



Family Court Amendment Rules 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 29th day of June 2020

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 2020.

2 Commencement

These rules come into force on 1 July 2020.

3 Principal rules

These rules amend the Family Court Rules 2002 (the **principal rules**).

4 Rule 80 amended (Party need not have lawyer)

Replace rule 80(1A) with:

(1A) However, a party may engage a lawyer to act for them in proceedings.

5 Rule 83 amended (Lawyer filing documents on behalf of party)

Revoke rule 83(2).

6 Rule 87 amended (Change of representation)

(1) In rule 87(1), replace “Except in proceedings to which Part 5A applies, a party” with “A party”.

(2) Revoke rule 87(1A).

7 Rule 88 amended (Court may declare that lawyer no longer acting for party)

Revoke rule 88(1)(ba).

8 Rule 416C amended (Overview of proceedings)

In rule 416C(3)(b), delete “or directed by a Judge to proceed as if the proceedings were commenced by an application made without notice (*see* section 7A(4) of the Act)”.

9 Rule 416F amended (Commencing proceedings)

Revoke rule 416F(3).

10 Rule 416W amended (General rules about conferences)

Replace rule 416W(3) with:

(3) Parties must attend a conference if directed to do so by a Judge and parties’ lawyers may also attend.

11 Rule 416ZD amended (What happens when Judge directs that application proceed to hearing)

Revoke rule 416ZD(2).

12 Schedule 10 amended

- (1) In Schedule 10, form COC 1, under the heading “**Notice of response**”, paragraph 5, replace the first 2 sentences with “A lawyer may prepare a notice of response for you and file the notice in court.”
- (2) In Schedule 10, form COC 2, under the heading “**Notice of response**”, paragraph 6, replace the first 2 sentences with “A lawyer may prepare a notice of response for you and file the notice in court.”

Michael Webster,
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 1 July 2020, amend the Family Court Rules 2002 (the **principal rules**).

The principal rules are amended to reflect the repeal, on 1 July 2020, of section 7A of the Care of Children Act 2004 (by section 4 of the Family Court (Supporting Families in Court) Legislation Act 2020).

The repeal of section 7A of the Care of Children Act 2004 means that lawyers may now act for a party at any stage of proceedings under that Act.

The principal rules are amended consequentially to reflect this change.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 30 June 2020.

These rules are administered by the Ministry of Justice.