



Family Court Amendment Rules 2026

Cindy Kiro, Governor-General

Order in Council

At Wellington this 23rd day of February 2026

Present:

Her Excellency the Governor-General in Council

These rules are made under section 16A of the Family Court Act 1980 on the advice and with the consent of the Executive Council.

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Rules

1 Title

These rules are the Family Court Amendment Rules 2026.

2 Commencement

These rules come into force on 26 March 2026.

3 Principal rules

These rules amend the Family Court Rules 2002.

4 Rule 10A amended (Jurisdiction and powers of Family Court Associates)

Replace rule 10A(2)(c) with:

- (c) to hear and determine an interlocutory application that is—
 - (i) for an order under section 12B(2) of the Family Court Act 1980:
 - (ii) made without notice in reliance on rule 220(2)(a):
 - (iii) made without notice under rule 220A:
 - (iv) an application for a rehearing:

5 Rule 206 amended (Service of judgments)

After rule 206(6), insert:

- (7) In interlocutory proceedings made under rule 220A, subclause (1) is subject to a direction made by a Judge under rule 228A(4).

6 Rule 218 replaced (Applications generally to be made on notice)

Replace rule 218 with:

218 Applications generally to be made on notice

An application must be made on notice unless any of the following apply:

- (a) rule 220(1):
- (b) rule 220(2):
- (c) rule 220A.

7 New rule 220A inserted (Applications for leave made under section 12B of Family Court Act 1980)

After rule 220, insert:

220A Applications for leave made under section 12B of Family Court Act 1980

- (1) This rule applies to an application that—
 - (a) is made by an applicant in respect of whom an order has been made under section 12B(2) of the Family Court Act 1980; and
 - (b) seeks the leave of the court for the applicant to take any step described in paragraph (a), (b), or (c) of that subsection.
- (2) The application must—
 - (a) be made without notice; and
 - (b) identify the particular step that the applicant proposes to take; and
 - (c) identify the proceeding in which the applicant proposes to take that step (if the proceeding is an existing proceeding).
- (3) The application must be accompanied by written submissions not exceeding 10 pages setting out why leave should be granted.
- (4) If the particular step that the applicant proposes to take requires documents to be filed by the applicant, the application must be accompanied by—
 - (a) all of those required documents completed by or on behalf of the applicant; and
 - (b) any other documents that the applicant proposes to file.

Guidance note

See rule 223(2), which provides that an interlocutory application without notice must be in form G 21.

8 Rule 221 amended (Applications to be heard and determined by Registrars)

Replace rule 221(1A) with:

- (1A) However, a Registrar does not have the jurisdiction of a Judge to hear and determine an interlocutory application that is—
 - (a) for an order under section 12B(2) of the Family Court Act 1980; or
 - (b) made without notice in reliance on rule 220(2)(a); or
 - (c) made without notice under rule 220A; or
 - (d) an application for a rehearing.

9 Rule 228 amended (Procedure if applications without notice accepted for filing)

Replace the heading to rule 228 with “**Procedure if applications without notice made in reliance on rule 220 accepted for filing**”.

10 New rule 228A inserted (Procedure if applications without notice made under rule 220A accepted for filing)

After rule 228, insert:

228A Procedure if applications without notice made under rule 220A accepted for filing

- (1) After an application made without notice under rule 220A is presented and accepted for filing in the court, it must be referred to a Judge for consideration on the papers in Chambers.
- (2) To assist with the consideration of the application, the Judge may make any directions that the Judge considers appropriate (for example, the Judge may direct that the applicant appear in person or that the applicant provide further written information).
- (3) Following the consideration of the application, the Judge must—
 - (a) make any order on the application the Judge thinks fit; or
 - (b) direct that the application—
 - (i) proceed as if the application had been presented and accepted for filing as an application made on notice; and
 - (ii) be served on such persons as the Judge directs; or
 - (c) dismiss the application.
- (4) If an order is made under subclause (3)(c) dismissing an application, a Judge may direct that, despite rule 206(1), the order not be served on 1 or more other parties to the proceedings specified in the direction.
- (5) An order or direction made by a Judge under subclause (3) or (4) is final.

11 Rule 230 amended (Notice of opposition to application on notice)

In rule 230(1), after “opposition”, insert “in form G 20A”.

12 Schedule 1 amended

In Schedule 1, after form G 20, insert the form G 20A set out in the Schedule of these rules.

Schedule
New form G 20A inserted into Schedule 1

r 12

Form G 20A
Notice of opposition

r 230(1)

(Front page—Form G 1)

- 1 I, [*full name*], give notice that I intend to oppose the interlocutory application by the applicant dated [*date*].
- 2 I oppose the making of the order/the orders* numbered [*specify number(s)*] in the application.
*Select one.
- 3 The grounds on which I oppose the making of the order(s) are as follows: [*specify grounds concisely*].

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*].

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the rules but is intended to indicate their general effect.

These rules, which come into force on 26 March 2026, amend the Family Court Rules 2002 (the **principal rules**) to support section 12B of the Family Court Act 1980 (inserted by section 5 of the Victims of Family Violence (Strengthening Legal Protections) Legislation Act 2025).

Section 12B of the Family Court Act 1980 allows a Judge, on the court's own initiative or on an interlocutory application, to make an order restricting a party's ability to commence, or take any further step in, certain proceedings without the leave of a Judge (a **section 12B order**).

The amendments made by these rules update the principal rules to—

- provide that an interlocutory application for a section 12B order must be—
 - made on notice; and
 - heard and determined by a Judge:
- provide that an interlocutory application for leave made by a party who is subject to a section 12B order (a **leave application**) must—
 - be made without notice (unless a Judge directs that the application proceed as if it had been presented and accepted for filing as an application made on notice); and
 - identify the particular step that the applicant proposes to take and the proceeding in which the applicant proposes to take that step; and
 - be determined by a Judge:
- provide that a leave application must be accompanied by written submissions not exceeding 10 pages setting out why leave should be granted:
- provide that, if an applicant who is subject to a section 12B order applies for leave to take any step in proceedings that involves the filing of any documents, the documents proposed to be filed by the applicant must accompany the leave application:
- provide that, despite rule 206(1), a Judge may direct that an order dismissing a leave application need not be served on 1 or more other parties to the proceedings:
- prescribe the form for a notice of opposition to any interlocutory application made on notice.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 26 February 2026.

These rules are administered by the Ministry of Justice.