

Joint

Application for Order dissolving a marriage or civil union

Dissolution (divorce) application

PACK

2

JOINT APPLICATION FOR ORDER DISSOLVING A MARRIAGE OR CIVIL UNION

Dissolution application pack 2

Please read through this application pack before completing the form section

This application pack is to be used where both parties to a marriage or civil union wish to make an application together to dissolve their marriage or civil union.

If you want to make an application on your own, you need *Dissolution Application Pack 1: Application by one party for Order dissolving a marriage or civil union*.

This pack provides general information only and is not meant to provide legal advice. If you have a legal issue, you should contact a lawyer for advice. A lawyer can help you understand your legal rights and responsibilities, and explain how the law applies to your case. Court staff can provide you with information about court forms and processes, but they cannot give you legal advice. There is also a glossary of common terms used on the inside back cover of this pack.

If you require any further information about the forms or the process once you have read this pack, please contact the nearest Family Court office. Contact details for the Family Court are available in the blue Government pages at the front of the phone book under the heading 'District Court Ministry of Justice', or through the following website link justice.govt.nz/contact-us/find-us

Information about Dissolution Orders and other Family Court processes can be found at justice.govt.nz/family/separation-divorce

INFORMATION ABOUT APPLYING FOR A DISSOLUTION ORDER

Grounds for legally ending a marriage or civil union

Irreconcilable differences is the only ground for legally dissolving a marriage or civil union. This means that your relationship has broken down and is at an end. Neither of you is blamed for this.

The **only** way of proving that your relationship has broken down irreconcilably is by **living apart for 2 years**. Only then can the court dissolve your marriage or civil union. You **cannot** shorten the 2-year period, even if you both agree to the dissolution.

You can, however, live together for a total of 3 months within that 2-year period if you can satisfy the court that the main reason for this was to get back together ('reconciliation'). You can get back together more than once, as long as the total time together is not more than 3 months.

Who can make an application

An application can be made by one spouse or civil union partner alone, or by both of you together.

This application pack is to be used when you are making the application together.

To make an application, at least one of you must be domiciled in New Zealand.

You are 'domiciled' in New Zealand if:

- you were born in New Zealand and have not made a home in another country with the intention of living in that country indefinitely, or
- you were born overseas but you have made a home in New Zealand with the intention of living here indefinitely.

Working overseas on a long-term contract does not prevent you from applying for a Dissolution Order as long as you are still domiciled in New Zealand.

The fact that you were married or entered into a civil union in New Zealand is not enough on its own to allow you to apply for a Dissolution Order in New Zealand. At least one party needs to be domiciled in New Zealand when the application is made.

If you were married or entered into a civil union overseas, you can apply for a Dissolution Order in New Zealand provided that one of the parties is domiciled in New Zealand when the application is made.

Appearing in court

It is not necessary to appear in court to get a joint Dissolution Order, however you can choose to appear in court if you want to. If you do choose to appear, both of you must attend the court hearing.

What forms are required

To make a joint application for an Order dissolving a marriage or civil union, you need to complete the following forms:

FP13: Joint application for Order dissolving marriage or civil union

FP14*: Affidavit to accompany joint application for Order dissolving marriage or civil union

G7: information sheet to accompany certain applications.

*If you have chosen to appear in court, you do not need to complete the *FP14: Affidavit to accompany joint application for Order dissolving marriage or civil union* form.

The application forms are available in this pack after page 10 or from justice.govt.nz/about/form-finder/ Go to pages 6 to 8 for some guidance on completing the forms.

Marriage or civil union certificate

You should provide the court with an original or certified copy of your marriage or civil union certificate (not the document you signed on the day of your marriage or civil union).

The certificate should be attached to the **FP14: Affidavit to accompany joint application for Order dissolving marriage or civil union** as an exhibit. If you have decided to appear in court and are not completing the affidavit, you can provide the certificate to the court with the other forms instead.

If you no longer have a copy of your marriage or civil union certificate, you will need to get one. If you were married or entered into a civil union in New Zealand you can order a copy of your certificate online or by post. Find out more from Births, Deaths and Marriages at the Department of Internal Affairs:

- www.govt.nz/browse/family-and-whanau/getting-married/get-a-marriage-certificate
- 0800 22 52 52 (if calling from within New Zealand) or +64 4 474 8150 (if calling from outside New Zealand).

If your marriage or civil union certificate is not in English, you will need to file a certified English translation along with it.

Separation Order or agreement

If you have a Separation Order from the court, or you have made a written separation agreement between the two of you, then you should also provide a copy of it with your application.

This should be attached to the **FP14: Affidavit to accompany joint application for Order dissolving marriage or civil union** as an exhibit. If you have decided to appear in court and are not completing the affidavit, you can provide the Order or agreement to the court with the other forms instead.

It is not necessary to have a Separation Order or written separation agreement to make an application to dissolve your marriage or civil union.

Arrangements for children

If you have children who are under 16 years old (or, in special circumstances, 16 years or older) you will need to satisfy the court that you have made arrangements for their day-to-day care, maintenance and other aspects of their welfare, or, that there is a good reason why no arrangements have been made.

For more information about parenting arrangements you may want to refer to the Ministry of Justice website at justice.govt.nz/family

The granting of a Dissolution Order does not make these arrangements into a Court Order or determine what the parenting arrangements will be in the future. If you want an Order about the care arrangements for your children, you will need to make a separate application to the court.

Relationship property

The court does not consider issues of relationship property when granting a Dissolution Order.

If you have not sorted out relationship property issues and need the court's help to do this, you must make an application within 12 months after your dissolution.

Filing the application

You must make sure that all of the paperwork is completed correctly before you file your application. You can file your application by hand or by post at any Family Court office. You need to file the originals of each form. Contact details for the Family Court are available in the blue Government pages at the front of the phone book or from justice.govt.nz/contact-us/find-us

Filing fee

When you make your application you will also need to pay a filing fee – refer to justice.govt.nz/family or your nearest Family Court. Credit card and eftpos facilities are available at the court.

You can make an application to waive the fee if you consider that you are unable to pay it. The criteria for being unable to pay includes if you are dependent on a benefit or New Zealand superannuation, or you would suffer undue financial hardship if you were required to pay the fee. Applications forms are available from your local Family Court office or from justice.govt.nz/courts/going-to-court/court-fees

After you file your application

Your application will be referred to a registrar unless you have decided to appear in court. The registrar will check that all the requirements are met, and if they are they will make the Dissolution Order. The Order will take effect one month after the day it is made.

If you and your spouse or civil union partner wish to appear in court, a hearing date before a Family Court Judge will be allocated and you will **both** need to attend at the court on this date. If the judge makes the Dissolution Order, it will take effect the same day. Once the Order takes effect, a copy will be posted out to each of you.

Remarrying or entering into a civil union again

You are free to marry or enter into a civil union as soon as the Dissolution Order has taken effect. You can apply for a marriage licence or civil union licence on the day the Order takes effect, but the licence will not be available for 3 days.

More information

For more information about Dissolution Orders or other Family Court processes, go to justice.govt.nz/family or contact the nearest Family Court office. If you want to find out how the law applies in your situation, you should get legal advice from a family lawyer or from your local community law centre. Family Court staff cannot give you legal advice.

COMPLETING THE FORMS

FORM FP13: Joint application for Order dissolving marriage or civil union

- Read the form and then complete it by writing or typing your details in. You will need to provide the original of this form to the court.
- Complete the front page and then enter your names into the spaces at the top of page 2.

Question 1 If you consent to the Order being made in your absence (i.e you do not want to appear in court), you should select option **1 (a)**. If you select this option you do not need to complete questions 2 to 7 of this form. Make sure you sign and date the form on page 4.

If you do not consent to the Order being made in your absence (i.e. you wish to appear at a hearing before a judge when your Order is made), you should select option **1 (b)**.

If you need the Dissolution Order to come into effect sooner than one month, you should select option 1 (b) and discuss this with the Court Registry Officer when you file your application. **Both** parties must then attend a hearing on the date set by the court.

Question 2 If only one party is domiciled in New Zealand, tick the first box and enter the name of that party. If both parties are domiciled in New Zealand, tick the second box.

For a definition of domicile refer to the section on **Who can make an application on page 3**.

Question 3 This must always apply for you to make an application.

Question 4 This must always apply for you to make an application.

Question 5 Enter the date when you separated. This must be at least two years before you file the application. If you do not know the exact date, enter as much information as you recall, for example, March 2002.

Question 6 If you have a Separation Order, a written separation agreement or you made an oral separation agreement tick the appropriate box and enter the date of the Order or agreement. If you have a Separation Order or a written separation agreement you should provide a copy of this.

If you do not have a Separation Order and no agreement to separate was made, tick the last box.

Question 7 For the purposes of this question, children means those under the age of 16 years unless there are special circumstances for older children which mean that care arrangements need to be made.

If there are no children of the marriage or civil union, tick the first box.

If there are children of the marriage or civil union and there are arrangements for their care in place, tick the second box and enter the details of the arrangements into the spaces on the form.

If there are children of the marriage or civil union, and it has not been practicable to make arrangements, tick the third box and enter the reasons why into the space on the form.

Signature and date Once you have completed the application, you both need to sign and date in the spaces provided on page 4 of the form.

FORM FP14: Affidavit to accompany joint application for Order dissolving marriage or civil union

- This document needs to be completed if you have selected option 1 (a) on the application form (i.e. you choose not to appear in court).
- Read the form and then complete it by writing or typing your details in. You will need to provide the original of this form to the court.
- Complete the front page and then enter your details into the spaces on the top of page 2.

Question 1 This always applies.

Question 2 If only one party is domiciled in New Zealand, tick the first box and enter the name of that party. If both parties are domiciled in New Zealand, tick the second box.

For a definition of domicile refer to the section on **who can make an application** on page 3.

Question 3 Enter the details of your marriage or civil union. This should match the details on your marriage or civil union certificate.

Question 4 Attach the original or a certified copy of your marriage or civil union certificate to the back of this form (the certificate is NOT the document you signed on the day of your marriage or civil union). Write the letter A at the top of the certificate (this is known as exhibit "A").

Question 5 This must always apply for you to make an application.

Question 6 This must always apply for you to make an application.

Question 7 Enter the date when you separated. This must be at least two years before you file the application. If you do not know the exact date, enter as much information as you recall, for example, March 2002.

Question 8 If you have a Separation Order, a written separation agreement or you made an oral separation agreement tick the appropriate box and enter the date of the Order or agreement.

If you have a Separation Order or a written separation agreement, attach a copy of it to the back of this form and write the letter B at the top (this is known as exhibit "B").

If you do not have a Separation Order and no agreement to separate was made, tick the last box.

Question 9 This must always apply for you to make an application.

For a description of irreconcilable differences refer to the section **Grounds for legally ending a marriage or civil union** on page 3.

For the purposes of questions 10 and 11, children means those under the age of 16 years unless there are special circumstances for older children which mean that care arrangements need to be made.

Question 10 Tick this box if you have children and the paragraph applies to you.

Question 11 Tick this box if you have children, and specify the arrangements for the children in the spaces provided.

Getting the affidavit sworn or affirmed

You need to take the affidavit (with the attached exhibits) to an authorised person to be sworn or affirmed.

In New Zealand, this can be a deputy registrar at a court, a Justice of the Peace or a lawyer (not your own).

If you are making your application when you are overseas you can have your affidavit witnessed:

- at a New Zealand Embassy or High Commission. A list of these can be found at mfat.govt.nz/embassies
- by a person who is authorised to administer oaths by the law of the country you are in, such as a Notary Public.

The person acting as witness must state their authority to do so under their name and signature on the affidavit form.

The affidavit can be sworn or affirmed by each of you at different times before different persons if necessary.

When you are with the authorised person, you need to sign the affidavit in the space labelled 'Signature of deponent' on page 4. You then need to initial the bottom right corner of each of the other pages of the document and in the margin next to any hand-written alterations.

The authorised person will then administer the oath or affirmation.

The authorised person must also sign and initial the documents and then complete an exhibit note on the marriage or civil union certificate and separation agreement or Order (if you have one).

The following is an example of an exhibit note:

This is the annexure marked “ ” referred to in the affidavit of (your full name)
sworn/affirmed at (place) this ____ day of _____
before me:

Deputy Registrar/Justice of the Peace/Solicitor

If the affidavit is sworn or affirmed by each of you at different times, a separate exhibit note must be completed on the exhibit/s for each of you.

You cannot make any changes to the affidavit once it has been sworn or affirmed. If you are going to be swearing or affirming the affidavit separately it must all be completed before the first person does this.

Form G7: Information sheet

Read the form and then complete it by writing or typing your details in.

This form needs to be on yellow paper.

CHECKLIST

Please complete this checklist to make sure that you have done everything you need to do before you file your application with the court.

- You have been separated for at least 2 years
- At least one of you is domiciled in New Zealand

FORM FP13: Joint application for Order dissolving marriage or civil union

- You have selected option 1 (a) if you do not want to appear at court, or option 1 (b) if you do want to appear at court
- If you have selected option 1 (b) you have completed questions 2 to 7 of this form
- You have signed and dated this form

FORM FP14: Affidavit to accompany joint application for Order dissolving marriage or civil union

- If you have selected option 1 (a) on the FP13 form, you have fully completed this form
- This form has been sworn or affirmed before an authorised person
- The authorised person has completed an exhibit note on the marriage or civil union certificate (not the document you signed on the day of your marriage or civil union), and any Separation Order or written separation agreement (if you have one)

FORM G7: Information sheet to accompany certain applications

- You have fully completed the form and it is on yellow paper

Other

- You have an original or a certified copy of your marriage or civil union certificate (not the document you signed on the day of your marriage or civil union). The certificate should be attached to the FP14 form if you are completing that form
- If your marriage or civil union certificate is not in English, you have obtained a certified translation
- You have a copy of any Separation Order or written separation agreement (attached to the FP14 form if you are completing that form)
- You have organised the filing fee

Form FP 13

Joint application for order dissolving marriage or civil union

Section 37, Family Proceedings Act 1980

In the Family Court

FAM No:

at

[place]

.....
[full name]

.....
[address]

.....
[occupation]

Applicant

.....
[full name]

.....
[address]

.....
[occupation]

Applicant

[Set out full description of document (including whether it is made with or without notice), its date, the Act under which the document is filed, and, in the case of an affidavit or affirmation, the name of the deponent in whose support it is filed.]

<p>Joint Application for Order Dissolving Marriage or Civil Union (Family Proceedings Act 1980) made by</p> <p>..... <i>[name]</i></p> <p style="text-align: center;">and</p> <p>..... <i>[name]</i></p> <p>dated.....</p>
--

This document is filed by

[name and address for service, and, if filed by lawyers, the name and telephone number of the acting lawyer.]

--

We,
[full name]

and
[full name]

jointly apply for an order dissolving our marriage *or* civil union.

This application is made on the ground that the marriage *or* civil union has broken down irreconcilably.

We say:

[select the option that applies]

1. (a) We consent to the order dissolving the marriage or civil union being made in our absence.

[If you choose this option, you do not have to complete paragraphs 2 to 7 of this application, but you must file an affidavit in form FP 14 with this application.]

or

1. (b) We do not consent to the order dissolving the marriage or civil union being made in our absence.

[select and complete that option that applies]

2.
[full name of one of the applicants]
is domiciled in New Zealand.

or

2. We are both domiciled in New Zealand.

3. We are living apart.

4. We will, at the filing of this application, have been living apart for the period of 2 years immediately preceding the filing of this application.

5. We ceased living together on [date]

[select and complete the option that applies]

6. A separation order was made on [date]

or

6. A written separation agreement was made on [date]

or

6. We made an oral agreement to separate on [date]

or

6. No separation order was made and we did not agree to separate.

[select and complete the option that applies]

7. There are no children of the marriage or civil union.

or

7. If an order dissolving the marriage *or* civil union is made, we propose to make the following arrangements for the day-to-day care, maintenance, and welfare of the children of the marriage *or* civil union:

Day-to-day care and contact:

[give details]

Maintenance:

[give details]

Other aspects of welfare, such as schooling or any special needs:

[give details]

7. It is impracticable for us to make any arrangements for the day-to-day care, maintenance, and welfare of the children of the marriage *or* civil union because

[give reasons]

.....
Signature of applicant

.....
Signature of applicant

.....
Date

.....
Date

Date of hearing

I appoint *[date]* at *[time]*
at the Family Court at *[place]*
for the hearing of this application.

Registrar's list of section 37 applications

I have entered this application on the Registrar's list of section 37 applications. I will make an order dissolving the marriage (*or* civil union)

on *[date]* if the requirements of the Family Proceedings Act 1980 and these rules are satisfied on that date.

.....
Registrar

.....
Date

Notes

Information sheet

A duly completed information sheet (form G 7) must accompany this application.

Consent to order being made in absence

If you consent to the order being made in your absence (see paragraph 1), you must file an affidavit in form FP 14 with your application. Your application is then entered on the Registrar's list of section 37 applications. This allows the Registrar to make an order dissolving the marriage or civil union, if the requirements of the Family Proceedings Act 1980 and these rules are satisfied, without your having to appear before the Family Court.

Documents to be lodged

If you do not consent to the order being made in your absence (see paragraph 1), you must, at the time of filing this application, lodge in the office of the Court, unless the Registrar otherwise directs,—

- the original or a certified copy of your marriage or civil union certificate; and
- a copy of any separation order or separation agreement to be used as evidence of living apart.

When order takes effect as final order

If an order dissolving a marriage or civil union is made by the Family Court on this application, it takes effect as a final order on being made.

If an order dissolving a marriage or civil union is made by the Registrar on this application, it takes effect as a final order at the expiration of 1 month from the date on which it is made.

However, if there is a change of circumstances between the time of the filing of the application and the date on which the order takes effect, either party may seek a hearing at any time before the order takes effect as a final order. If that happens, the order does not take effect while the hearing is pending. If the order is then confirmed by the Family Court, the order takes effect as a final order on the confirmation of the order by the Family Court. If the order is quashed or set aside by the Family Court, the order does not take effect as a final order.

Form FP 14

**Affidavit to accompany joint application
for order dissolving marriage or civil union**
Section 38(2)(d), Family Proceedings Act 1980

In the Family Court

FAM No:

at
[place]

.....
[full name]

.....
[address]

.....
[occupation]
Applicant

.....
[full name]

.....
[address]

.....
[occupation]
Applicant

[Set out full description of document (including whether it is made with or without notice), its date, the Act under which the document is filed, and, in the case of an affidavit or affirmation, the name of the deponent in whose support it is filed.]

<p>Affidavit of</p> <p>..... [name]</p> <p style="text-align: center;">and</p> <p>..... [name]</p> <p>in support of Joint Application for Order Dissolving Marriage or Civil Union (Family Proceedings Act 1980)</p> <p>dated.....</p>
--

This document is filed by

[name and address for service, and, if filed by lawyers, the name and telephone number of the acting lawyer.]

--

I,
[full name]

of
[address]

.....
[occupation]

and I,
[full name]

of
[address]

.....
[occupation]

severally swear (or solemnly and sincerely affirm) that:

1. We are the applicants for an order dissolving a marriage *or* civil union.

[select and complete the option that applies]

2.
[full name of one of the marriage (or civil union) partners]
is domiciled in New Zealand.

or

2. We are both domiciled in New Zealand.

3. We were married *or* entered into a civil union on [date]
at [place]
.....
[name of city or town etc]

4. A copy of our marriage *or* civil union certificate is annexed to this affidavit and marked with the letter A.

5. We are living apart.

6. We will, at the filing of the application, have been living apart for the period of 2 years immediately preceding the filing of this application.

7. We ceased living together on [date]

8. (a) A separation order was made on [date]
(b) A copy of the separation order is annexed to this affidavit and marked with the letter B.

or

8. (a) A written separation agreement was made on [date]
(b) A copy of the written separation agreement is annexed to this affidavit and marked with the letter B.

or

8. We made an oral agreement to separate on [date]

or

8. No separation order was made and we did not agree to separate.

9. Our marriage *or* civil union has broken down irreconcilably.

[Note: Select and complete paragraphs 10 and 11 if there are children of the marriage *or* civil union.]

10. Satisfactory arrangements, or arrangements that are the best that may be devised in the circumstances, have been made for the day-to-day care, maintenance, and other aspects of the welfare of every child of the marriage *or* civil union. The arrangements relate to every child who is under 16 years. They also relate to every child who is 16 years or over and who, because of special circumstances, requires arrangements to be made.

11. The arrangements referred to in paragraph 10 of this affidavit are as follows:

Day-to-day care and contact:

[give details]

Maintenance:

[give details]

[give details]

Include if there are children of the marriage *or* civil union.

.....
Signature of deponent

.....
Signature of deponent

Severally **Sworn** (*or affirmed*) by **both the above-name deponents**

(*or*) **Sworn** (*or affirmed*) by *[name]*

at *[place]*

this *[date]* before me:

.....
Deputy Registrar
(*or* Justice of the Peace
or Solicitor of the High Court)

.....
Signature of deponent

Sworn (*or affirmed*) by *[name]*

at *[place]*,

this *[date]* before me:

.....
Deputy Registrar
(*or* Justice of the Peace
or Solicitor of the High Court)

Notes

Living apart

Section 40 of the Family Proceedings Act 1980 allows you to say that you have lived apart for 2 years even if you have come together as spouses, *or* as civil union partners, for some periods within that 2 years. This section applies if you have come together as husband and wife(, *or* as civil union partners,) for up to 3 months in total and if your purpose in coming together was to try to resume your marriage *or* civil union.

Documents

When you have completed this affidavit, these are the documents you must file:

- a joint application for an order dissolving a marriage *or* civil union (form FP 13)
- an information sheet (form G 7)
- this affidavit (form FP 14)
- your marriage or civil union certificate (the original or a certified copy), annexed to this affidavit and marked with the letter A.
- your separation order, if any, annexed to this affidavit and marked with the letter B.

or

- your written separation agreement, if any, annexed to this affidavit and marked with the letter B.

Information Sheet to accompany certain applications
(including certain applications made without notice)

In the Family Court At FAM-

This information sheet accompanies applications for the following order(s):

1. 2.

Applicant's Full Name								
* Home Address						Post Code:		
* Work Address					*Email Address			
* Contact Phone No	Home:			Work:			Mobile:	
Date of Birth		Age		Gender		Occupation		
Ethnic Origin	New Zealand European <input type="checkbox"/> Maori <input type="checkbox"/> Samoan <input type="checkbox"/> Cook Island Maori <input type="checkbox"/> Tongan <input type="checkbox"/> Niuean <input type="checkbox"/> Chinese <input type="checkbox"/> Indian <input type="checkbox"/> Other <input type="checkbox"/> (Dutch, Japanese, Tokelauan, etc) Please state:							
* Country of Residence				Interpreter required Yes/No	Language			

* The applicant may delete these items from copies to be served

Full name of other party								
Relationship to Applicant								
Home Address						Post Code:		
Work Address					Email Address			
Contact Phone No	Home:			Work:			Mobile:	
Date of Birth		Age		Gender		Occupation		
Ethnic Origin	New Zealand European <input type="checkbox"/> Maori <input type="checkbox"/> Samoan <input type="checkbox"/> Cook Island Maori <input type="checkbox"/> Tongan <input type="checkbox"/> Niuean <input type="checkbox"/> Chinese <input type="checkbox"/> Indian <input type="checkbox"/> Other <input type="checkbox"/> (Dutch, Japanese, Tokelauan, etc) Please state:							
Country of Residence				Interpreter required Yes/No	Language			
Date of marriage or civil union				Place of marriage or civil union				
Date by which de facto relationship had begun								

Children Affected by the Application:

Full name of each child	Age	Date of Birth	M/F	Name of person with whom each child is living at the time of application, and the relationship (if any) of that person to the child	Relationship of Applicant to child	Relationship of Respondent to child	Ethnic Origin (please choose one from list above)

Previous applications: _____
(Give the file number of any previous applications between the parties, and the Court where they were filed)

DATE STAMP

The accompanying applications are filed by _____ Whose address for service is at _____
Email Address _____

GLOSSARY OF TERMS

Address for service – an address in New Zealand where documents relating to a court *proceeding* can be delivered and served on someone who is involved in the *proceeding*.

Affidavit – a written statement sworn or affirmed before someone who has the legal authority to administer oaths and *affirmations*, such as a *registrar* of a court, a lawyer or a *Justice of the Peace (JP)*.

Affirmation – a promise that something is right or true made by someone without any religious beliefs. An affirmation has the same status as an *oath*.

Applicant – a person who makes an *application* to the court.

Application – a formal request to a court for an Order, direction or decision.

Court Registry Officer – a person in the *Family Court* who is responsible for managing individual cases.

Certified copy – a copy of a document signed and certified as true by someone who has the legal authority to do so, such as a *registrar* of a court, a lawyer or a *Justice of the Peace (JP)*.

Contact – this is when a child spends time with a parent or other person who does not have *day-to-day care* of the child. Contact used to be called ‘access’.

Day-to-day care – this means having a child living with you on a daily basis, and being responsible for everyday things, like making sure they are safe, that they get to school, and that they’re warm and properly fed. Day-to-day care used to be called ‘custody’.

Defend – to respond to, or oppose an *application*.

Defended hearing – a court *hearing* of an *application* that is opposed by another *party*. The parties to the *proceedings* present their *evidence* and argue their case. The judge then makes a decision.

Deponent – a person who makes an *affidavit*.

Dissolution Order – the formal Court Order that ends a marriage or civil union. This is often referred to as divorce.

Evidence – information provided by a *party* to establish facts to support their case. This is usually provided in the form of an *affidavit*.

Exhibit – an item, such as a marriage or civil union certificate, that is used as *evidence* in *proceedings*. Often exhibits will be attached to *affidavits*.

Family Court – a division of the District Court. It was established under the Family Court Act 1980 as a place where people living in New Zealand could get help with family problems.

Family Court office – a public area at the *Family Court* where people can obtain information about the court process and where parties file documents in relation to their case. Also known as the Family Court registry.

Filing – the lodging of an *application* or other document at a court. This can be done in person or by mail.

Hearing – the consideration of an *application* by a court, usually by a judge.

Justice of the Peace (JP) – A person appointed by the Governor-General, who can witness signatures on documents, take *oaths* and *affirmations* and issue warrants.

Maintenance – the provision of money, property and services.

Oath – a sworn statement made in front of a person who is an authorised witness, such as a judge, *registrar*, lawyer or *Justice of the Peace*, that something is true or right. An oath is based on the religious beliefs of the person making it.

Party – a person who is an *applicant* or *respondent* in any *proceedings*.

Proceedings – an *application*, or applications being considered by a court. The filing of an *application* commences a *proceeding*.

Registrar – an officer of the court who is responsible for keeping records relating to *proceedings* in the court, and who also exercises some judicial powers.

Relationship Property – this includes the family home, car, household furniture and appliances (even if one person owned this property before the relationship), and all property acquired by either *spouse* or civil union partner during the relationship.

Respondent – the person against whom an *application* is made.

Rule – a law about procedure, such as how a document must be *served*. Most rules about *Family Court proceedings* are found in the Family Court Rules 2002.

Separation Agreement – this is an agreement that covers issues such as *day-to-day care* of and *contact* with children, division of any property, and records the date of separation. If the agreement covers division of property, a lawyer must certify that each *spouse* or civil union partner has received independent legal advice.

Separation Order – a formal Court Order which means that you have no obligation to live with your *spouse* or civil union partner.

Service (of documents) – the formal delivery of a document, such as an *application*, to a person who will be affected by it. There are rules about how particular documents must be served.

Spouse – a person’s wife or husband.

Substituted Service – a Court Order that changes the way that a document is required to be *served*.

