



Family Court (Family Violence and Other Matters) Amendment Rules 2019

Patsy Reddy, Governor-General

Order in Council

At Wellington this 13th day of May 2019

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 (Family Violence and Other Matters) Amendment Rules 2019.

2 Commencement

These rules come into force on 1 July 2019.

3 Principal rules

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

Part 1

Amendments related to Family Violence Act 2018 or approved forms

4 Rule 6 amended (Special rules for proceedings under certain family law Acts)

Replace rule 6(1)(d) with:

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

5 Rule 8 amended (Interpretation)

- (1) In rule 8(1), insert in their appropriate alphabetical order:

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

- (2) In rule 8(1), definition of **representative**, after paragraph (b), insert:

(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

- (3) In rule 8(1), definition of **representative**, replace paragraph (c) with:

(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

- (4) In rule 8(1), definition of **representative**, replace paragraph (e) with:

(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

6 Rule 10 amended (References to prescribed forms)

In rule 10(2), replace “and 62A” with “, 62A, and 62AB”.

7 Rule 20 amended (Documents to be filed to make application)

Replace rule 20(1)(a) and (b) with:

(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:

8 New rule 20A inserted (Special rules relating to information sheets)

After rule 20, insert:

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 CYPF 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).

9 Rule 21 amended (Special rules relating to affidavits)

Replace rule 21(e) with:

- (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):

10 Rule 22 amended (Special rules relating to other documents)

Replace rule 22(d) with:

- (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)):

11 Rule 24 amended (Applications that may be made without notice)

In rule 24(2)(a)(ii), replace “Domestic Violence Act 1995” with “Family Violence Act 2018”.

12 Rule 26 amended (Documents relating to earlier proceedings)

In rule 26(3), replace “Domestic Violence Act 1995” with “Family Violence Act 2018”.

13 Rule 27 amended (Documents or forms for filing to comply with requirements)

In rule 27(a), delete “in form G 1 (of Schedule 1)”.

14 Rule 28 amended (Applications to be filed in proper court)

Replace rule 28(3)(c) with:

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

15 Rule 51 amended (Witness entitled to expenses)

Replace rule 51(3) and (4) with:

- (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.

16 Rule 62 amended (Forms)

In rule 62(1)(c)(ii), replace “rule 305(a)” with “rule 305(1)(b) or (c)”.

17 Rule 62AB amended (Approved forms for use in proceedings under Domestic Violence Act 1995)

- (1) In the heading to rule 62AB, replace “**Domestic Violence Act 1995**” with “**Family Violence Act 2018**”.
- (2) Replace rule 62AB(1) with:
 - (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.
- (3) After rule 62AB(3)(b), insert:
 - (c) must include a front page, or require the attachment of a front page on an approved form.
- (4) After rule 62AB(3), insert:
 - (4) Subclause (3)(c) does not apply to a form that is to be used by a service provider.

18 Rule 63 amended (Documents to which rules 64 to 69 apply)

Replace rule 63(b) with:

- (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.

19 Rule 72 amended (Front page)

- (1) In rule 72(1)(a), replace “Schedules 2 to 9” with “Schedules 2 to 4 and 6 to 9”.
- (2) After rule 72(1)(b), insert:
 - (c) on an approved form for—
 - (i) proceedings under the Family Violence Act 2018; or
 - (ii) proceedings to which Part 5A applies.

- (3) Replace rule 72(4)(b), (c), and (d) with:
- (b) an information sheet (for example, form G 7 in Schedule 1, form CYPF 4 in Schedule 4, and form PPPR 14 in Schedule 9).

20 Rule 80 amended (Party need not have lawyer)

Replace rule 80(2)(b) with:

- (b) section 166 of the Family Violence Act 2018:

21 Rule 90 amended (Minor must be represented by next friend or litigation guardian)

- (1) In the heading to rule 90, after “**litigation guardian**”, insert “**or authorised approved organisation**”.
- (2) Replace rule 90(1)(b) with:
- (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.
- (3) In rule 90(2)(a), replace “(for example, sections 9(4) and 71 of the Domestic Violence Act 1995)” with “or authorised approved organisation”.
- (4) In rule 90(2)(b), replace “and section 31(2)(e) of the Care of Children Act 2004” with “, 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”.
- (5) In rule 90(2)(c), after “litigation guardian”, insert “or authorised approved organisation”.

22 Rule 90A amended (Minor may apply to take part in proceedings without next friend or litigation guardian)

- (1) In the heading to rule 90A, after “**litigation guardian**”, insert “**or authorised approved organisation**”.
- (2) In rule 90A(1)(a) and (b), (2), (3), and (3)(b), after “litigation guardian”, insert “or authorised approved organisation”.

23 Rule 90D replaced (Appointment of litigation guardian for person to whom section 11 of Domestic Violence Act 1995 applies)

Replace rule 90D with:

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.

24 Rule 90F amended (Appointment of litigation guardian for incapacitated person)

In rule 90F(1), replace “paragraph (a)(ii)” with “paragraph (a)”.

25 Rule 90G amended (Notification of appointment)

- (1) In the heading to rule 90G, after “**appointment**”, insert “**or of authorisation of approved organisation**”.
- (2) After rule 90G(2), insert:
- (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.

26 Rule 95 amended (Responsibility of representative for costs)

In rule 95(2), replace “section 12 of the Domestic Violence Act 1995” with “section 69 of the Family Violence Act 2018”.

27 Rule 97 amended (Retirement, removal, or death of representative)

Revoke rule 97(6).

28 Rule 98 amended (When further steps to be taken by party and not by representative or manager)

(1) Replace rule 98(1)(b) and (c) with:

(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:

(2) Revoke rule 98(3).

29 Rule 104 amended (Certain documents must not be served on certain non-working days)

In rule 104(d), replace “Domestic Violence Act 1995” with “Family Violence Act 2018”.

30 Rule 105 amended (Certain documents to be served by personal service)

In rule 105(1)(a)(i), replace “Domestic Violence Act 1995” with “Family Violence Act 2018”.

31 Rule 107 amended (Personal service)

(1) In rule 107(3), replace “section 11 of the Domestic Violence Act 1995” with “section 67 of the Family Violence Act 2018”.

(2) In rule 107(4), replace “section 12 of the Domestic Violence Act 1995” with “section 69 of the Family Violence Act 2018”.

(3) Replace rule 107(5) with:

(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.

32 Rule 127 amended (Proof of personal service)

In rule 127(5), replace “Domestic Violence Act 1995” with “Family Violence Act 2018”.

33 Rule 130 amended (Service on absentee: District Courts Rules 2014 apply)

In rule 130(4)(f), replace “Domestic Violence Act 1995” with “Family Violence Act 2018”.

34 Rule 206 amended (Service of judgments)

- (1) In rule 206(5), replace “Domestic Violence Act 1995” with “Family Violence Act 2018”.
- (2) In rule 206(5)(a), replace “rule 326” with “rule 323”.
- (3) In rule 206(5)(b), replace “rule 327” with “rule 324”.

35 Rule 220 amended (Applications that may be made without notice)

In rule 220(2)(a)(iii), replace “Domestic Violence Act 1995” with “Family Violence Act 2018”.

36 Rule 239 amended (Overview of this Part)

Replace rule 239(3)(d) with:

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

37 Rules 304 to 332 and cross-heading above rule 304 replaced

Replace rules 304 to 332 and the cross-heading above rule 304 with:

Family Violence Act 2018

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.

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.

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

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

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

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

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

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

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

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)

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) the court may, at the hearing, make a decision on the application.

Compare: SR 1996/148 r 31

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

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)

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.

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.

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) the court at the same time makes a temporary protection order; 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) the court does not make a temporary protection order 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

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 pre-

scribed 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 the court confirms a temporary order (with or without variation) 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

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

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 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

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.

322 Witness summons calling respondent or associated respondent before court

- (1) If a Registrar under section 208 of the Act, or a 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 the court 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.

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, a Judge 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 Judge directs:
 - (b) that the document or documents be served on that party in a manner the Judge 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)

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) The court may, in accordance with section 149(2) and (3) of the Act, extend the period within which the order may be served, either on its own initiative or on an interlocutory application by a party for the purpose.
- (3) A Registrar may exercise the court's power, under section 149(2) and (3) of the Act, to extend the period of service.

Compare: SR 1996/148 r 54

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

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

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

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

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 the court 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

38 Rule 416C amended (Overview of proceedings)

In rule 416C(3)(b), after “(see section 7A(4) of the Act)”, insert “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)”.

39 Rule 416E amended (Forms)

- (1) In rule 416E(1), after “Schedule 10”, insert “(or, for a temporary protection order made under section 57A of the Act, form FV 4 in Schedule 5)”.
- (2) After rule 416E(2), insert:
- (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.

40 New rule 416HB inserted (Information about party (to application under Act) available from criminal court)

After rule 416HA, insert:

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.

41 Rule 431A amended (Information requested by District Court for purposes of section 124N of Domestic Violence Act 1995)

- (1) In the heading to rule 431A, replace “section 124N of Domestic Violence Act 1995” with “section 46 of Family Violence Act 2018”.
- (2) In rule 431A(1), definition of **Person A**, replace “section 124B of the Domestic Violence Act 1995” with “section 28 of the Family Violence Act 2018”.
- (3) In rule 431A(2), replace “section 124L(3) of the Domestic Violence Act 1995 for a direction or an order under section 124N of that Act” with “section 45 of the Family Violence Act 2018 for a direction or an order under section 46 of that Act”.

42 Rule 431B amended (Information requested by sentencing court for purposes of section 123B of Sentencing Act 2002)

- (1) In rule 431B(1)(a), replace “domestic” with “family”.
- (2) In rule 431B(2), replace “Domestic Violence Act 1995” with “Family Violence Act 2018”.
- (3) In rule 431B(4), replace “domestic” with “family”.

43 Rule 432 amended (Information about domestic violence proceedings available to criminal court)

- (1) In the heading to rule 432, replace “domestic” with “family”.
- (2) In rule 432(1), definition of **civil proceeding**, replace “Domestic Violence Act 1995” with “Family Violence Act 2018”.
- (3) In rule 432(1), definition of **criminal proceeding**,—
 - (a) replace “other than the Act” with “including the Family Violence Act 2018”; and
 - (b) replace “domestic” with “family”.
- (4) In rule 432(1), revoke the definition of **domestic violence**, and insert in its appropriate alphabetical order:
family violence has the meaning given to it in section 9 of the Family Violence Act 2018
- (5) In rule 432(1), definition of **protection order**, replace “by section 2 of the Domestic Violence Act 1995” with “in section 8 of the Family Violence Act 2018”.

44 New rule 432A inserted (Information about CoCA proceedings available to criminal court)

After rule 432, insert:

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.

45 Schedule 1 amended

In Schedule 1, form G 10, replace “*Domestic Violence Act 1995*” with “*Family Violence Act 2018*”.

46 Schedule 5 replaced

Replace Schedule 5 with the Schedule 5 set out in Schedule 1 of these regulations.

Part 2

Amendments related to District Court Act 2016

47 Rule 8 amended (Interpretation)

- (1) In rule 8(1), replace the definition of **court** with:

court—

- (a) means the Family Court, and includes a Family Court Judge; 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

- (2) In rule 8(1), replace the definition of **Registrar** with:

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)

48 Rule 16 amended (Judges may give directions to regulate court's business)

Replace rule 16(1) with:

- (1) The Judge presiding over the court may, at any time, give any directions the Judge thinks proper for regulating the court's business.

49 Part 2 heading replaced

Replace the Part 2 heading with:

Part 2

General procedure in Family Court

50 Rule 28 amended (Applications to be filed in proper court)

- (1) In the heading to rule 28, replace “**court**” with “**office of the court**”.
- (2) In rule 28(1), (2), and (3), replace “**court**” with “**office of the court**” in each place.

51 Rule 30 amended (Procedure if applications presented or accepted for filing in wrong court)

- (1) In the heading to rule 30, replace “**court**” with “**office of the court**”.
- (2) In rule 30(1), (2), and (3), replace “court” with “office of the court” in each place.

52 Rule 75 amended (Filing documents)

Replace rule 75(1) with:

- (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.

53 Rule 90 amended (Minor must be represented by next friend or litigation guardian)

In rule 90(2)(b), replace “section 50(3) of the District Courts Act 1947” with “section 98(4) of the District Court Act 2016”.

54 Rule 92 replaced (Family Courts appointing guardians *ad litem* or managers for proceedings in District Courts)

Replace rule 92 with:

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.

55 Rule 97 amended (Retirement, removal, or death of representative)

- (1) Replace rule 97(3) with:
 - (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.
- (2) In rule 97(4), replace “A court that makes an order under subclause (3)” with “If the court makes an order under subclause (3), it”.

56 Rule 112 amended (Personal service on minors)

In rule 112(1), replace “section 50 of the District Courts Act 1947” with “section 98 of the District Court Act 2016”.

57 Rule 134 amended (Change of parties: District Courts Rules 2014 apply)

- (1) In the heading to rule 134, replace “Courts” with “Court”.
- (2) In rule 134(2), replace “section 52 of the District Courts Act 1947” with “section 100 of the District Court Act 2016”.

58 Rule 168 amended (Authority to take affidavits)

In rule 168, replace “section 56 of the District Courts Act 1947” with “section 104 of the District Court Act 2016”.

59 Rules 186 and 187 replaced

Replace rules 186 and 187 with:

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.

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.

60 Rules 189 and 190 replaced

Replace rules 189 and 190 with:

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.

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.

61 Rule 201 amended (When judgment takes effect)

In rule 201(1), replace “section 79(5) of the District Courts Act 1947” with “section 139(1) of the District Court Act 2016”.

62 Rule 227 amended (Registrar may transfer for hearing to another court application accepted for filing)

- (1) In the heading to rule 227, after “**court**”, insert “**office**”.
- (2) Replace rule 227(1) with:
- (1) If an application is presented and accepted for filing in a court office and the Registrar is satisfied that, because of the absence or availability of 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.

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

In rule 228(1), replace “a court, the Judge or, as the case requires, the Registrar” with “the court, a Judge or, as the case requires, a Registrar”.

64 Rule 237 amended (Enforcement of orders)

In rule 237(1)(c), replace “section 79 of the District Courts Act 1947” with “section 138 of the District Court Act 2016”.

65 Rule 340 amended (Filing of certain applications)

- (1) In rule 340(1), replace “any court” with “any office of the court”.
- (2) Replace rule 340(2) with:
 - (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.

66 Rule 363 amended (Registration of orders made in Commonwealth or designated countries)

In rule 363(2)(a), delete “that is a division of the District Court in which the order is registered”.

67 Rule 365 amended (Order on application for confirmation of provisional order)

Replace rule 365(1) with:

- (1) If the court 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.

68 Rule 401 amended (Failure to attend for examination or to comply with directions)

In rule 401(4), replace “section 112 of the District Courts Act 1947” with “section 212 of the District Court Act 2016”.

69 Rule 418 replaced (Court offices and hours)

Replace rule 418 with:

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.

70 Rule 419 amended (Sittings when court office closed)

- (1) In rule 419(1), replace “A court” with “The court”.
- (2) Replace rule 419(2) with:
 - (2) Despite subclause (1), the court may sit on a Sunday, New Year’s Day, Good Friday, or Christmas Day only if a Judge is satisfied that the matters to be dealt with are extremely urgent.

71 Rule 431A amended (Information requested by District Court for purposes of section 124N of Domestic Violence Act 1995)

Replace rule 431A(3) with:

- (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.

72 Rule 431B amended (Information requested by sentencing court for purposes of section 123B of Sentencing Act 2002)

In rule 431B(2), replace “The Registrar of the court may request the Registrar of a Family Court” with “A Registrar of the court may request a Registrar of the Family Court”.

73 Rule 431C amended (Information requested for purpose of enforcing cost contribution orders)

Replace rule 431C(2) with:

- (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.

74 Further amendments

In the rules and forms specified in the third column of Schedule 2, replace the phrase specified in the first column of that schedule (**phrase 1**) with the phrase opposite phrase 1 in the second column of that schedule.

Schedule 1 New Schedule 5 of Family Court Rules 2002

r 46

Schedule 5 Forms for proceedings under Family Violence Act 2018

r 305

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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.

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 Judge may—
 - (a) allow you to be heard, but only in a way that the Judge thinks fit; or
 - (b) decline to allow you to be heard.
- 4 The Judge 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)

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* 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

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.

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.

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.

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 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 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.

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.

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 dwelling-house, 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 revert 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.

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.

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 dwelling-house 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.

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 dwelling-house 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.

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 dwelling-house 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.

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 dwelling-house 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.

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)

Important information for respondent (*or* associated respondent) if direction confirmed or varied**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.

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 2
Further amendments to Family Court Rules 2002

r 74

Current phrase	Replacement phrase	Provision
Family Courts Act 1980	Family Court Act 1980	5(5)(a) 8(1), definition of Judge , paragraph (b) 8(1), definition of Minister 112(1) 191
a Family Court	the Family Court	4(7) 5(1), (2), (5) 5A 431A(4) 431B(3) 431C(3) Schedule 6, form FP 19 Schedule 8, form P(R) 4 in each place Schedule 8, form P(R) 6
in Family Courts	in the Family Court	3(1) 4(3), (4) 6(2) 18(1) 61(1)
Family Courts Rules 2002	Family Court Rules 2002	Schedule 1, form G 3 Schedule 1, form G 25 Schedule 1, form G 26 Schedule 8, form P(R) 2 in each place Schedule 8, form P(R) 3 in each place Schedule 8, form P(R) 4 Schedule 8, form P(R) 5 Schedule 8, form P(R) 6
a District Court	the District Court	5(5) 8(1), definition of Judge , paragraph (b) 207A 431A(2) Schedule 3, form CS 39 Schedule 6, form FP 49 Schedule 6, form FP 49A
District Courts Rules 2014	District Court Rules 2014	5A heading 5A 8(1), definition of DCRs

		8(1), definition of without notice
		47(1)(a)
		83A heading
		113 heading
		130 heading
		131 heading
		137 heading
		171 heading
		172 heading
		173A heading
		173E heading
		207B heading
		214 heading
		214
		299(3)(b) and (c)
District Courts Rule	District Court Rule	220(1), (2)
District Courts Act 1947	District Court Act 2016	270(4)
		374(4)
District Courts Rules 1992	District Court Rules 2014	Schedule 3, form CS 30
		Schedule 6, form FP 43
a court	the court	19
		51(1)
		54
		62(1)
		83A
		88(1)(c)
		113
		130(1), (5)
		131
		134(1)
		137
		138(2)(a), (3)
		147(3)
		171(1), (3)
		173A
		173E
		207B
		208
		208A
		208B
		213(1)(a)
		214
		228(1)
		229(1)
		231(1)

		237(1)(a), (b), (c)
		256(1)(b)
		289
		296(2)
		354(1), (2) in each place
		355(1)
		365(1)
		369(7)
		404(2)
		434
		435(1), (4)
		Schedule 3, form CS 30
		Schedule 6, form FP 24
		Schedule 6, form FP 26
		Schedule 6, form FP 43
		Schedule 9, form PPPR 7
		Schedule 9, form PPPR 8
A court	The court	357(2)
any court	the court	13(1)
		178(4)
a court's	the court's	411(2)
a court or Registrar	the court or a Registrar	73(1)
		80(2)
A court or Registrar	The court or a Registrar	188(1)
the Registrar	a Registrar	12(1)
		20(1)(f)
		22
		26(1)(b)
		31(1A)
		32(4), (6)
		33(2)
		34(a)
		52(1), (2), (3)
		52A(1)
		52D(1)
		75(2)
		76(1)(a), (3)
		87(1A)
		95(2)
		101(1), (3)
		126(3)
		128(2)(c)
		175D(2)(l)
		188(3)(b)
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197(4)(a)(i)
198(1)
199(g) in each place
204(3)
205(1)
206(1)
213(1)(b)
217(3), (4)
221(2) in each place
227(1) in the first place
228(1), (2)
229(1) in each place, (2), (3)
232(2)
234(1) in each place
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252(1)
262(1)
267(3) in the first place
270(2)
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292(1)
295A(2)(d)
296(4) in the first place
300(4)
338(b)(ii)
339(1)(b)(ii), (2)(b)
351(a), (b)
352(1A), (2) in the first place
353(a)
354(1), (2), (3)
355(1)
356(2)
359(2)
363(1)
365(1)
369(4) in each place
370(1) in each place
374(2)
380(2)(e)
412(1)
413(1)
415(3) in the first place
416I(1)

		416J(3)
		416K(1)
		416P(2)(d), (e)
		416W(7)
		416ZE(1), (2)
		427(3)(b)
		429(3) in the first place
		431A(3)
		431B(2)
		435(5)
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		294(1), (3)
		296(3), (6)
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		355(2), (3), (5)
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		360(1)
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		369(5)
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		415(2), (5)
		416I(2)
		418(4)
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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 2019, amend the Family Court Rules 2002 (the **principal rules**).

Part 1 amends the principal rules to reflect the commencement, on 1 July 2019, of the Family Violence Act 2018. *Part 1* also amends the principal rules to enable the chief executive of the Ministry of Justice to approve forms that must be used by applicants and parties in proceedings under the Family Violence Act 2018. Forms to be issued by the court or a Registrar in proceedings under that Act continue to be prescribed in Schedule 5 of the principal rules. Every approved form must be published on the Ministry of Justice website and be able to be downloaded free of charge from that website.

Part 2 amends the principal rules to reflect the changes made by the District Court Act 2016. That Act reconstituted the District Courts as a unitary court with a division known as the Family Court. Consequently, the various references in Part 12 of that Act, for example “Family Courts” and “District Courts”, need to be specifically updated.

Issued under the authority of the Legislation Act 2012.
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These rules are administered by the Ministry of Justice.