



Family Courts Rules 2002 (rule 416K and 416Q): Notice of Response and affidavit in support

The purpose of this form:

You can use this form to respond to an application that has been made under Part 5A, Care of Children Act 2004 and served on you (formally given to you), including where an Interim Order has been made from that application.

Options for responding to the application served on you:

Complete this form: If you disagree with any parts of the application or you simply wish to be involved in the case you need to fill out this form. This will let the Court and the applicant know that you want your views to be considered.

You must only respond to the application that has been served on you. If you would like to propose your own arrangements for the child(ren) you must file your own application. Information on filing applications and associated forms can be found at www.justice.govt.nz/family-justice.

Do nothing: If you agree with the application and/or do not want to take part in the proceedings you can choose not to do anything. You will need to provide the Court with your mailing address if you want to receive the Court's decision.

It is important to understand that if you do not take any action final Orders about the children can be made without you and in some cases you may still be called to attend Court as a witness.

The time limit for filing your notice of response and affidavit:

The usual period for filing your notice of response and affidavit in support is **21 days**. This may be changed by the Judge so you **must** check the documents you have received as they will tell you exactly how much time you have to respond. If you don't file and serve this form within time, the Judge may;

- Not let you take part in the court hearing.
- Only let you take part in a limited way.
- Make an Order against you for costs.
- Continue with the case without notifying you further and make decision without hearing from you.

Filling in the forms:

You will have already decided if you are filling in your forms on a computer or by hand. If you are filling in the forms by hand:

- They must be clearly written.
- Filled out in a **BLUE** or **BLACK** ballpoint pen.
- Written in printed letters only.

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.

Swearing/Affirming your form

When you have filled in your form you need to take it and any attachments to an 'authorised person' to be sworn or affirmed. This is someone who is authorised to administer oaths and affirmations – that is any: Registrar or Deputy Registrar, Justice of the Peace or Lawyer (other than a lawyer involved in this case). Remember that your and the authorised person's initials should be put in the box provided.

Please note:

1. It is a crime to intentionally mislead the Court in a sworn or affirmed document.
2. You make any changes to the document once it has been sworn or affirmed as true.

How to file and serve this form:

There is **no fee** to pay when filing this form. You should file all parts of the form together.

- Each page should be printed on one side of the paper only.
- Serve a copy on the applicant(s) and lawyer for the child (if there is one): Do this by posting or delivering it to the 'address for service' or lawyers address listed on the application.
- You must keep a copy for yourself.
- The original (with the original signatures) must be filed with the Court. File your documents at the Family Court where your case is being heard, by post or courier, or by taking them to the counter.

More information:

If you need any more information or help please visit the Family Justice website www.justice.govt.nz/family-justice, visit your local Family Court or call 0800 COURTS (0800 268787).

Please Note: You must complete all parts of this form or it may not be accepted by the Court.



Family Courts Rules 2002 (rule 416K and 416Q): Notice of response and affidavit in support

FAM Number(s):

The Family Court where you are filing this:

In the matter of:

Applicant(s): *Full name(s)*

Respondent(s): *Full names(s)*

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The Child(ren) the application is about:

| Full name | Age | DOB(ddmmyyyyy) | Gender | Currently living with: (party name) |
|-----------|-----|----------------|--------|-------------------------------------|
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In response to the
application for:

Filed on:

Do you wish to appear and be heard?: *(Check one that applies)*

- ☐ I **do** want to appear and be heard by the Court before any final decisions are made.
- ☐ I **do not** want to appear and be heard but provide my response for the Court to consider.
- ☐ I want the **option to appear** and be heard by the court in future, if required.

Lawyer on the record (if applicable):

Instructing solicitors full name:

Lawyer's full name:

Firm:

Phone:

Address:

Email:

For Registry use only: Date stamp

Part 2 Response to application(s)

I (full name),

Swear or solemnly and sincerely affirm all of the information in this affidavit (notice of response and evidence) is true to the best of my knowledge and belief.

Part 3a Application Details- Response (agreement)

Based on ‘Part 3 What are you asking for – Application Details’ of the application that has been served on you:

State which proposed arrangements that you **agree** with and why.

- [1] _____
- [2] _____
- [3] _____
- [4] _____
- [5] _____
- [6] _____
- [7] _____
- [8] _____
- [9] _____
- [10] _____
- [11] _____
- [12] _____
- [13] _____
- [14] _____
- [15] _____
- [16] _____
- [17] _____
- [18] _____
- [19] _____
- [20] _____
- [21] _____
- [22] _____
- [23] _____
- [24] _____

Exhibits referred to on this page (by assigned letter e.g. "A"):

Initials:

Part 3b Application Details- Response (disagreement)

Based on ‘Part 3 What are you asking for – Application Details’ of the application that has been served on you:

State which proposed arrangements that you **do not agree** with and why.

[25]

[26]

[27]

[28]

[29]

[30]

[31]

[32]

[33]

[34]

[35]

[36]

[37]

[38]

[39]

[40]

[41]

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[43]

[44]

[45]

[46]

[47]

[48]

[49]

[50]

[51]

[52]

[53]

[54]

[55]

Exhibits referred to on this page (by assigned letter e.g. "A"):

Initials:

Part 4 Why the Court should make the Orders - Response

Based on ‘Part 4 Why the Court should make the Orders’ of the application that has been served on you, check the boxes to show you have given these details below:

- ☐ Which evidence provided under ‘supporting information’ that you **agree** with (include the line or paragraph number of each statement from the original application).
- ☐ Which evidence provided under ‘supporting information’ you **do not agree** with and why (include the line or paragraph number of each statement from the original application).

[56]

[57]

[58]

[59]

[60]

[61]

[62]

[63]

[64]

[65]

[66]

[67]

[68]

[69]

[70]

[71]

[72]

[73]

[74]

[75]

[76]

[77]

[78]

[79]

[80]

[81]

[82]

Exhibits referred to on this page (by assigned letter e.g. “A”):

Initials:

- [83] _____
- [84] _____
- [85] _____
- [86] _____
- [87] _____
- [88] _____
- [89] _____
- [90] _____
- [91] _____
- [92] _____
- [93] _____
- [94] _____
- [95] _____
- [96] _____
- [97] _____
- [98] _____
- [99] _____
- [100] _____
- [101] _____
- [102] _____
- [103] _____
- [104] _____
- [105] _____
- [106] _____
- [107] _____
- [108] _____
- [109] _____
- [110] _____
- [111] _____
- [112] _____
- [113] _____
- [114] _____
- [115] _____
- [116] _____
- [117] _____

Exhibits referred to on this page (by assigned letter e.g. "A"):

Initials:

Part 5 Safety - Response

Based on 'Part 5 Safety' or 'Part 5 Urgency and Safety' of the application that has been served on you, check the boxes to show you have given these details below:

- ☐ Which details provided under 'supporting information' that you **agree** with (include the line or paragraph number of each statement from the original application).
- ☐ Which details provided under 'supporting information' you **do not agree** with and why (include the line or paragraph number of each statement from the original application).
- ☐ Whether there are any other safety concerns that are not mentioned in the supporting information and evidence. This includes if any party and/or household member (including partners of any party) who pose a risk to the children(ren) or have violence, sexual and drug or alcohol related convictions. You must give specific detail of any safety concerns, risk and/or convictions and by whom.

[118] _____

[119] _____

[120] _____

[121] _____

[122] _____

[123] _____

[124] _____

[125] _____

[126] _____

[127] _____

[128] _____

[129] _____

[130] _____

[131] _____

[132] _____

[133] _____

[134] _____

[135] _____

[136] _____

[137] _____

[138] _____

[139] _____

[140] _____

[141] _____

[142] _____

Exhibits referred to on this page (by assigned letter e.g. "A"):

Initials:

Part 6 Acknowledgement

Check the boxes to confirm the following statements:

- ☐ I understand that this notice of response and affidavit needs to be served on the other party/applicant and the Lawyer for Child (if applicable). I will make arrangements for this to happen.
- ☐ I understand that I will receive all of the official court correspondence at the address for service I have provided in Part 7.

Part 7 Swearing or Affirming

Check the box to confirm the following statement:

- ☐ I confirm that I have made reasonable enquiries to establish the relevant facts and circumstances have been disclosed. To the best of my knowledge and belief, my affidavit discloses all such facts and circumstances.

| | |
|---|-------------|
| I, (your full name) | |
| of (the town where you live): | Occupation: |
| Swear <input type="checkbox"/> or solemnly and sincerely affirm <input type="checkbox"/> that the information in this affidavit (notice of response and evidence) is true and correct to the best of my knowledge and belief. | |
| Signed: | Date: |

Oath ☐ or affirmation ☐ taken before me:

| | |
|--|---------------------------------|
| On (date): | At (location): |
| Signature of Witness: | |
| Full name of Witness: | |
| <input type="checkbox"/> Registrar/Deputy Registrar | <input type="checkbox"/> Lawyer |
| <input type="checkbox"/> Justice of the Peace | |
| <input type="checkbox"/> Other authorised person (please specify): | |

Part 8 Respondent information

| | | | | |
|---|--|--|--|---------|
| Full name: | | DOB: (ddmmyyyy) | Age: | Gender: |
| Confidential address: <input type="checkbox"/> *Please check this box and fill in the Service Address only if you want your home and work details to remain confidential. If you choose to keep your details confidential, you must fill in an additional information sheet. | | | | |
| *Service address: | | | Mob: | |
| Home address: | | | Phone: | |
| Work address: | | | Phone: | |
| Country of residence: | | | Ethnic group: (optional) <input type="checkbox"/> NZ European <input type="checkbox"/> Māori <input type="checkbox"/> Samoan <input type="checkbox"/> Cook Island Māori <input type="checkbox"/> Tongan <input type="checkbox"/> Niuean <input type="checkbox"/> Chinese <input type="checkbox"/> Indian <input type="checkbox"/> Other: (please state) | |
| Email address: Please fill in your email address to give your consent to receive official Court correspondence by email | | | | |
| Occupation/what you do: | | Time spent doing: <input type="checkbox"/> Full-time <input type="checkbox"/> Part-time <input type="checkbox"/> Casual <input type="checkbox"/> Not applicable | | |
| Employer/course: | | | | |
| Will you need an interpreter? <input type="checkbox"/> No <input type="checkbox"/> Yes –specify the language needed: | | | | |
| Your relationship to the child(ren): <input type="checkbox"/> Parent <input type="checkbox"/> Legal guardian <input type="checkbox"/> Other: specify: | | | | |
| Your relationship to the applicant(s): <input type="checkbox"/> Married/formerly <input type="checkbox"/> Civil Union/formerly <input type="checkbox"/> De facto/formerly <input type="checkbox"/> Other: specify: | | | | |