



# Going through the Family Court to work out parenting arrangements

After a separation or change in family situation, it can be hard for parents, guardians and whānau (family and friends) to agree on a child's care. While going to court is usually the last option, it might be what's needed.

# Applying to the Family Court

A guardian is an adult who is responsible for the upbringing and care of a child.

When you apply, the Court makes a decision based on your situation and what they think is in the child's best interests.

**When working out parenting arrangements you can apply to the Family Court for:**

- a **Parenting Order** – If you can't agree about who will look after the child day-to-day, or when parents, guardians and whānau will spend time with the child. You'll usually need to show the Court you've tried Parenting Through Separation and Family Dispute Resolution.
- an **Order to Settle a Dispute between Guardians** – If you can't agree on a guardianship issue, such as what school the child will go to, medical treatment, religion, or name changes. You'll usually need to show you've tried Family Dispute Resolution.

## Complete an application

To get an application form, you can:

- download the forms from the Ministry of Justice website: [justice.govt.nz/apply-to-the-family-court](https://justice.govt.nz/apply-to-the-family-court)
- freephone the Ministry of Justice on 0800 224 733 to be sent a copy

## Making an urgent application

You can ask the Family Court to consider your situation straight away.

This can be when:

- there is a risk to the personal safety of a child or other people involved
- there is risk of serious injury or undue hardship to you, a child or other people involved, or
- the child is being taken out of Aotearoa New Zealand without permission.

To apply, you'll need to complete an application form for a 'Parenting Order' or 'Order to Settle a Dispute Between Guardians' and tick 'Without Notice.' You may want to talk to a lawyer before making an urgent application.

After you apply, the Family Court will contact you by the next working day with an outcome.



## You have the right to feel safe

You can get help if you or someone else feels unsafe.

- If you or someone else is in immediate danger call 111
- Visit [justice.govt.nz/family-violence](https://justice.govt.nz/family-violence)
- Visit [areyouok.org.nz](https://areyouok.org.nz)
- Freephone 'Are You OK' on 0800 456 450

## If a court order is not being followed

It's serious if someone doesn't follow a court order. If it's safe, the Family Court usually likes to see you've tried to work things out with the people involved before applying to the Court. You can try talk with the person who isn't following the court order. There may be a reason why they're not following it. It may be helpful to try the Family Dispute Resolution mediation service or Parenting Through Separation course.

### Court taking action

If it isn't safe to talk to the person or talking doesn't help, you can apply to the Family Court to take action.

**If the Court sees someone is not doing what a court order says, it can:**

- **give them a warning**
- **make changes to the court order**
- **order the person not following the court order to pay the court a bond, or pay compensation to the person applying.**

As a last resort, the Court can issue a warrant to enforce care or contact. This happens if someone is preventing you from having day-to-day care or contact as stated in the 'Parenting Order'.

This involves someone picking up the child and returning them back to you. It can be the Police, a social worker or someone else. If someone tries to stop the child being picked up, reasonable force may be used. This can upset a child and should only be considered if nothing else has worked.

## Changing or cancelling a court order

If your situation changes you can apply to the Family Court to change or cancel your court order. The court will want to see there's a good reason for changing the order, for example, you or your ex-partner are moving to another city.

You can also apply to cancel a court order if you think it's no longer in the child's best interests. If the court order is less than two years old, before you apply to have it changed or cancelled, you'll usually have to ask a judge's permission. Your lawyer or court staff can help you with this.

### You can get legal advice at any time

It may be helpful to talk to a lawyer when you're working through a separation or change in family situation. If you're not sure where to start, visit your local Community Law Centre or [communitylaw.org.nz](http://communitylaw.org.nz)





# Where to get support

## In your community

Kaiārahi (Family Court Navigators), Family Court Co-ordinators and court staff can guide you when sorting out parenting arrangements, but cannot give legal advice.

Kaiārahi can also connect you with community support services in your area.

### Contact:

- Visit your local court
- Email [kaiarahi@justice.govt.nz](mailto:kaiarahi@justice.govt.nz)
- Freephone the Ministry of Justice on 0800 224 733

## Organisations to help you

### Citizens Advice Bureau

They help you understand your rights and fill out forms.

- Freephone 0800 367 222
- Visit [cab.org.nz](http://cab.org.nz)

### Community Law Centre

They offer free, confidential one-on-one legal help for people across Aotearoa New Zealand.

- Visit [communitylaw.org.nz](http://communitylaw.org.nz)

### Family Services Directory

They have a list of support services that help whānau (family and friends) across Aotearoa New Zealand. These services range from housing to counselling.

- Freephone 0800 211 211
- Visit [familyservices.govt.nz/directory/](http://familyservices.govt.nz/directory/)

## CCS Disability Action

They provide information and support to people with disabilities and their whānau (family and friends).

### Contact:

- Freephone 0800 227 200
- Email [info@ccsDisabilityAction.org.nz](mailto:info@ccsDisabilityAction.org.nz)

## The Ministry for Ethnic Communities

They have a list of support services, including faith-based organisations, to help ethnic communities.

- Freephone 0800 656 656
- Visit [ethniccommunities.govt.nz](http://ethniccommunities.govt.nz)

## Counselling

For professional support for mental health, or other personal issues, contact:

- Need to Talk – Freephone or text 1737 or visit [1737.org.nz](http://1737.org.nz)
- Lifeline – Freephone 0800 543 354 or text 4357
- Skylight – Freephone 0800 299 100 or visit [skylight.org.nz](http://skylight.org.nz)

## For children and young people

- What's Up – Freephone 0800 942 8787
- Youthline – Freephone 0800 376 633 or text 234

## If you feel unsafe

- Visit [areyouok.org.nz](http://areyouok.org.nz)
- Freephone 'Are You OK' on 0800 456 450



## For more information

- Visit [justice.govt.nz/care-of-children](http://justice.govt.nz/care-of-children)
- Freephone the Ministry of Justice on 0800 224 733