



# Care of children: Going through the Family Court to work out parenting arrangements



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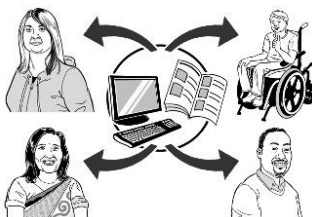
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# What this Easy Read is about



This Easy Read document has been written by the Ministry of Justice.



This Easy Read document has information about what you need to know if you are going through the **Family Court** to work out **parenting arrangements**.



The **Family Court** is a court that assists New Zealanders with family matters.



There are 58 Family Courts throughout New Zealand.



There is more information about what **parenting arrangements** means on **pages 7 to 9**.



You can find more Easy Read information about the care of children and the Family Court on this **website**:

**[www.justice.govt.nz/care-of-children/resources](http://www.justice.govt.nz/care-of-children/resources)**

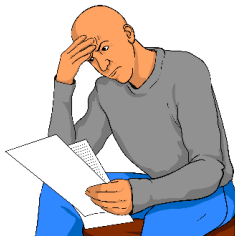


This is a long Easy Read document.



Some things you can do to make reading it easier are:

- read it a few pages at a time
- set aside some quiet time to look at it
- have someone read it with you to support you to understand it.



While this document has been written in Easy Read there is still a lot of complex information.



It is a good idea to get further advice.



If you or someone you know does not feel safe right now you can:

- phone the police on **111**
- contact **Are You OK** on:

**phone: 0800 456 450**

**website: [www.areyouok.org.nz](http://www.areyouok.org.nz)**



family violence

**it's not ok**

**Are You OK** is an information service that can help you if you:

- are being hurt by someone
- see someone being hurt
- want to stop hurting someone.

You can also find more information on the Ministry of Justice **website:**

**[www.justice.govt.nz/family-violence](http://www.justice.govt.nz/family-violence)**



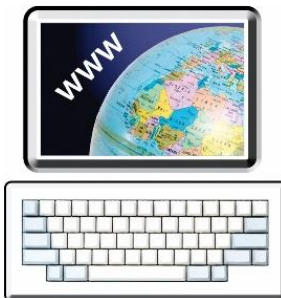


There are lots of phone numbers in this Easy Read document.



If you find it hard to use the phone the **New Zealand Relay** service is for people who are:

- Deaf / hard of hearing
- deafblind
- speech impaired / find it hard to talk.

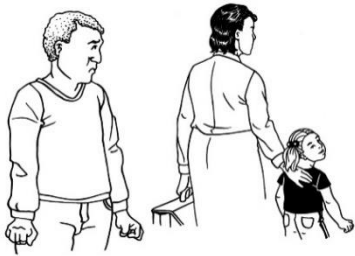


You can find out more about the New Zealand Relay service at:

**[www.nzrelay.co.nz](http://www.nzrelay.co.nz)**



# What is a parenting arrangement?



Sometimes families have to change their family situation.



A change in family situation could mean:

- people decide to no longer live together
- it is best for the child / children to live with someone that is not their parents
- a disagreement about how to raise the child / children.





Going through a change in family situation can be hard for:

- parents
- **guardians**
- children
- whānau / family
- friends.



A **guardian** is an adult who is responsible for caring for a child / children.



When parents / guardians / whānau go through a change in family situation they need to try to agree about:



- who their child / children will live with
- how this time will be shared between the parents / guardians / whānau
- how important decisions about the child / children will be made.



The parenting arrangement is about what is best for the child / children.



When parents / guardians / whānau go through a change in family situation they should try to agree.



Sometimes it can be hard for parents / guardians / whānau to come to an agreement.



If parents / guardians / whānau cannot agree they may decide to go to the Family Court.



Most of the time you will need to show the Court that you have tried:

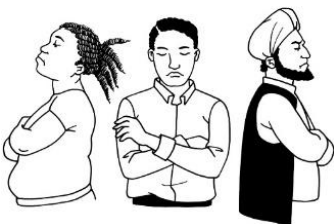
- **Parenting Through Separation**
- **Family Dispute Resolution.**



**Parenting Through Separation** is a free course for parents / guardians who are separating.

It is sometimes called **PTS** for short.

The course is funded / paid for by the Ministry of Justice.



**Family Dispute Resolution** is a service where an **independent mediator** will assist the parents / guardians / whānau:

- to talk about the things they cannot agree on
- come to an agreement if they can.

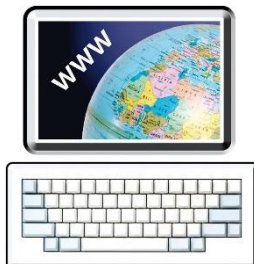
It is sometimes called **FDR** for short.

You may have to pay some money towards the cost of using FDR.



A FDR **independent mediator** is someone who:

- listens to parents / guardians / whānau
- does not take sides
- works through possible ways of caring for the child / children that everyone agrees with.



You can find more information about PTS and FDR at this **website**:

**[www.justice.govt.nz/family-dispute-resolution](http://www.justice.govt.nz/family-dispute-resolution)**

# Applying to the Family Court for a Court Order

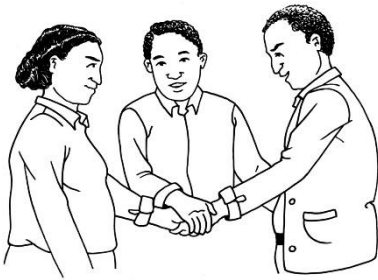


If parents / guardians / whānau still cannot agree then 1 of them may decide to go to the Family Court to get a court order.



A **court order** can outline how parents / guardians / whānau not living together will:

- care for their child / children
- make important decisions about their child / children.



## A court order:

- is when the Court makes a decision about what is best for the child / children
- must be followed by the parents / guardians / whānau.

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



- a **Parenting Order**
- an **Order to Settle a Dispute between Guardians.**



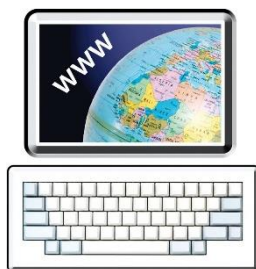
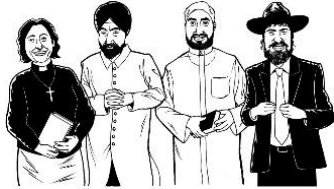


**A Parenting Order** is made by the Family Court to decide:

- who will have the day to day care of a child / children
- how someone that does not have day to day care can spend time with a child / children.



**An Order to Settle a Dispute between Guardians** is made by the Family Court to settle **disputes** between parents / guardians.



A **dispute** means parents / guardians / whānau are not able to come to an agreement about things such as:

- medical care / treatment of the child / children
- religion of the child / children
- changes to the surname / family name of the child / children.

To apply to the Family Court for a parenting order you can:

- download / fill in the forms found on the Ministry of Justice **website:**

**[www.justice.govt.nz/parenting-order](http://www.justice.govt.nz/parenting-order)**

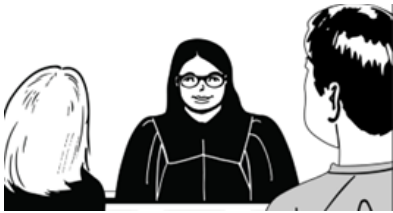


To apply to the Family Court for a parenting order you can:

- ask for the forms to be posted to you by **phoning** the Ministry of Justice on:

**0800 224 733.**

# Making an urgent application for a court order



**Urgent** means you need a court order made straight away.



You can ask the Family Court to make an urgent court order if there is a risk that:



- the child / children could be hurt
- other people involved could be hurt
- there is **undue hardship**
- the child / children could be taken out of Aotearoa New Zealand.





Understanding **undue hardship** can be quite hard.

Talk to your lawyer or court staff to find out if you can apply because of undue hardship.

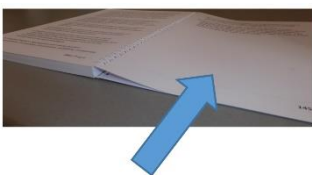


To make an urgent application you will need to fill in either:

- a Parenting Order form
- an Order to Settle a Dispute between Guardians form.



You will need to tick the box on the form that says **Without Notice**.



See **page 18** for how to get these forms.



You may want to talk to a lawyer before making an urgent application for a court order.

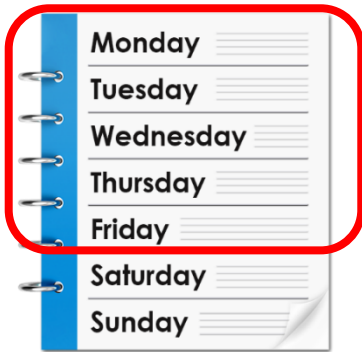


If you are not sure where to start you can visit your local Community Law Centre.



You can find Community Law at this website:

**[www.commuintylaw.org.nz](http://www.commuintylaw.org.nz)**



If you have made your urgent application the Family Court will contact you by the next **working day** to tell you of their decision.

**Working days** are the days Monday to Friday and do not include public holidays.

# What happens if a court order is not being followed



Court Orders should be followed.



If it is safe to do so you can talk to the person to find out why they are not following the court order.



The Court likes to see that parents / guardians / whānau try to:

- find ways of following the court order
- work out why the court order is not being followed.





Sometimes the person may have a reason for why they are not following the court order.



It may be helpful for the parents / guardians / whānau to try:

- using FDR
- doing a PTS course.



This might help with working out ways to follow the court order.

# Going to court when a court order is not being followed



You can ask the Family Court to **take action** on a person who is not following the court order if:

- it is not safe to talk to the person
- talking to the person does not solve the problem.



**Take action** means that the Family Court will look at why the person is not following the court order.



The Family Court might:

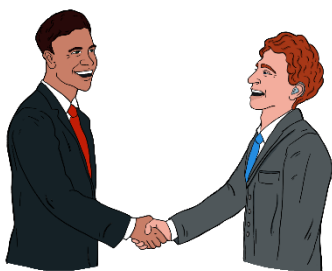
- give the person a **warning** for not following the court order
- make changes to the court order
- make the person not following the court order pay a **bond** or **compensation**.



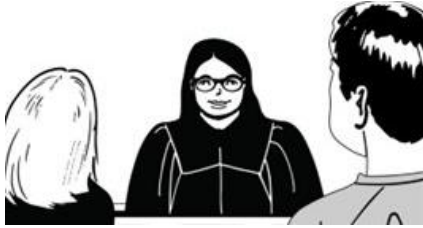
A **warning** is when the Court judge tells the person they must follow the court order.



A **bond** is money paid to the Family Court as a way of making the person follow the court order.

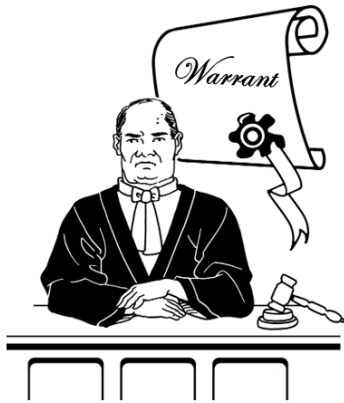


The Family Court may give the money back when the person can show they are following the court order.



**Compensation** is money paid to the person who applied to the Family Court.

The amount of money for compensation is decided by the Family Court.



When a parent / guardian / whānau is being stopped from seeing their child / children sometimes the Family Court can make a **warrant to enforce care or contact**.



**A warrant** is a document that tells the Police that they must:

- pick up the child / children
- **and**
- return them to:
  - the person who has day to day care
  - or**
  - who is entitled to contact with the child / children.



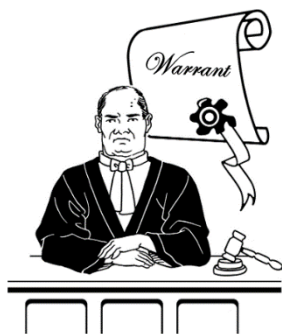
**Enforce care or contact** means certain people can pick up / return a child / children to make sure a court order is followed.

It involves people like the police or a social worker:

- picking up the child / children from a parent / guardian
- returning the child / children to a parent / guardian.



Being picked up by the police or a social worker can be upsetting for the child / children.



A warrant to enforce care or contact should only be used when nothing else has worked.

## Changing or cancelling a court order



If things change for you then you may want to apply to the Family Court to have your court order:

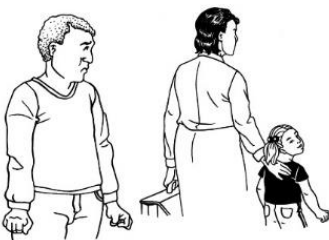


- changed
- cancelled / stopped.



These changes might be things like:

- 1 or both parents moving to another city
- a parent / guardian / whānau member not being able to care for their child / children as much.



The Family Court will want to see a good reason for changing the court order.



If you think the court order is no longer working the best for the child / children you can apply to the Family Court to cancel the court order.



If the court order is less than 2 years old:

- the judge has to say yes to the person being allowed to apply

**and**

- then the judge will decide whether to say yes to the application.



You can get help with this from:

- your lawyer
- staff / people who work at the Family Court.





# Getting legal advice



**Legal advice** is when you ask a lawyer for information about the law.

If you are going through a change in family situation it may be helpful to get some legal advice.



You can get legal advice at any time.



If you are not sure where to start you can visit your Community Law Centre.



You can use this **website** to find out where your closest Community Law Centre is:

[www.communitylaw.org.nz](http://www.communitylaw.org.nz)

# More places where you can get support

## 1. Family Court

The Family Court has **staff** that can assist people with the forms needed and next steps.

**Staff** are people who work at the Family Court.



Staff include:

- Kaiārahi / Family Court Navigators
- Family Court Co-ordinators
- Front counter staff.



Staff at the Family Court **cannot** give you legal advice.

You can talk to Court staff by:



- visiting the Family Court closest to you
- emailing:

**[kaiarahi@justice.govt.nz](mailto:kaiarahi@justice.govt.nz)**



- calling the Ministry of Justice on:

**0800 224 733**

## 2. Citizens Advice Bureau

Citizens Advice Bureau is also sometimes called **CAB**.



CAB can assist you to:

- understand your rights
- fill out forms.

To find out more information about CAB you can:



- go to this website:

**[www.cab.org.nz](http://www.cab.org.nz)**

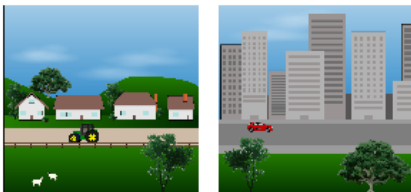
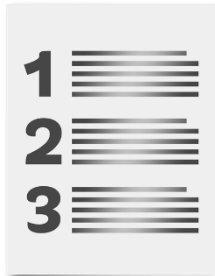


- call this phone number:

**0800 367 222**

### 3. Family Services Directory

The Family Services Directory:



- has a list of support services that can assist whānau / family across Aotearoa New Zealand
- is an information service about all kinds of services such as:
  - counselling
  - housing / somewhere to live
  - help with the cost of living such as food
  - disability support
  - transport.



To find out more information about Family Services Directory you can:

- visit their website:

**[www.familyservices.govt.nz](http://www.familyservices.govt.nz)**



- call this phone number:

**0800 211 211**



## 4. CCS Disability Action

CCS Disability Action provides information and support to:



- disabled people
- their whānau / family.

To find out more information about CCS Disability Action you can:



- visit this website:

**[www.ccsdisabilityaction.org.nz](http://www.ccsdisabilityaction.org.nz)**

- email:

**[info@ccsDisabilityAction.org.nz](mailto:info@ccsDisabilityAction.org.nz)**



- phone:

**0800 227 200**



## 5. 1737: Need to Talk

At 1737: Need to Talk you can talk to a counsellor by:



- calling: **1737**
- texting: **1737**



1737: Need to Talk is open all day / night.



If the 1737 number does not work from your phone you can call this number:

**0800 1737 1737**



You can find out more about 1737: Need to Talk on this **website**:

**[www.1737.org.nz](http://www.1737.org.nz)**





## 6. Lifeline Aotearoa

At Lifeline you can talk to a trained counsellor by:



- calling: **0800 543 354**
- texting: **4357**



Lifeline is open all day / night.



You can find more information about Lifeline on their website:

**[www.lifeline.org.nz](http://www.lifeline.org.nz)**



## 7. Skylight

At Skylight you can talk to a trained counsellor.



You can talk to a counsellor if you are going through a difficult time.



You can phone:

**0800 299 100**



You can find more information about Skylight on their website:

**[www.skylight.org.nz](http://www.skylight.org.nz)**



## 8. 0800 What's Up

0800 What's Up is a counselling service for:



- tamariki / children
- rangatahi / young people.



Children and young people can:

- phone:

**0800 942 8787**

- chat online at:

**[www.whatsup.co.nz](http://www.whatsup.co.nz)**



You can find more information about 0800 What's Up on their **website**:



**[www.whatsup.co.nz](http://www.whatsup.co.nz)**



## 9. Youthline

Youthline is a counselling service for:



- tamariki / children
- rangatahi / young people.



Children and young people can:

- phone: **0800 376 633**
- text: **234**
- chat online:



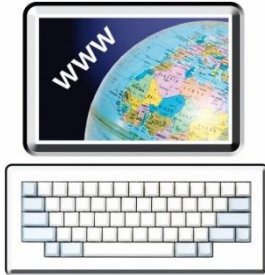
**[www.youthline.co.nz](http://www.youthline.co.nz)**



You can find more information about Youthline on their website:

**[www.youthline.co.nz](http://www.youthline.co.nz)**

## Where to find more information



The Ministry of Justice has more information about parenting arrangements on their website:

**[www.justice.govt.nz/care-of-children](http://www.justice.govt.nz/care-of-children)**



You can also talk to someone at the Ministry of Justice by calling:

**0800 224 733**



This information has been written by  
Tāhū o te Ture – Ministry of Justice.



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