

29 MAR 2019

Zane Collins  
[fyi-request-9602-0430fade@requests.fyi.org.nz](mailto:fyi-request-9602-0430fade@requests.fyi.org.nz)

Dear Mr Collins

**Official Information Act 1982 request**

I refer to your Official Information Act 1982 (OIA) request, dated 16 February 2019, regarding the Family Court. Your request was for the following information:

*All manuals and standard operating procedures of the family court registry and case management and scheduling team for the following parts*

- 1- *When a without notice application is filed.*
- 2- *When an on-notice application is filed.*
- 3- *Ways to serve the respondents with notices, judgements, judge's minutes and all other related.*
- 4- *Standard operating procedures of allocating hearings.*

On 13 March 2019 you clarified your request to be for:

*[T]he list of manuals, guidelines, policies and standard operation procedures.*

On 15 March 2019 we notified you of an extension of the time to make our decision to 29 March 2019.

I apologise for any confusion that our letter, dated 15 March 2019, may have caused you. In that letter, we referred to your email of 13 March 2019 as a further request, rather than a clarification of your 16 February 2019 request. We have since determined that your email of 13 March 2019 should have been treated as a clarification. Accordingly, your clarified request is for:

*[T]he list of manuals, guidelines, policies and standard operation procedures of the family court registry and case management and scheduling team for the following parts*

- 1- *When a without notice application is filed.*
- 2- *When an on-notice application is filed.*
- 3- *Ways to serve the respondents with notices, judgements, judge's minutes and all other related.*
- 4- *Standard operating procedures of allocating hearings.*

In response to your clarified request, please find the list attached as Table 1. Please let us know the documents for which you would like to receive copies and we will process a further request for you.

If you require any clarification of the information contained in this response, please contact Julia Goode, Team Leader, Media and External Relations, by calling (04) 918 8836; or emailing [media@justice.govt.nz](mailto: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](mailto:info@ombudsman.parliament.nz)

I trust that this information assists.

Yours sincerely



Richard Williams  
**Group Manager (Acting), Courts and Tribunals, Regional Service Delivery**

Ref: 73449

Encl: Table 1: List of manuals, guidelines, policies and standard operation procedures

**Table 1: List of manuals, guidelines, policies and standard operation procedures***Current guideline for preparing proceedings in the Family Court*

1. National eDuty Case Manager and Auditor Guidelines – September 2017

*Current instructions from the Ministry of Justice, Family Jurisdiction Knowledge Base for without notice proceedings*

2. Receive Without Notice Application by Email
3. eDuty non-CoCA cases
4. eDuty CoCA chambers
5. Receive, Accept and Process a Without Notice Parenting Order Application
6. Receive, Accept and Process a Without Notice to Enforce a Parenting Order
7. Receive, Accept and Process a Without Notice Application to Vary or Discharge a Parenting/Guardianship or Other Order
8. Receive, Accept and Process a Without Notice Application to Appoint or Remove a Guardian or to Place a Child under the Guardianship of the Family Court
9. Receive, Accept and Process a Without Notice Application to Settle a Dispute Between Guardians
10. Receive, Accept and Process a Without Notice Application by a Child Challenging a Guardianship Decision
11. Receive, Accept and Process a Without Notice Application to Prevent Removal of a Child From New Zealand
12. Receive, Accept and Process a Without Notice Application to Discharge or Suspend an Order Preventing Removal of a Child from New Zealand
13. Receive, Accept and Process a Without Notice Application for a Warrant to Enforce Day-to-Day Care or Order for Contact with a Child
14. Receive, Accept and Process a Without Notice Application for a Party to Enter a Bond
15. Receive, accept and process an Application for Declaration that a child or young person is in need of care and protection with a Without Notice Application
16. Receive, accept and process a Without Notice Application for Custody/ Guardianship/ Access orders
17. Receive, accept and process a Without Notice Application for a Custody Order Pending Determination
18. Receive, accept and process an Application for a Place of Safety warrant
19. Receive, accept and process a Without Notice Application for Services/ Support/ Restraining Order
20. Receive, accept and process an application for warrant to remove
21. Receive, accept and process a Without Notice application for a Suspension of Child Support Payments
22. Receive, accept and process a Without Notice application for Issue of Warrant for Arrest of Respondent who is about to leave New Zealand
23. Receive, accept and process a Without Notice application for Urgent Maintenance
24. Receive, accept and process a Without Notice Request for the Issue of a Warrant to Seize Property
25. Receive, accept and process a Without Notice application for Summons to Attend Examination as to Means
26. Receive, accept and process a Without Notice application for a Property Order
27. Receive, accept and process a Without Notice application for a Protection Order
28. Receive, accept and process an application for Appointment of Representative
29. Receive, accept and process an application to Vary or Discharge a Protection Order or Property Order
30. Receive, accept and process a Without Notice Application for Other Orders Under the Property (Relationships) Act 1976
31. Receive, Accept and Process a without notice Application for an IDCCR Warrant
32. Receive, Accept and Process a Without Notice Application to Defer Expiry of a Compulsory Care Order
33. Receive, accept and process a Without Notice application for a Stay of Execution
34. Registrars Powers - The principles governing decision making

*Current instructions from the Ministry of Justice, Family Jurisdiction Knowledge Base for on notice proceedings*

35. Application to register a New Zealand order overseas
36. Application to register an overseas parenting order in New Zealand
37. Application under the Hague Convention
38. On notice application by child challenging a guardianship decision
39. On notice application for a party to enter a bond
40. On notice application for a warrant to enforce day-to-day care or order for contact with a child
41. On notice application for revocation of appointment as guardian
42. On notice application to appoint or remove a guardian or to place a child under the guardianship of the Family Court
43. On notice application to discharge or suspend an order preventing removal of a child from New Zealand
44. On notice application to enforce a parenting order
45. On notice application to prevent removal of a child from New Zealand
46. On notice application to settle a dispute between guardians
47. On notice application to vary or discharge a parenting or guardianship order
48. On notice parenting order application
49. Parental appointment of an additional guardian
50. Consented parenting or guardianship order applications

51. Section 57 variation to final parenting order by consent memorandum
52. Notice of appeal of the commissioner's decision against an assessment
53. Application for order for community work
54. On notice application for urgent maintenance
55. On notice application for declaration that the application or another person is a step-parent
56. On notice application for departure or suspension of child support payments
57. On notice application for orders for provision of child support in the form of a lump sum
58. On notice application to discharge, spend, revive or vary an order
59. On notice application to set aside a voluntary agreement
60. Notice of appeal against decisions about financial or other assistance to permanent caregivers
61. Application for confirmation of the decision not to apply under section 67 for a subsequent child
62. Application for custody or guardianship or access orders
63. Application for declaration that a child or young person is in need of care and protection with an on notice application
64. Application for leave to apply for change of guardianship, guardianship and special guardianship order
65. On notice application for a custody order pending determination
66. On notice application for services, support or restraining order
67. On notice application for variation or discharge of an order
68. Process a fee waiver application
69. On notice application for orders under section 23 of the Property (Relationships) Act 2002
70. On notice application for other orders under the Property (Relationships) Act 2002
71. Application to vary or discharge a protection order or property order
72. Application for modification, discharge or imposition of a standard condition relating to weapons
73. On notice application for a protection order
74. Objection to direction to undertake an assessment and attend a non-violence programme
75. Registration of foreign protection orders
76. Application for appointment of a representative
77. On notice application for a property order
78. On notice application for stay of execution

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*Extracts from the Family Court Registrar's Powers Manual for on notice proceedings*

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79. The principles governing decision making
80. Introduction
81. Principle 1- You must act lawfully
82. Principle 2- Affected parties have a right to be heard
83. Principle 3- You must be free from bias
84. Principle 4- The decision must be reasonable
85. Making your decision
86. Introduction
87. Step 1- Identify what you are being asking to do
88. Step 2- Identify the relevant law
89. Step 3- Identify the issues
90. Step 4- Determine the relevant facts
91. Step 5- Weigh up those facts
92. Step 6- Arrive at a tentative decision by applying the law to those facts
93. Step 7- Test your decision, revise if necessary and confirm it
94. Step 8- Deliver your decision
95. Decision Making Checklist
96. Registrars' powers under the Family Court Rules 2002
97. Family Court Rules 2002
98. Declining to accept documents
99. Declining to accept documents presented for filing that are incomplete or otherwise not in order
100. Declining to accept applications presenting for filing in the wrong Court
101. Suspending an order preventing removal of a child from New Zealand (Care of Children Act 2004)
102. Deciding a s47B exemption from parenting information programme (Care of Children Act 2004)
103. Deciding a s 46E exemption from family dispute resolution (FDR) (Care of Children Act 2004)
104. Issuing a variation to a final parenting order by consent memorandum (Care of Children Act 2004)
105. Making an order dissolving a marriage or civil union (Family Proceedings Act 1980)

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*Extracts from the Family Court Registrar's Powers Manual regarding service*

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106. Service
107. Directing the manner of service
108. Directing a particular address as an address for service
109. Causing additional documents to be served

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*Current service of document instructions from the Ministry of Justice, Family Jurisdiction Knowledge Base*

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- 110. Issue documents for service
  - 111. Interlocutory application for directions for service
  - 112. Interlocutory application for substituted service
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*Current guideline for service of documents in the Family Court*

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- 113. Guidelines for determining the best method for service of documents
  - 114. Family Court Case Scheduling
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*Current scheduling instructions from the Ministry of Justice, Family Jurisdiction Knowledge Base*

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- 115. Schedule an event using the get options calendar in core CMS for family
- 116. Schedule an event using the get options calendar in UCIC for family on CMS
- 117. Schedule an event using get options from within the UCIC screen for family on CMS
- 118. Schedule a conference or hearing for CoCA cases