

20 DEC 2017

Kevin

fyi-request-6818-46af3b16@requests.fyi.org.nz

Dear Kevin

Official Information Act 1982 request

Thank you for your Official Information Act 1982 (OIA) request of 9 November 2017 regarding the number of without notice applications in the Family Court that have been granted and dismissed respectively, broken down by gender for the last 5 years. On 22 November 2017, your request was clarified for the same data filed for applications under the Care of Children Act 2004.

The Ministry holds raw data about without notice applications, but analysis would be required to produce the breakdown you have requested. The OIA does not require a department to create information or put it in another form. I am therefore declining your request under s18(g) of the OIA on the grounds that the Ministry does not hold the information and I have no reason to believe it is held by or more closely connected with the functions of any other department or Minister.

I can, however, provide the following information on without notice applications:

- Table 1 shows the number of substantive applications filed without notice in the Family Court by financial year, 2012/13 to 2016/17
- Table 2 shows the number of granted substantive applications filed without notice in the Family Court by financial year, 2012/13 to 2016/17
- Table 3 shows the number of dismissed substantive applications filed without notice in the Family Court by financial year, 2012/13 to 2016/17

Note that applications may also be withdrawn/discontinued by the applicant or may lapse if the respondent cannot be located. This means that the numbers in Tables 2 and 3 will not add up to those in Table 1.

I can also provide a gender breakdown for all substantive applications filed in the Family Court, which you may find useful. Refer to table 4.

If you require any clarification of the information contained in this response please contact Antony Paltridge, Team Leader, Media and External Relations, by calling (04) 918 8980; or emailing media@justice.govt.nz

If you are not satisfied with this response, you have the right to complain to the Ombudsman under section 28(3) of the OIA. You can contact the Office of the Ombudsman by writing to PO Box 10152, Wellington 6143; calling 0800 802 602; or emailing info@ombudsman.parliament.nz

I trust that this information assists.

Yours sincerely



Jacquelyn Shannon
Group Manager, Courts and Tribunals, Regional Service Delivery

Ref: 64883

Table 1: Number of Substantive Applications filed Without Notice in the Family Court by Financial Year, 2012/13 to 2016/17

Case Type	Application Filing Year				
	2012/13	2013/14	2014/15	2015/16	2016/17
Care of Children Act	7,289	8,458	12,251	12,872	12,528
Total Family Court	15,895	17,856	19,636	20,671	20,341

Note:

- Table 1 counts substantive applications filed without notice in the Family Court.
- Care of Children Act applications reported in Table 1 exclude those relating to The Hague convention.
- Financial year (July to June) is determined by the date of filing of each application.

Table 2: Number of Granted Substantive Applications filed Without Notice in the Family Court by Financial Year, 2012/13 to 2016/17

Case Type	Application Filing Year				
	2012/13	2013/14	2014/15	2015/16	2016/17
Care of Children Act	5,238	5,999	8,650	8,753	6,692
Total Family Court	11,174	12,114	13,389	13,745	11,570

Note:

- Table 2 counts substantive applications filed without notice in the Family Court where the final application outcome is granted (including granted, and granted by consent).
- Financial year (July to June) is determined by the date of filing of each application, which means that figures for later years, and 2016/17 in particular, may undercount the true number as some applications may not yet have a final outcome.

Table 3: Number of Dismissed Substantive Applications filed Without Notice in the Family Court by Financial Year, 2012/13 to 2016/17

Case Type	Application Filing Year				
	2012/13	2013/14	2014/15	2015/16	2016/17
Care of Children Act	901	1,139	1,678	1,484	1,076
Total Family Court	1,762	2,121	2,467	2,245	1,678

Note:

- Table 3 counts substantive applications filed without notice in the Family Court where the final application outcome is dismissed (including dismissed, stayed, struck out, and transferred to the High Court).
- Financial year (July to June) is determined by the date of filing of each application, which means that figures for later years, and 2016/17 in particular, may undercount the true number as some applications may not yet have a final outcome.

Table 4: Number of Applicants to the Family Court by Case Type, Financial Year, and Gender, 2012/13 to 2016/17

Case Type & Gender of Applicant	Application Filing Year					
	2012/13	2013/14	2014/15	2015/16	2016/17	
Care of Children Act	Female	8,954	9,001	6,864	6,981	7,095
	Male	6,052	5,879	4,403	4,254	4,295
	Unknown	241	217	161	175	147
	Total	15,247	15,097	11,428	11,410	11,537
Total Family Court	Female	27,974	25,990	21,657	22,005	22,250
	Male	20,789	19,162	16,208	16,236	15,856
	Unknown	1,183	1,057	617	600	650
	Total	49,946	46,209	38,482	38,841	38,756

Note: Substantive applications comprise applications grouped under the following case types: Adoption, Alcohol & Drugs, Child Support, Children Young Persons and their Families (CYPF), Dissolution/Marriage, Domestic Violence, Estates, Family Proceedings, Guardianship (Care of Children Act), Hague Convention, Mental Health, Protection of Personal and Property Rights (PPPR), Relationship Property and Miscellaneous. Substantive applications exclude applications made under the Family Court Rules, registrations under the Joint Family Homes Act and section 9 requests for Counselling under the Family Proceedings Act.