

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.

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

When you are filling in your forms, 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 of the court, 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 cannot 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'.
- 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, visit your local Family Court or call 0800 2AGREE (0800 224 733).



Please note:

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

Notice of Response and Affidavit in Support



The Family Court where you are filing this

FAM number(s)



In the matter of

Applicant's full name(s)

Respondent's full name(s)



The Child(ren) the application is about

Child 1

Full name of child Gender
 DOB Age Currently living with
 (party name)

Child 2

Full name of child Gender
 DOB Age Currently living with

Child 3

Full name of child Gender
 DOB Age Currently living with

Child 4

Full name of child Gender
 DOB Age Currently living with

If you have more than four children please use another piece of paper and include the same information for each child.



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 the future, if required.



Part 2 - Response to application(s)

In the affidavit served on you there will be things said that you should think about responding to. Think about:

- which of the proposed arrangements you **agree** with and why
- which of the proposed arrangements you **do not agree** with and why
- which of the evidence provided about why the Order should be made that you agree with or don't agree with (include the paragraph number of each statement from the original application)
- are there any details said as evidence (safety issues, concerns for the child, incidences of family violence, or drug and alcohol issues) that you agree with or don't agree with (include the paragraph number of each statement from the original application)
- are there any other safety concerns that are not mentioned in the affidavit that the court should know? This includes any party and/or household member (including partners of any party) who may pose a risk to the child(ren) or have violence, sexual violence, or drug or alcohol related convictions. **You must give specific detail of any safety concerns, risks, and/or convictions.**

The more detail you can give the more it will help the judge to understand your situation.

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.

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Lined area for providing details in response to the questions.

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

Initials:

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

Initials:

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

Initials:

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Lined writing area for responses.

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

Initials:



Part 3 - 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 5.



Part 4 Swearing or Affirming

Check the box to confirm the following statement

- I confirm that I have made reasonable enquiries to establish that 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 or solemnly and sincerely affirm

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 **Affirmation**

Taken before me: (your full name)

At: (location)

- Registrar/Deputy Registrar
- Lawyer
- Justice of the Peace
- Other authorised person (please specify):

Signed

Date



Part 5 - Respondent information

Full name

Date of birth Age Gender

Confidential Address

*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

Home address

Work address

Phone number

Country where you usually live

Email address (Please fill in your email address to give your consent to receive official Court correspondence by email):

Ethnicity (optional)

Occupation

Full-time Part-time Casual Not applicable

Employer/course

Do you need an interpreter? No Yes - specify language needed:

Relationship to the child(ren)

Parent Legal guardian Other - specify:

Relationship to the applicant(s)

Married/formerly Civil union/formerly De facto/formerly

Other - specify: