

Court appoints someone to act for others

Enduring power of attorney, welfare guardians, personal and property orders

What is an order to act for others?

When a person can't fully make decisions for themselves or communicate these decisions, the Family Court can appoint someone to act on their behalf. The Court can make and review orders to let someone make decisions or help the person make decisions about their care and welfare and/or manage their finances or property.

Types of orders

The court makes several common orders:

- **Personal Orders** cover personal decisions involving, for example, medical treatment, putting a person in a rest home or not allowing someone to leave New Zealand.
- Welfare Guardian Orders let another person make decisions or help the person make decisions about their personal care and welfare.
- Administer Property Orders let another person administer the property of someone who can't do it themselves, where the person doesn't own any one thing worth more than \$5000 and/or have an income of more than \$20,000 per year.
- **Property Manager Orders** let another person manage the property of someone who can't do it themselves. Property managers can be appointed for property of any value.

Reviewing orders

The Court can review Personal Orders, Welfare Guardian Orders or Property Orders to make sure the orders are still needed and working, and decisions are being made appropriately. The Family Court can also review the decisions of somebody appointed under an Enduring Power of Attorney.

Who can apply?

You can ask the Court for an order if you are:

- a person who can't fully make decisions about your own care, finances or property
- a relative or attorney of the person

- a social worker employed under the Oranga Tamariki Act 1989
- a medical practitioner
- a trustee corporation
- a representative of any non-profit group that provides services and facilities for people covered by the Protection of Personal and Property Rights Act 1988
- the superintendent, licensee, supervisor or person in charge of a hospital, home or other institution where the person is a patient or a resident
- a person's welfare guardian and/or property manager
- anyone else with the Court's permission.

How to apply

Download the application forms from justice.govt.nz/about/form-finder/, or call us on 0800 268 787 and ask us to send the forms to you. Or visit your local court and ask for the forms.

Applying for an order to act for others

When the Family Court receives your application, it will appoint a lawyer to meet with you and the person the application is for. The lawyer will file a report on why the application has been made and will recommend what should happen next. Then it's up to the judge to decide what to do.

There could be a short hearing, the Court could ask for more medical evidence or the Order could be made.

When decisions need to be made urgently, the Court can make an Interim Order (which lasts no more than six months). If you need an Order urgently, it's a good idea to ask a lawyer to apply for you.

justice.govt.nz/family/powers-to-make-decisions/