

Order to administer property

Help for people who can't make decisions themselves about property or income

An Order to Administer Property means the court has appointed a person to look after someone else's property and financial affairs.

The person the order is for must:

- be completely or partly unable to understand what the decision is about or to understand what could happen as a result of a decision about their property, or
- have these abilities but be totally unable to make decisions or say what they want about how their property is managed.

The court can only make an Order to Administer Property for people who usually live in Aotearoa New Zealand and are 18 years old or older. The court can make Personal Orders for 16-year-olds and 17-year-olds if the person is or has been married, in a civil union or a de facto relationship.

The court can't make an Order to Administer Property if a property manager has already been appointed; only one person can administer property.

The court will not make an Order to Administer Property for a person who has granted someone an enduring power of attorney (EPA) unless it's not working to protect their best interests or it doesn't cover a specific decision that's needed.

Applying for the order

You can apply for an Order to Administer Property if you're:

- a person who can't fully make decisions about their care
- a relative or attorney of the person who can't fully make decisions about their own care
- a social worker employed under the Oranga Tamariki Act 1989
- a medical practitioner or doctor
- a representative of any non-profit group that provides services and facilities for the welfare of the people covered by the Protection of Personal and Property Rights Act 1988
- the superintendent, licensee, supervisor or person in charge, if the person is a patient or a resident of a hospital, rest home or residential disability care facility
- any other person with the court's permission.

People who can or can't administer property

The person you propose to administer the property must agree to the appointment.

People who can't be appointed to administer property are:

- anyone under the age of 20 years
- the superintendent, licensee, supervisor or other person in charge of a hospital, home or other institution where the person lives.

Getting legal help

If you're not sure whether this order is right for your circumstances, talk to a lawyer. If you can't afford a lawyer, you may be able to get legal aid or help from a Community Law Centre.

How to apply

You'll need to fill out several forms. These can be downloaded from justice.govt.nz/family/powers-to-make-decisions/. Or you can ask your nearest court for the forms or phone 0800 268 787 and we can send them to you.

Give the forms to the court

You'll need to give (file) these forms to the court closest to where the person who the application is for lives.

Fee

It's free to apply for an Order to Administer Property.

After you apply

The court will appoint a specialist lawyer to meet with the applicant and the person the order is for. The lawyer will tell the judge why the application was made and what should happen next. The judge may decide to:

- hold a short hearing
- ask for more medical evidence
- make the order.

To find out more, go to justice.govt.nz/family/

Download the forms at justice.govt.nz/family/powers-to-make-decisions/

justice.govt.nz/courts/going-to-court/legal-aid/