—

(a) advise this office of the court in writing of an address in New Zealand (not a Post Office box) to which documents may be sent; and

(b) provide a copy of the notice to the other party or parties to the proceedings. That copy may be sent to the address for service given by the applicant.

Copies of orders

You will get a copy of any orders made by the court. Orders are normally in force from the time they are made. However, even if you do not receive a copy of an order you will still be required to obey it.

Advice

If you need help, consult a lawyer immediately in the place where you are and check the Ministry of Justice website. If you intend to employ a lawyer in New Zealand, you should ask about your eligibility for legal aid in this country.

Ministry of Justice website: http://www.justice.govt.nz

Date:

Signature:

(Registrar)

Schedule 10 form COC 2: inserted, on 31 March 2014, by rule 46 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Schedule 10 form COC 2: amended, on 2 May 2024, by rule 139(3) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 10 form COC 2: amended, on 2 May 2024, by rule 139(4) of the Family Court Amendment Rules 2024 (SL 2024/35).

Schedule 10 form COC 2: amended, on 1 July 2020, by rule 12(2) of the Family Court Amendment Rules 2020 (LI 2020/135).

Form COC 3
Warrant to enforce role of providing day-to-day care for, or order for contact with, child

r 416E

Sections 72 and 73, Care of Children Act 2004

(General heading—Form G 2)

To every constable (*or* social worker) (*or* [*full name of person*])

1 I am satisfied, on the application of [*full name, address, occupation*], that the applicant, in respect of [*full name*], a child aged [*specify*] years,—

*has the role of providing day-to-day care for the child

*is entitled under a parenting order or other order specified in section 73(1) of the Care of Children Act 2004 to have direct contact with the child.

*Omit if inapplicable.

2 I direct you to take the child (using reasonable force if necessary) and to deliver the child to [*full name of applicant or of other person or authority to whom child is to be delivered on behalf of applicant*], and to report to this court when you have done so.

3 For the purpose of executing this warrant, you are authorised by section 75(1) of the Care of Children Act 2004 to enter and search any building, aircraft, ship, vehicle, premises, or place, with or without assistance, and by force if necessary.

4 You are required to have this warrant with you when executing it and to produce it on initial entry and, if requested, at any later time.

5 You must also comply with any other applicable requirements of section 75(2) of the Care of Children Act 2004.

Date:

Signature:

(Judge)

Notes

Arrest of person resisting execution of warrant

Under section 79 of the Care of Children Act 2004, it is an offence to—

- knowingly resist or obstruct a person executing this warrant; or
- knowingly fail or refuse to afford immediate entrance to premises to a person executing this warrant.

The offence is punishable by a fine not exceeding $2,500 or imprisonment for a term not exceeding 3 months.

Under section 315 of the Crimes Act 1961, a constable (and anyone he or she calls to assist) may arrest and take into custody any person whom he or she has good cause to suspect has committed an offence punishable by imprisonment.

Use of faxed copy of warrant

If use of a faxed copy of this warrant is authorised by an authority to prevent delay in execution of the warrant, the authority must, under section 76 of the Care of Children Act 2004, write and sign a note on the front of the warrant stating—

(a) the fact that a faxed copy of the warrant may be used for the purposes of executing the warrant; and

(b) the date and time at which the authorisation expires, which must be the close of the third day after the day on which the authorisation is granted.

Schedule 10 form COC 3: inserted, on 31 March 2014, by rule 46 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Form COC 4
Warrant to take child to prevent removal from New Zealand

r 416E

Section 77, Care of Children Act 2004

(General heading—Form G 2)

To every constable (*or* social worker)

1 I have reason to believe that [*full name*], a child aged [*specify*] years, may be taken out of New Zealand with intent to, or in circumstances where the taking of the child would be likely to,—

Select the statement that applies.

defeat the claim of [*full name, address, occupation*], who has applied for/is about to apply for* the role of providing day-to-day care for, or an order for contact with, the child.

*Select one.

or

prevent an order made in the [*court*] at [*place, date*]/registered under section 81 of the Care of Children Act 2004* about the role of providing day-to-day care for, or about contact with, the child, from being complied with.

*Select one.

2 The child is said to be in the care of [*full name, address*].

3 There being no High Court Judge or District Court Judge or Family Court Judge available,* I direct you to take the child (using reasonable force if necessary) and place the child in the care of some suitable person pending the order or further order of the court having jurisdiction in the case.

*Omit this phrase if it does not apply.

4 When you have executed this warrant in accordance with the direction, you must advise this court immediately of the name and address of the person with whom you have placed the child.

Date:

Signature:

Judge/Family Court Associate/Registrar (not being a constable)*

*Select one.

Notes

Arrest of person resisting execution of warrant

Under section 79 of the Care of Children Act 2004, it is an offence to—

- knowingly resist or obstruct a person executing this warrant; or
- knowingly fail or refuse to afford immediate entrance to premises to a person executing this warrant.

The offence is punishable by a fine not exceeding $2,500 or imprisonment for a term not exceeding 3 months.

Under section 315 of the Crimes Act 1961, a constable (and anyone he or she calls to assist) may arrest and take into custody any person whom he or she has good cause to suspect has committed an offence punishable by imprisonment.

Use of faxed copy of warrant

If use of a faxed copy of this warrant is authorised by an authority to prevent delay in execution of the warrant, the authority must, under section 76 of the Care of Children Act 2004, write and sign a note on the front of the warrant stating—

(a) the fact that a faxed copy of the warrant may be used for the purposes of executing the warrant; and

(b) the date and time at which the authorisation expires, which must be the close of the third day after the day on which the authorisation is granted.

Schedule 10 form COC 4: inserted, on 31 March 2014, by rule 46 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Schedule 10 form COC 4: amended, on 2 May 2024, by rule 139(5) of the Family Court Amendment Rules 2024 (SL 2024/35).

Form COC 5
Parenting order(s)

r 416E

Sections 40(3), 48, 55, and 70, Care of Children Act 2004

(General heading—Form G 2)

On application made to it, the court orders that—

(a) the following person has/people have* the role of providing day-to-day care of the child(ren) listed below, during the times stated:

*Select one.

Full name of child and date of birth	**Full name of person**	**Times when person has role of providing day-to-day care**
[*state*]	[*state*]	[*specify*]

(b) the following person has/people have* contact with the child(ren) listed below, during the times and in the ways stated:

*Select one.

Full name of child and date of birth	**Full name of person**	**Times, location, and nature of contact**
[*state*]	[*state*]	[*specify, eg, face-to-face contact, letters, telephone, email, supervised by a person other than an approved provider*]

Effect of parenting order

The role of providing day-to-day care for a child continues until the child turns 16.

While exercising the role of providing day-to-day care for a child, you have exclusive responsibility for the child's day-to-day living arrangements, subject to any court order and the following conditions (if any). [*State any conditions imposed under section 48(5) of the Care of Children Act 2004, including which party and child(ren) the conditions affect.*]

If you are a guardian, unless your role or another guardian's role is modified by a court order, you must act jointly (eg, consulting whenever practicable with the aim of reaching agreement) when making guardianship decisions for a child.

*Monitoring and review

This order is subject to the following monitoring and review requirements: [*specify details of any monitoring or review requirements relating to this order, including any dates or processes by which the order is to be reviewed or monitored, and any requirements for parties to report back to the court on progress*].

See also the information sheet accompanying this order.

*Omit this paragraph if it does not apply.

Variation or discharge of this order

Any person affected by this order, or a person acting for a child who is the subject of this order, may apply to the court to vary or discharge this order. Leave (permission) of the court is required if the application is substantially similar to previous proceedings and the order was made less than two years ago.

Consequences of non-compliance

You must comply with the conditions of this parenting order. If you do not, another party may apply to the court to enforce the order. The Family Court may choose from a variety of tools to remedy the non-compliance. For example, you may be required to pay a bond to ensure you do not contravene the parenting order again, or to meet the reasonable costs incurred by the other party because of your contravention. The court may admonish you, or vary the order, for example, by reducing the amount of time you have with the child. The court takes non-compliance very seriously.

It is also an offence, without reasonable excuse and with the intention of preventing compliance with a parenting order, to contravene a parenting order. The penalty for this offence is imprisonment for a term not exceeding 3 months or a fine not exceeding $2,500.

*Because of the history of your case, the following actions are likely to be taken in the event of one or other of the parties to the order not complying: [*specify any particular actions (eg, summonses, variation of order, bond, warrant) that are more likely to be considered because of the parties' previous behaviour in relation to the order*].

*Omit this paragraph if it does not apply.

*Bond

This order requires [*full name of person required to enter into the bond*] to enter into a bond for the purpose of [*state purpose of the bond*].

[*Full name of person required to enter into the bond*] is required to deposit the sum of $[*specify*] with the Family Court at [*place*] by [*date for payment of bond*].

The bond may be forfeited to the Crown if [*full name of person required to enter into the bond*] does not meet the purpose of the bond or if the following circumstances apply: [*specify circumstances that may result in forfeiture of the bond*].

*Omit this section if it does not apply.

Date:

Signature:

(Registrar)

Note

This order may include terms of an agreement between parents or guardians of a child relating to any 1 or more of the following:

(a) the role of providing day-to-day care for the child:

(b) contact with the child:

(c) the upbringing of the child.

See section 40 of the Care of Children Act 2004 for the circumstances in which agreement terms may be included.

General information to accompany parenting orders (as required by section 55(1) of the Care of Children Act 2004)

See above information about—

- the effect of a parenting order; and
- the processes for the monitoring and review of the order; and
- the means by which the order can be varied or discharged; and
- the consequences that may follow if the order is not complied with.

Schedule 10 form COC 5: inserted, on 31 March 2014, by rule 46 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Form COC 6
Interim parenting order(s)

r 416E

Sections 40(3), 48, 55, and 70, Care of Children Act 2004

(General heading—Form G 2)

On application made to it, the court orders that—

(a) the following person has/people have* the role of providing day-to-day care of the child(ren) listed below, during the times stated:

*Select one.

Full name of child and date of birth	**Full name of person**	**Times when person has role of providing day-to-day care**
[*state*]	[*state*]	[*specify*]

(b) the following person has/people have* contact with the child(ren) listed below, during the times and in the ways stated:

*Select one.

Full name of child and date of birth	**Full name of person**	**Times, location, and nature of contact**
[*state*]	[*state*]	[*specify, eg, face-to-face contact, letters, telephone, email, supervised by a person other than an approved provider*]

Effect of interim parenting order

The role of providing day-to-day care for a child continues until the child turns 16.

While exercising the role of providing day-to-day care for a child, you have exclusive responsibility for the child's day-to-day living arrangements, subject to any court order and the following conditions (if any). [*State any conditions imposed under section 48(5) of the Care of Children Act 2004, including which party and child(ren) the conditions affect.*]

If you are a guardian, unless your role or another guardian's role is modified by a court order, you must act jointly (eg, consulting whenever practicable with the aim of reaching agreement) when making guardianship decisions for a child.

Duration of interim parenting order

Select the statement that applies

This order continues in effect until [*state specific date or specific event*] or until it is replaced by another interim order or final order, as the case may be.

or

The court has directed that this order is to become a final parenting order on [*date*] unless, before that date,—

- you notify the court that you wish to be heard; or

- if a lawyer has been appointed to represent the child/children*, that lawyer has notified the court that he or she wishes to be heard.

*Select one.

If a parent has neither the role of providing day-to-day care nor contact

If, under this order, a parent of a child has neither the role of providing day-to-day care for, nor contact with, the child, there must be a hearing within 3 months on whether a further interim order or a final order should replace this order.

Select the statement that applies

I appoint [*date within 3 months*] at [*time*] at the Family Court at [*place*] for this hearing.

or

I will advise you of that date, time, and place of the hearing as soon as practicable.

Application to vary or discharge

If the order was made on an application without notice to you, you may make an application to the court to vary or discharge this order.

*Monitoring and review

This order is subject to the following monitoring and review requirements: [*specify details of any monitoring or review requirements relating to this order, including any dates or processes by which the order is to be reviewed or monitored, and any requirements for parties to report back to the court on progress*].

See also the information sheet accompanying this order.

*Omit this paragraph if it does not apply.

Variation or discharge of this order

Any person affected by this order, or a person acting for a child who is the subject of this order, may apply to the court to vary or discharge this order.

Consequences of non-compliance

You must comply with the conditions of this parenting order. If you do not, another party may apply to the court to enforce the order. The Family Court may choose from a variety of tools to remedy the non-compliance. For example, you may be required to pay a bond to ensure you do not contravene the parenting order again, or to meet the reasonable costs incurred by the other party because of your contravention. The court may admonish you, or vary the order, for example, by reducing the amount of time you have with the child. The court takes non-compliance very seriously.

It is also an offence, without reasonable excuse and with the intention of preventing compliance with a parenting order, to contravene a parenting order. The penalty

for this offence is imprisonment for a term not exceeding 3 months or a fine not exceeding $2,500.

*Because of the history of your case, the following actions are likely to be taken in the event of one or other of the parties to the order not complying: [*specify any particular actions (eg, summonses, variation of order, bond, warrant) that are more likely to be considered because of the parties' previous behaviour in relation to the order*].

*Omit this paragraph if it does not apply.

***Bond**

This order requires [*full name of person required to enter into the bond*] to enter into a bond for the purpose of [*state purpose of the bond*].

[*Full name of person required to enter into the bond*] is required to deposit the sum of $[*specify*] with the Family Court at [*place*] by [*date for payment of bond*].

The bond may be forfeited to the Crown if [*full name of person required to enter into the bond*] does not meet the purpose of the bond or in the following circumstances: [*specify circumstances that may result in forfeiture of the bond*].

*Omit this section if it does not apply.

Date:

Signature:

(Registrar)

Note

This order may include terms of an agreement between parents or guardians of a child relating to 1 or more of the following:

(a) the role of providing day-to-day care for the child:

(b) contact with the child:

(c) the upbringing of the child.

See section 40 of the Care of Children Act 2004 for the circumstances in which agreement terms may be included.

General information to accompany parenting orders (as required by section 55(1)(b) of the Care of Children Act 2004)

See above information about—

- the effect of a parenting order; and
- the processes for the monitoring and review of the order; and
- the means by which the order can be varied or discharged; and

- the consequences that may follow if the order is not complied with.

Schedule 10 form COC 6: inserted, on 31 March 2014, by rule 46 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Schedule 10 form COC 6: amended, on 1 July 2014, by rule 36 of the Family Courts Amendment Rules (No 4) 2014 (LI 2014/180).

Form COC 7
Bond to ensure compliance with parenting order

r 416E

Section 70, Care of Children Act 2004

(General Heading—Form G 2)

The court orders that [*full name of person required to pay bond*] pay a bond as an assurance that he or she will not again contravene the parenting order dated [*date*].

[*Full name of person required to pay bond*] is required to deposit the sum of $[*specify*] with the Family Court at [*place*] by [*date for payment of bond*] and in the following way (or ways) [*describe method of payment, eg, cheque or cash*].

This bond may be forfeited to the Crown if [*full name of person required to pay bond*] breaches the following conditions of the parenting order: [*specify conditions the breach of which may lead to some or all of the money being forfeited*].

After [*date*], the deposited bond money will no longer be required, and will be refunded subject to any direction of the court under section 70(4) of the Act.

Date:

Signature:

(Judge)

Important notes for person required to pay bond

Consequences of contravening parenting order

1 If you contravene the parenting order again by breaching the conditions specified above, the court may direct that some or all of the bond is forfeited to the Crown. The court will take into account—

(a) the reason the bond was imposed; and

(b) the extent to which the conditions of the bond have been met or breached; and

(c) any explanation given for the breach of the bond conditions; and

(d) all other matters the court considers relevant.

2 If you have contravened a parenting order, the court may order you to pay all or part of the costs of another party to the parenting order if the court is satisfied that—

(a) you contravened the parenting order and had no reasonable excuse for doing so; and

(b) the contravention caused the other party to incur the costs; and

(c) the costs the other party incurred were reasonable in the circumstances.

Any such payment may be required from you or may be forfeited from this bond.

Refunds

Any money that is not forfeited by a direction of the court will be refunded to you on the earlier of the following dates:

(a) the date on which the parenting order comes to have effect:

(b) the date specified above your signature on this bond.

Schedule 10 form COC 7: inserted, on 31 March 2014, by rule 46 of the Family Courts Amendment Rules (No 2) 2014 (LI 2014/4).

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 19 September 2002.

Family Courts Amendment Rules (No 2) 2014

(LI 2014/4)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 21st day of January 2014

Present:
His Excellency the Governor-General in Council

Pursuant to section 16A of the Family Courts Act 1980, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following rules.

Rules

1 Title

These rules are the Family Courts Amendment Rules (No 2) 2014.

2 Commencement

These rules come into force on 31 March 2014.

3 Principal rules

These rules amend the Family Courts Rules 2002 (the **principal rules**).

Part 3
Other amendments and transitional provisions

Transitional provision

47 Proceedings commenced before these rules come into force

(1) In this rule, **existing proceeding** means a proceeding—

(a) that was commenced by an application under the Care of Children Act 2004 (other than an application under subpart 4 of Part 2 of that Act, which relates to international child abduction); and

(b) in which the application was filed before the commencement of these rules; and

(c) in which the application has not been finally disposed of.

(2) As soon as practicable after the date on which these rules come into force, the Registrar of every Family Court must allocate each existing proceeding to an appropriate track, in accordance with Part 5A of the principal rules (as inserted by these rules), and to an appropriate stage of that track.

(3) The proceeding must, from the time of that allocation, be dealt with in accordance with Part 5A of the principal rules, subject to—

(a) section 165 of the Care of Children Act 2004; and

(b) any direction or order of a Judge.

(4) To avoid doubt, nothing in these rules affects any proceedings under subpart 4 of Part 2 of the Care of Children Act 2004 (which relates to international child abduction), whether those proceedings were commenced before or after these rules come into force.

Rebecca Kitteridge,
Clerk of the Executive Council.

Date of notification in *Gazette*: 23 January 2014.

Notes

1 General

This is a consolidation of the Family Court Rules 2002 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Family Court Amendment Rules 2025 (SL 2025/205)

Adoption Amendment Act 2025 (2025 No 49): sections 19–20

Sentencing (Reform) Amendment Act 2025 (2025 No 13):Part 2

Family Court Amendment Rules (No 2) 2024 (SL 2024/187)

Family Court Amendment Rules 2024 (SL 2024/35)

Child Support (Pass On) Acts Amendment Act 2023 (2023 No 27): Part 1 subpart 3

Witnesses and Interpreters Fees, Allowances, and Expenses Regulations 2023 (SL 2023/18): regulation 16(1)

Family Court Amendment Rules 2022 (SL 2022/344)

Oversight of Oranga Tamariki System Act 2022 (2022 No 43): section 80

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57): section 147

Public Service Act 2020 (2020 No 40): section 135

Family Court Amendment Rules (No 2) 2020 (LI 2020/150)

Family Court Amendment Rules 2020 (LI 2020/135)

Family Court (Emergency) Amendment Rules 2020 (LI 2020/105)

Family Court Amendment Rules 2019 (LI 2019/230)

Family Court (Family Violence and Other Matters) Amendment Rules 2019 (LI 2019/94)

Minors (Court Consent to Relationships) Legislation Act 2018 (2018 No 22): section 40

Family Court Amendment Rules 2017 (LI 2017/189)

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31): section 149

District Court Act 2016 (2016 No 49): sections 254–255

Senior Courts Act 2016 (2016 No 48): section 183(c)

Family Courts Amendment Rules 2015 (LI 2015/155)

Family Courts Amendment Rules (No 5) 2014 (LI 2014/214)

Family Courts Amendment Rules (No 4) 2014 (LI 2014/180)

Family Courts Amendment Rules (No 3) 2014 (LI 2014/87)

Family Courts Amendment Rules (No 2) 2014 (LI 2014/4)

Family Courts Amendment Rules 2014 (LI 2014/3)

Family Courts Amendment Rules (No 3) 2013 (SR 2013/414)

Family Courts (Trans-Tasman Proceedings Act 2010) Amendment Rules 2013 (SR 2013/347)

Family Courts Amendment Rules (No 2) 2013 (SR 2013/300)

Family Courts Amendment Rules 2013 (SR 2013/181)

Family Courts Amendment Rules 2011 (SR 2011/349)

Family Courts Amendment Rules (No 3) 2010 (SR 2010/368)

Family Courts Amendment Rules (No 2) 2010 (SR 2010/122)

Family Courts Amendment Rules 2010 (SR 2010/97)

Family Courts Amendment Rules (No 2) 2009 (SR 2009/292)

Family Courts Amendment Rules 2009 (SR 2009/185)

Māori Trustee Amendment Act 2009 (2009 No 12): section 30(2)(a)

Family Courts Fees Regulations 2009 (SR 2009/88): regulation 11(1)

Policing Act 2008 (2008 No 72): section 116(a)(i), (ii)

Family Courts Amendment Rules (No 2) 2008 (SR 2008/316)

Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48): section 49(2)

Family Courts Amendment Rules 2008 (SR 2008/207)

Family Courts Amendment Rules 2007 (SR 2007/197)

Family Courts Amendment Rules 2006 (SR 2006/325)

Family Courts Amendment Rules 2005 (SR 2005/101)

Relationships (Statutory References) Act 2005 (2005 No 3): section 8

Family Courts Amendment Rules (No 2) 2004 (SR 2004/468)

Civil Union Act 2004 (2004 No 102): section 46

Family Courts Amendment Rules 2004 (SR 2004/165)

State Sector Amendment Act 2003 (2003 No 41): section 14

Department of Child, Youth and Family Services Act 1999 (1999 No 82): section 11(5)

Wellington, New Zealand:
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