

# Care of Children: Applying for a Court Order

Read this guide to find out more  
about applying for a court order



MINISTRY OF  
**JUSTICE**  
*Tābū o te Ture*

# About this guide

This guide will help you decide which type of application form you need to apply for a court order. It explains what you can ask for.

To start your case, you'll need to fill in the application form yourself (or with help from friends, family and whānau) or you can ask a lawyer to help. Court staff are not allowed to give you legal advice, and this includes helping you to choose which application form to use.

## Who needs to use this guide?

Anyone who needs the court to help them reach an agreement or make a decision about the care arrangements for their child or children, help resolve a dispute or protect your rights as a parent or guardian.

Please use the glossary at the back of this guide which explains the meaning of key words.

## Getting your forms

You can get your application forms in two ways.

1. The Ministry of Justice website "Care of Children Forms Generator" is an easy step-by-step process. Once you have chosen the forms you need, it will make you the form package. You can either fill in the form on your computer or print it out and fill in by hand.
2. If you would like to have your application form generated for you, please phone **0800 2 AGREE (0800 224 733)** and tell them:
  - the order type and the application(s)
    - what you want the court to do
  - if it is urgent (refer to page 8)
  - the number of applicants, respondents and children
  - if you want a form to hand write or complete electronically and then print
  - what you are asking the judge for.

They will then email or post the application form created to you.



### More information or assistance completing this form.

If you need any more information or help, please visit the Family Justice website [www.justice.govt.nz/family](http://www.justice.govt.nz/family), visit your local Family Court, call **0800 2 AGREE (0800 224 733)**.

## Do you need legal advice?

You can make an application yourself or you may want to get a lawyer to help you fill out the forms.

**Family Legal Advice Service** can help with advice about your options regarding the care of your children and can also help with filling out forms if you are making a court application. You can use this free service if you qualify for funding (on a low income). Further information can be found online at [www.justice.govt.nz/family](http://www.justice.govt.nz/family)

**Legal aid:** If you can't afford a lawyer you may qualify for legal aid which will pay for a lawyer. You can find out more about applying for legal aid here: [www.justice.govt.nz/get-legal-aid](http://www.justice.govt.nz/get-legal-aid)

**The New Zealand Law Society** has a directory of lawyers around New Zealand. Visit: [www.lawsociety.org.nz](http://www.lawsociety.org.nz)

**Community Law Centres** have lawyers who can support you, and this service is usually free. To find your closest Community Law Centre look in your phone book or online at [www.communitylaw.org.nz](http://www.communitylaw.org.nz)

## Completing the forms by hand

You will have already decided if you're filling in your forms on a computer or by hand. If you're filing in the forms by hand, they must be:

- clearly written in printed letters only
- filled out in a **BLUE** or **BLACK** ballpoint pen.

Put a line through mistakes like this ~~ABC~~. If you cross anything out, please write your initials in the right-hand margin to show it was done by you. **Do not** use correction fluid or tape.

Take your time and speak to friends or family if you need support.

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# How to complete your application

## Each application has three parts

### 1. The Application Form

This has a summary of the key information needed by the court to consider your application. It includes the following information:

- the location of the court
- the type of order(s) you are asking for
- the name of the applicant(s) and respondent(s)
- information on any previous court orders, and
- the date you are filing the application.

Some types of applications need extra information, like evidence of previous court orders or the names of people to be listed as guardians of the child(ren).

**Note:** all the sections where you need to give a long answer have paragraph numbers. This helps the judge find information within your form.

### 2. The Affidavit

An affidavit is when you write in detail about why you need an order. The more detail you can give the more it will help the judge to understand your situation. The affidavit is a legal document and everything you write must be true. The respondent receives your affidavit when they're served.

The evidence (or information) you give in your affidavit will be read and relied on by a judge to make decisions about your case. There are strict rules about what it can include and how it should be written.

If there are two or more applicants the main applicant (the deponent) writes/completes and signs the affidavit, or you can complete a joint affidavit.

Your affidavit is your written story about your situation. The three most important rules are:

- Everything must be true and correct to the best of your knowledge and belief.
- It must be factual. Try to include details – e.g. specific names, dates and places if you have them.
- The information must be relevant (related) to what you are asking the court to do.

Include in your affidavit the following types of evidence (if relevant to your application):

- The current care arrangements
- Family background
- Proposed care arrangements
- Reasons for an urgent (Without Notice) Application
- Details of any previous court orders that you want to change
- Any safety issues the court needs to know about
  - Concerns for the child
  - Incidence of family violence
  - History with the Police/involvement with Oranga Tamariki/Family Court
  - Drug and alcohol issues.

You may need to include additional information in your affidavit depending on the type of order you are asking for. This could include:

- Who the child(ren) will live with, where they will live, who else lives there and the days and times the child(ren) will be living there. You could also include care arrangements for any special occasions or holidays
- Who the child(ren) will have contact with, where the visits/contact will be held and the times and length of the contact – including for special occasions or holidays
- What the changeover arrangements will be, along with any conditions that relate to the care and contact arrangements for the child(ren)
- What decision-making and communication arrangements there are between the care and contact parties in case of emergencies
- Why the proposed arrangements for the care of contact of the child(ren) are best for the child(ren)
- If there is a dispute between guardians, outline all the issues that are in dispute (such as schooling, medical treatment, hobbies etc) and name the child(ren) each of the issues in dispute is about
- If you are asking the court to change an existing order, you should describe why the current order is no longer suitable (with specific details)
- If you are asking for a parenting order, you must make a proposal for contact arrangements for the other person.

When you have filled in all the parts of your application (information sheet, application form(s) and affidavit), you need to take it and any exhibits to an 'authorised person' to be sworn or affirmed (this is a declaration that the information or evidence you've given is true and correct). A set of guidelines on who this person can be is available at: [www.justice.govt.nz/courts](http://www.justice.govt.nz/courts)

An authorised person can be a Justice of the Peace, a lawyer (barrister or solicitor), Deputy Registrar of the District or High Court. A Justice of the Peace can be found by searching on the term "Justice of the Peace" or go to your nearest court and they can witness documents for you.

**See page 06 – Tips for giving general evidence and completing your Affidavit.**

### 3. Information Sheet

This gives your details and the respondent's (the other party or person(s) involved in your application) details. **You only fill in one** of these, even if you are completing more than one application.

The Information Sheet form asks you to outline your details and the respondent's.

It also asks for the details and your relationship to the child(ren) involved in this application.

#### **Please note:**

1. It is a crime to lie or deliberately mislead the court in a sworn or affirmed affidavit.
2. You cannot make any changes to your document once it has been sworn or affirmed as true.
3. If you realise you have made a mistake, you will need to write another affidavit.





## Tips for writing evidence – Affidavit

### Here are tips to write your evidence

- Tell the truth.
- Only write the facts of your situation. Your evidence should only include facts that you have first-hand knowledge of. That means you should try to describe what you saw, heard, did or said.
- Be brief and clear about what you're asking the judge to order. Exclude all the details of your relationship and arguments you've had if they're not relevant to your application. In a court case, information is only relevant if it can be used to prove or disprove important facts or issues in your case.
- Exclude other people's opinions, beliefs or views. Your evidence should not contain what someone else has seen or heard (second-hand or 'hearsay' information).
- An opinion from an expert (for example, a counsellor or psychologist) can be provided in a letter attached as an exhibit (but only with their permission to use it). They can also provide information if they write their own affidavit in support of your application.
- Be precise. Think about who, what, when, where and how. Give exact names, times, dates, places and dollar amounts, wherever possible, if you have them. If you can't be exact, make your best guess. This may even be what time of year it was by season (such as summer holidays 2019).
- Use plain language. You don't need to use complicated or legal-sounding language. Write simply and use short sentences.
- Be organised and clear. List facts in the order they happened or by topic. Write about one fact or piece of information in each paragraph. It can be helpful to include headings and subheadings.
- Avoid general statements about someone's behaviour, but give specific events that show that behaviour. For example, instead of 'She always shouts at the children', you could say 'on last Friday afternoon, the 27th of February, I heard her yelling at the children at school. I heard her saying...'
- Write in the first person, using "I" whenever you are presenting evidence of an experience and use other people's names.
- Be fair and balanced.
- Avoid melodramatic (over the top) or inflammatory (fiery) language.
- Avoid using words like "always", "never" or "all the time".
- Don't exaggerate or give only the information that supports your case, if you know there is other information the judge needs to make a fair decision.
- Don't guess about someone's state of mind or motive for doing certain things.
- Be careful about making accusations, for example, about someone lying. Instead, describe the facts that led you to reach the conclusion that someone has been lying about what has happened.
- Check over your affidavit for spelling mistakes or typos. If you have handwritten your application, the judge must be able to read your writing.

## Exceptions

Important exceptions to the rule that you must only describe what you saw, heard, did or said are:

- if you're quoting something another person said, write down the name of the person and the date (or approximate date) it was said. Please note it may be necessary for this person to be called as a witness if the matter proceeds to a hearing
- you can sometimes write down something your child said. The court may allow what a child said to be accepted as evidence if it is relevant and the court is satisfied the child has not been influenced.

### Examples on how to write your affidavit

Here are examples of right and wrong ways to write evidential statements.

**Instead of:** I could tell she was unhappy about going to her dad's house.

**Write:** When her dad comes to pick her up, she cries and clings to me. OR She told me she didn't want to go to her dad's house.

### Avoid descriptions of how you felt or reacted.

**Instead of:** I was shocked to discover her new boyfriend had stayed overnight.

**Write:** Her new boyfriend has stayed at the house overnight. That worried me because...

### Avoid arguing.

**Instead of:** Why should I have to be the one to always pick up the children?

**Write:** I pick up the children every day after school and from their music lessons. I would like "the other person" to share these sorts of responsibilities.

Further information about how to write good evidence is available on the Family Justice website.

## Exhibits (attachments) to your affidavit

If you have documents to back up your evidence (such as a doctor's report that may help to prove a child has special needs that must be treated in a certain way), you can attach them as 'exhibits'.

- Mark each exhibit clearly starting with "A" and then alphabetically after that. (Exhibit A, then Exhibit B and so on).
- Refer to each exhibit in your affidavit by the letter (for example, 'I refer to the school report attached as exhibit A'). Try to mention the relevant parts for the judge, so they know what is important.
- Write the letter of any exhibits you have referred to in the 'Exhibits' box at the bottom of that page in the application pack. You only need to include the letter of the exhibit, not the description.
- You do not need to include previous Family Court documents in your evidence, but you should list them in your supporting information if you think any are relevant. If the judge thinks they need them they will ask for them.

# What you need to do

You will need to make two main decisions – if your application is urgent and the type of order you need.

## 1. Is your application urgent?

### YES

In special circumstances, urgent applications can be made. In the legal system, these are called **“without notice”** applications.

Urgent applications can only be made if you can show that a delay might:

- cause serious injury to you or your child(ren), or
- cause undue hardship to you or your child(ren), or
- mean your safety or the children’s safety, or both, is at risk.

Other grounds for filing without notice are available, for example to prevent your child being taken out of New Zealand without your permission or where every person in respect of whom the order is sought has either died or cannot be found. Seek legal advice if these other grounds could be used.

This means your application will go straight to a judge, so they can consider it before the other person (respondent) is given a copy of your application (served). Sometimes an interim order is made until a final decision can be reached.

The respondent will still get to see your application and respond to it, but this happens only after the judge has seen it and decided if an urgent order needs to be made.

The judge will decide if you have given enough evidence to prove that the order can be made urgently (without notice).

### NO

Normally, applications for a court order are made in the Family Court when they are not urgent, and this is called **“on notice”**.

This means that, when the application is received by the court, it will be formally given (“served”) to the person (or other party) you are asking for the court order against (the respondent).

The other party will then be able to let you and the court know whether they will respond to the application.

**NOTE:** What you want to ask the court for may include more than one application type, so check all the types of applications available and choose all the ones you need.

## 2. What type of order do you need?

There are 7 types of Orders to choose from:

- 1 **Parenting Order**
- 2 **Guardianship**
- 3 **Settle a dispute between guardians**
- 4 **Order preventing removal of a child from New Zealand**
- 5 **Declaration of father as guardian**
- 6 **Appointment of father as guardian**
- 7 **Testamentary guardianship.**

Each of these Orders has a set of forms to choose from. The forms are described further on the following pages.





# Orders and their applications

## 1. **Parenting order** (5 types of forms)

A parenting order covers the following:

- who will take care of a child on a full-time or shared care basis and where the child will live each day
- who will have contact with the child
- it will usually give details of any care or contact arrangements
- sometimes includes more detail, such as arrangements for school holidays and birthdays, supervised contact or transport arrangements and conditions attached to the order.

If you already agree you can have the agreement formalised by the court as a consent order.

A consented parenting order application form is a separate form and can be accessed here,

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

Parenting orders have five different forms to choose from. Each form is described here with when you should need it and who is involved.

### 1. **Make a new order** (section 48)

**When** • If there is no order in place OR

- You are also asking to remove an existing order at the same time.
- NOTE: If you have had a similar order made in the last two years, you may need to ask for permission (leave) of the court before being able to make a new application and explain what the changes and circumstances are.

**Who** • Parent, guardian, spouse or partner of a parent and anyone allowed (or given leave) by the court may apply. (For an On-Notice Application you usually will have completed Parenting Through Separation and Family Dispute Resolution courses.\* See end of this section.)

- If the parent is dead, or has been refused contact with the child by the court, the following people can apply:
  - a sibling of the parent
  - a sibling of the child
  - the mother or father of the deceased parent.

**Cost** • \$220\*\* See end of this section.

### 2. **Change an existing order** (section 56(1)(a))

**When** • This can be done when an existing parenting order needs to be changed.

- NOTE: If you have had a similar order made in the last two years, you may need to ask for permission (leave) of the court before being able to make a new application.

**Who** • Any person affected by the order or any person on behalf of the child who is the subject of the order. (For an On-Notice Application these people usually will have completed the Parenting Through Separation course.\* See end of this section.)

- Parent, guardian, spouse or partner of a parent and anyone allowed by the court may apply.
- If the parent is dead, the child's sibling or the dead parent's sibling or parent may apply.

**Cost** • \$220\*\* See end of this section.

### 3. Remove an existing order (section 56(1)(a))

- When**
- This can be done if an existing parenting order is no longer working or is not needed.
  - NOTE: If you have had a similar order made in the last two years, you may need to ask for permission (leave) of the court before being able to make a new application.
- Who**
- Any person affected by the order or any person on behalf of the child who is the subject of the order.
- Cost**
- \$220\*\* See end of this section.

### 4. Enforce an existing order (section 68)

- When**
- When a party breaks the conditions (rules).
    - The Family Court has several ways it can enforce the order, such as:
      - giving a formal warning
      - changing or removing the parenting order
      - asking the person to pay a bond (fee), which they may lose if they keep breaking the conditions (rules) of the order
      - asking the person who is breaking the conditions to pay costs to the other party.
    - (These options are included in the form.)
- Who**
- A party to a parenting order can make an application to the court if they believe a party has broken the order and they want the court to enforce it.

### 5. Issue a warrant (sections 72 and 73)

- When**
- Used to enforce the terms of contact or day-to-day care as set out in the parenting order.
  - This warrant can be used by the police or a social worker to make sure this contact happens.
  - For this order type additional pages are included for you to provide further information to the judge about why the order(s) are in the welfare and best interests of the children.
- Who**
- A person who has the role of providing day-to-day care of the child, or is entitled to contact with the child.

#### \*Parenting Through Separation

This is a free parenting information course to help people think about their situation and how this affects their children.

You usually can't apply for a parenting order unless you (the person applying) have been to a Parenting Through Separation course in the last two years.

You do not have to attend this if:

- the application form is filed urgently (without notice) or
- you're applying for a consent order or
- you provide evidence in your affidavit that you're not able to participate effectively. This could be because of language barriers or concerns for your safety. A Registrar can grant you an exemption in this case.

See section 47B of the Care of Children Act 2004 for a full list of exceptions.



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

#### Family Dispute Resolution

This is mediation service. You do not have to attend this if:

- the application is filed urgently (without notice)
- you provide evidence in your affidavit that the other person has been violent towards you or your child.
- you provide evidence in your affidavit that you're not able to participate effectively. This could be because of language barriers, they are in custody or for health reasons (physical disability, medical conditions). A Registrar can grant you an exemption in this case.

See section 46E of the Care of Children Act 2004 for a full list of exceptions.



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

#### \*\*Fees

You will need to pay a fee when you apply for a new parenting order, or you want to change or remove an existing parenting order. This fee must be paid when you give your application form to the court.

You can pay at a court counter.

Do not send cash through the post.

If paying the fee will cause you financial hardship, you may be able to have the fee waived (cancelled).

To find out more about fee waivers or talk through your options, visit the Family Justice website

**[www.justice.govt.nz/family-justice](http://www.justice.govt.nz/family-justice)**, visit your local Family Court or call **0800 2 AGREE (0800 224 733)**



**Links:** [www.justice.govt.nz/family-justice/about/fees-and-costs](http://www.justice.govt.nz/family-justice/about/fees-and-costs)



## 2. Guardianship (2 types of forms)

This order can be used to add or remove guardians. A guardian is a person with legal duties, powers, rights and responsibilities to do with bringing up the child.

Two application forms are available for this order.

### 1. Appoint guardian for all guardianship purposes (section 27(2)(a))

**When** • To add a person as a guardian with the ability to make any upbringing decisions about the child.

**Who** • Anyone can apply.

### 2. Appoint guardian for specified purposes (section 27)

**When** • To add a person as a guardian with the ability to make ONLY certain decisions about the child, such as decisions about medical treatments only.

**Who** • Anyone can apply.

For this application type additional pages are included for you to provide further information to the judge about why the order(s) are in the welfare and best interests of the children.

## 3. Settle a dispute between guardians (3 forms)

Settling a dispute means asking the court to make an order that settles any disagreements between the child's guardians.

These disagreements are often about how the child is being raised and may be about things like schools, religion, medical treatment, places to live or travel.

Three application forms are available for settling a dispute.

### 1. Make a new order (section 46R)

- When**
- This is used to settle a dispute between two or more guardians about how the child is being raised.
  - NOTE: If you have had a similar order made in the last two years, you may need to ask for permission (leave) of the court before being able to make a new application.
  - For an On-Notice application you may have to complete Family Dispute Resolution service (see page 10).
- Who**
- You must be a guardian to make this application.

### 2. Change an existing order (section 56(1)(c))

- When**
- When you want to change conditions of an existing order.
  - NOTE: If you have had a similar order made in the last two years, you may need to ask for permission (leave) of the court before being able to make a new application.
- Who**
- You must be affected by the order or be a person acting on behalf of the child who the order is about.

### 3. Remove an existing order (section 56(1)(c))

- When**
- You want to remove an existing order completely because:
    - it is no longer needed OR
    - you disagree with it.
  - NOTE: If you have had a similar order made in the last two years, you may need to ask for permission (leave) of the court before being able to make a new application.
- Who**
- You must be affected by the order or be a person acting on behalf of the child who the order is about.





## 4. Order preventing removal of a child from New Zealand (3 types of forms)

This order prevents anyone from taking a child out of New Zealand.

For these applications, additional pages are included for you to provide further information to the judge about why the order(s) are in the welfare and best interests of the children. This information may include evidence of the person booking travel tickets, renewing passports, packing suitcases etc. Three application forms are available for this order.

Depending on the type of order you are asking for, you may also need to provide information about existing (or future) Parenting Orders, any travel details, and complete a separate **Border Alert Request** form.

### 1. Make a new order (section 77(3))

**When** • This will restrict the child from travelling outside New Zealand.

**Who** • Any person can apply.

### 2. Remove an existing order (section 77(5))

**When** • This will remove the order and allow the child to travel outside of New Zealand.

**Who** • Any person who is currently affected by an order preventing removal of a child from New Zealand can apply.

### 3. Suspend an existing order (section 77B(3))

**When** • This leaves the order in place but allows specified people to travel outside of New Zealand on specified dates with the child.

**Who** • Any person can apply.

## 5. Declaration of father as guardian (2 types of forms)

This order confirms that the child's father is their guardian. It is used where the child's father isn't named on the birth certificate.

For these applications, additional pages are included for you to provide further information to the judge about why the order(s) are in the welfare and best interests of the children.

Two application forms are available for this order.

### 1. For child conceived on or after 1 July 2005 (section 20)

**When** • To confirm that the child's father is their guardian.

**Who** • The applicant must be the father of the child, but was not married to, in a civil union or in a de facto relationship with the mother of the child during the time between conception and birth.

### 2. For child conceived before 1 July 2005 (section 20)

**When** • To confirm that the child's father is their guardian.

**Who** • The applicant must be the father of the child, but was not married to or in a civil union with the mother of the child during the time between conception and birth, or living with the mother as a de facto partner at the time of the birth.

## 6. Appointment of father as guardian (3 types of forms)

This application asks the court to make an order to appoint the father as a guardian in addition to or instead of other guardians of the child(ren).

For these applications, additional pages are included for you to provide further information to the judge about why the order(s) are in the welfare and best interests of the children.

Three application forms are available for this order.

### 1. In addition to existing guardian(s) (section 19(2)(a))

**When** • When the father has care of the child for an extended time and needs to be able to make decisions about things such as medical consents or schooling.

**Who** • Only the father of the child can apply.

### 2. Instead of a parent (section 19(2)(b) and section 29(1)(a))

**When** • To add the father as a guardian of the child in place of the mother (remove the mother as a guardian).

**Who** • Parent, guardian, spouse or partner of a parent grandparent, aunty, uncle, sibling and anyone given permission by the court may apply.

### 3. Instead of a court-appointed guardian (section 19(2)(b) and section 29(1)(b))

**When** • To add the father as a guardian of the child in place of a person appointed as a guardian by the court (remove the testamentary guardian).

**Who** • Parent, guardian, spouse or partner of a parent grandparent, aunty, uncle, sibling and anyone given permission by the court may apply.



## 7. Testamentary guardianship (2 types of forms)

This is used to **confirm or remove** a person as a guardian when a parent who is not recognised as a guardian has named another person in their will to be the child's guardian on their death.

For this order type additional pages are included for you to provide further information to the judge about the order.

Two application forms are available for this order.

### 1. Specified in a will by non-guardian parent (section 26(3))

**When** • To confirm a person as a guardian when a non-guardian parent has named them in their will to be the child's guardian on their death.

**Who** • The applicant must be the person named testamentary guardian in the will of a non-guardian parent. Testamentary guardianship does not authorise the role of day-to-day care.

### 2. Remove a testamentary guardian (section 29(1)(b))

**When** • To remove the testamentary guardian.

**Who** • Parent, guardian, spouse or partner of a parent, grandparent, aunty, uncle, sibling and anyone given permission by the Court may apply.

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# Review and final check

Before your affidavit is sworn or affirmed, you should check you've included all the information you want to give as evidence and that everything you've said is 'true and correct to the best of your knowledge and belief'. This means you've taken care to make sure all the information in it is true and there are no mistakes in the document.

**You cannot add any further information or make any changes to the content of your evidence, once it has been sworn or affirmed.**

## How to file applications using this pack

- Forms must be printed on one side of the paper only.
- The original form (with the original signatures) must be filed with the court.
- An exact photocopy must be given to the court for each respondent.
- You must keep a copy for yourself.
- File your documents at the Family Court nearest to where you, or the respondent, live. You can post or courier the documents, or take them to the Family Court counter.



### More information:

If you need any more information or help, please visit the Family Justice website [www.justice.govt.nz/family](http://www.justice.govt.nz/family), visit your local Family Court, call **0800 2 AGREE (0800 224 733)**.

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# What happens once you have filed your application?

## When your application has been accepted by the court:

If you have applied "without notice" your application will be put before a judge. When the judge has made a decision you and the respondent will be told what the judge has decided, and the respondent will get a copy of your application.

If you have applied "on notice" a copy of your application will be served (given) to the respondent. The court will tell you both what will happen next.



# What do these words mean?

This guide and the application forms may use words and terms that are new to you. These are explained here.

<b>0800 2 AGREE</b>	A family justice helpline established by the Ministry of Justice to provide information about care of children proceedings
<b>address for service</b>	An address where you or the respondent live and where documents can be delivered (served).
<b>affidavit</b>	A sworn statement of evidence which you promise is true.
<b>affirmation</b>	A promise that something stated is true. An affirmation has the same status as an oath.
<b>application</b>	When you ask the court to make an order.
<b>conditions</b>	Are rules that you want to be included in a parenting order about how things should happen, for example, how communication should take place (i.e. by text.)
<b>conference</b>	A court meeting between; parties, their lawyers and the judge to discuss aspects of the case. There are different types of conferences, including settlement conferences, issues conferences and pre-hearing conferences.
<b>consent order</b>	An agreement agreed to by parties that has then been made into an order by the Family Court.
<b>contact arrangements</b>	Arrangements about the time the child/children will spend with the other parent or guardian.
<b>court order</b>	A formal direction or decisions from the court, also called a declaration.
<b>de facto relationship</b>	A relationship between two people (whatever their gender), who are both aged over 18, who are not married to or in a civil union with each other and who live together as a couple.
<b>declaration</b>	This is a written statement from the court.
<b>deponent</b>	The person who is signing the affidavit.
<b>direction</b>	An instruction made by a judge.
<b>eligible</b>	Allowed/entitled.
<b>exhibit</b>	An item, such as a marriage or civil union certificate, that is used as. You may attach exhibits to your affidavit.
<b>FAM Number</b>	The court reference number for your case at the top of all documents. Once you know this number you should always use it when writing to the court or when calling the court to talk about your case.
<b>Family Dispute Resolution (FDR)</b>	An out of court service provided by a Family Dispute Resolution service to help parties to a family dispute resolve the dispute without having to go to court.
<b>Family Legal Advice Service (FLAS)</b>	A free service offering initial advice and information for parties in dispute over parenting and other arrangements care issues of their children. The service is income tested only.
<b>guardian (of a child)</b>	A person who has the legal rights to be involved in decisions about the upbringing of a child, for example health, schooling and religion.
<b>hearing</b>	The part of a legal proceeding where the parties give evidence and submissions to the court and when the judge will make a final decision.
<b>interim order</b>	A temporary court order that lasts until a specified date or specific event or until a further or final order is made.
<b>jurisdiction</b>	The court's authority to make legal decisions and judgments.

<b>Justice of the Peace</b>	A judicial officer whose duties may include witnessing the signing of an affidavit. Your affidavit can also be witnessed by a lawyer or a Registrar.
<b>lawyer for child</b>	A lawyer appointed by the court to represent a child involved in, or affected by, proceedings in the Family Court.
<b>leave (permission) to apply</b>	Sometimes the law restricts who can make an application (for example, the parents of a child). If you're not automatically eligible to make an application, you will need to ask for permission (leave) of the court. It will be up to a judge to decide whether permission is given.
<b>legal aid</b>	Government funding that pays for a lawyer for people who meet the income and asset test.
<b>make an application</b>	Ask the court to make a decision.
<b>Mana voice</b>	An authoritative person with knowledge of tikanga Māori and the local community, including those involved in a case before the court.
<b>mana whenua</b>	Māori who have historic and territorial rights over the land.
<b>mediation</b>	A confidential process where the parties, with a neutral person (mediator) discuss and resolve their issues and come up with agreements.
<b>mediator</b>	A neutral person who helps the parties reach agreement but does not decide the outcome.
<b>mokopuna</b>	Grandchild/ren.
<b>on notice application</b>	An application that is given to the other person, who is given the chance to respond to the application before the court makes a decision.
<b>order</b>	The court's decision.
<b>parenting order</b>	An order made by the Family Court that says who is responsible for day-to-day care and contact arrangements for a child.
<b>Parenting Through Separation (PTS)</b>	A free information course that helps separating or separated parents understand the effect of separation and how this affects their children.
<b>party (or parties)</b>	The people involved in a court case (the applicants or respondents).
<b>Registrar</b>	A court officer with the power to decide certain things, (for example, exemptions from completing Parenting Through Separation and Family Dispute Resolution) and witness your affidavit.
<b>respondent</b>	Not the applicant, the other person/s involved.
<b>roundtable meeting</b>	A meeting between parties and often run by the lawyer for the child, with the aim of reaching an agreement about some or all of the matters in dispute.
<b>served</b>	When a you receive a court document from a Court Official (Bailiff) or the Police.
<b>settlement conference</b>	A confidential court meeting between parties and the judge when the judge help's the parties reach agreement. At a settlement conference, a judge can only make orders with the agreement of the parties.
<b>tamariki</b>	Children.
<b>whakapapa</b>	Genealogy, lineage or descent.
<b>whānau</b>	Extended family or family group.
<b>whānaungatanga</b>	Relationship, kinship, a sense of family connection.
<b>Whānau Ora</b>	An approach to health and wellbeing that is driven by Māori cultural values that puts whanau at the centre of decision making about their future.
<b>without notice application</b>	An urgent application considered by the judge before the documents are given to the other person (the respondent.)