

Lawyers in family court

Information about the law change that allows lawyers in family court

What's changed?

From 1 July 2020, you're allowed to have a lawyer file your parenting or guardianship order application and represent you in the Family Court.

What was it before?

Before 1 July 2020, in most cases, a lawyer wasn't allowed to file your application or represent you in court in the early stages of a parenting or guardianship case.

You would have had to represent yourself in court.

The rules for when a lawyer was allowed were set out in section 7A of the Care of Children Act 2004. That section has now been amended.

I've already started, can I get a lawyer?

Yes. If you have a case, or application, that's already in progress you will be able to get a lawyer from 1 July 2020.

How do I get a lawyer?

You can either ask a private lawyer to act for you or you may be eligible for legal aid. Legal aid means you can access funding for a lawyer.

Eligibility for legal aid depends on your income, assets and the merits of the legal case.

To determine whether you can afford a lawyer, Legal Aid Services will consider:

- How much you earn before tax

- The value of your assets – such as how much property you own and any vehicles
- How many financially dependent children you have.
- If you have a partner, their finances will be taken into account also.

[Find out more at](#)

www.justice.govt.nz/family/about/legal-help

Can I still represent myself?

Yes.

Although you're allowed a lawyer, not everyone can afford one and some people choose to represent themselves.

There is information to help you at

www.justice.govt.nz/family/about/without-a-lawyer