



Family Courts Amendment Rules 2006

Anand Satyanand, Governor-General

Order in Council

At Wellington this 16th day of October 2006

Present:

His Excellency the Governor-General in Council

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

Contents

| | Page |
|---|----------|
| 1 Title | 1 |
| 2 Commencement | 1 |
| 3 Principal rules amended | 2 |
| 4 Schedule 3 amended | 2 |
| Schedule | 2 |
| New forms inserted in Schedule 3 | |

Rules

- 1 Title**
These rules are the Family Courts Amendment Rules 2006.
- 2 Commencement**
These rules come into force on 23 October 2006.

3 Principal rules amended

These rules amend the Family Courts Rules 2002.

4 Schedule 3 amended

- (1) The list headed “Forms for proceedings under Child Support Act 1991” in Schedule 3 is amended by inserting the following items in their appropriate numerical order:

CS 12A Notice of appeal against Commissioner’s determination or decision under subpart 3 of Part 5A of Act

CS 12B Order upholding or disallowing appeal made under section 103A of Act

CS 12C Notice of appeal by respondent against Commissioner’s determination under Part 6A of Act

CS 12D Order upholding or disallowing appeal made under section 103B of Act

CS 12E Notice of appeal against Commissioner’s determination under Part 6B of Act

CS 12F Order upholding or disallowing appeal made under section 103C of Act.

- (2) Schedule 3 is amended by inserting, in their appropriate numerical order, the forms CS 12A to CS 12F set out in the Schedule.

r 4

Schedule New forms inserted in Schedule 3

r 255

Form CS 12A

Notice of appeal against Commissioner’s determination or decision under subpart 3 of Part 5A of Act

Section 103A, Child Support Act 1991

(Front page—Form CS 1)

Take notice that I, [*full name*], intend to appeal to the Family Court against—

*a determination of the Commissioner under subpart 3 of Part 5A of the Act.

Form CS 12A—*continued*

*a decision of the Commissioner to refuse to make a determination made under subpart 3 of Part 5A of the Act.

Attached is a copy of the Commissioner’s *determination/*decision made on [*date*].

The grounds of the appeal are as follows:
[*state the grounds on which the appeal is made*].

I say:
[*set out sufficient information to inform the Court of the facts relied on in support of the appeal*].

*Delete if inapplicable.

.....
Signature of appellant

.....
Date

To the Registrar
Family Court
At [*place*]

and

To [*set out the names and addresses of the persons intended to be served with the notice of appeal*]

This notice of appeal is filed by [*full name*], whose address for service is [*address*].

r 255

Form CS 12B

Order upholding or disallowing appeal made under section 103A of Act

Section 103A, Child Support Act 1991

(Heading—Form CS 2)

On appeal to it, the Court upholds (*or* dismisses) the appellant’s appeal against the Commissioner’s *determination/*decision dated [*date*].

*The Court makes the following order: [*specify any order made*].

*Delete if inapplicable.

.....
Registrar

.....
Date

Form CS 12C

r 255

Notice of appeal by respondent against Commissioner’s determination under Part 6A of Act Section 103B, Child Support Act 1991

(Front page—Form CS 1)

Take notice that I, [full name], intend to appeal to the Family Court against a determination of the Commissioner under Part 6A of the Act.

I am—

*a qualifying custodian and did not apply for the determination under Part 6A of the Act.

*a liable parent and did not apply for the determination under Part 6A of the Act.

Attached is a copy of the Commissioner’s determination made on [date].

The grounds of the appeal are as follows: [state the grounds on which the application is made].

I say: [set out sufficient information to inform the Court of the facts relied on in support of the appeal].

*Delete if inapplicable.

..... Signature of appellant

..... Date

To the Registrar Family Court At [place]

and

To [set out the names and addresses of the persons intended to be served with the notice of appeal]

This notice of appeal is filed by [full name], whose address for service is [address].

r 255

Form CS 12D

Order upholding or disallowing appeal made under section 103B of Act

Section 103B, Child Support Act 1991

(Heading—Form CS 2)

On appeal to it, the Court upholds (*or* dismisses) the appellant’s appeal against the Commissioner’s determination dated [*date*].

*The Court makes the following order: [*specify any order made*].

*Delete if inapplicable.

.....
Registrar

.....
Date

Form CS 12E

r 255

Notice of appeal against Commissioner’s determination under Part 6B of Act

Section 103C, Child Support Act 1991

(Front page—Form CS 1)

Take notice that I, *[full name]*, intend to appeal to the Family Court against a determination of the Commissioner under Part 6B of the Act.

Attached is a copy of the Commissioner’s determination made on *[date]*.

The grounds of the appeal are as follows:
[state the grounds on which the application is made].

I say:
[set out sufficient information to inform the Court of the facts relied on in support of the appeal].

.....
Signature of appellant

.....
Date

To the Registrar
Family Court
At *[place]*

and

To *[set out the names and addresses of the persons intended to be served with the application]*

This notice of appeal is filed by *[full name]*, whose address for service is *[address]*.

r 255

Form CS 12F

Order upholding or disallowing appeal made under section 103C of Act

Section 103C, Child Support Act 1991

(Heading—Form CS 2)

On appeal to it, the Court upholds (*or* dismisses) the appellant’s appeal against the Commissioner’s determination dated [*date*].

*The Court makes the following order: [*specify any order made*].

*Delete if inapplicable.

.....
Registrar

.....
Date

Diane Morcom,
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 23 October 2006, amend the Family Courts Rules 2002.

The rules set out the forms to be used for 3 new types of appeals against certain determinations or decisions of the Commissioner of Inland Revenue relating to assessments of financial support under the Child Support Act 1991.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 19 October 2006.
These rules are administered by the Ministry of Justice.
